

# TOWN OF LONGBOAT KEY



## PERSONNEL RULES AND REGULATIONS



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DocuSigned by:

Howard Tipton

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**SECTION 1**

7/24/2025

**GENERAL PROVISIONS**

Replaces 3.19.24

Revised 7.05.25

**1.01 PURPOSE**

The purpose of these Personnel Rules and Regulations (hereafter referred to as "PRR" or "Rules") is to establish procedures which will serve as a guide to administrative actions covering most personnel actions which may arise. The final interpretation and application of these Rules shall be made by the Town of Longboat Key Town Manager or its designee. The Town reserves the right to amend, alter, modify, delete and add to these Rules.

**1.02 POSITIONS COVERED**

A. Unless a specific Section or Subsection provides otherwise, the provisions of these Rules shall be applicable to all employees in Town service except:

1. Elected officials.
2. Persons hired as independent contractors on a contractual, fee, or retainer basis.
3. Temporary, part-time or seasonal employees.
4. Persons employed under the provisions of government programs or grants unless they are classified as regular full-time employees by the Town.

Provided, however, the sections or subsections with an asterisk (\*) beside them apply to all employees.

B. Employees employed as the Assistant to Town Manager, Directors, Human Resources Manager, Planning Manager, Public Works Utility Manager, Program Manager/Assistant Public Works Director, Town Engineer and Codes Administrator are classified "at will;" and determined at the discretion of the Town Manager.

1. Shall be supervised and evaluated by the Town Manager or his designee, and shall serve in their capacity - and as Town employees at his will and pleasure.
2. Shall not have access to Sections 12 or 13, but shall present their grievances directly to the Town Manager who shall resolve same as he deems in the best interest of Town operations.

- C. The Town Manager shall be employed under a contract approved by the Town Commission.
- D. Volunteers are not employees of the Town and shall not be subject to any provisions of these policies relating to Town employment, hours of work, rates of compensation, leave time or other employee benefits. All volunteers shall comply with all applicable standards of conduct and department rules.

### **1.03 ADMINISTRATION**

- A. General Administration: The Town Manager or a delegated administrative officer shall be responsible for the administration and technical direction of the Town Personnel Management System.
- B. Directors are responsible for the efficient and effective operation and the direct supervision of the employees assigned to their department or area of responsibility and for the proper and effective administration and enforcement of these Rules. These duties may be delegated by the Director, but the ultimate responsibility shall remain with the Director. Such responsibilities include, but are not limited:
  - 1. To administer, interpret and enforce these Rules, regulations and approved departmental standard operating procedures and to recommend modifications.
  - 2. To recruit, hire, supervise, direct, discipline up to and including discharge, the workforce of the Town subject to these Rules and any applicable collective bargaining agreement (hereinafter "CBA").
  - 3. To provide initial orientation of employees to include familiarization with departmental or area policies, rules and regulations, benefits, working conditions, etc.
  - 4. To provide and/or coordinate employee training programs.
  - 5. To foster and develop programs for the improvement of employee relations, morale and effectiveness.

### **1.04 EQUAL EMPLOYMENT OPPURTUNITY AND NONDISCRIMINATION\***

The Town of Longboat Key is committed to providing equal employment opportunities in all aspects of employment and does not tolerate unlawful discrimination.

- A. There shall be no unlawful discrimination in employment decisions, practices, or opportunities on the basis of race, color, religion, age, sex, national origin, pregnancy, veteran's status, genetic information, legally-recognized disability, or marital status unless one or more of the above constitute a bona fide occupational qualification within the meaning of the law. No job applicant or present employee will be unlawfully discriminated against or given preference because of any of the above characteristics, unless otherwise required by law.

- B. Persons with known legally-recognized disabilities will be given full consideration for employment and opportunities for advancement in all departments and divisions. The Town will offer to such person's reasonable accommodation with respect to the essential functions of the job, provided the person is otherwise qualified to perform the job, and provided further such accommodation does not create undue hardship on Town operations.
- C. The Town shall ensure equal opportunity for all applicants and employees at all stages of the employment process, including recruitment, hiring, promotion, transfer, layoff, termination, discipline, compensation, and participation in Town-sponsored programs, in accordance with applicable law.
- D. The Town remains committed to fostering a respectful and inclusive work environment. This commitment includes compliance with federal laws that prohibit discrimination and protect the right of employees and applicants. The Town does not implement any hiring preferences or programs inconsistent with applicable law.

#### **1.05 EQUAL OPPORTUNITY AND REASONABLE ACCOMMODATION DUE TO RELIGIOUS BELIEFS**

As part of the Town's Equal Employment Opportunity commitment, the Town will afford reasonable accommodation to otherwise qualified applicants and employees where necessary due to a sincerely-held religious belief, so long as such accommodations do not pose an undue hardship to the Town. Individuals who believe they need a reasonable accommodation should submit a request to Human Resources.

#### **1.06 REASONABLE ACCOMMODATION FOR PREGNANT EMPLOYEES AND APPLICANTS**

It is the policy of the Town to comply with all relevant and applicable provisions of the Pregnant Workers Fairness Act (PWFA), which require that reasonable accommodations be made available to pregnant employees or applicants unless such accommodation would constitute an undue hardship to the Town. Accordingly, to the extent required by the PWFA or other applicable law, the Town will provide a reasonable accommodation to the known limitations related to the pregnancy, childbirth, or related medical conditions of an employee or applicant, unless the accommodation would impose an undue hardship on the Town as follows:

- A. The pregnant employee or applicant (or the employee's or applicant's representative) must communicate any known limitations for which the employee or applicant is seeking accommodation. For purposes of this policy, a "known limitation" means any physical or mental condition related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions.
- B. The Town reserves the right to request the employee provide medical or other supporting documentation to the extent permitted by applicable law. Such medical documentation may include information demonstrating a need for

accommodation, information pertaining to the employee's ability to perform the essential functions of the job, information concerning possible accommodations that may permit the employee to perform the essential functions of the job, information pertaining to any limitations that may affect the employee's ability to perform the job, the duration of any restrictions or needed accommodations, and any other information necessary for the Town to administer the reasonable accommodation interactive process.

- C. Before making a final decision regarding an accommodation, the Town and the pregnant employee or applicant will engage in an interactive process and communicate regarding potential reasonable accommodations that may be effective and available without imposing an undue hardship. During this process, the employee or applicant is encouraged to suggest possible accommodations. The Town will not require an employee or applicant affected by pregnancy, childbirth, or related medical conditions to accept any accommodation without first engaging in this interactive process with the employee or applicant.
- D. The Town will not mandate an employee or applicant use a reasonable accommodation where the employee or applicant is able to perform the essential functions of the position.
- E. The Town will not deny employment opportunities to any qualified employee or applicant based on the need, or potential need, to provide a reasonable accommodation.
- F. The Town will not require a qualified employee to take leave, whether paid or unpaid, if another reasonable accommodation can be provided to the known limitations related to the pregnancy, childbirth, or related medical conditions of the qualified employee.
- G. The Town will not take adverse action against any qualified employee or applicant on account of the employee or applicant requesting or using a reasonable accommodation pursuant to this policy.
- H. As required by law, an individual's medical information should be kept confidential and not shared with anyone who is not involved in the reasonable accommodation process or who does not have a legitimate need to know.

For purposes of this policy, a qualified employee or applicant means:

- 1. An employee or applicant who, with or without accommodation can perform the essential functions of the position, or,
- 2. An employee or applicant who is unable to perform the essential functions, if (i) any inability to perform an essential function is temporary, (ii) the essential function could be performed in the near future, and (iii) the inability to perform the essential function can be reasonably accommodated.



3. Anyone who believes he or she has not been afforded a required reasonable accommodation or who believes that this policy has been violated is required to report those concerns in accordance with the Equal Employment Opportunity Complaint Procedure set forth in Section 1.04.

#### **1.07 WORKPLACE ACCOMMODATIONS FOR BREASTFEEDING MOTHERS**

In accordance with applicable law, the Town will provide workplace accommodations for breastfeeding mothers as follows:

- A. On request, the Town will provide break time for an employee to express breast milk whenever needed by the employee for a period of up to two years.
- B. The Town will provide a place, other than a restroom, that is shielded from view and free from intrusion from coworkers or the public, for use to express breast milk.
- C. The Town will not take adverse action against any employee on account of the employee requesting or using a workplace accommodation pursuant to this policy.

Anyone who believes he or she has not afforded the accommodations set forth in this policy or who believes that this policy has been violated is required to report those concerns in accordance with the Equal Employment Opportunity (EEO) Complaint Procedure set forth below.

You are encouraged to visit the EEOC Public Portal (<https://publicportal.eeoc.gov/>) to schedule an intake appointment by telephone or an in-office interview which will be conducted by video using EEOC office equipment. The system can also be accessed by going directly to our website at <https://www.eeoc.gov/>.

There are strict deadlines for filing a charge of discrimination; please review the information in the timeliness tab or call 1-800-669-4000.

For individuals who are Deaf or Hard of Hearing, you can reach EEOC by videophone at 1-844-234-5122. If you have a disability which prevents you from accessing the Public Portal or you otherwise have difficulty with accessing the portal, please call 1-800-669-4000.

#### **1.08 COLLECTIVE BARGAINING AGREEMENT**

Where these Rules or departmental rules and regulations are in conflict with the express terms of the CBA, the terms of the CBA shall take precedence.

#### **1.09 AMENDMENTS**

Amendments to the PRR shall be promulgated by the Town Manager. Copies will be distributed to all Departments and employees.

The Town Manager may administer directives to help clarify a Town policy that applies to all Town departments and employees. These administrative directives will be issued to all Town employees and available through the Human Resources department.

**1.10 DEPARTMENT POLICIES**

- A. Departmental policies, administrative directives and standard operating procedures will be in writing and submitted to and reviewed by the Town Manager for approval.
- B. Departmental policies, administrative directives and standard operating procedures approved by the Town Manager will serve as supplements to these Policies. In the event of conflict, the PRR shall prevail unless the departmental rule has been specifically approved as an exception by the Town Manager.
- C. Approved changes in departmental policies and standard operating procedures shall be distributed to the affected employees after approval.

**1.11 PRIOR MEMOS, POLICIES AND REGULATIONS**

All prior memos, policies, procedures and regulations inconsistent with this PRR are null and void.

## SECTION 2

### DEFINITION OF TERMS\*

Approved \_\_\_\_\_

Replaces \_\_\_\_\_

**Active Pay Status** - When an employee is working, on authorized paid leave, paid holidays or other time where pay is being credited to employee.

**Activity Date** - The day an employee entered, was permanently transferred, promoted or demoted to his current position and is the date from which classification seniority is computed.

**ADA** - Americans with Disabilities Act

**Anniversary Date** - The date an employee begins employment and the same date in following years. This is the date upon which entitlement to fringe benefits is based unless a specific benefit provides otherwise. The anniversary date may be changed in accordance with these Rules.

**At-Will Employee** – Employees who serve at the pleasure of the Town Manager and who may be removed from their position and/or disciplined up to and including termination by the Town Manager for any or no reason subject only to applicable law.

**Calendar Year** - For the purposes of recording leave, such as emergency, personal, military and all other leaves that have a calendar year limitation, the dates used for reporting W-2 wages for employees shall be considered the calendar year.

**Classification Plan** - The official schedule of pay assigning rates of pay to each position or job classification.

**Classification Seniority** (also referred to as job or position seniority) - The length of time an employee has been continuously employed in his current position classification. Classification seniority will be lost or changed upon the loss of seniority under Section 9.02, the permanent transfer, promotion, demotion or reassignment to or from one job classification to another.

**Collective Bargaining Agreement** (also referred to as "CBA") - An agreement between an employee organization and the Commission negotiated and ratified as required by the Public Employees Relations Act.

**Commission** - The Town Commission of the Town of Longboat Key.

**Compensatory Time** (also referred to as Comp Time) - Time off from work in lieu of pay.

**Confidential Employee** - An employee exempt from coverage of the Public Employee Relations Act.

**Demotion** - Permanent reassignment of an employee to a lower level job classification for a disciplinary reason.

**Departmental Seniority** - The length of time an employee has been continuously employed in a department.

**Director** - An exempt managerial and confidential employee who is assigned the overall responsibility for the operation of a recognized department or area of Town operation.

**Dismissal or Termination** - Involuntary separation from Town employment.

**DOL** – Department of Labor.

**DOT** – Department of Transportation.

**Driving Position** - A position where the employee drives or may be required to drive a Town vehicle or his own vehicle in the performance of his duties.

**Employee** -

- A. **Regular full-time employee** is any employee who is non-probationary who is assigned a regular schedule of a minimum of forty (40) hours or the regular Section 7(K) schedule, whichever applies, per week or per pay period and is classified as a regular full-time employee by the Town.
- B. **Part-time employee** is any employee who is assigned a regular schedule of less than 29 hours or less per week.
- C. **A probationary employee** is any full-time employee who has not completed the initial probationary period.
- D. **Temporary employee** is any employee that is not classified as a regular full-time, part-time or probationary employee, such as a seasonal or a part-time employee who works 29 hours or less per week.
- E. **Seasonal employee** is a temporary employee who is employed less than 29 hours per week for a specific period of the year only.

**Exempt Employee** - An employee exempt from the minimum wage and/or overtime under the Fair Labor Standards Act and paid a salary for all hours worked in a work week.

**FCRA** - The Florida Civil Rights Act.

**FLSA** - The Fair Labor Standards Act.

**FMLA** - Family Medical Leave Act.

**He/His/Him** - Are generic and used for reference purposes only to signal reference to both males and females.

**Immediate Family** - Includes spouse, children, parent, brother, sister, father-in-law and mother-in-law, any relative living in the same household, stepchild, grandmother, grandfather and grandchild, provided such definition shall not apply to FMLA leave under Section 19.

**Insubordination** - The refusal to perform work when and as assigned, failure to obey a direct legal order and/or any other act or acts of disrespect or disregard of proper managerial authority.

**Job Description** - A written description of some but not all of the duties and responsibilities of a job.

**LTD** – Long term disability insurance.

**Managerial Employee** - An employee exempt from coverage of the Public Employee Relations Act.

**May** - The word “may” shall be interpreted as permissive.

**Merit Pay Increase** - An increase in compensation established in the Compensation Plan which may be granted to an employee for meritorious service.

**Pay Grade** - The salary range which is assigned to a particular classification title expressed as a pay range number.

**Performance Evaluation** (also referred to as “PE”) - A written report of an employee’s job performance.

**Personnel** - Personnel which is part of the Department of Human Resources.

**Probationary Period** - The first six (6) calendar months of continuous employment with the Town as a regular full-time employee. After successful completion of the probationary period, the employee will be classified as a regular full-time employee.

**Promotion** - Subject to completion of the promotional probationary period, permanent assignment of an employee to a higher level job classification.

**Reclassification** - Movement of a job classification from one pay grade to another based on changes in the job duties, responsibilities, job market and/or other work-related factors.

**Reemployment** - The hiring of a person who formerly worked for the Town. Persons rehired shall be new employees for all purposes, unless the Director recommends and the Town Manager approves otherwise in a particular case.

**Resignation** - Act of voluntarily withdrawing from Town employment.

**Section 7(K)** - Section 7(K) of the Fair Labor Standards Act allowing certain employees in the Fire and Police Departments to be paid overtime based on a schedule other than after forty (40) hours in a seven (7) day period.

**Shall** - The word “shall” will be interpreted as mandatory.

**Town** - Town Commission of the Town of Longboat Key or an employee authorized to act on behalf of the Town with respect to a particular matter.

**Town Manager** - The Town Manager, or his designee.

**Town Seniority** - The total time an employee has continuously worked for the Town without loss of seniority under Section 9.

**Transfer** - The permanent reassignment of an employee from one position to another.

**Work Day** - The scheduled number of hours an employee is required to work per day.

**Work Week or Work Period** - The number of hours regularly scheduled to be worked during any seven (7) consecutive days or other work period allowed by the Fair Labor Standards Act and adopted by the Commission for an employee or group of employees.

**Working Time** - Working time shall be all time employee performs actual work for the Town and break periods that are not interrupted by work responsibilities for at least twenty (20) minutes.

## SECTION 3

### **STANDARDS OF CONDUCT\***

Approved _____
Replaces _____

#### **3.01 POLICY**

- A. One of the primary objectives of the Town of Longboat Key, in accordance with the Charter, is to establish and administer a system of personnel management consistent with the goal of providing superior service to the community by employing and retaining individuals of the highest caliber who display pride and dignity in the performance of their duties in a public service career.
- B. To an unusual extent and in a special way, employees in the Town organization are "Good Will Ambassadors". Such status involves a degree of duty and obligation regarding public and private conduct which is not common to other classes of employment. The attitude and deportment of a Town employee should at all times be such as to promote the good will and favorable attitude of the public toward the Town, its programs, and policies.
- C. All employees are encouraged to develop skills and seek formal training that will enhance their personal development and add to the overall expertise of the organization.
- D. It is the policy of the Town to expect from employees compliance with this PRR, state statutes, federal regulations and departmental rules in the performance of duties, as well as compliance with all safety rules and standards. An employee who violates any of the Standards of Conduct, departmental rules, or the PRR shall be subject to disciplinary action.

#### **3.02 CONFLICT OF INTEREST**

- A. Employees in a position to influence actions and decisions of the Town or a member of the managerial staff shall refrain from internal or external relationships which may adversely affect the exercise of their independent judgment in dealing with suppliers of goods or services and other persons not employed by the Town.
- B. No Town employee shall accept any gift, loan, favor or service that might reasonably appear to improperly influence them in the discharge of their official duties.

- C. An employee shall not use his position with the Town to obtain or attempt to obtain any special preferences, favors, privileges or exemptions for himself or for any other person.
- D. No employee shall disclose confidential information gained by reason of his official position with the Town except in and as a part of his normal duties as a Town employee; nor shall such employee use such confidential information not available to the public for personal gain or benefit.
- E. When an employee has or anticipates creating a business relationship with another person, partnership, firm, corporation or other business entity which does or seeks to do business with the Town, or any division thereof, the employee shall advise the Town Manager in writing as soon as that potential relationship is known. Failure to so advise the Town Manager may result in immediate termination. The Town Manager will determine whether there is a conflict of interest or a potential conflict of interest and direct the employee's activities in such a way that the conflict or potential conflict of interest no longer exists. The Town Manager's determination as to whether there is a conflict of interest or a potential conflict of interest and the actions required by the Town Manager shall be final.
- F. No Town employee shall transact any business in their official capacity with any business entity of which he or she is an officer, director, agent, or member, or in which he or she owns a controlling interest.
- G. No employee shall have or hold any employment or contractual relationship with any business entity or any agency that is subject to the regulation of or is doing business with the Town, excluding those organizations and their officers who, when acting in their official capacity, enter into or negotiate a collective bargaining contract with the Town; nor shall an officer or employee of the Town have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his private interests and the performance of his public duties or that would impede the full and faithful discharge of his public duties. This shall not prohibit an employee from practicing in a particular profession or occupation when such practice is required or permitted by law or ordinance.
- H. All employees shall comply with the Code of Ethics for Public officers and employees under Florida State Statutes 112, as well as all Town ordinances and policies, including this PRR.
- I. An employee shall not use his employment with the Town to attempt to persuade any person, including, but not limited to, citizens, residents or guests, to make contributions to any cause, unless that cause has been specifically approved by the Town Manager.



### **3.03 POLITICAL ACTIVITY**

- A. Employees may engage in political activities during their non-duty time so long as their activities do not interfere with the operation of Town business.
- B. Employees shall not wear or display political badges, buttons or stickers when on duty, when wearing a Town insignia, riding in or on Town equipment or when in a Town uniform.
- C. Employees shall comply with all state and local laws involving political activity.
- D. Employees may run for elective office or be appointed to non-elective office other than those involving the Town of Longboat Key so long as the position in no way interferes with their work as a Town employee.
- E. Florida Law contains Chapter 99, F.S. which includes what is commonly known as the "Resign to Run Law." Subject to the restrictions set forth in that law, employees may run for Town office so long as they handle their candidacy in such a manner as to not interfere with the efficient operation of the Town.

### **3.04 EMPLOYMENT OF RELATIVES**

The Town does not automatically prohibit members of the same family from working for the Town. Each situation involving employment of a relative must be reviewed on its own individual merits. As a general guideline, however, employees should know that the Town will not allow the employment of relatives in any situation where a conflict of interest exists or where there is a substantial likelihood that a conflict of interest will arise, such as a relative working under the direct supervision of another, one relative being responsible for the performance evaluation of another, one relative being directly involved in job actions with regard to another, one employee being in possession of confidential information about another employee. It is the obligation of all affected employees to immediately advise their Director if a change in his situation occurs or is anticipated that will result in his becoming related to another employee so the effect, if any, of the relationship on Town operations may be fully explored and appropriate action taken.

### **3.05 OUTSIDE EMPLOYMENT**

- A. Subject to paragraphs B-E below, employees are discouraged but not prohibited from engaging in other employment, including individually owned businesses, during their off-duty hours. However, Town employment shall be considered the primary employment and no employee may engage in outside employment which interferes or tends to interfere with the interest of the Town or the duties for which the employee is responsible as a Town employee.

- B. Employees who have other jobs or who seek to have other jobs, must immediately notify their immediate supervisor.
- C. If in the judgment of the Town Manager, the employee's other employment causes or may cause absences, tardiness, or otherwise interferes or may interfere with the operations of the Town or his responsibility as an employee of the Town, including but not limited to availability for scheduled and unscheduled overtime and/or call-ins, the employee may be required to quit the other job or leave Town employment.
- D. If permission to engage in other employment is granted, it may be withdrawn at any time if in the opinion of the Town Manager the responsibilities of the job are inconsistent with the employee's responsibilities as an employee of the Town.
- E. Equipment, facilities, vehicles or property of the Town shall not be used by employees for other jobs.
- F. Employees who are injured while working another job or jobs are required to notify their Director, or his designee, immediately.

### **3.06 RELEASE OF INFORMATION**

- A. Employees shall at all times be courteous, friendly and helpful to those members of the public who seek information.
- B. Unless release of information of Town records, including those concerning personnel records or the operations of Town business is a normal part of their duties, or unless under subpoena, employees will not release and if asked will courteously decline to release Town records or to reveal information pertaining to personnel and other Town business and shall direct such inquiries to their Director.
- C. Managerial, confidential and supervisory employees are cautioned that subjects under discussion or consideration among Town staff often change in content and meaning before becoming an accomplished fact. Discussions of said subjects with anyone other than Town employees or officials with a need to know before final decisions or disposition often cause misunderstandings and confusion resulting in waste of time and money. Such discussions should be avoided.

### **3.07 SOLICITATION AND DISTRIBUTION**

- A. Employee contributions to recognized charitable organizations are purely voluntary. No coercion of an employee to make contributions shall be permitted.

- B. Employees of the Town are prohibited from conducting or promoting private business for gain while on duty or during scheduled working hours of any of the employees involved or within any Town building.
- C. Employees are prohibited from soliciting for any reason during time they or the person they seek to solicit are being paid to perform actual work, including solicitations in behalf of or in opposition to a labor organization under circumstances which management determines interfere with the efficient operation of the Town.
- D. Employees are prohibited from distributing literature of any kind during hours they are being paid to perform actual work or in any area where employees are engaged in work at any time under circumstances which management determines interfere with the efficient operations of the Town.
- E. The solicitation and distribution prohibitions set forth in paragraphs C and D above shall not apply to solicitation and/or distribution by the Town or its managerial staff, when such is part of the normal operation of Town business.

### **3.08 EMPLOYEES' PERSONAL LIFE AND DEBTS**

Employees shall handle their personal life, including their financial obligations, in such a manner that it will not interfere with the efficient operation of Town business or the performance of their own job responsibilities.

### **3.09 USE OF TOWN PROPERTY**

Employees shall not use Town property, equipment or vehicles except in the performance of their official duty, nor shall they permit their use by an unauthorized person, unless approved by the Town Manager.

### **3.10 UNIFORMS, DRESS AND APPEARANCE**

- A. Employees supplied uniforms by the Town, or expected to wear uniforms in the performance of their job, shall report in a clean full uniform on each day worked. Uniforms must also be worn in the manner prescribed by the Department Director. Failure to comply may result in the employee being sent home for the day without pay. Repetition of such conduct shall subject the employee to further discipline.
- B. Employees are expected to report to work in clean clothes.
- C. Employees are expected to observe normal and reasonable standards of personal hygiene and to present a professional appearance at all times. Failure to do so may result in the employee being sent home to correct the situation or for the day without pay. Repetition of such conduct shall subject the employee to further discipline.

- D. Beards and mustaches will be allowed, except as otherwise prohibited by law or where in the opinion of the Town Manager they interfere or tend to interfere with the safe and efficient performance of the job. All hair, beards and mustaches must be of a length so as not to create operational or possible safety problems and must be maintained in a clean, neat and orderly fashion.
- E. Uniforms supplied by the Town will be replaced by the Town when they become unusable through normal wear and tear.
- F. The employee is responsible to reimburse the Town for uniforms lost or damaged through the employee's negligence.
- G. A clothing maintenance allowance or partial clothing maintenance allowance will be paid each pay period to regular full-time and part-time employees, respectively, who are required to wear a Town-provided uniform. The allowance will be paid during an employee's initial probationary period, but will not be paid for any pay period in which the employee is not on active pay status for at least part of the pay period.

### **3.11 GENERAL PROHIBITIONS**

- A. Employees are expected to be aware that they are public service employees and to conduct themselves in a manner which will in no way discredit the Town, public officials, fellow employees or themselves.
- B. Employees shall avoid conduct or speech that is inconsistent with good order and discipline. They shall treat each other with the utmost courtesy and respect, and at all times refrain from making any derogatory remarks concerning each other. They shall direct and coordinate their efforts toward establishing and maintaining the highest level of efficiency, morale and achievement, and shall conduct themselves in such a manner as to bring about harmony among the various units of the Town.
- C. No employee whose duties involve the use of a badge, card or clothing insignia as evidence of authority or for identification shall permit such badges, cards or insignia to be used or worn by anyone who is not authorized to use or wear them. Such badges, cards and insignia shall be used only in the performance of the official duties of the position to which they are related.

### **3.12 BULLETIN BOARDS**

- A. There shall be an official Town bulletin board in each building. Announcements of special events, changes in policies, transfer/promotional opportunities and other items relating to official Town business will be posted there. No other information is to be posted on such bulletin boards.

- B. There will be a separate bulletin board for each building for employees' personal use; provided, nothing shall be posted that is critical of the Town, a Town employee or official, or is political, controversial or religious. Further, the bulletin board shall not be used to conduct a business of any type, but may be used to advertise the sale of personal property. The Town retains the right to remove any posting contrary to the restrictions set forth here or for any other reason it deems helpful to efficient operations.

## SECTION 4

### TYPES AND TERMS OF EMPLOYMENT

Approved _____
Replaces _____

#### **4.01 BASIS OF EMPLOYMENT\***

Employees are employed by the Town as either regular full-time, part-time, seasonal or temporary employees.

#### **4.02 PARTICIPATION IN BENEFITS**

All regular full-time employees are eligible to participate in all Town benefits. Other employees do not participate in employee benefit plans unless a particular plan so provides or unless required by law.

#### **4.03 TERM OF EMPLOYMENT\***

- A. Regular full-time employees who are not Directors or at-will shall continue as employees unless they are terminated, laid off, retire, or otherwise leave Town employment as provided in these Rules.
- B. Part-time, temporary and full-time employees who have not successfully completed their initial probationary period serve at the will and pleasure of the Town and may be disciplined or dismissed for any reason or no reason, subject only to applicable law. Such employees shall not have access to the grievance procedure set forth in these Rules or any applicable collective bargaining agreement unless the agreement provides otherwise. All decisions concerning their wages, hours, and working conditions shall be made by the Town, or its designee.

#### **4.04 PROBATIONARY EMPLOYEES**

- A. Subject to Subsection B, all regular full-time employees shall serve an initial probationary period of one hundred and eighty (180) days. Said probationary period may be extended by their Director for up to an additional ninety (90) days with the approval of the Town Manager.
- B. When an employee is initially hired in a position which has a formal training program or requires certification or licensing, the probationary period shall be as set forth in paragraph A, the period of a training program, or successful certification or licensing, whichever is longer.

- C. In the event of the rehiring of a former full-time employee of the Town, the Town Manager has the discretion to modify or waive the initial probation period of one hundred and eighty (180) days as set forth in paragraph A.

#### **4.05 PROMOTIONAL PROBATION**

- A. An employee promoted to a higher level job classification shall serve an initial probationary period of one hundred eighty (180) days except where a license or certification is a prerequisite to holding a job, the probationary period may continue until the license or certification is successfully obtained. During the probationary period, the employee shall serve in the position to which he was promoted at the will and pleasure of the Director.
- B. During the probationary period, if the Director decides to remove the employee from the position, but determines the employee has otherwise performed satisfactorily: (1) if the job from which he was promoted has not been filled, he will be returned to his former position; or (2) if the job from which he was promoted has been filled, the employee will be given preferential treatment for six (6) months from the date of his removal for any vacancy in the Town for which the Town Manager considers him to be qualified to perform all the duties.

#### **4.06 LOYALTY OATH\***

To the extent allowed by law, applicants and employees may be required to sign a loyalty oath(s) as a condition of employment or continued employment.

## SECTION 5

7/24/2025

### **HIRING PROCEDURES\***

Replaces 12.06.22  
Revised 07.05.2025

#### **5.01 VACANCIES**

The Town of Longboat Key employee selection procedures are designed to hire the best-suited individual for each available position. Applications are only accepted when there is a job position opening. All persons inquiring about employment should accurately complete the employment application online or on paper by the deadline on the job posting.

#### **5.02 BASIS FOR SELECTION**

- A. Employment with the Town shall be based on skills, experience, training, education, ability, physical and mental ability to do the available work and other factors that are related to the performance of the job in question.
- B. As part of the pre-employment procedure, former supervisors, employers and references provided by candidates shall be checked by the Human Resources Department and/or Director as a precaution against obtaining undesirable employees. Reference checks made by personal or telephone contact will be documented and made part of the applicant's file.
- C. The Town reserves the right to reject any applicant for any reason or no reason subject only to applicable law.
- D. Falsification of any information provided by an applicant shall disqualify the applicant for further consideration; or in the case of an employee, termination. Falsification discovered after the individual is hired, transferred or promoted into the position shall be grounds for immediate termination.

#### **5.03 TESTING**

At its option and expense, the Town may use valid physical, written or oral examinations and performance tests to assist it in the selection process.

#### **5.04 DRUG FREE WORKPLACE**

The Town of Longboat Key has a strong drug free workplace and alcohol abuse policy applicable to all employees which is aimed at insuring a zero tolerance to illegal drugs at all times and its alcohol-free policy to zero tolerance under circumstances that affect or might affect the safety and well-being of employees, citizens and others, or the effective operation of Town Business in accordance with applicable law. The Town also reserves the right to require pre-employment testing of applicants as allowed by applicable law. Testing of Town employees shall be in accordance with PRR Section 29.



#### **5.05 DISABILITY AND MEDICAL EXAMINATIONS**

- A. At the option of the Town, applicants may be required to take a medical examination after they have been offered employment.
- B. If with the prior approval of the Town Manager, an applicant is placed on the payroll prior to having completed a required medical examination, he shall be advised at the time he is placed on the payroll that his employment will be conditioned upon taking a medical examination.
- C. Employees may be required to take a medical and/or psychological examination at any time by the Town for reasons connected with their job (e.g., an accident on the job, fitness for duty).
- D. Applicants and employees who are directed to take a medical examination under paragraph A, B or C above and who refuse to do so will be automatically terminated.
- E. Applicants and employees who take a medical examination pursuant to paragraph A, B or C above shall not be employed, or, if previously employed, shall be terminated immediately if the results of the medical examination show that they are either mentally or physically unable to perform the essential functions of the job. However, if they have a legally recognized disability, they will be terminated only if they cannot be reasonably accommodated to perform the essential job functions of the job without undue hardship to the Town and such action shall be subject to applicable federal, state and local laws dealing with handicap status.
- F. Subject to applicable law, all medical examinations required to be taken under paragraphs A and B above shall include testing to determine the presence or absence of illegal controlled substance in their body. Drug testing under paragraph C above will be conducted under the Drug and Alcohol Policy of the Town.

#### **5.06 JOB OPPORTUNITIES FOR NON-EMPLOYEES**

- A. All advertisements and notices shall contain the title of the position, the essential functions of the job, the minimum qualifications for the job, and the date beyond which applications will no longer be received, contain the phrase "The Town of Longboat Key is an Equal Opportunity Employer," and shall state that all applications or inquiries shall be directed to the Human Resources Department.
- B. All applications for employment shall be on a form provided by the Human Resources Department.

#### **5.07 HIRING PROCEDURES**

- A. Pertaining to Florida Statutes Section 119 .071 (5). The Town of Longboat Key collects Social Security numbers for the following purposes: identification and verification, benefit processing, tax reporting and background screening.
- B. The Town of Longboat Key may not collect an individual's Social Security Number unless the Town has stated in writing the purpose for its collection.

#### **5.08 VETERANS PREFERENCE**

The Town of Longboat Key is an Equal Opportunity Employer who provides hiring preference to eligible veterans and their family members, and has a strong drug free workplace and alcohol abuse policy. The Town of Longboat Key encourages Veterans and members of their family to apply for employment with the Town. The Town provides preference to Veterans for vacancies for which they are qualified in accordance with applicable state and federal law. Veterans are given preference at each step of the selection process provided that if at any step the Veteran is determined not to be qualified for the position the Veteran will be advised and entitled to review of that decision by the Human Resource Manager. The Town of Longboat Key has a Veteran's Recruitment Plan; this plan is designed to increase awareness among veterans of employment opportunities with the Town. However, the law does not require the Town to hire a Veteran over a more qualified non-veteran, but when qualification is equal, the Town provides the Veteran with preference. When the Town deems it appropriate, the Town may waive post-secondary educational requirements for a position eligible for veterans' preference if the person is otherwise qualified for the position for certain service members and veterans.

## SECTION 6

### TYPES OF SEPARATIONS\*

Approved _____
Replaces _____

#### **6.01 TYPES OF SEPARATIONS**

Separations and/or terminations from positions in the Town service are designated as one of the following types. Personnel forms shall show the reason for the separation, and the last day worked. The effective date of the separation shall be the last day on which the employee is present for duty.

1. Deceased
2. Disabled
3. Dismissed
4. Laid off
5. Probationary termination
6. Resigned
7. Retired
8. End of temporary hire

#### **6.02 RESIGNATION**

- A. An employee wishing to leave the Town in good standing shall file with his Director a written resignation, stating the date and reasons for his resignation. Such notice must be given at least two weeks prior to the date of separation. Employees who give such notice may be considered for reemployment. A Director, with Town Manager approval, may exempt an employee who has given less than the required notice if, in the Director's judgment, exceptional circumstances warrant such an exemption.
- B. Unauthorized absences or absences determined to be unexcused for a period of three (3) consecutive days or more shall be treated as a resignation without notice and the employee will be automatically terminated.

### **6.03 RETIREMENT**

Retirement from Town employment occurs when an employee retires under the terms and conditions set forth for the Town-sponsored applicable Pension Plan.

### **6.04 DEATH**

Separation shall be effective as of the date of death. All compensation and benefits due to the employee as of the effective date of separation shall be paid to the beneficiary, surviving spouse, or to the estate of the employee as determined by law or by executed forms in the employee's personnel folder.

### **6.05 REDUCTION IN FORCE (LAYOFF)**

Reductions in force shall be in accordance with Section 9.

### **6.06 DISABILITY**

When an employee is determined to have a legally recognized disability which impairs his ability to perform the essential functions of the job, which he still cannot perform with reasonable accommodation and without undue hardship to the Town, the Town Manager may take whatever action he deems in the best interests of the Town, including termination of employment.

### **6.07 DISMISSAL OR DISCHARGE**

- A. Temporary, part-time, seasonal and probationary employees are subject to dismissal from Town employment pursuant to Section 4.
- B. Subject to Section 1.02, regular full-time employees are subject to dismissal from Town employment pursuant to Section 11.

### **6.08 RETURN OF PROPERTY AND FINANCIAL OBLIGATIONS**

- A. At the time of separation from employment, the employee shall return all records, books, assets, uniforms, keys, tools and other items of Town property to his department. Failure to return same in usable condition shall result in the maximum deduction allowed by law from the employee's final paycheck. Any balance due over and above the amount deducted from the employee's paycheck may be collected by the Town through appropriate legal action.
- B. All outstanding voluntary debts to the Town incurred by the employee, such as the cost of non-compensatory training, shortages or advance of leave or expense accounts, advances on pay and other standing debts due to the Town will be deducted from the employee's final paycheck.

- C. All deductions under paragraphs A and B above shall be subject to the applicable state and federal law.

## SECTION 7

### **TRANSFERS AND WORK OUT OF CLASSIFICATION**

Approved \_\_\_\_\_

Replaces 8.03 \_\_\_\_\_

#### **7.01 TEMPORARY TRANSFERS/WORK OUT OF CLASSIFICATION**

- A. A non-exempt employee assigned for thirty (30) calendar days or more to a position in a higher pay grade shall have a rate increase retroactive to the first day of the transfer. If the employee is currently in Step (1)-(5) of his regular pay grade, a 5% increase or the pay grade of Step (1) in the temporary pay grade shall be given, whichever is greater. If the employee is currently in Step (6) or above his regular pay grade, a three step increase in that pay grade, up to the maximum pay rate of the temporary pay grade, shall be given. When the employee is reassigned to his original position, he shall be at the step he would have achieved if no transfer had occurred.
- B. When a non-exempt employee temporarily works in a lower paid job classification, he shall receive the rate of pay for his regular job classification.
- C. A routine assumption of duties that occurs in the absence of another employee on vacation or with a short-term illness is not a transfer and does not affect salary.

#### **7.02 PERMANENT TRANSFERS**

- A. An employee may be permanently transferred from one job classification or department to another job classification or department:
  - 1. At the employee's request if, in the opinion of the Town Manager, it is in the Town's best interest;
  - 2. By the Town Manager for operational or efficiency reasons;
  - 3. In all cases involving more than one (1) department, both Directors must agree to the transfer, unless in a particular case, the Town Manager decides otherwise.
- B. When an employee is permanently transferred:
  - 1. If to a position in the same pay grade, his rate of pay will remain the same.

2. If to a position in a lower pay grade or a higher pay grade, his rate of pay will be the rate in the new pay grade immediately higher than the rate he was receiving before the transfer or the top of the grade, whichever is lower.

### **7.03 RECLASSIFICATION**

When a job is reclassified, the employee holding the reclassified position will be paid in accordance with the Town Compensation Plan and Section 7.02(B) at the step assigned for the reclassified job.

- A. Purpose – The most common type is the reclassification of an entire class of jobs. Reclassification can also take place when the work performed on a particular job changes substantially over a period of time, due to new technology or a change in the department's focus, by design or evolution.
- B. Request for Reclassification – Reclassification can be initiated through independent, outside review conducted by or at the direction of the Town or at the request of the individual or the supervisor, if accompanied by written supporting documentation. This documentation should be sufficient to support a reclassification, e.g., actual job duties and tasks.
- C. Approval – Implementation of a requested reclassification of an individual or individuals to another job title within the existing Classification Plan requires authorization of the Town Manager. If the reclassification is for an entire class of jobs, it requires an amendment to the pay approved by the Town Commission.
- D. Effect on Pay – When a reclassification occurs, the employee is placed in the new grade at the step closest to, but not below, his current rate of pay. If the employee's current rate of pay is above the maximum of the new grade, it shall be reduced to that step.

## SECTION 8

### **PROMOTIONS/DEMOTIONS**

Approved \_\_\_\_\_

Replaces 8.04 \_\_\_\_\_

#### **8.01 NOTICE OF JOB VACANCY (OR POSTING)**

Except when determined operationally necessary and efficient by the Town Manager, all full-time, non-managerial vacancies within the Town will be posted on bulletin boards for a minimum of five (5) working days. Posted vacancies may also be advertised outside the Town when deemed necessary by the Town Manager. The posting will advise whether the job will be advertised or be initially restricted to employee applicants.

#### **8.02 APPLICATION**

Employees who wish to be considered for the vacancy must apply by completing a new application and turning it into Human Resources during the posting period. While selection is being made, the Director may utilize any employee or other person he wishes to perform the work.

#### **8.03 POOL OF QUALIFIED APPLICANTS**

The Director of the Department in which the vacancy exists, in conjunction with Personnel, will determine which of the employees, if any, who bid the job and outside applicants, when applicable, meet the minimum qualifications for the job. If no employee applicants are considered to meet the minimum qualifications for the job, the job will be advertised.

#### **8.04 INTERVIEW**

All employee applicants determined by the Director and Personnel to meet the minimum qualifications for the job will be interviewed. When applicable, the most qualified from among outside applicants, if any, whom the Town determines appear to be better qualified than employee applicants will also be interviewed.

#### **8.05 NO SUFFICIENTLY QUALIFIED APPLICANTS**

If, after completing the interview and evaluation, the Director determines that none of the applicants are sufficiently well qualified for the job, the Town Manager may fill the position in any manner he wishes.



## **8.06 BASIS OF SELECTION**

A. When the posting is restricted to Town employees, in determining whom to promote from among qualified employee applicants, if any, the Director shall consider:

1. Qualifications and ability to perform the job.
2. The employee's past work related experience with the Town and elsewhere.
3. The employee's past performance record with the Town.

When factors 1, 2 and 3 are relatively equal in the opinion of the Town, time of continuous service in the Department and with the Town, in that order, will be given preference.

B. When the posting is not restricted to Town employees, the Director will consider factors 1, 2 and 3 for employees and factor 1, plus the outside applicant's references and past work-related experience and performance with other employees. When, in the opinion of the Director, all factors are considered relatively equal among all qualified applicants, Town employees will be given preference, and as among them, time of continuous service with the Department and the Town, in that order, will be given preference.

## **8.07 WAGE RATE**

An employee promoted to a position having a higher pay grade shall be given an increase. Employees in Steps (1) through (5) shall receive at least a 5% increase or the first step of the new pay grade, whichever is greater. An employee receiving a promotion that would place them above Step (5) in the proposed pay grade shall receive at least a three step increase - a total increase of approximately 4.5%. Any deviation from the above requires documentation and justification by the Director and approval by the Town Manager.

## **8.08 DEMOTION**

Employees who are demoted shall have their wages reduced. The amount of reduction shall be recommended by the Director for approval by the Town Manager based on the severity of the offense that initiated the disciplinary demotion.

## **8.09 PROMOTIONAL PROBATION**

Promoted employees shall be subject to the promotional probation provisions of Section 4.05.

## SECTION 9

### **SENIORITY LAYOFF AND RECALL**

Approved _____
Replaces <u>10.02</u> _____

#### **9.01 ACCRUAL**

Town, departmental and job classification seniority shall continue to accrue during all types of compensable leave approved by the Town. Approved leaves of absences of thirty (30) or more consecutive work days without pay shall not count towards the accrual of classification seniority unless the law requires otherwise.

#### **9.02 LOSS OF SENIORITY**

An employee shall lose his seniority and be terminated from employment as the result of any one of the following:

- A. Discharge.
- B. Retirement.
- C. Voluntary resignation.
- D. Layoff exceeding one (1) year.
- E. Failure to report to the Director the intention to return to work within three (3) calendar days of receipt of a recall notice.
- F. Failure to report from military leave within the time limits prescribed by law or any other leave unless an extension has been approved in advance by management.

#### **9.03 LAYOFF SELECTION**

In the event the Town decides to lay off employees within a department, the Town will first lay off those employees employed on a part-time, temporary or probationary basis. If further layoffs are necessary, selection among regular full-time employees shall be based upon:

- A. Ability to perform all of the work available.
- B. Special skills essential to the performance of the available work.

- C. Job performance as reflected by the performance evaluations for the past three years or the most recent evaluations available.
- D. Departmental classification seniority.

When, in the opinion of the Director, factors A, B, and C are relatively equal among employees, factor D shall be determinative.

#### **9.04 PERMANENT LAYOFFS**

In some cases, the Town may utilize a layoff under circumstances where there is no reasonable expectancy to return to work. Such layoffs will be designated permanent and the employees laid off shall not be eligible for recall.

#### **9.05 RECALL**

Except for employees laid off pursuant to Section 9.04 above regular full-time employees who are recalled by the Town within twelve (12) months shall have their Town service, departmental, and job classification seniority restored; however, they will not be given credit for the period of the layoff nor shall they receive wages or benefits during the period of the layoff.

#### **9.06 DECISIONS FINAL**

Decisions made pursuant to this section shall be final and shall not be subject to Section 12 or 13.

## SECTION 10

### ATTENDANCE/TARDINESS

Approved _____
Replaces <u>XI</u> _____

#### **10.01 PRESENT AND ON TIME**

All employees are expected to report for duty at the scheduled time and remain there until the scheduled leaving time. Each Director shall be responsible for the attendance and timeliness of all persons within his department.

#### **10.02 CALL-IN**

Employees are required to call in before they are scheduled to report to work when they are going to be absent or late. (Check with your Supervisor or Director for specific instructions that pertain to your department). Failure to call in before the employee's shift begins will subject the employee to discipline, unless the Director is satisfied that the failure to call in was for a reason beyond the employee's control.

#### **10.03 VERIFICATION**

The Director may require an employee to establish to his satisfaction that an absence or tardiness was for a legitimate reason. Such proof, in the case of sickness or injury, may include the presentation of a medical doctor's excuse from a doctor acceptable to the Town.

#### **10.04 CONTINUING ABSENCE**

In the case of a continuing absence, the employee must call in each day unless otherwise instructed by his Director or supervisor.

#### **10.05 PERSON TO CALL**

Call-ins are to be directed to the employee's immediate supervisor; however, in the event the immediate supervisor is not available, the employee must speak with another supervisor, Director or his designee.

**SECTION 11**  
**DISCIPLINARY ACTION**

Approved _____
Replaces <u>3.11</u> _____

**11.01 GENERAL STATEMENT**

It is the hope of the Town that effective supervision and employee relations will avoid most difficulties which otherwise might necessitate discipline of employees. However, when disciplinary action becomes necessary, the Town recognizes the fact that each situation differs in many respects from others that may be similar in some ways. Thus, the Town retains the right to treat each incident on an individual basis without creating a precedence for other cases which may arise in the future as to a particular employee or group of employees and to determine the appropriate discipline in every matter on a case by case basis.

**11.02 FORMS OF DISCIPLINE**

- A. The Town recognizes the following types of discipline:
  - 1. Verbal reprimands.
  - 2. Written reprimands.
  - 3. Suspension without pay.
  - 4. Demotion.
  - 5. Combination of the above.
  - 6. Termination of employment.
- B. A Director may also combine a probationary period not to exceed six (6) months with all forms of discipline except termination.
- C. The Director, or his designee, will consult with Personnel in deciding appropriate disciplinary action greater than a written reprimand. However, the Director may suspend employees temporarily with pay to the next regular work day of the Town (Monday through Friday) if the Director deems it is operationally necessary. The Director shall then immediately consult with Personnel, and together they will decide whether to continue to temporarily suspend the employee with or without pay pending completion of an investigation and a final decision as to the appropriate disciplinary action, if any. If it is ultimately determined that no disciplinary action or disciplinary action less than suspension without pay for a period of the

temporary suspension without pay is appropriate, the employee will be reimbursed wages lost less periods he was unable or unwilling to work and whatever he earned or could have earned through due diligence while on temporary suspension without pay.

### **11.03 BASIS FOR DISCIPLINARY ACTION**

- A. Verbal and written reprimands for regular full-time employees may be given for any reason listed in Section 11.05, Group I or Group II, or for any other just cause.
- B. Subject to Section 11.02(C), regular full-time employees may be suspended without pay temporarily pending investigation and final determination of possible disciplinary action.
- C. Subject to Sections 1.02(B) and 4.05, regular full-time employees who have completed their initial probationary period may be suspended without pay, demoted or terminated for any reason listed in Section 11.05 below, or for any other just cause.
- D. All other employees serve at the will and pleasure of the Town Manager and may be subject to discipline, up to and including termination, as he deems appropriate subject only to applicable law. (See 12.02 and 12.03(A)).

### **11.04 NOTICE OF DISCIPLINARY ACTION AND PRE-DISCIPLINARY HEARING OPPORTUNITIES**

In all cases of written reprimand, probation, suspension without pay, demotion, any combination of same, or termination, the employee will be notified in writing of the action taken and a copy of such notice shall be retained by the Town in the employee's personnel file; provided a temporary suspension without pay will be removed from the employee's personnel file if the employee is exonerated. Such removed documents shall be retained by Personnel in a separate file.

### **11.05 TYPES OF OFFENSES**

There are two (2) groups of example offenses for which employees may be disciplined up to and including termination, and the guidelines for recommended penalties for those examples of unacceptable conduct are set forth below; however, the principles concerning application of discipline to these sample offenses or others as set forth in Sections 11.01-11.03 above shall apply. Nothing herein shall be construed to limit disciplinary action to the sample offenses enumerated below, and suspension without pay, demotion or termination may be for any just cause as determined by the Town Manager.

This paragraph provides recommended but not mandatory penalties to apply to the specific example offenses listed here; however, the penalty utilized shall be discretionary with management in all matters of discipline and nothing herein shall

require that a particular form of discipline be utilized in any case prior to the utilization of another form of discipline.

### GROUP 1 OFFENSES

First Offense – Verbal or Written Reprimand

Second Offense - Up to ten (10) days suspension without pay

Third Offense - Up to and including termination

1. Quitting work, wasting time, loitering or leaving assigned work area during working hours without permission.
2. Taking more than allowable times for meal or rest periods.
3. Unacceptable, inefficient productivity or competency.
4. Sleeping on the job unless authorized to do so.
5. Reporting to work or working while unfit for duty, either mentally or physically, unless the condition is a legally recognized disability in which case the matter will be dealt with in accordance with applicable law.
6. Violating a safety rule or practice.
7. Engaging in horseplay, scuffling, wrestling, throwing things, malicious mischief, distracting the work of others, catcalls, or other disorderly conduct.
8. Failure to report the loss of Town equipment or other Town property entrusted in the employee's custody.
9. Failure to keep the Town and department notified of the employee's current proper address and telephone number.
10. Gambling, lottery or engaging in any other game of chance in any fashion that brings disrepute upon the Town.
11. Violation of published Town or departmental policies, rules, standard, orders, operating procedures or regulations.
12. Unexcused tardiness or absence.
13. Failure to report an on-the-job accident or personal injury.
14. Violation of the Standards of Conduct in Section 3.
15. Not wearing required safety clothing or equipment.

## GROUP II OFFENSES

### First Offense - Up to and including termination

1. Conviction of a non-felony criminal offense or felony.
2. Excessive tardiness and/or absenteeism which disrupts departmental operation regardless of the reason.
3. Abuse of leave privileges.
4. Use of official position for personal advantage.
5. Deliberately or negligently misusing, destroying, losing or damaging any Town property or property of an employee.
6. Falsification of personnel, Town, or Departmental records, including employment applications, accident records, work records, purchase orders, time sheets, or any other report, record, or document.
7. Making false claims or intentional misrepresentation in an attempt to obtain sickness or accident benefits, workers' compensation, or any other benefit.
8. Insubordination or the refusal to perform work assigned, or to comply with written or verbal instructions of a supervisor.
9. Use or possession or display of fire arms, explosives, or weapons on or in Town property unless authorized.
10. Removal of Town property or any other employee's property from Town locations without proper authorization, theft of Town property or any employee's property.
11. Failure to return at the end of an authorized leave of absence.
12. Concerted curtailment, restriction of production, or interference with work in or about the Town's work stations including, but not limited to, instigating, leading, or participating in any walkout, strike, sit down, stand-in, slowdown, or refusal to return to work at the scheduled time for the scheduled shift.
13. Absent without permission or leave (AWOL).
14. Acceptance of a gift, service, or anything of value in the performance of duty or under any other circumstances where the employee knew or should have known it was given with an expectancy of obtaining a service or favored treatment.
15. Possession, use, sale, attempt to sell, or procure illegal controlled substances at any time whether on or off Town property or whether on or



off duty; and possession, use, sale or attempt to sell or procure alcoholic beverages while on duty, on Town property, or while operating or riding in or on Town equipment. The legal purchase of alcohol by an employee assigned a take home vehicle when off duty shall not be a violation of this rule.

16. Refusal to fully and truthfully cooperate in an investigation conducted by or at the direction of the Town.
17. On or off the job conduct which adversely affects the ability of the employee to perform his duties and/or adversely affects the efficient operation of the Town government or any department, division, or area of Town government.
18. Discourteous, insulting, abusive, or inflammatory language or conduct toward the public or co-workers.
19. Improper racial or sexual comments, harassment or acts directed to any Town employee or the general public.
20. Threatening, intimidating, coercing, or interfering with fellow employees or supervision at any time.
21. Provoking or instigating a fight or fighting while on duty.
22. Unauthorized personal use of the exempt tax number for any reason.
23. Accepting a bribe or gratuity, committing an illegal act or accepting a gratuity for performing the normal duties as a Town employee.
24. Failure to report in writing an offer of a bribe or gratuity to permit an illegal act.
25. Communicating or imparting confidential information either in writing or verbally to any unauthorized person.
26. Refusal to sign an acknowledgment of disciplinary action.
27. Failure to possess and maintain a current and valid state motor vehicle operator's license, if driving a vehicle is required by the Town as an essential part of the employee's job.
28. Failure to report a DUI or DWI when the employee drives a vehicle as a part of their normal job.
29. Loss of a license or certification required by the Town, the State or other governmental entity to perform the job for which the employee is assigned.

The above list does not include all of the reasons for which an employee may be subject to disciplinary action, but as stated earlier, is intended to provide examples of inappropriate conduct.

#### **11.06 SUSPENSION PENDING RESOLUTION OF CRIMINAL CHARGES**

- A. In the event an employee is charged with any crime, the employee may be suspended with or without pay.
- B. At any time, the Town Manager shall have the option of taking disciplinary action based on his own investigation without regard to the existence, status or final disposition of the criminal charges.
- C. The Town Manager may elect to wait until the criminal proceeding, or a particular phase thereof is concluded before considering disciplinary action. In such a case, the Town Manager may take the resolution of the criminal proceeding, or phase thereof, under consideration but shall not be bound thereby and shall make its determination as to the facts and the appropriate disciplinary action, if any.
- D. Under paragraphs B and C above, the Town Manager will not consider anything less than a finding by a judge or jury, whichever is applicable, of not guilty as relevant to the issue of whether the employee engaged in the conduct in question.
- E. If an employee charged with a crime is found not guilty by a judge or jury, and the Town Manager determines no disciplinary action is warranted, the employee will be reinstated with back pay less amounts earned, unemployment compensation and periods of time the employee was unavailable to work or did not make every reasonable effort to find work.

## SECTION 12

### **GRIEVANCE PROCEDURE FOR DISCIPLINARY ACTIONS**

Approved \_\_\_\_\_

Replaces \_\_\_\_\_

#### **12.01 WRITTEN REPRIMANDS**

Appeals of written reprimands shall be under PRR Section 13.

#### **12.02 TEMPORARY SUSPENSIONS WITHOUT PAY**

Before an employee is temporarily suspended without pay pursuant to Section 11.03(B) and Section 12.03(A)(2) below, the Director, or his designee, will explain the reason for the temporary suspension and give the employee the opportunity to explain his position.

#### **12.03 SUSPENSIONS WITHOUT PAY, DEMOTION AND TERMINATION**

A. Pre-Disciplinary Procedure. When a Director is considering suspension without pay, demotion or termination of a regular full-time employee who has completed his initial probationary period:

1. The employee shall be given written notice of the reason such disciplinary action is being considered, the names of the witnesses, a summary of the information on which the Director relies and an opportunity to present his position either verbally or in writing to the Director before the decision is made. Notice shall be complete upon either personally handing it to the employee or mailing it to the employee's address as contained in the Town personnel file.
2. The Director, with the approval of the Town Manager, may suspend the employee without pay immediately pending the ultimate decision, provided the employee shall be given an opportunity to explain his position before the temporary suspension without pay.
3. If after considering all of the evidence before him, the Director decides to suspend the employee without pay, demote or terminate, he shall notify the employee in writing of the decision and the reasons therefore, and advise the employee of his right to a due process hearing under Section 12.03(B) below.

B. Appeal Procedure.

1. A regular full-time employee who has successfully completed his initial probationary period who is suspended without pay (other than

temporarily), demoted or terminated who wishes to appeal must appeal in writing to the Town Manager, or his designee, within ten (10) working days after notice of his suspension without pay, demotion or termination.

2. Upon receipt of a timely appeal, the Town Manager shall arrange a hearing at which the Director shall be required to establish just cause as set forth in paragraph 5 by a preponderance of the evidence.
3. Not less than five (5) calendar days prior to the hearing, to the extent not already provided under paragraph A (1) above, the employee will be provided with a list of witnesses, except rebuttal witnesses, a brief summary of their anticipated testimony, and a list of all documents, except rebuttal documents, upon which the Director intends to rely.
4. The employee shall be entitled to be represented by counsel of his choice at his expense and shall have the right to present evidence, examine and cross-examine witnesses and state his position orally or in writing.
5. Proceedings shall be recorded by tape, video or other recorder or by court reporter.
6. The Town Manager shall consider the evidence before him and make Findings of Fact and Conclusions of Law, which shall be final and binding on all concerned.

#### **12.04 GENERAL PROVISIONS**

The time limits set forth above, may be extended upon written request for reasons considered appropriate by the Human Resources Department. Failure of an employee to file an appeal in a timely fashion, unless an extension has been granted in advance, will constitute an automatic abandonment of his appeal.

#### **12.05 DELEGATION OF AUTHORITY**

At his option, the Town Manager may delegate another Director, an attorney or an arbitrator to hold the hearing and make the final decision or hold the hearing and make recommended Findings of Fact and Conclusions of Law, in which event the Town Manager shall be bound by the recommended findings of fact as long as they are supported by evidence in the record. The Town shall bear the fee of any substitute for the Town Manager which he delegates.

## SECTION 13

### **EMPLOYEE GRIEVANCE PROCEDURE – WRITTEN REPRIMANDS AND NON-DISCIPLINARY MATTERS**

Approved _____
Replaces _____

#### **13.01 PURPOSE**

It is the purpose of this grievance procedure to assure employees that written reprimands and non-disciplinary problems and complaints arising under the PRR will be considered fairly, rapidly and without reprisal. It is expected that the procedures set forth below will encourage employees to discuss with their supervisors matters pertaining to conditions of employment as they affect individual employees. In addition, free discussion between employees and supervisors will lead to better understanding of practices, policies, and procedures, which affect employees. This will serve to identify and eliminate conditions, which may cause misunderstandings and grievances.

#### **13.02 DEFINITION OF A GRIEVANCE**

A grievance is a complaint about a written reprimand, the misapplication or misinterpretation of these Rules or applicable departmental rules and regulations. Discipline except written reprimands shall not be considered under this Section, but only under Section 12.

#### **13.03 PROCEDURE**

- A. Step One: An employee shall present his complaint to his immediate supervisor within five (5) working days from the time of occurrence of the problem. The supervisor shall attempt to resolve the problem within three (3) working days after the complaint is made to him.
- B. Step Two: If the employee has not received an answer from the immediate supervisor within five (5) working days, or if the employee feels the answer received is not satisfactory, he will put in writing the facts and circumstances of the problem and present the written statement to his Director within five (5) working days after the supervisor's deadline in Step One. Assistance will be provided by Personnel if requested, including for those employees who cannot read or write or have a language problem. The Director will investigate the grievance and meet with the employee to discuss the grievance within five (5) working days. The Director will notify the employee of his decision within five (5) working days following the meeting date.
- C. Step Three: If the employee has not received an answer from the Director within five (5) working days, or if the employee feels the answer received is

not satisfactory, he will put in writing the facts and circumstances of the problem and present the written statement to the Town Manager, or his designee, within five (5) working days after the Director's deadline in Step Two. Assistance will be provided by Personnel if requested, including for those employees who cannot read or write or have a language problem. The Town Manager, or his designee, will investigate the grievance and meet with the employee to discuss the grievance within five (5) working days. The Town Manager, or his designee, will notify the employee of his decision within five (5) days following the meeting date.

DocuSigned by:  
*Howard Tipton*  
AB643094A54424...

## SECTION 14

January 08, 2024

### **HOURS OF WORK AND OVERTIME**

Replaces 06.12.2023  
Revised 01.08.2024  
Amended 01.08.2024

#### **14.01 HOURS OF WORK\***

- A. The Town shall establish the hours of work in accordance with the operational needs of the Town.
- B. The Directors shall schedule the work as necessary to provide full service, but should attempt to avoid overtime work except where operationally necessary.
- C. Unless otherwise provided by a CBA, employees shall be scheduled for an unpaid lunch break of not less than one-half ( $\frac{1}{2}$ ) hour but not more than one (1) hour and a paid break before and after lunch, not to exceed fifteen (15) minutes each unless approved by the Director.

#### **14.02 REGULAR WORK WEEK OR PERIOD\***

Except for employees on a Section 7(K) schedule in the Fire and Police Departments or as otherwise provided by a CBA:

- A. The regular workweek for regular full-time employees shall be forty (40) hours in a seven (7) day period. The Town Manager may establish the basic work schedule and hours of work best suited to meet the needs of the departments and the Town to provide proper service to the community. Nothing in these rules shall be construed as a guarantee or limitation of the number of hours to be worked per week.
- B. The basic work schedule shall be from Monday through Friday of each week unless specified or scheduled by the Town Manager to meet the particular requirements of the Town or individual departments. When the Town Manager deems it necessary, work schedules may be established other than the basic Monday through Friday schedule.
- C. Lunch and break periods are scheduled at the discretion of the Director or his designee.

#### **14.03 OVERTIME\***

Except for employees on a Section 7(K) schedule in the Fire and Police Departments:

- A. Non-exempt employees shall be paid at a rate of one and one-half (1½) their regular hourly rate after forty (40) hours in a seven (7) day workperiod.
- B. There shall not be any duplication of overtime or premium pay.
- C. Only employees in non-exempt positions are eligible for paid overtime with the exception of time worked by exempt employees during an officially declared disaster situation. The payment of overtime to exempt employees who are required to work in excess of their regularly scheduled work week during a declared disaster must be specifically authorized in advance by the Town Manager.

#### **14.04 ASSIGNMENT AND WORKING OVERTIME\***

- A. Overtime will be authorized or directed only when it is in the interest of the Town and is the most practicable and economical way of meeting workloads or deadlines. Employees are to work only overtime as authorized but must report all hours worked to insure compliance with the FLSA regardless of whether the work is authorized or not.
- B. Employees are required to work overtime when assigned unless excused by their supervisor. An employee desiring to be excused from overtime work assignments shall submit a request to the immediate supervisor who shall rule on the request.

#### **14.05 HOURS COUNTED\***

Full hours of absence due to a paid bona fide sickness/injury, paid holidays, paid conference/training time, and approved paid vacation or jury duty will be counted as hours worked for the purpose of determining eligibility for overtime. No other time except actual hours worked shall be counted or as otherwise provided by CBA.

#### **14.06 CALL BACKS**

When a non-exempt regular full-time employee who has worked his regular shift or more, is released to go home, leaves the Town premises, and is called back to work from home, the employee shall be paid time and one half (1½) his normal hourly rate for three (3) hours or for the actual hours worked, whichever is greater. Non-Exempt employees who are "on call" duty for a specific period of time shall be paid three (3) additional hours of pay at time and one-half for each full week they are assigned to be on call.



#### **14.07 COMPENSATORY TIME**

All full-time hourly (non-exempt) employees are eligible for compensatory time in lieu of overtime.

- A. Compensatory hours at a rate of time and one-half can be substituted for cash overtime compensation, if mutually agreed upon by the Department head, or designee.
- B. Compensatory time earned under this subsection shall be deposited in the employee's Comp Time Bank under Section 14.09 at a rate of time and one-half.

#### **14.08 COMP TIME BANKS AND USE**

- A. An employee's Comp Time Bank shall be limited to 120 hours or as otherwise provided by CBA.
- B. In the event that the employee comp time bank is full, overtime hours for that pay period will automatically be paid.
- C. Scheduling of time off shall be at the discretion of the Department Head, or designee.
- D. Employees who get promoted to an exempt position with comp time in their banks will be able to keep the balance and use it before using earned vacation time.
- E. In the event of cessation of employment, the employee will be paid the hours standing in his/her comp bank at current hourly rate of pay.

#### **14.09 COMPENSATION FOR EMPLOYEES DURING EMERGENCY OPERATIONS PERIODS**

The Governor may issue an Executive Order declaring a state of emergency prior to the Town Manager declaring all offices closed.

**All employees are considered essential during a hurricane or declared natural disaster and must be prepared to support the community as assigned.**

- A. **Exempt Employees:** Only employees in non-exempt positions are eligible for paid overtime with the exception of time worked by exempt employees during an official emergency situation. The payment of work to exempt employees who are required to work in excess of their regularly scheduled work week during an emergency is authorized when the employee is directly involved with emergency preparedness, response or recovery and only for work performed that is authorized by the Town Manager. Exempt employees will be compensated on an hour for hour basis for actual hours worked or the rate of pay for such additional hours worked will be equivalent to the exempt employee's hourly rate of pay computed as if the employee was not paid on a salary basis. This additional compensation shall be in addition to the employee's regular salary. The Finance department shall provide the appropriate forms (exempt spreadsheet) for exempt employees to document their hours worked. Nothing herein shall be construed to affect the exempt status of such employees. Exempt employees who worked hours related to the storm should submit the number of hours to Human Resources for each day. Payroll will then add the hours to the payroll system. Exempt employees must indicate

their choice either to be paid or receive compensatory time. If comp hours are chosen, hours will be reflected under disaster exempt balance. Employees must make sure their storm-related hours submitted to payroll match the appropriate form from Finance (exempt spreadsheet) to the daily log form for each of the days the Town Manager declares all offices officially closed, as well as each day the Governor declares a state of emergency for FEMA purposes only.

- B. **Non-Exempt Employees Ordered to Work on a Section 7 (K) schedule ii! Fire and Police Departments for a Hurricane or Declared Disaster:** When the Town Manager has declared all offices officially closed employees shall be paid straight time for their regular scheduled normal duty day. When called back to work on their non- regular duty day, the employee will be paid double time and one half for all hours worked. **A daily log must be completed and indicate if this is the employee's regular scheduled shift. All storm-related activities shall be documented on the daily log and approved by the supervisor.** Non-exempt employees should indicate whether they want their time and one-half hours to be paid or receive comp time.

- (1) **Example 7 (K) Fire** - If a Firefighter is assigned to A shift as their regular scheduled normal duty day and they make \$20.00/hour, and continues to work beyond A shift into B shift and C shift:
- A Shift: Regular pay
  - B Shift: Double time and one half (if employee is paid \$20/hour it would be \$50 x number of hours worked)
  - C Shift: Double time and one half (if employee is paid \$20/hour it would be \$50 x number of hours worked)

- (2) **Example 7 (K) Police** - If a Police Officer working a two-week schedule is called back during a storm and they make \$20/hour, the following is how the employee would be paid:

Week One - 3-day regular scheduled duty days: Sunday, Wednesday, Thursday

- Sunday, Wednesday & Thursday Shift: Regular pay
- Monday, Tuesday, Friday & Saturday Shifts: (if employee is paid \$20/hour it would be \$50 x number of hours worked)

Week Two - 4-day regular scheduled duty days: Monday, Tuesday, Friday & Saturday

- Monday, Tuesday, Friday & Saturday Shifts: Regular pay
- Wednesday, Thursday & Sunday Shifts: (if employee is paid \$20/hour it would be \$50 x number of hours worked)

- C. **Non-Exempt Employees Ordered to Work on a Regular 40-hour Work Week for a Hurricane or Declared Disaster:** When the Town Manager has declared all offices officially closed employees shall be paid straight time for their regular scheduled work week, see Section 14.02 (A) & (B) Regular Work Week or Period. When called back to work on their non-regular duty day or after normal operating hours the employee will be paid double time and one half for all hours worked based on the daily log. **A daily log must be completed and indicate if this is the employee's regular scheduled shift or after normal working hours. All storm-related activities shall be documented on the daily log and approved by the supervisor.**

- (1) **Example 40-hour Work Week** - If a 40-hour employee is assigned on their regular scheduled normal duty day Monday through Friday and they make \$20.00/hour they will receive their regular pay.

If an employee is assigned anything after normal operating hours or on Saturday or Sunday, they will be paid at double time and one half (if employee is paid \$20/hour it would be \$50 x number of hours worked).

**D. Compensation for Non-Exempt Employees & Emergency Service Personnel assigned to standby status during a Hurricane or Declared Disaster during the declared emergency time frame:**

Standby is an assigned, required status whereby an employee can be relied on when needed. Standby pay is additional pay given to employees when they are required to be available for work upon immediate notice. In other words, the employees are required to be on-call, and are compensated for their standby time.

Non-Exempt employees who are required to be on standby, outside their regular working hours, shall be paid straight time wages for the entire time they are on standby.

At the time which a Standby employee begins actual work tasks associated with a storm or disaster (i.e.- conducting evacuations, sheltering, search and rescue and debris removal or emergency medical care) the employee will be considered activated and shall be paid as described in Section 14.09 (B).

- E. Non-Exempt Employees - Town Closure due to Declared Emergency:** Non-exempt employees who are not required to report to work as determined by the Town Manager or his designee during an emergency must not report for duty during such periods and shall be paid regular pay for the declared emergency time-frame only. All non-exempt employees with the ability to e-work/remotely during Town closure shall do so only if approved by the Department Head and only on storm-related work. Those employees who choose to work without approval, will not receive compensation at double time and one half.
- F. Employees with Pre-Approved Leave:** All employees with approved leave requests during the emergency event time frame, regardless of category, are subject to having such leave canceled and to being recalled to duty during any emergency. Department Directors shall make every effort to accommodate extenuating circumstances and ill employees, when determining which employees to recall from leave. Notwithstanding the foregoing, employees who cannot report for duty due to a certified FMLA condition shall not be called back to duty during an emergency.
- G. Temporary/Part-Time Employees:** Temporary and part-time employees shall also be expected to report for duty in anticipation of, during, and immediately after a declared emergency as requested by supervisory or management staff. Temporary and part-time employees will be paid for actual hours worked.
- H. Return to Normal Conditions:** Employees are required to monitor local media, emergency communications, the Town's website, and their phone messages, and shall return to work when notified that the emergency condition has ceased and the Town's normal operations have resumed. The Town will use internal communications systems and external media such as television, radio, etc., to announce that normal operations will resume. **The Town Manager will determine the date and time that normal operations will resume. All staff will receive their regular scheduled pay effective the date and time normal operations resume.** If an employee notifies his or her immediate supervisor, upon resumption of normal operations, that the emergency has

created a personal circumstance which prevents the employee from returning to duty or which creates an extreme hardship for the employee to return, their immediate supervisor will give every reasonable opportunity to allow the employee to take additional available leave when possible.

- I. **Failure to Report for Duty When Assigned:** Any employee required to report for duty during an emergency who fails or refuses to report and or to perform duties as directed will be subject to disciplinary action up to and including termination from employment. Failure to monitor on-call or stand by phone numbers and respond to calls will constitute a failure to report. The only exception to this policy will be for employees physically or medically unable to report or perform as ordered, or where the employee is on pre-authorized FMLA leave during the emergency period. For non-FMLA medical conditions, the Town will require medical verification of medical conditions, and reserves the right to require second opinion examinations. Employees claiming a physical inability to report when required are not permitted to cite a mere fear of travel during the emergency, or a general concern for not staying with family. Employees, particularly those designated by their departments as being critical responders during emergencies, have a responsibility to plan ahead for the safety and welfare of their families and the securing of their property so that they will have the ability to report when called. Only extraordinary incidents of inability to report wholly beyond the employee's ability to control will be excused.

**NOTE:** It is the employees' responsibility to have their hours entered on their time card daily before, during, and after the emergency to accommodate any extenuating circumstances with payroll.

## SECTION 15

### HOLIDAYS

Approved <u>03-04-2002</u>
Replaces <u>11.04</u>
Amended: <u>10-06-2014</u>
Method: <u>Res. 2014-29</u>

#### **15.01 DAYS OBSERVED**

- A. The following and such other days as the Town Commission may declare are designated as official holidays for the Town employees:

New Years Day (January 1)  
Martin Luther King, Jr. Day (third Monday in January)  
Presidents' Day (third Monday in February)  
Good Friday (½ day - p.m.)  
Memorial Day (last Monday of May)  
Independence Day (July 4)  
Labor Day (first Monday in September)  
Veterans' Day (November 11)  
Thanksgiving Day (November)  
The day after Thanksgiving  
Christmas Day  
One other day before or after December 25 may be designated as a holiday by the Town Manager.

- B. Whenever a holidays falls on a Sunday, the following Monday shall be considered a holiday. When a designated holiday falls on a Saturday, the preceding Friday will be observed as a holiday.
- C. The Town Commission may determine that any department or operation will be open for business on a holiday.

#### **15.02 WORK ON A HOLIDAY**

Except for regular full-time non-exempt employees working a rotating shift, employees who are required to work on a holiday shall receive time and one-half (1½) for hours worked on the holiday, plus any holiday pay to which they are entitled; provided, the employee and his Director agree to give the employee another day off without pay.

#### **15.03 ELIGIBILITY FOR HOLIDAY PAY**

- A. To be eligible for holiday pay, the employee must be a non-exempt regular full-time employee and must work his scheduled work day or shift immediately preceding and after the holiday unless the absence is approved

or excused by the Director and the employee is on active pay status the calendar day the holiday is observed.

- B. When the employee is scheduled to work on a holiday, and his absence is not excused, the employee will not receive holiday pay.

#### **15.04 HOLIDAY PAY**

- A. Non-exempt regular full-time employees who meet the eligibility requirements shall be paid holiday pay at eight (8) hours their straight time hourly rate.
- B. Non-exempt regular part-time employees who meet the eligibility requirements will be paid the number of hours they would normally be scheduled to work.
- C. Rotating Shift Employees:
  - 1. Employees working on a rotating shift basis receive compensation for all holidays authorized for Town employees for the previous fiscal year, payable in a lump sum on the first payday in December, but only for those holidays for which they met the eligibility requirements of Section 15.03.
  - 2. Holiday compensation is computed on a straight-time rate.
  - 3. Employees will receive the holiday compensation whether they worked the holiday or the holiday fell on their day off.
  - 4. Employees will be compensated only for the holidays earned while employed by the Town.

#### **15.05 ABSENCE DUE TO SICKNESS**

An employee scheduled to work a holiday who fails to work because of sickness or injury shall not receive holiday pay unless (1) he notifies his Director at least one (1) hour before he is scheduled to report for work and (2) upon request, he presents evidence satisfactory to the Director, which may be a medical doctor's excuse, that his absence was due to a bona fide, unforeseen serious illness or injury. The employee who fails to follow this procedure will also be subject to disciplinary action up to and including termination. The Director may excuse the first requirement if he is convinced that failure to notify as required was for a reason clearly beyond the employee's control.

**15.06 HOLIDAY ON A LEAVE DAY**

- A. Employees on a scheduled vacation who meet the eligibility requirements for holiday pay will be paid for their regularly scheduled hours for the holiday(s) that fall within their vacation leave period.
- B. Otherwise, if a holiday falls during a leave of absence without pay, the employee shall receive no holiday pay.

## **SECTION 16** **VACATION**

Replaces 08/02/10

Revised 10/01/20

### **16.01 ELIGIBILITY**

- A. Each regular full-time employee, except those on a forty-two (42) hour workweek schedule and Section 7(K) schedule who accrue at a different rate, will be allowed vacation leave with pay, as follows:

#### **40 Hour Workweek**

<b><u>Continuous Service</u></b>	<b><u>Vacation Accrual Each Bi-Weekly Pay Period</u></b>	<b><u>Days Per Anniversary Year</u></b>
0 through 5 years	3.077 hours	10
5 years through 6 years	3.384 hours	11
6 years through 7 years	3.692 hours	12
7 years through 8 years	4.000 hours	13
8 years through 9 years	4.305 hours	14
9 years through 10 years	4.615 hours	15
10 years through 11 years	4.923 hours	16
11 years through 12 years	5.231 hours	17
12 years through 13 years	5.539 hours	18
13 years through 14 years	5.846 hours	19
14 years or more	6.154 hours	20

#### **42 Hour Workweek**

<b><u>Continuous Service</u></b>	<b><u>Vacation Accrual Each Bi-Weekly Pay Period</u></b>	<b><u>Hours Per Anniversary Year</u></b>
0 through 5 years	3.230 hours	84.00 Hours
5 years through 6 years	3.554 hours	92.40 Hours
6 years through 7 years	3.877 hours	100.80 Hours
7 years through 8 years	4.200 hours	109.20 Hours
8 years through 9 years	4.523 hours	117.60 Hours
9 years through 10 years	4.846 hours	126 Hours
10 years through 11 years	5.631 hours	146.40 Hours
11 years through 12 years	5.954 hours	154.80 Hours
12 years through 13 years	6.277 hours	163.20 Hours
13 years through 14 years	6.600 hours	171.60 Hours
14 years or more	6.923 hours	180 Hours

- B. Paid vacation may be taken during the initial six (6) months of employment as earned.



## **16.02 REQUEST FOR VACATION**

- A. The request for vacation leave shall be submitted to the employee's Supervisor within the timekeeping system.
- B. Vacation leave may be taken only after approval by the appropriate Supervisor, but every employee shall be encouraged to take at least ten (10) days leave during the year.
- C. Leave may be used only as earned.
- D. Where two (2) or more employees request the same vacation period, the employee with the most Town seniority will be given preference; provided, where a junior employee's vacation time has already been approved, it will not be changed without his agreement to accommodate a more senior employee.

## **16.03 USE OF VACATION**

- A. Vacation time may be taken only in not less than one-half (½) hour increments.
- B. An employee may not take more than thirty (30) days of vacation in a calendar year unless approved by the Town Manager.
- C. Subject to Section 16.03(D) below, accrued vacation may be used with prior approval of the Supervisor for the following purposes:
  - 1. Approved vacation.
  - 2. Absences for transacting personal business which cannot be conducted during off-duty hours.
  - 3. Religious holidays other than those designated by the Town Commission as official holidays.
  - 4. For uncompensated approved absences due to medical or dental or optical reasons once paid medical leave has been exhausted.
  - 5. Any approved uncompensated leave of absence, including leaves under the FMLA.
  - 6. For approved emergency leave beyond that paid under Section 18.
  - 7. Employees who become sick on vacation leave may use medical leave for such period of illness (full days only) but may be required to present a doctor's certificate and will be given another vacation day or pay at the option of the Town.
  - 8. Converted to cash upon approval of the Town Manager

- D. Vacation pay may be used to supplement Workers' Compensation approved leaves; providing the total compensation received from all sources by the employee, including Workers' Compensation, shall be no more than forty (40) times the employees straight time hourly rate of pay or the number of hours in their regular straight time schedule for employees on a Section 7(K) schedule.

#### **16.04 ACCUMULATION OF VACATION**

- A. Employees are encouraged to take their vacation yearly.
- B. Employees who work a forty (40) hour workweek may accumulate up to two hundred forty (240) hours excluding converted medical leave.
- C. Full-time regular employees covered by Section 1.02(B) may accumulate up to four hundred eighty (480) hours excluding converted medical leave.
- D. Employees who work a forty-two (42) hour workweek may accumulate up to two hundred fifty-two (252) hours excluding converted medical leave.
- E. Vacation standing in an employee's vacation account in excess of those hours listed in Section 16.04(B), (C) & (D) on December 31 will be paid during the next January, provided the employee has taken at least forty (40) hours or one-half ( $\frac{1}{2}$ ) of the vacation earned during the year, whichever is less, during the calendar year.

#### **16.05 CONVERTED MEDICAL LEAVE**

- A. Medical leave accrued (40-hour workweek) in excess of seven hundred twenty (720) hours may be converted to vacation leave at a rate of one (1) medical leave hour to one (1) vacation leave hour. An employee may convert up to forty (40) hours per calendar year.
- B. Medical leave accrued (42-hour workweek) in excess of seven hundred fifty-six (756) hours may be converted to vacation leave at a rate of one (1) medical leave hour to one (1) vacation leave hour. An employee may convert up to forty-two (42) hours per calendar year.
- C. All medical leave converted to vacation leave must be used in the calendar year in which it was converted. Cash payout for converted medical leave is not permitted and if not used, will be converted back to medical leave.

#### **16.06 PAYOFF OF UNUSED VACATION HOURS**

- A. Employees shall be paid accrued but unused vacation pay upon cessation of their employment.
- B. In no event, will an employee be allowed to take vacation in conjunction with termination, i.e., to extend the termination date.
- C. In the event of an employee's death, his beneficiary or estate, in the absence of a designated beneficiary, shall be paid for accrued vacation.

**16.07 EXTENDED UNPAID LEAVES**

Employees will not accrue vacation during an unpaid leave of absence other than FMLA or workers' compensation.

## **SECTION 17** **MEDICAL LEAVE**

Replaces	04/22/10
Revised	10/01/20

### **17.01 ELIGIBILITY**

- A. Medical leave, whether paid or unpaid, shall apply to leaves for sickness, injury or disability that are not covered by workers' compensation. Sickness, injury or disability for pregnancy, childbirth, or related disabilities shall be treated the same as other sicknesses, injuries or disabilities.
- B. Regular and probationary full-time employees are eligible under Section **17.02** for paid medical leave for absences due to sickness or injury, provided they present evidence, including a medical doctor's excuse, if requested, satisfactory to their Director to establish their absence was due to a bona fide sickness or injury.
- C. Employees on medical leave, whether paid or unpaid, or leave due to a job-related illness or injury shall not engage in any work, including work at second or other jobs at home or elsewhere, without permission of the Town Manager, or his designee. Violation of this subsection shall be cause for immediate termination.

### **17.02 RATE OF ACCRUAL**

- A. Regular full-time employees shall be eligible for 3.692 hours of paid medical leave per fourteen (14) day pay period.
- B. Police Department full-time employees on a 42 hour work-week shall be eligible to accrue 3.877 hours of paid medical leave each fourteen (14) day period.
- C. Fire Department employees on a Section 7(K) schedule shall be eligible to accrue 5.169 hours of paid medical leave each fourteen (14) day pay period.
- D. Paid medical leave shall not accrue during any pay period when the employee is not on active pay status except FMLA leave or a leave covered by workers compensation.

### **17.03 CHARGING LEAVE**

- A. Medical leave taken shall be recorded, charged and paid in one-half (½) hour increments.
- B. Paid holidays which occur during a paid medical leave shall not be chargeable to medical leave.

#### **17.04 REQUEST FOR MEDICAL LEAVE**

To be eligible to receive pay for medical leave, the employee shall notify his immediate supervisor or Director as soon as possible but not less than one (1) hour prior to the time set for beginning the employee's shift. This provision may be waived by the Director if the employee submits evidence satisfactory to the Director that it was impossible to give such notification.

#### **17.05 EXTENDED UNPAID MEDICAL LEAVE**

- A. When paid medical leave and accrued vacation leave are exhausted for absence due to bona fide sickness, disability or injury, the employee may be given extended medical leave without pay for up to six (6) months. However, no benefits such as holidays, vacations, emergency leave and paid medical leave accrue during such unpaid leaves unless the leave is FMLA leave in which case Section 19 applies.
- B. The Town retains the right to require the employee to submit to another medical examination by a doctor of the Town's choice at the Town's expense to verify the employee's inability to work.
- C. The employee shall be required to return to work not later than the last day of the leave granted, unless prior to that time, the employee has obtained permission from the Town Manager to extend the medical leave or has applied for and been granted additional time off as allowed by these rules.
- D. The employee may continue his Group Medical Plan Insurance during such absence provided the employee pays the full premium by the time each month and in the manner required by the Town. For continuation of insurance during FMLA leave, see Section 19.06.

#### **17.06 RETURN FROM MEDICAL LEAVE**

- A. At the option of the Town, the employee may be required to supply a medical release from a doctor acceptable to the Town to return to work from medical or disability leave whether the leave was with or without pay.
- B. An employee who is released from medical leave and who wishes to return to work shall notify the Town. If the leave was less than thirty (30) days beyond pay status, the employee shall be placed in the job he held before the leave and there shall be no adjustment of his anniversary date or Town or classification seniority date.
- C. Subject to applicable law, including the FMLA, if the leave was longer than thirty (30) days beyond pay status, the employee will be given his job or a substantially equivalent job that is vacant if he is qualified to perform all the essential requirements of the vacant job. If the absence was due to a legally-recognized disability, reasonable accommodation that will not

cause undue hardship to the Town will be offered. Adjustments of his anniversary date, Town, departmental and classification seniority dates shall be as provided for other unpaid leaves under Section 21.

- D. The Director, with approval of the Town Manager, may make exceptions to the above for operational reasons upon the request of the employee.

#### **17.07 USE**

- A. Paid medical leave may be used provided it is approved for the following purposes:

1. Bona fide sickness, injury or disability off the job.
2. Medical, dental, optical or chiropractic examination or treatment which cannot be scheduled during non-duty hours.
3. Serious illness of a member of the employee's immediate family which requires the personal care or attention of the employee, or the death of a member of the employee's immediate family as defined in Section 2, but in the case of death, not more than ten (10) working days.
4. An unpaid leave under the FMLA.
5. For up to one (1) week extra vacation as provided in Section 16.05.
6. To supplement Workers' Compensation, but not more than necessary to cover the employee's regular scheduled straight time hour at his normal hourly rate.
7. For up to two (2) to three (3) days per calendar year, provided the days are approved in advance by the employee's Director, or his designee.
  - a. General (40 hour workweek) receives 16 hours personal per calendar year.
  - b. Police (12 hour shifts/42 hour workweek) receives 36 hours personal per calendar year.
  - c. Fire receives 48 hours per calendar year.

- B. Use of medical leave for any purpose not specified above may be considered misconduct and result in disciplinary action.

#### **17.08 ACCUMULATION/PAYOFF**

- A. There is no limit on the number of hours of medical leave which an employee may be eligible to accumulate for use for bona fide illness or injury.
- B. Accumulated medical leave will be payable at the rate of one-half ( $\frac{1}{2}$ ) the medical leave hours accumulated to the date of cessation of employment, but only if their employment ceased because of death or retirement under a Town-sponsored retirement plan.

#### **17.09 LIGHT DUTY**

If an employee is released by his physician for "light duty", return to light duty shall be at the option of the Town based on its operational needs. Refusal to accept a light-duty assignment by the Town, which the employee is capable of performing in accordance with applicable law will result in termination of employment.

**SECTION 18**  
**EMERGENCY LEAVE**

Replaces 02/05

Revised 10/01/2020

**18.01 LEAVE**

- A. Approved emergency leave in the event of the death or serious illness or injury of a member of the employee's immediate family (as defined in Section 18.03) will be granted as provided below:
  - 1. Up to thirty-two (32) hours, except for a firefighter on a Section 7(K) schedule, it shall be up to forty-eight (48) hours and for police officers on a 42 hour work week schedule, shall be up to thirty-six (36) hours.
  - 2. The minimum leave under this section shall be four (4) hours.
- B. The employee may be required to provide the Director with proof satisfactory to him of death or serious illness or injury in the employee's immediate family before compensation is approved.
- C. If, in the opinion of the Director, additional days off are necessary, accrued vacation and medical leave may be used or the employee may be given additional time off without pay.

**18.02 SERIOUS ILLNESS OR INJURY**

Serious illness or injury is defined as life threatening.

**18.03 IMMEDIATE FAMILY**

Immediate family includes spouse, children, parent, brother, sister, father-in-law and mother-in-law, any relative living in the same household, stepchild, grandmother, grandfather and grandchild, provided such definition shall not apply to FMLA leave under Section 19.

**18.04 LIMITATIONS**

- A. An employee may not take more than the time limit set forth in Section 18.01(A)(1) of emergency leave in a calendar year for the same immediate family member.
- B. Otherwise, there shall be no limit on the number of immediate family members for whom emergency leave can be taken during a calendar year, provided the conditions of Section 18.01(B) are met.



#### **18.05 EXCEPTIONS**

The Town Manager may grant additional time off for Emergency Leave with or without pay under extenuating circumstances.

## SECTION 19

### FAMILY MEDICAL LEAVE POLICY

APPROVED: –  
UPDATED  
Date: 07-10-2023

AT

#### 19.01 : ELIGIBILITY AND REASONS

Employees, who have worked for the Town for at least twelve (12) months, and for at least 1,250 hours during the preceding twelve (12) months, are entitled to:

- A. Take up to twelve (12) weeks of unpaid leave in a twelve (12) month period for the following reasons:
  - 1. The birth of the employee's child and to care for the newborn child within one year of birth;
  - 2. The placement of a child with the employee for adoption or foster care within one year of placement;
  - 3. In order to care for the employee's spouse, child or parent who has a serious health condition;
  - 4. Because of a serious health condition which renders the employee unable to perform the essential functions of the employee's position.
  - 5. Because of a qualifying exigency (as defined below) arising out of the fact that the employee's spouse, child (of any age) or parent is a regular, retired or reservist member of the military on active duty deployed to a foreign country or has been notified of an impending call or order to such active duty.
- B. Take up to twenty-six weeks of unpaid leave in a single twelve-month period to care of the employee's spouse, child (of any age), parent or next of kin who is either:
  - 1. A military service member (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, or who is in outpatient status, or who is otherwise on the temporary disability retired list, for a serious injury or illness; or,
  - 2. A veteran military service member who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a military service member (including a member of the National Guard or Reserves) at any time during the period of five years preceding the date on which the veteran undergoes medical treatment, recuperation, or therapy.

## 19.02 : **DEFINITIONS**

The following definitions apply for purposes of this Policy:

- A. Serious Health Condition -- A "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves either: (1) inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity (i.e., the inability to work, attend school or perform other regular daily activities), or any subsequent treatment in connection with the inpatient care; or (2) continuing treatment by health care provider, as defined by the FMLA and the pertinent regulations.
- B. Serious injury or illness – In the case of a member of the Armed Forces, an injury or illness incurred or aggravated in the line of duty on active duty that may render the member medically unfit to perform the duties of his or her office, grade, rank or rating. In the case of a veteran who was a member of the Armed Forces at any time during the five years preceding the date on which the veteran undergoes medical treatment, recuperation, or therapy, a "serious injury or illness" means an injury or illness incurred or aggravated in the line of duty on active duty in the Armed Forces and that manifested itself before or after the member became a veteran.
- C. Child – Except as otherwise noted in this policy, "child" means a biological, adopted or foster child; a stepchild; a legal ward; or a child of a person standing in loco parentis (in the place of a parent) and who is either under the age of eighteen (18) or, if older than the age of eighteen (18), is incapable of self-care because of a mental or physical disability.
- D. Parent – Parent means a biological, adoptive, step or foster parent, or any other individual who stood in loco parentis (in the place of a parent) to the employee when the employee was a child. Parent does not include parents "in law."
- E. Next of Kin – The "next of kin" of a military servicemember means the nearest blood relative other than the servicemember's spouse, parent or child, in the following order of priority (unless the servicemember has specifically designated in writing another blood relative as his nearest blood relative for purposes of military caregiver): (1) blood relatives who have been granted legal custody of the servicemember, (2) brothers and sisters, (3) grandparents, (4) aunts and uncles and (5) first cousins.
- F. Qualifying exigency –A "qualifying exigency" includes leave taken for any of the following reasons : (1) to address any issue resulting from an impending call to active duty deployment on less than seven days' notice, (2) to attend military events and related activities (such as a military ceremony, briefing,

family support program, etc.), (3) to make arrangements relating to childcare and school activities, (4) to make financial and legal arrangements, (5) to attend counseling, (6) to spend time with a covered military member who is on a short-term, temporary rest and recuperation leave during the period of deployment, (7) to attend post-deployment activities (such as a military ceremony, event, reintegration briefing, etc.), and (8) any other exigency agreed upon by the Town and employee.

### **19.03 : MEASURING THE TWELVE-MONTH PERIOD AND COUNTING FMLA LEAVE**

- A. For leave taken for any of the reasons listed in Section 19.01(A), the twelve (12) month period in which eligible employees may take twelve (12) weeks of leave will be calculated using a “rolling” twelvemonth period measured backward from the date an employee uses any FMLA leave. At any time when a need for FMLA leave arises, the amount of FMLA that an employee would be entitled to use is measured by counting how much FMLA leave the employee has used during the prior twelve months. If during that prior twelvemonth period the employee has already used 12 weeks of FMLA leave, the leave is exhausted. If the employee has not used twelve weeks of FMLA leave during the prior twelve month period, he or she is entitled to the balance of the twelve weeks that has not been used. For example, if an employee used four weeks of FMLA leave beginning 2/1/2022, four weeks beginning 6/1/2022, and four weeks beginning 12/1/2022, the employee would not be entitled to any additional leave until 2/1/2023. However, beginning on 2/1/2023, the employee would be entitled to four weeks of leave, on 6/1/2023 the employee would be entitled to an additional four weeks of leave, etc.
- B. For leave taken for the reason listed in Section 19.01(B), the single twelve (12) month period for calculating leave needed to care for a military servicemember begins when the employee first starts taking leave for that reason and ends twelve (12) months after that date. Leave under Section 19.01(B) may not exceed twenty-six (26) weeks in any single twelve (12) month period when combined with other FMLA-qualifying leave under any section of this policy.
- C. For leave taken for the birth of a child or placement of a child for adoption or foster care, the entitlement to leave under this policy expires twelve (12) months from the date of the child's birth or placement.
- D. If both spouses work for the Town, the combined leave shall not exceed twelve (12) weeks in a twelve (12) month period if the leave is taken for the birth of the employee's child, or to care for the child after birth, for the placement of a child with the employee for adoption or foster care, or to care for the employee's parent with a serious health condition.
- E. If both spouses work for the Town the combined leave shall not exceed twenty-six (26) weeks of leave during the single twelve (12) month period described in Section 19.03(B) above if the leave is taken for the birth of the employee's child,

or to care for the child after birth, for the placement of a child with the employee for adoption or foster care, to care for the employee's parent with a serious health condition, or to care for a servicemember with a serious injury or illness.

- F. To the extent allowed by law, in the event an absence is for a reason covered by this policy, the Town will count that absence as FMLA leave whether the employee has requested FMLA leave or not. Likewise, leaves covered by workers' compensation and/or a disability plan will also be counted as FMLA leave to the extent the leave meets the eligibility definition under Section 19.01 of this policy.

#### **19.04 : INTERMITTENT LEAVE OR LEAVE ON A REDUCED SCHEDULE BASIS**

- A. In the case of leave based upon a serious health condition or a servicemember's serious injury or illness, leave may be taken intermittently or on a reduced schedule basis, but only if such leave is medically necessary and the medical need can be best accommodated by intermittent leave or a reduced schedule. If intermittent leave or leave on a reduced hours basis is required for planned medical treatment, the employee is required to make reasonable efforts to schedule the treatment so as not to unduly disrupt the Town operations.
- B. In the case of leave for the birth or placement of a child in adoption or foster care, FMLA leave must generally be taken in a continuous block. Intermittent leave or working a reduced schedule is not permitted for this type of leave unless the Town, in its sole discretion, elects to allow it.
- C. In the case of leave based upon a qualifying exigency, leave may be taken intermittently or on a reduced schedule basis.
- D. If intermittent leave or leave on a reduced hours leave is required or the Town agrees to provide it, the Town may, in its sole discretion, temporarily transfer the employee to another position for which the employee is qualified with equivalent pay and benefits that better accommodates that type of leave.

#### **19.05 : EMPLOYEE AND EMPLOYER NOTICE AND CERTIFICATION REQUIREMENTS**

- A. For leave that is foreseeable, the employee must provide the Town with at least thirty (30) days' notice. If the need for leave is not foreseeable, the employee is required to provide the Town with as much notice as is practicable once the need for leave becomes known. Requests for leave should be on approved forms which are available from the human resources department.
- B. After being notified of the employee's need for FMLA-qualifying leave or whenever the Town becomes aware that an employee's leave of absence may qualify under the FMLA, the Town will determine if the employee is an "eligible employee" under the terms of this policy and the FMLA and will also advise the employee of any rights and responsibilities. Though not required, the Town will

endeavor to use the Department of Labor's model *NOTICE OF ELIGIBILITY AND RIGHTS AND RESPONSIBILITIES* form for such purposes (i.e., Form WH-381, available online at <https://www.dol.gov/whd/fmla/forms.htm>).

- C. The Town will require that leave based upon a serious health condition, or a servicemember's serious injury or illness, be supported by a medical certification from a health care provider. The Town will require that medical certification be submitted showing that a request for intermittent leave or leave on a reduced schedule basis is medically necessary. Generally, the employee will be afforded no less than 15 days to have the certification from completed and submitted. In accordance with applicable regulations, the Town may request, at Town expense, a second opinion from a health care provider of the Town's choice (as well as a third opinion if the second opinion conflicts with the first opinion). The Town will require the employee to use the appropriate Department of Labor model medical certification form (i.e., Form WH-380-E, WH-380-F, WH-385, WH-385-V, available online at <https://www.dol.gov/whd/fmla/forms.htm>).
- D. Once any required certification forms are submitted or the Town otherwise obtains the necessary information to determine if the employee's need for leave qualifies as an FMLA-qualifying reason, the Town will designate the leave accordingly and advise the employee of the designation. Though not required, the Town will endeavor to use the appropriate Department of Labor model *DESIGNATION NOTICE* for this purpose (i.e., Form WH-382 available online at <https://www.dol.gov/whd/fmla/forms.htm>). Notably, all leave which qualifies as FMLA leave will be designated as FMLA leave, including whenever the employee is on leave for workers' compensation, disability, and sick leave.
- E. The Town may require subsequent medical recertification of an ongoing condition from the employee's health care provider every six months in conjunction with an absence, or more often to the extent permitted by applicable law.
- F. The Town will require that leave based upon qualifying exigency also be supported by a certification and supporting documentation, including a copy of the military member's active duty orders or other similar documentation. Though not required, the Town will endeavor to use the appropriate Department of Labor model *CERTIFICATION FOR MILITARY FAMILY LEAVE FOR QUALIFYING EXIGENCY* form where appropriate (i.e., Form WH-384, available online at <https://www.dol.gov/whd/fmla/forms.htm>).
- G. Certification forms to be completed under this section are available from Human Resources department. If an employee's certification or recertification is deemed by the Town to be incomplete, the Town will notify the employee of the deficiency and the employee will be provided seven days to correct the deficiency. A failure to complete the certification may result in the denial of leave for the period until the completed certification is submitted.

- H. During leaves under this policy, the employee must periodically report on his or her medical status and intent to return to work. Upon taking such leave, the employee will be advised of the reporting requirements.
- I. For leave taken because of the employee's own serious health condition, the employee is required to furnish a medical certification from his or her health care provider advising that the employee can safely resume performing essential functions of his or her position before the employee will be allowed to return to work.

#### **19.06 : HEALTH INSURANCE PREMIUMS**

- A. During leaves of absence under this policy, the Town will continue to pay its portion of the health insurance premiums and maintain the employee's coverage under the health plan in the same manner as if the employee had been continuously employed during the entire leave period, provided the employee continues to pay his or her share of the premiums.
- B. Should the employee fail to continue to pay his or her share of the premium, notices of proposed insurance cancellation and the opportunity to pay the premium as required by the FMLA will be provided before the cancellation.
- C. The employee will be advised in advance of any changes in premiums so that he or she will have ample opportunity to make arrangements to continue to pay his or her share of the premiums during the FMLA leave.
- D. If the employee does not return to work after the expiration of the leave, the employee will be required to reimburse the Town for the employers' portion of health insurance premiums during the family leave as permitted by law, unless the employee does not return due to a serious health condition which prevents the employee from performing his job or circumstances beyond the control of the employee. To avoid required reimbursement, appropriate certification from a health care provider may be required if the employee does not return to work because of a serious health condition.

#### **19.07 : ACCRUAL**

During any period of leave under this policy, accrual of employment benefits, such as vacation pay, medical leave, seniority, etc., shall continue. Pension benefits will be determined in accordance with applicable regulations, but employees will be required to make the pension contributions required, if any, under any Town sponsored pension plan covering them. Employment benefits to which an employee may be entitled on the day on which the FMLA leave of absence begins will not be lost because of such leave, except for those paid leave days substituted for unpaid leave taken under this policy as described below. Upon return from FMLA leave, employees are entitled to any changes in benefit plans not dependent upon seniority or accrual during the leave period.

Employees will not be disqualified from bonuses based upon attendance or safety for which they qualified prior to leave because of the taking of FMLA leave.

**19.08 : SUBSTITUTION OF ACCRUED PAID LEAVE**

- A. For unpaid leaves under this policy, the Town will require employees to substitute any accrued paid leave (including vacation, sick, personal leave, etc.) that he or she may have. This means that the employee's FMLA leave under this policy will run concurrently with the use of any accrued paid leave. The employee will be notified of the designation when the leave begins.
- B. Where the leave is not unpaid but the employee is not receiving his or her full pay (such as when on workers' compensation leave or leave under a disability plan), accrued paid leave may be used to supplement the employee's pay to bring him or her up to their full salary, to the extent that both the Town and the employee agree. Regardless of whether the employee agrees to supplement pay with any available accrued leave, the leave of absence shall be designated as FMLA leave and run concurrently with workers' compensation or disability leave whenever the employee's injury, illness, or medical condition qualifies as a serious health condition within the meaning of the FMLA.

**19.09 : JOB RESTORATION UPON RETURN FROM FMLA LEAVE**

With the exception of certain key employees, employees who return to work from FMLA leave of absence within or on the business day following the expiration of the leave are entitled to return to their job or an equivalent position with equivalent benefits, pay and other terms and conditions of employment. Designation of key employee status and whether such status will affect the employee's right to reinstatement will be made at the time the employee requests leave, or at the commencement of leave, whichever is earlier, or as soon as practicable thereafter if such determination cannot be made at that time.

**19.10: FAILURE TO COOPERATE**

Employees who fail to provide information to, or otherwise cooperate with, the Town in administering this policy, or who provide intentionally untruthful information as to the facts upon which the FMLA leave was granted, may have their leave delayed and/or be subject to discipline up to and including discharge as permitted by law.



## SECTION 20

### COURT/WITNESS LEAVE

Approved _____
Replaces _____

#### **20.01 WITNESS LEAVE FOR THE TOWN\***

Employees who appear as witnesses on behalf of the Town in any judicial or administrative proceeding or who are directed by the Town to testify in any proceeding shall have all such time treated as compensable work time.

#### **20.02 OTHER COURT-RELATED LEAVE**

Those employees who become plaintiffs or defendants in personal litigation or who testify or appear on behalf of parties and other persons except the Town are not eligible for leave with pay unless they request and are approved for vacation or personal time under Section 16.03.

#### **20.03 JURY LEAVE**

The Town shall make up the difference between a regular full-time employee's pay for his normal schedule provided the employee:

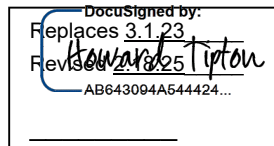
- A. Advises his Director no later than three (3) working days before he is to report for jury duty or when he is first advised, whichever first occurs.
- B. Returns to duty each day he is released from jury duty when two (2) or more hours remain on his scheduled workday or shift unless he gets permission from his Director not to return.
- C. Endorses his check for jury pay over to the Town.

#### **20.04 RETURN TO WORK\***

Employees who attend court or any other legal or administrative proceeding for only a portion of a regularly scheduled workday are expected to report to their supervisor when excused or released.

## SECTION 21

### GENERAL LEAVE WITHOUT PAY



#### **21.01 GENERAL LEAVE WITHOUT PAY**

Section 21.08 takes precedence over other sections of PRR Section 21 when there is inconsistency for those employees involved in military service. Except as required by applicable law, the decision to grant a leave without pay (leave of absence) is a matter of administrative discretion. It shall be the responsibility of each Director to weigh each case on its own merits. Leave without pay for more than thirty (30) calendar days must be approved by the Town Manager.

#### **21.02 EXTENSION**

Employees on leave shall report for duty at the end of the leave unless they have obtained a written extension from their Director or have been notified not to return.

#### **21.03 RETURN TO WORK**

An employee who is on a non-medical or non-FMLA leave without pay for less than ten (10) working days shall be returned to his former position. When the leave is more than ten (10), but less than sixty (60) working days, the employee shall be returned to his former position or another position for which, in the opinion of the Director, he is qualified to perform all of the duties if one is vacant otherwise, he shall be laid off. Return to work from medical and FMLA leave is covered in Sections 17.06 and 19.09.

#### **21.04 ANNIVERSARY DATE, TOWN AND CLASSIFICATION SENIORITY**

Employees returning from a non-medical or non-FMLA unpaid leave of thirty (30) working days or less shall retain their anniversary date, Town, departmental and classification seniority dates. Employees returning from longer unpaid leave will not lose seniority or time of continuous service for retirement vesting and the time they are out beyond thirty (30) days will not be counted towards seniority.

#### **21.05 OTHER EMPLOYMENT**

Employees on leave without pay of any kind, including unpaid medical leave, shall not accept employment elsewhere, unless the employment has been approved by the Town Manager, or the Manager's designee.

## **21.06 ACCRUAL OF MEDICAL AND VACATION LEAVE**

No medical or vacation leave will accrue while on any unpaid leave, except FMLA unpaid leave.

## **21.07 CONFERENCE LEAVE**

When deemed in the best interest of the Town by his Director, an employee may be granted leave with pay to attend professional and technical institutes, conferences, or other such meetings which may contribute to the effectiveness of the employee's service to the Town. All such leave and travel expenses will be subject to Town travel and expense policies.

## **21.08 MILITARY LEAVE\***

### **Active-Duty Leave**

For employees who are members of the U.S. Armed Forces Reserves or the National Guard and are granted a leave of absence to perform active military service. The first 30 calendar days of such leave will be with full pay for active federal military service that is equal to or greater than 90 consecutive calendar days. The Town will continue to pay its share of any health insurance coverage for up to 30 days of military leave. For any unpaid leaves under this policy, employees may elect, at their option, to use any accrued unused vacation or sick leave.

- **If the Employee is on Military Leave for Less Than 90 Consecutive Days:**
  - The first 30 days of military leave **will not** be paid.
  - The employee may choose to use their **accrued vacation or sick leave** to cover any unpaid time off.
- **If the Employee is on Military Leave for 90 Consecutive Days or More:**
  - The employee will be **eligible for 30 days of paid leave**. These 30 days will be paid in full.
  - After the initial 30 days of paid leave, if the military leave continues, the employee can either:
    - Use any remaining **accrued vacation or sick leave**, or
    - Remain on **unpaid leave**.

### **How to Handle in Practice:**

- **During the first 90 days of military leave:**  
The employee will be on **unpaid leave** unless they elect to use their **accrued vacation or sick leave**.
- **Once the employee reaches 90 consecutive days of military leave:**  
The employee will be **retroactively paid for the first 30 days of leave, with reimbursement of any accrued leave used during those 30 days**. After this period, the employee can either continue to use accrued leave or remain on unpaid leave.

Employees are required to provide as much advanced notice as possible of the need for military leave unless giving notice is impossible or precluded by military necessity.

Individuals must apply for re-employment within the applicable timeframes listed below.

Unless, otherwise required by applicable law, reinstatement or re-employment by the Town following a period of active military service will be granted as follows:

1. If discharged from the military, the employee must have received an honorable discharge.
2. The employee's military leave from the Town did not cumulatively exceed five years.
3. The employee reported back to work or applied for reinstatement: (a) within 90 days after release from military service lasting more than 180 days; (b) within 14 days after release from military service lasting between 31 and 180 days; or, (c) on the next regularly scheduled workday following release from military service of less than 31 days.
4. The employee will be reinstated in the position he or she would have attained if not for the military leave absence (or a similar one in terms of status, pay, and seniority) and will receive full credit for time spent in the military, provided the above requirements are met.

**Leave for Reserve or National Guard Training:**

Employees who are members of the Reserve or National Guard will be granted a military leave of absence for all time in which the employee is ordered to engage in training. The employee is required to provide his or her supervisor as much advance notice as possible of the need and intent to be away for Reserve/Guard training. Up to 240 hours per year for Reserve or Guard training shall be paid leave. Any training hours required in excess of 240 hours per year shall be without pay.

**Leave for Named Event or Declared Emergency:**

A military leave of absence will also be granted to any employee who is a member of the Florida National Guard and is called to active state duty for a named event or an officially-declared emergency or disaster pursuant to Florida Statutes, Section 250.48. Official orders for any such service shall be

presented to the employee's immediate supervisor. Leave under this section shall be with pay for the first 30 days of the named event or emergency, and thereafter shall be without pay.

**Leave for Florida State Guard Duty:**

Pursuant to Florida Statutes, Section 251.001(10)(a), a military leave of absence will also be granted to any employee who is a member of the Florida State Guard and is called to active state duty for a named event, declared disaster, or other covered operation. Leave under this section shall be with pay for the first 30 days of the named event, disaster, or covered operation and thereafter shall be without pay.

All other requests for military leave and return from military leave will be handled in accordance with applicable law.

**21.09 EFFECT OF LEAVES ON INSURANCE COVERAGE\***

- A. **Compensable Leave.** The Town shall continue the employee's group health, dental, vision, group life and voluntary life, disability benefits insurance during compensable leave of absence provided the employee pays their share of the premium.

**Workers' Compensation.** The Town shall continue the employee's group life and hospitalization insurance during an unpaid leave of absence due to a valid workers' compensation injury or illness, provided the employee pays his share of the premium. If the employee's claim is later determined by law to be invalid, the employee shall reimburse the Town for all premiums paid in his behalf during the injury. Failure to repay the Town such premium upon demand or under terms agreeable to the Town will result in termination of employment, and loss of accumulated sick and vacation leave to the extent necessary to cover the reimbursement. To the extent not fully reimbursed, the Town may collect the premiums by any means allowed by law.

- B. **Other Non-Compensable Leave.** If an employee is on an unpaid leave of any type other than FMLA leave, including medical leave covered by Section 17.05, he or she shall be responsible to pay their share of the premium for employee's group health dental, vision, group life and voluntary life insurance beginning the month after the month in which the leave began. The employee shall be entitled to continue coverage for the period of the leave up to 30 calendar days provided he or she pays their share of the premiums subject to any restrictions imposed by the insurance carrier.

## SECTION 22

### **SEXUAL AND OTHER ILLEGAL OR IMPROPER MISCONDUCT AND HARASSMENT POLICY\***

Approved 04/15/24  
Replaces 07/18/15

#### **22.01 PURPOSE**

The purpose of this policy is to make all employees of the Town aware that it is the policy of the Town that sexual, racial or other forms of illegal or improper harassment and misconduct will not be tolerated.

#### **22.02 STATEMENT OF POLICY**

The Town is committed to maintaining a work environment free of harassment based upon race, color, national origin, ethnicity, sex, pregnancy, sexual orientation, gender identity, disability, genetic information, religion, age, veteran status, and marital status. The Town will not tolerate the inappropriate harassment of any of its employees, officials, or any other individual who does business with the Town. This prohibition of harassment applies to all officials, employees, representatives, vendors, or any other individual doing business with the Town. It is the affirmative responsibility of all Town personnel for maintaining a workplace that is free from harassment and intimidation and the failure to do so will subject an employee to disciplinary action.

The Town is committed to promptly and thoroughly investigating all complaints of inappropriate harassment as set forth in this policy. If, after a thorough investigation, it is determined that inappropriate harassment has occurred in violation of this policy, immediate and appropriate disciplinary action, up to potential discharge, will be taken to promptly end the harassment. Appropriate follow-up steps will also be taken where necessary to ensure that the harassment ceases and does not re-occur.

In addition, the Town will not allow any retaliation against any employee who raises a concern about improper or illegal harassment or participates in an investigation involving improper or illegal harassment and tells the truth to the best of his knowledge and belief.

#### **22.03 EXAMPLES OF PROHIBITED SEXUALLY RELATED CONDUCT**

The Town considers the following conduct to be examples of conduct, which violates its prohibition of sexual harassment.

- A. Unwelcome physical assaults or touching of a sexual nature, including:
  - 1. Rape, sexual battery, molestation, or attempts to commit such acts.
  - 2. Intentional physical contact which is sexual in nature such as touching, pinching, patting, grabbing, rubbing, hugging, or poking another employee's body.
- B. Unwelcome sexual advances, propositions, and other sexual comments, such as sexually oriented gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experience directed at or made in the presence of an employee who has indicated in any way that such conduct in his presence is unwelcome.
- C. Job actions related to sexual matters such as:
  - 1. Preferential treatment for submitting to sexual activity, including soliciting or attempting to solicit an employee to engage in sexual activity for compensation or reward.
  - 2. Threatening to, or actually making an employee's job more difficult, or taking away any benefit or privilege to entice an employee to submit sexually.
- D. Display of sexually related material, such as:
  - 1. Pictures, posters, computer screensavers, calendars, graffiti, objects, promotional material, reading or other material of a sexually suggestive or sexually demeaning nature is not permitted in the workplace.
  - 2. Reading or otherwise publicizing in the work environment materials that are sexually revealing, pornographic, or sexually demeaning.

#### **22.04 EXAMPLES OF OTHER ILLEGAL OR IMPROPER HARASSMENT**

In addition to inappropriate sexual harassment, the Town also prohibits harassment on the basis of race, color, national origin, ethnicity, sexual orientation, disability, genetic information, religion age, veteran status, gender identity, and marital status. Any conduct of an offensive or harassing nature and which is based on any of these characteristics will not be tolerated. Such prohibited conduct includes, but is not limited to:

- 1. Derogatory, critical, offensive or uncomplimentary jokes, slurs, epithets, comments, displays, posters, other written materials based on race, color, national origin, ethnicity, sex, gender, pregnancy, sexual orientation, gender

identity, disability, genetic information, religion age, military service, veteran status, and marital status.

2. Any physical conduct taken against another individual because of his or her race, color, national origin, ethnicity, sex, gender, pregnancy, sexual orientation, gender identity, disability, genetic information, religion age, military service, veteran status, and marital status.
3. Teasing or making fun of another individual's ethnicity, accent, cultural or religious beliefs or practices, mental or physical disabilities, medical limitations, and other similar characteristics.

Additionally, sexual or other inappropriate harassment may occur when the intended target of the conduct is not offended, but others find the conduct to be intimidating, hostile, or offensive. This policy prohibits inappropriate harassment regardless of whether those involved or who witness the conduct find it offensive or unwelcome.

The above examples are not to be considered a comprehensive list of prohibited conduct, but set forth examples of the types of conduct which is prohibited.

#### **22.05 MAKING COMPLAINTS OF SEXUAL OR OTHER ILLEGAL OR IMPROPER HARASSMENT OR RETALIATION**

- A. Anyone who believes he or she has been the subject of harassment or who witnesses harassment prohibited by this policy must immediately report it to his immediate supervisor, his Director, Human Resources Manager, Town Manager, or any member of the Town Commission.
- B. If, after reporting the harassment as outlined above, the harassment continues or any further incidents of inappropriate behavior occur, the complainant must immediately report the continuing harassment. Since the Town may not be aware that the harassment is ongoing or that its initial handling of the matter has not satisfactorily resolved the issues or caused the offending conduct to cease, employees are required to report any continuing harassment or new incidents of misconduct even where he or she has previously reported a complaint.
- C. On receiving a complaint of inappropriate harassment or retaliation, the Town will promptly investigate the allegation and take any action deemed appropriate based on the results of the inquiry. Although each investigation will necessarily vary depending on the nature of the allegations and the circumstances involved, the investigation of a complaint will ordinarily include conferring with the parties involved and any named or apparent witnesses and reviewing pertinent documents, e-mail communications, pictures or any other relevant physical evidence. The Town is committed to conducting all investigations in a fair and impartial manner. If, after a thorough investigation, it is determined that prohibited harassment or



retaliation has occurred, immediate and appropriate action will be taken to promptly remedy any improper conduct and to ensure that no prohibited actions occur in the future. Such action may include discipline of anyone determined to be in violation of this policy, remedial training concerning the Town's policies and procedures relating to prohibited harassment and retaliation, and any other measure determined to be necessary for the effective enforcement of this policy.

D. All persons who participate in such an investigation shall be protected from coercion, intimidation, retaliation, interference, or discrimination for filing a complaint or participating in an investigation. Prohibited retaliation includes, but is not limited to:

- Shunning and avoiding an individual who reports harassment, discrimination or retaliation;
- Express or implied threats or intimidation intended to prevent an individual from reporting harassment, discrimination or retaliation; or,
- Denying employment benefits because an applicant or employee reported harassment, discrimination or retaliation or participated in the reporting and investigation process.

An employee who believes he or she has been subjected to retaliation on the basis of having filed a complaint or having participated in an investigation, must immediately report it pursuant to the complaint process outlined above. Any employee determined to have retaliated against another individual in violation of this policy will be subject to disciplinary action, up to and including dismissal.

#### **22.06 THE PREVENTION OF HARASSMENT IN THE WORKPLACE IS EVERY EMPLOYEE'S RESPONSIBILITY**

All personnel are responsible for ensuring compliance with this policy and maintaining a workplace that is free of harassment and intimidation. If any person experiences or witnesses harassment in the workplace, he or she has an affirmative obligation to report the harassment to one of the individuals designated above. Employees who witness inappropriate harassment and fail to report it are subject to disciplinary action, up to and including dismissal. However, an employee is not required or expected to report complaints to the person he or she believes is harassing against him or her. However, in such cases, the employee is obligated to report the inappropriate conduct to one of the other employees identified above.

Upon receiving a report of harassment, supervisors are responsible for immediately reporting it to Human Resources Manager, without regard to whether the harassment involves the supervisor's subordinate employee(s). Failure to report will be grounds for discipline.

Additionally, supervisors, together with the Human Resources Manager, are responsible for ensuring that their employees are properly trained on the Town's policies concerning prohibited harassment, discrimination, and retaliation.

#### **22.07 BAD FAITH CLAIMS OF SEXUAL OR ILLEGAL OR IMPROPER HARASSMENT**

Bad faith claims of sexual or other illegal or improper harassment are claims made when the person making the claims knows the claim is false but makes it anyway. Persons who make bad faith claims under this subsection will be subjected to disciplinary action up to and including termination.

## SECTION 23

### EMPLOYEE GROUP HEALTH BENEFITS

Approved _____
Replaces _____

#### **23.01 GROUP MEDICAL, DENTAL, VISION, DISABILITY AND LIFE INSURANCE**

- A. The Town makes available to all regular full-time employees and their dependents group medical, dental, vision, long term disability and life insurance ("Group Health Benefits") after completion of an eligibility period. Regular Part-time, Temporary and Seasonal employees are not eligible for any Group Health Benefits. The Town, during the annual budgeting process, shall establish the level of employee contribution for health benefits for the next fiscal year.
1. A Group Health Insurance Benefit Opt-Out is available to all full-time eligible employees if they decline Group Health Benefits. If a regular full-time employee wants to opt-out of Group Health Benefits, they must complete a health insurance waiver form. The Town, during the annual budgeting process, shall establish the level of the benefit opt-out amount for the next fiscal year.
  2. Currently, for those employees who elect to participate, the Town pays one hundred percent (100%) for the employee's health coverage. Family coverage is available at the employee's option. The current employee contribution rates are available from Human Resources along with various coverage options and other insurance types available. A Summary Plan Description explaining the plans, contributions, and how and where to file claims is also available through Human Resources.
  3. Full-time employees and their dependents are eligible for Group Health Benefits, the first day of the month following thirty (30) days of continuous employment. Part-time employees promoted to full-time status must fulfill the waiting period after the promotion prior to being eligible for benefits.
  4. All group plans are evaluated and revised periodically and are subject to change at the discretion of the Town. Therefore, the Town reserves the right to cancel or modify any and all Group Health Benefits for employees and eligible dependents, retirees, and retirees' spouses at any time with written or electronic notice to the participant(s). Plan summaries describing the specifics of the health benefits will be available to every eligible employee. Details for each benefit plan are available through Human Resources.

- B. The Town offers supplemental dental insurance, vision, cancer, critical care protection, hospital confinement indemnity insurance, short-term disability, life insurance and accident plans for employees who elect such coverage. The premiums are paid by the employee through an authorized payroll deduction. A booklet explaining the plans is available in Human Resources.

### **23.02 SECTION 125 PLAN**

The Town has an IRS-approved Section 125 Cafeteria Plan by which eligible employees may pay their share of group insurance premiums and supplemental insurance plans referred to in Section 23.01 (B) through payroll deduction. Contact Human Resources for details.

### **23.03 RETIREES' MEDICAL INSURANCE**

- A. Employees who retire from employment with the Town under a Town-sponsored Defined Contribution plan or the frozen Defined Benefit or Florida Retirement System plan are entitled to participate in the group medical insurance plan; provided, if the Town has a Medicare Supplement Retiree Medical Reduced Rate Plan, the employee will be entitled to participate only in the Retiree Medical Reduced Rate Plan. In the event the Town has no Retiree Medical Reduced Rate Plan, eligibility for participation in the Town medical insurance plan shall cease upon the retiree or the retiree's spouse (if the retiree is deceased) becoming Medicare eligible or becoming employed by an employer who offers participation in that employer's medical insurance plan, whichever first occurs. The retiree's participation in either the group medical plan or the Retiree Medical Reduced Rate Plan shall be conditioned on the retiree paying the entire premium for whichever plan is applicable by the seventh (7th) day of each month. Contact Human Resources for details on the Retiree Medical Reduced Rate Plans for retirees Medicare eligible.
- B. In the event of the death of a retiree, the retired employee's dependents who were enrolled in the plan at the time of the retirement and whose enrollment was active on the date of the retiree's death will qualify for 36 months of Consolidated Omnibus Budget Reconciliation Act (COBRA).

### **23.04 LONG-TERM DISABILITY INSURANCE**

The Town currently provides long-term disability insurance for regular full-time employees at no cost to the employee. The Town will advise of any change in this practice. The amounts, and provision, of the coverage are provided in plan documents that are available through Human Resources.

### **23.05 GROUP BASIC LIFE AND ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE**

Group Basic Life insurance helps provide financial protection by promising to pay a benefit in the event of an eligible member's, or his or her eligible dependent's, covered death. Basic Accidental Death and Dismemberment (AD&D) insurance may provide an additional amount in the event of a covered death or dismemberment as a result of an accident. The Town currently provides basic life insurance one times annual earnings to a maximum of \$175,000 for regular full-time employees at no cost to the employee. Employees may purchase additional voluntary life and dependent life insurance, which is paid by the employee through payroll deduction. Enrollment materials needed to elect coverage will be provided by Human Resources.

### **23.06 AETNA RESOURCES FOR LIVING**

The Town recognizes that employees may need assistance with difficult personal situations. Upon hire, all full-time and regular part-time employees and their families may utilize the services provided by Resources for Living.

It takes a great deal of courage to face problems and even more courage to seek help in coping with them. The Resources for Living is designed to make it easier for employees to obtain assistance when needed. Employees may voluntarily choose to use Resources for Living on a voluntary basis at any time and, when used voluntarily, the program and its use is entirely confidential. Additionally, in some circumstances, referral to Resources for Living may be mandated by the Town as part of a rehabilitation or disciplinary plan. For mandatory referral the employee will be required to agree, as a condition of continued employment, to allow the provider to furnish the Town reports as to the employee's participation and success. Such reports shall remain confidential except for members of management with an operational need to be advised as to the employee's participation and success. Qualified individuals are available to help identify problems and make referrals.

## SECTION 24

### RETIREMENT PLAN

Approved \_\_\_\_\_

Replaces \_\_\_\_\_

#### **24.01 SECTION 401(k) PLAN**

The Town maintains a Section 401(k) Retirement Plan for all full-time non-bargaining eligible employees and other eligible employees (all part-time employees may be eligible for retirement plan benefits, depending on number of hours worked). The Town historically matches a portion of the contributions made by those employees who elect to participate, with the exception of part time employees. Currently, after one year of continuous service, the Town matches twenty-five percent (25%) of the employee's contribution up to six percent (6%) of the employee's compensation, and after five (5) years of service, the Town matches fifty percent (50%) of the employee's contribution up to six percent (6%) of the employee's compensation. In both cases, the maximum Town contribution is three percent (3%) of the employee's compensation. Employee contributions are deferred for Federal income tax, through payroll deduction. All eligible non-bargaining employees are provided with a Summary Plan Description, which provides plan details.

#### **24.02 SECTION 457 DEFERRED COMPENSATION PLAN**

The Town maintains a Section 457 Deferred Compensation Plan for all regular full-time employees. Employees may authorize the Town to deduct a specified amount from their payroll checks to be forwarded to the Deferred Compensation Plan Administrator. Investments are managed by the 457 Plan's trustee under one of several investment options, or a combination thereof. The choice of investment options is made by the employee. Participation is voluntary, with the employee paying the entire cost to participate in the plan. During employment the only circumstances under which monies may be withdrawn without penalty prior to retirement, resignation or Plan termination is death or trustee approved financial hardship as defined by the Plan, or as otherwise provided by the Plan.

#### **24.03 ROTH INDIVIDUAL RETIREMENT ACCOUNT (IRA)**

The Town maintains a Roth IRA for all regular full-time employees. Participation is voluntary, with the employee paying the entire cost to participate in the plan.

#### **24.04 FROZEN PENSION PLANS**

The Town negotiated a plan freeze for both the Fire Chapter 175 Plan and the General employees' pension plan effective September 30, 2013. Subsequently, the Police Chapter 185 Plan was frozen effective February 1, 2014. In lieu of the defined benefit plan, the police officers and general employees opted for a Town-sponsored defined contribution (401(a)) plan and the firefighters opted to join the Florida Retirement System (FRS). Refer to the following ordinances: General (Ordinance 2013-15), Fire (Ordinance 2013-13) and Police employees (Ordinance 2013-14).

#### **24.05 CURRENT RETIREMENT PLANS**

- A. **DEFINED CONTRIBUTION PLANS:** The Town maintains a Section 401(A) Defined Contribution Retirement Plan benefit for all regular full-time employees. The Town contributes at no cost to employee a fixed percentage of the employee's base wages. The Town will match employees' voluntary contributions up to a maximum of 3%, depending on employee classification. Employees do not vest in the Town's contribution during the first five (5) years of employment. Upon completion of five (5) years of continuous employment, employees become one hundred percent (100%) vested.
1. Defined Contribution Plan (401(A)) **General** - Non-Bargaining - Effective October 1, 2013, all current and future eligible non-bargaining employees of the Town of Longboat Key participate in a Defined Contribution Plan established by the Town of Longboat Key. A Plan Description explaining the employer/employee contributions is available through Human Resources.
  2. Defined Contribution Plan (401(A)) **Police** - Effective February 1, 2014, all current and future eligible police officers covered by a collective bargaining agreement (CBA) between the Town and Police Benevolent Association (PBA) participate in a Defined Contribution Plan established by the CBA. The Town contributions are determined by the terms of the CBA. A Plan Description explaining the employer/employee contributions is available through Human Resources.
  3. Defined Contribution Plan (401(A)) **Police Management** – Effective February 1, 2014, all current and future eligible police management of the Town of Longboat Key participate in a Defined Contribution Plan established by the Town of Longboat Key (Police Deputy Chief, Police Lieutenant and Police Captain). A Plan Description explaining the employer/employee contributions is available through Human Resources.

- B. Defined Benefit Pension Plan (FRS) **Fire** – Effective October 1, 2013, all current and future eligible full-time and eligible part-time Firefighter Paramedics covered by a collective bargaining agreement (CBA) between the Town and the International Association of Firefighters (IAFF) become members of the Florida Retirement System, a compulsory, State administered retirement plan. All provisions governing the Florida Retirement System are established by Florida Law, or administrative rule of the Florida Department of Administration, and are subject to change from time to time. All the other requirements and limitations in IAFF Contract, Article 21, are subject to these Rules and any applicable collective bargaining agreement.
- C. Defined Contribution Plan (401(a)) for Management **“At Will”** Department Heads and **“At Will”** Managers of the Town of Longboat Key participate in a Defined Contribution Plan established by the Town of Longboat Key. A Plan Description explaining the employer/employee contributions is available through Human Resources.
- D. Unless otherwise prohibited by law or contract, the Town reserves the exclusive right to modify or eliminate the retirement plans including the Town contribution rates covered by this Personnel Rules and Regulations (PRR) Section 24 with written or electronic notice to affected participants.

#### **24.06 DETAILS AND COPIES**

Copies of the Summary Plan Description which includes the requirements for eligibility for each of the plans generally described in Sections 24.01, 24.02, 24.03, and 24.05 above have been provided to all eligible employees. Additional copies, as well as a copy of each entire plan, are available in Human Resources. The Summary Plan Description provides details as to eligibility, cost, benefits, and all other related matters.



## SECTION 25

### PERFORMANCE EVALUATIONS & MERIT INCREASES

Replaces 02/05

Revised 12.06. 22

#### **25.01 THE PERFORMANCE EVALUATION SYSTEM**

Performance evaluations (PE) are conducted before the end of an employee's initial probationary period. This period serves as a test period when the employee is serving "at-will". During the probationary review period, the manager and the employee should discuss job responsibilities, standards, and performance requirements of the new position.

Annual performance evaluations are scheduled to provide both supervisors and employees the opportunity to discuss job performance, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting specific jointly developed goals and objectives. They are also utilized as an important factor in transfers, promotion, discipline and merit wage increases.

#### **PERFORMANCE EVALUATION CYCLE AND PROCESS NON-BARGAINING**

**Annual Performance Evaluations shall be conducted as follows:**

- A. **June** – Employees will complete a **Self-Evaluation** and provide a copy to the employee's evaluating supervision by June 30th.

**July & August** – The Department Head/Supervisor will have one INITIAL meeting with their employees to discuss specific jointly developed goals/objectives for the current review year and the upcoming review year. After the INITIAL meeting the Department Head/Supervisor will review the employee's self-evaluation and will complete the **Employee Performance Evaluation**. All Department Heads must APPROVE, REJECT, or MODIFY all Employee Performance Reviews that are completed by a supervisor/manager. The Department Head's decision shall be made no later than August 10<sup>th</sup>.

**September** – Department Heads/Supervisors will have a ONE-ON-ONE meeting with the employee to review the Employee Performance Evaluation, review of the year-end score reflecting accomplishments of individual goals and deficiencies, and overall performance. Goals and timetables for the future will also be discussed. The employee will be given an opportunity to make comments on the evaluation. Employee comments

must be made at the time of the evaluation and cannot be added after the evaluation has been signed by the employee. The employee must sign the performance evaluation, but signing the performance evaluation does not necessarily mean that the employee agrees with the performance review, but simply acknowledges the receipt of the Performance Evaluation. This one-on-one meeting shall be completed by October 1<sup>st</sup>.

Employees who disagree with their performance evaluation should first discuss their concerns with their Department Head or Supervisor whose decision shall be final unless a claim of a violation of PRR Section 13 is raised, in which case, the Performance Evaluation will be submitted to and investigated by the Human Resources department and outside counsel if necessary. If agreement is not reached, the employee may bring this issue to Human Resources.

- B. Merit pay increases will be decided by the Department Head/Supervisor and forwarded to HR not later than August 10<sup>th</sup>. Merit increases are based on performance score, available budget, and the employee's current wage or salary. These increases are effective October 1<sup>st</sup>. The Human Resource Manager will provide individually addressed employee merit letters to the Department Head/Supervisor. The Department Head/Supervisor will provide the letters to their respective employees during their ONE-ON-ONE meeting to ensure they are notified of the increase prior to the pay date.
- C. Completed, signed copies of the Employee Performance Evaluation will be emailed to the Department Head/Supervisor and Employee. A final copy will be saved to the employee's personnel file.
- D. Volunteers will be evaluated on their performance during their first six months and then annually in June of each year.

#### **PERFORMANCE EVALUATION CYCLE AND PROCESS FOR IAFF (INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS)**

- A. Annual Performance Reviews are conducted on the employee's anniversary date.
- B. New Hires - IAFF – All newly hired employees are classified as probationary for the first year of employment.

#### **PERFORMANCE EVALUATION CYCLE AND PROCESS FOR PBA (POLICE BENEVOLENT ASSOCIATION)**

- A. Effective October 1, 2022, Annual Performance Reviews are conducted on the sworn officer's anniversary date.

- B. New Hires – PBA – All newly hired sworn officers are classified as probationary for the first year of employment.
- C. All newly hired sworn police officers will be evaluated at least once during the probationary period, in writing, using job-related measures and procedures.
- D. All newly hired sworn police officers may contest performance evaluations by informal means during the probationary period. This consists of meeting with the evaluator's supervisor within two working days after receiving the evaluation. This offers the employee the opportunity to clarify and fully voice a position and feelings regarding the evaluation. The reviewing authority will supplement the evaluation with the results of the meeting. Contested evaluations changed by informal or formal means will be retyped to reflect the final ratings. The contested evaluation may be attached to the retyped evaluation if desired.
- E. Probationary employees who receive a substandard mid-term evaluation shall be afforded a reasonable period of time to demonstrate satisfactory performance as determined by the Chief of Police.

## **25.02 CONTINUAL PERFORMANCE MANAGEMENT**

Department Heads/Supervisors and employees share responsibility for communicating about performance, and are strongly encouraged to discuss job performance and goals on a frequent and routine basis. These informed conversations, along with formal performance evaluations provide Department Heads/Supervisors and employees the opportunity to jointly monitor progress toward goals, discuss job tasks, identify and correct problems, encourage and recognize strengths, and plan positive, purposeful approaches for meeting objectives.

## **25.03 COMPENSATION PROGRAM GUIDELINES**

**FULL-TIME AND PART-TIME NON-BARGAINING EMPLOYEES** - Effective October 1 all non-bargaining unit employees are eligible for a **MERIT** increase if funds are available, based on their annual evaluation.

**DEPARTMENT HEADS AND "AT-WILL EMPLOYEES"** - Managerial employees who evaluate shall not deviate from the compensation policies without approval by the Town Manager. At-Will Employee salaries and wage increases will be determined by the Town Manager.

**NEW HIRES – NON-BARGAINING EMPLOYEES** – All newly hired employees are classified as probationary for the first six months of employment. Upon completion of a successful probationary period, an employee may be eligible for a 1.5% increase. Irrespective of receipt of the 1.5% increase following successful probation,

new hires are first eligible for merit increases the fiscal year following completion of one full year of employment.

**TEMPORARY STAFF “TEMPS”** – All newly hired Temporary Staff are classified as probationary the entire time they are employed as a TEMP and are eligible for merit increases the fiscal year following completion of one full year of employment.

**PROMOTED/TRANSFERRED EMPLOYEES** - Similar to newly-hired employees, promoted or transferred employees are classified as probationary for six months following promotion or transfer, and are eligible for a 1.5% salary increase following completion of successful probation. All promoted or transferred employees are not eligible for merit increases until the fiscal year following completion of one full year at the new position. For example, an employee who is promoted in March 2021 and completes one year in that position in March 2022 will be first eligible for a merit increase on October 1, 2023 (1 Year, 7 months).

**COLLECTIVE BARGAINING AGREEMENTS (CBA)** – Wages for bargaining employees are as set forth in the applicable Collective Bargaining Agreement.

#### **25.04 MID-YEAR JOB STARTS**

All new hires and employees with a job change should meet with their Department Head/Supervisor to develop performance goals during their initial months in the position.

**SECTION 26**  
**COMPENSATION**

Approved _____
Replaces _____

The Town provides a comprehensive Compensation Plan which is designed to provide wages based on merit, performance and years of continuous service that are competitive in our area and which encourage our employees to stay with the Town until retirement. The Compensation Plan is updated periodically based on studies done by the State, professional consultants employed by the Town and Town personnel. Copies of the Compensation Plan are available from Human Resources.

## SECTION 27

### DUI, DWI AND MOVING TRAFFIC VIOLATIONS

Approved _____
Replaces _____

#### **27.01 PURPOSE**

The safety and health of all Town employees and residents and the public in general is of utmost importance to the Town. Such concerns include attempting to ensure that employees who drive vehicles on the public roads, streets, and highway as part of their job maintain safe driving records and habits consistent with the Town's mission of conducting safe and efficient Town business, and to ensure the ability of the Town to maintain acceptable insurance protection at reasonable costs.

#### **27.02 DUI/DWI**

- A. When an employee is charged with DUI or DWI while on duty or driving a Town vehicle, Section 11.06 shall apply.
- B. Except as provided in subsection (A) above, when an employee who holds a driving position is charged with a DUI or DWI:
  - 1. The employee shall be suspended from his driving job pending resolution of the charge or charges. The suspension will be without pay, except the Town Manager, at his option, may elect to transfer the employee to a vacant non-driving position which the employee is qualified to perform at the non-driving position rate of pay.
  - 2. Upon acquittal, the employee shall be reinstated to his/her driving position or a similar driving position with back pay less any interim earning received from any source, including from the Town, and unemployment compensation. Acquittal is defined as a finding of not guilty after trial or dropping of the charges. Acquittal shall not include a plea of *nolo contendere* or reduction of charges. Employees who refuse breath, blood, or urine testing in violation of Florida State Statutes regarding implied consent shall be considered as convicted.
  - 3. Unless the law provides otherwise, upon first offense conviction, the employee shall be removed from his driving position for not less than twelve (12) months. Upon written request, the employee will be considered for placement in other non-driving vacancies in the Town for which he is qualified; however, he shall be given no preferential treatment because he is a Town employee. If the employee is not offered a non-driving job, he shall be terminated. If the employee is

offered and accepts a non-driving position, the employee's service record will remain unbroken.

4. An employee placed in a non-driving position or ex-employee terminated pursuant to subsection (3) above may not reapply for a driving job for twelve (12) months from the date of his removal from the driving job. Thereafter, those employees and ex-employees who reapply for a driving job will be given no preference but if otherwise qualified will be considered along with all other qualified applicants, and their past conviction will be considered along with other job related factors.
5. Upon conviction of a second DUI or DWI within three (3) years, an employee in a driving position shall be terminated from employment with the Town.
6. Upon conviction of a second DUI or DWI, an employee in a non-driving position as a result of the application from subsection (3), shall be permanently barred from a driving position within the Town.
7. Employees and applicants for employment who have never held a driving position with the Town, but who have been convicted of DWI or DUI not more than one time, may be considered for driving positions under the same conditions as employees who have been removed from a driving position because of a DUI or DWI conviction under subsection (3) above. Effective October 1, 2001, employees and applicants who have two or more DUI or DWI convictions regardless of the period over which they were obtained shall not be considered for driving positions.

### **27.03 MOVING VIOLATIONS**

- A. An employee in a driving position whose driver's license is revoked shall be terminated or, at the option of the Town Manager, may be placed in a non-driving position under whatever conditions the Town Manager considers appropriate, including disciplinary action under Section 11.
- B. An employee in a driving position whose driver's license is suspended shall be subject to disciplinary action under Section 11, and if not terminated, may, at the option of the Town Manager, be placed in a non-driving position and shall not be allowed to hold a driving position until his driving record has not been charged with any additional points from the date of the suspension as follows:

<u>Length of Suspension</u>	<u>Length of Time with No Additional Points</u>
Up to 30 days	1 year
Up to 90 days	3 years
Up to 365 days	5 years

- C. Return to a driving position under subsection (B) above shall be at the discretion of the Town Manager.
- D. Applicants for employment and bidders for driving positions that have more than twelve (12) points on their Florida driver's record shall not be considered.



## SECTION 28

### **EDUCATIONAL INCENTIVES AND BENEFITS**

Approved 1/19/19

Replaces 2.12.10

#### **28.01 TUITION**

The Town may authorize payment for tuition for courses it considers will be helpful to successful completion of the mission of the Town subject to budgetary constraints as follows:

- A. The Town Manager, or his designee, shall determine if the course or curriculum is related to the employee's job or contributes to the long range value of the employee to the Town.
- B. If the course is reimbursable through some other source, then provisions of the Town's education tuition payment plan shall not apply.

#### **28.02 ELIGIBILITY**

- A. Fulltime employment with the Town at least one (1) year, unless the Town Manager grants an exception.
- B. The educational training must be at the post high school level earning college credits toward a degree.
- C. No more than one (1) course per quarter or semester (or equivalent period of time) may be taken.
- D. No employee will be reimbursed more than two thousand dollars (\$2,000.00) in a calendar year unless previously approved by the Town Manager.

#### **28.03 REQUESTS AND PAYMENT**

- A. The employee must request to their Director, in writing prior to new fiscal budgets being finalized, by submitting a memorandum to their Director and Human Resource Manager with a school schedule attached prior to enrollment. The memorandum must state the name of the class and its cost. In order to process the request in a timely manner, employees should make every effort to request necessary funding as soon as school schedules are released. Failure to obtain approval in advance will result in requests for reimbursement being denied.

- B. Employees requesting reimbursement must also submit paid receipts upon completion of the class.
- C. Employees are encouraged to attend any accredited Florida college or university; however, tuition reimbursement shall be paid on either the USF Sarasota rates (for bachelor's or graduate degree courses) or State College of Florida rates (for associate's degree courses) OR the actual tuition cost charged by the school attended – whichever is less as calculated annually at the public college or university tuition rate. Employees shall not be reimbursed for mileage or personal expenses unless they are required to take the course by the Town Manager.
- D. The employee shall submit to the Human Resources Manager the final grade, certification, or degree immediately upon receipt from the school.

#### **28.04 REPAYMENT BY THE EMPLOYEE**

- A. Employees receiving the following grade will be eligible for the following reimbursement from the Town.
  - Grade A – 100% reimbursement
  - Grade B – 75% reimbursement
  - Grade C – 50% reimbursement
- B. The employee who receives any funds under this program shall be required to work for the Town for at least three (3) years from date money is received, or shall reimburse the Town for every dollar received upon termination. If the employee leaves after three (3) years but before five (5) years, 50% of the cost of the class will be reimbursable. The Town reserves the right to withhold the money owed from any final paycheck upon separation subject only to applicable law. The Town Manager may excuse repayment in whole or in part for circumstances he determines to be extenuating and justifiable.

## **SECTION 29**

### **DRUG-FREE WORKPLACE AND ALCOHOL POLICY**

#### **I. GENERAL POLICY (REVISED 09/13/18)**

The Town's Drug-Free Workplace Policy is aimed at ensuring zero tolerance to illegal drugs at all times and its alcohol-free policy to zero tolerance under circumstances that affect or might affect the safety and well-being of employees, citizens and others, or that adversely affect or might affect the effective operation of Town operations. This policy has been implemented in accordance with sections 440.101 and 440.102 of the Florida Statutes. In addition, all employees required to have a commercial driver's license (CDL) under Chapter 49 CFR, Part 383 are subject to the controlled substance and alcohol testing rules established by the Federal Department of Transportation under the Omnibus Transportation Employee Testing Act of 1991, in accordance with 49 CFR, Parts 40, 383, 392.4, and 392.5. Regulatory penalties for infractions are in addition to disciplinary action, up to and including termination of employment.

#### **II. PROHIBITIONS**

- A. Illegal Controlled Substances. The Town prohibits the use, distribution, possession, manufacture, cultivation, sale or attempt to manufacture, sell or distribute illegal controlled substances at any time whether on or off duty and whether on or off Town property. Illegal controlled substances are defined by applicable state and federal laws. Please be advised that marijuana, even if prescribed for a medical purpose and even if deemed lawful by some states for other purposes, remains an illegal controlled substance under federal law. As such, the Town strictly prohibits the use of marijuana for any purpose.
- B. Alcohol Abuse. Employees of the Town are prohibited from using or possessing alcohol while on duty; while on Town premises; while driving a Town vehicle; while operating a piece of Town equipment; or while being transported in Town vehicles at any time. In addition, employees are prohibited from reporting to work under the influence of alcohol and from otherwise using alcohol in a manner at any time which adversely affects or might adversely affect the interests or operations of the Town.

***Note: A sworn employee of the Town Police Department, or an employee acting under the direction of such, may have cause in the course of conducting Town business, to acquire and/or manipulate some form of alcohol or drugs for a duty purpose, and not for other non-job related reasons, and such shall be done in accordance with the officer's assigned duties and in accordance with Police Department Policies.***

## SECTION 29

### III. DEFINITIONS

- A. Mandatory Testing Position. Mandatory testing position shall mean a job assignment that requires the employee to:
1. Carry a firearm;
  2. Work closely with an employee who carries a firearm;
  3. Perform life-threatening procedures;
  4. Work with heavy or dangerous machinery;
  5. Work as a safety inspector;
  6. Work with children;
  7. Work with detainees in the correctional system;
  8. Work with confidential information or documents pertaining to criminal investigations;
  9. Work with controlled substances;
  10. Undergo an employee security background check pursuant to section 110.1127 of the Florida Statutes;
  11. Perform job assignments in which a momentary lapse in attention could result in injury or death to another person;
  12. Possess a CDL; or,
  13. Perform safety-sensitive job duties and responsibilities.
- B. Special Risk Position. Special risk position shall mean a position that is required to be filled by a person who is certified under:
1. Chapter 633 of the Florida Statutes (Fire Prevention and Control); or,
  2. Chapter 943 of the Florida Statutes (Law Enforcement).

### IV. LEGAL USE OF PRESCRIPTION AND NON-PRESCRIPTION DRUGS

- A. The legal use of prescription and non-prescription drugs is often necessary for specific, recognized and accepted medical purposes.

## SECTION 29

- B. Misuse— Unless used in accordance with a valid prescription from a medical professional or in accordance with accepted over the counter uses, the Town prohibits the use, distribution, possession, manufacture, cultivation, sale or attempt to sell or distribute prescription and non-prescription drugs.
- C. Required Reporting – In addition, such drugs can and often do have a direct impact on the vigilance, judgment and/or coordination of the employee and adversely affect the employee's job performance and the employee's ability to work in a safe and efficient manner. This is particularly true in safety-sensitive assignments such as those involving the operation of motor vehicles and other moving equipment, for example. Accordingly, employees are required to advise his or her supervisor if he or she is taking prescription or non-prescription drugs which have the potential to adversely impact the employee's job performance or the employee's ability to work in a safe and efficient manner. Upon being notified, the Town will evaluate the impact, if any, the drug has on safe and efficient job performance.
- D. As marijuana remains an illegal controlled substance under federal law, the Town strictly prohibits its use, even if otherwise prescribed for a medical purpose under state law.

## V. DRUG AND ALCOHOL TESTING

- A. Job Applicant Testing and Testing for Assignment to Special Risk/Mandatory Testing Position. Applicants for employment in special-risk and/or mandatory testing positions are subject to pre-employment drug and alcohol test as a prerequisite to employment with the Town. Current employees who are assigned to a special-risk and/or mandatory testing position from a non-special-risk or non-mandatory testing position are subject to being tested at the time of the assignment.
- B. Routine Fitness-for-Duty Testing. Employees may be required to submit to drug and alcohol testing as part of any routinely scheduled employee fitness-for-duty medical examinations.
- C. Follow-up Testing. Employees who enter into an employee assistance program or any similar rehabilitation program will be subject to drug and alcohol testing as a follow-up to such program. Follow-up testing will be conducted without advanced notice and at least once per year for a period of no less than two years.
- D. Reasonable Suspicion Testing. An employee will be subject to drug and alcohol testing whenever reasonable suspicion exists to believe the employee is using drugs or alcohol in violation of this policy or otherwise engaging in conduct in violation of this policy. Reasonable suspicion shall be based on specific, objective and articulable facts and reasonable

## SECTION 29

inferences drawn from those facts in light of experience. In making this determination, relevant factors may include, but are not limited to:

1. Observable phenomena, such as direct observation of drug use or of physical symptoms or manifestation of being under the influence of a drug or alcohol;
2. Abnormal conduct, erratic behavior or a significant unexplained deterioration in work performance;
3. A report of drug use, provided by a reliable source;
4. Evidence that an individual has tampered with a drug test during his or her employment with the Town;
5. Information that an employee has caused or contributed to an accident or injury while at work;
6. Evidence that an employee has negligently or recklessly operated a vehicle, equipment or machinery while at work;
7. Evidence that an employee has used, possessed, manufactured, cultivated, sold, solicited, or transferred drugs;
8. A pattern of frequent absences from work without a satisfactory explanation.

Supervisors who determine that reasonable suspicion exists to require an employee to submit to a drug and/or alcohol test are required to promptly document in writing the circumstances which formed the basis of the determination that reasonable suspicion existed to warrant the testing.

### E. Post-Accident Testing.

1. Mandatory Testing, Safety-Sensitive, and Special Risk Positions: Employees who hold mandatory testing, safety-sensitive or special risk positions (such as Equipment Operators, positions which require a CDL, police officers, firefighters, etc.) may be subject to drug and alcohol testing if he or she is involved in an accident on the job or while operating Town equipment at any time if (1) the employee was partially or wholly at fault, (2) the accident results in personal injury requiring medical attention or (3) results in a legal citation issued to the employee.
2. All Other Positions: All other employees will be subject to drug and alcohol testing when he or she is involved in an equipment or

## SECTION 29

vehicular work-related accident or a workplace injury only if, in the opinion of the Department Head, the circumstances of the accident or injury are such that the employee is subject to a reasonable suspicion drug or alcohol test as outlined in Section 29(V)(D) above.

- F. Random and/or Suspicionless Testing. Employees who hold special risk or mandatory testing positions are subject to drug and alcohol testing on either a random or a suspicionless basis.
- G. Other Lawful Testing. The Town reserves the right to conduct any other type of lawful drug or alcohol testing. Employees who are subject to the drug and alcohol testing requirements imposed by the Department of Transportation on operators of commercial motor vehicles must fully comply with this policy as well as the DOT-mandated Substance Abuse Policy for Commercial Motor Vehicle Operators. When safety-sensitive CDL employees are being tested pursuant to this policy (i.e., the non-DOT policy), the testing procedures set forth below shall apply. When safety-sensitive CDL employees are being tested pursuant to the DOT-mandated policy, the procedures set forth in that policy shall apply

## VI. DRUGS TESTED FOR AND COMMON MEDICATIONS THAT MAY AFFECT RESULTS

- A. Drugs Tested For. Employees will be subject to drug testing for the detection of the following illegal drugs/drug groups, as well as others that may from time to time be declared illegal by state or federal law:
- Alcohol (including a distilled spirit, wine, malt beverage or other intoxicating liquor)
  - Amphetamines
  - Barbiturates
  - Benzodiazepines
  - Cannabinoids (marijuana)
  - Cocaine
  - Methadone
  - Methaqualone
  - Opiates (heroin, morphine, codeine)
  - Phencyclidine (PCP)
  - Propoxyphene
  - Any other hallucinogen, synthetic narcotic, designer drug or a metabolite of any of the substances listed above
- B. Common Medications Which Could Alter or Affect Test Results. Certain prescription and non-prescription medications may alter or affect a drug or alcohol test. Employees and applicants that are subject to testing are obligated to

## SECTION 29

confidentially report any prescription or non-prescription medication which could alter or affect test results to the independent Medical Review Officer ("MRO"). The MRO is Dr. Randy Barnett, who can be reached at 100 Highpoint Drive, Suite 102, Chalfont, PA 18914 (Phone: 215-396-5500). Employees and applicants subject to testing have the right to confidentially consult with the MRO for additional or technical information regarding medications which may alter or affect test results. The most common medications which may alter or affect a test include, but are not limited to:

<u>Drug</u>	<u>Medication Which May Alter or Affect Test</u>
Alcohol	Liquid medications containing ethyl alcohol (ethanol). For example many cough syrups, Vicks Nyquil, Comtrex, Listerine contain alcohol
Cannabinoids	Marinol (Dronabinol, Tetrahydrocannabinol (THC))
Amphetamines	Obetrol, Biphetamine, Desoxyn, Dexedrine, Didrex, Ionamine, Fastine
Cocaine	Cocaine HCl topical solution (Roxanne)
Phencyclidine	Not legal by prescription
Methaqualone	Not legal by prescription
Opiates	Paregoric, Parepectolin, Donnagel PG, Morphine, Pectoral Syrup, Tylenol with Codeine, Empirin with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guaiatuss AC, Novahistine DH, Novahistine Expectorant, Dilaudid (hydromorphone), M-S Contin and Roxanol (morphine sulfate), Percodan, Vicodin, Tussi-organidin, etc.
Barbituates	Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebaral, Butabarbital, Butalbital, Phenrinin, Triad, etc.
Benzodiazepines	Activan, Azene, Clonopin, Dalmane, Diazepam, Halcion, Librium, Xanax, Serax, Tranxene, Valium, Verstran,



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	Paxipam, Restoril, Centrax
Methadone	Dolphine, Metadose
Propoxyphene	Davocet, Darvon N, Dolene, etc.

**VII. TESTING FOR ALCOHOL**

Where permitted under applicable law, the Town reserves the right to require an employee to submit to a Breathalyzer or other test when it has reason to believe Section 29.02(B) has been violated:

- Alcohol (including a distilled spirit, wine, malt beverage or other intoxicating liquor)

**VIII. TEST RESULTS**

The following procedures will be followed if an employee or job applicant has a confirmed positive test result:

- A. An employee or applicant who receives a positive confirmed test result may contest or explain the result to the MRO identified above within five working days. If the MRO determines that the employee's explanation is unsatisfactory, the MRO will report the positive test to the Town. The employee or applicant may contest a positive confirmed test result pursuant to this policy, section 440.102 of the Florida Statutes, or other applicable law. If an employee or applicant seeks to contest the laboratory result, it is his or her responsibility to contact the laboratory to advise of any administrative or civil proceeding challenging the results and to request that the test sample be preserved.
- B. Within 180 days of receiving written notification of a positive test result, an employee or applicant may, at his or her expense, have the positive sample retested at a different laboratory licensed and approved by the Agency for Health Care Administration.
- C. Within five working days after receipt of a positive confirmed test result from the MRO, the Town will inform the employee or applicant in writing of the test result, the consequences of the test result and any options that the Town may elect to afford the employee or applicant in accordance with this policy. Within five working days after receiving notice of a positive confirmed test result from the Town, the employee or job applicant may submit information to the employer explaining or contesting the test result and explaining why the test result does not constitute a violation of this policy. If the Town determines that the explanation is unsatisfactory, the Town will

## **SECTION 29**

provide a copy of the test result to the employee or applicant along with a written reason as to why the explanation was deemed unsatisfactory.

### **IX. CONSEQUENCES OF A POSITIVE CONFIRMED TEST, A REFUSAL TO SUBMIT TO TESTING OR TAMPERING WITH A TEST**

An employee who has a positive confirmed test, who refuses to submit to a test or who tampers with a test is subject to disciplinary action up to and including termination, may forfeit eligibility for workers' compensation medical and indemnity benefits and may forfeit entitlement to unemployment compensation. A job applicant who has a positive confirmed test, who refuses to submit to a test or who tampers with a test will be ineligible for employment.

### **X. CONFIDENTIALITY**

Absent written consent, all information, interviews, reports, statements, memoranda, and drug test results, written or otherwise, received or produced as a result of the Town's drug testing program are confidential, except for employees of the Town with a need to know the information, and exempt from the provisions of Chapter 119 of the Florida Statutes (Public Records Law) and may not be used or disclosed except as otherwise provided by section 440.102 of the Florida Statutes or other applicable law.

### **XI. EMPLOYEE ASSISTANCE PROGRAMS**

The Town has an Employee Assistance Program (EAP) with one of its missions being to assist employees who voluntarily self-report drug or alcohol related problems which have not yet adversely affected their job or Town operations and where the employee reports the matter prior to being asked to take a drug or alcohol test and prior to being found in violation of this policy. The Town may also require any employee in violation of this policy, whether he voluntarily reports his problem or not, to participate in the EAP or other medical and rehabilitative assistance programs as a condition for continued employment.

Employees with drug or alcohol related problems who wish to seek voluntary assistance through the EAP may contact the following EAP providers (or any other similar provider): Resources for Living 1-800-272-3626

#### *Other Helpful Numbers*

Drug-Free Workplace Helpline 1-800-Workplace (967-5752)  
Substance Abuse & Mental Health Svcs Admin Helpline: 1-800-662-HELP(4357)  
Alcoholics Anonymous 1-800-252-6465

- A. Employees Who Voluntarily Ask for Help. Employees with drug or alcohol related problems who wish assistance through the EAP may contact the

## **SECTION 29**

EAP Provider on a confidential basis. If the employee has a satisfactory performance record, the Town may grant the employee an unpaid leave of absence for a period determined by the Town to participate in a Town approved treatment or rehabilitative program. The employee will be responsible for all expenses resulting from the treatment or program to the extent they are not covered by insurance.

- B. Other Employees. In the event the Town discovers a violation of this drug or alcohol policy, or if the Town otherwise discovers an alcohol-related problem that adversely affects or may adversely affect the employee's performance or the Town business, the Town may proceed to discipline the employee up to and including discharge or, at the Town's option, require the employee to undergo approved medical or rehabilitative assistance. The employee will be responsible for all expenses resulting from the treatment or rehabilitation to the extent they are not covered by insurance. In the event the Town requires the employee to participate in the Employee Assistance Program, the EAP provider will keep the Town fully advised with respect to the employee's participation and progress.
- C. Return to Work. Employees who are granted a leave of absence to seek treatment in a rehabilitation program must successfully complete all EAP, medical and other rehabilitative requirements established by the Town for them within a reasonable amount of time, in order to be considered for return to work. The Town, in its sole discretion, will determine whether the employee will be given service credit for any unpaid leave under this policy, subject to applicable law.
- D. Re-Testing. Employees allowed to return to work after participating in a drug or alcohol rehabilitation program shall be subject to re-testing any time without notice and must submit to such test as and when directed by the Town.
- E. Mandatory Testing, Safety-Sensitive, and Special Risk Positions. Employees who hold mandatory testing, safety-sensitive or special risk positions shall not be permitted to remain in such positions while undergoing drug or alcohol rehabilitation.

## **XII. REPORTING VIOLATION OF THE POLICY**

- A. Reporting Violations. It is the obligation of every employee of the Town to report violations of the Town's drug and alcohol abuse policies. Failure to report may subject employees to discipline up to and including discharge.
- B. Any employee who in good faith, based upon reasonable suspicion or observation, reports an alleged violation of these policies, or any supervisory or managerial employee who investigates or take action in good

## **SECTION 29**

faith based on reasonable suspicion or observation shall not be harassed, retaliated against, or discriminated against in any manner for making reports, participating in the investigation or because of any reasonable action he takes as a result of the investigation.

- C. Bad Faith Claims. Any knowingly false reporting of a violation of the policies set forth herein shall subject the employee to immediate termination.

### **XIII. COORDINATION WITH THE HUMAN RESOURCES DEPARTMENT**

All action taken by supervisors under this policy must be coordinated through the Human Resources Department to ensure compliance with all applicable laws.

### **XIV. REPORTING AND CONVICTION OF ARRESTS AND/OR ALLEGED CRIMES INCLUDING DRUGS OR ALCOHOL**

- A. All employees must report to their supervisor any arrest, indictment, conviction, plea or pretrial interventions of any type (even if adjudication is withheld), of a drug or alcohol-related violation or alleged violation of law not later than the next work day after they become aware of it. Failure to so report may result in immediate termination.
- B. Upon conviction of a crime involving illegal drugs, the employee will be immediately terminated.
- C. Without regard to prosecution or conviction by appropriate governmental entities, the Town may, at its option, conduct its own independent investigation to determine whether this policy has been violated. If, in the opinion of the Town, it believes a violation has occurred, it will take whatever disciplinary action it deems appropriate regardless of the ultimate outcome of any criminal case that may be brought against the employee. The Town shall not be obligated to await the outcome of any pending criminal or legal action prior to taking disciplinary action.

## SECTION 30

### MISCELLANEOUS

Approved \_\_\_\_\_

Date 6/1/2023

#### **30.01 SMOKING - TOBACCO, E-CIGARETTES**

- A. The purpose of this policy is to protect the public health, comfort, and environment for citizens and employees by creating areas in public places and at public meetings that are reasonably free from tobacco smoke, to comply with applicable Florida Statutes, the Florida Clean Air Act, and problems created by the use of other tobacco products in the workplace.
- B. No person may smoke or use any tobacco product in any Town building, facility, or Town-assigned vehicle. This includes, but is not limited to, private offices, hallways, rest rooms, conference rooms, and break rooms, even with only one occupant.
- C. Smoking is permitted outdoors except for the following conditions:
  - 1. Whenever a safety hazard exists;
  - 2. In any area where smoking is specifically prohibited by federal, state, County, or Town Ordinance;
  - 3. In any area posted "No Smoking."
- D. The Town Manager shall be responsible for ensuring Town-wide implementation of this policy. Directors and Managers shall be responsible for uniform implementation of this policy in their respective work areas, facilities, assigned vehicles, and buildings.
- E. Violation of this policy shall subject the employee to disciplinary action up to and including termination.
- F. Citizens, clients, contractors, and visitors to Town facilities shall be expected to comply with this policy. Violators shall be requested to extinguish their smoking material or to leave the building/facility area if they refuse to do so.

#### **30.02 UNEMPLOYMENT COMPENSATION**

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

available of employee rights and responsibilities through Human Resources. Employees who are terminated for violation of the Town Drug Free Workplace Policy may not be entitled to unemployment compensation under Florida law.

- B. Any correspondence received by employees regarding unemployment compensation must be forwarded to the Human Resources Department upon receipt.

### **30.03 WORKERS' COMPENSATION**

The Town will pay regular full-time employees on leave covered by the workers' compensation law for the first six (6) months at their regular hourly rate for their regular straight time schedule, provided (1) they sign over to the Town checks for lost wages received from the workers' compensation insurance carrier and the Town Long Term Disability (LTD) carrier and (2) they fully cooperate with the Town or the Pension Board, whichever applies, in applying for LTD. After the first six (6) months, if the employee remains on workers' compensation, the employee may use accumulated but unused vacation and medical leave to supplement workers' compensation as provided in Sections 16.03 and 17.07.

### **30.04 DESKS, LOCKERS, OTHER TOWN PROPERTY/EQUIPMENT, PERSONAL PROPERTY**

- A. Employees may request a locker if available.
- B. All personal equipment, clothing, property and belongings, including, but not limited to, car trunks and lunch bags, brought onto the Town property or placed in Town property, as well as lockers, desks, file cabinets, and other Town equipment used by employees, are subject to inspection by management at any time if management has any reason to suspect they contain or may contain possession of anything which would violate a Town ordinance, or department rule, procedure, or policy, or any federal, state, or local law or regulation.
- C. In the event the employee is unavailable or it is deemed necessary to access any item described in Section 30.04(8) above without the employee's presence, the Director must request authority to access from the Town Manager. The Town Manager shall make the determination.
- D. The Town is not responsible for the personal property of employees which they bring onto Town property.

### **30.05 RECORDS AND REPORTS**

Human Resources is responsible for establishing and maintaining comprehensive central personnel records of all Town employees.

- A. A record of all leave earned by an employee will be maintained by Human Resources.
- B. All adjustments to an employee's leave balances (medical, vacation, wellness, or discretionary days) will be forwarded to the Finance Department by Human Resources. No adjustments will be made to an employee's leave balances without the review and approval of the Human Resources Manager or designee.
- C. At the close of each fiscal year, the payroll administrator will forward a current listing of employee leave balances to the Human Resources Department.
- D. All employee personnel records of the Town covered under the Human Resources Management System shall be maintained in the Human Resources Office and are considered the official employee records. All records and material relating to the administration of the Town Human Resources Management System shall be considered confidential to the extent allowed by law and the property of the Town.
- E. Employees should keep their personnel records current. This means immediately notifying Human Resources of any changes; such as, change of address (even if temporary) , change of telephone number, change of beneficiary, number of dependents, divorce, marriage, or any status change not previously reported, from that which was originally given at the time of employment. This is the responsibility of the employee and failure to comply may result in loss of employee benefits.
- F. Human Resources should be informed of any special training courses completed by an employee. Copies of diplomas or certificates shall be forwarded to the Human Resources Office to become a permanent part of the employee's personnel file.

### **30.06 EMPLOYEE TRAINING AND DEVELOPMENT**

It is the responsibility of the Town Manager, in conjunction with Department Directors and the Human Resources Manager, to foster and promote in-service training of employees. The purpose of this training is to improve the level of service rendered to the public, the quality of personnel, and to assist employees in preparing themselves for advancement in Town service. Department Directors, in cooperation with the Human Resources Manager, will establish standards for training programs, assure that training is carried out as approved, and prepare certificates or other forms of recognition to persons who satisfactorily complete approved courses and programs. The Human Resources Manager will provide assistance to Department Directors in developing and conducting training to meet specific needs of their departments and to assure that employee, supervisory, and management training are available to all departments.

### **30.07 DEDUCTIONS**

Federal withholding, Social Security, Medicare, and employee retirement contributions are deducted from employee paychecks in accordance with law and Town ordinance. Voluntary deductions authorized by the Town Manager are made only upon written authorization by the employee and approval by Human Resources and by the Finance Department.

### **30.08 CELL PHONES AND CELL PHONE STIPENDS**

When it is deemed that a Town employee has a need for a cell phone or cell phone stipend to effectively perform his/her job requirements, the Cell Phone Policy (Administrative Directive # 2) shall apply:

The Department Director shall submit a request for a cell phone or stipend by completing a request form along with justification for the employee's need to have a cell phone or cell phone allowance. The employee will be provided a copy of the Town's Cell Phone Policy and shall acknowledge acceptance of such terms and conditions therein.

### **30.09 WELLNESS DAYS**

All Full-Time employees are eligible to earn up to two (2) wellness days/shifts off each calendar year provided the absence is approved by the Director. Wellness days not used by the last day of the calendar year will be lost.

### **30.10 USE OF TOWN VEHICLES AND TAKE-HOME VEHICLES**

- A. Some Town employees are permitted to utilize Town vehicles in order to carry out their duties properly. Because Town vehicles are distinctly marked, the way they are operated has a direct impact on the public image of the Town. Employees operating Town vehicles shall adhere to the following rules:
  - 1. Operator will possess a valid State of Florida driver's license appropriate for the vehicle they are driving.
  - 2. All vehicular safety laws will be observed.
  - 3. Safety/seat belts will be used at all times when the vehicle is in operation.
  - 4. Employees must refrain from using cell phones while driving unless utilizing a hands-free device. When driving through a school crossing school zone or work zone, these are considered "hands-free" spaces where any phone activity while driving is illegal.
  - 5. In the event that a Town vehicle is involved in an accident, the



6. employee will immediately notify the appropriate law enforcement agency and the employee's immediate supervisor and the Finance Department - Risk Manager designee.
7. Town vehicles will be used for official business only; they will not be used for pleasure or personal business unless otherwise approved in advance by the Town Manager.
8. Employees shall not transport any persons other than Town employees in a Town vehicle. Notwithstanding the foregoing, employees may transport non-Town employees in Town vehicles when such transport is conducted in the course of official Town business.
9. Any employee who abuses or misuses a Town assigned vehicle or piece of equipment, or violates the rules set forth in this PRR section shall be subject to disciplinary action up to and including termination; and may also be responsible to the Town for any damages to any person, property, or vehicle including those owned by the Town, not covered by the Town insurance, which results from negligence of the employee.
10. When there is overnight use of a Town vehicle such vehicle may be used on a "de minimis" basis for an occasional personal errand when the vehicle is being used for business purposes, during a commute to or from work, or while being used at out of Town conference(s) or meeting(s). All overnight use of Town vehicles requires approval of the Town Manager before a vehicle is driven home. Such use will be authorized only if one or more of the following conditions are met:
  - a) The employee is a Director whose regular duties require frequent use of a vehicle overnight or whose responsibilities involve evening or weekend public appearances.
  - b) The employee holds a position with duties and responsibilities involving emergency services or involving on-call or standby status.
  - c) Other conditions determined by the Town Manager as necessary for Town operations.

B. In addition to the rules for operating a Town vehicle, all employees who are allowed overnight use of Town vehicles will adhere to the following rules:

1. Off-street parking will be provided by the employee when the vehicle is parked at the employee's residence when available.
2. The vehicle will be turned in to the employee's department when, for any reason, the employee is absent for more than five (5) days. In case of illness or inability to turn the vehicle in, the division or Director will be notified immediately.

3. The employee will be responsible to keep the vehicle in clean condition.
- C. Vehicle assignments may change from time to time, and each vehicle will be available for other purposes when not being used by the employee to whom it is normally assigned.
- D. All vehicles which are not to be driven home by employees will remain parked overnight in the building parking lot where the vehicle is assigned.
- E. In accordance with the requirements of the Deficit Reduction Act of 1984, income related to use of Town vehicles on an overnight basis will be reported for any employee so assigned with the exceptions noted below:
  1. The vehicle is a clearly marked emergency vehicle.
  2. The vehicle is a qualified specialized utility repair truck. The term "qualified specialized utility repair truck" means a truck (not including a van or pickup truck) specifically designed and used to carry heavy tools, testing equipment or parts where (1) the shelves, racks, or other permanent interior construction which has been installed to carry and store such heavy items is such that it is unlikely that the truck will be used more than a very minimal amount for personal purposes and (2) the employer requires the employee to drive the truck home in order to be able to respond in emergency situations for purposes of restoring or maintaining water or sewer utility purposes.
- F. It is the Director's responsibility to notify the Town Manager when overnight Town vehicle assignments are made or changed.
- G. The assignment of a Town take-home vehicle may result in taxable income to the employee pursuant to applicable IRS rules. Employees assigned a Town take-home vehicle are responsible for providing the Finance Department requested personal use data in order to report taxable income in accordance with applicable IRS Regulations. The different options available under IRS Publications will be analyzed, calculated, and consulted with the effected Employee prior to implementation.

### **30.11 SAFETY**

- A. All Directors, managers, and supervisors are to take all reasonable steps to ensure that Town employees work in an environment free from hazards and dangerous conditions which they observe or which, with the exercise of reasonable diligence, they should have observed. They also are responsible to enforce all Town, departmental, state, local, and federal laws relating to safety applicable to their area of responsibility and to report to the Town Manager any safety concern a reasonable person would or should consider significant.
- B. All employees are required to abide by all applicable Town, departmental

state, local, and federal safety laws and regulations applicable to their area of responsibility.

- C. All employees should report to their Department Head, the Human Resources Manager, and/or the Town Manager any condition, equipment, or practice they consider to be unsafe. In addition, a Workplace Safety Committee will function as an advisory body in matters of policy and procedures affecting safety programs.
- D. Employees who are required must wear safety equipment and clothing provided by the Town. Failure to do so will justify immediate termination.
- E. Employees shall report any work-related injury, even a small cut, bruise, or accident to their supervisor immediately. An Employee and Supervisor Accident Report will be completed.

### **30.12 WEAPONS IN THE WORKPLACE**

- A. **General Prohibition on Carrying Firearms and Weapons.** Subject to the limitations below, employees, volunteers, and contractors are prohibited from possessing or carrying firearms or weapons of any kind while on duty, while acting within the scope of employment or contractual duties, while attending a Town-sponsored event, or while on Town property. This prohibition applies even where the employee is otherwise licensed or legally permitted to possess or carry a concealed firearm or weapon while off duty.

Employees who violate this policy may be subject to discipline, up to and including discharge.

- B. **Exceptions and Limitations to General Prohibition.**

- 1. Consistent with Section 790.251 of the Florida Statutes, notwithstanding the general prohibition above, employees, volunteers and contractors are permitted to possess a lawfully owned firearm that is securely locked inside or locked to a private motor vehicle in a Town parking lot, provided the employee is lawfully parked in such area. Removal of the firearm from the vehicle may result in discipline, up to and including discharge.
- 2. Notwithstanding the general prohibition above, employees holding positions which have been expressly designated due to the employee's job responsibilities as requiring the carrying of a firearm or weapon (such as the Town's law enforcement officers), are permitted to carry firearms and weapons in accordance with Town and Department policies and directives regulating such activities.
- 3. Notwithstanding the general prohibition above, employees, volunteers and contractors are permitted to lawfully carry a concealed weapon or firearm while attending a Town-sponsored event or while on Town property, provided that the employee, volunteer, or contractor is (i) off duty, and (ii) attending the Town-sponsored event or on Town property as a member of

4. the public under circumstances where the public would be permitted to lawfully carry the concealed firearm or weapon.

### **30.13 REGULAR FULL-TIME AT-WILL EMPLOYEES-SPECIAL CONDITIONS**

Because regular full-time employees covered by Section 1.02(B) serve at the will and pleasure of the Town Manager and have no property right in employment or their position, they shall be entitled to:

- A. Ten (10) discretionary days each calendar year which they may take by the full hour or day; provided, the absence is approved by the Town Manager. Discretionary days/hours not used by the last day of the year will belost.
- B. Receive reimbursement for an amount equal to the required contribution percentage (%) for employees covered under the Defined Contribution Plan (401A) for Management "At Will."
- C. To accumulate up to four hundred eighty (480) hours of vacation.
- D. Subject to 30.12 (E) below, if terminated after six (6) months of continuous employment in a covered position, receive three (3) months gross severance at the employee's base monthly salary but shall not include allowance or stipends.
- E. In the event the employee is terminated for any of the following reasons as determined in the sole and exclusive discretion of the Town Manager, the employee shall lose the benefits set forth in A through D above as well as accumulated unused sick leave unless the law requires otherwise.
  1. Dishonesty connected to Town operations.
  2. Sexual or other illegal harassment.
  3. Failure to fully and truthfully cooperate in an investigation conducted by or conducted at the direction of the Town Manager.
  4. Willfully causing the Town to be charged with violation of any law.