

# TOWN OF WINDERMERE PERSONNEL POLICIES AND PROCEDURES

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PREAMBLE

THE TOWN OF WINDERMERE IS AN AT WILL EMPLOYER. ALL EMPLOYEES SERVE AT THE WILL OF THE TOWN.

NONE OF THE PROVISIONS OF THESE RULES SHALL BE DEEMED TO CREATE A VESTED CONTRACTUAL RIGHT IN ANY EMPLOYEE NOR TO LIMIT THE POWER OF THE TOWN MANAGER OR COUNCIL TO REPEAL OR MODIFY THESE RULES. THE PROVISIONS OF THE POLICIES AND PROCEDURES ARE NOT TO BE INTERPRETED AS PROMISES OF SPECIFIC TREATMENT, NOR ARE THEY OR ANY OTHER DOCUMENT PROVIDED TO AN EMPLOYEE OF THE TOWN TO BE CONSTRUED AS AN IMPLIED OR EXPRESS CONTRACT BETWEEN THE TOWN AND THE EMPLOYEE. ALL EMPLOYEES OF THE TOWN SERVE AT WILL AND HAVE NO EXPRESS OR IMPLIED CONTRACT OR GUARANTEED TERM OF EMPLOYMENT WITH THE TOWN.

CHAPTER I

GENERAL PROVISIONS

Policy 1.1. APPLICABILITY OF THE RULES.

- A. SUBJECT. General provisions regarding applicability of personnel rules to Town of Windermere employees.
- B. PURPOSE.
  - 1. These policies and procedures are enacted by the Town of Windermere in order to further the following goals:
    - a. To provide a uniform system of personnel administration throughout the Town service.
    - b. To ensure that recruitment, selection, placement, promotion, retention and separation of Town employees are based upon employee's qualifications, and are in compliance with federal and state laws.
    - c. To assist the Town Manager and the department directors in the development of sound management practices and procedures, and to make effective consistent use of human resources throughout the Town.
    - d. To promote communication between directors, supervisors, and employees.
    - e. To ensure, protect and clarify the rights and responsibilities of employees.
  - 2. Unless otherwise noted in the text of a particular policy, these policies and procedures shall apply to all Town employees.
  - 3. The Town specifically reserves the right to repeal, modify or amend these policies at any time with or without prior notice.
- C. POLICY. It is the policy of the Town that all employees adhere to the Town's personnel rules except as provided herein. It is the Town's policy that all employees serve at the will of the Town. The personnel rules provide a set of guidelines that will promote equal, non-discriminatory treatment of all employees and provide an understanding of these obligations and benefits of Town employment as long as it continues.
- D. PROCEDURE.
  - 1. All employees to whom these rules are applicable shall comply with the requirements of these personnel rules.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: \_\_\_\_\_

Policy 1.2. AMENDMENTS OF THE RULES.

- A. SUBJECT. Amendment of the rules.
- B. PURPOSE. To provide a uniform method for amending the personnel rules.
- C. POLICY. In order to promote the uniform application of the personnel rules, there needs to be a uniform procedure for adoption and amendment of the rules.
- D. PROCEDURE.
  - 1. Amendments to these rules may be proposed by the Town Manager and adopted by resolution of the Town Council.
  - 2. Amendments to these rules may be proposed by Town Counsel and adopted by resolution.
  - 3. The rule will become effective as prescribed in the resolution.
  - 4. If the resolution does not include the effective date, then it shall be 30 days after the date of passage of the resolution.
  - 5. In the event of the amendment of any ordinance, rule or law incorporated in this document or upon which these provisions rely, these rules shall be deemed amended in conformance with those changes.
  - 6. Amendments will be disseminated to all employees within a reasonable amount of time, which is normally 10 days of the effective date of the amendment.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: \_\_\_\_\_

Policy 1.3. CONSTRUCTION OF THE RULES.

- A. SUBJECT. Construction of the personnel rules.
- B. PURPOSE. To provide a uniform method for construction of the personnel rules.
- C. POLICY. Uniform construction of the personnel rules promotes equal, and non-discriminatory treatment to employees of the Town because it allows rules to be applied in the same manner to all employees.
- D. PROCEDURE.
  - 1. In the event of any conflict between these Personnel Rules and Regulations and the Town Charter, the provisions of the Town Charter shall prevail.
  - 2. In the event of conflict between these rules and any Town ordinance, state, or federal law or regulation, the terms and conditions of the ordinance or state or federal law or regulation shall prevail. In all other cases, these policies and procedures shall apply.
  - 3. If any ordinance, rule or law incorporated into the policies and procedures of the Town of Windermere is amended, then these policies and provisions shall be deemed amended in conformance with that change.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: \_\_\_\_\_

## CHAPTER II

### DEFINITION OF TERMS

#### Policy 2.1. DEFINITIONS.

- A. SUBJECT. Definitions to be used in interpretation of the rules.
- B. PURPOSE. To provide a definition for terms used in these rules.
- C. POLICY. The personnel rules shall have a uniform clean meaning and be easily understood.
- D. PROCEDURES.
  - 1. Any term used in these policies and procedures shall be as defined herein. If a term or word contained in a policy or procedure is not otherwise defined herein, it shall be treated as it is normally defined in everyday use.
  - 2. For the purpose of these personnel rules, the following terms shall apply.

ADMINISTRATIVE LEAVE— A leave of absence with pay during the investigation of alleged misconduct.

ADVERSE PERSONNEL ACTION – Adverse personnel action means the discharge, suspension, transfer, or demotion of any employee or the withholding of bonuses, the reduction in salary or benefits, or any other adverse action taken against an employee within the terms and conditions of employment by the Town or an independent contractor working for the Town.

ALLOCATION – Allocation means the assignment of an individual to an appropriate class on the basis of the type of work, difficulty, responsibility and other related job factors of the work performed.

ASSOCIATION MEETINGS – Meetings of a professional association devoted to a specific type of employment such as a police association.

AUXILIARY OFFICER – An employee who is not entitled to benefits who may work for the police department on a part time basis if called to do so and who is required to volunteer sixteen (16) hours per month to remain on the Town's Auxiliary Officer roster, and who is paid for hours worked over 16 in a month. An Auxiliary Officer is considered a volunteer unless he or she works more than sixteen (16) hours per month.

CHAIN OF COMMAND – Chain of command means the order of authority allocated to Town workers for reporting and management purposes.

CHAIN OF CUSTODY – Chain of custody refers to the methodology of tracking specified materials or substances for the purpose of maintaining control and accountability from initial collection to final disposition for all such materials or substances and providing for accountability at each stage in handling, testing, and storing specimens and reporting test results.

CLASS – Class means a position or group of positions which involves similar qualifications and is designated by a title indicative of the kind of work and for which the same pay range can be applied within reasonable equity.

CLASSIFICATION PLAN - An orderly arrangement of positions into separate and distinct classes so that each class will contain positions which have similar prerequisite qualifications.

COMPENSATION - Wages, salaries, fees, allowances and all other forms of valuable consideration or the amount of any one or more of them paid to an employee, by reason of service rendered in any position, but not including any allowances for expenses authorized and incurred as incidental to employment and which may be separately authorized and/or reimbursed.

COMPENSATION PLAN - A schedule of compensation established for the classes of positions so that all positions of a given class will be paid in the same wage or salary range established for the class.

COMPENSATORY TIME OFF- Time off with pay in lieu of overtime pay for irregular or occasional overtime work, or when permitted under agency flexible work schedule programs, time off with pay in lieu of overtime pay for regularly scheduled or irregular or occasional overtime work.

CONFIRMATION TEST, CONFIRMED TEST OR CONFIRMED DRUG TEST – This means a second analytical procedure used to identify the presence of a specific drug or metabolite in a specimen, which test must be different in scientific principle from that of the initial test procedure and must be capable of providing requisite specificity, sensitivity, and quantitative accuracy.

CONTINUING EDUCATION SEMINARS – This is a class or meeting which provides additional education credits necessary to maintain a license or certificate.

CONTRACT -- Contract shall include any contract or agreement, sale, lease, purchase, or purchase order.

DEPARTMENT HEAD - Employees of the Town designated to be the head of a department.

DEMOTION - A change in employment status from a position of one class to a position of another class having a lower maximum salary than the original class.

DISMISSAL/DISCHARGE - Complete separation of any employee from the employment of the Town by the Town. This does not include an employee resigning or retiring from employment with the Town.

DRUG – Drug means alcohol, including a distilled spirit, wine, a malt beverage, or an intoxicating liquor; an amphetamine; a cannabinoid; cocaine; phencyclidine (PCP); a hallucinogen; methaqualone; an opiate; a barbiturate; a benzodiazepine; a synthetic narcotic; a designer drug; a legal drug for which the employee does not have a prescription; or a metabolite of any of the substances listed in this paragraph and any substance deemed illegal under Florida Statutes. An employer may test an individual for any or all of such drugs.



DRUG REHABILITATION PROGRAM – This means a service provider, established pursuant to s. 397.311 (29)“Recovery support” means services designed to strengthen or assist individuals to regain skills, develop the environmental supports necessary to help the individual thrive in the community, and meet life goals that promote recovery from alcohol and drug use. These services include, but are not limited to, economic, vocational, employment, educational, housing, and other ancillary services

DRUG TEST OR TEST – This means any chemical, biological, or physical instrumental analysis administered, by a laboratory certified by the United States Department of Health and Human Services or licensed by the Agency for Health Care Administration, for the purpose of determining the presence or absence of a drug (including alcohol) or its metabolites.

EGREGIOUS CONDUCT – This is conduct of an employee while working for the Town that is: (a) grossly negligent or intentional; and (b) causes serious harm to the Town its employees or the general public; seriously demoralizes fellow employees; or could be considered criminal in nature.

EMPLOYEE ASSISTANCE PROGRAM (EAP) – This means an established programs capable of providing expert assessment of employee personnel concerns; confidential and timely identification services with regard to employee drug (including alcohol) abuse; referrals of employees for appropriate diagnosis, treatment, and assistance; and follow-up services for employees who participate in the program or require monitoring after returning to work. If, in addition to the above activities, an employee assistance program provides diagnostic and treatment services, these services shall in all cases be provided by service providers pursuant to s. 397.311 (29).

EMPLOYEE – This means a person who performs services for, and under the control and direction of, or contract with, the Town for wages or other remuneration, and any person employed by the Town or covered by the provisions of these rules.

FLEX TIME – This means time given off to a full time employee when required to work more than the normal hours of a workday during the same workweek.

FULL TIME EMPLOYEE—This means an employee who works a shift that on an annual basis would total no less than 2080 hours.

GROSS MISMANAGEMENT – This means a continuous pattern of managerial abuses, wrongful or arbitrary and capricious actions, or fraudulent or criminal conduct which may have a substantial adverse economic impact.

HARASSMENT – This is illegal verbal or nonverbal conduct that has the purpose or effect of creating an offensive, intimidating, degrading, or hostile environment, as defined by law, illegally interferes with or adversely affects a person’s work performance as defined by law.

IMMEDIATE FAMILY OR IMMEDIATE RELATIVE FOR ALL PURPOSES EXCEPT THE FAMILY AND MEDICAL LEAVE ACT – This includes spouse, child, parent, brother, sister, grandparents, parent-in-law, daughter-in-law, son-in-law, grandchild or persons related by blood or marriage residing in an employee’s home.

IMMEDIATE FAMILY OR IMMEDIATE RELATIVE FOR PURPOSES OF THE FAMILY AND MEDICAL LEAVE ACT – This means spouse, child and parent of the employee.

INDEPENDENT CONTRACTOR – This means a person engaged in any business who enters into a contract with the Town and is not paid a wage or salary by the Town. No federal or state withholding taxes are paid by the Town on behalf of any independent contractor.

INITIAL TEST – This means a sensitive, rapid, and reliable procedure to identify negative and presumptive positive specimens, using an immunoassay procedure or an equivalent, or a more accurate scientifically accepted method approved by the United States Food and Drug Administration or the Agency for Health Care Administration as such more accurate technology becomes available in a cost-effective form.

INTEREST. Interest is any direct or indirect monetary or material benefit accruing to a Town employee as a result of a contract or transaction which is or may be the subject of an official act or action by or with the Town (except for such transactions which would confer similar benefits to all other persons and/or property similarly situated). Interest includes: (1) interests in an employee's family, (2) any business entity in which stock or legal beneficial ownership is in excess of one percent (1%) of the total stock, or legal ownership is controlled or owned directly or indirectly by the employee, (3) interest in any business entity in which the Town employee is an officer, director, or employee, (4) interest in any person or business entity with whom a contractual relationship exists with the employee; provided that a contractual obligation of less than \$500 or a commercially reasonable loan or purchase made in the course of ordinary business shall not be deemed to create a conflict of interest.

JOB APPLICANT –A person who has applied for a position with the Town.

JOB DESCRIPTION - A narrative statement describing the current duties, responsibilities, general requirements and qualifications for a position.

LAYOFF - Separation of a regular employee from a position in the personnel system because of the reduction in workload available, lack of funds by the Town, abolishment of the position after study, material alteration in the departmental organization or for other related causes.

MEDICAL REVIEW OFFICER OR MRO – This means a licensed physician, employed with or contracted with an employer, who has knowledge of substance abuse disorders, laboratory testing procedures, and chain of custody collection procedures; who verifies positive, confirmed test results; and who has the necessary medical training to interpret and evaluate an employee's positive test result in relation to the employee's medical history or any other relevant biomedical information.

OPEN COMPETITIVE TEST – This means an examination, either written, oral or physical, which permits persons to compete who meet the requirements of a job vacancy. Eligibility to compete is not restricted to persons currently permanently employed by the Town.

OVERTIME - Overtime is the required performance of previously authorized work in excess of 40 hours per week for non-certified law enforcement employees and 84 hours biweekly for certified law enforcement employees.

PART-TIME REGULAR EMPLOYEE - An employee who regularly works less than the established workweek of the department and class in which he/she is employed.

PERFORMANCE EVALUATION - The periodic evaluation or appraisal of an employee's work performance, conduct, attendance and potential.

PERMANENT POSITIONS - A permanent position shall be one that is established in the budget and designated to be continuous in nature. It may be seasonal or part-time, but permanent to the extent that it is established by the budget, designated as permanent by the Town Manager, and filled with a regular or probationary employee.

POSITION - Employment involving an aggregation of duties to be performed and responsibilities to be discharged by one person, whether temporary, permanent, part-time, or full-time, occupied or vacant.

POSITION CLASSIFICATION - The relative allocation of a position within the classification plan based upon the current duties, responsibilities and general requirements of the position as compared to positions with the plan.

PRESCRIPTION OR NONPRESCRIPTION MEDICATION - means a drug or medication obtained pursuant to a prescription as defined by s. 893.02 or a medication that is authorized pursuant to federal or state law for general distribution and use without a prescription in the treatment of human diseases, ailments, or injuries.

PROBATIONARY EMPLOYEE - An employee who has:

- a. Not completed the required probationary period.
- b. Been placed into probationary status for a cause.

PROBATIONARY PERIOD - A working test period and an integral part of the evaluation, testing and/or examination process during which the employee is required to demonstrate fitness for the position by satisfactory performance of the duties of the position and by satisfactory conduct and attendance as prior conditions to receiving regular status. Upon successful completion of his/her probationary period, an employee shall be a regular employee.

- a. Initial probationary periods will normally be six (6) months in duration for all employees except for police officers which will be twelve (12) months in duration. An employee during his/her initial probationary period may be suspended or terminated without following the normal disciplinary procedure.
- b. Probation for cause—an employee may be placed on probation for cause:
  - i. By his or her Department Head or by the Town Manager;
  - ii. Probation for cause includes probation due to promotion, demotion, transfer, disciplinary actions, etc.
  - iii. Probation for cause may continue for such time as is considered necessary by the Town Manager.
  - iv. A decision by a Department Head to place an employee on probation for cause must be approved by the Town Manager prior to initiating the probationary period.
  - v. Any probationary period may be extended at the Town Manager's discretion if the employee has not fully demonstrated an ability to perform the job.

PROMOTION - The upgrading of an employee from a position of one class to a position of another class which has a higher maximum salary rate.

REASONABLE-SUSPICION DRUG (INCLUDING ALCOHOL) TESTING – This means drug (including alcohol) testing based on a belief that an employee is using or has used drugs (including alcohol) in violation of the Town’s policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Among other things, such facts and inferences may be based upon:

- a. Observable phenomena while at work, such as direct observation of drug (including alcohol) use or of the physical symptoms or manifestations of being under the influence of a drug (including alcohol).
- b. Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
- c. A reports of drug use, provided by a reliable and credible source.
- d. Evidence that an individual has tampered with a drug test during his or her employment with the current employer.
- e. Information that an employee has caused, contributed to, or been involved in an accident while at work.
- f. Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on the employer’s premises or while operating the employer’s vehicle, machinery, or equipment.
- g. “Safety-sensitive position” means a position in which a drug impairment constitutes an immediate and direct threat to public health or safety, such as a position that requires the employee to carry a firearm, perform life-threatening procedures, work with confidential information or documents pertaining to criminal investigations, or work with controlled substances; a position subject to s. 110.1127; or a position in which a momentary lapse in attention could result in injury or death to another person.
- h. “Special risk position means a position that is required to be filled by a person who is certified under chapter 633 or chapter 943 Florida Statutes.
- i. “Specimen” means tissue, hair, or a product of the human body capable of revealing the presence of drugs or their metabolites, as approved by the United States Food and Drug Administration or the Agency for Health Care Administration.

RECLASSIFICATION - The action taken to officially change an existing position to a different appropriate class because of a change in the duties, responsibilities, and/or requirements of the existing position, or because of an amendment of the classification.

REGULAR EMPLOYEE - An employee who is not a temporary employee and who has completed a satisfactory probationary period.

REGULAR FULL-TIME EMPLOYEE - An employee who has successfully completed the probationary period, is assigned to a position which is expected to continue for an indefinite duration, and works a shift schedule which will total no less than 2080 hours per year.

RESIGNATION - The voluntary termination of employment by an employee.

SICK LEAVE - An employee benefit that consists of time that the employee is released from duty and activity as an employee because of personal illness, injury, exposure to disease or doctor appointments as indicated in these rules.

SUSPENSION - A leave of absence without pay, during the investigation of alleged misconduct of the employee.

TEMPORARY EMPLOYEE - An employee for a period of up to 90 days, when regular employment for the job to be performed is not anticipated or an employee who is hired to fill a temporary position.

TEMPORARY FULL-TIME EMPLOYEE - A temporary employee who works a shift schedule which on an annual basis would total no less than 2,080 hours.

TEMPORARY PART-TIME EMPLOYEE - A temporary employee whose work assignment is limited in duration to 90 days or less, and works a shift schedule which on an annual basis would total less than 1,040 hours.

TEMPORARY POSITION - A temporary position is one that is established and approved by the Town Manager for a specific period of time since regular employment for the task is not anticipated. No such position can be established unless sufficient funds are provided in the budget. Appointments to temporary positions shall ordinarily be for a period of up to 90 days, except that the Town Manager may extend any appointment if conditions warrant.

TRANSFER - Change of an employee from one position to another position.

VACANCY - A position established in a current budget as duly created and not currently occupied by an incumbent.

VACATION - An employee benefit that:

- a. Consists of time during which an employee is released from duty or activity as an employee.
- b. That is separate and distinct from sick leave.
- c. That is earned and accrued based upon the employee's length of service.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: August 12, 2014

CHAPTER III

ADMINISTRATION OF RULES

Policy 3.1. RESPONSIBILITY FOR ADMINISTRATION OF THE RULES.

- A. SUBJECT. Responsibility for administration of personnel rules.
- B. PURPOSE. To provide a chain of command for the administration of these policies and procedures.
- C. POLICY. It is the policy of the Town that there shall be an orderly administration of the Town's personnel rules. This is promoted by an established chain of command.
- D. PROCEDURE.
  - 1. The Town Manager shall act as the Chief Executive Officer of the Town.
  - 2. The Town Manager shall carry out such duties as are prescribed under the Town Charter, ordinances, resolutions, these rules and from time to time as directed by the Town Council.
  - 3. The Town Manager, at his discretion, may delegate any or all of the duties assigned to him by these rules.
  - 4. Each Department Head shall report directly to the Town Manager on personnel issues. The Department Head shall carry out such duties as are prescribed by the Town Charter, ordinances, resolutions, these rules and the directives of the Town Manager.
  - 5. Employees within each department shall report to the person designated as his or her supervisor in the department and supervisors shall report to the Department Head. Employees shall carry out such duties as are prescribed for them in their job descriptions and as directed by their supervisor, Department Head and/or the Town Manager.
  - 6. Failure to follow chain of command may result in disciplinary action, up to and including termination, unless otherwise noted in other sections of these rules.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: \_\_\_\_\_

Policy 3.2. ADMINISTRATION OF EXAMINATIONS OR TESTS.

- A. SUBJECT. General administration of examinations or tests required.
- B. PURPOSE. To provide a procedure for the administration of tests required by these policies and procedures.
- C. POLICY. The Town's policy is that tests and examinations required by these rules be administered in a manner to promote fair and equal, nondiscriminatory treatment of all employees.
- D. PROCEDURE.
  - 1. The Town Manager shall give, or cause to be given, any examination or tests required or desired under the provisions of these rules.
  - 2. The Town Manager, at his discretion, may delegate any or all of these duties assigned to him or her by these rules.
  - 3. If an employee or prospective employee is required to complete a test, it shall be administered in a manner that fulfills all requirements of any law applicable to that particular department.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: \_\_\_\_\_

## CHAPTER IV

### RECRUITMENT AND HIRING OF EMPLOYEES

#### Policy 4.1. EQUAL EMPLOYMENT OPPORTUNITY.

- A. SUBJECT. Equal Employment Opportunity in hiring practices.
- B. PURPOSE. To establish a policy to ensure equal employment opportunity with the Town.
- C. POLICY.

It is the policy of the Town to ensure equal employment opportunity for all employees and appointed representatives. This commitment includes a mandate to promote and afford equal treatment and services to all citizens, employees and Town representatives, and to assure equal employment opportunity based on ability and fitness to all persons regardless of race, religion, color, creed, national origin, sex, sexual orientation, marital status, age, or the presence of any sensory, mental, or physical disability unless such disability effectively prevents the performance of the essential duties required of the position and which are bonafide occupational qualifications which cannot be accommodated without undue hardship.

The goals and objectives of the Equal Employment Opportunity Policy are to:

- 1. Ensure nondiscriminatory treatment in Town hiring, Town employment, and in appointments to and service on the Town boards and commissions.
  - 2. Provide compliance with State and Federal equal opportunity requirements and regulations.
  - 3. Provide a basis for encouraging those who do business with the Town to practice Equal Employment Opportunity.
- D. PROCEDURE.
- 1. The Town Manager Designee shall serve as the Equal Opportunity Officer to carry out the Equal Employment Opportunity Policy and Program.
  - 2. The Equal Opportunity Officer shall undertake the following actions to assure equal employment opportunities in the Town:
    - a. Assure that pay and fringe benefits depend upon job responsibility and, along with overtime work, are administered on a non-discriminatory basis.
    - b. Inform and provide guidance to staff and management personnel who make hiring decisions so that all applications for selections, promotion and termination, including those minorities and women are considered without discrimination and all applicants be given equal opportunity regardless of race, creed, color, national origin, sex, sexual orientation, marital status, age, or the presence of a disability unless such disability effectively prevents the performance of essential duties and functions required by the position and which are bonafide occupational qualifications which cannot be accommodated as required under the Americans with Disabilities A



- c. Provide orientation for all new employees specifically emphasizing how the Town assures equal opportunity. Encourage all employees to avail themselves of services rendered.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: \_\_\_\_\_

Policy 4.2. WORKPLACE MAKEUP.

- A. SUBJECT. Diversity and workplace equity.
- B. PURPOSE. To state the Town's commitment to build quality workforce representative of the community it serves.
- C. POLICY.
  - 1. The Town is committed to building a diverse workforce which reflects the face of the community it serves.
  - 2. By creating a workplace where everyone can work towards their maximum potential, the Town will be better able to retain quality, productive employees who will provide excellent services to its citizens.
- D. PROCEDURE.

To achieve workplace equity and inclusion the Town will:

- 1. Ensure that the Town does not discriminate in employment on the basis of race, color, religion, national origin, sex, sexual orientation, age, disability, marital status, creed, ancestry, or medical condition.
- 2. Make employment decisions based on job-related criteria and will provide opportunities for entry and promotion into non-traditional jobs where appropriate.
- 3. Ensure a workplace free of all forms of illegal harassment.
- 4. Develop a procedure for prompt, thorough and impartial investigations of discrimination or harassment complaints and will take appropriate measures to provide remedy or relief to individuals who have been victims of illegal discrimination, harassment or false accusations thereof.
- 5. Measures to ensure accountability for managing diversity will be incorporated into the performance management system for supervisors and managers. The chief executive officer will evaluate the effectiveness of our diversity policies and programs.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: \_\_\_\_\_

Policy 4.3. RECRUITING.

- A. SUBJECT: Employee recruitment.
- B. PURPOSE: To provide a uniform procedure for recruitment of the Town's employees.
- C. POLICY. A uniform procedure for the recruitment of Town employees will promote equal opportunity (as defined by law) in employee hiring practices.
- D. PROCEDURE.
  - 1. A need for recruitment of employees arises when any of the following occurs:
    - a. A vacancy in a classified position exists and it is determined that it will be filled. Wherever a vacancy is to be filled, the Department Head under whose authority the position falls shall notify the Town Manager of the need and shall indicate the class of the position.
    - b. A new position is proposed by the Town Manager and approved by the Town Council
    - c. Temporary help is necessary because of seasonal or other employment needs as set by the Town Manager.

In all of the above situations the Clerk's Office will be notified by the Town Manager of the need to advertise the position and to accept applications.

- 2. A vacancy in a classified position must be filled by appointment of a probationary or temporary employee.
- 3. All appointments to Town service shall be made according to merit and fitness. Merit and fitness may be ascertained by examination which shall be prepared by or under the direction of the Town Manager. Examinations shall relate to these matters that will test the capacity and fitness of the candidates to discharge efficiently the duties of the position for which the examinations are held. Examinations may include written, oral, physical or any other qualifications or attributes which, in the judgment of the Town Manager, enter into the determination of the relative fitness of the applicant.
- 4. Recruitment may occur by:
  - a. Insofar as it is practicable, vacancies in higher positions may be filled by promotion from lower classes.
  - b. The Town will advertise regular part-time and full-time vacant positions on the Town website. If insufficient application result from placement on the website, then the Town will advertise in the local newspaper or such other publication as the Town Manager deems appropriate. The Town will also post any notice of vacancies in the Town Administration Office bulletin board.
  - c. A position may be filled by transferring an employee from another position of the same class or similar class with essentially the same basic qualifications and having the same maximum salary. Transfers must be approved by both Department Heads concerned and the Town Manager.

- d. Discrimination against any person in recruitment, examination, appointment, training, promotion, or any other personnel action because of political or religious opinion or affiliation or because of race, sex, national origin, age, physical handicap, or any other non-merit factor is prohibited.
- 5. In determining successful candidates for any classified position, due consideration shall be given to such factors as education, training, experience, aptitude, knowledge, character, skills, abilities, physical fitness, references or other factors which may enter into the determination of the relative fitness of the applicant. It shall be the policy of the Town to comply with the requirements of Chapter 295 of the Florida Statutes in considering the employment of Veterans.
- 6. No application will be accepted unless a Vacancy has been posted by the Clerk's Office upon approval of the Town Manager.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: \_\_\_\_\_

Policy 4.4. PROBATIONARY PERIOD FOR EMPLOYEES

- A. SUBJECT. Probationary appointments of Town employees.
- B. PURPOSE. To require newly appointed employees to work for a period of time which will allow the Town to assess whether the employee is able to properly perform the duties of the position.
- C. POLICY. In order to determine the fitness of a new employee for the job he or she has been hired to fill, transferred or promoted. Every new employee or employee filling a new or different position must be a probationary employee.
- D. PROCEDURE.
  - 1. The probationary period shall begin immediately upon appointment and shall continue for a period of six months for all employees, except that the probationary period for a police officer shall begin upon appointment and continue for a period of 1 year or until such time as State law requires whichever is longer.

All recruiting and appointment of police officers shall be conducted as required by Chapter 943, Florida Statutes. Appointments of police officers shall be made in compliance with all other policies related to appointment of employees except as specifically noted in these Rules.

- 2. An employee who has been newly hired by the Town shall be retained beyond the end of the probationary period and granted regular status only if the Department Head affirms that the services of the employee have been found to be satisfactory and recommends to the Town Manager that the employee be given regular status.
- 3. An employee who has been transferred to a new position, either laterally or as promotion, shall have a six-month probationary period in the new job. The probationary period shall not be terminated at the end of six months unless the employee's supervisor determines the services of the employee are satisfactory and recommends to the Town Manager that the employee be given regular status in the new position. If the employee's work is not satisfactory at the end of 6 months, then the Town Manager may continue the probation, return the employee to the prior position he or she held if it is still available or to some other available vacancy that the employee is qualified for or terminate the employee's employment. If the employee returns to his or her prior position or to another position, his or her employment will be subject to another 6-month probationary period.
- 4. When an employee is promoted to a higher class or transferred laterally, his/her probationary service will not eliminate, slow or diminish his accrued rights to pay, longevity or leave provisions of these policies.
- 5. The probationary period may be extended at the discretion of the Town Manager for a period of up to six additional months.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: \_\_\_\_\_

Policy 4.6. TEMPORARY EMPLOYEES.

- A. SUBJECT. Temporary appointment.
- B. PURPOSE. To provide a uniform and nondiscriminatory method of hiring of temporary employees.
- C. POLICY. The Town may hire temporary employees when there is a need for an increase in the Town workforce that will be of a temporary nature. This will increase the efficiency of the workforce and use of Town resources.
- D. PROCEDURE.
  - 1. Temporary employees may be hired for the following purposes:
    - a. When an emergency problem arises for which there are not adequate numbers of employees to be able to reasonably resolve the problem;
    - b. When there are vacancies created by illness;
    - c. When there is a need for additional employees for temporary purposes;
    - d. When there is a need for seasonal employees; and,
    - e. At such times as the Town Manager determines a need for temporary employment exists.
  - 2. If a Department Head determines there is a need for a temporary employee, he or she shall bring this need to the attention of the Town Manager.
  - 3. The Town Manager or his or her designate shall determine when temporary employees are hired.
  - 4. Temporary employees may continue to work for a period of 90 days.
  - 5. The Town Manager may extend the temporary employee's position for such time as is necessary.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: \_\_\_\_\_

Policy 4.7. TEMPORARY POSITIONS.

- A. SUBJECT. Temporary positions.
- B. PURPOSE. To allow creation of temporary positions for seasonal or other purposes.
- C. POLICY. The Town may create temporary positions when there is a need for a position in the Town workforce that will be of a temporary nature and will increase the efficiency of the workforce and use of Town resources.
- D. PROCEDURE.
  - 1. Temporary positions may be created for the following purposes:
    - a. When there is a need for an employee position for a temporary purpose;
    - b. At such times as the Town Manager determines a need for a temporary position exists.
  - 2. The Town Manager shall determine the need for the temporary position. The Town Manager shall also determine the job qualifications and duties of the temporary position.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: \_\_\_\_\_

Policy 4.8. E-Verify.

A. SUBJECT. E-Verify.

B. PURPOSE. To establish policy to electronically verify the employment eligibility of new hires using the E-Verify system operated by the Department of Homeland Security in partnership with the Social Security Administration.

C. POLICY. Verify employment eligibility of new hires

D. PROCEDURE.

1. It is the Town's policy that the Clerk's Office or Town Manger's Designee will utilize E-Verify to confirm the employment eligibility of all new hires.
2. Potential Applicants that are not verified are not eligible for employment with the Town.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: \_\_\_\_\_



Policy 4.9. ANTI-NEPOTISM.

A. SUBJECT. Anti-Nepotism.

B. PURPOSE. To establish policy for the employment of members of an immediate family as defined by these rules in order to assure the reality and appearance of equality in the best interest of the Town.

C. POLICY. Employment of immediate relatives may create an atmosphere of bias and unequal treatment. To avoid this, no employees who are immediately related may work in a situation where unequal treatment could result.

D. PROCEDURE.

1. It is the Town's policy that immediate relatives will not be employed in regular full-time or regular part-time positions where:

- a. One relative would have the authority to supervise, appoint, remove, discipline or evaluate the performance of the other.
- b. One relative would be responsible for auditing the work of the other.
- c. Other circumstances exist which would place the relatives in a situation of actual or reasonably foreseeable conflict between the Town's interest and their own.

2. The exclusion should be limited to the job, work crew, shop or unit where the person for exclusion exists, and should not bar the person from the whole work force, unless the reason applies to the whole work force. When it is necessary to exclude a person because of what his or her spouse does, then the employees will be asked to recommend which spouse will keep the job and the final decision will be made by the Town Manager. Both employees will be terminated 60 days after marriage if they become in violation of this policy and a mutually agreeable solution cannot be reached between the Town and the employees.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: \_\_\_\_\_

Policy 4.10. EMPLOYMENT OF MINORS.

- A. SUBJECT. Minors working for the Town.
- B. PURPOSE. To establish procedure for employment of persons under the age of 18.
- C. POLICY. It is the policy of the Town to comply with all requirements of the law in the employment of minors.
- D. PROCEDURE.
  - 1. The Town, through the Clerk's Office or Town Manager's Designee, shall secure from the State any necessary permit to employ persons under the age of 18.
  - 2. Whenever a minor is employed as a regular or temporary employee, the Clerk's Office or the Town Manager's designee is responsible to:
    - a. Complete the parental authorization form and obtain necessary signatures (parent, guardian and school).
    - b. Obtain and photocopy the minor's proof of age document.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: \_\_\_\_\_

Policy 4.11. MINORS COMMUNITY SERVICE HOURS.

- A. SUBJECT. Minors donating time to the Town as public service hours.
- B. PURPOSE. To provide guidelines for community service programs within the Town.
- C. POLICY. Community service volunteer hours are an opportunity to allow the Town additional workforce resources and to allow the Town's minor citizens the opportunity to learn about local government and fulfill the requirement of scholarship programs or penalties.
- D. PROCEDURE.
  - 1. The Town Manager may approve any program within the Town to allow minors to donate community service hours to the Town.
  - 2. Individuals may make application to perform community service hours whether for scholarship programs or court requirement through the Clerk's Office or Town Manager Designee as permitted by law. Applications for minors must be signed by the parent or legal guardian in the presence of a witness.
  - 3. The Clerk's Office or Town Manager Designee shall survey from time to time the different departments to determine the need for community service hour workers.
  - 4. The applicant's background shall be checked and the applications approved by the Chief of Police and returned to the Clerk's Office or Town Manager Designee.
  - 5. The applicant shall be contacted by the Clerk's Office or Town Manager Designee to schedule work time or to notify the applicant that work has been denied.
  - 6. The Department Head shall be responsible for maintaining hours of service and shall provide documentation of hours to the worker and to the Clerk's Office or Town Manager Designee for file.
  - 7. All documentation and reports regarding the time volunteered by the minor, and all hours worked by the minor will comply with federal, state, local laws and regulations.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: \_\_\_\_\_

## CHAPTER V

### CLASSIFICATION AND COMPENSATION PLANS

#### Policy 5.1. CLASSIFICATION PLAN.

- A. SUBJECT. Inventory of employee positions.
- B. PURPOSE. The classification plan provides a complete inventory of all positions in the Town service as well as accurate descriptions for each class of employment. The plan standardizes titles, each of which is indicative of a range of duties and responsibilities and has the same meaning throughout the classified service.
- C. POLICY. It is the policy of the Town to clarify the duties and responsibilities of the Town employee through use of a classification plan. The classification plan consists of:
  - 1. A grouping into classes of positions which are or approximately equal difficulty and responsibility, which require the same general qualifications and which can be equitably compensated for within the same pay range under similar working conditions.
  - 2. A class title, descriptive of the work of the class, which shall identify each class.
  - 3. The classification plan may be coordinated with or overlay the compensation plan.
- D. PROCEDURES.
  - 1. Class Title - Class title shall be used in all official Town records. No person shall be appointed to, or employed in a position in the classified service under a title not included in the classification plan.
  - 2. Uses of the Classification Plan
    - a. In determining lines of promotion and in developing an employee training program
    - b. In determining salaries which are the Council's goal to pay for various types of work.
    - c. In preparing announcements for examination.
    - d. As a guide in preparing examinations which will measure the qualifications needed to perform the work of the class.
    - e. In determining personal service budget items.
    - f. In providing uniform job terminology which is understandable by Town officials, employees, and general public.
  - 3. Maintenance of the Classification Plan - The Town Manager is charged with the responsibility for the proper and continuous maintenance of the classification plan so that it will reflect on a current basis the duties being performed by each employee in the Town service. The administration staff shall recommend to the Town Manager any necessary amendments to the plan in the form of new classes and the abolishment of classes no longer required in the plan.

Re-allocations of positions within the approved classification plan shall be made as follows:

- a. The Town Manager shall make or cause to have made a study of each new position as it is created, and on the basis of the study, place the position into the appropriate class within the classification plan.
  - b. Changes in the duties and responsibilities of a position involving either the addition of new assignments or the taking away or modifying or existing assignments shall be reported to the Town Manager by the Department Heads. If these are determined to be permanent, or more than minor changes which justify the re-allocation to a different classification, the Town Manager shall place such position in its appropriate class.
  - d. The Town Manager shall periodically cause to have reviewed the classification of positions, and upon the basis of investigation make appropriate changes in the allocations to the classification plan
  - d. An employee affected by the allocation or re-allocation of a position in the classification plan shall be afforded a reasonable opportunity to be heard by the Town Manager after filing a written request. The Town Manager, after hearing the facts of the case, shall render his decision and such decision will be reported to the employee and to the Department Head in writing.
4. The position description does not constitute an employment agreement between the Town and employee and is subject to change as the needs of the Town and the requirements of the job change.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: \_\_\_\_\_

Policy 5.2 COMPENSATION PLAN.

- A. SUBJECT. Creation of a compensation plan.
- B. PURPOSE. To provide a plan for compensation of Town employees.
- C. POLICY. To promote uniform application of compensation so jobs within the classification plan and compensation are administered in a uniform manner. The Compensation Plan shall include:
  - 1. A basic table of pay rates.
  - 2. The schedule of salary grades for each title in the classification plan consisting of minimum and maximum rates of pay and intermediate steps. Each employee shall be paid at one of the rates set forth in the pay plan for the class of position in which he/she is employed.
  - 3. The compensation plan may be coordinated with or overlap the classification plan.
  - 4. The compensation plan includes levels of compensation that the Town would like to offer employees and plans to offer if funds are available but all raises and salaries are subject to budget consideration. If the Council determines there are insufficient funds to stay within the plan, it may change the salary grades.
- D. PROCEDURE.
  - 1. Development and Maintenance of Salary Grades - Salary grades shall be linked directly to the position classification plan and shall be determined with due regard to the following considerations:
    - a. Grades of pay for other classes.
    - b. Relative difficulty and responsibility of positions in the class.
    - c. Availability of employees in particular occupational categories.
    - d. Cost of living factors; the financial policies of the Town, other economic conditions; and budgetary constraints.

The minimum and maximum of each salary grade shall be those rates in the basic salary schedule which most nearly reflect these conditions and factors.

- 2. Salary Grades - Salary grades are intended to furnish administrative flexibility in recognizing individual differences between positions, in providing the employees with incentive in rewarding employees for meritorious service and longevity, and in meeting emergency conditions requiring pay adjustments. Prior to the preparation of each annual budget, and at other times as may be necessary, the Town Manager shall make cause to have made such comparative studies as he deems to be necessary relative to the factors affecting the level of salary ranges.
- 3. Salary Increases based upon merit – Except for cost of living increases which may be considered by the Town Manager on an annual basis, salary increases within appropriate pay grades shall be on the merit and fitness of the employee. A Department Head may recommend salary increases of more than one step and more frequently than once in a twelve-month period by preparing a special personnel evaluation specifying the employee's exceptional performance. Salary increases or decreases resulting from the overall adjustment of salary grade shall not prevent

increases within a grade in accordance with this section. Any salary increases must be within the budget for the year for the department in which the increase occurs.

4. Entrance at the Minimum

- a. Normally the minimum rate of pay for the class will be paid to a qualified person on his original appointment to a position. However, the Department Head may submit, in writing, to the Town Manager a statement of unusual circumstances that may exist which warrant employment at a higher rate in the pay grade.
- b. A trainee may be hired below the minimum rate of pay for the class. An employee designated as a trainee will be so identified by the placement of a parenthetical immediately preceding his/her class, e.g., (T) Secretary II.

Upon satisfactory completion of probationary period, the pay grade of a trainee may be adjusted to the minimum rate of pay for the class upon the recommendation of the Department Head.

5. Pay Rates in Transfer, Promotion or Demotion

- a. If the employee is promoted to a class with a higher pay grade, he/she should be placed in that step of the new pay grade which provides for at least an equivalent dollar amount to what the employee was making at the lower classification plus an increase of up to one step in the pay grade for the new class.
- b. If any employee is transferred to a class of work in the same pay grade or less, the employee should receive no salary increase at the time of the change.
- c. If the employee is demoted into a class of a lower pay grade, he/she should be placed into an appropriate step within the new pay grade as determined by the Department Head concerned.

6. Pay for Part-time Work - Whenever an employee works for a period less than the regular established number of hours per day, days per week, or weeks per month, the amount paid shall be proportionate to the time actually employed for the class. This provision does not apply to executive or administrative employees.

7. Hourly Rate - The Town Manager may determine what hourly rates of pay are to be used for certain individual positions within classes that are normally paid on a salary basis, when conditions of employment, in his opinion, warrant such action. The position description does not constitute an employment contract between the Town and the employee and is subject to change as the needs of the Town and the requirements of the job changes.

8. Cost of Living Increases – Cost of living increases may be considered by the Council on an annual basis based upon increases in the cost of living if the Council determines the Town is financially able to make such a salary increase. A cost of living increase shall be applied across the board to all salary grades in the same percentage.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: \_\_\_\_\_

## CHAPTER VI

### COMPENSATION FOR EMPLOYEES

#### Policy 6.1. TYPES OF EMPLOYMENT AND ELIGIBILITY FOR BENEFITS.

- A. SUBJECT. Types of employment and employee eligibility for benefits.
- B. PURPOSE. To establish guidelines and definitions for types of employment and for entitlement to benefits.
- C. POLICY. To promote uniform application of eligibility for benefits for Town employees.
- D. PROCEDURE.
  - 1. The types of Town employment are:
    - a. Probationary Employee: An employee on a trial status during the initial period of employment. All newly hired Town employees are on a probationary status. Probationary periods may be extended at the Town Manager's discretion if the employee has not fully demonstrated an ability to perform the job.
    - b. Regular Full-Time Employee: An employee who has successfully completed the probationary period, is assigned to a position which is expected to continue for an indefinite duration, and works a shift schedule which will total no less than 2080 hours per year.
    - c. Regular Part-Time Employee: An employee who has successfully completed the probationary period, is assigned to a position which is expected to continue for an indefinite duration, and works a shift schedule of 20 hours or more, but less than 40 hours, per week.
    - d. Temporary Full-Time Employee: An employee whose work assignment is limited in duration to 90 days or less, and works a shift schedule which on an annual basis would total no less than 2,080 hours.
    - e. Temporary Part-Time Employee: An employee whose work assignment is limited in duration to 90 days or less, and works a shift schedule which on an annual basis would total less than 1,040 hours.
    - f. Auxiliary Officer – An employee who is not entitled to benefits who may work for the police department on a part time basis if called to do so and who is required to volunteer sixteen (16) hours per month to remain on the Town's Auxiliary Officer roster, and who is paid for hours worked over 16 hours in a month.
  - 2. Employee compensation shall be stated in terms of hourly wage or biweekly salary.
  - 3. Entitlement to employee benefits shall be as follows:
    - a. Employees classified as regular full-time employees shall receive all employee benefits provided by the Town subject to any limitations provided for in these policies such as limits on vacation for a new employee during the first six months or has entered into a contract with the Town which excludes/includes certain benefits.



- b. Regular part-time employees shall be entitled to pro rata vacation and sick leave benefits. If the employee's regular schedule falls on a scheduled holiday, the regular part time employee shall be entitled to pro rata holiday benefits.
- c. Temporary employees do not receive vacation, holiday, or sick leave benefits.
- d. Employees are entitled to compensation and to payment of overtime as required by the Fair Labor Standards Act and as outlined in these policies.
- e. All employees except temporary and auxiliary officers become members of the Town Retirement System upon employment. Entitlement to benefits occurs as provided for under Town Policy.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: \_\_\_\_\_

## Policy 6.2. HOURS OF WORK

- A. SUBJECT. Hours of work.
- B. PURPOSE. To establish a policy setting uniform hours of work for employees.
- C. POLICY. To establish a uniform policy regarding work hours for employees. The standardization of working hours is necessary to provide:
  - 1. Continuity in access by and service to the citizenry.
  - 2. Facilitation of teamwork.
  - 3. Facilitation of supervisory assistance.
- D. PROCEDURE.
  - 1. Except as otherwise herein noted, the normal working hours for employees are eight (8) hours, from 8:00 a.m. to 5:00 p.m. This does not include personnel engaged in shift work including but not limited to, police officers and public works and such other departments that have shifts approved by the Town Manager.
  - 2. Each employee can take up to a one (1) hour unpaid lunch period. Employees are encouraged to leave their work area during their entire lunch break. It is a violation of this policy to perform any unauthorized work for the Town during a lunch break. Police officers due to scheduling, and utility and public work employees when working a project or emergency may be exceptions to the general rule. The lunch period will be scheduled to allow for continuous staffing of all departments with at least one person.
  - 3. Employees are expected to be at their work location and ready to begin work at the beginning of their work schedule. Non-exempt employees are not to report more than 15 minutes prior to when their shift begins.
  - 4. Occasions may arise when the service to the citizen can be improved through the adjustment of an employee's work hours. The Department Head shall obtain approval from the Town Manager for the adjustment in work hours.
  - 5. Individual requests for adjustment of working hours for personal reasons may be granted by the Town Manager.
  - 6. Advance notice of anticipated tardiness is expected; notice of unavoidable tardiness is expected as soon as known. Failure to do so will be construed as an unexcused tardiness, and the time missed will not be paid unless made up prior to the end of the work period. Tardiness must be made up during the work period in which it occurs. Town Administrative Employees must contact the Town Manager if the employee is late.
  - 7. Notice of anticipated absence is expected at least 30 minutes prior to start of shift when possible but no later than start of shift. Failure to do so will be construed as an unexcused absence and the day missed will not be paid, unless made up prior to the end of the work period. No employee shall leave their work location without first notifying his/her immediate supervisor.

8. Notification by another employee, friend, or relative is not considered proper notification except in an emergency situation where the employee is physically unable to make the notification.
9. Daily attendance records will be maintained by each department, including date and time absent and reason for absence. Attendance shall be a consideration in determining promotions, transfers, satisfactory completion of probationary periods, and continued employment with the Town. Frequent tardiness or other attendance irregularities shall be cause for disciplinary action. up to and including termination of employment.
10. Because of numerous federal and state regulations, employees must not take work to be completed at home unless authorized. All work performed for the Town should be performed during regularly schedule or authorized work hours. An employee must obtain prior authorization from the Department Head or Town Manager to work more than forty (40) hours per work week.
11. Weekend work and night work, except shift work, is strictly prohibited unless authorized by the Town Manager.
12. Hours for part-time and certain employees may vary from the normal office hours noted above due to the nature of their duties and will be determined by the appropriate Department Head, with concurrence of the Town Manager.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: \_\_\_\_\_

Policy 6.3. WORK PERIODS

- A. SUBJECT. Work periods.
- B. PURPOSE. To establish a policy setting uniform work periods for employees.
- C. POLICY. To establish work periods for purposes of the Federal Fair Labor Standards Act (FLSA).
- D. PROCEDURE.
  - 1. The work period for any commissioned police officers shall be twenty-eight (28) days. This work period starts at 6:00 a.m. and ends 28 days later at 5:59 a.m.
  - 2. The work period for all other Town employees shall be a seven (7) day period beginning on Monday at 12:01 a.m. and continuing to Sunday at 12:00 a.m. (midnight).
  - 3. The above referenced work periods may be changed to accommodate special work schedules.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: \_\_\_\_\_

Policy 6.4. EMPLOYEE TRAVEL AND OTHER OFFICIAL EXPENDITURES COMPENSATION PLAN.

- A. SUBJECT. Creation of a plan for employees who incur expenditures for travel and other official expenditures.
- B. PURPOSE. To provide for reimbursement to employees for official expenditures.
- C. POLICY. To promote uniform application of compensation for reimbursement to employees who incur official expenditures.
- D. PROCEDURE.
  - 1. The rates of pay do not include allowances for official authorized travel or other expenditures incurred in the conduct of Town business, or allowances made to an employee for the official use of his automobile. An employee will be reimbursed for such expenses as established by Town policy.
  - 2. All travel payments must be approved by the Town Manager in advance and shall conform to the allowances provided in Chapter 112.061, Florida Statutes. Reimbursement for travel expenses will be paid to an employee only upon submission of an itemized statement thereof and actual invoices and receipts.
  - 3. Official use of a personal automobile shall be reimbursed at the mileage allowance provided in the Internal Revenue Service, Publication 15, Circular E, Employer's Tax Guide.
  - 4. Unless meals are provided as a part of the registration for the event being attended by the employee, allowance for meals shall be governed by Florida Statute.
  - 5. If any meals are provided by the event being attended, the employee will not be reimbursed for those meals. If the event requires that the meal be paid for, the employee will be reimbursed for the cost even if it is in excess of the above-referred amounts.
  - 6. Employees shall use discount motels if available as part of the event being attended.
  - 7. This policy shall apply to all Town Employees including those exceptions listed in Policy 1.1.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: September 10, 2013

Policy 6.5. OVERTIME/FLEXTIME/COMPENSATORY TIME.

- A. SUBJECT. Overtime.
- B. PURPOSE. To establish a policy for overtime pay for employees.
- C. POLICY. It is the policy of the Town to provide overtime pay for employees in compliance with federal law.
- D. PROCEDURE.

1. Overtime

- a. As a general rule, the requirement of frequent and considerable overtime services in a department shall be considered evidence of under staffing or improper organization and may be subject to investigation by the Town Manager.
- b. Necessary overtime work required by emergency may be authorized by the Department Heads with approval of the Town Manager.
  - i. Non Exempt employees shall be compensated for overtime at the rate of time and one half for all overtime worked in excess of 40 hours per week as authorized by the Department Heads.
  - ii. Commissioned law enforcement officers who work shifts shall be compensated at a rate of time and one half for overtime in excess of 84 hours per 2-week period as authorized by the Police Chief.
  - iii. Salaried exempt personnel are not entitled to overtime pay.
- c. If an employee has used holiday time, sick leave time or vacation time during a pay period, said time shall not be considered as time worked for purposes of calculating overtime pay for that pay period.
- d. If a full time employee is required to remain on the job on a particular day within the work week for more than the number of hours performed on a regular work day, that employee shall be entitled to take time off as flex time within the same work week as authorized by the Department Head.
- e. If a full time employee is required to remain on the job on a particular day within the work week for more than the number of hours performed on a regular work day, that employee shall be entitled to take time off with pay in lieu of overtime pay or flex time to be used at a later date not within the work week.
  - i. Compensation Time shall be accrued at the same rate as overtime pay and may be banked to be used at a late date.
  - ii. A full time employee shall only accrue an annual maximum of 40 hours of compensation time. Annual accrual shall be in line with the Towns fiscal year.

- iii. A full time employee shall only accrue a maximum of 80 hours of compensation time.
- iv. Compensation time will be paid out at the same rate as overtime pay if there is a separation of employment.
- v. All use of compensation time must be approved by the employees appropriate supervisor.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: August 12, 2014

Policy 6.6. HOLIDAY PAY.

- A. SUBJECT. Holiday pay.
- B. PURPOSE. To establish a policy for paid holidays for employees.
- C. POLICY. It is the policy of the Town to provide paid holidays for employees.
- D. PROCEDURE.
  - 1. Eligible employees will receive holiday pay provided they:
    - a. Work a full shift on their last scheduled work shift prior to the holiday, or work a full shift on their first scheduled work shift following the holiday. Employees who are not able to work either of these two days because of illness will usually be required to provide a notice from their physician to receive holiday pay unless on previously approved sick leave.
    - b. Employees on approved vacation or sick leave with pay when a holiday occurs shall not be charged vacation or sick leave for the holiday.
  - 2. Eligible employees will NOT receive holiday pay if:
    - a. The employee is on layoff status; the employee is a temporary or seasonal employee; or the employee is on leave of absence when the holiday occurs.
    - b. The employee is requested to work during the holiday and refuses.
  - 3. Employees who work a traditional schedule and who are regularly scheduled to work on a day that is observed by the Town as a holiday are entitled to time off without loss of pay for that day.
    - a. Full time employees who are eligible to have the holiday off will receive pay for the number of hours they are normally scheduled to work with the exception of the half-day holidays for which the employee will receive four hours of pay.
    - b. Part time employees who are eligible to have the holiday off will receive pay for the number of holiday hours proportionate to their normal work schedule.
  - 4. Employees where shifts must be covered seven days per week and the holidays observed upon the day the holiday falls shall be compensated as follows:
    - a. Full Time Employees who through normal scheduling are required to work on a holiday will receive pay one and a half times (Holiday Premium Pay – HP) their normal regular rate of pay for the number of hours worked on the actual holiday.
    - b. Employees who work part time and who through normal scheduling are required to work on a holiday will receive pay one and a half times (Holiday Premium Pay – HP) their normal regular rate of pay for the number of hours worked on the actual holiday.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: \_\_\_\_\_



Policy 6.7. TIME SHEETS/PREPARATION OF PAYROLL

- A. SUBJECT. Time sheets/preparation of payroll.
- B. PURPOSE. To establish guidelines for preparation of employee time cards and Town payrolls.
- C. POLICY. Uniform guidelines for preparation of employee time cards and Town payrolls will assure compliance with all federal and state laws related to compensation.
- D. PROCEDURE.
  - 1. Employees are responsible for keeping their time and turning it in to the employee's Department Head.
  - 2. Time sheets are to be completed by the Department Head or designee. The time sheet shall include: employee name; employee number; department; pay period; hours to be compensated broken down on a daily basis into hours worked; holiday time, sick leave, compensatory time, vacation, leave without pay, etc; employee signature; and supervisor's signature.
  - 3. The time sheets shall be submitted to the Finance Department for processing no later than 10:00 a.m. on the first workday following the last day of a pay period. The Finance Department shall compute earnings as well as deductions. Any changes in salary shall be provided to the Finance Department on a form approved by the Town Manager. The form must be signed by the Department Head and the Town Manager.
  - 4. Paychecks/stubs will be distributed to the employee's Department Head unless other arrangements have been pre-approved. Pay may be made either by check or direct deposit. An employee's paycheck may be released to the employee's spouse, designated family member, or to another person only if authorized in writing by the employee. Employees are expected to cash their paychecks on their personal time.
  - 5. Payroll records shall be maintained by the Town for the time required by public records laws.
  - 6. Requests for corrections to the previous time sheet due to inadvertent oversights shall be submitted on the approved correction form to the Finance Department with the current periods time sheet.
  - 7. Falsification of time records for payroll purposes is reason for discipline up to and including termination of employment.
  - 8. Employees may direct inquiries concerning payroll matters to the Finance Department.
  - 9. Advance pay may be approved at the Town Manager's discretion in the event of an employee emergency. Advance pay and repayment shall follow the guidelines of the Advance Pay Request form.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: \_\_\_\_\_

Policy 6.8. PAYROLL DEDUCTIONS.

- A. SUBJECT. Payroll deductions.
- B. PURPOSE. To define required and voluntary payroll deductions for Town employees.
- C. POLICY. A uniform policy for payroll deductions for Town employees will assure all required deductions are made.
- D. PROCEDURE.
  - 1. The following deductions are required by law from each employee paycheck:
    - a. Federal Income Tax withholding.
    - b. Social Security.
    - c. Deductions authorized by law, such as garnishments and child support.
    - d. Any deductions authorized by Town Council
  - 2. The following deductions may be authorized by the employee:
    - a. Supplemental insurance.
    - b. Any other deduction as approved by Town Manager
  - 3. With each paycheck/stub, the Town employee receives a statement of deductions and earnings which itemizes the various deductions made, as well as appropriate cumulative totals. A record of sick leave and vacation time will also appear on the paycheck stub following successful completion of related probationary periods.
  - 4. It is the employee's responsibility to maintain current payroll deduction information with the Finance Department. Any changes for payroll deductions must be provided to the Finance Department 10 working days prior to pay date.
  - 5. Employees wishing to add or change their payroll deductions should contact the Finance Department. All changes must be provided to the Finance Department at least 10 working days before the change is to occur.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: \_\_\_\_\_

Policy 6.9. PAY PERIODS.

- A. SUBJECT. Pay periods.
- B. PURPOSE. To define a uniform pay period for Town employees.
- C. POLICY. A uniform pay period schedule for Town employees will assure compliance with federal and state compensation laws.
- D. PROCEDURE.
  - 1. Town employees are paid bi-weekly. There are 26 pay periods in the year.
  - 2. If a payday falls on any holiday, the day of pay shall be the last working day preceding the normal payday.
  - 3. Wages and salaries are calculated on an hourly basis.
  - 4. Checks are distributed by the Finance Department to each department by 10 a.m. on the Friday following the close of the pay period. Each paycheck/stub includes a statement of earnings, deductions, vacation, sick leave balances, and compensatory time balances for the period covered by the payment.
  - 5. All employees are required to enroll in direct deposit.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: \_\_\_\_\_

Policy 6.10. GARNISHMENT.

- A. SUBJECT. Garnishment.
- B. PURPOSE. To define a procedure for handling garnishment of an employee's wages.
- C. POLICY. A uniform policy for handling garnishment of a Town employee's wages will assure that garnishment orders are properly followed and that the rights of the employee are also served.
- D. PROCEDURE.
  - 1. Any notice of garnishment will be received and signed for by Town Manager as defined as a legal stoppage of a specified sum from wages to satisfy a creditor.
  - 2. The Town Manager will forward a copy of the notice to the Finance Department for processing.
  - 3. The Finance Department will make the necessary deductions from the employee's wages and a check for the garnished amount will be written and forwarded to the Creditor as directed.
  - 4. The Town Manager will notify the employee, in writing, that the garnishment has been received and will be processed on the next paycheck.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: \_\_\_\_\_

Policy 6.11. RETIREMENT SYSTEM.

- A. SUBJECT. Retirement system.
- B. PURPOSE. To outline procedures for the administration and eligibility of the Retirement System.
- C. POLICY. All Town employees, except those exempt per contract, participate in the Town Retirement System.
- D. PROCEDURE.
  - 1. All employees with certain exceptions as noted in Section 6.1 and exempt per contract, are required to participate in the Town Retirement System.
  - 2. The Town Retirement System provides for retirement benefits and disability protection when a member meets the plan requirements.
  - 3. Employees who plan to retire from the system are encouraged to contact the Town Retirement System Representative at least 90 days in advance of the anticipated retirement date to secure estimate of benefits information and to finalize the retirement date. This action should also be coordinated with the Finance Department and Town Manager.
  - 4. Eligible Employees will be credited with a year of vesting service for each year in which they work at least 1,000 hours. The Plan Administer will track the employees service and will calculate the employee's years of service in accordance with the Plan requirements.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: July 21, 2016

Policy 6.12. WORKERS COMPENSATION.

- A. SUBJECT. Workers Compensation.
- B. PURPOSE. To establish procedures for administration and eligibility for worker's compensation.
- C. POLICY. All employees are covered by State Worker's Compensation, a program of insurance to protect workers, their families and dependents from loss due to an accident or illness caused on the job.
- D. PROCEDURE.
  - 1. The program provides for payment of medical bills, physical and vocational rehabilitation, and financial compensation while the worker is disabled—either temporarily or permanently—and is unable to work. It also provides for lump sum payments for particularly serious injuries such as the loss of a finger, eye, foot, etc., and assures death benefits and compensation to the worker's family or dependents in the event the injury is fatal.
  - 2. Any employee involved in an injury or an occupational illness as defined by the Florida State Worker's Compensation law, must report the incident to his/her immediate supervisor or Department Head within the same shift or as soon thereafter as possible. The affected employee may also file an application for Worker's Compensation in accordance with applicable laws, rules or regulations. The Department Head will also provide the information to the Town Manager. Failing to notify his/her supervisor could affect the employee's ability to obtain coverage and benefits.
  - 3. If employee is able to return to duty with temporary modified or light duty restrictions.
    - a. If the authorized physician for an employee, who suffers a work-related injury, sets forth in writing that the injured employee is able to return to work with some restrictions or modifications to the employee's job duties, on a temporary basis (thus the employee has not reached maximum medical improvement), the Town will attempt to provide light duty or modified work for the employee, if possible. Some, but not all positions, may be able to be modified.
    - b. The Town is not required to create light duty positions for workers' compensation injuries. However, if an employee who suffers from a work-related injury is in a position that is able to be modified for light duty or the employee is offered a light duty position for which the employee is qualified, the light duty or modified position will be for a maximum of ninety calendar (90) days for workers' compensation purposes. Other laws may require an extension of this time period.
    - c. If the need for the restriction or modification exceeds ninety (90) days, the position is not able to be modified to comply with the physician's restrictions, and/or the employee is not qualified for a light duty position, the employee may be placed on leave of absence, if eligible and applicable, and only to the extent required by law.
    - d. If an employee refuses to accept to work in a modified position or another position that complies with the physician's restrictions, the employee may lose his/her workers' compensation benefits and may be terminated from his/her

employment.

3. Hours lost due to the injury or occupational illness should be reported on the employee timesheet as "wc" and such hours will not be charged against the employee's accrued sick leave, vacation leave, or other compensated leave time available but will be paid for the first seven (7) calendar days until the Worker's Compensation claim has been processed. Once the eligibility for payment under Worker's Compensation has been approved by the insurance company, the employee should endorse his/her benefit check to reimburse the Town for wages paid during the employee's initial absence prior to approval. At the same time, any leave used for the injury or illness will be reinstated to the employee's record by the Town. No employee shall receive sick leave or use vacation time as a result of a job injury, illness or disease incurred while employed by another employer.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: August 26, 2016

Policy 6.15. GROUP INSURANCE.

- A. SUBJECT: Group insurance.
- B. PURPOSE. To establish procedures for providing group insurance to employees.
- C. POLICY. It shall be the policy of the Town that a comprehensive group insurance plan will be provided for all regular full time employees as long as the Town budget allows such coverage.
- D. PROCEDURE.
  - 1. The Town currently provides a comprehensive group insurance plan for all regular full time employees which includes provisions for hospitalization, medical, dental, vision and prescription services, and life insurance. The Town may make available at the employee's election and expense a dependent's plan at cost to all full-time, regular employees of the Town. When approved by the Town Council, the Town may contribute some portion or all of the cost of the dependent's coverage. Detailed provisions shall be obtained from the Town Manager and from the plan documents.
  - 2. The Town Council may change the insurance provided to employees at any time based upon budgetary concerns.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: \_\_\_\_\_



CHAPTER VII

LEAVE

Policy 7.1. HOLIDAY LEAVE.

- A. SUBJECT. Employee Holiday Leave
- B. PURPOSE. To establish holiday leave procedures.
- C. POLICY. It is the policy of the Town to provide holiday leave to Town employees for certain official holidays.
  - 1. This policy shall apply to all full time regular employees and part time regular employees.
- D. PROCEDURE.
  - 1. Holidays
    - a. The following shall be observed by the Town as official holidays:

New Years Day	Martin Luther King Jr Day	Memorial Day
Independence Day	Labor Day	Thanksgiving Day
Friday after Thanksgiving	Christmas Eve	Christmas Day
Floating Holiday	New Year's Eve	
    - b. Holiday pay shall be as provided for in Policy 6.6.
    - c. Holidays will begin at 12:00 midnight and end at 11:59 p.m. Time worked on a holiday shall consist of only the actual hours worked between the beginning time and the ending time of the observed holiday.
    - d. When a holiday falls on Saturday, the Friday immediately preceding shall be observed as the holiday. When the holiday falls on Sunday, the Monday immediately following shall be observed as the holiday.
    - e. Sub Section d. shall not apply to the police department employees who work 24/7 shifts. For those employees the holiday shall be observed upon the day the holiday falls.
    - f. Each Department Head will endeavor to assure that work on holidays is shared by all employees who qualify for the type of work.
    - g. Each Department Head will endeavor to assure that no employee is required to work the same holiday in consecutive years, nor be required to work two consecutive holidays unless the holidays are on two consecutive days (i.e. Thanksgiving and Friday). An employee may work consecutive holidays at their request.
    - h. An employee may select one day as their Floating Day within the 26 pay periods of each fiscal year provided:
      - i. The employee has given not less than 28 calendar days written notice to

his/her immediate supervisor; provided, however, the employee and supervisor may agree upon an earlier date.

- ii. The number of employees selecting a particular day off does not prevent the Town from providing continued public service. Floating Days must be taken during the fiscal year of entitlement or the day shall lapse, except when an employee has requested the day and been denied more than one time during the year, unless the request is made during the last three (3) pay periods of the fiscal year and denied.
  - iii. When the number of requests for a particular day would impair department operations, if granted, the following criteria shall be used to determine which requests are allowed:
    - a) The holiday shall be granted to employees in the order in which the requests for the holiday date are submitted, with the earliest request receiving first priority.
    - b) In the event several requests are submitted on the same day, requests shall be granted based on employment seniority.
    - c) Final authority for approving or disapproving holiday requests shall rest with the Department Head based on department operational necessity. Any disapproval shall be communicated to the employee involved as soon as possible.
    - d) Floating Days may be combined with vacation or other leaves. Unused Floating Days will not be paid out to an employee upon their termination.
    - e) Employee requests should be made on the proper form to the immediate supervisor.
    - f) Approval or disapproval shall be recorded by the supervisor on the form and returned to the employee.
2. The Town will make reasonable accommodation for the religious holiday needs of employees to the extent required by law.
- a. If an employee requests time off to observe religious holidays which falls during their normal work hours, the department should make reasonable efforts to allow time off for the holiday. Employees may use their Floating day or vacation leave for religious holidays. Employees should request such leave at least four (4) weeks in advance, to permit the department to accommodate the requests.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: November 13, 2012

Policy 7.2. VACATION LEAVE.

- A. SUBJECT. Employee vacation leave.
- B. PURPOSE. To establish a procedure to provide time for vacation leave for employees.
- C. POLICY. It is the policy of the Town to provide vacation leave to Town employees. This promotes a healthy and rested employee work force.
- D. PROCEDURE.
  - 1. Accrual rate - Regular, full-time Town employees shall accrue vacation credits for each period of employment on the following basis unless otherwise agreed upon per contract.
    - a. 80 hours per year or 3.077 hours per pay period, for the first twelve months of employment.
    - b. 96 hours per year or 3.69 hours per pay period, from the beginning of the second year through the end of the fifth year of employment.
    - c. 120 hours per year or 4.615 hours per pay period, from the beginning of the sixth year to the end of the tenth year of employment.
    - d. 160 hours per year or 6.154 hours per pay period, from the beginning of the eleventh year of employment.
  - 2. The accrual shall occur at a rate of accrual hours divided by pay period listed above unless otherwise agreed upon per contract.
  - 3. Current Employees shall accrue the number of vacation hours allotted per previous vacation accrual rules divided by the amount of time until their anniversary date and be credited for that accrual. Ex: Employee's anniversary date is October 1, on that date they would receive 40 hours of vacation, On March 14, the employee would be credited with 16.33 vacation hours and begin accrual based upon the new formula.
  - 4. Current Employees would be credited with previously accrued vacation hours.
  - 5. An employee hired during the first week of the bi-weekly pay period shall accrue vacation leave from the first day of that pay period. An employee hired during the second week of the bi-weekly pay period shall accrue vacation from the first day of the next pay period following.
  - 6. Vacation leave shall be expended in increments of not less than one (1) hour.

7. Vacations shall be scheduled at such times as the Department Head finds most suitable after considering the wishes of the employee and the requirements of the department. All requests for vacation must be approved by the Department Head prior to the commencement of the requested vacation. Unless there is a personal emergency, vacation requests must be presented to the Department Head by the employee at least two (2) weeks in advance of the requested vacation.
8. If an employee transfers from one department within the Town to another, the vacation leave credits shall also be transferred.
9. The established period of determining vacation credit will be from the employee's date of hire. Vacation credit earned by an employee cannot be transferred to another employee.
10. Temporary employees shall not earn vacation nor be entitled to vacation upon separation.
11. Vacation leave will not accrue while an employee is on leave of absence without pay.
12. Paid holidays occurring during vacation are not charged as vacation time.
13. Employees may not accrue more than 160 hours of vacation time.
14. Use of Vacation Leave.
  - a. Vacation leave credits shall accrue, but ordinarily may not be used during the first six months of employment unless specifically approved by the Town Manager. Should, due to an emergency, vacation time be required before it is accrued, an employee may request an advance of up to 5 days in any given year. Advanced vacation time will be deducted from the employee's accrual as soon as the time is accrued. Should an employee leave or be terminated prior to repayment of advanced vacation time, it will be charged to the employee.
  - b. Vacation leave shall be requested in advance to the employee's Department Head who shall have the right to determine if the work schedule permits the absence of the employee during the requested period.
  - c. Upon reasonable notice to the employee, a Department Head may require an employee to use vacation leave. The Town reserves the right to rearrange vacation schedules, to require employee to take vacations at certain times, as circumstances may prescribe. Further, the Town Council may alter its vacation policy at any time.
  - d. Vacation leave may be used in conjunction with the sick leave upon request of the employee and when the employee's sick leave credits have been exhausted.
15. Payment of Vacation Leave Credits.
  - a. An employee will only be paid for accrued but unused annual leave credits only after completing the probationary period, upon resignation, and if the employee gives a two-week notice unless otherwise agreed upon by the Town Manager.

- b. The Town Manager may at his/her own discretion, pay out an employee for accrued but unused annual leave up to 40 hours per year if it is determined that the employee was unable to take leave during the year to avoid accruing over the max allotment of 160 hours.
  - c. Employees entitled to be compensated for accrued but unused annual leave shall as provided for under subsection 15(a) and 15(b), shall only be compensated for accrued but unused annual leave up to but not to exceed 160 hours.
- 16. Vacation leave may not be accumulated and must be taken during the twelve months following the month of accrual. If vacation leave is not taken during the twelve months following the month of accrual, and the maximum allowed for the accrual rate is reached, the employee shall not accrue any further vacation leave until the employee utilizes a part of the accrued time. The employee will not be able to recapture the time not accrued due to being at maximum. If an employee uses a part of the accrued time total, accrual shall begin again. The employee shall never accrue more than the maximum allowed for the accrual class they are in.
- 17. Regular, Part time employees shall accrue prorated vacation hours based on the number of hours worked.
- 18. A Department Head and next ranking employee cannot take vacations at the same time.
- 19. No more than three (3) Department Heads shall take vacations at the same time.
- 20. An employee is responsible for keeping track of the accrual of vacation leave and using vacation in a manner which will allow the employee to use his or her vacation time.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: August 12, 2014

Policy 7.3. SICK LEAVE

- A. SUBJECT. Employee sick leave.
- B. PURPOSE. To establish a uniform basis for accrual and use of sick leave and to coordinate use of sick leave with leave provided pursuant to the Family and Medical Leave Act.
- C. POLICY. It is the policy of the Town to provide paid sick leave to Town employees while also promoting attendance when employees are not sick. Allowing accrual of sick leave promotes this policy. It is also the policy of the Town that employees should receive paid sick leave concurrently with eligible leave given pursuant to the Family And Medical Leave Act as long as the employee has paid sick leave available.
- D. PROCEDURE.
  - 1. Sick Leave.
    - a. All regular full-time Town employees shall accrue 3.69 sick leave hours per pay period.
    - b. Use of Sick Leave.
      - i. Accrued sick leave is intended to be used for personal illness, injury, or exposure to contagious disease for the employee or of the employee's immediate family as defined under FMLA.
      - ii. Accrued sick leave is also intended to be used for personal or employee's immediate family member's visits to the doctor's office when such visits cannot be arranged outside of working hours.
      - iii. In unusual circumstances the Town Manager may authorize the advancement of sick leave credits to an employee who has exhausted all sick and vacation leave credits. Such advancement will not usually exceed five working days. An extension beyond that time may be authorized only with the approval of the Town Council.
      - iv. Accrued sick leave to attend the funeral of a member of the employee's immediate family as defined by the FMLA or the employee's brother, sister, grandparents, parent-in-law, daughter-in-law, son-in-law, and grandchild shall be limited to three days if the funeral is within the State of Florida, and five (5) days if it is outside of the State of Florida unless otherwise approved by the Town Manager.
    - c. Accumulation of Sick Leave Credits – Sick leave credits for the probationary period shall accrue, but ordinarily, no such leave may be taken during the first six months of employment except under circumstances as may be authorized by the Town Manager. An employee may accrue up to a maximum of 480 hours of sick leave credits which may be converted to compensation in the manner prescribed in these rules and may accumulate additional hours which may be used if the employee experiences a catastrophic illness.

- d. Payment of Sick Leave - There shall be no cash payment for earned, but unused, sick leave credits, except where the employee leaves in good standing from the Town, which good standing is to be determined solely by Town Manager, with ten or more years of service and is paid for unused sick leave at 50% the regular hourly rate. The maximum number of hours that may be converted to compensation in this manner as earned but unused sick leave is 480 hours.
- e. Abuse of Sick Leave - Sick leave is a privilege extended to employees as opposed to an expected benefit provided by the Town. In order to preclude sick leave abuse, any employee who takes more than 48 hours of sick leave (excluding physician/medical appointments or verified time in a physician's or medical facility's care), or leave without pay during the previous 12-month period, (said time taken in four or more increments during this period) shall not be paid for the first day off in the succeeding 12-month period, without a physician's statement and/or special approval from his Department Head.
- f. Verification of Illness - For sick leave of more than one day in duration, a certificate of a physician may be required. A supervisor may, with the Town Manager's approval, cause such investigation as deemed necessary. An employee will be required to notify his immediate supervisor no later than 30 minutes before his or her shift is to begin the first day of sick leave. Unless the employee is confined to a hospital or suffering from an illness that would prevent him/her from doing so, the employee must give notice each day thereafter at least 30 minutes before his or her shift is to begin to the extent permitted by law. Failure to comply may result in the absence being charged as leave without pay. Additionally, sick leave taken immediately before or after a holiday may require a certificate from a physician.
- g. Extended Illness - In cases of extended illness where the employee cannot reasonably be expected to return to work, based on the opinion of the attending physician, and also at the expiration of all sick and vacation time to the credit of the employee, the Town Manager may authorize advance sick leave, not to exceed a six working day period. No further advance of sick leave may be made without the approval of Town Council. Sick leave so advanced shall be entered on the employee's leave record and sick leave earned after return to work shall be credited to the advance leave until accrued leave credits equal the amount of sick leave which has been advanced. In the event of termination of services prior to the earning of sufficient leave credits to cover that time advanced, deductions shall be made from the final pay due the employee in the amount of unearned advanced leave.
- h. Donation of Sick Leave to Fellow Employees - Any employee is not required to but may voluntarily donate accumulated hours of sick leave credits to a fellow employee when such employee is experiencing long term illness and has used all of his/her own sick leave credits and vacation leave credits. Any person who does not have a credit of at least 240 hours of sick leave may not donate.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: \_\_\_\_\_

Policy 7.4. MILITARY LEAVE.

- A. SUBJECT. Employee military leave.
- B. PURPOSE. To establish a procedure to be followed when an employee is a member of the armed forces reserve and is called to active military duty and/or training.
- C. POLICY. It is the policy of the Town to provide military leave to Town employees in compliance with state and federal law.
- D. PROCEDURE.
  - 1. Military Leave
    - a. Military leave shall be granted in a manner that fully complies with the requirements of Chapter 115, Florida Statutes and Title 38, United States Code, Chapter 43.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: \_\_\_\_\_



Policy 7.5. TIME OFF TO VOTE.

- A. SUBJECT. Employee time off for voting.
- B. PURPOSE. To provide for procedures to allow employees to have an opportunity to vote.
- C. POLICY. Employees are encouraged to fulfill their civic responsibilities by participating in elections. Generally, employees are able to find time to vote either before or after their regular work schedule. If employees are unable to vote in an election during their nonworking hours, employees will grant up to one hour of unpaid time off to vote.
- D. PROCEDURE.
  - 1. Employees should request time off to vote from their supervisor at least two working days prior to the election day.
  - 2. Advance notice may be required so that the necessary time off can be scheduled at the beginning or end of the work shift, whichever provides the least disruption to the normal work schedule.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: \_\_\_\_\_

Policy 7.6. JURY/COURT LEAVE.

- A. SUBJECT. Employee time off for jury duty/court purposes.
- B. PURPOSE. To establish a policy for jury leave for Town employees.
- C. POLICY. It is the policy of the Town to provide a policy for Town employees for jury duty/court purposes.
- D. PROCEDURE.
  - 1. Any regular full-time or part-time employee who is required to serve on a jury, or as a result of official Town of Windermere duties is required to appear before a court, legislative committee or quasi-judicial body as a witness in response to a subpoena or other directive, shall be allowed authorized leave with pay less any amount received for such service. A probationary employee called will have his/her probationary period extended to by the same amount of time as required for serving on jury duty. An employee who receives notice of jury duty or witness service must notify his/her supervisor immediately in order that arrangements may be made to cover the position. The Town reserves the right to request that an employee who is called for jury be excused if their absence would create a hardship on the operational effectiveness of the department to which they are assigned.
  - 2. The employee is responsible to turn over jury or witness fees to the Finance Department, excluding mileage fees.
  - 3. Time away will not affect vacation or sick leave accruals.
  - 4. Employees who appear in court as the plaintiff or defendant in any action not related to their official duties shall not be paid for time away from work unless that time is accrued vacation leave. Court payments for travel expenses are to be retained by the employee.
  - 5. The employee may keep any court payment for services performed on the days of his/her regularly scheduled weekend or performed while on vacation leave.
  - 6. Employees are to return to work after jury duty although no more than the regularly scheduled number of hours for both jury duty and work shall be required. If excused as a juror on any given day, the employee is expected to contact his/her supervisor and to report to work as instructed.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: \_\_\_\_\_

CHAPTER VIII

OTHER PERSONNEL RELATED SUBJECTS

Policy 8.1. Open Door Policy

- A. SUBJECT: Open Door Policy.
- B. PURPOSE. To establish direct line of communication with Department Heads and Town Management.
- C. POLICY. The Town of Windermere welcomes open communication between employees and Department Heads because the Town believes that open, honest communications between employees and management leads to a productive, healthful, and enjoyable place to work, and makes interference by third parties, such as unions, unnecessary, counterproductive, stressful, and alienating. The Town will strive to keep employees informed of the Town activities. The Town believes employees should have a method to express their opinions, to present and discuss complaints and misunderstandings, and to receive information on matters concerning employees jobs and interests.

The Town expects that all its employees will treat others the way they would like to be treated. Even so, misunderstandings do occur. For this reason, the Town encourages its employees to seek assistance or help from his/her Department Head on any matter that may be troubling to the employee.

The Town believes that most issues can be quickly and satisfactorily resolved by the employee and supervisor. The Employee is directed to discuss the issue with the Department Head first. If the issue cannot be resolved by the Department Head, the employee is encouraged to discuss the issue with the Town Manager.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: \_\_\_\_\_

Policy 8.2. EMPLOYEE TRAINING.

- A. SUBJECT: Training.
- B. PURPOSE. To establish procedures for employee training.
- C. POLICY. It is the Town's policy to provide continuing education of its employees. The Town supports attendance at educational meetings by employees; technical education which increases the value of the employee by allowing the employee to obtain certifications of licenses which also benefit the Town.
- D. PROCEDURE.
  - 1. Employee Training I - Association Meetings; Continuing Education Seminars and education for Non-mandated Certificates and/or Licenses or Employee Requested Training.
    - a. The Town encourages its employees to attend their respective Association Meetings and Continuing Education (seminars) or any courses necessary to maintain non-mandated certifications for the employee's job or to update employee on new State and Federal regulations and guidelines.
    - b. The Town shall reimburse eligible employees one hundred (100%) percent of reasonable expenses incurred attending educational seminars, training sessions or courses if:
      - i. The course is one necessary for continuing education for maintenance of an existing non-mandated certificate or non-mandated license needed to fulfill their job description or that enhances their ability to perform their job for the Town; or that is necessary for the employee to receive updated State and Federal regulations to efficiently do their job whether request is made by the Town or the employee to attend.
    - c. The following apply to employee attendance at Employee Training I events:
      - i. Eligibility - Employees of the Town having a minimum six (6) months employment immediately preceding the Association Meeting, Continuing Education Seminar or class.
      - ii. Benefits - Employees who are approved will be entitled to reimbursement including, transportation, accommodations, and meals as set forth in these rules.
      - iii. Request Procedure - The Association, Seminar or class information shall be submitted to the Town Manager at least four (4) weeks prior to the deadline for application. The cost of registration will be paid directly by the Town if the request is approved. The Town Manager will approve or disapprove the registration form that has been submitted by the respective Department Head.

- iv. Reimbursement - Itemized expenses shall be submitted within fourteen (14) days after seminar/training session, for reimbursement from the accounting department during the next Accounts Payable process. Before reimbursement is issued a written report must accompany itemized expenses.

2. Employee Training II Technical licenses and certificates (State or federally mandated).  
(Does not apply to Law Enforcement).

- a. Policy - It shall be the policy of the Town to improve service to the public by encouraging employees to attend classes or approved correspondence courses, leading to a Certificate or License that will benefit the Town.
- b. The following apply to employee attendance at Employee Training II events:
  - i. Eligibility - Full time, regular status employees of the Town having a minimum of one year full time employment immediately preceding the start of classes necessary for a certificate or license are eligible to apply. An eligible certificate or license is any State or federally mandated certificate or license that, in the judgment Town Manager, is directly related to the employee's current or related higher position and meets the program's stated objectives. Location of school is not important as long as it does not interfere with the employee's work schedule.
  - ii. Employees must have attained a Satisfactory or above rating in the two evaluations preceding the term that payment/reimbursement is requested for.
  - iii. Employee must have had no disciplinary problems/actions during the 12-month period preceding the course or test term payment/reimbursement is requested for.
  - iv. The Town shall reimburse employees one hundred (100%) percent of reasonable expenses incurred attending courses and testing if:
    - A. The course and testing is required to obtain, maintain or upgrade license required for the execution of their job duties and if it is State or federally mandated and required by the Town.
    - B. Sufficient funds must be available in the Budget.
- v. Benefits –
  - A. Employees whose applications are approved will be entitled to pre-payment for registration and books (applicable to the course leading to a certificate or license).
  - B. Employees who are approved will be entitled to reimbursement including, transportation, accommodations, and meals as set forth in these rules.

- C. Employees whose classes are during the employee's regular work hours and approved by the Department Head and Town Manager to attend, the attendance hours shall be compensated as time worked.
  - D. Reimbursement – Itemized expenses shall be submitted within fourteen (14) days after classes, seminar/training session, for reimbursement from the accounting department during the next Accounts Payable process. Before reimbursement is issued a written report must accompany itemized expenses.
- c. An employee who seeks a certificate or license and fails to pass the certificate or license test, will not be reimbursed for additional courses or tests for further certificate or license until the employee demonstrates a change in circumstances that support continuing attempts to obtain a certificate or license and personally pays for additional tests.

3. Training III College degrees.

- a. Policy - It shall be the policy of the Town of Windermere to improve service to the public by encouraging employees to attend classes or approved correspondence courses, leading to a college degree (AA, AS, BA or BS) that will benefit the Town of Windermere.
- b. The following apply to employee attendance at Employee Training III events:
  - i. Eligibility - Full time, regular status employees of the Town of Windermere having a minimum of one year full time employment immediately preceding the start of classes necessary for a college degree are eligible to apply. An eligible college degree is any college degree that, in the judgment of the Town Manager, is directly related to the employee's current or related higher position and meets the program's stated objectives. Location of school is not important as long as it does not interfere with the employee's work schedule.
  - ii. Employees must have attained a Satisfactory or above rating in the two evaluations preceding the term that payment/reimbursement is requested for.
  - iii. Employee must have had no disciplinary problems/actions during the 12-month period preceding the term payment/reimbursement is requested for.
  - iv. Sufficient funds must be available in the Budget. The Town Manager and department head shall determine and approve the number of Credit Hours per term.
- c. Benefits - The Town shall reimburse the employee up to \$1,000 per fiscal year. Town Council shall set an amount to be awarded per fiscal year. The reimbursement shall be awarded on a first come first served basis.

- d. Schooling for the college degree shall be on the employee's own time and is not compensable as time worked. No travel shall be reimbursed and the employee must provide his or her own transportation. Town vehicles shall not be used.
  - e. The Town Manager has complete discretion to determine if an employee may receive reimbursement.
  - f. Grade Attainment - To be able to receive a payment in the amount specified, the applicant must successfully complete an approved course with a minimum grade of C for undergraduate (AA, AS, BA, BS, etc.) work. Where neither a letter grade nor satisfactory are used, grade of Pass must be achieved. In the event that the expected prescribed grade is not achieved, the course taken immediately following will not be eligible for reimbursement. The employee must take the same or a like course, at their own expense and achieve the grade required before being able to submit for payment of the next course.
  - g. Application Procedure - The application along with a listing of program course requirements must be submitted to your department head who will enter their recommendation and then forward to Administration. Applications must be received in Administration four (4) weeks prior to the registration of the class(es). Applications for tuition reimbursement shall be available in Human Resources and shall be made through the Department Head. Applications will be screened by the Department Head and Town Manager. Applicants will be notified by their respective Department Head of the decision within one (1) week from date of application. Applicants must be accepted for enrollment by an accredited education institution. No late registration fees or lab fees will be reimbursed. Course work is to be taken outside working hours. Copies of the official nature of grades must be submitted to Human Resources within one (1) week of receipt by the employee and prior to the request for payment/reimbursement for the upcoming term or course.
  - h. An Employee will be reimbursed upon completion of class and if requirements of subsection f are attained. Reimbursement is for course costs only. Books, travel, living, lab, materials, or any other ancillary cost is the responsibility of the employee.
4. The following apply to Training I, Training II, and Training III:
- a. In no way shall this policy be construed to limit the right of any employee to attend any type of educational course during hours when the employee is not working for the Town of Windermere when the employee is not seeking tuition reimbursement.

- b. Payback Policy - An employee who leaves at their own discretion, shall repay the Town for the past 24 months of payments made on their behalf by the Town toward any classes, training, continuing education seminar, certificate or license programs, and any College degree program. For an employee who is terminated, the employee shall repay all costs paid by the Town for courses within the past twenty four months of employment. An employee who cannot continue classes and/or employment due to verified medical reasons may request reprieve from repayment. This shall be determined by the Town Manager. All employees shall sign a contract that provides for repayment.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: September 10, 2013



Policy 8.3. PERFORMANCE EVALUATIONS.

- A. SUBJECT: Performance evaluations.
- B. PURPOSE. To establish procedures for employee performance evaluations.
- C. POLICY. It shall be the policy of the Town to provide performance evaluations to employees. This will help assure that employees who are assigned to duties are able to perform those duties in an efficient manner.
- D. PROCEDURE.
  - 1. Performance Evaluation
    - a. It is the intention of the Town to provide continued employment only to those employees who perform in a satisfactory manner. The Town also recognizes that there is a need for both supervisor and employee to discuss what is expected from the employee and how well the employee measures up to what is expected. In addition to providing continued employment only to employees who perform satisfactorily, it is also the intent of the Town to provide salary advancements only to those who perform in a satisfactory manner, and to provide additional incentives for the workers who perform beyond what is expected.
    - b. In order to implement the intent of the Town:
      - i. Each employee will normally be given a written evaluation of performance at least four weeks prior to the end of his/her probationary period. An extension of the Probationary Period would require a written evaluation of performance to be given every three months, until such probation has been lifted or employment terminated. A copy of the employee's evaluation must accompany any recommendation and shall be made part of the employee's personnel file. Evaluations shall be due April 1.
      - ii. Each employee will normally be given a written evaluation of performance once per year.
      - iii. A written evaluation of performance may be given more frequently at the discretion of the Department Head or Town Manager.
    - c. Each employee will be evaluated as Unsatisfactory, conditional Improvement Needed, Satisfactory, Good, or Outstanding.
      - i. If an employee received an evaluation Improvement Needed, another evaluation will normally be performed within six months. The subsequent evaluation shall show improvement or disciplinary action, up to and including termination of employment, may occur. If the employee received an Improvement Needed evaluation, the employee will normally not receive a merit increase, only a cost of living increase if COL increase is funded.

ii. An employee given an unsatisfactory evaluation is considered to be given notice that performance is not what is expected, and if improvements are not made, action to remove him from employment with the Town may be taken. No employee may remain employed after two consecutive Unsatisfactory evaluations.

d. The failure to perform an evaluation shall in no way affect the Town's ability to discipline or terminate an Employee.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: \_\_\_\_\_

Policy 8.4. PHYSICAL EXAMINATIONS.

- A. SUBJECT: Physical examinations.
- B. PURPOSE. To establish procedures for employee physical examinations.
- C. POLICY. It shall be the policy of the Town that after an offer of employment has been made, but before any employee begins work, he/she may be required to undergo a physical examination and pre-employment Drug Screen.
- D. PROCEDURE.
  - 1. After a conditional offer of employment has been made but before an employee begins work for the Town, he/she will be required to undergo a physical examination and pre-employment Drug Screen.
  - 2. Prospective employees may not be employed, and probationary employees may be terminated should the results of such examination show that the health or work of the person will be affected adversely.
  - 3. Any employee refusing to submit to an examination may be subject to not being hired and/or termination from employment

EFFECTIVE DATE: March 14, 2012

LAST REVISED: \_\_\_\_\_

Policy 8.5. OFF DUTY & OUTSIDE EMPLOYMENT.

- A. SUBJECT: Off Duty & Outside employment.
- B. PURPOSE. To establish procedures to allow employees to have outside employment.
- C. POLICY. It shall be the policy of the Town that all terms and conditions of outside employment of regular full-time Town employees and Sworn Officers shall be reported to the Town Manager or his/her designee.
- D. PROCEDURE.

1. Off Duty

- a. All terms and conditions of outside off duty employment of sworn officers shall be reported to the Chief of Police or his/her designee
- b. Agency, Business, or Entity requesting Off Duty detail shall complete the proper forms and submit them to the Windermere Police Department. Application will be reviewed and approved/denied based upon availability and staffing levels. It must be understood that some outside employment may be considered as a conflict of interest under State law or Town policy
- c. Off Duty Officers are responsible for logging and reporting their hours to the Police Department Designee. Police Department Designee will provide Finance with invoice for hours worked. Officer will then be paid during the next payroll cycle. Finance Department will invoice agency, business, or entity. Administrative Fees will apply.

2. Town Employee Non-Sworn

- a. All terms and conditions of outside employment of regular full-time Town employees shall be reported to the Town Manager and employee must seek prior approval from Town Manager before seeking or accepting outside employment.
- b. Such outside employment shall in no way conflict with or be detrimental to the employee's Town work.
- c. If the Department Head or Town Manager determines that a conflict exists, the employee concerned shall be first requested to voluntarily resolve the conflict to the satisfaction of the Town within seven (7) calendar days. If the conflict is not resolved within that time, the employee shall be subject to discipline up to and including termination.
- d. Reports of any outside employment shall be made in writing by each employee. Full details such as hours, terms and conditions of employment shall be provided in the report.
- e. It must be understood that some outside employment may be considered as a conflict of interest under State law or Town policy. It is the policy of the Town to assist any employee who must file a disclosure form.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: July 21, 2016

Policy 8.6. POLITICAL ACTIVITY.

- A. SUBJECT: Political activity.
- B. PURPOSE. To establish procedures for employees to engage in political activity in a manner that does not interfere with the employee's work.
- C. POLICY. It shall be the policy of the Town that all employees should have the opportunity to register to participate in political activity but no employee should be solicited while on the job.
- D. PROCEDURE.
  - 1. All employees are encouraged to register to vote and exercise this privilege at each opportunity afforded.
  - 2. No employee shall be required to make a contribution of any kind to any political party or any candidate for public office.
  - 3. The solicitation during working time of any assessment, subscription or contribution in any manner for any political party or political purpose is prohibited.
  - 4. Employees may take part in political campaigns, but must comply with the requirements of Section 104.31, Florida Statutes.
  - 5. Employees may not use their official position or authority to interfere with an election or nomination or coerce or influence another person's vote.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: \_\_\_\_\_

Policy 8.7. SOLICITATIONS BY EMPLOYEE OR LABOR ORGANIZATIONS.

- A. SUBJECT: Solicitations.
- B. PURPOSE. To establish procedures for prohibition of solicitation of employees or labor organizations during working hours.
- C. POLICY. It shall be the policy of the Town that employees are prohibited from soliciting employees during working hours.
- D. PROCEDURE.
  - 1. Consistent with the terms of Section 447.509, Florida Statutes, employees are prohibited from soliciting employees during working hours on behalf of any employee or labor organization.
  - 2. Employees shall not distribute literature during work hours in areas where actual work of Town employees is performed.
  - 3. This does not prohibit an employee from distribution of literature to an employee on the employee's lunch hour or break in an area where work is not performed.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: \_\_\_\_\_

Policy 8.8. SOLICITATIONS FROM SALES REPRESENTATIVES.

- A. SUBJECT: Solicitations by marketers or sales representatives.
- B. PURPOSE. To establish a uniform policy for handling solicitations by sales representatives or agents in order to alleviate disruption of Town employees during normal working hours.
- C. POLICY. It is the policy of the Town that peddling or soliciting for sale or donation of any kind on Town premises during normal working hours is not allowed except for public purposes and as permitted by the Town Manager.
- D. PROCEDURE.
  - 1. With the exception of other Town-approved activities, peddling or soliciting for sale or donation of any kind on Town premises during normal working hours is not allowed. Exceptions may be granted by the Town Manager.
  - 2. Working hours include the working time of both the employee doing the soliciting or distributing, and the employee to whom such activity is directed.
  - 3. Employees are free to discuss these matters before or after normal working hours, and during lunch or rest periods in non-work areas.
  - 4. Solicitations for sales of goods that are intended to be purchased by the Town will be handled independently by each Department.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: \_\_\_\_\_

Policy 8.9. DEPARTMENT RULES.

- A. SUBJECT: Department rules.
- B. PURPOSE. To establish procedures for Department Heads to frame and promulgate rules in addition to the personnel rules to be followed in the individual Department. There are many types of employment areas within the Town that have differing needs and require different rules. Department Heads need flexibility to establish rules within their own departments.
- C. POLICY. It shall be the policy of the Town that Department Heads are authorized to frame and promulgate rules additional to these personnel rules.
- D. PROCEDURE.
  - 1. Department Heads are authorized to frame and promulgate rules additional and supplemental to these rules, provided they are not in conflict with these rules or any laws, ordinances or regulations.
  - 2. All such rules shall be subject to approval, amendment, and/or revocation by the Town Manager.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: \_\_\_\_\_



Policy 8.10. USE OF TOWN TELEPHONE SYSTEMS.

- A. SUBJECT: Use of Town telephone systems.
- B. PURPOSE. To provide for control of incoming and outgoing telephone calls by employees.
- C. POLICY. It is the policy of the Town that all Town phones, including FAX machines, are to be used for Town business, and may be used for local personal business on a very limited basis only.
- D. PROCEDURE.
  - 1. Town Business Calls. To assure effective telephone communications, employees should always use the approved greeting and speak in a courteous and professional manner. Please confirm information received from the caller, and hang up only after the caller has done so.
  - 2. Personal Calls. Telephone calls received during business hours must be held to both a minimum number and time limit and must not interfere with the employee's work.
  - 3. When a personal toll call must be placed, the call is to be billed to the employee's home number or collect. Any personal call must be placed by the employee only during the employee's break times. Any personal phone call made by an employee on a town telephone must be a local call unless it is related to a medical emergency.
  - 4. It is the employee's responsibility to ensure that no cost to the Town results from personal telephone or FAX calls.
  - 5. Violation of this policy will minimally result in cost reimbursement to the Town and may subject the employee to disciplinary action up to and including termination of employment.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: \_\_\_\_\_

Policy 8.11. USE OF CELL PHONES.

- A. SUBJECT: Use of cell phones.
- B. PURPOSE. To provide for control of incoming and outgoing personal cell phone calls by employees.
- C. POLICY. Town cell phones should be used for Town business only and may be used for personal business on a very limited basis.
- D. PROCEDURE.
  - 1. Personal Cell Phones.
    - a. Unless there is an emergency, employees may use a personal cell phone to place personal calls only during an employee's break times.
    - b. Personal cell phones should be placed on vibrate during work hours.
  - 2. Town Cell Phones.
    - a. No Town owned cell phone which is issued to an employee may be used for personal matters unless approved by the employee's department head or per contract.
  - 3. As a matter of safety, and out of concern for employees and citizens, it is the policy of the Town that all employees should not conduct Town business using their cell phones, or other electronic devices, while operating a motor vehicle.
  - 4. Violation.
    - a. Violation of this policy will minimally result in cost reimbursement to the Town and may subject the employee to disciplinary action up to and including termination of employment .

EFFECTIVE DATE: March 14, 2012

LAST REVISED: \_\_\_\_\_

Policy 8.12. USE OF ELECTRONIC MAIL (E-MAIL).

- A. SUBJECT: Use of electronic mail.
- B. PURPOSE. To establish a policy that requires use of electronic communications equipment in a manner that will increase employee productivity; speed communication; establish standards and guidelines for the use of electronic mail in the workplace; prohibit inappropriate use; and confirm the protection of email as a public record.
- C. POLICY. Electronic mail (e-mail) is to be used only for official business purposes. All email used for official business purposes must be maintained as a public record. Personal messages should not be conveyed via e-mail. Persons desiring to send e-mail messages to other persons shall convey them on their own time by personal, not Town, methods and systems. No solicitations should be conducted through e-mail.
- D. PROCEDURE.
  - 1. Business Use
    - a. The Town's electronic equipment and information systems are intended for professional business use in performing the duties of an employee's job.
    - b. Each department within the Town will have a computer which may be accessed for employees to use. If the use of the computer is abused or if there is a violation of the policy regarding content of emails or internet use, the computer shall be disconnected from the internet and the employee will be disciplined up to and including termination of employment.
    - c. Use of e-mail on Town computers is limited as follows:
      - i. E-mail is not a privileged communication, nor subject to privacy. All of the Town's computers and Town equipment are subject to being monitored by the Town as permitted by law. The Town may monitor an employee's e-mail messages as deemed appropriate to assure that e-mail communications relate to official business, and that the speech contained therein is appropriate.
      - ii. E-mail shall not be used to illegally harass, discriminate, torment or disparage another party. Offensive and illegal harassing communications are unacceptable and prohibited.
      - iii. Questions regarding use of e-mail systems should be directed to the employee's Department Head or to the Town Manager.
    - d. All acquisitions of information systems components will be coordinated through the Town Manager or his or her designee. This includes demonstration hardware and software used for evaluation purposes as well as products acquired for ongoing use.
    - e. All employees are responsible to care for the personal computer system components that they are assigned or using. Employees are responsible for promptly reporting any equipment, software and data damage and/or destruction of which they become aware.

- f. The Town computer system is designed to work in a network environment. Installation of unauthorized software can result in damaging the integrity of the system. Employees are responsible for obtaining the approval of their supervisor or Town Manager before downloading or installing software on any Town-owned computer or electronic device.
- g. Employees are individually and directly responsible for checking files for viruses using the latest version of the recommended virus-checking program. Downloading or uploading files is restricted to Town business.
- h. Employees are prohibited from using “loopholes” or knowledge of a special password to damage computer systems, obtain extra resources, or to gain access to systems for which proper authorization has not been given. Employees are responsible for keeping their password confidential and not sharing it with other users.
- i. Use of aliases while using the internet or internal e-mail is prohibited. Anonymous messages and anonymous newsgroup postings are prohibited.
- j. Unlicensed or copied software is prohibited on any Town computer. No Department Head may authorize the use of unlicensed or copied software on any Town computer.
- k. Employees are prohibited from downloading Town information, data, etc. to employee’s personal computer or electronic device

2. Limited Personal Use

- a. Limited personal use may be permitted, with prior approval, according to the following guiding principles:
  - i. It is incidental, occasional and of short duration;
  - ii. It is done on the employee’s personal time. Personal time means off-duty, on an unpaid lunch break, or for 24-hour shift personnel, while on standby.
  - iii. It does not interfere with any employee’s job activities. This includes activities which might pose a conflict of interest or appearance of unequal treatment with individual’s employment with the Town.
  - iv. It does not result in incremental expense to the Town. Examples of “incremental expense” include, but are not limited to:
    - A. If the Town is paying for an hourly “dial-up” connection to the internet, and an employee’s personal use incurred additional charges;
    - B. Long distance telephone, cellular phone or fax charges.
  - v. The employee has his/her Department Head’s prior approval for said personal use, which approval shall only be given when consistent with the requirements of this policy.

- vi. It does not solicit for or promote commercial ventures, religious or political causes, outside organizations or other non-job related solicitations.
- vii. It does not violate the other “prohibited uses” or other specific limitations outlined in this policy.
- viii. An employee may open their personal email account during their break or lunch time, from a Town computer. If an employee uses a Town computer for personal use, there shall be no derogatory, pornographic, or racially or culturally inappropriate language of any kind contained in any such use of the Town computer.

3. Prohibited Uses

- a. The creation, transmission, downloading or storage of any document, data or message which reasonably can be construed as relating to or promoting the following are prohibited:
  - i. Discrimination or harassment on the basis of age, race, color, gender, creed, marital status, national origin, disability or sexual orientation or other protected group.
  - ii. An expression regarding personal political or religious beliefs.
  - iii. An expression of rumors or gossip about any individual or group of individuals.
  - iv. Any business or non-profit organization as defined by the IRS other than employees representing the Town’s labor unions when conducting union business related to the Town.
  - v. Any language and subject matter that is objectionable, offensive, obscene, threatening or otherwise inappropriate as described in the Town’s Anti-Harassment Policy, 8.18.
  - vi. Any communication to solicit for or promote commercial ventures, religious or political causes, outside organizations or other non-job related solicitations.
  - vii. Any information that violates copyright laws.
  - viii. Copying any Town-licensed computer software for personal use is prohibited.
  - ix. On-duty use of games, except during off-duty or lunch periods, and standby periods for 24-hour shift personnel.

- 4. VIOLATION. Employees who violate this policy may be subject to the full range of disciplinary action up to and including termination of employment.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: \_\_\_\_\_

## Policy 8.13. Social Media

### A. Subject: Social Media

- B. Purpose: The Town recognizes it has a duty to maintain a workplace free from discrimination and unlawful harassment. The goal and intent of this policy is to promote a harassment and discrimination free environment for its employees as well as to protect the Town's operations, confidential information, and relations with the Town's citizens and customers.

The Town does engage in the use of social media for business related purposes and certain designated persons are permitted to use and maintain the Town's social media sites for the promotion of Town business. Employees whose job duties involve such activities may not be subject to all of the restrictions in this policy when performing their designated work duties. This policy does apply to those employees' personal use of social media.

The Town understands some employees may maintain and/or participate in social networking and media sites, such as Facebook®, Myspace®, Twitter® and YouTube®, and may maintain or contribute to blogs. Please keep in mind information posted on these sites may be accessed by anyone with access to the Internet and has nearly unlimited duration and retention.

- C. Policy: The Town defines online social media as any online tool (excluding private email systems) which allows users to post content (text, photo, video and audio), respond to posted content and engage in conversation with other users via content exchanges. The following is the Town's policy regarding employee participation in blogs and social networking sites. This policy is in conjunction with the Town's existing Telephone, Cell phone and Electronic Mail policies, which specifically provide that there is no right of privacy with regard to use of the Town's systems, and employees should not expect that their messages or data contained on or transmitted through any of the Town's equipment are private or confidential. Employees who fail to comply with this policy, and the Town's existing Information Systems policy and Internet Acceptable Use policy, may be subject to disciplinary or remedial action which may include verbal counseling, reprimand or warning, written reprimand, suspension from work without pay or other discipline up to and including termination of employment.

This policy is intended to balance the Town's duties and legitimate objectives with its employee's rights and responsibilities. The intent is not to interfere with an employee's protected rights which the Town understands may, include, engaging in certain social media postings related to working terms and conditions. Therefore, the Town will not restrict or limit an employee's activities/communications if they are protected under Section 7 of the National Labor Relations Act.

### D. Procedure:

- a. There shall be no use of the Town of Windermere Logo/Crest without prior permission from the Town Manager
- b. No pictures shall be posted on any social media site of an employee in uniform or while working that would be derogatory, pornographic, racially or culturally inappropriate, or deemed to shed the Town in an unfavorable light.
- c. All employees must inform the Town Manager if they learn of a possible violation of this policy before taking any action against an employee.
- d. If an Employee should have a complaint or concerns about the Town, a Resident, or a Customer, we urge the employee to address these concerns with the Town Manager

instead of posting complaints on line.

- e. Discipline. Any employee who is found to be in violation of this policy may be subject to disciplinary action up to and including termination from employment. Depending upon the seriousness of the action, other appropriate civil or criminal sanctions may also be pursued

Please be aware of the following:

- Town time (work hours for which you are compensated) and equipment, including computers and electronic systems, *are not* to be used for blogging or social networking, including updating your personal site.
- If you identify yourself as an employee of the Town, you may not claim or imply you are speaking on behalf of the Town. You are required to include the following disclaimer in a prominent place: "The views expressed on this post are mine and do not represent the views of the Town, its management and/or its citizens."
- When blogging or networking on your own behalf about work from a non-work location and on your own time, you must still abide by Town policies, including policies regarding nondiscrimination and non-harassment. When blogging or networking on your own behalf about work, you may not make discriminatory, defamatory, libelous or slanderous comments when discussing the Town, its employees or its citizens. Inappropriate comments include, but are not limited to, comments that are derogatory with respect to race, religion, gender, sexual orientation, color, disability or any other protected group. Prohibited comments also include those which are sexually suggestive, humiliating or demeaning.
- You are personally responsible for your postings and commentary and may be held personally liable to another for any commentary considered defamatory, obscene, proprietary or libelous by any offended party.
- You may not disclose confidential or proprietary information about the Town, its citizens or its employees, to the extent permitted by law.
- You are not permitted to disclose a *citizen's* name or business, nor criticize, nor speak negatively about any of the Town's *citizens*.
- You may not post anything that may be detrimental to the Town's business to the extent permitted by law.
- You may not improperly access or attempt to access of any other employee's social media sources, nor require as a condition of employment or continued employment, that an employee provide access to, log-in, or password for another's personal social media or other private (i.e. members only blog, chat room, or group) interactive social media site.
- Your personal internet postings, including pictures of yourself, may not include the Town's logo or provide a link to the Town's website.
- You may not post photographs of yourself in any Town location, on a client site, or post photographs of other Town employees without their express approval to do so.
- You must use and access your social media websites, blogs, or other types of public internet communication sites outside of work using your own equipment on your own time.

- You may not use the Town's e-mail addresses to register any social media source or sites.
- You may not post company logos or trademarks on personal blogs, profiles, or other personal internet sites.
- Your posts may be used as grounds for discipline to the extent permitted by law and does not violate any employee rights.
- If your employment with the Town ends you must immediately update any of your online information or postings to remove any references to the Town being your current employer.
- If the Town discovers that you have acted outside this policy, you may be asked to remove the posting that pertains to the Town or its citizens or employees. If you fail to do so, and unless the posting is legally protected, it will be considered in determining whether to continue your employment with the Town. There may also be circumstances where the Town will take legal action to seek removal of the posting.
- The Town recognizes it has a duty to maintain a workplace free from discrimination and unlawful harassment. The goal and intent of this policy is to promote a harassment and discrimination free environment for its employees as well as to protect the Town's business operations, confidential information, and citizen relations. Additionally, the Town recognizes that employees have a right under federal law to discuss their working terms and conditions with other Town employees.
- This policy is intended to balance the Town's duties and legitimate business objectives with its employees' rights and responsibilities. The intent is not to interfere with an employee's protected rights which the Town understands may, include, engaging in certain social media postings related to working terms and conditions. Therefore, the Town will not restrict or limit an employee's activities/communications if they are protected under Section 7 of the National Labor Relations Act.
- To ensure compliance with the National Labor Relations Act, all managers must consult with the Town Manager if they learn of a possible violation of this policy before taking any action against an employee. This is to ensure that a proper assessment of the situation can be made.
- If you have a complaint or concern about the Town, its employees, the Town practices/policies, or our citizens, we urge you to address those concerns with management instead of posting complaints on-line.
- If you have any questions regarding this policy, please contact the Town Manager.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: \_\_\_\_\_



8.14. USE OF TOWN MAIL SYSTEM.

- A. SUBJECT: Use of Town mail system.
- B. PURPOSE. To provide for control of incoming and outgoing personal mail.
- C. POLICY. The use of Town paid postage for personal correspondence shall not be permitted.
- D. PROCEDURE.
  - 1. No employee may use Town paid postage for personal correspondence.
  - 2. An employee may purchase stamps or postage by paying the Finance Department for cost thereof.
  - 3. Violation of this policy will minimally result in cost reimbursement to the Town and may subject the employee to disciplinary action up to and including termination of employment.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: \_\_\_\_\_

Policy 8.15. PERSONAL APPEARANCE/DRESS CODE.

- A. SUBJECT: Personal appearance/dress code.
- B. PURPOSE. To establish general guidelines related to personal appearance of Town employees.
- C. POLICY. It shall be the responsibility of all employees to represent the Town to the public in a manner which shall be courteous, efficient, and helpful. Town employees should always be well-groomed and dressed in a manner suitable for the public service environment and to reflect favorably the Town's image.
- D. PROCEDURE.
  - 1. Employees not wearing uniforms. If an employee of the Town is not required to wear a uniform, the following shall apply:
    - a. No articles of clothing shall be "see through" or transparent.
    - b. No jeans shall be allowed if the employee works in an office only. Jeans will be allowed if the employee does not work in an office and approved by Town Manager.
    - c. Any article of clothing which is revealing in nature, or is overly tight shall be deemed inappropriate for work attire.
    - d. There are no "casual days" for the Town
    - e. Sneakers, flip flops, slippers, or other type of casual foot wear is prohibited unless authorized by the Town Manager.
  - 2. Employees wearing uniforms. If an employee of the Town is required to wear a uniform, they must wear it at all times while on duty. The uniform shirt must be tucked in at all times. The uniform should always appear neat and clean.
  - 3. All employees shall dress in a clean and neat fashion that reflects well on the Town.
  - 4. Any hats worn while working shall be worn with the bill forward and shall not include derogatory or vulgar language or depictions.
  - 5. The employee's Department Head will discuss the subject of personal appearance with the employee if it is felt it does not positively reflect the image of the Town.
  - 6. If the employee continues to dress inappropriately, it may result in further disciplinary action up to and including termination of employment.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: \_\_\_\_\_

Policy 8.16. USE OF TOWN-OWNED MOTOR VEHICLES.

- A. SUBJECT: Use of Town-owned motor vehicles.
- B. PURPOSE. To establish guidelines for the use of Town owned motor vehicles.
- C. POLICY. Town vehicles should be used in a manner that is safe and promotes the most efficient use of Town property.
- D. PROCEDURE.
  - 1. Town owned motor vehicles shall be used for official Town business only.
  - 2. Town vehicles shall not be taken home overnight except as follows:
    - a. Employees may take a Town owned vehicle home for one night when attendance to an out-of-town meeting takes place late at night after normal working hours or early in the morning prior to normal working hours if approved by the Town Manager.
    - b. Those employees designated by the Department Head to be “on 24-hour call” for department/division emergencies may take home a Town vehicle if approved by the Town Manager.
    - c. Employees may take a Town vehicle home for more than one night when specifically authorized in writing by the Town Manager.
    - d. Department Heads may take home a Town vehicle at night if authorized by the Town Manager.
  - 3. Town vehicles must be available for Town business at all times.
  - 4. Town vehicles may be used for travel to lunch:
    - a. When an employee is on Town business.
    - b. When an employee is in town in a Town vehicle in a location where driving to obtain his/her personal car would result in an extra and unnecessary expenditure of fuel.
  - 5. Transporting family members in Town vehicles shall be allowed only when the family member is accompanying a Town employee to a business meeting or official function.
  - 6. Town vehicles shall be legally and appropriately operated and/or parked at all times. Seat belts will be used by the driver and all passengers at all times when the vehicle is in motion. It shall be the driver’s responsibility to ensure use of seat belts by all passengers.
  - 7. Any traffic or parking related violation issued to the driver of the vehicle will be the responsibility of the driver not the Town.
  - 8. Town owned vehicles may be used only when the driver has a proper driver’s license issued by the State of Florida.

9. Any employee who has use of a Town vehicle has an obligation to report to the Town Manager in writing that he or she has received any traffic ticket or been charged with any vehicular crime.
10. All use of Town vehicles is subject to the requirements of the Town's smoking policy.
11. Any employee violating these policies shall be subject to disciplinary action up to and including termination of employment.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: \_\_\_\_\_

Policy 8.17. VIOLENCE IN THE WORKPLACE.

- A. SUBJECT: Violence in the workplace.
- B. PURPOSE. To provide management and employees with guidance should they encounter a situation they believe may result in violence, and to provide information and training to management and employees to minimize risk of injury or harm resulting from violence in the workplace environment.
- C. POLICY. The Town will not tolerate any acts of violence to persons or property. All acts of violence are treated seriously. Each act of violence will be dealt with promptly and appropriately utilizing administrative, managerial, legal and disciplinary actions (up to and including termination of employment) to minimize risk to employees, citizens and property.
- D. PROCEDURE.
  - 1. "Workplace Violence" means any verbal or physical action that is communicated or perceived as a threat, harassment, abuse, intimidation or personal contact, that produces fear, causes bodily harm or damage to property. Workplace violence may involve family, friends, strangers, co-workers or customers.
  - 2. The Town recognizes that most serious incidents of workplace violence represent a personal crisis that the individual is unable or unwilling to solve alone. Intervention at an early stage provides the individual with the necessary assistance to resolve these issues, prevent escalation, and allow continued productive employment.
  - 3. Employees and supervisors have access to confidential and discretionary professional assistance through the Employee Assistance Program. The program provides advise, assessments, and case review to help management develop intervention strategies and make decisions that will prevent violent incidents from occurring. The program can refer to outside professional agencies which can provide evaluations, diagnoses, and treatment plans.
  - 4. Awareness training programs have been developed to recognize threats and to assess the early warning signs of potentially violent situations. Training is available to all employees and management. The employee training program includes classroom workshops covering such topics as awareness, reporting procedures, emergency preparedness, personal safety and conflict resolution. The management training program includes subjects covered in the employee training session, together with additional information on legal issues, reporting channels, investigation techniques documentation requirements and physical security improvements.
  - 5. All employees are responsible for refraining from participating in violent actions and required to report threatening or dangerous situations to management occurring within the workplace or those that affect their work requirements.
  - 6. Management is responsible for responding to potential or violent situations, depending on the seriousness and nature of the incident. They will conduct interviews and investigations, prepare documentation, and notify appropriate assistance agencies.

7. Departments are responsible for developing crisis procedures, establishing response teams, and creating simple action plans to follow in the event of a violent action occurring in the workplace.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: \_\_\_\_\_

Policy 8.18. VISITORS/PETS OR ANIMALS IN THE WORKPLACE.

- A. SUBJECT: Visitors in the workplace.
- B. PURPOSE. To establish policies and procedures regarding visitors to Town offices and work sites.
- C. POLICY. To provide for the safety and security of both visitors and employees and the facilities at the Town, only authorized visitors are permitted inside the workplace. Restricting unauthorized visitors assists the Town to maintain safety standards, protects against theft, assures security of equipment, helps secure confidential information, preserves employee welfare, and avoids potential disruptions and intrusions.
- D. PROCEDURE.
  - 1. All visitors should enter Town premises at the main lobby of each respective facility. Authorized visitors will receive directions or be escorted to their destination. Employees are responsible for the conduct and safety of their visitors.
  - 2. If an unauthorized individual is observed on Town premises, employees should immediately notify their supervisor or, if necessary, direct the individual to the lobby.
  - 3. No animals other than certified animals necessary to accommodate a disability, as a required by law, shall be allowed anywhere in Town Offices.
  - 4. No animals other than certified animals necessary to accommodate a disability as a required by law, and animals trained to perform tasks for a public purpose (such as police trained dogs) shall be present in other Town buildings.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: \_\_\_\_\_

Policy 8.19. HARASSMENT.

- A. SUBJECT: Policy concerning harassment.
- B. PURPOSE. To establish policy prohibiting all forms of harassment. To define procedure for reporting harassment. To establish guidelines for administration of discipline.
- C. POLICY. The Town is committed to the principle that all employees have the right to work in an environment free of discrimination and any form of unlawful harassment based on race, color, religion, age, sex, national origin, disability/handicap, marital status or other protected classification. To help ensure that no employee feels himself/herself to be subject to discrimination or unlawful harassment, Town prohibits any offensive physical, written, or spoken conduct regarding any protected trait, including conduct of a sexual nature, off-color jokes, racial, ethnic, or religious slurs or innuendos (the "Conduct").

Offensive Conduct of a sexual nature may constitute harassment when engaged by someone employed by Town in a position to influence employment decisions when (1) submission to such conduct is made, either expressly or implicitly, a condition of the recipient's continued employment; or (2) submission to or rejection of such conduct by the recipient is used as the basis for employment decisions affecting the recipient. As used in this Policy Statement, the term unlawful harassment may, depending on the particular circumstances, consist of the following:

- (i) Unwelcome or unwanted advances, including sexual advances. This means patting, pinching, brushing up against, hugging, cornering, kissing, fondling or any other similar physical contact considered unacceptable by the other individual.
- (ii) Requests or demands for favors, including sexual favors. This includes subtle or blatant expectations, pressures or requests for any type of favor, including a sexual favor, accompanied by an implied or stated promise of preferential treatment or negative consequences concerning one's employment status.
- (iii) Verbal abuse or kidding that is oriented toward a prohibited form of unlawful harassment, including that which is sexually oriented and considered unacceptable by another individual. This includes, for example, commenting about an individual's national origin, race, color, body or appearance where such comments go beyond mere courtesy; telling "dirty jokes" or racial or ethnic jokes that are unwanted and considered offensive by others; or any tasteless sexually, ethically or racially oriented comments, innuendos or actions that offend others.
- (iv) Engaging in any type of sexually oriented conduct or other prohibited form of unlawful harassment that would unreasonably interfere with another's work performance. This includes extending unwanted sexual attentions to someone that reduces that person's productivity or time available to work at assigned tasks.
- (v) Creating a work environment that is intimidating, hostile, abusive or offensive because of unwelcome or unwanted conversations, suggestions, requests, demands, physical contacts or attentions, whether sexually oriented or otherwise related to some other form of harassment.

Town will not tolerate prohibited harassment, including sexual harassment, of its employees by anyone, whether managers, supervisors, other staff members or guests.



Town also prohibits repeated and unwelcome physical, written or spoken Conduct by either a supervisor, manager, Department Head, or any fellow employee that substantially interferes with an individual's work performance or creates what a reasonable person could consider to be an intimidating, hostile, abusive or offensive working environment. Any such Conduct to or by not only fellow employees but also guests, vendors citizens, or visitors of Town, will be cause for immediate investigation upon report of such offensive Conduct or situations to the Department Head or Town Manager. In addition, the same prohibition of discrimination or harassment applies to all employees of Town who act on behalf of Town as vendors, contractors, consultants and others who spend time on the premises of Town.

If an employee believes that he or she is being subject to any of the foregoing forms of harassment or believes that he or she is being discriminated against because other employees are receiving favored treatment in exchange, for example, for sexual favors, he or she must bring this to the attention of a Department Head or the Town Manager in order for Town to look into the matter. The very nature of harassment makes it virtually impossible to detect unless the person being harassed registers his or her discontent with the Department Head or Town Manager. Consequently, in order for Town to deal with the problem, employees must report such offensive conduct or situations to the Department Head or Town Manager.

Harassment or discrimination is not always capable of precise definition. For example, what may be unwelcome sexual harassment to one person could be nothing more than socializing, teasing, locker room banter, or flirtation to another person. Therefore, Town must treat all complaints seriously and admonishes all employees to guard against any conduct that tends to cause discomfort or harassment to another employee, even though one might not believe it to be offensive.

Any supervisor or manager who suspects or becomes aware of possible discrimination or sexual or other unlawful harassment must promptly advise the Department Head or Town Manager, unless the matter involves the Department Head, then it must be reported to the Town Member, and if it involves the Town Manager then it must be reported to the Town Council Administrative Liaison.

If the investigation discloses a violation of this policy, appropriate action from counseling to reprimand or dismissal may result depending on the circumstances of the situation. A record of the complaint and summary of the findings will become a part of the complaint investigation file and the file will be maintained separately from the personnel file. Town will urge all employees who are involved in the investigation to respect the privacy of both the complaining employee and the alleged wrongdoer so as not to impair the careers or reputations of either. All parties must be aware of the seriousness of such complaints and the damage that can be done to everyone concerned. Therefore, to the extent possible, the privacy of the employee under investigation and those who assist in the investigation shall be respected at all times. All persons must recognize that false accusations of harassment (including sexual harassment) can have serious effects on innocent individuals.

Any person electing to utilize this complaint resolution procedure will be treated courteously, the problem handled swiftly and confidentially, and the registering of a complaint will in no way be used or held against the employee, nor will it have an adverse impact on the complaining individual's employment status. Employees must also report any future occurrences of the complained of actions, or similar actions, and advise the Department Head or Town Manager if they feel they are being retaliated against for reporting any action under this policy.

The complaining employee must understand that confidentiality of the complaint involving the substance of the allegations cannot reasonably be expected due to the very nature and process of the investigation of the complaint. Nonetheless, due to the serious nature of harassment

complaints, Town will make an effort to restrict the dissemination of the complaint to those having a need to know.

We urge all employees to report any improper behavior as set out in this policy. Unless Town knows of a problem, it cannot take steps to resolve it.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: \_\_\_\_\_

Policy 8.20. SMOKING AND SMOKELESS TOBACCO USE POLICY FOR TOWN EMPLOYEES WITHIN TOWN-OWNED FACILITIES.

A. SUBJECT: Smoking and Smokeless Tobacco use policy for Town employees within Town-owned facilities.

B. PURPOSE. To respond to:

1. The increasing evidence that tobacco smoke creates a danger to the health of persons who are present in a smoke-filled environment while on duty. Every attempt will be made to obtain to the greatest extent possible, freedom for the nonsmoker from the harmful effects of smoking materials, while preserving a reasonable degree of freedom for those who choose to smoke.
2. The potential damaging impact of smokeless tobacco use on employees and Town property.

C. POLICY. It is the policy of the Town to allow smoking only in areas where other employees and the public will not be negatively affected, and that have been designated as smoking areas. Further, it is the policy of the Town to allow use of smokeless tobacco products only in those areas designated as smoking areas.

D. PROCEDURE.

1. "Smoke" or "smoking" as used in this policy shall mean and include the smoking or carrying of any kind of lighted pipe, cigar, or cigarette.
2. Smoking and use of smokeless tobacco products is prohibited in all Town buildings.
3. Vehicles: No smoking or use of smokeless tobacco products shall be allowed in Town vehicles or in Town equipment.
4. Areas shall be designated by each department where smoking and use of smokeless tobacco products may occur outside of Town buildings. These areas shall be marked with signage indicating "Designated Smoking Area".
5. Areas designated for smoking and use of smokeless tobacco products may change from time to time to meet the needs of the Town and desires of its employees and the public. In the event there is a conflict about the establishment of a Designated Smoking Area, the right of the nonsmokers to breathe clean air free from harmful smoke shall supersede the right to smoke.
6. Ashtrays will be made available in the designated smoking areas and are to remain in the designated areas at all times. Any use of smokeless tobacco requires that the user of the container must be removed from the area each time the user leaves and disposed of immediately or cleaned immediately and maintained by the user in a secure place outside of the public eye. Ashtrays located outside of the doors to a building are placed there to accommodate the needs of members of the public prior to entry into the building.
7. Smoke and smokeless tobacco use breaks are to be confined to the affected employee's lunch period or rest break.
8. The effectiveness of this policy shall depend largely on the understanding and



Policy 8.21. CONTRIBUTIONS AND HONORARIUMS.

- A. SUBJECT: Contributions and honorariums.
- B. PURPOSE. To establish a policy and procedure for reporting contributions and honorariums.
- C. POLICY. It is the policy of the Town that speeches and presentations which are related to Town services delivered by Town employees to community and professional organizations are made without charge.
- D. PROCEDURE.
  - 1. Speeches and presentations which are related to Town services delivered by Town employees to community and professional organizations are made without charge. If an organization wishes to give an honorarium or contribution for such a presentation, the remuneration must be made to the Town, not to the individual employee.
  - 2. An honorarium or contribution for a speech or other presentation made by a Town employee to a group outside the Town, either during working time or for which the Town provided travel expenses, will also be made to the Town.
  - 3. Such contributions and honorariums shall be turned over to the Finance Department for disposition.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: \_\_\_\_\_

Policy 8.22. EMPLOYEE ETHICS.

- A. SUBJECT: Employee ethics.
- B. PURPOSE. The purpose of this policy is to establish guidelines for ethical standards of conduct which shall govern Town employees in the performance of Town business and the duties of their respective jobs. This policy is intended to provide positive direction to Town employees in order to prevent potential conflicts of interest.

This policy is not all-encompassing in its definition of conflict of interest. The “prudent man” theory can and will be applied: action deemed inappropriate by a reasonable person, whether specifically cited in this policy or not, will be subject to inquiry.

- C. POLICY. It is the policy of the Town that no Town employee shall engage in any act which is in conflict, or creates an appearance or conflict with the performance of official duties. An employee shall be deemed to have a conflict if the employee:

1. Has any financial interest in any sale to the Town of any goods or services when such financial interest was received with prior knowledge that the Town intended to purchase the property, goods or services.
2. Solicits, accepts, or seeks a gift, gratuity, or favor from any person, firm, or corporation involved in a contract or transaction which is or may be the subject of official action by the Town.

- D. PROCEDURE.

1. Recognizing that personal friendships often precede and can evolve from official contact between employees and persons engaged in business with the Town, reasonable exceptions to this section are permitted for those occasions which are social in nature and are not predicated on the employee’s ability to influence, directly or indirectly, and any matter before the Town.
2. The employee will be guided in interpretation of this section by the distinction between a gift, gratuity, favor, given or received, which has significant monetary value and is offered or accepted in expectation of preferential treatment, and an expression of courtesy. Examples of acceptable courtesies include: a meal or social event; exchanges of floral offerings or gifts of food to commemorate events such as illness, death, birth, holidays, promotions; a sample or promotional gift of nominal value (\$25 or less).
3. Participates in his/her capacity as a Town employee in the issuing of a purchase order or contract in which he/she has a private pecuniary interest, direct or indirect, or performs in regard to such contract some function requiring the exercise of discretion on behalf of the Town.
4. Engages in, accepts employment from, or renders services for private interests for any compensation or consideration having monetary value when such employment or service is incompatible with the proper discharge of official duties or would tend to impair independence of judgment or action in performance of official duties, or give the appearance of the above.
5. An employee should not make a unilateral decision, if there is any doubt about his/her private employment. The Town Manager’s office should be consulted.

6. Except for courtesies as provided in item "b" above, no employee shall, directly or indirectly, give or receive, or agree to receive any compensation, gift, reward, commission, or gratuity from any source except the Town for any matter directly connected with or related to his official services as such employee with this Town.
7. Discloses or uses without authorization confidential information concerning property or affairs of the Town to advance a private interest with respect to any contract or transaction which is or may be the subject of official action of the Town.
8. Have a financial interest or personal interest in any legislation coming before the Town Council and participates in discussion with or gives an official opinion to the Town Council unless the employee discloses on the record of the Council the nature and extent of such interest.
9. Use of public property. No employee of the Town shall request, use, or permit the use of Town-owned vehicles, clothing, equipment, materials, or other property for unauthorized personal convenience, for profit, for private use, or as part of secondary employment. Use of such Town property is to be restricted to such services as are available to the Town generally and for the conduct of official Town business.
10. Authorized personal uses include taking an assigned Town vehicle to lunch on workdays as needed, use of a Town copy machine at cost, stopping to run personal errands when the destination point is in conjunction with official or authorized business, and other nominal personal uses as permitted by the Town Manager on a case-by-case basis.
11. Political activities:
  - a. No Town employee may use Town time or property in any manner to promote any political issue or candidate, or to solicit funds for any political purpose or to influence the outcome of any election.
  - b. No Town employee shall be eligible for appointment or election to any public office when the holding of such office would be incompatible or would substantially interfere with the discharge of official duties.
12. Discipline. Any employee who is found to be in violation of this policy may be subject to disciplinary action up to and including termination from employment. Depending upon the seriousness of the action, other appropriate civil or criminal sanctions may also be pursued.
13. Definitions.
  - a. Interest. Interest is in any direct or indirect monetary or material benefit accruing to a Town employee as a result of a contract or transaction which is or may be the subject of an official act or action by or with the Town (except for such transactions which would confer similar benefits to all other persons and/or property similarly situated). Interest includes: (1) interests in an employee's family, (2) any business entity in which stock or legal beneficial ownership is in excess of one percent (1%) of the total stock, or legal ownership is controlled or owned directly or indirectly by the employee, (3) interest in any business entity in which the Town employee is an officer, director, or employee, (4) interest in any person or business entity with whom a contractual relationship exists with the

employee; provided that a contractual obligation of less than \$500 or a commercially reasonable loan or purchase made in the course of ordinary business shall not be deemed to create a conflict of interest.

- b. Immediate Family. Family includes spouse, child, parent, parent-in-law, brother, sister, grandparent, son-in-law, daughter-in-law, and grandchildren. Family also includes other persons residing in the employee's residence or are financially dependent upon the employee.
  - c. Contract. Contract shall include any contract or agreement, sale, lease, purchase, or purchase order.
- 14. Interpretation. Interpretations of this policy shall be referred to the Town Manager.
  - 15. Investigation. The Town Manager shall investigate, or cause to be investigated, all suspicions, allegations, and written complaints of unethical conduct.
  - 16. Complaints or allegations which may be criminal in nature may be referred to an appropriate outside agency for investigation.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: \_\_\_\_\_



Policy 8.23. RECYCLING.

- A. SUBJECT: Recycling.
- B. PURPOSE. To encourage waste reduction and the conservation of scarce resources by establishing an in-house recycling program for Town employees.
- C. POLICY. The Town supports conservation of scarce resources by encouraging recycling and waste reduction in its business practices and operating procedures. This commitment and support includes the purchase, use, and disposal of products and materials in a manner that will appropriately utilize natural resources and minimize any adverse impact on the natural environment.
- D. PROCEDURE.
1. Recycling containers have been set up to promote the disposal, source separation and collection of the following recyclable materials:
    - Computer paper
    - White high grade or bond paper
    - Ledger paper
    - Mixed or colored paper
    - Newspaper
    - Corrugated cardboard
    - Brown paper bags
    - Aluminum
    - Glass
    - Plastic
  2. Employees are authorized and directed to discontinue the use of unnecessary products and materials which are harmful to the environment, and to reduce the use of disposable products such as paper and tape. Conservation can be promoted through the use of:
    - Communication through computers
    - Electronic file cabinets
    - Two sided photocopying
    - Routing slips for reports
    - Minimum packaging
    - Eliminating fax cover sheets
    - Reusing paper clips, folders, and binders
    - Reusing packaging material
    - Reusing pallets
    - Turning off lights when not in use
    - Use of recycling bins for disposable products.
  3. Whenever cost-effective, employees of the Town are encouraged to purchase products for the workplace that contain recycled or easily recyclable materials. Questions or suggestions regarding recycling should be directed to your supervisor or the Town Manager.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: \_\_\_\_\_

Policy 8.24 GRIEVANCE PROCEDURE.

- A. SUBJECT: Grievance procedure.
- B. PURPOSE. To establish a policy to provide all employees with the means by which to air, and seek resolution to any problems affecting their employment.
- C. POLICY. It is the policy of the Town to provide all employees with the means by which to air, and seek resolution to, any problems affecting their employment. The policy set forth in this subsection applies to the application of the conditions of employment previously set out, except as provided herein, and specifically does not apply to disciplinary matters.
- D. PROCEDURE.

1. Grievance Procedure

a. Definitions of Grievance - A grievance is defined as the dissatisfaction that occurs when an employee thinks or feels that any working condition applicable to and affecting him/her is inequitable, or a hindrance to effect operation. An employee may not grieve his performance evaluation so long as that evaluation is at least satisfactory. Unsatisfactory evaluations may be grieved to the employee's Department Head whose decision shall be reviewed with the Town Manager.

b. Procedures in Filing a Working Condition Grievance:

Step 1. Except as provided in the policy related to harassment/discrimination, any employee who has a grievance shall file the grievance with his/her immediate supervisor within five working days from the time the grievance occurred. Grievance must be in writing, dated and signed. It must set out the particular facts that he/she contends to support his/her claim and the relief he/she seeks.

Step 2. If the grievance is not resolved at the level of the immediate supervisor the employee may bring the grievance to his/her Department Head within five working days of the date when the supervisor acts or should have acted on the complaint.

Step 3. If the grievance is not resolved the Department Head will present the matter to the Town Manager for his review. The Town Manager's decision shall be final.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: \_\_\_\_\_

## CHAPTER IX

### CONDUCT, SEPARATIONS AND DISCIPLINARY ACTIONS

#### Policy 9.1. PERSONAL CONDUCT EXPECTATIONS OF TOWN EMPLOYEES.

- A. SUBJECT. Personal conduct of employees.
- B. PURPOSE. To establish expected standards of conduct and outline disciplinary action which may be taken for certain types of offenses.
- C. POLICY. The Town is involved in providing the public a number of highly responsible services in which many individuals and businesses rely on the quality and reliability of our programs and services. Thus, all employees are expected to provide excellent and reliable service to the public. Any failure to meet this high standard is cause for concern, discipline, or possible discharge.
- D. PROCEDURE
  - 1. All persons employed by the Town must remain constantly aware of their responsibilities to the public and of the fact that they are representatives of the Town. It is expected that their conduct and appearance shall be commensurate with the positions which they hold.
  - 2. Town employees are frequently called upon to express opinions and to provide information concerning the Town government, its operations and its policies. Expressions of opinions should be carefully weighed in the light of their probable effect and should be based upon facts within the knowledge of the employee. A Town employee is not deprived of the rights of citizenship which affords him the right of free speech. He/she should be keenly aware of their responsibilities as they are of his/her privileges, and understand that his/her opinions will often be taken by listeners as representing the official opinion of the Town.
  - 3. Employees shall be well posted concerning the policies and operations of city government. Such responsibilities increase with the importance of the position held. Admitting lack of knowledge concerning a question asked is far superior to an incorrect answer, but if the situation requires it, the employee, under such circumstances should refer the questioner to the proper source of information, or obtain the actual facts and inform the person making the inquiry.
  - 4. Employees are expected to refrain from repeating false rumors which would tend to create dissension within the organization.
  - 5. Employees shall visit departments other than those in which employed only on official business. Any employee who has completed his/her assigned tasks, or the work for which he/she is responsible, shall report to their supervisor for assignment of other duties.

6. The use of alcoholic beverages or any form of intoxicants or narcotics, except such drugs as are being used under prescription of a physician, is expressly forbidden during working hours as well as the use of such intoxicants or narcotics during other than working hours to the extent that the performance of the employee is thereby impaired.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: \_\_\_\_\_

Policy 9.2. VOLUNTARY TERMINATION.

- A. SUBJECT. Voluntary termination.
- B. PURPOSE. To establish procedures for voluntary termination of employment with the Town.
- C. POLICY. It is the policy of the Town that employees follow certain procedures when voluntarily terminating their employment with the Town.
- D. PROCEDURE.
  - 1. A regular employee who desires to depart the Town services in good standing shall file with his/her Department Head a written resignation stating his reasons for voluntarily terminating and giving the date of termination.
  - 2. A minimum of two (2) weeks in advance of the last day of work shall be given in order to resign from the Town service in good standing. Failure to comply with this provision may be cause for denying such employee's future employment with the Town.
  - 3. Vacation time shall not be considered to be a part of the notification period.
  - 4. Employees are not to use vacation time once the employee provides notice that he/she is going to voluntarily terminate their employment.
  - 5. A regular employee who voluntarily resigns from the Town service shall be entitled to compensation for vacation leave accrued in accordance with the provision of these rules.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: \_\_\_\_\_

Policy 9.3. LAYOFFS.

- A. SUBJECT. Layoffs.
- B. PURPOSE. To establish procedures for layoff of employees.
- C. POLICY. It is the policy of the Town that uniform procedures be followed when there is a layoff from employment with the Town.
- D. PROCEDURE
  - 1. The Town Manager may lay off any employee in the Town service whenever such action becomes necessary by reason of a shortage of work or funds, the abolition of a position or because of change in organization or for any other reason determined by the Town Manager.
  - 2. No regular employee shall be laid-off while there are temporary, part-time, or probationary employees serving in the same classification or position for which the employee is eligible and has been offered the position.
  - 3. An employee to be laid off will normally be given two weeks advance notice in writing by his/her Department Head after approval by the Town Manager.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: \_\_\_\_\_

Policy 9.4. CAUSES FOR DEMOTION, SUSPENSION OR DISMISSAL.

- A. SUBJECT. Causes for demotion, suspension or dismissal.
- B. PURPOSE. To establish expected standards of conduct and outline disciplinary action which may be taken for certain types of offenses.
- C. POLICY. The Town generally adheres to the concept of progressive discipline unless the Town Manager determines that the employee's conduct requires immediate termination. This means that the Town will take appropriate action based on the seriousness of the situation and the circumstances. Discipline, less than termination, may take the form of a verbal or written warning, a performance appraisal indicating substandard performance in one or more areas, probation or suspension. Which of these options is chosen or whether any of them are used, prior to termination depends on the seriousness of the infraction. The evaluation of the seriousness of the offense will be made solely by management.
- D. PROCEDURE

1. High standards of professionalism and conduct are necessary to preserve Town's image and to ensure a safe, harmonious and productive working atmosphere. All employees are expected to accept certain responsibilities, adhere to acceptable business principles in matters of personal conduct, and exhibit a high degree of personal integrity at all times. All employees should be aware of their responsibilities to Town and to their co-workers.

The Town will address issues such as poor work performance and inappropriate conduct or misconduct to encourage employees to become more productive workers and conform their behavior to standards and expectations. Generally a warning or counseling will be given to employees to explain what behavior has been unacceptable. Should an employee fail to comply with any Town policy, procedure or rule, or should an employee's work performance, work habits, attitude, conduct or demeanor become unsatisfactory in the judgment of Town management, employees may be subject to disciplinary or remedial action which may include a verbal counseling, reprimand or warning, written reprimand, suspension from work without pay or other discipline up to and including discharge. Nothing herein is intended to change the "at-will" status of any employee. Town reserves the right to administer what it decides to be the appropriate disciplinary action and/or counseling for all forms of disruptive and/or inappropriate behavior or conduct. Each situation will be dealt with on an individual basis. In arriving at a decision for the proper action, the following will be considered:

- The seriousness of the infraction
- The past record of the employee
- The circumstances surrounding the matter

To assure orderly operations and to provide the best possible work environment, Town expects employees to follow rules of conduct that will protect the interests and safety of all employees and Town. It is not possible to list all the forms of behavior that are considered unacceptable in the workplace, but the following are examples, in addition to the conduct mentioned elsewhere in this handbook, of unacceptable behavior and infractions of rules of conduct that

may result in disciplinary action, including counseling, suspension or termination of employment.

The types of behavior and conduct (not listed in order of importance) that Town considers inappropriate include, but are not limited to:

- i. Failure or refusal to carry out job assignments and management requests when such failure endangers the public or other employees or causes serious demoralization of fellow employees.
- ii. Removal of and refusal to return Town property from Town premises without permission.
- iii. Participation in a business directly competing with the Town which financially harms the Town.
- iv. Incompetence or inefficiency in the performance of his/her duties when such incompetence or inefficiency endangers the public or other employees.
- v. Egregious offensiveness in conduct toward his/her fellow employees or the public.
- vi. Unauthorized release of Town information if said release could expose the Town to danger or financial consequence.
- vii. Intentional falsification of any work, personnel or other Town records.
- viii. Unauthorized taking of Town funds or property
- ix. Unauthorized charges against a Town account without a reasonable basis.
- x. Dishonesty.
- xi. Discrimination against or harassment as defined by these rules of co-workers or the public.
- xii. Being under the influence of alcohol or a controlled substance at work or on Town premises.
- xiii. Deliberate damage to Town property.
- xiv. Serious physical confrontation with another employee.
- xv. Serious misconduct of any kind.
- xvi. Violation of any lawful official regulation or order, or failure to obey any lawful and reasonable direction given by a supervisor when such a violation or failure to obey amounts to insubordination or serious breach of discipline, which may reasonably be expected to result in lower morale in the organization and result in a loss, inconvenience or injury to the Town service or to the public.
- xvii. Solicitation or taking for personal use a fee, gift, or other valuable thing in the course of work, or in connection with it, when such fee, gift or other valuable thing, solicited or given to him/her might be construed to be a means of receiving a favor or obtaining better treatment than that accorded other persons either on a present or future basis.
- xviii. Conviction of a felony or other serious crime.
- xix. Inefficiency in carrying out job assignments and management requests.
- xx. Swearing or verbal abuse while on Town premises.
- xxi. Removal of Town property from Town premises without permission.
- xxii. Violation of the personnel system rules.
- xxiii. Incompetence or inefficiency in the performance of his/her duties.
- xxiv. Offensiveness in conduct toward his/her fellow employees or the public.
- xxv. Failure to pay or make reasonable provisions for payment of just debts in a timely manner.
- xxvi. Inattention to duty, tardiness, laziness, carelessness, and unnecessary breakage or loss of property.
- xxvii. Accidents, resulting in personal injury or injury to others.
- xxviii. Violation of department rules.



- xxix. Employee has engaged in misconduct unbecoming of an employee of the Town service while on duty.
- xxx. Unauthorized release of Town information.
- xxxi. Sloppiness in record keeping.
- xxxii. Willful violation of safety rules.
- xxxiii. Damage to Town property.
- xxxiv. Fighting or threatening to fight with another employee.
- xxxv. Serious misconduct of any kind.
- xxxvi. Violation of any lawful official regulation or order, or failure to obey any lawful and reasonable direction given by a supervisor when such a violation or failure to obey amounts to insubordination or serious breach of discipline, which may reasonably be expected to result in lower morale in the organization and result in a loss, inconvenience or injury to the Town service or to the public.
- xxxvii. Solicitation or taking for personal use a fee, gift, or other valuable thing in the course of work, or in connection with it, when such fee, gift or other valuable thing, solicited or given to him/her might be construed to be a means of receiving a favor or obtaining better treatment than that accorded other persons either on a present or future basis.
- xxxviii. Conviction of a felony or other serious crime.
- xxxix. The employee has been guilty of attempting to use political influence in securing or attaining a position or salary increase. Soliciting elected officials to intercede for or attempt to influence officers or supervisory employees in personnel matters shall be construed as a violation of these rules.
  - xl. Immorality or lack of integrity.
  - xli. Willful violation of any safety rule or practice.
  - xlii. The employee has been intoxicated on duty, used alcoholic beverages or any form of intoxicants or narcotics, except such drugs as are being used upon the advice and prescription of a physician.

These examples are not all-inclusive; other behavior may also lead to discipline. The occurrence of more than one of these or other violations may lead to discharge.

2. None of the foregoing shall be deemed to prevent the demotion or suspension of an employee for any cause which is justifiable, even though such cause is not contained among those enumerated. Any action taken against an employee for violation of these rules shall take into consideration the employee's service record.
3. Demotions - A regular employee may be demoted when, in the judgment of the appointing authority, the employee's work so warrants. When the appointing authority takes such action he/she shall file a written notification with the Town Manager containing a statement of reasons for the action. The employee shall be notified of the effective date of the action.
4. Suspensions - Any Department Head may suspend a regular employee without pay for disciplinary reasons not to exceed three (3) days. All suspensions in excess of three (3) days must be given prior approval by the Town Manager. All suspensions must be contained in writing by the Department Head concerned.
5. Disciplinary Action
  - a. Disciplinary action against an employee may occur when he/she has engaged in conduct which violates the Town Charter, Town ordinances, or the personnel rules. Such conduct by an employee may result in disciplinary action short of discharge or in discharge.



Policy 9.5. DRUG FREE WORKPLACE.

- A. SUBJECT. Drug free workplace.
- B. PURPOSE. To ensure a safe place for Town employees to work, and to promote a drug-free community.
- C. POLICY. As a part of its commitment to safeguard the health of its employees, to provide a safe place for its employees to work, and to promote a drug-free community, the Town of Windermere, Florida, has established this policy on the use or abuse of alcohol and drugs by its employees. This policy is set up to the Workers Compensation Law, Chapter 440, Florida Statutes, and the Federal Drug-Free Workplace Act.
- D. PROCEDURE.
  - 1. Substance abuse, while at work or otherwise, seriously endangers the safety of employees, as well as the general public, and creates a variety of workplace problems including increased injuries on the job, increased absenteeism, increased health care and benefit costs, decreased morale, decreased productivity, and a decline in the quality of services provided. The Town has established this policy to detect users and remove abusers of drugs and alcohol. It is also the Town's policy to prevent the use and/or presence of these substances in the workplace and to assist employees in overcoming any dependence on drugs and/or alcohol in accordance with the following guidelines.
  - 2. Scope. All employees, including part-time, full-time, and temporary employees, are covered by this policy, and as a condition of employment are required to abide by the terms of this policy.
  - 3. Definitions.
    - a. "Chain of custody" refers to the methodology of tracking specified materials or substances for the purpose of maintaining control and accountability from initial collection to final disposition for all such materials or substances and providing for accountability at each stage in handling, testing, and storing specimens and reporting test results.
    - b. "Confirmation test," "confirmed test," or "confirmed drug test" means a second analytical procedure used to identify the presence of a specific drug or metabolite in a specimen, which test must be different in scientific principle from that of the initial test procedure and must be capable of providing requisite specificity, sensitivity, and quantitative accuracy.
    - c. "Drug" means alcohol, including a distilled spirit, wine, a malt beverage, or an intoxicating liquor; an amphetamine; a cannabinoid; cocaine; phencyclidine (PCP); a hallucinogen; methaqualone; an opiate; a barbiturate; a benzodiazepine; a synthetic narcotic; a designer drug; or a metabolite of any of the substances listed in this paragraph and any substance deemed illegal under Florida Statutes. An employer may test an individual for any or all of such drugs.
    - d. "Drug rehabilitation program" means a service provider, established pursuant to s. 397.311 (28), that provides confidential, timely, and expert identification, assessment, and resolution of employee drug (including alcohol) abuse.

- e. “Drug test” or “test” means any chemical, biological, or physical instrumental analysis administered, by a laboratory certified by the United States Department of Health and Human Services or licensed by the Agency for Health Care Administration, for the purpose of determining the presence or absence of a drug (including alcohol) or its metabolites.
- f. “Employee assistance program” means an established programs capable of providing expert assessment of employee personal concerns; confidential and timely identification services with regard to employee drug (including alcohol) abuse; referrals of employees for appropriate diagnosis, treatment, and assistance; and follow-up services for employees who participate in the program or require monitoring after returning to work. If, in addition to the above activities, an employee assistance program provides diagnostic and treatment services, these services shall in all cases be provided by service providers pursuant to s. 397.311 (28).
- g. “Initial test” means a sensitive, rapid, and reliable procedure to identify negative and presumptive positive specimens, using an immunoassay procedure or an equivalent, or a more accurate scientifically accepted method approved by the United States Food and Drug Administration or the Agency for Health Care Administration as such more accurate technology becomes available in a cost-effective form.
- h. “Job applicant” means a person who has applied for a position with an employer and has been offered employment conditioned upon successfully passing a drug test, and may have begun work pending the results of the drug test. For a public employer, “job applicant” means only a person who has applied for a special-risk or safety-sensitive position.
- i. “Medical review officer” or “MRO” means a licensed physician, employed with or contracted with an employer, who has knowledge of substance abuse disorders, laboratory testing procedures, and chain of custody collection procedures; who verifies positive, confirmed test results; and who has the necessary medical training to interpret and evaluate an employee’s positive test result in relation to the employee’s medical history or any other relevant biomedical information.
- j. “Prescription or nonprescription medication” means a drug or medication obtained pursuant to a prescription as defined by s. 893.02 or a medication that is authorized pursuant to federal or state law for general distribution and use without a prescription in the treatment of human diseases, ailments, or injuries. Marijuana remains an illegal drug under Federal Law, as well as Florida State Law (with certain exceptions), and is considered a prohibited substance for all purposes under the terms of this policy even if the employee or applicant holds a valid medical authorization for its use.
- k. “Reasonable-suspicion drug (including alcohol) testing” means drug (including alcohol) testing based on a belief that an employee is using or has used drugs (including alcohol) in violation of the employer’s policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Among other things, such facts and inferences may be based upon:

- i) Observable phenomena while at work, such as direct observation of drug (including alcohol) use or of the physical symptoms or manifestations of being under the influence of a drug (including alcohol).
- ii) Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
- iii) A report of drug use, provided by a reliable and credible source.
- iv) Evidence that an individual has tampered with a drug test during his or her employment with the current employer.
- v) Information that an employee has caused, contributed to, or been involved in an accident while at work.
- vi) Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on the employer's premises or while operating the employer's vehicle, machinery, or equipment.
- vii) "Safety-sensitive position" means a position in which a drug impairment constitutes an immediate and direct threat to public health or safety, such as a position that requires the employee to carry a firearm, perform life-threatening procedures, work with confidential information or documents pertaining to criminal investigations, or work with controlled substances; a position subject to s. 110.1127; or a position in which a momentary lapse in attention could result in injury or death to another person.
- viii) "Special risk position means a position that is required to be filled by a person who is certified under chapter 633 or chapter 943 Florida Statutes.
- ix) "Specimen" means tissue, hair, or a product of the human body capable of revealing the presence of drugs or their metabolites, as approved by the United States Food and Drug Administration or the Agency for Health Care Administration.

#### 4. Requirements and Prohibited Activities.

- a. All employees are absolutely prohibited from the unlawful manufacture, distribution, possession (i.e., on the person, or in a desk or locker), dispensation, and use of drugs or alcohol in the workplace, as defined in this policy. For the purpose of this policy, an employee is presumed to be under the influence of drugs or alcohol if a blood test or other scientifically acceptable testing procedure shows a forensically acceptable positive quantum of proof of such substances.
- b. An employee who is perceived to be under the influence of drugs or alcohol shall be removed immediately from the workplace and may be evaluated by medical personnel, if reasonably available. The Town shall take further action (i.e., removal from service, referral to counseling, and/or disciplinary action) based on medical information, work history, and other relevant factors. The determination of what action is appropriate in each case rests solely with the Town.

- c. Refusal to submit to, efforts to tamper with, or failure to pass a drug or alcohol test shall result in disciplinary action, up to and including termination of employment.
  - d. Off-duty abuse of drugs or alcohol that adversely affects an employee's job performance or adversely affects or threatens to adversely affect other interests of the Town is prohibited and may result in disciplinary action up to and including termination of employment.
  - e. Any employee convicted of violating a criminal drug statute must inform their supervisor or the Town Manager of such conviction (including "guilty" or "nolo contendere" pleas) within 5 days of the conviction.
  - f. Employees arrested for a drug or alcohol related incident must immediately notify their supervisor or the Town Manager of the arrest if the incident occurs:
    - i) During scheduled work hours;
    - ii) While operating a Town vehicle on Town or personal business; or,
    - iii) While operating a personal vehicle on Town business.
  - g. Employees injured on the job when the employees' own actions may have contributed to the injury, employees whose actions may have contributed to the injury of another employee, employees involved in an automobile accident while working or driving a Town owned vehicle, and employees who are involved in accidents which harm Town owned equipment when such equipment is of a type which could cause injury to the employee or another employee (such as front end loaders and forklifts), are required to immediately report the occurrence to their supervisor. For purposes of this rule, "immediately" shall mean within fifteen minutes or as soon thereafter as reasonably possible.
  - h. Failure to notify an appropriate Town official within the time frames provided by this rule may result in disciplinary action, up to and including termination of employment.
5. Prescription Drugs.
- a. Prescription drugs may also affect the safety of the employee or fellow employees or members of the public. Therefore, any employee who is taking any prescription drug that might impair safety, performance, or any motor functions must advise his supervisor before reporting to work under such medication. A failure to do so may result in disciplinary action up to and including termination of employment. If the Town determines that such use does not pose a safety risk, the employee will be permitted to work. If such use impairs the employee's ability to safely or effectively perform his or her job, the Town may temporarily reassign the employee or grant a leave of absence during the period of treatment. Improper use of "prescription drugs" is prohibited and may result in disciplinary action up to and including termination of employment. Prescription medication must be kept in its original container if such medication is taken during working hours or on Town property.
  - b. If a supervisor is provided with notice that an employee is utilizing prescription medications, the supervisor shall report this to the Clerk's Office to be placed in the employee's file.

6. Dissemination of Policy.

Employees have the right to know the dangers of drug and alcohol abuse in the workplace and the Town's policy regarding such abuse. This policy shall be distributed to all new employees of the Town of Windermere, Florida. A notice of drug testing shall be included with all vacancy announcements for those positions where drug testing is required. A notice of the Town's drug testing policy will also be posted in an appropriate and conspicuous location on the Town's premises and copies of the policy will be made available for inspection during regular business hours by the general public in Town Hall.

7. Testing.

- a. All testing conducted by the Town will be procedurally consistent with the provisions of Section 440.102, Florida Statutes, and will afford employees all statutorily required protections. The Town shall contract with an entity which provides assurance that it follows the procedures and provides the protections provided for in Section 440.102, Florida Statute (2004), and any updates thereto.
- b. Prior to the commencement of an employee drug-testing program, the Town shall notify all current employees and work applicants of the Town that a drug-testing program is being implemented, consistent with the requirements of Section 440.102 (a) Florida Statutes. No mandatory testing of employees or applicants shall occur within 60 days of this initial one-time notification.
- c. The Town shall conduct the following types of drug tests:
  - i) Job applicant testing. - The Town may require job applicants to submit to a drug test and may use a refusal to submit to a drug test or a positive confirmed drug test as a basis for refusal to hire the job applicant.
  - ii) Reasonable suspicion. - The Town may require an employee to submit to reasonable suspicion drug testing. Reasonable suspicion shall mean that the employee has exhibited conduct or otherwise given an appearance that would raise a suspicion in a reasonable person's mind that the employee may be under the influence of drugs or alcohol. See Section § c. 11.
  - iii) Routine fitness for duty. - The Town may require an employee to submit to a drug test if the test is conducted as part of a routinely scheduled employee fitness-for-duty medical examination that is part of the Town's established policy or that is scheduled routinely for all members of an employment classification or group.
  - iv) Injury on the job testing. - Any employee that is injured on the job when the employee's own actions may have contributed to the injury, the employee's actions may have contributed to the injury of another employee while working is required to immediately report the occurrence to their supervisor and submit to a drug test. For purposes of this rule, "immediately" shall mean within fifteen (15) minutes or as soon thereafter as reasonably possible. The supervisor shall accompany or designate someone to accompany the employee to the drug test.

- v) Accident on the job. - Any employee involved in an automobile accident while working or driving a Town owned vehicle or any employee involved in an accident which harms Town owned equipment when such equipment is of a type which could cause injury to the employee or another employee (such as front end loaders or fork lifts) is required to immediately report the occurrence to their supervisor and submit to a drug test. For purposes of this rule, "immediately" shall mean within fifteen (15) minutes or as soon thereafter as reasonably possible. The supervisor shall accompany or designate someone to accompany the employee to the drug test.
- vi) Follow-up testing.
  - (A) If the employee in the course of employment enters an employee assistance programs for drug-related problems, or an alcohol and drug rehabilitation program, the Town may require said employee to submit to a drug test as a follow-up to such program, and on a quarterly, semiannual, or annual basis for up to 2 years thereafter.
  - (B) Confirmation testing. Additionally, if an employee tests positive but the testing company reports to the Town that there may be an explanation for the positive test other than use of illegal substances such as use of a prescription drug that may have caused the positive result, then the Town shall retest at its cost the original sample if such retesting would clarify whether the positive result was caused by an employee's use of a prescription drug or other legal substances that does not affect the employee's safe job performance. This shall not be construed to negate the employee's obligation to advise his or her supervisor of the employee's ability to properly perform his or her job. If an employee tests positive and there is no reasonable alternative explanation for the positive test, the employee may retest at his or her own expense the original sample if retesting is requested within Seventy two hours of the notice of the results of the test.

c. Random testing.

8. Procedure for testing.

The Town Council shall choose a testing company to be used for all Town drug / alcohol testing. The Town may follow the procedures normally followed by the testing company as long as they properly comply with the requirements of the law.

a. Disciplinary Action.

- i. Any employee violating this policy is subject to discipline, up to and including termination for the first offense.
- ii. The Town reserves the right to require the employee's satisfactory participation in a drug abuse assistance or rehabilitation program.



9. Procedure for Random Drug Testing.
- a. The minimum number of employees required by the outside provider's guidelines to trigger placement of a testing unit at a Town designated testing location for random testing shall be drawn on a quarterly basis the first year of testing. Additionally, the Town Council may determine after the first year of testing that it will randomly test less than four times per year. The number of random tests to occur may vary from year to year.
  - b. The Town shall choose a properly accredited outside provider to provide random testing of Town employees. The Town will provide the outside provider with all Town employee names. As employees are hired or leave Town employment this information shall be provided to the outside provider, which will maintain a list of current Town employees.
  - c. The names of employees who will be tested will be randomly drawn by the outside provider, which will notify the Town Manager of the names drawn ONLY upon arrival at the Town Hall. If the name of the Town Manager is on the list of names drawn, then the provider will notify the Finance Director upon arrival.
  - d. The outside provider will bring a testing unit to a Town designated testing location.
  - e. The Town will designate two persons for each department to act as escorts who will be responsible for escorting employees who were drawn to the testing location sign-in room. The designated escort for each department shall be selected from the departmental designees by human resources on the day testing occurs and will notify the escorts of the employees they are to bring to the testing location.
  - f. All employees drawn to be tested will immediately, upon contact by the escort, accompany the designated escort to the testing location. The escort will turn the employees over to the member of human resources monitoring the test with the testing agency and inform human resources of those listed employees not available that day with the reason they were not available.
  - g. No employee shall leave the sign-in room until called by the provider technician, nor leave the test area until testing is complete and dismissed by the provider technician.
  - h. An employee who does not immediately or refuses to accompany the escort or otherwise breaks the chain of control is subject to discipline up to and including termination and if continues to be employed, shall be tested at the discretion of the Town Manager up to 12 times during the three (3) month period immediately following the incident.
  - i. Employees drawn who are not working their Town job during the testing time frame shall be tested in the provider's office upon return within three months of the original test date as a makeup test. The employee will receive notification from the Town Manager of said makeup test through a designated escort. Upon contact by the escort the employees shall immediately accompany the escort to the testing facility. Subsection viii. applies to this subsection in the event the employee delays or refuses to accompany the escort.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: December 15, 2016