

RESOLUTION 2022-04

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDERMERE, FLORIDA, ADOPTING REVISED TOWN PERSONNEL POLICIES AND PROCEDURES; APPROVING DOCUMENTATION REGARDING THE FLORIDA DRUG FREE WORKPLACE POLICY; PROVIDING AN EFFECTIVE DATE.

Whereas, personnel policies and procedures may be adopted and amended at the discretion of the Town Council.

Whereas, the Town Manager, in consultation with the Town's employment law attorney, recommends that certain changes be made to the Town's Personnel Policies and Procedures in order to reflect current conditions, trends, and goals, as well as the needs of the Town.

Whereas, the Town also desires to approve documentation to implement the Florida drug free workplace policy contained in the Town's Personnel Policies and Procedures.

Now, Therefore, Be It Resolved by the Town Council of the Town of Windermere:

1. **Recitals.** The foregoing "Whereas" clauses are hereby adopted and incorporated herein as forming the legislative and administrative findings, purpose, and intent of this Resolution.
2. **Adoption of Town Personnel Policies and Procedures.** The Town Council of the Town of Windermere hereby approves and adopts the Town of Windermere Personnel Policies and Procedures Manual attached hereto as **Attachment A** and the version of the Town of Windermere Personnel Policies and Procedures Manual dated March 14, 2012, is hereby repealed.
3. **Approval of Florida Drug Free Workplace Policy Documentation.** The Town Council of the Town of Windermere hereby approves the Florida Drug Free Workplace documentation attached hereto as **Attachment B**.
4. **Effective Date.** This Resolution shall take effect immediately upon its adoption.

Resolved this 10th day of May, 2022.

THE TOWN OF WINDERMERE, FLORIDA

By: Town Council

By:

Jim O'Brien, Mayor

ATTEST:

Dorothy Burkhalter, MMC, FCRM
Town Clerk



ATTACHMENT A

Windermere Personnel Policies and Procedures Manual

TOWN OF WINDERMERE PERSONNEL POLICIES AND

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PREAMBLE

THE TOWN OF WINDERMERE (the "TOWN") IS AN AT WILL EMPLOYER. ALL EMPLOYEES SERVE AT THEWILL OF THE TOWN.

NONE OF THE POLICIES AND PROCEDURES IN THIS PERSONNEL MANUAL 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 THE POLICIES AND PROCEDURES IN THIS PERSONNEL MANUAL, WITH OR WITHOUT ADVANCE NOTICE. THE POLICIES AND PROCEDURES OF THIS PERSONNEL MANUAL 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 POLICIES AND PROCEDURES OF THIS PERSONNEL MANUAL.

- A. **SUBJECT.** The applicability of the policies and procedures of this Personnel Manual 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.
 - 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, state, and local laws.
 - c. To assist the Town Manager and the Department Heads 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 the Town Manager, Department Heads, 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 Manual except as provided herein. It is the Town's policy that all employees serve at the will of the Town. The personnel policies and procedures 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 policies are applicable shall comply with the requirements of these personnel policies.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: April , 2022

Policy 1.2. AMENDMENTS OF THE POLICIES AND PROCEDURES.

- A. SUBJECT. Amendment of the policies and procedures.
- B. PURPOSE. To provide a uniform method for amending the personnel policies and procedures.
- C. POLICY. In order to promote the uniform application of the personnel policies and procedures, there needs to be a uniform procedure for adoption and amendment of them.
- D. PROCEDURE.
 - 1. Amendments to these policies and procedures may be proposed by the Town Manager and adopted by resolution of the Town Council.
 - 2. Amendments to these policies and procedures may be proposed by Town Council and adopted by resolution.
 - 3. The amended policy/procedure 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 policies/procedures rely, these policies and procedures shall be deemed amended in conformance with those changes.
 - 6. The Town will attempt to disseminate the amended policy(ies) and/or procedure(s) to all employees within a reasonable amount of time, which is normally ten (10) days from the effective date of the amendment.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: April , 2022

Policy 1.3. CONSTRUCTION OF THE PERSONNEL MANUAL.

- A. SUBJECT. Construction of the personnel policies and procedures.
- B. PURPOSE. To provide a uniform method for construction of the personnel policies and procedures.
- C. POLICY. Uniform construction of the personnel policies and procedures promotes equal and non-discriminatory treatment to employees of the Town.
- D. PROCEDURE.
 - 1. In the event of any conflict between this Personnel Manual and the Town Charter, the provisions of the Town Charter shall prevail.
 - 2. In the event of a conflict between this Personnel Manual 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 procedures shall be deemed amended in conformance with that change.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: April , 2022

CHAPTER II

DEFINITION OF TERMS

Policy 2.1. DEFINITIONS.

- A. **SUBJECT.** Definitions to be used in interpretation of the policies and procedures in this Personnel Manual.
- B. **PURPOSE.** To provide a definition for terms used in these policies and procedures in this Personnel Manual. .
- C. **POLICY.** The personnel policies and procedures 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 this Personnel Manual, 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.

RESERVE OFFICER – A sworn employee who may work for the police department with or without compensation on a part-time basis if called to do so, and who is required to volunteer twenty (20) hours per month to remain on the Town's Reserve Officer roster.

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.

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 in the police department so that all positions of a given class in the police department will be paid in the same wage or salary range established for the class.

COMPENSATORY TIME - Time off with pay in lieu of overtime pay for irregular or occasional overtime work.

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, 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.

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 program 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 F.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 in this Personnel Manual and the Town's policies and procedures.

FULL-TIME EMPLOYEE—This means an employee who works a shift that on an annual basis would total no less than 2,080 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, or 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, domestic partner, 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.

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.

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.

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.

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 work week for non-certified law enforcement employees and 84 hours bi-weekly for certified law enforcement employees.

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.

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 in the new position, regardless if it is a new hire position, transfer, or promotion. Upon successful completion of his/her probationary period, an employee shall be a regular employee in that position.

- 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.

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 2,080 hours per year.

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 less than thirty-two (32) hours per work-week

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 this Personnel Manual.

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

TEMPORARY EMPLOYEE - An employee for a period, usually no longer than 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: April, 2022

CHAPTER III

ADMINISTRATION OF THE POLICIES AND PROCEDURES

Policy 3.1. RESPONSIBILITY FOR ADMINISTRATION OF THE POLICIES AND PROCEDURES.

- A. SUBJECT. Responsibility for administration of personnel policies and procedures.
- 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 policies and procedures. 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 policies and procedures and from time to time as directed by the Town Council.
 - 3. The Town Manager, at his or her discretion, may delegate any or all of the duties assigned to him by these policies and procedures.
 - 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 policies and procedures 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 policies and procedures.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: April , 2022

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 policies and procedures 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 policies and procedures.
 - 2. The Town Manager, at his or her discretion, may delegate any or all of these duties assigned to him or her by these policies and procedures.
 - 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: April , 2022

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 select, develop and promote employees based on the individual's ability and job performance and to select the best-qualified candidates for the position. It has been and shall continue to be, the policy of the Town to provide equal employment opportunity to all people in all aspects of the applicant and employer/employee relations without discrimination because of race, creed, color, religion, sex (including pregnancy, childbirth and related medical conditions, sexual orientation), gender (including gender identity, transition, and/or expression), genetic information, national origin, ancestry, marital status, age, citizenship status, physical or mental disability, genetics, veteran status, or other basis that are prohibited by federal, state and/or local law and are applicable to the Town. The Town also makes reasonable accommodations for qualified disabled employees so long as the Town is not caused undue hardship. This policy affects decisions including, but not limited to, an employee's compensation, benefits, terms and conditions of employment, opportunities for promotion, training and development, transfer, termination, and other terms of employment. It has been, and shall continue to be, the Town's policy to maintain a working environment free of discrimination, unlawful harassment (including by example racial and sexual harassment), and retaliation. This commitment includes a mandate to promote and afford equal treatment and services to all citizens, employees and Town representatives.

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

- 1. Ensure nondiscriminatory treatment in Town hiring, Town employment, including promotions, 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 ensure equal employment opportunities in the Town:

- a. Ensure 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, sex, (including pregnancy, childbirth and related medical conditions, sexual orientation), gender (including gender identity, transition, and/or expression), genetic information, national origin, ancestry, marital status, age, citizenship status, physical or mental disability, genetics, veteran status, or other basis, that are prohibited by federal, state and/or local law and are applicable to the Town. The Town also makes reasonable accommodations for qualified disabled employees so long as the Town is not caused undue hardship.
- c. Provide orientation for all new employees specifically emphasizing how the Town ensures equal opportunity. Encourage all employees to avail themselves of services rendered.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: April , 2022

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, creed, color, sex, (including pregnancy, childbirth and related medical conditions, sexual orientation), gender (including gender identity, transition, and/or expression), genetic information, national origin, ancestry, marital status, age, citizenship status, physical or mental disability, genetics, veteran status, or other basis, that are prohibited by federal, state and/or local law and are applicable to the Town. The Town also makes reasonable accommodations for qualified disabled employees so long as the Town is not caused undue hardship.
- 2. Make hiring and 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 discrimination and 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: April, 2022

Policy 4.3. PROBATIONARY PERIOD

- A. SUBJECT. Probationary period.
- 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, transferred, or promoted to fill. Every newly hired employee or employee filling a new or different position will go through a probationary period.
- D. PROCEDURE.
 - 1. The probationary period shall begin immediately upon hire/appointment and shall continue for a period of six (6) months for all employees, except that the probationary period for a police officer shall begin upon appointment/hire and continue for a period of one (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. Appointment/hiring of police officers shall be made in compliance with these policies and its Orders related to appointment/hiring of police officers.

- 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 employee's performance has 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 an initial six (6) month probationary period in the new position, except for a police officer who shall have an initial one (1) year probationary period in the new position. The probationary period shall not be terminated at the end of the initial period (six (6) months for Town employees and one (1) year for police officers) unless the employee's supervisor determines the services of the employee are Satisfactory and recommends to the Town Manager (Chief of Police for police officers) that the employee be given regular status in the new position. If the employee's work is not Satisfactory at the end of the initial period, then the Town Manager (Chief of Police for police officers) 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 six (6) month probationary period (except for police officers who shall have a one (1) year probationary period) and a reduction in pay if the prior position paid less.
- 4. When an employee is promoted to a higher class or transferred laterally, his/her probationary service will not eliminate, slow or diminish his or her 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 (Chief of Police for police officers).

EFFECTIVE DATE: March 14, 2012

LAST REVISED: April, 2022

Policy 4.4. 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. The Town Manager shall also determine the job qualifications and duties of the temporary position.
 - 4. Temporary employees will usually not work for a period of more than ninety (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: April , 2022

Policy 4.5. E-Verify.

A. SUBJECT. E-Verify.

B. PURPOSE. To establish a 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 as required by law.
2. Potential Applicants that are not verified are not eligible for employment with the Town.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: April, 2022

Policy 4.6. ANTI-NEPOTISM.

A. SUBJECT. Anti-Nepotism.

B. PURPOSE. To establish a policy for the employment of members of an immediate family, in order to ensure equality in the best interest of the Town.

C. POLICY. Employment of immediate relatives may create an atmosphere or appearance of bias and unequal treatment. To avoid this, employees who are immediately related may not 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, discipline, terminate 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: April, 2022

Policy 4.7. EMPLOYMENT OF MINORS.

- A. SUBJECT. Minors working for the Town.
- B. PURPOSE. To establish a 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: April, 2022

Policy 4.8. 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 in which minors volunteer.
- 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 apply 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 to volunteer must be signed by the parent or legal guardian in the presence of a witness.
 - 3. 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.
 - 4. The applicant shall be contacted by the Clerk's Office or Town Manager Designee to schedule work (volunteer) time or to notify the applicant that work has been denied.
 - 5. 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.
 - 6. Volunteers who are minors and a minor's parent or legal guardian are to sign a waiver, which will be provided by the Town.
 - 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: April, 2022

CHAPTER V

COMPENSATION PLAN FOR POLICE OFFICERS

Policy 5.1 COMPENSATION PLAN FOR POLICE OFFICERS.

- 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. The Compensation Plan shall include:
 - 1. A basic table of pay rates.
 - 2. The schedule of salary grades for each title 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 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 determined with 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 employees with incentives 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 (12) 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 or her original appointment/hiring to a position. However, the Department Head may submit, in writing, to the Town Manager a statement of unusual circumstances 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, which usually will be a decrease in pay.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: April, 2022

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.
- D. **PROCEDURE.**
 - 1. The types of Town employment are:
 - a. **Probationary Employee:** An employee on a trial status during the initial period of employment or in a new position. All newly hired, transferred or promoted Town employees are on a probationary status. Probationary periods may be extended at the Town Manager's (Chief of Police for police officers) sole 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 2,080 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 less than thirty-two (32) hours per work-week.
 - d. **Temporary Full-Time Employee:** An employee whose work assignment is usually 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. **Reserve Officer –** A sworn employee who may work for the police department with or without compensation on a part-time basis if called to do so, and who is required to volunteer twenty (20) hours per month to remain on the Town's Reserve Officer roster.
 - 2. Employee compensation shall be stated in terms of hourly wage or bi-weekly 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 (6) months or has entered into a contract with the Town which excludes/includes certain benefits, to the extent permitted by law.
- b. Part-time and Temporary employees do not receive benefits, including, without limitation, vacation, holiday, or sick leave benefits. The only exception to this is that the Town provides accidental death and disability insurance benefits for crossing guards and reserve officers as a result of the services they provide to the Town.
- c. Employees are entitled to compensation and to payment of overtime as required by the Fair Labor Standards Act and as outlined in these policies.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: April , 2022

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 Town 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 varying 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 policy. The lunch period will be scheduled to allow for continuous staffing of all departments with at least one (1) person on duty.
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 is usually required to be made up during the work period in which it occurs. Employees must contact their immediate supervisor if they are going to be late to work.

7. Notice of an anticipated absence is expected at least thirty (30) minutes prior to the start of the employee's shift when possible but no later than the start of the employee's 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 and such make-up time is pre-approved by the employee's immediate supervisor. 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 or mentally 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, non-exempt employees must not take work to be completed at home unless authorized. All work performed for the Town should be performed during regularly scheduled or authorized work hours. A non-exempt 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: April, 2022

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 fourteen (14) days. This work period starts at 6:00 a.m. and ends fourteen (14) 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: April, 2022

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. An employee's rate of pay does not include allowances for official authorized travel or other expenditures incurred in the conduct of Town business, or for allowances for the official use of the employee's 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 by the Internal Revenue Service Guidelines.
 - 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 the Internal Revenue Service Guidelines.
 - 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. This policy shall apply to all employees including those exceptions listed in Policy 1.1.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: April, 2022

Policy 6.5. OVERTIME/COMPENSATORY TIME.

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

1. Overtime

- a. As a general policy, 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 work week.
 - 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.
 - iii. Salaried exempt personnel are not entitled to overtime pay.
- c. Holidays and time on leave shall not be considered as time worked for purposes of calculating overtime pay for that pay period.
 - i. If an employee is provided Compensatory Time the Compensatory Time shall accrue at the same rate as overtime pay and may be banked to be used at a later date.
 - ii. A full-time employee may maintain a maximum of forty (40) hours of Compensatory Time per fiscal year.
 - iii. Compensatory Time will be paid out at the same rate as overtime pay if there is a separation of employment.
 - iv. All use of Compensatory Time must be approved by the employee's supervisor.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: April , 2022

Policy 6.6. HOLIDAY PAY.

- A. SUBJECT. Holiday pay.
- B. PURPOSE. To establish a policy for paid holidays to its employees.
- C. POLICY. It is the policy of the Town to provide paid holidays to its 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 (2) 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 except that if a police officer calls in sick on a holiday the police officer was scheduled to work, the police officer will need to utilize the police officer's sick time/pay.
 - 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. 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. For example, employees will be paid for an eight (8) hour shift except that police officers assigned to a twelve (12) hour shift will be paid for twelve (12) hours.
 - 4. Full-time Employees where shifts must be covered seven (7) days per week 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: October 21, 2021

LAST REVISED: April , 2022

Policy 6.7. TIME RECORDS.

- A. SUBJECT. Time Records.
- B. PURPOSE. To establish guidelines for preparation of employee time records.
- C. POLICY. Uniform guidelines for employee time records and Town payrolls will ensure compliance with all federal and state laws related to compensation.
- D. PROCEDURE.
 - 1. Employees are responsible for keeping their time and submitting it on a timely basis. Currently, employees import their time electronically. If the procedure should change, employees are required to comply with the new timekeeping/reporting procedure(s).
 - 2. Requests for corrections to the previous time record due to inadvertent oversights shall be submitted to the Finance Department, except for the Police Department where employees must follow the chain of command when making requests for corrections.
 - 3. Falsification of time records for payroll purposes is reason for discipline up to and including termination of employment.
 - 4. Employees may direct inquiries concerning payroll matters to the Finance Department, except for the Police Department where employees must follow the chain of command when making inquiries concerning payroll matters.
 - 5. 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 and in compliance with the law.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: April, 2022

Policy 6.8. PAYROLL DEDUCTIONS.

- A. SUBJECT. Payroll deductions and safe harbor provisions.
- B. PURPOSE. To define required and voluntary payroll deductions.
- C. POLICY. A uniform policy for payroll deductions will ensure 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. All other legal withholdings.
 - 2. The following deductions may be authorized by the employee:
 - a. Supplemental insurance.
 - b. Any other deduction as approved by the Town Manager
 - 3. The following deductions also may occur:
 - a. Deductions authorized by Town Council.
 - b. Garnishments.
 - c. Deductions for the first and last week of employment, as permitted under the FLSA.
 - d. Deductions for suspensions relating to violations of certain policies, as permitted under the FLSA.
 - e. Deductions from employees' paychecks for absences which are not covered by the Town's PTO policy or for other time off that is not covered by the Town's policies for such time off.
 - 4. 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.
 - 5. 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 within ten (10) working days prior to pay date.
 - 6. It is the employee's responsibility to ensure that the employee's paycheck/stub is accurate. If an employee finds, or believes, that an improper deduction has been made from his or her paycheck the employee must immediately report the issue to the Finance Department, except for the Police Department where its employees must follow the Police Department's chain of command. All errors must be reported, even if the error is in the employee's favor. The Town encourages and expects employees to use this complaint procedure. No employee will be retaliated against for reporting any suspected improper deductions. All complaints of improper deductions will be

promptly investigated. If valid, the Town will provide the employee with payment for the previously deducted amount. If there was an overpayment arrangements must be made to repay the monies.

7. In the event an employee has been paid in excess of what he/she has earned, the employee will need to return the overpayment to the Town as soon as possible. No employee is entitled to retain any pay/compensation in excess of the amount he/she has earned according to the agreed-upon rate of pay/compensation. If a wage overpayment occurs, the overpayment will be regarded as an advance of future wages payable and will be deducted in whole or in part from the next available paycheck(s) until the overpaid amount has been fully repaid.
8. Full time exempt employees who are absent for one or more full days due to personal reasons, or for sickness or disability without accrued sick leave or vacation leave or are absent for a personal reason (other than sickness or disability) are considered to have taken a personal day off and therefore will not be paid for the day(s) that the employee is absent. In addition, the Town may take deductions from the pay of full time exempt salaried employees if the employee receives compensation for his or her absences under the Town's PTO policy. The Town is permitted to offset any amounts received as payment for jury duty, witness fees or military pay. The Town also does not pay the full salary of full time exempt employees in their initial or last weeks of employment (if the employee works less than a full work week in those weeks). Although the Town is not currently subject to the federal Family and Medical Leave Act, if in the future, the Family and Medical Leave Act becomes applicable, The Town will not pay full time exempt employees their full salary for weeks in which the exempt employee takes unpaid leave under the Family and Medical Leave Act.
9. If an employee violates any safety rules of major significance or any workplace conduct rules, disciplinary action may include unpaid disciplinary suspensions for a period of time. This applies to both hourly non-exempt and salaried exempt employees.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: April , 2022

Policy 6.9. PAY PERIODS.

- A. SUBJECT. Pay periods.
- B. PURPOSE. To define a uniform pay period.
- C. POLICY. A uniform pay period schedule will ensure compliance with federal and state compensation laws.
- D. PROCEDURE.
 - 1. The normal payroll period for Town employees is paid bi-weekly. There are twenty-six (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. 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.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: April , 2022

Policy 6.10 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. Plan Documents and the applicable laws, policies and procedures regarding the Retirement System govern eligibility.
 - 3. Employees who plan to retire from the system are encouraged to contact the Town Retirement System Representative at least ninety (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 the Town Manager.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: April, 2022

Policy 6.11. 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 Florida's Worker's Compensation program, 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. 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.
 - 2. 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 covered under workers compensation 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: April , 2022

Policy 6.12. 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 for such coverage.
- D. PROCEDURE.
 - 1. The Town currently provides a comprehensive group insurance plan for all regular full-time employees which currently includes provisions for hospitalization, medical, dental, vision, 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. Eligibility for coverage are determined by the plan documents.
 - 3. The Town Council may change the insurance provided to employees at any time based upon budgetary concerns.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: April . 2022

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.

- 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. An employee may select one day as a floating holiday within the twenty-six (26) pay periods of each fiscal year provided:
 - i. The employee has given not less than twenty-eight (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. A floating holiday is to 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 is considered when determining 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 holidays may be combined with vacation, holidays, or other leaves. Unused floating holidays 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 will make reasonable efforts to allow time off for the religious holiday. Employees may use his/her floating holiday 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. Please also see the Town's Religious Accommodation policy.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: April , 2022

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 regular full-time 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. Employees shall accrue the number of vacation hours allotted per previous vacation accrual policies 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. 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. Part-time and 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 (6) months of employment unless specifically approved by the Town Manager. Should, due to an emergency, vacation time be allowed to be used before it is accrued, an employee may request an advance of up to five (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 considered an advance in pay and therefore 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 (2) 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 forty (40) hours per year if it is determined that the employee was unable to take leave during the year to avoid accruing over the maximum allotment of one hundred sixty (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 (12) months following the month of accrual. If vacation leave is not taken during the twelve (12) 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. A Department Head and next ranking employee cannot take vacations at the same time.
 - 18. No more than three (3) Department Heads shall take vacations at the same time.
 - 19. 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: April, 2022

Policy 7.3. SICK LEAVE

- A. SUBJECT. Employee sick leave.
- B. PURPOSE. To establish a uniform basis for accrual and use of sick leave.
- 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. 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 (5) working days. An extension beyond that time may be authorized only with the approval of the Town Council.
 - 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 (6) 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 policies and procedures 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 the Town Manager, with ten (10) or more years of service. If paid, accrued but unused sick leave will be paid at 50% of the employee's 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 forty-eight (48) hours of sick leave (excluding physician/medical appointments or verified time in a physician's or medical facility's care), may be required to provide a physician's statement and/or special approval from his or her Department Head. Abuse of using sick leave can result in discipline up to and including termination of employment. Additionally, if employees are laid off, abuse of the sick leave policy can impact the recall status of the employee to return to work or active duty.

- 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 or her immediate supervisor no later than thirty (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 thirty (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 (6) 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 - An 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. The donating and receiving employees will have to complete the appropriate documentation relating to the donation of leave credits.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: April , 2022

Policy 7.4. LONGEVITY ADMINISTRATIVE LEAVE.

- A. SUBJECT. Employee leave based on employee's years of service.
- B. PURPOSE. To establish a procedure to provide time for leave for employees based on the length of time employees have been employed with the Town.
- C. POLICY. It is the policy of the Town to provide administrative leave to Town employees for the length of service that Town employees have been employed by the Town. This promotes a healthy and rested employee work force.
- D. PROCEDURE.
 - 1. Accrual rate – Regular, full-time Town employees, and sworn police officers, shall earn administrative leave for each period of employment on the following basis, which is based on the length of time the employee is employed with the Town, unless otherwise agreed upon per contract.
 - a. Upon the fifth year of employment to the tenth year of employment with the Town, a Town employee will earn eight (8) hours and a sworn police officer will earn twelve (12) hours of longevity administrative leave per year.
 - i.
 - b. Upon the tenth year of employment to the fifteenth year of employment with the Town, a Town employee will earn sixteen (16) hours and a sworn police officer will earn twenty-four (24) hours of longevity administrative leave per year.
 - c. Upon the fifteenth year of employment to the twentieth year of employment with the Town, a Town employee will earn twenty-four (24) hours and a sworn police officer will earn thirty-six (36) hours of longevity administrative leave per year.
 - d. Upon the twentieth year of employment to the twenty-fifth year of employment with the Town, a Town employee will earn thirty-two (32) hours and a sworn officer will earn forty-eight (48) hours of longevity administrative leave per year.
 - e. Upon the twenty-fifth year of employment with the Town and thereafter, a Town employee will earn forty (40) hours and a sworn officer will earn forty-eight (48) hours of longevity administrative leave per year.
 - 2. Current employees and sworn police officers shall accrue the number of longevity administrative leave based on their anniversary date of employment.
 - 3. Longevity administrative leave shall be distributed in increments of not less than one (1) hour per request.

4. Longevity administrative leave shall be scheduled at such times as the Department Head finds most suitable after considering the wishes of the employee, including sworn police officer, and the requirements of the department. All requests for longevity administrative leave must be approved by the Department Head prior to the commencement of the requested leave. Unless there is a personal emergency, longevity administrative leave requests must be presented to the Department Head by the employee, including sworn police officers, at least two (2) weeks in advance of the requested leave.
5. If an employee, including a sworn police officer, transfers from one department within the Town to another, the longevity administrative leave credits shall also be transferred.
6. Longevity administrative leave earned by an employee (including a sworn police officer) cannot be transferred to another employee/police officer.
7. Temporary and part-time employees shall not earn longevity administrative leave.
8. Longevity administrative leave rolls over from year to year, once earned, and does not expire.
9. Paid holidays occurring during longevity administrative leave are not charged as longevity administrative leave.
10. Employees and sworn police officers will be paid out all earned but unused longevity administrative leave, at his/her rate of pay at that time of separation, after his/her separation of employment, regardless of the reason of separation.
11. Use of Longevity Administrative Leave.
 - a. Upon reasonable notice to the employee/sworn police officer, a Department Head may require an employee/sworn police officer to use longevity administrative leave. The Town reserves the right to rearrange leave schedules, to require employee to take leaves of absence at certain times, as circumstances may prescribe. Further, the Town Council may alter this longevity administrative leave policy at any time.
 - b. May be used in conjunction with the sick and/or vacation leave upon request of the employee/sworn police officer and when the employee's/sworn police officer's sick and/or vacation leave credits have been exhausted.
12. A Department Head and next ranking employee cannot take longevity administrative leave at the same time.
13. No more than three (3) Department Heads shall take longevity administrative leave at the same time.
14. An employee, including sworn police officer, is responsible for keeping track of the accrual of longevity administrative leave and using it in a manner consistent with the policies and procedures in this Personnel Manual.

EFFECTIVE DATE: March, 2022

LAST REVISED: April, 2022

Policy 7.5 LEAVE UNDER THE FAMILY MEDICAL LEAVE ACT.

- A. SUBJECT. Family and medical leave.
- B. PURPOSE. To establish/clarify the Town's family and medical leave policy.
- C. POLICY. Currently, the Town employs less than 50 employees and therefore its employees do not qualify for leave under The Family Medical Leave Act. When and if it employs 50 or more employees, the Town will comply with the FMLA requirements.

ii. **FAMILY AND MEDICAL LEAVE:** The Town shall provide unpaid family and medical leave, or military family leave to an "Eligible Employee" in accordance with the provisions of the Family and Medical Leave Act of 1993, as amended, and its implementing regulations (the "FMLA"). An "Eligible Employee" is an employee who: has worked for the Town for at least twelve (12) months; meets the hours of service requirement in the 12 months preceding the commencement of the leave (i.e., worked at least 1,250 hours during the 12 month period preceding the commencement of the leave and/or was on a leave of absence from work due to or necessitated by USERRA-covered service); and is employed at a job site where there are 50 or more employees within a 75 mile radius. Employees are not eligible for FMLA unless they meet this definition of being an Eligible Employee.

- 1. In accordance with applicable regulations and the FMLA, as amended, the Town provides the following types of FMLA leave:

- (a) Basic Leave: Eligible Employees will be granted a total of up to 12 weeks of unpaid leave for the following reasons:

- (i) For incapacity due to pregnancy, prenatal medical care or childbirth;

- (ii) The birth of the employee's child and in order to care for that child;

- (ii) The placement of a child with the employee for adoption or foster care, and to care for the newly placed child;

- (iv) The care for a spouse, child, or parent (not parents "in law") who has a serious health condition; or

- (v) The employee's own serious health condition that renders the employee unable to perform one or more of the essential functions of his or her job.

- (b) Qualifying Exigency Leave: Eligible Employees of a Military Member who is on covered active duty or call to covered active duty status (or has been notified of an impending call or order to covered active duty), may use their 12-week leave entitlement to address certain "qualifying exigencies." Qualifying exigencies include short notice deployments (7 or fewer days), military events and related activities, arranging for alternative childcare and school activities, providing immediate child care; enrolling or transferring a child to a new school or day care facility, attending meetings with staff at a school or daycare facility,

providing immediate care to a parent, arranging for alternative parental care, admitting or transferring the parent to a care facility, or attending meetings with staff at a care facility; addressing certain financial and legal arrangements, attending certain counseling sessions, rest and recuperation attending post-deployment reintegration briefings, and additional activities as agreed to by the Town and the employee.

(c) Caregiver Leave: Eligible Employees will be granted a total of up to 26 weeks of unpaid leave to care for a Covered Service member or Covered Veteran. An employee requesting this type of leave must provide the Certification of Serious Injury or Illness of the Covered Service member - For Military Family Leave (DOL Form WH-385) or the Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave (DOL Form WH-385-V). These certifications are not tied to a serious health condition as for other types of leave. In order to take leave to care for a Covered Service member or Covered Veteran, the Eligible Employee must be the spouse, son, daughter, parent, or Next of Kin of the Covered Service member or Covered Veteran.

2. Calculating Leave Periods. The 12-month period for Basic Leave and Qualifying Exigency Leave shall be measured for all employees based on a 12-month period measured backward from the date an employee uses any family or medical leave. The 12-month period for Caregiver Leave shall be measured for all employees beginning on the first day of such leave forward. Entitlement to leave for the birth or placement of a child for adoption or foster care will expire 12 months from the date of birth or placement. The leave is without pay, pursuant to the conditions set out in this policy.
3. Use of Leave. Employee leaves of absences ("LOA") run simultaneously. For all family and medical leave requested the employee is required to use all of his/her accrued PTO time. The remainder of the leave will be unpaid.
4. Intermittent Leave. Employees may not take intermittent or reduced leave for the birth or placement of a child. In the case of serious health conditions or for the care of Covered Service members or Covered Veterans, leave may be taken intermittently or on a reduced leave schedule when medically necessary.
5. Requesting Leave. Where the need for FMLA leave is foreseeable based on an expected birth, placement for adoption or foster care, prenatal medical care; planned medical treatment for a serious health condition of the employee or a family member, or the planned medical treatment for a serious injury or illness of a Covered Service member or Covered Veteran, an Eligible Employee must provide notice to the Town by submitting the Request for Family or Medical Leave form at least thirty (30) days before the leave is to begin or their leave may be delayed until 30 days after the date the Eligible Employee provides the required notice. Where the need for FMLA leave is not foreseeable the employee must provide notice as soon as practicable under the facts and circumstances of the particular case. **Employees may at any time during regular Town Hall**

hours obtain copies of the Town's Request for Family or Medical Leave form from the Town Clerk.

6. Additional Information on FMLA Leave. All Town employees are directed to review the Department of Labor Notice to Employees referenced as "Employee Rights and Responsibilities Under the Family and Medical Leave Act" (WHD Publication 1420) included as **Addendum 1** to this Employee Handbook, and incorporated herein, which contains additional information on their FMLA entitlements, if any. **Employees may at any time during regular Town Hall hours obtain copies of the Town's FMLA forms from, or direct questions or complaints regarding the FMLA to the Town Clerk.**

EFFECTIVE DATE: March , 2022

LAST REVISED: April , 2022

Policy 7.6. 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: April, 2022

Policy 7.7. 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 be allowed 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 (2) 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: April, 2022

Policy 7.8. JURY/COURT LEAVE.

- A. SUBJECT. Employee time off for jury duty/court purposes.
- B. PURPOSE. To establish a policy for jury leave.
- C. POLICY. It is the policy of the Town to provide leave for jury duty/court purposes.
- D. PROCEDURE.
 - 1. Regular full-time employees who are required to serve on a jury, or as a result of official Town of Windermere duties are 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: April , 2022

Policy 7.9 BEREAVEMENT LEAVE.

- A. SUBJECT. Employee time off for bereavement.
- B. PURPOSE. To establish a policy for bereavement leave.
- C. POLICY. It is the policy of the Town to provide leave for bereavement leave for its employees.
- D. PROCEDURE.

Regular full-time employees will be provided three (3) days of leave 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, to attend the funeral of a member of the employee's immediate family as defined by the FMLA or the employee's domestic partner, brother, sister, grandparents, parent-in-law, daughter-in-law, son-in-law, and grandchild.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: April, 2022

CHAPTER VIII

OTHER PERSONNEL RELATED SUBJECTS

Policy 8.1. DISABILITY ACCOMMODATION/REASONABLE ACCOMMODATIONS FOR QUALIFIED DISABLED INDIVIDUALS.

- A. SUBJECT. Disability Accommodation/Reasonable Accommodations for Qualified Disabled Individuals.
- B. PURPOSE. To establish a policy for disability accommodation/reasonable accommodations for qualified disabled individuals.
- C. POLICY. It is the policy of the Town to provide a policy for disability accommodation/reasonable accommodations for qualified disabled individuals purposes.
- D. PROCEDURE.

It is the Town's policy to comply with federal, state, and any applicable local laws regarding the employment of qualified persons with a disability. The Town prohibits discrimination against a qualified individual with a known disability. This includes, but is not limited to, discrimination with respect to application, hiring, promotion, discharge, compensation, benefits, training, and all other aspects of employment. The Town also complies with any requirement to make the workplace readily accessible to and usable to enable disabled employees to enjoy equal benefits and privileges of employment.

The Town will reasonably accommodate qualified individuals with a known disability if necessary to enable an individual to perform the essential functions of the individual's job and/or to ensure the workplace is readily accessible to and usable by an employee. Such reasonable accommodation will be made unless it creates an undue hardship for the Town. The individual must make known to the Town the need for a reasonable accommodation and is free to suggest an accommodation but there is no guarantee that the suggested accommodation will be provided. The individual must contact Human Resources if a reasonable accommodation is being requested and provide sufficient information for the request to be evaluated. When a reasonable accommodation is requested, the Town will engage in an interactive process with the employee in order to assess the request and the Town's business needs.

Sufficient medical information/accommodation assessment will be required to support the request and need for an accommodation. Requests by qualified individuals with disabilities for reasonable accommodations will be considered by Human Resources and the Town Manager and discussed with others on a need to know basis to determine the nature and scope of the accommodation to be made (if appropriate), after consideration of the particular circumstances, including any hardship to the Town. Please refer to the Town's policy addressing leave of absences and return to work/fitness for duty certifications, if the request for an accommodation includes a request for time off or an extended leave of absence. The Town will work with the employee on a reasonable accommodation, but the accommodation granted may not be the accommodation that is being specifically requested by the employee. Employees with questions on this policy must direct those questions to Human Resources.

All information obtained concerning the medical condition or history of an applicant or employee will be maintained in separate medical files and will be treated as confidential information that will only be disclosed as is essential or necessary.

EFFECTIVE DATE: March, 2022

LAST REVISED: April, 2022

Policy 8.2. RELIGIOUS ACCOMMODATION.

- A. SUBJECT. Religious Accommodation.
- B. PURPOSE. To establish a Town policy for religious accommodations.
- C. POLICY. It is the policy of the Town to provide a policy for religious accommodation purposes.
- D. PROCEDURE.

It is the policy of the Town to offer equal employment opportunity to all persons, regardless of their religious beliefs and practices, or lack thereof, in compliance with all federal, state, and local laws. The Town respects the religious beliefs, observances, and practices of all employees and embraces religious diversity. The Town will make good faith efforts to reasonably accommodate an employee's sincerely held religious belief, unless such an accommodation would create an undue hardship for the Town.

An employee whose sincerely held religious beliefs (or non-beliefs), observances, or practices conflicts with his/her job, work schedule, with the Town's policy or practice on dress and appearance, or with other aspects of employment and who seeks a religious accommodation must submit a written request for the accommodation to Human Resources. A form for such a request is available from Human Resources. The written request must include the type of religious conflict that exists and the employee's suggested accommodation. The request must contain sufficient information for the request to be properly evaluated and a determination made as to whether the Town must make a religious accommodation as social, political, economic philosophies, and personal preferences generally speaking (and unless as provided under applicable law), are not "religious" beliefs or practices which must be accommodated. An accommodation may be a change in job, using paid leave or leave without pay, providing a specific time and/or place to pray, allowing an exception to the dress and appearance code which does not impact safety or uniform requirements, or for other aspects of employment. Religious accommodation requests are considered on a case-by-case basis.

Human Resources, the supervisor and/or Town Manager, if applicable, and the employee will meet to discuss the request. Human Resources (who may consult with the Town Manager or other appropriate members of management) will determine the nature and scope of the accommodation to be made, after consideration of the particular circumstances, the type of conflict and suggested accommodation, including any hardship to the Town and considering any work related matters that are permitted to be assessed. The employee will be informed of the decision on the accommodation to be provided and if no accommodation is able to be made that will be explained to the employee. If the employee accepts the proposed religious accommodation, the decision will be implemented. If the employee rejects the proposed accommodation, the employee will be provided with an opportunity to further discuss this situation with Human Resources to ensure Human Resources had all available information when making the decision. The employee will be informed of the final decision.

Any supervisor or manager who becomes aware of any situation that may require the Town to consider a religious accommodation must immediately notify Human Resources. Any supervisor or other employee who has questions concerning the application of this policy, including the denial of a requested accommodation, must raise them with Human Resources.

An employee who is not requesting a religious accommodation but who has a concern about a matter involving religion in the workplace must bring those matters to the Town's attention in accordance with the Prohibited Discrimination, Unlawful Harassment (Including Sexual Harassment) and Retaliation policy.

There will be no retaliation against an employee who has requested a religious accommodation or who has made a good faith report of religious discrimination.

EFFECTIVE DATE: March, 2022

LAST REVISED: April, 2022

Policy 8.3. THE GENETIC INFORMATION NONDISCRIMINATION ACT OF 2008.

- A. SUBJECT. The Genetic Information Nondiscrimination Act of 2008.
- B. PURPOSE. To establish the Town's policy to comply with the Genetic Information Nondiscrimination Act of 2008.
- C. POLICY. It is the policy of the Town to follow the Genetic Information Nondiscrimination Act of 2008.
- D. PROCEDURE.

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of employees or their family members. In order to comply with this law, the Town will not request, and asks that an employee not provide, any genetic information when responding to any request by the Town for medical information. 'genetic information,' as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

EFFECTIVE DATE: March , 2022

LAST REVISED: April , 2022

Policy 8.4. OPEN DOOR POLICY FOR TOWN EMPLOYEES.

- A. SUBJECT: Open Door Policy for Town employees.
- B. PURPOSE. To establish direct line of communication with Town employees and Town Management.
- C. POLICY. The Town of Windermere welcomes and believes in open communication between employees and management because it helps in creating a productive, healthful, and enjoyable place to work. 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. Employees of the Police Department are to follow their Chain of Command and comply with the Police Department's policy regarding communications or concerns about the workplace.

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 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. If it is not resolved between the employee and the employee's supervisor, the employee is to discuss the issue with the Department Head. 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: April, 2022

Policy 8.5. PERFORMANCE EVALUATIONS FOR TOWN EMPLOYEES.

- A. SUBJECT: Performance evaluations for Town employees.
- B. PURPOSE. To establish procedures for employee performance evaluations for Town employees.
- C. POLICY. It shall be the policy of the Town to provide performance evaluations to employees. This will help ensure that employees who are assigned to duties are able to perform those duties in an efficient manner. Employees of the Police Department are to follow its evaluation procedures, including those outlined in its Field Training Manual.
- 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 the 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 employees who perform beyond what is expected.
- b. In order to implement the intent of the Town:
 - i. It is the intent of the Town to normally provide an employee a written evaluation of performance at least four (4) weeks prior to the end of the employee's probationary period. An extension of the probationary period would require a written evaluation of performance to be given every three (3) 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.
 - ii. Each employee will normally be given a written evaluation of performance once per year. Evaluations are usually due April 1 of each 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 (6) 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 the cost of living 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 the employee from employment with the Town may be taken. Employees will usually not remain employed after two (2) consecutive Unsatisfactory evaluations.
- d. The failure to perform an evaluation shall in no way affect the Town's ability to discipline, promote, or terminate an Employee.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: April, 2022

Policy 8.6. 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, the employee 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, the employee 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 and/or the employee fails such test or examination.
 - 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: April, 2022

Policy 8.7. OUTSIDE EMPLOYMENT.

- A. SUBJECT: 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 shall be reported to and receive prior approval from the Town Manager.
- D. PROCEDURE.
 - 1. All terms and conditions of outside employment of regular full-time Town employees shall be reported to the Town Manager and the employee must seek prior approval from the Town Manager before seeking or accepting outside employment. .
 - 2. Such outside employment shall in no way conflict with or be detrimental to the employee's Town work.
 - 3. 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.
 - 4. 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.
 - 5. 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: April, 2022

Policy 8.8. 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 and any other federal, state, and local law.
 - 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: April, 2022

Policy 8.9. NON-SOLICITATION POLICY.

- A. SUBJECT: Solicitations.
- B. PURPOSE. To establish procedures for prohibition of solicitation 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: April 2022

Policy 8.10. SOLICITATIONS.

- A. SUBJECT: Prohibition of Solicitations by employees, marketers or sales representatives.
- B. PURPOSE. To establish a uniform policy for handling solicitations by employees, 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 Time is not allowed.
- D. PROCEDURE.
1. Employees shall not solicit during Working Time.
 2. There shall be no distribution of paper literature during Working Time or any other time in any working area.
 3. "Working time" means time designated for performing actual job duties, either by the person soliciting or distributing the literature or the person being solicited or receiving the literature.
 4. Examples of "solicitation" include, but are not limited to, solicitations for magazines or periodical subscriptions, political contributions, or membership in organizations. Examples of "distribution" include, but are not limited to, distribution of political literature, subscription forms or informational bulletins. Distribution does not include electronic distributions of literature, such as through email, which is permissible outside working time.
 5. The posting of written solicitations on the Town's bulletin boards is restricted. These bulletin boards display important information, and employees should consult them frequently for:
 - Any affirmative Action statement
 - Employee announcements
 - Internal memoranda
 - Job openings
 - Organization announcements
 - Workers' compensation insurance information
 - State disability insurance/unemployment insurance information
 - Required nondiscrimination posting requirements
 - Other Town related postings
 6. If employees have a message of interest to the workplace, they may submit it to Human Resources for approval and with approval it will be posted.
 7. Persons not employed by the Town are forbidden from coming on the Town's property to solicit or distribute material for any reason. All employees should immediately report to their supervisor any solicitation or distribution of literature in violation of this rule by non-employees. Any such violation by an employee is grounds for disciplinary action, up to and including discharge.

8. 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: April, 2022

Policy 8.11. DEPARTMENT POLICIES AND PROCEDURES.

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

EFFECTIVE DATE: March 14, 2012

LAST REVISED: April, 2022

Policy 8.12. 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 ensure 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. It is the employee's responsibility to ensure that no cost to the Town results from personal telephone or FAX calls.
 - 4. 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: April, 2022

Policy 8.13. USE OF CELL PHONES FOR TOWN EMPLOYEES.

- A. SUBJECT: Use of cell phones for Town employees.
- B. PURPOSE. To provide for control of Town and personal cell phone use.
- C. POLICY. Town cell phones should be used for Town business only and may be used for personal business on a very limited basis; use of personal cell phones is on a limited basis; and no use of cell phones is permitted while driving on behalf of the Town, unless it is used with hands-free listening device technology. Because of the nature of their duties and responsibilities, employees of the Police Department will comply with General Order 8.2, Vehicle Operations and General Order 9.1, Cell Phones.
- 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.
 - c. Personal cell phone use is only permitted in areas that do not cause interference with normal business operations.
 - 2. Town Cell Phones.
 - a. No Town owned cell phone which is issued to an employee may be used for personal matters unless pre-approved by the employee's Department Head or per contract.
 - 3. Whether the employee is using a Town or his/her own phone, employees who have access to a cell phone, should remember that when using their cars or Town-owned vehicles, their primary responsibility is driving safely and obeying the rules of the road. Employees are prohibited from using cell phones (including texting) to conduct business while operating a motor vehicle, unless it is used with hands-free listening device technology, such as a Bluetooth earpiece, a wired ear-bud, etc. Unless using hands-free listening technology, an employee driving or operating a motor vehicle must safely pull off the road and come to a complete stop before conducting Town business on the cell phone, including, without limitation, dialing, talking on the phone, or reading or composing and e-mail or text message. Safety must come before all other concerns.
 - 4. As a representative of the Town, cell phone users are reminded that the regular business etiquette employed when speaking from office phones or in meetings applies to conversations conducted over a cell phone.
 - 5. Conducting Town business on a personal or Town cell phone, including texts, are subject to Florida's Public Records Act.

6. Violation of this policy will 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: April, 2022

Policy 8.14. USE OF TOWN'S ELECTRONIC SYSTEMS, INCLUDING ELECTRONIC MAIL (E-MAIL).

- A. SUBJECT: Use of Town's electronic systems, including electronic mail.
- B. PURPOSE. To establish a policy that requires use of electronic equipment, including, without limitation, e-mail, 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 equipment, including, without limitation electronic mail (e-mail), is to be used only for official business purposes. All electronic equipment, including email, used for official business purposes must be maintained as a public record. Personal messages should not be conveyed via e-mail during business hours. Persons desiring to send e-mail messages to other persons should convey them on their own time by personal, not Town, methods and systems.
- 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 and content on computer as deemed appropriate by the Town, without notice to the employee.
 - 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 twenty-four (24)-hour shift personnel, while onstandby.
 - 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, religious, disability, veteran 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 Prohibited Discrimination, Unlawful Harassment (Including Sexual Harassment) and Retaliation Policy, 8.22.
 - 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 twenty-four (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: April, 2022

Policy 8.15. SOCIAL MEDIA.

A. SUBJECT: Social Media

- B. PURPOSE: The Town does engages 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® Instagram, 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 Electronic Systems, Including Electronic Mail (E-Mail) policy, 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 Electronic Systems, Including Electronic Mail (E-Mail) 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.

All Town employees should understand there is a legal responsibility involved with using social media platforms. Though employees are free to post their own personal views on social media platforms, employees should know that some of their social media use may lead to irreparable harm to the Town, its employees or other third parties, or may violate certain Town policies and standards. Moreover, use of these sites may violate the rights of others when untrue, defamatory or legally protected information is posted. 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 or restrict protected employee communications, 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 the law.

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 citizen, 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. An employee's own personal information that they decide to disclose is not confidential information.
- 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. Be mindful that if you post photographs of other Town employees without their express approval to do so, they may have the right to pursue an action against you for postings they have not consented to.
- 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. This does not prohibit your use of the Town's email during non-working time when allowed by law.
- You may not use the Town's e-mail addresses to register any social media source or sites absent permission from the Town Manager, such as for a business LinkedIn account.
- You may not post Town 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.
- You are expected to quickly acknowledge and correct mistaken information communicated through social media.
- You are not to "friend" or connect with employees you directly or indirectly supervise.
- 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.
- The Town may engage in social media. Including an online presence. Employees who post on the Town's online locations must do so in their personal capacity and, consistent with this policy, communicate that capacity in the posting. Any employee who endorses the Town online must disclose his or her employment in the endorsement.
- 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.
- To ensure compliance with the National Labor Relations Act, all managers should 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: April, 2022

8.16. 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: April, 2022

Policy 8.17. 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. 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 an employee dress inappropriately, it will result in disciplinary action. If an employee continues to violate this policy, it will result in further disciplinary action up to and including termination of employment.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: March , 2022

Policy 8.18. 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 motor 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-owned motor vehicle if approved by the Town Manager.
 - c. Employees may take a Town-owned motor vehicle home for more than one night when specifically authorized in writing by the Town Manager.
 - d. Department Heads may take home a Town-owned motor vehicle at night if authorized by the Town Manager.
 - 3. Town-owned motor vehicles must be available for Town business at all times.
 - 4. Town-owned motor 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-owned motor 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-owned motor vehicles shall be allowed only when the family member is accompanying a Town employee to a business meeting or official function.
 - 6. Town-owned motor 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 motor 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-owned motor 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-owned motor 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: April, 2022

Policy 8.19. 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 Town 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 (EAP). EAP provides advice, assessments, and case review to help management develop intervention strategies and make decisions that will prevent violent incidents from occurring. EAP 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 immediately 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: April, 2022

Policy 8.20. 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, ensures 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 are to immediately notify their supervisor or, if necessary, direct the individual to the lobby.
 - 3. No animals other than Service Animals under the ADA, and as otherwise as required by law, shall be allowed anywhere in Town Offices.
 - 4. No animals other than Service Animals, under the ADA, and as otherwise 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: April, 2022

Policy 8.21 PROHIBITED DISCRIMINATION, UNLAWFUL HARASSMENT (INCLUDING SEXUAL HARASSMENT) AND RETALIATION.

- A. SUBJECT: Policy concerning discrimination and harassment.
- B. PURPOSE. To establish policy prohibiting all forms of discrimination and harassment. To define procedure for reporting discrimination and/or harassment. To establish guidelines for administration of discipline.
- C. POLICY. The Town does not and will not condone discrimination or unlawful harassment on against employees on the basis of race, color, religion, age, sex (including pregnancy, sexual orientation and which may include conduct based on sexual stereotyping), gender (identity, expression, transition), national origin, genetics, physical or mental disability, marital status, veteran's status, or other legally protected classification under federal, state and/or local law. 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").

It is the intent of the Town to exclude unlawful discrimination, unlawful harassment in all forms, and retaliation, in all of its workplaces and working relationships. Our workplace is not limited to the Town's worksites, but may also include vendor worksites, as well as anywhere a business-related function is taking place. All employees have the right to work in an environment free of discrimination any form of unlawful harassment, or retaliation.

Conduct. To help ensure that no employee feels him/herself to be subject to discrimination or unlawful harassment, the Town prohibits any offensive physical, written, or spoken conduct regarding any of these items, including conduct of a sexual nature, off-color jokes, racial, ethnic, or religious slurs or innuendos, whether in person, in writing, or by way of electronic media (the "Conduct").

Sexual harassment is a form of unlawful sex discrimination and is prohibited by the Town. Offensive Conduct of a sexual nature may constitute unlawful harassment when engaged in by someone employed by the 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. This includes gender and sex based harassment against a person of the same sex as the alleged wrongdoer. Any sexual advances or personal relationships between a supervisor and a subordinate are prohibited.

Scope and Reporting. The Town also prohibits repeated and unwelcome physical, written or spoken Conduct 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 customers, vendors or visitors of the Town, in any gathering sponsored by the Town or in which the Town is officially participating, will be cause for immediate investigation upon report of such offensive Conduct or situations to the immediate supervisor, Human Resources, or the Town Manager.

In addition, the same prohibition of discrimination, harassment, and retaliation applies to all employees of the Town who act on behalf of the Town as vendors, contractors, consultants and others who spend time on the premises of where the Town provides its services.

Definitions. Unlawful 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. Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Therefore, the 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.

The following are examples of what may be considered sexual (regardless of the sex or gender of the persons involved) or other unlawful harassment, depending on the facts and circumstances:

1. Verbal Harassment: derogatory or vulgar comments regarding sex or demands for sexual favors, sexual jokes, epithets, slurs, and innuendo, racial or religious slurs, or the like.
2. Visual Harassment: distribution or viewing of written or graphic materials containing sexually explicit or sexually or racially demeaning pictures or language (including email messages with attached files).
3. Physical Harassment: unwelcome or unsolicited sexual advances or other physical conduct of a sexual nature, such as touching, pinching, or causing one to fear that they will be touched inappropriately.

These examples apply whether during working hours, outside working hours, in person, or by other means of communications such as phone or electronic communications (e-mail, text messages, tweets, blogs, social networking sites or other means).

If an employee believes that he or she is being subjected to any of these 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 promptly bring this to the attention of a Department Head or the Town Manager so that the matter may be reviewed. The very nature of harassment makes it difficult to detect unless the individual being harassed registers their discontent with the supervisor, Department Head or Town Manager or someone does so on that individual's behalf. No one is authorized to discourage anyone from reporting what a person, in good faith, believes is or may be a problem under this policy or from participating in the Town's investigation of a situation under this policy. Consequently, in order for the Town to address the situation, employees must report such offensive Conduct or situations to the Department Head . If that person is not available, or if it would be inappropriate to contact that person e.g. the complaint is about that person or the employee is uncomfortable discussing it with that individual), the employee must immediately contact the Town Manager.

Management Responsibilities. Any supervisor or Department Manager who becomes aware of possible violation of this policy whether it be inappropriate Conduct, discrimination or sexual or other unlawful harassment (whether personally observed, suspected or reported to the supervisor or manager) must promptly advise their immediate supervisor or Human

Resources, who will handle the matter in a timely, discreet and appropriate manner. Supervisors and managers are defined by this policy to be those persons having authority to make a significant change in a person's employment status, such as hiring, firing, failing to promote, reassignment with significantly different responsibilities, or a decision causing a significant change in benefits. While not all supervisors or individuals in a lead position will meet this definition, they must still report instances that may be in violation of this policy. All such situations and potential situations must be reported so the Town Manager can look into the situation. When a complaint has been brought to a manager it must be reported, even when the employee complaining asks the supervisor or manager to keep the allegation confidential and take no action. Managers and supervisors who have not been designated as persons to respond to a complaint should not undertake an investigation on their own. They must instead follow the required reporting process under this policy.

Supervisors or Department Heads who fail to report, who engage in or allow discrimination, harassment, or retaliation will be in violation of this policy will be subject to corrective action which may include disciplinary action, up to and including discharge.

Complaint Process/Investigation/No Retaliation. The person reporting the matter will be asked to provide a written statement of the date(s), times, location, and nature of the Conduct as well as the names of any witnesses. After a complaint has been received, Human Resources will promptly investigate the allegations.

It is understood that any person electing to utilize this complaint resolution procedure will be treated courteously, and the investigation and resolution of the situation will be handled as quickly as possible. The registering of a valid complaint, nor the participation in an investigation (as a witness or investigator), will not 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 their immediate supervisor or Human Resources, if they feel there is any reprisal or if they feel that they are being retaliated against for reporting any action under this policy or participating in an investigation (as a witness, investigator, or otherwise).

Retaliation or attempted retaliation in response to lodging a complaint or invoking the complaint process is a violation of this policy. Retaliatory conduct is prohibited. Some examples of retaliatory conduct include: (i) threatening action or criticizing an employee for filing a complaint or providing information; or (ii) firing, demoting, disciplining an employee or taking any other adverse action against an employee because the employee filed a valid a complaint or participated in an investigation. Reports of retaliation will be investigated and appropriate action will be taken consistent with the findings of the investigation.

The Town urges all employees who are involved in an 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 or the integrity of the investigation. All parties must be aware of the seriousness of such complaints and the damage that can be done to everyone concerned.

Actions. Appropriate action will be taken consistent with the findings of the investigation. At the completion of the investigation the complainant will be informed of the outcome to the extent appropriate. An employee engaging in discrimination, sexual or other form of unlawful harassment, or retaliation will be subject to corrective action which may include disciplinary action, up to and including discharge. False and malicious complaints may result in appropriate disciplinary action. No discipline will result, however, if a complaint is made in good faith,

even if the Town's investigation is inconclusive or determines no discrimination, harassment, or retaliation occurred.

Confidentiality. The reporting 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 such complaints, the Town Manager will make an effort to restrict the dissemination of the complaint to those having a need to know. Additionally, the investigation may be considered a public record under the Public Records Act and the Town must comply with such laws.

The Town urges its employees to report any improper behavior as set out in this policy. Unless the Town Manager knows of a problem, he or she cannot take steps to resolve it.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: April, 2022

Policy 8.22. SMOKING (INCLUDING VAPING) AND SMOKELESS TOBACCO USE.

A. SUBJECT: Smoking (including Vaping) and Smokeless Tobacco use.

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, including vaping, 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, vaping, or carrying of any kind of lighted pipe, cigar, cigarette, vaping pen.
2. Smoking and use of smokeless tobacco products is prohibited in all Town buildings.
3. Vehicles: No smoking, including no vaping 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, including vaping, 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 (including vaping) and use of smokeless tobacco products may change from time to time to meet the needs of the Town and changes in laws and regulations,. 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. Smokers or those using of smokeless tobacco products are to clean up after themselves after using such products.
7. Smoke, Vape and smokeless tobacco use breaks are to be confined to the employee's lunch period or rest break.
8. It shall be the responsibility of each employee to abide by this policy, and it shall be the responsibility of the affected Department Head to see the policy is applied in an equitable manner and adhered to by all employees.

9. Complaints of violation of the policy should be directed to the Department Head responsible for the particular work area or facility involved in the complaint. The Department Head shall be responsible for notifying the violator of the pertinent portions of this policy. Failure to comply with the policy after proper notification shall initiate the Town's progressive discipline procedures and will include discipline up to and including termination of employment.

EFFECTIVE DATE: _____

LAST REVISED: April, 2022

Policy 8.23. 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: April, 2022

Policy 8.24. 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 and 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 or her 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 motor 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-owned motor 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 may remain employed if the employee's appointment or election to any public office when the holding of such office would be incompatible or would substantially interfere with the discharge of the employee's official duties or employment 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, domestic partner, 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: April, 2022

Policy 8.25. RECYCLING.

- A. SUBJECT: Recycling.
- B. PURPOSE. To encourage waste reduction and the conservation of scarce resources by establishing an in-house recycling program.
- 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: April, 2022

Policy 8.26 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. The Town Manager is responsible for coordinating the grievance process.

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 or her 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 (5) working days from the time the grievance occurred. The Grievance Form shall be utilized when filing a grievance which must be in writing, dated and signed. It must set out the particular facts that the employee contends to support his/her claim and the relief sought.
 - Step 2. Acknowledgment of the receipt of the grievance must note the date and receiving agent. A formal written response is required, identifying the remedy or adjustment, if any, to be made to resolve the grievance.
 - Step 3. If the grievance is not resolved at the level of the employee's immediate supervisor, the employee may bring the grievance to the employee's Department Head within five (5) working days of the date when the supervisor acts or should have acted on the complaint. The grievance must be in writing, dated and signed. It must set forth the particular facts that the employee contends to support his/her claim and the relief sought. Acknowledgment of the receipt of the grievance must note the date and receiving agent. A formal written response is required, identifying the remedy or adjustment, if any, to be made to resolve the grievance.

Step 4 If the grievance is not resolved the Department Head will present the matter to the Town Manager for his or her review. The Town Manager's decision shall be final.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: April, 2022

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 an employee the right of free speech, to the extent required by law. 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 the Town. 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 (including marijuana), 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 (including marijuana) during other than working hours to the extent that the performance of the employee is thereby impaired.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: April, 2022

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 or her 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 shall be entitled to compensation for vacation leave accrued but not used in accordance with the provision of these policies.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: April, 2022

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. An employee to be laid off will normally be given two (2) weeks advance notice in writing by his/her Department Head after approval by the Town Manager.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: April, 2022

Policy 9.4. CAUSES FOR DEMOTION, SUSPENSION OR DISMISSAL FOR TOWN EMPLOYEES.

- A. SUBJECT. Causes for demotion, suspension or dismissal for Town Employees.
- B. PURPOSE. To establish expected standards of conduct and outline disciplinary action which may be taken for certain types of offenses for Town employees.
- 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. Employees of the Police Department will follow its policies and procedures, titled, General Order 5.1, Standards of Conduct, Section 112.532, Law Enforcement Officers and Correctional Officer's Rights, and all other applicable laws, rules and regulations.

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 ensure orderly operations and to provide the best possible work environment, the Town expects employees to follow rules of conduct that will protect the interests and safety of all employees and the 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.
- ii. Removal of (and/or refusal to return) Town property from Town premises without permission.
- iii. Participation in a business directly competing with the Town.
- iv. Incompetence or inefficiency in the performance of his/her duties.
- v. Egregious offensiveness in conduct toward his/her fellow employees or the public.
- vi. Unauthorized release of Town information.
- vii. 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 against employees, contractors, vendors, patrons, guests, etc., as defined in this Personnel Manual.
- xii. Being under the influence of alcohol or a controlled substance (including marijuana) at work or on Town premises.
- xiii. Damage to Town property.
- xiv. Physical confrontation with another employee.
- xv. Misconduct of any kind.
- xvi. Violation of any law, regulation or order, or failure to obey any law or direction given by a supervisor when such a violation or failure to obey amounts to insubordination or serious breach of discipline.
- 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, serious crime, or any crime of moral turpitude.
- 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 any of the Town's policies and procedures, including those in the Personnel Manual.

- 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 policies and procedures.
- xxix. Engaging in misconduct unbecoming of an employee of the Town while on duty.
- xxx. Sloppiness in record keeping.
- xxxi. Violation of any safety rule, policy or procedure.
- xxxii. Damage to Town property.
- xxxiii. Fighting or threatening to fight with another employee.
- xxxiv. Attempting to use political influence in securing or attaining a position or salary increase.
- xxxv. Soliciting elected officials to intercede for or attempt to influence officers or supervisory employees in personnel matters.
- xxxvi. Immorality or lack of integrity.
- xxxvii. xix.
- xxxviii. Failure to participate in an investigation.

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.
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 receive 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, laws, rules, regulations, the Town's Personnel Manual or the Town's policies and procedures. Such conduct by an employee may result in disciplinary action short of discharge or in discharge. For conduct violating the Town's policies and procedures that are considered minor in nature the following procedure shall govern:
 - i. A verbal warning will be issued to the employee by his/her supervisor.

- ii. In the event an employee violates the same or similar regulation, he/she shall be given a written reprimand by his or her supervisor. This reprimand will be entered into the employee's personnel record.
 - iii. If the employee is found to have violated the same or similar policy or procedure after being given a written reprimand, he/she shall be given three (3) days off without pay.
 - iv. After the employee is given three (3) days off for violation of a Town policy or procedure and he violates the same or similar policy or procedure again, he/she may be terminated by the Town.
- b. Disciplinary action for conduct considered not minor in nature may result in immediate discharge without any prior warning. When such action is taken, written notification must be provided to the Town Manager containing a statement providing the of reason(s) for the action.

EFFECTIVE DATE: March 14, 2012

LAST REVISED: April, 2022

Policy 9.5. DRUG FREE WORKPLACE.

- A. SUBJECT. Drug free workplace.
- B. PURPOSE. The purpose of this program is to outline and maintain the Town's Drug Free Workplace in accordance with workers' compensation provisions (Florida Statutes 440.101-440.102) and the Rules established by the State of Florida, Agency for Health Care Administration for Drug Testing (currently 59A-24 of the Florida Administrative Code).
- C. POLICY. The Town recognizes that an employee's health affects personal job performance as well as the performance and job safety of other employees. This policy was created to maintain a safe and healthy work environment for all employees and the public. To the extent this policy is inconsistent with any changes that are made to the referenced statutes, rules or subsequent court decisions, the Town will follow the current legal requirements.

It is a condition of employment for employees to refrain from the abuse, illegal use or misuse of drugs, including prescription or non-prescription medications, controlled substances, or any illegal drugs, or being under the influence of any such drugs, including alcohol, on the job. 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. Possession of any illegal drugs is also prohibited at all sites at which employees are providing services. All employees must report to work in appropriate mental and physical condition without any illegal drugs, controlled substances (except for medication prescribed for and being properly used by the employee) or detectable levels of alcohol in their bodies. A drug testing program has been implemented in accordance with the above requirements.

- D. PROCEDURE.

Scope. This policy applies to all employees of the Town and for those applicants who are being considered for a special-risk or mandatory-testing position. This policy will be made available to all employees and job applicants to review during regular business hours.

Types of Testing. The Town conducts the following types of drug testing:

1. Job Applicant. All job applicants seeking a special-risk or mandatory-testing position (as defined in Section 440.102, Florida Statutes) who are given a conditional offer of employment must submit to a drug test. Refusal to submit to a drug test or a positive, confirmed drug test may be used by the Town as a basis for refusal to hire the job applicant.
2. Reasonable Suspicion. All employees must submit to a drug test when requested by the Town based on a belief that an employee is using or has used drugs 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 any of the following:

- (a) Observable phenomena while at work, such as direct observation of drug use or of the physical symptoms or manifestations of being under the influence of a drug.
- (b) Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
- (c) A report of drug use, provided by a reliable and credible source.
- (d) Evidence that an individual has tampered with a drug test during employment with the Town.
- (e) Information that an employee has caused, contributed to, or been involved in an accident while working, if the accident results in lost time, personal injury requiring medical attention, or injury/damage to property.
- (f) Evidence that an employee has used, possessed, sold, solicited or transferred drugs while working or while on the Town's premises or while operating the Town's vehicle, machinery, or equipment.

3. Routine Fitness for Duty. An employee must submit to a test for drugs 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 for all members of an employment classification or group.

4. Follow-up. If an employee in the course of employment enters an employee assistance program for drug-related problems, or an alcohol/drug rehabilitation program, and is allowed to return to work, the Town will require the employee to submit to a drug test as a follow-up to such program, on a quarterly, semi-annual, or annual basis for two (2) years after completion of the program. Advance notice of a follow-up testing date will not be given to the employee to be tested.

Cost Of Testing. The Town will pay the cost of all drug tests, initial and confirmation, which the Town requires of all employees and applicants. The applicant or employee shall pay the costs of any additional drug tests not required by the Town.

Refusal To Test/Confirmed Positive Tests.

- 1. Refusal to Test. If a job applicant or an employee refuses to

submit to a test for drugs or alcohol, they will forfeit his/her eligibility for all medical and indemnity benefits and may be terminated from employment, not hired, or otherwise disciplined by the Town.

2. Injury. If an employee is injured in the course and scope of their employment, and has a positive confirmation of a drug at a level described below, such an injured employee may forfeit their eligibility for medical and indemnity benefits under the Workers' Compensation Act upon exhaustion of the procedures provided in the Section of this policy title "EXPLANATIONS/CHALLENGES TO DRUG TEST RESULTS," and may be terminated from employment.

3. Positive Drug Test and Employee Assistance. If an employee has a positive, confirmed drug test required by the Town for Reasonable Suspicion, Routine Fitness for Duty, or Follow-up testing, the employee will be considered to be in violation of this policy. The Town may (but is not required to) request or require the employee to seek help or rehabilitation from an employee assistance program or a community resource. A list of the names, addresses and telephone numbers of employee assistance programs and local alcohol and drug rehabilitation programs is contained at the end of the policy. An employee who has a confirmed positive drug test will be disciplined up to and including termination from employment.

Confidentiality. All information, interviews, reports, statement memoranda, and drug test results, written or otherwise, received by the Town or produced through the drug testing program are confidential communications, exempt from the provisions of section 119.07, Florida Statutes and section 24(a) Article I of the Florida Constitution, and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except in accordance with applicable state statutes and rules or in determining compensability under Florida Statutes, Chapter 440.

Employers, laboratories, medical review officers, employee assistance programs, drug and alcohol rehabilitation programs, and their agents who receive or have access to information concerning drug test results must keep all information confidential. Release of such information under any other circumstance shall be solely pursuant to a written consent form signed voluntarily by the person tested, unless such release is compelled by a hearing officer or a court of competent jurisdiction pursuant to an appeal taken under Chapter 440, or unless deemed appropriate by a professional or occupational licensing board in a related disciplinary proceeding. The consent form must contain, at a minimum:

- (a) The name of the person who is authorized to obtain the information.
- (b) The purpose of the disclosure.
- (c) The precise information to be disclosed.
- (d) The duration of the consent.
- (e) The signature of the person authorizing release of the information.

Information on drug test results is not be released or used in any criminal proceeding against the employee or job applicant except as permitted under the Florida Drug Free Workplace provisions in Chapter 440 of Florida Statutes and the implementing rules and interpretations. Information released contrary to the provision of section 440.102 is inadmissible as evidence in any such criminal proceeding.

Nothing shall be construed to prohibit the Town, agent of the Town, or laboratory conducting a drug test from having access to employee drug test information when

consulting legal counsel in connection with actions brought under or related to state statute or rule or when information is relevant to its defense in a civil or administrative matter.

Laboratory Procedures/Drugs For Which The Town May Test. The collection of specimens and the performance of the drug tests are to be in accordance with the Florida Agency for Health Care Administration's Drug Testing Rules. The laboratory will be licensed by the Agency for Health Care Administration and is to comply with the provisions of Chapter 483, Part I of the Florida Statutes.

The Town may test for any or all of the following drugs at the cut-off levels established by the United States Department of Health and Rehabilitative Services. All drug/alcohol tests are to be initially screened using an immunoassay except that the initial screen for alcohol shall be an enzyme oxidation methodology. All specimens identified as positive on the initial screen are to be confirmed using the Gas Chromatography/Mass Spectrometry methodology (GC/MS) or an equivalent or more accurate scientifically accepted method approved by the Agency for Health Care Administration or the United States Drug Administration, except that alcohol will be confirmed using gas chromatography. The cut-off levels for the drug-free workplace program for initially screened urine¹ specimens are:²

:

	<u>Initial cut-off</u>	<u>Confirmation cut-off</u>
Alcohol - (booze, hootch, drink, beer, liquor, wine, moonshine). All liquid medications containing ethyl alcohol (ethanol). Please read label for alcohol content. As an example, Vick's Nyquil is 25% (50 proof) ethyl alcohol. Comtrex is 20% (40 proof). Contact Severe Cold Formula Night Strength is 25% (50 proof) and Listerine is 26.9% (54 proof).	0.04 g/dL%	0.04 g/dL%
**Amphetamines - (bennies, black beauties, crystal, speed, uppers, crank) Obetrol, Biphetamine, Desoxyn, Dexedrine, Didrex, Ionamine, Fastin.	1,000 ng/mL	500 ng/mL
**Cannabinoids - 11 - nor - Delta - 9 tetrahydrocannabinol - 9 carboxylic acid) (marijuana, hashish, maryjane, grass, reefer, pot, dope, etc.) Marinol (Dronabinol, THC).	50 ng/mL	15 ng/mL
**Cocaine - (benzoylecgonine) (coke, crack, blow, nose candy, toot, snow) Cocaine HCl topical solution (Roxanne).	300 ng/mL	150 ng/mL
**Phencylidine - (PCP, angel dust). Not legal by prescription.	25 ng/mL	25 ng/mL
Methaqualone - (ludes, quaalude, optimil, parest, somnafac, sopor). Not legal by prescription.	300 ng/mL	150 ng/mL

¹ Initial cut off levels and confirmation levels for hair specimens differ from urine specimens but the drugs to be tested remain the same. Alcohol testing is performed via a blood specimen.

² See Fla. Admin. Code R. 59A-24,006, <http://flrules.elaws.us/fac/59a-24.006>.

	<u>Initial cut-off</u>	<u>Confirmation cut-off</u>
**Opiates - (heroin, horse, smack, powder) Paregoric, Parepectolin, Donnagel PG, Morphine, Tylenol with Codeine, Empirin with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guiatuss AC, Novahistine DH, Novahistine Expectorant, Dilaudid (Hydromorphone), M-S Contin and Roxanol (morphine sulfate) Percodan, Vicodin, Tussi-organidin etc.	2,000 ng/mL	
Morphine	***	2000 ng/mL
6-Acetylmorphine	***	10 ng/mL
Codeine	***	10 ng/mL
Barbiturates - (barbs, rainbows, downers, goofballs, reds, yellows, blues) Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebaral, Butabarbital, Butalbital, Phrenilin, Triad, etc.	300 ng/mL	150 ng/mL
Benzodiazepines - Ativan, Azene, Clonopin, Dalmane, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxipam, Restoril, Centrax.	300 ng/mL	150 ng/mL
Methadone - Dolophine, Metadose.	300 ng/mL	150 ng/mL
Propoxyphene - Darvocet, Darvon N, Dolene, etc.	300 ng/mL	150 ng/mL

** These substances are the only drugs to be included in federally regulated Drug Testing Programs (for example, DOT (NIDA) testing). If testing is required for additional substances another separate sample is to be collected.

*** The initial cut-off for these substances is pursuant to the initial cut-off for Opiates.

All levels equal to or exceeding the Confirmation cut-off levels will be reported as positive to the Medical Review Officer (MRO). Laboratories are to report all quantitative alcohol results above 0.02% level to the MRO who shall be responsible for reporting results to the Town, if appropriate.

Medical Review Officer Will Review Results. Results of all drug tests performed by the laboratory are to be sent directly to the Town's Medical Review Officer for final verification and determination of the drug test. A list of "OVER-THE-COUNTER AND PRESCRIPTION DRUGS WHICH COULD ALTER OR AFFECT THE OUTCOME OF A DRUG TEST" is provided at the end of this policy and will be given to each employee/job applicant subject to testing during the collection process. The employee/job applicant providing a specimen for testing should list any medications taken within the past 30 days on this form and should retain this form to be used as a "memory jogger" should the Medical Review Officer need to discuss the results of the test with the employee/job applicant. **THIS FORM IS NOT TO BE GIVEN TO THE TOWN.** The Town's designated Medical

Review Officer will use the information provided to interpret any positive confirmed results.

An employee or job applicant who receives a positive confirmed test result may contest or explain the result to the Medical Review Officer within five (5) working days after receiving written notification of the test result. If an employee's or job applicant's explanation or challenge is unsatisfactory to the Medical Review Officer, the Medical Review Officer must report a positive test result back to the Town. The employee or job applicant may contest the drug test result pursuant to law or to rules adopted by the Agency for Health Care Administration.

Explanations/Challenges To Drug Test Results. Within five (5) working days after receipt of a positive confirmed test result from the Medical Review Officer, the Town will inform the applicant or employee in writing of the positive test results, the consequences of such results, and the options available to the employee/applicant, including the right to file an administrative or legal challenge.

The Town will provide to the employee or job applicant, upon request, a copy of the test results.

Within 5 working days after receiving notice of a positive confirmed test result, the applicant or employee will be allowed to submit information to the Town explaining or contesting the test results. During the period following the positive confirmed test, the employee will be suspended without pay. If the explanation or challenge of the positive test results is unsatisfactory to the Town, a written explanation as to why the applicant or employee's explanation is unsatisfactory, along with the report of the test results, will be provided by the Town to the applicant or employee. All such documentation will be kept confidential by the Town and will be retained by the Town for at least one (1) year.

1. Documentation Based on Reasonable Suspicion. After testing based on reasonable suspicion, the Town will promptly detail in writing the circumstances which formed the basis of the determination that reasonable suspicion existed to warrant the testing. A copy of this documentation will be given to the employee upon request. The original documentation will be kept confidentially by the Town and retained for at least one (1) year, or as otherwise required by the public records law, if applicable.

2. Additional Rights and Responsibilities of Employees and Applicants. During the 180-day period after written notification of a positive test result, the employee/applicant who has provided the specimen will be permitted by the Town to have a portion of the specimen retested, at the employee's/applicant's expense. Such retesting is to be done as specified in the applicable Workers' Compensation Statute and Rules.

It is the responsibility of the applicant or employee to notify the laboratory of any administrative or civil actions brought pursuant to Chapter 440, Florida Statutes, Drug Free Workplace requirements.

Employees and job applicants have the right to consult the testing laboratory for technical information regarding prescription and non-prescription medication.

Employee Assistance Program In addition to resources which may be available in local telephone directories "Yellow Pages" and similar on-line resources (www.yellowpages.com) under "Drug Abuse and Addiction—Information and Treatment," the following lists the names and locations of treatment centers. Also, the United Way, listed in the telephone directory White Pages (as well as www.whitepages.com), offers many confidential services at no charge. Any costs of outside services are the Employee's responsibility. This list is not exhaustive but provides some local resources for the employee to assess.

National Hotline numbers and national assistance groups.

Assistance/information provider	Contact number
Substance Abuse and Mental Health Services Administration	1.800.662.4357
Alcoholics Anonymous	1.800.252-6465
National Cocaine Hot Line	1.800.262.2463
Veteran's Crisis Line	1.800.273.8255
Please edit or insert those used by the Town	

Local assistance groups

Assistance/information provider	Address	Contact number
Please edit or insert those used by the Town		

**OVER-THE-COUNTER AND PRESCRIPTION DRUGS
WHICH COULD ALTER OR AFFECT THE OUTCOME OF A DRUG TEST
(THIS LIST IS NOT INTENDED TO BE AN ALL-INCLUSIVE LIST)**

<u>ALCOHOL</u> - All liquid medications containing ethyl alcohol (ethanol). Please read the label for alcohol content. As an example, Vick's Nyquil is 25% (50 proof) ethyl alcohol, Comtrex is 20% (40 proof), Contac Severe Cold Formula Night Strength is 25% (50 proof) and Listerine is 26.9% (54 proof).
<u>AMPHETAMINES</u> - Obetrol, Biphetamine, Desoxyn, Dexedrine, Didrex, Ionamine, Fastin
<u>CANNABINOIDS</u> - Marinol (Dronabinol, THC)
<u>COCAINE</u> - Cocaine HCl topical solution (Roxanne)
<u>PHENCYCLIDINE</u> - Not legal by prescription.
<u>METHAQUALONE</u> - Not legal by prescription.
<u>OPIATES</u> - Paregoric, Parepectolin, Donnagel PG, Morphine, Tylenol with Codeine, Empirin with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guaiatuss AC, Novahistine DH, Novahistine Expectorant, Dilaudid (Hydromorphone), M-S Contin and Roxanol (morphine sulfate), Percodan, Vicodin, Tussi-organidin, etc.
<u>BARBITURATES</u> - Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebaral, Butabarbital, Butabital, Phrenilin, Triad, etc.
<u>BENZODIAZEPINES</u> - Ativan, Azene, Clonopin, Dalmane, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxipam, Restoril, Centrax.
<u>METHADONE</u> - Dolophine, Metadose
<u>PROPOXYPHENE</u> - Darvocet, Darvon N, Dolene, etc.

This form may be used by you to list the actual or possible side effects of the prescription drugs and other medications you are taking and/or you may list the prescription drugs and other medications you have taken within the past thirty (30) days. Do not identify the reason for its use. Provide any other information that you want the medical review officer to know in connection with this drug test. This is for your use only at this time. It should be given to the medical review officer only if there is a positive confirmed test result. **DO NOT GIVE THIS FORM TO THE TOWN.** In the case of a positive test result this information should be provided to the medical review officer.

BY: _____

PRINT NAME: _____

DATE: _____

EFFECTIVE DATE: _____

LAST REVISED: April,
2022

#45938774 v5

ATTACHMENT B

Florida Drug Free Workplace Documentation

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WEST PALM BEACH

April 5, 2022

VIA EMAIL – (rsmith@town.windermere.fl.us)

Robert Smith
Town Manager
Town of Windermere
614 Main Street
Building 100
Windermere, FL 34786

Re: Implementation of Florida Drug Free Workplace Policy and 60 Day Notice

Dear Robert:

This letter is to follow-up on the Town of Windermere's (the "Town") request for us to prepare the notices and policies necessary for the Town to establish a Florida statutory Drug Free Workplace Policy. The following list outlines some of the statutory requirements.

- ☐ Notice § 440.101(2).
- ☐ One time initial notice § 440.102(3)(a).
 - Prior to testing employee or applicant, a policy statement to be provided.
- ☐ 60-day notice § 440.102(3)(b).
 - Prior to implementing DFWP.
- ☐ Post notice § 440.102(3)(b).
 - Conspicuous location on premises.
- ☐ Inspection of Policy § 440.102(3)(b).
 - During business hours.

The Town must notify all employees that it is a condition of employment to refrain from using drugs either on or off the job and that a drug testing program is being implemented. In addition, the employer must also notify employees that if they refuse to submit to a test for drugs or alcohol, the employee may forfeit their eligibility for medical and indemnity benefits. *Section 440.101(2), Florida Statutes*. That language is incorporated in the documents provided.

In anticipation of establishing a drug free workplace, we suggest the Town include the following statement on its employment applications (immediately above the signature line on the Application):

Mr. Robert Smith, Town Manager
April 5, 2022
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DRUG TESTING NOTICE: THE TOWN IS A DRUG FREE WORKPLACE. IT IS A CONDITION OF EMPLOYMENT THAT ALL EMPLOYEES REFRAIN FROM USING DRUGS ON THE JOB. REFUSING TO SUBMIT TO A TEST FOR DRUGS OR ALCOHOL CAN RESULT IN THE FORFEITURE OF ELIGIBILITY FOR MEDICAL AND INDEMNITY BENEFITS.

Job announcements must also indicate that the Town is a drug free workplace.

An employer must provide a one-time **General Notice** (with the required Policy Statement) prior to implementing the drug free workplace. Enclosed is a **General Notice** (with the required Policy Statement) which includes the information required by the statute. Sixty (60) days must elapse between providing the **General Notice** and actual drug testing. Before testing occurs, all employees and job applicants must be given a written detailed policy statement setting forth the information in Section 440.102(3), Florida Statutes, and the applicable administrative rules per the Florida Administrative Code. By providing all employees (during this 60-day period) with the **General Notice** and its attached **Policy Statement** these requirements are met. During this 60-day period all applicants must be given a copy of the **Policy Statement**. Note, for applicants only those applicants being considered for a special-risk or mandatory-testing position (as defined in the statute) may be tested (after the 60-days) but all applicants must receive the **Policy Statement**. No testing can occur for any person until after the 60-days has passed from the posting of the General Notice.

Also enclosed is the detailed **Drug Free Workplace Policy**. The Town is not to test all employees. Rather, once the **Drug Free Workplace Policy** is in effect, employees are tested only for the situations set out in the Policy which are based on reasonable suspicion.

In addition, moving forward once the **Drug Free Workplace Policy** becomes effective, we recommend a form of general acknowledgment be completed and signed by all job applicants and employees. This helps to protect the Town from claims that proper notices were not given. The **Policy Acknowledgment** is also enclosed.

All drug testing information and test results must be maintained in separate confidential files and should not be contained in the general personnel file. A notice of the Drug Free Workplace Policy must be posted in an appropriate and conspicuous location on the Town's premises (such as where other required employment law posters are posted). Copies of the **Drug Free Workplace Policy** must be made available for inspection by applicants and employees during regular business hours in the employer's "personnel office." In the enclosed documents I directed persons to the Town Manager for a copy of the Policy.

Drug testing is lawful if done in accordance with the procedures set out under Florida law. Favoritism cannot be shown; all employees and job applicants subject to testing must be treated alike. In implementing the program, training of those personnel who will be involved in

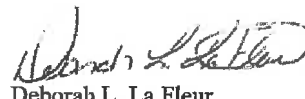
GRAYROBINSON, P.A.
Professional Association

Mr. Robert Smith, Town Manager
April 5, 2022
Page 3

implementation is essential to be sure that all procedures and guidelines are strictly complied with. As is set out in the policy the basis for reasonable suspicion drug testing must be properly documented and maintained.

Please call me if you have any questions.

Sincerely,



Deborah L. La Fleur

DLL/raf

Enclosures:

1. General Notice
2. Policy Statement
3. Drug Free Workplace Policy
4. Policy Acknowledgment

#47032251 v1

THE TOWN OF WINDERMERE (THE "TOWN") DRUG FREE WORKPLACE POLICY STATEMENT

Effective _____, 2022, the sixty-first day following the posting of its General Notice (posted on April __, 2022), the Town of Windermere (the "Town") will maintain a drug free workplace in accordance with Sections 440.101-440.102 of Florida Statutes and the rules established by the State of Florida, Agency for Health Care Administration (currently Rule 59A-24 of the Florida Administrative Code) as implemented by the Florida Agency For Health Care Administration.

It is a condition of employment for employees to refrain from the abuse, illegal use or misuse of drugs, including prescription or non-prescription medications, controlled substances, or any illegal drugs (including medical marijuana), or being under the influence of any such drugs, including alcohol, on the job. A drug testing program has been implemented in accordance with the above requirements.

This statement is a summary of the Town's Drug Free Workplace Policy (Policy) and will be made available to all employees and job applicants to review during regular business hours. For further information, a complete copy of the Policy is available for inspection during regular business hours in Town Hall (see the Town Manager).

1. Types of Testing. The Town will conduct the following types of drug testing:

(A) Job Applicant. All job applicants for a special-risk or mandatory-testing position who are considered final candidates for employment must submit to a drug test. Refusal to submit to a drug test or a positive confirmed drug test may be used by the Town as a basis for refusal to hire the job applicant.

(B) Reasonable Suspicion. All employees must submit to a drug test when requested by the Town based on a belief that an employee is using or has used drugs in violation of the Town's policy. This belief should be drawn from specific objective and articulable facts and reasonable inferences based on those facts in light of experience.

(C) Routine Fitness for Duty. An employee must submit to a test for drugs 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.

(D) Follow-Up. If an employee in the course of employment enters an employee assistance program for drug-related problems, or an alcohol and drug rehabilitation program, the employee must submit to a drug test as a follow-up to such program, and on a quarterly, semi-annual, or annual basis for two years thereafter.

2. Disciplinary Action.

(A) Job Applicants. Job applicants for a special-risk or mandatory-testing position who refuse to submit to testing or who have confirmed positive test results will not be hired.

(B) Employees. Employees who refuse to submit to a test for drugs or alcohol may forfeit their eligibility for Workers' Compensation medical and indemnity benefits and may be terminated from employment or otherwise disciplined by the Town. An employee who has a confirmed positive drug test may be disciplined up to and including termination from employment.

3. Employee Assistance Programs. Attachment "A" is a representative sampling of the names, addresses and telephone numbers of employee assistance programs and local alcohol and drug rehabilitation programs available to employees.

4. Confidentiality. All information, interviews, reports, statement memoranda, and drug test results, written or otherwise, received by the Town through this drug testing program are confidential communications. Unless authorized by state laws, rules or regulations, the Town will not release such information without a written consent form signed voluntarily by the person tested.

5. Drugs to be Tested. The Town may test for any or all of the following drugs:

	<u>Initial cut-off</u>	<u>Confirmation cut-off</u>
Alcohol - (booze, hootch, drink, beer, liquor, wine, moonshine). All liquid medications containing ethyl alcohol (ethanol). Please read label for alcohol content. As an example, Vick's Nyquil is 25% (50 proof) ethyl alcohol. Comtrex is 20% (40 proof). Contact Severe Cold Formula Night Strength is 25% (50 proof) and Listerine is 26.9% (54 proof).	0.04 g/dL%	0.04 g/dL%
**Amphetamines - (bennies, black beauties, crystal, speed, uppers, crank) Obetrol, Biphetamine, Desoxyn, Dexedrine, Didrex, Ionamine, Fastin.	1,000 ng/mL	500 ng/mL
**Cannabinoids - 11 - nor - Delta - 9 tetrahydrocannabinol - 9 carboxylic acid) (marijuana, hashish, maryjane, grass, reefer, pot, dope, etc.) Marinol (Dronabinol, THC).	50 ng/mL	15 ng/mL
**Cocaine - (benzoylecgonine) (coke, crack, blow, nose candy, toot, snow) Cocaine HCl topical solution (Roxanne).	300 ng/mL	150 ng/mL
**Phencyclidine - (PCP, angel dust). Not legal by prescription.	25 ng/mL	25 ng/mL
Methaqualone - (ludes, quaalude, optimil, parest, somnafac, sopor). Not legal by prescription.	300 ng/mL	150 ng/mL
**Opiates - (heroin, horse, smack, powder) Paregoric, Parepectolin, Donnagel PG, Morphine, Tylenol with Codeine, Empirin with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guaiatuss AC, Novahistine DH, Novahistine Expectorant, Dilaudid (Hydromorphone), M-S Contin and Roxanol (morphine sulfate) Percodan, Vicodin, Tussi-organidin etc.	2,000 ng/mL	
Morphine	***	2000 ng/mL
6-Acetylmorphine	***	10 ng/mL
Codeine	***	10 ng/mL

	<u>Initial cut-off</u>	<u>Confirmation cut-off</u>
Barbiturates - (barbs, rainbows, downers, goofballs, reds, yellows, blues) Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebaral, Butabarbital, Butalbital, Phrenilin, Triad, etc.	300 ng/mL	150 ng/mL
Benzodiazepines - Ativan, Azene, Clonopin, Dalmane, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxipam, Restoril, Centrax.	300 ng/mL	150 ng/mL
Methadone - Dolophine, Metadose.	300 ng/mL	150 ng/mL
Propoxyphene - Darvocet, Darvon N, Dolene, etc.	300 ng/mL	150 ng/mL

6. Reporting Use of Prescription or Nonprescription Drugs. Attachment “B” is a list of over-the-counter and prescription drugs which could alter or affect the outcome of a drug test. This form should be filled out by job applicants for a special-risk or mandatory-testing position and employees if there is a positive confirmed drug test and provided to the medical review officer. This form permits individuals to confidentially list all prescription and nonprescription drugs they are currently using or have used in the last month, as well as any other information they consider relevant to the test. **DO NOT PROVIDE THIS INFORMATION TO THE TOWN.**

7. Challenges to Drug Test Results. Within five working days after receiving notice of a positive confirmed test result, the employee or job applicant is allowed to submit information to the Town explaining or contesting the test results. If the explanation or challenge of the positive test results is unsatisfactory to the Town, within fifteen days of receipt of the explanation or challenge, a written explanation as to why the explanation is unsatisfactory, along with the report of the positive test results, shall be provided by the Town to the applicant or employee, as applicable. All such documentation shall be kept confidential by the Town and shall be retained by the Town for at least one year. The challenge may be: (1) administered with the State Agency if a workplace injury is involved; (2) under an applicable collective bargaining agreement or contract; or (3) in a court of competent jurisdiction.

8. Notification to Drug Testing Laboratory. A job applicant or employee has the responsibility of notifying the drug testing laboratory of any administrative or civil actions brought pursuant to the Drug Free Workplace requirements of Chapter 440 of the Florida Statutes.

9. Consulting Testing Laboratory. Employees and job applicants have the right to consult the testing laboratory for technical information regarding prescription and non-prescription medication.

ATTACHMENT "A"

Employee Assistance Program

In addition to resources which may be available under the Town's Employee Assistance Program (EAP), local telephone directories "Yellow Pages" and similar on-line resources (www.yellowpages.com) under "Drug Abuse and Addiction—Information and Treatment," lists the names and locations of treatment centers. Also, the United Way, listed in the telephone directory White Pages (as well as www.whitepages.com), offers many confidential services at no charge. Any costs of outside services are the Employee's responsibility. This list is not exhaustive but provides some local resources for the employee to assess.

National Hotline numbers and national assistance groups.

<i>Assistance/information provider</i>	<i>Contact number</i>
<i>Substance Abuse and Mental Health Services Administration</i>	<i>1.800.662.4357</i>
<i>Alcoholics Anonymous</i>	<i>1.800.252-6465</i>
<i>National Cocaine Hot Line</i>	<i>1.800.262.2463</i>
<i>Veteran's Crisis Line</i>	<i>1.800.273.8255</i>
<i>Please edit or insert those used by the Town</i>	

Local assistance groups

<i>Assistance/information provider</i>	<i>Address</i>	<i>Contact number</i>
<i>Please edit or insert those used by the Town</i>		

ATTACHMENT "B"

OVER-THE-COUNTER AND PRESCRIPTION DRUGS WHICH COULD ALTER OR AFFECT THE OUTCOME OF A DRUG TEST (THIS LIST IS NOT INTENDED TO BE AN ALL-INCLUSIVE LIST)

<u>ALCOHOL</u> - All liquid medications containing ethyl alcohol (ethanol). Please read the label for alcohol content. As an example, Vick's Nyquil is 25% (50 proof) ethyl alcohol, Comtrex is 20% (40 proof), Contac Severe Cold Formula Night Strength is 25% (50 proof) and Listerine is 26.9% (54 proof).
<u>AMPHETAMINES</u> - Obetrol, Biphedamine, Desoxyn, Dexedrine, Didrex, Ionamine, Fastin
<u>CANNABINOIDS</u> - Marinol (Dronabinol, THC)
<u>COCAINE</u> - Cocaine HCl topical solution (Roxanne)
<u>PHENCYCLIDINE</u> - Not legal by prescription.
<u>METHAQUALONE</u> - Not legal by prescription.
<u>OPIATES</u> - Paregoric, Parepectolin, Donnagel PG, Morphine, Tylenol with Codeine, Empirin with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guaiatuss AC, Novahistine DH, Novahistine Expectorant, Dilaudid (Hydromorphone), M-S Contin and Roxanol (morphine sulfate), Percodan, Vicodin, Tussi-organidin, etc.
<u>BARBITURATES</u> - Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebaral, Butabarbital, Butabital, Phrenilin, Triad, etc.
<u>BENZODIAZEPINES</u> - Ativan, Azene, Clonopin, Dalmane, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxipam, Restoril, Centrax.
<u>METHADONE</u> - Dolophine, Metadose
<u>PROPOXYPHENE</u> - Darvocet, Darvon N, Dolene, etc.

This form may be used by you to list the actual or possible side effects of the prescription drugs and other medications you are taking and/or you may list the prescription drugs and other medications you have taken within the past thirty (30) days. Do not identify the reason for its use. Provide any other information that you want the medical review officer to know in connection with this drug test. This is for your use only at this time. It should be given to the medical review officer only if there is a positive confirmed test result. **DO NOT GIVE THIS FORM TO THE TOWN.** In the case of a positive test result this information should be provided to the medical review officer.

BY: _____

PRINT NAME: _____

DATE: _____

THE TOWN OF WINDERMERE (the "TOWN")

Acknowledgment of Drug-Free Workplace Policy, including Testing Requirements and Release

I hereby acknowledge that I have received and read the Town of Windermere's (the "Town") Drug-Free Workplace Policy and have had an opportunity to ask questions about the policy.

If I am an applicant for employment, I understand that if hired, I must abide by the policy as a condition of employment, and any violation of the policy, or a positive drug test, may result in disciplinary action up to and including discharge.

If I am an applicant for a special-risk or mandatory-testing position, I understand that I will be subject to drug testing and that a confirmed positive drug (including medical marijuana) and/or alcohol test will remove me from further consideration for employment. I also understand that if I refuse to consent to testing or to the release of the test results, I will be removed from further consideration for employment.

If I am, or become, an employee I understand that during my employment I may be required to submit to testing for the presence of drugs (including medical marijuana), or alcohol. I understand that submission to testing for the presence of drugs and alcohol is a condition of employment with the Town and that disciplinary action, up to and including discharge, will result; (1) if I refuse to take the test(s); (2) if I refuse to execute all forms of consent and release of liability as are usually and reasonably attendant to such examinations; (3) if I refuse to authorize release of the test results to the Town; (4) if the test(s) establish a violation of the Town's policy concerning illegal drug (including the misuse of lawful drugs and the use of medical marijuana) and alcohol use; or (5) if I otherwise violate the policy. In addition, if I am injured in the course and scope of my employment and test positive, I may forfeit my medical and indemnity benefits under Florida's Workers' Compensation Act upon exhaustion of the procedures in Florida Statutes § 440.102(5).

I further understand the methods of testing may include urinalysis, hair, blood, or breath. The specific testing method(s) will be discussed with me by the testing facility at the time of any testing. I understand that when tested, if employed, I may be placed on temporary leave of absence pending results of said test(s). I understand that should my test(s) results be confirmed positive, I will be temporarily suspended without pay for the time period set out in the policy to explain or contest the test results. I understand that a positive confirm drug test will subject me to disciplinary action which may include termination from employment.

By signing this form, I hereby release to the Town the results of the test(s) to which I have consented as an applicant or an employee. I further authorize the Town to discuss the results with the medical personnel/physician collecting the specimen, the testing facility, its directors, officers, agents, and employees responsible for administering the aforementioned test(s) or evaluating the results thereof and any of them herein and to use the test results as a defense to any legal action to which I am a party. I further release any testing facility, all personnel of the facility, any health care practitioner who has tested me, or any person who has analyzed the test results, from any liability arising from a release to the Town of any and all results, written reports, medical records, and data concerning my test(s), as allowed by law.

I also understand that the drug-free workplace policy and related documents are not intended to constitute a contract of employment for a definite term between the Town and me. I also understand that I am not to disclose to the Town my lawful use of any lawfully prescribed medications that may affect the outcome of any drug test but will have an opportunity to provide that information to the testing facility and/or the medical review officer at the time of any test that is conducted.

Understood and agreed to by:

Signature: _____ Date _____

Printed Name: _____

Check one: ☐ Applicant or ☐ Employee

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**ONE TIME 60-DAY NOTICE FOR CURRENT EMPLOYEES OF
THE TOWN OF WINDERMERE (THE "TOWN") PRIOR TO
IMPLEMENTING A DRUG TESTING PROGRAM**

THIS IS TO NOTIFY ALL OUR CURRENT EMPLOYEES OF THE INTENTION OF THE TOWN TO ESTABLISH A DRUG-FREE WORKPLACE IN ACCORDANCE WITH RULES ESTABLISHED BY THE AGENCY FOR HEALTHCARE ADMINISTRATION AND FLORIDA STATUTES 440.101-102. IN COMPLIANCE OF THESE RULES, THE TOWN HEREBY NOTIFIES ALL EMPLOYEES THAT:

IT IS CONDITION OF EMPLOYMENT THAT ALL EMPLOYEES REFRAIN FROM REPORTING TO WORK OR WORKING WITH THE PRESENCE OF ILLEGAL DRUGS (INCLUDING IMPROPER USE OF PRESCRIPTION DRUGS) OR ALCOHOL IN THEIR BODY. IF AN INJURED EMPLOYEE TESTS POSITIVE FOR DRUGS OR ALCOHOL, THE EMPLOYEE MAY FORFEIT HIS ELIGIBILITY FOR MEDICAL AND INDEMNITY BENEFITS. IF AN INJURED EMPLOYEE REFUSES TO SUBMIT TO TEST FOR DRUGS OR ALCOHOL, THE EMPLOYEE WILL FORFEIT HIS/HER ELIGIBILITY FOR MEDICAL AND INDEMNITY BENEFITS. EMPLOYEES WHO TEST POSITIVE OR WHO REFUSE TO SUBMIT TO A TEST WILL BE DISCIPLINED UP TO AND INCLUDING TERMINATION.

A DRUG TESTING PROGRAM WILL BE IMPLEMENTED SIXTY (60) DAYS FOLLOWING THE DATE OF THIS NOTICE.

IF ANY EMPLOYEE WISHES INFORMATION ABOUT RESOURCES AVAILABLE WITHIN THE COMMUNITY FOR THE TREATMENT OF SUBSTANCE ABUSE, PLEASE CONTACT THE TOWN MANAGER OR SEE THE INFORMATION IN THE ATTACHED DRUG FREE POLICY STATEMENT. THIS 60 DAY NOTICE ENCOURAGES EMPLOYEES TO SEEK TREATMENT BEFORE BEING SUBJECT TO TESTING.

THE TOWN HAS PREPARED A "DRUG FREE WORKPLACE POLICY STATEMENT" WHICH WILL BE GIVEN TO EACH EMPLOYEE AND APPLICANT DURING THIS 60-DAY PERIOD PRIOR TO THE IMPLEMENTATION OF DRUG TESTING. A MORE DETAILED POLICY WILL BE AVAILABLE FOR INSPECTION DURING REGULAR BUSINESS HOURS IN THE IN **TOWN'S BUSINESS'S OFFICE**.

DATE OF THIS NOTICE: APRIL ____, 2022

ATTACHMENT: DRUG FREE WORKPLACE POLICY STATEMENT

THE TOWN OF WINDERMERE (THE "TOWN") DRUG FREE WORKPLACE POLICY

Purpose

The purpose of this program is to outline and maintain the Town's Drug Free Workplace in accordance with workers' compensation provisions (Florida Statutes 440.101-440.102) and the Rules established by the State of Florida, Agency for Health Care Administration for Drug Testing (currently 59A-24 of the Florida Administrative Code). The Town recognizes that an employee's health affects personal job performance as well as the performance and job safety of other employees. This policy was created to maintain a safe and healthy work environment for all employees and the public. To the extent this policy is inconsistent with any changes that are made to the referenced statutes, rules or subsequent court decisions, the Town will follow the current legal requirements.

It is a condition of employment for employees to refrain from the abuse, illegal use or misuse of drugs, including prescription or non-prescription medications, controlled substances, or any illegal drugs, or being under the influence of any such drugs, including alcohol, on the job. 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. Possession of any illegal drugs is also prohibited at all sites at which employees are providing services. All employees must report to work in appropriate mental and physical condition without any illegal drugs, controlled substances (except for medication prescribed for and being properly used by the employee) or detectable levels of alcohol in their bodies. A drug testing program has been implemented in accordance with the above requirements.

Scope

This policy applies to all employees of the Town and for those applicants who are being considered for a special-risk or mandatory-testing position. This policy will be made available to all employees and job applicants to review during regular business hours.

Types of Testing

The Town conducts the following types of drug testing:

Job Applicant. All job applicants seeking a special-risk or mandatory-testing position (as defined in Section 440.102, Florida Statutes) who are given a conditional offer of employment must submit to a drug test. Refusal to submit to a drug test or a positive, confirmed drug test may be used by the Town as a basis for refusal to hire the job applicant.

Reasonable Suspicion. All employees must submit to a drug test when requested by the Town based on a belief that an employee is using or has used drugs 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 any of the following:

a) Observable phenomena while at work, such as direct observation of drug use or of the physical symptoms or manifestations of being under the influence of a drug.

b) Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.

c) A report of drug use, provided by a reliable and credible source.

d) Evidence that an individual has tampered with a drug test during employment with the Town.

e) Information that an employee has caused, contributed to, or been involved in an accident while working, if the accident results in lost time, personal injury requiring medical attention, or injury to property.

f) Evidence that an employee has used, possessed, sold, solicited or transferred drugs while working or while on the Town's premises or while operating the Town's vehicle, machinery, or equipment.

1. Routine Fitness for Duty. An employee must submit to a test for drugs 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 for all members of an employment classification or group.

2. Follow-up. If an employee in the course of employment enters an employee assistance program for drug-related problems, or an alcohol/drug rehabilitation program, and is allowed to return to work, the Town will require the employee to submit to a drug test as a follow-up to such program, on a quarterly, semi-annual, or annual basis for two years after completion of the program. Advance notice of a follow-up testing date will not be given to the employee to be tested.

Cost of Testing

The Town will pay the cost of all drug tests, initial and confirmation, which the Town requires of all employees and applicants. The applicant or employee shall pay the costs of any additional drug tests not required by the Town.

Refusal to Test/Confirmed Positive Tests

1. Refusal to Test. If a job applicant or an employee refuses to submit to a test for drugs or alcohol, they will forfeit his/her eligibility for all medical and indemnity benefits and may be terminated from employment, not hired, or otherwise disciplined by the Town.

2. Injury. If an employee is injured in the course and scope of their employment, and has a positive confirmation of a drug at a level described below, such an injured employee may forfeit their eligibility for medical and indemnity benefits under the

Workers' Compensation Act upon exhaustion of the procedures provided in the Section of this policy title "EXPLANATIONS/CHALLENGES TO DRUG TEST RESULTS," and may be terminated from employment.

3. Positive Drug Test and Employee Assistance. If an employee has a positive, confirmed drug test required by the Town for Reasonable Suspicion, Routine Fitness for Duty, or Follow-up testing, the employee will be considered to be in violation of this policy. The Town may (but is not required to) request or require the employee to seek help or rehabilitation from an employee assistance program or a community resource. A list of the names, addresses and telephone numbers of employee assistance programs and local alcohol and drug rehabilitation programs is contained at the end of the policy. An employee who has a confirmed positive drug test will be disciplined up to and including termination from employment.

Confidentiality

All information, interviews, reports, statement memoranda, and drug test results, written or otherwise, received by the Town or produced through the drug testing program are confidential communications, exempt from the provisions of section 119.07, Florida Statutes and section 24(a) Article I of the Florida Constitution, and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except in accordance with applicable state statutes and rules or in determining compensability under Florida Statutes, Chapter 440.

Employers, laboratories, medical review officers, employee assistance programs, drug and alcohol rehabilitation programs, and their agents who receive or have access to information concerning drug test results must keep all information confidential. Release of such information under any other circumstance shall be solely pursuant to a written consent form signed voluntarily by the person tested, unless such release is compelled by a hearing officer or a court of competent jurisdiction pursuant to an appeal taken under Chapter 440, or unless deemed appropriate by a professional or occupational licensing board in a related disciplinary proceeding. The consent form must contain, at a minimum:

- a) The name of the person who is authorized to obtain the information.
- b) The purpose of the disclosure.
- c) The precise information to be disclosed.
- d) The duration of the consent.
- e) The signature of the person authorizing release of the information.

Information on drug test results is not be released or used in any criminal proceeding against the employee or job applicant except as permitted under the Florida Drug Free Workplace provisions in Chapter 440 of Florida Statutes and the implementing rules and interpretations. Information released contrary to the provision of section 440.102 is inadmissible as evidence in any such criminal proceeding.

Nothing shall be construed to prohibit the Town, agent of the Town, or laboratory

conducting a drug test from having access to employee drug test information when consulting legal counsel in connection with actions brought under or related to state statute or rule or when information is relevant to its defense in a civil or administrative matter.

Laboratory Procedures/Drugs for Which the Town May Test

The collection of specimens and the performance of the drug tests are to be in accordance with the Florida Agency for Health Care Administration's Drug Testing Rules. The laboratory will be licensed by the Agency for Health Care Administration and is to comply with the provisions of Chapter 483, Part I of the Florida Statutes.

The Town may test for any or all of the following drugs at the cut-off levels established by the United States Department of Health and Rehabilitative Services. All drug/alcohol tests are to be initially screened using an immunoassay except that the initial screen for alcohol shall be an enzyme oxidation methodology. All specimens identified as positive on the initial screen are to be confirmed using the Gas Chromatography/Mass Spectrometry methodology (GC/MS) or an equivalent or more accurate scientifically accepted method approved by the Agency for Health Care Administration or the United States Drug Administration, except that alcohol will be confirmed using gas chromatography. The cut-off levels for the drug-free workplace program for initially screened urine³ specimens are:⁴

	<u>Initial cut-off</u>	<u>Confirmation cut-off</u>
Alcohol - (booze, hootch, drink, beer, liquor, wine, moonshine). All liquid medications containing ethyl alcohol (ethanol). Please read label for alcohol content. As an example, Vick's Nyquil is 25% (50 proof) ethyl alcohol. Comtrex is 20% (40 proof). Contact Severe Cold Formula Night Strength is 25% (50 proof) and Listerine is 26.9% (54 proof).	0.04 g/dL%	0.04 g/dL%
**Amphetamines - (bennies, black beauties, crystal, speed, uppers, crank) Obetrol, Biphetamine, Desoxyn, Dexedrine, Didrex, Ionamine, Fastin.	1,000 ng/mL	500 ng/mL
**Cannabinoids - 11 - nor - Delta - 9 tetrahydrocannabinol - 9 carboxylic acid) (marijuana, hashish, maryjane, grass, reefer, pot, dope, etc.) Marinol (Dronabinol, THC).	50 ng/mL	15 ng/mL
**Cocaine - (benzoylecgonine) (coke, crack, blow, nose candy, toot, snow) Cocaine HCl topical solution (Roxanne).	300 ng/mL	150 ng/mL
**Phencyclidine - (PCP, angel dust). Not legal by prescription.	25 ng/mL	25 ng/mL
Methaqualone - (ludes, quaalude, optimil, parest, somnafac, sopor). Not legal by prescription.	300 ng/mL	150 ng/mL
**Opiates - (heroin, horse, smack, powder) Paregoric, Parepectolin, Donnagel PG, Morphine, Tylenol with Codeine, Empirin with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guaiatuss AC, Novahistine DH, Novahistine Expectorant, Dilaudid (Hydromorphone), M-S Contin and Roxanol (morphine sulfate) Percodan, Vicodin, Tussi-organidin etc.	2,000 ng/mL	

³ Initial cut off levels and confirmation levels for hair specimens differ from urine specimens but the drugs to be tested remain the same. Alcohol testing is performed via a blood specimen.

⁴ See Fla. Admin. Code R. 59A-24,006, <http://flrules.elaws.us/fac/59a-24.006>.

	<u>Initial cut-off</u>	<u>Confirmation cut-off</u>
Morphine	***	2000 ng/mL
6-Acetylmorphine	***	10 ng/mL
Codeine	***	10 ng/mL
Barbiturates - (barbs, rainbows, downers, goofballs, reds, yellows, blues) Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebaral, Butabarbital, Butalbital, Phrenilin, Triad, etc.	300 ng/mL	150 ng/mL
Benzodiazepines - Ativan, Azene, Clonopin, Dalmane, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxipam, Restoril, Centrax.	300 ng/mL	150 ng/mL
Methadone - Dolophine, Metadose.	300 ng/mL	150 ng/mL
Propoxyphene - Darvocet, Darvon N, Dolene, etc.	300 ng/mL	150 ng/mL

**These substances are the only drugs to be included in federally regulated Drug Testing Programs (for example, DOT (NIDA) testing). If testing is required for additional substances another separate sample is to be collected.

***The initial cut-off for these substances is pursuant to the initial cut-off for Opiates.

All levels equal to or exceeding the Confirmation cut-off levels will be reported as positive to the Medical Review Officer (MRO). Laboratories are to report all quantitative alcohol results above 0.02% level to the MRO who shall be responsible for reporting results to the Town, if appropriate.

Medical Review Officer Will Review Results

Results of all drug tests performed by the laboratory are to be sent directly to the Town's Medical Review Officer for final verification and determination of the drug test. A list of "OVER-THE-COUNTER AND PRESCRIPTION DRUGS WHICH COULD ALTER OR AFFECT THE OUTCOME OF A DRUG TEST" is provided at the end of this policy and will be given to each employee/job applicant subject to testing during the collection process. The employee/job applicant providing a specimen for testing should list any medications taken within the past 30 days on this form and should retain this form to be used as a "memory jogger" should the Medical Review Officer need to discuss the results of the test with the employee/job applicant. **THIS FORM IS NOT TO BE GIVEN TO THE TOWN.** The Town's designated Medical Review Officer will use the information provided to interpret any positive confirmed results.

An employee or job applicant who receives a positive confirmed test result may contest or explain the result to the Medical Review Officer within five (5) working days after receiving written notification of the test result. If an employee's or job applicant's explanation or challenge is unsatisfactory to the Medical Review Officer, the Medical Review Officer must report a positive test result back to the Town. The employee or job applicant may contest the drug test result pursuant to law or to rules adopted by the Agency for Health Care Administration.

Explanations/Challenges to Drug Test Results

Within five (5) working days after receipt of a positive confirmed test result from the Medical Review Officer, the Town will inform the applicant or employee in writing of the positive test results, the consequences of such results, and the options available to the employee/applicant, including the right to file an administrative or legal challenge.

The Town will provide to the employee or job applicant, upon request, a copy of the test results.

Within 5 working days after receiving notice of a positive confirmed test result, the applicant or employee will be allowed to submit information to the Town explaining or contesting the test results. During the period following the positive confirmed test, the employee will be suspended without pay. If the explanation or challenge of the positive test results is unsatisfactory to the Town, a written explanation as to why the applicant or employee's explanation is unsatisfactory, along with the report of the test results, will be provided by the Town to the applicant or employee. All such documentation will be kept confidential by the Town and will be retained by the Town for at least one (1) year.

1. Documentation Based on Reasonable Suspicion. After testing based on reasonable suspicion, the Town will promptly detail in writing the circumstances which formed the basis of the determination that reasonable suspicion existed to warrant the testing. A copy of this documentation will be given to the employee upon request. The original documentation will be kept confidentially by the Town and retained for at least one (1) year, or as otherwise required by the public records law, if applicable.

2. Additional Rights and Responsibilities of Employees and Applicants. During the 180-day period after written notification of a positive test result, the employee/applicant who has provided the specimen will be permitted by the Town to have a portion of the specimen retested, at the employee's/applicant's expense. Such retesting is to be done as specified in the applicable Workers' Compensation Statute and Rules.

It is the responsibility of the applicant or employee to notify the laboratory of any administrative or civil actions brought pursuant to Chapter 440, Florida Statutes, Drug Free Workplace requirements.

Employees and job applicants have the right to consult the testing laboratory for technical information regarding prescription and non-prescription medication.

Employee Assistance Program

In addition to resources which may be available in local telephone directories "Yellow Pages" and similar on-line resources (www.yellowpages.com) under "Drug Abuse and Addiction—Information and Treatment," the following lists the names and locations of treatment centers. Also, the United Way, listed in the telephone directory White Pages (as well as www.whitepages.com), offers many confidential services at no charge. Any costs of outside services are the Employee's responsibility. This list is not exhaustive but provides some local resources for the employee to assess.

National Hotline numbers and national assistance groups.

<i>Assistance/information provider</i>	<i>Contact number</i>
<i>Substance Abuse and Mental Health Services Administration</i>	<i>1.800.662.4357</i>
<i>Alcoholics Anonymous</i>	<i>1.800.252-6465</i>
<i>National Cocaine Hot Line</i>	<i>1.800.262.2463</i>
<i>Veteran's Crisis Line</i>	<i>1.800.273.8255</i>
<i>Please edit or insert those used by the Town</i>	

Local assistance groups

<i>Assistance/information provider</i>	<i>Address</i>	<i>Contact number</i>
<i>Please edit or insert those used by the Town</i>		

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**OVER-THE-COUNTER AND PRESCRIPTION DRUGS
WHICH COULD ALTER OR AFFECT THE OUTCOME OF A DRUG TEST
(THIS LIST IS NOT INTENDED TO BE AN ALL-INCLUSIVE LIST)**

ALCOHOL - All liquid medications containing ethyl alcohol (ethanol). Please read the label for alcohol content. As an example, Vick's Nyquil is 25% (50 proof) ethyl alcohol, Comtrex is 20% (40 proof), Contac Severe Cold Formula Night Strength is 25% (50 proof) and Listerine is 26.9% (54 proof).

AMPHETAMINES - Obetrol, Biphetamine, Desoxyn, Dexedrine, Didrex, Ionamine, Fastin

CANNABINOIDS - Marinol (Dronabinol, THC)

COCAINE - Cocaine HCl topical solution (Roxanne)

PHENCYCLIDINE - Not legal by prescription.

METHAQUALONE - Not legal by prescription.

OPIATES - Paregoric, Parepectolin, Donnagel PG, Morphine, Tylenol with Codeine, Empirin with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guaiatuss AC, Novahistine DH, Novahistine Expectorant, Dilaudid (Hydromorphone), M-S Contin and Roxanol (morphine sulfate), Percodan, Vicodin, Tussi-organidin, etc.

BARBITURATES - Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebaral, Butabarbital, Butabital, Phrenilin, Triad, etc.

BENZODIAZEPINES - Ativan, Azene, Clonopin, Dalmane, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxipam, Restoril, Centrax.

METHADONE - Dolophine, Metadose

PROPOXYPHENE - Darvocet, Darvon N, Dolene, etc.

This form may be used by you to list the actual or possible side effects of the prescription drugs and other medications you are taking and/or you may list the prescription drugs and other medications you have taken within the past thirty (30) days. Do not identify the reason for its use. Provide any other information that you want the medical review officer to know in connection with this drug test. This is for your use only at this time. It should be given to the medical review officer only if there is a positive confirmed test result. **DO NOT GIVE THIS FORM TO THE TOWN.** In the case of a positive test result this information should be provided to the medical review officer.

BY: _____

PRINT NAME: _____

DATE: _____