



Personnel Policies and Procedures Manual



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CHAPTER 1 - INTRODUCTION

A. About the Manual

The Town of Surfside ("Town") has prepared this Employee Policies and Procedures Manual ("Employee Manual" or "Manual") to acquaint you with the Town's employment policies and procedures and to provide highlights of certain benefits. The Town's employment policies and procedures were developed to ensure a positive, productive and caring workplace for the benefit of our Town employees, residents and visitors.

This Employee Manual supersedes all previously issued materials and any contrary policy statement or memos. This Manual will give you the answers to most of the general questions you may have about your employment with the Town; however, no manual can be all-inclusive or anticipate every circumstance. Should you need clarification of anything contained in this Employee Manual, please ask your Department Head, the Human Resources Director and/or the Town Manager or Town Attorney.

It is your responsibility to read this Employee Manual and to know and comply with the policies and procedures described herein, including any revisions or amendments.

The Mayor and Town Commissioners are not employees of the Town for the purpose of compliance with this Manual.

B. The Town's Philosophy

Our employees, their welfare and concerns are very important to the success of the Town. The Town wants to encourage a working environment based upon mutual trust and confidence, which should provide opportunities for individual effort and reward. Every employee is considered an important member of the Town's team. The Town's policy is to treat all employees with dignity and respect.

C. At Will Employment

1. The employment relationship between the Town and its employees for the first two (2) years after your date of hire is "at-will." As such, during the first two (2) years of employment with the Town, the employment relationship may be terminated by either the Town or by the employee at any time, for any reason, with or without cause.
2. Pursuant to section 31.1 "Personnel Appeals Board" of the Town's Charter (at https://library.municode.com/fl/surfside/codes/code_of_ordinances?nodeId=PTICH_AR_TIITOCO_S31.1PEAPBO), an employee who has been continuously employed by the Town for at least two (2) years, may appeal a termination or reduction in pay or rank to the Town's Personnel Appeals Board if the employee feels that the termination or reduction in pay or rank was without cause.

D. Open Door Policy

It is the Town's policy to welcome and encourage employee's ideas, suggestions, or concerns regarding the employee's job or the Town's operations.

The Town knows from experience that its success greatly depends upon the helpful thoughts and suggestions of its employees. Employees should bring ideas and suggestions to the attention of their supervisor, Department Head or the Town Manager.

In addition, the Town is interested in all employee concerns, no matter how big or small. The Town believes in open and clear communication with its employees. In most situations, a discussion between the employee and the supervisor is the most effective way to deal with a concern or question. However, the employee may discuss any concerns or questions with a Department Head, or the Town Manager instead of, or in addition to, the employee's supervisor. The employee may also contact the Human Resources Director. Any concern or question raised by an employee should be resolved as quickly as possible. The Town prohibits retaliation against any employee raising concerns or questions.

E. Amendments to the Personnel Policies and Procedures Manual

The **Town Commission** has the sole and absolute discretion to modify, amend or rescind any part of this Employee Manual or any other Town-issued policy at any time, with or without notice. None of the provisions in this Employee Manual should be construed in any way as limiting or altering your status as an "at will employee".

F. Collective Bargaining Agreement

To the extent possible, the provisions of the Manual and the provisions of an applicable collective bargaining agreement should be construed together. Should an inconsistency arise between the provisions of the Manual and the provisions of an applicable collective bargaining agreement, the provisions of the collective bargaining agreement shall apply.

G. Management's Rights

Nothing in the Manual shall limit the ability of the Town Commission or Town Manager (when authority is granted to the Town Manager in the Town Commission's discretion) to respond to unique circumstances with unique solutions. This Manual is not intended to serve as a limitation on the management of the Town to take any administrative or legal action it considers appropriate. The Manual does not give rise to any contractual rights and does not supersede any federal or state laws, Town Charter or ordinance, benefits, rights or obligations conferred by laws or ordinances.

CHAPTER 2 – OVERVIEW

A. Definitions

1. *“Anniversary Date”* is the date that an employee begins employment with the Town which remains the same date in following years unless the anniversary date is adjusted consistent with the procedures set forth in this Manual.
2. *“Department Head”* may be each of the following: Town Manager, Town Attorney, Assistant Town Manager / Chief Financial Officer, Public Works Director, Parks & Recreation Director, Town Clerk, Building Official, Human Resources Director, Community Services and Public Communications Director and Chief of Police. From time to time, Department Head positions may be modified to reflect the current organization structure.
3. *“Employee”* or *“employee”* is an individual who is engaged to work for or under the direction or control of the Town for monetary or other valuable consideration.
4. *“Interim”* / *“Acting”* in the event of a vacancy in a Department Head position, the Town Manager may appoint an existing full-time employee to the Interim Department Head until the position is filled **and without any change in remuneration**.
5. *“Exempt Employee”* is an employee who is not entitled to overtime compensation pursuant to the Fair Labor Standards Act (the “FLSA”).
6. *“Non-Exempt Employee”* is an employee who is eligible for overtime compensation pursuant to the FLSA.
7. *“Full-Time Employee”* is an employee who is regularly scheduled to work at least forty (40) hours per week.
8. *“Part-Time Employee”* is an employee who is regularly scheduled to work less than forty (40) hours per week.
9. *“Temporary/Seasonal Employee”* is an employee hired on a seasonal or temporary basis for a special project or other work of a temporary or transitory nature.
10. *“On Call Employee”* is employed on an intermittent basis to work special events, during peak work periods, to fill in for an absent employee, and in other similar circumstances.
11. *“Regular Rate of Pay”* means the hourly rate of pay actually paid to an employee for the normal, non-overtime workweek for which he/she is employed.
12. *“Work Day”* means the period from 12:01 a.m. to midnight.

13. *“Work Week”* means the continuous seven (7) day period beginning at 12:01 a.m. on Monday and ending at midnight on Sunday.

B. Authority and Responsibility

1. Section 35 of the Town’s Charter states that the Town Manager shall be the chief executive officer and the head of the administrative branch of the Town government. The Town Manager shall be responsible to the Town Commission for the proper administration of all the affairs of the Town and the implementation of its policies.
2. As the Chief Administrative Officer of the Town, the Town Manager shall direct and supervise the administration of all departments, offices and agencies of the Town, except the offices of Town Attorney, and except as otherwise provided by the Charter or by law.
3. The Town Manager shall appoint and remove officers and employees of the Town except as otherwise provided by the Town’s Charter. The Town Manager may compensate Town employees consistent with this Manual and the Town’s Compensation and Classification Study of 2023 (“Study”), which is incorporated herein by reference. The Town Manager may not grant any increase in compensation or benefits in any form resulting in greater than a 5% change in compensation in a calendar year without Town Commission approval. Only the Town Commission may authorize a severance to any Town employee.
4. This Manual is subject to all applicable local, state and federal laws and employment requirements such as the FLSA.
5. The Town Commission shall determine all personnel policies within the parameters of the Charter. It is the Town Manager’s responsibility to carry out the Town Commission’s policies consistent with the Charter relative to the supervision and coordination of both Town employees and the personnel policies and practices of the Town.

C. Department Heads

1. Department Heads are expected to effectively supervise their employees and to maintain proper working relationships. They may adopt and enforce departmental regulations not inconsistent with those contained in this Manual, with the prior written approval of the Town Manager.
2. Department Heads shall regularly report on the effectiveness of employees under their supervision and notify the Town Manager of any changes in duties of any employee, in order that the Position Classification Plan will be maintained, and recommend salary increases in accordance with the budget and subject to Town Commission approval, if applicable.

D. Chain of Command

To facilitate the proper operation of departments, employees are expected to follow standard working procedures regarding a chain of command. All departmental operations are to be channeled through the employee's immediate supervisor. Failure to follow this procedure may result in disciplinary action.

Each Elected Official shall have unimpeded access to all non-restricted areas of Town Hall and other Town facilities and premises at all times and shall be furnished with a Town badge or FOB for same.

CHAPTER 3 - PRE-EMPLOYMENT, RECRUITMENT, SELECTION, PLACEMENT

A. Procedures for Filling Vacancies

When a vacancy occurs, the appropriate Department Head shall notify the Town Manager and the Human Resources Director. Once the Town Manager has been notified, the Department Head and/or Human Resources Director will initiate the recruitment process. After the position has been filled, a Personnel Action Form must be submitted to the Town Manager for final hiring approval with a signed copy submitted to the Human Resources Director.

B. Recruitment

1. The primary objective of the Town's recruitment and selection program is to employ the applicant best suited for each vacancy based on his/her qualifications for the position without regard to race, color, age, sex, national origin, religion, marital status, sexual orientation, disability or other legally protected class. The Town is an Equal Opportunity Employer (EOE). At the same time, the Town encourages internal promotion and transfer providing such promotion or transfer does not conflict with the primary objective of hiring the best possible applicant for each vacancy. Vacant positions may be advertised as "internal" and/or "open competitive". For internal positions, only applications submitted by Town employees will be considered. For "open competitive" positions, both Town employees and external applicants will be considered.
2. Department Heads may recommend employees for hire for their departments as authorized by the Town Manager, provided:
 - a. The position vacancy has been advertised in the appropriate venues and held open at least ten (10) working days;
 - b. Applications have been received;
 - c. Personal, employment interviews have been conducted;
 - d. The prospective employee passes all required pre-employment physical examination(s) (when applicable) performed by a physician designated by the Town and at the expense of the Town; and
 - e. All required background investigations have been completed at the expense of the Town.
3. All appointments of personnel must be made by the Town Manager prior to the commencement of employment.

4. All prospective employees must comply with the following requirements prior to commencing employment:
 - a. Submit a properly and legibly completed application form;
 - b. Submit a resume, if requested;
 - c. Submit a cover letter, if requested;
 - d. Satisfactorily complete any written, oral and physical tests, if applicable; and
 - e. Submit all required diplomas, degrees and certificates.
5. The Town Manager may reject applications for any of the reasons listed in the following subsections and may likewise cancel the eligibility of the applicant. The Town Manager may also dismiss an applicant from service following an appointment when any of the following findings are made:
 - a. The applicant is found to lack any of the established qualification requirements for the position to which they seek appointment;
 - b. The applicant has made a false statement in his/her application with regard to any material fact(s); and/or
 - c. The applicant has practiced or attempted to practice any deception or fraud in the applicant's application, in a pre-employment test or in securing eligibility for appointment.

C. Examinations

The relative fitness of applicants for appointment or promotion may be determined by competitive or qualifying assembled or unassembled examinations, which may consist of an evaluation of the applicant's education and experience, written tests, performance tests, personal interviews and such other techniques as are designed to determine the qualifications of applicants to perform the work satisfactorily.

D. Documentation of New Hire

Each step involved in the selection process shall be documented and recorded. These records shall be kept on file for a period of not less than six (6) months and shall be used to substantiate and support the employment decision in the event of inquiry.

E. Promotions

1. A promotion shall be recommended in writing by the Department Head to the Town Manager at least two (2) weeks prior to the effective date, unless waived by the Town Manager. The recommendation shall list in full the reasons for the requested promotion. No promotion shall become effective without the approval of the Town Manager.
2. When an employee is promoted, or his/her position is reclassified, the employee may receive the minimum rate for the new classification pursuant to or consistent with the Study.

F. Transfers

The transfer of an employee from one department to another may be made only with the consent of the Department Heads involved and the Town Manager.

G. Resignation

Employees who plan to resign voluntarily shall notify the Town of their intention in a letter to the Department Head and/or Town Manager, as applicable. The letter should state the employee's reason for his/her resignation and the effective date of resignation. A minimum of two (2) weeks' notice is required.

H. Layoffs

1. When it is necessary to reduce the number of employees on the Town payroll because of lack of work or funds, the Town Manager may make a thorough investigation of the problem.
2. The analysis of proposed layoffs will consider first the types of activities to be curtailed and the positions thereby affected and will then proceed to the selection of individual employees to be released.
3. In consideration of a layoff or personnel reduction, the following factors may be considered:
 - a. Employees' length of service, performance evaluations, skills and credentials shall be among the factors in determining the order in which the employee should be released;

- b. The advisability of demoting employees in higher classifications to lower classifications for which they are qualified and laying off those in the lower classifications will also be considered; and
- c. All other things being equal, consideration will be given to the employee's length of service (seniority) with the Town in determining layoffs.

CHAPTER 4 - EMPLOYMENT POLICIES AND PROCEDURES

A. Equal Employment Opportunity (EEO) / Americans with Disabilities Act (ADA)

1. It is the policy of the Town to promote and assure equal employment opportunity for all current and prospective employees without regard to race, color, age, sex, national origin, religion, marital status, sexual orientation, disability or other legally protected class. This policy governs all matters related to recruitment, advertising, and initial selection of employment. It shall also apply to all other aspects of employment, including, but not limited to, aspects of compensation, promotion, demotion, transfer, lay-offs, terminations, leave of absence, and training opportunities.
2. The Human Resources Director shall serve as the Town's Equal Employment Opportunity Officer ("EEO Officer"). The EEO Officer is charged with implementing the Town's EEO Policy, including receiving discrimination complaints, conducting or coordinating investigations, as well as ensuring the Town's compliance with federal and state laws related to Equal Employment Opportunity.
3. The Town is committed to complying with all applicable provisions of the Americans with Disabilities Act (the "ADA"). It is the Town's policy not to discriminate against any qualified employee or applicant regarding any terms or conditions of employment because of such individual's disability. Consistent with this policy of non-discrimination, the Town will provide reasonable accommodations for a qualified individual with a disability (as defined in the ADA) who has made the Town aware of his or her disability, provided such accommodation does not constitute an undue hardship for the Town.
4. Any employee or job applicant who has questions regarding this policy or believes that they have been discriminated against based on a disability may notify the Human Resources Director. All such inquiries or complaints will be treated as confidential, and will only be disclosed on a need-to-know basis. The Human Resources Director shall respond to the complaint as soon as practicable.

B. I-9 Form

The Town is committed to hiring only authorized workers. Each new employee must provide documentation to verify both identity and authorization to work in the United States and shall complete the I-9 form. The employer section of the I-9 Form (Section 2) must be completed by examining evidence of identity and employment authorization within three days of the date of hire. The Human Resources Director may verify the I-9 form on the E-Verify system. If an employee cannot provide these required documents, they may be either dismissed or suspended until the required documents are produced. Both the employee and the Town representative shall sign the I-9 form certifying that the documents are valid.

C. Hours of Work / Work Week

1. The established workweek begins on Monday at 12:01 a.m. and ends on midnight on Sunday. The normal workweek shall be forty (40) hours.
2. The normal business day shall be from 9:00 a.m. to 5:00 p.m. for most employees based on the needs of your department and Town.
3. Employees shall report to work in sufficient time and be ready for work at the commencement of their schedule. Unauthorized absences due to early departure or late arrival shall not be chargeable to the employee's sick or vacation leave unless such leave has previously been approved by the Town in accordance with paragraph D of this Chapter. Frequent tardiness will be subject to disciplinary action.

D. Attendance and Punctuality

Punctuality and regular attendance are essential to the proper operation of the Town. Employees shall be at work on all scheduled workdays, during all scheduled work hours and report to work on time. If an employee will be absent, tardy or must leave prior to the end of regular workday, the employee must contact his or her supervisor or Department Head at least one (1) hour in advance of the employee's scheduled start time, or as soon as reasonably practicable.

If an employee fails to provide prior notice to his or her supervisor or Department Head, the absence will be considered an unauthorized absence. Employees with a record of excessive tardiness or unauthorized absences will be subject to appropriate corrective action, up to and including termination of employment.

E. Personnel Record Updates / Employee Record Review

1. Employees are required to keep the Town apprised (within two weeks) of all changes in marital status, number of dependents and address changes. This information has a direct bearing on payroll deductions and insurance benefits.
2. Employees have the right, upon request, to examine and copy all material contained in their own employee file. The Human Resources Director maintains employee records pursuant to Chapter 119, Florida Statutes.

F. Payroll

1. The payroll period is bi-weekly, although each work week stands alone for compensation and overtime purposes. Employees will receive their direct deposit stub every other Friday, for twenty-six (26) paydays per year.

If the payday falls on an official Town holiday, employees will be paid on the preceding workday or other day designated by the Town. No pay advances are authorized without prior Town Manager approval.

2. The employee's paycheck shall include the full amount of earnings for the previous two work weeks, minus the appropriate required federal deductions, such as federal withholding (income tax), Social Security and Medicare taxes. The Town deposits those deducted amounts with the U.S. Treasury for credit on employee income tax calculations at the end of the year. Employees are responsible for completing a W-4 form properly and updating it when necessary. The Town will provide a W-2 form showing total earnings for the year and the amount of taxes that have been withheld.

G. Compensation Plan / Policy

1. The Town determines compensation based on performance, classification, length of service with the Town and other economic and job considerations. Employee compensation is reviewed annually.
2. The Town Manager may move any class or position from one pay grade to another pay grade or adjust any salary, in accordance with Chapter 2.B.3. of this Manual. If after reallocation an employee's salary is below the minimum pay rate for the new grade, the employee's salary may be adjusted to the new grade's minimum salary, in accordance with Chapter 2.B.3. of this Manual.
3. No person shall be hired for any position not previously classified, nor shall any salary be designated for any new position until a position description has been prepared, and the position has been classified and assigned a salary range by the Town Manager upon the recommendation of the Human Resources Director, subject to the approved budget of the Town Commission.
4. New Employees:
 - a. All new employees usually enter Town service at the minimum salary range.
 - b. The Department Head may recommend the hiring of a new employee above the minimum salary range with justification including, but not limited to, that the candidate has substantial qualifications that exceed the minimum requirements, or that the position is particularly difficult to fill. This justification should be submitted with the approved recommendation to hire. The Town Manager will review the request for consideration of approval. Budgetary limitations, and wage compression should be considered when making a recommendation to hire above the established minimum salary range. The Town Manager may not award compensation beyond the authority provided at Chapter 2.B.3 of this Manual.

5. When a position is reassigned to a lower pay grade, or when the minimum and maximum rates for a position are decreased, the pay of an employee may remain unchanged for subsequent annual performance appraisal periods.
6. If an employee's salary exceeds the maximum rate for a pay range, the employee shall not be eligible for increases of any type, unless:
 - a. Subsequent pay adjustments for the position re-establish the maximum for the class;
 - b. The employee is subsequently promoted, and the rate of pay is below the maximum for the class to which the employee is promoted; and/or
 - c. A special salary adjustment is approved by the Town Manager and/or Town Commission, as applicable (see below).
7. Special salary adjustments may be utilized for a pay increase not provided for elsewhere under established policies. Special salary adjustments not within the approved budget are subject to review and approval by the Town Commission. Special salary adjustment requests must meet at least one of the following requirements to be considered:
 - a. Serious inequity in internal and/or external professional comparability;
 - b. Exceptional or unusual conditions associated with an employee's job classification;
 - c. Additional responsibilities not required in the current job classification;
 - d. Reorganization; and/or
 - e. Initial increase following six (6) months employment, for certain positions which are difficult to fill or retain.
8. The **Town Manager** may recommend budgeted monetary incentive programs and bonus awards that directly relate to measurable performance criteria. The **Town Commission** must approve all non-budgeted monetary incentive programs and bonus awards prior to implementation. Such incentives are discretionary and shall not be considered an entitlement.

H. Performance Evaluations

1. Employee performance evaluations should inform employees of their strengths and weaknesses and offer constructive criticism on how to improve performance. Performance evaluations shall also be considered in decisions affecting salary advancement, merit, promotion, reassignment, dismissal and training needs.

2. The employee's immediate supervisor shall be responsible for completing a performance evaluation on the form provided and approved by the Town at the time prescribed for each employee under his/her supervision. In the case of unsatisfactory performance, the supervisor will include written comments as to remedial actions required by the employee. After review by the responsible Department Head, the completed evaluation shall be discussed with the employee and the employee will be encouraged to add comments if desired. After the discussion is completed, both the supervisor and the employee shall sign the completed evaluation form and submit to Town Manager for signature.
3. The Department Head shall review the performance evaluation report completed by each subordinate supervisor before the report is discussed with the employee.
4. Non-bargaining unit employees who receive any individual rating below "satisfactory" on their annual performance-based evaluation will not be eligible to receive the full merit increase until such deficiency(ies) is remedied. The immediate supervisor must provide comments under the improvement plan which are required for conditional and unsatisfactory ratings in any of the performance categories. Such employees shall be subject to corrective or disciplinary action up to and including termination if the required improvement is not achieved.

I. Exit Interviews

The Human Resource Director shall attempt to conduct an exit interview with each employee who separates from employment with the Town. The interview is used as a tool to determine problem areas and improve working conditions.

J. Professional Development Seminars and In-Service Training Programs

1. The Town sends employees to professional development seminars and in-service training programs for topics that are job-relevant to an employee's job description or for those employees eligible for transfer, reassignment or promotion to other positions. This training is provided at no cost to the employee and on-the-job with no deductions from accumulated times.
2. In the event the Town requires (and pays for) the employees to participate in a certificate or licensing program related to the employee's duties or required to meet the minimum qualifications of the employee's essential functions, the employee shall remain employed by the Town for a minimum of twelve (12) months from the date of completion of the certificate or licensing program. If the employee voluntarily leaves the employment of the Town prior to the expiration of this period, the employee shall repay the Town for the costs associated with the certification received in the prior twelve (12) months.

K. Education Assistance

1. The Town offers its full-time employees (who apply for and are approved) a partial tuition reimbursement for college courses. Courses must be from an accredited public or private academic institution, directly related to an employee's particular job, position or assignment, and taken for academic credit toward a degree. The reimbursement is conditioned upon achieving a grade of "B-" or better, or its equivalent, and is limited to one-half of the tuition cost of the tuition of a similar course at a State University. Tuition reimbursement will apply only to tuition cost, and it will exclude any scholarship, grant or the like. Reimbursement will not cover application fees, testing of any kind, books and/or other fees.
2. Any employee who receives a tuition reimbursement shall remain employed by the Town for a minimum of twelve (12) months from the date of completion of any college course for which the Town has provided the employee a reimbursement.

If the employee voluntarily leaves the employment of the Town prior to the expiration of this time period, the employee shall repay the Town all college tuition reimbursement received in the prior twelve (12) months.

3. This program is contingent on annual funding availability.

L. Anti-Discrimination, Harassment and Other Complaint Policy

1. It is the Policy of the Town that all employees enjoy a work environment free from discrimination and/or harassment. Discrimination and harassment are forms of misconduct which undermine the integrity of the employment relationship, lower morale, and interfere with work effectiveness. This policy applies equally to any discrimination or harassment based on race, sex, gender, national origin, religion, age, disability or any other legally protected status. **Discrimination and harassment are illegal and will not be tolerated.**
2. No employee should be subjected to derogatory verbal or nonverbal references regarding his or her race, sex, gender, national origin, religion, age, disability, or any other legally protected status. No employee, male or female, should be subjected to unsolicited, offensive and unwelcome sexual overtures or conduct (verbal or physical).
3. Such conduct, whether committed by supervisory or non-supervisory personnel or by third parties or elected officials, is specifically prohibited by state and federal law, as well as by the Town.

4. It is the responsibility of all supervisors and Department Heads to ensure that discrimination and/or harassment does not take place. At a minimum, Department Heads are required to inform all employees of this policy and to immediately correct any problems that may arise. Supervisors and Department Heads are responsible for maintaining a work environment that is free from discrimination and/or harassment, as well as any other conduct which creates a hostile work environment for any individual.
5. The Town recognizes that invalid, unfounded or false accusations of discrimination and/or harassment can have serious effects on innocent individuals. Therefore, the Human Resources Director shall thoroughly, and as confidentially as possible, investigate with the assistance of the applicable Department Head(s), and if appropriate, legal counsel, all complaints of discrimination and/or harassment to determine the most appropriate disposition. Each complaint or allegation of discrimination or harassment shall be reported immediately to the Human Resources Director by the Department Head.
6. Harassment and discrimination participants fall into three (3) categories: 1) the alleged offender; 2) the alleged victim; and 3) any witnesses who fail to report same. Any of the three (3) can be found in violation of the Policy. A Town employee violates this Policy by:
 - a) participating in discriminatory and/or harassing practices;
 - b) permitting subordinate employees to engage in such practices;
 - c) filing false charges or malicious complaints; or
 - d) retaliating against employees who report instances of discrimination and/or harassment.
7. Appropriate disciplinary action shall be taken against all individuals who violate the Policy. Any violation of the Policy shall result in disciplinary action up to and including immediate termination from employment.
8. Definition of Sexual Harassment
 - a. Sexual harassment, a form of prohibited conduct, means any unwelcome sexual advance, requests for sexual favors or other verbal or physical conduct of a sexual nature when: (a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (c) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
 - b. Sexually harassing conduct includes, but is not limited to:
 - i. Verbal conduct such as suggestive or offensive comments, lewd remarks, and sexual propositions.
 - ii. Non-verbal conduct such as derogatory or pornographic displays, cartoons or drawings, sexual gestures, leers or stares.

- iii. Physical conduct such as touching, kissing, patting, brushing up against someone, or assault.
- c. Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome, personally offensive, that debilitates morale, and interferes with work effectiveness. Some behavior that may be acceptable in social settings is not appropriate in the workplace and is considered insulting and demeaning to the victim. In addition, no one should imply, joke about, or threaten that an applicant or individual's employment, assignment, compensation, advancement, career development or any other term or condition of employment is subject to submission or acquiescence to sexual harassment.

9. Definition of Discrimination and Other Harassment

- i. The term discrimination may include any offensive or unwelcome physical, written, or spoken conduct which is premised on any legally protected status such as race, sex, gender, national origin, religion, age, or disability. Such prohibited conduct includes, but is not limited to, jokes or comments relating to any protected category; the display or circulation of printed materials that reflect mockery, disapproval, stereotypes, hostility, anger or violence based on any protected grounds; or the assignment of work, discipline, or benefits based on any protected grounds.
- ii. Harassment may also be any discrimination by any employee that substantially interferes with an individual's performance or creates what a reasonable person could consider to be an intimidating, hostile, abusive or offensive working environment.

10. Complaint Procedure

- a. Employees shall follow the following procedures when they think they are the victim of discrimination, harassment and/or other complaint, regardless of whether the allegations are against another employee, including a Charter Officer (i.e., Town Manager, Town Attorney), an elected official or a third party:
 - i. Step 1. Anyone who believes they may have been subjected to discrimination and/or harassment shall, whenever reasonably possible, first inform the offending party that such behavior is offensive and will not be tolerated.
 - ii. Step 2. Because proving a claim of discrimination or harassment can be difficult, the victim should keep a record of times, places and specific details,

including witnesses. If the behavior continues, employees may file a formal, written complaint with their supervisor, Department Head, the Town Manager and/or the Human Resources Director. **The Town shall not investigate anonymous complaints.**

- iii. Step 3. If the supervisor is the offending party, employees may file the written complaint directly with that person's supervisor, the Department Head or the Human Resources Director.
- iv. Step 4. Once an employee notifies a supervisor of such a problem, the supervisor shall notify the Department Head immediately and in writing of the situation and shall provide a copy of the complaint submitted by the employee. Department Heads that learn of discrimination and/or harassment allegations are obligated to immediately notify the Human Resources Director in writing. Where a complaint is made against a Charter Officer or an elected official, the complaint shall be forwarded by the Human Resources Director to the Town Commission for action.

11. Investigation

- a. Complaints shall be investigated by the Human Resource Director and the Department Head and/or an independent third party, as applicable, in a confidential and timely manner and in accordance with the Public Records Law. Note that any investigation of a complaint made against a Charter Officer, or an elected official, shall be conducted as directed by the Commission. Information concerning an active complaint will not be released by the Town to third parties or to anyone within the Town who is not directly involved in the investigation, except as may otherwise be required by law or by a court of competent jurisdiction. The purpose of this provision is to protect the confidentiality of any employee who files a complaint, to encourage the reporting of all instances and to protect the reputation of any employee charged with discrimination and/or harassment until such allegations can be fully investigated.
- b. All participants involved in an investigation are expected to maintain their involvement in or discussion of the investigation confidential, except insofar as disclosure is required in obtaining or being represented by legal counsel. *The failure to abide by this confidentiality requirement constitutes a violation of this Manual.*

- c. Disciplinary action taken because of discrimination and/or harassment shall become part of the personnel file of the offending employee and is subject to disclosure pursuant to Public Records Law.
- d. The investigation of a complaint will normally include conferring with the parties involved and any named or apparent witnesses. Tape recorded statements may be taken of any or all the individuals involved. All employees will be guaranteed fair and impartial treatment, and shall be protected from coercion, intimidation, interference or discrimination for filing a complaint or participating in an investigation.
- e. A determination will be made as to whether a complaint is sustained, not sustained or unsubstantiated. A complaint is sustained when there is sufficient evidence presented to reasonably establish that the sexual harassment and/or discrimination occurred. A complaint is not sustained when there is sufficient evidence presented to reasonably determine that the sexual harassment and/or discrimination did not occur. Finally, a complaint is unsubstantiated when there is insufficient evidence presented to make a final determination as whether there was or was not sexual harassment and/or discrimination (i.e., when there is a “he said, she said” scenario without witnesses who may corroborate either version of the story).
- f. If a complaint is sustained, an offending employee may be subject to disciplinary action which may include termination from employment. Any Department Head or supervisor is under a continuing duty to take immediate remedial action to stop or prevent discrimination and/or harassment. If the Department Head or supervisor fails to take such action, and the misconduct was known, or should have been known, to him or her, the Department Head or supervisor in question shall also be subject to disciplinary action which may include termination from employment. If the complaint is sustained against a non-party, the Town Manager may determine what if any action to take against that non-party. If the complaint is sustained against a Charter Officer and/or elected official, the Town Commission shall determine what if any action to take.
- g. Even if the investigation fails to disclose the existence of any discrimination or harassment, the Town reserves the right to nonetheless take action, including but not limited to counseling, a written warning, or termination. Additional mandatory training will be provided at the Town’s discretion.

12. Follow Up

Once an investigation has concluded, the Town will continue to monitor the employees involved in discrimination and/or harassment complaints for at least 90 days to ensure that no future incidents of discrimination and/or harassment occur.

13. Retaliation

The Policy prohibits retaliation against employees who bring complaints of discrimination and/or harassment or who assist in investigating such complaints. Any employee bringing a complaint of discrimination or harassment or assisting in the investigation will not be adversely affected in terms and conditions of employment. Nor shall any employee take any action against a complainant that is intended to discourage the complaint. Retaliation by any employee against the complainant could result in disciplinary action, up to and including termination.

14. Conclusion

The Town is dedicated to maintaining a working environment that is free of discrimination and/or harassment and is based on professionalism. It is expected that all employees will continue to act responsibly in fulfilling the Town's commitment to working in an environment totally free of discrimination and/or sexual harassment. To that end, it is also expected that employees will prudently avail themselves of the mechanisms provided by this Manual. To the extent any provision of the Manual is inconsistent with any other Town personnel policy or directive, the provisions of the Manual shall control with respect to claims of discrimination and/or harassment.

M. Whistle Blowing and Other Retaliation

1. Whistle Blowing is defined as a person who tells someone in authority about alleged dishonest or illegal activities (misconduct) occurring in a government department, a public or private organization, or a company.
2. The Town encourages its employees to report, in accordance with the Town's procedures and with Section 112.3187, Florida Statutes, any violations of the laws, or the Town's policies contained in the Manual. Each employee is assured of protection from any retaliation resulting from the reporting of such problems. Should any employee experience a situation they believe to be retaliatory in nature, they should report the matter immediately to their supervisor, Department Head and/or the Human Resource Department.
3. Anyone who engages in retaliation against an employee who has, in good faith, reported a violation of the laws outlined above and/or the Town's policies based on those laws, whether one agrees or disagrees with the facts reported, is subject to discipline up to, and including, termination.

N. Weapons at Work

Employees are not allowed to have weapons in their personal possession on Town property while at work, unless these weapons are necessary to perform their job or as authorized by the Town Manager. Employees who violate this policy will be subject to disciplinary action up to and including immediate dismissal.

O. Workplace Violence

1. Violence or threats of violence are prohibited in the Town's work locations. It is the shared obligation of all employees to act individually and jointly to report and prevent actual or implied violent behavior at the workplace. Violence or the threat of violence, by or against any employee of the Town or other person is unacceptable and will subject the perpetrator to serious disciplinary action and possible criminal charges. Town employees are required to cooperate with law enforcement officials to aid in the prosecution of anyone who threatens to commit or does commit violent acts against other employees or individuals having business with the Town.
2. Any employee or supervisor who becomes aware of a threat made by another employee or has observed or has been made aware of the potential or actuality of violence in the workplace should immediately contact a supervisor who in turn has the responsibility to contact the Town's Human Resources Director and/or the Town's Police Department, if necessary. No employee who acts in good faith in reporting violence or threatened violence in the workplace will be subject to disciplinary action based upon such reporting.
3. The Town also recognizes that employees may be involved in personal disputes with family members, neighbors, or personal acquaintances. An employee who applies for a restraining order which lists the Town work area as a protected area must immediately inform his or her supervisor of such action and provide a description of the individual restrained by the order. If a court order has not been secured but the employee feels threatened, the employee should notify the immediate supervisor and the Town's Police Department as soon as possible.

P. Anti-Bullying

1. Because the Town is committed to providing a stable and safe workplace, it prohibits bullying of any type in the workplace.
2. Bullying includes behavior occurring in the course of work that impairs the ability of an employee to perform work duties or is reasonably perceived as being so severe and/or objectively offensive to have that effect. This includes, but is not necessarily limited to, acts that are reasonably perceived as being humiliating, dehumanizing, hostile, intimidating, or physically aggressive. Employees who engage in bullying as defined by this section may be subject to disciplinary action, up to and including termination.

3. The legitimate and reasonable exercise of management rights should not be construed to constitute bullying or harassment. The exercise of those rights includes, but is not limited to, evaluating work performance, issuing directives about work duties, making justifiable decisions related to recruitment, selection and other employment opportunities, enforcing implemented workplace policies or collective bargaining provisions, if applicable, and addressing allegations of misconduct and imposing disciplinary actions, where appropriate.

Q. Staff Search and Security Policy

The Town reserves the right to conduct investigations relating to missing property or other suspected rule or policy violations. Offices, desks, lockers and file cabinets are the property of the Town and are subject to search by the Town at any time without prior notice.

R. Drug Free Workplace Policy

In a strong commitment to safeguard the health of our employees, to provide a safe working environment for both our employees and invitees, and to set an example for the citizens of the Town, especially its youthful residents, we have established a Drug and Alcohol-Free Workplace Policy and Substance Abuse Testing Procedures which comply and comport with both federal and state laws, regulations and judicial rulings.

This policy is implemented pursuant to the Drug Free Workplace Program as codified within the laws of the State of Florida at § 440.102, the Florida Administrative Code, Drug Free Workplace Standards found at Chapter 59A-24 of the State of Florida Administrative Code, the rules of the Department of Labor and Employment Security, Division of Workers' Compensation, as well as the Federal Drug Free Workplace Act of 1988 and 1989.

Under the policy, it is a condition of employment for all Town employees to refrain from ingesting illegal substances at any time, from reporting to work or working under the influence of illegal drugs or alcohol, and from reporting to work or working with illegal drugs or alcohol in their possession, as it endangers not only the health and safety of our employees, but it also causes poor morale and employee relations problems. Most importantly, such use and/or abuse directly impairs the ability to safely and efficiently perform an employee's assigned tasks and job functions by contributing to tardiness, employee accidents, absenteeism, and substandard job performance.

The essential components of this policy are:

- I. The Town, in accordance with the requirements of a Drug Free Workplace, has a **"zero tolerance"** and therefore prohibits the illegal use, possession, sale, manufacture or distribution of drugs, alcohol or other controlled substances on its property or in its vehicles.

It is also against the Town policy to report to work or to work under the influence of illegal, non-prescribed drugs or alcohol. Employees who violate this policy are subject to disciplinary action up to and including termination. Any employee who is taking any prescription drug which might impair safety, performance, or any motor functions must advise his or her immediate supervisor or the Human Resources Director before reporting to work while on such a medication.

- II. **Drug Testing of Applicants:** The Town recognizes employees have a constitutional right under the Fourth Amendment against unreasonable searches; however, all applicants considered final candidates for a position, to the extent permitted by Florida law, shall be tested for the presence of drugs as part of the application process. All applicants for positions requiring a commercial drivers' license will be tested for drugs pursuant to federal law.

1. Applicants will be required to sign a Consent to Pre-Employment Screening form;
2. if the applicant refuses to sign the form or refuses to submit to the screening when asked, he or she will not be considered for employment and the employment application process will be concluded at that time; and
3. if an applicant's test is confirmed positive, the applicant will not be considered for employment at that time and will be informed that he or she has failed to meet standards.

- III. **Reasonable Suspicion Substance Abuse Testing:** The Town will require any employee to submit to a drug or alcohol test when it has a reasonable suspicion that the employee is under the influence of illegal drugs, narcotics and/or alcohol. The term "reasonable suspicion" for the purpose of this policy, shall be defined as follows:

1. Aberrant or unusual on duty behavior or deportment of an employee;
2. Behavior which is a recognized and accepted symptoms(s) of intoxication or impairment caused by a controlled substance, including alcohol; and
3. The behavior of the employee is not reasonably explained as resulting from causes other than the use of a controlled substance, including alcohol.

Inappropriate employee behavior as described above must be personally observed by a Town managerial or supervisory employee and witnessed by at least one (1) other employee, who may or may not be a supervising employee.

When confronted by a supervisor/managerial employee, the employee under suspicion will be offered an opportunity to explain the observed behavior to the supervisor/manager, prior to being ordered to take the drug and/or alcohol test. Drug and/or alcohol testing based upon reasonable suspicion will be conducted only with either: the request of a Department Head or his/her designee and the Human Resources Director, with the consent of the Town Manager or his/her designee. Such approval shall be memorialized in writing and indicate the subject matter

of the test, why the test was ordered and listing the specific objective fact(s) constituting “reasonable suspicion.” A copy of this written order will be provided to the employee as soon as it is practicable to do so.

Any refusal on the part of the suspected employee to immediately comply with a valid “reasonable suspicion” substance abuse testing order is grounds for immediate termination of the employee with cause.

IV. **Substance Abuse Testing Procedures:** The following procedures shall apply to the substance abuse testing administered to employees who meet the above stated conditions:

1. The Town may request urine and/ blood samples. Employee may, at their sole option and expense and upon request, receive a blood test in addition to a urine test if none were ordered. The sample will be split to preserve a portion of the sample for future testing.
2. Analysis of specimens will be collected and performed only by laboratories, hospitals, a certified collector or clinics certified by the State of Florida Agency for Health Care Administration (AHCA) of the Federal Substance Abuse and Mental Health Services Administration (SAMHSA), or certified by the Drug and Alcohol Testing Industry Association (DATIA) utilizing qualified sites and employing collectors trained to follow custodial collection protocols and properly maintain legal specimen chain-of-custody.
3. Urine or blood specimens shall be drawn or collected at a laboratory, hospital, doctor’s office, certified medical facility or on Town premises by a certified health care professional. Employees being tested may request a representative of their choice to accompany them to the substance abuse test and observe the collection of their specimen. If the Town or the collector requires an observer when the urine specimen is given, the observer shall be of the same sex as the employee being tested. All specimen containers and vials shall be sealed with evidence tape and labeled in the presence of the employee and his/her witness.
4. All substance abuse testing will be conducted using recognized technologies and recognized testing standards. The following standards shall be used to determine what level of detected substance shall constitute a **POSITIVE** test result.

Substance	Screening Test	Confirmation
Amphetamines	1000 ng/mL	1000 ng/ML
Barbiturates	300 ng/mL	300 ng/mL
Benzodiazepines	300 ng/mL	300 ng/mL
Cocaine	300 ng/mL	300 ng/mL
Cannabinoids (Marijuana)	50 ng/mL	50 ng/mL

Methadone	300 ng/mL	300 ng/mL
Methaqualone	300 ng/mL	300 ng/mL
Opiates (Heroin, Morphine, Codeine)	300 ng/mL	300 ng/mL
Phenecyclidine (PCP)	25 ng/mL	25 ng/mL
Propoxyphene	300 ng/mL	300 ng/mL
Alcohol (Ethanol)	0.02 g%	0.02 g%

The levels used will be same as those set by the Federal Government CDL Program. As those levels change, so will the levels set forth herein. Levels found below those set above shall be determined as negative indicators. Tests for other non-presented controlled substances will be in accordance with federal government screening and confirmation standards.

5. A Certified Medical Review Officer (MRO) will review all negative and confirmed positive laboratory results. Positive results will be communicated to the Town's Human Resources Director after the MRO has ascertained that personal prescriptions or other legal substances do not account for the laboratory findings. Investigations may include telephone contact with the employee and any prescribing physician. Employees may consult the Town appointed MRO concerning drugs and/or drug groups that may be tested for under this procedure.
6. An employee who tests positive will be sent a "Notice of Positive Drug Test Result" letter containing the laboratory and the MRO's telephone numbers as well as pertinent information concerning the drug test result challenge/appeal process. Within five (5) working days after receiving written notification of a confirmed positive test result, an employee may request an additional test from the split sample and may submit information to the Town and/or the MRO contesting the test results. If the explanation or challenge of the employee or job applicant is deemed unsatisfactory by the Town, and within fifteen (15) calendar days of same, the Town shall provide a written explanation as to why the employee or job applicant's explanation is unsatisfactory, and a copy of the report of positive confirmed test results. Such documents shall be kept confidential and maintained by the Town for at least one (1) year.
7. The results of all urine and blood tests performed hereunder will be held confidential to the extent permitted by law.
8. Any adulteration of specimens before during or after the substance abuse test, will constitute immediate grounds for employee discharge from employment.

V. **Post - Accident Testing:** Employees will be required to undergo urine and/or breath testing for all work-related accident that have caused a death or any personal injury or property damage exceeding **\$1000**.

1. Employees must adhere to post-accident specimen collection requirements as a condition of employment.

- VI. **Disciplinary Consequences for Positive Substance Abuse Test:** Disciplinary consequences for violating the Town's Drug and Alcohol-Free Workplace Policy may include termination of employment and denial of Unemployment Compensation benefits. An employee injured and subsequently confirmed positive for drug or alcohol abuse based upon post-accident testing may not get Workers' Compensation benefits under State law.
- VII. **Voluntarily Acknowledgment of Substance Abuse Problem:** Nothing in the Town's Drug and Alcohol-Free Workplace Policy shall prohibit an employee from voluntarily self-identifying as having a substance abuse problem to either his/her immediate supervisor or Human Resources Director. Requests from employees for assistance in this regard shall remain confidential to the extent permitted by law. Employees enrolled in substance abuse programs as outpatients, shall be subject to all Town rules, regulations and job performance standards. There will not be discipline for voluntary requests for assistance involving a personal substance abuse problem if such request is made before drug/alcohol abuse leads to disciplinary problems. The Town is not required to provide work if the employee is unable to perform his/her duties.
- VIII. Drug and alcohol abuse are serious personal concerns for many individuals. The Town provides employees in such circumstances with the services of an Employee Assistance Program which may be called to obtain confidential professional referral assistance.

IX. **SAMPLE FORMS**



**DOCUMENTATION OF REASONABLE SUSPICION FORM
FOR REASONABLE SUSPICION OF THE PRESENCE OF ALCOHOL AND/OR DRUGS**

This form is to be completed by the supervisor who believes reasonable suspicion exists. It must be completed as soon as practicable upon suspicion and no later than the end of the workday. A copy of this form will be provided to the employee upon request.

Employee Name: _____ Department: _____

Date of Suspicion: _____ Time of Suspicion: _____

Please indicate with an "X" as appropriate. Please use the bottom of this form for additional comments.

	YES	NO
1. Smell of alcohol on breath or person?	_____	_____
2. Slurred Speech?	_____	_____
3. Disorientation: Is the employee confused about:		
Where he or she is?	_____	_____
What day it is?	_____	_____
What time it is?	_____	_____
4. Altered motor functions?	_____	_____
(i.e. inability to stay awake, poor condition, staggering gait)	_____	_____
5. Mood		
Belligerent?	_____	_____
Ecstatic?	_____	_____
More open or nervous than usual?	_____	_____
Other: _____	_____	_____
6. Erratic and/or reckless behavior?	_____	_____
7. Skin color:		
Pale?	_____	_____
Flushed?	_____	_____
8. Excessive perspiration?	_____	_____
9. Excessive trips to restroom?	_____	_____
10. Bloodshot eyes?	_____	_____
11. Dilated pupils?	_____	_____
12. Traces of alcohol in any containers?	_____	_____

13. Observation of individual consuming what appears to be an illegal drug or alcohol?

14. Confession of employee that he or she was drinking alcohol or ingesting drugs?

15. Testimony of other employees?

16. Traces of drugs?

17. Traces of drug paraphernalia?

18. Congregation of employees in remote areas of facilities
or job sites in area employees usually do not frequent?

YES

NO

19. Weariness, fatigue or exhaustion?

20. Deteriorating physical appearance?

21. Yawning excessively?

22. Blank stare or expression?

23. Sunglasses worn at inappropriate times?

24. Changes in appearance after lunch or break?

25. Withdrawing and avoiding peers?

26. Complaints from co-workers?

27. Excessive absenteeism or patterns of sick leave abuse,
particularly on Mondays, Fridays, and before or after holidays?

28. Unauthorized or unscheduled absences?

29. Unusually high incident of colds, flu, upset stomach &
headache?

30. Prolonged lunch hours?

31. Tardiness?

32. Unexplained departures from work or disappearances from
job areas?

33. More than average number of job-related mistakes, injuries,
or accidents?

34. Decrease in efficiency or productivity?

35. Has the employee been given a chance to explain any of
the above observations? If yes, what was the employee's
response?

36. Other (attach additional pages if necessary):

List Witnesses:

Employee Signature

Date

Time

Supervisor's Signature

Date

Time



**FORM A - NOTICE TO EMPLOYEE OF
ALCOHOL AND/OR CONTROLLED SUBSTANCE TEST**

TO: _____

You are hereby notified by the Program Administrator that pursuant to Town's Policy and Procedures Regarding Alcohol and Controlled Substance Testing you are required to submit:

_____ an alcohol breath test
_____ a controlled substance urine test

Your breath specimen will be analyzed for the presence of alcohol. Your urine specimen will be tested at a laboratory approved by the U.S. Department of Health and Human Services for the following drug substances: Amphetamines, Barbiturates, Benzodiazepines, Cannabinoids (marijuana), Cocaine, Opiates (Heroin, Morphine, Codeine), Phencyclidine, Propoxyphene and Alcohol (Ethanol).

You are now required to proceed directly to the collection site for the purpose of providing the above-requested breath and/or urine samples. Upon reaching the site you will be asked to consent to the requested testing. You must follow the instructions given to you and any instructions given to you by the collection site technician. Your cooperation is greatly appreciated.

I, _____, have read and understand the terms contained in this notice. I understand I may be terminated should my breath alcohol test indicate a presence of alcohol in my body greater than 0.02g% or should my urine test indicate the presence of any of the above-listed controlled substances. Further, I understand I may be terminated should I refuse to submit to the required testing.

Employee Signature

Date

Employee Name (Please Print)

Parent's Signature if Employee is under age 18

Witness Signature

Witness Name (Please Print)



**FORM B - CONSENT TO ALCOHOL AND/OR CONTROLLED SUBSTANCE TESTING
BASED UPON *REASONABLE SUSPICION***

I, _____, have received a copy of Town's Policy and Procedures Regarding Alcohol and Controlled Substance Testing, and I understand that refusing to provide a breath and/or a urine specimen, as requested by the Town, tampering with a specimen, or providing false information on a specimen collection and control form constitutes grounds for termination of employment with Town. I understand that failure to pass either the requested alcohol test or the requested drug test may result in disciplinary action up to and including termination from employment.

I hereby consent to provide a breath and/or a urine specimen, as requested by the Town, for the purpose of testing for the presence of alcohol and controlled substances at a laboratory designated by the Town. I authorize the release of such test results to the medical review officer designated by the Town and to the Program Administrator who is responsible for the Statement of Procedures and Policy Regarding Alcohol and Controlled Substance Testing.

Employee Signature

Date

Employee Name (Please Print)

Parent's Signature if Employee is under age 18

Witness Signature

Witness Name (Please Print)

I do not consent to provide either a breath or a urine specimen, as requested by the Town, for the purpose of testing for the presence of alcohol and controlled substances. I understand that my refusal to participate in testing may result in my termination from employment.

Employee Signature

Date

Employee Name (Please Print)

Parent's Signature if Employee is under age 18

Witness Signature

Witness Name (Please Print)



**FORM C - CONSENT TO POST-ACCIDENT
ALCOHOL AND/OR CONTROLLED SUBSTANCE TESTING**

I, _____, have received a copy of Town's Policy and Procedures Regarding Alcohol and Controlled Substance Testing, and I understand that refusing to provide a breath and/or a urine specimen, as requested by the Town, tampering with a specimen, or providing false information on a specimen collection and control form constitute grounds for termination of employment with Town. I understand that failure to pass either the requested alcohol test or the requested drug test may result in disciplinary action up to and including termination from employment.

I hereby consent to provide a breath and/or a urine specimen as requested by the Town for the purpose of testing for the presence of alcohol and/or controlled substances at a laboratory designated by the Town. I authorize the release of such test results to the medical review officer designated by the Town and to the Program Administrator who is responsible for the Statement of Procedures and Policy Regarding Alcohol and Controlled Substance Testing.

Employee Signature

Date

Employee Name (Please Print)

Parent's Signature if Employee is under age 18

Witness Signature

Witness Name (Please Print)

I do not consent to provide either a breath or a urine specimen as requested by the Town for the purpose of testing for the presence of alcohol and controlled substances. I understand that my refusal to participate in testing may result in my termination from employment.

Employee Signature

Date

Employee Name (Please Print)

Parent's Signature if Employee is under age 18

Witness Signature

Witness Name (Please Print)

**OVER-THE-COUNTER AND PRESCRIPTION DRUGS THAT COULD ALTER OR AFFECT
THE OUTCOME OF A DRUG TEST**

This sheet is for your information only.

ALCOHOL

All liquid medications containing ethyl alcohol (ethanol). Please read the label for alcohol content. For example, Vick's Nyquil is 25% (50 proof) ethyl alcohol; Comtrex, 20% (40 proof); Listerine, 26.9% (54 proof).

AMPHETAMINES

Obetral, Biphetimine, Desoxyn, Dexedrine, Didrex.

CANNABINOIDS

Marinol (Dronabinol, THC).

COCAINE

Cocaine HCl topical solution (Roxanne).

PHENCYCLIDINE

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 Roxinol (morphine sulfate), Percodan, Vicodin, etc.

BARBITURATES

Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fiorecet, Esgic, Butisol, Mebarbal, Butabarbital, Phrenilin, Triad, etc.

BENZODIAZEPHINES

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

METHADONE

Dolophine, Methadose.

PROPOXYPHENE

Darvocet, Darvon N, Dolene, etc.

Should you have any questions regarding this information you may contact:

Drug Free Workplaces, Inc.

27 W. Romana Street Pensacola, FL 32502

850-434-3782 or 800-430-3782

help@drugfreeworkplaces.com

S. Family and Medical Leave Act (FMLA)

1. Employees who have been employed for at least one (1) year *and* have worked for at least 1,250 hours during the preceding 12-month period are eligible for family and medical leave. Except for those employees designated as “highly compensated employees,” employees will be returned to the same or to an equivalent position upon their return from leave.
2. Family or medical leave will consist of appropriate accrued paid leave and unpaid leave. All accrued paid vacation leave and sick leave must be used first when an employee is on family or medical leave. The remainder of the leave period will then consist of unpaid leave.
3. All employees who meet the applicable time-of-service requirements may be granted a total of twelve (12) weeks of unpaid family leave and paid sick and vacation leave combined, as appropriate in a 12-month period (calendar year), for the following reasons:
 - a. The birth of the employee’s child and in order to care for the child (the entitlement to leave for the birth of a child will expire twelve (12) months from the date of the birth);
 - b. The placement of a child with the employee for adoption or foster care (the entitlement to leave for placement of a child for adoption or foster care will expire twelve (12) months from the date of the placement);
 - c. To care for a spouse, child or parent who has a serious health condition;
 - d. A serious health condition that renders the employee incapable of performing the functions of his or her job; or
 - e. A qualifying emergency arising out of the fact that a spouse, or a son, daughter, or parent is a covered military member on active duty (or has been notified of an impending call) in the Armed Forces in support of a contingency operation.
4. All employees who meet the applicable time of service requirements may be granted a total of twenty-six (26) weeks of unpaid family leave inclusive of paid vacation leave combined during a single 12-month period to care for a spouse, son, daughter, parent or next of kin who is a covered service member with a serious injury or illness.
5. In all cases, an employee requesting leave must complete the “Application for Family and Medical Leave” and return it to the Human Resource Department. The completed application must state the reason for the leave, the duration of the leave, and the starting and ending dates of the leave.

6. An employee intending to take family or medical leave because of an expected birth or placement, or because of a planned medical treatment, must apply for leave at least thirty (30) days before the leave is to begin. If leave is to begin within thirty (30) days, an employee must give notice to his or her immediate supervisor *and* to the Human Resources Director as soon as the necessity for the leave arises.
7. An application for leave based on the serious health condition of the employee, the serious health condition of the employee's spouse, child or parent, or to care for a covered service member must also be accompanied by a "Medical Certification Statement" completed by the applicable health care provider. The certification must state the date on which the health condition commenced, the probable duration of the condition, and the appropriate medical facts regarding the condition.
8. If the employee is needed to care for a spouse, child, parent, or next of kin, the certification must so state along with an estimate of the amount of time the employee will be needed. If the employee has a serious health condition, the certification must state that the employee cannot perform the functions of his or her job.
9. During a period of family or medical leave, an employee will be retained on the Town's health plan under the same conditions that applied before leave commenced. To continue such health coverage, the employee must continue to make any contributions that he or she made to the plan before taking leave. Failure of the employee to pay his or her share of the health insurance premium shall result in loss of coverage.
10. If the employee fails to return to work after the expiration of the leave, the employee will be required to reimburse the Town for payment of health insurance premiums during the family leave, unless the reason the employee fails to return is the presence of a serious health condition which prevents the employee from performing his or her job or to circumstances beyond the employee's control.
11. An employee eligible for family and medical leave, except those employees designated as "highly compensated employees", shall be restored to his/her old position *or* to a position with equivalent pay benefits, and other terms and conditions of employment. The Town cannot guarantee that an employee will be returned to his/her original job. A determination as to whether a position is an "equivalent position" will be made by the Town.
12. The failure of an employee to return to work upon the expiration of a family or medical leave of absence will subject the employee to immediate termination unless an extension is granted, as authorized by law. An employee who requests an extension of family leave or medical leave must submit a request for an extension, in writing, to the employee's immediate supervisor. This written request should be made as soon as the employee realizes that she or he will not be able to return at the expiration of the leave period.

T. Non-Nepotism Policy

Any Town official or employee, whether elected, hired or appointed, who employs or appoints, either directly or indirectly, any person related by consanguinity to the third degree or by affinity to that Town official or employee, to a remunerative position with the Town, whether paid by the Town or by such Town official or employee, shall be deemed guilty of misfeasance and malfeasance in office, subject to removal thereof, and shall forfeit all unpaid compensation, salary, and emoluments of his office, and the person so employed shall be discharged immediately.

The third degree of consanguinity applies to the job candidate's first, second, and third degree of blood relatives as follows:

- Children - Parents (first degree)
- Brothers/Sisters - Half-Brothers/Half-Sisters - Grandchildren - Grandparents (second degree)
- Uncles/Aunts - Nephews/Nieces - Great-Grandparents - Great-Grandchildren (third degree)

The third degree of affinity also applies to the job candidate's first, second, and third-degree relatives by marriage as follows:

- Spouse - Stepchildren - Stepmother/Stepfather - Mother-in-Law - Father-in-Law (first degree)
- Stepbrothers/Stepsisters - Brothers-in-Law - Sisters-in-Law - Step Grandchildren - Step Grandparents (second degree)
- Step uncles/Step aunts - Step nephews/Step nieces - Step great Grandparents - Step Great-Grandchildren (third degree)

U. Veteran's Preference

1. For eligible positions, the Town will provide preference in hiring, promotional opportunities and layoff retention to eligible military veterans in accordance with Section 295.07, Florida Statutes, and applicable regulations.
2. Individuals must submit current documentation substantiating Veterans' Preference status to receive a preference. A DD-214 or comparable document which serves as a certificate of release or discharge claim must be furnished. If an individual wishes to appeal any decision, he/she may file a complaint with the Florida Department of Veterans' Affairs, Division of Benefits and Assistance, 9500 Bay Pines Blvd., Room 214, St. Petersburg, Florida 33708, within 60 calendar days after receiving notice of the decision.

V. Emergency Conditions

1. The Town realizes that emergency conditions such as storms may develop that may require the temporary closing of Town facilities. Should that situation occur during the workday, the Town Manager shall determine the number of hours for payroll. Emergency closing during the workday will be announced to the Department Heads, who will assess their department's operational needs and communicate the information to their employees.
2. If emergency conditions develop during non-working hours, it is each employee's responsibility to call the assigned employee call-in phone number **305-993-1099** to receive instructions regarding the status of the emergency, employee work schedules and other instructions. If the employee hotline number is not functional or contains no message pertaining to the emergency, the employee is required to make every effort to be in contact with their supervisor to determine their work schedule.

W. Outside Employment

1. Employees are prohibited from engaging in outside work that interferes in the carrying out of their normal duties for the Town and/or poses a real or a perceived potential conflict of interest.
2. Full-time employees are prohibited from accepting outside employment, either incidental, occasional or otherwise, where Town time, equipment and/ or material is used or where such employment or any part of thereof is to be performed on Town time.
3. No part-time employee shall accept outside employment during such hours and times that are committed to employment by the Town nor shall equipment and/or material belonging to the Town be used by any part-time employee for employment outside the Town.
4. All employees may accept incidental or occasional outside employment so long as such employment is not contrary, detrimental or adverse to the interest of the Town or any of its departments and after obtaining the Town Manager's written approval. Any employee who violates Chapter 2 "Administration" Section 2-152 "Outside Employment by Town Employees" of the Town Code may be subject to disciplinary action.
5. All employees engaging in outside employment as approved by the Town Manager must file an annual disclosure report no later than July 1 of each year, as required by the Miami-Dade County Code, Section 2-11.1 (k)(2).

X. Smoking

The Town prohibits smoking, during working hours, while on duty, in uniform, in Town, in all Town vehicles, in all Town facilities, on Town property, including lobbies, restrooms, hallways, stairwells, employee eating areas, conference rooms and elevators, except specially designated smoking areas at Town Hall. **Smoking is only authorized in designated smoking areas on Town property.** When in doubt, ask the Town Manager for a written authorization.

Y. E-mail / Internet Policy

1. The Town may provide Internet and e-mail access from Town computers to employees that have a legitimate business-related need for such access. Employees with Internet and e-mail access may only use the Internet and e-mail for business purposes and for purposes in the best interests of the Town. Use of the Internet and e-mail for any other purposes, is prohibited.
2. The Town reserves the right to access and monitor, with or without the user's consent, all messages and files on any of its computer systems at any time and for any purpose as deemed necessary and appropriate. Internet and e-mail messages are the property of the Town, are considered public communications, and therefore are not private. Employees of the Town should not have any expectation of privacy when using the Town's computer systems. All communications including text and images can be disclosed to law enforcement or other third parties without prior consent of the sender or the receiver.
3. Personal employee codes, passwords, or other security measures and devices must be made known to appropriate Town representatives upon request. Personal passwords and other codes may be used only by the designated employee and may not be loaned or shared with others (except the appropriate designee). Although the employee may have a personal password to the network and their e-mail, Town Administration – without an employee's knowledge or consent – can access their Town network and e-mail accounts.
4. All e-mails, either received or sent, pertaining in any way to Town business are subject to inspection as provided by Florida Public Records Law. There shall be no attempt to hide e-mails pertaining to Town business.
5. It is the employee's responsibility to ensure that Town computers and telephones are used for personal use **only** for emergency purposes.
6. It is the employee's duty to turn off his/her computer upon completion of his/her shift to avoid any security breach.
7. Please refer to the Use of Internet and Electronic Communications Systems Administrative Policy for additional information.

Z. Prohibitions

1. The Internet and e-mail account may not be used for any personal reason or gain, or for the advancement of individual views.
2. The Internet and e-mail account may not be used for soliciting, advocating, or proselytizing any commercial ventures, job searches, chain letters, religious or personal causes or outside organizations or other similar, non-job-related solicitations.
3. Audio or video streaming may only be used for Town research and business purposes.
4. Internet and e-mail use must not disrupt the operation of the Town's network or the networks of other users, or cause damage to or corrupt information on the Town system or any other system by means of a computer virus.
5. Employees may not use the Town's Internet and e-mail accounts in any way that may be seen as insulting, disruptive, or offensive by other persons or harmful to morale. Examples of forbidden transmissions include but are not limited to: sexually explicit messages; cartoons or jokes; unwelcome propositions or love letters; ethnic or racial slurs; or any other message that can be construed to be harassment or disparagement of others based on their race, color, age, sex, national origin, religion, marital status, sexual orientation, disability or other legally protected class.
6. The Internet and e-mail may not be used to send copies of documents in violation of copyright laws.
7. The Internet and e-mail and account may not be used to access websites or information that is considered inappropriate in the workplace (i.e. sexual content or depictions, violence or profanity, cult, extremists, etc.).
8. The Internet and e-mail may not be used to disclose information to unauthorized persons or entities in violation of Florida Public Records Laws.
9. The Internet and e-mail account may not be used to compromise the integrity of the Town or its business in any way or interfere with employee productivity.

AA. Medical Testing

1. The Town Manager and/or Department Head may require an employee to take a medical/psychological examination when such examination is job-related and consistent with business necessity.
2. Refusal to submit to such examination may be grounds for immediate termination.

BB. Accidents

If an accident occurs on Town property or involving any Town equipment/operations, whether to employees or visitors, employees must immediately refer the matter to their supervisor, regardless of how insignificant the accident may appear. This procedure is necessary to provide immediate medical aid to an injured person and facilitate a full and prompt report to the Human Resources Director. If the accident involves visitors, employees should not make any statements to the injured person as to their opinions about the cause of the accident; instead, immediately report the complete circumstances to the Human Resources Director on the appropriate forms. All accidents shall be reported to the Human Resources Director without delay.

CC. Care of Town Property and Equipment

Town owned and operated equipment will not be used, under any circumstances, for any purpose other than specified Town business unless previously authorized in writing by the Department Head and Town Manager.

DD. Dress Code / Appearance

1. Town employees must dress in an appropriate manner. The Town provides uniforms and/or special clothing to certain employees based on department operational needs, including uniforms, clothing, footwear and protective accessories. When these items are provided, it is required that they be worn as both a matter of appearance and safety.
2. All uniforms, clothing and footwear shall be returned to the department when the employee separates from employment or moves to a position that does not require such items.
3. The Town reserves the right to determine whether an employee is dressed in an acceptable manner. If the Town decides that an employee's dress is inappropriate for Town business, the Town may require the employee to return home and change. Employee will not be paid for such time.

EE. Political Activity

1. It is the policy of the Town to hire and promote all employees without regard to political considerations.

2. Any employee who takes an active part in the campaign or candidacy of any person who is a candidate for elected office within the Town, including the contribution of time, money or anything of value to the campaign of any candidate while on duty or while wearing a Town uniform, shall be subject to disciplinary action including immediate dismissal.
3. Employees are prohibited from contacting any elected official to seek favoritism, job advantage, promote their cause or resolve a concern in their favor.
4. As required by Section 14 of the Town Charter, no employee subject to direction from the Town Manager shall take orders or implement requests from individual Town Elected Officials unless communicated through and approved in writing by the Town Manager. Any employee receiving an order(s) or request(s) from an Elected Official of the Town shall inform his/her Department Director and the Town Manager of all such communication(s). The Town Manager shall then decide what action to take, if any.

FF. Identification Badge

1. All employees shall be required to obtain a Town Identification Badge and must carry the badge during working hours. **Identification badges are not to be loaned.**
2. The identification badge will be issued by the Human Resources Director via the request form contained herein.
3. Employees who lose their badge shall be charged a replacement fee according to the type of identification badge.
4. The Human Resource Director should be notified immediately in the event of a loss and a replacement badge will be issued.
5. Identification badges expire upon separation of employment and must be returned to the Town along with any other Town property.
6. Employees may request a new card from the Human Resources Director if their name changes and/or are transferred to a different position.



REQUEST FOR REPLACEMENT OF EMPLOYEE IDENTIFICATION BADGE

(PRINT) NAME OF EMPLOYEE: _____

DEPARTMENT: _____

REASON FOR REPLACEMENT I.D. (CHECK ONE):

1. _____ Lost I.D.
2. _____ Stolen I.D.
3. _____ Name changes
4. _____ Transfer

By signing below, I consent to any fees associated with the replacement of my badge. I must submit payment in the form of cash, check or money order payable to the Town of Surfside.

EMPLOYEE'S SIGNATURE: _____ DATE: _____

For official use only. This portion to be completed by the Department Head (or designee).

I, (Department Head) _____, hereby authorize the Human Resources Director to issue and release the above Employee Identification Badge at a cost of ____\$10.00 for facility door access ____\$4.00 non- reader badge, or ____free for name change or transfer.

AUTHORIZING SIGNATURE: _____ DATE: _____

PRINT AUTHORIZING NAME: _____

APPOINTMENT DATE SET BY HUMAN RESOURCES DIRECTOR _____

GG. Solicitation and Distribution of Literature

Unless approved by the Town Manager, solicitation and distribution of literature by employees on Town property during working time, which in any way interferes with work production or service to citizens, is prohibited.

HH. Town Telephones / Town-Issued Cell Phones

1. Town telephones, including Town-issued cellular telephones, are only to be used for Town business. Personal calls may not disrupt Town business, except in case of emergency.
2. The use of a Town-issued cellular phone shall be as follows:
 - a. Employees shall not use Town-issued cellular telephones and services for personal calls provided that an employee may use Town-issued cellular phones and/or services for personal calls only in situations where the call is an emergency
 - b. The use of Town-issued cellular phones for any purpose not covered by the Town's phone plan without additional charges is prohibited except in case of emergency.
 - c. The Town reserves the right to monitor the use of all Town-issued cellular telephones. Cellular telephone records may be deemed public records.
 - d. Reasonable precautions should be made to prevent equipment theft and vandalism. Lost cellular phones must be reported immediately to the Finance and IT department and a Police report must be filed as soon as practical.
 - e. Cellular telephones and accessories expenses will be billed to the Department in which it is used.
 - f. Employees who are issued a Town cellular telephone are required to reimburse the Town for excess personal charges not covered by their assigned service plan. These include text messages, download and phone usage overage and applicable taxes. Those charges will be derived from usage as billed to the Town and reported to the Human Resources Director when applicable.
 - g. Personal cellular telephone calls should not interfere with scheduled duties and job performance unless they are an emergency.
 - h. **Employees shall not use cellular telephones while driving. Every attempt shall be made to use cellular telephones from a parked position away from traffic lanes.**
 - i. If an employee must use a cellular phone while driving, said use will require the

use of a hands-free device and should be conducted with extreme caution.

- j. Town-issued cellular telephone call records are considered public records pursuant to Chapter 119 of the Florida Statutes which states that “It is the policy of this state that all state, county, and municipal records are open for personal inspection by any person. Providing access to public records is a duty of each agency.”
 - k. The use of a Town-issued cellular phone is a privilege, not a right, and can be revoked by the Town Manager at any time.
- 3. Employees in possession of Town-issued cellular phones, laptops, and documents are required to take appropriate precautions to prevent theft and vandalism of all Town equipment. Employees shall reimburse costs incurred by the Town to repair or replace the Town-issued cellular phones and laptops due to damage or loss because of an employee’s negligence.
 - 4. Lost cellular phones must be reported immediately to the Finance Director. Such a report may be reported to the Finance Director 24 hours a day/7 days per week by email.

II. Attendance, Absenteeism and Tardiness

- 1. Employees are expected to maintain detailed timely attendance records. Excessive absences are cause for dismissal. Absence for three (3) consecutive workdays without notifying the supervisor is considered resignation.
- 2. An employee who will be absent for any reason is required to notify his/her supervisor at least (60) minutes prior to their starting time.
- 3. All employees are expected to arrive on time for work, work all scheduled hours, and are not to depart prior to their regularly scheduled quitting time. Any departure from this policy will require prior written permission by the employee’s supervisor.
- 4. If an employee is unavoidably either tardy or absent, it is the employee’s responsibility to notify supervisory personnel as soon as it is evident.
- 5. Unreported and/or excessive tardiness will result in disciplinary action as prescribed in Chapter 6.

JJ. Social Media

- 1. The Town's social media policy set forth in **Res. 2025-3367** governs the use of social media by Town personnel, including the permissible parameters, prohibitions and restrictions on such use. This policy applies to all communications on social media networks including, but not

limited to posts, pictures, video, audio, podcasts, blogs, non-native applications on social networks, e-mail, files, RSS feeds, and personal websites that transact Town business, news services, chat rooms, and similar platforms. The Town recognizes that such communications may be accomplished with equipment and related software, including, but not limited to: laptop/notebook computers, desktop computers, tablets, cellular phones and any other communications device that can transmit voice and/or data signals through wired or wireless technology. Therefore, this policy applies to the use of all such equipment.

2. The Town does not prohibit employees from creating, obtaining or using personal social network accounts. Nevertheless, a Town employee's use of social media is not without limits. Inappropriate online communication that includes discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct is prohibited.
3. Though Town employees may interact with other employees or individuals who work on behalf of the Town, communication which can be viewed as malicious, obscene, and threatening or intimidating, or that might constitute harassment or bullying is prohibited. Examples of such conduct might include communication meant to intentionally harm someone's reputation or conduct that could contribute to a hostile work environment based on race, sex, disability, religion or any other status protected by law or Town policy.
4. While using personal social network accounts, Town employees are prohibited from doing the following:
 - Using Town computers to access such social media without prior written authorization from their supervisor.
 - Suggesting either directly or indirectly that the Town endorses a commercial product or service, unless approved in writing by the Town Manager.
 - Posting, transmitting, discussing or otherwise disseminating information to which they have unique access by virtue of their employment.
 - Speaking on behalf of the Town unless they have prior written authorization from the Town Manager.
 - Posting, transmitting, discussing or disseminating confidential or proprietary Town information.
5. Any Town employee who is aware of an online posting on a social media page by a Town employee that violates any provisions of this policy shall notify his or her supervisor immediately. Employees who violate the Town's Social Media policy as set forth in this section may be subject to disciplinary action, up to and including termination.

KK. Public Records Law Compliance

1. The Public Records Act, codified in Chapter 119, Florida Statutes, entitles any individual access to the Town's public records. Public records are defined as [1] materials made or received by the Town [2] in connection with official Town

business and used to [3] perpetuate, communicate or formalize knowledge of some type.

2. Examples of materials considered public records include but are not limited to papers, electronic files, photographs, videos, text messages, and audio recordings. If these materials are made or received by Town employees, have a connection to Town business, and were intended to communicate or formalize knowledge, any person may inspect or receive a copy of these materials.
3. An employee who receives a verbal or written request for public records must promptly respond based on the circumstances. The request shall be forwarded to the Town Clerk to ensure that the request is promptly addressed. For the inspection of records, this may entail compiling the requested records and providing an inspection site (i.e., a room). For copies, this will entail making legible photocopies or providing said records in electronic form.
4. Town employees are required to store public records in their control in a manner such that they can be accessed. This may include the creation of a filing system (physical and digital). As such, **Town employees must not destroy public records unless it is done so in accordance with law.**
5. If the request requires employees to spend more than 15 minutes to respond, a reasonable service charge may be imposed based on actual costs (e.g., if it takes a support staff member five (5) hours to compile a records request, the requestor may be charged 5 hours x the employee's hourly rate). A deposit may be required before resources are expended. For copies of standard papers, a cost of 15 cents a page may be imposed. Copying other materials (e.g., large maps, videos) may require the imposition of additional costs as determined by the Town Manager or his designee.
6. The Town will not provide public records to requestors if they are exempt and/or confidential, as defined by law **and as determined by the Town Attorney**. Examples of exempt records include, but are not limited to, the social security numbers of all current and former Town personnel, direct deposit records identifying banking institutions and account numbers, discrimination complaints and investigations (this exemption is temporary), and contact information of public safety employees, their spouses and/or children. Because the number of exemptions is voluminous, employees must contact a supervisor if they are unsure whether a record falls under an exemption.

CHAPTER 5 - Employee Benefits

A. Eligibility

All full-time employees of the Town are eligible for the employee benefit program, subject to any applicable waiting periods.

B. Pension Plan

The Town code provides detailed information regarding the Town's Pension Plan. Summary Plan Descriptions (SPD) are available in the Human Resources office.

C. Deferred Compensation; 457 Plans

The Town offers all employees the opportunity to enroll in a Tax Deferred Savings plan to supplement retirement or prepare for an emergency. Please contact the Human Resource Director at x490 for more information.

D. Health and Life Insurance

1. All full-time employees are eligible for health and dental insurance. Employees who are hired on the first (1st) day of the month are eligible for this coverage the (1st) day of the following month (second month, after a minimum of 30 days waiting period), while employees hired on the second (2nd) day of the month or later become eligible on the first (1st) day of the third month. New employees must complete the appropriate enrollment and deduction forms. This paragraph may be subject to change depending on the carrier at the time.
2. The Town shall pay the entire cost of the employee's health insurance coverage and a portion of the dental insurance for the employee. A portion of any dependent's health and dental coverage is paid by the Town; the employee is responsible for the remaining portion. The Town reserves the right to change benefits at any time.
3. Employees and their eligible dependents may continue to participate in the Town's health insurance plan upon an employee's "normal retirement", as defined below, provided enrollment occurs immediately upon said retirement from active employment and coverage continues without interruption. "Normal retirement" shall mean the application for and receipt of retirement benefits under the pension plan provisions in the Town's Charter and Code. The health insurance coverage shall be identical to that offered to active employees. Health insurance premiums for continued participation shall be paid by the retiree.

E. Holiday Leave and Personal Days

1. The Town recognizes the following holidays:
 - New Year's Day – January 1st
 - Martin Luther King's Birthday – Third Monday in January
 - Presidents Day – Third Monday of February
 - Memorial Day – Last Monday of May
 - Juneteenth - June 19th
 - Independence Day – July 4th
 - Labor Day – First Monday in September
 - Veterans Day – November 11
 - Thanksgiving Day – Last Thursday in November
 - Friday after Thanksgiving Day
 - Christmas Day - December 25
 - Employee Personal Days (three (3) Personal Days for non-bargaining unit employees intended to be credited as two hours per month)
2. Holidays occurring on a Saturday shall be observed on the previous Friday. Holidays falling on a Sunday shall be observed on the following Monday.
3. For each observed holiday (except Personal Days), a full-time employee shall be entitled to eight (8) hours of pay at the employee's regular rate of pay. A full-time employee required to work, and who works, on an observed holiday, shall receive pay for hours worked in addition to eight (8) hours of holiday pay at the employee's regular rate of pay. If a full-time employee is scheduled to work a holiday and calls in sick, he/she will receive his/her sick pay (eight hours), but no holiday pay, and he/she will be charged for a sick day from his or her sick time balance. Full-time employees who are out on vacation leave during an observed holiday will be paid for the holiday and will not lose the vacation leave allowance for that holiday.
4. There is no carryover or payout for unused Personal Days. Any unused Personal Day(s) at the end of the calendar year are forfeited.

F. Vacation Leave

1. Eligibility and Rate of Earning
 - a. Each non-contractual full-time employee will accrue vacation at the following rate, based on years of service:

For General Employees (NON-FOP)

<u>Years of Service</u>	<u>Vacation Accrual</u>
0 – 5	10 days (80 hours)
6 – 10	15 days (120 hours)
11 – 15	17.5 days (140 hours)
16 - 20	20 days (160 hours)
21+	22.5 days (180 hours)

- b. Part-time employees shall be entitled to one (1) week of vacation after the completion of two (2) years of employment with the Town, which shall be based on the average number of hours worked during the previous year.

2. Charging Leave

- a. Vacation leave is accrued **monthly** for full-time employees from the date of employment and for part-time employees with over two (2) years of employment
- b. Full-time employees may not use any accrued vacation leave until the completion of six (6) months of employment with the Town, unless approved in advance in writing by the Town Manager.
- c. Employees shall use all accrued vacation hours which exceed three hundred (300) hours by the end of each respective calendar year. Excess accrued vacation hours, which exceed three hundred (300) hours, are forfeited if not used by the end of the first quarter of the new calendar year, **except as approved by the Town Commission**. Employees should review their pay stubs to ensure accrual balances are correct.
- d. Vacation leave shall not accrue or be earned by an employee while on leave without pay.
- e. Vacation leave shall not be counted as hours worked for the computation of overtime in any work week.
- f. Department Directors will arrange vacation leave schedules and reassign remaining duties on such a basis as to cause minimum interference with the normal functions and operations of the Town. Department Directors shall have discretion to determine their respective department's vacation schedule and the system by which their respective employees are assigned vacation Leave.
- g. Employees should provide the employer reasonable notice, preferably two (2) weeks prior to vacation leave dates.

3. Taking Vacation Leave

- a. Vacation leave may be taken only after approved in writing by the Department Head. Every employee shall be encouraged to take at least ten (10) vacation days during each calendar year.
 - b. Vacation leave may be used only as earned, and vacation leave with pay shall not be allowed in advance of being earned, **unless approved in writing by the Town Manager.**
 - c. **Except if terminated for cause**, employees shall be paid at their current rate for their accumulated vacation leave, up to 300 hours, upon separation from the Town or upon an employee's death.
 - d. Vacation leave may be used to supplement sick leave due to sickness or injury only after sick leave has been fully exhausted.
4. Any exception to this policy must have written approval of the **Town Manager.**

G. Sick Leave

- 1. To maintain a level of income for Town employees during periods of non-work-related illness or injury, the Town has instituted the following sick leave plan for all full-time employees:
 - a. Sick leave shall be earned at the rate of one (1) day per month based on a forty (40) hour work week and added to the employee's sick leave bank. Unused sick leave shall accumulate to 1050 hours.
 - b. Sick leave shall not accrue or be earned by an employee while on leave without pay.
 - c. Sick leave may be used for personal illness or physical incapacity which renders the employee unable to perform his/her job duties. All employees are required to notify their supervisor and/or Department Head of any injury or illness that keeps them from reporting to work. This notice must be given at least sixty (60) minutes prior to the start of the employee's scheduled shift.
 - d. Sick leave is not intended to be used as vacation leave time, and the Town will not approve using it in conjunction with a scheduled vacation leave period. Employees who become ill on their scheduled vacations may utilize sick leave benefits in lieu of vacation leave with proof of physician's certification referencing the duration of the illness. The Town will retain the prerogative of denying such pay in any instance where facts or circumstances indicate an abuse of sick leave.

- e. If an employee is scheduled to work a holiday and calls in sick, he/she will receive his/her sick pay but no holiday pay, and he/she will be charged for a sick day(s).
- f. Supervisors and/or Department Heads may require a doctor's note at any time.

A physician's excuse is required for:

1. Any absence that lasts three (3) or more consecutive workdays. The doctor's note should release the employee to return to work and perform the essential duties of his or her position.
 2. After the sixth (6) separate occurrence of absence from work of at least one full workday in duration in any continuing twelve-month period.
 3. At the discretion of the Supervisor when a usage pattern is apparent. An example: frequently calling in sick on Fridays or Mondays.
 4. The doctor's note required in this policy may be waived at the discretion of the Town Manager.
- g. Employees who terminate employment prior to completion of ten (10) years of service will not be compensated for any accumulated sick leave. Employees who terminate employment after completion of ten (10) years of continuous service will be compensated for thirty-five percent (35%) of their accumulated sick leave. Accumulated sick leave shall be paid at the rate being earned at the time of termination or resignation, as applicable. Employees who are terminated by the Town because of disciplinary action shall not be paid for any accumulated sick leave.
 - h. Employees, who retire under "normal retirement" as that term is defined in the Town's pension plan, shall be compensated for sixty percent (60%) of their accumulated sick leave.
 - i. Employees with a hardship (specific to a health emergency) may cash in up to 25%, but not to exceed 24 hours of their sick leave balance annually. All hardship cases must be approved in writing and are at the sole discretion of the Town Manager.
 - j. Sick leave shall not be counted as hours worked for the computation of overtime in any workweek.
 - k. Employees observed engaging in activities inconsistent with injuries or illnesses claimed will be subject to denial of benefits and disciplinary action, up to and including termination.
 - l. Sick leave may not be granted if it is requested for scheduled workdays just before or

after holidays or approved vacation days unless satisfactory evidence of illness is furnished to the employee's supervisor.

- m. Sick leave may not be abused. Employees who abuse sick leave will be subject to disciplinary action. Any use of this privilege, except for legitimate illness or disability, will be treated as falsification of time records and subject to immediate disciplinary action. Examples of sick leave abuse include the following:
 - i. Regularly taking one or two sick leave days each month;
 - ii. Creating a pattern by taking sick leave before or after weekends, or the first or last day of the employee's normal work week, if the work week is other than Monday through Friday, and/or before or after a holiday and/or vacation day;
 - iii. Calling in too ill to perform normal duties but not too ill to do engage in other activities;
 - iv. An employee telling co-workers of a plan to take a day off, then calling in sick that day; and/or
 - v. Being employed for six (6) months or more and having minimal sick leave accumulated.

Sick Leave Monitoring

- a. After six (6) occurrences of absence due to illness or non-job-related injury in a **calendar year**, the employee must be informed in writing by their Department Head or designee of the requirement to present a doctor's note for the next and any additional sick leave occurrence within a calendar year.
- b. This notice must inform the employee of the disciplinary consequences following a failure to provide a doctor's note after the sixth occurrence.
- c. An occurrence for the purpose of sick leave monitoring is defined as a separate incident of absence due to illness or non-job-related injury that is at least one full workday in duration. A pattern of partial days (less than 8 or 12 hours) may also be subject to these provisions.
- d. In some cases, unconnected occurrences may be considered one occurrence if supported by appropriate medical documentation (for example: regularly scheduled chemotherapy treatments).
- e. In the event an employee exhausts Sick Leave and is subsequently absent due to

illness or non-job-related injury, the absence will be considered an occurrence for the purpose of sick leave monitoring regardless of the type of leave used to cover the absence.

2. Failure to Provide a Doctor's Note

- a. Failure to provide the required doctor's note as discussed above will constitute an "offense" and the employee will be disciplined in the following manner:
 - i. 1st offense- written reprimand and denial of sick leave. The absence will be processed as Leave Without Pay (NP).
 - ii. 2nd offense – three-day suspension and denial of sick leave. The absence and the three-day suspension will be processed as Leave Without Pay (NP).
 - iii. 3rd offense-termination.

H. Leave of Absence Without Pay Other than Family and Medical Leave

- 1. All full-time employees of the Town may take a leave of absence from work for certain unexpected circumstances. A leave of absence is generally allowed without pay, unless covered by paid leave policy provisions, and must be requested in writing to the Town Manager for final approval.
- 2. Payment for insurance coverage while an employee is on an unpaid leave of absence unless the leave is under the Family and Medical Leave Act ("FMLA") will continue as if the employee was on payroll for the first thirty (30) days of a leave of absence. Thereafter, the employee becomes responsible for the entire monthly premium during his/her leave of absence.
- 3. Every effort will be made to reinstate employees to their prior position or another comparable position following return from a leave of absence; however, reinstatement is not guaranteed unless the leave is under the FMLA. In cases where the position has been filled during a leave of absence other than a FMLA leave and no other job vacancies are available, the employee will be terminated. Such termination does not preclude rehiring by the Town in the future.
- 4. Employees are prohibited from accepting part-time or full-time employment with any entity other than the Town while on leave of absence, unless they receive specific written authorization to hold such employment from the Town Manager or his/her designee. In the absence of such authorization, an employee engaged in other employment shall be considered to have abandoned their job with the Town.

5. Employees who make no effort to return to work at the conclusion of any leave of absence or who accept other full or part-time employment during any leave will be considered to have abandoned their job with the Town.
6. Except where leave is not foreseeable, all employees requesting leave of absence under this policy must submit the request in writing to their Department Director and the Town Manager. The approved document must be filed with Human Resources.
7. When an employee plans to take a leave of absence, the employee must give thirty (30) days' notice, and provide any documentation required under this policy at the same time. If it is not possible to give thirty (30) days' notice, the employee must give as much notice as is possible. It will be in the sole discretion of the Town Manager as to whether to approve or deny the leave of absence.
8. While on leave of absence, employees are required to report periodically to their immediate supervisor regarding the status of their ability to return to work, if applicable, and of their intent to return to work.
9. Employees returning from a leave of absence must contact their immediate supervisor no less than five (5) business days prior to the expiration date of the leave of absence.

I. Bereavement Leave

1. Employees shall be granted time off with pay to arrange the funeral of, or pay final respects to, an immediate family member. Employees shall be granted three (3) days off without loss of pay or benefits. If the funeral is out of state, an additional two (2) days shall be allowed. Employees may be asked to demonstrate that they attended the services or to the needs of the family to be eligible for the additional out of state leave time.
2. For the purpose of this section, the employee's immediate family is defined as the employee's father, mother, father-in-law, mother-in-law, spouse, children, grandchildren, grandparents, brother, sister, brother-in-law or sister-in-law. At the discretion of the Town Manager, Bereavement Leave may be granted for other individuals that are not an employee's immediate family.
3. The employee shall provide the Department Head with proof of death in their immediate family as defined before compensation is approved.
4. Bereavement leave shall not be counted as hours worked for the computation of overtime in any work week.

J. Military Leave

1. Leave for active military service or for active state duty ("Active Military Leave") shall be granted in accordance with Chapter 115, Florida Statutes, and the Uniformed Services Employment and Reemployment Rights Act (the "USERRA"). Active military service as used herein shall signify active duty with any branch of the Florida defense force or federal service in training or on active duty with any branch of the Armed Forces or Reservists of the Armed Forces, the Florida National Guard, the Coast Guard of the United States, or other services as provided in Sections 115.08, 115.09 and 115.14, Florida Statutes.
2. Town employees who are ordered to active military service shall be granted leave beginning with the date they are ordered to active military service and ending on the date they are required under the USERRA to apply for re-employment.
3. Active Military Leave shall be with full pay and benefits for the first thirty (30) calendar days.
4. The Town shall continue to provide all health insurance and other existing benefits to employees on Active Military Leave as required by the USERRA.
5. An eligible employee who is a commissioned reserve officer or reserve enlisted personnel in the United States military or member of the National Guard is entitled to leaves of absence from his/her respective duties, without loss of pay, for a maximum of 240 hours in a calendar year in accordance with section 115.07, Florida Statutes. Any absence more than 240 hours shall be charged to appropriate accrued paid leave, or to leave without pay if an employee has no such leave accumulated.
6. An employee who is a member of the Florida National Guard is entitled to leave of absence without loss of pay on all days during which the employee is engaged in active state duty for a named event, declared disaster, or operation pursuant to state law.

However, a leave of absence without loss of pay may not exceed 30 days for each occurrence.

K. Jury / Witness Duty

An employee who is legally summoned to serve on a jury shall be permitted absence with pay, minus the amount received from the courts, for the time required to perform such duty. If excused and/or released from such service, the employee should report for his/her regular employment. If selected to sit on a jury, the employee will be permitted the time off to perform the duties as a jurist.

L. COBRA

Employees and their dependents who would otherwise lose insurance coverage in any Town sponsored group health plan because of a “qualifying event” are eligible for continuation coverage under the Town’s group policy pursuant to the federal Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA). COBRA provides continuation coverage equal to the coverage applicable to active employees for a limited time in accordance with Federal law. However, under the law, employees must pay the full premium amount plus an administrative fee.

M. Leave Requests

All requests for leave days shall be submitted via the employee self-service portal or its equivalent and shall be provided to the Department Head in writing. It is the responsibility of the Department Head to approve and/or submit granted requests to the Human Resources Director or the Payroll Manager for processing. Department Head requests for leave must be approved by the Town Manager and submitted to the Human Resources Director or Payroll Manager for processing.

N. Meal Periods

Each non-exempt Town employee receives a designated meal period during each work shift. The amount of time for meal periods may vary for some positions depending on the job duties of the position, the employee’s total scheduled hours and the needs of the department. Employees may eat in designated areas and/or leave the work site to conduct personal business.

O. Parking

Employees shall receive a permit to park in approved municipal off-street lots, except if provided a bus pass. To obtain this permit, employees must present the Human Resources Director the tag information for their vehicle. It is each employee’s responsibility to keep their car locked and leave no valuable items in their car. Any losses from theft or damage to a car are the responsibility of the individual employee and not the Town. Employees are prohibited from delegating their employee parking permit to someone else.

P. Workers’ Compensation

1. All Town employees are covered by Workers’ Compensation insurance, which provides for managed medical care and wage loss benefits.
2. Each employee injured in a job-related accident will, to the extent required by state and federal law, be assured of his or her job when released to return to duty. If the employee

is unable to return to their regular position, every reasonable effort will be made to ensure that the employee is placed in another position within the Town structure commensurate with the employee's capacity.

3. Employees must immediately report all on-the-job injuries to their supervisors. The supervisor must complete the First Report of Injury and notify the Human Resource Department who will inform the supervisor and/or the employee where the employee must go to receive the appropriate medical care.
4. If an employee suffers an on-the-job injury that requires non-emergency medical attention, an employee should not go to their personal health care physician or use personal health insurance benefits to obtain treatment. The employee shall be referred by the Town to an authorized Worker's Compensation Physician where a preliminary examination will be made. In cases of severe injury or extreme emergencies, emergency medical personnel should be contacted, and the employee taken to the nearest hospital emergency room. The employee's supervisor should notify the Department of Human Resources as soon as possible.
5. Employees observed engaging in activities inconsistent with injuries or illnesses claimed will be subject to denial of benefits and disciplinary action, up to and including termination.
6. In accordance with Section 2-161 of the Town's Code, employees who suffer an in-line-of-duty injury shall be entitled to a supplemental pay from the Town in an amount that, when combined with workers' compensation payout, will equal his/her normal weekly pay, as set forth below:
 - a. The injured employee shall be entitled to the supplemental pay for the first sixty (60) working days of the period in which he is receiving workers' compensation.
 - b. After the first sixty (60) days of supplemental pay the employee may request additional supplemental pay from the Town Commission.
 - c. The employee shall submit his request for an extension of supplemental pay from the Town Commission in writing to the Town Manager. The request for extension shall be presented to the Town Commission with the written recommendation of the Town Manager.
 - d. The Town Commission shall determine eligibility, and, if eligible, the number of additional working days the employee shall be eligible for supplemental pay, pursuant to the criteria set forth in this section.

7. In evaluating and determining eligibility and, if eligible, the length of supplemental pay, the Town Commission shall consider the following:
 - a. The facts of the occurrence of the injury;
 - b. The medical extent of the injury;
 - c. The Town Manager's and Department Head's recommendations;
 - d. Whether the extent of injury is medically determined to be caused by the incident before the Town Commission or an aggravation of a pre-existing condition;
 - e. All the attendant circumstances which would be germane to the foregoing evaluation;
 - f. Any matters or facts the employee desires to present. The employee shall be notified when the matter is to be presented to the Town Commission, so that such employee or a representative may be afforded an opportunity to appear before the Town Commission at the time the matter is being considered; and
8. If a medical evaluation, conducted by a physician approved by the Town Manager, indicates the employee is not able to assume his regular duties but is able to return to a less strenuous assignment, when such assignment is available, the employee shall accept the lesser assignment to be eligible to receive supplemental pay.

Q. Non-Exempt Employee Overtime and Exempt Employee Salary

1. Non-Exempt Employee Overtime
 - a. all non-exempt employees will be compensated at the rate of time and one-half for all hours worked more than forty (40) in a given work week. Vacation leave, sick leave and paid holidays do not count toward as "hours worked" for purposes of overtime compensation.
 - b. The work week begins on Monday at 12:01 a.m. and ends at midnight on Sunday. Employees are paid on a bi-weekly basis.
 - c. When it is necessary for an employee to work more than a normal workweek, such overtime shall be first authorized by the Department Head. The Department Head authorizing overtime shall justify and authenticate each employee's overtime by signing an overtime request/approval form and submitting the appropriate form to HR.
 - d. In general, overtime is intended to be used in emergencies or in instances of unanticipated workloads.

2. Exempt Employee Salary

- a. Employees classified as exempt salaried employees will receive a salary which is intended to compensate them for all hours they may work for the Town. This salary will be established at the time of hire or when the employee becomes classified as exempt. While it may be subject to review and modification from time to time, such as during performance appraisal times, the salary will be a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work the exempt employee performs.
- b. To qualify for exemption, employees generally must be paid at no less than the salary threshold set by federal rule on a salary basis. Being paid on a “salary basis” means an employee regularly receives a predetermined amount of compensation each pay period.
- c. Subject to exceptions listed below, an exempt employee must receive the full salary for any workweek in which the employee performs any work, regardless of the number of days or hours worked. Exempt employees do not need to be paid for any workweek in which they perform no work.
- d. Exceptions: unless state law requires otherwise, an exempt employee’s salary can be reduced for the following reasons:
 - Full-day absences for personal reasons;
 - Full-day absences for sickness or disability;
 - Full-day disciplinary suspensions for infractions of the Manual;
 - FMLA absences;
 - To offset amounts received as payment for jury and witness fees or military pay;
 - The first or last week of employment in the event the employee works less than a full week; or
 - Any full workweek in which the employee does not perform any work.
- e. Accrued leave may be deducted from an exempt employee’s leave bank when such employee is absent for reasons justifying the use of accrued vacation or sick leave in accordance with this Handbook.
- f. If an employee believes that an improper deduction has been made to their salary, the employee should immediately report this information to their direct supervisor, or to the Town Manager. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, the employee will be reimbursed for any improper deduction made.

R. Longevity

1. Full-time employees are eligible to receive longevity pay over and above an employee's normal salary on the anniversary of his or her uninterrupted employment as follows:

<u>Years of Service</u>	<u>Annual Compensation</u>
Beginning the 7 th year	\$1,000
Beginning the 11 th year	\$1,250
Beginning the 15 th year	\$1,500
Beginning the 20 th year	\$1,750

2. To move from one longevity step to the next higher, employees must demonstrate satisfactory performance. Failure to achieve a satisfactory performance evaluation will result in an employee remaining at his/her current longevity step until performance objectives are met and the overall performance improves to satisfactory.
3. An employee who is rated as below satisfactory may appeal to their Department Head. The Department Head will conduct an informal review of the evaluation with both the evaluator and the employee appealing the evaluation being heard. No witnesses will be heard and no transcript will be made. The Department Head will reach a written decision within ten (10) working days. If the employee disagrees with the Department Head's written decision, he/she may request a review by the Town Manager. The Town Manager's decision will be final and binding.
4. Anniversary dates shall be adjusted by the Town, resulting from any leaves and suspensions without pay.

S. Employee Assistance Program (EAP)

1. The Employee Assistance Program ("EAP") is intended to assist employees and their immediate family members who are suffering from behavioral/medical problems, which may affect their work performance. The Town understands that these behavioral/medical disorders can be successfully treated. The EAP is to help those individuals who develop such problems by providing confidential referral assistance for them to obtain access to treatment.
2. Participation in the EAP will not jeopardize an employee's job. Information concerning an employee's participation in the EAP is confidential. Please contact the Human Resource Department for more information.
3. Employees may be directed by the Town Manager to participate in this program.

T. Use of Town Vehicles

1. The Town Manager shall approve the use of Town vehicles for certain positions. The primary criteria for approval shall be the ultimate benefit to the Town and the exceptional or unique requirements of the position. Employees are required to follow all laws and Town policies regarding driving standards when operating a Town vehicle or equipment on approved official Town business. Failure to follow the policy items listed below may subject an employee to disciplinary action.
2. Vehicles must be inspected by the operator prior to each use to ensure all parts, equipment and accessories are in safe operating condition and free of any damage or defect. Failure to do so will result in the operator assuming responsibility for the damage and/or condition of the vehicle as well as subjecting the operator to disciplinary action.

If damage to the body of a vehicle is discovered, the operator shall check with their supervisor to see if an Incident Report has been completed, and a copy forwarded to the Public Works Department. If no Incident Report has been completed, the operator must make note of the damage in writing to their supervisor immediately, who will in turn notify the Department Head and the Town Clerk.

3. Preventive Maintenance Service

Town vehicles are to undergo preventive maintenance according to standards established by the Public Works Department. Department Heads who have vehicles assigned to their department are responsible for ensuring that the required maintenance and service is scheduled.

Employees shall immediately notify their supervisor if they detect any irregularities in a Town vehicle. Employees shall report mechanical problems on a Vehicle Repair Request Form and return it to the Public Works Department.

Operators are responsible for the appearance (interior and exterior cleanliness) of the Town vehicle assigned to them. All trash and/or debris must be discarded.

4. Vehicle Collisions

Employees involved in any vehicular collision in a Town vehicle, irrespective of responsibility shall:

- a. Call 911 for medical and/or fire suppression assistance, if needed;
- b. Notify the appropriate law enforcement agency;

- c. Call their immediate supervisor;
 - d. Do not accept or assign fault;
 - e. Complete the First Report of Injury if the incident resulted in injury to an employee, and forward copies to the Department Head, who will forward it to the Human Resources Director.
 - f. Complete an Incident Report and submit it to their immediate supervisor, who will forward it to the Human Resources Director and/or Town Clerk.
5. The information listed below is in addition to existing policies that govern the safe operation of Town vehicles.
- a. The Town Manager shall be responsible for determining the criteria for and authorizing the on-going use of Town vehicles by employees. The Town Manager is also responsible for approving any exceptions to this policy.
 - b. The Human Resources Director shall be responsible for obtaining and reviewing individual driver license transcripts as needed.
 - c. All operators and passengers of Town vehicles and/or heavy equipment shall use the vehicle seat and lap belts if the vehicle is so equipped. Any employee injured in a crash and found not wearing such protection may have Worker's Compensation benefits reduced as allowed by Florida Statutes § 440.09 (4). Employees shall not render airbags inoperable on vehicles so equipped.
 - d. Employees driving Town vehicles shall not use cellular telephones or radios, **except as required for duty**. Employees should pull off the road to make calls. If an employee must use a cellular phone while driving, a hands-free device is required and should be conducted with extreme caution, as set forth herein in Sec. HH(2)(i).
 - e. At no times are employees to ride in the bed of a truck, except in vehicles where proper equipment for such use has been installed.
 - f. Department Heads are responsible for providing the Town Manager/Human Resources Director with a list of employees authorized to use a Town vehicle including approved purposes, the type of vehicle, and the justification for the use of the vehicle.
 - g. Additionally, Department Heads must also furnish to the Town Manager/Human Resources Director the names and geographic street addresses where the take-home Town vehicles will be located.

- h. Employees using Town vehicles shall be personally responsible for fines incurred because of driving or parking violations or infractions while operating Town vehicles. Additionally, employees with take-home vehicles are personally responsible for any tax liability associated with the value of this benefit.
 - j. Employees must pay tolls when required and will be reimbursed with proper receipts.
- 6. Town employees who are authorized to operate Town vehicles shall adhere to state laws and Town policies outlined below.
 - a. Employees who operate a Town vehicle shall possess a valid State of Florida driver license applicable for the type of vehicle being operated.
 - b. Employees who operate Town vehicles shall always wear a seat belt and shall enforce mandatory seat belt use for all passengers in accordance with state laws and Town policies.
 - c. Employees shall conduct pre-operating and post-operating inspections of Town vehicles and immediately report any malfunctions or maintenance requirements to their supervisor. Employees are also responsible for ensuring that proper and preventive maintenance is performed as scheduled or needed.
 - d. Employees who are assigned Town vehicles shall always maintain a clean (interior and exterior) and presentable vehicle and shall conduct regular cleaning and maintenance.
 - e. Employees who operate a Town vehicle are responsible for taking and enforcing proper security measures including but not limited to removing keys, rolling up windows, locking doors, etc.
 - f. Employees shall use O.S.H.A. approved safety cones when working in or near hazardous areas (i.e. roadways) in accordance with state laws.
 - g. Employees shall report all accidents immediately to the supervisor or Department Head and the appropriate law enforcement agency. Additionally, employees shall immediately notify his or her Department Head or the Human Resources Director in the event of the loss or limitation of driving privileges.
 - h. Employees shall not use Town vehicles for pushing or towing a stranded motorist regardless of whether the motorist is a Town employee.
 - i. Employees shall not permit unauthorized persons to operate or be a passenger in Town vehicles including all four (4) wheel beach accessible vehicles (mechanics from private

maintenance shops may be authorized). Employees shall not be transported or ride in the bed of a pickup truck, flatbed truck, or other vehicle that is not equipped with specific seats for the purpose of providing transportation in that manner. **Employees may not use Town vehicles to transport family members, friends or other unauthorized persons.**

- j. Employees shall not utilize Town vehicles to carry or otherwise transport firearms or weapons unless such firearms or weapons are Town-issued and an approved job requirement.
- k. No employee may consume or be under the influence of alcohol or drugs (legal or otherwise) while operating Town vehicles and no passengers may consume alcohol or illegal drugs. Employees who are taking prescribed medications which are known to affect driving abilities are required to report this information to his or her supervisor or Department Head prior to operating Town vehicles.
- l. Employees and authorized passengers shall refrain from smoking while inside Town vehicles.
- m. **Employees may not use Town vehicles for personal business of any kind.**
- n. Employees are prohibited from placing unauthorized bumper stickers, tags, signs, etc. on any Town vehicle.
- o. Employees permitted to take vehicles home because of on-call requirements, or for other reasons approved by the Town Manager, shall strictly follow administrative policies for the use of “take-home” vehicles.

CHAPTER 6 - DISCIPLINE

A. Employee Conduct

Town employees are expected to maintain high standards of conduct, and to perform their work safely, efficiently, and effectively, ever mindful of the expectations the public has of its employees. Acceptable personal behavior in the workplace involves exercising good conduct, respect, good judgment, and integrity always. Discipline will be administered without regard to race, color, age, sex, national origin, religion, marital status, sexual orientation, disability or other legally protected class.

B. Discipline and Disciplinary Action

1. Employees are expected to conduct themselves in accordance with the normal and reasonable standards of workforce conduct as determined by the Town. The Town strives to ensure the fair treatment of all employees and to make certain that disciplinary actions are administered in a fair, consistent and impartial manner. The essential purpose of disciplinary action is to correct a performance deficiency and/or behavioral problem, prevent recurrence and provide clear communication to employees as to acceptable standards of performance and conduct.
2. The employment relationship between the Town and its employees for the first two (2) years is "at-will." As such, during those first two (2) years of employment with the Town, the employment relationship may be terminated by either the Town or by the employee at any time, for any reason, with or without cause.
3. The Town recognizes the investment it makes in training employees and may therefore elect to use progressive discipline at its sole discretion.

C. Grounds for Disciplinary Action

1. The following are grounds for formal disciplinary action. The offenses listed below will serve as a guideline for Department Heads and supervisory personnel and is not to be considered an all-inclusive list. Moreover, "at-will" employees may be terminated for any reason with or without cause. Offenses committed which are not listed here shall not interfere with the right or duty of the Department Head or Town Manager (or designee) to discipline or terminate employees on other grounds which are considered justifiable and in the best interest of the Town of Surfside. This may include administering discipline outside the normal progression dependent upon the severity of the action. Examples of prohibited conduct include:
 - a. Violation of a Federal, State, County, or Town law;
 - b. Violation of a provision of the Town of Surfside Charter or Ordinances;

- c. Violation of Town policies or procedures, or departmental rules and regulations including safety regulations;
- d. Failure to carry out any lawful direction or work assignment from an authorized authority where such failure amounts to any act of insubordination or a breach of proper discipline, or has resulted (or reasonably might be expected to result) in loss or injury to the Town, co-workers, or the public;
- e. Harassing and/or offensive conduct, language, communications whether written or verbal, or gestures toward the public, supervisors, or co-workers;
- f. Preventable or willful damage or taking of public or private property or waste of public supplies, property, or equipment;
- g. Neglect of duty;
- h. Intentional falsification or misrepresentation of any record, report, verbal or written statement, document, or misuse of Town funds;
- i. Misuse of leave, excessive tardiness or absenteeism, or unauthorized absence from duty without satisfactory explanation;
- j. Failure to report absence from duty to supervisor within required time and in accordance with department and division procedures, if established;
- k. Failure to report for duty after leave of absence has expired, been disapproved, or revoked;
- l. Job abandonment in which an employee has three (3) consecutive, unexcused absences;
- m. Exercising poor judgment on a matter within the employee's responsibility when such judgment results in a negative impact on the department or Town;
- n. Failure to be forthright, truthful, and cooperative in providing information during any internal, administrative, or external investigation or hearing;
- o. Display of antagonism toward supervisors or fellow employees, or engaging in destructive or disruptive conduct which interferes with the proper cooperation of employees and impairs the efficiency of public service;
- p. Unauthorized taking or using of Town time, property, equipment, or funds for personal use (this shall include improper or misuse of Town vehicles);

- q. Misuse of Town telephone, computer and/or computer network including Town-issued and licensed computer software. This shall include but not be limited to utilizing a computer for non-Town business purposes, accessing computer game software during scheduled working hours, and obtaining, using, and/or downloading unlicensed copies of software (pirating) onto a Town computer or network. This may include downloading information or data from the Internet or other external source directly or from any other source (i.e. diskette), or copying or transferring information from an employee's home computer system without being scanned for viruses by the appropriate Information Technology personnel or department designee;
 - r. Being under the influence of an alcoholic beverage during working hours, or use or possession of non-prescription narcotic drugs or hallucinogens;
 - s. Failure to inform a supervisor that an employee is under medical care, including prescription narcotic drugs, which may impair his/her ability to operate vehicles or equipment, or may place an employee, co-workers, or the public in a dangerous or hazardous safety situation;
 - t. Physical assault, verbal assault, attempted assault, or threatening to assault a supervisor, fellow employee, or the public during working hours, whether on Town property or not;
 - u. Failing to maintain adequate physical health or fitness to satisfactorily perform essential job functions, with or without reasonable accommodation;
 - v. Failing to maintain a personal driving record that enables the Town to maintain driver standards acceptable to its motor vehicle insurance carrier;
 - w. Solicitation of public employees for any purpose, membership, product, or organization except Town-authorized charities during the time the solicitor or person being solicited is working;
 - x. Insubordination or refusal to perform work assigned or to comply with written or verbal instructions of the supervisor or management;
 - y. Distribution of any literature not related to the employee's job duties during working hours in areas where the actual work of public employees is performed or when an employee is on duty; and
 - z. Participation in a strike or any other concerted activity against the Town by instigating or supporting, in any manner, a strike, work stoppage or other concerted activity.
2. Disciplinary action should be administered to the employee as soon after the event as practicable. Typically, where progressive discipline is deemed appropriate, it shall be implemented as follows:

- a. Verbal Counseling: Verbal counseling is used to notify and counsel an employee so that corrective action can be taken prior to formal written documentation. Verbal counseling is considered informal disciplinary action and need not be documented in the personnel file.
- b. Written Warning: The counseling or disciplinary action shall be documented in writing with notice provided to the employee. The notice shall advise the employee that future offenses may result in additional disciplinary action, up to and including suspension or termination of employment. A copy of the written notice shall be provided to the employee and to the Human Resources Director for inclusion in the employee's official personnel file.
- c. Repayment of Damages: Employees may be required to repay the Town for damages caused to Town property or equipment because of preventable accidents on the employee's behalf.
- d. Suspension: Written notice as to the length of a suspension shall be provided to the employee. The notice shall advise the employee that any future offenses may result in additional disciplinary action up to and including termination. A copy of the written notice shall be provided to the employee and to the Human Resources Director for inclusion in the employee's official personnel file. Suspension with or without pay requires approval by the Town Manager.
- e. Demotion: Discipline may include demotion. If the demotion is a result of a performance deficiency, the Department Head will attach a completed performance appraisal to any such demotion notification. A copy of the written notice shall be provided to the employee and to the Human Resources Director for inclusion in the employee's personnel file. Demotion requires approval by the Town Manager.
- f. Termination: The authority to discharge shall not be delegated below the Town Manager level. A written notice of termination shall be provided to the employee with a copy to the Human Resources Director for inclusion in the employee's official personnel file.

D. Appeals for Termination or Reduction in Pay or Rank

Any employee of the Town, except the Town Manager, Town Clerk and Town Attorney, who immediately prior thereto has been continuously employed by the Town for at least two (2) years, if he/she claims to have been discharged or reduced in pay or rank without cause, may file within twenty (20) days from his/her discharge or reduction in pay or rank, an appeal with the Personnel Appeals Board (the "Board").

E. Rules of Personnel Appeals Board

1. Any employee of the Town, except the Town Manager, Town Clerk and Town Attorney who has been employed by the Town for over two (2) years and who claims to have been discharged or reduced in pay or rank without cause, may file with the Board a written appeal (the "appeal"). The appeal must set forth the facts regarding his/her discharge or reduction in rank or pay, allege that he/she has been continuously employed by the Town for at least two years, and request a hearing.
2. The appeal must be filed by the employee within twenty (20) days from his/her discharge or reduction in pay or rank. An employee who has been demoted for failure to satisfactorily complete a promotional probationary period to a higher rank or position shall not have the right to appeal to the Board.
3. Within fourteen (14) days after the filing of the appeal, the Board shall give the employee written notice, at his/her last known address, of the date set for the formal hearing of the appeal (the "hearing"). The date of the hearing shall be no later than thirty (30) days after the date of the filing of the appeal.
4. The purpose of the hearing is to provide an informal forum for the presentation of information by the Town and the employee to determine whether the Town had cause to discharge or reduce the employee's pay or rank.
5. A quorum must be present at the hearing. Four members of the Board constitute a quorum.
6. At the beginning of the hearing, the Board shall select a chairperson. Although a formal evidentiary hearing is not contemplated, rulings on objections and other questions of law shall be made by the chairperson, with the assistance of the Town Attorney. Only evidence material to the issue at hand shall be accepted by the Board.
7. At the hearing, the Board shall be represented by the Town Attorney. The Town Attorney shall advise and assist the chairperson and the Board in the conduct of the hearing, including questions of law and evidence. Before making any ruling(s), the chairperson or any member of the Board may request the opinion of the Town Attorney.
8. The Town Manager, Department Head or other Town employee responsible for the discharge or reduction in pay or rank of the employee shall present his/her testimony to support the action taken by or through him/her.
9. The employee shall then have the right to present testimony to refute the charges brought against him/her.

10. The Board shall have the right to administer oaths; and the Board may, on its own motion or at the request of either party, call or subpoena any person or records for the purpose of ascertaining the facts.
11. Witnesses may be called to testify at the hearing by either the Town or the employee and their names shall be included on a witness list to be provided to the Board and the other party at least five (5) days prior to the hearing.
12. The decision of the Board must be based on whether the Town's discharge or reduction in pay or rank of the employee was for cause. For the Board to find the Town Manager or his/her designee acted without cause, the Board must find there was no basis for the adverse employment action. The Board shall then take one or more of the following actions: order a new hearing; dismiss the appeal on the merits; order the reinstatement of the employee, absolutely or on terms or conditions; or require such other action as may be just.
13. The decision of the Board, if concurred by four members, shall be binding upon the Town and the employee and shall be recorded by resolution.

CHAPTER 7 – SAFETY

A. Introduction

1. It is the policy of the Town that all work areas and working conditions be kept safe and all hazards eliminated. The Human Resources Director shall be responsible for implementing safety policies which shall be adopted by Administrative Policies. Safety suggestions from all employees will be welcomed and encouraged.
2. A Safety Committee shall meet on at least a quarterly basis.
3. Safety Committee meetings shall be held at a predetermined date and time to accomplish the following:
 - a. Review and discuss accident summary reports to suggest corrective action;
 - b. Evaluate all hazards and recommendations uncovered through inspections and make recommendations to the Town Administration for corrections considered necessary for the safety of persons or operations;
 - c. Help formulate safety rules for safe operation and recommend same to the Town Manager or designee for adoption; and
 - d. Assist in planning activities that will stimulate and maintain the interest of employees in the safety program.
4. An employee who is injured or in an accident in the performance of their duties shall immediately report the injury/accident to their supervisor and shall complete the first report of injury form (below) provided for such injuries/accidents.

FIRST REPORT OF INJURY OR ILLNESS

FLORIDA DEPARTMENT OF FINANCIAL SERVICES DIVISION OF WORKERS' COMPENSATION

For assistance call 1-800-342-1741
or contact your local EAO Office
Report all deaths within 24 hours 1-800-219-8953 or (850) 922-8953

RECEIVED BY CLAIMS-HANDLING ENTITY	SENT TO DIVISION DATE	DIVISION RECEIVED DATE

PLEASE PRINT OR TYPE

EMPLOYEE INFORMATION

NAME (First, Middle, Last)	Social Security Number	Date of Accident (Month-Day-Year)	Time of Accident <input type="checkbox"/> AM <input type="checkbox"/> PM
HOME ADDRESS Street/Apt#: City: _____ State _____ Zip: _____ TELEPHONE _____ Area Code _____ Number _____	EMPLOYEE'S DESCRIPTION OF ACCIDENT (Include Cause of Injury)		
OCCUPATION	INJURY/ILLNESS THAT OCCURRED	PART OF BODY AFFECTED	
DATE OF BIRTH _____ / _____ / _____ SEX <input type="checkbox"/> M <input type="checkbox"/> F			

EMPLOYER INFORMATION

COMPANY NAME _____ D BA _____ Street _____ City- _____ State _____ Zip- _____ TELEPHONE _____ Area Code _____ Number _____	FEDERAL ID NUMBER (FEIN) NATURE OF BUSINESS DATE EMPLOYED _____ / _____ / _____	DATE FIRST REPORTED (Month/Day/Year) POLICY/MEMBER NUMBER PAID FOR DATE OF INJURY <input type="checkbox"/> YES <input type="checkbox"/> NO
EMPLOYER'S LOCATION ADDRESS (If different) Street _____ City: _____ State _____ Zip _____ LOCATION # (If applicable) _____	LAST DATE EMPLOYEE WORKED _____ / _____ / _____ RETURNED TO WORK <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, GIVE DATE _____ / _____ / _____	WILL YOU CONTINUE TO PAY WAGES INSTEAD OF WORKERS' COMP? <input type="checkbox"/> YES LAST DAY WAGES WILL BE PAID INSTEAD OF WORKERS' COMP _____ / _____ / _____
PLACE OF ACCIDENT (Street, City, State, Zip) Street _____ City: _____ State _____ Zip: _____ COUNTY OF ACCIDENT _____	DATE OF DEATH (If applicable) _____ / _____ / _____ AGREE WITH DESCRIPTION OF ACCIDENT? <input type="checkbox"/> YES <input type="checkbox"/> NO	RATE OF PAY \$ _____ PER <input type="checkbox"/> HR <input type="checkbox"/> WK <input type="checkbox"/> DAY <input type="checkbox"/> MO Number of hours per day _____ Number of hours per week _____ Number of days per week _____
Any person who, knowingly and with intent to injure, defraud, or statement of any false or misleading commits employer or employee (s) insurance company or self-insured program, files a F.S. 7.234. Section 440.105(7), I have reviewed, understand and acknowledge the above statement.		NAME, ADDRESS AND TELEPHONE OF PHYSICIAN OR HOSPITAL
EMPLOYEE SIGNATURE (If available to sign) _____ DATE _____ EMPLOYER SIGNATURE _____ DATE _____		AUTHORIZED BY EMPLOYER <input type="checkbox"/> YES <input type="checkbox"/> NO

CLAIMS HANDLING ENTITY INFORMATION

<input type="checkbox"/> 1(a) Denied Case- DWC-12, Notice of Denial Attached <input type="checkbox"/> 1(b) Indemnity Only Denied Case - DWC-12, Notice of Denial Attached <input type="checkbox"/> 2. Medical Only which became Lost Time Case (Complete all required information in #3) Employee's actual Day of Disability _____ Entity's Knowledge of actual Day of Disability _____ / _____ / _____ <input type="checkbox"/> 3. Lost Time Case - 1st day of disability _____ / _____ / _____ Full Salary in lieu of comp? D YES Full Salary End Date _____ / _____ / _____ Date First Payment Mailed _____ / _____ / _____ AI/WJ _____ Comp Rate _____ <input type="checkbox"/> T.T. <input type="checkbox"/> T.T.-80% <input type="checkbox"/> T.P. <input type="checkbox"/> I.B. <input type="checkbox"/> P.T. <input type="checkbox"/> DEATH <input type="checkbox"/> SETTLEMENT ONLY Penalty Amount Paid in 1st Payment \$ _____ Interest Amount Paid in 1st Payment \$ _____		REMARKS: _____ _____ _____ SERVICE COITPA CODE# _____ CLAIMS-HANDLING ENTITY FILE# _____
INSURER NAME CLAIMS-HANDLING ENTITY NAME, ADDRESS & TELEPHONE		

DWC-1 Purpose and Use Statement

The collection of the social security number on this form is specifically authorized by Section 440.185(2), Florida Statutes. The social security number will be used as a unique identifier in Division of Workers' Compensation database systems for individuals who have claimed benefits under Chapter 440, Florida Statutes. It will also be used to identify information and documents in those database systems regarding individuals who have claimed benefits under Chapter 440, Florida Statutes, for internal agency tracking purposes and for purposes of responding to both public records requests and subpoenas that require production of specified documents. The social security number may also be used for any other purpose specifically required or authorized by state or federal law.

B. Safety Rules

An Employee Safety Manual is available in each Town department. Every employee shall be familiar with and adhere to the rules that may apply to their job responsibilities.

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ACKNOWLEDGEMENT/RECEIPT OF POLICIES AND PROCEDURES MANUAL

I have this day received a copy of the Town of Surfside Employee Policies and Procedures Manual (the "Manual") and I understand that I am responsible for reading the Town's policies and practices described therein. If I have any questions regarding the content or interpretation of the Manual, I will bring them to the attention of my supervisor and/or the Human Resource Director. I understand that the Manual replaces any and all prior policies and practices of the Town.

I agree to abide by the policies and procedures contained in the Manual. I understand that the policies and benefits contained in the Manual may be added to, deleted or changed by the Town at any time. I understand that neither the Manual nor any other written or verbal communication is intended to in any way create a contract of employment, and that the Manual is for informational purposes only. I also understand that the employment with the Town is at-will for the first two (2) years, which permits the Town or the employee to terminate the employment relationship at any time, for any reason, with or without notice.

EMPLOYEE NAME (Print) _____

EMPLOYEE SIGNATURE _____

DATE _____

Rev. April 2025