

HANDBOOK OF PROCEDURES AND POLICIES FOR EMPLOYEES OF THE TOWN OF LAKE PARK

EMPLOYEE HANDBOOK



**THE TOWN OF LAKE PARK
OFFICE OF HUMAN RESOURCES**

**APPROVED BY ADMINISTRATIVE POLICY NO. 19-006
On May 22, 2019**

TOWN OF LAKE PARK'S MISSION STATEMENT

To improve the quality of life for all Town stakeholders through the provision of effective and efficient service delivery while maintaining a small town atmosphere in an urban environment and embracing the sense of place and community that makes the Town of Lake Park special.

INTRODUCTION AND GENERAL PROVISIONS

The Employee Handbook for Employees of the Town of Lake Park (Handbook) delineates the policies and procedures applicable for all managers and employees of the Town regardless of status (i.e. Exempt versus Non-Exempt) or classification (e.g. Regular full-time, Part-time, Probationary, etc.). This Handbook includes the Town's employment policies and procedures, guidelines, provisions and regulations governing the classifications, compensation, employment standards, employee rights, responsibilities and evaluations for Town employees.

The Handbook is designed and drafted to facilitate the Town employees' understanding of their roles in achieving the mission of the Town to improve the quality of life for all Town stakeholders through the provision of effective and efficient service delivery, while ensuring that the Town's employees have a clear understanding of their rights and responsibilities and the expectation of the high level of productivity and work performance required for employment with the Town.

The Handbook is intended to be a fluid document. No document is capable of addressing every eventuality in the workplace. Therefore, the Handbook shall be revised on an annual fiscal year basis by Administrative Policy of the Town Manager, the receipt of which shall be acknowledged in writing by all Town employees who shall also certify that they shall read and abide by the contents of the Handbook. Additionally, the Handbook shall be supplemented by Administrative Policies issued throughout the fiscal year by the Town Manager. Such Administrative Policies shall be provided to all Town employees. The language in the Employee Handbook as updated annually shall take precedence over the language in the Administrative Policies as applicable.

The official version of the Handbook is maintained in the office of the Town Clerk and will be made available by the Town's Human Resources Department.

The Handbook does not, in any way, constitute a contract of employment nor does it provide any guarantees of continued employment with the Town. The Town reserves the right in its sole discretion to change, modify or amend the rules and regulations set forth in the Handbook. Each employee of the Town is charged with the responsibility to know, understand and abide by the rules and regulations set forth in the Handbook.

The Town Manager is hereby authorized to enforce the rules, regulations, policies and procedures set forth in the Handbook upon the Town's workforce.

Sections and portions of the Handbook may apply only to certain specified positions based upon the employee's role and designation in the workforce as management or non-management or exempt versus non-exempt personnel. Whenever possible, this distinction shall be separately delineated in the Handbook for clarity.

Nothing in the Handbook is intended to be in conflict with any provisions contained in an applicable collective bargaining agreement between the Town and its union employees. In the event of an apparent conflict, the applicable collective bargaining agreement shall prevail. In the absence of a conflicting provision, the Handbook shall prevail and serve as a supplement to the collective bargaining agreement to be adhered to by all Town employees.

Further, should any provision of the Handbook, or any part thereof, be rendered or declared invalid by reason of any existing or subsequently enacted legislation, by decree of any court of competent jurisdiction, or for any other reason, such invalidation of such provision or portion thereof shall be severable and shall not invalidate the remaining other provisions of the Handbook.

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SECTION 1 CLASSIFICATION SYSTEM

1.1 SCOPE AND PURPOSE:

This section sets forth the rules and regulations for the establishment, maintenance, and administration of the Town's Uniform Classification System applicable to all personnel in the Town of Lake Park.

The Human Resources Department shall maintain a uniform classification system. This system shall consist of Town-approved position classifications and a listing of position titles, job codes and pay plan. Such uniform classification system consisting of the Position Titles, Job Codes and Pay Plan shall be updated from time to time as needed by action of the Town Commission.

The classification system and the provisions outlined in this Handbook specifically exclude the Town Mayor, Town Commission Members, Town Attorney, and any individual who volunteers their services on behalf of the Town.

1.2 ADMINISTRATION OF THE PLAN:

The Town Manager, through the Human Resources Department, shall be responsible for the overall coordination, review, control and administration of the Handbook.

Town Commission approval must be obtained to create, establish or delete positions or effect classification changes.

A periodic review shall be performed by the Human Resources Department to ensure that the classification system is current and uniform. Any modifications will be presented to the Town Manager for consideration and recommendation to the Town Commission.

The Town Manager shall recommend to the Town Commission a standard schedule of pay for all Town positions, including minimum and maximum rates of pay, and shall recommend in consultation with the Town Attorney appropriate action with respect to negotiation, approval and/or rejection of labor agreements with public employee organizations acting on policy directives provided by the Commission in proper sessions.

The Town Manager shall organize, reorganize, consolidate, combine or abolish positions, offices, department divisions or departments of the Town only with the approval of the Town Commission.

The Town Manager shall also present to the Town Commission such rules, regulations and changes that are deemed necessary for effective administration of the classification system.

1.3 CLASSIFICATION OF POSITIONS:

REGULAR FULL-TIME EMPLOYEE: An employee who has successfully completed the probationary period and who works no less than the established work week of forty (40) hours during a seven day (7) period.

REGULAR PART-TIME EMPLOYEE: An employee who has successfully completed the probationary period and who works less than an established work week as averaged over a twelve-month (12) period.

Part-time employees are employed at-will and are not entitled to medical, dental, vision, life insurance, short term disability or long term disability benefits unless they are regularly scheduled to work 30 hours per work week.

TEMPORARY EMPLOYEE: An employee who has been hired for a specific time period who works less than the established work week as averaged over the entire fiscal year.

Temporary employees are employed at-will and are not entitled to benefits or merit increases, and may be terminated without cause or right to appeal the termination decision.

Temporary employees shall not be designated as critical staff with post-disaster responsibilities.

PROBATIONARY EMPLOYEE: A newly hired regular full-time or regular part-time employee who has worked less than six (6) months and who is eligible for regular employee status upon successful completion of the probationary period. During the probationary period, the employee is an at-will employee and may be terminated from employment without cause and without a right to appeal the termination decision.

An employee who has been promoted to a new position or who has been demoted to a lower position shall serve a six (6) month probationary period.

The probationary period for employees covered by a collective bargaining agreement shall be determined as set forth in the employee's collective bargaining agreement.

INTERMITTENT EMPLOYEE: A part-time employee who works at irregular intervals in one or more Town departments.

Intermittent employees are employed at-will and are not entitled to benefits or merit increases, and may be terminated without cause or right to appeal the termination decision.

Intermittent employees shall not be designated as critical staff with post-disaster responsibilities.

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1.4 JOB DESCRIPTIONS:

Job descriptions shall provide a description of the kind of work, the qualification requirements, and the level of responsibility for each employee position. While the exact duties and responsibilities of the various positions may likely differ, all positions allocated to a specific pay scale shall be reasonably similar in nature (e.g. tasks to be performed, level of complexity, extent of job responsibilities and minimum qualification requirements). Job descriptions shall also specify whether a position is exempt or non-exempt pursuant to U.S. Department of Labor overtime regulations

1.5 CLASSIFICATION OF NEW POSITIONS:

Appropriate documentation for the classification of new positions, or the material revision of existing position descriptions, shall be submitted by the appropriate Department Director to the Human Resources Department no less than ten (10) workdays prior to the Town Manager's submittal deadline for receipt of Town Commission agenda items. The Human Resources Director shall review the documentation prior to submittal to the Town Manager.

Before any action may be taken to insert a materially revised position description into the classification system, the new or revised position description must be approved by Administrative Policy of the Town Manager for uniformity with the classification system. Any action to amend the classification system by inserting a new position description or deleting an existing position description must be approved by the Town Commission.

1.6 RECLASSIFICATION OF POSITIONS:

The Human Resources Department is responsible for examining departmental requests for reclassification of positions consistent with departmental guidelines and with the Town's policies.

The Human Resources Director shall submit reclassification advisory recommendations to the Town Manager for consideration and for submission to the Town Commission for approval if deemed that such recommendations would result in amendment to the classification system.

Reclassification may result from reorganization, addition, deletion, redistribution and/or alteration of work assignment which may significantly alter the responsibilities and duties of the position to be reclassified.

1.7 POSITION TITLES:

A listing of the Town's official position titles and job codes for each Town position is set forth in the Position Titles, Job Codes and Pay Plan, also referred to as the Town's Classification Plan.

These official position titles and job codes shall be used on all Human Resources and Finance records and in preparation of the annual budget.

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SECTION 2 EMPLOYMENT AND HIRING PRACTICES

2.1 SCOPE AND PURPOSE:

This section sets forth the rules, regulations and procedures for the establishment and maintenance of the Town's Employment and Hiring Practices applicable to employees of the Town. All employment and hiring practices shall be processed through the Town's Human Resources Department under the authority of the Town Manager to ensure compliance with this section of the Handbook.

2.2 STATEMENT OF POLICY:

The Town of Lake Park is committed to providing a uniform policy governing the hiring, retention, transfer, promotion and all other employment practices of the Town.

The Town is equally committed to ensuring that its employment and hiring practices are administered in a fair and impartial manner to ensure compliance with federal and state laws and the maintenance of a highly qualified, diverse workforce consistent with the mission, goals and objectives of the Town.

2.3 RECRUITMENT OF EMPLOYEES:

The Town of Lake Park seeks to recruit and employ a high quality work force by actively seeking and selecting the most qualified candidates for a position. Whenever possible, the Town attempts to fill vacancies by promotion or transfer from within the organization.

When a vacancy occurs through transfer, promotion, resignation, termination of employment or creation of a new position, the Department Director shall immediately notify the Human Resources Director. Thereafter the Department Director shall complete a Personnel Requisition Form and submit it to the Human Resources Director for approval by the Town Manager.

If the vacancy is to be filled, then a job announcement shall be prepared stating the official position title, salary range, application procedures and job qualifications.

When appropriate, the announcement shall be posted in all Town Departments for ten (10) workdays.

Outside job advertisements may also be posted in local newspapers of general circulation, radio stations, educational institutions and any other appropriate sources to reach a comprehensive and diverse cross section of the available job market.

NOTE: The Town shall not accept unsolicited applications for employment, i.e., applications for positions which have not been advertised as vacant.

2.4 SELECTION PROCESS:

Individuals seeking employment with the Town shall complete an employment application within the stated timeframe set forth in the job announcement.

Material omissions and/or the failure to complete an application thoroughly and honestly may disqualify a candidate from consideration and, if selected, may subject the employee to termination of employment with the Town.

Additionally, no individual applying for employment with, or promotion within, the Town may make any false statement, submit any false document, or knowingly withhold information about wrongdoing in connection with that employment or application.

Candidates will first receive a conditional offer of employment. All candidates selected for employment shall be subject to a criminal background check and required examinations for certain candidates (such as pre-employment physical examination and drug screening examinations for those positions for which mandatory pre-employment drug testing is required pursuant to the Town's Drug Free Workplace Policy which is set forth at Appendix F), and an employment reference check. Any applicant who refuses to take a pre-employment physical, and undergo pre-employment drug testing if required pursuant to the Town's Drug Free Workplace Policy, shall be subject to disqualification from consideration for employment.

The candidate's employment is contingent upon the successful completion of the criminal background check, employment reference check and the required examinations.

In addition, other such background checks may be required, depending on the vacant position to be filled (e.g. a financial/credit background check is required for positions that require the handling of the Town's finances or significant amounts of cash).

2.5 HIRING PROCESS:

The Human Resources Director is responsible for initiating the steps required and for completing the hiring process for each employee who is offered a position with the Town.

In certain instances, the Town Manager may in consultation with the Human Resources Director direct that an interview committee, consisting of outside professionals, conduct interviews for Department Director positions or other exempt positions.

Successful completion of the required background checks, physical and drug screening examinations is a condition of employment prior to the start date of employment with the Town.

Immediately upon commencement of employment, new employees shall individually participate in an orientation process and will receive various Town documents including a copy of the Handbook. All new employees shall sign an Employee Orientation Acknowledgment Form certifying receipt of the Handbook and other Town documents as well as compliance with the policies, rules and regulations of the Town set forth therein.

The employee's signed Employee Orientation Acknowledgment Form shall be maintained in the employee's Personnel File.

No individual shall be hired for either part-time or regular full-time employment with the Town who has an outstanding indebtedness to the Town at the time of application.

2.6 INITIAL APPOINTMENT:

Upon initial appointment, all regular full-time and regular part-time employees shall be required to serve an initial probationary period of six (6) months. No merit increase shall be provided at the end of the initial six month probationary period.

Employees covered by a collective bargaining agreement shall have the length of time of the probationary period set forth in the agreement (i.e. union contract).

Newly hired employees will undergo an onboarding period of one month to ensure that the new hire feels comfortable in his or her new position and their office logistical and technological needs are met in a timely manner. The onboarding process as developed by the Human Resources Director will be unique to each Town department and to each position (e.g., exempt vs. non-exempt).

2.7 PROBATIONARY PERIOD:

The initial appointment period of probation for Town employees is set forth in Section 2.6 of the Handbook.

For employees subject to initial appointment probation as set forth in Section 2.6, this probationary period may be extended for an employee if it is deemed necessary by the Town Manager in consultation with the employee's Department Director and the Human Resources Director.

During the probationary period, the employee shall be evaluated for suitability for the position. The employee's evaluation(s) shall be signed by the employee, the Department Director and the Town Manager, which shall be the sole purpose of the probationary evaluation. Probationary

evaluations shall not lead to increases in pay or reclassification from part-time to full time employment status.

As set forth in Section 1.3, during the probationary period, the employee may be terminated from employment without cause and without a right to appeal the termination decision. Additionally, if an employee who is on probation fails to meet the standards set for the position, the employee may be terminated at any time and shall have no right to appeal the termination decision.

An employee who has been promoted to a new position or who has been demoted to a lower position shall serve a six (6) month probationary period, or if applicable as determined in the employee's collective bargaining agreement.

2.8 TRANSFER OF POSITION:

A transfer of position is the change of an employee from one position to a different position of equal rank and status.

A transfer may be initiated by the employee or by a recommendation to the Town Manager by the employee's Department Director.

Except in unusual circumstances and upon advance approval by the Town Manager, an employee who is currently on probation may not seek a transfer of positions.

The Town Manager is responsible for approving in consultation with the employee's Department Director the transfer of an employee to a new position.

NOTE: Notwithstanding any provision to the contrary, an employee may be transferred to a different position upon recommendation by the employee's Department Director and approval by the Town Manager.

2.9 PROMOTION TO A NEW POSITION:

The Town of Lake Park seeks to employ the most qualified applicants while ensuring that current Town employees are afforded a variety of employment and promotional opportunities on an equal opportunity basis according to whether or not the employee seeking the promotion possesses the required skills, education, experience, and other qualifications required for the new position.

Promotion is an upward change in classification to a position with a higher pay grade and salary range.

Except in unusual circumstances, and upon approval by the Town Manager, no employee who is on probation is eligible to seek a promotion to a new position.

NOTE: Notwithstanding any provision to the contrary, an employee may be promoted upon recommendation by the employee's Department Director and approval by the Town Manager.

NOTE: Additionally, as set forth in Section 5.18 of the Handbook, employees who are considered for promotion shall be subject to a criminal background check.

2.10 DEMOTION TO A LOWER POSITION:

A demotion to a lower position is the movement downward of an employee to a position having a lower classification and salary range. An employee whose work performance is determined to be unsatisfactory may be demoted.

Demotions may also occur at the voluntary request of the employee or as a result of a reduction in force or a reorganization of the Town's workforce.

2.11 REDUCTION IN FORCE:

A reduction in force is a decision by the Town Manager that conditions and/or circumstances exist that make it necessary to reduce the Town's workforce.

Such conditions and/or circumstances that could occasion a recommendation by the Town Manager to the Town Commission for a reduction in force may include a lack of Town funds, a decrease in work, and a reorganization of the workforce or changes in administrative priorities and policies

Prior to a reduction in force, the Town Manager shall submit the specific proposal to the Town Commission for approval.

Whenever possible, the Town Manager shall attempt to accomplish the reduction in force in the most cost effective method possible.

If a reduction in force affects a department whose employees are governed by a collective bargaining agreement, the reduction in force will adhere to the provisions in the agreement.

2.12 RESIGNATION FROM EMPLOYMENT:

Town employees resigning from employment with the Town are required to submit a written resignation to the employee's Department Director at least two (2) weeks prior to their date of separation from employment.

The Department Director shall immediately submit the original of such resignation to the Human Resources Director for placement in the employee's personnel file. A copy of the resignation letter shall be provided to the Town Manager by the Human Resources Director.

Failure to provide proper written notice of resignation will subject the employee to a determination in the employee's personnel file that the employee resigned without proper notice to the Town, and may preclude them from future employment with the Town.

An exit interview shall be scheduled by the Human Resources Director with the employee for the purpose of returning all Town property (e.g. identification card, uniforms, keys, laptop computers, etc.). The exit interview process is further described at Section 7.18 Employee Exit Interviews.

Failure to return all Town property shall result in the Town withholding the employee's final paycheck until all such property has been returned to the Human Resources Director.

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SECTION 3 COMPENSATION SYSTEM

3.1 SCOPE AND PURPOSE:

This section sets forth the rules and regulations for the establishment, maintenance and administration of the compensation system applicable to the employees of the Town. All compensation changes shall be processed through the Town's Finance Department under the authority of the Town Manager to ensure compliance with the provisions of this section.

3.2 STATEMENT OF POLICY:

The Town of Lake Park is committed to providing a uniform policy governing compensation on the basis of tasks performed and in accordance with the knowledge, skills and abilities required by the position.

The Town is equally committed to providing a compensation pay plan to Town employees, which measures, recognizes and rewards employees based upon merit.

3.3 CALCULATION OF PAY RATE:

Town employees shall be compensated in accordance with the pay scales established for the positions to which the employees are assigned as governed by the regulations in the Handbook and the Town's compensation plan, and in accordance with an applicable collective bargaining agreement, if any.

The salary schedules set forth in the uniform classification system consisting of Position Titles, Job Codes and Pay Plan consist of all pay scales for employees of the Town and contain pay scales with minimum and maximum salary ranges for each pay scale, reflective of the competitive pay levels for comparable positions in similar public employment organizations and geographic areas.

On an annual basis, the Town will conduct a pay and salary survey to determine the pay and salary scales of similar public sector organizations and geographic areas.

3.4 PAY PERIODS:

The official established work week consists of a forty (40) hours, within a seven (7) day period which shall run from Saturday to 11:59 p.m. on the succeeding Friday.

The pay period for the Town consists of an eighty (80) hour period which includes two (2) forty (40) hour work weeks.

Paychecks are issued bi-weekly by either direct deposit or as a paper check to be sent to the employee's home address of record with the Town.

3.5 WORK HOURS:

The Town Manager, in consultation with Department Directors, establishes the hours of work within the work week for each department.

Employees' work hours may vary to ensure efficient delivery of Town services. Each Department Director shall notify its employees of the expected hours of work and the department's work schedule, and all regular full-time and part-time employees shall be required to adhere to such work schedule. In no instance shall a part-time employee's work hours exceed the number of hours budgeted for that position for a given fiscal year.

3.6 ANNIVERSARY DATE:

An employee's anniversary date is calculated as the employee's date of hire with the Town.

3.7 INITIAL APPOINTMENT COMPENSATION:

All positions are filled at the minimum of the listed salary range of the pay scale of the classification involved unless documented and verifiable justification is provided by the Human Resources Director, budgeted funds are available, and approval is provided by the Town Manager prior to making the job offer.

3.8 COMPENSATION INCREASES UPON PROMOTION:

Upon promotion (i.e. an upward change of pay scale or reclassification), the employee at the discretion of the Town Manager shall receive up to a five (5) percent salary increase or the minimum of the pay scale of the promoted position, whichever is greater, unless documented justification for a greater increase is provided and is approved by the Town Manager prior to making the offer of promotion.

3.9 COMPENSATION DECREASES UPON DEMOTION:

Upon demotion (i.e. a downward change in job assignment due to an employee's unsatisfactory performance or at the voluntary request of the employee with the approval of the Town Manager), the employee's salary may be reduced by up to five (5) percent if the employee would still be in the pay scale of the demoted position or to the top of the pay scale to which the employee is being demoted, whichever is greater.

3.10 COMPENSATION UPON LATERAL REASSIGNMENT OR TRANSFER:

An employee reassigned or transferred to another position in the same job classification or pay scale shall retain the same salary as before the change of position. An employee reassigned or laterally transferred to another position in a lower job classification shall retain the same salary as before the transfer.

3.11 COMPENSATION FOR ACTING STATUS:

Upon advance approval by the Town Manager, any full time or part time employee temporarily assigned to perform additional work duties or the work duties of a higher classification that is non-management in nature for five consecutive workdays (40 hours), or more, regular full-time shall receive up to a five (5) percent differential.

Upon approval by the Town Manager, any full time or part time employee temporarily assigned to perform the work duties of a higher classification that is management in nature for five consecutive workdays (40 hours) shall receive up to a five (5) percent differential or shall be paid at the entry rate of such higher classification whichever is greater.

NOTE: A union employee who is working out of classification shall be compensated as set forth in the collective bargaining agreement.

3.12 MERIT PAY:

A regular full-time employee's annual rate of salary increase shall be earned on the basis of merit, within the Town prescribed allowable range of zero (0) to two (2) percent annually, unless specifically prescribed otherwise in an applicable collective bargaining agreement or restricted by budgetary constraints.

3.13 EFFECTIVE DATE OF SALARY CHANGES:

The effective date of all salary changes resulting in amendment to the Town of Lake Park Position Titles, Job Codes and Pay Plan requiring Town Commission approval shall be the date of Town Commission action, unless a different effective date is specified and approved by the Town Commission.

3.14 OVER-TIME PAY RATE:

Overtime pay shall be paid to non-exempt employees as provided by Town policy. Employees covered by a collective bargaining agreement shall be paid in accordance with the applicable agreement, if any.

Overtime shall be authorized and approved in advance by the applicable Department Director only in instances necessary to ensure the efficient operation of Town business and only if sufficient funds for such overtime has been budgeted. Overtime worked without prior authorization may result in disciplinary action.

Overtime shall be paid only to employees who during the applicable pay period remain in an active pay status (i.e., no leave without pay) and have worked in excess of a forty (40) hour work week.

Time worked for the purposes of calculating overtime does not include holidays and leave hours. The rate of pay for overtime worked is time and a half pay or as stated in the applicable collective bargaining agreement, if any. Upon approval by the appropriate Department Director and the Town Manager, employees may elect to accumulate compensatory time, at the rate of one-and-one-half hour for each hour of overtime worked as provided in Section 3.15.

NOTE: Exempt employees are not entitled to overtime pay.

3.15 COMPENSATORY PAY:

Compensatory time is earned when non-exempt employees work overtime and request that such overtime worked be accrued in lieu of receiving overtime pay. Compensatory time may not be earned unless it is pre-approved and authorized by the appropriate Department Director.

Compensatory pay shall be calculated in the same manner as over-time pay and shall be paid at the same rate (i.e. time and a half) or as stated in the applicable collective bargaining agreement, if any.

Compensatory time earned and used shall be reported on the weekly timesheets and shall be tracked by the Finance Department.

In no event may an employee be permitted to accrue more than twenty four (24) hours of compensatory time and such compensatory time must be used prior to using vacation leave. Employees will be permitted to use such time off within a reasonable period after making the request, if such use does not unduly disrupt the operations of the Town.

The Town specifically reserves the right to cash out compensatory time as it deems necessary.

Employees wishing to utilize accrued compensatory time must submit a leave slip and obtain authorization from their Department Director a minimum of two (2) workdays prior to the date of the absence except in emergency situations. (Per Administrative Policy #19-008 dated 10/2/2019)

3.16 LONGEVITY PAY:

Regular full-time employees shall receive monetary recognition for length of service with the Town in accordance with the Pay Plan on cardinal years as follows:

\$500.00 shall be awarded to the employee at the completion of five (5) years of regular full-time service with the Town.

At the end of ten (10) years of regular full-time service with the Town, the employee shall receive \$1,000.00 in longevity pay.

Effective September 1, 2019, employees who reach fifteen (15) years of regular full-time service with the Town shall receive \$2,000.00 in longevity pay.

Upon reaching twenty (20) years of regular full-time service with the Town, the employee shall receive \$3,000.00 in longevity pay.

Employees who reach twenty five (25) years of regular full-time service with the Town shall receive \$4,000.00 in longevity pay; however, employees who exceed twenty-five (25) years of regular full-time service with the Town shall receive no more than \$4,000.00 in longevity pay on the cardinal year anniversaries of their service with the Town.

Those employees receiving longevity pay prior to October 1, 1999 shall continue to receive longevity pay in the amount of \$1,000.00 per year.

NOTE: For purposes of longevity pay, length of service shall mean continuous service with the Town commencing with the initial date of regular full-time employment by the Town.

3.17 EMPLOYEE EMERGENCY DECLARATION AND COMPENSATION:

The Town has authorized the Town Manager to declare, partially activate or de-activate a state of emergency for Town employees due to the existence of an emergency and to establish a policy for the cancellation of vacation leave and an emergency pay plan for use during an emergency declaration.

Immediately upon the declaration of an emergency, all vacation leave for those employees identified as critical staff shall be cancelled and shall thereafter be granted only after advance written permission has been approved by the Town Manager upon the recommendation of the Department Director.

Vacation leave for those employees identified as critical staff shall be granted only under extenuating circumstances as determined by the Town Manager.

During a declared emergency and during regular working hours, exempt and non-exempt regular full-time employees who are not required to work by the Town Manager may be sent home and paid their regular rate of pay based upon their scheduled hours.

Non-exempt employees who are designated to work during the emergency as declared pursuant to this section and who are directly involved in disaster recovery operations will be paid at two (2) times their regular rate of pay during the emergency period. All hours paid during the period of declared emergency shall be accounted for separately. Exempt employees required to work shall be paid their regular salary and may be additionally compensated as determined by the Town Manager.

This shall continue until the Town Manager no longer designates those employees as essential for disaster recovery. It will be the responsibility of the exempt employees to document their actual hours worked on their timesheets. Any questions involving the hours eligible for compensation will be decided by the Town Manager, whose decision shall be final and binding.

3.18 ADMINISTRATIVE LEAVE:

Exempt employees from time to time may be provided with administrative leave in the form of time off whenever the Town Manager determines that the employee has worked far in excess of their normal work hours and in furtherance of Town business for the efficient and orderly operation of Town services.

Such leave shall be awarded at the initiation and discretion of the Town Manger and only to exempt employees who have demonstrated a commitment to perform in an exemplary fashion for the benefit of the Town on a consistent basis and shall not be construed as an entitlement to overtime or a condition of employment.

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SECTION 4 PERFORMANCE EVALUATION SYSTEM

4.1 SCOPE AND PURPOSE:

This section sets forth the rules, regulations and procedures for the establishment, maintenance and administration of the Town's Performance Evaluation System applicable for employees of the Town of Lake Park.

4.2 STATEMENT OF POLICY:

The Town's Performance Evaluation System was developed under Town direction as an aid to improving the performance of employees of the Town and as a basis for the Town's Merit Pay Plan as set forth in Section 4.7 of the Handbook.

The Performance Evaluation System is comprised of major components which highlight overall job functions as related to job duties and responsibilities, worksite target, goals and objectives and job performance.

The Town created through its Performance Evaluation System job performance standards that serve as the basic core model of the evaluation instrument and system.

All employee evaluations shall be recorded on the Town's Performance Evaluation Forms.

Completed evaluations shall be maintained in the employee's personnel file in accordance with Florida law.

4.3 ADMINISTRATION OF THE PLAN:

Maintenance of the Town's Performance Evaluation System and the Merit Pay Plan as set forth in Section 4.7 of this Handbook is the responsibility of the Town Manager in consultation with the Human Resources Director.

Components of the Plan may be revised by approval of the Town Manager and the pay structure may be revised by Town Commission approval.

4.4 STANDARDS OF PERFORMANCE:

The standards of performance as set forth in the employee evaluation instruments serve as a major component in evaluating employee performance.

These performance standards and evaluation instruments shall be reviewed and revised as appropriate by the Human Resources Director and the Town Manager in order to accurately reflect the overall mission of the Town while achieving the goals and objectives of the departments within the overall organization.

4.5 PURPOSE OF EVALUATIONS:

The evaluations are used to measure the performance of regular full-time and regular part-time employees, and/or to determine pay increase amounts.

The Town Manager has the responsibility of evaluating Department Directors and other direct reports, and Department Directors and supervisors have the responsibility of evaluating employees in their departments in a timely manner, by the end of the employee's evaluation period and for correcting observed performance deficiencies.

Employees shall be expected to sign their evaluations and may submit written comments on their evaluations for inclusion in their personnel file.

4.6 ANNUAL PERFORMANCE PLANNING:

Annual performance planning is done by the Town Manager in cooperation with the Town's Department Directors and within the context of the mission of the Town.

The purpose of performance planning is to clarify the organizational relationship of the employee to the Town's mission and to ensure the employee's understanding of the importance of the employee's relationship to the overall accomplishment of the quality of service for the residents of the Town and members of the public.

Performance planning focuses upon and factors in major job targets which reflect worksite needs and objectives, organizational and departmental concerns, recommendations from previous years and an understanding of employee standards.

4.7 EMPLOYEE PERFORMANCE EVALUATIONS AND MERIT PAY PLAN:

Formal employee performance evaluations shall be conducted at established intervals during an employee's tenure of employment with the Town.

The purpose of the evaluation shall be to formally assess the employee's performance over a designated period of time and to provide an opportunity for the immediate supervisor and the employee to discuss aspects of the employee's job duties and responsibilities within the context of furthering the Town's mission.

Salary adjustments are based upon the employee's evaluation as set forth in the Handbook.

No merit increase will be awarded to any employee who does not meet the minimum standard score of "meets expectations" (i.e., 2.0) on the employee's performance evaluation.

In the event that any major job target area (e.g., job knowledge, quality of work, job dependability, etc.) of the employee's evaluation is below expectations (e.g., "0") or needs improvement (e.g., "1"), the Department Director upon approval by the Town Manager shall defer the merit increase until such time as the area is determined to be improved. Such merit increase shall not be retroactive.

Effective October 1, 2016, and except as otherwise provided in an applicable collective bargaining agreement, an employee's annual salary increase shall be awarded based upon the following scale:

TOTAL RATING FACTOR	PERCENT MERIT INCREASE
1.1 to 2.4	0 percent
2.5 to 3.0	1½ percent
Greater than 3.0	2 percent

Rating Factor Definitions:

Rating 4 ABOVE EXPECTATIONS – Job performance that routinely is above the expectations of the job.

Rating 3 MEETS EXPECTATIONS – Job performance that routinely meets the expectations of the job.

Rating 2 NEEDS IMPROVEMENT – Job performance that needs improvement in meeting the expectations of the job.

4.8 REASONS FOR EVALUATIONS:

Employee performance evaluations shall be done upon the completion of an employee's six-month probationary period for new hires, promotions and demotions; upon the completion of each year's service as an annual evaluation; **and when deemed appropriate for other reasons.** Intermittent employees and temporary employees shall generally not be evaluated due to the finite nature of their employment with the Town.

Other reasons for an employee's performance to be evaluated include a decline in the employee's performance, a significant change in job duties, a change in supervision or any other reason upon appropriate documentation setting forth the need for an evaluation.

NOTE: No merit increases or other increase in pay shall be provided to newly hired employees who satisfactorily complete the six month probationary period.

4.9 ANNUAL PERFORMANCE EVALUATION:

Each year prior to the employee's anniversary date or anniversary of an employee's promotion or demotion, the employee shall be evaluated in accordance with the provisions of the Handbook and/or as set forth in an applicable collective bargaining agreement, if any.

An official Town evaluation form shall be completed for each Town employee by the employee's appropriate supervisor, who shall meet with the employee to discuss the outcome of the evaluation, and to discuss any job-related education or training programs for the employee to undertake and any needed areas for employee improvement during the next evaluation period. Completed employee evaluation forms shall be retained in the employee's personnel file in accordance with law and Town policy.

The annual evaluation shall be reviewed by the next level manager. The evaluation shall then be presented to the employee for discussion and signature, and then sent over to the Town Manager for signature.

If the employee's performance needs improvement, or is below expectations, the immediate supervisor shall provide counseling and documentation with the goal in mind of improving the employee's job performance.

Salary increases shall be requested, as appropriate, by the immediate supervisor and shall be based on performance reviews and available funds.

The Town reserves the right to not provide a merit pay increase to Town employees.

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SECTION 5 EMPLOYMENT STANDARDS AND PROCEDURES

5.1 SCOPE AND PURPOSE:

This section sets forth the rules, regulations and procedures for the establishment and maintenance of the Town's Employment Standards and Procedures applicable to all Town personnel.

5.2 STATEMENT OF POLICY:

All employees of the Town are representatives of the Town of Lake Park. As such, the Town's employees are expected to conduct themselves, both in their employment and in the community, in a manner that will reflect credit upon themselves and the Town.

Compliance with the Employment Standards and Procedures provisions set forth in this section of the Handbook is a term and condition of employment with the Town.

5.3 DRESS CODE:

Proper grooming and attire have a positive impact on the Town's image.

Employees of the Town shall maintain appropriate grooming and attire standards, which bear a reasonable relationship to the employees' work and job position.

Clothing worn by Town personnel shall be neat, clean and shall not detract from the Town's image or be a distraction to other Town employees.

Administrative office employees shall be dressed in an appropriate and professional manner consistent with these standards and as set forth by Town management.

Uniformed staff shall dress in a manner consistent with the standards set forth by Town management and/or as delineated in an applicable collective bargaining agreement, if any.

5.4 IDENTIFICATION CARD AND TOWN KEY(S) POLICY:

While on duty, Town employees are required to wear or be in possession of the Town-issued photo identification card which is issued to them upon their initial hiring. Employees are personally and directly responsible for such identification cards. Any employee who loses an identification card must immediately report such loss to the Human Resources Director, and such employee shall be charged as follows:

- First loss, no charge

- Second loss, \$5.00
- Third loss, \$10.00
- Fourth loss, \$15.00
- Fifth loss, \$20.00

The above charges shall include a fee of \$10.00 for replacement of the key. After a third loss, the employee shall be subject to disciplinary action.

Any employee who loses his or her Town key(s) must immediately report such loss to the Human Resources Director, and such employee shall be charged as follows:

- First loss, no charge
- Second loss, \$5.00
- Third loss, \$10.00
- Fourth loss, \$15.00
- Fifth loss, \$20.00

After a third loss, the employee shall be subject to disciplinary action.

5.5 TIME CARD POLICY:

Employees who are required to utilize a time clock system are required to punch in at the time they are actually scheduled to start work at the beginning of the workday, and to punch out at their actual quitting time at the end of the workday. Additionally, employees are required to punch in and out at the beginning and end of their scheduled meal breaks.

Employees are not permitted to punch another employee's time card.

Employees are specifically required and expected to be prompt in their arrival to work and in returning from authorized breaks and meal periods, and to work all scheduled work hours. Failure to meet this requirement shall be grounds for disciplinary action as set forth in Section 7 Employee Rights and Disciplinary Procedures or if applicable as set forth in the employee's collective bargaining agreement. However, for purposes of calculating time, the following criteria shall be used:

All time shall be rounded to the nearest quarter hour.

For each quarter hour, if an employee is eight minutes or more late they will be docked for the entire quarter hour. Additionally, when an employee is authorized to work overtime, for each quarter hour, eight minutes or more shall entitle that employee to the entire quarter hour of pay.

5.6 MEAL PERIODS AND OTHER BREAK TIME

All employees of the Town shall have a one hour duty free meal period for lunch provided in the employee's daily work schedule. *Bona fide* meal periods (typically 30 minutes or more) shall not be compensated as work time. During such meal period, the employee must be completely relieved from duty for the purpose of eating regular meals. Employees are not permitted to eat lunch at their desks or work stations. If an employee prefers to remain in their general area of employment during their lunch period, the break room can be used to eat lunch

Meal periods for lunch for employees covered by a collective bargaining agreement shall be determined as set forth in the employee's collective bargaining agreement.

The employee's Department Director or immediate supervisor shall set the schedule for employee lunch breaks in a manner that ensures that Town services and functions will be covered without interruption during the workday.

Unpaid breaks are allowed for an employee to express breast milk for her nursing child for one year after the child's birth each time such employee has the need to express the milk. The frequency of breaks as well as the duration of each break will vary based on each employee's need. Employees needing to express breast milk may request access to the Nursing Mother's Room by notifying the Human Resources Department. Departments and/or divisions located outside Town Hall will provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk. A space temporarily created or converted into a space for expressing milk or made available when needed is sufficient. An employee requesting unpaid breaks to express milk must notify the immediate supervisor or a member of management, when possible, immediately before the break begins and immediately after the break ends. Each employee is required to document the unpaid breaks through the department's regular time and record keeping process.

5.7 PERSONAL PHONE CALLS:

Employees are expected to devote their full attention to the employee's work assignments and duties throughout the workday devoid of personal interruptions and/or telephone calls.

Personal telephone calls, including responses to cell phones, pagers or any other communication device, shall be made during the employee's designated break time in a manner that does not interrupt Town business or distract other Town personnel.

In the event of a family or personal emergency, Town employees are expected to inform their immediate supervisor of the need to interrupt their workday to attend to the employee's personal business and to obtain the appropriate authorization from the supervisor to do so.

5.8 COMPUTER INFORMATION SYSTEMS AND TOWN CELL PHONE USAGE:

Computer Information Systems:

The Town ensures that employees of the Town have access to computer information systems necessary for the proper performance of their job duties and assignments.

The use of the Town's computer information systems, including employee's access to the Internet, is strictly intended for Town business and work-related purposes and shall not be used for an employee's personal use.

Access to the Town's computer information systems is limited to authorized users, who, as a condition of employment, agree to be bound by Town policy for the appropriate use of the Town's computer information systems.

The Town's computer information systems may be used solely for lawful, proper and authorized purposes. Any improper, unauthorized or unlawful use shall be reported to the appropriate authorities and will be investigated accordingly.

Town employees have no right of personal privacy in any matter stored in, created, received or sent over the Town's computer information systems.

The Town expressly reserves the right to monitor, without notice, or reason, all information in whatever form on the Town's computer information systems. This specifically includes, without limitation, an employee's email, messages and/or other documents, regardless of system location or content.

Employees shall utilize and maintain software on Town computers that is properly licensed by the software manufacturer and approved by the Chief Information Technology Officer.

Work-related data and information stored on such personal computer technology devices, as well as the Town's computer information systems, are subject to the Public Records Laws and shall be retained in accordance with the appropriate retention schedule and as provided by law.

Social Media:

The Town's official functions may require a social media presence from time to time in the normal course of work-related Town business.

The establishment of social media accounts and pages such as Twitter, Facebook, etc. utilizing the Town's computer technology devices and/or the Town's brand (e.g., logo, name, web resources, etc.) must be submitted to the Chief Information Technology Officer and then to the Town

Manager for advance approval pursuant.. All Town computer systems are subject to monitoring at all times to assure proper functioning of the systems, to provide security for the computer system's operation and the information contained therein, to prevent unauthorized use, and to deter and investigate violations of law. **There is no reasonable expectation of privacy in the use of the Town's computer systems.**

Town employees, or those working on behalf of the Town, who use social media and social networking services and tools for strictly personal use outside of the workplace do not require approval to do so. However, the Town recognizes that these types of tools can sometimes blur the line between professional and personal lives and interactions. Therefore, employees are reminded that, as representatives of Town, the rules herein governing employee conduct must be taken into consideration when participating in these services at any time, but particularly when identifying themselves as employees of the Town or when context might lead to that conclusion. Employees should remember that standards of ethical behavior and other ethics policies are applicable. Employees must not engage in any activity that would violate Town policy or any local or State statute or regulation. The preceding examples of prohibited Internet usage are demonstrative and not exhaustive.

Failure to abide by the Town's Social Media policy may result in disciplinary action or termination of employment.

Town employees are expected to comply with the computer information systems' provisions set forth in the Handbook and are expected to report promptly any violations of these provisions.

Failure to abide by the Town's computer information systems' policy and procedures shall be grounds for disciplinary action, up to and including termination of employment with the Town.

Town Cell Phone Usage:

Employees of the Town who are provided cell phones for Town business shall adhere to all rules and regulations issued by the Town as set forth in the Town of Lake Park Cellular Phones and Electronic Devices Policy which is set forth at **Appendix A** of this Handbook, and shall recognize and understand that Town cell phone usage is not intended for an employee's personal use or use not related to Town business.

Frequent and/or lengthy personal phone calls from Town phones are expressly prohibited.

When driving a Town vehicle or off road equipment, the use of cellular phones shall be used with a hands-free device to ensure the promotion of safety practices and accident prevention. Text messaging when driving a Town vehicle or off road equipment is strictly prohibited.

5.9 USE OF TOWN VEHICLES:

Town vehicles shall be used only in the furtherance of official Town business, except as expressly set forth in the Handbook and/or the Town's Motor Vehicle Policy which is set forth at **Appendix B**.

Town employees assigned or authorized to operate or use a Town vehicle shall abide by the Town's Motor Vehicle Policy.

Town vehicles may be used for transportation to and from an employee's residence when the vehicle is assigned to an employee on a regular full-time basis or when the employee is officially "on-call" emergency duty, or when, on a temporary basis, the employee in writing is assigned the vehicle directly by the Department Director or the Town Manager.

Only an employee assigned a Town vehicle or designated to operate a Town vehicle may do so. Such employee must be eighteen (18) years of age or older and must currently possess a valid Florida Driver's License for the type of vehicle assigned.

All Town employees whose job requires them to operate a Town vehicle are under an affirmative duty to immediately report to their supervisor any restriction on their driver's license (i.e., suspension, revocation, expiration, etc.) Under no circumstances shall a Town employee, whose license has been suspended, cancelled, revoked or expired, operate a Town vehicle.

An employee shall not continue to work for the Town if driving is considered a minimum requirement of the employee's job and said employee cannot or does not hold a current, valid Florida Driver's License with appropriate class designation for the type of vehicle required for the job.

Employees are required to inform the Department Director/supervisor immediately of any property damage incidents or moving violations involving Town vehicles to which they are assigned, regardless of whether a citation is issued.

All accidents, no matter how minor or inconsequential, shall be reported immediately to the employee's immediate supervisor or Department Director, appropriate law enforcement entity and to the Human Resources Director for insurance and risk management purposes and for reporting to the Town Manager.

5.10 OUTSIDE/DUAL EMPLOYMENT:

The work of the Town shall take precedence over any other occupation or interests of a Town's employee.

Advance authorization for all outside employment for salary, wages or commissions and all self-employment shall be obtained in writing from the Town Manager through the appropriate Department Director by utilizing the Dual Employment Authorization Form which, when completed, shall be submitted to the Human Resources Director for review and submittal by the Human Resources Director to the Town Manager. **Such authorization must be obtained from the Town Manager in advance of the acceptance of outside/dual employment.**

Each change in outside/dual employment shall require separate reporting and approval in advance of undertaking the employment.

Approval shall not be granted when the dual employment conflicts or interferes, or is likely to conflict or interfere, with the employee's or any other employee's service to the Town; when the dual employment lowers the efficiency of the employee; and/or when dual employment is incompatible with or creates a conflict of interest in an employee's official duties with the Town.

In each and every instance of an approval of an employee's dual employment, said dual employment shall be completely separated from Town duties and shall not utilize Town property or resources.

In the instance of approval being sought by a Town employee for dual employment with a Town vendor or lobbyist, the employee must complete and sign under oath the Palm Beach County Commission on Ethics Employee Conflict of Interest Waiver available through the Human Resources Department, and submit it to the employee's supervisor and Town Manager for approval and forwarding by the Human Resources Director to the Palm Beach County Commission on Ethics prior to the acceptance of such employment.

5.11 STATEMENT OF FINANCIAL INTERESTS:

Florida law requires that all appointed officials or public employees (i.e., local officers/employees) who serve as Town Manager, Assistant Town Manager, Community Development Director, Building Code Inspector, Public Works Director, Town Clerk, and Finance Director, as well as Mayor and Town Commissioners file a Statement of Financial Interests by July 1st following each calendar year in which they hold their positions.

5.12 POLITICAL ACTIVITY:

The Town recognizes and encourages the rights of its employees, as citizens, to engage in political activity, with the following restrictions:

No employee shall, in the furtherance of any candidacy for nomination or election to public office in any election, provide campaign services to the candidate during the employee's working hours.

No employee shall use his/her official authority or influence for the purpose of coercing or influencing another person's vote.

Activity prohibited under this section includes, but is not limited to, the following:

- using Town email servers and individual email accounts or any Town equipment for political purposes;
- campaigning during official work hours or otherwise attempting to influence votes when the Town is being used as a voting precinct on an election day; and/or
- directly or indirectly or expressly using staff to communicate political messages to members of the community.

No employee shall directly or indirectly coerce or attempt to coerce, command or advise any other employee to contribute any money or anything else of value to any party, committee, organization, agency or person for political purposes. However, nothing in this paragraph shall prohibit an employee from suggesting to another employee in a non-coercive manner that he or she may voluntarily contribute to a fund which is administered by a party, committee, organization, agency, person, labor union or other employee organization for political purposes.

5.13 NON-SOLICITATION

No employee shall make or solicit or knowingly accept any campaign contribution in a building owned or leased by the Town. This subsection shall not apply when a Town-owned building or any portion thereof is rented for the specific purpose of holding a campaign fund-raiser and the employee is in attendance at such campaign fund raiser outside of working hours.

No employee, in the furtherance of his/her candidacy for nomination or election to public office in any election shall use any Town-owned motor vehicle solely for the purpose of furthering his/her candidacy.

Use of Town email servers and individual Town-provided email accounts or any Town equipment for the purpose of distributing political communications of any nature constitutes an inappropriate and unacceptable use.

No employee shall use any Town property for political purposes, including influencing an election.

Nothing in this section shall be construed to limit an employee's right to engage in political activity as set forth in §104.31, Florida Statutes.

5.14 TRAVEL AND SUBSISTENCE ALLOWANCE:

The Town pays for or reimburses the costs of certain meeting and travel expenses for Town employees who incur such qualified expenses in the course of their employment with or service to the Town.

In order to be reimbursable, these expenses must be incurred in the furtherance of official Town business or attendance at professional meetings, conferences, seminars or training sessions which promote job knowledge.

No payment or reimbursement shall be made unless prior authorization is obtained in advance of the expenditure. Authorization shall be made by the Town Manager through the employee's Department Director.

Such reimbursements are subject to Town budget limitations and must be in compliance with applicable laws and Town rules, regulations and policies and as set forth in the Town's Travel Policy which is set forth at **Appendix C**.

5.15 INTERVIEW EXPENSES:

In certain limited circumstances, the Town may provide reimbursement for interview expenses to applicants being considered for exempt positions (i.e. Department Directors and above).

In order to receive travel expense reimbursement, prior written authorization by the Town Manager is necessary.

In no event shall reimbursement exceed twenty-five hundred dollars (\$2,500.00) and shall be payable only upon proof of expenditures occasioned by the interview.

The rate of payable reimbursement shall be the same as the established rate for Town employee travel reimbursement and as provided by law.

5.16 MOVING EXPENSE:

In certain limited circumstances, the Town may provide reimbursement for moving expenses to newly hired exempt employees.

In order to receive moving expense reimbursement, the employee shall submit three (3) quotes from moving vendors in order to obtain approval and written authorization by the Town Manager.

In no event shall reimbursement exceed five thousand dollars (\$5,000.00) and shall be payable through payroll only upon proof of actual expenditures occasioned by the move.

5.17 EMPLOYEE DUTY TO NOTIFY EMPLOYER:

The Town anticipates and requires its employees to keep accurate information relevant to an employee's job status updated with the Town.

Employees are required to immediately notify the Human Resources Director of all changes which may impact their job status including but not limited to all arrests, license suspension or revocation (if required for the employee's job), current contact information (i.e. current address and phone contact information) and any other such information, and in keeping their current contact information correct by completing and submitting to the Human Resources Director an updated Employee Contact Form, and Employee Beneficiary Designation Form.

5.18 TOWN'S RIGHT TO PERFORM CRIMINAL BACKGROUND CHECKS OF EMPLOYEES SEEKING A PROMOTION:

Employees who are considered for promotion shall be subject to a criminal background check.

5.19 USE OF TOWN CREDIT CARD OR TOWN VENDOR ACCOUNTS:

Every Town employee who is in possession of a Town issued credit card, or who has access to Town vendor accounts, shall adhere to the strictest guidelines of responsibility for the proper protection and use of such accounts. All sales receipts generated by the use of a Town credit card must be retained within the department until the credit card bill is received, reconciled and signed by the Department Director and submitted to the Finance Department for payment. Department Directors are required to submit the monthly credit card invoices and receipts to the Finance Department within five (5) workdays of their receipt of the invoice from the Finance Department.

Lost or stolen Town issued credit cards must be reported immediately to the employee's immediate supervisor who must in turn report such loss or theft to the Town Finance Department.

Failure to follow this policy may result in disciplinary action up to and including termination of employment.

Furthermore, use of the Town credit card or vendor accounts in payment of personal expenses or for personal purchases will constitute a Category III(h) offense resulting in termination of employment with the Town.

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SECTION 6 EMPLOYEE BENEFITS

6.1 SCOPE AND PURPOSE:

This section sets forth the rules, regulations and procedures for the establishment and maintenance of the Town's Employee Benefits applicable to all personnel in the Town of Lake Park. Please refer to the Summary of Benefits and Coverage (SBCs) provided to employees for a more detailed description of the benefits summarized below. The current SBCs are always the governing documents. If there is a discrepancy or conflict between this handbook and any insurance or benefit plan, the plan controls. Reference those materials for a complete description of the plans as coverage may vary. Please contact Human Resources if you need another copy of these descriptions.

6.2 STATEMENT OF POLICY:

The Town of Lake Park is committed to providing the best possible employee benefits package to Town employees permitted by and feasible with the budget and the changing economic times.

All eligible employees of the Town shall receive employee benefits consistent with the Town's policy, the current contracts with the Town's benefits providers, and in accordance with applicable state and federal laws and applicable collective bargaining agreements, if any.

Town benefit plans shall be renegotiated from time to time and may undergo changes and modifications at those times based upon full consideration of marketplace and budgetary factors. Please note that nothing contained in the benefit plans shall be held or construed to create a promise of employment or future benefits, or a binding contract between the Town and its employees, retirees or their dependents, for benefits or for any other purpose. Employees shall remain subject to involuntary termination or discipline of the same extent as if these plans had not been put into effect.

6.3 SOCIAL SECURITY BENEFITS:

The Town participates in the Social Security program, deducting that portion of the employee's salary as required by law.

6.4 MEDICAL INSURANCE BENEFITS:

The Town provides medical insurance coverage for all of its regular full-time and eligible regular part-time employees who are regularly scheduled to work thirty (30) hours per week consistent with Town policy.

Specific medical insurance carriers may change from time to time in order to ensure that the Town is able to obtain competitive and reasonable rates for its employees.

The Town shall pay the cost of each regular full-time employee's medical insurance pursuant to Commission direction and may pay a set amount for employee's dependent care coverage.

Employees desiring dependent care coverage shall be responsible for paying their portion of dependent medical care coverage not provided by the Town.

Employees who are separated from employment with the Town through termination or resignation are eligible to apply for COBRA coverage as provided by law. The Human Resources Director is charged with notification of COBRA and coverage to eligible employees.

Regular full-time and eligible regular part-time employees who have other qualifying minimum value minimum essential medical insurance coverage have the option to decline, i.e. opt out of, the Town's medical insurance coverage by completing the Health Coverage Opt-Out Credit-Attestation Regarding Other Coverage form and submitting it to the Human Resources Director. Such employees are then eligible for monthly opt-out payments from the Town in the amount of not less than \$394.00 for Fiscal Year 2019 and shall adjust to the budgeted amount in the second and third year of this Agreement.

6.5 DENTAL AND VISION INSURANCE:

The Town provides dental and vision insurance coverage for all of its regular full-time and eligible regular part-time employees who are regularly scheduled to work thirty (30) hours per week consistent with Town policy.

In the event that the Town elects not to pay a portion of dental and/or vision care insurance for its employees, those employees may obtain dental and vision care coverage at the employee's expense through the Town's plan.

Employees desiring dental and/or vision care coverage for their dependents may elect to obtain coverage at the employee's expense through the Town's plan.

6.6 LIFE INSURANCE:

Pursuant to Commission direction, all regular full-time employees and part-time employees who are scheduled to work thirty (30) hours per work week are provided with a designated amount of life insurance consistent with Town policy.

Employees desiring increased life insurance coverage may obtain coverage at the employee's expense.

6.7 GROUP INSURANCE PARTICIPATION BY RETIRED EMPLOYEES:

A retiree is defined as anyone who voluntarily separates from employment with the Town of Lake Park with at least 25 years of continuous regular full-time service or anyone who has attained the normal retirement age of 65 with ten (10) years of continuous regular full-time service with the Town of Lake Park. All such retirees are eligible to continue their health and hospitalization benefits from the Town of Lake Park at their own expense at a premium cost of no more than the premium cost applicable to active Town employees which shall be paid by the retired employees.

6.8 PENSION AND DEFERRED COMPENSATION PLANS:

The Town may obtain and make available to its regular full-time employees a pension plan and a deferred compensation plan in which its employees may participate.

Details of the Town's Pension and Deferred Compensation Plans shall be made available in the Human Resources Department.

NOTE: In the event a regular full-time employee who is a participant in the Town's pension plan and deferred compensation plan is the subject of a reduction in force which results in the elimination of the employee's regular full-time position and if the employee is reclassified pursuant to the reduction in force as a regular part-time employee, the employee will be entitled to continued participation in the Town's pension and deferred compensation plan.

6.9 DISABILITY INSURANCE:

The Town pursuant to Commission direction provides short and long term disability insurance coverage for its regular full-time employees and eligible regular part-time employees who are regularly scheduled to work thirty (30) hours per week consistent with Town policy.

Details of the Town's disability insurance coverage shall be made available in the Human Resources Department.

NOTE: Short term disability and long term disability relating to an employee's medical condition cannot be supplemented by sick leave or major illness leave, and cannot be used for injury or illness in the line of duty.

6.10 VACATION, SICK AND PERSONAL LEAVE:

All Town regular full-time employees earn vacation, sick and personal leave in accordance as follows:

Vacation Leave:

All regular full-time employees shall earn vacation leave on an annual basis based upon their years of employment with the Town as follows:

- 0 to 5 years of employment 5 hours per pay period (16.25 days or 130 hours per fiscal year)
- 6 to 10 years of employment 6 hours per pay period (19.5 days or 156 hours per fiscal year)
- 10+ years of employment 8 hours per pay period (26 days or 208 hours per fiscal year)

All Town regular part-time employees shall earn vacation leave on an annual basis based upon the number of hours they work per year, as follows:

0 to 5 years of employment:

- For 50 hours worked per pay period – 3.125 hours per pay period or 81.25 hours per fiscal year
- For 60 hours worked per pay period – 3.75 hours per pay period or 97.5 hours per fiscal year
- For 70 hours worked per pay period – 4.375 hours per pay period or 113.75 hours per fiscal year

6 – 10 years of employment:

- For 50 hours worked per pay period – 3.75 hours per pay period or 97.5 hours per fiscal year
- For 60 hours worked per pay period – 4.5 hours per pay period or 117 hours per fiscal year
- For 70 hours worked per pay period – 5.25 hours per pay period or 136.5 hours per fiscal year

10+ years of employment:

- For 50 hours worked per pay period – 5 hours per pay period or 130 hours per fiscal year

For 60 hours worked per pay period – 6 hours per pay period or 156 hours per fiscal year

For 70 hours worked per pay period – 7 hours per pay period or 182 hours per fiscal year

The accrual of vacation time for employees covered by a collective bargaining agreement shall be determined as set forth in the collective bargaining agreement.

Leave is earned from the commencement of regular full-time and regular part-time employment status.

Employees must be in an active pay status during the pay period to be eligible to earn accrued leave.

Employees must use at least five (5) consecutive vacation leave days per calendar year for purpose of vacation.

Employees can accrue a total number of hours up to twice their accrual rate per fiscal year based upon their years of employment (e.g., for 0 to 5 years of employment $16.25 \text{ eight hour days} \times 2 = 32.5 \text{ days (2 years)}$.This equates to $32.5 \times 8 = 260 \text{ hours}$). **Effective as of September 30, 2020**, employees who have accrued more than twice the number of hours they accrue per fiscal year based upon their years of employment and who have not used such hours will forfeit such hours. Employees covered by a collective bargaining agreement shall accrue vacation leave as set forth in the agreement (i.e., union contract).

Upon separation from employment no employee shall be paid more than a maximum of 240 hours (30) days of vacation leave. Vacation leave shall be compensated upon termination of employment at the rate of pay in effect on the date of such termination of employment.

An employee seeking to use his or her vacation leave for purposes of vacation and/or attending to personal matters shall submit a Leave Request Form to the office of the Department Director at least forty-eight (48) hours in advance of the first day of requested leave, except in emergency situations. Requests for vacation leave of more than two (2) consecutive workdays must be submitted to the office of the Department Director at least two (2) weeks in advance of the first day of requested leave. All requests for use of vacation leave are subject to the approval of the Department Director, which approval shall not be unreasonably withheld. The Department Director, upon approval by the Town Manager, may approve use of vacation leave with shorter notice than specified in this section.

An employee may take all of his or her accrued vacation leave for purposes of vacation and/or personal matters up to a maximum of four (4) weeks at any one time, at the discretion of the Department Director.

Employees new to the Town who are still on probation shall accrue vacation leave, but shall not be eligible to use vacation leave during the first three (3) months of employment with the Town unless justified by the employee and approved by the employee's supervisor and Department Director.

NOTE: In the event an employee has exhausted their sick leave, in certain extraordinary circumstances the employee may request to use his or her available vacation leave subject to the recommendation by the Department Director and the approval by the Town Manager.

Sick Leave:

All regular full-time employees shall accrue sick leave at the rate of 2.16 hours per pay period, or seven (7) workdays per year, and shall be eligible to accrue up to a maximum of 320 hours (40 workdays).

All regular part-time employees shall earn sick leave on an annual basis based upon the number of hours they work per year, as follows:

For 50 hours worked per pay period – 1.35 hours per pay period

For 60 hours worked per pay period – 1.62 hours per pay period

For 70 hours worked per pay period – 1.89 hours per pay period

Sick leave may be used as a result of sickness or illness of the employee or of a member of the employee's immediate family as defined at subparagraph 4 below. Sick leave may also be used for the employee to attend to health-related appointments for which arrangements could not be made outside of the employee's regular hours of duty for the employee or the employee's immediate family member.

Upon voluntary separation of employment with the Town, employees shall be paid terminal pay of such sick leave in accordance with the Town's Terminal Pay policy set forth in Section 8.15 of this Handbook.

To be granted sick leave with pay, the following procedures must be strictly adhered to:

1. The employee shall notify the Department Director or supervisor not later than one hour prior to the beginning of the employee's normal work shift. Failure to appropriately and timely notify the Department of the employee's absence shall result in an unauthorized leave without pay for that day.
2. If an employee becomes ill while at work and must leave, the employee must report their illness to their supervisor or Department Director in order to record the date and time of their departure.

3. Sick leave shall not be authorized prior to the time it is earned and credited to the employee.
4. Sick leave may be granted to an employee because of sickness or illness of a member of their immediate family. Members of the immediate family, for purposes of granting sick leave, shall be construed to mean one of the following: spouse, domestic partner, children or parents. The relationship given shall include those arising from marriage, or adoption or legal guardianship.
5. Employees who have submitted their resignation are no longer eligible for sick leave without the express written permission of their Department Director and the Town Manager.
6. **Sick leave shall not be used for vacation leave.**

After three (3) consecutive workdays of absence the employee shall be required to submit medical documentation directly to the Human Resources Director. Employees who because of a physical or mental disability require accommodation in order for them to perform the essential functions of their jobs must directly advise the Human Resources Director of this so that the Town can process their request for reasonable accommodation as set forth at Section 6.13 of this Handbook.

Abuse of sick leave privileges such as reporting sick when not sick or obtaining sick leave under false pretenses shall be cause for disciplinary action, up to and including termination of employment.

Use of sick leave requires that the employee call in on a daily basis in accordance with Town leave procedures.

6.11 PAYOUT OF SICK LEAVE UPON SEPARATION FROM SERVICE:

The Town of Lake Park acknowledges the dedication of its regular full-time and regular part-time employees who through their exemplary job attendance demonstrate a commitment to the Town.

The Town will provide a payout of accrued sick leave to its regular full-time and regular part-time employees at voluntary resignation or retirement or in the event of a reduction in force (layoff), or to their beneficiaries if service is terminated by death. For purposes of receiving such a payout, resignation or retirement shall be by action of the employee and specifically excludes resignation or retirement after a recommendation for termination of employment.

Such payout of sick leave shall not exceed an amount determined as follows:

6 months – 5 years of service 25 percent times the number of days (or hours) of accumulated sick leave

6 – 10 years of service 37.5 percent times the number of days (or hours) of accumulated sick leave

10+ years of service 50 percent times the number of days (or hours) of accumulated sick leave

NOTE: In the event a regular full-time or regular part-time employee dies while in the employment of the Town and is owed any portion of a paycheck, the employee's spouse shall be paid the amount owed to the Town's employee. In the event the employee does not have a spouse, the employee's designated primary beneficiary for life insurance shall be paid this amount.

Personal Leave:

All regular full-time Employees may use 24 hours of sick leave per fiscal year designated as personal leave. Personal leave is part of the sick leave bank and in order to take personal leave, an employee must have a sufficient amount of sick leave to cover the amount of personal leave to be taken.

All regular part time employees may use sick leave as designated personal leave on an annual basis based upon the number of hours they worked per year, as follows

For 50 hours worked per pay period – 15 hours per fiscal year

For 60 hours worked per pay period – 18 hours per fiscal year

For 70 hours worked per pay period – 21 hours per fiscal year

(Per Administrative Policy #19-009 dated 11/4/2019)

Employees covered by a collective bargaining agreement shall utilize personal leave as set forth in the agreement (i.e., union contract).

Personal leave, while deducted from an employee's annual sick leave accrual, may be used for any reason.

Employees seeking to use personal leave for an entire workday (i.e. eight hours) must notify their Department Director or supervisor at least one hour prior to the beginning of the employee's work shift.

To be granted personal leave for less than an entire workday (i.e. eight hours), the following procedures must be strictly adhered to in order to obtain authorization from the employee's Department Director:

1. Whenever possible, the employee shall notify the Department Director or supervisor not less than one hour prior to the beginning of the employee's normal work shift.
2. If an employee encounters a situation prior to the start of the work shift which would not allow an hour's notice, the employee shall notify the Department Director or supervisor as soon as possible to request authorization to use personal leave.
3. If an employee encounters a situation while at work and must leave, the employee must notify their Department Director or supervisor prior to leaving in order to request authorization to use personal leave.

NOTE: Personal leave cannot be carried over from year to year. Personal leave must be used in a minimum of full hour increments. Employees covered by a collective bargaining agreement shall use personal leave as set forth in the agreement (i.e. union contract).

6.12 MAJOR ILLNESS LEAVE:

Paid major illness leave is available upon application by employees who need to be off work for an extended period due to their own major illness or injury.

A major illness is defined generally as an illness or injury requiring medical treatment and enforced recuperation or ongoing intermittent/continual treatment under a doctor's orders.

Recurring, common illnesses or maladies such as colds, a sore back, etc., which exhaust regular sick leave, **do not qualify an employee for major illness benefits.**

Major illness leave shall be accumulated at 1.5 hours per pay period to a maximum of 80 hours (ten (10) workdays). Employees must be in an active pay status during the pay period to be eligible to earn major illness leave. All unused hours that are accumulated are not eligible for payment to the employee upon separation of employment from the Town.

Employees applying for the use of major illness leave must submit a Physician's Certificate documenting the illness. The application for receiving major illness leave must be recommended by the Department Director and forwarded to the Town Manager for consideration and possible approval. Following the use of major illness leave for purposes other than absences due to ongoing intermittent/continual treatment, a doctor's statement of "fitness for full duty" shall be required in order to return to work.

Employees who become eligible for short or long term disability during the documented illness shall be required to use the short term or long term disability provided by the Town, and to complete and submit to the Human Resources Director the employee statement and attending

physician's statement portions of the short term disability claim form within five (5) workdays of the employee's last day worked. Failure to do so may result in disciplinary action. Employees may use vacation leave to supplement the short-term and long-term disability.

NOTE: Employees applying for short or long term disability may submit the Attending Physician's Statement accompanying such claim forms as the Physician's Certificate documenting the illness.

6.13 REASONABLE ACCOMMODATION:

The Town complies with federal and state laws regarding disability, including the Americans with Disabilities Act (ADA). Qualified job applicants or employees who inform the Town of a recognized disability which requires an accommodation in order for them to perform the essential functions of their jobs shall advise the Human Resources Director of the need for accommodation and submit a request on a Town Request for Accommodation form. The Human Resources Director shall determine whether the accommodation requested is reasonable, and if so make such modification as may be necessary to allow the employee to perform the essential functions of the job.

6.14 SICK LEAVE AND VACATION LEAVE DONATION PROGRAM:

The Town of Lake Park recognizes and values the contribution and dedication of its employees and desires that Town employees who have non-work related major illnesses or injuries have access to use of a sick leave donation program.

Eligible employees must first have exhausted their vacation, sick/personal leave, including major illness leave, and must be in an authorized leave without pay status prior to requesting the use of sick leave from the donation program.

An eligible employee may request sick leave from the program by submitting a written request for paid sick leave from the donation program to the Town's Human Resources Director. The written request must be on the Town's Vacation/Sick Leave Donation Request Form and shall include a note from the employee's physician certifying that the employee has a non-work related major illness or injury, the anticipated length of time necessary for the employee to recover and return to work and a release authorization signed by the employee that the Town may call the physician to determine eligibility and recovery information.

Upon receipt of necessary documentation, the Human Resources Director shall submit the request to the Town Manager for approval. In reviewing the request, consideration will include the requesting employee's leave history, as well as the severity of the illness/injury.

Donated time will be given to the requesting employee on a dollar-for-dollar exchange between the requesting employee and the donor employee.

The Human Resources Director and the Finance Department Director shall be notified of the employee's return to work and/or any major changes in the employee's medical condition.

If approved, the Town Manager shall send out a letter and Sick Leave Donation forms to the Town's employees notifying them of the request for the donation of sick leave from the requesting employee.

In the event a number of employees desire to donate their accrued sick leave to the requesting employee, each donor employee will, to the extent possible, have the same number of hours deducted from among the group of donating employees.

6.15 LEAVE OF ABSENCE WITHOUT PAY:

Regular full-time employees are eligible for leave of absence without pay; however, all requests for this type of leave shall be reviewed on a case-by-case basis and must be approved in advance by the Department Director and the Town Manager.

Requests for leave without pay shall be made in writing by the employee's Department Director for submittal to and approval by the Town Manager.

Except in unusual circumstances, all (vacation, sick and personal) leave must be exhausted before leave without pay is approved and authorized.

Leave without pay shall not exceed three (3) months unless the Town Manager provides advance written approval of such an extension not to exceed an additional three (3) months.

Vacation and sick leave benefits shall not be earned during extended leave without pay. Those employees who are approved for an extension shall pay the entire amount of health, dental and vision insurance as well as any elective benefit premiums for themselves and any dependents.

When returning to work, the employee shall, to the extent feasible, be re-instated to the former position or one of equal status and pay, if available, and may be required to present a physician's certification of fitness for duty.

6.16 BEREAVEMENT LEAVE:

When a death occurs in the immediate family of an employee, he or she shall be granted three (3) days of paid leave at their prevailing rate of pay. In the event that the funeral is held in a state other

than Florida, an additional two days of paid funeral leave may be granted at the discretion of the Department Director.

For the purpose of this Section, the immediate family shall consist of: parents, spouse, children, domestic partner, sister, brother, grandparents and those relationships that arise as a result of marriage or adoption, or legal guardianship.

Proof of death of the immediate family member must be furnished to the Human Resources Director in order for the employee to receive compensation pursuant this Section. Such proof of death shall be a published death notice or such other documentation that is acceptable to the Human Resources Director.

6.17 LEAVE TO ATTEND FUNERALS:

Regular full-time and regular part-time employees may take time off to attend funerals by utilizing personal leave in accordance with Town policy.

6.18 TOWN APPROVED HOLIDAYS:

The Town provides fourteen (14) paid holidays per year for all regular full-time employees:

- New Year's Day
- Martin Luther King Day
- Presidents' Day
- Spring Holiday (as set forth in the annual Town Calendar)
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day
- Day after Thanksgiving
- Winter Holiday (i.e., the day before Christmas)
- Christmas Day
- Floating Holiday of Employee's Choice*
- Employee's Birthday**

In the event that the holiday occurs on a weekend, the workday closest to the holiday shall be the observed paid holiday.

*The Floating Holiday of the Employee's Choice must be scheduled and taken during the applicable fiscal year (i.e. October 1 through the last full pay period in the month of September). The Floating Holiday leave must be used in a minimum of eight hour increments.

**The employee's Birthday Holiday must be taken before the last day of the month immediately preceding the employee's birthday or it will be forfeited. Employees must be employed as a regular full-time or regular part-time employee on the date the birthday occurs in order to be eligible for the Birthday Holiday. The employee must notify the supervisor and obtain department approval prior to designating and taking either of these holidays. Regular full-time employees must use the Birthday Holiday in a minimum of four hour increments. Regular part-time employees must use the Birthday Holiday in six or seven hour increments depending upon their regular part-time work schedule.

For example, if they are 60 hour biweekly part-time employees, they are entitled to six Birthday Holiday hours and must take them in a six hour increments. If they are 70 hour bi-weekly part-time employees, they are entitled to seven Birthday Holiday hours and must take them in a seven hour increments.

6.19 HOLIDAY PAY:

All regular full-time and regular part-time employees of the Town are eligible to receive holiday pay in accordance with Town procedures. To receive this benefit, an employee must be at work on a normally scheduled workday or on a paid pre-approved leave day or designated furlough day the day before and the day after the scheduled holiday.

Holiday pay shall be paid at the employee's regular rate of pay for a maximum of eight (8) hours of pay.

For regular part-time employees, holiday pay shall be paid at the employee's regular rate for a maximum of 10 percent of the regular scheduled pay period.

For example: Employees who work 70 hours per pay periods shall be paid at the employee's rate for a maximum of seven (7) hours of pay. Employees who work 60 hour pay periods shall be paid at the employee's rate for a maximum of six (6) hours of pay.

If the time worked varies biweekly, the hours paid would correspond to the total dollars budgeted divided by 26 and then multiplied by 10 percent, as follows:

$$\begin{aligned} \text{Budget hours } 1,040^1 / 26 &= 40 \text{ (hours biweekly)} \\ 40 \times .10 &= 4 \text{ hours of holiday pay} \end{aligned}$$

NOTE: When a regular full-time employee must work on a paid legal holiday observed by the Town, the employee shall be credited with eight (8) hours of vacation leave.

6.20 JURY DUTY:

¹ Regular full-time employees work a total of 2,080 hours per year.

Any regular full-time employee who is required to be absent from his regular duties by reason of jury duty shall be excused from duty with pay. If the employee receives payment from the Court, the employee must endorse the check over to the Town.

Employees who seek to be excused from duty under this article shall present official notice of jury duty to their supervisor at least twenty-four (24) hours in advance of the scheduled jury duty (unless the employee actually receives less than twenty-four hours advance notice of jury duty). Employees who are required to be absent from duty by reason of jury duty shall submit documentation to the Town showing all days and hours of jury duty upon return to work. Upon being released from jury duty the employee shall immediately report for work except that employees released from jury duty on or after 2:00 p.m. shall not be required to report for work until the next working day.

6.21 OFFICIAL COURT ATTENDANCE:

Regular full-time employees who are subpoenaed or ordered to appear as a witness for a deposition or other legal proceeding or to testify at trial or other legal proceeding in an official capacity on behalf of the Town, state or federal government shall be entitled to leave with pay for such period as the employee's court attendance is required.

Such leave shall not be charged against any leave balances and mileage may be reimbursed if the employee uses his or her personal vehicle for transport.

Employee participation in any litigation not associated with their employment with the Town, which requires that the employee be absent from work shall use either personal leave or vacation leave in accordance with Town policy.

6.22 MILITARY LEAVE:

The Town complies with applicable federal and state law regarding military leave and re-employment rights. The Town authorizes leave with pay for employees who are commissioned reserve officers or reserve enlisted personnel in the United States military or naval services or National Guard who are called to active duty or to attend training. The employee must provide documentation for each training session. If additional days of documented training are required, the employee may use accrued leave other than sick leave. Documentation of the need for the leave is required to be submitted to Human Resources Director. An employee returning from military leave of absence will be reinstated to his or her previous or similar job in accordance with state and federal law. Employees must notify their Department Director of their intent to return to employment based on requirements of the law. More information regarding status, compensation, benefits and reinstatement upon return from military leave, can be obtained from the Human Resources Department.

a. Training. In accordance with Section 115.07, Florida Statutes, an employee who is a member of the National Guard, or in an organized military reserve of the United States, will be granted a leave of absence with pay not to exceed a maximum of two-hundred and forty (240) working hours during each fiscal year when they are engaged in training ordered under the provisions of the United States military or naval training regulations for such personnel when assigned to active or inactive duty.

b. Active Service.

(1) In accordance with Section 115.09, Florida Statutes, an employee who is a member of the National Guard, or in an organized military reserve of the United States, will be granted a leave of absence with pay not to exceed a maximum of thirty (30) days when they are called to active military service. The normally scheduled work days within the first (30) day period of any such leave of absence may be with full pay, and thereafter, the Town will supplement the difference between an employee's military compensation and their regular rate of Town pay for up to 100 percent (provided the amount of military compensation does not exceed their regular Town pay).

(2) In accordance with Section 250.48, Florida Statutes, an employee who is a member of the Florida National Guard will be granted a leave of absence with pay not to exceed a maximum of thirty (30) days at any one time for periods of active State duty pursuant to Section 250.28 or 252.36, Florida Statutes.

c. All other military leave shall be unpaid and granted in accordance with the provisions of the Uniformed Services Employment and Reemployment Rights Act (USERRA) and Towns policy herein.

d. Additionally, employees returning from approved military leave may be eligible for job reinstatement in accordance with USERRA.

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6.23 COLLEGE TUITION REIMBURSEMENT:

The Town may reimburse its employees for some or all of their tuition expenses, and textbooks in accordance with Town policy provided that the coursework is taken at an accredited educational institution and that the coursework is related to the employee's job function and the employee executes an agreement with the Town to remain in the Town's employment for two years following completion of the last reimbursed course. In the event that the employee does not remain in the Town's employment for two years following the completion of any class, then in accordance with the agreement executed between the Town and the employee, the employee shall reimburse any and all funds that have been paid by the Town within the last 24 months. The employee seeking such reimbursement shall enter into an agreement with the Town setting forth the above requirements, which agreement shall be approved by the Town Commission on a case-by-case basis.

The Town reserves the right to modify its tuition reimbursement program depending upon the availability of funding.

The Town further reserves the right to cap the amount of per credit hour reimbursement for employee coursework in an amount not to exceed the State of Florida's university system credit hour cost.

In order to qualify for reimbursement and prior to the payment of any tuition:

- No later than April 1st, an employee seeking tuition reimbursement shall submit such information on the course(s) for which he is seeking reimbursement to his Department Director which demonstrates to the satisfaction of the Department Director that the courses are related to the employee's job function; and
- Employees shall not be entitled to reimbursement pursuant to this section unless funding for education has been included in the approved Town budget for the fiscal year in which reimbursement is sought.
- Once such funding has been included in the approved Town budget and the budget has been approved by the Town Commission, the employee shall provide documentation to his Department Director of his enrollment in the coursework for which reimbursement is being sought. The Department Director shall provide such documentation to the Human Resources Director in order for the Human Resources Director to prepare the tuition reimbursement agreement between the employee and the Town for approval by the Town Commission.

Under no circumstances will the pursuit of a college education be allowed to interfere with an employee's duties or efficiency of the Department as determined by the Department Director.

The employee shall provide a copy of all grade reports to the Human Resources Director upon receipt by the employee.

Reimbursement shall be based upon receipt of the grade achieved or the equivalent record of achievement such as a transcript as follows:

Grade A or equivalent 100 percent reimbursement

Grade B or equivalent 80 percent reimbursement

Grade C or equivalent 50 percent reimbursement

Below C..... No reimbursement

If the employee is working toward a degree, the course cost shall not be reimbursed if it is not a documented required course for obtaining the degree sought.

NOTE: Payments for educational credits for union employees shall be done in accordance with the collective bargaining agreement.

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6.24. WORKERS' COMPENSATION:

Town employees are eligible for workers' compensation benefits in accordance with state law, Town policy as set forth in the Town's Illness in the Line of Duty Policy as set forth in this Handbook at Section 8.15, and applicable collective bargaining agreements if any.

Employees involved in an accident or who sustain an injury or illness arising from and in the course of employment must notify their respective supervisor immediately.

The immediate supervisor or Department Director shall immediately notify the Human Resources Director for insurance and risk management purposes, and for purposes of requiring that the employee obtain a post-accident drug test. The Human Resources Director shall report the injury to the Town's workers' compensation carrier and to the Town Manager.

The Town expressly prohibits retaliation of any kind against anyone who has claimed or is attempting to claim workers' compensation. Any such retaliation will not be tolerated and may result in discipline up to and including discharge.

6.25 UNEMPLOYMENT COMPENSATION:

The Town provides unemployment compensation benefits for its employees as required by state law.

6.26 FAMILY AND MEDICAL LEAVE:

The Family and Medical Leave Act policy of the Town shall be interpreted, governed and in accordance with the Family and Medical Leave Act of 1993 or any subsequent amendment, and as set forth in Section 8.4 Town Policies.

Employees who have worked for the Town for a total of twelve (12) months and who have worked at least 1,250 hours over the previous twelve (12) month period may take up to twelve (12) weeks of job protected unpaid leave during any twelve (12) month period for certain specified reasons as set forth in the Town policy.

6.27 REQUESTS FOR INCOME AND EMPLOYMENT VERIFICATION:

The Town has a general policy to provide neutral references only. All requests for employment references and employment and income verification pertaining to current or former Town employees shall be forwarded directly to the Human Resources Department for completion and response.

**SECTION 7
EMPLOYEE RIGHTS
AND DISCIPLINARY PROCEDURES**

7.1 SCOPE AND PURPOSE:

This section sets forth the rules, regulations and procedures for the establishment and maintenance of the Town's Employee Rights and Disciplinary Procedures applicable to relevant personnel of the Town of Lake Park.

Employees covered by applicable collective bargaining agreements shall be afforded the rights contained in this section and if in conflict with their collective bargaining agreement, the collective bargaining agreement shall prevail.

7.2 STATEMENT OF POLICY:

The Town of Lake Park is committed to ensuring that all employees of the Town are entitled to fair, consistent and equitable treatment in their employment with the Town. This by necessity provides that the rights of all Town personnel shall be respected, that they will be afforded equal treatment and that any disciplinary actions taken will be done in accordance with applicable laws, due process and Town policy and procedures.

7.3 DUE PROCESS OF LAW:

Town employees shall be afforded clear, concise standards of conduct by which to conduct themselves. As set forth in Section 5 of this Handbook, employees of the Town are considered representatives of the Town of Lake Park, and as such, they are expected to conduct themselves in a manner that reflects credit upon themselves and the Town.

As a direct consequence, the Town, through its Town Manager, Department Directors and supervisors, shall ensure that when necessary, employees subject to possible disciplinary action shall be afforded all aspects of due process of law, including the opportunity to have any potential disciplinary infractions, grounds and/or complaints made known to them, unless specifically prohibited by law or a law enforcement entity, the right to be heard and to respond to those matters orally and/or in writing, as appropriate.

7.4 FORMAL CONFERENCE:

A formal conference is a discussion which may occur whenever it is deemed necessary for the Town Manager, Department Director or a supervisor to engage in fact finding concerning an employee's unsatisfactory or unacceptable behavior or performance.

A formal conference affords the employee the right to be told the nature of any incident, offense or behavior that may be the basis for disciplinary action to be taken against the employee and to present the employee's side of the story.

A formal conference may lead to disciplinary action being taken, but the conference/meeting is not disciplinary in nature.

A document recording the date, time and basis for the formal conference shall be placed in the employee's personnel file after the employee has signed acknowledgment of receipt of the conference document.

NOTE: Notwithstanding the provisions set forth in Section 7.4, the Town Manager reserves the right to hold a formal conference without notice with any employee if the Town Manager deems such conference to be warranted.

7.5 GROUNDS FOR DISCIPLINARY ACTION:

Employees of the Town are accountable for their individual levels of productivity, fulfilling the duties of their positions and rendering effective and efficient delivery of services on behalf of Town residents and members of the public.

Whenever an employee renders deficient performance, violates any rule, regulation, Town policy or procedure, or engages in any action which the Town Manager determines is sufficient cause for discipline, that employee shall be subject to disciplinary action as appropriate. The employee will be notified by the employee's supervisor, as soon as possible, if legally permissible, of the noted deficiency or violation, or as set forth in an applicable collective bargaining agreement.

7.6 PROGRESSIVE DISCIPLINE:

The Town recognizes the concept of progressive discipline and shall utilize, when appropriate, the tenets of progressive discipline as the desirable method for remediation of the employee's behavior.

While it is recognized that the least intrusive methods for correcting behaviors shall be utilized whenever possible, the degree of discipline shall be related to the seriousness of the offense and the employee's record.

7.7 TYPES OF DISCIPLINARY ACTIONS:

Types of disciplinary actions that may be taken against Town employees may include:

- documented written verbal reprimand;
- documented written reprimand;
- suspension of up to three workdays without pay;
- suspension of greater than three workdays without pay; or
- termination of employment.

7.8 CATEGORIES FOR DISCIPLINARY ACTIONS:

The Town has set forth three (3) categories for disciplinary actions, (i.e. Category I, Category II and Category III) consisting of sample examples of grounds for such action. Such examples are illustrative and are not intended to be the complete list of possible grounds for disciplinary action.

The employee standards and behaviors set forth in Section 5 Employee Standards and Procedures of the Handbook are required to be followed by all Town employees. Employees failing to adhere to those standards shall be subject to disciplinary actions as appropriate.

The Town reserves the right to treat each disciplinary occurrence individually without setting precedent for future cases. Depending on the circumstances, the Town reserves the right to combine or skip steps in this process depending on the facts of each situation and the nature of the offense.

The Town further reserves the right and has the duty to judge each incident separately, and may modify penalties to include lesser or more severe penalties when appropriate circumstances exist.

Accordingly, employee behaviors that demonstrate patternistic or repetitive negative behaviors may cumulatively warrant greater disciplinary action.

7.9 CATEGORY I - GROUNDS FOR DISCIPLINARY ACTION:

First Offense: Documented Written Verbal Reprimand

Second Offense: Documented Written Reprimand

Third Offense: Suspension of up to three workdays without pay at the determination of the Town Manager

Fourth Offense: Suspension of greater than three workdays without pay at the determination of the Town Manager

Fifth Offense: Termination of Employment

- a. Discourtesy to any person the employee comes in contact with while in the performance of duties, on Town property or Town time.
- b. Creating conflict with co-workers or supervisors.
- c. Failure to report absence or late arrival to work to the supervisor (or other designated representative) by the time required by departmental policy.
- d. Wasting time or loitering during working hours.
- e. Tardiness in reporting to work.
- f. Taking more than specified time for meals or rest periods.
- g. Productivity or workmanship not up to required standards of performance.
- h. Using all available paid leave as earned excluding authorized and approved vacation days.
- i. Operating, using or possessing tools, equipment or machines to which the employee has not been assigned or using Town-owned equipment without prior authorization from the immediate supervisor.
- j. Violating a safety rule or practice, including failure to wear safety equipment or to follow safety rules as requested.
- k. Engaging in horseplay, wrestling, malicious mischief, demonstrations on the job or other types of disorderly conduct.
- l. Creating or contributing to unsafe/unsanitary conditions or poor housekeeping.
- m. Failure to report outside employment, including self-employment, to the appropriate Department Director.
- n. Unauthorized posting or removal of any matter on the Town bulletin boards or Town property at any time.
- o. Unauthorized distribution of written, electronic or printed matter of any description on Town premises.
- p. Soliciting, vending or collecting contributions for any purpose whatsoever at any time on Town premises, unless authorized.
- q. Violating the Town's dress code.
- r. Violating the Town's policy pertaining to personal phone calls.
- s. Engaging in an action which the Town Manager determines is sufficient cause for discipline under this category.

7.10 CATEGORY II - GROUNDS FOR DISCIPLINARY ACTION:

First Offense: Documented Written Reprimand or Suspension of up to three workdays without pay at the determination of the Town Manager.

Second Offense: Suspension of greater than three workdays without pay at the determination of the Town Manager

Third Offense: Termination of Employment

- a. Failure to work overtime, special hours or special shifts, after being scheduled or assigned according to overtime and standby duty policies.

- b. Failure to report an arrest or incarceration, or to report a suspension or revocation of a driver's license if required for the employee's job.
- c. Threatening, intimidating, coercing or interfering with coworkers or supervisors at any time.
- d. Sleeping during working hours.
- e. Being in possession, and/or under the influence of alcohol or illegal drugs or the improper use of prescription drugs, or other unauthorized substances as defined in the Town's Drug Free Workplace Policy as set forth at **Appendix F** of this Handbook while on duty, operating Town equipment or on Town property. **NOTE:** A repeat of this offense will result in immediate termination of employment in adherence to the Town's Drug Free Workplace Policy.
- f. Participating in activities involved with gambling and other games of chance while on duty.
- g. Absence without permission or without notification prior to the start of the workday.
- h. Accumulating two (2) unauthorized leave days without pay (LWOP) in a twelve-month period (i.e., chronic absenteeism).
- i. Quitting work or leaving assigned work area during working hours without permission.
- j. Making or publishing false, vicious or malicious statements concerning any employee, supervisor, the Town or its operation.
- k. Use of abusive or obscene language while on duty.
- l. Violation of the Town's Workplace Bullying Policy.
- m. Violation of the Town's Non-Fraternization Policy.
- n. Carelessness or any other misbehavior which results in injury to Town personnel or damage to any Town Property or the property of others while on duty.
- o. Any misuse or negligent acts to a Town owned cellular phone or mobile communication device, cellular phones and electronic devices.
- p. Unauthorized use or possession of another employee's personal property, tools or equipment without the employee's consent.
- q. Failure to immediately report an illness, accident or personal injury in which the employee was involved while on the job.
- r. Unauthorized use of Town vehicles.
- s. Driving a Town vehicle on duty without possession of the appropriate valid State of Florida driver's license.
- t. Participation in prohibited political activity.
- u. Using the Town's information technology system (i.e., computers, cellular phones, etc.) in a manner that is in violation of the Town's policies and procedures governing such usage.
- v. Incompetence or inefficiency in the performance of assigned duties.
- w. Concealing defective work which results in a liability to the Town.

- x. Insubordination, including but not limited to the following:
 - Disobedient to authority; refusal to obey orders
 - Refusal to perform an assigned task
 - Delay in performing an assigned task
 - Failure to perform an assigned task
- y. Engaging in an action which the Town Manager determines is sufficient cause for discipline under this category.

7.11 CATEGORY III - GROUNDS FOR DISCIPLINARY ACTION:

First Offense: Termination of Employment

- a. The manufacture, distribution, dispensing or sale of narcotics or illegal drugs or alcohol or other unauthorized substances as defined in the Town's Drug Free Workplace Policy while on duty, operating Town equipment, or on Town property.
- b. Chronic incompetence or inefficiency in the performance of assigned duties.
- c. Gross insubordination, including but not limited to, wanton or willful neglect in the performance of assigned duties, or a repeated act or acts of insubordination or disobedience to authority.
- d. Misusing, destroying or damaging any Town property or property of any employee.
- e. Falsification of personnel or Town records, including but not limited to employment applications, accident reports, leave records, work records, purchase orders, time sheets or any other records.
- f. Violation of the time card policy.
- g. Making false claims or misrepresentation in an attempt to obtain accident benefits, workers' compensation or unemployment benefits for the employee or another employee.
- h. Use of the Town's credit card or vendor accounts in payment of personal expenses or for personal purchases.
- i. Provoking or instigating a fight, or participating in a fight on Town Property or while on duty.
- j. Possession or use of firearms, ammunition, explosives or weapons on Town property while on duty, unless expressly permitted by Florida law.
- k. Theft, or removal, of any Town Property, or property of any employee, or the property of a member of the general public without proper authorization.
- l. Failure to report to the employee's supervisor the restriction to or loss, suspension, revocation, expiration, etc. of a driver's license when the employee is required to drive while on duty or with restriction to the employee's driver's license which has not been immediately reported to the employee's supervisor.

- m.** Moral turpitude, including but not limited to, immoral, unlawful or improper conduct or indecency, either on or off the job, which would tend to affect the employee's relationship to his or her job, fellow workers or reputation in the community.
- n.** Abandonment of position, i.e., absence from duty for a period of two consecutive workdays without proper authorization.
- o.** Failure to return to work from an authorized leave within two workdays from the scheduled date of return without proper authorization.
- p.** Accumulating five (5) unauthorized leave days without pay (LWOP) in a twelve-month period.
- q.** Acceptance from any person of a fee, gift or any other item of value when such fee, gift or item of value is given in the hope or expectation of receiving a favor or benefit from the Town or its employees.
- r.** Soliciting or accepting gifts or tips in connection with Town business.
- s.** Use or attempted use of the authority or influence of Town employment for the purpose of soliciting personal discounts from Town vendors.
- t.** Use or attempted use of political influence or bribery to secure an advantage of any manner with the Town or its employees- (i.e., conflict of interest).
- u.** Work stoppage, i.e., curtailment or restriction of work including, but not limited to, walkout, slowdown, strike, calling in sick, or interference with work on Town work stations or refusal to return to work at the scheduled time.
- v.** Refusal to consent to drug and/or alcohol screenings when deemed necessary by the appropriate supervisor under the terms of the Drug Free Workplace Policy of the Town.
- w.** Sexual harassment, i.e., making unwelcome sexual advances, requests for sexual favors, other verbal or physical advances of a sexual nature, or the distribution or display of sexually explicit jokes, photographs or graphs while on duty, during business-related travel and all work-related social functions while on duty even if such functions are held outside of Town property.
- x.** Harassment or retaliation, i.e., inappropriate behavior consisting of making derogatory remarks about a person's membership in a protected class (which includes, but is not limited to women, African-Americans, Hispanics, Native Americans, Asian-Americans [including Pacific Islanders], people age 40 or older, the disabled, veterans and religious groups), posting of cartoons or other visual messages, the distribution or display of jokes that stereotype or make fun of a protected class, or verbal or nonverbal comments or innuendoes that have a negative connotation for a protected class while on duty, during business-related travel and all work-related social functions while on duty even if such functions are held outside of Town property.

- y. Gross misconduct or other serious violations of the Town's policies or procedures or employment standards.
- z. Any action determined by the Town Manager to be so serious as to warrant immediate termination of employment.

7.12 DISCIPLINARY PROCEDURES OF THE TOWN:

The Town, through the Town Manager, Department Directors and its supervisors, utilize various types of corrective measures and procedures when corrective action is warranted. The Town generally adheres to the concept of progressive discipline as follows:

- 1. DOCUMENTED WRITTEN VERBAL REPRIMAND** – A documented written verbal reprimand is used to counsel an employee for purposes of correcting unsatisfactory or unacceptable behavior, conduct or performance. The supervisor, when necessary and appropriate, will verbally advise the employee of the behavior or conduct giving rise to the supervisor's concern in order to place the employee on notice that the behavior or conduct is unacceptable and must be corrected. The documented written verbal reprimand is a record of this verbal counseling for the purpose of inserting it into the employee's personnel file.

Documented written verbal reprimands are used as a method of counseling the employee when necessary. The supervisor will counsel the employee concerning the employee's behavior and will document that a verbal reprimand has been given to the employee, which shall be submitted immediately to the Human Resources Director for placement in the employee's personnel file.

A documented written verbal reprimand does not require a formal conference.

- 2. DOCUMENTED WRITTEN REPRIMAND** – A documented written reprimand is used if a documented verbal reprimand fails to correct the employee's deficient behavior, conduct or performance or if the seriousness or repetition of the behavior warrants a written reprimand.

The procedure for providing an employee with a documented written reprimand shall include a formal conference with the employee prior to issuance of the written reprimand as follows:

- A discussion with the employee by the employee's supervisor or Department Director which provides an explanation to the employee of how the employee has not met expectations;
- A review of the appropriate expectations of behavior and why such behavior is expected and required;

- An opportunity for the employee to discuss any mitigation of the unacceptable behavior or to clarify the event;
- Suggestions for corrective actions.

If the conference results in the supervisor or Department Director's determination that a documented written reprimand is warranted, the supervisor or Department Director shall prepare the written reprimand utilizing the Town form and specifying the nature and date of the offense, the corrective action required and notice that continued unsatisfactory behavior shall result in greater disciplinary action, up to and including termination of employment.

The employee will be required to sign acknowledgement of receipt of the documented written reprimand. The employee shall be given the right of appendage of a written document providing any additional information, which shall, along with the written reprimand, be submitted immediately to the Human Resources Director for placement in the employee's personnel file.

3. SUSPENSION OF UP TO THREE WORKDAYS WITHOUT PAY – A suspension of up to three (3) workdays without pay shall be imposed in those cases when the infraction committed by the employee warrants disciplinary action but is not deemed so serious as to result in a recommendation for a longer term suspension or termination of employment.

Prior to a recommendation that an employee be suspended for up to three (3) workdays from employment, a formal conference shall be held in accordance with Town policy and procedures as follows:

- A discussion with the employee by the employee's supervisor and/or Department Director which provides an explanation to the employee of how the employee has not met expectations, including a full review of any prior incidents or behaviors that have led to previous disciplinary action;
- A review of the appropriate expectations of behavior and why such behavior is expected and required;
- An opportunity for the employee to discuss any mitigation of the incident or unacceptable behavior or to clarify the event; and
- Suggestions for corrective actions.

If after the conference is held, the supervisor and Department Director still determine that suspension of up to three (3) workdays is warranted, the Department Director shall prepare and submit the documentation pertaining to the infraction to the Human Resources Director, who shall review it for completeness and shall forward it to the Town Manager for approval.

The Town Manager shall review all relevant documentation and information pertaining to the infraction and shall be charged with making the final determination whether an employee shall be suspended for up to three (3) workdays without pay from Town employment and the length of the suspension. The Human Resources Director shall prepare the Notice of Suspension document.

In the event that the Town Manager approves the suspension, the employee shall be notified of the suspension, the length of the suspension and the terms of the suspension, and of the employee's right to appeal the suspension and the manner and method of the appeal.

The employee shall be provided by the Human Resources Director with the Notice of Suspension document and shall be required to sign acknowledgement of receipt of the form, which shall be placed in the employee's personnel file.

4. SUSPENSION OF GREATER THAN THREE WORKDAYS WITHOUT PAY – A suspension of greater than three (3) workdays without pay shall be imposed in those cases when the infraction committed by the employee warrants significant discipline and is not deemed so serious as to warrant termination of employment.

Prior to a recommendation that an employee be suspended for greater than three (3) workdays from employment, a formal conference shall be held in accordance with Town policy and procedures as follows:

- A discussion with the employee by the employee's supervisor and/or Department Director which provides an explanation to the employee of how the employee has not met expectations, including a full review of any prior incidents or behaviors that have led to previous disciplinary action;
- A review of the appropriate expectations of behavior and why such behavior is expected and required;
- An opportunity for the employee to discuss any mitigation of the incident or unacceptable behavior or to clarify the event; and
- Suggestions for corrective actions.

If after the conference is held, the supervisor and Department Director still determine that a suspension of greater than three (3) workdays is warranted, the Department Director shall prepare and submit the documentation pertaining to the infraction to the Human Resources Director, who shall review it for completeness and shall forward it to the Town Manager for approval.

The Town Manager shall review all relevant documentation and information pertaining to the infraction and shall be charged with making the final determination whether an employee shall be suspended for greater than three (3) workdays without pay from Town

employment and the length of the suspension. The Human Resources Director shall prepare the Notice of Suspension document.

In the event that the Town Manager approves the suspension, the employee shall be notified of the suspension, the length of the suspension and the terms of the suspension, and of the employee's right to appeal the suspension and the manner and method of the appeal.

The employee shall be provided by the Human Resources Director with the Notice of Suspension document and shall be required to sign acknowledgement of receipt of the form, which shall be placed in the employee's personnel file.

5. TERMINATION OF EMPLOYMENT – The Town recognizes the seriousness with which the disciplinary action of termination of employment is acted upon, and as such, requires that Town policy and procedures be followed to ensure that the employee's right to due process is met.

Prior to a recommendation that an employee be terminated from employment, a formal conference shall be held in accordance with Town policies and procedures as follows:

- A discussion with the employee of the nature of the charge against the employee;
- An opportunity for the employee to provide any mitigation or to further explain the circumstances giving rise to the charge; and
- Notification to the employee of the seriousness of the charge and the possibility of the consequence (i.e. termination of employment).

If the required conference fails to provide any mitigating circumstances warranting a lesser disciplinary penalty, a termination notice shall be prepared by the Human Resources Director in accordance with Town policy and procedure, who shall forward it to the Town Manager for approval.

The termination notice shall contain a record of previous disciplinary action, if any, the reason(s) for termination, the date of termination, the right of the employee to appeal the termination action and how to do so and instructions for turning over Town property. The employee shall also be provided with a copy of the termination notice and shall sign acknowledgement of receipt of the document, which shall be placed in the employee's personnel file.

7.13 EMPLOYEE RIGHT OF APPEAL:

No employee of the Town shall be subject to disciplinary action unless the specifics of the reasons for such action are made known to the employee in writing prior to initiating the disciplinary action or termination of employment.

An employee who is the subject of such disciplinary action shall be afforded the right to appeal the appropriateness of the action in accordance with Town policy provided that the employee requests the hearing in writing to the Human Resources Director within five (5) workdays of the notification to the employee of disciplinary action or termination of employment.

NOTE: A union employee who is the subject of a disciplinary action shall be afforded the right to appeal the appropriateness of the action in accordance with the Collective Bargaining Agreement.

7.14 INVESTIGATORY LEAVE:

An employee may be placed on investigatory leave to permit the Town to investigate actions including, but not limited to, theft or misappropriation of Town funds and/or property, violence in the workplace, gross safety negligence or acts endangering others, gross insubordination or any other serious misconduct which warrants removing the employee from the worksite.

Process for Placing an Employee on Investigatory Leave:

No employee of the Town shall be placed on investigatory leave unless the specifics of the reason for such leave are made known to the employee in writing provided that the Town is not precluded by law enforcement from setting forth the reasons. The Town Manager shall review all relevant documentation and information and shall be charged with making the final determination whether an employee shall be placed on investigatory leave.

If legally permissible, and unless precluded by law enforcement, such reasons shall be set forth to the employee in a formal conference conducted by the Town Manager. Thereafter, the employee shall be presented with a Report of Formal Conference advising the employee of the outcome of the Formal Conference. If the Town Manager approves the investigatory leave, the Report of Formal Conference shall notify the employee of the reason for the investigatory leave, the expected dates and duration of the investigatory leave (which may be extended if necessary), the terms of such leave, and direction that the employee remain available to participate in the investigation.

The employee shall be required to sign acknowledgement of receipt of the Report of Formal Conference, which shall be submitted immediately to the Human Resources Director for placement in the employee's personnel file.

The Human Resources Director shall request the return of Town property and escort the employee from the worksite. **Investigatory leave shall be with pay.**

Depending upon the seriousness of the action being investigated, the Human Resources Director or other appropriate authority will conduct a thorough investigation of the allegations or charges.

Upon conclusion of the investigation, the Town Manager will be presented with the findings from the investigation and will determine if the investigatory leave will lead to disciplinary action up to and including termination of employment. The Human Resources Director shall inform the employee in writing of the decision, and if disciplinary action is imposed, the manner in which the employee may appeal the decision.

7.15 EMPLOYEE COMPLAINT REVIEW PROCESS:

The Town of Lake Park is committed to providing a uniform, fair and impartial method for resolving employee complaints and/or disputes in the workplace, which includes disciplinary actions. In order to achieve this goal, the Town has established the Employee Complaint Review Committee (ECRC).

Regular full-time and regular part-time employees may present a complaint or make an appeal of disciplinary action or other management decision by addressing the complaint or appeal to the ECRC as set forth below.

Appeal of a Disciplinary Action:

In the event of an appeal of **disciplinary action**, the employee may request an appeal requesting that the ECRC determine the appropriateness of the recommended disciplinary action. Such request shall be in writing to the Human Resources Director within five (5) workdays of the disciplinary recommendation using the prescribed form. The Human Resources Director shall forward the request to the Town Manager who shall submit the request to the ECRC to convene the meeting.

Appeal of a Non-Disciplinary Action:

Prior to initiating a complaint or appeal concerning **a non-disciplinary action**, the employee and management should make every attempt to resolve the concern informally and expeditiously utilizing the steps set forth as follows:

- Within five (5) workdays of the event giving rise to the employment concern, the employee shall verbally bring the matter to the attention of the employee's immediate supervisor in an attempt to resolve the issue informally. The supervisor or Department Director shall render a decision to the employee within five (5) workdays.
- If after the verbal discussion the issue remains unresolved, the employee within five (5) workdays shall submit a written statement using the prescribed form to the employee's Department Director setting forth the specifics of the concern. The Department Director shall meet with the employee within ten (10) workdays and shall thereafter have five (5) workdays to render a written decision concerning the issue to be resolved.

- If after the written decision has been rendered the concern has not been resolved to the employee's satisfaction, the employee may request within five (5) workdays using the prescribed form submitted to the Human Resources Director that the matter be forwarded to the ECRC for resolution.
- The Town Manager shall submit the request to the ECRC to convene a meeting.

NOTE: The Town Manager reserves the right to move an employee's complaint or appeal to a further step or directly to the ECRC (for example, in matters involving a complaint between the employee and the employee's supervisor).

7.16 COMPOSITION OF THE ECRC:

The ECRC is a peer review committee, which is advisory in nature to the Town Manager. The ECRC shall consist of five members appointed by the Town Manager for three year terms. Every effort shall be made to ensure that the composition of the ECRC is diverse. Members must be regular full-time employees of the Town. Any member may be re-appointed for successive terms by the Town Manager. In the event that the dispute or concern giving rise to the complaint or appeal involves a decision by a member of the ECRC, that member must recuse himself or herself and an alternate appointed by the Town Manager shall serve on the ECRC for the complaint or appeal.

A quorum shall consist of three members and no meeting of the ECRC shall take place in the absence of a quorum.

The ECRC shall appoint its Chairperson and its Secretary. The Chairperson shall have control of the ECRC and shall take whatever steps are necessary to ensure a fair, orderly, impartial and expeditious review.

The parties shall abide by the decision of the Chairperson on all procedural matters.

If deemed necessary and appropriate, the Town Manager may authorize the use of the Town Attorney for purposes of consulting the ECRC in procedural and legal matters concerning the appeal. Additionally, the Town Attorney or his designee shall be present at all meetings of the ECRC and such meetings shall be publicly noticed.

The ECRC may call for files, records or other documents pertinent to the proceeding and may call upon employees of the Town to answer questions pertaining to the matter to be reviewed. All documents considered shall be appropriately marked and preserved.

There shall be no *ex parte* communication among the members of the ECRC and between a member of the ECRC and the employee or the employee's supervisor or Department Director which in any way pertains to the subject matter of the complaint or appeal. It is recommended that the ECRC proceed pursuant to Roberts Rules of Order.

The ECRC after a thorough review of the issues shall render its written decision and recommendations to the Town Manager within ten (10) workdays of the meeting. The decision shall include the specifics of the issue, including the ECRC's findings of fact, statements of policy and ultimate determination of the issue.

The written decision of the Town Manager shall be rendered to the parties within ten (10) workdays of the determination by the ECRC.

In the event of an appeal of a disciplinary action of an employee, the employee will be afforded a full opportunity to present his or her case prior to the Town Manager making a determination or reaching a final decision. The employee may present their case to the Town Manager with or without legal counsel.

7.17 PERSONNEL FILES:

Personnel files shall be kept in accordance with Town policy and applicable state laws. Certain information and documentation may be confidential and exempt from disclosure to the public. Employee health information shall be maintained in compliance with the Health Insurance Portability and Accountability Act (HIPAA) and to the extent permitted by law will be maintained as confidential and exempt from disclosure to the public.

No anonymous letter or anonymous material shall be placed in an employee's personnel file.

Except for materials relating to work performance or such other material that may be the cause for discipline or termination under Town rules, regulations or state law, no derogatory materials relating to an employee's conduct, service, character or personality shall be placed in an employee's personnel file.

Materials relating to work performance or discipline shall be placed in the employee's personnel file in accordance with law upon the employee's receipt of a copy of the material.

An employee may place such additional information in his or her personnel file which explains and/or clarifies such material being placed in the employee's file (i.e. the right of appendage). The employee shall have the right to inspect his or her personnel file upon reasonable notice made to the Department of Human Resources.

The Human Resources Department is charged with maintaining accurate and complete personnel files for employees of the Town. Such personnel files and records shall be retained in accordance with Florida's retention schedule for personnel files and shall be open for inspection in accordance with Chapter 119, Florida Statutes and other applicable laws.

Department Directors are charged with ensuring that personnel file information for their employees is forwarded to the Human Resources Department in a timely manner for maintenance and retention.

7.18 EMPLOYEE EXIT INTERVIEWS:

As soon as it is known by the relevant Department Director that an employee is terminating his or her employment with the Town, the Department Director shall notify the Human Resources Director and provide a listing of all Town property (e.g., uniforms, cell phone, identification key or card, etc.) that has been issued to the employee. The Human Resources Director shall schedule an exit interview with the employee at which time the employee will turn in all required items to the Human Resources Director and all Town property that the employee may have in the employee's possession in order for the employee to be issued a final paycheck. The exit interview will also be an opportunity for the Human Resources Director to explain to the employee COBRA rights and how to rollover any retirement account monies, etc. if applicable. In the event of involuntary terminations of employment, the Human Resources Director will forego the exit interview but will ensure that all Town property has been returned by the employee.

All final employee paychecks will be sent to the employee at the employee's home address of record with the Town.

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SECTION 8 TOWN POLICIES

8.1 SCOPE AND PURPOSE:

This section sets forth the policies of the Town of Lake Park applicable to Town employees as codified through ordinance, resolution, regulation, rule, administrative order or applicable procedures for the establishment and maintenance of the provisions of the Handbook and the policy statements contained herein.

8.2 STATEMENT OF POLICY:

The Town of Lake Park, through its employment policies and procedures, is committed to establish for all employment positions conditions that will attract and retain the best qualified employees who shall at all times strive to devote their energy, skills and talent to serve the residents of the Town and members of the public.

To achieve this goal, the Town Manager is charged with maintaining employment policies and administrative rules which serve to further the Town's mission to its residents and members of the public.

8.3 EMPLOYEE ASSISTANCE POLICY AND PROGRAM (EAP):

The Town recognizes that a broad range of diverse problems not directly associated with an employee's job duties and functions may have an adverse effect on an employee's work performance, attitude and/or attendance.

In most instances, the employee may independently overcome such personal problems and the impact and effect on job performance will be minimal. In other instances, effective supervisory intervention and assistance may lessen the impact on the employee's job performance; however, from time to time, neither the employee nor the supervisor is capable of resolving problems that may continue to impair the employee's effectiveness in the workplace.

The Town is committed to providing assistance to all employees who are experiencing problems that may impair or jeopardize the employee's health and continued employment with the Town. Such assistance will be made available to employees through the Town's Human Resources Director.

Providing employee assistance is intended to help Town employees by providing referrals for consultation, treatment and/or rehabilitation to prevent the progression of problems that impede job performance. Examples of such problems include medical or emotional problems, work

related stress, alcohol or drug dependency, family or marital concerns, or any other type of physical or emotional difficulty that may adversely impact an employee's job performance.

Confidentiality of records will be ensured for employees seeking assistance through the Town's employee assistance program to the extent permitted by applicable state and federal laws.

Information about employee assistance may be obtained by contacting the Human Resources Director.

NOTE: The Town's EAP program may be accessed directly by all employees.

NOTE: The Human Resources Director at the recommendation of the employee's Department Director may administratively refer the employee to the EAP for a mandatory management referral. In such situations, if the employee must meet with his or her assigned EAP counselor during normal work hours, the employee's accrued leave shall not be charged.

8.4 FAMILY AND MEDICAL LEAVE ACT POLICY:

The Family and Medical Leave Act policy of the Town shall be interpreted, governed and in accordance with the Family and Medical Leave Act of 1993 or any subsequent amendment.

Employees who have worked for the Town for a total of twelve (12) months and who have worked at least 1,250 hours over the previous twelve (12) month period may take up to (12) weeks of unpaid leave during any twelve (12) month period for one or more of the following reasons:

- For the birth of the employee's child and for bonding with the newborn;
- For the placement of a child with the employee for adoption or foster care and for bonding with the newly placed child;
- To care for the employee's spouse, son, daughter or parent with a serious health condition; or
- When the employee is unable to perform the essential functions of his or her job due to the employee's own serious health condition (including illness or injury in the line of duty in which case FMLA would run concurrently with workers' compensation leave)

The Family and Medical Leave Act also includes certain military family leave provisions:

- *Military Caregiver Leave:* Entitles eligible employees who are the spouse, son, daughter, parent, or next of kin of a covered service member (current member or veteran of the National Guard, Reserves, or Regular Armed Forces) with a serious injury or illness incurred or aggravated in the line of duty to take up to 26 workweeks of Family and Medical Leave during a single 12-month period to care for their family member.

- *Qualifying Exigency Leave:* Entitles eligible employees to take up to 12 weeks of Family and Medical Leave for a “qualifying exigency” related to the foreign deployment of the employee’s spouse, son, daughter, or parent. More detailed information regarding such leave is available in the Human Resources Department.

During the period of leave, the employee shall have his or her group health insurance maintained on the same terms as if he or she had continued to work. If family member coverage is provided to an employee, family member coverage must be maintained during the Family and Medical Leave Act leave. The employee must continue to make any normal contributions to the cost of the health insurance premiums.

NOTE: According to the Town’s Cafeteria Plan as adopted effective October 1, 2017, employees on qualifying leave under the Family and Medical Leave Act are entitled to have their health insurance coverage continued on the same terms and conditions which existed prior to such leave. The continuation of group health insurance shall not include supplemental coverages such as AFLAC, voluntary life insurance and prepaid legal or the payment of union dues for employees covered by a collective bargaining agreement.

If paid leave (e.g., sick leave or vacation leave) is used to supplement Family and Medical Leave, the employee’s share of group health insurance premiums must be paid by the employee through payroll deduction. An employee on unpaid Family and Medical Leave must make arrangements to pay the normal employee portion of the health insurance premiums in order to maintain insurance coverage. If the employee’s payment is more than 30 days late, the employee’s coverage will be dropped by the Town. In such instance, the Town will provide written notice to the employee that payment has not been received and will allow 15 days after the date of the letter before such coverage is stopped.

Employees returning from Family Medical Leave who have successfully completed the fitness for duty verification will be returned to their original or equivalent job position.

Employees must notify the Human Resources Director whenever they encounter the above reasons for Family Medical Leave, including the need for intermittent leave under this section. If the need for the leave is foreseeable, the employee must notify the Human Resources Director at least 30 days in advance or as soon as is practicable. If the need for the leave is not foreseeable, the employee must notify the Human Resources Director as soon as is practicable in the particular circumstances.

For family/medical leave related to the employee’s medical condition or for any of the reasons listed above in this Section, all available sick leave (including major illness leave, where applicable), then all available vacation time and all forms of holiday pay may be used concurrently from the first day of Family Medical Leave.

Employees who are requesting Family Medical Leave because of a serious health condition shall be required to obtain medical certification at the time of requesting leave, intermittently during leave.

Employees who are requesting family/medical leave to care for an immediate family member will be required to obtain medical certification of the condition, and may be subject to a second opinion, at the Town's expense.

Leave taken pursuant to the Family and Medical Leave Act shall be calculated on a calendar year basis.

Job Restoration.

When an employee returns from leave under the Family and Medical Leave Act, he or she must be restored to the same job or to an "equivalent job". The employee is not guaranteed the actual job held prior to the leave. An equivalent job means a job that is virtually identical to the original job in terms of pay, benefits, and other employment terms and conditions (including shift and location).

8.5 DOMESTIC VIOLENCE VICTIM'S LEAVE POLICY:

The Town of Lake Park is committed to ensuring that its employees who are the victims of domestic violence are provided all necessary rights in accordance with applicable laws. As such the Town affirmatively adopts its Domestic Violence Victim's Leave Policy for its employees as set forth in specificity at **Appendix D** of this Handbook.

An employee who has worked for the Town for at least three (3) months as of the date of a requested leave because of an incident of domestic violence for the employee, or for a family or household member of the employee, will be provided up to three (3) workdays unpaid leave in any twelve (12) month period, or the employees may utilize their available vacation, personal, sick leave or compensatory time in accordance with Town policy as set forth in **Appendix D** of this Handbook. The three (3) days of leave may be used during any twelve (12) month period if you or a family or household member is the victim of domestic violence or sexual violence.

An employee may use Domestic Violence Victim's Leave to:

- seek an injunction for protection against domestic violence or an injunction for protection in cases of repeat violence, dating violence, or sexual violence;
- obtain medical care and/or mental health counseling for his or her or a family or household member to address physical or psychological injuries resulting from the act of domestic violence or sexual violence;

- obtain services from a victim services organization, including but not limited to a domestic violence shelter or program or a rape crisis center as a result of the act of domestic violence or sexual violence;
- make the employee's home secure from the perpetrator of the domestic violence or sexual violence or to seek new housing to escape the perpetrator;
- seek legal assistance in addressing issues arising from the act of domestic violence or sexual violence or to attend and prepare for court-related proceedings arising from the act of domestic violence or sexual violence.

An employee of the Town, except in cases of imminent danger to the health or safety of the employee, family or household member victim, who requests such leave shall provide the Human Resources Director appropriate advance notice along with documentation of the act of violence as delineated in the Town's policy.

In all instances of an employee request pursuant to the Town's policy, the requesting employee must notify the Human Resources Director.

8.6 EQUAL EMPLOYMENT OPPORTUNITY POLICY:

The Town of Lake Park adheres to a policy of nondiscrimination in employment and strives affirmatively to provide equal opportunity for all as required by state and federal laws. The Town attempts to identify and overcome real or potential artificial barriers to employment, training, or promotional opportunities for its employees and applicants.

The Town provides equal employment opportunities (EEO) to all employees and applicants for employment without regard to race, color, religion, gender/sex, age, national origin, disability, veteran status, sexual orientation, gender identity or expression, pregnancy, marital status, military status, genetic information or any other legally protected status. This philosophy applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, termination, recall, transfer, leave of absence, compensation and training.

The Town strives to ensure a highly qualified staff in terms of educational background and experience which reflects the overall diversity in terms of factors such as race, ethnicity and gender of the pool of qualified candidates.

In recruiting applicants for Town positions, the Town encourages men and women to enter non-traditional occupational areas where their gender is under-represented.

The Town continually develops and reviews job descriptions and entry qualifications in order to ensure that the tasks and duties required are reasonable and do not impose artificial barriers to qualified applicants.

The Human Resources Department will conduct job advertising and recruitment activities in a manner designed to apprise persons of diverse backgrounds.

Merit principles will be followed in the hiring, promotion and retention of Town employees.

8.7 NON-DISCRIMINATION HARASSMENT POLICY:

It is the affirmative policy of the Town of Lake Park to prohibit discrimination in all aspects of employment or hiring with the Town based on race, color, religion, national origin, sex, age, disability, familial status, marital status, sexual orientation or gender identity or expression.

All employees are hereby notified that they are expected to work with other employees without regard for the race, color, religion, national origin, sex, age, disability, familial status, marital status, sexual orientation or gender identity or expression of the individual.

Harassment or discrimination based on any of the above categories or factors is a violation of applicable laws and a breach of the Town's non-discrimination/harassment policy.

Violations of the Town's policy are expressly prohibited and shall not be tolerated.

Such violations shall be grounds for disciplinary action including, but not limited to, termination of employment.

Sexual harassment, including same sex harassment is a violation of Title VII of the Civil Rights Act of 1964.

Sexual harassment is defined as a pattern of behavior that includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (1) submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment; (2) submission to or rejection of such conduct is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Complaints alleging employment harassment or discrimination on the basis of race, color, religion, national origin, sex, age, disability, familial status, marital status, sexual orientation or gender identity or expression should be made to the Human Resources Director or to the employee's Department Director or supervisor as set forth in Section 8.9 of this Handbook.

8.8 NON-FRATERNIZATION:

Purpose

While the Town respects the privacy of its employees' activities outside the workplace, some nonbusiness relationships, including romantic relationships, may affect the workplace. The purpose of this policy is to recognize the Town's responsibility and to provide restrictions applicable to the employment of individuals engaged in close personal relationships (fraternization). Potential problems posed by dating and romance in the workplace include conflicts of interest, misunderstandings or the appearance of favoritism, sexual harassment and discord that can interfere with the productivity of employees and/or the proper conduct of the Town's business.

Policy

It is the policy of the Town that:

1. Directors, managers and supervisors are prohibited from having close personal relationships with their subordinate personnel. Any such relationship must be disclosed by both employees to the Director of Human Resources so that immediate steps, such as transfer, voluntary resignation or termination, can be taken to resolve conflict with this policy.
2. All employees within a department are discouraged from having close personal relationships with non-subordinate employees. Any such relationship that causes a negative effect on departmental operations, as determined by the Town Manager, may result in requiring that the employee's work different shifts; that one employee be transferred to a different department; that one employee be assigned to another facility, division, or work unit; or other action determined to be appropriate by the Town Manager.

Any employee engaged in a relationship covered by this policy must disclose the relationship to the Director of Human Resources. Nothing in this policy, however, is intended to interfere with the private lives of employees where there is no impact on the workplace, or to prohibit employees from discussing the terms and conditions of their employment with their co-employees.

Penalties

Any employee found to be in violation of this policy shall be disciplined up to and including discharge depending on the circumstances. An individual who is employed, promoted or advanced as the result of a director's, manager's or supervisor's violation of this policy shall, at a minimum,

be returned to the status occupied prior to the violation. Should an employee not accept an offer to transfer to another division or department, as applicable, the employee may be terminated.

8.9 NON – DISCRIMINATION/HARASSMENT COMPLAINT PROCEDURES:

The Town of Lake Park has established procedures to assure non-discrimination in employment and the elimination of harassment, including sexual harassment in the workplace.

All employees of the Town will be treated with respect. Hostile treatment or violence against employees because of their race, color, religion, national origin, sex, age, disability, familial status, marital status, sexual orientation or gender identity or expression will not be tolerated.

Discrimination or harassment complaints by employees may arise from actual or perceived situations and circumstances related to the prohibition of discrimination. It is the intent of these procedures to assure that discrimination or harassment complaints are resolved in an expeditious, orderly, and equitable manner that serves to fulfill the letter and intent of the law.

All Department Directors and supervisors are required to make a conscientious effort to fully consider and understand the nature and basis of the discrimination or harassment complaint of an employee and resolve it, to the satisfaction of the complainant, without delay or refer it, without delay, to the Human Resources Director or other appropriate authority for investigation and resolution.

The initiation of a discrimination or harassment complaint by an employee will not be used as a basis for actions that adversely affect the complainants standing in their work location. Additionally, participation in or assistance in the investigation of a complaint shall not be used as the basis for any adverse employment action on an employee.

Discrimination or harassment complaints shall be handled using federal enforcement agencies' procedures and standards in the processing and investigation of discrimination/harassment charges and without extraneous administrative barriers.

No anonymous complaints shall be accepted or processed. Notwithstanding this provision, nothing shall preclude an employee from informally discussing any employment concern, including a real or perceived discriminatory or harassment complaint, with the employee's supervisor, Department Director or Human Resources Director.

If the employee wishes to file a formal complaint with the Town, the complaint must be signed attesting that it is true to the best of the complainant's knowledge, information and belief.

Anyone who knowingly fails to report an incident of unlawful discrimination, harassment, or retaliation may be subject to disciplinary action. However, the intentional submission of false

complaints or malicious complaints of harassment, discrimination or retaliation may be the subject of appropriate disciplinary action.

A record will be maintained by the Human Resources Director of each discrimination or harassment complaint.

Procedure for Filing a Formal Complaint of Discrimination or Harassment:

An employee who has a reasonable and good-faith belief that he/she has been the subject of discrimination or harassment because of the employee's race, color, religion, national origin, sex, age, disability, familial status, marital status, sexual orientation or other legally protected status, shall communicate in writing the allegation(s) to his/her Department Director or supervisor who shall immediately advise the Human Resources Director in writing using the prescribed form.

If the employee does not feel comfortable discussing his/her complaint at the worksite or next administrative level, the employee may file the complaint directly with the Human Resources Director or the Town Manager if deemed appropriate.

If the complaint is submitted to the Department Director or supervisor, the Department Director or supervisor will be responsible for scheduling a meeting with the complainant to discuss the complaint. In the event the complaint involves the employee's supervisor, the employee may go directly to the next level of administration, up to the Town Manager.

The employee will be requested to provide specific written information regarding the discriminatory or harassing action(s) or inaction(s), the basis (e.g., age, race, disability, etc.) for the action(s) or inaction(s), the alleged offender(s), witnesses, etc.

A failure on the part of the employee to initiate and/or follow up on a complaint in a timely manner may result in the complaint being considered abandoned. A complaint must be filed within three hundred (300) days of the alleged discriminatory/harassing act(s).

A failure by a Department Director or appropriate supervisor to address a complaint within ten (10) workdays will automatically allow the complainant to move the complaint to the Human Resources Director.

If the employee does not agree with the final determination made by the Human Resources Director, he/she may appeal the determination to the Town Manager by submitting a letter of appeal within ten (10) workdays of the date of the final determination.

Records of an open ongoing investigation shall remain confidential and not subject to disclosure pursuant to Chapter 119, Florida Statutes, until a final determination is made on the case.

8.10 RELIGIOUS ACCOMMODATION:

The Town is dedicated to treating the religious diversity of all of its employees equally and with respect. Employees may request an accommodation when their religious beliefs cause a deviation from the Town's dress code, schedule, basic job duties, or other aspects of employment. The Human Resources Director will determine whether a requested accommodation is reasonable or whether it imposes an undue hardship on the Town or workplace. Such determination is required before the requested accommodation is granted. Some, but not all, of the factors that the Town will consider are violating a seniority system; causing a lack of necessary staffing; jeopardizing security or health; or costing the Town more than a minimal amount. At no time will the Town question the validity of an employee's belief.

8.11 WORKPLACE BULLYING POLICY:

The Town's Workplace Bullying Policy is hereby incorporated and made a part of the Handbook and is attached as **Appendix E**.

8.12 DRUG FREE WORKPLACE POLICY:

The Town of Lake Park is committed to safeguarding the health of its employees, to promote a drug free community and to maintain a drug free workplace environment.

Substance abuse seriously endangers the safety and health of Town employees, results in a variety of workplace problems, including increased job injuries, chronic absenteeism, decreased morale and lower levels of employee productivity.

The Town has adopted and implemented a Drug Free Workplace Program in accordance with Florida law as set forth in the Workers' Compensation Act, Chapter 440, Florida Statutes.

Accordingly, the use of illegal drugs, the abuse of alcohol and/or the misuse of prescription drugs by Town employees shall not be tolerated and is expressly forbidden during work hours, while on duty, operating a Town vehicle or equipment, or on Town property or while otherwise performing Town duties away from the Town.

As part of the Town's Drug Free Workplace Policy, the Town has the right to drug/alcohol test its employees under conditions set forth in its policy.

Any employee who violates the Town's policy shall be subject to disciplinary action, up to and including termination of employment.

Employees of the Town are expected to read, understand and strictly adhere to the Town's Drug Free Workplace Policy.

The Town's Drug Free Workplace Policy and Procedure is hereby incorporated and made part of the Handbook and is attached as **Appendix F**.

8.13 TOBACCO AND VAPOR FREE WORKPLACE POLICY:

The Town of Lake Park seeks to foster the health and well-being of all Town employees, residents and visitors.

Tobacco and vapor products pose an established significant risk to the health and potential quality of life of the tobacco user. Additionally, secondary smoke has been determined to cause or increase the risk of health related problems to non-smokers who are within close proximity to the use of tobacco products.

The Town adheres to the requirements of the Florida Indoor Clean Air Act as set forth in Florida Statute, Chapter 386.

Accordingly, the use of tobacco products (including chewing tobacco) and vapor products are expressly prohibited in Town-owned buildings, facilities and Town-owned vehicles. Town employees shall not smoke or use such products on Town property.

8.14 WORKPLACE SAFETY AND HEALTH POLICY:

The Town of Lake Park is committed to ensuring the safety and health of its employees by promoting and operating a safety and health program that will strive to reduce the number of injuries and illnesses in the workplace.

The Town shall comply with all applicable state and federal laws to accomplish this objective as set forth in the Town's Workplace Safety and Health Manual, which is available to Town employees in the Human Resources Department.

8.15 ILLNESS/INJURY IN THE LINE OF DUTY POLICY:

A Town employee shall be entitled to leave resulting from an illness or injury in the line-of-duty until workers' compensation benefits commence (i.e. the seventh (7) day following the documented injury for an injury of less than twenty one (21) days of injury) should the employee need to be absent from duties because of a personal injury received in the discharge of official duty or because of illness from any contagious or infectious disease contracted as a result of official Town work.

Such illness in the line of duty (e.g., workers' compensation) benefits shall not be approved when it is determined that the illness or injury occurred through the employee's negligence or willful

actions or misconduct. The employee may then draw upon accrued sick leave. According to established guidelines, Florida Workers' Compensation insurance may fund the employee's wages for a limited time period once placed on Workers' Compensation leave. Employees may choose to substitute the remaining wages by using paid time off such as sick leave or vacation leave or another applicable paid leave of absence such as major illness leave.

An employee who has a job related accident, injury or illness shall report the injury to the appropriate Department Director immediately, and shall submit to a post-accident drug test immediately following such injury if such accident directly resulted from actions or inactions on the part of the employee. Any employee who fails to comply with this requirement shall be subject to disciplinary action up to and including termination of employment, and shall not receive the Town's contribution of a portion of the injured employee's salary for the 90 calendar day period.

The Department Director is responsible for notifying the Human Resources Department of a job related accident, injury, or illness, filling out the appropriate records in a timely manner, as necessary, and verifying the details of the accident, injury or illness for submittal to the Human Resources Director. The Human Resources Director will report the accident, injury or illness to the Town's workers' compensation carrier.

The Town reserves the right to ensure that the injury or illness is compensable under the provisions and requirements of the Workers' Compensation Law and to have a Town-approved physician make the ultimate determination of the employee's ability to return to duty.

NOTE:

In the event that the injured/ill employee qualifies for eligibility under the Family Medical Leave Act (FMLA), the employee shall be placed on Family Medical Leave to run concurrent with the employee's leave under Workers' Compensation.

- During the Family Medical Leave, if applicable, the employee shall use their sick and vacation leave balances to continue to receive 100 percent of their salary after the Town's contribution of the injured employee's salary ends.
- If the employee is not fit for full duty upon conclusion of the twelve (12) weeks of unpaid leave and has been released by his or her physician with temporary limitations on duties, the employee will be paid in accordance with the Town's Worker's Compensation Return to Work policy.

Return to Work Program:

Because the Town values its employees, the Town has established its Return to Work ("RTW") program through which employees who have temporary disabilities due to an illness or injury in

the line of duty are provided with opportunities to transition back to work when medically feasible. The purpose of this RTW policy is as follows:

- To assist in the recovery process by providing employees with a goal and focus for returning to full productivity;
- To reduce the financial burden to employees by allowing them to resume full wages as soon as possible; and
- To reduce the Town's Worker's Compensation costs.

Through this RTW program, the Town will compensate employees at the rate of 80 percent of their regular rate of pay, which can be supplemented by the employee's accrued sick and vacation leave banks.

Employees who, as a result of an illness or injury in the line of duty, have been released by their physician to return to work with temporary limitations on duties (e.g., light duty), shall participate in the Town's RTW program. An employee who declines a light duty position that meets his or her physician's requirements may be disqualified from worker's compensation benefits. Employees must directly advise the Human Resources Director that they have been released with such temporary limitations on duties and must request a Return to Work Request Form for completion by the employee and by the employee's physician.

Once such form has been completed, it must be submitted directly to the Human Resources Director for further processing and to identify duties within the Town that meet such limitations.

8.16 COBRA RIGHTS POLICY:

Pursuant to the Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1985, including any amendments, changes and additional laws relevant and applicable, Town employees who leave or otherwise lose their job and their dependents shall be provided the opportunity to continue group health insurance coverage for 18 to 36 months, provided that employees elect the continuation for such coverage in a timely manner and pay the full cost of such coverage. Upon termination of employment, the Human Resources Director shall provide to the employee notification of how to continue such coverage, and shall notify the employee's group health insurance providers of the qualifying event and shall cause to be provided to the employee the necessary application forms for the employee to continue such health insurance coverage under COBRA.

8.17 CONFIDENTIALITY AND NON-DISCLOSURE OF EMPLOYEE PRIVILEGED INFORMATION:

The Town of Lake Park recognizes the necessity to protect its employees from the disclosure of information which is intended by law, rule, regulation or Town policy to be confidential and exempt from disclosure. Both federal and state law specifically address information of this nature which is intended to be held confidential in the workplace.

Such information includes, but is not limited to, personal medical/health information, personal social security numbers, certain financial information, and in certain instances, home addresses, telephone numbers and similar personally identifiable information of Town employees who are in certain safety sensitive positions.

For that reason, it is the policy of the Town that Town employees who have access or contact with personal, privileged or exempt information of its Town employees that is required to be held confidential are required to maintain confidentiality as it pertains to the disclosure of such information and to handle such information in a professional manner to ensure the confidentiality and non-disclosure of such information.

Requests for information on present or former employees of the Town which may be confidential, privileged or exempt from disclosure pursuant to an applicable statute (e.g., Chapter 119, Florida Statutes) or federal laws shall be forwarded to the Human Resources Director for handling. The Human Resources Director, as the Town's Privacy Officer, shall have the sole authorization and responsibility for answering requests or making copies of records which may be confidential or exempt from disclosure.

Town employees may be required by the Human Resources Director to sign a Release of Confidential Information form and may also be required to present a physician's note or return to duty/fitness evaluation upon proper request from the employee's Department Director or Human Resources Director.

Town employees who violate the confidentiality policy of the Town, including the Social Security Number Privacy Policy set forth in **Appendix G** of this Handbook, will be subject to disciplinary action.

8.18 BENEFICIARY DESIGNATION POLICY:

The Town is committed to ensuring that its employees' designated beneficiaries are appropriately compensated in the unfortunate event of the employee's death while still in active employment with the Town. Payment of all monies due to the employee at the time of death shall be paid in accordance with the employee's designated beneficiary on the employee's Beneficiary Designation Form. As such, it is the responsibility of the employee to notify the Human Resources Director of any change of beneficiary as set forth in Section 5.1 of this Handbook.

8.19 COMPLIANCE WITH LAWS AND OTHER REGULATORY REQUIREMENTS:

The Town of Lake Park adheres to a policy of non-discrimination in employment and strives affirmatively to provide equal employment opportunity for its employees as required by the following laws:

- Title VII of the Civil Rights Act of 1964 as amended which prohibits discrimination on the basis of race, color, religion, gender or national origin
- Age Discrimination and Employment Act of 1967 which prohibits discrimination on the basis of age with respect to individuals who are at least forty
- The Equal Pay Act of 1963 as amended which prohibits gender discrimination in the payment of wages to women and men performing substantially equal work in the same workplace
- Americans with Disability Act of 1990 as amended which prohibits discrimination against individuals with disabilities in employment
- The Family Medical Leave Act of 1993 which requires employers to provide employees up to twelve weeks of unpaid job protected leave to eligible employees for certain family and medical reasons
- Florida Civil Rights Act of 1992 which prohibits discrimination on the basis of race, color, religion sex, national origin, age, handicap or marital status
- The Pregnancy Discrimination Act of 1978 which prohibits discrimination on the basis of pregnancy, childbirth, or related medical conditions

- Other such federal and state laws and regulatory requirements, including Veteran’s Preference in Employment; Health Information Portability and Accountability Act of 1996; and the Consolidated Omnibus Budget Reconciliation Act

The Town shall also adhere to the requirements and provisions contained in Florida’s Workers’ Compensation Act, Chapter 440, et. seq., Florida Statutes; the Florida Public Employee Whistle-Blower Statute at 112.3187 – 112.31895 also known as the “Whistle-Blower Act”; the Florida Sunshine Amendment and Code of Ethics for Public Officers and Employees; and, the Palm Beach County Code of Ethics as it pertains to conduct by public employees.

Information about the Town of Lake Park’s policies and specific compliance with all applicable laws and procedures is available to Town employees in the Human Resources Department.

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APPENDIX A

CELLULAR PHONE AND ELECTRONIC DEVICES POLICY

Appendix A, attached hereto, and incorporated herein by reference, to the Handbook of Procedures of the Town of Lake Park (Employee Handbook) constitutes the Town of Lake Park Cellular Phone and Electronic Devices Policy.

TOWN OF LAKE PARK CELLULAR PHONE AND ELECTRONIC DEVICES POLICY

Objective:

The objective of this policy and its procedures is to provide guidelines to Town employees regarding cellular phones and electronic devices required for the purpose of conducting Town business and to provide issuance and procurement processes and reimbursement procedures.

Scope:

This policy applies to all Town employees who are required to carry a cellular phone or electronic device in the performance of their duties with the Town.

Policy:

The Town is committed to providing tools and equipment that enhance or improve the employee's ability to perform their job functions effectively. Cellular phones and electronic devices provide employees with the ability to perform the functions of their duties in a much more efficient manner therefore management requires certain employees, positions, functions or shifts to be equipped with these devices.

Personal Devices; Stipends and Use:

The Town will offer a taxable monthly allowance of \$60.00 for cellular phone usage to employees whose duties and responsibilities require access. The Town Manager will determine which employees should receive monthly allowances.

Authorization of monthly allowances should be determined by one or more of the following performance criteria:

- Critical decision maker
- An integral part of performing duties of the job
- Required to be contacted on a regular basis
- Work is regularly conducted in the field
- Required to be on-call

Instances of exceptional situations and/or emergency use may require service beyond the normal usage and control of employees. Under these circumstances the employee and Department Director should review the situation and reimbursement may be approved by the Town Manager.

The approved cell phone allowance will be paid monthly as part of the employee's paycheck and will be subject to all applicable payroll taxes. This allowance does not constitute an increase to base pay, and will not be included in the calculation of percentage increases to base pay due to salary increases, promotions, etc.

For employees not eligible for a monthly allowance, the use of privately-owned cellular phones for Town business will be reimbursed after a detailed accounting of the use is provided and approved by the Department Director.

Use of privately-owned cellular phones and electronic devices must not interfere with the employee performing their job duties. Use of personal cellular phones and electronic devices at work can be distracting and disruptive and cause a loss of employee productivity. As a result, employees should primarily use such personal devices during nonworking time, such as breaks and meal periods. During this time, employees should use their devices in a manner that is courteous to those around them. Outside of nonworking time, use of such devices should be kept at a minimum and limited to emergency use only.

NOTE: Work related text messages and emails stored on personal cellular phones and electronic devices are public record pursuant to Chapter 119, Florida Statutes, Florida's Public Records Law.

Town Issued Devices:

In the course of Town business a determination may be made to issue cellular phones and electronic devices to employees that are deemed to be used for the sole purpose of conducting Town business. Town issued devices will be the direct responsibility of the employee. In this instance, the Town will receive and pay invoices directly to the vendor for services and equipment. Whenever practical, employees should use landline phones or other means of communication that would otherwise save minutes on their Town issued devices. Prudent use of the Town's resources is an integral part of Town employment.

Personal use of Town issued devices must be reimbursed by the employee. If a direct cost of personal use is not able to be determined from the monthly bill, a percentage of the personal use compared to the business use will be determined and the employee will reimburse the Town for the personal use percentage of the entire monthly bill. *De minimus* (minimal) or emergency type use on occasion will not warrant reimbursement.

Any misuse or negligent acts to Town owned cellular phones and electronic devices may result in disciplinary action or termination of employment.

Procurement:

The procurement of Town issued cellular phones, electronic devices, accessories and service plans shall be the direct responsibility of the Chief Information Technology Officer. Every effort should be made to pool the resources and needs of all departments when procurement of services and plans are being considered. Department Directors will approve the service maximum monthly requirements for each Town issued service.

For employees receiving the monthly stipend the procurement of cellular phones, accessories, service plans, termination fees, and all associated costs is the direct responsibility of the individual receiving the stipend. In this instance eligible employees will establish personal service with the company of their choice. The Town reserves the right to specify certain minimum capabilities and access of equipment and service used in conjunction with this stipend.

The Town Manager may allow reimbursement of expenses for replacement equipment not to exceed \$100 in each fiscal year.

Safety Guidelines:

Use of a cellular phone and electronic devices while driving is strongly discouraged. When driving a Town vehicle or off road equipment, the use of a cellular phone shall be with a hands-free device to ensure the promotion of safety practices and accident prevention. Text messaging while driving a Town vehicle or off road equipment is strictly prohibited.

All Town issued devices are the property of the Town of Lake Park. Employees shall be financially responsible for the loss, damage, or failure to return assigned property. In the event of loss or damage to a Town issued cellular phone or electronic device the employee is required to immediately notify the Chief Information Technology Officer. Failure to do so will be grounds for disciplinary action.

Cellular transmissions may not be secure, and employees should use discretion when relaying confidential information.

Authority:

Any changes or variations to this policy must be approved in writing by the Town Manager.

APPENDIX B

MOTOR VEHICLE POLICY

Appendix B, attached hereto, and incorporated herein by reference, to the Handbook of Procedures of the Town of Lake Park (Employee Handbook) constitutes the Town of Lake Park Motor Vehicle Policy.

TOWN OF LAKE PARK MOTOR VEHICLE POLICY

Purpose:

The primary purposes of this motor vehicle policy and procedures are to establish standards governing the system of motor vehicle assignment, utilization and operation; maximize the efficient and effective use of the Town's fleet in support of organizational goals and program objectives; control the use of Town owned and/or leased and personally owned and/or leased motor vehicles in the conduct of Town business; limit liability to the Town; and, hold employees accountable for any violations of policy or safety standards.

Scope of Applicability:

This policy applies to all employees and any appointed or elected officials or independent contractors who operate Town owned and/or leased motor vehicles including special use motor vehicles such as construction and excavation equipment designed to operate primarily off-road but driven on public roads to a job site.

Definitions:

The following definitions shall be used in interpreting and applying this policy:

- “Town Manager/Department Director/Foreman” shall also mean “or designee”;
- “Official business, “ business of the Town” or “services” shall mean any activity carried out by an employee in the performance of Town business;
- “Department/Division Pool Vehicle” shall mean a vehicle that has been provided to a department / division for use by employees on an as needed basis;
- “Motor Vehicle Assignment” shall mean the exclusive issue of a vehicle to an employee;
- “Take Home Authorization” shall mean the approval for an employee to take a vehicle home and to use the vehicle for daily commuting purposes between work and home;
- “Town Vehicle” shall mean any Town owned and/or leased motor vehicle; and
- “Pool Vehicle” shall mean any Town Vehicle assigned to a department for shared use by department employees.

Standards and Procedures:

General

- A Town vehicle is to be used for official Town business and shall not be used by an employee for personal reasons except as provided in this policy.
- A Town vehicle will be used for local travel whenever available.
- Any abusive, reckless or negligent act while operating any Town vehicle or personal vehicle while on Town business may result in a suspension or termination of an employee's driving privileges and may be grounds for further disciplinary action as provided for in the Employee Handbook or collective bargaining unit agreements.
- Employees shall obey all Town, County, State and Federal laws while operating any motor vehicle.
- Transporting non-employees for other than Town business must be approved in advance in writing by the Town Manager.
- When cargo, materials or tools are being transported, the driver is responsible for assuring that all items are properly secured to prevent them from shifting or falling from the motor vehicle or trailer and from being stolen.
- No person shall be allowed to ride on a running board, fender, hood, tailgate, bed or other location on a motor vehicle not designed or approved by the motor vehicle manufacturer for passengers.
- The operator shall not operate any motor vehicle when the normal field of vision is obstructed in any way.
- A qualified operator must be positioned at the motor vehicle's controls any time it is running. No motor vehicle except those responding to emergency situations shall be left unattended without first stopping the motor, locking the ignition, removing the key, setting the parking brake and locking the doors or otherwise securing the motor vehicle to prevent theft, vandalism or unintentional movement.
- The Town shall not be responsible for any personal property left in Town vehicles when used in the performance of Town business.

- Any employee receiving a ticket/citation for a violation of a Motor Vehicle Law, while operating his/her own vehicle or a Town Vehicle, will be responsible for payment of ticket/reinstatement of driver's license.
- No cell phone usage is permitted while operating a Town vehicle if the phone is not equipped with a hands free device. In addition, the following guidelines must also be adhered to: Whenever possible pull off the road to receive or place a call. If traffic is congested employees shall not answer the phone or place a call. The stored phone number feature should be used to minimize the amount of numbers needed to be dialed to place a call. If traveling in an area where laws or ordinances prohibit cell phone usage, an employee must not use his or her phone at all.
- Cell phone usage and text messaging on a Town issued or personal cell phone or electronic device while operating a Town vehicle or off road equipment are strictly prohibited.

Motor Vehicle Operation:

Town Vehicle Care

- An employee who operates a Town vehicle is responsible for the proper care of that vehicle.
- Fluid levels including brake, transmission, engine oil, and coolant shall be maintained. Missed service appointments may lead to loss of Town vehicle assignment.
- Any defects that will affect safe operation of the Town vehicle shall be reported promptly to the operator's supervisor and Vehicle Maintenance Foreman. No employee shall operate a Town vehicle that is in an unsafe condition.
- Any Town vehicle damage beyond normal wear and tear must be immediately documented and reported to the operator's supervisor and Vehicle Maintenance Foreman.

Driver License

- A valid Florida driver license must be in the employee's possession at all times while operating a Town vehicle.
- For employees who are required to operate a commercial vehicle, they must:
 - Successfully pass a U.S. Department of Transportation ("DOT") medical examination every two (2) years.

- Comply with all State and Federal DOT rules and regulations.
- Comply with the Federal Commercial Motor Vehicle Safety Act of 1986, and obtain a Commercial Driver's License (CDL).
- Pass the qualifying training and proficiency review provided by the supervisors, where applicable (e.g. vehicles exceeding 26,000 GVWR or larger).
- Commercial operators must notify in writing their Department Director and Human Resources immediately of a conviction for any traffic violation (except parking) that occurs during a workday. This is true no matter where or what type of vehicle is driven.
- An employee who operates a Town vehicle must notify the employee's Department Director and Human Resources no later than the beginning of the next business day immediately following the suspension, revocation or cancellation of an employee's issued driver's license, or if for any other reason the employee is disqualified from driving.
- An employee who may operate a motor vehicle on official Town business shall provide a photocopy of his or her current Florida driver license to the Human Resources Department for his or her personnel file.

Accident Reporting Requirements

Any accident involving a Town vehicle or personal vehicle used in the performance of Town business shall be reported as follows:

- summon medical care for any injured parties;
- notify appropriate law enforcement authorities;
- notify immediate supervisor;
- employees involved in an accident should not offer any admission of guilt or information regarding the cause of the accident without first consulting with the Human Resources Director; and
- the supervisor shall immediately notify the Human Resources Director, initiate departmental investigation of the accident or act at the direction of the Human Resources Director and complete all required Town reports and recommend any

follow-up preventive actions to the Human Resources Director as the Town's Risk Manager.

NOTE: Failure to adhere to the procedure set forth above may result in disciplinary action, up to and including termination of employment.

NOTE: A drug and alcohol test is required in accordance with the Town's Drug Free Workplace Policy and/or Collective Bargaining Agreement.

NOTE: When an operator on Town business is determined to be at fault in a motor vehicle accident, the supervisor may recommend disciplinary action in accordance with Town policy and/or collective bargaining agreements.

NOTE: An employee who uses an assigned Town vehicle for any purpose outside the direct scope of Town business and is involved in an accident may be denied workers' compensation benefits in accordance with the policy.

Use of Safety Restraints

- All Town motor vehicles must be equipped with seat belts and all occupants of Town motor vehicles must properly wear seat belts any time the motor vehicle is in motion.
- The operator of construction, excavation and other off-road equipment shall use the occupant restraint system any time the motor vehicle is in operation.
- Employees are prohibited from removing, deactivating, modifying or otherwise defeating any occupant restraint installed by the manufacturer unless approved or instructed by the manufacturer.

Parked Motor Vehicles

Any motor vehicle left unattended shall be legally parked in a designated parking space. Motor vehicles responding to emergency situations or those parked on job sites shall be parked with due regard to safety and security considerations.

All Town vehicles except those taken home shall be secured in a Town parking lot during non-duty hours. When it is necessary to leave a motor vehicle at a job site overnight, the operator shall ensure the motor vehicle is parked and secured in an area which provides reasonable security.

Trailers and Towing

- An operator whose motor vehicle is towing a trailer, dolly or other equipment shall assure that the trailer weight does not exceed the rated capacity of the vehicle or trailer hitch, that the trailer is coupled properly to the hitch and that the safety chains are properly fastened.
- The operator shall ensure that the trailer or other towed equipment is supplied with proper and functioning lights including brake lights turn signals and running lights.
- Any motor vehicle having a load which extends more than four (4) feet beyond the rear of the vehicle shall have the end of the load marked with a red flag. The red flag must be a least twelve (12) inches square.

Mandatory Personal Auto Insurance Coverage

- The Town Manager may at his discretion authorize an employee to use his or her personal vehicle for Town business and to receive a car allowance for such usage. Employees who are provided with car allowances to use their personal vehicles to conduct Town business are required to maintain and provide to the Human Resources Director evidence of an insurance limit of \$100,000 per person/\$200,000 per accident or occurrence. The monthly car allowance offsets the cost associated with the increased insurance limit.
- The Town will not assume any liability for bodily injury or property damage the employee may become personally obligated to pay arising out of an accident occurring in connection with the operation of his/her personal vehicle.
- The Town does not specify and assumes no responsibility for any other coverage employees carry on their own cars since this is a matter of individual status and preference.
- Failure to maintain the mandatory insurance limit will result in disciplinary action, up to and including termination of employment.

Tobacco and Vapor Uses Prohibited

The use of any tobacco or vapor product (smoking or smokeless) is prohibited in any Town vehicle.

Assignments:

Upon recommendation assignments of Town vehicles shall be as follows:

Assignments while on duty:

- **Exclusive Use Assignments:** Where dictated by job responsibilities of a classification/position, a motor vehicle may be assigned for the exclusive use by an employee.
- **Pool Vehicles:** Where dictated by need a department/division may be assigned pool vehicles. Such vehicles are requested by the Department Director and approved by the Town Manager. Employees may use pool vehicles as approved by the Department Director. Pool vehicles are intended for shared use by department employees and shall not be exclusively assigned.

Authorization to Take a Town Vehicle Home:

- Authorization to take a Town vehicle home must be requested by the employee on a completed Vehicle Take-Home Authorization Form, recommended by the Department Director and approved by the Town Manager.
- The Town Manager may authorize the occasional take-home use of a department/division pool vehicle for specific authorized functions or activities requiring a Town vehicle at nighttime to transport people and /or equipment to/from an activity provided that:
 - (1) the domicile of an employee is such that it would be inefficient to pick up and return the vehicle to its normal storage location before and after the event; or
 - (2) for early morning business travel, picking up a vehicle at its normal storage location would be inefficient, in which case an employee may be permitted to park a Town vehicle at their domicile overnight as long as adequate security is provided.

The Town Manager may authorize the take-home use of a department/division pool vehicle when an employee is placed on standby or call-back status, for a period not to exceed fifteen (15) consecutive days for any one assignment.

Reimbursement for the Use of Personal Vehicles:

Each employee who is required to use their personal vehicle in the performance of Town business shall be reimbursed for such usage at the prevailing mileage rate in accordance with the Town Travel Policy. An employee shall be responsible for all insurance, maintenance and fuel costs associated with the operation of their personal vehicle. Employees will not be reimbursed for the use of a personal vehicle if a Town vehicle was available unless specifically approved by the Town Manager.

An employee may be awarded a monthly motor vehicle allowance as approved by the Town Manager. Employees who receive a monthly allowance may not receive reimbursement for in-town travel but may be reimbursed for out-of-town travel.

Appropriate Use of Town Vehicles:

A Town vehicle shall be used only for official travel while in the performance of Town business or services. Infrequent limited personal use of Town vehicles may be permitted when such use is incidental to the conduct of official business.

At no time will a Town vehicle be parked at an adult entertainment establishment or an establishment whose primary business is the sale of alcoholic beverages.

A Town take-home vehicle shall not be used to replace an employee's personal vehicle for leisure-time use.

Taxable Benefit:

The employee is responsible for any taxable benefit that may accrue as a result of the use of a Town assigned take-home motor vehicle and must submit the required documentation to the Finance Director. Failure to submit required documentation may result in:

- loss of Town assigned take-home vehicle; and
- additional personal income tax liability

**APPENDIX C
TRAVEL POLICY**

Appendix C, attached hereto, and incorporated herein by reference, to the Handbook of Procedures of the Town of Lake Park (Employee Handbook) constitutes the Town of Lake Park Travel Policy.

TOWN OF LAKE PARK PER DIEM AND TRAVEL EXPENSE POLICY

PURPOSE

The primary purpose of this per diem and travel expense policy is to establish the specific procedures related to travel by Town employees, the Town Manager, Mayor and Commissioners, as well as to establish the required procedures to be used to obtain reimbursement of travel expenses. This policy additionally establishes the allowable travel reimbursement rates. By way of definition, wherever employees are referenced, such definition includes the individuals listed above.

POLICY

- Authorization – All travel by Town employees to attend conventions, conferences, or training programs must be approved in advance by the appropriate Department Director. The Town Manager will approve requests for Department Director travel and training.
- Budget Provisions – No employee will be authorized to attend any convention, conference or training program at Town expense, unless funding is available in the annual budget, and budget constraints do not prohibit travel.
- Advance/Reimbursement – All authorized persons required to travel on Town business shall be reimbursed in accordance with established procedure. Reimbursement must be properly documented and must include receipts when required.

RESPONSIBILITY

- The Finance Director is responsible for implementing this policy, under the direction of the Town Manager. The Department Directors are responsible for the application and implementation of the policy within their departments.

PROCEDURES

Registration fees for authorized conventions, conferences and training seminars shall be paid by the Town.

Travel Expenses – It is the intent of this section that employees attending approved conferences shall utilize the most economical means of transportation available unless specifically approved by the Town Manager. Any deviation from this policy shall result in the employee being responsible for the additional expenses and travel time off.

Mileage Reimbursement – Employees attending approved conferences shall be paid according to the Internal Revenue Code rate for the use of the employee’s personally owned vehicle.

Parking and tolls will be reimbursed according to receipt verification.

Short or Day Trips – All travelers who do not require overnight accommodation away from home, will be paid in accordance with the above reimbursement schedule. The total amount of reimbursement will be included in the employee’s paycheck following the date of attendance and submission of a travel expense report. Meals provided as part of the registration fees will not be reimbursed.

Lodging – Lodging is paid on an actual cost basis, and its expense must be substantiated by a receipt. Lodging costs must be paid by Town credit card. The Town is exempt from state sales tax and therefore, will not pay sales tax on lodging within Florida. It is the employee’s responsibility to provide the lodging vendor with a copy of the Town’s sales tax exemption certificate and ensure that no State taxes are charged.

Car Rental – When, subject to prior approval of the Department Director, a vehicle is rented by an individual traveling on Town business, the individual renting the vehicle shall purchase, at the Town’s expense, the vehicular insurance offered by the rental agency. Failure to do so will result in the individual’s own insurance being considered primary in the event of an accident and place the individual renting the vehicle at personal financial risk.

Incidental Expenses – The following expenses of the traveler may be reimbursed when receipts are provided:

- Reasonable taxi or shuttle fare.
- Communication expense (must be documented as official business).
- Registration fees not paid in advance.

Travel Expense Report – at the conclusion of travel a Travel Expense Report must be submitted together with all of the required receipts to the Finance Department. Application for payment of travel expenses must contain a statement that the expenses were actually incurred by the traveler as necessary travel expenses in the performance of official duties and shall be verified by a written declaration that it is true and correct as to every material matter.

Per Diem: Per diem is an allowance paid to an employee for meals and incidental expenses incurred when traveling on Town related business which is in lieu of the payment of the actual travel expenses. Such per diem payment shall consist of \$59.00 per day for the following expenses:

- All meals;
- Room service;
- Laundry, dry cleaning, and pressing of clothing; and

Fees and tips for persons who provide services, such as food servers and luggage handlers.

Fraudulent Claims – Any person who willfully makes and subscribes any such claim that he or she does not believe to be true and correct as to every material matter, or who willfully aids or assists in, or procures, counsels, or advises the preparation or presentation of such a claim that is fraudulent or is false as to any material matter, whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present such claim, commits a misdemeanor of the second degree, punishable as provided by State law. Whoever receives an allowance or reimbursement by means of a false claim is civilly liable in the amount of the overpayment for the reimbursement of the public fund from which the claim was paid.

Prohibition against Reimbursement of Travel Expenses by Contractors, Vendors, Service Providers, Bidders or Proposers

Reimbursement to Town employees of travel expenses by contractors, vendors, service providers, bidders or proposers is prohibited pursuant to the Town's No Gift Policy which is set forth in Administrative Policy No. 17-001 which is set forth at Appendix H.

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APPENDIX D

DOMESTIC VIOLENCE VICTIMS LEAVE POLICY

Appendix D, attached hereto, and incorporated herein by reference, to the Handbook of Procedures of the Town of Lake Park (Employee Handbook) constitutes the Town of Lake Park Domestic Violence Victim's Leave Policy.

TOWN OF LAKE PARK DOMESTIC VIOLENCE LEAVE POLICY

Any employee of the Town or an employee who has a family member or household member who is a victim of domestic violence is eligible for up to three (3) workdays of unpaid leave from work in any twelve (12) month period to participate in activities resulting from an act of domestic violence. The Town will permit leave for an employee to participate in the following specific activities:

- a. Seek a protective or injunctive order for protection against domestic violence or an injunction for protection in cases of repeat violence, dating violence, or sexual violence;
- b. Obtain medical care or mental health counseling, or both, for the employee or a family or household member to address physical or psychological injuries resulting from the act of domestic violence or sexual violence;
- c. Obtain services from a victim services organization, including, but not limited to, a domestic violence shelter or program or a rape crisis center as a result of the act of domestic violence or sexual violence;
- d. Make the employee's home secure from the perpetrator of the domestic violence or sexual violence or to seek new housing to escape the perpetrator; or
- e. Seek legal assistance in addressing issues arising from the act of domestic violence or sexual violence or to attend and prepare for court-related proceedings arising from the act of domestic violence or sexual violence.

For purposes of the Town's policy, the following definitions apply:

- a. Domestic and sexual violence include any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member.
- b. Family or household member means spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.

- c. Victim means an individual who has been subjected to domestic or sexual violence.
- d. The twelve (12) month period for determining whether the three (3) workdays of leave is based on a rolling twelve (12) month period commencing upon the first date of leave.

APPLYING FOR LEAVE FOR VICTIMS OF DOMESTIC OR SEXUAL VIOLENCE:

Except in cases of imminent danger to the health or safety of the employee, or to the health or safety of a family or household member, an employee seeking leave from work under this policy must submit to the Human Resources Director a written Request for Leave for approval along with a copy of the police report, physician's certification, or certified court documentation verifying the act of domestic or sexual violence.

MAXIMUM LEAVE ALLOWABLE:

Employees are eligible for a maximum of three (3) workdays of unpaid leave per twelve (12) month period.

PAY STATUS:

Employees seeking leave under this policy may utilize any available vacation, personal leave, sick leave and compensatory time in order to remain in a paid status.

CONFIDENTIALITY:

Information relating the employee's leave under this policy will be kept confidential and is exempt from disclosure to the extent permitted by law.

NON-RETALIATION:

An employee will not be discharged, demoted, suspended, retaliated against or in any other manner discriminated against for exercising his or her rights under the Town's policy.

APPENDIX E

WORKPLACE BULLYING POLICY

Appendix E, attached hereto, and incorporated herein by reference, to the Handbook of Procedures of the Town of Lake Park (Employee Handbook) constitutes the Town of Lake Park Workplace Bullying Policy.

TOWN OF LAKE PARK WORKPLACE BULLYING POLICY

The purpose of this policy is to communicate to all employees, including supervisors and Department Directors that the Town will not in any instance tolerate bullying behavior. Any bullying complaint made pursuant to this policy will be investigated by the Town. Employees found in violation of this policy will be disciplined, up to and including termination from employment.

Workplace bullying is defined as any behavior that is repeated, systematic and directed towards an employee or group of employees that a reasonable person, having regard to the circumstances, would expect to be victimizing, humiliating, undermining or threatening. This definition includes retaliation against a Town employee by another employee for asserting or alleging an act of bullying.

Workplace bullying may be intentional or unintentional; **however, it must be noted that where an allegation of bullying is made, the intention of the alleged bully is irrelevant, and will not be given consideration if and/or when disciplinary action is taken.** The Town considers the following types of behavior to be examples of bullying:

- Verbal Bullying: Spreading rumors or innuendo about an employee or his or her family, ridiculing or maligning a person or his or her family; persistent name calling which is hurtful, insulting or humiliating; using an employee as butt of jokes; abusive and offensive remarks.
- Physical Bullying: Pushing; shoving; kicking; poking; tripping; assault, or threat of physical assault; damage to an employee's work area or property
- Exclusion: Socially or physically excluding or disregarding an employee in work-related activities
- Cyber bullying: Use of the Town's or an employee's personal computer technology devices to engage in bullying contrary to this policy

The following examples are illustrative of workplace bullying; however, the list is not intended to be all-inclusive:

- Persistent singling out of one employee
- Shouting, raising voice at an employee in public and/or in private
- Using verbal or obscene gestures; e.g., glances which can convey threatening messages
- Not allowing the employee to speak or express him/herself (i.e., ignoring or interrupting)

- Personal insults and use of offensive nicknames
- Public humiliation (including publicly criticizing an employee in the presence of others)
- Constant criticism on matters unrelated or minimally related to the employee's job performance or description
- Ignoring/interrupting an employee at meetings
- Repeatedly accusing an employee of errors which cannot be documented
- Deliberately interfering with mail and other communications
- Spreading rumors and gossip regarding employees
- Encouraging others to disregard a supervisor's instructions
- Manipulating the ability of an employee to do their work (e.g., overloading, underloading, withholding information, setting meaningless tasks, setting deadlines that cannot be met, giving deliberately ambiguous instructions)
- Inflicting menial tasks not in keeping with the normal responsibilities of the employee's job
- Refusing reasonable requests for leave in the absence of work-related reasons not to grant leave
- Deliberately excluding an employee or isolating them from work-related activities (meetings, etc.)
- Unwanted physical contact, physical abuse or threats of abuse to an individual or an individual's property (defacing or marking up property). This action may also constitute a Category II(c) offense.
- Stalking

Responsibility of Supervisors and Department Directors:

- Ensure that all employees are aware of this policy
- Ensure that any incident of bullying is investigated regardless of whether a complaint of bullying has been reported by the affected employee or employees
- Respond promptly, sensitively and confidentially to all situations where bullying behavior is observed or alleged to have occurred

- Immediately Report the incident to the Human Resources Director

Responsibility of Employees:

- Town employees are not required or expected to tolerate bullying from any individual employed by the Town. Any Town employee who is subject to or who has witnessed a bullying incident must notify his or her supervisor, Department Director or the Human Resources Department immediately.

Violation of the Town's Workplace Bullying Policy shall result in disciplinary action or termination of employment.

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APPENDIX F

DRUG FREE WORKPLACE POLICY

Appendix F, attached hereto, and incorporated herein by reference, to the Handbook of Procedures of the Town of Lake Park (Employee Handbook) constitutes the Town of Lake Park Drug Free Workplace Policy and Procedure.

TOWN OF LAKE PARK DRUG FREE WORKPLACE POLICY AND PROCEDURES
POLICY STATEMENT, SECTION 8
“DRUG FREE WORKPLACE POLICY”

Section 1. PURPOSE.

As a part of its commitment to safeguard the health of its employees, to provide a safe place for its employees to work and to promote a drug-free community, the Town has established its Drug Free Workplace Policy and Procedures on the use or abuse of alcohol and drugs by its employees. Substance and alcohol abuse, while at work or otherwise, seriously endangers the safety of employees, as well as the general public, and creates a variety of workplace problems including increased injuries on the job, increased absenteeism, increased health care and benefit costs, increased theft, decreased morale, decreased productivity and a decline in the quality of products and services provided. Continuing research and practical experience have proven that even limited quantities of narcotics, abused prescription drugs or alcohol can impair reflexes and judgment. For these reasons, the Town policy requires that all employees must report to work and work completely free from the presence of illegal drugs or alcohol in their bodies, and to assist employees in overcoming any dependence on drugs and/or alcohol in accordance with the following guidelines.

This policy is established to provide guidelines on handling incidents of alcohol and/or drug abuse as it relates to the workplace, in compliance with the drug-free workplace requirements under the Florida Statutes Workers' Compensation Chapter (Fla. Stat. § 440.101-02). The legislative intent of the Chapter is to promote drug-free workplaces in order for employers to be afforded the opportunity to maximize their levels of productivity, enhance their competitive positions in the marketplace, and reach their desired levels of success without experiencing the costs, delays, and tragedies associated with work-related accidents resulting from drug abuse by employees. Further, drug abuse is discouraged under the statute, and employees who choose to engage in drug abuse face the risk of unemployment and the forfeiture of workers' compensation benefits. To qualify as having established a drug-free workplace program under Chapter 440 and to qualify for discounts provided under section 627.0915, Florida Statutes, and deny medical and indemnity benefits under this chapter, the Town must implement drug testing that conforms to the standards and procedures established in section 440.102. The Town has implemented a drug-free workplace program in accordance with the notice, education, and procedural requirements taken directly from the comprehensive procedures outlined in Florida Statute § 440.102. Chapter 59A-24 of the Florida Administrative Code, containing the Drug-Free Workplace Standards adopted by the Agency for Health Care Administration, is also hereby incorporated by reference and shall be utilized for all drug testing pursuant to Chapter 440, Florida Statutes.

Questions concerning the Town's policy should be presented to the Human Resources Director for guidance or clarification.

Section 2. DEFINITIONS.

The definitions set forth in Chapter 440, Florida Statutes, and Chapter 59A-24 Florida Administrative Code will apply to the terms used in this policy. In pertinent part:

a. Confirmation test, confirmed test, or confirmed drug test refer to a second analytical procedure used to identify the presence of a specific drug or metabolite in a specimen, which test must be different in scientific principle from that of the initial test procedure and must be capable of providing requisite specificity, sensitivity, and quantitative accuracy.

b. Drug means alcohol, including a distilled spirit, wine, a malt beverage, or an intoxicating liquor; an amphetamine; a cannabinoid ²; cocaine; phencyclidine (PCP); a hallucinogen; methaqualone; an opiate; a barbiturate; a benzodiazepine; a synthetic narcotic; a designer drug; or a metabolite of any of the substances listed in this paragraph. An employer may test an individual for any or all of such drugs.

c. Drug Rehabilitation Program means a service provider, established pursuant to s. 397.311(33), Florida Statutes, that provides confidential, timely, and expert identification, assessment, and resolution of employee drug abuse.

d. Drug test or test refer to any chemical, biological, or physical instrumental analysis administered, by a laboratory certified by the United States Department of Health and Human Services or licensed by the Agency for Health Care Administration, for the purpose of determining the presence or absence of a drug or its metabolites.

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

f. Job Applicant means a person who has applied for a mandatory-testing position. Mandatory testing positions include the following:

- Dock Attendant
- Equipment Operator I
- Equipment Operator II
- Equipment Operator III
- Facilities Mechanic

² “Drug” is defined herein as defined in Fla. Stat. § 440.102(1)(c). The section 440.102 has not been amended since the passage of Fla. Stat. § 381.986, the legislature has not expressly provided an exception to the definition of “drug” for medically prescribed low-THC Cannabis (as defined in section 381.986). “Drug” is therefore interpreted by the Town as including all cannabinoids, including low-THC Cannabis. However, through section 440.102(1)(l)’s reference to section 893.02 (which defines “cannabis” as excluding low-THC Cannabis), this policy shall treat low-THC Cannabis as a prescription drug, and all appropriate rules and requirements shall apply accordingly.

- Foreman General Infrastructure
- Sanitation Foreman
- Grounds Maintenance Foreman
- Grounds Maintenance Crew Leader
- Recreation Supervisor
- Special Events Coordinator
- Camp Counselor

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

h. Prescription or non-prescription medication refer to drugs or medication obtained pursuant to a prescription as defined by section 893.02³, Florida Statutes, or a medication that is authorized pursuant to federal or state law for general distribution and use without a prescription in the treatment of human diseases, ailments, or injuries.

i. Reasonable-suspicion drug testing means drug testing based on a belief that an employee is using or has used drugs in violation of the employer's policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Among other things, such facts and inferences may be based upon:

1. Observable phenomena while at work, such as direct observation of drug use or the physical symptoms or manifestations of being under the influence of a drug.
2. Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance
3. A report of drug use, provided by a reliable and credible source.
4. Evidence that an individual has tampered with a drug test during his or her employment with the current employer.
5. Information that an employee has caused, contributed to, or been involved in an accident while at work.
6. Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on the employer's premises or while operating the employer's vehicle, machinery, or equipment.

³ As referenced above in subsection (b), defining "drugs" under this Policy, section 893.02 defines "Cannabis" as excluding "low-THC cannabis", as long as the low-THC cannabis is manufactured, possessed, sold, purchased, delivered, distributed, or dispensed in conformance with section 381.986, Florida Statutes. Accordingly, such low-THC cannabis will be evaluated as a prescription drug, and employees must conform with the requirements of section (5)(F) of this Policy.

j. Mandatory-testing position means a job assignment that requires the employee to carry a firearm, work closely with an employee who carries a firearm, perform life-threatening procedures, work with heavy machinery, work as a safety inspector, work with children, work with detainees in the correctional system, work with confidential information or documents pertaining to criminal investigations, work with controlled substances, or a job assignment that requires an employee security background check, pursuant to section 110.1127, Florida Statutes, or a job assignment in which a momentary lapse in attention could result in injury or death to another person.

k. Special-risk position means a position that is required to be filled by a person who is certified under Chapter 633 (Fire Prevention and Control) or Chapter 943 (Department of Law Enforcement), Florida Statutes.

l. Specimen means tissue, hair, or a product of the human body capable of revealing the presence of drugs or their metabolites, as approved by the United States Food and Drug Administration or the Agency for Health Care Administration.

Section 3 NOTICE

- a. Prior to testing, an employee or job applicant shall receive proper notice in the form of this Comprehensive Alcohol and Drug Abuse Policy. Additionally, Chapter 59A-24 of the Florida Administrative Code shall be provided upon request.
- b. The drugs to be tested for are included in the definition provided above. The following is a list of over-the-counter and prescription drugs which could alter or affect a test result:
 - i. Alcohol: all liquid medications containing ethyl alcohol (ethanol). For example: Vick's Nyquil is 25% (50 proof) ethyl alcohol, Comtrex is 20% (40 proof), Contact Severe Cold Formula Night Strength is 25% (50 proof) and Listerine is 26.9% (54 proof). Check the label of liquid medications for alcohol content.
 - ii. Amphetamines: Obetrol, Biphphetamine, Desoxyn, Dexedrine, Didrex, Ionamine, Fastin
 - iii. Cannabinoids: Marinol
 - iv. Cocaine: Cocaine HCl topical solution (Roxanne)
 - v. Phencyclidine : Not legal by prescription
 - vi. Methaqualone: Not legal by prescription
 - vii. Opiates: Paregoric, Parepectolin, Donnagel PG, Morphine, Tylenol with Codeine, Empirin with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guiatuss AC, NOVahistine DH, Novahistine Expectorant, Dilaudid (Hydromorphone), M-S Contin and Roxanol (morphine sulfate), Percodan, Vicodin, Tussi-organidin, etc.
 - viii. Barbiturates: Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebaral, Butabarbital, Butalbital, Phrenilin, Triad, etc.
 - ix. Benzodiazepines: Ativan, Azene, Clonpin, Dalmane, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxipam, Restoril, Centrax.
 - x. Methadone: Dolphine, Metadose
 - xi. Propoxyphene: Darvocet, Darvon N, Dolene, etc.

This list is not intended to be all-inclusive.

c. The following are the name, address and telephone number of the Town's Employee Assistance Program (EAP) through which substance abuse assessment and counseling services are available to Town employees. The Town will pay the cost of such services if the Town's sponsored EAP program is used:

Center for Family Services of Palm Beach County, Inc.
4101 Parker Avenue
West Palm Beach, FL 33405
Telephone: 561-616-1222 ext. 227

d. The Town has a collective bargaining agreement, which acknowledges the Town's adherence to Fla. Stat. § 440 and requirements for a drug free workplace policy in conjunction with workers' compensation rights. For employees whose positions are covered by the collective bargaining agreement, appeals of disciplinary actions may be brought forth following the procedures set forth in the collective bargaining agreement. More specifically: All regular full-time and regular part-time employees may make an appeal of disciplinary action or other management decision by addressing the appeal to the Employee Complaint Review Committee (ECRC). In the event of an appeal of disciplinary action, the employee may request such an appeal requesting that the ECRC determine the appropriateness of the recommended disciplinary action. Such request shall be submitted in writing to the Human Resources Director within five (5) workdays of the disciplinary recommendation using the prescribed form. The Human Resources Director shall forward the request to the Town Manager who shall submit the request to the ECRC to convene the meeting.

Section 4 WHEN TESTING MAY BE REQUIRED

The Town may require an employee to submit to tests for the presence of drugs after proper notice, under any of the following circumstances:

- a. As part of the initial screening process for job applicants applying for special-risk or mandatory-testing positions, as defined above.
- b. Whenever an employee's job classification is changed such that the new job classification is a special-risk or mandatory-testing position, as defined above.
- c. Whenever Reasonable-Suspicion Drug Testing is warranted, as defined above.
- d. As part of routine fitness for duty drug testing for employees in special-risk or mandatory-testing positions.
- e. Information that an employee has caused, or contributed to, an accident while at work. The following job positions require a current commercial drivers' license and are subject to routine fitness for duty drug testing every two years:

- Foreman General Infrastructure
- Sanitation Foreman
- Vehicle Maintenance Foreman
- Equipment Operator II
- Equipment Operator III
- Stormwater Technician I
- Stormwater Technician II
- Maintenance Worker III
- Facilities Maintenance Worker III
- Recreation Supervisor

For follow-up drug testing, if the employee in the course of employment enters an employee assistance program for drug-related problems, or a drug rehabilitation program, the employee is required to submit to a drug test as follow-up to such program, unless the employee voluntarily entered the program. In those cases, the Town has the option to not require follow-up testing. If follow-up testing is required, it must be conducted at least once a year for a two year period after completion of the program. Advance notice of a follow-up testing date must not be given to the employee to be tested.

Section 5 DRUG USE PROHIBITIONS FOR ALL EMPLOYEES

Though mandatory testing may only be conducted under the circumstances listed and described above, the following conduct is prohibited for all employees pursuant to the Town's effort to provide a safe, healthy, drug-free workplace and promote a drug-free community:

(a) All employees are prohibited from manufacturing, distributing, dispensing, possessing, using or being impaired, intoxicated or under the influence of drugs (as defined in the policy) while on duty, operating a Town vehicle or equipment or on Town property including parking areas or while otherwise performing Town duties away from the Town.

(b) An employee who is perceived to be under the influence of drugs will be removed immediately from the workplace and may be evaluated by medical personnel, if reasonably available. The Town will take further action based on medical information, work history and other relevant factors and will conduct the appropriate drug test if reasonable suspicion is found. The determination of what action is appropriate in each case rests solely with the Town.

(c) Employees arrested for an alcohol or drug related incident shall immediately notify their supervisor or Department Director who shall immediately notify the Human Resources Director.

(d) For the purpose of this policy, an employee is presumed to be impaired by drugs if the results of a urine test or any other accepted testing procedure is positive for the presence of one or more of the illegal substances for which the Town will test.

(e) The proper use of medication prescribed by your physician is not prohibited; however, this policy expressly prohibits the misuse of prescribed medications. An employee who is using

prescription medication while on the job shall do so in strict accordance with medical directions. It is the employee's responsibility to notify the prescribing physician of the duties required or performed to ensure that the physician approves the use of the prescription medication while the employee is performing their job duties. Prescription drugs may also affect the safety of the employee, fellow employees or members of the public. Therefore, any employee who is taking any prescription drug which might impair safety, performance or any motor functions must advise his/her supervisor before reporting to work under such medication. Failure to do so may result in disciplinary action. If the Town determines that such use does not pose a safety risk, the employee will be permitted to work. If such use impairs the employee's ability to safely or effectively perform his or her job the Town may, at its sole discretion, temporarily reassign the employee or grant a leave of absence during the period of treatment. Improper use of prescription drugs is prohibited and may result in disciplinary action, up to and including termination of employment. Prescription medication must be kept in its original container if such medication is taken during working hours or on Town property.

(f) It shall be the responsibility of each employee who observes or has knowledge of another employee in a condition which impairs the employee to perform his/her job duties, or who presents a hazard to the safety and welfare of others or is otherwise in violation of this policy, to promptly report that fact to his/her immediate supervisor.

Section 6 TESTING PROCEDURES AND EMPLOYEE PROTECTION

The following procedure will be used for testing in accordance with this Policy and Chapter 440:

A. A sample shall be collected with due regard to the privacy of the individual providing the sample, and in a manner reasonably calculated to prevent substitution or contamination of the sample.

B. Specimen collection must be documented and the documentation procedures shall include: (1) labeling specimen containers so as to reasonably preclude the likelihood of erroneous identification of test results; and (2) a form for the employee or job applicant to provide any information he or she considers relevant to the test, including identification of currently or recently used prescription or nonprescription medication or other relevant medical information. The form must provide notice of the most common medications by brand name or common name, as applicable, as well as by chemical name, which may alter or affect a drug test. The providing of information shall not preclude the administration of the drug test but shall be taken into account in interpreting any positive confirmed test result.

C. Specimen collection, storage, and transportation to testing site shall be performed in a manner that reasonably precludes contamination or adulteration of specimens.

D. Each confirmation test conducted shall be conducted by a licensed or certified laboratory pursuant to Chapter 440.

E. A specimen may be taken or collected by: a physician, a physician assistant, a registered professional nurse, a licensed practical nurse, or a nurse practitioner, or a certified paramedic who is present at the scene of an accident for the purpose of rendering emergency medical service or treatment; or a qualified person employed by a licensed or certified laboratory as outlined in Chapter 440.

- F. The person who collects or takes a specimen shall collect an amount sufficient for two drug tests as determined by the Agency for Health Care Administration.
- G. Every specimen that produces a positive, confirmed test result shall be preserved by the licensed or certified laboratory that conducted the confirmation test for a period of at least 210 days after the result of the test was mailed or otherwise delivered to the medical review officer. However, if an employee or job applicant undertakes an administrative or legal challenge to the test result, the employee or job applicant shall notify the laboratory and the sample shall be retained by the laboratory until the case or administrative appeal is settled. During the 180 day period after written notification of a positive test result, the employee or job applicant who has provided the specimen shall be permitted by the employer to have a portion of the specimen retested, at the employee's or job applicant's expense, at another laboratory, licensed and approved by the Agency for Health Care Administration, chosen by the employee or job applicant. The second laboratory must test at equal or greater sensitivity for the drug in question as the first laboratory. The first laboratory that performed the test for the employer is responsible for the transfer of the portion of the specimen to be tested and for the integrity of the chain of custody during such transfer.
- H. Within 5 working days after receipt of a positive confirmed test result from the medical review officer, the Town shall inform an employee or job applicant in writing of such positive test result, the consequences of such results, and the options available to the employee or job applicant. The Town shall provide the employee or job applicant a copy of the test results upon request.
- I. Within 5 working days after receiving notice of a positive confirmed test result, an employee or job applicant may submit information to the Town explaining or contesting the test result, and explaining why the result does not constitute a violation of the employer's policy.
- J. If the employee's or job applicant's explanation or challenge of the positive test result is unsatisfactory to the Town, a written explanation as to why the employee's or job applicant's explanation is unsatisfactory, along with the report of positive result, shall be provided by the Town to the employee or job applicant; and all such documentation shall be kept confidential by the Town pursuant to Chapter 440 and shall be retained by the Town for at least 1 year.
- K. The Town may not discharge, discipline, refuse to hire, discriminate against, or request or require rehabilitation of an employee or job applicant on the sole basis of a positive test result that has not been verified by a confirmation test and by a medical review officer.
- L. The Town shall use chain-of-custody procedures established by the Agency for Health Care Administration to ensure proper recordkeeping, handling, labeling, and identification of all specimens tested.
- M. The Town shall pay the cost of all drug tests, initial and confirmation, which the employer requires of employees. An employee or job applicant shall pay the costs of any additional drug tests not required by the Town.
- N. The Town shall not discharge, discipline, or discriminate against an employee solely upon the employee's voluntarily seeking treatment, while under the employ of the Town, for a drug-related problem if the employee has not previously tested positive for drug use, entered an employee assistance program for drug-related problems, or entered a drug rehabilitation program.

Unless otherwise provided by a collective bargaining agreement, the Town may select the employee assistance program or drug rehabilitation program if the Town pays the cost of the employee's participation in the program.

O. If drug testing is conducted based on reasonable suspicion, the Town shall promptly detail in writing the circumstances which formed the basis of the determination that reasonable suspicion existed to warrant the testing. A copy of this documentation shall be given to the employee upon request and the original documentation shall be kept confidential by the Town pursuant to subsection (8) of Section 440.102, and shall be retained by the employer for at least 1 year.

P. All authorized remedial treatment, care, and attendance provided by a health care provider to an injured employee before medical and indemnity benefits are denied under this section must be paid for by the carrier or self-insurer. However, the carrier or self-insurer must have given reasonable notice to all affected health care providers that payment for treatment, care, and attendance provided to the employee after a future date certain will be denied. A health care provider, as defined in s. 440.13(1)(g), that refuses, without good cause, to continue treatment, care, and attendance before the provider receives notice of benefit denial commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Q. Confirmation Testing

1. If an initial drug test is negative, the Town may in its sole discretion seek a confirmation test.
2. Only licensed or certified laboratories may conduct confirmation drug tests.
3. All positive initial tests shall be confirmed using gas chromatography/mass spectrometry (GC/MS) or an equivalent or more accurate scientifically accepted method approved by the Agency for Health Care Administration or the United States Food and Drug Administration as such technology becomes available in a cost-effective form.
4. If an initial drug test of an employee or job applicant is confirmed as positive, the Town's medical review officer shall provide technical assistance to the employer and to the employee or job applicant for the purpose of interpreting the test result to determine whether the result could have been caused by prescription or nonprescription medication taken by the employee or job applicant.

Section 7 TOWN PROTECTION

- a. An employee or job applicant whose drug test result is confirmed as positive in accordance with this section shall not, by virtue of the result alone, be deemed to have a "handicap" or "disability" as defined under federal, state, or local handicap and disability discrimination laws.
- b. No physician-patient relationship is created between an employee or job applicant and the Town or any person performing or evaluating a drug test, solely by the establishment, implementation, or administration of a drug-testing program.
- c. If an employee or job applicant refuses to submit to a drug test, the Town is not barred from discharging or disciplining the employee or from refusing to hire the job applicant. However, this paragraph does not abrogate the rights and remedies of the employee or applicant as otherwise provided in Section 440.102.

Section 8 CONFIDENTIALITY PURSUANT TO SUBSECTION (8) OF SECTION 440.102, FLORIDA STATUTES

d. Except as otherwise provided in this subsection, all information, interviews, reports, statements, memoranda, and drug test results, written or otherwise, received or produced as a result of a drug-testing program are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except in accordance with this section or in determining compensability under this chapter.

e. The Town laboratories, medical review officers, employee assistance programs, drug rehabilitation programs, and their agents may not release any information concerning drug test results obtained pursuant to this section without a written consent form signed voluntarily by the person tested, unless such release is compelled by an administrative law judge, a hearing officer, or a court of competent jurisdiction pursuant to an appeal taken under this section or is deemed appropriate by a professional or occupational licensing board in a related disciplinary proceeding. The consent form must contain, at a minimum:

1. The name of the person who is authorized to obtain the information.
2. The purpose of the disclosure.
3. The precise information to be disclosed.
4. The duration of the consent.
5. The signature of the person authorizing release of the information.

f. Information on drug test results shall not be used in any criminal proceeding against the employee or job applicant. Information released contrary to this section is inadmissible as evidence in any such criminal proceeding.

g. This subsection does not prohibit the Town, an agent of the Town, or laboratory conducting a drug test from having access to employee drug test information or using such information when consulting with legal counsel in connection with actions brought under or related to this section or when the information is relevant to its defense in a civil or administrative matter.

h. In accordance with Attorney General Opinion 2013-19, drug test results obtained by the Town pursuant to this drug-testing program are not subject to inspection or copying pursuant to a request under Chapter 119, Florida Statutes, Florida's Public Records Law.

Section 9 DRUG TESTING STANDARDS FOR LABORATORIES

The Town will follow the Drug-Testing Standards for Laboratories as outlined in subsection (9) of Section 440.102, Florida Statutes. Also see the drug-testing standards included in Chapter 59A-24 of the Florida Administrative Code, which will be provided upon request.

Section 10 EMPLOYEES TESTING POSITIVE FOR DRUG USE

i. If an employee in a mandatory-testing position enters an employee assistance program or drug rehabilitation program, the Town must assign the employee to a position other than a mandatory-testing position or, if such position is not available, place the employee on leave while the employee is participating in the program. However, the employee shall be permitted to use any accumulated annual leave credits before leave may be ordered without pay.

j. An employee in a special-risk position may be discharged or disciplined by the Town for the first positive confirmed test result if the drug confirmed is an illicit drug under s. 893.03. A special-risk employee who is participating in an employee assistance program or drug rehabilitation program may not be allowed to continue to work in any special-risk or mandatory-testing position of the Town, but may be assigned to a position other than a mandatory-testing position or placed on leave while the employee is participating in the program. However, the employee shall be permitted to use any accumulated annual leave credits before leave may be ordered without pay.

Section 11 ARREST OR CONVICTION FOR DRUG-RELATED CRIME

A. If an employee is arrested for or convicted of a drug-related crime, the Town will investigate the circumstances and direct the implementation of drug-testing procedures if cause is established by the investigator. In most cases, an arrest for a drug-related crime constitutes reasonable suspicion of drug use under this policy. The following procedures will apply:

1. During investigation, an employee may, at the Town's discretion, be placed on leave without pay. After the investigation is completed, the leave may be converted to a suspension without pay or other disciplinary action, or the employee may be reinstated depending upon the facts and circumstances.
2. If convicted of a drug-related crime, an employee will be terminated from employment.
3. If an employee has been suspended and the case has been dismissed or otherwise disposed of, the Town will make a determination as to whether to authorize the employee's return to work based on its investigation. If the employee is authorized to return to work, the employee must agree in writing to unannounced, periodic testing for a period of up to two (2) years.
4. Because of the seriousness of such situations, the Town reserves the right to alter or change its policy or decision on a given situation depending upon its investigation and the totality of the circumstances.

B. As a condition of continued employment, an employee shall notify the Town of any criminal drug statute arrest or conviction immediately or by the beginning of the next business day.

Section 12 DENIAL OF BENEFITS

The Town shall deny an employee medical or indemnity benefits under Chapter 440 for a violation of the Drug-Free workplace program implemented by the Town.

Section 13 INVESTIGATIONS/SEARCHES

A. Where the Town has reasonable suspicion that an employee has violated the substance abuse policy, the Town may inspect vehicles, lockers, work areas, desks, purses, briefcases, tool boxes and other locations or belongings on the Town's premises without prior notice, in

order to ensure a work environment free of prohibited substances. An employee may be asked to be present and remove a personal lock. Where the employee is not present or refuses to remove a personal lock, the Town may do so for him or her, and compensate the employee for the lock. Any such searches will be coordinated with a representative of management.

B. Individuals may be requested to display personal property for visual inspection upon Town request. Failure to consent to a search or display personal property for visual inspection will be grounds for discharge or denial of access to Town premises.

C. Individuals may be required to empty their pockets, but under no circumstances will an employee be required to remove articles of clothing or be physically searched.

D. Employees will be subject to discipline, up to and including termination of employment for refusing to cooperate with searches or investigations.

Section 14. The Town agrees to reimburse employees for any costs not covered by Town insurance for required physical examinations.

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APPENDIX G

SOCIAL SECURITY NUMBER PRIVACY POLICY

Appendix G, attached hereto, and incorporated herein by reference, to the Handbook of Procedures of the Town of Lake Park (Employee Handbook) constitutes the Town of Lake Park Social Security Number Privacy Policy and Operational Procedures.

SOCIAL SECURITY NUMBER PRIVACY POLICY AND OPERATIONAL PROCEDURES

Statement of Town Policy. The Florida Legislature expressly acknowledged in the 2007 amendments to Section 119.071, Fla. Stat. (2007), that the social security number was never intended to be used for business purposes, but rather was intended to be used solely for the administration of the federal Social Security System. The Legislature also recognized that over time, social security numbers have been used extensively for identity verification purposes and other legitimate consensual purposes. Because social security numbers can be used as a tool to perpetuate fraud against an individual and to acquire sensitive personal, financial, medical, and familial information, the release of which could cause great financial or personal harm to an individual, state law requires the agencies that are subject to the Florida Public Records Act, Chapter 119, Fla. Stat., which includes the Town of Lake Park (“Town”) implement a policy consistent with state law, to keep social security numbers that the Town collects confidential, and not subject to disclosure except in limited circumstances.

In accordance with state law, it is the policy (“Policy”) of the Town to protect the confidentiality of social security numbers, which may be obtained by the Town pursuant to this Policy. All Town employees must strictly adhere to this Policy. Any employee who violates the provisions of this Policy and its operating procedures, will be subject to discipline, in accordance with the applicable provisions of the Handbook of Procedures for Employees of the Town of Lake Park, and may also be subject to the imposition of criminal and non-criminal penalties pursuant to Section 119.071, Fla. Stat., for violations, including a fine of \$500.00 per violation, against any public officer who violates the provisions.

Operating Procedures.

1. **Collection and Use of Social Security Numbers by the Town.** Social security numbers may be collected by the Town from persons applying for employment with the Town, Town employees, applicants for certain licenses and permits issued by the Town, and persons and entities doing business with the Town and/or receiving services from the Town, or for any other Town purpose. The Town may use social security numbers that the Town acquires for any of one or more of the following purposes:
 - Employment background checks (including but not limited to, consumer credit, criminal record, driving history, verification of employment, fingerprints, NCIC/FCIC checks, FDLE checks, local and state record checks, verification of military service, clarification for duplicate names, educational background government agencies,), pre-employment physicals and drug testing and screening;
 - Credit history investigations for applicants for positions of financial responsibility or for positions that involve the handling of significant amounts of currency or other valuables;

- To identify Town employees for any purpose allowed under law not limited by state and federal privacy laws; to verify the validity of Florida driver's licenses;
- To verify eligibility for employment pursuant to the Form I-9, Employment Eligibility Verification Form
- Payroll processing (IRS, Social Security, U.S. Citizen & Immigration Service, Unemployment Compensation, Division of Retirement, State of Florida New Hire reporting);
- Withholding and reporting federal income taxes;
- Insurance, retirement/pension and benefit information; To comply with sexual predator and offender laws;
- To comply with state child support reporting requirements;
- To comply with state unemployment compensation reporting requirements;
- To facilitate enrollment in employee benefit plans;
- To facilitate the processing of employee benefit claims
- Process any application for a license or permit to be issued by the Town;
- The Town may disclose social security number to another agency or another governmental entity if such disclosure is necessary for the receiving agency or governmental entity to perform its duties and responsibilities.
- **DISCLOSURE STATEMENTS WILL BE PROVIDED WHENEVER A SOCIAL SECURITY NUMBER IS REQUESTED OR USED BY THE TOWN FOR ANY PURPOSE THAT IS NOT EXPRESSLY DISCLOSED IN THIS POLICY.**

NOTE: The form(s) used for the collection of social security numbers shall contain the complete text of the above-stated disclosure statement, and shall be provided to individuals at the time that the Town collects their social security numbers. Additionally, all Town employees are required to safeguard their own individual security numbers by ensuring that their transmittal of such numbers is done in a confidential and secure manner.

2. **Receipt and Use of Social Security Numbers.** Social security numbers may be obtained and used by the Town for any of the purposes stated above, and in the event the Town requires a social security number for a purpose that is not specifically listed herein, the Town shall provide a specific disclosure statement identifying the purpose for which the social security number is to be used.

- Social security numbers or portions thereof, may not be printed on, listed or otherwise included in any of the following Town-prepared documents: identification cards, time sheets, time cards, employee rosters, employee identification records, employee paychecks, computer passwords, Town account records, agreements or contracts.
- Social security numbers or portions thereof, may not be used in open computer transmissions.

3. **Storage of, and Access to, Social Security Numbers:**

- Storage. To the extent reasonably possible, documents containing social security numbers shall be stored in locked secured areas. Computer applications that contain social security numbers shall, to the extent reasonably possible, be maintained in secured, authorized-access computer stations only.
- Access. Only Town employees who have a legitimate reason relating to Town business will be permitted access to social security numbers, and such access may only be granted by a Town Department Director(s) who is directly responsible for functions relating to the reporting or transporting of such data.

4. **Disposal of Records Containing Social Security Numbers.** Records that contain social security numbers shall be maintained in accordance with federal and state laws. When such records are scheduled for disposal, such disposal shall be done pursuant to the requirements of the State of Florida General Records Schedule GS1-SL for state and local government agencies, and the destruction of such records shall be by cross-cut shredding, or as otherwise permitted by state law.

5. **Procedure for the Disclosure of Social Security Numbers in Response to Public Records Request(s) from a Commercial Entity Engaged in the Performance of a Commercial Activity by Authorized Town Employees.** Employees who are authorized to disclose social security numbers in response to a qualified public records request made by a commercial entity engaged in the performance of a commercial activity are: the Town Clerk, Deputy Town Clerk, and the Human Resources Director. A “commercial entity” means any corporation, partnership, limited partnership, proprietorship, sole proprietorship, firm, enterprise, franchise, or association that performs a commercial activity in this state. “Commercial activity” means the provision of a lawful product or service by a commercial entity. Commercial activity includes verification of the accuracy of personal information received by a commercial entity in the normal course of its business; use for insurance purposes; use in identifying and preventing fraud; use in matching, verifying, or retrieving information; and use in research activities. It does not include the display or bulk sale of social security numbers to the public or the distribution of such numbers to any customer that is not identifiable by the commercial entity.

An authorized Town employee may not deny a commercial entity engaged in the performance of a commercial activity access to social security numbers, provided the social security numbers will be used only in the performance of a commercial activity and provided the commercial entity makes a written request for the social security numbers. The written request must: (1) be verified in accordance with the requirements of Section 95.525, Fla. Stat., (made under oath or affirmation taken or administered before an officer authorized to administer oaths; or by the

signing of the written declaration which states as follows: “Under penalties of perjury, I declare that I have read the foregoing (document) and that the facts stated in it are true,” followed by the signature of the person making the declaration, except when a verification on information or belief is permitted by law, in which case the words “to the best of my knowledge and belief” may be added. The written declaration shall be printed or typed at the end of or immediately below the document being verified and above the signature of the person making the declaration;) (2) be legibly signed by an authorized officer, employee, or agent of the commercial entity; (3) contain the commercial entity's name, business mailing and location addresses, and business telephone number; and (4) contain a statement of the specific purposes for which it needs the social security numbers and how the social security numbers will be used in the performance of a commercial activity.

The Town may request any other information reasonably necessary to verify the identity of a commercial entity requesting the social security numbers and the specific purposes for which the numbers will be used.

The Town Clerk shall create and maintain a written log or record of all requests for the disclosure of social security numbers by commercial entities and the stated purposes for the request of the social security numbers. The Town Clerk shall file a written report with the Executive Office of the Governor, the President of the Florida Senate, and the Speaker of the Florida House of Representatives, by January 1 of each year identifying all commercial entities that have requested social security numbers during the preceding calendar year, and the specific purposes(s) stated by each commercial entity for its intended use of the social security number. If the Town did not receive any such requests, the Town must indicate that no social security number disclosure requests were received for the subject calendar year in its report.

The annual report may be in the form of a letter from the Town Manager or other authorized Town official to the Governor’s Office, the Senate President, and the Speaker of the House.

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APPENDIX H

TOWN OF LAKE PARK NO GIFT POLICY

Administrative Order No. 17-001 which is attached hereto and incorporated herein as Appendix H, constitutes the Town of Lake Park No Gift Policy.



Office of the
Town Manager

535 Park Avenue
Lake Park, FL 33403
Phone: (561) 881-3304
Fax: (561) 881-3314

www.lakeparkflorida.gov

Administrative Policy: #17-001

ADMINISTRATIVE POLICY

TO: Senior Staff
FROM: John D'Agostino, Town Manager
DATE: March 29, 2017
SUBJECT: No-Gift Policy

Purpose of Policy

The Town of Lake Park is hereby establishing a "NO-GIFT OR GRATUITIES" policy. To avoid a conflict of interest, the appearance of a conflict of interest, or the perception of "quid pro quo", or the need for Town employees to examine the ethics of accepting gifts or gratuities of any value, this policy requires the employee to not accept gifts or gratuities from vendors, suppliers, customers, potential Town employees, potential vendors or suppliers or any other individual or organization under any circumstances.

Such policy requires a code of conduct pursuant to which all Town employees must demonstrate the Town's commitment to treating all people and organizations, with whom we come into contact or conduct business, impartially, fairly and ethically. Town employees' practice must demonstrate equal treatment, unbiased professionalism and non-discriminatory actions in relation to all vendors, suppliers, customers, employees, potential Town employees, potential vendors or suppliers and any other individual or organization.

Policy

The Palm Beach County Code of Ethics prohibits public employees from asking for or accepting a gift of any value in return for, or because of, the way in which they do their job, including "tips" in most cases. **Effective immediately**, Town employees are prohibited at any time from asking for or accepting gifts or gratuities of **any value** from a vendor, customer (including Town residents), potential Town employees, a potential vendor, lobbyist, principal or employer of a lobbyist doing business with the Town of Lake Park.

By "gift or gratuity" the Town means any item regardless of value including pens, hats, T-shirts, tchotchkes, mugs, calendars, bags, key chains, portfolios and other such items offered in the form of a gift to any Town employee unless such items are generally

available to the general public or are offered equally to all members of the general public in attendance at conferences, training events, press events, and trade shows. Further, this policy extends to business courtesy offers such as product or service discounts or any other benefit unless such discount or benefit is available to the general public. This policy does not extend to thank-you notes, certificates, or other written forms of thanks or recognition which have no monetary value.

Event Sponsorships

Event sponsorships for which the event is open to the public are NOT gifts. Sponsorship of public events by private businesses, or vendors are NOT gifts. Private businesses providing donations to publically sponsored events for distribution at the event are exempt from the NO-GIFT Policy.

Employees are required to inform vendors, potential vendors and others of this NO-GIFT Policy and the reasons for the adoption of such a policy by the Town. Employees will request that vendors respect our policy and not purchase and or deliver any gift for our employees, a department, an office at any time for any reason. If Town employees receive a gift or gratuity as described in this policy, the employee shall:

- Immediately advise his or her Department Head of such receipt, who shall immediately document it and advise the Town Manager; and
- If feasible, return the gift or gratuity to its source within 14 days of receipt of it

If the gift or gratuity cannot be returned to its source(s) as required above, the gift or gratuity shall be donated by the Town Manager to a bona fide 501(c) (3) organization located within the municipal boundaries of the Town of Lake Park.

This Administrative Policy is effective immediately.



Town Manager

3-29-17

Date