



# AGENDA ITEM REQUEST FORM

Item No. 17c

**Town Manager**

**Connie Hoffmann**

Department Submitting Request

Dept Head's Signature

**REGULAR**  
**COMMISSION MTG**  
**Meeting Dates - 7:00 PM**

**DEADLINE TO**  
**Town Clerk**

**ROUNDTABLE/**  
**SPECIAL MEETING**  
**Meeting Dates / TIME**

**DEADLINE TO**  
**Town Clerk**

**7 Days Prior (noon)**

- July 26, 2011 SPECIAL BUDGET 5:30 PM
- July 26, 2011
- Aug 23, 2011
- Sept 12, 2011 1<sup>st</sup> PUBLIC HEARING
- Sept 13, 2011
- Sept 26, 2011 2<sup>nd</sup> PUBLIC HEARING
- Sept 27, 2011

- July 15 (5:00 pm)
- July 15 (5:00 pm)
- Aug 12 (5:00 pm)
- Sept 01 (5:00 pm)
- Sept 02 (5:00 pm)
- Sept 15 (5:00 pm)
- Sept 16 (5:00 pm)

- Insert Date/Time

- Presentation
- Resolution
- Reports
- Quasi Judicial
- Consent
- Old Business
- Ordinance
- New Business

**FY2011 DESIGNATED HIGH PRIORITY ITEM**  
**PRIORITY TOPIC: PERSONNEL POLICIES**

**SUBJECT TITLE: REVIEW OF PROPOSED PERSONNEL POLICIES**

**EXPLANATION:** Revision of the Town's Personnel Policies was one of the second tier priority assignments placed on the Town Manager's Work Plan for FY 2011. I found it necessary to substantially rewrite the personnel policy manual for a variety of reasons:

1. The existing manual had numerous inconsistencies in it.
2. The existing manual had provisions that were inconsistent with, or simply did not reflect, federal legislation that had been adopted over the past two decades (e.g. HIPPA, ADA, FMLA) and more recent Florida statute changes (e.g. guns in cars at work, the statutes just adopted that regulate severance and bonuses).
3. The existing manual did not address many common HR practices or situations.
4. The Town HR practices have been different from what the manual states in a number of areas (e.g. affording benefits to new hires and part-time employees).
5. The manual did not reflect the realities of recruiting today or modern personnel practice.

The proposed manual has been reviewed by Brett Schneider of the Town Attorney's office and I incorporated his suggestions into it. The attached memorandum outlines the most significant changes.

**EXPECTED OUTCOME:** Commission review & comment on the proposed manual. A resolution will be placed on agenda in August to formally adopt the new manual.

**EXHIBITS:** Memo dated 7/22/2011 from Town Manager  
Proposed Personnel Policies Manual  
Comparison of Proposed Manual to Existing Manual



# AGENDA ITEM REQUEST FORM

Item No. \_\_\_\_\_

**Town Manager**

Department Submitting Request

**Connie Hoffmann**

Dept Head's Signature

Reviewed by Town Attorney

Yes  No

Town Manager Initials

CH

# Town of Lauderdale-by-the-Sea

## OFFICE OF THE TOWN MANAGER

---

---

### Memorandum

**Date:** July 22, 2011

**To:** Mayor Roseann Minnet  
Vice Mayor Stuart Dodd  
Commissioner Birute Clotney  
Commissioner Scot Sasser  
Commissioner Chris Vincent

**From:** Connie Hoffmann, Town Manager 

**Subject:** Revisions to the Personnel Policies Manual

---

---

There most significant changes in the revised personnel policy manual that I have recommended are:

1. Expansion of Non- Discrimination and Harassment Policies to bring them into conformance with Federal law and guidelines. Addition of an Honest Services and whistle-blowing statements per current federal and law laws.
2. Addition of a nepotism policy.
3. Expansion of recruiting venues and selection techniques that can be utilized.
4. Expansion of the reasons for discipline and modification of the existing reasons to conform to changes in federal laws.
5. Clarification of who is eligible for benefits and to what extent, based on number of hours regularly worked.
6. Changes of timing of benefit activation, for the most part, to reflect what the Town's actual practice is. In some cases, I propose to delay benefit activation beyond what is the practice.
7. Addition of requirements so that employees keep smaller amounts of accrued vacation. This is to avoid the issue of employees resigning or retiring with huge amounts of vacation, which the Town then has to pay for in a large lump sum

payment. Current employees would be given eighteen months to bring their vacation accumulations down to the new limits.

- 8.Reduction in the amount of accumulated sick leave that employees will be paid for upon leaving the employ of the Town. This reduced policy will only apply to employees hired after September 30, 2011.
  - 9.The addition of Family Medical Leave provisions as required by federal law.
  - 10.A requirement that the Town Commission approve the rate of Town's contributions to health-related benefits.
  - 11.A provision that the Town will make a deferred compensation contribution for employees who elect not to take the Town's health-related benefits .
  12. Provide for merit increases in pay, based on the level of performance of individual employees. As explained in the budget message, this would replace the Town's historic practice of giving cost of living adjustments across the board.
  - 13.Changed the bonus program provisions to conform to the new state law.
  14. Modified the severance provision to provide a more rational severance policy and to conform to state law. (The current policy manual provides 2 weeks' severance to employees who quit with 2 weeks' notice.)
  - 15.Adds a provision on call back pay. This has apparently been the Town's practice for many years, but was not mentioned in the current policies.
  16. Eliminates the confusing practice of having appointment letters and the personnel policies being in conflict with each other.
-

**TOWN OF LAUDERDALE-BY-THE-SEA**

**PERSONNEL POLICIES MANUAL**



Revised July 2011

---

## TABLE OF CONTENTS

<b>I. GENERAL INFORMATION</b>	5
<b>II. PERSONNEL POLICY STATEMENTS</b>	
A. Statement of Non-Discrimination	6
B. No Harassment Policy	6
C. Whistle-Blowing	8
D. Restriction on Employment of Relatives	8
E. "At-Will" Employment	9
F. Honest Services	9
G. Outside Employment	9
H. Political Activity	10
<b>III. EMPLOYMENT ADMINISTRATION</b>	
A. Recruitment & Selection	10
B. Promotions	12
C. Probationary Period	12
D. Required Licensure & Certification	13
E. Anniversary Date	13
F. Resignation from Employment	13
<b>IV. PERFORMANCE APPRAISAL</b>	15
<b>V. DISCIPLINARY ACTION</b>	
A. Grounds for Disciplinary Actions and Termination	17
<b>VI. BENEFITS</b>	
A. Benefit Eligibility	20
B. Forms of Authorized Leave	
1) Attendance Records	21
2) Vacation	21
3) Sick Leave	24
4) Military Leave	28
5) Family and Medical Leave Act (FMLA)	28
6) Jury Duty & Court Appearances	30
7) Bereavement Leave	32
8) Leave Without Pay	32
C. COBRA	33
D. Deferred Compensation	33
E. Florida Retirement System	33
F. Holidays	33
G. Life Insurance	35
H. Medical Insurance	35

I. Workers Compensation .....	36
-------------------------------	----

## **VII. SALARY ADMINISTRATION**

A. Work Hours .....	36
B. Pay .....	37
C. Overtime & Compensatory Time Off .....	37
D. Salary Approval .....	38
E. Merit Increase .....	38
F. Bonuses .....	39
G. Severance Pay .....	39
H. Periodic Review of the Pay Plan.....	39
I. Call Back Pay .....	40

## **VIII. MISCELLANEOUS ISSUES**

A. Appearance .....	40
B. Town Property .....	40
C. Bulletin Boards .....	40
D. Communication & Computer Systems Security & Usage .....	41
E. Telephone Use .....	41
F. Courtesy .....	42
G. Parking & Personal Property .....	42
H. Search Policy .....	42
I. Smoke-Free Environment .....	42
J. Work Area .....	42

<b>APPENDIX A: SEXUAL HARASSMENT POLICY .....</b>	<b>43</b>
---	-----------

<b>APPENDIX B: DRUG-FREE WORK PLACE STATEMENT .....</b>	<b>45</b>
---	-----------

## **INTRODUCTION**

Welcome to employment with The Town of Lauderdale-by-the-Sea!

You were chosen to join our team because we believe you have valuable skills that are needed to provide the quality municipal services our residents, visitors, and businesses have come to expect from Lauderdale-by-the-Sea. We are a small work force, where everyone knows each other's name and where the atmosphere is collegial. It is important to us that you have an enjoyable and productive work experience and that your talents are utilized to the benefit of our Town.

We do important work here that directly affects the lives of over 10,000 people. When we say that, we are not just talking about the year-round and seasonal residents, but also the tourists who come here for a slice of paradise, the people that own businesses here and keep our Town economically healthy, the employees of those businesses, and the many Broward County residents who come to spend an evening or a day with us because Lauderdale-by-the-Sea gives them a taste of what has been lost in much of South Florida – a friendly and human-scale, tropical, seaside community experience. It is my hope that you will be proud to be part of our team and will feel a strong commitment to the people we serve.

All organizations – even small ones such as Lauderdale-by-the-Sea – have guidelines and regulations by which they operate, and provide benefits to employees who effectively perform their job and go that extra step whenever they can. One of the reasons for putting all of that information into this Manual is so that everyone is informed of what the guidelines, rules and benefits of working for the Town are, and to assure that they are applied fairly and consistently.

This Manual details the policies and benefits which help us to function effectively as an organization and which guide your employment. Please read this Manual; it is yours to keep for future reference.

We are so small that we do not have a Human Resources Department, so it's very important that the lines of communication stay open among us. If you have any questions regarding your benefits or pay matters, feel free to speak to the Town administration to get the answers you need. If you have issues, concerns or complaints about other employment matters, please make them known first to your Supervisor and then to your Department Director so that those issues can be addressed. If the issue involves your immediate supervisor and things do not improve within a reasonable time after you speak to him or her, please follow up through the chain of command and discuss the issue with the Department Director. If you are still dissatisfied, you may request a meeting with the Assistant Town Manager or The Town Manager.

Likewise, we also want to hear from you about the things that are going well, about coworkers whose work you admire, about ideas you have to improve the operation and our effectiveness as a team. It is as important that we all know what we are doing well, as knowing about areas where we can do better.

To those of you who are new to Lauderdale-by-the-Sea, I look forward to working with you. To those employees who have already contributed so much to our Town and our operation, I thank you and am excited about all that we will accomplish together in the future.

Sincerely,

Connie Hoffmann  
Town Manager

# **I. GENERAL INFORMATION**

## **AUTHORITY FOR THIS MANUAL**

This personnel policy manual was approved by the Town Of Lauderdale-By-The-Sea Town Commission on \_\_\_\_\_, 2011 and supersedes all previous personnel policies adopted heretofore. With the exception of matters related to compensation and benefits, the manual can be amended and updated by written approval of the Town Manager without prior notice. Any changes to the manual that relate to compensation and benefit accruals or payments must be approved by public action of the Town Commission. The Town Manager has the responsibility for administering and interpreting Town personnel policies and procedures. However, the directors of each department shall be responsible for ensuring that the personnel policies and procedures are carried out day-by-day in their department.

These personnel policies supersede any prior verbal or written communications concerning the terms and conditions of employment with the Town. To the extent that there is a conflict between this Policy Manual and any previous manuals, appointment letters, handbooks, procedures, policies or rules, this Manual controls

## **II. PERSONNEL POLICY STATEMENTS**

### **A. STATEMENT OF NON-DISCRIMINATION**

It is the policy of the Town of Lauderdale-By-The-Sea to promote and assure equal employment opportunity for all current and prospective employees without regard to race, religion, color, political affiliation, disability, national origin, sex, marital status, sexual orientation, disability, age, or other legally-protected classes. This policy governs all matters related to employment including, but not limited to recruitment, selection, compensation, promotion, demotion, transfer, lay-offs, terminations, leave of absence, and training opportunities.

Any employee of the Town or any applicant for employment with the Town shall have the right to address their concerns in writing to the Town Manager whenever he or she has reason to believe that the intent of this policy has been violated.

The Town is committed to complying with all applicable provisions of the Americans with Disabilities Act (the "ADA"). It is the Town's policy not to discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of an individual's disability. Consistent with this policy of non-discrimination, the Town will provide reasonable accommodations to a qualified individual with a disability, as defined in the ADA, who has made the Town aware of his or her disability, provided such accommodation does not constitute an undue hardship to the Town. The Town is also committed to not discriminating against any person who is related to or associated with a person with a disability. This policy is neither exhaustive nor exclusive. The Town will take all other actions necessary, to ensure equal opportunity for persons with disabilities in accordance with the ADA and all other applicable federal, state, and local laws.

Any employee or job applicant who has questions regarding this policy or believes that he/she has been discriminated against based on a disability may notify the Town's ADA Coordinator. All such inquiries or complaints will be treated as confidential, and will only be disclosed on a need-to-know basis.

### **B. NO HARASSMENT POLICY**

It is the policy of the Town that all employees should enjoy a work environment free from harassment and one based on respect and professionalism. It is expected that all employees will continue to act responsibly in fulfilling the Town's commitment to working in an environment totally free of discrimination and/or harassment. It is also expected that employees will prudently avail themselves of the mechanisms provided by this directive and report harassing behavior both directed towards themselves or towards others.

## **1. SEXUAL AND OTHER UNLAWFUL HARASSMENT**

Town employees shall not commit acts of sexual or other unlawful harassment and shall not create, or cause to be created, a hostile work environment in the performance of their work for the Town.

The Town does not and will not tolerate harassment of Town employees. The term "harassment" includes but is not limited to, slurs, jokes, and other verbal, graphic, or physical conduct relating to an individual's race, color, sex, religion, national origin, citizenship, age, or disability. "Harassment" also includes sexual advances, requests for sexual favors, unwelcome or offensive touching, unnecessary comments as to another's sexual preferences or behavior, and other verbal, graphic, written (e.g., e-mails or text messages) or physical conduct of a sexual nature.

No employee should be subjected to derogatory verbal or nonverbal references regarding his or her race, gender, national origin, religion, age, disability, or any other legally protected status. No employee, male or female, should be subjected to unsolicited, offensive and unwelcome sexual overtures or conduct (verbal or physical). Such conduct, whether committed by supervisors or non-supervisory personnel, is specifically prohibited by state and federal law, as well as by this directive.

Acts of sexual or other unlawful harassment or that give rise to a hostile work environment shall be immediately reported to the Town Manager or Assistant Town Manager by anyone who has knowledge of such activities. Complaints of harassment will be investigated promptly and in as confidential a manner as permitted by law.

## **2. TOWN COMMITMENT TO ADDRESS DISCRIMINATION OR HARASSMENT**

It is the responsibility of all supervisors to insure that discrimination and/or harassment does not take place. Supervisors are responsible for maintaining a work environment that is free from discrimination and/or harassment, as well as any other conduct which creates a hostile work environment for any individual. Supervisors are required to immediately correct any problems that may arise and advise their immediate superior of the issue and the corrective action they have taken.

The Town recognizes that invalid, unfounded or false accusations of discrimination and/or harassment can have serious effects on innocent individuals. Therefore, the Town will thoroughly, and as confidentially as possible, investigate any and all complaints of discrimination and/or harassment to determine the most appropriate disposition.

Harassment and discrimination participants fall into three categories: the alleged offender, the alleged victim and witnesses. Any of the three can be found in violation of this directive. Violation of this directive includes participating in discriminatory and/or harassing practices, permitting subordinate employees to

engage in such practices, filing false charges or malicious complaints, or retaliating against employees who report instances of discrimination and/or harassment. This directive constitutes a "zero tolerance" policy. Appropriate disciplinary action *shall* be taken against any and all individuals who violate this directive. Violation of this policy shall constitute an offense for which disciplinary action may include immediate termination from employment.

### **3. RETALIATION**

The Town's No Harassment Policy prohibits retaliation against employees who bring complaints of discrimination and/or harassment, or who assist in investigating such complaints. Any employee bringing a complaint of discrimination or harassment or assisting in the investigation will not be adversely affected in terms and conditions of employment. Nor shall any employee take any action against a complainant that is intended to discourage the complaint. Retaliation by any employee against the complainant could result in disciplinary action, up to, and including, termination.

### **C. WHISTLE BLOWING**

The Town encourages our employees to report, in accordance with the Town's procedures and with Section 112.3187, Florida Statutes, any violations of the law. Each employee is assured of protection from any retaliation resulting from the reporting of such problems. Should any employee experience a situation they believe to be retaliatory in nature he/she should report the matter immediately to their supervisor and/or the Town Manager.

Anyone who engages in retaliation against an employee who has, in good faith, reported a violation of the laws outlined above and/or the Town's policies based on those laws, whether or not one agrees with the facts reported, is subject to discipline up to, and including, termination.

### **D. RESTRICTION ON EMPLOYMENT OF RELATIVES**

It is the policy of the Town to assure that all appointments and promotions by the Town are made on an objective evaluation of ability, merit and/or fitness and are conducted in a non-discriminatory manner without regard to other factors, such as familial status. This policy applies to all applicants for regular, temporary and part-time employment and present employees.

The employment of relatives at certain levels of the Town or in positions where one might have influence over the other's status or job security is regarded as a potential violation of this policy. No family member (i.e., spouse, child, parent, brother, sister, aunt, uncle, niece, nephew, first cousin, son/daughter-in-law, brother/sister-in-law, mother/father-in-law, step father/mother, step son/daughter, step brother/sister, half brother/sister) of a Town employee or elected official shall be employed by the Town in a position in which they are directly or indirectly

supervised by a family member. No person shall be employed as an employee in the same department as a member of his or her family. Any employee who falls within the scope of this section by their relationship with another employee after they were hired may be exempt from the provisions of this section provided the Town Manager reviews the circumstance and determines that no conflict exists. The Town Manager may waive the provision of this section in the case of unforeseen and unusual circumstances that is in the best interest of the Town. This section applies to all natural, adoptive, or step relationships.

The Town's policy regarding the restriction on employment of relatives is based upon Section 112.3135 of the Florida Statutes which prohibits appointment, employment, promotion or advancement, of specified relatives by any public official who is vested with or delegated the authority to appoint, employ, promote or advance, or is in a position to recommend an individual for appointment, employment, promotion or advancement.

## **E. AT-WILL EMPLOYMENT**

This Manual does not create an employment contract between Lauderdale-by-the-Sea and any of its employees. Employment with Lauderdale-by-the-Sea is on an employment-at-will basis unless otherwise specifically stated in writing and signed by the Town Manager. Termination of employment may occur at any time, with or without cause and with or without notice, at the option of Lauderdale-by-the-Sea or the employee. Furthermore, this Manual may be altered, modified, changed, or eliminated by Lauderdale-by-the-Sea with or without notice.

## **F. HONEST SERVICES**

No person seeking appointment to or promotion in Town government shall either directly or indirectly give, render, or pay any money service or other thing of value to any person in connection with an appointment, promotion, or proposed appointment or promotion. This prohibition is not intended to prevent payment to a legitimate employment agency.

## **G. OUTSIDE EMPLOYMENT**

Outside employment is any paid employment performance by an employee in addition to his/her employment with the Town.

Such employment shall not cause the employee to be late to work, to leave early, to be unavailable for work beyond normal duty hours, or cause any reduction in the employee's efficiency when on duty with the Town.

Such employment shall not involve a conflict of interest or conflict with the employee's duties.

Such employment shall not involve the performance of duties which the employee

should perform as part of his/her job with the Town.

The nature of the outside employment shall be as such as to bring discredit or embarrassment on the Town.

Outside employment shall not occur during assigned working hours unless the employee is on approved leave.

Outside duties, trade, business or profession shall not require regulation or inspection by the Town.

The Assistant Town Manager and Department Directors must have the written approval of the Town Manager to engage in outside employment.

## **H. POLITICAL ACTIVITY**

Every employee shall have the right to express freely his views as a citizen and to cast his vote. No employee shall, directly indirectly coerce, attempt to coerce, or advise an employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes. No employee shall use his or her official authority or influence for the purpose of interfering with, or affecting, the result of an election or a nomination for office.

Employees are, however, prohibited from engaging in political or campaign activities while on duty, while dressed in a Town uniform, or while wearing a Town identification badge. Employees are also prohibited from speaking or endorsing a political campaign or candidate in their capacity as a Town employee.

Any person violating the provisions of this section may be subject to dismissal by the Town Manager.

## **III. EMPLOYMENT ADMINISTRATION**

### **A. RECRUITMENT AND SELECTION**

#### **1. RECRUITMENT**

The Town may use different means for recruiting for different types of positions, based on the techniques that are best suited to finding well-qualified individuals for the particular position. Publicity for each job vacancy may include advertisements in the local newspapers, professional journals or newsletters, on-line announcements or advertisements, by posting with local professional associations, or by other fruitful means. Official notices of recruitment shall be posted on the Town website.

The Town Manager may also recruit candidates directly based on prior knowledge of their work, experience with them, their reputation for achievement in their field, or recommendations from trusted professionals.

## **2. SELECTION**

### **a. Initial Screening**

Applications for positions shall first be screened to determine whether the applicants have the required experience, education and certifications deemed necessary for the position by the position description or the job announcement,

### **b. Selection Process**

As determined by the Town Manager, the selection process may also include any or all of the following selection techniques: evaluation of experience and training, oral interviews, reference checks, written examinations, performance tests or performance simulations. Physical examinations or skill tests may be required for certain classifications where physical abilities are required to perform the job. Drug testing and credit profiles may also be required.

### **c. Qualified Applicants**

The appropriate Department Director and/or Town Manager shall categorize those persons eligible for a position who perform well on the various selection instruments as being qualified for the position. If the list of qualified persons is long, the Town Manager or his/her designee may use additional criteria to reduce the list of applicants being considered to a manageable number. The Town Manager shall then make the selection from such persons or may delegate the selection decision to the Assistant Town Manager or Department Director.

For positions that involve manual labor, the hiring department director will create the list of qualified candidates based on interviews, background checks, review of driving record if appropriate for the position, and performance on any skills tests deemed appropriate. The Department Director will make recommendations to the Town Manager on hiring individuals from that list.

The Town Manager shall decide how long eligibility lists of qualified candidates are considered current.

### **d. Appointment**

Only the Town Manager, or the Assistant Town Manager if delegated such authority in writing by the Town Manager, has the authority to appoint an individual to a job with the Town. In the event a candidate made a job offer does not follow through on directions, provide required documentation, or does not report to work on the date directed, the job offer is withdrawn.

## **B. PROMOTIONS**

It is the policy of the Town of Lauderdale-By-The-Sea to employ the most qualified individual available for any given position. Promotion from within the Town organization is a desirable practice in that positions can be filled with individuals who are already knowledgeable about the operations of the Town and have proven themselves to be good and reliable performers. When an individual has performed in an outstanding manner and meets the eligibility criteria for a vacant position, the Town Manager may choose to post the vacancy to be filled by promotional applicants; however, the Manager is not obligated to do so.

## **C. PROBATIONARY PERIOD**

During the first year of employment with Lauderdale-by-the-Sea, both The Town and the employee have an opportunity to evaluate whether the employment relationship should continue. During this period, the employee's supervisor will observe job performance, attendance, adaptability, abilities, and the employee's overall commitment to the job. At various stages during the probationary period, the supervisor or Department Director may evaluate the employee's performance and provide feedback on how the employee is progressing in the job, performing work, adapting as a member of the work team, etc. It is recommended that supervisors and department directors provide feedback to new employees on their performance, but nothing shall preclude the Town from terminating employment without cause within the probationary period.

An employee shall not be deemed to have completed their probationary period without the written approval of the Town Manager. Completion of the probationary period does not confer any expectation of continued employment; continuation of employment depends on the needs of the Town and the performance and conduct of the employee.

The Town Manager may, in writing, shorten the probationary period for a highly-experienced appointee.

When an employee is promoted to a higher position, they shall serve a probationary period of six months in their new position. Unless the Town Manager specifically advises the promoted employee that they have failed to complete their promotional probationary period satisfactorily at the end of six months, or extends the probationary period in writing in order to give the employee additional time to master the skills of the new position, the employee shall be deemed to have been appointed to the position. If, during the probationary period or extended probationary period, it is determined that the employee cannot perform to satisfaction in the new position, the employee shall be placed back in the prior position if a vacancy in the prior position

exists. If a vacancy does not exist in their prior position, the employee shall be appointed to another position for which they are eligible or terminated from employment and placed on a reemployment list for that prior position and shall have first right to appointment to that position for a period of one year.

#### **D. REQUIRED LICENSES & CERTIFICATIONS**

If a position requires licensure or certification, the prospective employee must present documents proving such license or certification is currently active prior to appointment. If the prospective employee is not licensed but has applied for licensure, evidence of this application must be provided. If an employee is hired, conditional on receiving certain licenses or certifications within a prescribed time frame, failure to satisfy the license or certificate requirements is a basis for terminating employment at any time.

An employee who is hired upon condition of having, or obtaining within a prescribed period of time, certain licenses or certification but does not maintain those licenses or certification is subject to termination from employment.

The Town may require an employee to obtain licenses or certifications or pass certain skills tests as a condition of continued employment. This can occur when technology is upgraded, the requirements of the job demand a higher level of technical skill or performance, laws change that require such certification of skill, etc. In such cases, the Town will, to the best of its ability and within its financial constraints, provide the employee with training – or the opportunity to attend training – to acquire those skills. If, despite the efforts of the Town and the employee, the employee is unable to attain the skills levels required, that employee will forfeit the right to remain in their current position. In such cases, the Town will place the individual in any vacant position for which they are qualified to perform and, if the salary range for that position is lower than their current salary range, it shall be considered an involuntary demotion.

#### **E. ANNIVERSARY DATE**

The original hire date will serve as the anniversary of each employee, unless changed by promotion or appointment to another position for other reasons.

#### **F. RESIGNATION FROM EMPLOYMENT**

##### **a. RESIGNATION IN GOOD STANDING**

Employees are required to provide at least two (2) weeks written notice of resignation from employment in order to be determined to have resigned in good standing.

Employees who decide to terminate their employment should make arrangements to return any property that they may have been given in order to satisfactorily complete their assigned tasks. All Town property must be returned in good condition to the employee's immediate Supervisor before the release of the final paycheck will be authorized. Lauderdale-by-the-Sea will deduct from the final paycheck the amount of any outstanding bills or other indebtedness to Lauderdale-by-the-Sea to the full extent permitted by law. Expense reimbursements may also be included in the indebtedness. The employee's share of health insurance costs based on date of separation will be calculated at this time.

Final paychecks are not issued before the next regular payday. Upon resignation or discharge, employees may have their final paycheck forwarded by mail, provided all personnel matters have been finalized with Administration upon termination.

**b. RESIGNATION NOT IN GOOD STANDING**

Employees who do not give at least two weeks' written notice of resignation, for reasons other than death or severe disability, shall be considered to have resigned not in good standing. Employees who resign without the authorization of the Town Manager in order to avoid pending termination for cause are also considered to have resigned not in good standing. Employees who resign not in good standing will not be compensated for accumulated vacation leave nor any portion of their accumulated sick leave.

## **IV. EMPLOYEE PERFORMANCE**

### **A. PERFORMANCE APPRAISALS**

#### **1. PERFORMANCE APPRAISAL PROCEDURES**

The purpose of periodic evaluation of employee performance shall be to measure as objectively as possible both the quality and quantity of an employee's work and other such factors, and to serve as a feedback to the employee concerning his/her performance strengths and weaknesses. Performance evaluation reports will normally be completed annually for each employee. Special performance reports may be required as called for in other sections of the Town's Personnel, Regulations (i.e., probationary period, annual performance, a special performance evaluation) All performance evaluations will be submitted to the Town Manager for review and concurrence before they are considered finalized.

A performance appraisal does not automatically assure a promotion, a pay increase, or continued employment.

The performance appraisals will be signed by the employee indicating that he/she has seen the report. The employee's signature does not necessarily indicate that he/she agrees or disagrees with its contents. If the employee does not sign the performance appraisal within one week of receipt, the employee shall be deemed to have accepted the performance appraisal and their failure to sign the report noted.

The supervisor or department director shall discuss each performance appraisal report with the employee being evaluated. The department director shall furnish the employee an official copy of the employee performance evaluation form. The employee may record any comments he may have, including statements of disagreement with the evaluation. Such statements will become a permanent part of the evaluation.

An employee who has successfully completed their probationary period may appeal the performance appraisal rating to the Department Director if the Director is not the individual who prepared the evaluation or to the Town Manager if the Department Director prepared the performance appraisal. That appeal must be made in writing within one work week of receipt of the written performance appraisal for signature from the supervisor. Department Directors and the Assistant Town Manager have not such rights of appeal.

#### **2. TYPES OF PERFORMANCE APPRAISALS**

##### **a. Probationary Period**

Performance appraisals to provide a new employee feedback on their progress in their job will normally be completed at the end of the sixth

month of employment and at the end of eleven months of employment. The performance appraisal at the end of the eleventh month of employment will be a major determining factor in whether the probationary employee is retained as an employee or is terminated. This evaluation shall be submitted to the Town Manager so that the decision whether to retain the employee or not can be made.

**b. Annual Performance Appraisal**

It shall be the responsibility of the appropriate Department Director to see that an annual performance evaluation is prepared for each employee in his or her department and is completed in a timely manner. Department directors are responsible for completing the appraisal forms on a timely basis and returning them to the Town Manager at least two weeks prior to the due date of the appraisal.

**c. Special Performance Appraisals**

Any employee who receives an unsatisfactory annual performance appraisal will have a special performance appraisal completed at the end of 90 days after the date of the unsatisfactory appraisal. At any time when an employee's performance has changed significantly from that of the previous reporting period, a department director may prepare a special performance appraisal.

## **V. DISCIPLINARY ACTION**

It shall be the duty of each employee to maintain high standards of conduct, cooperation, efficiency, and economy in their work for the Town. Whenever work habits, attitude, production, or personal conduct of any employee falls below a desirable standard, supervisors should point out the deficiencies at the time they are observed. Corrections and suggestions should be presented in a constructive and helpful manner in an effort to elicit the cooperation and goodwill of the employee. Supervisors shall assist employees in gaining capability through on-the-job training as required.

Only the Town Manager has the authority to implement discipline that results in a loss of pay. A Department Director or the Assistant Town Manager may implement discipline that does not affect salary.

### **INTENT**

It is intended that effective supervision and employee relations will avoid most matters which necessitate disciplinary action.

The purpose of these personnel policies is not intended to restrict the rights of anyone, but to secure satisfactory performance, behavior and order.

The severity of disciplinary action should be related to the gravity of the offense, the employee's record of disciplinary action, and Town policy in similar cases. Disciplinary should be for good cause, be consistent with other actions taken by the Town, and be fair and equitable. The severity of the infraction and the level of the employee's stature in the organization will impact the level of discipline warranted. Dismissal from employment can occur at any time if the infraction is of a grievous nature.

## **A. GROUNDS FOR DISCIPLINARY ACTION**

The Town may establish reasonable policies and rules for the conduct of its business. The following may be considered grounds for disciplinary action based on the gravity of the offense. The Town, however, is not restricted from taking disciplinary action on other grounds.

1. **ABSENCE WITHOUT LEAVE.** An employee is considered absent without leave when they have not called or sent an email or phone text message within the established work hours to report an absence from work to their supervisor or Department Head. An employee who has been absent without leave for a period of three consecutive days shall be deemed to have abandoned their job and shall be terminated from employment. Dismissal can be reversed only with the approval of the Town Manager based on extenuating circumstances where it is established the employee could not have contacted his or her supervisor as required.
2. **ABUSE OF SICK LEAVE, ABSENTEEISM AND TARDINESS.** Employees may be disciplined when a pattern of tardiness and absenteeism becomes apparent.

Sick leave abuse includes but is not limited to the following:

- i. When an employee's absences are considered excessive (i.e. always being out of sick leave).
  - ii. When a pattern of sick leave use can be demonstrated (i.e. employees who consistently call in sick on Monday or Friday, or utilize sick leave shortly after it is accrued.)
  - iii. When an employee has been absent three times in any 30 day period. These absences need not be in full day increments. An incident of sick regardless of duration is considered one absence.
  - iv. A constant pattern of absences one day each month.
  - v. Sick leave usage following management denial for use of annual leave.
3. **CONFLICT OF INTEREST.** Employees may not use their employment with the Town to benefit any outside business or financial interests that they may have.

4. **CONVICTION OF A FELONY OR OTHER CRIME INVOLVING MORAL TURPITUDE.**
5. **DAMAGE OR DESTRUCTION OF TOWN PROPERTY.** Deliberate or careless damage to the Town's property, or loss of Town property due to neglect, inattention, or carelessness.
6. **DISCOURTESY.** Employees are expected to be courteous, polite and friendly both to residents, customers and fellow employees. No one should be disrespectful, use profanity, raise their voice in anger, or engage in any activity which injures the image or reputation of the Town.
7. **FIGHTING, THREATS, AND WEAPONS.** The Town will not tolerate fighting; threatening words or conduct or acts of violence in the workplace. Weapons are strictly prohibited on Town property. This provision applies to the parking areas of all Town properties, unless a *Town employee has a concealed-weapons permit, in which case that employee may keep his/her legally owned firearm locked inside his/her privately owned vehicle in accordance with state statutes. The Town will not tolerate any deviation from this stated policy.*
8. **FRAUD, DISHONESTY AND FALSE STATEMENTS.** Falsification of any application, medical history record, invoice, paperwork, time record, or any other document.  
  
If a significant fact is misrepresented on an employee's employment application and the Town only discovers that misrepresentation after the employee has been employed, it shall be the Town's policy to withdraw the employee's original appointment to the position and the employee shall be considered terminated with cause.
9. **HARASSMENT OR DISCRIMINATION.** See Town's Harassment and Discrimination policy in Section II of these policies.
10. **INSUBORDINATION.** Failure or refusal to carry out the lawful instructions or directives of supervisors and managers constitutes insubordination.
11. **MISAPPROPRIATION, DESTRUCTION, THEFT, OR CONVERSION OF TOWN OR OTHERS' PROPERTY.** Misuse, use without authorization equipment, or theft of vehicles, tools, supplies or other property of the Town or other employees.
12. **UNSATISFACTORY PERFORMANCE.** Employees are expected to make every effort to learn his or her job and to perform that job at a satisfactory level. Any employee who fails to maintain a satisfactory level of performance is subject to termination. Poor performance includes, but is not limited to

failure to complete assignments in a quality fashion, failure to complete assignments within prescribed time periods, insufficient productivity.

13. **SOLICITATION/DISTRIBUTION.** Solicitation by an employee of another employee during the working time of either employee for any reason is strictly prohibited. Distribution of advertising materials, handbills or other literature is prohibited in all working areas at all times. Solicitation and distribution by non-employees is prohibited on Town premises at all times.
14. **SUBSTANCE ABUSE.** Introduction, possession, or use on property or in Town equipment of intoxicating liquors/illegal drugs, or working under the influence of liquor/illegal drugs.
15. **UNSAFE ACTIONS.** Employees are expected to exercise good judgment and common sense in day-to-day work. Horseplay and practical jokes can cause accidents and injuries and therefore are not permitted. Employees who have or cause preventable accidents are subject to disciplinary action.
16. **ATTENDING TO PERSONAL MATTERS DURING WORK TIME.** Personal calls and texting during work hours are restricted to a few brief calls or texts per day to make appointments, confirm the status of a child's location, or deal with a personal emergency or unusual circumstance. No texting is allowed when driving a Town vehicle and the use of a cell phone should be severely limited when driving.
17. **THEFT.** The Town does not tolerate theft in any form and reserves the right to inspect all lockers, desks, tool boxes, purses, briefcases, packages, vehicles and any other personal property which is brought onto Town property.  
  
Theft shall also be considered accepting payment for time not worked due to pursuing personal activities.
18. **UNLAWFUL ACTIVITY:** No employee may engage in any unlawful activity either on or off the job.
19. **FAILURE TO PROPERLY REPORT ACCIDENTS OR PERSONAL INJURIES.**
20. **REPEATED CONVICTIONS DURING EMPLOYMENT ON MISDEMEANOR AND/OR TRAFFIC CITATIONS IF THE EMPLOYEE IS REQUIRED TO DRIVE A TOWN VEHICLE IN THE PERFORMANCE OF THEIR DUTIES.**
21. **ACTS OF MISCONDUCT.** No employee may engage in any conduct on or off duty that will reflect an unacceptable public image on the Town of Lauderdale-By-The-Sea.

22. **REFUSAL TO PARTICIPATE IN AN INVESTIGATION OF MISCONDUCT OR LYING TO A SUPERVISOR.**
23. **ACCEPTING GIFTS AND GRATUITIES:** It is the Town's general policy that employees not accept free meals, gifts or gratuities with a value of greater than \$20 from a vendor or business that is intended for their personal use. However, such gifts are discouraged and may not occur on a recurring basis. If an employee is invited to a party or grand opening event they may accept food and beverage provided that other members of the public are also invited to that event and given the same food and drink.
24. **IMPROPER USE OF TOWN VEHICLES** The use of Town-owned vehicles or equipment for private business is strictly prohibited. Vehicles will be used for official business only and must be operated within the limits of the law. Operators will be held responsible for fines and for damages resulting from their own negligence.

Violation of any of these rules may lead to discipline, up to and including immediate termination from employment. Obviously, this list is not all inclusive and there may be other circumstances for which employees may be disciplined or terminated from employment.

## **VI. BENEFITS**

### **A. CATEGORIES OF PERSONNEL FOR BENEFIT ELIGIBILITY**

- i. **Regular Full-Time Employee:** An individual is considered a regular full-time employee if he/she is employed to work 80 hours or more during a two-week pay period. Regular full-time employees are eligible to participate in most employee benefits as set forth in the various benefit policies.
- ii. **Regular Part-Time Employee:** An individual is considered a regular part-time employee if they are employed to regularly work less than 80 hours but no less than 56 hours during a two week pay period. Most Regular part-time employees are eligible for pension benefits under the Florida Retirement System; however, both the employee and the Town administrators should verify eligibility for the particular circumstance. Regular Part-Time Employees are eligible to participate in various other employee benefit programs at a pro-rata basis or cost based on the number of hours regularly worked. They shall earn holiday time and accrue sick and vacation time, on a prorated basis. For example, a regular part-time employee who normally works 60 hours per pay period would earn 75% of the sick, vacation, and holiday pay of a regular full-time employee.

The Town may, from time to time, hire temporary full-time and/or part-time employees. Such employees will receive only those benefits specifically set forth in their respective employment offer letters by the Town Manager.

## **B. AUTHORIZED LEAVE**

### **1. ATTENDANCE RECORDS**

An attendance record shall be maintained for each employee by the individual who functions as payroll administrator. This record shall reflect all absences including sick leave, vacations, holidays, jury leave, military leave, and absences without pay. These records shall be made available to the employee for inspection upon request.

Each department director shall be responsible for the completion of a bi-weekly attendance reports for each employee within the department. This report shall be filed with the payroll administrator on the first work day after a pay period ends for the previous pay period. Copies of all authorized employee leave requests and time cards must be forwarded by the department directors to the payroll administrator.

### **2. ANNUAL VACATION LEAVE**

#### **a. Annual Vacation Leave Accruals for Regular Full-Time Employees**

Upon successful completion of the first performance appraisal report during their probationary period, a new regular, full time employee will be granted 5 days paid annual vacation leave. If that employee successfully completes their probationary period, they shall be granted another 5 days of vacation leave at the end of the probationary period. Thereafter, they shall accrue additional vacation leave in the manner indicated below:

# Years of full-time service	# leave days earned per year
1 –5	10
6-12	15
13 +	20

A prorated share of the annual leave shall be accrued by the employee every pay period.

The Town Manager has the authority to give exempt personnel who regularly work long hours up to five (5) additional days of vacation each year, however, such time cannot be granted if it causes the employee to surpass the maximum accumulated vacation leave.

**b. Annual Vacation Leave Accruals for Regular Part-Time Employees**

Upon completion of twelve months of continuous employment with the Town with an average of at least 100 hours worked per month, regular part-time employees will be granted a prorated amount of vacation based on the accrual schedule for regular full-time employees adjusted to reflect their regular hours per pay period. For example, a regular part-time employee who usually works 60 hours per pay period will accrue vacation leave at the rate of 75% of the accrual rates for full-time employees.

Vacation leave will accrue to regular part-time employees on a prorated basis each pay period after completion of their first year of employment.

Regular part-time employees who regularly work less than 100 hours per month shall not be eligible for vacation leave, but may be granted leave without pay for the purposes of vacation if their requests do not inhibit Town operations or programs.

**c. Accrual of Vacation Leave While Not in Pay Status**

Employees shall not accrue vacation leave for any month in which they are not in pay status for one-half or more of the work days of the month (for example: an employee who is on paid vacation leave for three weeks of the month would receive their full vacation leave accrual for the month. An employee who was on leave without pay for more than eighty hours in one month would not be entitled to accrue vacation leave that month).

**d. Maximum Vacation Leave Accrual**

For employees hired after September 30, 2011, up to 120 hours of annual leave may be carried forward from one calendar year into the next calendar year. Accumulated leave in excess of 120 hours must be used by December 31st of each calendar year or it will be lost.

Employees hired before October 1, 2001 have until December 31, 2012 to bring the number of accrued vacation hours down to 120 hours, or they will forfeit the overage on January 1, 2013. Thereafter, they may only carry forward a maximum of 120 hours of vacation leave from one calendar year into the next calendar year.

**e. Use of Vacation Leave**

Each employee must take at least 5 days of paid vacation per year if they have available vacation leave.

Absence on account of sickness, injury, or disability in excess of that leave authorized for such purposes may, at the request of the employee and with the discretion of the department director, be charged against annual vacation leave allowance.

Employees should outline their desired dates of annual leave the first month of the new calendar year and submit the schedule to the Departmental Director. The Director will try to accommodate such requests, but has to take into consideration the Town's anticipated workload during the time requested, hurricane season and other employee's requests. The Department Director should advise the employee of the decision on the disposition of their annual vacation schedule request within 30 days of its submittal.

When a regularly scheduled holiday occurs during the period of an employee's vacation leave, the employee's time records will reflect a holiday taken for that eight hour period, not vacation leave.

Except in the case of emergency, all requests for annual leave shall be subject to approval in advance by the employee's Supervisor. No less than 1 hour increments in any workday will be approved. The employee must complete a leave request form and submit that request in advance of the date on which the employee wishes to take the leave, but should not assume the request is granted until he or she receives a copy of that form signed by their Department Director.

Each Department Director shall use whatever methods of compiling and scheduling leave requests he/she want to, as long as the methods are reasonable, fair, consistent, and not discriminatory. The Department Director shall not schedule annual leave in such a way that departmental operations breakdown or are seriously undermined. Department Directors shall respond to employee request for vacation (annual leave) as quickly as possible.

In case of a disaster or serious damage and cleanup requirements in the Town after a storm or natural disaster, pre-approved vacation leave may be cancelled by the Department Director.

**f. Payment for Accrued Vacation Leave**

An employee may cash in up to one week of vacation leave each calendar year. Payment for cashed in vacation leave shall be paid at the base salary rate, excluding any incentive pay or payment for serving in an acting capacity or out of class capacity.

An employee who is separated from Town employment, for any reason except for cause or resignation not in good standing, shall receive payment for that portion of his or her accrued vacation leave

at the time of his/her termination.

### 3. SICK LEAVE

Lauderdale-by-the-Sea provides sick leave to its employees for bona fide personal illness, injury, legal quarantine, medical (including vision and dental) appointments, or sickness or injury within one's immediate family. Employees claiming sick leave for other purposes shall be subject to disciplinary action.

#### a. Sick Leave Accrual Rate

All **full-time employees** are eligible for paid sick leave after three months of continuous employment. Full-time employees accrue sick leave at the rate of 8 hours per month after three months of continuous service. Employees whose fourth month of employment begins before the fifteenth day of the month will accrue eight (8) hours of sick leave for that month. Employees placed on the payroll after the fifteenth of the month will accrue four (4) hours of sick leave for that month. Likewise, an employee who leaves employment before the fifteenth day of the month will accrue only four hours of sick leave for that month.

Sick leave is earned and available for use on the first day of the following month in which it accrued. Use of sick leave shall not be authorized until such time as it is accrued.

In crediting sick leave, only those months during which the employee has been in a paid status three-fourths or more of the regularly scheduled hours assigned to the position of the employee shall be counted.

**Regular part-time employees** who regularly work at least 50 hours per pay period will accrue prorated sick leave based on average hours worked per pay period in the same manner as described for regular full-time employees.

**Maximum Accumulation** Employees may accrue sick leave and carry it over from one year to the next, however, the maximum accumulation sick leave for employees shall be sixty (60) working days. Employees may not accrue more than sixty (60) working days of sick leave. When an employee is out of sick leave, he/she may use earned annual leave.

#### b. Use of Sick Leave

Only the Department Director, Assistant Town Manager, or Town Manager can officially approve an employee's use of sick leave.

No less than one (1) hour of sick leave will be approved and sick leave will be charged in units of whole hours.

Sick leave may be paid when an employee is unable to work due to personal illness or injury, or when the employee's presence may endanger the health of fellow workers. Sick leave may also be used when there is a serious illness or accident involving an immediate family member. (Immediate family shall be defined as parent, child, spouse, brother, sister, grandparent, parent-in-law.) This policy shall not apply for more than five (3) days without the permission of the Town Manager.

Sick leave may be taken for medical, optical, and dental appointments.

A Department Director shall have the right to require a doctor's certificate to verify an illness that exceeds three (3) consecutive working days.

When a paid holiday occurs during the period an employee is on sick leave with pay, the employee shall receive only his/her regular holiday and that day shall not be charged against his/her sick leave earnings.

**c. Procedure for using sick leave**

In order to be eligible for sick leave with pay, an employee must advise the supervisor not later than one (1) hour after the beginning of his or her scheduled work day, or before the start of such work day when possible. An employee who fails to so notify the supervisor shall not be paid for the day(s) taken prior to notification.

If the absence extends beyond three days, the employee shall keep the supervisor advised as to the employee's condition and anticipated return. The employee shall submit a statement from attending physician(s) as to the nature and duration of the illness, if requested.

It is the employee's responsibility to fill out sick leave forms on the day they return to work and submit them to the Department Director. The Department Director shall submit the forms with the payroll records for the pay period in which the absence occurred to the payroll administrator.

**d. Extended Sick Leave**

Due to the small size of the Town's staff, it is difficult to accommodate extended sick leave for an employee beyond 60 days of sick leave in a four month period, or the FMLA provisions for leave in the case of employees who qualify for FMLA.

If an employee is unable to return to work after 60 days of absence, the Town may terminate the employee unless the FMLA provides otherwise. However, If the employee on extended leave is in good standing with the Town (i.e. performance evaluations are satisfactory or above satisfactory, no disciplinary history in the past three years, etc.), the employee will be eligible for reappointment to the same position they held, or a lesser position for which they are qualified, without going through a competitive process for a period of one year should a vacancy in such position occur.

**e. Sick Leave due to Emergency or Serious Illness**

An employee who is absent due to an emergency or serious illness should call or have someone call his/her supervisor or Department Director to report such an absence.

It is the employee's responsibility to ensure that proper notification is made when absent due to an emergency or serious illness. This must be done by phone, email, telephone text, or personal note and, if possible, by the employee.

An employee who has been absent under the following conditions, upon returning to work, must have a doctor's statement that indicates that he/she is able to return to work with or without a reasonable accommodation:

- i. Employee has been hospitalized.
- ii. Employee is absent five (5) or more consecutive work days.

As a convenience to the employee, it is not required to call in every day while hospitalized. However, it is the responsibility of the employee to notify the appropriate Department Director that he/she is in the hospital and estimate how long it will be before they will return to work. Unless the employee has been placed on medical leave it is necessary for him/her upon release from the hospital to call his/her supervisor each day until released by his/her doctor to return to work.

**f. Abuse of sick leave**

Sick leave abuse includes but is not limited to the following:

- I. When an employee's absences are considered excessive (i.e. always being out of sick leave).
- II. When a pattern of sick leave use can be demonstrated (i.e. employees who consistently call in sick on Monday or Friday, or utilize sick leave shortly after it is accrued.)
- III. When an employee has been absent three times in any 30 day period. These absences need not be in full day increments. An incident of sick regardless of duration is considered one absence.
- IV. A constant pattern of absences one day each month.
- V. Sick leave usage following management denial for use of annual leave.

At the discretion of the employee's immediate supervisor or other appropriate authority, medical certification of sick leave may be required if the above patterns of abuse are identified.

**g. Payment for Sick Leave Upon Termination of Employment**

Upon leaving Town employment, in good standing, employees hired prior to October 1, 2011 will be reimbursed for 25% of their unused accrued sick leave. Employees who are terminated from employment for disciplinary cause shall not be entitled to any payment for unused accrued sick leave.

Employees hired after September 30, 2011 will be paid for any accrued but unused sick leave hours upon termination from employment without cause as follows:

<b><u>Continuous Years of Service</u></b>	<b><u>Percent of Accrued Unused Sick Leave</u></b>
Less than 5 Full Years	0%
5 full years but less than 10 full years	10%
10 full years, or more	15%

Employees hired after September 20, 2011 who do not use any sick leave in a calendar year may convert 16 hours of accrued sick leave per year to vacation leave in January of the following calendar year, provided that the Town has sufficient funds in the budget to cover that expense and the

employee has no less than 80 hours of sick leave accrued.

#### **4. MILITARY LEAVE**

Employees who require time off from work to fulfill military duties will be treated in accordance with applicable requirements of state and federal laws. Employees are expected to notify their Department Director of upcoming military duty by providing him or her with a copy of their military orders within five days of their receipt.

#### **5. FAMILY MEDICAL LEAVE ACT (FMLA)**

Eligible employees may take up to twelve (12) weeks of unpaid, job-protected leave each year for specified family and medical reasons, provided that such members have worked for Lauderdale-by-the-Sea for at least one year and for a minimum of 1,250 hours over the previous twelve (12) months. For any eligible employee, FMLA leave shall apply as follows:

**a. Conditions Triggering FMLA Leave:**

Family and medical leave must involve one or more of the following reasons:

- I. To care for the employee's newly-born child or placement for adoption or foster care;
- II. To care for the employee's spouse, domestic partner (partners must share a common address), son or daughter (under age 18) or parent who has a serious health condition;
- III. For a serious health condition that makes the employee unable to perform their job.
- IV. For qualified exigencies for an employee's spouse, son, daughter or parent who is a member of the Armed Forces on active duty or who is called to active duty in support of a contingency operation.

**b. Additional Military Leave Entitlement (Injured Service Member Leave)**

In addition to the basic FMLA leave entitlement discussed above, an eligible employee who is the spouse, son, daughter, parent or next of kin of a covered service member is entitled to take up to 26 weeks of leave during a single 12 month period to care for the service member with a serious injury or illness. Leave to care for a service member shall only be available during a single 12-month period and, when combined with other FMLA-qualifying leave, may not exceed 26 weeks during the single 12 month period. The single 12 month period begins

on the first day an eligible employee takes leave to care for the injured service member.

A "covered service member" means a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is on the temporary retired list, for a serious injury or illness as defined in the FMLA regulations.

**c. FMLA Notice And Medical Certification**

When seeking family and medical leave, an employee must provide:

- i. Thirty (30) days advance notice of the need to take family and medical leave, if the need is foreseeable.
- ii. Medical certifications supporting the need for leave due to a serious health condition affecting the employee or an immediate family member. Second or third medical opinions and periodic recertification at the Town's expense may also be required.
- iii. Such periodic reports as deemed appropriate during the leave regarding the employee's status and intent to return to work.
- iv. Medical certification of fitness for duty before returning to work, if the leave was due to a serious health condition.

When leave is needed for a planned medical treatment for a serious health condition or an employee or of an employee's immediate family member, the employee must try to schedule treatment so that it will not unduly disrupt the Town's operation. Failure to comply with these requirements may result in delay or denial of leave.

**d. Duration Of FMLA Leave**

Eligible employees may receive up to 12 workweeks of unpaid leave during any "rolling" 12 month period, measured backward from the date of any family or medical leave. Family and medical leave involving the birth or placement of a child for adoption or foster care must be concluded within 12 months of the birth or placement.

An employee may take family and medical leave intermittently - - which means taking leave in blocks of time, or by reducing their normal weekly or daily work schedule -- whenever it is

medically necessary to care for a seriously ill family member, or because the employee is seriously ill and unable to work. Intermittent leave is not permitted for birth of a child, to care for a newly-born child, or placement of a child for adoption or foster care.

**e. Exceeding FMLA Leave**

Any employee who exceeds his or her 12-week FMLA entitlement may be subject to termination of employment.

**f. Use of Accumulated Sick and Vacation Leave**

The Town requires the employee to use any accrued sick and vacation leave while on family and medical leave.

**g. Maintenance Of Health Benefits**

If the employee on FMLA leave, and/or their spouse or family, participate in a group health plan, the Town will maintain coverage under the plan during the employee's family and medical leave. This coverage will be provided if the employee, their spouse or family were covered under the plan before the leave was taken and on the same terms as if the employee had continued to work. The employee must make arrangements to pay whatever portion of the health plan premiums they normally pay while on leave.

**h. Job Restoration**

Upon returning from family and medical leave, the employee will normally be restored to their original job, or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions. In addition, the use of family and medical leave will not result in the loss of any employment benefit that the employee earned or were entitled to before using family and medical leave.

**i. Non-Contractual Nature Of This FMLA Policy**

The duration of leave, availability of benefits, opportunity for job restoration, and other rights and privileges associated with FMLA Leave are limited by the requirements of applicable state and federal law. No express or implied contractual rights should be inferred from this policy.

## **6. JURY DUTY & COURT APPEARANCES**

All Town employees selected for jury duty shall be entitled to civil leave with pay for the period of absence from work required. Such leave shall not be charged to annual or sick leave earnings.

Employees who are rejected for jury service, or who attend court for only a portion of a regular scheduled workday, shall report to their Supervisor when excused or released by the court. Eligibility commences on the first day of active employment. If an employee is called for jury duty and serves as a juror on a regular working day or days, he/she will receive pay for the time lost (up to eight hours per day) from work by reason of such service.

**a. Procedures**

When called for juror duty, the employee must show the summons to the supervisor prior to the date of service so that authorization and plans for the absence can be made. Failure to advise the supervisor in advance may be cause for the employee not to receive jury duty pay. In addition, file employee must complete the application for leave of absence form. When released from jury duty for any reason, the employee will be expected to return to work for that day. If released from jury duty before regularly scheduled lunch period, an employee is required to return to work. Upon return to work (after having been released by the court), the employee must submit to the supervisor a statement from the clerk of court indicating the dates and amount paid for serving as juror.

The supervisor will turn the statement over to the Finance Director in order that the payroll department may be notified to pay the employee for jury duty. Employees called to jury duty, or who are subpoenaed to attend court as a witness, must advise their Supervisor as soon as possible after receiving notification.

**b. Official Court Attendance**

All permanent employees subpoenaed or ordered to attend court to appear as a witness or to testify in some official capacity on behalf of the Town shall be entitled to leave with pay for such period as his court attendance may require. Any fees paid for such service may be retained by the employee.

Any pay for jury duty shall be forwarded to the Town Finance Director.

## **7. BEREAVEMENT LEAVE**

All permanent employees are eligible for funeral leave benefits. Eligibility commences on the first day of active employment. If an employee has a death in his/her immediate family and needs the time off; he/she will be paid for time lost from work up to three (3) days. This may be taken within three (3) calendar days before the funeral or within five (5) calendar days after the funeral. Immediate family shall be defined as parent, child, spouse, brother, sister, grandparent, parent-in-law, brother-in-law, sister-in-law, domestic partner, and grandchildren of either spouse.

Bereavement pay is calculated based on the base pay rate at the time of absence and will not include any special forms of compensation, such as bonuses or shift differentials.

All absence other than the above shall be taken without pay or charged against accrued annual (vacation) leave. The Town may request proof of the death and indication that the individual who dies is a member of the immediate family as defined above.

## **8. LEAVE WITHOUT PAY**

For any extended period of disability due to illness and/or injury, where any employee is not eligible for FMLA and has used all available accrued sick and/or annual leave, the employee may apply for leave without pay (LWOP) status which shall not exceed 60 days.

The application for Leave Without Pay shall be in writing and shall include a physician's certification of the condition and the period of time the employee will be incapacitated. Dates set forth by the physician shall be strictly adhered to; however, they may be amended by the physician. In cases of apparent abuse the Town may require additional documentation from the physician issuing the certificate or may secure additional medical opinions from other physicians. The amount of leave authorized shall not exceed the end of the period for which was requested or certified by a physician, provided that it shall not exceed 90 calendar days of combined leave with pay and LWOP. Otherwise, the employee shall forfeit reinstatement privileges and be separated from the Town. The employee shall use all annual leave and all sick leave before going on Leave Without Pay status.

## **C. CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT (COBRA)**

Under COBRA, the Town is required to offer employees and their families the opportunity for a temporary extension of health coverage (called "continuation coverage") at group rates in certain instances where coverage under the plan would otherwise end.

Employees covered by the Town's medical insurance plan have the right to choose continuation coverage if they lose their group health coverage because of a reduction in their hours of employment or the termination of their employment (for reasons other than gross misconduct). The employee's eligible dependents may also have the right to elect and pay for continuation coverage for a temporary period in certain circumstances.

## **D. DEFERRED COMPENSATION PLAN**

The Town may offer employees the opportunity to participate in a 457 deferred compensation plan. Eligibility begins on the date of hire. Non-matched, tax-free contributions may be deducted through payroll must be a minimum of \$25 per pay period and can go up to the maximum set by the Internal Revenue Tax guidelines. When there is a conflict between the personnel policies and the benefit plan document, the plan documents will govern.

## **E. FLORIDA RETIREMENT SYSTEM (FRS)**

All qualifying employees in regularly-established positions that are ongoing for at least six months are required to participate in the Florida Retirement System in accordance with the terms and conditions of that plan. When there is a conflict between the Employee Manual and the FRS statutes or plan documents, the statute or plan documents will govern.

## **F. HOLIDAYS**

### **1. OFFICIAL HOLIDAYS**

The following shall be observed as official paid holidays for the employees of the Town of Lauderdale-By-The-Sea, Veterans Day, Thanksgiving Day, Day after Thanksgiving, Christmas (observed), New Year's Day (observed), Martin Luther King, Jr. Day, President's Day, Memorial Day (observed), Independence Day, Labor Day, Floating Holiday (day of employee choice)

Floating holidays shall be credited to employees on October 1<sup>st</sup> for use within the fiscal year. Floating holidays not used by September 30<sup>th</sup> shall be forfeited, and may not be converted to previously used leave.

When a holiday observed by the Town falls on Sunday, that holiday shall be observed on Monday after the holiday. When a holiday observed by the Town falls on Saturday, the holiday shall be observed on Friday before the holiday.

## **2. ADMINISTRATION OF HOLIDAYS & HOLIDAY PAY**

To be eligible for holiday pay, an employee must meet the following requirements:

- a. Be a regular employee of the Town.
- b. Have worked for the Town at least thirty (30) days.
- c. Must have worked on the scheduled day prior to the holiday. However, if the absence on the day before or after the holiday was due to the reasons listed below, the employee would receive holiday pay.
  - i. The day of absence is during the employee's annual vacation period.
  - ii. The employee is absent because of sickness or accident and brings in a doctor's statement indicating medical attention has been received.
  - iii. The employee is absent due to death of a member of the immediate family.
  - iv. The employee is absent due to a current on-the-job injury.

An employee who reports in on the scheduled work date prior to the holiday would be considered to have worked that day, even though he/she is unable, due to emergency or illness, to complete the normal eight hour work day. The same will apply to the first scheduled work day after the holiday.

An employee who has been absent to work for any reason for fifteen (15) consecutive calendar days prior to the holiday will not be eligible for holiday pay.

For any full-time employee who works an alternate schedule (not Monday-Friday, 8:00 am-5:00 pm), if their scheduled workday does not fall on the paid Holiday that is granted to staff, then they will be allowed to take the day closest to the paid holiday off with pay. If not used at that time the Supervisor may allow the Holiday to be carried forward.

Non-exempt employees regularly working on holidays will receive credit for one holiday and be paid at the rate of 1.5 times the employees' respective regular rate of pay for working on the holiday.

## **G. LIFE INSURANCE**

Full-time employees (defined as those who regularly work 40 hours per week) are provided with a paid life, accidental death and dismemberment insurance policy in an amount prescribed by the Town's policy. This insurance is effective at the beginning of the first day of the calendar month following 90 days of full-time employment. Lauderdale-by-the-Sea reserves the right to continue, alter or cancel this obligation with notice to the employees. The Town will provide advance notice to participating members of a significant change with respect to the terms of this benefit. When there is a conflict between the personnel policies and the benefit plan document, the plan documents will govern.

## **H. HEALTH-RELATED BENEFITS**

Employees who regularly work at least 50 hours per pay period are eligible to participate in the Town's health-related insurance programs. Effective October 1, 2011 eligibility to participate in those programs begins on the first day of the first calendar month following the completion of 90 days of employment.

The amount of money the Town contributes to the medical insurance plans will be determined by the Town Commission each year after a review of the premium costs for the various insurance programs. The Commission may differentiate between full time and part time employees in determining the amount of the Town's contribution towards the insurance premium cost. Employees must cover premium costs above what the Town contributes for coverage for themselves, and for spouses or dependents they may elect to cover, through payroll deductions. The Town will attempt to provide advance notice to participating members of a significant change with respect to the terms or cost of medical benefits.

In the event that an employee eligible to participate in the Town's health insurance program does not elect to participate in our health insurance, the Town will contribute 66% of the Town's normal health insurance contribution for an employee with no spouse or dependent coverage to a deferred compensation plan on their behalf in lieu of providing health insurance. This provision shall not apply to employees who are eligible for Medicare due to federal laws on that matter. When there is a conflict between the personnel policies and the benefit plan document, the plan documents will govern.

## **I. WORKERS' COMPENSATION**

The Workers' Compensation Law requires that an injured employee give notice to his/her Supervisor immediately at the time of the injury no matter how minor. If the employee fails to file this report with his or her Supervisor at the time of the incident, the Town cannot be responsible for any delays in processing the employee's claim. Failure to comply with Workers' Compensation laws may result in forfeiture of benefits.

To be eligible for Workers' Compensation benefits, the injury must be a direct result of the job. Benefit entitlements are governed by law, but it is essential that employees report all work-related accidents, injuries, and illnesses immediately, and regardless of how minor.

The Town, in its sole discretion, may require an employee who is injured on the job to submit to a drug test. Moreover, the Town has the right to monitor and investigate all claims suspected to be fraudulent. The Town will pursue all available legal action against any employee found to have engaged in fraudulent conduct. Filing a false or fraudulent claim is also a violation of Town policy, and will result in disciplinary action, up to and including immediate termination.

## **VII. SALARY ADMINISTRATION**

### **A. WORK HOURS**

The Town's work week shall begin on Saturday and end on the following Friday.

The variety of services performed by the Town may require various employees to work different schedules. An employee's Supervisor will explain their work hours to them and the Town reserves the right to change an employee's work hours based on Town needs. Employees are expected to be at work during the regularly established work week for their respective positions (which may vary depending on respective position, assignment and/or work location). Town employees that are exempt from coverage under the Fair Labor Standards Act are expected to work as many hours in a given week as are necessary to complete that employee's assigned duties and responsibilities, regardless of the specific work hours assigned to that position by the Town Manager.

Job classifications shall periodically be evaluated to ensure that they are properly classed as exempt or non-exempt under the provisions of the Fair Labor Standards Act.

All employees must be at their desk or reporting work site and be ready to begin working at the beginning of their shift. Each employee shall leave when his/her shift is over. Variations from assigned work hours must be pre-approved by the employee's Department Director. If an employee requests flexible hours for an extended period of time, it must be approved by the Town Manager before implementation.

All non-exempt employees are entitled to one unpaid meal break of at least one-half hour per shift, during which such employees may not perform any work on behalf of the Town. Permission may be given by the employee's Supervisor to extend or shorten a lunch period but this time differential must be reflected on the employee's time sheet.

## **B. PAY**

Lauderdale-by-the-Sea strives to provide employees with a fair day's pay for a fair day's work and to maintain salary levels that are competitive. Employees are paid bi-weekly. Should a payday fall on an official holiday, paychecks will be issued on the last working day before the holiday.

All employees will be paid by direct deposit, provided that they authorize such direct deposit in writing and they designate in writing the financial institution where such deposit is to be made. The exception to this may be the employee's first or last check.

## **C. OVERTIME PAY AND COMPENSATORY TIME OFF**

Employees classified as exempt are not eligible for overtime pay. Exempt employees are designated supervisory, professional and managerial employees who work on a salaried basis; that is, they are expected to work, without extra compensation, such hours as are necessary to satisfactorily complete their duties. Exempt employees who regularly work many more hours than the standard work week established for their position may be allowed compensatory time off at the discretion of the Town Manager.

Non-exempt personnel who are required by their supervisor to work more than the standard work week established for their position are eligible to receive overtime pay or compensatory time of time and one-half for hours worked in excess of 40 hours in one work week. When operating requirements cannot be met during regular working hours, employees may be scheduled to work overtime. Overtime for non-exempt personnel may only be worked if it is absolutely essential and if properly authorized by the employee's Department Director or the Town Manager in advance.

Overtime pay is based on hours actually worked. Sick leave, vacation leave, or any leave of absence utilized in a workweek will **not** be considered hours actually worked in that work week for purposes of performing overtime calculations. Holiday leave will **not** be treated as hours actually worked. Hours worked on a holiday will be counted as overtime and paid at the rate of 1.5 hours for each hour worked.

Failure to work scheduled overtime, or working overtime without prior authorization from the Department Director, may result in disciplinary action, up to and including possible termination of employment.

Non-exempt employees may elect to receive compensatory time off in lieu of overtime, at the rate of one and one-half (1½) hours of compensatory time for each hour of overtime worked. At the discretion of the Department Head, compensatory time may be accrued up to a maximum of one hundred twenty (120) hours. Once compensatory time has been earned and accrued, it may not be cashed in for monetary payment during employment. Upon a nonexempt employee's departure from Town employment, accrued compensatory time shall be paid out in a monetary lump sum in accordance with FLSA guidelines in effect at the time of departure. Non-exempt employees may utilize compensatory time provided reasonable written notice of utilization is given. The Department Head must authorize all compensatory leave use based on departmental operations not being unduly disrupted by the employee's use of compensatory leave. The nonexempt employee will be advised in writing by the Department Head of the approval or denial of the request.

#### **D. SALARY APPROVAL AUTHORITY**

The minimum and maximum salary of each job classification within the Town organization shall be set by the Town Commission by the adoption of a pay plan.

The Town Manager has the authority to determine starting salary and make other salary decisions, provided that such decisions are consistent with the Town Commission-approved pay plan and that funds are available in the Town's budget for the salary decision.

#### **E. MERIT INCREASES**

The Town Manager may increase an employee's compensation within the established salary range for their job classification at the time of their annual performance appraisal, provided that the employee's performance is evaluated as acceptable, their salary stays within the salary range for the classification set by the Town Commission, and there are budgeted funds available to cover the cost of the salary

increase. Employees whose performance is evaluated as satisfactory may receive up to a 2.5% merit increase in salary until they reach the midpoint of the salary range for their job classification. To move beyond the mid-point of the salary range, the employee's performance must be evaluated as above satisfactory or higher. Employees whose performance is evaluated as above satisfactory or higher may receive up to a 5% merit increase in salary.

## **F. BONUSES**

As of July 1, 2011 the Town's ability to grant a bonus is governed by state statute. All employees are eligible for any bonus program that is created. Criteria and standards must be established for payment of a bonus and the criteria must describe the performance standards by which a bonus will be awarded. Bonuses may be given only as a lump sum amount and may not increase an employee's base salary. The Town Manager has the authority to grant a bonus of \$1,000 or less. The Town Commission must approve any bonus in excess of \$1,000.

## **G. SEVERANCE PAY**

An employee who is laid off from employment due to a reduction in force or hours or lack of work, who is asked to resign and does, who must resign due to disability, or who is separated without cause is eligible to receive a severance payment if they agree to sign a general release and waiver of claims agreement against the Town regarding their separation from employment in a form provided by the Town.

Severance may be paid according to the following formula, if adequate funds are available in the Town budget to make the severance payments:

Years of Continuous Service:	Amount of Severance:
1-2 years	2 weeks salary
Greater than 2 years – 5 years	3 weeks salary
Greater than 5 years – 10 years	4 weeks salary
More than 10 years	6 weeks salary

## **H. PERIODIC REVIEW OF THE PAY PLAN**

In order to ensure that the salaries paid to Town employees remain competitive, the Town shall periodically conduct salary surveys of the marketplace for similar positions, or review salary surveys conducted by other agencies or jurisdictions, and make adjustments where necessary.

Such salary reviews can be made for the entire workforce or for individual job classifications in advance of recruitment or when the Town is experiencing difficulty recruiting and retaining high quality personnel.

## **I. CALL BACK PAY**

Non-exempt employees who are required to return to work outside of their normal work hours shall be compensated for a minimum of three (3) hours of work, regardless of whether they are required to be present at work for a full three hours. Call back pay shall not apply to an employee who is asked to extend their normal work day and work overtime.

## **VIII. MISCELLANEOUS ISSUES**

### **A. EMPLOYEE APPEARANCE**

The Town does not have a formal dress policy and prefer to rely on every employee's good judgment to dress appropriately for a business such as ours. We do expect all employees to present a neat, clean and well-groomed appearance at all times.

Employees should avoid extremes in dress. Flashy or revealing clothing, t-shirts with inappropriate content, shorts whose hem falls more than three inches above the knee, and other non-business-like clothing are unacceptable. Employees that wear a uniform are responsible for maintaining a clean and neat uniform at all times.

### **B. USE OF TOWN PROPERTY**

Town equipment and supplies are expensive, and employees should handle them as though they were your own valuable personal items. In case of an accident or damage to equipment or supplies, employees should immediately report the facts to their Supervisor and turn in the broken or damaged articles for replacement. Employees will be held liable for damages resulting from theft, loss, or neglect of Lauderdale-by-the-Sea equipment or supplies.

Town property may not be removed from the premises without proper, advance authorization by your Department Director. Town property may not be used for personal reasons, with the exception of the phone and computer as described in **VIII D and E**.

### **C. BULLETIN BOARDS**

The Town maintains bulletin boards at various locations throughout the Town as an important information source. These bulletin boards are to be used solely to post information approved by the Town

regarding its policies, governmental regulations, and other matters of concern to all employees which are related to the employees' employment by the Town. Employees should regularly check the bulletin boards daily to be familiar with the information posted there.

#### **D. COMMUNICATION AND COMPUTER SYSTEMS SECURITY AND USAGE**

This policy contains guidelines for the use, access and disclosure of communications (including among other things telephone, mail, e-mail, voice mail, desk and laptop computers, pagers, mobile phones, faxes, Internet, and intranet) sent or received by employees, using any Town- provided communication or computer system.

The Town's systems are intended for Authority business only. All information transmitted or stored in Town systems is the sole and exclusive property of the Town and should be treated as confidential. The contents of our systems may be disclosed to the Town or members of the public or press without employees' permission. Therefore, employees should not assume that messages and communications are confidential.

The Town's computer, telephone and communication hardware and software systems have been installed and are used to facilitate business communications. Although each employee has an individual password to access these systems, the systems belong to the Town and the contents of all communications are accessible to management for any business purpose.

Personal communications can be accessed by the Town without prior notice. Although incidental and occasional personal use of our systems is permitted (a reasonable standard would be no more than 10 minutes per workday), repeated use of the systems to access personal information, conduct personal business or make personal, non-Town business related communications will subject the employee to disciplinary action up to and including termination.

#### **E. TELEPHONE USE**

The Lauderdale-by-the-Sea telephones are reserved for business or emergencies. Employees should advise relatives and friends not to telephone you at Lauderdale-by-the-Sea except in emergencies or to leave brief messages.

Personal use of the telephone for long-distance and toll calls is not permitted.

While at work employees are expected to exercise the same discretion in using personal cellular phones as is expected for the use of Town phones. Excessive personal call during the workday, regardless of the phone used, can interfere with employee productivity and can be

distracting to others. A reasonable standard the Town encourages its employees to limit personal calls during work time to no more than two per day of no more than five minutes duration. Employees are asked to make any other personal calls during their lunch break, and ensure that friends and family members are aware of this policy.

**F. COURTESY**

Every employee shall conduct himself/herself in a professional and courteous manner at all times. Employees are expected to be sensitive when dealing with residents, elected officials, and other members of the public and, at all times, treat them with respect and courtesy.

**G. PARKING AND PERSONAL PROPERTY**

Free parking is available in designated parking areas. Parking violations are subject to tickets and disciplinary measures. Lauderdale-by-the-Sea does not accept responsibility for damage to your automobile or for a theft or other personal property loss which may occur on Town property. We recommend employees keep their car locked while it is parked in the parking area.

**H. SEARCH POLICY**

The Town reserves the right to question any person entering and leaving its property and to inspect any person, locker, vehicle, package, purse, handbag, briefcase, lunch box, or other possessions carried to, on, and from its property.

**I. SMOKE FREE ENVIRONMENT**

In keeping with Lauderdale-by-the-Sea's intent to provide a safe and healthful work environment, smoking is prohibited throughout the workplace.

This policy applies equally to employees and visitors.

**J. WORK AREA CLEANLINESS**

Good housekeeping is the responsibility of all employees in order to provide a safe, healthy and pleasant work environment. Each employee has the responsibility to keep their immediate work area neat and clean at all times.

## **APPENDIX A. TOWN OF LAUDERDALE-BY-THE-SEA SEXUAL HARASSMENT POLICY**

### **GENERAL POLICY**

The Town of Lauderdale-By-The-Sea has a strict policy against sexual harassment. **SEXUAL HARASSMENT BY ANY EMPLOYEE WILL NOT BE TOLERATED.**

### **DEFINITION**

Sexual harassment involves unwelcome sexual conduct, sexual advances or any verbal or physical conduct of a sexual nature, by an employee's supervisor(s) or fellow employees or others at the work place which: 1) suggests submission to or rejection of such conduct by an employee who is used as a basis for career or employment decision. affecting that employee; 2) suggests that submission to or rejection of such conduct is a either implicit or explicit condition of an employee's job, pay or career; or 3) interferes with an employee's job or job performance or creates an intimidating, hostile or offensive environment.

Examples of conduct that may constitute sexual harassment include, but .are not limited to the following: sexual advances, requests for sexual favors, propositions, physical touching, sexually provocative language, gestures, sexual jokes, and display of sexually-oriented pictures or photographs.

### **EMPLOYEE COMPLAINTS**

Any employee who believes that he or she has been subjected to sexual harassment should immediately report this to the Town Manager or the Assistant Town Manager. The Town will handle the matter swiftly, fairly, effectively and with as much confidentiality as possible. There will be no retaliation against any employee who reports a claim of sexual harassment or who is witness to the harassment.

### **INVESTIGATION**

The Town will-conduct a prompt investigation in an attempt to determine all the facts concerning the alleged harassment. In doing the investigation, the Town will try to be fair to all parties involved.

If the Town determines that sexual harassment has occurred, corrective action will be taken. This corrective action may include a reprimand, demotion, discharge, or other appropriate action. The Town will attempt to make the corrective action reflect the severity of the conduct.

If it is determined that no harassment has occurred or that there is not sufficient evidence that harassment occurred, this will be communicated to the employee who made the complaint along with the reasons for this determination.

I HAVE SIGNED THIS COPY OF THIS POLICY ACKNOWLEDGING THAT I HAVE READ AND UNDERSTAND IT AND RETURN IT TO THE PERSONNEL DEPARTMENT WHERE IT WILL BECOME PART OF YOUR PERSONNEL FILE.

\_\_\_\_\_  
EMPLOYEE SIGNATURE

DATE: \_\_\_\_\_

\_\_\_\_\_  
PRINTED NAME

## **APPENDIX B. DRUG-FREE WORKPLACE POLICY STATEMENT**

The Town of Lauderdale-By-The-Sea is committed to provide a safe work environment for its employees, our community and society. Substance abuse is a national problem which impairs the health and safety of employees, promotes crime and harms our community. The Town is addressing this problem by instituting a Drug Free Workplace Program.

Substance abuse is a complex, yet treatable disease. The ultimate goal of this policy is to balance our respect for individual privacy with our need to keep a safe, productive drug-free environment. Our intention is to prevent and treat substance abuse. We would like to encourage those employees who use drugs or abuse alcohol to seek help in overcoming their problem. The Town will attempt to assist an employee in obtaining treatment prior to taking disciplinary action when such treatment is associated with a first occurrence of substance abuse. The Town considers substance abuse to be an unsafe and counter-productive work practice.

The Town's policy is in accordance with the Florida Drug Free Workplace Program as provided in Section 440.102, Florida Statutes and Chapter 38F-9, Florida Administrative Code. The Town adopts the policies and standards set forth in Chapter 38F-9. To the extent of any conflict between the standards established by this policy and the standards set forth in Chapter 38F-9 F.A.C., as amended from time to time, the standards set forth in Chapter 38F-9 shall prevail. Policies and Standards contained herein and not addressed in Chapter 38F-9 F.A.C. shall control.

To ensure a work place free from the influence of illegal drugs and alcohol abuse, the following policy has been established.

It is the policy of the Town that an employee found with the presence of alcohol or illegal drugs in his/her system, in possession of, using, selling trading or offering for sale illegal drugs or alcohol during working hours, may be subject to disciplinary action up to and including termination. (Town-sponsored activities which may include the service of alcoholic beverages are not included in this provision}.

An employee reporting for work visibly impaired shall be considered unable to properly perform required duties and will not be allowed to work. If possible, the supervisor should first seek the Department Director's opinion of the employee's condition. Then the supervisor, together with a representative from the Town administration, should consult privately with the employee to rule out any problem(s) that may have been caused by prescription drugs.

When an off-duty employee is called back to work and that employee has consumed alcoholic beverages, that employee shall disclose such use and decline call back. An employee shall not be disciplined for refusing to respond to call back when such employee has reasonable belief that he or she could not

pass an alcohol blood level test. Employees who are on stand-by that may be subject to call back should not engage in social drinking and may not decline call back without being subject to discipline.

If, in the opinion of the supervisor and a representative of the Town Manager's office, or the Department\_Director, the employee is considered impaired, the employee should be sent home after drug testing by a medical facility, by taxi or other safe transportation alternative, depending on the determination of the observed impairment, accompanied by the supervisor or another employee, if necessary. An impaired employee should not be allowed to drive. The prescribed test direction form for the medical facility\_shall be completed by the supervisor.

Prescription drugs prescribed by the employee's physician may be taken during working hours. The employee shall notify their Supervisor if the use of properly prescribed drugs will affect the employee's work performance. Abuse of prescription drugs will not be tolerated.

It is the responsibility of the Town's supervisors to counsel with an employee whenever they see changes in performance that suggest an employee problem. The supervisor may suggest that the employee voluntarily seek help from the Employee Assistance Program ("EAP") or decide that the severity of the observed problem is such that a formal referral to the EAP should be made.

## **DEFINITIONS**

- A. Alcohol means distilled spirits, liquors, ethyl alcohol (ethanol) and includes wine, malt beverages and other intoxicating beverages.
- B. Alcohol abuse - an employee shall be determined to be under the influence of alcohol if the employees normal faculties are impaired due to the consumption of alcohol or the employee blood alcohol level is 0.05G/DL% or higher.
- C. Illegal drugs means any drug(s) which is not legally obtainable, which may be legally obtainable but has not been legally obtained, or which is being used in a manner or for a purpose other than as prescribed.
- D. Drugs means alcohol, amphetamines, cannabinoids, cocaine, phencyclidine (PC.P), hallucinogens, synthetic narcotics, designer drugs, or a metabolite of any of the substances listed above.
- E. Legal drug means prescribed drugs and over-the-counter drugs which have been legally obtained and are being used solely for the purpose for which they were prescribed or manufactured.

- F. Job applicant means a person who has applied for a position with the Town and has been offered employment conditioned upon successfully passing a drug test.
- G. Employee means an individual who works for the Town for compensation and is covered by the Workers Compensation Act.
- H. Drug testing means any chemical, biological or physical instrumental analysis for the purpose of determining the presence of an illegal drug or its metabolites, including alcohol.

(1) Drug testing may require the collection of blood, urine, breath, saliva or hair of an employee or job applicant.

- I. Initial drug test means a screening procedure of the blood and urine of employees and job applicants for the presence of alcohol and illegal drugs in accordance with the Florida Drug Free Workplace Program and appropriate Florida Administrative rules. All levels equal to or exceeding the following shall be reported as positive:

ALCOHOL	05g/dl's
AMPHETAMINES	1,000 NG/ML
CANNABINOIDS	100 NG/ML
COCAINE	300 NG/ML
PHENCYCLIDINE	25 NG/ML
METHAQUALONE	300 NG/ML
OPIATES	300. NG/ML
SARBIT~JRATES	300 NG/ML
BENZODALEPINES	300 NG/ML
SYNTHETIC NARCOTICS:	
METHADONE	300 NG/ML
PROPOXYPHENE	300 NG/ML

- J. Confirmation test means a second test of all specimens identified as positive on an initial test in accordance with the Florida Drug Free Workplace Program and appropriate Florida Administrative Rules. All levels equal to or exceeding the following shall be reported as positive:

ALCOHOL	05g/dl%
AMPHETAMINES	500 NG/ML
CANNABINOIDS	15 NG/ML
COCAINE	150 NG/ML
PHENCYCLIDINE	25 NG/ML
METHAQUALONE	1.50 NG/ML
OPIATES	300 NG/ML
BARBITURATES	150 NG/ML
BENZODIAZEPLNES	150 NG/ML

**SYNTHETIC NARCOTICS:**

**METHADONE**

**150 NG/ML**

**PROPOXYPHENE**

**150 NG/ML**

**K. Drug Testing Methodology**

Specimens for drug testing will be collected, handled, maintained and tested in accordance with the Florida Drug Free Workplace Program and the procedures set forth in Florida Administrative Code Section 38F-9.

- L. Positive confirmed test or confirmation test means a second procedure which confirms a positive result from an initial drug test.
- M. Medical review officer (MRO) means a licensed physician with knowledge of prescription drugs, pharmacology and toxicology of drugs, who may be responsible for receiving and reviewing all positive confirmed test results and who may be responsible for contacting all individuals who test positive in a confirmation test to inquire about possible medications which could have caused a positive result. The MRO need not be an employee of the Town.
- N. Prescription or non-prescription medication means a drug or medication obtained pursuant to a prescription as defined by Section 893.02, Florida Statutes, or a medication that is authorized pursuant to a Federal or State Law for general distribution and use without a prescription in the treatment of human diseases, ailments or injuries.
- O. Reasonable suspicion drug testing means drug testing based on a belief that an employee is using or has used drugs in violation of this policy drawn from specific, objective, and documented 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 of 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 of work performance, either or both of which are recognized symptoms of alcohol or drug abuse and which are not adequately explained by the employee or are not related to the employee's working conditions.
  - 3) A report of drug use, provided by a reliable and credible source, which has been independently corroborated.
  - 4) Evidence that an employee has tampered with a drug test during his employment with the Town.

- 5) Information that an employee has caused, or contributed to, an accident while at work.
- 6) Evidence that an employee has used, possessed sold, solicited, or transferred drugs, while working or while on the Town's premises or while operating a vehicle, machinery, or equipment of the Town.
- 7) Specimen means a tissue or product of the human body including blood, urine, saliva, hair, capable of revealing the presence of alcohol and/or illegal drugs or their metabolites.

## GENERAL PROCEDURES

### A. Types Of Testing

In order to maintain a drug and alcohol, free work environment, the Town will test for the presence of alcohol and drugs in the following circumstances:

- 1) Job applicants: all job applicants who have been offered a position of employment are required to take a drug and alcohol test.
- 2) Reasonable suspicion: all employees who are determined to be under reasonable suspicion of drug or alcohol use (as defined herein) are required to take a drug and alcohol test.
- 3) Fitness-for duty: all employees who are subject to a routine witness for duty medical examinations are required to take a drug and alcohol test as part of their medical examination.
- 4) Follow-up: all employees who have been referred to an employee assistance program or rehabilitation program by the Town for drug and/or alcohol abuse are required to take drug and alcohol tests on a quarterly, semi-annual or annual basis for two years after return to work.
- 5) Post-accident or injury: employees who are involved in a job related 'accident or incident, and whose impairment appears to be contributory, which results or might have resulted in bodily injury or property loss or damage.
- 6) The Town administration shall establish forms to facilitate record keeping and reporting. The forms attached as attachment 1 thru 5 shall be used initially but may be amended from time to time by the Town Administration without further commission action.

### B. Consequences Of Refusing A Drug Test

- 1) An employee who refuses to submit to a drug test will be subject to discipline, up to and including termination. An employee who refuses to submit to a drug test also will forfeit his eligibility for all worker's compensation medical and indemnity benefits.
- 2) A job applicant who refuses to submit to a drug test will not be hired.

#### C. Actions Following A Positive Confirmed Test

The Town may institute disciplinary action, up to and including termination, for any employee who has a positive, confirmed drug test.

#### D. Confidentiality

Confidentiality of records concerning drug testing will be maintained except to the extent necessary to comply with this policy and applicable public records law. All information, reports, memos and drug test reports, written or otherwise, received by the Town through the drug testing program will be kept confidential to the extent provided by law.

The Town, Employee Assistance Program, laboratories, drug and alcohol rehabilitation programs who receive or have access to information concerning drug test results shall keep all information confidential. No such information will be released unless there is a voluntary written consent, signed by an employee or job applicant, except where such release is compelled by a court pursuant to an appeal taken under this section, or where deemed appropriate by a professional or occupational licensing board in a related disciplinary proceeding.

The Town will maintain records concerning drug testing separate and apart from an employee's or job applicant's personnel file. Information on drug testing results shall not be released in any criminal hearing.

#### E. Reporting Of Use Of Medication

Employees and job applicants may confidentially report the use of prescription or non-prescription medication, both before and after having a drug test. A form for reporting medication use is attached.

#### F. Notice Of Common Medications

A list 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, is attached. Employees and job applicants should review this list prior to submitting to a drug test.

#### G. Medication Information

An employee or job applicant may consult with the testing laboratory for technical information regarding prescription and non-prescription medication.

#### H. Employee Assistance Program

Refer to the employee assistance program policy for the name, address and telephone number of the current provider.

Other Resources Available Are:

1 800 - 356-9996 AL-ANON  
1 800 - 527-5344 AMERICAN COUNCIL OF ALCOHOLICS HELPLINE  
1 800 - COCAINE COCAINE HOTLINE  
1 800 - NCA-CALL NATIONAL COUNCIL ON ALCOHOLISM  
1 800 - 662-HELP NATIONAL INSTITUTE ON DRUG ABUSE HOTLINE  
1 800 - 843-4971 NATIONAL INSTITUTE ON DRUG ABUSE HOTLINE

#### I. Drugs To Be Tested

Drugs that will be tested are as follows:

- A. Alcohol, including distilled spirits, wine, malt beverages and intoxicating liquors
- B. Amphetamines
- C. Cannabinoids
- D. Cocaine
- E. Phencyclidine (PCP)
- F. Hallucinogens, provided the only hallucinogen to be tested for is phencyclidine (pop)
- G. Methaqualone
- H. Opiates
- I. Barbiturates
- J. Benzodiazepines
- K. Synthetic narcotic but limited to. Methadone and Propoxyphene
- L. A metabolite of any substance listed herein.  
(A list of drugs by brand names or common names is attached.)

#### J. Challenge Of Test Results

- 1) An employee or a job applicant who receives a positive confirmed test result may contest or explain the result in writing within five (5) days of receipt of notification of a positive confirmed test result.
- 2) If the explanation or challenge of the employee or job applicant is unsatisfactory to the Town, the Town within fifteen (15) days of receipt will provide a written explanation as to why the employee or job applicant's explanation is unsatisfactory, and a copy of the report of positive confirmed test results.

- 3) An employee may further challenge the results of the test in a court of competent jurisdiction or, if the drug test was administered due to a workplace injury, by filing a claim for benefits with a judge of compensation claims, to Chapter 440, Florida statute.
- 4) If an employee or job applicant contests the drug test results, he or she must notify the laboratory.

## **POLICY REQUIREMENTS**

### **A. Conditions of Pre-Employment**

The Town will conduct pre-employment screening examinations designed to prevent hiring individuals who use drugs.

- 1) To determine the suitability of employees to work for the Town, the following pre-employment conditions are established:
  - a) All job applicants will be tested prior to employment for drug use and alcohol use. Any job offer which a job applicant may receive from the Town is contingent upon successfully completing a required physical examination.
- 2) Any job applicant who refuses to submit to drug and alcohol testing as part of the pre-employment testing process will be refused employment.
- 3) Any job applicant who tests positive for drugs or alcohol use will be refused employment at that time.
- 4) Confidentiality will be maintained pursuant to this policy
- 5) The Town will not discriminate against applicants for employment because of the past abuse of drugs or alcohol. It is the current abuse of drugs or alcohol that the Town will not tolerate.

### **B. Current Employee Drug And Alcohol Abuse Screening**

The Town will maintain screening practices to identify employees who use illegal drug or abuse alcohol. It shall be a condition of continued employment for all employees to submit to drug screening under the following conditions:

- 1) Reasonable suspicion: All employees who are determined to be under reasonable suspicion of drug or alcohol use (as defined herein) are required to take a drug and alcohol test.

- 2) **Fitness-For-Duty:** All employees who are subject to a routine fitness-for-duty medical examinations are required to take a drug and alcohol test as part of their medical examination.
- 3) **Follow-up:** All employees who have been referred to an employee assistance program or rehabilitation program by the Town for drug and/or alcohol abuse are required to take drug and alcohol tests on a quarterly, semiannual or annual basis for two years after return to work.
- 4) **Post-accident or injury:** Employees who are involved in a job-related accident or incident, and whose impairment appears to be contributory, and which results or might have resulted in bodily injury or property loss or damage.

### C. Treatment Program

It is the responsibility of each employee to seek assistance before drugs and alcohol lead to disciplinary problems. To ensure the effectiveness of the drug free workplace policy, it is the responsibility of all employees to inform supervisory personnel of any activity that would lead a reasonable person to believe that drugs or alcohol are being abused in the workplace.

- 1) An employee's decision to seek assistance from a treatment or addiction counseling program on a voluntary basis prior to any incident warranting disciplinary action will not be used as the basis for disciplinary action or in any disciplinary proceeding. On the other hand, using such a program will not be a defense to the imposition of disciplinary action where facts providing violation of this policy are obtained
- 2) Employees who enroll into a treatment program for drug and alcohol abuse may be granted leave with a conditional return to work depending on successful impletion of the agreed upon appropriate treatment regimen and in accordance with the career services rules and regulations and any departmental rules and regulations. An employee's bank of sick or vacation time shall be used (in that order) for such leave.
- 3) Upon successful completion of a drug and/or alcohol treatment program, an employee may be released to resume work but will be subject to drug testing on a periodic basis, at least quarterly for up to two years thereafter as a condition of continued employment.
- 4) An individual's participation in a treatment program will not be made part of any personnel records, and will remain confidential except to the extent necessary to comply with this policy. Medical and insurance records, if any, will be preserved in the same confidential manner as all other medical records and be retained in a separate file as provided by law.

### D. Management's Responsibility

Supervisors are responsible for implementing the drug and alcohol-free work place policy. It is the responsibility of the supervisors to observe the behavior of employees on the job as a precaution against unstable or unreliable behavior which could threaten the safety and well being of employees and the community.

- 1) Supervisors are responsible for maintaining a safe work environment by determining employee's fitness for duty.
- 2) In the event a supervisor with the concurrence of a representative of the Town Manager's office or the Department\_Director has a reasonable suspicion that an employee may be affected by drugs or alcohol, the employee must be sent for drug testing. A form for reporting the reason(s) for drug testing is attached.
- 3) In all cases when an employee is being removed from duty for drug testing, the supervisor should notify his superior at the earliest possible time.

#### E. Employees' Responsibility

- 1) It is each employee's responsibility to be fit for duty when reporting for work and to inform his supervisor if he is under prescription or non prescription medication which may affect job performance.
- 2) In the event an employee observes behavior which raises a doubt as to the ability of a co-worker to work in a safe, reliable and trustworthy manner, the employee should report this behavior to his supervisor.
- 3) Employees, who voluntarily enter a drug or alcohol treatment and/or rehabilitation program at the request or insistence of the Town or, as a condition of continued employment, enter a drug or alcohol treatment and/or rehabilitation program are required to participate and complete recommended treatment. Any employee who enters a drug or alcohol treatment and/or rehabilitation program will be responsible for payment of the treatment and/or program. If the employee fails to comply with the treatment and/or the program, the employee will be subject to discipline, up to and including termination.

#### F. Medical Review Officer's Responsibilities

- 1) The MRO will review all information from the testing laboratory in the event of a positive, confirmed test. The MRO will review any information from the employee or job applicant regarding the use of medication or other relevant medical information set forth in the form submitted prior to drug testing.
- 2) The MRO may request that the testing laboratory provide quantification of test results.

- 3) The MRO will provide his interpretation of positive, confirmed test results to the personnel director or his/her department representative.
- 4) The MRO will assist employees in an Employee Assistance Program, monitor such employee's progress and confirm completion of the treatment program.

#### LIST OF DRUGS BY TRADE OR COMMON NAMES

DRUGS	TRADE OR COMMON NAME
OPIUM PAREPECTOLIN	DOVER'S POWDER, PAREGORIC,
MORPHINE	MORPHINE, PECTORAL SYRUP
CODEINE	TYLENOL WITHCODEINE, EMPIRIN COMPOUND WITH CODEINE
ROBITUSSAN	A-C
HEROIN	DIACETYLMORPHINE, HORSE, SMACK, <u>H</u>
HYDROMORPHIME	DTLAUDID
MEPERIDINE (PETHIDINE)	DEMEROL, MEPERGAN
METHADONE	DOLOPHINE, METHADONE, METHADOSE
OTHER NARCOTICS	LAAM, LERTTINE, NUMORPHAN, PERCODAN, TUSSIONEX, FENTANYL, DARVON, TALWIN, LOMOTIL
DEPRESSANTS	CHLORAL HYDRATE NOCTEC, SOMNOS
BARBITURATES	PHENOBARBITAL, TUINAL, AMVTAL, NEMBUTAL, SECONAL, LOTUSATE
BENZODIAZEPINES	ATAVAN, AZENE, CLONOPIN, DALMANE, DIAZEPAM, LIBRIUM, XANAX, SERAX, TRANXENE, VALIUM, VERSTRAN, HALCION, PAXIPAM, RESTORIL
METHAQUALONE	QUAALUDE
GLUTETHIMIDE	DORIDEN

OTHER DEPRESSANTS      EQUANIL, MILTOWN, NOLUDAR, PLACIDYL,  
VALMID

STIMULANTS:

COCAINE      COKE, FLAKE, SNOW, CRACK

AMPHETAMINES      BIPHETAMINE, DELCOBESE, DESOXYN,  
DEXEDRENE, METIATRIC

PHENMETRAZINE      PRELUDIN

METHYLPHENIDATE      RITALIN

OTHER STIMULANTS      ADIPEX, BACARATE, CYLERT, DIDREX,  
IONAMIN, PLEGINE, PRE-SATE,  
SANOREX, TENUATE, TEPANIL, VORANIL

HALLUCINOGENS:

LSD      ACID, MICRODOT

MESCALINE AND PEYOTE      MESC, BUTTONS, CACTUS

AMPHETAMINE VARIANTS      2,5-DMA, PMA, STP, MDA, MDMA,  
TMA,      DOM, DOB

PHENCYCLIDINE      PCP, ANGEL DUST, HOG

PHENCYCLIDINE ANALOGS      PCE, PCP, TCP

OTHER HALLUCINOGENS      BUFOTENINE, IBOGAINE, DMT, DET,  
PSILOCYN

CANNABIS:

MARIJUANA      POT, ACAPULCO GOLD, GRASS,  
REEFER,      SINSEMOLLA, THAI STICKS

TETRAHYDROCANNABINOL      THC

HASHISH      HASH

HASHISH OIL      HASH OIL

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

**ALCOHOL**

All liquid medications containing Ethyl alcohol (Ethanol). Please read the label for alcohol content. As an example, Vick's Nyquil is 25% (50 proof) ethyl alcohol, Comtrex is 20%(40 proof), Contac severe cold formula night strength is 25%(50 proof) and Listrine is 26.9% (55 proof).

**AMPHETAMINES**

**OBETROL, BIPHETAMINE, DESOXYN, DEXEDRINE, DIDREX**

**CANNABINOIDS**

**MARINOL (DRONABINOL, THC)**

**COCAINE**

**COCAINE HCl TOPICAL SOLUTION**

**PHENCYCLIDINE**

**NOT LEGAL BY PRESCRIPTION**

**METHAQUALONE**

**NOT LEGAL BY PRESCRIPTION**

**OPIATES**

**PAREGORIC, PAREPECTOLIN, DONNAGEL, PG, MORPHINE, TYLENOL WITH  
CODEINE, EMPIRIN WITH CODEINE, APAP WITH CODEINE, ASPIRIN WITH  
CODEINE, ROBITUSSIN A-C, GUIATUSS AC, NOVAHISTINE DH,  
NOVAHISTINE EXPECTORANT, DILAUDID (HYDROMORPHINE), M-S CONTIN  
AND ROXANOL (MORPHINE SULFATE), PERCODAN, VICIDIN**

**BARBITURATES**

**PHENOBARBITAL, TUINAL, AMYTAL, NEMBUTAL, SECONAL, LOTUSATE,  
FIORINAL, FIORICET, ESGIC, BUTISOL, MEBARIL, BUTABARBITAL,  
BUTABITAL, PHRENILIN, TRIAD**

**BENZODIAZEPHINES**

**ATAVAN, AZENE, CLONOPIN, DALMANE, DIAZEPAM, LIBRIUM, XANAX,  
SERAX, TRAXENE, VALIUM VERSTRAN, HALCION, PAXIPAM, RESTORIAL,  
CENTRAX**

**METHADONE**

**DOLOPHINE, METHADOSE**

PROPOXYPHENE  
DARVOCET, DARVON N, DOLENE

The Town has heretofore established a drug policy which was adopted by Resolution Number 1187 on February 25, 1992. This policy is intended to supplement the policies adopted by Resolution No. 1187. To the extent of any conflict between this policy and the policies adopted by Resolution No. 1187 the provisions of this policy shall prevail.

ATTACHMENT 1.

LIST PRESCRIPTION DRUGS TAKEN WITHIN THE PAST THIRTY (30) DAYS. THIS IS FOR YOUR USE ONLY AT THIS TIME.

ATTACHMENT 2

THE TOWN OF LAUDERDALE-BY-THE-SEA TEST DIRECTION FORM.

I DIRECT

\_\_\_\_\_  
NAME OF EMPLOYEE

TO TAKE A DRUG AND/OR ALCOHOL TEST PURSUANT TO THE TOWN OF LAUDERDALE-BY-THE-SEA DRUG FREE WORKPLACE POLICY AND WORK RULES. THIS DRUG TEST IS REQUIRED BECAUSE OF THE FOLLOWING REASON(S). (EXAMPLE: REASONABLE SUSPICION, ACCIDENT):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

THE ABOVE STATED REASON (S) WAS (WERE) WITNESSED BY:

(NAME OF OBSERVERS/WITNESSES)

NAME: \_\_\_\_\_

POSITION: \_\_\_\_\_

DATE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

ADDITIONAL WITNESS

NAME: \_\_\_\_\_

POSITION: \_\_\_\_\_

DATE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

ATTACHMENT 3

THE TOWN OF LAUDERDAL -BY-THE-SEA  
FORM FOR REPORTING THE USE OF PRESCRIPTION OR  
NON-PRESCRIPTION MEDICATION

NAME: \_\_\_\_\_

DATE: \_\_\_\_\_

PRESCRIPTION MEDICATION:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NON-PRESCRIPTION MEDICATION:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SIGNATURE: \_\_\_\_\_

PRINT NAME: \_\_\_\_\_

SOCIAL SECURITY NUMBER: \_\_\_\_\_

ATTACHMENT 4

THE TOWN OF LAUDERDALE-BY-THE-SEA

PRE-EMPLOYMENT AGREEMENT

PLEASE READ CAREFULLY:

I FREELY AND VOLUNTARILY CONSENT TO A DRUG AND ALCOHOL TEST OF MY URINE AND BLOOD AS PART OF MY APPLICATION FOR EMPLOYMENT. I UNDERSTAND THAT MY REFUSAL TO SUBMIT TO THE DRUG AND ALCOHOL TEST OR MY FAILURE TO QUALIFY ACCORDING TO THE MINIMUM STANDARDS ESTABLISHED BY THE TOWN OF LAUDERDALE-BY-THE-SEA FOR THIS DRUG AND ALCOHOL TEST MAY DISQUALIFY ME FROM FURTHER CONSIDERATION FOR EMPLOYMENT.

I FURTHER UNDERSTAND THAT UPON COMMENCEMENT OF EMPLOYMENT WITH THE TOWN OF LAUDERDALE-BY-THE-SEA, I MAY AGAIN BE REQUIRED TO SUBMIT TO A DRUG AND ALCOHOL TEST. I UNDERSTAND THAT REFUSAL TO TAKE A REQUESTED TEST OR FAILURE TO MEET THE MINIMUM STANDARDS SET FOR THE TEST MAY RESULT IN DISCIPLINE, UP TO AND INCLUDING TERMINATION.

I HAVE READ IN FULL AND UNDERSTAND THE ABOVE STATEMENTS AND CONDITIONS OF EMPLOYMENT.

THIS CONSENT DOES NOT INDICATE CONSENT BY THE APPLICANT TO RANDOM DRUG TESTING NOR DOES THIS CONSTITUTE A WAIVER OF AN APPLICANT'S RIGHT TO CHALLENGE TEST RESULTS.

\_\_\_\_\_  
APPLICANT'S SIGNATURE

\_\_\_\_\_  
DATE

PRINT NAME: \_\_\_\_\_

\_\_\_\_\_  
WITNESS' SIGNATURE

\_\_\_\_\_  
DATE

PRINT NAME: \_\_\_\_\_

ATTACHMENT 5

THE TOWN OF LAUDERDALE-BY-THE-SEA

CERTIFICATE OF AGREEMENT

I HEREBY CERTIFY THAT I HAVE RECEIVED AND READ THE TOWN OF LAUDERDALE-BY-THE-SEA, "DRUG FREE WORKPLACE POLICY AND WORK RULES" REGARDING SUBSTANCE ABUSE AND HAVE HAD THE POLICY EXPLAINED TO ME.

I HEREBY CONSENT TO SUBMIT TO DRUG AND ALCOHOL TESTING OF MY BLOOD AND URINE AT ANY TIME REQUESTED BY THE TOWN OF LAUDERDALE-BY-THE-SEA PURSUANT TO THE TOWN'S POLICY. I ALSO UNDERSTAND THAT FAILURE TO COMPLY WITH A REQUEST TO SUBMIT TO A DRUG TEST OR A POSITIVE CONFIRMED RESULT FROM A DRUG TEST MAY LEAD TO TERMINATION OF MY EMPLOYMENT.

THIS CONSENT DOES NOT INDICATE CONSENT BY THE EMPLOYEE TO RANDOM DRUG TESTING NOR DOES THIS CONSTITUTE A WAIVER OF AN EMPLOYEE'S RIGHT TO CHALLENGE TEST RESULTS.

\_\_\_\_\_  
NAME (PLEASE PRINT)

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
WITNESS SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
WITNESS' NAME

**COMPARISON OF  
PROPOSED MANUAL  
TO EXISTING MANUAL**

---

**TOWN OF LAUDERDALE-BY-THE-SEA**

**PERSONNEL POLICIES MANUAL**

~~Personnel Policy Manual Adopted Retroactively - October~~



**01,1988**

**Table Of Contents Article 1**

<del>Resolution</del> .....	<del>Page 1</del>	<del>Section 1:</del>
<del>Model Resolution To Adopt Personnel Policy Manual</del> ..	<del>Page 2</del>	
<del>Section 2: Government Administration</del> .....	<del>Page</del>	
<del>Section 3: Conflicts with Collective Bargaining Agreements</del> .....	<del>Page 2</del>	
<del>Article 2 Recruitment and Selection</del> .....	<del>Page</del>	
<del>Section 1 Recruitment</del> .....	<del>Page</del>	
<del>Section 2 Selection</del> .....	<del>Page 4</del>	
<del>2.1 Examinations</del> .....	<del>Page 4</del>	
<del>2.2 Qualified Applicants</del> .....	<del>Page 4</del>	
<del>2.3 Probationary Period</del> .....	<del>Page 4</del>	
<del>2.4 Promotions</del> .....	<del>Page 4</del>	<del>Article</del>
<del>3 Training</del> .....	<del>Page 6</del>	<del>Section 1</del>
<del>Policy and Provisions</del> .....	<del>Page 7</del>	<del>Article 4</del>
<del>Performance Evaluations and Salary Administration</del> .....	<del>Page 8</del>	<del>Section 1</del>
<del>Reporting Periods</del> .....	<del>Page 9</del>	<del>Section 2</del>
<del>Types of Performance Reports</del> .....	<del>Page 9</del>	
<del>2.1 Probationary Reports</del> .....	<del>Page 9</del>	
<del>2.2 Annual Reports</del> .....	<del>Page 9</del>	
<del>2.3 Special Reports</del> .....	<del>Page 9</del>	<del>Section 3</del>
<del>Preparation of Performance Reports</del> .....	<del>Page 10</del>	<del>Section 4</del>
<del>Hours of Work</del> .....	<del>Page 10</del>	<del>Section 5</del>
<del>Salary Approval Authority</del> .....	<del>Page 11</del>	
<del>5.1 Merit Pay</del> .....	<del>Page 11</del>	
<del>5.2 Overtime Pay</del> .....	<del>Page 11</del>	
<del>5.3 Bonuses</del> .....	<del>Page 11</del>	
<del>5.4 Severance Pay</del> .....	<del>Page</del>	
<del>11a Article 5 Employee Benefits</del> .....	<del>Page</del>	
<del>12 Section 1 Attendance and Leave</del> .....		
<del>Page 13</del>		<del>1.1 Annual (Vacation) Leave</del> .....

# Revised July 2011

## TABLE OF CONTENTS

<b>I. GENERAL INFORMATION</b>	<b>5</b>
<b>II. PERSONNEL POLICY STATEMENTS</b>	
A. Statement of Non-Discrimination	6
B. No Harassment Policy	6
C. Whistle-Blowing	8
D. Restriction on Employment of Relatives	8
E. "At-Will" Employment	9
F. Honest Services	9
G. Outside Employment	9
H. Political Activity	10
<b>III. EMPLOYMENT ADMINISTRATION</b>	
A. Recruitment & Selection	10
B. Promotions	12
C. Probationary Period	12
D. Required Licensure & Certification	13
E. Anniversary Date	13
F. Resignation from Employment	13
<b>IV. PERFORMANCE APPRAISAL</b>	<b>15</b>
<b>V. DISCIPLINARY ACTION</b>	
A. Grounds for Disciplinary Actions and Termination	17
<b>VI. BENEFITS</b>	
A. Benefit Eligibility	20
B. Forms of Authorized Leave	
1) Attendance Records	21

2) <u>Vacation</u>	21
3) <u>Sick Leave</u>	24
4) <u>Military Leave</u>	28
5) <u>Family and Medical Leave Act (FMLA)</u>	28
6) <u>Jury Duty &amp; Court Appearances</u>	30
7) <u>Bereavement Leave</u>	32
8) <u>Leave Without Pay</u>	32
C. <u>COBRA</u>	33
D. <u>Deferred Compensation</u>	33
E. <u>Florida Retirement System</u>	33
F. <u>Holidays</u>	33
G. <u>Life Insurance</u>	35
H. <u>Medical Insurance</u>	35
I. <u>Workers Compensation</u>	36

## **VII. SALARY ADMINISTRATION**

A. <u>Work Hours</u>	36
B. <u>Pay</u>	37
C. <u>Overtime &amp; Compensatory Time Off</u>	37
D. <u>Salary Approval</u>	38
E. <u>Merit Increase</u>	38
F. <u>Bonuses</u>	39
G. <u>Severance Pay</u>	39
H. <u>Periodic Review of the Pay Plan</u>	39
I. <u>Call Back Pay</u>	40

## **VIII. MISCELLANEOUS ISSUES**

A. <u>Appearance</u>	40
B. <u>Town Property</u>	40
C. <u>Bulletin Boards</u>	40
D. <u>Communication &amp; Computer Systems Security &amp; Usage</u>	41
E.	
F. <u>Telephone Use</u>	41
G. <u>Courtesy</u>	42
H. <u>Parking &amp; Personal Property</u>	42
I. <u>Search Policy</u>	42
J. <u>Smoke-Free Environment</u>	42
K. <u>Work Area</u>	42

<b><u>APPENDIX A: SEXUAL HARASSMENT POLICY</u></b>	<b>43</b>
<b><u>APPENDIX B: DRUG-FREE WORK PLACE STATEMENT</u></b>	<b>45</b>

## INTRODUCTION

Welcome to employment with The Town of Lauderdale-by-the-Sea!

You were chosen to join our team because we believe you have valuable skills that are needed to provide the quality municipal services our residents, visitors, and businesses have come to expect from Lauderdale-by-the-Sea. We are a small work force, where everyone knows each other's name and where the atmosphere is collegial. It is important to us that you have an enjoyable and productive work experience and that your talents are utilized to the benefit of our Town.

We do important work here that directly affects the lives of over 10,000 people. When we say that, we are not just talking about the year-round and seasonal residents, but also the tourists who come here for a slice of paradise, the people that own businesses here and keep our Town economically healthy, the employees of those businesses, and the many Broward County residents who come to spend an evening or a day with us because Lauderdale-by-the-Sea gives them a taste of what has been lost in much of South Florida – a friendly and human-scale, tropical, seaside community experience. It is my hope that you will be proud to be part of our team and will feel a strong commitment to the people we serve.

All organizations – even small ones such as Lauderdale-by-the-Sea – have guidelines and regulations by which they operate, and provide benefits to employees who effectively perform their job and go that extra step whenever they can. One of the reasons for putting all of that information into this Manual is so that everyone is informed of what the guidelines, rules and benefits of working for the Town are, and to assure that they are applied fairly and consistently.

This Manual details the policies and benefits which help us to function effectively

---

Lauderdale-By-The-Sea Personnel Manual - Revised July 2011

as an organization and which guide your employment. Please read this Manual; it is yours to keep for future reference.

We are so small that we do not have a Human Resources Department, so it's very important that the lines of communication stay open among us. If you have any questions regarding your benefits or pay matters, feel free to speak to the Town administration to get the answers you need. If you have issues, concerns or complaints about other employment matters, please make them known first to your Supervisor and then to your Department Director so that those issues can be addressed. If the issue involves your immediate supervisor and things do not improve within a reasonable time after you speak to him or her, please follow up through the chain of command and discuss the issue with the Department Director. If you are still dissatisfied, you may request a meeting with the Assistant Town Manager or The Town Manager.

Likewise, we also want to hear from you about the things that are going well, about coworkers whose work you admire, about ideas you have to improve the operation and our effectiveness as a team. It is as important that we all know what we are doing well, as knowing about areas where we can do better.

To those of you who are new to Lauderdale-by-the-Sea, I look forward to working with you. To those employees who have already contributed so much to our Town and our operation, I thank you and am excited about all that we will accomplish together in the future.

Sincerely,

Connie Hoffmann  
Town Manager

# I. GENERAL INFORMATION

## ~~MISSING ARTICLE 5 CONTENT~~

### ~~Article 6: EMPLOYEE PERFORMANCE AND DISCIPLINARY ACTIONS Section 1~~

~~Statement of Policy 1.1                      Responsibilities 1,2                      Grounds For Action 1.3  
Intent~~

### ~~Section 2    Types Of Disciplinary Action 2.1                      Written Reprimand 2.2~~

~~Suspension 2.3                      Transfers 2.4                      Demotions 2,5                      Dismissals 2:51~~

#### ~~Types of Dismissals~~

~~2.52                      Disability 2.53                      Death-~~

~~2.54                      Promotion 2.6                      Resignations 2.61                      Resignations With Prejudice 2.62~~

~~Compulsory Resignation 2.63                      Reduction In Force~~

### ~~Section 3    Standards of Conduct 3.1                      Gifts and Gratuities 3.2                      Use of Town-~~

~~Vehicles 3.3                      Outside Employment 3.4                      Selling and Soliciting 3.5                      Political-~~

~~Activity 3.6                      Nepotism 3.7                      Rules of Conduct and Disciplinary Action~~

### ~~Section 4    Grievance Procedures 4.1                      Statement of Policy 4.2~~

~~Grievance Committee 4.3                      Appeals Procedure~~

## AUTHORITY FOR THIS MANUAL

### ~~Article 7                      Equal Employment Opportunity/ Affirmative Action Page 42 Section 1~~

~~Prohibition Of Discrimination ..... Page 43 Section 2~~

~~Affirmative Action Plans ..... Page 43 Section 3                      Publicity-~~

~~..... Page 43 Section 4                      Appeals and-~~

~~Grievances ..... Page 43 Section 5                      Statement of-~~

~~Non-Discrimination ..... Page 43~~







~~Article 1: Section 1 – Model Resolution To Adopt Personnel Policy Manual~~ WHEREAS, the Personnel Policy Manual has been studied and reviewed by the Town Commission and WHEREAS, the Town Commission believes that the adoption of the Personnel Policy Manual is in the best interest of the Town of Lauderdale-By-The-Sea and its employees, now BE IT THEREFORE RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY THE SEA, FLORIDA, that the Personnel Policy Manual be adopted by the resolution, effective October 1, 1988, or as soon thereafter as can be administratively effected.

~~MAYOR COMMISSIONER~~

~~Juanita Pendlebury~~ TOWN AUDITOR CLERK ~~Section 2 – Government Administration~~ This personnel policy manual was approved by the Town Of Lauderdale-By-The-Sea Town Commission on ~~August 8th, 1989.~~ It ~~2011 and supersedes all previous personnel policies adopted heretofore. With the exception of matters related to compensation and benefits, the manual can be amended and updated through resolutions of the Town of Lauderdale-By-The-Sea Commission. The Town Of Lauderdale-By-The-Sea shall have~~ by written approval of the Town Manager without prior notice. Any changes to the manual that relate to compensation and benefit accruals or payments must be approved by public action of the Town Commission. The Town Manager has the responsibility for the administration of the personnel program including in the interpretation of the various provisions of the administering and interpreting Town personnel policies and procedures. ~~Decisions regarding the employment of individuals with the Town of Lauderdale-By-The-Sea organization shall be based on the policies defined in the Recruitment and Selection Section of this manual and approved by the Town of Lauderdale-By-The-Sea. Section 3 Conflicts With Collective Bargaining Agreements~~ Whenever this document or revisions thereof conflict with provision of an approved collective bargaining agreement, said agreement shall prevail. However, the directors of each department shall be responsible for ensuring that the personnel policies and procedures are carried out day-by-day in their department.

These personnel policies supersede any prior verbal or written communications concerning the terms and conditions of employment with the Town. To the extent that there is a conflict between this Policy Manual and any previous manuals, appointment letters, handbooks, procedures, policies or rules, this Manual controls

## **II. PERSONNEL POLICY STATEMENTS**

### **A. STATEMENT OF NON-DISCRIMINATION**

It is the policy of the Town of Lauderdale-By-The-Sea to promote and assure equal employment opportunity for all current and prospective employees without regard to race, religion, color, political affiliation, disability, national origin, sex, marital status, sexual orientation, disability, age, or other legally-protected classes. This policy governs all matters related to employment including, but not limited to recruitment, selection, compensation, promotion, demotion, transfer, lay-offs, terminations, leave of absence, and training opportunities.

Any employee of the Town or any applicant for employment with the Town shall have the right to address their concerns in writing to the Town Manager whenever he or she has reason to believe that the intent of this policy has been violated.

The Town is committed to complying with all applicable provisions of the Americans with Disabilities Act (the "ADA"). It is the Town's policy not to discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of an individual's disability. Consistent with this policy of non-discrimination, the Town will provide reasonable accommodations to a qualified individual with a disability, as defined in the ADA, who has made the Town aware of his or her disability, provided such accommodation does not constitute an undue hardship to the Town. The Town is also committed to not discriminating against any person who is related to or associated with a person with a disability. This policy is neither exhaustive nor exclusive. The Town will take all other actions necessary, to ensure equal opportunity for persons with disabilities in accordance with the ADA and all other applicable federal, state, and local laws.

Any employee or job applicant who has questions regarding this policy or believes that he/she has been discriminated against based on a disability may notify the Town's ADA Coordinator. All such inquiries or complaints will be treated as confidential, and will only be disclosed on a need-to-know basis.

### **B. NO HARASSMENT POLICY**

It is the policy of the Town that all employees should enjoy a work environment free from harassment and one based on respect and professionalism. It is expected that all employees will continue to act responsibly in fulfilling the Town's commitment to working in an environment totally free of discrimination and/or harassment. It is also expected that employees will prudently avail themselves of the mechanisms provided by this directive and report harassing behavior both directed towards themselves or towards others.

## **1. SEXUAL AND OTHER UNLAWFUL HARASSMENT**

Town employees shall not commit acts of sexual or other unlawful harassment and shall not create, or cause to be created, a hostile work environment in the performance of their work for the Town.

The Town does not and will not tolerate harassment of Town employees. The term "harassment" includes but is not limited to, slurs, jokes, and other verbal, graphic, or physical conduct relating to an individual's race, color, sex, religion, national origin, citizenship, age, or disability. "Harassment" also includes sexual advances, requests for sexual favors, unwelcome or offensive touching, unnecessary comments as to another's sexual preferences or behavior, and other verbal, graphic, written (e.g., e-mails or text messages) or physical conduct of a sexual nature.

No employee should be subjected to derogatory verbal or nonverbal references regarding his or her race, gender, national origin, religion, age, disability, or any other legally protected status. No employee, male or female, should be subjected to unsolicited, offensive and unwelcome sexual overtures or conduct (verbal or physical). Such conduct, whether committed by supervisors or non-supervisory personnel, is specifically prohibited by state and federal law, as well as by this directive.

Acts of sexual or other unlawful harassment or that give rise to a hostile work environment shall be immediately reported to the Town Manager or Assistant Town Manager by anyone who has knowledge of such activities. Complaints of harassment will be investigated promptly and in as confidential a manner as permitted by law.

## **2. TOWN COMMITMENT TO ADDRESS DISCRIMINATION OR HARASSMENT**

It is the responsibility of all supervisors to insure that discrimination and/or harassment does not take place. Supervisors are responsible for maintaining a work environment that is free from discrimination and/or harassment, as well as any other conduct which creates a hostile work environment for any individual. Supervisors are required to immediately correct any problems that may arise and advise their immediate superior of the issue and the corrective action they have taken.

The Town recognizes that invalid, unfounded or false accusations of discrimination and/or harassment can have serious effects on innocent individuals. Therefore, the Town will thoroughly, and as confidentially as possible, investigate any and all complaints of discrimination and/or harassment to determine the most appropriate disposition.

Harassment and discrimination participants fall into three categories: the alleged offender, the alleged victim and witnesses. Any of the three can be found in violation of this directive. Violation of this directive includes participating in discriminatory and/or harassing practices, permitting subordinate employees to engage in such practices, filing false charges or malicious complaints, or retaliating against employees who report instances of discrimination and/or harassment. This directive constitutes a "zero tolerance" policy. Appropriate disciplinary action *shall* be taken against any and all individuals who violate this directive. Violation of this policy shall constitute an offense for which disciplinary action may include immediate termination from employment.

### **3. RETALIATION**

The Town's No Harassment Policy prohibits retaliation against employees who bring complaints of discrimination and/or harassment, or who assist in investigating such complaints. Any employee bringing a complaint of discrimination or harassment or assisting in the investigation will not be adversely affected in terms and conditions of employment. Nor shall any employee take any action against a complainant that is intended to discourage the complaint. Retaliation by any employee against the complainant could result in disciplinary action, up to, and including, termination.

## **C. WHISTLE BLOWING**

The Town encourages our employees to report, in accordance with the Town's procedures and with Section 112.3187, Florida Statutes, any violations of the law. Each employee is assured of protection from any retaliation resulting from the reporting of such problems. Should any employee experience a situation they believe to be retaliatory in nature he/she should report the matter immediately to their supervisor and/or the Town Manager.

Anyone who engages in retaliation against an employee who has, in good faith, reported a violation of the laws outlined above and/or the Town's policies based on those laws, whether or not one agrees with the facts reported, is subject to discipline up to, and including, termination.

## **D. RESTRICTION ON EMPLOYMENT OF RELATIVES**

It is the policy of the Town to assure that all appointments and promotions by the Town are made on an objective evaluation of ability, merit and/or fitness and are conducted in a non-discriminatory manner without regard to other factors, such as familial status. This policy applies to all applicants for regular, temporary and part-time employment and present employees.

The employment of relatives at certain levels of the Town or in positions where one might have influence over the other's status or job security is regarded as a potential violation of this policy. No family member (i.e., spouse, child, parent, brother, sister, aunt, uncle, niece, nephew, first cousin, son/daughter-in-law, brother/sister-in-law, mother/father-in-law, step father/mother, step son/daughter, step brother/sister, half brother/sister) of a Town employee or elected official shall be employed by the Town in a position in which they are directly or indirectly supervised by a family member. No person shall be employed as an employee in the same department as a member of his or her family. Any employee who falls within the scope of this section by their relationship with another employee after they were hired may be exempt from the provisions of this section provided the Town Manager reviews the circumstance and determines that no conflict exists. The Town Manager may waive the provision of this section in the case of unforeseen and unusual circumstances that is in the best interest of the Town. This section applies to all natural, adoptive, or step relationships.

The Town's policy regarding the restriction on employment of relatives is based upon Section 112.3135 of the Florida Statutes which prohibits appointment, employment, promotion or advancement, of specified relatives by any public official who is vested with or delegated the authority to appoint, employ, promote or advance, or is in a position to recommend an individual for appointment, employment, promotion or advancement.

## **E. AT-WILL EMPLOYMENT**

This Manual does not create an employment contract between Lauderdale-by-the-Sea and any of its employees. Employment with Lauderdale-by-the-Sea is on an employment-at-will basis unless otherwise specifically stated in writing and signed by the Town Manager. Termination of employment may occur at any time, with or without cause and with or without notice, at the option of Lauderdale-by-the-Sea or the employee. Furthermore, this Manual may be altered, modified, changed, or eliminated by Lauderdale-by-the-Sea with or without notice.

## **F. HONEST SERVICES**

No person seeking appointment to or promotion in Town government shall either directly or indirectly give, render, or pay any money service or other thing of value to any person in connection with an appointment, promotion, or proposed appointment or promotion. This prohibition is not intended to prevent payment to a legitimate employment agency.

## **G. OUTSIDE EMPLOYMENT**

Outside employment is any paid employment performance by an employee in addition to his/her employment with the Town.

Such employment shall not cause the employee to be late to work, to leave early, to be unavailable for work beyond normal duty hours, or cause any reduction in the employee's efficiency when on duty with the Town.

Such employment shall not involve a conflict of interest or conflict with the employee's duties.

Such employment shall not involve the performance of duties which the employee should perform as part of his/her job with the Town.

The nature of the outside employment shall be as such as to bring discredit or embarrassment on the Town.

Outside employment shall not occur during assigned working hours unless the employee is on approved leave.

Outside duties, trade, business or profession shall not require regulation or inspection by the Town.

The Assistant Town Manager and Department Directors must have the written approval of the Town Manager to engage in outside employment.

## **H. POLITICAL ACTIVITY**

Every employee shall have the right to express freely his views as a citizen and to cast his vote. No employee shall, directly indirectly coerce, attempt to coerce, or advise an employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes. No employee shall use his or her official authority or influence for the purpose of interfering with, or affecting, the result of an election or a nomination for office.

Employees are, however, prohibited from engaging in political or campaign activities while on duty, while dressed in a Town uniform, or while wearing a Town identification badge. Employees are also prohibited from speaking or endorsing a political campaign or candidate in their capacity as a Town employee.

Any person violating the provisions of this section may be subject to dismissal by the Town Manager.

## **III. EMPLOYMENT ADMINISTRATION**

### **A. RECRUITMENT AND SELECTION**

#### **1. RECRUITMENT**

~~Section 1 — Recruitment~~Publicity for each job vacancy may include advertisements in the local newspapers as well as official notices posted in Town Hall.The Town may use different means for recruiting for different types of positions, based on the techniques that are best suited to finding well-qualified individuals for the particular position. Publicity for each job vacancy may include advertisements in the local newspapers, professional journals or newsletters, on-line announcements or advertisements, by posting with local professional associations, or by other fruitful means. Official notices of recruitment shall be posted on the Town website.

~~Publicity for job or roster vacancies may include radio and television broadcasts, advertising in trade journals and publications, and contact with secondary schools, technical education centers, colleges and universities.~~

The Town Manager may also recruit candidates directly based on prior knowledge of their work, experience with them, their reputation for achievement in their field, or recommendations from trusted professionals.

## 2. SELECTION

### a. Initial Screening

Applications for positions shall first be screened to determine whether the applicants have the required experience, education and certifications deemed necessary for the position by the position description or the job announcement.

### b. Selection Process

~~All advertisements will communicate essential information to the prospective applicant. This information will normally include the title, minimum qualifications, salary range, the method of making application, the closing date for the application and some of the advantages of Town employment. Also included will be the statement, "An Equal Opportunity Employer".~~Section 2 — Selection~~2.1 — Examinations~~As determined by the Town Manager, the selection process may include one or more or all of the following: oral interviews, evaluation of experience and training, reference checks, written examinations, performance tests or non-assembled examinations. Physical examinations may be required for such classifications as may be determined necessary. Drug testing and credit profiles may also be required.~~2.2 — Qualified Applicants~~The appropriate department head and/or Town Manager shall categorize those persons eligible for a position as being qualified. As determined by the Town Manager, the selection process may also include any or all of the following selection techniques: evaluation of experience and training, oral interviews, reference checks, written examinations, performance tests or performance simulations. Physical examinations or skill tests may be required for certain classifications where physical abilities are required to perform the job. Drug testing and credit profiles may also be required.

**c. Qualified Applicants**

The appropriate Department Director and/or Town Manager shall categorize those persons eligible for a position who perform well on the various selection instruments as being qualified for the position. If the list of qualified persons is long, the Town Manager or his/her designee may use additional criteria to reduce the list of applicants being considered to a manageable number. The Town Manager shall then make the selection from such persons. ~~If the list of qualified persons is excessively long, the Town Manager may consider only certifying a workable number of persons.~~  
~~2.3 Probationary Period~~New employees shall undergo a period of probation of 12 months prior to permanent employment. The Town Manager shall notify, in writing, the new employee, prior to the expiration of the probationary period, whether the employee's services have been satisfactory or unsatisfactory.  
~~2.4 Promotions~~It is the policy of the Town of Lauderdale-By-The-Sea to employ and promote the most qualified individual available for any given position. Promotion from within the Town organization is a desirable practice in that positions can be filled with individuals who are knowledgeable about the operations of the jurisdiction and the orientation period are significantly shortened.  
~~Vacancies in positions above the lowest rank in any category within the Town personnel system shall be filled by the promotion of employees in Town service when possible and practical. All vacancies shall be advertised in accordance with the policy delineated in the Recruitment and Selection Section of this manual. Preference shall be given to the applications of Town employees who meet the minimum qualifications of the position advertised. When a vacancy is to be filled by promotion the following factors will be considered.~~  
~~1. Qualifications for the position (i.e., knowledge, skills, and abilities)~~ or may delegate the selection decision to the Assistant Town Manager or Department Director.

For positions that involve manual labor, the hiring department director will create the list of qualified candidates based on interviews, background checks, review of driving record if appropriate for the position, and performance on any skills tests deemed appropriate. The Department Director will make recommendations to the Town Manager on hiring individuals from that list.

The Town Manager shall decide how long eligibility lists of qualified candidates are considered current.

**d. Appointment**

Only the Town Manager, or the Assistant Town Manager if delegated such authority in writing by the Town Manager, has the authority to appoint an individual to a job with the Town. In the event a candidate made a job offer does not follow through on directions, provide required documentation, or does not report to work on the date directed, the job offer is withdrawn.

## **B. PROMOTIONS**

It is the policy of the Town of Lauderdale-By-The-Sea to employ the most qualified individual available for any given position. Promotion from within the Town organization is a desirable practice in that positions can be filled with individuals who are already knowledgeable about the operations of the Town and have proven themselves to be good and reliable performers. When an individual has performed in an outstanding manner and meets the eligibility criteria for a vacant position, the Town Manager may choose to post the vacancy to be filled by promotional applicants; however, the Manager is not obligated to do so.

## **C. PROBATIONARY PERIOD**

During the first year of employment with Lauderdale-by-the-Sea, both The Town and the employee have an opportunity to evaluate whether the employment relationship should continue. During this period, the employee's supervisor will observe job performance, attendance, adaptability, abilities, and the employee's overall commitment to the job. At various stages during the probationary period, the supervisor or Department Director may evaluate the employee's performance and provide feedback on how the employee is progressing in the job, performing work, adapting as a member of the work team, etc. It is recommended that supervisors and department directors provide feedback to new employees on their performance, but nothing shall preclude the Town from terminating employment without cause within the probationary period.

An employee shall not be deemed to have completed their probationary period without the written approval of the Town Manager. Completion of the probationary period does not confer any expectation of continued employment; continuation of employment depends on the needs of the Town and the performance and conduct of the employee.

The Town Manager may, in writing, shorten the probationary period for a highly-experienced appointee.

When an employee is promoted to a higher position, they shall serve a probationary period of six months in their new position. Unless the Town Manager specifically advises the promoted employee that they have failed to complete their promotional probationary period satisfactorily at the end of six months, or extends the probationary period in writing in order to give the employee additional time to master the skills of the new position, the employee shall be deemed to have been appointed to the position. If, during the probationary period or extended probationary period, it is determined that the employee cannot perform to satisfaction in the new position, the employee shall be placed back in the prior position if a vacancy in the prior position exists. If a vacancy does not exist in their prior position, the employee shall be

appointed to another position for which they are eligible or terminated from employment and placed on a reemployment list for that prior position and shall have first right to appointment to that position for a period of one year.

#### **D. REQUIRED LICENSES & CERTIFICATIONS**

If a position requires licensure or certification, the prospective employee must present documents proving such license or certification is currently active prior to appointment. If the prospective employee is not licensed but has applied for licensure, evidence of this application must be provided. If an employee is hired, conditional on receiving certain licenses or certifications within a prescribed time frame, failure to satisfy the license or certificate requirements is a basis for terminating employment at any time.

An employee who is hired upon condition of having, or obtaining within a prescribed period of time, certain licenses or certification but does not maintain those licenses or certification is subject to termination from employment.

The Town may require an employee to obtain licenses or certifications or pass certain skills tests as a condition of continued employment. This can occur when technology is upgraded, the requirements of the job demand a higher level of technical skill or performance, laws change that require such certification of skill, etc. In such cases, the Town will, to the best of its ability and within its financial constraints, provide the employee with training – or the opportunity to attend training – to acquire those skills. If, despite the efforts of the Town and the employee, the employee is unable to attain the skills levels required, that employee will forfeit the right to remain in their current position. In such cases, the Town will place the individual in any vacant position for which they are qualified to perform and, if the salary range for that position is lower than their current salary range, it shall be considered an involuntary demotion.

#### **E. ANNIVERSARY DATE**

The original hire date will serve as the anniversary of each employee, unless changed by promotion or appointment to another position for other reasons.

#### **F. RESIGNATION FROM EMPLOYMENT**

~~2. Service record with the Town~~~~3. Physical fitness (if appropriate to the position)~~

~~4. An additional drug screening test may be required~~

##### **a. RESIGNATION IN GOOD STANDING**

Employees are required to provide at least two (2) weeks written notice of resignation from employment in order to be determined to have resigned in good standing.

Employees who decide to terminate their employment should make arrangements to return any property that they may have been given in order to satisfactorily complete their assigned tasks. All Town property must be returned in good condition to the employee's immediate Supervisor before the release of the final paycheck will be authorized. Lauderdale-by-the-Sea will deduct from the final paycheck the amount of any outstanding bills or other indebtedness to Lauderdale-by-the-Sea to the full extent permitted by law. Expense reimbursements may also be included in the indebtedness. The employee's share of health insurance costs based on date of separation will be calculated at this time.

- ~~1. Article 3 — Training Section 1 — Policy and Provisions It shall be the policy of the Town of Lauderdale By The Sea to foster and promote training programs (conferences, workshops, Institutes, and so forth) for Town employees in the services. Full time employees in good standing shall be eligible to attend training programs which are job-related with the approval of the Town Manager. The jurisdiction will bear the cost of the training program in addition to paying reasonable expenses incurred by the employee in accordance with the Travel and Subsistence Policy of the Town. (See Section 3). Payments for employment related training programs would be subject to the provisions of Article 5, Section 3, Employee Benefits.~~

~~Article 4 Performance Evaluations and Salary Administration~~

~~Section 1 Reporting Periods Section 2 Types of Performance Reports~~

Final paychecks are not issued before the next regular payday. Upon resignation or discharge, employees may have their final paycheck forwarded by mail, provided all personnel matters have been finalized with Administration upon termination.

~~2.1 Probationary Reports~~

~~2.3 Special Reports~~

~~Section 4 Hours of Work~~

~~Section 5 Salary~~

~~Approval Authority~~

~~5.1 Merit Pay~~

~~5.2 Overtime Pay~~

**b. RESIGNATION NOT IN GOOD STANDING**

Employees who do not give at least two weeks' written notice of resignation, for reasons other than death or severe disability, shall be considered to have resigned not in good standing. Employees who resign without the authorization of the Town Manager in order to avoid pending termination for cause are also considered to have resigned not in good standing. Employees who resign not in good standing will not be compensated for accumulated vacation leave nor any portion of their accumulated sick leave.

## IV. EMPLOYEE PERFORMANCE

### A. PERFORMANCE APPRAISALS

#### 1. PERFORMANCE APPRAISAL PROCEDURES

~~5.3 Bonuses~~

~~5.4 Severance Pay~~

~~**Section 1 – Reporting Periods**~~The purpose of periodic evaluation of employee performance shall be to measure as objectively as possible both the quality and quantity of an employee's work and other such factors ~~as is rendered~~, and to serve as a feedback to the employee concerning his/her performance strengths and weaknesses. Performance evaluation reports will normally be completed annually for each employee. Special performance reports may be required as called for in other sections of the Town's Personnel, Regulations (i.e., ~~probation, standard probationary period, annual performance, etc.~~). ~~All requirements for a special performance evaluation not provided for in the Personnel Regulations~~) All performance evaluations will be submitted to the Town Manager.  
~~**Section 2 – Types of Performance Reports**~~  
~~**2.1 Probationary**~~New employees are on probation for their first 12 months. Performance reports, indicating their progress in their job will be completed as follows: for review and concurrence before they are considered finalized.

A performance appraisal does not automatically assure a promotion, a pay increase, or continued employment.

The performance appraisals will be signed by the employee indicating that he/she has seen the report. The employee's signature does not necessarily indicate that he/she agrees or disagrees with its contents. If the employee does not sign the performance appraisal within one week of receipt, the employee shall be deemed to have accepted the performance appraisal and their failure to sign the report noted.

The supervisor or department director shall discuss each performance appraisal report with the employee being evaluated. The department director shall furnish the employee an official copy of the employee performance evaluation form. The employee may record any comments he may have, including statements of disagreement with the evaluation. Such statements will become a permanent part of the evaluation.

An employee who has successfully completed their probationary period may appeal the performance appraisal rating to the Department Director if the Director is not the individual who prepared the evaluation or to the Town Manager if the Department Director prepared the performance appraisal. That appeal must be made in writing within one work week of receipt of the written performance appraisal for signature from the supervisor. Department Directors and the Assistant Town Manager have not such rights of appeal.

## **2. TYPES OF PERFORMANCE APPRAISALS**

### **a. Probationary Period**

Performance appraisals to provide a new employee feedback on their progress in their job will normally be completed at the end of the sixth

month of employment and at the end of eleven months of employment. The performance appraisal at the end of the eleventh month of employment will be a major determining factor in whether the probationary employee is retained as an employee or is terminated. This evaluation shall be submitted to the Town Manager so that the decision whether to retain the employee or not can be made.

**b. Annual Performance Appraisal**

It shall be the responsibility of the appropriate Department Director to see that an annual performance evaluation is prepared for each employee in his or her department and is completed in a timely manner. Department directors are responsible for completing the appraisal forms on a timely basis and returning them to the Town Manager at least two weeks prior to the due date of the appraisal.

**c. Special Performance Appraisals**

Any employee who receives an unsatisfactory annual performance appraisal will have a special performance appraisal completed at the end of 90 days after the date of the unsatisfactory appraisal. At any time when an employee's performance has changed significantly from that of the previous reporting period, a department director may prepare a special performance appraisal.

## **V. DISCIPLINARY ACTION**

It shall be the duty of each employee to maintain high standards of conduct, cooperation, efficiency, and economy in their work for the Town. Whenever work habits, attitude, production, or personal conduct of any employee falls below a desirable standard, supervisors should point out the deficiencies at the time they are observed. Corrections and suggestions should be presented in a constructive and helpful manner in an effort to elicit the cooperation and goodwill of the employee. Supervisors shall assist employees in gaining capability through on-the-job training as required.

Only the Town Manager has the authority to implement discipline that results in a loss of pay. A Department Director or the Assistant Town Manager may implement discipline that does not affect salary.

### **INTENT**

It is intended that effective supervision and employee relations will avoid most matters which necessitate disciplinary action.

The purpose of these personnel policies is not intended to restrict the rights of anyone, but to secure satisfactory performance, behavior and order.

The severity of disciplinary action should be related to the gravity of the offense, the employee's record of disciplinary action, and Town policy in similar cases. Disciplinary should be for good cause, be consistent with other actions taken by the Town, and be fair and equitable. The severity of the infraction and the level of the employee's stature in the organization will impact the level of discipline warranted. Dismissal from employment can occur at any time if the infraction is of a grievous nature.

## **A. GROUNDS FOR DISCIPLINARY ACTION**

The Town may establish reasonable policies and rules for the conduct of its business. The following may be considered grounds for disciplinary action based on the gravity of the offense. The Town, however, is not restricted from taking disciplinary action on other grounds.

- 1. ABSENCE WITHOUT LEAVE.** An employee is considered absent without leave when they have not called or sent an email or phone text message within the established work hours to report an absence from work to their supervisor or Department Head. An employee who has been absent without leave for a period of three consecutive days shall be deemed to have abandoned their job and shall be terminated from employment. Dismissal can be reversed only with the approval of the Town Manager based on **extenuating circumstances** where it is established the employee could not have contacted his or her supervisor as required.
- 2. ABUSE OF SICK LEAVE, ABSENTEEISM AND TARDINESS.** Employees may be disciplined when a pattern of tardiness and absenteeism becomes apparent.

Sick leave abuse includes but is not limited to the following:

- i.** When an employee's absences are considered excessive (i.e. always being out of sick leave).
  - ii.** When a pattern of sick leave use can be demonstrated (i.e. employees who consistently call in sick on Monday or Friday, or utilize sick leave shortly after it is accrued.)
  - iii.** When an employee has been absent three times in any 30 day period. These absences need not be in full day increments. An incident of sick regardless of duration is considered one absence.
  - iv.** A constant pattern of absences one day each month.
  - v.** Sick leave usage following management denial for use of annual leave.
- 3. CONFLICT OF INTEREST.** Employees may not use their employment with the Town to benefit any outside business or financial interests that they may have.

4. CONVICTION OF A FELONY OR OTHER CRIME INVOLVING MORAL TURPITUDE.
5. DAMAGE OR DESTRUCTION OF TOWN PROPERTY. Deliberate or careless damage to the Town's property, or loss of Town property due to neglect, inattention, or carelessness.
6. DISCOURTESY. Employees are expected to be courteous, polite and friendly both to residents, customers and fellow employees. No one should be disrespectful, use profanity, raise their voice in anger, or engage in any activity which injures the image or reputation of the Town.
7. FIGHTING, THREATS, AND WEAPONS. The Town will not tolerate fighting; threatening words or conduct or acts of violence in the workplace. Weapons are strictly prohibited on Town property. This provision applies to the parking areas of all Town properties, unless a *Town employee has a concealed-weapons permit, in which case that employee may keep his/her legally owned firearm locked inside his/her privately owned vehicle in accordance with state statutes. The Town will not tolerate any deviation from this stated policy.*
8. FRAUD, DISHONESTY AND FALSE STATEMENTS. Falsification of any application, medical history record, invoice, paperwork, time record, or any other document.  
  
If a significant fact is misrepresented on an employee's employment application and the Town only discovers that misrepresentation after the employee has been employed, it shall be the Town's policy to withdraw the employee's original appointment to the position and the employee shall be considered terminated with cause.
9. HARASSMENT OR DISCRIMINATION. See Town's Harassment and Discrimination policy in Section II of these policies.
10. INSUBORDINATION. Failure or refusal to carry out the lawful instructions or directives of supervisors and managers constitutes insubordination.
11. MISAPPROPRIATION, DESTRUCTION, THEFT, OR CONVERSION OF TOWN OR OTHERS' PROPERTY. Misuse, use without authorization equipment, or theft of vehicles, tools, supplies or other property of the Town or other employees.
12. UNSATISFACTORY PERFORMANCE. Employees are expected to make every effort to learn his or her job and to perform that job at a satisfactory level. Any employee who fails to maintain a satisfactory level of performance is subject to termination. Poor performance includes, but is not limited to

failure to complete assignments in a quality fashion, failure to complete assignments within prescribed time periods, insufficient productivity.

13. **SOLICITATION/DISTRIBUTION.** Solicitation by an employee of another employee during the working time of either employee for any reason is strictly prohibited. Distribution of advertising materials, handbills or other literature is prohibited in all working areas at all times. Solicitation and distribution by non-employees is prohibited on Town premises at all times.
14. **SUBSTANCE ABUSE.** Introduction, possession, or use on property or in Town equipment of intoxicating liquors/illegal drugs, or working under the influence of liquor/illegal drugs.
15. **UNSAFE ACTIONS.** Employees are expected to exercise good judgment and common sense in day-to-day work. Horseplay and practical jokes can cause accidents and injuries and therefore are not permitted. Employees who have or cause preventable accidents are subject to disciplinary action.
16. **ATTENDING TO PERSONAL MATTERS DURING WORK TIME.** Personal calls and texting during work hours are restricted to a few brief calls or texts per day to make appointments, confirm the status of a child's location, or deal with a personal emergency or unusual circumstance. No texting is allowed when driving a Town vehicle and the use of a cell phone should be severely limited when driving.
17. **THEFT.** The Town does not tolerate theft in any form and reserves the right to inspect all lockers, desks, tool boxes, purses, briefcases, packages, vehicles and any other personal property which is brought onto Town property.

Theft shall also be considered accepting payment for time not worked due to pursuing personal activities.
18. **UNLAWFUL ACTIVITY:** No employee may engage in any unlawful activity either on or off the job.
19. **FAILURE TO PROPERLY REPORT ACCIDENTS OR PERSONAL INJURIES.**
20. **REPEATED CONVICTIONS DURING EMPLOYMENT ON MISDEMEANOR AND/OR TRAFFIC CITATIONS IF THE EMPLOYEE IS REQUIRED TO DRIVE A TOWN VEHICLE IN THE PERFORMANCE OF THEIR DUTIES.**
21. **ACTS OF MISCONDUCT.** No employee may engage in any conduct on or off duty that will reflect an unacceptable public image on the Town of Lauderdale-By-The-Sea.

22. REFUSAL TO PARTICIPATE IN AN INVESTIGATION OF MISCONDUCT OR LYING TO A SUPERVISOR.
23. ACCEPTING GIFTS AND GRATUITIES: It is the Town's general policy that employees not accept free meals, gifts or gratuities with a value of greater than \$20 from a vendor or business that is intended for their personal use. However, such gifts are discouraged and may not occur on a recurring basis. If an employee is invited to a party or grand opening event they may accept food and beverage provided that other members of the public are also invited to that event and given the same food and drink.
24. IMPROPER USE OF TOWN VEHICLES The use of Town-owned vehicles or equipment for private business is strictly prohibited. Vehicles will be used for official business only and must be operated within the limits of the law. Operators will be held responsible for fines and for damages resulting from their own negligence.

Violation of any of these rules may lead to discipline, up to and including immediate termination from employment. Obviously, this list is not all inclusive and there may be other circumstances for which employees may be disciplined or terminated from employment.

## VI. BENEFITS

### A. CATEGORIES OF PERSONNEL FOR BENEFIT ELIGIBILITY

- i. Regular Full-Time Employee: An individual is considered a regular full-time employee if he/she is employed to work 80 hours or more during a two-week pay period. Regular full-time employees are eligible to participate in most employee benefits as set forth in the various benefit policies.
- ii. Regular Part-Time Employee: An individual is considered a regular part-time employee if they are employed to regularly work less than 80 hours but no less than 56 hours during a two week pay period. Most Regular part-time employees are eligible for pension benefits under the Florida Retirement System; however, both the employee and the Town administrators should verify eligibility for the particular circumstance. Regular Part-Time Employees are eligible to participate in various other employee benefit programs at a pro-rata basis or cost based on the number of hours regularly worked. They shall earn holiday time and accrue sick and vacation time, on a prorated basis. For example, a regular part-time employee who normally works 60 hours per pay period would earn 75% of the sick, vacation, and holiday pay of a regular full-time employee.

The Town may, from time to time, hire temporary full-time and/or part-time employees. Such employees will receive only those benefits specifically set forth in their respective employment offer letters by the Town Manager.

## **B. AUTHORIZED LEAVE**

### **1. ATTENDANCE RECORDS**

An attendance record shall be maintained for each employee by the individual who functions as payroll administrator. This record shall reflect all absences including sick leave, vacations, holidays, jury leave, military leave, and absences without pay. These records shall be made available to the employee for inspection upon request.

Each department director shall be responsible for the completion of a bi-weekly attendance reports for each employee within the department. This report shall be filed with the payroll administrator on the first work day after a pay period ends for the previous pay period. Copies of all authorized employee leave requests and time cards must be forwarded by the department directors to the payroll administrator.

### **2. ANNUAL VACATION LEAVE**

- a. Annual Vacation Leave Accruals for Regular Full-Time Employees**  
Upon successful completion of the first performance appraisal report during their probationary period, a new regular, full time employee will be granted 5 days paid annual vacation leave. If that employee successfully completes their probationary period, they shall be granted another 5 days of vacation leave at the end of the probationary period. Thereafter, they shall accrue additional vacation leave in the manner indicated below:

<u># Years of full-time service</u>	<u># leave days earned per year</u>
<u>1-5</u>	<u>10</u>
<u>6-12</u>	<u>15</u>
<u>13 +</u>	<u>20</u>

A prorated share of the annual leave shall be accrued by the employee every pay period.

The Town Manager has the authority to give exempt personnel who regularly work long hours up to five (5) additional days of vacation each year, however, such time cannot be granted if it causes the employee to surpass the maximum accumulated vacation leave.

**b. Annual Vacation Leave Accruals for Regular Part-Time Employees**

Upon completion of twelve months of continuous employment with the Town with an average of at least 100 hours worked per month, regular part-time employees will be granted a prorated amount of vacation based on the accrual schedule for regular full-time employees adjusted to reflect their regular hours per pay period. For example, a regular part-time employee who usually works 60 hours per pay period will accrue vacation leave at the rate of 75% of the accrual rates for full-time employees.

Vacation leave will accrue to regular part-time employees on a prorated basis each pay period after completion of their first year of employment.

Regular part-time employees who regularly work less than 100 hours per month shall not be eligible for vacation leave, but may be granted leave without pay for the purposes of vacation if their requests do not inhibit Town operations or programs.

**c. Accrual of Vacation Leave While Not in Pay Status**

Employees shall not accrue vacation leave for any month in which they are not in pay status for one-half or more of the work days of the month (for example: an employee who is on paid vacation leave for three weeks of the month would receive their full vacation leave accrual for the month. An employee who was on leave without pay for more than eighty hours in one month would not be entitled to accrue vacation leave that month).

**d. Maximum Vacation Leave Accrual**

For employees hired after September 30, 2011, up to 120 hours of annual leave may be carried forward from one calendar year into the next calendar year. Accumulated leave in excess of 120 hours must be used by December 31st of each calendar year or it will be lost.

Employees hired before October 1, 2001 have until December 31, 2012 to bring the number of accrued vacation hours down to 120 hours, or they will forfeit the overage on January 1, 2013. Thereafter, they may only carry forward a maximum of 120 hours of vacation leave from one calendar year into the next calendar year.

**e. Use of Vacation Leave**

Each employee must take at least 5 days of paid vacation per year if they have available vacation leave.

Absence on account of sickness, injury, or disability in excess of that leave authorized for such purposes may, at the request of the employee and with the discretion of the department director, be charged against annual vacation leave allowance.

Employees should outline their desired dates of annual leave the first month of the new calendar year and submit the schedule to the Departmental Director. The Director will try to accommodate such requests, but has to take into consideration the Town's anticipated workload during the time requested, hurricane season and other employee's requests. The Department Director should advise the employee of the decision on the disposition of their annual vacation schedule request within 30 days of its submittal.

When a regularly scheduled holiday occurs during the period of an employee's vacation leave, the employee's time records will reflect a holiday taken for that eight hour period, not vacation leave.

Except in the case of emergency, all requests for annual leave shall be subject to approval in advance by the employee's Supervisor. No less than 1 hour increments in any workday will be approved. The employee must complete a leave request form and submit that request in advance of the date on which the employee wishes to take the leave, but should not assume the request is granted until he or she receives a copy of that form signed by their Department Director.

Each Department Director shall use whatever methods of compiling and scheduling leave requests he/she want to, as long as the methods are reasonable, fair, consistent, and not discriminatory. The Department Director shall not schedule annual leave in such a way that departmental operations breakdown or are seriously undermined. Department Directors shall respond to employee request for vacation (annual leave) as quickly as possible.

In case of a disaster or serious damage and cleanup requirements in the Town after a storm or natural disaster, pre-approved vacation leave may be cancelled by the Department Director.

**f. Payment for Accrued Vacation Leave**

An employee may cash in up to 50% of the normal vacation leave accrued each calendar year. Payment for cashed in vacation leave shall be paid at the base salary rate, excluding any incentive pay or payment for serving in an acting capacity or out of class capacity.

An employee who is separated from Town employment, for any reason except for cause or resignation not in good standing, shall

receive payment for that portion of his or her accrued vacation leave at the time of his/her termination.

### **3. SICK LEAVE**

Lauderdale-by-the-Sea provides sick leave to its employees for bona fide personal illness, injury, legal quarantine, medical (including vision and dental) appointments, or sickness or injury within one's immediate family. Employees claiming sick leave for other purposes shall be subject to disciplinary action.

#### **a. Sick Leave Accrual Rate**

All full-time employees are eligible for paid sick leave after three months of continuous employment. Full-time employees accrue sick leave at the rate of 8 hours per month after three months of continuous service. Employees whose fourth month of employment begins before the fifteenth day of the month will accrue eight (8) hours of sick leave for that month. Employees placed on the payroll after the fifteenth of the month will accrue four (4) hours of sick leave for that month. Likewise, an employee who leaves employment before the fifteenth day of the month will accrue only four hours of sick leave for that month.

Sick leave is earned and available for use on the first day of the following month in which it accrued. Use of sick leave shall not be authorized until such time as it is accrued.

In crediting sick leave, only those months during which the employee has been in a paid status three-fourths or more of the regularly scheduled hours assigned to the position of the employee shall be counted.

Regular part-time employees who regularly work at least 50 hours per pay period will accrue prorated sick leave based on average hours worked per pay period in the same manner as described for regular full-time employees.

Maximum Accumulation Employees may accrue sick leave and carry it over from one year to the next, however, the maximum accumulation sick leave for employees shall be sixty (60) working days. Employees may not accrue more than sixty (60) working days of sick leave. When an employee is out of sick leave, he/she may use earned annual leave.

#### **b. Use of Sick Leave**

Only the Department Director, Assistant Town Manger, or Town Manager can officially approve an employee's use of sick leave.

No less than one (1) hour of sick leave will be approved and sick leave will be charged in units of whole hours.

Sick leave may be paid when an employee is unable to work due to personal illness or injury, or when the employee's presence may endanger the health of fellow workers. Sick leave may also be used when there is a serious illness or accident involving an immediate family member. (Immediate family shall be defined as parent, child, spouse, brother, sister, grandparent, parent-in-law.) This policy shall not apply for more than five (3) days without the permission of the Town Manager.

Sick leave may be taken for medical, optical, and dental appointments.

A Department Director shall have the right to require a doctor's certificate to verify an illness that exceeds three (3) consecutive working days.

When a paid holiday occurs during the period an employee is on sick leave with pay, the employee shall receive only his/her regular holiday and that day shall not be charged against his/her sick leave earnings.

**c. Procedure for using sick leave**

In order to be eligible for sick leave with pay, an employee must advise the supervisor not later than one (1) hour after the beginning of his or her scheduled work day, or before the start of such work day when possible. An employee who fails to so notify the supervisor shall not be paid for the day(s) taken prior to notification.

If the absence extends beyond three days, the employee shall keep the supervisor advised as to the employee's condition and anticipated return. The employee shall submit a statement from attending physician(s) as to the nature and duration of the illness, if requested.

It is the employee's responsibility to fill out sick leave forms on the day they return to work and submit them to the Department Director. The Department Director shall submit the forms with the payroll records for the pay period in which the absence occurred to the payroll administrator.

**d. Extended Sick Leave**

Due to the small size of the Town's staff, it is difficult to accommodate extended sick leave for an employee beyond 60 days of sick leave in a four month period, or the FMLA provisions for leave in the case of employees who qualify for FMLA.

If an employee is unable to return to work after 60 days of absence, the Town may terminate the employee unless the FMLA provides otherwise. However, If the employee on extended leave is in good standing with the Town (i.e. performance evaluations are satisfactory or above satisfactory, no disciplinary history in the past three years, etc.), the employee will be eligible for reappointment to the same position they held, or a lesser position for which they are qualified, without going through a competitive process for a period of one year should a vacancy in such position occur.

**e. Sick Leave due to Emergency or Serious Illness**

An employee who is absent due to an emergency or serious illness should call or have someone call his/her supervisor or Department Director to report such an absence.

It is the employee's responsibility to ensure that proper notification is made when absent due to an emergency or serious illness. This must be done by phone, email, telephone text, or personal note and, if possible, by the employee.

An employee who has been absent under the following conditions, upon returning to work, must have a doctor's statement that indicates that he/she is able to return to work with or without a reasonable accommodation:

- i. Employee has been hospitalized.
- ii. Employee is absent five (5) or more consecutive work days.

As a convenience to the employee, it is not required to call in every day while hospitalized. However, it is the responsibility of the employee to notify the appropriate Department Director that he/she is in the hospital and estimate how long it will be before they will return to work. Unless the employee has been placed on medical leave it is necessary for him/her upon release from the hospital to call his/her supervisor each day until released by his/her doctor to return to work.

**f. Abuse of sick leave**

Sick leave abuse includes but is not limited to the following:

- I. When an employee's absences are considered excessive (i.e. always being out of sick leave).
- II. When a pattern of sick leave use can be demonstrated (i.e. employees who consistently call in sick on Monday or Friday, or utilize sick leave shortly after it is accrued.)
- III. When an employee has been absent three times in any 30 day period. These absences need not be in full day increments. An incident of sick regardless of duration is considered one absence.
- IV. A constant pattern of absences one day each month.
- V. Sick leave usage following management denial for use of annual leave.

At the discretion of the employee's immediate supervisor or other appropriate authority, medical certification of sick leave may be required if the above patterns of abuse are identified.

**g. Payment for Sick Leave Upon Termination of Employment**

Upon leaving Town employment, in good standing, employees hired prior to October 1, 2011 will be reimbursed for 25% of their unused accrued sick leave. Employees who are terminated from employment for disciplinary cause shall not be entitled to any payment for unused accrued sick leave.

Employees hired after September 30, 2011 will be paid for any accrued but unused sick leave hours upon termination from employment without cause as follows:

<u>Continuous Years of Service</u>	<u>Percent of Accrued Unused Sick Leave</u>
<u>Less than 5 Full Years</u>	<u>0%</u>
<u>5 full years but less than 10 full years</u>	<u>10%</u>
<u>10 full years, or more</u>	<u>15%</u>

Employees hired after September 20, 2011 who do not use any sick leave in a calendar year may convert 16 hours of accrued sick leave per year to vacation leave in January of the following calendar year, provided that the Town has sufficient funds in the budget to cover that expense and the employee has no less than 80 hours of sick leave accrued.

#### **4. MILITARY LEAVE**

Employees who require time off from work to fulfill military duties will be treated in accordance with applicable requirements of state and federal laws. Employees are expected to notify their Department Director of upcoming military duty by providing him or her with a copy of their military orders within five days of their receipt.

#### **5. FAMILY MEDICAL LEAVE ACT (FMLA)**

Eligible employees may take up to twelve (12) weeks of unpaid, job-protected leave each year for specified family and medical reasons, provided that such members have worked for Lauderdale-by-the-Sea for at least one year and for a minimum of 1,250 hours over the previous twelve (12) months. For any eligible employee, FMLA leave shall apply as follows:

**a. Conditions Triggering FMLA Leave:**

Family and medical leave must involve one or more of the following reasons:

- I. To care for the employee's newly-born child or placement for adoption or foster care;
- II. To care for the employee's spouse, domestic partner (partners must share a common address), son or daughter (under age 18) or parent who has a serious health condition;
- III. For a serious health condition that makes the employee unable to perform their job.
- IV. For qualified exigencies for an employee's spouse, son, daughter or parent who is a member of the Armed Forces on active duty or who is called to active duty in support of a contingency operation.

**b. Additional Military Leave Entitlement (Injured Service Member Leave)**

In addition to the basic FMLA leave entitlement discussed above, an eligible employee who is the spouse, son, daughter, parent or next of kin of a covered service member is entitled to take up to 26 weeks of leave during a single 12 month period

to care for the service member with a serious injury or illness. Leave to care for a service member shall only be available during a single 12-month period and, when combined with other FMLA-qualifying leave, may not exceed 26 weeks during the single 12 month period. The single 12 month period begins on the first day an eligible employee takes leave to care for the injured service member.

A “covered service member” means a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is on the temporary retired list, for a serious injury or illness as defined in the FMLA regulations.

**c. FMLA Notice And Medical Certification**

When seeking family and medical leave, an employee must provide:

- i. Thirty (30) days advance notice of the need to take family and medical leave, if the need is foreseeable.
- ii. Medical certifications supporting the need for leave due to a serious health condition affecting the employee or an immediate family member. Second or third medical opinions and periodic recertification at the Town’s expense may also be required.
- iii. Such periodic reports as deemed appropriate during the leave regarding the employee’s status and intent to return to work.
- iv. Medical certification of fitness for duty before returning to work, if the leave was due to a serious health condition.

When leave is needed for a planned medical treatment for a serious health condition or an employee or of an employee’s immediate family member, the employee must try to schedule treatment so that it will not unduly disrupt the Town’s operation. Failure to comply with these requirements may result in delay or denial of leave.

**d. Duration Of FMLA Leave**

Eligible employees may receive up to 12 workweeks of unpaid leave during any “rolling” 12 month period, measured backward from the date of any family or medical leave. Family and medical leave involving the birth or placement of a child for

adoption or foster care must be concluded within 12 months of the birth or placement.

An employee may take family and medical leave intermittently -- which means taking leave in blocks of time, or by reducing their normal weekly or daily work schedule -- whenever it is medically necessary to care for a seriously ill family member, or because the employee is seriously ill and unable to work. Intermittent leave is not permitted for birth of a child, to care for a newly-born child, or placement of a child for adoption or foster care.

**e. Exceeding FMLA Leave**

Any employee who exceeds his or her 12-week FMLA entitlement may be subject to termination of employment.

**f. Use of Accumulated Sick and Vacation Leave**

The Town requires the employee to use any accrued sick and vacation leave while on family and medical leave.

**g. Maintenance Of Health Benefits**

If the employee on FMLA leave, and/or their spouse or family, participate in a group health plan, the Town will maintain coverage under the plan during the employee's family and medical leave. This coverage will be provided if the employee, their spouse or family were covered under the plan before the leave was taken and on the same terms as if the employee had continued to work. The employee must make arrangements to pay whatever portion of the health plan premiums they normally pay while on leave.

**h. Job Restoration**

Upon returning from family and medical leave, the employee will normally be restored to their original job, or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions. In addition, the use of family and medical leave will not result in the loss of any employment benefit that the employee earned or were entitled to before using family and medical leave.

**i. Non-Contractual Nature Of This FMLA Policy**

The duration of leave, availability of benefits, opportunity for job restoration, and other rights and privileges associated with FMLA Leave are limited by the requirements of applicable state and federal law. No express or implied contractual rights should be inferred from this policy.

## 6. JURY DUTY & COURT APPEARANCES

All Town employees selected for jury duty shall be entitled to civil leave with pay for the period of absence from work required. Such leave shall not be charged to annual or sick leave earnings.

Employees who are rejected for jury service, or who attend court for only a portion of a regular scheduled workday, shall report to their Supervisor when excused or released by the court. Eligibility commences on the first day of active employment. If an employee is called for jury duty and serves as a juror on a regular working day or days, he/she will receive pay for the time lost (up to eight hours per day) from work by reason of such service.

**a. Procedures**

When called for juror duty, the employee must show the summons to the supervisor prior to the date of service so that authorization and plans for the absence can be made. Failure to advise the supervisor in advance may be cause for the employee not to receive jury duty pay. In addition, file employee must complete the application for leave of absence form. When released from jury duty for any reason, the employee will be expected to return to work for that day. If released from jury duty before regularly scheduled lunch period, an employee is required to return to work. Upon return to work (after having been released by the court), the employee must submit to the supervisor a statement from the clerk of court indicating the dates and amount paid for serving as juror.

The supervisor will turn the statement over to the Finance Director in order that the payroll department may be notified to pay the employee for jury duty. Employees called to jury duty, or who are subpoenaed to attend court as a witness, must advise their Supervisor as soon as possible after receiving notification.

**b. Official Court Attendance**

All permanent employees subpoenaed or ordered to attend court to appear as a witness or to testify in some official capacity on behalf of the Town shall be entitled to leave with pay for such period as his court attendance may require. Any fees paid for such service may be retained by the employee.

Any pay for jury duty shall be forwarded to the Town Finance Director.

## **7. BEREAVEMENT LEAVE**

All permanent employees are eligible for funeral leave benefits. Eligibility commences on the first day of active employment. If an employee has a death in his/her immediate family and needs the time off; he/she will be paid for time lost from work up to three (3) days. This may be taken within three (3) calendar days before the funeral or within five (5) calendar days after the funeral. Immediate family shall be defined as parent, child, spouse, brother, sister, grandparent, parent-in-law, brother-in-law, sister-in-law, domestic partner, and grandchildren of either spouse.

Bereavement pay is calculated based on the base pay rate at the time of absence and will not include any special forms of compensation, such as bonuses or shift differentials.

All absence other than the above shall be taken without pay or charged against accrued annual (vacation) leave. The Town may request proof of the death and indication that the individual who dies is a member of the immediate family as defined above.

## **8. LEAVE WITHOUT PAY**

For any extended period of disability due to illness and/or injury, where any employee is not eligible for FMLA and has used all available accrued sick and/or annual leave, the employee may apply for leave without pay (LWOP) status which shall not exceed 60 days.

The application for Leave Without Pay shall be in writing and shall include a physician's certification of the condition and the period of time the employee will be incapacitated. Dates set forth by the physician shall be strictly adhered to; however, they may be amended by the physician. In cases of apparent abuse the Town may require additional documentation from the physician issuing the certificate or may secure additional medical opinions from other physicians. The amount of leave authorized shall not exceed the end of the period for which was requested or certified by a physician, provided that it shall not exceed 90 calendar days of combined leave with pay and LWOP. Otherwise, the employee shall forfeit reinstatement privileges and be separated from the Town. The employee shall use all annual leave and all sick leave before going on Leave Without Pay status.

**C. CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT (COBRA)**

Under COBRA, the Town is required to offer employees and their families the opportunity for a temporary extension of health coverage (called "continuation coverage") at group rates in certain instances where coverage under the plan would otherwise end.

Employees covered by the Town's medical insurance plan have the right to choose continuation coverage if they lose their group health coverage because of a reduction in their hours of employment or the termination of their employment (for reasons other than gross misconduct). The employee's eligible dependents may also have the right to elect and pay for continuation coverage for a temporary period in certain circumstances.

**D. DEFERRED COMPENSATION PLAN**

The Town may offer employees the opportunity to participate in a 457 deferred compensation plan. Eligibility begins on the date of hire. Non-matched, tax-free contributions may be deducted through payroll must be a minimum of \$25 per pay period and can go up to the maximum set by the Internal Revenue Tax guidelines. When there is a conflict between the personnel policies and the benefit plan document, the plan documents will govern.

**E. FLORIDA RETIREMENT SYSTEM (FRS)**

All qualifying employees in regularly-established positions that are ongoing for at least six months are required to participate in the Florida Retirement System in accordance with the terms and conditions of that plan. When there is a conflict between the Employee Manual and the FRS statutes or plan documents, the statute or plan documents will govern.

**F. HOLIDAYS**

**1. OFFICIAL HOLIDAYS**

The following shall be observed as official paid holidays for the employees of the Town of Lauderdale-By-The-Sea, Veterans Day, Thanksgiving Day, Day after Thanksgiving, Christmas (observed), New Year's Day (observed), Martin Luther King, Jr. Day, President's Day, Memorial Day (observed), Independence Day, Labor Day, Floating Holiday (day of employee choice)

Floating holidays shall be credited to employees on October 1<sup>st</sup> for use within the fiscal year. Floating holidays not used by September 30<sup>th</sup> shall be forfeited, and may not be converted to previously used leave.

~~At the end of the first month (30 days)At the end of the third month (90 days)At the end of the fifth month (150 days).Each probationary report will be signed by the employeeindicating that he/she has seen the report, not that he/sheagrees or disagrees with its contents.(c) The probationary report, at the end of the eleventh month,will be a major determining factor in the probationary employee's being retained as a permanent employee or terminated. This evaluation shall be called the probationary period performance profile and shall be submitted to the Town Manager.~~

When a holiday observed by the Town falls on Sunday, that holiday shall be observed on Monday after the holiday. When a holiday observed by the Town falls on Saturday, the holiday shall be observed on Friday before the holiday.

~~2.2 — AnnualIt shall be the responsibility of the appropriate DepartmentHead to be aware in advance as to the due date of a performanceevaluation. Evaluation forms will be available to department heads at least two weeks prior to the due date of the evaluation. Supervisors and department heads are responsible for completing the forms on a timely basis and returning them to the Town Manager.2.3 — SpecialA regular employee who, as of January 1st of each year has not had a performance reports within the previous 12 months will have such a report completed and sent to the Town Manager's office by January 20th.Any employee who receives an unsatisfactory annual performance report will have a special performance report completed on him/her at the end of 90 days after the date of the unsatisfactory report.At any time when an employee's performance has changed radically from that of the previous reporting period, a department head may, require a special performance report.All special reports must be signed by the employee being reported on indicating that he/she has seen the report, not he/she agrees or disagrees with its content.**Section 3 – Preparation Of Performance Reports**Performance reports will normally be completed by an employee's department head. The block for reviewer will be signed by the department head, with comments if necessary.The department head shall discuss each performance evaluation with the employee being evaluated. The department head shall furnish the employee an official copy of the employee performance evaluation form. The employee may record any comments he may have, including statements of disagreement with the evaluation. Such statement will become a permanent part of the evaluation. A permanent employee shall also be given the opportunity to appeal the rating to the Town Manager.**Section 4 – Hours of Work**Town Hall offices will be open for business from 9:00 AM to 4:30P.M., Monday through Friday, except for official holidays.The minimum work week for full-time employees is five days, 40 hours per week. In offices where 24-hour service is provided seven days per week, the number of regular hours may be up to 48 hours. In no instance will the work week of the full-time employees be less than 40 hours per week unless approved by the Town Manager.OvertimeEmployees who are required by their supervisor to work more than~~

~~the standard work week established for their position will be compensated at the rate of one and half times the hourly rate for the position. Existing administrative and professional employees who work more hours than the standard work week established for their position will be allowed compensatory time off at the discretion of the Town Manager. For the purpose of computing overtime during a holiday, hours of time worked will be counted as over time worked. The work week shall begin on Saturday and end on the following Friday.~~

~~**Pay Days**~~The Town of Lauderdale-By-The-Sea issues payroll checks weekly. Should a payday fall on an official holiday, paychecks will be issued on the last working day before the holiday.

~~**Section 5 – Salary Approval Authority**~~The salary of all employees at the time of employment as well as increases which result from promotions or decreases which result from discipline or other adverse actions shall be approved by the Town Manager in accordance with Commission policy. The salary of each position within the Town organization shall be determined by the Town Commission. The Town Manager, under the policy direction of the Town Commission, shall be primarily responsible for the overall administration of Town personnel policies and procedures. However, the heads of each department shall be responsible for ensuring that most of the personnel policies and procedures are carried out day by day in their department. The Town will make deductions from the employee's pay for social security, and for federal income tax as required by law, and all other deductions authorized under this section. Deductions will be made on weekly basis from the employee's regular salary.

~~**5.1 – Merit Pay**~~Supervisors of employees may award extra compensation to employees whose performance is deemed exceptional according to performance evaluation ratings. These awards will be in compliance with standards adopted by the Town Commission.

~~**5.2 – Overtime Pay**~~All employees who are legally eligible for overtime pay in accordance with federal law shall be granted compensatory time equivalent to one and one-half the normal rate earned by the employee. The compensatory time shall be approved by the employee's supervisor.

~~**5.3 – Bonuses**~~Bonuses may be awarded to employees whose performance is deemed exceptional or whose attention to duty demonstrates it is in the best interest of the Town to recognize the same. However, bonuses must be properly budgeted, approved by the Town Manager, occur not more than once a year, and not to exceed limits established by the purchasing policy of the Town.

~~RESOLUTION NO. 1161 A RESOLUTION TO AMMEND PERSONNEL POLICY TO RESTORE THE SEVERANCE PAY THAT WAS ELIMINATED IN THE LAST REVIEW OF THE PERSONNEL POLICY PROCEDURES. WHEREAS, the Town Commission feels it would be expedient to make a change in the current Personnel Policy. WHEREAS, the current Personnel Policy does not provide for severance pay for terminating Town employees. NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA IN REGULAR SESSION CONVENE: Section 1: The Personnel Policy shall be amended to read, any employee who retires, or separated without cause or disability shall receive a severance equal to two weeks salary upon termination of their employment. Section 2: That the amendment to the Personnel Policy Manual is hereby adopted by this resolution as soon as can be administratively effected. Section 3: Passed and adopted this 11 day of June, 1991.~~

~~\_\_\_\_\_  
Mayor ATTEST: \_\_\_\_\_ Auditor Town  
Clerk NOTE: Severance pay authorization as stated above, inserted in Personnel Policy. (See Page 11, Sec. 5.4 of Policy).~~

~~Article 5: Employee Benefits~~  
~~Section 1: Attendance and Leave~~  
~~1.1: Annual (Vacation) Leave~~  
~~1.2: Holiday Leave~~  
~~1.3: Maternity Leave~~  
~~1.4: Military Leave~~  
~~1.5: Sick Leave~~  
~~1.6: Funeral Leave~~  
~~1.7: Civil (Court) Leave~~  
~~1.8: Leave Without Pay~~  
~~Section 2: Insured Benefits~~  
~~Section 3: Educational Benefits/Assistance~~  
~~Section 4: Travel and Subsistence Allowance~~

~~**Section 1 – Attendance and Leave** Attendance Records: An attendance record shall be maintained for each employee by the Town Clerk. This record shall reflect all absences including sick leave, vacations, civil leave, and military leave shall be made available to the employee for inspection upon request. The head of each department shall be responsible for the completion of a weekly attendance report for each employee within the department. This report shall be filed with the Town Clerk no later than the first work day of a new week for the previous week. Copies of all leave requests must be forwarded by the department heads to the Clerk's office.~~

~~1.1 Annual Leave Every employee in the Town service holding a permanent status position and having occupied such position for a period of 12 consecutive calendar months shall be allowed annual vacation leave with pay. Such annual leave shall be granted in the manner indicated below:~~

<del>YEARS OF FULL-TIME SERVICE</del>	<del>LEAVE DAYS EARNED PER YEAR</del>
<del>1 – 10</del>	<del>10 1/2 – 15</del>
<del>11 – 15</del>	<del>15 1/2 – 20</del>
<del>16 – 20</del>	<del>20 1/2 – 25</del>
<del>21 – 25</del>	<del>25 1/2 – 30</del>
<del>26 – 30</del>	<del>30 1/2 – 35</del>
<del>31 – 35</del>	<del>35 1/2 – 40</del>
<del>36 – 40</del>	<del>40 1/2 – 45</del>
<del>41 – 45</del>	<del>45 1/2 – 50</del>
<del>46 – 50</del>	<del>50 1/2 – 55</del>
<del>51 – 55</del>	<del>55 1/2 – 60</del>
<del>56 – 60</del>	<del>60 1/2 – 65</del>
<del>61 – 65</del>	<del>65 1/2 – 70</del>
<del>66 – 70</del>	<del>70 1/2 – 75</del>
<del>71 – 75</del>	<del>75 1/2 – 80</del>
<del>76 – 80</del>	<del>80 1/2 – 85</del>
<del>81 – 85</del>	<del>85 1/2 – 90</del>
<del>86 – 90</del>	<del>90 1/2 – 95</del>
<del>91 – 95</del>	<del>95 1/2 – 100</del>

~~NOTE: These records may appropriately be kept by the Town Clerk, Personnel Director, or other personnel as designated. Up to 30 days (240 hours) of annual leave may be carried forward into the next year. Leave earned in excess of 30 days must be taken by December 31st of the year in which it is earned. Any employee shall be permitted to forego not more than 50% of his vacation and receive pay in lieu thereof. An employee who is separated from the Town payroll, for any reason, before receiving all of the vacation for which he/she has become eligible prior to the time of his/her employment termination, shall receive, at the time of his/her termination, pay for that portion of his/her vacation due but not received. Absence on account of sickness, injury, or disability in excess of that hereinafter authorized for such purposes may, at the request of the employee and with the discretion of the department head, be charged against annual leave allowance. Each department head shall keep record of annual leave allowance and use and shall schedule annual leave with particular regard to the seniority of employees, to accord with operating requirements and, insofar as possible, with the requests of the employees. Employees are to outline the desired dates of annual leave the first month of the new calendar year and submit the schedule to the Departmental Head. When a regularly scheduled holiday occurs during the period of an employee's leave, an additional day of vacation shall be granted. Employees shall not be credited with leave earnings for any month in which they are not in pay status for one-half or more of the work days of the month (example: employee on approved leave without pay). Procedures An employee who is eligible for vacation may take it at any time agreeable to the employee and Department Head as long as it is taken within the calendar year. The employee must complete the application for leave of absence. (Leave request form)~~

- ~~2. Vacation pay is distributed on the Friday preceding the employee's approved vacation period. Each Department Head shall use whatever methods of compiling and scheduling leave requests he/she want to, as long as the methods are reasonable, fair, consistent, and not discriminatory against any group. Department Heads shall not schedule annual leave in such a way that departmental operations breakdown or are seriously undermined. Department Heads shall respond to employee request for vacation (annual leave) as quickly as possible. Each employee must take at least 5 days of paid vacation per~~

~~year. Upon termination of employment for any reason, the employee shall be paid all accrued vacation due for the year to date. All employees who can qualify may accrue 30 days/240 hours of earned vacation.~~ 1.2 ~~Holiday Leave Policy~~ The following shall be observed as official paid holidays for the employees of the Town of Lauderdale By The Sea: Veterans Day Thanksgiving Day Day after Thanksgiving Christmas (observed) New Year's Day (observed) President's Day Memorial Day (observed) Independence Day Labor Day Floater, (Birthday or other day of employee choice) A. The Town Commission is empowered to declare additional holiday (s) B. When a holiday observed by the Town falls on Sunday, such holiday shall be observed on Monday after the holiday. C. When a holiday observed by the Town falls on Saturday, such holiday shall be observed on Friday before the holiday. D. An employee who is required to work on an official holiday shall be paid at his/her regular rate of pay. In addition, the employee shall have the option of taking a day off with pay within the next thirty (30) days. E. To be eligible for holiday pay, an employee must meet the following requirements: 1. Be a permanent employee of the Town. 2. Must have worked on the scheduled day prior to the holiday. However, if the absence on the day before or after the holiday was due to the reasons listed below, the employee would receive holiday pay. (a) The day of absence is during the employee's annual vacation period. (b) The employee is absent because of sickness or accident and brings in a doctor's statement indicating medical attention has been received. (c) The employee is absent due to death of a member of the immediate family.

#### ADMINISTRATION OF HOLIDAYS & HOLIDAY PAY

- (d) The employee is absent due to a current on the job injury.
- (e) An employee who reports in on the scheduled work date prior to the holiday would be considered to have worked that day, even though he/she is unable, due to emergency or illness, to complete the normal eight hour work day. The same will apply to the first scheduled work day after the holiday.

To be eligible for holiday pay, an employee must meet the following requirements:

- a. Be a regular employee of the Town.
- b. Have worked for the Town at least thirty (30) days.
- c. Must have worked on the scheduled day prior to the holiday. However, if the absence on the day before or after the holiday was due to the reasons listed below, the employee would receive holiday pay.
  - i. The day of absence is during the employee's annual vacation period.
  - ii. The employee is absent because of sickness or

- accident and brings in a doctor's statement indicating medical attention has been received.
- iii. The employee is absent due to death of a member of the immediate family.
  - iv. The employee is absent due to a current on-the-job injury.

An employee who reports in on the scheduled work date prior to the holiday would be considered to have worked that day, even though he/she is unable, due to emergency or illness, to complete the normal eight hour work day. The same will apply to the first scheduled work day after the holiday.

An employee who has been absent to work for any reason for fifteen (15) consecutive calendar days prior to the holiday will not be eligible for holiday pay.

For any full-time employee who works an alternate schedule (not Monday-Friday, 8:00 am-5:00 pm), if their scheduled workday does not fall on the paid Holiday that is granted to staff, then they will be allowed to take the day closest to the paid holiday off with pay. If not used at that time the Supervisor may allow the Holiday to be carried forward.

Non-exempt employees regularly working on holidays will receive credit for one holiday and be paid at the rate of 1.5 times the employees' respective regular rate of pay for working on the holiday.

## **G. LIFE INSURANCE**

Full-time employees (defined as those who regularly work 40 hours per week) are provided with a paid life, accidental death and dismemberment insurance policy in an amount prescribed by the Town's policy. This insurance is effective at the beginning of the first day of the calendar month following 90 days of full-time employment. Lauderdale-by-the-Sea reserves the right to continue, alter or cancel this obligation with notice to the employees. The Town will provide advance notice to participating members of a significant change with respect to the terms of this benefit. When there is a conflict between the personnel policies and the benefit plan document, the plan documents will govern.

## **H. HEALTH-RELATED BENEFITS**

Employees who regularly work at least 50 hours per pay period are eligible to participate in the Town's health-related insurance programs. Effective October 1, 2011 eligibility to participate in those programs begins on the first day of the first calendar month following the completion of 90 days of employment.

The amount of money the Town contributes to the medical insurance plans will be determined by the Town Commission each year after a review of the premium costs for the various insurance programs. The Commission may differentiate between full time and part time employees in determining the amount of the Town's contribution towards the insurance premium cost. Employees must cover premium costs above what the Town contributes for coverage for themselves, and for spouses or dependents they may elect to cover, through payroll deductions. The Town will attempt to provide advance notice to participating members of a significant change with respect to the terms or cost of medical benefits.

In the event that an employee eligible to participate in the Town's health insurance program does not elect to participate in our health insurance, the Town will contribute 66% of the Town's normal health insurance contribution for an employee with no spouse or dependent coverage to a deferred compensation plan on their behalf in lieu of providing health insurance. This provision shall not apply to employees who are eligible for Medicare due to federal laws on that matter. When there is a conflict between the personnel policies and the benefit plan document, the plan documents will govern.

## I. WORKERS' COMPENSATION

The Workers' Compensation Law requires that an injured employee give notice to his/her Supervisor immediately at the time of the injury no matter how minor. If the employee fails to file this report with his or her Supervisor at the time of the incident, the Town cannot be responsible for any delays in processing the employee's claim. Failure to comply with Workers' Compensation laws may result in forfeiture of benefits.

To be eligible for Workers' Compensation benefits, the injury must be a direct result of the job. Benefit entitlements are governed by law, but it is essential that employees report all work-related accidents, injuries, and illnesses immediately, and regardless of how minor.

The Town, in its sole discretion, may require an employee who is injured on the job to submit to a drug test. Moreover, the Town has the right to monitor and investigate all claims suspected to be fraudulent. The Town will pursue all available legal action against any employee found to have engaged in fraudulent conduct. Filing a false or fraudulent claim is also a violation of Town policy, and will result in disciplinary action, up to and including immediate termination.

## VII. SALARY ADMINISTRATION

### A. WORK HOURS

The Town's work week shall begin on Saturday and end on the following Friday.

The variety of services performed by the Town may require various employees to work different schedules. An employee's Supervisor will explain their work hours to them and the Town reserves the right to change an employee's work hours based on Town needs. Employees are expected to be at work during the regularly established work week for their respective positions (which may vary depending on respective position, assignment and/or work location). Town employees that are exempt from coverage under the Fair Labor Standards Act are expected to work as many hours in a given week as are necessary to complete that employee's assigned duties and responsibilities, regardless of the specific work hours assigned to that position by the Town Manager.

Job classifications shall periodically be evaluated to ensure that they are properly classed as exempt or non-exempt under the provisions of the Fair Labor Standards Act.

All employees must be at their desk or reporting work site and be ready to begin working at the beginning of their shift. Each employee shall leave when his/her shift is over. Variations from assigned work hours must be pre-approved by the employee's Department Director. If an employee requests flexible hours for an extended period of time, it must be approved by the Town Manager before implementation.

All non-exempt employees are entitled to one unpaid meal break of at least one-half hour per shift, during which such employees may not perform any work on behalf of the Town. Permission may be given by the employee's Supervisor to extend or shorten a lunch period but this time differential must be reflected on the employee's time sheet.

## **B. PAY**

Lauderdale-by-the-Sea strives to provide employees with a fair day's pay for a fair day's work and to maintain salary levels that are competitive. Employees are paid bi-weekly. Should a payday fall on an official holiday, paychecks will be issued on the last working day before the holiday.

All employees will be paid by direct deposit, provided that they authorize such direct deposit in writing and they designate in writing the financial institution where such deposit is to be made. The exception to this may be the employee's first or last check.

## **C. OVERTIME PAY AND COMPENSATORY TIME OFF**

Employees classified as exempt are not eligible for overtime pay. Exempt employees are designated supervisory, professional and managerial employees who work on a salaried basis; that is, they are expected to work, without extra compensation, such hours as are necessary to satisfactorily complete their duties. Exempt employees who regularly work many more hours than the standard work week established for their position may be allowed compensatory time off at the discretion of the Town Manager.

Non-exempt personnel who are required by their supervisor to work more than the standard work week established for their position are eligible to receive overtime pay or compensatory time of time and one-half for hours worked in excess of 40 hours in one work week. When operating requirements cannot be met during regular working hours, employees may be scheduled to work overtime. Overtime for non-exempt personnel may only be worked if it is absolutely essential and if properly authorized by the employee's Department Director or the Town Manager in advance.

Overtime pay is based on hours actually worked. Sick leave, vacation leave, or any leave of absence utilized in a workweek will **not** be considered hours actually worked in that work week for purposes of performing overtime calculations. Holiday leave will **not** be treated as hours actually worked. Hours worked on a holiday will be counted as overtime and paid at the rate of 1.5 hours for each hour worked.

Failure to work scheduled overtime, or working overtime without prior authorization from the Department Director, may result in disciplinary action, up to and including possible termination of employment.

Non-exempt employees may elect to receive compensatory time off in lieu of overtime, at the rate of one and one-half (1½) hours of compensatory time for each hour of overtime worked. At the discretion of the Department Head, compensatory time may be accrued up to a maximum of one hundred twenty (120) hours. Once compensatory time has been earned and accrued, it may not be cashed in for monetary payment during employment. Upon a nonexempt employee's departure from Town employment, accrued compensatory time shall be paid out in a monetary lump sum in accordance with FLSA guidelines in effect at the time of departure. Non-exempt employees may utilize compensatory time provided reasonable written notice of utilization is given. The Department Head must authorize all compensatory leave use based on departmental operations not being unduly disrupted by the employee's use of compensatory leave. The nonexempt employee will be advised in writing by the Department Head of the approval or denial of the request.

#### **D. SALARY APPROVAL AUTHORITY**

The minimum and maximum salary of each job classification within the Town organization shall be set by the Town Commission by the adoption of a pay plan.

The Town Manager has the authority to determine starting salary and make other salary decisions, provided that such decisions are consistent with the Town Commission-approved pay plan and that funds are available in the Town's budget for the salary decision.

#### **E. MERIT INCREASES**

The Town Manager may increase an employee's compensation within the established salary range for their job classification at the time of their annual performance appraisal, provided that the employee's performance is evaluated as acceptable, their salary stays within the salary range for the classification set by the Town Commission, and

there are budgeted funds available to cover the cost of the salary increase. Employees whose performance is evaluated as satisfactory may receive up to a 2.5% merit increase in salary until they reach the midpoint of the salary range for their job classification. To move beyond the mid-point of the salary range, the employee's performance must be evaluated as above satisfactory or higher. Employees whose performance is evaluated as above satisfactory or higher may receive up to a 5% merit increase in salary.

#### **F. BONUSES**

As of July 1, 2011 the Town's ability to grant a bonus is governed by state statute. All employees are eligible for any bonus program that is created. Criteria and standards must be established for payment of a bonus and the criteria must describe the performance standards by which a bonus will be awarded. Bonuses may be given only as a lump sum amount and may not increase an employee's base salary. The Town Manager has the authority to grant a bonus of \$1,000 or less. The Town Commission must approve any bonus in excess of \$1,000.

#### **G. SEVERANCE PAY**

An employee who is laid off from employment due to a reduction in force or hours or lack of work, who is asked to resign and does, who must resign due to disability, or who is separated without cause is eligible to receive a severance payment if they agree to sign a general release and waiver of claims agreement against the Town regarding their separation from employment in a form provided by the Town.

Severance may be paid according to the following formula, if adequate funds are available in the Town budget to make the severance payments:

<u>Years of Continuous Service:</u>	<u>Amount of Severance:</u>
<u>1-2 years</u>	<u>2 weeks salary</u>
<u>Greater than 2 years – 5 years</u>	<u>3 weeks salary</u>
<u>Greater than 5 years – 10 years</u>	<u>4 weeks salary</u>
<u>More than 10 years</u>	<u>6 weeks salary</u>

#### **H. PERIODIC REVIEW OF THE PAY PLAN**

In order to ensure that the salaries paid to Town employees remain competitive, the Town shall periodically conduct salary surveys of the marketplace for similar positions, or review salary surveys conducted by other agencies or jurisdictions, and make adjustments where necessary.

Such salary reviews can be made for the entire workforce or for individual job classifications in advance of recruitment or when the Town is experiencing difficulty recruiting and retaining high quality personnel.

#### **I. CALL BACK PAY**

Non-exempt employees who are required to return to work outside of their normal work hours shall be compensated for a minimum of three (3) hours of work, regardless of whether they are required to be present at work for a full three hours. Call back pay shall not apply to an employee who is asked to extend their normal work day and work overtime.

### **VIII. MISCELLANEOUS ISSUES**

#### **A. EMPLOYEE APPEARANCE**

The Town does not have a formal dress policy and prefer to rely on every employee's good judgment to dress appropriately for a business such as ours. We do expect all employees to present a neat, clean and well-groomed appearance at all times.

Employees should avoid extremes in dress. Flashy or revealing clothing, t-shirts with inappropriate content, shorts whose hem falls more than three inches above the knee, and other non-business-like clothing are unacceptable. Employees that wear a uniform are responsible for maintaining a clean and neat uniform at all times.

#### **B. USE OF TOWN PROPERTY**

Town equipment and supplies are expensive, and employees should handle them as though they were your own valuable personal items. In case of an accident or damage to equipment or supplies, employees should immediately report the facts to their Supervisor and turn in the broken or damaged articles for replacement. Employees will be held liable for damages resulting from theft, loss, or neglect of Lauderdale-by-the-Sea equipment or supplies.

Town property may not be removed from the premises without proper advance authorization by your Department Director. Town property may not be used for personal reasons, with the exception of the phone and computer as described in **VIII D and E**.

#### **C. BULLETIN BOARDS**

The Town maintains bulletin boards at various locations throughout the Town as an important information source. These bulletin boards are to be used solely to post information approved by the Town regarding its policies, governmental regulations, and other matters of

concern to all employees which are related to the employees' employment by the Town. Employees should regularly check the bulletin boards daily to be familiar with the information posted there.

#### **D. COMMUNICATION AND COMPUTER SYSTEMS SECURITY AND USAGE**

This policy contains guidelines for the use, access and disclosure of communications (including among other things telephone, mail, e-mail, voice mail, desk and laptop computers, pagers, mobile phones, faxes, Internet, and intranet) sent or received by employees, using any Town- provided communication or computer system.

The Town's systems are intended for Authority business only. All information transmitted or stored in Town systems is the sole and exclusive property of the Town and should be treated as confidential. The contents of our systems may be disclosed to the Town or members of the public or press without employees' permission. Therefore, employees should not assume that messages and communications are confidential.

The Town's computer, telephone and communication hardware and software systems have been installed and are used to facilitate business communications. Although each employee has an individual password to access these systems, the systems belong to the Town and the contents of all communications are accessible to management for any business purpose.

Personal communications can be accessed by the Town without prior notice. Although incidental and occasional personal use of our systems is permitted (a reasonable standard would be no more than 10 minutes per workday), repeated use of the systems to access personal information, conduct personal business or make personal, non-Town business related communications will subject the employee to disciplinary action up to and including termination.

#### **E. TELEPHONE USE**

The Lauderdale-by-the-Sea telephones are reserved for business or emergencies. Employees should advise relatives and friends not to telephone you at Lauderdale-by-the-Sea except in emergencies or to leave brief messages.

Personal use of the telephone for long-distance and toll calls is not permitted.

While at work employees are expected to exercise the same discretion in using personal cellular phones as is expected for the use of Town phones. Excessive personal call during the workday, regardless of the phone used, can interfere with employee productivity and can be distracting to others. A reasonable standard the Town

encourages its employees to limit personal calls during work time to no more than two per day of no more than five minutes duration. Employees are asked to make any other personal calls during their lunch break, and ensure that friends and family members are aware of this policy.

- F. ~~An employee who has been absent to work for any reason for fifteen (15) consecutive calendar days prior to the holiday will not be eligible for holiday pay.~~ COURTESY

### 1.3 – Maternity Leave

#### Policy

~~The Town maternity leave policy is as follows: Disabilities caused or contributed to by pregnancy are treated as temporary disabilities; leave of absence are granted to pregnant employees; upon return from maternity leave, employees will be reinstated without loss of seniority and other benefits. Pregnant employees are allowed to work as long as they wish and as long as the doctor that her work not be harmful to her. When the pregnancy terminates and the employee is released by her doctor to return to work, she will be returned to her former job or its equivalent with no loss of seniority or benefits. Employees on sick leave due to pregnancy may use all earned sick leave and annual (vacation) leave before being placed on leave without pay. Procedures As soon as the employee becomes aware that she is pregnant, she must immediately notify her supervisor. The employee must obtain a statement from her doctor indicating when she should cease work due to her pregnancy and request a leave of absence through her supervisor if she wishes to return to work after her pregnancy. The employee must complete the application for sick leave form. When her doctor determines that she is able to return to work following the termination of her pregnancy, she should obtain a return to work form, signed by her doctor, to be given to the Clerk. In all cases, within six (6) weeks after termination of pregnancy, a statement from the doctor must be given to the Clerk. Failure to return to work as soon as her doctor releases her is grounds for termination unless covered by another personnel leave policy. To be eligible for maternity leave, the employee must comply with the provisions of this policy. When maternity leave is granted, the employee is not removed from the payroll her total insurance benefits are continued as long as she pays her regular premium. When the employee complies with the policy in regard to returning to work following termination of her pregnancy, she must be allowed to return to work, preferably her former job, with no loss of seniority.~~

~~1.4 — Military Leave Policy~~ A permanent employee is granted supplemental payment while on authorized military leave not in excess of 17 reserve working days per year in an amount equal to the difference between the Employee's regular salary with the Town and the amount drawn in military pay on a daily basis. An employee going on military leave shall present a copy of his orders to his department head not more than three (3) days after receiving them. A former employee of the Town who is discharged from active duty in the armed forces shall be re-employed in an equivalent position, if such a position is available, upon receipt of a written application from the employee within 30 days of his separation from the service. Additional military leave, shall be charged as administrative leave without pay. Such leave will be granted without loss of time or efficiency rating, Florida Statutes, Chapter 115. ~~Procedure~~ Military leave must be applied for on a Town leave application and must be accompanied by a copy of military orders.

~~1.5 — Sick Leave.~~ Purpose is the policy of The Town of ~~Lauderdale By The Sea~~ to provide reasonable time off with pay, up to the amount of unused sick leave earnings, to employees who are unable to work due to personal illness or injury. Sick leave with pay is not a right which an employee may demand, but privilege granted by the Town.

~~Rate of Earnings~~ All permanent full-time employees shall earn credit for paid sick leave at the rate of one day of paid leave per month of continuous service. Beginning with the first month of employment as a permanent probationary employee, each employee shall earn sick leave at the rate of eight (8) hours for each month of service. Employees placed on the payroll on or before the fifteenth of the month will accrue eight (8) hours for that month. Employees placed on the payroll after the fifteenth of the month will accrue four (4) hours of sick leave for that month.

~~Prior Service Position~~ Employees hired prior to October 1, 1988 shall be credited with ten (10) days of sick leave automatically for any service prior to October 1, 1988.

~~**Maximum Accumulation**The maximum accumulation sick leave for full-time employees shall be sixty (60) working days. Employees may accrue sick leave and carry it over from one year to the next. Employees may not accrue more than sixty (60) working days of sick leave. When an employee is out of sick leave, he/she may use earned annual leave. When an employee uses all of his/her sick leave and annual leave, the employee shall be required to request a leave of absence without pay.~~  
~~**Use of Sick Leave**Only the Department Head or Town Manager can officially approve employee sick leave. Sick leave may be paid when an employee is unable to work due to personal illness or injury, or when the employee's presence may endanger the health of fellow workers. Sick leave may be taken for medical, optical, and dental appointments. Sick leave will be charged in units of whole hours. A department head shall have the right to require a doctor's certificate to verify an illness that exceeds three (3) consecutive working days. Sick leave may be used when there is a serious illness or accident involving an immediate family member. (NOTE: Immediate family shall be defined as parent, child, spouse, brother, sister, grandparent, parent-in-law). This policy shall not apply for more than 3 days without the permission of the Town Manager.~~  
~~**V. Payment of Sick Leave**In order to be eligible for sick leave with pay, an employee must: Report to the supervisor within 30 minutes of the scheduled starting time on the day of the absence the reason for the absence. An employee who fails to so notify the supervisor shall not be paid for the day(s) taken prior to notification. If the absence extends beyond three days, keep the supervisor advised as to the employee's condition and anticipated return. Submit a statement from attending physician(s) as to the nature and duration of the illness, \_\_\_\_\_ if \_\_\_\_\_ requested.~~

~~When a paid holiday occurs during the period an employee is on sick leave with pay, the employee shall receive only his/her regular holiday and that day shall not be charged against his/her sick leave earnings. Upon leaving Town employment, in good standing, an employee will be reimbursed for 25% unused accrued sick leave.~~

~~ProcedureEach employee shall notify (call) his immediate supervisor in accordance with the Town's attendance policy to report his/her sickness. When an employee returns to work he/she shall complete the sick leave form. Before sick leave with pay is officially granted, this form must be signed (approved) by his/her Department Head. If an employee wishes to use sick leave for a doctor, dentist or optical appointment, then the sick leave form must be submitted and approved before the sick leave is taken. If a supervisor feels that an employee has abused this policy concerning minor illness he/she may with permission of the Town Manager, refuse to pay benefits. Any employee who receives an injury while on the job and is forced to remain out of work, may opt to receive benefits from Workmen's Compensation Insurance or receive benefits from sick leave he/she may have accrued under the Town's sick leave policy.~~

~~Extended Sick Leave1. The position held by an employee may be held open while he/she is on an extended medical leave (See leave policy section) by redistributing the work among the other employees in the department or by filling the position on a temporary basis, if possible. If it becomes necessary to fill the position on a permanent basis in order to insure continued smooth operation of the department and maintain a high level of quality in the delivery of service to the citizens of the Town the employee shall be notified immediately and assured that every effort will be made to place him/her in a position of like status and pay when he/she is able to return to work.2. If an employee is unable to return to work on the date established for his/her return to duty, he/she shall notify his/her supervisor as far in advance as possible. An employee who fails to so notify his/her supervisor shall be terminated.3. The Town reserves the right to require a statement from the employee's attending physician to the effect that the employee is able to resume his/her normal duties before allowing the employee to return to work.~~

~~ProceduresIt is the employee's responsibility to ensure that proper notification is made when absent due to an emergency or illness. This must be done by phone or personal note and, if possible, by the employee. When the Department Head records the employee's report of absence, he/she submits a copy of the record to the Clerk's office.~~

~~Procedures-When Returning To WorkEmployees who have been absent for the reasons listed in policy statement #2 must present a doctor's statement to the supervisor upon returning to work. It is the supervisor's responsibility to turn this statement into the Clerk's office where a record of it is maintained. The employee will fill out the form and supervisor will return it to the Clerk's office.~~

~~NOTE: As a convenience to the employee, it is not required to call in every day while hospitalized. However, it is the responsibility of the employee to notify the appropriate Department Head that he/she is in the hospital. Unless the employee has been placed on medical leave it is necessary for him/her upon release from the hospital to call his/her supervisor each day .until .released by his/her doctor to return to work.~~

~~Emergency or IllnessEmployees who are absent due to an emergency or illness should call or have someone call his/her supervisor or Department Head to report such an absence. An employee who has been absent under the~~

following conditions must, upon returning to work, have a doctor's statement that indicates no work restrictions. Employee has been hospitalized. Employee has been granted personal leave which is in reality for medical reasons, i.e. employee is hospitalized or is undergoing a surgical procedure which could be disabling, even though the employee, for personal reasons, does not file a claim for group insurance benefits. Employee has a non-work related accident, even if no time is lost from his/her regularly scheduled work shift, i.e., weekend or after-hour accident. Employee is absent three (3) or more consecutive work days. Procedures It is the employee's responsibility to ensure that proper notification is made when absent due to an emergency or illness. This must be done by phone or personal note and, if possible, by the employee. When the Department Head records the employee's report of absence, he/she submits a copy of the record to the Clerk's office.

**1.6 Funeral Leave Policy** In case of death in an employee's immediate family, up to three (3) days leave with pay may be authorized by the Town Manager. All permanent employees are eligible for funeral leave benefits. Eligibility commences on the first day of active employment. If an employee has a death in his/her immediate family and needs the time off, he/she will be paid for time lost from work up to three (3) days. This may be taken within three (3) calendar days before the funeral or within five (5) calendar days after the funeral. Immediate family shall be defined as parent, child, spouse, brother, sister, grandparent, parent-in-law, brother-in-law, sister-in-law, and grandchildren of either spouse. All absence other than the above shall be taken without pay or charged against accrued annual (vacation) leave. Procedures The employee should notify his/her Department Head immediately. The Department Head should notify the Clerk's office immediately, being sure to give the date the employee is absent from work due to the death. Appropriate proof of death should be submitted before payment is authorized. In addition, the employee must complete the application for leave of absence form. This should be completed before the leave is taken, when possible, but must be submitted no later than the day after the employee returns to work. The Town Manager will authorize the payroll department to include the funeral leave pay in the employee's check. NOTE: It is very important that the supervisor get the full name of the deceased, the funeral home in charge of arrangements and the time of the funeral. This is especially important if the deceased is not a resident of Lauderdale-By-The-Sea or Broward County.

**1.7 Civil (Court) Leave Jury Duty** All permanent Town employees selected for jury duty shall be entitled to civil leave with pay for the period of absence required. Such leave shall not be charged to annual or sick leave earnings. Eligibility commences on the first day of active employment. If an employee is called for jury duty and serves as a juror on a regular working day or days, he/she will receive pay for the time lost (up to eight hours per day) from work by reason of such service. Official Court Attendance All permanent employees subpoenaed or ordered to attend court to appear as a witness or to testify in some official capacity on behalf of the Town shall be entitled to leave with pay for such period as his court attendance may require. Any fees paid for such service may be retained by the employee. However, if a Town vehicle is used to attend such activities, any reimbursement shall be forwarded to the Town Clerk upon receipt of monies. Private Litigation Absence of an employee to appear in private litigation

~~in which he/she is a principal party shall be charged to annual leave or to leave without pay.~~  
~~Procedure~~When called for juror duty, the employee must show the summons to the supervisor prior to the date of service so that authorization and plans for the absence can be made. Failure to advise the supervisor in advance may be cause for the employee not to receive jury duty pay. In addition, file employee must complete the application for leave of absence form.  
~~When released from jury duty for any reason, the employee will be expected to return to work for that day. If released from jury duty before regularly scheduled lunch period, an employee is required to return to work. Upon return to work (after having been released by the court), the employee must submit to the supervisor a statement from the clerk of court indicating the dates and amount paid for serving as juror. The supervisor will turn the statement over to the Town Clerk in order that the payroll department may be notified to pay the employee for jury duty. Any pay for jury duty shall be forwarded to the Town Clerk.~~  
~~1.8 Leave Without Pay~~For any extended period of disability due to illness, injury or maternity, exceeding the amount of accrued sick and/or annual leave by ten days, the employee may apply for leave without pay (LWOP) status which, along with any paid leave that has not been taken, shall not exceed 90 days. The written request shall not be denied for bonafided it ness or disability for employees who have served satisfactorily with reinstatement privileges to the same position or one of comparable grade for which the employee is qualified. The application for LWOP shall be in writing and shall include a physician's certification of the condition and the period of time the employee will be incapacitated. Dates set forth by the physician shall be strictly adhered to; however, they may be amended by the physician. In cases of apparent abuse the Town may require additional documentation from the physician issuing the certificate or may secure additional medical opinions from other physicians. The amount of leave authorized shall not exceed the end of the period for which was requested or certified by, a physician, provided that it shall not exceed: ~~180 calendar days~~ of combined leave with pay and LWOP. Otherwise, the employee shall forfeit reinstatement privileges and be separated from the Town. In extenuating circumstances, the Town Manager may extend the period of leave up to a total of 180 days. The employee shall have the option of using or retaining annual leave prior to LWOP. The employee shall use all sick leave before going on LWOP status. ~~Leave Without Pay for Personal Reasons~~Leave without pay for up to ten (10) days may be approved by the Department Head. LWOP from ten (10) to ninety (90) days may be approved by the Department Head with the approval of the Town Manager. LWOP will only be approved if that period of absence does not require replacement of the employee's services.

~~**Section 2 – Insured Benefits**The Town shall participate in the Social Security System. All eligible employees shall be covered. The employee's share of the Social Security taxes shall be withheld from the employees pay on a weekly basis.**Workmen's Compensation Insurance**The Town shall maintain Worker's Compensation Insurance on all employees as prescribed by the Florida Workmen's Compensation Law.**Health Insurance**The Town shall pay 100 Percent of premium cost for individual coverage of each full-time employee for health insurance. If an employee elects to secure family coverage, the additional cost of family coverage shall be borne by the employee, and shall be deducted from the employee's pay on a weekly basis. Commissioners may, upon request, receive insurance not exceeding that provided by employees, at their own expense. Employees not in active full-time employment must pay the entire cost of insurance during the periods they are inactive. **\*Florida Retirement System\***The Town shall participate in the Florida Retirement System and/or the Municipal Police and Fire Officers Retirement Fund.**Unemployment Compensation Insurance**The Town shall maintain Unemployment Compensation Insurance on all employees as prescribed by the Florida Unemployment Compensation Law.**Section 3 – Educational Benefits/Assistance**Education benefits including leave with or without pay, and/or tuition reimbursement shall be decided by the Town Commission on an individual basis.**Section 4 – Travel and Subsistence Allowance****Policy**Statement of PolicyWhen employees of the Town are required to travel on official business, the Town will pay reasonable amounts for transportation, meals, and lodging.~~

~~Transportation Costs~~The Town may purchase tickets in advance for employees traveling by common carrier. All employees shall travel in tourist class whenever possible. ~~Employees who, with proper authorization, use their personal vehicles for official business may be reimbursed at 22 cents per mile.~~ ~~Meal Allowance~~Employees may be reimbursed for actual meal expenses incurred while traveling. ~~Lodging~~When lodging is required, employees are expected to utilize standard, medium priced hotels and motels whenever possible. If an employee is to attend a formal, organized meeting or convention, he/she may stay at the hotel or motel where the meeting is held. In all cases, the Town pay no more than the single room rate. Receipts must be presented for all lodging. ~~Advances~~Travel expenses may be made to cover anticipated travel expenses with the approval of the Town Manager. ~~All Travel must be authorized in advance. All expenses must be supported by an expense report with all receipts attached. See the Town's purchasing policy manual for more details.~~

Article 6:	Employee Relations	Disciplinary Actions	Section 4
Statement of Policy	1.1	Responsibilities	1,2
Grounds For			
Action	1.3	Intent	Section 2
		Types Of Disciplinary Action	2.1
		Written Reprimand	2.2
		Suspension	2.3
		Transfers	2.4
		Demotions	2.5
		Dismissals	2.51
		Types of Dismissals	2.52
		Disability	2.53
		Death	
2.54		Promotion	2.6
		Resignations	2.61
		Resignations With Prejudice	2.62
		Compulsory	
Resignation	2.63	Reduction In Force	Section 3
		Standards of Conduct	3.1
		Gifts and Gratuities	3.2
		Use of	
Town Vehicles	3.3	Outside Employment	3.4
		Selling and	
Soliciting	3.5	Political Activity	3.6
		Nepotism	3.7
		Rules	
of Conduct and Disciplinary Action	Section 4	Grievance Procedures	4.1
		Statement of Policy	4.2
		Grievance Committee	4.3
Appeals			Procedure

~~DISCIPLINARY ACTIONS~~Section 1 – Statement of PolicyIt shall be the duty of all employees to comply with and to assist in carrying into effect the provisions of the personnel rules and regulations. No permanent employee shall be disciplined except for violation of established rules and regulations, and such discipline shall be in accordance with procedures established by the personnel rules and regulations.

1.1 ResponsibilitiesIt is the duty of every employee to attempt to correct any faults in performance when called to the employee's attention and to make every effort to avoid conflict with the rules and regulations. It is the duty of every supervisor to discuss improper or inadequate performance with the employee in order to correct the deficiencies and to avoid the need to exercise disciplinary action. Discipline shall be, whenever needed, of an increasingly progressive nature, the step of progression being; 1) Oral reprimand, or written reprimand 2) Suspension 3) Demotion 4) Transfer 5) Dismissal Discipline should correspond to the offense.

1.2 Grounds for Action:The following are declared to be grounds for oral reprimand; written reprimand, demotion, suspension, or removal of any permanent employee: Conviction of a felony or other crime involving moral turpitude. Acts of incompetence. Absence without leave. Acts of insubordination. Intentional failure or refusal to carry out instructions. Misappropriation, destruction, theft, or conversion of town/county property. Employee subsequently becomes physically or mentally unfit for the performance of duties. Acts of misconduct while on duty. Willful disregard of orders:

~~Habitual tardiness and/or absenteeism. Falsification of any information required by the town/county for employment purposes. Failure to properly report accidents or personal injuries. Neglect or carelessness resulting in damage to town/county property or equipment. Repeated convictions during employment on misdemeanor and/or traffic charges. Introduction, possession, or use on property or in town equipment of intoxicating liquors/illegal drugs, or working under the influence of liquor/illegal drugs. Acts of misconduct at any time which will reflect an unacceptable public image as representative of the Town of Lauderdale-By-The-Sea. It shall be the duty of each employee to maintain high standards of conduct, cooperation, efficiency, and economy in their work for the Town. Whenever work habits, attitude, production, or personal conduct of any employee falls below a desirable standard, supervisors should point out the deficiencies at the time they are observed. Corrections and suggestions should be presented in a constructive and helpful manner in an effort to elicit the cooperation and goodwill of the employee. Supervisors shall assist employees in gaining capability through on-the-job training as required. 1.3. Intent The authority of the Town Manager to take disciplinary action when warranted is inherent in the authority to appoint. It is intended that effective supervision and employee relations will avoid most matters which necessitate disciplinary action. The purpose of these Rules and Regulations, and disciplinary action for violations of such Rules and Regulations is not intended to restrict the rights of anyone but to insure the rights of all and to secure cooperation and order throughout Town employment. The severity of disciplinary action should be related to the gravity of the offense, the employee's record of disciplinary action, and his length of service, and Town policy in similar cases. Any adverse action taken must be for good cause, be consistent with other actions taken by the Town and be fair and equitable. In deciding whether to take disciplinary action or in determining what action to take, in no event may there be discrimination against an employee because of race, color, sex, national origin, physical handicap, or partisan political affiliation.~~

~~Types of Disciplinary Action~~  
~~Section 2.1 — Written Reprimand~~  
~~Unless the incident, action, or behavior of the employee is such as to initially warrant a more severe type of disciplinary action, a written reprimand shall usually be issued for first offenses involving, <<atters such as unauthorized absence from duty (for less than three days), abuse of sick leave privileges, unexcused frequent tardiness, inattention to duty, insubordination, improper conduct, or loss or destruction of property. Depending on the circumstances or seriousness of the offense, one additional written reprimand may be given for repetition of the same type of offense. Written reprimands should state the necessary corrective action and a warning that repeated offenses may lead to sterner measures. A copy should be filed in the employee's personnel records.~~

~~2.2 — Suspension~~  
~~The Town Manager may for disciplinary purposes, suspend without pay any employee under any department head's supervision for such length of time as is considered appropriate, but not to exceed thirty (30) days in any twelve (12) month period. When the interest of the service can best be served by immediate removal of an employee from duty pending a decision to terminate, the employee may be suspended. A decision on termination in such cases will usually be made within the 30-day period described above. A written statement specifically setting forth reasons for and the length of time of such suspension shall be furnished to the affected employee. Notice of the charge or charges against the employee shall be specific and include the date, time, place, and nature of the violation or misconduct charged in sufficient detail to provide the employee the opportunity to prepare a defense. Such notice shall be signed by the Town Manager or his authorized representative. Notice of disciplinary action against an employee shall be made by delivering a copy of such notice to the employee in person or by legal service of process, or, if the employee is absent without leave from his employment, by mailing a copy of such notice by certified mail to the last known address of the employee as reflected on the records of the Clerk's Department. When court action, an investigation, or a trial of any charges is pending against an employee and he/she is suspended, such suspension without pay may be extended by the Town Manager until final court action is taken or disposition of the charges has been made. Such employee determined to be innocent of the charges against him may be returned to duty and the matter of retroactive pay will be decided by the Town Commission on the basis of the individual merits of each case.~~

~~2.3 — Transfers~~  
~~Policy: It is Town policy to place employees on a job in which their interests and those of the Town are best served. Every reasonable effort to place employees on a job of their preference is made if there is an opening and they have the necessary qualifications. It is Town policy that when operation of the Town requires employees to be transferred from one job to another, such transfers will be made. The salary of an employee who is transferred shall not be changed by the reassignment. Whenever possible, an employee's wishes shall be respected. It is Town policy that when an employee's performance has been satisfactory, he/she will not be permanently transferred involuntarily to a job in the lower salary range, except when necessary to avoid placing such an employee on layoff. All transfers require the approval of the Town Manager.~~  
~~Procedures: In the event an employee is transferred from one department to another department, it is the Department Head's responsibility to notify the Clerk's office of the transfer.~~

~~This must be done within twenty-four (24) hours of the transfer. NOTE: If the Department Head fails to notify the Clerk's office when transferring an employee, it could cause the employee not to receive accurate wages in the pay period involved in the transfer.~~  
2.4 — Demotions  
~~Demotion occurs when an employee moves to or is transferred to a lower paying position. The type of demotion should be indicated on the employee's personnel record. Demotion Without Prejudice~~  
~~Demotion Without Prejudice occurs in several situations: When a position has been abolished or reallocated to a lower paying salary range and the employee cannot be transferred to a position of equal pay.~~

~~When an employee requests being transferred to a position with a lower paying salary. When an employee, promoted on a probationary basis, does not perform well in the new job and is transferred back to his/her old job or a job in the salary range as his/her old job. Demotion With Prejudice Demotion with prejudice occurs when an employee not on any probationary promotion status is demoted by his/her Department Head (with the approval of the Town Manager) because he/she is not performing his/her job adequately. The supervisor must state in writing that he/she feels the employee should be able to handle the lower paying job with less responsibility. If past experience indicates that the employee cannot handle the lower paying job with less responsibility, then the employee shall be dismissed. 1. When an employee is demoted the supervisor will fill out the personnel action form and forward it to the Clerk's office. 1.2 The salary of an employee who is demoted shall be adjusted to the average salary of other employees in the same or similar positions. In no case shall the employee's salary be lower than the minimum rate of the new salary range. 1.3 An employee who voluntarily moves to a lower level position through no fault of delinquency on his part shall be reinstated at his former salary and shall receive any anniversary increases that would have been granted. 2.5 Dismissals Policy A permanent employee may be discharged with two weeks notice by the Town Manager. Dismissals are discharges or separations made for just cause, which shall include, but not be limited to delinquency, misconduct, inefficiency or inability to perform assigned duties; insubordination; or willful violation of the provisions of these rules and regulations. Dismissals of permanent employees shall be effective only after the person to be discharged has been presented with the reasons for such discharge in writing, specifically stated.~~

~~Employees dismissed with notice shall be compensated for annual leave. 2.51 — Types of Dismissals~~ Permanent, Probationary, temporary and temporary part time employees may be dismissed without notice by the Town Manager. Any employee may be dismissed without notice for the following reasons: Misconduct, ~ involving a major infraction of Town employee rules and regulations (see policy on discipline). Refusal to meet generally accepted standards of ethics, honesty, etc. Leaving work without prior approval of immediate supervisor ~~Dismissal for cause (Disciplinary)~~ Includes dismissals because of misconduct, delinquency, rule violations and other reasons over which the employee could have exercised control and restraint. 1. ~~Dismissal for Cause (Non-disciplinary)~~ Includes dismissals for non-disciplinary reasons as: Unsatisfactory work performance, physical or mental disability, and loss of job requirements (e.g., loss of required license.) 2. ~~Reassignment Consideration Before Dismissal.~~ Generally, employees who have demonstrated that they cannot perform satisfactorily in their jobs and are being considered for non-disciplinary dismissal, should first be considered for other positions for which they qualify. Their experience with the Town and knowledge of program might be valuable in other situations. 3. ~~Appeal Rights~~ Permanent employees who have completed probation are entitled to written notification of the reasons for dismissal and have the right to appeal. Probationary employees are not accorded such rights. 4. ~~Re-employment Rights~~ If an employee separated for unsatisfactory service (dismissal or resignation with prejudice) applies for re-employment., the facts surrounding his/her previous separation shall be reviewed with his/her department head. The employee may be approved for reappointment to any class for which he/she is qualified; including his/her former class, only when it appears highly probable that the reasons for his/her unsatisfactory service separation will not reoccur. 2.52 — ~~Disability~~ A department head, with the approval of the Town Manager, may direct any employee under his jurisdiction to be examined by a physician designated by the town. When a disability of any kind is discovered which impairs the effectiveness of an employee or makes his continuance on the job a danger to 'himself or others, the following action shall be taken: If the disability is correctable, the employee shall be allowed a specific time as determined by the Personnel Director to have it corrected. Such time may be charged to sick or annual leave or, if no leave has been accrued, to leave without pay. If the employee fails to take steps to have the disability corrected within the specified time, he shall be subject to disciplinary action or layoff. If, in the opinion of the examining physician, the disability cannot be corrected, the department head, with the approval and assistance of the Personnel Director, shall: Attempt to place the employee in another position which he can perform satisfactorily. If that cannot be accomplished successfully, the department head shall Take steps to separate the employee from the service of the Town. 2.53 — ~~Death~~ Separation shall be effective as of the date of an employee's death. All compensation due to the employee as of the effective date of separation shall be paid to the beneficiary, surviving spouse, or the estate of the employee as determined by law or be executed in the employee's personnel folder. 2.54 — ~~Promotion~~ Promotion is defined as the change of an employee from one position to another at a higher level. An employee who is promoted may receive a salary increase of 10 percent or the minimum salary range of the new position, whichever is higher. In

~~no case shall the employee's salary exceed the maximum rate of the new position. If an employee who is promoted fails to complete successfully the probationary period following promotion, the employee shall be reinstated in the former position or a position similar in rank and status at the former salary.~~  
~~2.6 Resignations~~To resign in good standing, an employee shall give his/her department or office head at least two (2) weeks notice in writing. Normally, failure to comply with this rule shall be entered on the service record of the employee. However, the department, with the approval of the Town Manager, may exempt an employee who has given less than the required notice if in his judgment, exceptional circumstances warrant such exemption. A department head who decides to resign shall submit a written letter of resignation to the Town Manager at least four weeks (20 working days) in advance setting forth the date of leaving and the reasons for leaving. Permanent probationary and temporary employees are not required to give two weeks notice. Employees resigning without prejudice shall be compensated for earned annual leave (vacation). Employees not giving proper notice on resigning shall be considered resigning with prejudice. Proper notice requirements may be waived by the Town Manager.  
~~2.61 Resignation with Prejudice~~Resignation with prejudice shall occur when: An employee does not give proper notice. An employee initiates a resignation but adequate grounds exist for his dismissal. If an employee who resigns with prejudice applies for re-employment, the facts surrounding his resignation will be reviewed. An employee who resigns may not rescind a resignation unless the Town Manager and the department head agrees to the rescission.  
~~Procedure~~Employees who resign shall be paid at the end of the pay period during which the resignation becomes effective.  
~~2.62 Compulsory Resignation~~

~~An employee who, without valid reason, fails to report to work for three consecutive work days without authorized leave shall be separated from the payroll and reported as a compulsory resignation. Such an employee is not eligible for re-employment.~~  
~~**2.63 – Reduction in Force**When it becomes necessary to reduce the working force in a department or division thereof because of lack of funds or other causes, employees shall be laid off on the basis of the following factors to be weighted equally: length of service with the Town, and the average performance rating for the last three (3) years of service or for the entire period, if less than three (3) years. When a department head believes that a certain individual is essential to the efficient operation of the department of the organizational unit because of special skills or abilities, and wishes to retain this individual in preference to a person with a higher rating as provided above; the Department Head must submit a written request to the Town Manager for permission to do so. This request must set forth in detail the specific skills and abilities possessed by the individual and the reasons why such individual is essential to the effective operation of the department or organizational unit. If the Town Manager approves the request, the individual may be retained. If a permanent employee is scheduled to be laid off, the employee shall be offered a demotion to a lower class if qualified and provided a suitable vacancy exists. Prior to a reduction in force, the names of any and all permanent employees scheduled for lay off shall be submitted to the Town Manager for approval, and not until the Town Manager has approved and confirmed the names submitted for lay off shall any lay off be consummated. Permanent employees shall be notified in writing by the department head of their lay off at least fourteen (14) calendar days prior to the effective date of the lay off.~~  
~~**Section 3 – Standards of Conduct**The purpose of this section is to describe a general code of conduct for employees for the Town. All employees will be expected to adhere fully to these policies; failure to do so will be cause for disciplinary action.~~  
~~**3.1 – Gifts and Gratuities**No employee shall accept gifts, gratuities, or loans from organizations, business concerns or individuals with whom he/she has official relationships on Town business. These limitations are intended to prohibit the acceptance of articles of not more than \$50.00 in value which are distributed generally, nor to prohibit employees from accepting social courtesies which promote good public relations, nor to prohibit employees from obtaining loans from regular lending institutions. No employee shall solicit contributions from another employee for a gift to an employee in a superior official position nor shall such superior accept a gift presented as a contribution from employees receiving less salary than himself or herself. The foregoing, does not, however, prohibit a voluntary gift of less than \$50.00 in value when made on a special occasion. No person seeking appointment to or promotion in Town government shall either directly or indirectly give, render, or pay any money service or other thing of value to any person in connection with an appointment, promotion, or proposed appointment or promotion. This prohibition is not intended to prevent payment to a legitimate employment agency.~~  
~~**3.2 – Use of Town Vehicles**The use of Town-owned vehicles or equipment for private business is strictly prohibited. Vehicles will be used for official business only and must be operated within the limits of the law. Operators will be held responsible for fines and for damages resulting from their own negligence.~~  
~~**3.3 – Outside Employment**Outside employment is any paid~~

employment performance by an employee in addition to his/her employment with the Town. The following criteria will apply to outside employment: Such employment shall not cause the employee to be late to work, to leave early, to be unavailable for work beyond normal duty hours, or cause any reduction in the employee's efficiency when on duty with the Town; Such employment shall not involve a conflict of interest or conflict with the employee's duties; Such employment shall not involve the performance of duties which the employee should perform as part of his/her job with the Town; The nature of the outside employment shall be as such as to bring discredit or embarrassment on the Town. Outside employment shall not occur during assigned working hours unless the employee is on approved leave; Outside duties, trade, business or profession shall not require regulation or inspection by the Town.

3.4 Selling and Soliciting Employees are prohibited from selling and soliciting sales or contributions while on duty, except for those organizations or causes specifically approved by the Town Manager.

3.5 Political Activity Every employee shall have the right to express freely his views as a citizen and to cast his vote. Coercion for political purposes of grid by employees and of their positions for political purposes is prohibited. No employee or official of the Town shall, directly indirectly, coerce, attempt to coerce, or advise an employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes. No employee or official of the Town shall use official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office. Participation in partisan political activity by employees shall be permitted to the extent as provided under the Federal Hatch Political Activities Act, as amended, and any subsequent amendments which may be made thereto. Any employee who is not subject to the Hatch Act, shall be granted a leave of absence without pay not to exceed four months for the purpose of seeking an elective public office in a partisan election. Any person violating the provisions of this section may be subject to dismissal by the Town Manager.

3.6 Nepotism It shall be prohibited for a spouse, child, parent, brother, sister, grandparent, grandchild, aunt, uncle, niece, nephew, son/daughter-in-law or mother/father-in-law of Lauderdale By The Sea elected official or City Employee, or the spouse of any persons described and listed above, to be employed by Lauderdale By The Sea. This article applies to all natural, adoptive or step relationships. Employees who fall within the scope of this article and who were hired prior to August 8, 1989, are exempt from the provisions of this article until such time as employment is severed. Summer Recreation Programs are exempt from the provisions of this article.

Rules of Conduct and Disciplinary Action Offenses which will result in disciplinary action include but are not limited to: Rules which are more serious than the violation of others, these rules have been divided into three groups.

A. Group A: First Violation Oral warning, duly witnessed

Second Violation Written warning, one copy shall be placed in the employee's folder in the clerk's office and one copy shall be given to the employee.

Third Violation Suspension; as deemed necessary.

Fourth Violation Discharge. A period of one (1) year from the date of the last violation will clear up an employee's record.

Failure to follow oral or written instruction. Inefficiency or lack of application in the performance of duties. Careless, negligent or improper use of Town property or equipment. Thoughtless conduct which endangers others or

~~results in minor property damage. Failure to maintain satisfactory and/or harmonious working relationships with the public; or fellow employees. Repeated failure to report for duty at the assigned time and place. Unexcused absence. Reading, books, magazines, or other materials not pertaining to work while on duty. Creating or contributing to unsanitary conditions. Engaging in horseplay.~~  
~~B. Group B: First Violation - Suspension; as deemed necessary.~~

~~Second Violation — Discharge. Reporting for duty while under the influence of intoxicants. Willful failure to use safety equipment or refusal to comply with safety rules. Unauthorized sleeping while on duty. Gambling on Town property. Thoughtless conduct which results in injury to others or in more than minor property damage. Improper use of sick leave. Loss of individual ticket books. (Police Department Only) C. Group C First Violation — May result in discharge. Falsification — May result in discharge. Unauthorized or improper use or disclosure of Town records or documents. Misuse of Town funds. Willfully causing damage or destruction of equipment or property belonging to the Town or to fellow workers. Insubordination. Thievery. An employee found guilty of being the aggressor in fight on Town property or while on duty. Drinking, using or possessing alcoholic beverages and/or illegal drugs while on duty. Unauthorized possession of firearms on Town property. Section 4 — Grievance Procedure 4.1 — Statement of Policy It is the policy of the Town of Lauderdale By The Sea that all employees shall be treated fairly and consistently in all matters related to their employment. When an employee feels that he/she has not been so treated, he/she shall have the right to present a grievance or appeal free from interference, restraint, coercion, discrimination or reprisal. The employee shall be entitled to such time off from his regular duties as may be necessary and reasonable for the presentation and processing of a grievance or appeal without loss of pay, vacation or other credits.~~

## General

~~Grievances may include, but are not necessarily limited to dismissal, suspension, involuntary transfer, promotion, and demotion. Compensation shall not be deemed a proper subject for consideration under the grievance procedure except as it may apply to alleged inequities within a department.~~

### 4.2 — Grievance Committee

~~The Town Commission shall appoint a committee composed of three (3) members to be known as the grievance committee. The committee shall be appointed so that it will produce a cross section of the Town's employees. The committee members shall serve terms of office three (3) years except two (2) of the members initially appointed, who shall serve for one year only.~~

~~Positions which become vacant should be filled on an interim basis for the remainder of the unexpired term. Whenever a grievance comes before the committee initiated by or involving an employee of a department of which a committee member also is an employee, such member shall be disqualified from participating in the hearing and an alternate appointed.~~

~~The committee shall select a chairman from among its own members. The Chairman shall serve as the presiding officer at all meetings unless he/she designated another committee member to act in his/her absence. A quorum shall consist of two (2) members and no hearing shall be held without a quorum.~~

~~The presiding officer will have control of the proceedings. He/she shall take whatever action is necessary to insure an equitable, orderly, and expeditious hearing. Parties shall abide by his/her decisions, except when a committee member objects to a decision to accept evidence, in which case the majority vote of the committee will govern. The committee shall have the authorization to call for files, records, and papers, pertinent to any investigation; to determine the order of the testimony and the appearance of witnesses to call additional witnesses; and to secure the services of a recording secretary.~~

~~All grievances; appeals and decisions must be in writing and issued within the prescribed time limits.~~

#### ~~4.3 Appeals Procedures~~

~~Whenever possible, a potential grievance should be resolved by the employee and his supervisor during informal discussions. This provides an opportunity for the employee to tell his/her side of the story and for the supervisor to explain his/her position in the matter.~~

##### ~~Step 1~~

~~If any employee who has completed at least twelve (12) months of satisfactory service has a problem which cannot be resolved through the normal process of informal discussion, he/she may notify his/her department head, within thirty (30) working days of learning of the grievable action, that he/she wishes to present a formal grievance.~~

##### ~~Step 2~~

~~If the employee is not satisfied with the decision reached in Step 1, he/she may within five (5) working days after the receipt of the first step decision, present his/her grievance in writing to the chairman of the grievance committee. The committee chairman shall within three (3) working days notify the grievance committee and schedule a hearing. The committee shall conduct such investigations and fact findings as may be necessary and will give its written decision to the Town Manager within ten (10) working days after the hearing. If the Town Manager approves the committee's decision, the decision of the committee shall be final and shall be transmitted to the employee and the employing department. If, however, the Town Manager rejects the decision of the committee, he shall make his own written decision without further hearing and his decision shall be final, with copies transmitted to the employee and the employing department. Such decision by the Town Manager shall be rendered within ten (10) days.~~

~~In municipalities with a council manager form of government, the manager may act instead of the council. An additional step may be added to the procedure with the Council acting as the place of appeal in the last resort.~~

~~The written decision of the Town Manager shall be rendered to the parties concerned within ten (10) working days after receipt of the committee's decision.~~

~~Article 7: Equal Employment Opportunity and Affirmative Action~~

~~Section 1 Prohibition of Discrimination~~

~~Section 2 Affirmative Action Plans~~

~~Section 3 Publicity~~

~~Section 4 Appeals and Grievances~~

~~Section 5 Statement of Non-Discrimination~~

## Section 1 – Prohibition of Discrimination

~~Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, discipline or any other aspect of personnel administration because of political or religious opinions or affiliations, or because of race, national origin, or other non-merit factors will be prohibited. Discrimination on the basis of age or sex or physical disability will be prohibited except where specific age or sex or physical requirements constitute a bona fide occupational qualification necessary to proper and efficient administration.~~

## Section 2 – Affirmative Action

~~Equal employment opportunity will be assured in the Town employment system and affirmative action will be provided in its administration. An EEO Affirmative Action Plan shall be established and maintained on current basis.~~

## Section 3 – Publicity

~~The Town Manager shall see that information about job opportunities is readily available to all citizens of the Town and a continuing program shall be conducted to make equal employment policies known to all citizens of the Town.~~

## Section 4 – Appeals Based on Alleged Discrimination

~~Every employee of the Town and every applicant for employment with the Town shall have the right to appeal through administrative channels whenever he or she has reason to believe that the intent of this Chapter has been violated. Appeal procedures are described in Chapter VII of these Rules and Regulations under "Grievances".~~

## Section 5 – Statement of Non-Discrimination

~~It is the practice of the Town of Lauderdale By The Sea to recruit, hire, train and promote employees without discrimination because of race, religion, color, political affiliation, physical disability, national origin, sex or age, except where sex or age is a bona fide occupational qualification. Furthermore, it is our practice to take affirmative action to remove any disparate effects of past discrimination because of race, religion, color, national origin, sex or age, except where sex or age is a bona fide occupational qualification. This practice applies to all levels and phases of personnel administration such as recruitment or recruitment advertising, testing, hiring, training, promotion, transfer, leave practice, rates of pay, selection for supervisory positions and employees benefit programs. Furthermore, all officials and employees of the Town of Lauderdale By The Sea, as well as employment agencies, labor organizations and advertising agencies with whom the Town of Lauderdale By The Sea deals, will be informed of this policy~~

Every employee shall conduct himself/herself in a professional and courteous manner at all times. Employees are expected to be sensitive when dealing with residents, elected officials, and other members of the public and, at all times, treat them with respect and

courtesy.

**G. PARKING AND PERSONAL PROPERTY**

Free parking is available in designated parking areas. Parking violations are subject to tickets and disciplinary measures. Lauderdale-by-the-Sea does not accept responsibility for damage to your automobile or for a theft or other personal property loss which may occur on Town property. We recommend employees keep their car locked while it is parked in the parking area.

**H. SEARCH POLICY**

The Town reserves the right to question any person entering and leaving its property and to inspect any person, locker, vehicle, package, purse, handbag, briefcase, lunch box, or other possessions carried to, on, and from its property.

**I. SMOKE FREE ENVIRONMENT**

In keeping with Lauderdale-by-the-Sea's intent to provide a safe and healthful work environment, smoking is prohibited throughout the workplace.

This policy applies equally to employees and visitors.

**J. WORK AREA CLEANLINESS**

Good housekeeping is the responsibility of all employees in order to provide a safe, healthy and pleasant work environment. Each employee has the responsibility to keep their immediate work area neat and clean at all times.

## APPENDIX A. TOWN OF LAUDERDALE-BY-THE-SEA **SEXUAL HARASSMENT POLICY**

### GENERAL POLICY

The Town of Lauderdale-By-The-Sea has a strict policy against sexual harassment. **SEXUAL HARASSMENT BY ANY EMPLOYEE WILL NOT TOLERATED.**

### DEFINITION

Sexual harassment involves unwelcome sexual conduct, sexual advances or any verbal or physical conduct of a sexual nature, by an employee's supervisor(s) or fellow employees or others at the work place which: 1) suggests submission to or rejection of such conduct by an employee who is used as a basis for career or employment decision. affecting that employee; 2) suggests that submission to or rejection of such conduct is a either implicit or explicit condition of an employee's job, pay or career; or 3) interferes with an employee's job or job performance or creates an intimidating, hostile or offensive environment.

Examples of conduct that may constitute sexual harassment include, but are not limited to the following: sexual advances, requests for sexual favors, propositions, physical touching, sexually provocative language, gestures, sexual jokes, and display of sexually-oriented pictures or photographs.

### EMPLOYEE COMPLAINTS

Any employee who believes that he or she has been subjected to sexual harassment should immediately report this to ~~1)~~ the Town Clerk/Manager or the Assistant Town Manager. The Town will handle the matter swiftly, fairly, effectively and with as much confidentiality as possible. There will be no retaliation against any employee who reports a claim of sexual harassment or who is witness to the harassment.

### INVESTIGATION

The Town will conduct ~~an immediate~~ a prompt investigation in an attempt to determine all the facts concerning the alleged harassment. ~~For~~ In doing the investigation, the Town will try to be fair to all parties involved.

If the Town determines that sexual harassment has occurred, corrective action will be taken. This corrective action may include a reprimand, demotion, discharge, or other appropriate action. The Town will attempt to make the corrective action reflect the severity of the conduct.

If it is determined that no harassment has occurred or that there is not sufficient evidence that harassment occurred, this will be communicated to the employee who made the complaint along with the reasons for this determination.

I HAVE SIGNED THIS COPY OF THIS POLICY ACKNOWLEDGING THAT I HAVE READ AND UNDERSTAND IT AND RETURN IT TO THE PERSONNEL DEPARTMENT WHERE IT WILL BECOME PART OF YOUR PERSONNEL FILE.

\_\_\_\_\_  
DATE: \_\_\_\_\_  
EMPLOYEE SIGNATURE

\_\_\_\_\_  
PRINTED NAME

## APPENDIX B. DRUG-FREE WORKPLACE POLICY POLICY STATEMENT

The Town of Lauderdale-By-The-Sea is committed to provide a safe work environment for its employees, our community and society. Substance abuse is a national problem which impairs the health and safety of employees, promotes crime and harms our community. The Town is addressing this problem by instituting a Drug Free Workplace Program.

Substance abuse is a complex, yet treatable disease. The ultimate goal of this policy is to balance our respect for individual privacy with our need to keep a safe, productive drug-free environment. Our intention is to prevent and treat substance abuse. We would like to encourage those employees who use drugs or abuse alcohol to seek help in overcoming their problem. The Town will attempt to assist an employee in obtaining treatment prior to taking disciplinary action when such treatment is associated with a first occurrence of substance abuse. The Town considers substance abuse to be an unsafe and counter-productive work practice.

The Town's policy is in accordance with the Florida Drug Free Workplace Program as provided in Section 440.102, Florida Statutes and Chapter 38F-9, Florida Administrative Code. The Town adopts the policies and standards set forth in Chapter 38F-9. To the extent of any conflict between the standards established by this policy and the standards set forth in Chapter 38F-9 F.A.C., as amended from time to time, the standards set forth in Chapter 38F-9 shall prevail. Policies and Standards contained herein and not addressed in Chapter 38F-9 F.A.C. shall control.

To ensure a work place free from the influence of illegal drugs and alcohol abuse, the following policy has been established.

It is the policy of the Town that an employee found with the presence of alcohol or illegal drugs in his/her system, in possession of, using, selling trading or offering for sale illegal drugs or alcohol during working hours, may be subject to disciplinary action up to and including termination. (Town-sponsored activities which may include the service of alcoholic beverages are not included in this provision).

An employee reporting for work visibly impaired shall be considered unable to properly perform required duties and will not be allowed to work. If possible, the supervisor should first seek ~~another supervisor's~~ the Department Director's opinion of the employee's condition. Then the supervisor, together with a representative from the Town administration, should consult privately with the employee to rule out any problem(s) that may have been caused by prescription drugs.

When an off-duty employee is called back to work and that employee has consumed alcoholic beverages, that employee shall disclose such use and decline call back. An employee shall not be disciplined for refusing to respond to

call back when such employee has reasonable belief that he or she could not pass an alcohol blood level test. Employees who are on stand-by, that may be subject to call back, should not engage in social drinking and may not decline call back without being subject to discipline.

If, in the opinion of the supervisor and a representative of the Town Manager's office, or the ~~Personnel Department Director or his/her department representative~~, the employee is considered impaired, the employee should be sent home after drug testing by a medical facility, by taxi or other safe transportation alternative, depending on the determination of the observed impairment, accompanied by the supervisor or another employee, if necessary. An impaired employee should not be allowed to drive. The prescribed test direction form for the medical facility shall be completed by the supervisor.

Prescription drugs prescribed by the employee's physician may be taken during working hours. The employee shall notify their Supervisor if the use of properly prescribed drugs will affect the employee's work performance. Abuse of prescription drugs will not be tolerated.

It is the responsibility of the Town's supervisors to counsel with an employee whenever they see changes in performance that suggest an employee problem. The supervisor may suggest that the employee voluntarily seek help from the Employee Assistance Program ("EAP") or decide that the severity of the observed problem is such that a formal referral to the EAP should be made.

## **DEFINITIONS**

- A. ~~A.~~ Alcohol means distilled spirits, liquors, ethyl alcohol (ethanol) and includes wine, malt beverages and other intoxicating beverages.
- B. ~~B.~~ Alcohol abuse - an employee shall be determined to be under the influence of alcohol if the employees normal faculties are impaired due to the consumption of alcohol or the employee blood alcohol level is 0.05G/DL% or higher.
- C. ~~C.~~ Illegal drugs means any drug(s) which is not legally obtainable, which may be legally obtainable but has not been legally obtained, or which is being used in a manner or for a purpose other than as prescribed.
- D. ~~D.~~ Drugs means alcohol, amphetamines, cannabinoids, cocaine, phencyclidine (PC.P), hallucinogens, synthetic narcotics, designer drugs, or a metabolite of any of the substances listed above.
- E. ~~E.~~ Legal drug means prescribed drugs and over-the-counter drugs which have been legally obtained and are being used solely for the purpose for which they were prescribed or manufactured.

~~E. F.~~ Job applicant means a person who has applied for a position with the Town and has been offered employment conditioned upon successfully passing a drug test.

~~G. G.~~ Employee means an individual who works for the Town for compensation and is covered by the Workers Compensation Act.

~~H. H.~~ Drug testing means any chemical, biological or physical instrumental analysis for the purpose of determining the presence of an illegal drug or its metabolites, including alcohol.

(1) Drug testing may require the collection of blood, urine, breath, saliva or hair of an employee or job applicant.

~~I. I.~~ Initial drug test means a screening procedure of the blood and urine of employees and job applicants for the presence of alcohol and illegal drugs in accordance with the Florida Drug Free Workplace Program and appropriate Florida Administrative rules. All levels equal to or exceeding the following shall be reported as positive:

ALCOHOL <del>-</del>	05g/dl's
AMPHETAMINES	1,000 NG/ML
CANNABINOIDS	100 NG/ML
COCAINE	300 NG/ML
PHENCYCLIDINE	25 NG/ML
METHAQUALONE	300 NG/ML
OPIATES	300. NG/ML
SARBIT~JRATES	300 NG/ML
BENZODTALEPINES	300 NG/ML

SYNTHETIC NARCOTICS:

METHADONE	300 NG/ML
PROPOXYPHENE	300 NG/ML

~~J. J.~~ Confirmation test means a second test of all specimens identified as positive on an initial test in accordance with the Florida Drug Free Workplace Program and appropriate Florida Administrative Rules. All levels equal to or exceeding the following shall be reported as positive:

ALCOHOL <del>-</del>	05g/dl%
AMPHETAMINES	500 NG/ML
CANNABINOIDS	15 NG/ML
COCAINE	150 NG/ML
PHENCYCLIDINE	25 NG/ML
METHAQUALONE	1.50 NG/ML
OPIATES	300 NG/ML
BARBITURATES	150 NG/ML
BENZODIAZEPLNES	150 NG/ML

SYNTHETIC NARCOTICS:

METHADONE

150 NG/ML

PROPOXYPHENE

150 NG/ML

K. ~~K.~~ Drug Testing Methodology

Specimens for drug testing will be collected, handled, maintained and tested in accordance with the Florida Drug Free Workplace Program and the procedures set forth in Florida Administrative Code Section 38F-9.

L. ~~L.~~ Positive confirmed test or confirmation test means a second procedure which confirms a positive result from an initial drug test.

M. ~~M.~~ Medical review officer (MRO) means a licensed physician with knowledge of prescription drugs, pharmacology and toxicology of drugs, who may be responsible for receiving and reviewing all positive confirmed test results and who may be responsible for contacting all individuals who test positive in a confirmation test to inquire about possible medications which could have caused a positive result. The MRO need not be an employee of the Town.

N. ~~N.~~ Prescription or non prescription medication means a drug or medication obtained pursuant to a prescription as defined by Section 893.02, Florida Statutes, or a medication that is authorized pursuant to a Federal or State Law for general distribution and use without a prescription in the treatment of human diseases, ailments or injuries.

O. ~~O.~~ Reasonable suspicion drug testing means drug testing based on a belief that an employee is using or has used drugs in violation of this policy drawn from specific, objective, and documented facts and reasonable inferences drawn from those facts in light of experience. Among other things, such facts and inferences may be based upon:

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

2) ~~(2).~~ Abnormal conduct or erratic behavior while at work or a significant deterioration of work performance, either or both of which are recognized symptoms of alcohol or drug abuse and which are not adequately explained by the employee or are not related to the employee's working conditions.

3) ~~(3).~~ A report of drug use, provided by a reliable and credible source, which has been independently corroborated.

4) ~~(4).~~ Evidence that an employee has tampered with a drug test during his ~~or her~~ employment with the ~~current employer~~ Town.

- 5) ~~(5)~~—Information that an employee has caused, or contributed to, an accident while at work.
- 6) ~~(6)~~—Evidence that an employee has used, possessed sold, solicited, or transferred drugs, while working or while on the Town's premises or while operating a vehicle, machinery, or equipment of the Town.
- 7) ~~P~~—Specimen means a tissue or product of the human body including blood, urine, saliva, hair, capable of revealing the presence of alcohol and/or illegal drugs or their metabolites.

## GENERAL PROCEDURES

### A. ~~A~~-Types Of Testing

In order to maintain a drug and alcohol, free work environment, the Town will test for the presence of alcohol and drugs in the following circumstances:

- 1) ~~(1)~~—Job applicants: all job applicants who have been offered a position of employment are required to take a drug and alcohol test.
- 2) ~~(2)~~—Reasonable suspicion: all employees who are determined to be under reasonable suspicion of drug or alcohol use (as defined herein) are required to take a drug and alcohol test.
- 3) ~~(3)~~—Fitness-for duty: all employees who are subject to a routine witness for duty medical examinations are required to take a drug and alcohol test as part of their medical examination.
- 4) ~~(4)~~—Follow-up: all employees who have been referred to an employee assistance program or rehabilitation program by the Town for drug and/or alcohol abuse are required to take drug and alcohol tests on a quarterly, semi-annual or annual basis for two years after return to work.
- 5) ~~(5)~~—Post ~~u~~accident or injury: employees who are involved in a job related 'accident or incident, and whose impairment appears to be contributory, which results or might have resulted in bodily injury or property loss or damage.
- 6) ~~(6)~~—The Town administration shall establish forms to facilitate record keeping and reporting. The forms attached as attachment 1 thru 5 shall be used initially but may be amended from time to time by the Town Administration without further commission action.

### B. ~~B~~-Consequences Of Refusing A Drug Test

- 1) ~~(i)~~—An employee who refuses to submit to a drug test will be subject to discipline, up to and including termination. An employee who refuses to

submit to a drug test also will forfeit his eligibility for all worker's compensation medical and indemnity benefits.

2) ~~(2)~~-A job applicant who refuses to submit to a drug test will not be hired.

C. ~~C.~~ Actions Following A Positive Confirmed Test-

The Town may institute disciplinary action, up to and including termination, for any employee who has a positive, confirmed drug test.

D. ~~D.~~ Confidentiality

Confidentiality of records concerning drug testing will be maintained except to the extent necessary to comply with this policy and applicable public records law. All information, reports, memos and drug test reports, written or otherwise, received by the Town through the drug testing program will be kept confidential to the extent provided by law.

The Town, Employee Assistance Program, laboratories, drug and alcohol rehabilitation programs who receive or have access to information concerning drug test results shall keep all information confidential. No such information will be released unless there is a voluntary written consent, signed by an employee or job applicant, except where such release is compelled by a court pursuant to an appeal taken under this section, or where deemed appropriate by a professional or occupational licensing board in a related disciplinary proceeding.

The Town will maintain records concerning drug testing separate and apart from an employee's or job applicant's personnel file. Information on drug testing results shall not be released in any criminal hearing.

E. ~~E.~~ Reporting Of Use Of Medication

Employees and job applicants may confidentially report the use of prescription or non-prescription medication, both before and after having a drug test. A form for reporting medication use is attached.

F. ~~F.~~ Notice Of Common Medications

A list 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, is attached. Employees and job applicants should review this list prior to submitting to a drug test.

G. ~~G.~~ Medication Information

An employee or job applicant may consult with the testing laboratory for technical information regarding prescription and non-prescription medication.

#### H. ~~H.~~ Employee Assistance Program

Refer to the employee assistance program policy for the name, address and telephone number of the current provider.

Other Resources Available Are:

1 800 - 356-9996 AL-ANON  
1 800 - 527-5344 AMERICAN COUNCIL OF ALCOHOLICS HELPLINE  
1 800 - COCAINE COCAINE HOTLINE  
1 800 - NCA-CALL NATIONAL COUNCIL ON ALCOHOLISM  
1 800 - 662-HELP NATIONAL INSTITUTE ON DRUG ABUSE HOTLINE  
1 800 - 843-4971 NATIONAL INSTITUTE ON DRUG ABUSE HOTLINE

#### I. ~~I.~~ Drugs To Be Tested

Drugs that will be tested are as follows:

- A. ~~A.~~ Alcohol, including distilled spirits, wine, malt beverages and intoxicating liquors
- B. ~~B.~~ Amphetamines
- C. ~~C.~~ Cannabinoids
- D. ~~D.~~ Cocaine
- E. ~~E.~~ Phencyclidine (PCP)
- F. ~~F.~~ Hallucinogens, provided the only hallucinogen to ~~betested~~be tested for is phencyclidine (pop)
- G. ~~G.~~ Methaqualone
- H. ~~H.~~ Opiates
- I. ~~I.~~ Barbiturates
- J. ~~J.~~ Benzodiazepines
- K. ~~K.~~ Synthetic narcotic but limited to. Methadone and Propoxyphene
- L. ~~L.~~ A metabolite of any substance listed herein.  
(A list of drugs by brand names or common names is attached.)

#### J. ~~J.~~ Challenge Of Test Results

- 1) ~~(1)~~ An employee or a job applicant who receives a positive confirmed test result may contest or explain the result in writing within five (5) days of receipt of notification of a positive confirmed test result.
- 2) ~~(2)~~ If the explanation or challenge of the employee or job applicant is unsatisfactory to the Town, the Town within fifteen (15) days of receipt will provide a written explanation as to why the employee or job applicant's explanation is unsatisfactory, and a copy of the report of positive confirmed test results.

3) ~~{3}~~ An employee may further challenge the results of the test in a court of competent jurisdiction or, if the drug test was administered due to a workplace injury, by filing a claim for benefits with a judge of compensation claims, to Chapter 440, Florida statute.

4) ~~(4)~~ If an employee or job applicant contests the drug test results, he or she must notify the laboratory.

5)

6) ~~K. Rights Under Collective Bargaining Agreements~~

~~Employees who are covered under a collective bargaining agreement between the Town and any collective bargaining unit may have a right to file a grievance regarding discipline imposed by the Town as a result of a violation of this policy. A grievance of this nature shall not be limited to the discipline imposed but discipline based on a positive result shall not be set aside solely on the basis of error in ordering the test.~~

## POLICY REQUIREMENTS

### A. ~~A.~~ Conditions ~~Of~~ Pre-Employment

The Town will conduct pre-employment screening examinations designed to prevent hiring individuals who use drugs.

- 1) ~~(1).~~—To determine the suitability of employees to work for the Town, the following pre-employment conditions are established:
  - a) All job applicants will be tested prior to employment for drug use and alcohol use. Any job offer which a job applicant may receive from the Town is contingent upon successfully completing a required physical examination.
- 2) ~~(2).~~—Any job applicant who refuses to submit to drug and alcohol testing as part of the pre-employment testing process will be refused employment.
- 3) ~~(3).~~—Any job applicant who tests positive for drugs or alcohol use will be refused employment at that time.
- 4) ~~(4).~~—Confidentiality will be maintained pursuant to this policy
- 5) ~~(5).~~—The Town will not discriminate against applicants for employment because of the past abuse of drugs or alcohol. It is the current abuse of drugs or alcohol that the Town will not tolerate.

### B. ~~B.~~ Current Employee Drug And Alcohol Abuse Screening

The Town will maintain screening practices to identify employees who use illegal drug or abuse alcohol. It shall be a condition of continued employment for all employees to submit to drug screening under the following conditions:

- 1) ~~(1).~~—Reasonable suspicion: All employees who are determined to be under reasonable suspicion of drug or alcohol use (as defined herein) are required to take a drug and alcohol test.
- 2) ~~(2).~~—Fitness-For-Duty: All employees who are subject to a routine fitness-for-duty medical examinations are required to take a drug and alcohol test as part of their medical examination.
- 3) ~~(3).~~—Follow-up: All employees who have been referred to an employee assistance program or rehabilitation program by the Town for drug and/or alcohol abuse are required to take drug and alcohol tests on a quarterly, ~~semi-annual~~semiannual or annual basis for two years after return to work.
- 4) ~~(4).~~—Post-accident or injury: Employees who are involved in a job-related accident or incident, and whose impairment appears to be

contributory, and which results or might have resulted in bodily injury or property loss or damage.

C. ~~C. Employee Assistance~~ Treatment Program

D.

E. ~~The Town maintains an employee assistance program (EAP) which provides help to employees and their families who suffer from alcohol or drug abuse. (Refer to EAP policy)~~

It is the responsibility of each employee to seek assistance before drugs and alcohol lead to disciplinary problems. To ensure the effectiveness of the drug free workplace policy, it is the responsibility of all employees to inform supervisory personnel of any activity that would lead a reasonable person to believe that drugs or alcohol are being abused in the workplace.

- 1) ~~(1). An employee's decision to seek assistance from the Employee Assistance Program a treatment or addiction counseling program on a voluntary basis prior to any incident warranting disciplinary action will not be used as the basis for disciplinary action or in any disciplinary proceeding. On the other hand, using the EAP such a program will not be a defense to the imposition of disciplinary action where facts providing violation of this policy are obtained outside of the EAP. Accordingly, the purpose and practices of this policy and the EAP are not in conflict but are distinctly separate in their applications.~~
- 2) ~~(2). Through the EAP, the Town will provide appropriate assessment, referral to Employees who enroll into a treatment and treatment of program for drug and alcohol abuse (subject to the provisions of the Town's health insurance plan). Such employees may be granted leave with a conditional return to work depending on successful impletion of the agreed upon appropriate treatment regimen and in accordance with the career services rules and regulations and any departmental rules and regulations. An employee's bank of sick or vacation time shall be used (in that order) for such leave.~~
- 3) ~~(3). Upon successful completion of a drug and/or alcohol treatment program, an employee may be released to resume work but will be subject to drug testing on a periodic basis, at least quarterly for up to two years thereafter as a condition of continued employment.~~
- 4)
- 5) ~~(4). Once a violation of this policy occurs, subsequent use of the employee assistance program, a voluntary basis, will not affect the termination of appropriate disciplinary action.~~
- 6) ~~(5). An individual's participation in thea treatment program will not be made part of any personnel records, and will remain confidential except to the extent necessary to comply with this policy. Medical and insurance records,~~

if any, will be preserved in the same confidential manner as all other medical records and be retained in a separate file as provided by law.

#### E. ~~D.~~ Management's Responsibility

Supervisors are responsible for implementing the drug and alcohol-free work place policy. It is the responsibility of the supervisors to observe the behavior of employees on the job as a precaution against unstable or unreliable behavior which could threaten the safety and well being of employees and the community.

- 1) ~~(1)~~ Supervisors are responsible for maintaining a safe work environment by determining employee's fitness for duty.
- 2) ~~(2)~~ In the event a supervisor with the concurrence of a representative of the Town Manager's office or the ~~Personnel Department Director or his/her department representative~~, has a reasonable suspicion that an employee may be affected by drugs or alcohol, the employee must be sent for drug testing. A form for reporting the reason(s) for drug testing is attached.
- 3) ~~(3)~~ In all cases when an employee is being removed from duty for drug testing, the supervisor should notify his superior at the earliest possible time.

#### G. ~~E.~~ Employees' Responsibility

- 1) ~~(1)~~ It is each employee's responsibility to be fit for duty when reporting for work and to inform his supervisor if he is under prescription or non prescription medication which may affect job performance.
- 2) ~~(2)~~ In the event an employee observes behavior which raises a doubt as to the ability of a co-worker to work in a safe, reliable and trustworthy manner, the employee should report this behavior to his supervisor.
- 3) ~~(3)~~ Employees who voluntarily enter a drug or alcohol treatment and/or rehabilitation program at the request or insistence of the Town or, as a condition of continued employment, enter a drug or alcohol treatment and/or rehabilitation program are required to participate and complete recommended treatment. Any employee who enters a drug or alcohol treatment and/or rehabilitation program will be responsible for payment of the treatment and/or program. If the employee fails to comply with the treatment and/or the program, the employee will be subject to discipline, up to and including termination.

#### H. ~~F.~~ Medical Review Officer's 'Responsibilities

- 1) ~~(1)~~ The MRO will review all information from the testing laboratory in the event of a positive, confirmed test. The MRO will review any information from the employee or job applicant regarding the use of medication or

other relevant medical information set forth in the form submitted prior to drug testing.

- 2) ~~(2)~~—The MRO may request that the testing laboratory provide quantification of test results.
- 3) ~~(3)~~—The MRO will provide his interpretation of positive, confirmed test results to the personnel director or his/her department representative.
- 4) ~~(4)~~—The MRO will assist employees in an Employee Assistance Program, monitor such employee's progress and confirm completion of the treatment program.

#### LIST OF DRUGS BY TRADE OR COMMON NAMES

DRUGS	TRADE OR COMMON NAME
OPIUM PAREPECTOLIN	DOVER'S POWDER, PAREGORIC,
MORPHINE	MORPHINE, PECTORAL SYRUP
CODEINE EMPIRIN	TYLENOL <del>WITH CODEINE</del> <u>WITH CODEINE</u> , COMPOUND WITH CODEINE
ROBITUSSAN	A-C
HEROIN	DIACETYLMORPHINE, HORSE, SMACK, <u>H</u>
HYDROMORPHIME	DTLAUDID
MEPERIDINE (PETHIDINE)	DEMEROL, MEPERGAN
METHADONE	DOLOPHINE, METHADONE, METHADOSE
OTHER NARCOTICS	LAAM, LERTTINE, NUMORPHAN, PERCODAN, TUSSIONEX, FENTANYL, DARVON, TALWIN, LOMOTIL
DEPRESSANTS	CHLORAL HYDRATE NOCTEC, SOMNOS
BARBITURATES	PHENOBARBITAL, TUINAL, AMVTAL, NEMBUTAL, SECONAL, LOTUSATE
BENZODIAZEPINES	ATAVAN, AZENE, CLONOPIN, DALMANE, DIAZEPAM, LIBRIUM, XANAX, SERAX, TRANXENE, VALIUM, VERSTRAN,

	HALCION, PAXIPAM, RESTORIL
METHAQUALONE	QUAALUDE
GLUTETHIMIDE	DORIDEN
OTHER DEPRESSANTS VALMID	EQUANIL, MILTOWN, NOLUDAR, PLACIDYL,

STIMULANTS:

COCAINE	COKE, FLAKE, SNOW, CRACK
AMPHETAMINES	BIPHETAMINE, DELCOBESE, DESOXYN, DEXEDRENE, METIATRIC
PHENMETRAZINE	PRELUDIN
METHYLPHENIDATE	RITALIN
OTHER STIMULANTS	ADIPEX, BACARATE, CYLERT, DIDREX, IONAMIN, PLEGINE, PRE-SATE, SANOREX, TENUATE, TEPANIL, VORANIL

HALLUCINOGENS:

LSD	ACID, MICRODOT
MESCALINE AND PEYOTE	MESC, BUTTONS, CACTUS
AMPHETAMINE VARIANTS TMA,	2,5-DMA, PMA, STP, MDA, MDMA, DOM, DOB
PHENCYCLIDINE	PCP, ANGEL DUST, HOG
PHENCYCLIDINE ANALOGS	PCE, PCP, TCP
OTHER HALLUCINOGENS	BUFOTENINE, IBOGAINE, DMT, DET, PSILOCYN

CANNABIS:

MARIJUANA REEFER,	POT, ACAPULCO GOLD, GRASS, SINSEMOLLA, THAI STICKS
TETRAHYDROCANNABINOL	THC

HASHISH

HASH

HASHISH OIL

HASH OIL

OVER THE COUNTER AND PRESCRIPTION DRUGS WHICH COULD ALTER  
OR AFFECT THE OUTCOME OF A DRUG TEST

ALCOHOL

All liquid medications containing Ethyl alcohol (Ethanol). Please read the label for alcohol content. As an example, Vick's Nyquil is 25% (50 proof) ethyl alcohol, Comtrex is 20%(40 proof), Contac severe cold formula night strength is 25%(50 proof) and Listrine is 26.9% (55 proof).

AMPHETAMINES

OBETROL, BIPHETAMINE, DESOXYN, DEXEDRINE, DIDREX

CANNABINOIDS

MARINOL (DRONABINOL, THC)

COCAINE

COCAINE HCl TOPICAL SOLUTION

PHENCYCLIDINE

NOT LEGAL BY PRESCRIPTION

METHAQUALONE

NOT LEGAL BY PRESCRIPTION

OPIATES

PAREGORIC, PAREPECTOLIN, DONNAGEL, PG, MORPHINE, TYLENOL WITH CODEINE, EMPIRIN WITH CODEINE, APAP WITH CODEINE, ASPIRIN WITH CODEINE, ROBITUSSIN A-C, GUIATUSS AC, NOVAHISTINE DH, NOVAHISTINE EXPECTORANT, DILAUDID (HYDROMORPHINE), M-S CONTIN AND ROXANOL (MORPHINE SULFATE), PERCODAN, VICIDIN

BARBITURATES

PHENOBARBITAL, TUINAL, AMYTAL, NEMBUTAL, SECONAL, LOTUSATE, FIORINAL, FIORICET, ESGIC, BUTISOL, MEBARIL, BUTABARBITAL, BUTABITAL, PHRENILIN, TRIAD

BENZODIAZEPHINES

ATAVAN, AZENE, CLONOPIN, DALMANE, DIAZEPAM, LIBRIUM, XANAX, SERAX, TRAXENE, VALIUM VERSTRAN, HALCION, PAXIPAM, RESTORIAL, CENTRAX

METHADONE

DOLOPHINE, METHADOSE

PROPOXYPHENE  
DARVOCET, DARVON N, DOLENE

The Town has heretofore established a drug policy which was adopted by Resolution Number 1187 on February 25, 1992. This policy is intended to supplement the policies adopted by Resolution No. 1187. To the extent of any conflict between this policy and the policies adopted by Resolution No. 1187 the provisions of this policy shall prevail.

ATTACHMENT 1.

LIST PRESCRIPTION DRUGS TAKEN WITHIN THE PAST THIRTY (30) DAYS. THIS IS FOR YOUR USE ONLY AT THIS TIME.

\_\_\_\_\_

\_\_\_\_\_

ATTACHMENT 2

THE TOWN OF LAUDERDALE-BY-THE-SEA TEST DIRECTION FORM.

I DIRECT

---

NAME OF EMPLOYEE

TO TAKE A DRUG AND/OR ALCOHOL TEST PURSUANT TO THE TOWN OF LAUDERDALE-BY-THE-SEA DRUG FREE WORKPLACE POLICY AND WORK RULES. THIS DRUG TEST IS REQUIRED BECAUSE OF THE FOLLOWING REASON(S). (EXAMPLE: REASONABLE SUSPICION, ACCIDENT):

---

---

---

THE ABOVE STATED REASON (S) WAS (WERE) WITNESSED BY:

(NAME OF ~~OBSERVER/WITNESS~~ OBSERVERS/WITNESSES)

NAME: \_\_\_\_\_

POSITION: \_\_\_\_\_

DATE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

ADDITIONAL WITNESS

NAME: \_\_\_\_\_

POSITION: \_\_\_\_\_

DATE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

ATTACHMENT 3

THE TOWN OF LAUDERDAL -BY-THE-SEA

FORM FOR REPORTING THE USE OF PRESCRIPTION OR  
NON-PRESCRIPTION MEDICATION

NAME:

\_\_\_\_\_

DATE: \_\_\_\_\_

PRESCRIPTION MEDICATION:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NON-PRESCRIPTION MEDICATION:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SIGNATURE: \_\_\_\_\_

PRINT NAME: \_\_\_\_\_

SOCIAL SECURITY NUMBER: \_\_\_\_\_

ATTACHMENT 4

THE TOWN OF LAUDERDALE-BY-THE-SEA

PRE-EMPLOYMENT AGREEMENT

PLEASE READ CAREFULLY:

I FREELY AND VOLUNTARILY CONSENT TO A DRUG AND ALCOHOL TEST OF MY URINE AND BLOOD AS PART OF MY APPLICATION FOR EMPLOYMENT. I UNDERSTAND THAT MY REFUSAL TO SUBMIT TO THE DRUG AND ALCOHOL TEST OR MY FAILURE TO QUALIFY ACCORDING TO THE MINIMUM STANDARDS ESTABLISHED BY THE TOWN OF LAUDERDALE-BY-THE-SEA FOR THIS DRUG AND ALCOHOL TEST MAY DISQUALIFY ME FROM FURTHER CONSIDERATION FOR EMPLOYMENT.

I FURTHER UNDERSTAND THAT UPON COMMENCEMENT OF EMPLOYMENT WITH THE TOWN OF LAUDERDALE-BY-THE-SEA, I MAY AGAIN BE REQUIRED TO SUBMIT TO A DRUG AND ALCOHOL TEST. I UNDERSTAND THAT REFUSAL TO TAKE A REQUESTED TEST OR FAILURE TO MEET THE MINIMUM STANDARDS SET FOR THE TEST, MAY RESULT IN DISCIPLINE, UP TO AND INCLUDING TERMINATION.

I HAVE READ IN FULL AND UNDERSTAND THE ABOVE STATEMENTS AND CONDITIONS OF EMPLOYMENT.

THIS CONSENT DOES NOT INDICATE CONSENT BY THE APPLICANT TO RANDOM DRUG TESTING NOR DOES THIS CONSTITUTE A WAIVER OF AN APPLICANT'S RIGHT TO CHALLENGE TEST RESULTS.

\_\_\_\_\_

APPLICANT'S SIGNATURE

DATE

\_\_\_\_\_  
PRINT NAME: \_\_\_\_\_

\_\_\_\_\_  
~~WITNESSED BY (WITNESS' SIGNATURE)~~  
DATE

| PRINT NAME: \_\_\_\_\_

ATTACHMENT 5

THE TOWN OF LAUDERDALE-BY-THE-SEA

CERTIFICATE OF AGREEMENT

I HEREBY CERTIFY THAT I HAVE RECEIVED AND READ THE TOWN OF LAUDERDALE-BY-THE-SEA, "DRUG FREE WORKPLACE POLICY AND WORK RULES" REGARDING SUBSTANCE ABUSE AND HAVE HAD THE POLICY EXPLAINED TO ME.

I HEREBY CONSENT TO SUBMIT TO DRUG AND ALCOHOL TESTING OF MY BLOOD AND URINE AT ANY TIME REQUESTED BY THE TOWN OF LAUDERDALE-BY-THE-SEA PURSUANT TO THE TOWN'S POLICY. I ALSO UNDERSTAND THAT FAILURE TO COMPLY WITH A REQUEST TO SUBMIT TO A DRUG TEST OR A POSITIVE CONFIRMED RESULT FROM A DRUG TEST MAY LEAD TO TERMINATION OF MY EMPLOYMENT.

THIS CONSENT DOES NOT INDICATE CONSENT BY THE EMPLOYEE TO RANDOM DRUG TESTING NOR DOES THIS CONSTITUTE A WAIVER OF AN EMPLOYEE'S RIGHT TO CHALLENGE TEST RESULTS.

\_\_\_\_\_  
NAME (PLEASE PRINT)

\_\_\_\_\_  
SIGNATURE

DATE

\_\_\_\_\_  
WITNESSED BY  
WITNESS SIGNATURE

DATE

\_\_\_\_\_  
PRINT WITNESS' NAME

Document comparison by Workshare Professional on Friday, July 22, 2011  
5:13:50 PM

Input:	
Document 1 ID	file://W:\PERSONNEL POLICY MANUAL\Original Personnel Policy Manual.doc
Description	Original Personnel Policy Manual
Document 2 ID	file://W:\PERSONNEL POLICY MANUAL\LBTS Personnel Policies Manual (7-20-2011).docx
Description	LBTS Personnel Policies Manual (7-20-2011)
Rendering set	standard

Legend:	
<u>Insertion</u>	
<del>Deletion</del>	
<del>Moved from</del>	
<u>Moved to</u>	
Style change	
Format change	
<del>Moved deletion</del>	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	731
Deletions	300
Moved from	81
Moved to	81
Style change	0
Format changed	0
Total changes	1193