



# AGENDA ITEM REQUEST FORM

**Town Manager**

**Connie Hoffmann** *CH*

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

- |  |   |                                       |  |
|--|---|---------------------------------------|--|
| <input type="checkbox"/> Presentation          | <input type="checkbox"/> Reports        | <input type="checkbox"/> Consent      | <input type="checkbox"/> Ordinance               |
| <input checked="" type="checkbox"/> Resolution | <input type="checkbox"/> Quasi Judicial | <input type="checkbox"/> Old Business | <input checked="" type="checkbox"/> New Business |

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

**SUBJECT TITLE: REVIEW OF PROPOSED PERSONNEL POLICY MANUAL**

**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 manual was reviewed by labor counsel Brett Schneider and we made the changes he suggested.

Since I placed this on the agenda in July, I circulated the proposed manual to the Town's managerial staff and they had numerous suggestions to clarify the language, found some inconsistencies and grammatical errors, and pointed out some omissions. For example, Don Prince noted that there were no provisions in the manual for call back pay which apparently has been a Town practice for many years. Tony Bryan thought the language about having a gun on Town property was in conflict with current state law, so I consulted Brett Schneider and revised that language per his direction.

**RESOLUTION 2011-25**

1           **A RESOLUTION OF THE TOWN COMMISSION OF THE**  
2           **TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA,**  
3           **ADOPTING A REVISED PERSONNEL POLICIES**  
4           **MANUAL; PROVIDING FOR SEVERABILITY,**  
5           **CONFLICTS, AND FOR AN EFFECTIVE DATE.**

6  
7           **WHEREAS,** the Town Manager is responsible for the proper administration of the  
8 affairs of the Town, including the administration of personnel policies; and

9           **WHEREAS,** the Town Commission adopted a Personnel Policy Manual dated October 1,  
10 1988; and

11           **WHEREAS,** the Town Manager has proposed and the Town Commission desires to  
12 adopt an updated and amended Personnel Policies Manual, to reflect current Town personnel  
13 policies and current laws.

14           **NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF**  
15 **THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, THAT:**

16           **Section 1. Recitals.** The foregoing “Whereas” clauses are hereby ratified and  
17 confirmed by the Town Commission, and incorporated herein.

18           **Section 2. Adoption of Manual.** The Town Commission of the Town of  
19 Lauderdale-By-The-Sea, Florida, hereby adopts the policies, guidelines and procedures as revised  
20 and set forth in the Personnel Policies Manual attached hereto as Exhibit “A”.<sup>1</sup>

21           **Section 3. Implementation.** The Town Manager or his or her designee and the  
22 Town Attorney are authorized to take all actions necessary to implement the new provisions of  
23 the Personnel Policies Manual.

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<sup>1</sup> Deleted text is indicated by a ~~strikethrough~~ and added text is indicated by an underline in the Exhibit.

**RESOLUTION 2011-25**

24           **Section 4.**   **Severability.** If any clause, section, or other part of this Resolution shall  
25 be held by any Court of competent jurisdiction to be unconstitutional or invalid, such  
26 unconstitutional or invalid part shall be considered as eliminated and in no way affecting the  
27 validity of the other provisions of this Resolution.

28           **Section 5.**   **Conflict.** All Resolutions or parts of Resolutions in conflict herewith are  
29 hereby repealed to the extent of such conflict.

30           **Section 6.**   **Effective Date.** This Resolution shall become effective immediately upon  
31 its passage and adoption.

32 **PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2011.

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\_\_\_\_\_  
MAYOR ROSEANN MINNET

ATTEST

\_\_\_\_\_  
June White, Town Clerk, CMC

42  
43 APPROVED AS TO FORM:

44  
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46  
\_\_\_\_\_  
47 Susan L. Trevarthen, Town Attorney

**RESOLUTION 2011-25 – EXHIBIT A**

**Personnel Policies Manual**

CLEAN VERSION OF PROPOSED MANUAL WITH AUGUST  
UPDATES

# TOWN OF LAUDERDALE-BY-THE-SEA

## PERSONNEL POLICIES MANUAL

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Revised August 2011

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## 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 ensure 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, as well as to current 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 when 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 performed 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.

Other employees must advise the Town Manager in writing if they engage in outside employment with a vendor or contractor of the Town.

## **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 who received an offer of employment does not follow through on directions, provide required documentation, or does not report to work on the date directed, the job offer may be withdrawn at the discretion of the Town Manager.

## **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 Town 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 or anytime thereafter.

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 or highly qualified 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 required skills levels or license or certifications, that employee will forfeit 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**

### **1. 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 terminate their employment shall make arrangements to return any Town property, keys and access passwords in their possession. 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.

### **2. 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 is to measure as objectively as possible both the quality and quantity of an employee's work and other such factors, and to serve as 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 this Manual (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 satisfactory performance appraisal does not 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/she 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 no 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 reviewed with the employee 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, unless earlier action is warranted. 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 an acceptable 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

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, the level of responsibility of the employee's position, and Town practice in similar cases. Disciplinary action 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 reported an absence from work to their supervisor or Department Director prior to the start of the work day. 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:

- a. When an employee's absences are considered excessive (i.e. frequently out of sick leave).
- b. 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.)
- c. 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 leave regardless of duration is considered one absence.
- d. A frequent pattern of absences one day each month

- e. 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 or their family members 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 to the extent allowable within state or federal laws.
- 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 of 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 policy that employees not accept free meals, gifts or gratuities that are intended for their personal use with a value of greater than \$20 from a Town vendor, a vendor seeking to do business with the Town, or a business Located in the Town. However, such gifts are discouraged and may not occur on a recurring basis (recurring is defined as three or more times per year). 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

1. **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.
2. **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 48 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 on 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 from 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 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 six months of employment, 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 six months of continuous employment with the Town with an average of at least 96 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 96 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 accrue that much 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 the employee's 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 Department 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. Vacation cannot be approved in less than 1 hour increments in any workday. 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 wants 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.

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 after meeting the minimum vacation use requirement. 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 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 to accrue 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.

With the exception of the fourth month of employment noted above, an employee will accrue sick leave only in those months during which the employee has been in a paid status three-fourths or more of the employee's regularly scheduled hours 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 at the discretion of the Department Director.

#### b. Use of Sick Leave

Only the Department Director, Assistant Town Manger, or Town Manager can 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 (5) 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 his/her regular holiday and that day shall not be charged against his/her sick leave balance.

**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 sick time taken prior to notification.

If the absence extends beyond three days, the employee shall keep the supervisor advised as to the employee's anticipated return. The employee may be required to 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 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 notify his/her supervisor or Department Director to report such an absence.

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, upon release from the hospital it is necessary for him/her 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. frequently 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 frequent 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>
Less than 5 Full Years	0%
5 full years but less than 10 full years	10%
10 full years, or more	15%

- h. Employees hired after September 30, 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 may also be required at the Town's expense.
- 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 by the Town Manager.
- 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 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 jury 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, the employee must complete the request for leave of absence form.. 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 who will notify the payroll administrator 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 their regular pay for such period as the 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 bereavement leave. 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 for purposes of bereavement leave 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 absences related to a death in the family 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 evidence that the individual who died is a member of the employee's immediate family as defined above.

## **8. LEAVE WITHOUT PAY**

For any extended period of disability due to illness and/or injury, where an 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, 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 the employee's expense 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 at their own expense 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 employed consecutively 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, New Year's Day, Martin Luther King, Jr. Day, President's Day, Memorial Day, 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.  
Must have worked on the scheduled day prior to the holiday or have been on approved leave with pay

An employee who reports to work 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 from 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, 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 who work 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**

Regular full-time employees are provided with a paid life, accidental death and dismemberment insurance policy in an amount prescribed by the Town's policy.

Regular part-time employees may participate in these programs if they agree to pay their pro-rata share of the cost, based on the number of hours regularly worked. (For example, an employee who regularly works 60 hours per pay period will pay 25% of the cost of the premiums for this coverage.)

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 covered 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, regardless of how minor the injury may be.

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 implementa

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 may 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 the hours necessary to satisfactorily complete their duties without extra compensation. 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 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. The decision as to whether the employee receives overtime or compensatory time off is at the discretion of the Department Director. Also at the discretion of the Department Director, 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. When a non-exempt employee leaves 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 Director must authorize all compensatory leave use based on departmental operations not being unduly disrupted by the employee's use of compensatory leave. The non-exempt employee will be advised in writing by the Department Director 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 appropriate and if funds are available

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 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 their 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 Town 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 or exempt from public records disclosure..

The Town's computer, telephone and communication hardware and software systems 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. EMPLOYEE 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 remove valuables and keep their car locked while it is parked in the parking area.

## **H. SEARCH/INSPECTION POLICY**

The Town reserves the right to question any person entering and leaving its property and to inspect any employee, prospective employee, 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 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
BENZODTALEPINES	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  
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 HCI 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

# Town of Lauderdale-by-the-Sea

## OFFICE OF THE TOWN MANAGER

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### 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

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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.