

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

## **PERSONNEL POLICIES MANUAL**

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Amended May 14, 2024





*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 enjoy 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 time 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 ensure that they are applied fairly and consistently.

This Manual details the policies and benefits that 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; however, be sure to check with your Department Director for updates and changes in the future.

We are so small that we do not have a large Human Resources Department, so it's very important that the lines of communication stay open between us. If you have any questions regarding your benefits or pay matters, feel free to speak to the Town's Human Resources Manager, 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 Human Resources 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 for all you have contributed to the Town and am excited about all that we will accomplish together in the future.

Sincerely,

Linda Connors  
Town Manager



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# I. GENERAL INFORMATION

## A. AUTHORITY FOR THIS MANUAL

This personnel policy manual was approved by the Town of Lauderdale-By-The-Sea Town Commission on May 14, 2024, and supersedes all previous personnel policies. 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 and each department director is responsible for ensuring that the personnel policies and procedures are carried out day-by-day. Employees may have, subject to the Town Manager's approval, operational procedures more specific to their duties; however, in the event there is a conflict between those operational procedures and provisions in this Manual, this Manual prevails.

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.

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

## B. DEFINITIONS

**ADMINISTRATIVE LEAVE** means the Town Manager may relieve an employee from any and all duties with or without pay.

**ANNIVERSARY DATE** means the date an employee begins employment and the same date in following years, unless changed by a promotion or subsequent appointment to a different classification with a higher salary.

**APPOINTMENT** means an offer of employment of a position by the Town and acceptance by the individual, either on a permanent, recurrent, or temporary basis.

**BULLYING** means repeated behavior occurring in the course of work that impairs the ability of an employee to perform work duties or is reasonably perceived as being so severe or objectively offensive so as to have that effect.

**CALLBACK or CALLOUT** means an approved assignment that requires a non-exempt employee to return to work after the completion of his/her shift or work week.

## I. GENERAL INFORMATION (Continued)

**CLASSIFICATION (JOB) DESCRIPTION** means a written document describing the duties, requirements, and responsibilities of an entire grouping of employees with a particular job title.

**COMPENSATORY LEAVE** means time off from work for non-exempt employees in lieu of monetary payment for time worked in excess of forty (40) hours in a workweek.

**DAYS** means calendar days, except when preceded by the term “work” or “working”, which shall generally mean when the Town’s administrative offices are open for business and does not normally include Saturdays, Sundays, or Town-observed holidays. For employees who work a non-traditional schedule, workday or working days may have an alternative meaning.

**DEMOTION** means a disciplinary or non-disciplinary assignment of an employee from one classification to another classification that has a lower salary range.

**DISCIPLINARY ACTION** means an action taken to discipline an employee for any violation(s) of these rules, policies or standards of conduct. Disciplinary actions include written reprimands, demotions, suspension without pay and dismissal.

**DISCHARGE, DISMISSAL TERMINATION** means the separation from employment initiated by the Town. Discharge, dismissal or termination may be used interchangeably to signify the same personnel action.

**EXAMINATION** means the process of testing, evaluating or investigating the fitness and qualification of applicants and employees for positions.

**EXEMPT STATUS** means employees who are paid on a salary basis and do not qualify for overtime pay under the provisions of the Fair Labor Standards Act.

**FULL TIME EMPLOYEE** means an employee who regularly works eighty (80) hours during the two-week pay period.

**IMMEDIATE FAMILY** means the employee’s spouse or partner and both of their grandparents, parents, children, brothers, or sisters. The relationship may be natural, step, half-, in-law, or adopted.

**JOB DESCRIPTION:** See Classification Description.

**LAI D OFF** means the separation of service of an employee due to lack of work, lack of funds, or the reorganization of Town operations.

## I. GENERAL INFORMATION (Continued)

**LEAVE** means an approved type of absence from work as provided in this Manual.

**TEMPORARY EMPLOYEE** means an employee who is hired for a period of time to assist with special assignments, programs or events. The term of employment is limited to the term of the assignment, program or event for which the employee is hired. Temporary employees are not entitled to any benefits except for those mandated by law.

**MAY** means permissive.

**MERIT INCREASE** means an increase in compensation that is granted to an employee based on their performance appraisal.

**OVERTIME** means the time worked in excess of forty (40) hours per week by non-exempt employees. For purposes of calculating overtime time worked includes pre-approved vacation time, holidays, personal days, bereavement leave, jury duty, and other paid time off that is granted at the discretion of the Town Manager, but not sick leave.

**PART-TIME EMPLOYEE** means an employee who is regularly scheduled to work less than 80 hours but no less than 48 hours during the two week pay period.

**PART-TIME EMPLOYEE (without benefits)** means an employee who is regularly scheduled to work less than 48 hours during the two week pay period.

**PAY RATE** means a specific dollar amount, expressed as an hourly rate, bi-weekly rate or an annual salary.

**PERFORMANCE APPRAISAL** means a report made by supervisors relative to an employee's job performance.

**POSITION** means a position (job) that is on the Commission approved Position Control List or a position approved by the Town Manager for a period not exceeding a single fiscal year using the funds from a vacant budgeted position.

**PROBATIONARY EMPLOYEE** means a newly hired employee who has not reached one (1) full year of employment, or a newly promoted employee who has not reached six (6) months in the new position.

**PROBATIONARY PERIOD** means a time period in which the department evaluates an employee's performance and ability in order to decide whether the employee should be retained or dismissed.

**PROMOTION** means the assignment of an employee to a position with a higher salary range.

**SHALL** means mandatory.

## I. GENERAL INFORMATION (Continued)

**SUSPENSION WITHOUT PAY** means a disciplinary action temporarily relieving an employee of his/her duties and responsibilities for a specified number of days without pay.

**TRANSFER** means an action by which an employee moves from one authorized position to another. Transfers may be voluntary or involuntary.

**VIOLENCE/VIOLENT BEHAVIOR** means acts that a reasonable person would believe are intimidating or instilling fear in others.

**WORKDAY** means when the Town Hall is open for business and does not normally include Saturdays, Sundays, or Town-observed holidays. For employees who work a non-traditional schedule, workday or working days may have an alternative meaning.

**WORKWEEK** means the time period used to measure eligibility for overtime. The workweek commences at 12:01 A.M. Saturday and ends at midnight Friday.

## 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, color, sex, religion, national origin, age, disability, genetic information, or other status protected by law or policy. 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 either verbally or in writing to the Town Manager or the employee's department head whenever he or she has reason to believe that the intent of this policy has been violated.

Any report of discrimination shall be promptly forwarded to the Town Manager for investigation. The Town Manager (or the Town Manager's designee) shall be responsible for the investigation of the report in accordance with this policy.

If the employee reports the incident(s) in writing, the report shall be deemed confidential in accordance with the law. If the employee orally reports the incident, the Town shall summarize the provided statement in a report. The following information should be included in the report: the date(s) of the incident(s), identity of the person taking the action, identity of any witnesses and details about the incident(s). The Town may request an employee who submitted a complaint to attend an in-person meeting to provide additional details and information concerning the incident(s).

Any job applicant who has questions regarding this policy or believes that he or she has not been treated in accordance with this policy should contact the Town Manager.

The Town will investigate reports of discrimination promptly and take prompt remedial action based on the circumstances to address any violation of this policy, including corrective action against any employee, which may include a warning, suspension, or termination from employment. An employee who feels that his or her complaint was not appropriately addressed or that he or she is still subject to discriminatory conduct should immediately notify the Town Manager or Town Attorney.

## **II. PERSONNEL POLICY STATEMENTS (Continued)**

### **B. AMERICANS WITH DISABILITIES (ADA)**

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 about 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, if it is not obvious, provided such accommodation does not constitute an undue hardship to the Town.

Where an employee or applicant has requested a reasonable accommodation and is denied, an appeal may be made to the Town Manager (or the Town Manager’s designee) who shall meet with the employee or applicant and evaluate the eligibility or reasonableness of the request. A decision will be issued in writing within seven (7) business days, to the extent practical (e.g., if medical documentation is required, the decision will be made within seven (7) business days following the receipt of medical documentation).

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 applicable provisions of 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 Manager. All such inquiries or complaints will be treated as confidential and will only be disclosed on a need-to-know basis to the extent permitted by law.

### **C. RELIGIOUS ACCOMMODATION**

The Town will take action to provide reasonable accommodation for religious observances, beliefs and practices, unless it creates an undue hardship. Reasonable accommodation may include modification of schedules, relaxation of dress code policies or religious expression.

## II. PERSONNEL POLICY STATEMENTS (Continued)

Where an employee or applicant has requested a religious accommodation consistent with this Manual or law and is denied, an appeal may be made whereupon the Town Manager (or the Town Manager's designee) shall meet with the employee or applicant and any pertinent employees to evaluate the eligibility or reasonableness of the request. A decision will be issued in writing within seven (7) business days, to the extent practical.

### D. 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 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 HARASSMENT

Town employees shall not commit acts of sexual harassment which includes unwelcome sexual advances, requests for sexual favors, and other verbal, written or physical conduct of a sexual nature. Sexual harassment is not limited to harassment of women by men. It includes the harassment of men by women and of gender-based harassment of individuals of the same sex as the harasser. Sexual harassment does not refer to behavior or occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome, that is offensive both objectively and subjectively, that fails to respect the rights of others, that lowers morale, and that interferes with work effectiveness.

#### 2. DISCRIMINATORY HARASSMENT

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, age, disability, genetic information, or any other legally recognized status entitled to protection under local, state or federal anti-discrimination laws.

No employee should be subjected to derogatory verbal or nonverbal references regarding his or her race, color, sex, religion, national origin, age, disability, genetic information, or other protected status by law or Town policy. Such conduct, whether committed by supervisors or non-supervisory personnel, is specifically prohibited by state and federal law, as well as by this directive.

## II. PERSONNEL POLICY STATEMENTS (Continued)

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. The Town's Sexual Harassment Policy is attached as Appendix A to this manual.

### 3. BULLYING AND HARASSING

Some acts or remarks may violate this Manual even if they are not so severe that they violate federal or state discrimination laws. Because the Town is committed to providing an emotionally stable and safe workplace, it discourages verbal confrontations between employees due to an employee's reasonable belief that he or she was subjected to bullying behavior.

Bullying or Harassing conduct includes repeated behavior occurring in the course of work that impairs the ability of an employee to perform work duties or is reasonably perceived as being so severe or objectively offensive to have that effect. This includes but is not necessarily limited to acts that are reasonably perceived as being humiliating, dehumanizing, hostile, intimidating, or physically aggressive.

The exercise of management rights should not be construed to constitute bullying or harassment. These actions may include evaluating an employee's work performance, issuing work directives, imposing discipline, making employment decisions and enforcing workplace policies.

### 4. TOWN COMMITMENT TO ADDRESS DISCRIMINATION OR HARASSMENT

Supervisors are responsible for maintaining a work environment that is free from discrimination 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 department director, and the Town Manager or Assistant Town Manager of the issue and the corrective action they have taken.

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

## II. PERSONNEL POLICY STATEMENTS (Continued)

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 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 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.

### 5. RETALIATION

The Town's No Harassment Policy prohibits retaliation against employees who bring complaints of discrimination or harassment, expresses an intent to file a complaint of discrimination, 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.

### E. WORKPLACE VIOLENCE

The Town is committed to providing a physically safe workplace, which minimizes the risk of physical injury to employees.

The Town prohibits any employee from engaging in any physical confrontation with a violent or potentially violent individual. A supervisor and the police shall be immediately called if an employee encounters a threatening or violent individual.

For the purposes of this Manual, violent behavior includes, but is not necessarily limited to the following:

- Physical contact, such as pushing, punching, kicking, bumping, spitting and slapping.
- Direct or veiled threats of harm.
- Menacing gestures.

## **II. PERSONNEL POLICY STATEMENTS (Continued)**

- Brandishing a weapon or making inappropriate references to weapons, such as indicating approval of the use of violence to resolve a problem or expressing admiration or similarities with perpetrators of workplace violence; or,
- Stalking or any other hostile, aggressive, injurious, or destructive action undertaken for the purpose of domination or intimidation.

The Town has a "zero tolerance" policy for violent behavior. Violation of this policy shall constitute an offense for which disciplinary action may include immediate termination from employment.

### **F. EQUAL EMPLOYMENT OPPORTUNITY (EEO) OFFICER**

An employee designated by the Town Manager shall serve as the Town's EEO Officer. The EEO Officer shall report directly to the Town Manager and is charged with implementing the Town's EEO Policy, including receiving discrimination complaints, conducting investigations, as well as ensuring the Town's compliance with federal and state laws.

The EEO Officer will also: 1) ensure that employees are adequately trained in EEO laws 2) supervise the EEO-related activities of investigators; and 3) ensure that EEO policies are prominently posted or otherwise provided to employees in accordance with the law.

### **G. REPORTING TO OUTSIDE AGENCIES**

The following federal and state agencies enforce discrimination laws: The Florida Commission on Human Relations (FCHR), the United States Equal Employment Opportunity Commission (EEOC) and the Department of Justice (DOJ). Complaints may be filed with these agencies.

In the event an employee files a complaint with a federal or state agency based on or related to the same facts and circumstances of an internal complaint, the investigator will turn the matter over to the Town Attorney. The complainant shall be notified of the transfer and the Town Attorney will handle the matter.

### **H. 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 or suspected violations of the law that create and present a substantial and specific danger to the Town's health, safety or welfare. Employees are further encouraged to report any act or suspected act of gross mismanagement, gross waste of Town funds or gross neglect of duty by an employee or Town agent. Each employee is assured of protection from any retaliation resulting from the reporting of such

## **II. PERSONNEL POLICY STATEMENTS (Continued)**

violations. Should any employee experience a situation they believe to be retaliatory in nature he/she should report the matter immediately to their supervisor or the Town Manager.

Anyone who engages in retaliation against an employee who has, in good faith, reported a violation or suspected violation of the laws or the Town's policies outlined above which are based on those laws, whether one agrees with the facts reported, is subject to disciplinary action up to, and including, termination.

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

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, "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.

In addition, it is the Town's policy that no Relative shall be employed as an employee in the same department as a family member.

"Relative," for purposes of this section only as is defined in Sec. 112.3135 (1)(d), means an individual who is related to a Town employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister.

"Public official," for the purposes of this section only includes all "officers" as defined in the Town Charter, as well as Commission members.

An employee who falls within the scope of this policy by their relationship with another employee after they were hired may be exempt for a period of time from the provisions of this policy by the Town Manager.

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 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.

## **II. PERSONNEL POLICY STATEMENTS (Continued)**

### **J. 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.

### **K. HONEST SERVICES AND ETHICS**

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. Any person that uses their Town position for such personal gain violates the requirement that the basis for such decisions must be guided by the best interests of the Town, and therefore, has defrauded the public of honest services. This prohibition extends to other decisions that are based on personal interests instead of the interest of the public.

Furthermore, Town officers and employees are required to perform their official duties in an ethical manner in accordance with the Code of Ethics for Public Officers and Employees (Section 112.311 - 112.326), as applicable, which sets forth certain standards of conduct required of Town officers and employees.

### **L. 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. If for any reason outside employment interferes with the employee's primary responsibility to the Town, the Town reserves the right to withdraw approval.

Such employment shall not involve a conflict of interest or conflict with the employee's duties. An employee who accepts outside employment must make arrangements with their outside employer to be immediately released from work if called for emergency service by the Town.

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

## **II. PERSONNEL POLICY STATEMENTS (Continued)**

The nature of any outside employment shall not be such that it is a source of discredit or embarrassment in the Town.

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

Outside employment, contractual relationships or volunteering with any business or agency that is subject to the regulation of, or is doing business with, the Town is not permitted. However, if the business or agency is subject to regulation of the Town solely through the Commission's enactment of ordinances and resolutions, then this relationship is permitted.

The Assistant Town Manager and Department Directors must have the written approval of the Town Manager to engage in outside employment. Requests for outside employment shall be submitted annually for approval.

Employees may engage in volunteer service with a recognized 501(c) organization without notice or approval.

### **M. CONFLICT OF INTEREST**

Employees may not use their employment with the Town to benefit from any outside business or financial interests that they or their family members may have.

No officer or employee of the Town, during his or her term of employment or for one year thereafter, shall have any interest, direct or indirect, in an agreement between a contractor or vendor and the Town, or the proceeds thereof, to the extent practical and as not prohibited by law.

### **N. POLITICAL ACTIVITY**

Every employee has the right to freely express his views as a citizen and to cast his vote. Employees are, however, prohibited from engaging in political or campaign activities while on duty, while dressed in a Town uniform, while wearing a Town identification badge, or after identifying themselves as a Town employee. Employees are also prohibited from speaking or endorsing a political campaign or candidate in their capacity as a Town employee.

No employee shall, directly or indirectly use his or her official authority or influence to coerce, attempt to coerce, or advise an employee or member of the public 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.

## II. PERSONNEL POLICY STATEMENTS (Continued)

Any person violating the provisions of this section may be subject to discipline up to and including dismissal.

Employees shall request Leave Without Pay (LWOP) prior to declaring candidacy for the Town office or appointment to any Town office. Upon being elected or appointed, Town employees shall immediately tender their resignation.

### O. SOCIAL MEDIA POLICY

**Personal Use of Social Media:** The Town's social media policy governs the use of social media by Town employees, including certain prohibitions and restrictions on such use. This policy applies to all communication on social networks including, but not limited to posts, pictures, video, audio, podcasts, blogs, e-mail, files, RSS feeds, news services, chat rooms, and similar platforms.

The Town does not in any way prohibit individuals that work for the Town from creating, obtaining or using personal social network accounts. Nevertheless, an employee's entitlement to use social media is not without limits. Inappropriate online communication that includes discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and is prohibited.

Social media communications cannot be viewed as malicious, obscene, threatening, intimidating, harassing, or bullying. Examples of such conduct might include communication meant to harm someone's reputation or conduct that could contribute to a hostile work environment on the basis of race, color, sex, religion, national origin, age, disability, genetic information, or any other status protected by law or Town policy.

Furthermore, employees are prohibited from doing the following using personal social network accounts:

- Using Town computers to access social media without prior written authorization from their supervisor;
- Using personal electronic devices to access social media during working hours without prior authorization from their supervisor;
- Engaging in political activity or private business interests during working hours;
- Suggesting either directly or indirectly that the Town endorses a commercial product or service, unless approved by the Town Manager;
- Displaying Town logos, uniforms or any similar identifying symbols without prior written authorization from the Town Manager;

## II. PERSONNEL POLICY STATEMENTS (Continued)

- Posting, transmitting, discussing, or otherwise disseminating information to which they acquired by virtue of their employment.
- Speaking on behalf of the Town unless they have prior written authorization from the Town Manager; and,
- Posting, transmitting, discussing, or disseminating confidential or proprietary information.

Any employee who is aware of an online posting on a social media page by a Town employee that violates any provisions of this policy shall notify his or her supervisor immediately.

**Town Social Media Program:** The Town's Public Information Officer (PIO) will serve as the lead staff person for official Town social media platforms. The PIO will serve as the point of contact and administrator for creating accounts, posting information and responding to comments, ensuring compliance with the social media policy, and regularly updating the social media websites.

Any request for use of Town social media platforms by personnel shall be made to the PIO. The PIO, along with the Town Manager, will review requests and assist the requester in selecting the appropriate platform and developing appropriate uses for social media.

The PIO reserves the right to edit or remove content if the social media site allows for comments to be posted by the public, and those comments contain profane language/content, discriminatory content, sexual content, business solicitation, trademark or copyright violations, political campaign information, illegal content, among other criteria. The Town's social media pages are not intended to be public forums, but platforms to provide information directly related to the promotion of Town events and the detailing of Town services.

### **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 specified in 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 or Town Manager shall categorize those people 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 people or may delegate the selection decision to the Assistant Town Manager or Department Director.

### III. EMPLOYMENT ADMINISTRATION (Continued)

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.

e. Veteran's Preference

For eligible positions, the Town will give preference in hiring, promotional opportunities, and layoff retention to eligible military veterans in accordance with Section 295.07, Florida Statutes. If the selection process is based on a numerically based formula, veteran eligible employees who passed the initial screening shall receive an augmented score. If the selection process is not based on a numerical based formula, a preference shall be given in accordance with law.

Employees must submit current documentation substantiating Veterans' Preference status to receive a preference. A DD-214 or comparable document which serves as a certificate of release or discharge claim must be furnished. If an employee wishes to appeal any decision, he/she may file a complaint with the Florida Department of Veterans' Affairs, 9500 Bay Pines Blvd., Room 214, St. Petersburg, Florida 33708 within 60 calendar days after receiving notice of the decision.

### III. EMPLOYMENT ADMINISTRATION (Continued)

f. Authorized Workers

The Town endeavors to employ only United States citizens and aliens who are authorized to work in the United States but will not unlawfully discriminate on the basis of national origin or citizenship.

In compliance with the Immigration Reform and Control Act of 1986 (IRCA), new employees, as a condition of employment, shall complete a Verification Form I-9 and current documentation proving identity and employment eligibility.

Employees or applicants with questions may contact the Town Manager's office. Questions or complaints regarding compliance with immigration law may be raised without retaliation.

#### 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 (including academic or license requirements) 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 unless required by law. A promotional preference shall be accorded to veteran preference eligible employees.

### III. EMPLOYMENT ADMINISTRATION (Continued)

#### 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, among other criteria. 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 considered laid off 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.

### **III. EMPLOYMENT ADMINISTRATION (Continued)**

#### **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, 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, or laws change that require such certification of skill. 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 a different classification. A promotion date or reclassification date shall serve as the new anniversary for the employee if there is an increase in the employee's salary.

#### **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, unless the Town waives these requirements for sufficient reason.

### **III. EMPLOYMENT ADMINISTRATION (Continued)**

Employees who terminate their employment shall make arrangements to return any Town property, keys and access passwords in their possession. All Town property shall be returned in good condition to the employee's immediate supervisor. The Town reserves the right to pursue former employees civilly or criminally for unreturned property. The Town 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.

#### **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, provided a shorter length has not been agreed-to, 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 annual (vacation) leave or any portion of their accumulated sick leave.

#### **G. REINSTATEMENT**

If an employee voluntarily resigned in good standing or was laid off and is rehired within twelve months of the date they left the Town's employ, their accrual rate for vacation shall be restored at the rate it was when they departed employment. Reinstatement may also be offered to employees who separated from service due to the inability to return from extended sick leave.

Former employees who are rehired will not be required to serve a probationary period if they return to the service of the Town to the same or similar position within one (1) year of their separation.

No forfeited leave or benefits will be restored to a rehired employee unless mandated by law or the Town pension plan.

Rehired employees may be reinstated at the same or lower pay rate, at the discretion of the Town Manager.

## **IV. PERFORMANCE APPRAISALS**

### **A. 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 performance appraisal does not assure a promotion, a pay increase, a lump sum payment or continued employment.

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.

All employees are asked to sign their Performance appraisals 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.

An employee who has successfully completed their probationary period may request a reconsideration of the performance appraisal rating to the Department Director or to the Town Manager if the Department Director prepared the performance appraisal. That request for reconsideration 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 reconsideration.

## **IV. PERFORMANCE APPRAISALS (Continued)**

### **B. TYPES OF PERFORMANCE APPRAISALS**

#### **1. PROBATIONARY PERIOD**

Performance appraisals to provide a new employee with 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 a decision can be made whether or not to retain the employee.

#### **2. ANNUAL PERFORMANCE APPRAISAL**

It shall be the responsibility of the appropriate Department Director to ensure 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.

#### **3. 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.

### TYPES OF DISCIPLINE

- Written Reprimand
- Suspension without pay (In lieu of serving the suspension period or to reduce the period, an employee may request to forfeiture up to forty (40) hours of accrued vacation leave or compensatory time. This requires approval by the Town Manager.)
- Demotion
- Dismissal/Discharge

## 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, including violations of any provision of this Manual.

## V. DISCIPLINARY ACTION (Continued)

### 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 workday. 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. QUITTING WORK

Employees may not waste time, loiter, or leave their assigned work area during working hours without permission.

### 3. 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 on sick leave).
- b. When a pattern of sick leave use can be demonstrated (e.g. 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 separate 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 pattern of frequent absences (e.g., one day each month)
- e. Sick leave usage following management denial for use of annual leave.

### 4. CONFLICT OF INTEREST

### 5. CONVICTION OF A FELONY OR OTHER CRIME INVOLVING MORAL TURPITUDE.

### 6. 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.

## V. DISCIPLINARY ACTION (Continued)

### 7. 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.

### 8. 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.

### 9. 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.

### 10. HARASSMENT OR DISCRIMINATION

See Town's Harassment and Discrimination policy in Section II of these policies.

### 11. INSUBORDINATION

Failure or refusal to carry out the lawful instructions or directives of supervisors and managers constitutes insubordination. Insubordination also includes:

- a. Disrespect, publicly displayed at a work site, toward a supervisor or the Town
- b. Threatening, coercing, interfering or intimidating supervision

### 12. 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.

## V. DISCIPLINARY ACTION (Continued)

### 13. UNSATISFACTORY PERFORMANCE

Employees are expected to make every effort to learn the requirements of 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, and insufficient productivity.

### 14. 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 always prohibited in all working areas. Solicitation and distribution by non-employees are prohibited on Town premises at all times.

### 15. SUBSTANCE ABUSE

Introduction, possession, or use of liquor/illegal drugs on Town property or in while operating Town equipment or working under the influence of liquor/illegal drugs.

### 16. 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.

### 17. 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.

### 18. THEFT

The Town does not tolerate theft in any form and reserves the right to inspect all lockers, desks, toolboxes, purses, briefcases, packages, vehicles and any other personal property which is brought onto Town property.

Accepting payment for time not worked as a result of pursuing personal activities shall also be considered theft.

### 19. UNLAWFUL ACTIVITY

No employee may engage in any unlawful activity either on or off the job.

## V. DISCIPLINARY ACTION (Continued)

**20. FAILURE TO PROPERLY REPORT ACCIDENTS OR PERSONAL INJURIES WHILE ON THE JOB.**

**21. REPEATED CONVICTIONS DURING EMPLOYMENT ON MISDEMEANOR OR TRAFFIC CITATIONS IF THE EMPLOYEE IS REQUIRED TO DRIVE A TOWN VEHICLE IN THE PERFORMANCE OF THEIR DUTIES.**

**22. ACTS OF MISCONDUCT**

No employee may engage in any conduct on or off duty that will reflect an unacceptable public image of the Town of Lauderdale-By-The-Sea.

**23. MAKING IMPROPER STATEMENTS**

No employee may make or publish false, vicious, or malicious statements concerning any Town resident, employee, supervisor, the Town or its operations.

**24. REFUSAL TO PARTICIPATE IN AN INVESTIGATION OF MISCONDUCT OR LYING TO A SUPERVISOR.**

**25. ACCEPTING GIFTS AND GRATUITIES**

Before an employee accepts a gift, the employee has several things to consider because state law and Town regulations apply. In general, gifts of any value are discouraged.

Employees are prohibited from accepting 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.

No gift may occur on a recurring basis (recurring is defined as three or more times per year).

No employee shall solicit a gift.

No employee shall accept anything of value, based upon any understanding or belief by the giver that it would influence the carrying out of the employee's duties.

If an employee is invited to a grand opening or similar event, he or she may accept food and beverages provided that attendees are also invited to that event and given the same food and drink. If there is a cost to attend the event, the employee must pay the cost of the ticket.

Discounts that are offered to all Town employees may be accepted, provided the discount is not based on preferred treatment of the vendor by employees and is not otherwise offered to convey a financial benefit in violation of ethics laws.

## V. DISCIPLINARY ACTION (Continued)

### 26. IMPROPER USE OF TOWN VEHICLES

The use of Town-owned vehicles or equipment for personal use or 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.

In order to promote safety and minimize liability, the following activities are prohibited while operating a Town vehicle or any vehicle during the performance of Town business:

- Sending or reading text messages, instant messages, emails.
- Accessing the Internet
- Using or accessing any telephone applications or “Apps”
- Taking pictures or making video recordings

The foregoing list is not meant to be exhaustive but is a mere representation of popular cellphone functions that are prohibited by the Town while employees are operating a Town vehicle. The use of a cellphone for voice calls is permitted, provided the employee is using hands-free technology with voice-activated dialing features, the conditions are such that it can be done safely, and the call is brief. Otherwise, employees must pull over and park the vehicle in order to make or receive a phone call.

### 27. INTERFERING WITH TOWN OPERATIONS

Employees may not curtail, restrict production, or interfere with work in or about the Town’s work areas, including but not limited to, instigating, leading, or participating in any walk-out, strike, sit-down, stand-in, slowdown, or refusal to return to work at the scheduled time for the scheduled shift.

Violation of any of these rules may lead to disciplinary action, 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. FULL-TIME EMPLOYEE**

An individual is considered a full-time employee if he/she regularly works 80 hours during a two-week pay period. Full-time employees are eligible to participate in employee benefits as set forth in the various benefit policies.

#### **2. PART-TIME EMPLOYEE (WITH BENEFITS)**

An individual is considered a part-time employee if he/she regularly works less than 80 hours but no less than 48 hours during a two week pay period. Part-Time Employees are eligible to participate in employee benefit programs as provided in this Manual on a pro-rate or cost basis based on the number of hours regularly worked.

#### **3. PART-TIME EMPLOYEE (WITHOUT BENEFITS)**

Part-time employees that regularly work less than 48 hours during a two week pay period are not eligible to participate in the Town's employee benefit programs unless required by law.

#### **4. TEMPORARY EMPLOYEE**

The Town may hire temporary employees from time to time. Temporary employees may work up to 40 hours per week depending on their assigned schedule. 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 with or without pay. These records shall be made available to the employee for inspection upon request.

## VI. BENEFITS (Continued)

### 2. ANNUAL VACATION LEAVE

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

<u>Years of full-time service</u>	<u>Leave days earned per year</u>
Less than 5	10
At least 5 but less than 13	15
13 or more	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 calendar 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 Part-Time Employees

Vacation leave will accrue to part-time employees on a prorated basis each pay period. Example: A part-time employee who has worked for the Town for less than 5 years and averages 60 hours per pay period will earn 75% ( $60/80 = 75\%$ ) of the vacation leave that would be earned by a full-time employee (i.e., 10 days x 75% = 7.5 days per year).

Part-time employees that regularly work less than 48 hours during a two-week pay period are not 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 at least one-half of the workdays of the month. In “pay status” means the employee is at work or on paid leave (administrative, holiday, sick, or vacation).

Employees on no pay status due to eligible military leave will be exempt from the accrual stoppage.

#### d. Maximum Vacation Leave Accrual

Employees may carry forward up to 120 hours of annual leave from one calendar year into the next calendar year. Accumulated leave in excess of 120 hours shall be used by the end of the pay period that includes December 31 of each calendar year or it will be forfeited.

## VI. BENEFITS (Continued)

### e. Use of Vacation Leave

Each employee shall take at least 5 days of paid vacation per year if he/she accrues that much vacation leave.

At the request of the employee, absence on account of sickness, injury, or disability in excess of accrued leave authorized for such purposes may be charged against the employee's annual vacation leave allowance at the discretion of the Department Director.

Whenever possible, employees shall request vacation leave of more than a few days' duration at least a month before the desired leave dates. The Department Director will try to accommodate such requests but shall take into consideration the Town's and Employee's anticipated workload during the time requested, hurricane season and the vacation leave requests of other Employees.

The Department Director will respond to vacation leave requests at the earliest practical date. Employees are cautioned not to make any financial commitments until after their leave request has been approved by their Department Director.

When a holiday occurs during the period of an employee's vacation leave, the employee's time records will reflect a holiday taken for that day, 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.

Each Department Director shall use whatever methods of compiling and scheduling leave requests that work best for the department 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 are compromised.

### f. Cancellation of Approved Vacation Leave

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. In the event such cancellation results in documented financial penalties to the employee for vacation plans that were made after the vacation leave was approved, the Town may reimburse the employee for such charges.

## VI. BENEFITS (Continued)

### g. **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 provided that funds are available in his or her department's budget to cover the cost. 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. Employees who are terminated for cause or resign not in good standing forfeit their accrued vacation time.

### 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, sickness or injury within one's immediate family, or the care of a newborn or adopted child. Employees claiming sick leave for other purposes shall be subject to disciplinary action.

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

**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 3.7 hours per pay period (approximately 12 days per year) beginning the first payroll period after three months of continuous service.

Sick leave is available for use after it is accrued. Use of sick leave shall not be authorized until such time as it is accrued. When an employee is out of sick leave, he/she may use earned annual leave at the discretion of the Department Director.

**Maximum Accumulation.** Employees may accrue sick leave and carry it over from one year to the next, however, the maximum accumulation of sick leave for employees shall be sixty (60) working days.

#### **Accrual of Sick Leave While Not in Pay Status**

An employee will only accrue sick leave during such time as he or she is in a paid status for at least three-fourths of the employee's regularly scheduled hours for that pay period.

## VI. BENEFITS (Continued)

Employees on no pay status due to eligible military leave will continue to earn sick leave.

**Part-Time Employees** will accrue prorated sick leave based on average hours worked per pay period in the same manner as described for regular full-time employees.

### b. Use of Sick Leave

Sick leave may be taken:

1. 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;
2. For medical, optical, and dental appointments; and,
3. When there is an illness or accident involving an immediate family member that requires the employee to provide care. This policy shall not apply for more than five (5) days without the permission of the Town Manager.

The use of sick leave shall be approved by the Department Director, Assistant Town Manager, or Town Manager.

If sick leave, in combination with hours worked and other types of paid leave (including but not limited to pre-approved vacation time, holidays, personal days, bereavement leave, jury duty, and admin time), totals more than 40 hours during the work week, the amount of sick leave an employee uses shall be reduced to bring the total hours paid to the greater of 40 hours or the total of hours worked plus non-sick paid leave for the week. For example, if an employee is approved for 8 hours of sick leave on Monday and then works a total of 36 hours Tuesday through Friday; the employee would be allowed to utilize a total of 4 hours of sick time for the week and the payroll administrator is required to adjust the employee's sick time accordingly.

### c. Procedure for using sick leave

In order to be eligible for sick leave with pay, an employee must advise the supervisor prior to the beginning of his or her scheduled workday. An employee who fails to 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 the attending physician(s) as to the duration of the illness, if requested.

## VI. BENEFITS (Continued)

It is the employee's responsibility to submit a sick leave request on the day they return to work. The Department Director shall review and make a determination on sick leave requests, wherever possible, so that the sick leave is booked in the pay period in which the absence occurred.

### 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.

If an employee is unable to return to work after 60 days of absence, the Town may terminate the employee unless applicable law provides otherwise.

If the employee on extended leave is in "good standing" with the Town, as defined by the Town Manager, 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:

Employee has been hospitalized.

Employees are absent five (5) or more consecutive workdays.

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 or she is in the hospital and to estimate how long it will be before he or she will return to work.

Unless the employee has been placed on medical leave, upon release from the hospital, the employee is required to call his/her supervisor each day until released by his/her doctor to return to work.

## VI. BENEFITS (Continued)

### f. Abuse of sick leave

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

When an employee's absences are considered excessive (i.e. frequently being out on sick leave).

When a pattern of sick leave use can be demonstrated (e.g., employees who consistently call in sick on Monday or Friday or utilize sick leave shortly after it is accrued.)

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.

A frequent pattern of absences (e.g., one day each month).

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

1. 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.
2. Upon leaving Town employment, in good standing, employees hired after September 30, 2011, will be reimbursed for their unused accrued sick leave according to the following table.

#### Percent of Accrued

<u>Continuous Years of Service</u>	<u>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%

Employees who are terminated from employment for cause shall not be entitled to any payment for unused accrued sick leave.

## VI. BENEFITS (Continued)

3. The beneficiaries of any employee who dies while employed by the Town shall be compensated for 100% of the deceased employee's unused, accumulated sick leave at the time of their death, regardless of their date of hire.

**Note: VI.10 DONATED LEAVE is on page 48.**

### 4. MILITARY-RELATED LEAVE

- a. 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 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 receipt.

Up to 60 work days of leave will be granted to an employee 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.

An employee may use vacation leave for qualifying exigencies, which include:

- attending military events and official related activities
- addressing alternative childcare and related activities
- addressing alternative care for a parent and related activities
- attending to financial and legal arrangements
- attending counseling
- spending time with member who is on short term rest during deployment
- any other event the Town deems as a qualifying exigency

- b. Injured Service Member Leave

An 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 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. The

## VI. BENEFITS (Continued)

employee may use vacation and sick leave and then an unpaid leave of absence.

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. Compensation for military leave

Regular employees who are commissioned reserve officers or reserve enlisted personnel in the U.S. military or naval service or members of the National Guard shall be entitled to leave of absence from their respective duties without loss of pay for training purposes, not to exceed 240 working hours in any one calendar year. Employees granted leave under this provision will receive, where their Town pay is greater, the difference between their Town pay and their military pay. When military pay is greater than or equal to their Town pay, no wage payments will be made by the Town for this leave period. It is the employee’s responsibility to provide such records and proof as necessary to certify any pay differences which may be due from the Town.

Regular employees, who are service members in the National Guard or a reserve component of the Armed Forces of the United States, shall be granted leave of absence to perform active military service at no loss in pay for the first 30 days of any such leave. Employees granted leave under this provision will receive, where their Town pay is greater, the difference between their Town pay and their military pay. When military pay is greater than or equal to their Town pay, no wage payments will be made by the Town for this leave period. It is the employee’s responsibility to provide such records and proof as necessary to certify any pay differences which may be due from the Town.

An employee who is a member of the Florida National Guard is entitled to leave of absence without loss of pay on all days during which the employee is engaged in active state duty for a named event, declared disaster, or operation pursuant to state law. However, a leave of absence without loss of pay may not exceed 30 days for each occurrence.

### 5. FAMILY MEDICAL LEAVE (FML)

Although Town employees are not eligible for federally protected leave under the Family and Medical Leave Act (FMLA) due to the small

## VI. BENEFITS (Continued)

number of employees we have, the Town does wish to provide Family Medical Leave (**FML**) as described in this section.

Eligible employees may submit a request to take up to twelve (12) weeks of unpaid, job-protected leave for specified family medical reasons, provided that such members have worked for Lauderdale-By-The-Sea for at least one year and for a minimum of 1,500 hours over the previous twelve (12) months.

### a. **Conditions for FML**

A request for family medical leave must involve one or both of the following reasons:

- i. To care for the employee's newly born or adopted child.
- ii. To care for the employee's spouse, domestic partner (partners must share a common address), son or daughter, sister, brother, or parent who has a serious health condition which requires monitoring and the presence of a care giver.

### b. **FML Notice and Medical Certification**

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

- i. Fourteen (14) days advance notice of the request to take family medical leave, if the need is foreseeable.
- ii. Medical certifications (utilizing a Town provided form) supporting the need for leave due to a serious health condition affecting the employee or an immediate family member.

Failure to comply with these requirements may result in delay or denial of leave.

### c. **Town Manager Approval**

Family Medical Leave is subject to written approval by the Town Manager. The extent to which the employees' Department can adequately function during their absence shall be a strong consideration in the Town Manager's decision.

### d. **Duration of FML**

Eligible employees may receive approval for up to sixty (60) days of unpaid leave during any "rolling" 36-month period, measured backward from the date of any family or medical leave. However, family and medical leave involving the birth or placement of a child for adoption or foster care must be concluded within 12

## VI. BENEFITS (Continued)

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. An employee may also take family and medical leave intermittently for the birth of a child to care for a newly-born child, or the placement of a child for adoption or foster care.

**e. Exceeding FML**

Any employee who fails to return to work at the end of their approved period will be considered to have voluntarily resigned their position. This resignation shall be considered to be in good standing.

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

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

**g. Maintenance of Health Benefits**

If the employee on FML 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 FML, the employee will be restored to their original job, or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions provided that such a job is vacant. If no such position is available, the employee may be offered a lesser position for which they are qualified.

**i. Non-Contractual Nature of This FML Policy**

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

## VI. BENEFITS (Continued)

### 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 accrued annual or sick leave.

Employees who are rejected for jury service, or who attend court for only a portion of a regularly 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 cause the employee not to receive jury duty pay. In addition, the employee must complete the request for a leave of absence form. If released from jury duty before the regularly scheduled lunch period, the 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 not be retained by the employee. Any pay for jury duty shall be forwarded to the Town Finance Director except for mileage unless mileage was attributed to a Town vehicle.

## VI. BENEFITS (Continued)

### 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.

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 someone other than a member of the employee's immediate family 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.

### 8. LEAVE WITHOUT PAY

#### a. Leave for Illness or Temporary Disability

For any extended period of illness or disability due to a non-work related injury, where an employee has used all available accrued sick and annual leave, the employee may apply for leave without pay (LWOP) status which shall not exceed 60 workdays.

**Requirements:** The employee requesting LWOP must have worked for the Town for a minimum of two years, have received a performance rating of satisfactory or above in their last review, and have had no disciplinary action in the prior 24 months.

The application for LWOP shall be in writing and include a physician's certification of the condition and shall specify the period of time the employee will be incapacitated.

The decision as to whether to approve the LWOP request is solely at the discretion of the Town Manager and is heavily dependent upon the ability of the Department in which the employee works to accomplish their workload without the employee's presence.

If the request is approved by the Town Manager, the dates set forth by the physician shall be strictly adhered to. 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.

## VI. BENEFITS (Continued)

If the employee does not return to work on the scheduled date, they shall be considered to have voluntarily resigned their employment. The employee may resign in good standing by giving written notice to the Town at least two weeks prior to their return date.

### b. LEAVE FOR OTHER COMPELLING REASONS

The Town has a small workforce which makes it difficult to accommodate employees' requests for unpaid leaves of absence. Nevertheless, the Town does wish to outline procedures for considering a request for unpaid leave of absence when justified by compelling personal circumstances for which our Family Medical Leave policy, or any state or federal protected leave policies do not apply.

**Requirements:** The employee requesting leave without pay must have worked for the Town for a minimum of two years, have received a performance rating of satisfactory or above in their last review, and have had no disciplinary action in the prior 24 months.

Employees may request unpaid leave of absence for a compelling reason not to exceed 60 workdays in any consecutive three year period, only after exhausting accrued vacation time, accrued compensatory time, and, if applicable, sick leave. The determination of whether there is a compelling reason is solely at the discretion of the Town Manager.

Depending on the specific circumstances compelling personal reasons might include, but are not limited to:

- 1) Assisting an immediate family member going through a personal or legal crisis.
- 2) Assisting an immediate family member that is a victim of violence, a criminal act, or a natural disaster.
- 3) Assisting an immediate family member with house or property maintenance of a critical nature.
- 4) Pursuing an unusual educational or service opportunity related to municipal government.
- 5) Participating in a humanitarian rescue mission.
- 6) Unpaid service to another governmental unit during a crisis or emergency.

## VI. BENEFITS (Continued)

A temporary employment opportunity is not a valid reason for unpaid leave of absence. In order to be approved, the Department Director and the Town Manager must determine that the employee's absence during the period(s) requested will not have a deleterious effect on the Town's ability to provide municipal services.

### Procedures:

- 1) An employee who wishes to request unpaid leave of absence must make a request in writing to the Department Director at least two weeks prior to the beginning day of the requested period of leave. The request shall detail the reason for the request and the dates of the requested leave.
- 2) Town management shall ascertain if the employee is eligible to be considered for leave without pay under the requirements outlined above.
- 3) The Town Manager will make every effort to issue his or her decision prior to the requested start date of the leave.
- 4) The Town Manager's decision shall be final and is not appealable.
- 5) If there is a need to extend the unpaid leave beyond the original time approved, the employee shall make a written request for an extension at least two weeks before the expiration of the original approved leave, and the extension is subject to approval by the Town Manager. Extensions of leave will be considered on a case-by-case basis.
- 6) If the Town Manager declines to extend the leave or does not respond to the request, the employee must return to work on the originally scheduled return date or be considered to have voluntarily resigned from his or her employment in good standing.
- 7) If the employee does not return to work at the expiration of the leave and did not request an extension at least two weeks prior to the scheduled return date, he or she shall be considered to have voluntarily resigned from his or her employment not in good standing.
- 8) Employees on unpaid leave of absence may continue medical, dental and vision insurance and long-term disability coverage for up to three months by paying the full premium.

## VI. BENEFITS (Continued)

- 9) Group life insurance will continue during approved unpaid leave of absence.
- 10) The employee is responsible for premium payments for any voluntary insurance coverage.
- 11) All other benefits and leave accumulation will cease for the duration of the unpaid leave.

### 9. ADMINISTRATIVE LEAVE

The Town Manager may place an employee on paid or unpaid administrative leave. At the discretion of the Town Manager, employees placed on unpaid administrative leave may be permitted to use accrued annual leave or compensatory time in lieu of taking unpaid leave.

### 10. DONATED LEAVE

If an employee is on leave for personal illness, injury, legal quarantine, or sickness or injury within one's immediate family, or to care for a newborn or adopted child and he/she has exhausted all of his/her leave, he/she may notify the Town Manager and the Town Manager may authorize other employees to donate sick leave and / or vacation leave to the employee provided that:

All donors have a remaining balance of at least 160 hours of accumulated sick leave.

- 1) The number or hours of donated leave shall be converted to a dollar value based on the donor's rate of pay and then an equivalent number of hours shall be credited to the donee at the donee's rate of pay.
- 2) The total amount of leave donated to the employee shall not exceed the amount required to deal with the specific matter for which the donated leave was authorized. Excess donated leave shall be credited back to the donor(s) based on an apportionment methodology approved by the Finance Director.
- 3) Employees will be notified of the opportunity to donate leave by the Finance Director in a manner that respects the privacy of personal information and protects the confidentiality of Protected Health Information in accordance with applicable Federal and State laws.
- 4) Other than the Finance Director's notification of the opportunity to donate leave, all employees shall be prohibited from requesting, coercing, or otherwise influencing other employees to donate leave.

## **VI. BENEFITS (Continued)**

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

Under COBRA and Title XXII of the Public Health Service (PHS) Act, 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 group health 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 and 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.

In the event that an employee is not eligible to participate in the FRS (e.g., as a result of having previously retired from the FRS), in lieu of providing a retirement benefit, the Town will contribute the difference between the normal Town contribution for that position and any FRS contribution actually required of the Town, to a deferred compensation plan on behalf of the employee.

When there is a conflict between this Manual and the FRS statutes or plan documents, the statute or plan documents will govern.

## **VI. BENEFITS (Continued)**

### **F. HOLIDAYS**

#### **1. OFFICIAL HOLIDAYS**

The following shall be observed as official holidays for employees of the Town of Lauderdale-By-The-Sea:

1. New Year's Day,
2. Martin Luther King Jr. Day,
3. Presidents' Day,
4. Memorial Day,
5. Independence Day,
6. Labor Day,
7. Veterans' Day,
8. Thanksgiving Day,
9. Day after Thanksgiving,
10. Christmas Day, and
11. Floating Holiday (2) (day of employee choice).

Two 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 the Friday before the holiday.

When a holiday observed by the Town falls within a period of paid leave, the holiday will not be counted as a workday in computing the amount of leave debited.

When a holiday observed falls within a period of unpaid leave, the employee will not be paid for the holiday.

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

To be eligible for holiday pay, an employee (with benefits) must have worked for the Town at least thirty (30) calendar days and the holiday is a normal workday or the employee was in a Pay Status.

## **VI. BENEFITS (Continued)**

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, they may 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 a holiday 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. All holiday credits shall be used within the fiscal year.

Exempt employees who work on a holiday will receive credit for one holiday that they can use at a later time during that fiscal year.

### **G. LIFE INSURANCE**

Regular Full-Time Employees are provided with a paid life and accidental death and dismemberment insurance policy in an amount prescribed by the Town's policy.

This insurance is effective at the beginning of the first day of the calendar month following 90 calendar days of full-time employment. The Town reserves the right to continue, alter or cancel this benefit 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 with benefits are eligible to participate in the Town's health-related insurance programs. Eligibility to participate in those programs, including the waiting period, shall be governed by the applicable health insurance contract(s).

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 significant changes with respect to the terms or cost of medical benefits.

## VI. BENEFITS (Continued)

In the event that an employee who is eligible to participate in the Town’s health insurance program does not elect to participate in our health insurance, the Town will contribute 80% 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.

### NOTICE OF PRIVACY PRACTICES

The Health Insurance Portability and Accountability Act of 1996 requires that employees be notified on how medical information about them is collected, how that information may be disclosed and how they can get access to this information. Confidentiality is a top priority for the Town. We are committed to maintaining the highest level of confidentiality with all of the information we receive from our employees and subscribers to the various health benefit plans of the Town. The Town requires that contracted third-party administrators of the Town’s health plans meet HIPAA security standards for all information, including that which is transmitted or maintained electronically.

The Town respects the privacy of personal information and understands the importance of keeping this information confidential and secure. The Town protects the confidentiality of the personal information we receive following Federal and State laws. Our practices apply to current and former employees and complies with the “Protected Health Information” (PHI) HIPAA disclosure requirements. The term “Protected Health Information” (PHI) includes all individually identifiable health information transmitted or maintained by the Plan, regardless of form (oral, written, electronic). Non-authorized disclosure of PHI will be subject to disciplinary action up to and including dismissal. The Town is committed to maintaining compliance with HIPAA regulations and all related provisions of federal and state law, as it may be amended from time to time, shall apply.

The Town’s Health Plan is required by law to take reasonable steps to ensure the privacy of the personally identifiable health information of employees, retirees, and dependents covered by the Town’s group health plan, and to provide information about:

- the Plan’s uses and disclosures of Protected Health Information (PHI);
- privacy rights with respect to PHI;
- the Plan’s duties with respect to PHI;
- the right to file a complaint with the Plan and the Secretary of the U.S. Department of Health and Human Services; and

## VI. BENEFITS (Continued)

- the person or office to contact for further information about the Plan's privacy practices.

### 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.

The Town shall pay the employee their normal rate of pay for all regular workdays that fall into a thirty (30) calendar day period following a compensable injury, provided the employee is unable to work. This benefit permits an employee to receive full pay without utilizing accrued sick leave and or vacation leave during this period but requires that the Town be provided with the salary benefit paid by Workers' Compensation applicable to said period.

At the expiration of the 30-day period, the Town shall discontinue payments, if any, and the employee may thereafter utilize accrued sick leave to supplement the salary benefit paid by Workers Compensation in order to bring their compensation to its normal level.

Workers' Compensation is a monetary benefit and not a leave of absence entitlement. Employees who need to miss work due to a workplace injury must also request a formal leave of absence. See the Leave of Absence section (Section VI, B) of this Manual for more information.

## **VI. BENEFITS (Continued)**

### **J. RETIREE HEALTH INSURANCE**

Employees and their eligible dependents may continue to participate in the Town's group health insurance plan provided enrollment occurs immediately upon retirement from active employment and continues coverage without interruption. Retirement shall mean application for and receipt of retirement benefits under any Florida Retirement System (FRS) plan. An employee not in FRS plan shall be considered a retiree if he/she meets the following age and service requirements age 65 and worked for the Town as a Full-Time Employee or a Part-Time Employee (with benefits) for a period of at least 12 consecutive months. The health insurance coverage shall be identical to that offered to active employees. Health insurance premiums for continued participation shall be paid by the retiree.

## 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 workweek for their respective positions (which may vary depending on respective position, assignment, 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 employees' Department Director. If an employee requests flexible hours for an extended period, it must be approved by the Town Manager before implementation.

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

### B. PAY

The Town 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.

## VII. SALARY ADMINISTRATION (Continued)

### C. OVERTIME PAY AND COMPENSATORY TIME OFF

Employees classified as exempt are not eligible for overtime pay. Exempt employees 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 time off at the discretion of the Town Manager or credited with additional vacation days.

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 except as provided below. Sick leave utilized in a workweek will **not** be considered hours actually worked in that work week for purposes of performing overtime calculations. Holiday leave and vacation leave will be treated as hours actually worked. Hours worked on a holiday will be paid at the rate of one and one-half (1½) hours for each hour worked, all of which will be calculated as hours worked for the purposes of calculating overtime. The three (3) hour minimum of call back pay shall also be considered as hours actually worked in accordance with Section VII (I) below.

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

## VII. SALARY ADMINISTRATION (Continued)

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 at the time of their annual performance appraisal, or based on a special performance review, if there are budgeted funds available to cover the cost of the salary increase.

Below Mid-Point: Employees whose performance is evaluated as satisfactory may receive up to a 2.5% merit increase. Higher performing employees may receive up to a 5% merit increase in salary.

Above Mid-Point: To move beyond the mid-point of the salary range, the employee's performance must be evaluated as above satisfactory, and they may receive up to a 5% merit increase in salary. If a merit increase for an eligible employee results in their salary exceeding the salary range, the amount over the salary range will be paid as a lump sum payment.

### F. BONUSES

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 shall approve any bonus in excess of \$1,000.

The Town's ability to grant a bonus is governed by state statute 215.425, which provides that (a) a bonus must be based on work performance; (b) the performance standards and evaluation process by which a bonus will be awarded must be described; (c) all employees must be notified of the bonus program; and, (d) all employees are eligible for the Town's bonus program, subject to the

## VII. SALARY ADMINISTRATION (Continued)

availability of budgeted funds.

Bonus Policy: Employees are eligible for consideration of a bonus in the following circumstances.

Through an employee’s specific efforts, the Town avoids expenditure or has actual saving of a significant nature.

An exempt employee who, because of unusual circumstances such as a natural disaster or a special project, is required to work beyond their normal schedule for an extended period of time.

An employee performs an act of heroism in the Town of Lauderdale-By-The-Sea that reflects well on the Town government.

An employee who, in addition to their work, absorbs and completes the workload of another employee for more than three weeks.

### 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 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:

<b>Years of Continuous Service:</b>	<b>Amount of Severance:</b>
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

Severance pay provisions in an employment agreement, if any, must comply with Florida Statute 215.425.

### 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.

## VII. SALARY ADMINISTRATION (Continued)

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 the full three hours. This minimum shall be counted as hours worked for the purpose of computing overtime. Call back pay shall not apply to an employee who is asked to extend their normal workday and work overtime.

An employee who is called back more than once during a shift shall only receive the three (3) hours on the first call back. Employees are paid for actual time for subsequent call backs on the same shift.

### J. SAFE HARBOR POLICY FOR EXEMPT EMPLOYEES

Employees classified as exempt salaried employees will receive a salary which is intended to compensate them for all hours they may work for the Town. This salary will be established at the time of hire or when the employee becomes classified as exempt. While it may be subject to review and modification from time to time, such as during performance appraisal times, the salary will be a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work the exempt employee performs.

To qualify for exemption, employees generally must be paid at not less than the salary threshold set by federal rule on a salary basis. Being paid on a “salary basis” means an employee regularly receives a predetermined amount of compensation each pay period on a weekly, or less frequent, basis.

Subject to exceptions listed below, an exempt employee must receive the full salary for any workweek in which the employee performs any work, regardless of the number of days or hours worked. Exempt employees do not need to be paid for any workweek in which they perform no work. If the employer makes deductions from an employee’s predetermined salary, that employee is not paid on a “salary basis.” If the employee is ready, willing, and able to work, deductions may not be made for times when work is not available.

Exceptions: unless state law requires otherwise, an exempt employee’s salary can be reduced for the following reasons:

- Full-day absences for personal reasons;

## VII. SALARY ADMINISTRATION (Continued)

- Full-day absences for sickness or disability;
- Full-day disciplinary suspensions for infractions of the Manual;
- FML absences;
- To offset amounts received as payment for jury and witness fees or military pay;
- The first or last week of employment in the event the employee works less than a full week; or,
- Any full workweek in which the employee does not perform any work.

It is the Town's policy to comply with the salary basis requirements of the FLSA. Therefore, we prohibit all personnel from making any improper deductions from the salaries of exempt employees.

If an employee believes that an improper deduction has been made to their salary, the employee should immediately report this information to their direct supervisor, or to the Town Manager. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, the employee will be reimbursed for any improper deduction made.

### K. NURSING MOTHER BREAKS

Non-exempt nursing mothers are entitled to reasonable breaks to express milk for their nursing child for at least one year after the child's birth so long as the break does not impose an undue hardship for the Town. The Town will attempt to allocate the employee with a space, shielded from view and free from intrusion, coworkers, and the public to take this break.

## **VIII. MISCELLANEOUS ISSUES**

### **A. EMPLOYEE APPEARANCE**

*All Employees are expected to present a neat, clean, and well-groomed appearance at all times for a business such as ours.*

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 may 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 this Manual.

### **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 check the bulletin boards regularly to be familiar with the information posted there.

## VIII. MISCELLANEOUS ISSUES (Continued)

### 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 for Town business only. All information transmitted or stored in Town systems is the sole and exclusive property of the Town and ***shall be treated as confidential***. See APPENDIX C for the Town's Public Records Policy.

The contents of our systems will be disclosed to members of the public or press without employees' permission or advanced notice. Therefore, employees should not assume that personal 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.

The Town neither guarantees against, nor shall it be responsible for the destruction, corruption or disclosure of personal material/information maintained by employees on its electronic communications systems or equipment. The Town reserves the right to remove, replace or reconfigure its electronic resources without formal notice to employees (although advance notice may be given).

It should be noted that although a message or file is deleted or erased, it may be possible to recreate the message. Therefore, ultimate privacy of any and all electronic messages of any form whatsoever cannot be assured to anyone. No Town employee should have any expectation of privacy as to his or her Internet usage, or the privacy of any electronic mail message, file, download, note, or other data stored, transmitted, or received through the Town's system.

## VIII. MISCELLANEOUS ISSUES (Continued)

Any user identified as a security risk or having a history of problems with electronic communication systems may be denied access to the Town's property, with or without advance notice, warning, or opportunity to cure and may result in a revocation of privileges.

Prohibited uses of the Town's electronic communications systems or equipment include, but are not limited to:

- Discourteous communication to or about other persons, the Town or other organizations.
- Sending, receiving, printing, or posting offensive or harassing statements or language including remarks of others based on a protected class.
- Making or sending fraudulent, unlawful, or abusive communication.
- Sending or soliciting sexually oriented messages or images including, but not limited to, accessing any adult (pornographic) websites.
- Operating a business, soliciting money for personal gain, or searching for employment outside the Town.
- Issuing or forwarding chain mail and other frivolous messages.
- Dissemination or printing of copyrighted materials, including articles and software, in violation of copyright laws.
- Introducing non-Town owned hardware or downloading unauthorized software into the system without approval from the appropriate IT personnel. If approved, any software downloaded or files transferred in any manner into or via the Town's system become the property of the Town, subject to the restrictions of any existing licensing agreement or applicable copyright law or Town policy.
- Using the Town's computing facilities to disseminate any virus, worm, Trojan horse, trap-door program code, or any form of destructive or malicious computer instruction.

### E. TELEPHONE USE

The Town's telephones are reserved for business or emergencies. Employees should advise relatives and friends not to telephone you at work except in emergencies or to leave brief messages.

## VIII. MISCELLANEOUS ISSUES (Continued)

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

To the extent permitted by law, the Town reserves the right to question any employee entering and leaving its property and to inspect any employee's or prospective employee's locker, vehicle, package, purse, handbag, briefcase, lunch box, or other possessions carried to, on, and from Town property.

### I. SMOKE-FREE ENVIRONMENT

In keeping with Lauderdale-By-The-Sea's intent to provide a safe and healthy work environment, smoking is prohibited throughout the workplace and in all Town vehicles. **This policy applies equally to employees and visitors.**

## **VIII. MISCELLANEOUS ISSUES (Continued)**

### **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.

## TOWN OF LAUDERDALE-BY-THE-SEA SEXUAL HARASSMENT POLICY

### GENERAL POLICY

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

### DEFINITION

Sexual harassment involves unwelcome sexual conduct, sexual advances or any verbal or physical conduct of a sexual nature, by an employee's supervisor(s) or fellow employees or others at the work place which: 1) suggests submission to or rejection of such conduct by an employee is used as a basis for career or employment decision affecting that employee; 2) suggests that submission to or rejection of such conduct is either an 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, in good faith, reports a claim of sexual harassment or who is witness to the harassment.

### INVESTIGATION

The Town will promptly conduct an investigation in an attempt to determine all the facts concerning the alleged harassment. The Town will conduct a fair and objective investigation with the result being the issuance of findings of fact. 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 such as referring the matter to law enforcement. The Town will attempt to make the corrective action reflect the severity of the conduct.

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

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

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

EMPLOYEE SIGNATURE

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

## **APPENDIX B**

### **DRUG-FREE WORKPLACE POLICY STATEMENT**

The Town of Lauderdale-By-The-Sea is committed to providing 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 other applicable state and federal laws.

To ensure a workplace 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 or drugs that may affect their ability to perform their essential functions, that employee shall disclose such use and decline the call back. An employee shall not be disciplined for refusing to respond to a 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 a 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.

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It is the responsibility of the Town's supervisors to counsel employees whenever they see changes in performance that suggest a 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, or 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 employee's normal faculties are impaired due to the consumption of alcohol or the employee's 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 (PCP), 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 may have 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, and 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
BARBITUATES	300 NG/ML
BENZODIAZEPINES	300 NG/ML
SYNTHETIC NARCOTICS:	
METHADONE	300 NG/ML

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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 & 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 the appropriate Florida Administrative Rules.

- 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

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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 capable of revealing the presence of alcohol or illegal drugs or their metabolites including blood, urine, saliva, or hair.

### **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: applicants who have been offered a position of employment and who 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 fitness 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 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.

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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 for any criminal proceeding against the employee or job applicant.

### 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. Assistance Programs

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

## APPENDIX B

### 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 (pcp)
- G. Methaqualone
- H. Opiates
- I. Barbiturates
- J. Benzodiazepines
- K. Synthetic narcotics including, but limited to, Methadone and Propoxyphene
- L. Metabolites of any substance listed herein.

(A list of drugs by brand names or common names is attached.)

### J. Challenge Of Test Results

- 1) Within five (5) days after receipt of a positive confirmatory test result from the MRO, the Town shall inform an employee or job applicant in writing of such positive test result, shall provide a statement of the consequences of such result and the options, if any, available to the employee or job applicant.
- 2) 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.
- 3) 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.
- 4) 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.
- 5) 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 reserves the right to conduct pre-employment screening examinations designed to prevent hiring individuals who use drugs.

## APPENDIX B

- 1) To determine the suitability of employees to work for the Town, the following pre-employment conditions are established:
  - a) Job applicants may be drug tested prior to employment. Any job offers 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 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 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.

## APPENDIX B

- 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 accrued sick and vacation time shall be used (in that order) for such leave.
- 3) Upon successful completion of a drug 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 workplace 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.

## APPENDIX B

### 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 employees' progress and confirm completion of the treatment program.

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

##### DRUGS TRADE OR COMMON NAME

OPIUM DOVER'S POWDER, PAREGORIC, PAREPECTOLIN

MORPHINE MORPHINE, PECTORAL SYRUP

CODEINE TYLENOL WITH CODEINE, EMPIRIN COMPOUND WITH CODEINE

ROBITUSSIN A-C

HEROIN DIACETYLMORPHINE, HORSE, SMACK, H

HYDROMORPHONE 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

BARBITUATES PHENOBARBITAL, TUINAL, AMVTAL, NEMBUTAL, SECONAL,  
LOTUSATE

BENZODIAZEPINES ATAVAN, A Z E N E , C L O N O P I N , DALMANE, DIAZEPAM,  
LIBRIUM, XANAX, SERAX, TRANXENE,  
VALIUM, VERSTRAN, HALCION, PAXIPAM,  
RESTORIL

METHAQUALONE QUAALUDE

GLUTETHIMIDE DORIDEN

OTHER DEPRESSANTS EQUANIL, MILTOWN, NOLUDAR, PLACIDYL, VALMID

##### STIMULANTS:

COCAINE COKE, FLAKE, SNOW, CRACK

AMPHETAMINES BIPHETAMINE, DELCOBESE, DESOXYN, DEXEDRENE,  
METIATRIC

PHENMETRAZINE PRELUDIN

## APPENDIX B

METHYLPHENIDATE RITALIN

OTHER STIMULANTS ADIPEX, BACARATE, CYLERT, DIDREX,

IONAMIN, PLEGINE, PRE-SATE,

SANOREX, TENUATE, TEPANIL, VORANIL

### HALLUCINOGENS:

LSD ACID, MICRODOT

MESCALINE AND PEYOTE MESC, BUTTONS, CACTUS

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

PHENCYCLIDINE PCP, ANGEL DUST, HOG

PHENCYCLIDINE ANALOGS PCE, PCP, TCP

OTHER HALLUCINOGENS BUFOTENINE, IBOGAINE, DMT, DET, PSILOCYN

### CANNABIS:

MARIJUANA OT, ACAPULCO GOLD, GRASS, REEFER, SINSEMILLA, 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 Listerine 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,

## APPENDIX B

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.

## APPENDIX B

### ATTACHMENT 1

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

- 1.
- 2.
- 3.
- 4.
- 5.



## APPENDIX B

### ATTACHMENT 2

#### 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: \_\_\_\_\_



## APPENDIX B

### ATTACHMENT 3

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

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

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

LIST PRESCRIPTION MEDICATION:

LIST NON-PRESCRIPTION MEDICATION:

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

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

Date: \_\_\_\_\_

## APPENDIX B

### 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 THE 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 DISCIPLINARY ACTION, 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: \_\_\_\_\_

## APPENDIX B

### 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 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



## APPENDIX C

### TOWN OF LAUDERDALE-BY-THE-SEA PUBLIC RECORDS POLICY

#### GENERAL POLICY

The Town of Lauderdale-By-The-Sea has a policy of strict adherence to Florida's Public Records Act. VIOLATIONS OF THIS LAW WILL NOT BE TOLERATED.

#### DEFINITION

The Public Records Act, codified in Chapter 119, Florida Statutes, entitles any individual access to Town public records. Public records are defined as [1] materials made or received by the Town [2] in connection with official Town business and used to [3] perpetuate, communicate, or formalize knowledge of some type.

Examples of materials include papers, electronic files, photographs, videos, text messages, and audio. If these materials are made or received by Town employees, have a connection to Town business, and were intended to communicate or formalize knowledge, any person may inspect or receive a copy of these materials.

#### PUBLIC RECORDS REQUESTS

The Public Records Act provides a statutory right to inspect records, not just to obtain copies. A public records request does not have to be in writing or provide a reason for wanting the records and may be anonymous.

The Town asks the person to fill out a form so that we can better serve them in fulfilling their request and contacting them when the records are available. As noted above, if the person refuses to complete the form, staff is to complete the form for the practical benefits of documenting what is being requested and the date requested.

The person *does have* to make the request of the Town's official custodian of all Town records, which is the Town Clerk.

#### EMPLOYEE OBLIGATIONS

Many employees create documents and records daily as part of the normal course of business. These materials are public records; however, we tend not to think of them as such. A public records request is governed by state law, which requires the satisfaction of certain legal requirements. For these reasons, all public records requests shall be processed through the Town Clerk's Office as the official custodian of Town records.

For the inspection of records, this may entail compiling the requested records and providing an inspection site (i.e., a room). For copies, this will entail making legible photocopies or providing said records in electronic form.

Town employees are required to store public records in their control in a manner such that they can be accessed. This may include the creation of a filing system (physical and digital).

**Town employees shall not destroy public records unless it is done so in accordance with law under the direction of the Town Clerk.**

## APPENDIX C

### COSTS

If the request requires employees to spend more than 15 minutes to respond, a reasonable service charge may be imposed based on actual costs (e.g., if it takes a support staff member five (5) hours to compile a records request, the requestor may be charged 5 hours x the employee’s hourly rate). A deposit may be required before resources are expended. For copies of standard papers, a cost per page may be imposed. The cost to charge for copying other materials (e.g., large maps, videos) will be determined by the Town Manager.

### EXEMPTIONS

Certain information is exempt from disclosure by the Public Records Act and cannot be provided by law. Examples of exempt information include the social security numbers of all current and former Town personnel, direct deposit records identifying banking institutions and account numbers, discrimination complaints and investigations (this exemption is temporary) and contact information of the spouses and children of public safety personnel. Because the number of exemptions is voluminous and changes over time, employees shall contact the Town Clerk if they are unsure whether a record or certain information falls under an exemption.

While an employee’s personal email or documents are generally not considered public records, as a practical matter the Town will disclose all documents deemed responsive and may include personal documents. Therefore, employees shall not assume that personal messages and communications are confidential or exempt from public disclosure.

### VIOLATIONS

Florida law provides that a “knowing” violation of the Public Records Act is a criminal offense. All other violations are noncriminal, but punishable by fines. A violation of this policy may subject employees to discipline up to and including termination.

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 MY PERSONNEL FILE.

\_\_\_\_\_

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

EMPLOYEE SIGNATURE

\_\_\_\_\_

PRINTED NAME