

ORDINANCE NO. 24-08

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF DUNDEE, FLORIDA, AMENDING THE TOWN OF DUNDEE PERSONNEL POLICY HANDBOOK AND CREATING SECTION 14.8 TITLED “COMPUTER, CELLULAR PHONE, INFORMATION AND DIGITAL TECHNOLOGY”; PROVIDING FOR THE INCORPORATION OF RECITALS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE ADMINISTRATIVE CORRECTION OF SCRIVENER’S ERRORS; PROVIDING FOR CODIFICATION; PROVIDING BUSINESS IMPACT ESTIMATE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Dundee (the “Town”) is a Florida municipal corporation vested with home rule authority pursuant to the Municipal Home Rule Powers Act (F.S. Chapter 166) and Article VIII, §2 of the Florida Constitution; and

WHEREAS, pursuant to Section 2(b), Article VIII of the Florida Constitution and Chapter 166, Florida Statutes, the Town is vested with governmental, corporate, and proprietary powers to enable it to conduct municipal government, perform municipal functions, and render municipal services, including the general exercise of any power for municipal purposes; and

WHEREAS, on May 11, 2010, at a duly noticed public hearing, the Town Commission of the Town of Dundee (the “Town Commission”) adopted Ordinance No. 10-02 establishing a new and revised Town of Dundee Personnel Policy Handbook; and

WHEREAS, pursuant to Section 4.06 of the Town of Dundee Charter (the “Charter”), the Town Commission may establish personnel procedures and rules by ordinance; and

WHEREAS, pursuant to Section 1.04A of the Personnel Policy Handbook, the Town Manager shall present to the Town Commission rules, regulations and changes, as necessary, for the administration of the personnel system; and

WHEREAS, on May 25, 2021, at a duly noticed public hearing, the Town Commission adopted Ordinance No. 21-07 adopting a revised and restated Town of Dundee Personnel Policy Handbook (the “Handbook”); and

WHEREAS, on April 12, 2022, at a duly noticed public hearing, the Town Commission adopted Ordinance No. 22-12 amending Section 14.01 of the Handbook; and

WHEREAS, on September 23, 2023, at a duly noticed public hearing, the Town Commission adopted Ordinance No. 23-08 amending Sections 5.01, 5.02, 5.03, 6.01, 7.01, 8.01, 8.02 and 8.13 of the Handbook; and

WHEREAS, on June 7, 2024, at a duly notice public hearing, the Town Commission adopted Ordinance No. 24-07 amending Section 2 titled "Definition of Terms," Section 3.6 titled "Employment of Relatives," and creating Section 14.7 titled "No Tobacco – Smoking" of the Handbook; and

WHEREAS, the Town Commission has considered and reviewed the amendments to the for the Handbook which creates Section 14.8 titled "Computer, Cellular Phone, Information and Digital Technology" of the Handbook (the "Amendments"); and

WHEREAS, the Amendments are more particularly set forth on **Exhibit "A"** attached hereto and incorporated herein by reference; and

WHEREAS, the Town Commission finds that it is beneficial, appropriate, and in the best interests of the residents and citizens of the Town of Dundee to adopt the Amendments (see **Exhibit "A"**) for the Town of Dundee Personnel Policy Handbook; and

WHEREAS, the Town Commission of the Town of Dundee, Florida, finds that the approval and adoption of this Ordinance is intended and necessary to enhance the present advantages that exist within the corporate limits of the Town of Dundee, Florida; is consistent with the public interest; and this Ordinance is intended to promote, protect, and improve the public health, safety, and general welfare of the citizens and residents of the Town of Dundee, Florida.

NOW, THEREFORE BE IT ENACTED BY THE PEOPLE OF THE TOWN OF DUNDEE, FLORIDA:

Section 1. Incorporation of Recitals. The above-referenced factual recitals (WHEREAS clauses) and referenced exhibits are incorporated herein as true and correct statements that form a factual and material basis for the adoption of this Ordinance, and the Town Commission of the Town of Dundee, Florida, hereby adopts the above-referenced factual recitals as the legislative findings supporting the adoption of this Ordinance.

Section 2. Amendment. The Town of Dundee hereby amends the Town of Dundee Personnel Policy Handbook (*Revised June 2024*) (the "Handbook") and creates Section 14.8 titled "Computer, Cellular Phone, Information and Digital Technology" (the "Amendments") of as shown in **Exhibit "A"**, which is attached hereto and made a part hereof (deleted provisions are shown in ~~strike through~~ format, and new provisions are shown in underlined format).

Section 3. Conflicts. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent necessary to give this Ordinance full force and effect. The

amended sections of the Handbook (see attached **Exhibit "A"**), insofar as they are substantially the same as legislation previously adopted by ordinance(s) of the Town of Dundee and relating to the same subject matter, shall be construed as restatements and continuations thereof and not as new enactments.

Section 4. Severability. The provisions of this Ordinance are severable. If any section, subsection, sentence, clause, phrase of this Ordinance, or the application thereof shall be held invalid, unenforceable, or unconstitutional by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby. The Town Commission of the Town of Dundee hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared invalid, unenforceable, or unconstitutional, or unenforceable. If any word, sentence, clause, phrase, or provision of this Ordinance for any reason is declared by any court of competent jurisdiction to be invalid, unenforceable, or unconstitutional, then all remaining provisions and portions of this Ordinance shall remain in full force and effect. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town of Dundee, Florida, by and through its Town Commission, hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 5. Administrative Correction of Scrivener's Errors. It is the intention of the City Commission that sections of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to, "section", or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Code of Ordinances of the Town of Dundee is accomplished, sections of this Ordinance may be re-numbered or re-lettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the Town Manager or designee, without need of public hearing, by filing a corrected or re-codified copy of same with the Town Clerk.

Section 6. Codification. This Ordinance shall not be codified in the Code of Ordinances of the Town of Dundee, Florida. A certified copy of this Ordinance shall be located in the Office of the Town of Dundee Town Clerk, and the revised and restated Town of Dundee Personnel Policy Handbook (July 2024) shall be reviewed annually by the Town of Dundee Town Manager and remain on file in the Office of the Town of Dundee Town Clerk.

Section 7. Business Impact Estimate. On October 1, 2023, Senate Bill 170, *Chapter 2023-309, Laws of Florida*, was enacted creating Section 166.0411 of the Florida Statutes and requiring a municipality to prepare a business impact estimate before the enactment of an ordinance. Provided however, Section 166.041(4)(c), Florida Statutes

(2023) provides, in pertinent part, that municipal ordinances required to implement a contract or agreement, as well as ordinances enacted and required for compliance with federal or state law or regulation, are exempt from this requirement. Notwithstanding the fact that this Ordinance is otherwise exempt from Section 166.041 of the Florida Statutes, the economic and/or cost impact of the provisions of this Ordinance, as an overall average, is *de minimis* or negligible, if any, in regard to the Amendments. The Handbook is not applicable to the general public, and the Amendments represent a contract and/or an agreement between the agency and its employees and therefor are only applicable to person(s) employed by the Town of Dundee. Therefore, this Ordinance has no direct economic impact on private businesses within the corporate limits of the Town of Dundee, Florida.

Section 8. Effective Date. The effective date of this Ordinance shall be immediately upon passage on second reading.

INTRODUCED AND PASSED on first reading, at a regular meeting of the Town Commission of the Town of Dundee, Florida, held this 25th day of June, 2024.

PASSED AND FINALLY ADOPTED on second reading and adoption public hearing at the meeting of the Town Commission of the Town of Dundee, Florida, duly assembled on this _____ day of _____, 2024.

TOWN OF DUNDEE, FLORIDA

Mayor- Sam Pennant

ATTEST:

Town Clerk – Trevor Douthat

Approved as to form:

Town Attorney - Frederick J. Murphy, Jr.

EXHIBIT "A"

(Additions shown in underline and deletions shown in ~~striketrough~~)

PERSONNEL POLICY HANDBOOK

Revised June ~~June~~ July 2024



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SECTION 1

GENERAL PROVISIONS

1.01 Purpose

- A. The purpose of these Personnel Policies is to provide a general guide for the personnel administration of the Town of Dundee.
- B. It is the intent of these policies to assure fair treatment of all the Town's employees in all aspects of personnel administration. These policies shall be carried out without regard to an employee's political affiliation, race, color, creed, national origin, religion, marital status, handicap, age, or gender and with proper regard for an employee's privacy and rights as a citizen.
- C. All employees serve at the pleasure of the Town and no employee shall have any vested rights in his or her employment or in the practices and procedures set forth in these Personnel Policies except only by a specific written contract. It is the intent of the Town to have a mutually beneficial relationship with each employee. Each employee should endeavor to improve his/her performance and skills to enable the Town to offer quality service to the public and provide opportunities for advancement of employees.
- D. Employees shall have the right to form, join, and participate in, or to refrain from forming, joining, or participating in any employee organization of their own choosing in accordance with State law.

1.02 Positions Covered

- A. These Personnel Policies cover most employees in the municipal government. Some positions are not covered due to their nature and include:
 - Mayor and Commission
 - Town Manager
 - Town Attorney
 - Board and Commission Members
 - Seasonal and Temporary positions
 - Volunteer Personnel excluding volunteer firefighters
 - Advisory Boards and Commissions
 - Consultants and Counsel rendering professional service
- B. Department Directors are covered by all provisions except overtime rules.
- C. The Town Commission may authorize extending the benefits of the Career Service or may authorize the Town Manager to fill any positions in the manner in which positions in the Career Service are filled.

- D. Personnel employed under the provisions of government programs or grants approved by the Town Commission or the Town Manager shall be considered as non-covered positions. Methods of appointment, rights and benefits will be determined by the Town Manager, unless otherwise specified by the governmental agreement.
- E. Volunteer Firefighters who are acting in their official capacity as Volunteer Town of Dundee Firefighters.

1.03 Administration

- A. The Town Manager shall be responsible for the administration and direction of the Town's personnel program.
- B. Department Directors will be responsible for the proper and effective administration of these personnel policies within their respective departments. Routine matters pertaining to enforcement may be delegated.
- C. The Town retains all management rights including, but not limited to, the following:
 - 1. To determine the organization of the Town.
 - 2. To determine the purpose of each of its departments.
 - 3. To exercise control and discretion over the organization and efficiency of operations.
 - 4. To set standards for services to be offered to the public.
 - 5. To manage and direct the employees of the Town and to determine the number of personnel to be employed.
 - 6. To hire, examine, classify, promote, train, transfer, assign, schedule and retain employees.
 - 7. To suspend, demote, discharge, or take other disciplinary action against employees.
 - 8. To increase, reduce, change, modify or alter the composition and size of the work force, including the right to relieve employees from duties because of lack of work, lack of funds or other reasons.

9. To determine the location, methods, means and personnel by which operations are to be conducted including the right to contract and sub-contract existing and future work.
 10. To establish, change or modify the number, types and grades of positions or employees assigned to an organization, unit, department, division, or project.
 11. To establish, change or modify duties, tasks, responsibilities, or requirements within job descriptions in the interest of efficiency, economy, technological change, or operating requirements.
 12. To require all employees to have periodic physical examinations which may include psychological, drug and controlled substance testing, etc., at the Town's expense.
- D. The Mayor and Town Commission play a major role in the personnel function. The goals the Commission establishes for the Town form the framework for Town personnel policies and rules. The Commission approves salaries, benefits, and size of the work force by adopting an annual budget. They appoint the Town Manager whom they designate to serve as their Chief Executive Officer.

1.04 Amendments

- A. The Town Manager shall present to the Town Commission rules, regulations and changes as necessary for the administration of the personnel system.
- B. Amendment, changes, or revisions of the Personnel Policies as approved by the Town Commission shall be posted on Town bulletin boards and distributed to all Town departments.

1.05 Department Policies

- A. Department operating policies and procedures serve as supplements to these policies. In the event of conflict in any section, the Town Personnel Policies shall prevail.
- B. Department policies and procedures will be in writing and approved by the Town Manager for conformance to the Personnel Policies.

SECTION 2

DEFINITION OF TERMS

Active Pay Status - Authorized paid leaves, holiday or time worked.

Anniversary Date - The date on which an employee begins employment and the same date in following years. This also is the date from which vacations and sick leave are computed [this date changes only if an employee is in a non-pay status for one (1) pay period or more; the anniversary date is then deferred by an equivalent amount].

Applicant - Individual who has completed and submitted an application for employment with the Town.

Appeal - An application for review of a disciplinary action submitted or instituted by an employee.

Appointment - Offer and acceptance by a person of a position either on a regular or temporary basis.

Career Service Employee - A full-time employee who has successfully completed an initial probationary period. A Career Service Employee is subject to and receives all benefits and rights as provided by the Personnel Policies.

Class - Group of positions which are sufficiently alike in general duties and responsibilities to warrant the use of the same title, class descriptions and pay range.

Class Description - Written description of a class consisting of a class title, a general statement of the major function of work, illustrative duties, and the qualifications for the class.

Class Title - Title in the classification plan which describes the general nature of work of the position.

Classification - Grouping positions in classes.

Classification Date - Date an employee entered, transferred, or was promoted to the current position. This is the date from which length of service in classification is computed for determination of probationary periods, order of layoff and eligibility for performance increases.

Classification Plan - Official system of grouping positions into classes.

Compensation - The standard rates of pay which have been established for the respective classes of work, as set forth in the compensation plan.

Compensation Plan - The official schedule of pay assigning rates of pay to each class title.

Continuous Service - Employment which is uninterrupted except for authorized leaves of absence, suspension, or separation due to reduction in work force. Authorized paid leaves of absence are included as part of continuous service.

Demotion - Assignment of an employee from one class to another which has a lower maximum rate of pay.

Dismissal - Separation from Town employment for cause.

Electronic Messaging Device (EMD) - includes all Town of Dundee personal computers, electronic mail systems (e-mail), voice mail systems, paging systems, electronic bulletin boards, Internet service providers, fax machines, laptop, or mobile computing terminals (MCT) and any part of the Town's computer network. EMD devices are designed and intended for conducting business of this organization and are restricted to that purpose.

Exempt Status - Employees who are in an exempt status category under the Fair Labor Standards Act or any other applicable rule, regulation, or law and are not eligible for overtime pay.

Grade - Designation for a job classification in the pay plan.

Full-Time - Position that requires an employee to work the full number of hours scheduled for employees of the division.

Immediate Family - Includes spouse, children, stepchildren, parent, stepparents, grandmother, grandfather, brother, sister, brother or sister of spouse, stepsiblings, half-siblings, father-in-law, mother-in-law, son-in-law, daughter-in-law, legal guardian, or any relative living in the same household (this definition is for purposes of Sick Leave, Funeral Leave, Special Leave only).

Insubordination - The unwillingness on the part of an employee to submit to the authority vested in supervisors, Department Directors and the Town Manager as outlined in the Personnel Policies.

Layoff - Reduction of the number of employees due to the lack of work, funds, or other causes.

Leave - Approved type of absence from work as provided by these policies.

May - The word "may" shall be interpreted as permissive.

Non-Covered Position - Employees and positions which are exempt from specific provisions of the Personnel Policies, including the Career Service employment appeal provisions.

Overtime - Time worked in excess of the regularly scheduled work periods for those persons not working on an exempt basis.

Part-Time - Position that requires the employee to work fewer hours than normally designated for others in the same classification.

Pay Range - Salary, which is assigned to a classification title, expressed as a pay range number.

Performance Evaluation - A report relative to the job performance of employees made by the supervisor.

Performance Pay Increase - Increase established in the pay plan which may be granted to an employee based on job performance.

Position - Groups of duties and responsibilities assigned and budgeted requiring the full-time or part-time employment of one (1) person.

Probationary Employee - Full time employee serving a trial period prior to regular appointment in that position.

Probationary Period - Period of time provided to allow the Department Director an opportunity to evaluate an employees' performance and to decide whether the employee is to be retained or not.

Promotion - Assignment of an employee from one class to another which has a higher maximum rate of pay.

Regular Appointment - Appointment to a regular position authorized to be filled.

Relative – unless otherwise specifically provided for this Town of Dundee Personnel Policy Handbook, means an individual who is related to a public officer or 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, half-sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, step great grandchild, person who is engaged to be married to the public officer or employee or who otherwise holds himself or herself out as or is generally known as the person whom the public officer or employee intends to marry or with whom the public officer or employee intends to form a household, or any other natural person having the same legal residence as the public officer or employee. See §112.312(21), *Fla. Stat. (2023)* (defining, in general, terms related to public officers and employees).

Resignation - Act of voluntarily withdrawing from Town employment.

Retirement - Whenever an employee meets the conditions set forth in the Retirement Plan regulations, the employee may elect to retire and receive all benefits earned under the Plan.

Sexual Harassment - Unwelcome sexual advances of whatever nature, requests for sexual favors or other verbal or physical conduct of a sexual nature.

Shall/Will - These terms are interpreted as being mandatory.

Suspension - Relief from work without pay under the Personnel Policies by their Department Director or other supervisor authorized to enforce disciplinary action.

Temporary Employee - An employee appointed for a special project or other work of a temporary or transitory nature. All will serve in a non-covered status and meet requirements set by the Town.

Trainee - Employee undergoing a training period to learn the job duties or to attain education or certification.

Transfer - Action in which the employee moves from one budgeted position to another with no resulting title change, or if a title change does take place, there is no change in the pay range.

Workday - Scheduled number of hours an employee is required to work per day.

SECTION 3

STANDARDS OF CONDUCT

3.01 General Policy

- A. The Town of Dundee has established a system of personnel management to assist in providing superior service to the community.
- B. The Town advocates the concept that the quality of public service can reach maximum efficiency through a Personnel Management System based on merit principles.
- C. Employees are encouraged to develop skills and seek formal training that will enhance their personal development and add to the overall expertise of the organization.
- D. It is the policy of the Town to expect compliance from employees with all Personnel Policies, state statutes and federal regulations in the performance of duties. An employee who violates any of the Personnel Policies shall be subject to disciplinary action.
- E. An employee of the Town of Dundee represents the Town in all his/her dealings with the public. Being a representative involves a degree of duty and obligation regarding public and private conduct which is not common to other classes of employees. A Town employee's appearance, attitude, and behavior all announce to our customers, both internal and external, what may be expected from the Town's government.

3.02 Equal Employment Opportunity

- A. The Town is firmly committed to equal employment opportunity and does not discriminate in any employment-related decisions based on race, color, religion, national origin, gender, age, handicap, or marital status.
- B. Any complaint of violation of the equal opportunity policy may be handled through the regular complaint procedure. You may also report such complaints directly to your supervisor. All such complaints will be promptly investigated and, if deemed valid, corrective action will be taken.
- C. Handicapped persons will be given full consideration for employment in all departments.

3.03 Harassment

- A. The Town shares a common belief that each employee should be able to work in an environment free of discrimination, and any form of harassment,

based on race, color, religion, age, gender, pregnancy, national origin, handicap, or marital status.

- B. To help ensure that no Town employee feels that they are being subjected to harassment and in order to create a comfortable work environment, the Town prohibits any offensive physical, written or spoken conduct, including conduct of a sexual nature. Some examples include:
 - 1. Unwelcome or unwanted advances, including sexual advances.
 - 2. Unwelcome requests or demands for favors, including sexual favors.
 - 3. Verbal or visual abuse or kidding that is oriented toward a prohibited form of harassment, including that which is sex-oriented and considered unwelcome.
 - 4. Any type of sexually oriented conduct or other prohibited form of harassment that would unreasonably interfere with work performance.
 - 5. Creating a work environment that is intimidating, hostile, abusive or offensive because of unwelcomed or unwanted conversations, suggestions, requests, demands, physical contact or attentions, whether sexually oriented or other prohibited form of harassment.
- C. Normal, courteous, mutually respectful, pleasant, non-coercive interactions between employees, including men and women, that are acceptable to both parties are not considered to be harassment, including sexual harassment.
- D. If an employee believes that he or she is being subjected to any of these forms of harassment or believes that he or she is being discriminated against because other employees are receiving favored treatment in exchange, for example, for sexual favors, he/she must bring this to the attention of the appropriate person(s) in management. The very nature of harassment makes it virtually impossible to detect unless the person being harassed registers his or her discontent with the Town's representative. Consequently, in order for the Town to deal with the problem, the employee must report such offensive conduct or situations to the Town's Personnel Office.
- E. A record of the complaint and the findings will become a part of the file and will be maintained separately from the employee's personnel file.
- F. It is understood that any person elected to utilize this complaint resolution procedure will be treated courteously, the problem handled swiftly and confidentially, and the registering of a complaint will in no way be used against the employee, nor will it have an adverse impact on the individual's employment status.

3.04 Conflict of Interest

- A. Employees who may be able to influence actions and decisions regarding the Town's administration shall refrain from relationships which may adversely affect the exercise of their independent judgment in dealing with suppliers.
- B. An outside personal economic relationship which affords present or future financial benefits to an employee, his/her family, or individuals with whom he/she has business or financial ties may be a conflict of interest requiring evaluation by the Town Manager.
- C. An employee having an outside personal economic relationship under the conditions specified above shall file a sworn statement to this effect with the Town.
- D. If the employee is in doubt as to whether a conflict of interest exists, it is that employee's responsibility to seek clarification from the Town Manager.
- E. The Town Manager shall determine whether a relationship could cause a potential conflict of interest.
- F. It is improper for any employee to use his/her position with the Town to obtain or attempt to obtain any special preferences, privileges, or exemptions for him/her or for others.
- G. No employee shall disclose information gained by reason of his/her official position, nor shall the employee use such information for personal gain or benefit.

3.05 Political Activity

- A. Employees MAY:
 - 1. Register and vote as they choose.
 - 2. Assist in voter registration drives.
 - 3. Express their opinion about candidates and issues.
 - 4. Contribute money to a political organization or attend political fund-raising functions.
 - 5. Wear or display political badges.
 - 6. Attend political rallies and meetings.

7. Join a political club or party.
8. Sign nominating petitions.
9. Campaign for/against referendum questions, constitutional amendments, etc.
10. Become a candidate for an elective political office.
11. The employee may use annual and/or personal leave or work after duty hours during a campaign other than one for a Town office.
12. Any employee who wishes to accept or seek election to a Town office shall resign from Town employment upon formal declaration of candidacy.
13. An employee wishing to qualify for any other elective office shall submit written notification to the Town Manager, who will determine whether a conflict of interest exists. Should the employee win such election, he/she will resign from the Career Service effective on the date of election. Should the employee lose the election, he/she will be permitted to retain his/her Career Service position.

B. Employees MAY NOT:

1. Use official authority or influence for the purpose of interfering with an election or nomination for office, coercing or influencing another person's vote or affecting the result thereof.
2. Directly or indirectly coerce, attempt to coerce, command, or advise a State or local officer or employee to pay, lend or contribute anything of value to a party or candidate.
3. Interfere in any other way with the personal right of any officer or employee.

3.06 Employment of Relatives

- A. The Town is bound by the provisions of Section 112.3135, Florida Statutes (2023), regarding restrictions on employment of relatives. If one (1) or more of the eligible candidates for hire falls within the provisions of Section 112.3135, Florida Statutes (2023), such person(s) shall be removed from the list of consideration.
- B. In accordance with Section 112.3135, Florida Statutes (2023), the Town shall not permit the employment of family members in positions in which either

family member would be directly or indirectly supervised by or supervising, influenced by or influencing the activities or employment conditions of the other. For purposes of this Section, the term *family member* shall mean 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.

- C. The relative of any elected official in the Town is disqualified from being hired for any compensated office or employment within the Town organization during the term for which said official is active within the Town organization. Should an otherwise ineligible relative already be employed by the Town at the time of said official's election to office, the employee is prohibited from attempting to influence the Commission member's vote on any issue related to the operation(s) of the Town.

3.07 Outside Employment

- A. Employees are discouraged but not restricted from engaging in other employment during their off-duty hours. However, Town employment shall be considered their primary employment. No employee may engage in outside employment which would interfere with the interest of the Town.
- B. Any employee desiring to pursue outside employment shall request approval from their Department Director.
- C. The Department Director may reject the request if it is deemed to affect Town employment. Any notice to engage in outside employment previously granted under these Policies may be canceled or terminated at any time by the Town upon giving sufficient written notice to the employee concerned.
- D. Employees sustaining injuries while engaged in outside employment are ineligible to receive benefits under Town Worker's Compensation as a result of a disability due to outside employment.
- E. Equipment, facilities, vehicles, or property of the Town shall not be used by employees for outside employment.

3.08 Release of Information

- A. Information concerning subjects under discussion or consideration often change in content and meaning before becoming an accomplished fact. Release of such information before final decisions or disposition of the matter often causes misunderstanding and confusion.

- B. It is the intent of the Town to ensure that all information released is true and accurate. Unless release of information is a normal part of their duties, employees will direct such inquiries to their Department Director or the Town Manager.

3.09 Solicitation and Distribution

- A. Employee contributions to charitable organizations are voluntary. Coercion of an employee to make contributions will not be permitted.
- B. Employees are prohibited from conducting or promoting private business for gain during duty hours or within any Town facility.
- C. Employees are prohibited from soliciting any other Town employee on behalf of any organization, including labor unions, labor organization or employee organizations during the working hours of any employee who is involved in the solicitation (See Section 447.509, Florida Statutes).
- D. Distribution of literature for Town sanctioned programs such as recreational activities are not restricted by this policy.

3.10 Employee Debts

An employee's financial transactions are the employee's personal affair. The Town will not act as a collection agent. However, should complaints concerning an employee's failure to meet financial obligations result in interference with the employee's job performance or occasional loss of time and effort on the part of other Town employees, the employee concerned shall be informed. Should the condition continue, the employee may be subject to disciplinary action.

3.11 Use of Town Property

- A. Employees shall not use Town property, equipment including Town issued cell phones or vehicles except in the performance of official duty, nor shall they permit its use by an unauthorized person, either on or off duty, except as authorized by the Town in writing.
- B. Employees are permitted to use Town telephones for personal local calls in cases of necessity. Excessive use or interfering with work is not permitted.

3.12 Dress and Appearance

- A. Employees assigned duties dealing with the public should be properly groomed and dressed in a businesslike manner.

- B. Those employees furnished uniforms and shoes will be required to wear them correctly. Those who wear hats will wear only Town issued hats.
- C. Determination of an employee's specific dress and appearance is a supervisory responsibility and will be treated as such. Personal appearance standards may be established in departmental rules.

3.13 Personal Business

Conducting personal business while on official duty should be kept to a minimum. If it is necessary for the employee to make telephone calls or meet with persons not employed by the Town, the discussions should be held during breaks or meal period. Exceptions will be allowed only in cases of emergency.

3.14 Acceptance of Gifts

Employees shall not accept anything of value, including a gift, loan, reward, promise of future employment or services that:

- A. Would cause a reasonably prudent person to be influenced in the discharge of official duties; or
- B. Are based upon any understanding that the judgment of the employee in carrying out his/her employment responsibilities would be influenced thereby (Section 112.313(2), Florida Statutes).

3.15 Internet Access

A. It is the intent of the Town of Dundee to provide Internet access to employees who have a demonstrable need. While using the Internet, it is understood that the employee is always representing the Town, and will use the Internet professionally, productively, and responsibly. Employees will follow the generally accepted rules of network etiquette and adhere to the following requirements:

1. Internet use is for Town business purposes only. The Internet will not be used in any way that could disrupt the productivity of the Town or the use of the Town's computer network. Personal use, other than for pre-approved educational purposes, is not allowed. Downloading, viewing or interaction with sexually explicit or pornographic sites is strictly forbidden. Gaming is prohibited. Access to chat groups or bulletin boards, unless for a direct business purpose, is prohibited.
2. Illegal activities are forbidden. Employees do not maintain any right to privacy in Town owned Electronic Messaging Device (EMD) equipment or its contents, including personally owned software.

3. Members shall not download or install on their EMD any file (e.g., sound and video files, files attached to e-mail messages), software or other materials from the Internet or other external sources without taking prescribed steps to preclude infection by computer viruses.
4. Transmission of electronic messages and information on communications media provided for Town employees shall be treated with the same degree of propriety and professionalism as official written correspondence. All electronic messages and information on Town communications media are subject to the public records laws of the State of Florida.
5. Use of personal Internet access accounts, software, or providers on Town-owned EMDs is prohibited. Employees may use only assigned access Internet service accounts. To avoid breaches of security, employees shall log off any EMD which has access to the agency's computer network, electronic mail system, the Internet or sensitive information whenever they leave their workstation.
6. Attempts to subvert Internet security to impair functionality of the Internet or to bypass restrictions set by the Town is strictly forbidden.
7. Employees shall observe the copyright and licensing restrictions of all software applications and shall not copy software from internal or external sources unless legally authorized.
8. Violation of this policy will result in disciplinary action as provided in Section 13, Disciplinary Action.

SECTION 4

EMPLOYMENT POLICIES

4.01 Appointing Authority

The Town Manager has the authority of appointment and removal of subordinate positions. Such authority may be delegated to a Department Director.

4.02 Position Control

All positions in the Town are established and maintained through a personnel budget each fiscal year. The establishment of new or additional positions can be authorized by the Town Commission subject to adequate justification on need and availability of funds.

4.03 Types of Appointments

- A. Regular - Employees who work full-time.
- B. Part-Time - Employees who work less than the normal scheduled hours per week.
- C. Temporary - Positions (whether part-time, full-time, or hourly) that are anticipated to be comparatively short or limited duration for special projects, grants, or programs.
- D. Seasonal - Employees hired specifically for seasonal work will be laid off at the close of the season for which they were appointed.
- E. Trainee - Employees who do not meet the minimum qualifications of the position. The length of training is at the discretion of the Town.
- F. Volunteer Firefighters – Employees acting in their official capacity as volunteer Town of Dundee Firefighters that perform fire suppression and other related emergency services.

4.04 Application Procedures

- A. When departments submit requests for persons to fill vacancies, the requests shall include the title of the position and other pertinent information as may be needed to locate qualified applicants. Requests for personnel should be made reasonably far in advance of actual need when circumstances permit.
- B. Upon being notified of a vacancy, the employee delegated this authority shall prepare a notice and advertisement, where appropriate, outlining the qualifications for the position.

- C. The Town Manager, in conjunction with the Department Director concerned, will select the best qualified applicant.
- D. When a vacancy has been filled, the remaining applications become inactive after three (3) months.
- E. Employment with the Town shall be based on merit, which includes considerations of qualifications such as ability, skill, experience, training, and other merit factors.
- F. As part of the pre-employment procedure, references provided by applicants or reference sources may be checked.

4.05 Processing of Applications

- A. The Town will review and consider all applications for employment filed with the Town. The Town may have any individual application or applications reviewed by Department Directors and subordinates as appropriate. The Town may approve or disapprove applicants for employment taking into consideration the requirements of the position to be filled, the applicant's criminal history and their qualifications and the interests of the Town. The Town reserves the right to perform state and national background checks on all potential and current employees (Section 166.0442, Florida Statutes).
- B. The Town may reject an application which indicates that the applicant does not possess one or more of the requirements as specified in the announcement.
- C. Applications may also be rejected for the following reasons:
 - 1. The applicant has been convicted of a felony or of a first-degree misdemeanor, which directly relates to the position sought. (Section 112.011(1), Florida Statutes)
 - 2. The applicant has made false statements of any fact in the application.

NOTES:

- 1. Whether or not an applicant will be rejected under items 1 and 2 above will depend on the specific facts, including the nature of the offense, relevance to employment, and the passage of time since the incident occurred, evidence of rehabilitation or other mitigating factors.
- 2. Section 112.011(2)(b), Florida Statutes states that applicants for employment with the Town's fire department with a prior felony

conviction shall be excluded from employment for a four (4) year period after expiration of sentence or final release by the Parole Commission unless the applicant has received a full pardon or restoration of civil rights.

3. The Town reserves the right to modify its policy on criminal convictions for those positions deemed to be critical to security or public safety (Section 112.011(2)(c), Florida Statutes).

D. Before final processing, an applicant must:

1. Pass a drug screen performed and evaluated by the Town's designated testing facility.
2. Present a valid Social Security card.
3. Present proof of:
 - a. Education, if required by the position.
 - b. Date of birth.
 - c. Citizenship or resident alien status.
 - d. Separation from the Armed Forces (DD-214 Form).
 - e. Be subject to a background investigation, if required by the position.
 - f. Present a valid Florida Driver's License, where required by the position.
 - g. All employees, if required to have a commercial driver's license (CDL) or other special vehicular license will be required to obtain these licenses within 90 days. Failure to obtain this required license within 90 days will result in termination.

E. The applicant upon receiving the job offer must pass a physical exam prior to reporting to work to evaluate the employee's physical ability to perform the duties required by the position.

4.06 Transfers

- A. An employee may be transferred from a classification in one department to the same or equivalent classification in another department. Two (2) weeks' notice shall be given prior to the transfer, unless otherwise agreed upon by both Department Directors.
- B. A regular employee who accepts a vacant position of equal classification in another department will be required to serve a three (3) month probationary period following the date of transfer. In the event an employee fails to successfully complete the probationary period, every effort will be made to

return the employee to the position and status held immediately prior to the transfer. If the employee's former position is filled, the employee may be transferred to a vacant position with the same job classification, subject to the approval of the Department Director. If no vacant position exists, the employee will be terminated.

4.07 Promotions

- A. An employee is promoted when he/she is selected for a higher-level position with the Town.
- B. If an employee is promoted to a higher-level position, his/her promotion shall not be deemed regular until he/she has completed and served in such capacity of the Town for a probationary six (6) months following the date of the promotion. If the employee is not confirmed in the position to which he/she was promoted, the employee may revert to the position held prior to such promotion or equivalent position if one is available. If the employee's former position is filled, the employee may be transferred to a vacant position with the same job classification, subject to the approval of the Department Director. If no vacant position exists, the employee will be terminated.

4.08 Demotions

- A. A demotion is the assignment of an employee from one class to another which has a lower maximum rate of pay. The Town may demote an employee from one class to another which has a lower maximum rate of pay in the following instances:
 - 1. In lieu of lay-off when a position is to be abolished or an employee with prior rights returns to the position.
 - 2. In lieu of dismissal when an employee is not performing satisfactorily or when a health examination conducted by the Town's physician discloses that the employee is not physically qualified to perform the duties of the position.
 - 3. When an employee fails to perform satisfactorily during the probationary period following promotion.
- B. The Town shall furnish the employee a written statement containing the reasons for the demotion.

4.09 Reinstatements

- A. An employee who has resigned in good standing or whose position has been abolished may be rehired, if a vacancy exists, to the same or similar position by the same department from which the employee left.
- B. An employee may be reinstated at the same pay rate as previously received or may revert to a lower rate within the pay range at the discretion of the Town Manager.
- C. Reinstated employees that have separated from the Town's employment for less than thirty (30) days may resume the same seniority benefits they enjoyed prior to termination except as herein otherwise specifically provided. Reinstated employees that have separated from the Town's employment for more than thirty (30) days will be considered new employees for the purpose of benefits. Reinstated employees are subject to the provisions of the applicable retirement and insurance programs that are in effect at the time of reinstatement.
- D. For the purposes of retirement benefits, the applicable provisions of the retirement plan in effect will apply.

4.10 Probationary Period for Newly Hired Employees

- A. The probationary or "working test" period is utilized to observe the new employee's work, to secure the most effective adjustment of a new employee to the position and to reject any employee whose performance does not meet the required work standards.
- B. The employment of a person shall not be deemed complete for a period of one (1) year. An employee within the probationary period may be discharged by the Town Manager or the Department Director for which the employee works, without cause. If the employee is not discharged before completion of his/her probationary period, the employee shall be confirmed in his/her position and shall be a regular employee of the Town.
- C. Where the completion of minimal educational requirement or other qualifications are required upon the initial employment of an employee, the probationary period may be extended until all the educational requirements or other qualifications for the position have been met.
- E. During the probationary period, the employee's supervisor will notify the employee if their performance is not satisfactory and test period requirements are not being met.
- F. If a newly hired probationary employee has been found to be unqualified to perform or will not properly perform the duties of the position, the employee

shall be dismissed by the Department Director at the time of such determination.

The Department Director must coordinate this action with the Town Manager and furnish written notice that the employee does not have the right of administrative appeal (See Section 13.05, Appeals).

4.11 Hours of Work

- A. The Town Manager, in conjunction with Department Directors, shall establish hours of work in accordance with the needs of the Town and the public.
- B. Employees working on a shift basis will work the hours as determined by departmental policy.
- C. Lunch periods will be scheduled at the discretion of the Department Director. Lunch periods are scheduled in a manner to best serve the public and the exact time you are to take your lunch break will be determined by your supervisor. It is expected that our employees take lunch, as this time cannot be accumulated or saved for the purpose of leaving work early or accumulating overtime.
- D. All departments throughout the Town are authorized to extend the privilege of fifteen (15) minute break periods to employees. The hours and times for breaks vary in different departments and are left to the discretion of the department director or supervisor. A break is a privilege; therefore, if there is abuse, the privilege can be taken away. There will be times when it will be impossible to take time from a busy schedule to have a break; however, break time cannot be accumulated for use, at another time. There may be two (2) breaks in an eight (8) hour shifts.

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E. On Call/Rounds & Call-Back Policy

This policy applies to Hourly, Operational and Classified non-exempt employees of the Town of Dundee.

Purpose

The purpose of this policy is to provide guidelines to department directors and supervisors regarding the process and procedures to be followed for non-exempt employees who are required to maintain their availability after hours or during days off to perform necessary responsibilities at various Town facilities and/or to be on-call to come back to work or to otherwise be available to respond to emergency situations.

Policy and Procedures

A. Definitions

- On-Call – When an employee's job assignment requires the ability to be contacted in order to provide professional services, if necessary, but not formally on duty.
- Rounds – When an employee's job assignment requires the employee to report to work to perform various tasks to ensure that the Town facilities remain functional.
- Call-Back - When an employee is called back to work to perform a task of professional service either in person or via phone or computer.

B. Identification and Notification

Department Directors will identify positions and employees who are required as a condition of employment to be on-call, to come back to work outside of the employee's regular shift or to conduct round checks at various Town facilities.

Department Directors with on call employees will identify these positions, the employee should be notified in writing that the essential functions of his or her job requires the employee to maintain an on-call or round ~~at~~ ^{on} either an intermittent or regularly scheduled basis. The Department Director shall maintain a roster of all qualified employees and an equitable rotation schedule shall be followed.

C. On-Call Requirements

Department Directors and/or supervisors should provide employees who are required to be on-call with a schedule of the time and date that the employee must be on-call with as much notice as possible. The employee is not required to restrict his or her activities while on-call, but must adhere to following guidelines:

- Unless otherwise advised, the employee is not required, while on-call, to remain on the Town's premises. However, the employee must remain available by telephone or text while off site and respond to any message within ten (10) minutes.
- The employee is not restricted to Dundee town limits, but they must be able to be on site within thirty (30) minutes of receiving the call/message of a situation requiring action.
- The employee must remain free of the influence of alcohol or illegal drugs at all times while on call. In addition, the employee should not take any prescription drug that adversely affects his or her ability to perform safely and effectively his or her job duties. If an employee has a medical condition and has concerns about complying with this

requirement, the employee should consult with the Human Resources Department.

- If the employee has a conflict and is unable to be on-call during his or her assigned time, it is the employee's obligation to pre-arrange with his or her immediate supervisor for a replacement to cover the employee's on-call shift.
- On-Call employees who fail to respond when called and/or who fail to find a replacement are subject to disciplinary action up to and including termination.

D. Round Requirements

- Department Directors and/or supervisors should provide employees who are required to perform rounds with a schedule of the time and date that the employee will perform such duties.
- Employees performing rounds must remain on Town premises until all rounds are complete.
- If the employee has a conflict and is unable to perform rounds during his or her assigned time, it is the employee's obligation to pre-arrange with his or her immediate supervisor for a replacement to cover the rounds.
- Employees who fail to perform rounds when assigned and/or who fail to find a replacement are subject to disciplinary action up to and including termination.

E. On-Call Pay

- Employees will receive 3 hours of on call pay at their regular rate for each 24-hour shift of on-call status. Compensatory time may NOT be used in lieu of on call pay.

F. Plant Checks

- Employees will receive 2 hours of plant check pay at their regular rate for each day that they have to perform rounds at various Town facilities. This 2-hour of plant check pay counts as time worked.
- Example:
 - If an employee has already worked 40 hours when he or she is on-call, he or she will receive 1-hour of on call pay for the 8-hour on call shift. This hour does not count as hours worked for purposes of calculating overtime and is paid at the employee's regular rate of pay.

- Commuting time to work is not counted as hours worked if the employee is on call and called back to work. Work time begins upon arrival to work and ends upon clocking out and leaving work.
- If an employee is on a current call out and an additional call comes in, that workorder will combine for the current time for which they are actively on the clock. Two separate calls within a 3-hour period will be counted as 1.

4.12 Overtime

- A. Overtime shall be **authorized or directed** only when it is the most practical and economical way of meeting workloads or deadlines.
- B. Overtime should be avoided. It will be the Town's policy to assign each employee regular work duties and responsibilities which can be accomplished within the established day and week.
- C. On occasion, some employees may be required, per their director/supervisor, to alter their typical work schedule. In this case, the employee shall take a day off during the week to avoid any overtime costs.
- D. Employees in designated non-exempt classifications will be paid overtime in accordance with provisions of the Fair Labor Standards Act. However, when working under a State or Federal Disaster Declaration, exempt classifications are authorized for overtime when eligible for reimbursement by another agency. The duration of such overtime authorization and the circumstances under such payment will be made at the discretion of the Town Manager.

Employees Not Eligible for Overtime

Town Manager
Town Clerk
Finance Director
Library Director
Public Works/Utilities Director
Parks and Recreation Director
Fire Chief

Any other classification as may be designated by the Town Manager

- E. Employees exempt from overtime in accordance with C. will be expected, as part of their responsibility, to work in excess of forty (40) hours per week from time to time as required by special circumstances and may receive time-off at the discretion of the Department/Division Head or the Town Manager.

- F. Funeral leave, jury duty, holidays, vacation, sick, annual military leave, and any other absence from work while on pay status will not be counted as time worked for overtime computations.

4.13 Attendance

- A. Employees are expected to report for duty at the scheduled time and each Department Director shall be responsible for the punctual attendance of all persons in their department. If an employee is unable to work for any reason, he/she must notify the Department Director prior to the scheduled reporting time. Repeated or unjustified absenteeism or lateness is cause for disciplinary action.
- B. Unreported absence of three (3) consecutive workdays may be considered an abandonment of the position and termination of employment.

4.14 Performance Evaluations

The Town shall utilize a program for rating the work performance of employees upon anniversary date of hire each year. Rules and procedures for the performance evaluation system will be contained in the appropriate manual.

4.15 Employee Training

The Town may establish and develop educational and training programs for employees. The purpose of such programs is to increase operational efficiency and to assist employees in preparing themselves for positions of increasing difficulty and responsibility.

4.16 Physical Examination/Testing Procedures

The Town may require all employees to have an annual physical examination by a doctor of the Town's choice which may include, at the Town's discretion, a psychological examination and drug and controlled substance testing. The cost of the examination will be paid by the Town.

4.17 Drug Free Workplace Program

The Town has implemented a Drug Free Workplace Program Policy according to the requirements of the Department of Labor and Employment Security, Division of Workers Compensation 38F-9 and Section 440.102, Florida Statutes, as amended. This policy is defined in Appendix A of the Personnel Policy Handbook.

4.18 Restricted Duty Assignment

Occasions will arise when an employee is temporarily unable to perform all their job duties as a result of an injury, illness, or other debilitating condition. To ensure consistency and fairness to all employees, it is necessary to establish guidelines for restricted duty assignments. Also, to ensure the continued service and adequate service delivery for the citizens of Dundee, it is necessary to place a limitation upon the duration of restricted duty assignments.

Employees whose physical abilities have been temporarily diminished as a result of an injury, illness, or other debilitating condition (e.g., pregnancy) may, at the discretion of the Town Manager, be assigned to restricted duty.

A. Qualifications for Restricted Duty

1. To qualify for restricted duty, an employee must be certified by the Town's Worker's Compensation Medical Review Officer and/or a licensed physician to be temporarily unable to perform all their job duties as a result of an injury, illness, or other debilitating condition.
2. Employees certified for restricted duty must be capable of performing all the tasks associated with an available, restricted duty assignment.

B. Application for Restricted Duty

1. Injuries on the Job - A qualified employee who has been injured on the job may request a restricted duty assignment following receipt of Return to Work (with restrictions) authorization from the Town's Worker's Compensation Medical Review Officer and, where necessary, the employee's personal attending physician.
 - a. The Department Director shall have the authority to temporarily assign an employee to restricted duty when the injury will require restricted duty for a period not to exceed three (3) consecutive workdays.
 - b. If an employee's injury will require more than three (3) consecutive workdays of restricted duty, the employee shall submit a "Request for Restricted Duty Assignment" form to their Department Director requesting a restricted duty assignment. The form should include a brief description of the injury and the prognosis for recovery. A copy of the Return-to-Work authorization from the Town's Worker's Compensation Medical Review Officer shall be attached. The Department Director shall attach a recommendation for a restricted duty assignment to the "Request for Restricted Duty Assignment" form as it is routed through to the Town Manager. The Town Manager shall have the final authority in deciding whether to

approve a request for restricted duty. An employee may not return to duty until the request is approved by the Town Manager.

2. Injuries/Illnesses/Conditions Arising Off the Job - A qualified employee who is suffering from an injury, illness or condition **not** arising in the line of duty may request a restricted duty assignment.

- a. The Department Director shall have the authority to temporarily assign an employee to restricted duty when the injury will require restricted duty for a period not to exceed three (3) consecutive workdays.
- b. If an employee's injury will require more than three (3) consecutive workdays of restricted duty, the employee shall submit a "Request for Restricted Duty Assignment" form and a memorandum to their Department Director requesting a restricted duty assignment. The memorandum should include a brief description of the injury and the prognosis for recovery. A copy of the Return-to-Work authorization from the employee's attending physician shall be attached. The Department Director shall attach a recommendation for a restricted duty assignment to the memorandum and the "Request for Restricted Duty Assignment" form as it is routed through to the Town Manager. The Town Manager shall have the final authority in deciding whether to approve a request for restricted duty. An employee may not return to duty until the request is approved by the Town Manager.

C. Administration

1. The Town Manager shall consider recommendations from the Department Director regarding restricted duty assignments.

In some cases, employees may be allowed to continue in their primary assignment if the efficiency of the division/department will not be affected (Example: An employee normally assigned to administrative duties may be allowed to continue in that assignment after knee surgery).

2. Department Directors will be responsible for monitoring employees from their department who are assigned to restricted duty.

D. Periodic Medical Evaluations

1. At least every thirty (30) days, or more often when necessary, the Town's assigned Worker's Compensation Medical Review Officer shall evaluate employees who are on restricted duty as a result of an on-the-job injury.
2. At least every thirty (30) days, employees who are on restricted duty as a result of an injury, illness or condition **not** arising in the line of duty shall be evaluated by their private attending physician and shall submit a new "Request for Restricted Duty Assignment" form.

E. Duration of Restricted Duty Assignments

1. Restricted duty is only available on a temporary basis to eligible employees.
2. An employee's eligibility for restricted duty shall expire six (6) months after the date of initial injury or onset of the illness or condition.
3. An employee who is on restricted duty and unable to return to full and unrestricted duty after six (6) months from the date of initial injury or onset of the illness or condition must take an authorized leave of absence (e.g., worker's compensation leave, sick leave, vacation leave, compensatory time, sick leave bank, leave without pay, Family and Medical Leave Act, etc.).
4. An employee who is "disabled" will be reasonably accommodated as required by the Americans with Disabilities Act.

F. Requirements to Remain in Authorized Leave Status

1. Employees who are physically unable to perform their normal job duties and who do not receive a restricted duty assignment shall be required to remain in an authorized leave status (e.g., worker's compensation leave, sick leave, vacation leave, compensatory time, sick leave bank, leave without pay, Family and Medical Leave Act, etc.).
2. Employees whose eligibility for restricted duty has expired and who are still physically unable to perform their normal job duties shall be required to remain in an authorized leave status (e.g., worker's compensation leave, sick leave, vacation leave, compensatory time, sick leave bank, leave without pay, Family and Medical Leave Act, etc.).
3. Employees who are eligible for the participation in the Town's sick leave bank should make application through the Town Manager's

Office, only upon exhaustion of all sick, vacation and compensatory time that has been accrued (See Section 7.07, Sick Leave Bank).

4. Failure to remain in authorized leave status may result in termination of employment.

G. Restrictions while on Restricted Duty

1. Employees on restricted duty will follow the directives (i.e., work related restrictions) of the Town's Worker's Compensation Medical Review Officer and/or their private attending physician during the entire period of restricted duty eligibility. Failure to follow medical restrictions may result in denial of restricted duty.
2. Employees on restricted duty shall be evaluated by the Town's Worker's Compensation Medical Review Officer and/or their private attending physician and shall submit "fitness-for-duty" certification before returning to full duty.

H. Management Discretion

1. Restricted duty assignments are provided under the sole discretion of the Town Manager and are available on a temporary basis only.
2. Restricted duty assignments may include changes in work responsibilities, work hours, work location, work attire, etc.

4.19 Merit Pay Program

The Town may establish and implement and thereafter amend a Merit Pay Program by Resolution.

4.20 Tuition Assistance Program

The Town may establish and implement and thereafter amend a Tuition Assistance Program by Resolution.

SECTION 5 **HOLIDAYS**

5.01 Days Observed

- A. The following, and any other days which the Town Commission may declare, are Town holidays. They shall be granted with pay to all eligible employees scheduled to work on such days.

1. New Year's Day	January 1
2. Martin Luther King Day	Third Monday in January
3. Memorial Day	Last Monday in May
4. Juneteenth	June 19
5. Independence Day	July 4
6. Labor Day	First Monday in September
7. Veteran's Day	November 11
8. Thanksgiving	Fourth Thursday in November
9. Friday after Thanksgiving	Fourth Friday in November
10. Christmas Eve	December 24
11. Christmas Day	December 25
12. Two Personal Holidays	

- B. When a holiday falls on a Saturday, the preceding Friday shall be observed as the official holiday for that year. When a holiday falls on a Sunday, the following Monday shall be observed as the official holiday.
- C. The Town Manager will determine when any department or operation will be closed to observe a holiday, and which employee shall be eligible for holiday leave.

5.02 Eligibility for Holiday Pay

- A. All probationary or eligible full-time regular employees will receive eight (8) hours off with pay for each of the holidays earned (See Section 5.03, Holiday on Workday). All probationary or regular part-time employees will receive four (4) hours off with pay for each of the holidays earned. Probationary or regular full-time firefighters on 24-hour shift schedule will be paid twelve (12) hours straight time as holiday pay for each holiday in lieu of paid time off.
- B. An employee must be on "Active Pay Status" (See Section 2, Definitions of Terms) on the regularly scheduled working day immediately prior to a holiday and the regularly scheduled working day immediately following a holiday in order to qualify for the holiday time.

5.03 Holiday on Workday

- A. All full-time regular employees who work on the observed holiday will be paid holiday pay [eight (8) hours straight time] plus time worked. All probationary or regular part-time employees will receive four (4) hours off with pay for each of the holidays earned. Probationary or regular full-time firefighters on 24-hour shift schedule will be paid twelve (12) hours straight time as holiday pay for each holiday in lieu of paid time off.
- B. An employee who is scheduled to work on the day observed as a holiday and calls in sick will be charged with sick leave.

5.04 Holiday on Leave Day

- A. Holidays which occur during annual or sick leave shall be charged to holiday leave and not to annual or sick leave.
- B. When a holiday falls within a leave without pay absence period, the employee shall not be paid for the holiday.

5.05 Sick Leave Before or After a Holiday

Employees calling in sick the day before or the day after a holiday will not be compensated for the holiday.

SECTION 6
ANNUAL LEAVE (VACATION)

6.01 Eligibility and Rate of Earning

- A. Part-time, emergency and temporary employees shall not earn annual leave.
Regular full-time employee will accrue annual leave as follows:

GENERAL EMPLOYEES

LENGTH OF SERVICE	MONTHLY ACCRUAL	ANNUAL ACCRUAL	DAILY EQUIVALENT
0 YEARS THROUGH 1 st ANNIV.	4 Hours	48 Hours	4 Days
DAY AFTER 2 nd ANNIV. THROUGH 3 rd ANNIV.	8 Hours	96 Hours	12 Days
DAY AFTER 3 rd ANNIV.	.7 Hours per Month for each Additional Year of Service	8.4 Hours	1 Day and .4 Hour
MAXIMUM ALLOWED PER MONTH	1.7 Days of Annual Leave per Month		20 Days and .4 Hour

FIRE EMPLOYEES

LENGTH OF SERVICE	MONTHLY ACCRUAL	ANNUAL ACCRUAL	WORKING SHIFT PER YEAR
0 YEARS THROUGH 5 th ANNIVERSARY	10 Hours	120 Hours	5 Shifts
DAY AFTER 5 th ANNIVERSARY THROUGH 10 th ANNIVERSARY	14 Hours	168 Hours	7 Shifts
DAY AFTER 10 th ANNIVERSARY THROUGH 15 th ANNIVERSARY	18 Hours	216 Hours	9 Shifts

DAY AFTER 15th ANNIVERSARY THROUGH 20th ANNIVERSARY	20 Hours	240 Hours	10 Shifts
DAY AFTER 20th ANNIVERSARY THROUGH 25th ANNIVERSARY	24 Hours	288 Hours	12 Shifts
DAY AFTER 25th ANNIVERSARY AND BEYOND	25 Hours	300 Hours	12.5 Shifts

- A. Annual leave is computed on the Town employment anniversary date for each employee.

6.02 Charging Leave

- A. Annual leave will be charged in increments of no less than two (2) hours.
- B. Holidays which occur during the period selected by the employee for annual leave shall be charged against holiday leave and not to annual leave (See Section 5.04, Holiday on Leave Day).
- C. Leave may only be taken as it is earned on a monthly basis.

6.03 Request for Leave

- A. Annual leave may be taken only after approval by the Department Director. Supervisors will arrange vacation schedules and re-allocate duties on such a basis as to cause minimum interference with the normal functions and operations of the department.
- B. Annual leave may be used only as earned. In emergency or hardship situations, the Town Manager or Department Director may approve an employee's request for leave in advance of having earned such leave not to exceed forty (40) hours. If the employee is unable to reimburse the advanced vacation time due to termination of employment, the balance due will be deducted from the employee's final pay.
- C. Annual leave may be carried forward after an employee's anniversary hire date not to exceed more than eighty (80) hours. However, any earned leave in excess of eighty (80) hours accrual will be forfeited at the anniversary hire date.

- D. Department Director's request for annual leave will be presented to the Town Manager for approval.
- E. Family Medical Leave (FMLA) may be paid, unpaid or a combination of paid or unpaid, as provided in Section 9.12 of the Town's Personnel Policy Handbook and by the Family and Medical Leave Act (FMLA) of 1993. If the employee has accrued sick leave and/or annual leave, the employee must first use accrued sick leave and/or annual leave and then may take the remainder of the approved FMLA leave as unpaid.

6.04 Accumulation During Leave

Credit for annual leave shall not accumulate during any leave of absence without pay or during any layoff. Annual leave shall continue to accumulate during a leave of absence with pay, during lost time due to an on-the-job injury, or during an authorized annual leave.

6.05 Use

Annual leave may be granted for the following purposes:

- A. Vacation.
- B. Absences for transacting personal business that cannot be conducted during off-duty hours.
- C. Religious holidays other than those designated by the Town as official holidays.
- D. For uncovered portions of absences due to medical reasons once sick leave has been exhausted.
- E. Any scheduled absence from work not covered by other types of leave provisions established by these policies.
- F. For the purposes of vacation, no employee will be allowed to use more than eighty (80) hours of leave consecutively or be absent from work more than two (2) consecutive weeks, whichever is greater.

6.06 Unused Annual Leave

When termination occurs following the first (1st) employment anniversary date, employees will be compensated for vacation leave earned and unused at the date of termination of employment at the employee's current pay rate not to exceed eighty (80) hours.

CONTINUOUS EMPLOYMENT**ANNUAL LEAVE HOURS EARNED
(ACCRUAL RATE PER MONTH)**

0 YEARS THROUGH 1st ANNIV.
DAY AFTER 2nd ANNIV.
THROUGH 3rd ANNIV.
DAY AFTER 3rd ANNIV.

4 hours
8 hours

.7 hours per month for
each additional year of
service

MAXIMUM ALLOWED PER MONTH

1.7 days of annual leave
per month

- B. Annual leave is computed on the Town employment anniversary date for each employee.

6.02 Charging Leave

- A. Annual leave will be charged in increments of no less than two (2) hours.
- B. Holidays which occur during the period selected by the employee for annual leave shall be charged against holiday leave and not to annual leave (See Section 5.04, Holiday on Leave Day).
- C. Leave may only be taken as it is earned on a monthly basis.

6.03 Request for Leave

- A. Annual leave may be taken only after approval by the Department Director. Supervisors will arrange vacation schedules and re-allocate duties on such a basis as to cause minimum interference with the normal functions and operations of the department.
- B. Annual leave may be used only as earned. In emergency or hardship situations, the Town Manager or Department Director may approve an employee's request for leave in advance of having earned such leave not to exceed forty (40) hours. If the employee is unable to reimburse the advanced vacation time due to termination of employment, the balance due will be deducted from the employee's final pay.
- C. Annual leave may be carried forward after an employee's anniversary hire date not to exceed more than eighty (80) hours. However, any earned leave in excess of eighty (80) hours accrual will be forfeited at the anniversary hire date.
- D. Department Director's request for annual leave will be presented to the Town Manager for approval.

- E. Family Medical Leave (FMLA) may be paid, unpaid or a combination of paid or unpaid, as provided in Section 9.12 of the Town's Personnel Policy Handbook and by the Family and Medical Leave Act (FMLA) of 1993. If the employee has accrued sick leave and/or annual leave, the employee must first use accrued sick leave and/or annual leave and then may take the remainder of the approved FMLA leave as unpaid.

6.04 Accumulation During Leave

Credit for annual leave shall not accumulate during any leave of absence without pay or during any layoff. Annual leave shall continue to accumulate during a leave of absence with pay, during lost time due to an on-the-job injury, or during an authorized annual leave.

6.05 Use

Annual leave may be granted for the following purposes:

- A. Vacation.
- B. Absences for transacting personal business that cannot be conducted during off-duty hours.
- C. Religious holidays other than those designated by the Town as official holidays.
- D. For uncovered portions of absences due to medical reasons once sick leave has been exhausted.
- E. Any scheduled absence from work not covered by other types of leave provisions established by these policies.
- F. For the purposes of vacation, no employee will be allowed to use more than eighty (80) hours of leave consecutively or be absent from work more than two (2) consecutive weeks, whichever is greater.

6.06 Unused Annual Leave

When termination occurs following the first (1st) employment anniversary date, employees will be compensated for vacation leave earned and unused at the date of termination of employment at the employee's current pay rate not to exceed eighty (80) hours.

SECTION 7

SICK LEAVE

7.01 Eligibility and Rate of Earning

- A. Sick leave is provided as a benefit to employees. This benefit allows employees to receive compensation while absent from work on medical leave in accordance with the provisions of Section 7.04, Use. Specifically, this benefit is intended to assist the employee during extended periods of time that an employee is absent from work on medical leave. Each Probationary or Regular Full-Time employee will earn sick leave at a rate of 8.0 hours per month. Probationary or regular part-time employees will earn sick leave at a rate of 4.0 hours per month. Probationary or Regular Full-Time firefighters on 24-hour shift schedule will earn sick leave at a rate of twelve (12.0) hours per month.
- B. Sick leave may be taken during the employee's probationary period. However, in the event the employee resigns or is otherwise terminated before the end of the probationary period, any sick leave taken will be reimbursed to the Town by deduction from the employee's final pay.
- C. Sick leave will not be granted in advance of accrual.
- D. Sick leave will not be considered as time worked for overtime computation.

7.02 Charging Leave

- A. Sick leave will be charged in one (1) hour minimum increments.
- B. Should a holiday occur during sick leave, the holiday shall be charged to holiday leave (See Section 5.04, Holiday on Leave Day).

7.03 Request for Leave

- A. To receive compensation while absent on sick leave, the employee shall notify his/her immediate supervisor or Department Director in accordance with department regulations. An employee in a unit operating on a twenty-four (24) hour basis must notify the department within a time limit established by the department. This provision may be waived by the Department Director if the employee submits evidence that it was impossible to give such notification.
- B. The Department Director may request a physician's certificate to verify the illness of any employee on sick leave.

- C. An employee who has exhausted sick leave but must be absent due to a use stated in Section 7.04, must use annual leave for the duration of the use or request Leave Without Pay in accordance with provisions of Section 8.08.
- D. An employee who has exhausted annual leave but must be absent due to a use stated in Section 7.04, must request Leave without Pay in accordance with the provisions of Section 9.08 or the employee may be subject to termination.
- E. Family Medical Leave (FMLA) may be paid, unpaid or a combination of paid or unpaid, as provided in Section 9.12 and by the Family and Medical Leave Act (FMLA) of 1993. If the employee has accrued sick leave and/or annual leave, the employee must use accrued sick leave and/or annual leave first and then may take the remainder of the approved FMLA leave as unpaid.

7.04 Use

Sick leave may be granted for the following purposes:

- A. Personal injury, pregnancy, or illness of the employee.
- B. Medical, dental, optical or chiropractic examination or treatment when it is not possible to arrange the appointment during off-duty hours.
- C. Exposure to contagious disease which would endanger others as determined by a physician.
- D. Illness of a member of the employee's immediate family which requires the personal care and attention by the employee (See definition of Immediate Family in Section 2, Definitions of Terms).

7.05 Accrued Leave

There is no limit on the amount of sick leave an employee may accrue.

7.06 Unused Sick Leave

Unused sick leave will not be paid to separating employees.

7.07 Sick Leave Bank

The Town may establish and implement a Sick Leave Bank that may be amended by Resolution.

7.01 Eligibility and Rate of Earning

- A. Sick leave is provided as a benefit to employees. This benefit allows employees to receive compensation while absent from work on medical leave in accordance with the provisions of Section 7.04, Use. Specifically, this benefit is intended to assist the employee during extended periods of time that an employee is absent from work on medical leave. Each employee will earn sick leave on the following basis:

WORK WEEK SICK LEAVE EARNED

40 HOURS

8.0 HOURS PER MONTH

- B. Sick leave may be taken during the employee's probationary period. However, in the event the employee resigns or is otherwise terminated before the end of the probationary period, any sick leave taken will be reimbursed to the Town by deduction from the employee's final pay.
- C. Sick leave will not be granted in advance of accrual.
- D. Sick leave will not be considered as time worked for overtime computation.

7.02 Charging Leave

- A. Sick leave will be charged in one (1) hour minimum increments.
- B. Should a holiday occur during sick leave, the holiday shall be charged to holiday leave (See Section 5.04, Holiday on Leave Day).

7.03 Request for Leave

- A. To receive compensation while absent on sick leave, the employee shall notify his/her immediate supervisor or Department Director in accordance with department regulations. An employee in a unit operating on a twenty-four (24) hour basis must notify the department within a time limit established by the department. This provision may be waived by the Department Director if the employee submits evidence that it was impossible to give such notification.
- B. The Department Director may request a physician's certificate to verify the illness of any employee on sick leave.
- C. An employee who has exhausted sick leave but must be absent due to a use stated in Section 7.04, must use annual leave for the duration of the use or request Leave Without Pay in accordance with provisions of Section 8.08.

- D. An employee who has exhausted annual leave but must be absent due to a use stated in Section 7.04, must request Leave without Pay in accordance with the provisions of Section 9.08 or the employee may be subject to termination.
- E. Family Medical Leave (FMLA) may be paid, unpaid or a combination of paid or unpaid, as provided in Section 9.12 and by the Family and Medical Leave Act (FMLA) of 1993. If the employee has accrued sick leave and/or annual leave, the employee must use accrued sick leave and/or annual leave first and then may take the remainder of the approved FMLA leave as unpaid.

7.04 Use

Sick leave may be granted for the following purposes:

- A. Personal injury, pregnancy, or illness of the employee.
- B. Medical, dental, optical or chiropractic examination or treatment when it is not possible to arrange the appointment during off-duty hours.
- C. Exposure to contagious disease which would endanger others as determined by a physician.
- D. Illness of a member of the employee's immediate family which requires the personal care and attention by the employee (See definition of Immediate Family in Section 2, Definitions of Terms).

7.05 Accrued Leave

There is no limit on the amount of sick leave an employee may accrue.

7.06 Unused Sick Leave

Unused sick leave will not be paid to separating employees.

7.07 Sick Leave Bank

The Town may establish and implement a Sick Leave Bank that may be amended by Resolution.

SECTION 8
MISCELLANEOUS LEAVES

8.01 Funeral Leave

- A. All full-time employees will be eligible to receive paid funeral leave of up to three (3) days for an in-town funeral or up to five (5) days for an out-of-town funeral for an immediate family member (See definition of Immediate Family, Section 2, Definitions of Terms) and upon approval of the Department Director.
- B. The employee may be required to provide proof of death in the immediate family before compensation is approved.
- C. If additional time off is necessary to attend a funeral of an immediate family member, annual leave may be used.
- C. If the employee wishes to attend the funeral of someone outside his/her immediate family, annual leave or leave without pay may be granted.

8.02 Special Leave

- A. In the case of a serious illness, injury, or temporary care of the employee's immediate family requiring the employee's attendance, the employee's Department Head may grant up to two days of special leave per year.
- B. A Department Head may require verification of the employee's relationship and reason for leave.

8.03 Court Leave

- A. An employee attending court as a witness on behalf of a governmental agency or for jury duty during their normal working hours shall receive leave with pay at their regular rate for the hours, they attend court.
- B. All regular full-time employees subpoenaed to attend court on behalf of the Town are eligible for leave with pay. Those employees who become plaintiffs or defendants in personal litigation are not eligible for leave with pay, however, annual leave or leave without pay may be granted.
- C. Employees who attend court for only a portion of a regularly scheduled workday are expected to report to their supervisor when excused or released by the court.

- D. Employees required to attend court as stated in “A” above and are on scheduled annual leave may be allowed to take additional leave with pay at a later date for that court time.
- E. Fire Department employees who attend court on behalf of the Town during off-duty time may receive compensatory time off and may receive the normal witness fees.
- F. All court attendance must be verified before an employee is compensated. Monies received from court appearances will be turned over to the Town, except for travel pay and as shown in “E” above.

8.04 Conference Leave

An employee may be granted leave with pay to attend professional and technical institutes, conferences or other meetings which contribute to the effectiveness of the employee's service. All such leave and travel expenses will be subject to the approval of the Town Manager.

8.05 Military Leave

- A. An employee who is a member of the United States Armed Forces Reserve or the Florida National Guard, upon presentation of a copy of the employee's official orders or appropriate military certification for periods engaged in annual field training or other active duty, shall be entitled to leave without loss of pay, time or efficiency rating.
- B. Such leave with pay shall not exceed seventeen (17) calendar days in any year.
- C. An employee who is a member of the military reserve and has been called into active military service, as defined in Section 115.08, Florida Statutes, shall receive the first thirty (30) days of leave with full pay.
- D. A copy of the official orders or appropriate military certification shall be filed in the employee's personnel file.

8.06 Civil Disorder or Natural Disaster

- A. Employees who are members of a volunteer fire department, police auxiliary or reserve, civil defense unit or other law enforcement-type organization may be granted leave with pay upon approval by the Town Manager when called on to perform duties in times of civil disturbances, riots, and natural disasters.

- B. Normally the leave should not exceed two (2) days on any one occasion.
- C. The Town will reimburse the employee for their difference between the Military pay and their regular Town pay during the approved period of service.

8.07 Examinations

An employee may be granted leave with pay for the purpose of taking examinations that will upgrade their qualifications. The examination should be related to the employee's present job and approval must be received from the Town Manager.

8.08 Leave without Pay

- A. The decision to grant a leave without pay (leave of absence) will be at the discretion of the Town Manager.
- B. The following provisions apply to leave without pay:
 - 1. An employee granted a leave without pay must keep the department informed of his/her current activity and current address.
 - 2. An employee who obtains either part-time or full-time employment elsewhere while on an authorized leave without pay is required to notify the department in writing within three (3) days of accepting such employment.
 - 3. Failure to comply with all the leave without pay policy requirements will result in the employee being dropped from leave of absence status, in which case he/she must return to duty or be discharged.
 - 4. Any employee granted leave without pay shall contact the Department Director at least two (2) weeks prior to the expiration of the leave to facilitate the reinstatement process.
 - 5. Failure to return to work at the expiration of the leave shall be considered as a resignation.
 - 6. Sick leave, annual leave or holiday leave will not be earned by an employee for the time that the employee is on leave without pay.
- C. Employees wishing to continue their insurance coverage must pay both individual and family premiums while on leave without pay.

8.09 Disability Leave (Accident Leave)

- A. Employees of the Town who are injured on the job are eligible for Worker's Compensation.
- B. The employee is not entitled to un-accumulated sick days and vacation days.
- C. Employees who exceed one week on Disability and Accident leave will be placed on Family Medical Leave retroactive to the date of injury, if eligible, otherwise employee may be placed on leave without pay at the discretion of the Town Manager.

8.10 Maternity Leave

- A. Federal guidelines on gender discrimination provide that maternity related absences may be considered and treated as a temporary disability. Disability caused or contributed to by pregnancy, miscarriage, abortion, childbirth, and recovery therefrom is, for all job-related purposes, temporary disability. The sick leave plan shall be applied to disability due to pregnancy or childbirth on the same terms and conditions as it is applied to other temporary disabilities.
- B. Maternity leave is a period of approved absence for incapacitation related to pregnancy and confinement. Maternity leave may be charged to sick leave or to any combination of sick leave, annual leave and leave without pay.
- C. The time when a woman on maternity leave should return to work will be determined on an individual basis and will generally depend on the physical nature of the work, the needs of the Town and the results of professional medical guidance.
- D. An employee will be allowed to continue working so long as the conditions of the pregnancy do not adversely impair her work performance or health as determined by the Town with physician, and employee input, and on the needs of the Town.
- E. The date on which the employee shall return to work following maternity leave shall be based on a medical statement from a certified physician stating that she is physically and mentally able to perform normal duties of her position with full efficiency.

8.11 Voting Leave

During a primary or general election, an employee who is registered to vote and whose hours of work do not allow enough time for voting shall be allowed the necessary time off with pay for this purpose. When the polls are open two (2) hours before or two (2) hours after their regularly scheduled work period, it will be considered sufficient time for voting.

8.12 Family and Medical Leave

- A. The Town of Dundee may grant up to twelve (12) weeks of Family and Medical Leave during each calendar year to eligible employees, in accordance with the Family and Medical Leave Act of 1993 (FMLA). To be eligible the employee must have worked for the Town of Dundee for at least twelve (12) months and have worked at least 1,250 hours during the twelve (12) month period immediately before the requested leave date. The employee is entitled to FMLA for one of the following reasons:
 - 1. The birth and care of a child [leave completed within one (1) year of birth].
 - 2. The placement of a child with an employee for adoption or foster care [leave completed within one (1) year of placement].
 - 3. The care of a spouse (legally married), child or parent with a serious health condition.
 - 4. The serious health condition of the employee. A serious health condition is defined as a condition which requires inpatient care at a hospital, hospice or residential medical care facility, or a condition which requires continuing care by a licensed health care provider. Voluntary cosmetic treatments which are not medically necessary are excluded unless inpatient hospital care is required. Treatment for substance abuse is included when inpatient care is required.
- B. Family and Medical Leave time in excess of twelve (12) weeks may be requested and considered on a case-by-case basis with due consideration being given to individual circumstances; however, leaves of absence will not exceed beyond a six (6) month period.
- C. Eligible employees may take family and medical leave in consecutive weeks or use the leave intermittently. Leave for birth or adoption, or foster care of a child must be taken within one (1) year of the birth or placement of the child, and the Town and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced hourly schedule.

- D. An employee requesting leave under this policy must submit the request in writing to his or her immediate supervisor with a copy to the Department Director. Except where leave is not foreseeable, the employee must give the Town thirty (30) days notice of the requested leave. If it is not possible to give thirty (30) days notice, the employee must give as much notice as is practicable.
- E. An employee requesting leave for the care of his or her spouse, child, or parent with a serious health condition or for the employee's serious health condition, is required to supply written certification of the serious health condition stating the date the condition began, diagnosis and the probable duration of the condition. If the leave is for the employee's serious health condition, the health care provider must state the employee is unable to perform assigned job duties.
- F. The completed leave of absence request and, if appropriate, the medical authorization is to be forwarded to the Department Director and Town Manager for consideration of approval.
- G. Family and Medical Leave may be paid, unpaid or a combination of paid and unpaid. If the employee has accrued sick leave and/or annual leave the employee must use accrued sick leave and/or annual leave first and then may take the remainder of the approved FMLA leave as unpaid.
- H. An employee who takes leave under this policy will be able to return to the same position or a position with equivalent status, pay, benefits, and other employment terms. The position will be the same or one which entails substantially equivalent skill, effort, responsibility, and authority.
- I. Employees who exceed one week of sick leave for an unforeseeable qualifying illness will be placed on Family and Medical Leave retroactive to the date of illness.

8.13 School Visitation Leave

- A. An employee will be provided up to one (1) day of unpaid leave per school year to attend the primary or secondary school conferences or classroom activities related to the employees' children that cannot be scheduled during non-work hours. No more than four (4) hours of the one (1) day of leave may be taken on any one day. If an employee wishes to make up the time taken off, then the Town will make a good faith effort to allow the employee to do so.

- B. An employee must exhaust all earned and accrued, paid vacation, and holiday leave before requesting school visitation leave. An employee also must give the Town seven (7) days notice prior to taking the leave. If it is an emergency, then an employee must provide only twenty-four (24) hour notice to the Town. After completion of the school visit, an employee may be required to submit to the Town written verification that the visit occurred.

8.01 Funeral Leave

- A. All full-time employees will be eligible to receive paid funeral leave of up to three days for an in-town funeral or up to five days for an out-of-town funeral for an immediate family member (See definition of Immediate Family, Section 2, Definitions of Terms) and upon approval of the Department Director.
- B. The employee may be required to provide proof of death in the immediate family before compensation is approved.
- C. If additional time off is necessary to attend a funeral of an immediate family member, annual leave may be used.
- D. If the employee wishes to attend the funeral of someone outside his/her immediate family, annual leave or leave without pay may be granted.

8.02 Special Leave

- A. In the case of a serious illness, injury, or temporary care of the employee's immediate family requiring the employee's attendance, the employee's Department Head may grant up to sixteen (16) hours of special leave per year.
- B. A Department Head may require verification of the employee's relationship and reason for leave.

8.03 Court Leave

- A. An employee attending court as a witness on behalf of a governmental agency or for jury duty during their normal working hours shall receive leave with pay at their regular rate for the hours, they attend court.
- B. All regular full-time employees subpoenaed to attend court on behalf of the Town are eligible for leave with pay. Those employees who become plaintiffs or defendants in personal litigation are not eligible for leave with pay, however, annual leave or leave without pay may be granted.

- C. Employees who attend court for only a portion of a regularly scheduled workday are expected to report to their supervisor when excused or released by the court.
- D. Employees required to attend court as stated in "A" above and are on scheduled annual leave may be allowed to take additional leave with pay at a later date for that court time.
- E. Fire Department employees who attend court on behalf of the Town during off-duty time may receive compensatory time off and may receive the normal witness fees.
- F. All court attendance must be verified before an employee is compensated. Monies received from court appearances will be turned over to the Town, except for travel pay and as shown in "E" above.

8.04 Conference Leave

An employee may be granted leave with pay to attend professional and technical institutes, conferences or other meetings which contribute to the effectiveness of the employee's service. All such leave and travel expenses will be subject to the approval of the Town Manager.

8.05 Military Leave

- A. An employee who is a member of the United States Armed Forces Reserve or the Florida National Guard, upon presentation of a copy of the employee's official orders or appropriate military certification for periods engaged in annual field training or other active duty, shall be entitled to leave without loss of pay, time or efficiency rating.
- B. Such leave with pay shall not exceed seventeen (17) calendar days in any year.
- C. An employee who is a member of the military reserve and has been called into active military service, as defined in Section 115.08, Florida Statutes, shall receive the first thirty (30) days of leave with full pay.
- D. A copy of the official orders or appropriate military certification shall be filed in the employee's personnel file.

8.06 Civil Disorder or Natural Disaster

- A. Employees who are members of a volunteer fire department, police auxiliary or reserve, civil defense unit or other law enforcement-type organization may

be granted leave with pay upon approval by the Town Manager when called on to perform duties in times of civil disturbances, riots, and natural disasters.

- B. Normally the leave should not exceed two (2) days on any one occasion.
- C. The Town will reimburse the employee for their difference between the Military pay and their regular Town pay during the approved period of service.

8.07 Examinations

An employee may be granted leave with pay for the purpose of taking examinations that will upgrade their qualifications. The examination should be related to the employee's present job and approval must be received from the Town Manager.

8.08 Leave without Pay

- A. The decision to grant a leave without pay (leave of absence) will be at the discretion of the Town Manager.
- B. The following provisions apply to leave without pay:
 - 1. An employee granted a leave without pay must keep the department informed of his/her current activity and current address.
 - 2. An employee who obtains either part-time or full-time employment elsewhere while on an authorized leave without pay is required to notify the department in writing within three (3) days of accepting such employment.
 - 3. Failure to comply with all the leave without pay policy requirements will result in the employee being dropped from leave of absence status, in which case he/she must return to duty or be discharged.
 - 4. Any employee granted leave without pay shall contact the Department Director at least two (2) weeks prior to the expiration of the leave to facilitate the reinstatement process.
 - 5. Failure to return to work at the expiration of the leave shall be considered as a resignation.
 - 6. Sick leave, annual leave or holiday leave will not be earned by an employee for the time that the employee is on leave without pay.

- C. Employees wishing to continue their insurance coverage must pay both individual and family premiums while on leave without pay.

8.09 Disability Leave (Accident Leave)

- A. Employees of the Town who are injured on the job are eligible for Worker's Compensation.
- B. The employee is not entitled to un-accumulated sick days and vacation days.
- C. Employees who exceed one week on Disability and Accident leave will be placed on Family Medical Leave retroactive to the date of injury, if eligible, otherwise employee may be placed on leave without pay at the discretion of the Town Manager.

8.10 Maternity Leave

- A. Federal guidelines on gender discrimination provide that maternity related absences may be considered and treated as a temporary disability. Disability caused or contributed to by pregnancy, miscarriage, abortion, childbirth, and recovery therefrom is, for all job-related purposes, temporary disability. The sick leave plan shall be applied to disability due to pregnancy or childbirth on the same terms and conditions as it is applied to other temporary disabilities.
- B. Maternity leave is a period of approved absence for incapacitation related to pregnancy and confinement. Maternity leave may be charged to sick leave or to any combination of sick leave, annual leave and leave without pay.
- C. The time when a woman on maternity leave should return to work will be determined on an individual basis and will generally depend on the physical nature of the work, the needs of the Town and the results of professional medical guidance.
- D. An employee will be allowed to continue working so long as the conditions of the pregnancy do not adversely impair her work performance or health as determined by the Town with physician, and employee input, and on the needs of the Town.
- D. The date on which the employee shall return to work following maternity leave shall be based on a medical statement from a certified physician stating that she is physically and mentally able to perform normal duties of her position with full efficiency.

8.11 Voting Leave

During a primary or general election, an employee who is registered to vote and whose hours of work do not allow enough time for voting shall be allowed the necessary time off with pay for this purpose. When the polls are open two (2) hours before or two (2) hours after their regularly scheduled work period, it will be considered sufficient time for voting.

8.12 Family and Medical Leave

- A. The Town of Dundee may grant up to twelve (12) weeks of Family and Medical Leave during each calendar year to eligible employees, in accordance with the Family and Medical Leave Act of 1993 (FMLA). To be eligible the employee must have worked for the Town of Dundee for at least twelve (12) months and have worked at least 1,250 hours during the twelve (12) month period immediately before the requested leave date. The employee is entitled to FMLA for one of the following reasons:
1. The birth and care of a child [leave completed within one (1) year of birth].
 2. The placement of a child with an employee for adoption or foster care [leave completed within one (1) year of placement].
 3. The care of a spouse (legally married), child or parent with a serious health condition.
 4. The serious health condition of the employee. A serious health condition is defined as a condition which requires inpatient care at a hospital, hospice or residential medical care facility, or a condition which requires continuing care by a licensed health care provider. Voluntary cosmetic treatments which are not medically necessary are excluded unless inpatient hospital care is required. Treatment for substance abuse is included when inpatient care is required.
- B. Family and Medical Leave time in excess of twelve (12) weeks may be requested and considered on a case-by-case basis with due consideration being given to individual circumstances; however, leaves of absence will not exceed beyond a six (6) month period.
- C. Eligible employees may take family and medical leave in consecutive weeks or use the leave intermittently. Leave for birth or adoption, or foster care of a child must be taken within one (1) year of the birth or placement of the child, and the Town and the employee must mutually agree to the schedule before

the employee may take the leave intermittently or work a reduced hourly schedule.

- D. An employee requesting leave under this policy must submit the request in writing to his or her immediate supervisor with a copy to the Department Director. Except where leave is not foreseeable, the employee must give the Town thirty (30) days notice of the requested leave. If it is not possible to give thirty (30) days notice, the employee must give as much notice as is practicable.
- E. An employee requesting leave for the care of his or her spouse, child, or parent with a serious health condition or for the employee's serious health condition, is required to supply written certification of the serious health condition stating the date the condition began, diagnosis and the probable duration of the condition. If the leave is for the employee's serious health condition, the health care provider must state the employee is unable to perform assigned job duties.
- F. The completed leave of absence request and, if appropriate, the medical authorization is to be forwarded to the Department Director and Town Manager for consideration of approval.
- G. Family and Medical Leave may be paid, unpaid or a combination of paid and unpaid. If the employee has accrued sick leave and/or annual leave the employee must use accrued sick leave and/or annual leave first and then may take the remainder of the approved FMLA leave as unpaid.
- H. An employee who takes leave under this policy will be able to return to the same position or a position with equivalent status, pay, benefits, and other employment terms. The position will be the same or one which entails substantially equivalent skill, effort, responsibility, and authority.
- I. Employees who exceed one week of sick leave for an unforeseeable qualifying illness will be placed on Family and Medical Leave retroactive to the date of illness.

8.13 School Visitation Leave

- A. An employee will be provided up to eight (8) hours of unpaid leave per school year to attend the primary or secondary school conferences or classroom activities related to the employees' children that cannot be scheduled during non-work hours. No more than four (4) hours of the eight (8) hours of leave may be taken on any one day. If an employee wishes to make up the time taken off, then the Town will make a good faith effort to allow the employee to do so.

- A. An employee must exhaust all earned and accrued, paid vacation, and holiday leave before requesting school visitation leave. An employee also must give the Town seven (7) days notice prior to taking the leave. If it is an emergency, then an employee must provide only twenty-four (24) hour notice to the Town. After completion of the school visit, an employee may be required to submit to the Town written verification that the visit occurred.

SECTION 9
EMPLOYEE DEVELOPMENT AND WELFARE ACTIVITIES

9.01 Employee Development and Training

The Town Manager, Department/Division Heads, Town administration, employees and others may foster and promote programs of in-service training of Town employees for the purpose of improving the quality of employee services rendered to the Town and to help employees prepare themselves for advancement in the Town's service.

9.02 Types of Training

The following types of training may be offered to employees at the discretion of the supervisor and the Town Manager:

1. Recruit training. Formal training programs which must be completed during the probationary period following original appointment as a prerequisite to continued employment.
2. In-service training. Training conducted during working or nonworking hours on an individual or group basis to improve skill performance, introduce new techniques, and/or keep abreast of developments in the employee's field.
3. Specialized training. Attendance of vocational, technical, or professional training programs directly related to service functions.
4. Academic instruction. Completion, by correspondence or classroom attendance, of course work provided by accredited educational institutions where such information will benefit the Town.

9.03 Payment of Training Expenses

All expenses for recruit, in-service, and specialized training including tuition, fees, supplies, and books will be reimbursed by the Town, as budgetary constraints allow. Employees should consult with the Department/Division head prior to registering for training to ensure the proper funding is available. Documented travel, lodging, and other related costs will be reimbursed as follows:

1. All reasonable employee expenses for meals allowed under F.S. 112.061 6.
(a).2
2. Single accommodation for hotel room.
3. Coach or economy fare for airplane, train, or bus. If the employee's personal vehicle is used, reimbursement shall be in accordance with the Internal Revenue

Service's regulations. Transportation to the training shall be based on the most economical total cost to the Town.

4. Miscellaneous expenses such as taxi and car rental, if required. Personal telephone calls, haircuts, newspapers, dry cleaning, and shoeshines, for example, shall not be considered to be eligible miscellaneous expenses.
5. The Town will not compensate for the expenses incurred by spouses or additional guests.

9.04 Prior Approval Required

Training may be recommended by Department/Division Heads and approved by the Town Manager prior to registration. Recommendation and approval, if given, shall be made in accordance with the criteria set below. No reimbursement for training expenses shall be made without such approval.

9.05 Training Decisions

Decisions as to which training sessions may be authorized are based upon budget information and hearing process but, in general, no more than one state conference outside the Orlando area may be authorized for any general management/supervisory employee in any year and in each case must be approved in advance by the Town Manager. Various local conferences for all other employees may be authorized as funds and duty conditions permit.

9.06 Membership in Professional Organizations

Town Employees are encouraged to affiliate with, and the Town may pay the membership fees for professional organizations or societies for which they qualify by education or training provided that such affiliation produces observable benefits for the Town and such affiliation is authorized by the Town Manager.

9.07 Professional Licenses

The Town shall not pay the cost of any federal and/or state license registration and certification fees required by the employee's position.

9.08 Reimbursement of Training Expenses

Any employee who voluntarily terminates their employment with the Town of Dundee, shall reimburse the Town for all training related costs for any specialized training which the employee received within the twelve-month period prior to separation. The amount for the training will be deducted from the employee's final paycheck. Any additional amount will be reimbursed by the employee.

Exceptions to this regulation shall be considered on a case-by-case basis by the Town Commission.

SECTION 10 **SEPARATIONS**

10.01 Types of Separations

Separations and/or terminations from positions in the Town are designated as one of the following types:

- A. Resignation
- B. Retirement
- C. Disability
- B. Death
- E. Reduction in Force (Lay-Off)
- F. Dismissal or Discharge
- G. End of Temporary Assignment

10.02 Resignation

- A. An employee voluntarily leaves the Town.
- B. An employee wishing to resign in good standing shall file a written resignation with the Town, stating the resignation date and reason for leaving. The notice must be given two (2) weeks prior to the date of separation. Failure to comply with this provision may be cause of denying the employee re-employment.
- C. No person shall demand or request that an employee sign an undated resignation or any blank form. No employee shall be required to sign such a form. Any such demand shall entitle the employee to immediate use of the Town grievance procedure.
- D. Employees who resign in good standing will receive payment for all accrued vacation for which they are eligible according to the provisions of these rules and regulations. Employees with less than one year of employment are not eligible for any payout under this rule.
- E. An employee who has submitted a resignation is eligible for paid holidays but may not take paid sick leave, personal days, or vacation during the notice period. Earned vacation may not be used to extend the termination date beyond the last day worked unless approved by the Town Manager.
- F. Employees who intend to resign must use their accrued days prior to submitting their resignation. Personal days will be forfeited if unused.
- G. Subject to any limitations imposed by applicable law, unauthorized absences or absences determined to be unexcused for a period of three (3)

consecutive days or more shall be treated as resignation without notice and the employee shall be automatically terminated.

10.03 Retirement

A procedure whereby an employee is separated from the Town consistent with the provisions of the retirement plan in effect.

10.04 Health

- A. When an applicant is appointed to a position before the final report of a health examination is received, and the final report shows that the employee is not physically qualified to perform the duties of the position despite reasonable accommodations not creating an undue hardship on the Town, the applicant will be separated.
- B. The Town may request that an employee be examined by the Town's designated physician. If disability of any kind is discovered which impairs the effectiveness of an employee in performing the work or makes continuance on the job a danger to the employee or others, the following action shall be taken:
 - 1. If the disability is correctable, the employee will be allowed a specific time to take steps to have the disability corrected. If the employee fails to take steps to have the disability corrected within the specified time, the employee shall be subject to dismissal.
 - 2. If, in the opinion of the examining physician, the disability cannot be corrected, the Town Manager will attempt to place the employee in another position which he/she can perform satisfactorily. If that step cannot be accomplished successfully, the employee shall be separated either through retirement or dismissal.

10.05 Death

For record keeping purposes, separation shall be effective as of the date of death. All compensation and benefits due to the employee as of the effective date of separation shall be paid to the beneficiary, surviving spouse or the estate of the employee, as determined by law.

10.06 Reduction in Force (lay-off)

- A. When it becomes necessary to reduce the number of employees because of lack of funds, shortage of work, the abolition of a position or other causes which do not reflect discredit on the service of the employees, employees shall be laid off based on the following factors, each weighed equally:

1. Length of service in the class.
 2. Length of service with the Town.
 3. Performance evaluation for the past three (3) years or for the entire period of service where the length of service with the Town is less than three (3) years.
- B. No regular employee shall be laid-off while another person in the effected class is employed on a provisional, part time, temporary or seasonal basis.
- C. Recall will be offered to laid-off employees provided they are physically and otherwise qualified to perform the duties of the job.
- D. The Town Manager shall give the employee to be laid-off written notice of the action before the effective date of the lay-off.
- E. When a Department Director believes that an employee is essential to the efficient operations of the department due to special skills or abilities and wishes to retain this individual, the Department Director must submit a written request to the Town Manager. The decision of the Town Manager regarding retention or lay-off is final.
- F. A laid-off employee shall be paid for all eligible accrued annual leave credits. An employee who is reinstated within one (1) year shall have unused sick leave credits restored.

10.07 Dismissal or Discharge

- A. A discharge is the involuntary separation of an employee from the Career Service. Employees discharged for disciplinary reasons will not be eligible for rehire and shall lose all seniority and reinstatements privileges.
- B. Charges which form the basis for a dismissal of an employee shall be specific and shall be documented, including dates and places of incidents, by the supervisor or Department Director.
- C. The procedure for dismissal shall be as follows:
1. During the probationary period following original appointment, a finding by the Town Manager that a dismissal is for the good of the Town shall be final.

2. Career Service employees who are to be dismissed shall be notified in writing of the specific causes for dismissal prior to dismissal. Such notice will include the employee's rights of appeal.
- D. The Town Manager or designee may suspend an employee for disciplinary reasons or pending court proceedings concerning actions that may result in dismissal.
1. An employee may be suspended with or without pay for acts involving unsatisfactory performance or conduct prejudicial to the public interest.
 2. An employee may be indefinitely suspended with or without pay if they have been indicted for a felony or for a misdemeanor involving moral turpitude. The suspension shall be terminated by restoration to the Career Service or by dismissal upon the decision of the court. If the employee is restored to the Career Service, full pay for the entire period of suspension will be paid and eligibility for merit pay increase and accrual of leave credits shall not have been interrupted by the suspension.
 3. The employee shall receive written notice, stating the nature and reason for the action, the duration, and rights of appeal.

10.08 Exit Interview

It is the desire of the Town to determine why employees leave the Career Service. An exit interview program may be established by the Town Manager and administered to determine the causes of and possible solutions for turnover within the work force.

10.09 Return of Town Property

At the time of separation from employment, the employee shall return all records, books, assets, uniforms, keys, tools, computers, tablets, cell phones, chargers, and all other items of Town property to Human Resources and receipt/acknowledgement of these will be given to employee. Failure to return same in usable condition shall result in maximum deduction allowed by law from the employee's final paycheck. Any balance due over and above the amount deducted from the employee's paycheck may be collected by the Town through appropriate legal action.

All outstanding voluntary debts to the Town incurred by the employee, such as cost of non-compensatory training, shortages or advances of leave or expense accounts, and other standing debts due to the Town will be deducted from the employees final paycheck.

SECTION 11

SAFETY

11.01 Accident Prevention

Department Directors, supervisors and employees should recognize their responsibility for a successful safety program and will participate in the development, implementation, and improvement of this program. Supervisors must have a continuing concern with all possible safety and operational economies. Inadequate safety training, improper equipment handling, and neglect can increase costs, cause accidents, and reduce productivity.

11.02 Accident Reporting

- A. Employees will be advised by their supervisor of their responsibility to immediately report all injuries that occur on the job to their supervisor. Delay in reporting an injury can cause complication of the injury and delayed recovery.
- B. Accident reports must be submitted by the injured employee's supervisor within twenty-four (24) hours of the accident or the report of the injury. If the accident occurs over a holiday or weekend, the accident report should then be submitted within twenty-four (24) hours from the time the work period starts after the weekend or holiday. This applies to industrial accidents and first aid injuries, as well as to injuries resulting from vehicular accidents involving Town vehicles. A vehicular accident report will be submitted. If an employee is injured, an injury report will also be required.
- C. In the case of any major or minor vehicular accident, the appropriate law enforcement agency shall be notified immediately.

11.03 Worker's Compensation

Payment of Worker's Compensation to employees who are disabled because of an injury arising out of and in the course of performing their duties will be governed by the Florida State Worker's Compensation Law and Town procedures.

11.04 Employee Safety Awards

The Town Manager may institute an Employee Safety Award Program. Safety awards may be made either to groups of employees or to individuals and will normally be made in recognition of praiseworthy and outstanding safety performance.

SECTION 12
DISCIPLINARY ACTION

12.01 Intent

- A. It is the intent of the Town that effective supervision and employee relations will avoid most matters which necessitate disciplinary action.
- B. Each instance differs in many respects from other situations and the Town retains the right to treat each occurrence on an individual basis, without creating a precedent for other cases, which may arise in the future. The Town Manager retains the right to suspend any disciplinary action which may be taken as a result of good behavior for a specified term.
- C. The following guidelines are not to be construed as limitations upon the retained rights of the Town. The policies provide recommended penalties to apply for specific offenses. This means that a more severe or less severe penalty may be issued than that which appears in the guidelines if it is justified.
- D. Disciplinary action is intended to correct improper conduct or deficiencies, not to punish an offending employee. Disciplinary action shall, therefore, only be severe enough to constitute an attempt to bring about correction. Discharge shall be resorted to only when other efforts to bring about correction have failed or when the severity of the offense warrants such measures.

Depending upon the circumstances, acceptable disciplinary actions may include:

- 1. Written Warning/Counseling
 - 2. Written Reprimand
 - 3. Suspension
 - 4. Demotion
 - 5. Discharge
- E. Offenses requiring disciplinary action are divided into three (3) types to reflect degrees of severity. In each group and for each guideline, consideration will be given to the severity of the offense, the cost involved, the time interval between violations, the length and quality of the employee's service and the abilities of the employee. In each case, where the penalty is modified from the recommended guideline, the reason for such modification will be noted in writing.

- F. In all cases, the Department Director shall notify the employee of the action taken and a copy of such notice will be included in the employee's personnel file.
- G. In addition to the general types of offenses listed below, infractions of departmental rules and regulations will subject the employee to disciplinary action.

12.02 Types of Offenses

The three (3) groups of offenses and guides for recommended penalties are as follows:

GROUP I OFFENSES

FIRST OFFENSE	WRITTEN WARNING
SECOND OFFENSE	WRITTEN REPRIMAND AND/OR UP TO 5 DAYS SUSPENSION
THIRD OFFENSE	UP TO DISCHARGE

1. Operating, using, possessing Town tools, equipment, or machines which the employee has not been assigned or performing other than assigned work.
2. Quitting work, wasting time, loitering, or leaving assigned work area during working hours without permission.
3. Washing up or changing clothes during working hours without specific permission.
4. Taking more than the specified time for meals or break period.
5. Demonstrating productivity or work quality which is not up to required standards of performance.
6. Disregarding job duties by loafing or neglecting work during working hours.
7. Reporting to work or working while unfit for duty, either medically, mentally, or physically.
8. Posting or removing any material on official bulletin boards or Town property without authorization.
9. Distributing written or printed material of any description on Town premises unless authorized.

10. Failing to report an accident or personal injury in which the employee was involved while on the job.
11. Engaging in horseplay, scuffling, wrestling, throwing things, malicious mischief, distracting the attention of others, catcalls, demonstrations on the job or similar types of conduct.
12. Knowingly creating or contributing to unsafe and unsanitary conditions or poor housekeeping.
13. Failing to pay just debts or failing to make reasonable provision for the future payment of such debts, thereby causing loss of time and productivity to the Town or to Town staff.
14. Failing to report the loss of a Town identification card immediately to the Department Director, where applicable.
15. Failing to keep the department and the personnel office notified of proper address and telephone number (if any).
16. Receiving or making an excessive amount of personal phone calls while on working time.
17. Failing to report to work on time.
18. Vending, soliciting, or collecting contributions for any purpose whatsoever at any time on Town premises, unless authorized.
19. Habitually reporting late to work. "Habitually" is considered occurring three (3) times within a ninety (90) day period.
20. Chronically being absent from work. "Chronically" is considered three (3) occurrences within a ninety (90) day period.

GROUP II OFFENSES

FIRST OFFENSE	WRITTEN REPRIMAND AND/OR UP TO 5 DAYS SUSPENSION
SECOND OFFENSE	UP TO DISCHARGE

1. Threatening, intimidating, coercing, or interfering with fellow employees or supervisors at any time, including using abusive language.
2. Failing to work overtime, special hours, or special shifts after being scheduled according to overtime and standby duty policies.

3. Leaving assigned post at the end of the scheduled shift without being relieved by the supervisor or the relieving employee on the incoming shift, for those units operating on a twenty-four (24) hour basis.
4. Neglecting to comply with requirements set forth in departmental rules and standards of conduct.
5. Engaging in gambling, lottery, or any other game of chance at Town workstations at any time.
6. Making or publishing false, vicious, or malicious statements concerning any employee, supervisor, the Town, or its operations.
7. Being absent without permission or leave.
8. Provoking or instigating a fight or fighting on Town property.
9. Violating rules or practices which may affect the safety of Town personnel, equipment, tools, or property.
10. Failing to report a request for information or receipt of a subpoena from an attorney for a matter relating to Town business.
11. Violating any or all the steps outlined in the grievance procedure.
12. Knowingly harboring a serious communicable disease which may endanger other employees.
13. Violating personnel policies.
14. Habitually failing to punch one's own timecard, where applicable. "Habitually" is considered occurring three (3) times in any ninety (90) day period.
15. Showing discourtesy to persons with whom the employee encounters while in the performance of duties.

GROUP III OFFENSES

FIRST OFFENSE

UP TO DISCHARGE

1. Wanton or willful neglect in performing assigned duties.
2. Deliberately misusing, destroying, or damaging any Town property or property of a Town employee without proper authorization.

3. Receiving from any person, or participating in any fee, gift, or other valuable thing in the course of work, when such fee, gift or other valuable thing is given in the hope or expectation of receiving a favor of better treatment than that accorded other persons.
4. Knowingly punching the timecard of another employee, having one's own timecard punched by another employee or unauthorized altering of a timecard or time sheet, where applicable.
5. Falsifying or altering personal or Town records, including employment applications, accident records, work records, purchase orders, time sheets, or any other report, record, or application.
6. Making false claims or misrepresentations in an attempt to obtain sickness or accident benefits or worker's compensation.
7. Insubordination by refusing to perform work assigned or to comply with written or verbal instructions of a supervisor.
8. Unauthorized use or display of firearms, explosives, or weapons on Town property, unless specifically authorized.
9. Theft or removal of any Town property or property by an employee from Town locations without proper authorization.
10. Sleeping during duty hours, unless authorized.
11. Being absent from duty for a period of three (3) consecutive working days without proper authorization. Fire personnel working on a fifty-six (56) hour basis and have two (2) consecutive unauthorized absences from their scheduled shifts work may be considered a resignation.
12. Failing to return from an authorized leave of absence.
13. Permitting another person to use an employee's identification card, using another person's card, or altering an identification card.
14. Incompetence or inefficiency in the performance of assigned duties.
15. Using alcohol and/or controlled substance or being under the influence of same on the Town's premises and/or on working time. Possession or sale of alcohol or controlled substance on the Town's premises and/or working time.
16. Being found guilty or pleading guilty or nolo contendere (even where adjudication is withheld) to a felony, misdemeanor or misdemeanor involving

moral turpitude. A "crime of moral turpitude" includes a criminal conviction or plea of nolo contendere, where the criminal act or conduct is contrary to justice, honesty, modesty, community morality, or good morals, generally. A crime of moral turpitude thus includes, but is not limited to, any crime, the Commission of which, reflects adversely on a person's reputation, integrity, or reliability to which otherwise brings, tends to bring, or may reasonably be expected to bring, discredit or disrepute upon that person or that person's employer.

17. Failure to notify the Town that charges have been filed against the employee by a prosecuting official.
18. Using or attempting to use political influence or bribery to secure an advantage of any manner.
19. Concerted curtailment, restriction of production or interference with work in or about the Town's work stations, including but not limited to, instigating, leading, or participating in any walkout, strike, sit-down, stand-in, slow-down or refusal to return to work at the scheduled time for the scheduled shift.
20. Beginning or maintaining an outside personal or business economic relationship which affords present or future financial benefits to the employee and may be considered a conflict of interest securing advantage of goods, services or influence due to the position of the employee with the Town.
21. Failure to meet established standards of work, morality, or ethics to an extent that the employee is unsuitable for employment with the Town in the position in which the employee was serving.
22. Disgraceful personal conduct.

12.03 Warning and Reprimand

- A. Whenever employee performance, attitude, work habits or personal conduct at any time falls below a desirable level, supervisors shall inform employees promptly and specifically of such lapses and give counsel and assistance. If appropriate and justified, a reasonable period for improvement may be allowed before initiating disciplinary measures.
- B. A written reprimand will be sent to the employee and a copy shall be placed in the employee's personnel file. The employee's immediate supervisor usually initiates a written reprimand.

12.04 Suspension

A suspended employee shall be notified by their supervisor at the time of suspension in addition to the specific reason for the action, the expected corrective action, and his/her rights of appeal. Such notification shall be in writing, dated and hand-delivered to the employee or delivered by certified mail to the employee or the employee's last known address. A copy of the suspension shall be forwarded to the employee's personnel file.

12.05 Appeals

- A. The Town Manager shall hear appeals in cases involving disciplinary actions of regular employees who have satisfactorily completed their probationary period.
- B. The appeal shall be made within ten (10) working days after delivery or mailing to the employee of the written notice, by filing a written request for a hearing with the Town Manager.
- C. The Town Manager shall set a time and a place for the hearing to be held at the earliest possible date. The Town Manager shall notify the employee and the Department Director of the time and place scheduled for the hearing.
- D. Hearings before the Town Manager shall be conducted informally in accordance with procedures established by the Town Manager and shall not be bound by formal rules of evidence.
- E. The decision of the Town Manager shall be final.

12.06 Dismissal

Employees dismissed for cause will receive notification in accordance with the procedures in these Personnel Policies.

SECTION 13

EMPLOYEE GRIEVANCE PROCEDURE

13.01 Purpose

Dundee strives to ensure fair and honest treatment of all employees. Accordingly, it is the policy of the Town of Dundee, insofar as is possible, to prevent the occurrence of grievances and to deal promptly with those which occur. It is the intent and desire of the town to adjust complaints and grievances informally and both supervisors and employees are expected to make every effort to resolve problems as they arise. Consequently, every supervisor has a primary responsibility to settle any grievance, which may develop in his/her immediate work unit, and the resolution of such problems should be handled orally, if possible. Department heads, supervisors, and employees are expected to treat each other with mutual respect. Employees are encouraged to offer positive and constructive criticism. This grievance procedure is established to provide full opportunity to all employees to bring to the attention of management, complaints, grievances, or situations that the employee feels need either adjustment or information.

13.02 Grievances

An employee may file a grievance to register a complaint, resolve a problem, request clarification of existing rules and regulations, to recommend modifications of same, or to request information relative to respective job situations which is not otherwise privileged or confidential in nature.

Employees may make constructive suggestions in the areas of administrative responsibilities (organizational structure, work to be performed, equipment to be used, money to be spent in performing the work, selection of supervisory personnel, standards of selecting employees) however; such responsibilities should not be encroached upon by the Employee to form the basis of a grievance complaint.

Employee grievance procedures shall not apply to any contractual agreement existing between the Town of Dundee and an individual employee or association of employees; rather, grievances shall be filed in accordance with the conditions of the applicable contractual agreement. If an employee has a complaint against the Town Manager, Mayor, or a member of the Town Commission they may address their problem to the town attorney or his delegate if the town attorney determines that he is unable to consider the grievance, whose decision shall be final and there will be no further administrative appeal.

13.03 Procedure

Step 1: Discuss grievance/complaint orally with immediate supervisor within three (3) business days, after the incident occurs. The supervisor shall discuss and explain any information to solve the problem or answer the question.

Step 2: If the immediate supervisor cannot give a satisfactory solution or answer, the employee shall within five (5) business days after meeting with the immediate supervisor have the right to bring the problem or question to the attention of the department director by filing a grievance. The grievance shall be in writing and contain the following:

- (1) The date and place at which the grievance took place, if applicable;
- (2) A statement of the grievance and the facts upon which it is based;
- (3) The remedy, adjustment, or information-aggrieved employee is requesting;
- (4) The signature of the aggrieved employee shall be required on the report.

A grievance report form is attached to Ordinance No. 05-35.

Step 3: If the department director cannot give a satisfactory solution or answer within three (3) business days from receipt of the written grievance, the employee shall be referred to the Town Manager. The Town Manager will meet with the employee to affect a solution to the problem. To the extent the grievance does not involve the Town Manager, Mayor or a member of the Town Commission, the Town Manager's decision will be final and there will be no further administrative appeal.

13.04 General Requirements.

All supervisors and department directors shall arrange to discuss a problem or question of any kind, with the employee making the request, within three (3) business days after the request has been reported to that supervisor or department director. If this is not possible due to illness, leaves for any reason, etc., the acting supervisor shall do so. Failure of any supervisor or department director to meet with and discuss any problem or question within three (3) business days automatically gives the employee the right to register the problem or question with the Town Manager, and the Town Manager shall arrange a meeting with the proper supervisor or department director.

13.05 Other Considerations

(a) Any employee not covered by a labor agreement may utilize this procedure. Any employee covered by a labor agreement shall utilize the grievance procedure as stated in the contractual agreement.

(b) No punitive action will be taken against any employee as the result of the filing of a complaint/grievance/inquiry, nor will any attempt be made to suppress either the

filing of a complaint/grievance/inquiry by an employee who feels the need to initiate the same, or to take such a matter through all the steps of the grievance procedure.

(c) Town employees shall address all grievances through the procedures outlined in section 2-123, grievance procedure. It is improper for an employee to discuss any grievance with a Town Commission member without authorization from the Department Director and Town Manager because it would be a violation of law for Town Commission members to discuss these grievances.

SECTION 14
MISCELLANEOUS RULES AND BENEFITS

14.01 Vehicles

- A. Only Town employees, possessing a valid State of Florida driver's license appropriate for the vehicle, are authorized to operate Town vehicles.
- B. Employees shall not operate a Town vehicle while under the influence of drugs or alcohol. Use of handheld cell phones (including texting) while behind the wheel of a moving vehicle being used on Town business is strictly prohibited.
- C. Employees shall not transport any persons other than Town employees in a Town vehicle, except in the course of official business.
- D. Employees and authorized passengers are expected to observe all traffic regulations at all times, including seatbelt usage, and all policies and procedures of the Town, while operating any vehicle.
- E. All incidents involving Town vehicles must be reported to the law enforcement office of the appropriate jurisdiction, the employee's supervisor, and to the Human Resources Coordinator immediately. Employees driving Town vehicles will provide copies of any accident reports, citations, etc., concerning the vehicle or its operation, to their Supervisor and the Human Resources Coordinator immediately.
- F. Employees will not operate Town vehicles in such a way as to cause public criticism or nuisance. This includes vehicle parking when not in use.
- G. Employees are expressly prohibited from making any cosmetic or mechanical modifications to any Town owned vehicle.
- H. Unattended Town take home vehicles shall be legally parked and locked at all times, except in emergency circumstances. Employees shall not leave sensitive information or public documents (other than reference material) in the vehicle while off duty.
- I. Scheduled maintenance of Town vehicles will be coordinated with the Human Resources Coordinator. Employees will coordinate their vehicle maintenance at the scheduled times. Employees shall be responsible for the proper care and use of Town vehicles and equipment and shall report promptly any accident, breakdowns, and malfunction.

- J. Some employees, because of the nature of their work, may be issued and are responsible for a Town vehicle which may be driven to and from work, lunch and to conduct official business. Such Town vehicles shall not be used for personal pleasure or private business. The purpose of this policy is to enable the employee in question to respond to emergency conditions promptly. Abuse of this policy may result in a withdrawal of the vehicle, withdrawal of take-home privileges, and appropriate disciplinary action up to termination.
- K. Fines incurred by an employee while operating a Town vehicle due to traffic or parking violations shall be the sole responsibility of the employee. Any traffic violations while in a Town vehicle must be reported to the employee's Supervisor and the Human Resources Coordinator immediately.
- L. Employees assigned a Town vehicle to take home shall keep a daily dated log to record mileage with brief description of their trips to and from home and work. In addition, employees will record mileage associated with call outs, emergency responses, and after hours support of Town operations.

These logs will be available at all times for review and the completed logs will be submitted to the Human Resources Coordinator at the end of each month.
- M. Take home vehicles should be fueled at the Polk County fueling pump at the Polk County Maintenance Barn at the corner of Dr. Martin Luther King, Jr and Lincoln Avenue. Reimbursement for any other fuel purchase may be denied.
- N. Any employee assigned a take home vehicle is required to commute in the vehicle for valid business reasons.
- O. Occasions that may prompt the Town Manager or designee to authorize additional employees to take Town vehicles home include but are not limited to: preparations made in advance of a severe storm, such as a hurricane, to secure vehicles or to position vehicles to facilitate effective post-storm service restoration/clean-up activities. Such authorizations may be temporary in nature and may require alternative work assignments. Pre-approval from the Town Manager to take home a Town vehicle for storm related purposes is required.
- P. Violations of this policy and procedures shall be considered an act of insubordination and may result in disciplinary action up to termination and could result in the revocation of take-home vehicle privileges.

14.02 457 Deferred Compensation Plan

- A. The Town provides a 457 deferred compensation retirement plan for all

qualified part-time and full-time employees.

B. The Town shall match up to 5% of an employee's contributions to the deferred compensation plan.

C. Probationary Employees are eligible to participate in the 457 Deferred Compensation Plan and the Town will match these funds after completion of probation retroactive to the date of participation in the program.

14.03 Unemployment Compensation

Terminated employees who file a claim with the State of Florida Bureau of Unemployment Compensation and are determined qualified under the Florida Unemployment Compensation Law may be eligible to receive unemployment compensation benefits. Further information may be obtained in the personnel office.

14.04 Insurance Benefits

Medical Insurance is available for all regular full-time employees. Optional coverage for dependents is paid for by the employee. Life, Vision and Dental Insurance is also available for Town employees. Details are available upon request from the personnel office.

14.05 Deductions

Federal withholding and Social Security are deducted from pay checks in accordance with law.

14.06 Christmas Bonus

1. The Town may offer its employees a Christmas bonus using the following procedures:
 - A. Permanent full-time employees who have completed their hiring probationary period may receive a full Christmas bonus as established by the Town Commission.
 - B. Permanent part-time employees who have completed their hiring probationary period may receive one half ($\frac{1}{2}$) of the Christmas bonus as established by the Town Commission.
 - C. Permanent full-time employees under hiring probation with hiring dates prior to July 1st of each calendar year may receive one half ($\frac{1}{2}$) of the Christmas bonus as established by the Town Commission.

- D. Permanent part-time employees under hiring probation with hiring dates prior to July 1st of each calendar year may receive one quarter (1/4) of the Christmas bonus as established by the Town Commission.
- E. Employees under hiring probation with hiring dates after June 30th of each calendar year are not eligible for a Christmas bonus.

14.07 No Tobacco – Smoking

- A. The purpose of this policy is to protect the public health, comfort, and environment for citizens and employees by creating areas in public places and at public meetings that are reasonably free from tobacco, tobacco smoke, and smoking, to comply with Florida Statute, the Florida Clean Air Act and problems created by the use of other tobacco and nicotine delivery products in the workplace.
- B. No person may smoke or use any tobacco product including vapor devices in any Town of Dundee building, facility, and/or any Town of Dundee vehicle (“Town Property”). This includes, but is not limited to, private offices, hallways, restrooms, conference rooms and break rooms, even with only one (1) occupant.
- C. Smoking and/or Tobacco use is permitted outdoors except for the following conditions:
 - (1) Whenever a safety hazard exists;
 - (2) In any area where smoking is specifically prohibited by federal, state, county or Town Ordinance;
 - (3) In any area posted “No Smoking” by the Town; and
 - (4) During Town events which are located on Town Property.
- D. The Town Manager shall be responsible for ensuring Town-wide implementation of this policy. Town Department Heads and Managers shall be responsible for uniform implementation of this policy in their respective work areas, facilities, and buildings.
- E. Violation of this policy by a Town employee shall be a Group II offense for purposes of disciplinary action; and, pursuant to Section 12 of this Town of Dundee Personnel Policy Handbook, a Group II offense shall subject an employee to disciplinary action which includes, but is not limited to, discharge of employment.

14.08 Computer, Cellular Phone, Information and Digital Technology.

A. Purpose.

- (1) The purpose of this policy is to establish expectations for all employees of the Town of Dundee in regard to the use of Town-owned information technology (includes internet network and e-mail), Town-owned computers, Town-owned cellular phones, Town-owned wireless communications devices, use of social networking, and other related digital media technology that may be forthcoming (collectively hereinafter referred to as "Digital Technology").
- (2) The Town will administer this policy in compliance with applicable federal, state, and local laws.
- (3) This policy includes the use and/or access of all current technological means of communication(s) and any other means that are forthcoming.
- (4) All data that is composed, transmitted, or received through the use of the Town-owned Digital Technology is considered to be property of the Town and part of the Town's official records and subject to inspection and disclosure.
- (5) This policy establishes requirements for Town authorized use of Digital Technology, ensures departmental and employee accountability, ensures departmental and employee responsibility, and prevents improper use of Digital Technology. See Vince v. Rock County, 604 F.3d 391, 393 (7th Cir. 2010) (reasoning that a computer lets you make more mistakes faster than any invention in human history).
- (6) Town-owned Digital Technology shall only be provided if a demonstrated need has been established in order to conduct Town-related business activities, and therefore, Town-owned Digital Technology is intended only for use as a tool for conducting Town-related business activities.
- (7) Violation(s) of this policy may result in discipline up to and including termination of employment.

B. Definitions.

The following words, terms, and phrases, when used in this Section of the *Town of Dundee Personnel Policy Handbook* shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning, as follows:

- (1) *Data* means a subset of structured information in a format that allows such information to be electronically retrieved and transmitted.
- (2) *Information Technology* means equipment, hardware, internet, software, firmware, programs, systems, networks, infrastructure, media, and related material used to automatically, electronically, and wirelessly collect, receive, access, transmit, display, store, record, retrieve, analyze, evaluate, process, classify, manipulate, manage, assimilate, control, communicate, exchange, convert, converge, interface, switch, or disseminate information of any kind or form.
- (3) *Public Record* has the same meaning as provided in Section 119.011(12), Florida Statutes.
- (4) *Social Networking* means use of a commercially operated internet website (e.g., Facebook, Instagram, TikTok, Snap Chat, etc.) allowing users to create web pages or profiles that provide information about the user and are available publicly or to other users and that offers a mechanism for communication with other users, such as a forum, chat room, electronic mail, or instant messenger.
- (5) *Wireless Communications Device* means a cellular phone or any handheld device used or capable of being used in a handheld manner, that is designed or intended to receive or transmit text or character-based messages, access or store data, or connect to the Internet or any communications service as defined in Section 812.15, Florida Statutes, and that allows text communications.

C. Prohibited Use(s).

- (1) An employee understands and confirms that, when accessing and electing to use the Town's Digital Technology, the employee shall be responsible for maintaining compliance with this Section and applicable law as a condition of receiving access.
- (2) The Town of Dundee prohibits employees from audio or video recording, by any means, on Town property of work-related matters, absent receiving written authorization from the Town Manager.

- (3) The Town's Information Technology, Town-owned Wireless Communications Device(s), and/or any of the Town's Digital Technology shall not be accessed or used for the purpose of any unlawful, fraudulent, or malicious activity.
- (4) Employees shall not access or use the Town's Information Technology, Town-owned Wireless Communications Device(s), and/or any of the Town's Digital Technology for personal gain and/or any personal activity.
- (5) Employees shall not use the Town's Information Technology, Town-owned Wireless Communications Device(s), and/or any of the Town's Digital Technology for engaging in the solicitation or distribution of literature, absent receiving the written authorization from the employee's department director or Town Manager.
- (6) Employees shall not use Digital Technology while operating Town-owned motor vehicles or Town-owned equipment.
- (7) Employees shall not use Digital Technology while working which includes, but is not to be limited to, performing any official Town-related activities, and operating a motor vehicle or equipment. See §316.305(3)(a), Fla. Stat. (2023) (prohibiting use of wireless communications device or reading data while operating a motor vehicle).
- (8) Employees shall not post or publish any personal materials or personal information on any official Town authorized website, bulletin board (regardless of location or form), and/or Social Networking forum.
- (9) Employees violating policies in this Section shall be subject to disciplinary action up to and including termination of employment.

D. Social Networking.

- (1) The Town of Dundee acknowledges that, for many, Social Networking platforms are the principal source(s) for knowing current events, researching employment, speaking and listening, and exploring the realms of human thought and knowledge; and the Town of Dundee encourages the use of Social Networking to inform the public, educate the public, and further the goals and mission of the Town, when and where appropriate. See *Packingham v. North Carolina*, 137 U.S. 1730 (2017) (reasoning that social media platforms are a modern public square).

- (2) This policy establishes the utility and necessary management of Social Networking; and, at the same time, this policy recognizes that, as advances in technology occur, the Town shall require the implementation of new administrative methods, tools, and oversight.
- (3) Employees shall use professional judgment and be prudent in his/her/their action(s) and recognize that any presence on and/or use of Social Networking may reflect on the Town; and each employee electing to use Social Networking, whether such use is in furtherance of official Town-related activities or personal use, each employee understands that any comment(s), post(s), picture(s), or other information that is published may have employment implications if the communications are not authorized and implicate the Town's official involvement.
- (4) Personal Use of Social Networking.
- a. Employees of the Town shall be aware of their association when electing to access and/or use Social Networking.
 - b. Employees shall not post, transmit, or otherwise disseminate any information obtained as a result of their employment with the Town, absent the written consent of the Town Manager.
 - c. Employees are free to express themselves as private citizens on Social Networking platforms and forums to the degree that their speech does not impair efficient Town-related service(s), hinder the performance of Town-related duties by any employee of the Town, impede discipline, adversely affect harmony amongst co-workers, or adversely affect the public perception of the Town and/or Town employees.
 - d. In order to distinguish an employee's use of Social Networking as personal, each employee electing to access and/or use Social Networking platforms shall use a reasonable disclaimer which may include, but shall not be limited to, the following:

THE POSTINGS ON THIS SITE ARE MY OWN AND DO NOT REPRESENT THE MISSION STATEMENT, STRATEGIES, OR OPINION(S) OF THE TOWN OF DUNDEE, FLORIDA.

- e. Employees are expected to conduct themselves in a respectful manner at all times, and any issues that arise in the workplace

from an employee's personal use of Social Networking shall be handled according to applicable Town policy.

- f. Social Networking activity that involves the posting or discussion of Town-related incidents or matters may make the communication(s) subject to Florida's Public Record Law. The burden of responsibility and compliance with this Section and Florida's Public Record Law shall be on the employee.
- g. Employees violating policies in this Section shall be subject to disciplinary action up to and including termination of employment.

(5) Official Use of Social Networking.

- a. The Town shall maintain Social Networking forums that may allow for open communication and interaction with members of the public.
- b. The Town's use of Social Networking shall be determined and authorized by the Town Manager, as the chief administrative officer of the Town, in order to maintain the integrity of the Town and ensure compliance with applicable state and federal law(s).
- c. The Town Manager shall authorize the establishment of Social Networking accounts and, in order to ensure compliance with applicable law and maintain the quality of the Town's presence in the digital arena, determine whether or not open participation will be permitted.
 - i. *First Amendment* protection(s) shall be applicable to Social Networking forums which, albeit not considered a traditional public forum within the context of applicable state and federal law(s), upon the intentional opening of such forums for expressive activity shall receive the greatest degree of protections against *content-based* and *viewpoint-based* restrictions.
 - ii. Upon the intentional opening of an authorized Social Networking forum by the Town to the public for expressive activity (any form of comment or opinion), the Town may not impose restrictions based on the topic discussed or message being expressed.

iii. Public Official Use. A public official preventing comments and/or open expression on the public official's personal Social Networking forum(s) may engage in unlawful censorship of speech if: (i) the public official possessed actual authority to speak on behalf of the agency for a particular matter; and (ii) the public official purports to exercise such authority when speaking in the relevant Social Networking forum(s).

d. The Town of Dundee Human Resources Department shall maintain a list of the Town's authorized Social Networking accounts, as well as the list of the Town employees which the Town Manager has authorized, in writing, to post and/or publish information on behalf of the Town.

E. Personal Use of Digital Technology.

- (1) In the event an employee uses a personal Wireless Communications Device (e.g., cellular phone) to conduct Town-related business activities, the employee may be reimbursed by the Town provided the use was necessary and no other option(s) were available. The reimbursement rate shall be the actual cost(s) as evidenced by the employee's billing statement and as approved by the Town Manager or his or her designee.
- (2) No personal Wireless Communications Device(s) shall be permitted to access or connect to the Town's Information Technology, absent the written consent of the employee's department director or Town Manager.

F. Town Monitoring and Data.

- (1) When using the Town's Information Technology, Town-owned Wireless Communications Device(s), and/or any of the Town's Digital Technology, an employee agrees that he/she/they are aware of, understand, and shall comply with the provision(s) of this policy and any other policies and procedures established by the Town.
- (2) The Town's Information Technology, Town-owned Wireless Communications Device(s), and/or any of the Town's Digital Technology are provided for business use. For purposes of monitoring, the Town may audit reports, data, and billing in order to ensure appropriate usage.

- (3) The Town reserves the right to monitor, retrieve, read, and record any and all uses made through the Town's Information Technology, Town-owned Wireless Communications Device(s), and/or any of the Town's Digital Technology, without notice to the user.
- (4) Access and use of the Town's Digital Technology and any associated Data are considered to be the business property of the Town; and it is a violation of this policy for any employee or other individual to intentionally damage Data. For purposes of this Section, the term *damage* means any impairment to the integrity or availability of Data.
- (5) Employees are required to use appropriate and reasonable measures in order to ensure the protection and integrity of the Town's Digital Technology and Data from unauthorized access or use.
- (6) Employees shall cooperate with monitoring efforts which includes, but shall not be limited to, the inspection and search of the Town's Digital Technology to protect against unauthorized access and/or use, ensure compliance with applicable Florida law, and ensure an employee adheres to the policies provided for in this Section.
- (7) Any records related to the use of a Wireless Communications Device, whether Town-owned or personally owned, shall be public records once provided to the Town for purposes of reimbursement.
- (8) The Town may maintain an inventory of the Town's Digital Technology and implement large-scale migration strategies.

G. Public Records and Retention.

- (1) This policy is intended to ensure adherence to and compliance with Florida's Public Records Law, Ch. 119, Florida Statutes.
- (2) The definition of Public Record has been interpreted to include any material prepared in connection with official agency business which is intended to perpetuate, communicate, or formalize knowledge of some type. See Bd. Of Trustees, Jacksonville Police & Fire Pension Fund v. Lee, 189 So. 3d 120 (Fla. 2016) (reasoning that Florida's Public Records Act is a cornerstone of political culture).
- (3) There is no single retention period that applies to electronic messages whether they are sent by e-mail, instant messaging, text messaging (SMS, Blackberry, etc.), multi-media messaging (MMS), chat messaging, Social Networking (Facebook, Twitter, etc.), voicemail messaging (voicemail in audio or voice-over-internet, or other format),

or any other current or future electronic messaging device. The retention of any particular electronic message will generally be the same as the retention for records in any other format that document the same program, function, or activity. See SDE Media v. City of Doral and Daniel Espino, City Attorney, 25 F.L.W. Supp 243a (Fla. 11th Cir. Ct. May 5, 2017) (holding that City violated Public Records Law by failing to maintain electronic communications located on City Official's private cellphone and preventing destruction or deletion by individual City Official).

The State of Florida, General Records Schedule GS1-SL For State and Local Government Agencies (effective August 2020), is published by the Florida Department of State, Division of Library and Information Services, and available at <http://info.florida.gov/records-management>.

- (4) Individuals and employees confirm that, when accessing and electing to use Digital Technology, the user shall be responsible for understanding and maintaining compliance with this Section and applicable law as a condition of receiving access.

SECTION 15

POSITION CLASSIFICATION PLAN

15.01 Purpose

The position classification plan is a systematic arrangement and inventory of Town positions. The plan groups the various positions into classes indicative of the range of duties, responsibilities and level of work performed. The class titles standardize the meaning, based upon the similarity of work and duties performed.

15.02 Uses

The position classification plan is used to:

- A. Determine qualifications and prepare job announcements.
- B. Establish lines of promotion and career ladders.
- C. Assist in developing employee training programs.
- D. Provide uniform job terminology on records and documents.

15.03 Content

The position classification plan consists of:

- A. A grouping of positions into classes on the basis of approximately equal difficulty and responsibility, which require the same general qualifications, and which can be compensated within the same pay grade.
- B. A class title, indicative of the work of the class, which shall be used on all personnel, accounting, budget, and related official records.
- C. Written class descriptions for each job classification containing the nature of work, relative responsibilities and illustrative duties found in the class. Also included are the knowledge, abilities and skills required for performance of the work and the minimum qualifications needed.

15.04 Administration and Maintenance

The Town Manager or designated employee is charged with the maintenance of the position classification plan so that it will reflect the duties performed by each employee and the class to which each position is allocated.

15.05 Allocation of Positions

Whenever a new position is established or duties of an existing position changed, the personnel office shall prepare a class description describing the duties of the position. The Town Manager shall have the position assigned to an existing class or establish a new class for the position.

15.06 Position Reviews

- A. The Town Manager may assign responsibility for conducting position reviews. Such reviews may be initiated by written request from:
 - 1. The Department Director in whose department the position is located.
 - 2. The incumbent of the position provided that the employee processes the request through the Department Director for review and comments.
- B. Position information will be gained through completion of a position classification questionnaire by the incumbent or by the supervisor of the position if the position is vacant.
- C. The Department Director will review and make recommendations for all proposed position changes and class descriptions.
- D. The employee that is in the position to be reviewed will be notified that a review will be conducted.

15.07 Reclassification

- A. When the incumbent of a position is officially assigned more difficult and significant responsibilities and duties so that it appears that the position warrants reallocation to a higher pay grade, the Town Manager shall authorize a study of the duties and responsibilities of the position.
- B. If it is determined that the position should be reallocated to a higher-level class, the Town may require the incumbent to undergo a prescribed test of fitness, depending on the conditions of the reclassification.
- C. Should any position be reclassified to a job classification with the same pay grade as that of the original classification, the incumbent shall receive a corresponding change in title.

- D. Should any position be reclassified to a job classification with a lower pay grade than that of the original classification, the incumbent employee shall be offered transfer to a vacancy in the original classification in the same or another department, if a vacancy exists.

15.08 Position Control

All positions are established and maintained through a personnel budget each fiscal year in accordance with established accounting procedures.

SECTION 16

RECORDS AND REPORTS

16.01 Responsibility

The Town Manager or designated employee is responsible for establishing and maintaining personnel records for all employees.

16.02 Records

- A. All personnel records as well as all other records and materials relating to the administration of the Personnel Management System shall be considered the property of the Town. The Town Manager or designee will determine the use, maintenance and disposition of such records and material and whether any information contained therein may be disclosed, in accordance with prevailing laws.
- B. Employees should be aware of the importance of keeping their personnel records current, including notifying the Town of any telephone number changes, beneficiary changes, number of dependents, marriage or any other change that has not been previously reported. It is the responsibility of the employee to provide updated information. Failure to comply may result of loss of employee benefits.
- C. The Town should be informed of any special training courses completed by an employee. Copies of diplomas or certificates should be forwarded to the personnel office for it to be added to the employee's personnel file.

16.03 Records Retention and Disposition

The Town will determine the time limit that any personnel records shall be kept on file and their final disposition, in accordance with applicable State Statutes.

TOWN OF DUNDEE
EMPLOYEE SAFETY POLICY HANDBOOK

PURPOSE AND APPLICATION

The purpose of this safety program is to assure the health, safety and welfare of Town Employees and the general public by developing safe working conditions, practices and thinking. This Handbook will serve as a guide for safety rules, regulations and procedures which shall apply to all Town of Dundee employees.

RESPONSIBILITIES

MANAGEMENT: The Town Manager, Department Directors, Supervisors, and the Safety Coordinator are responsible for the development and administration of an effective safety program. Other responsibilities include:

1. Adopt and manage a hazard-free work environment.
2. Conduct periodic facility inspections.
3. Provide safe, practical, and reasonable job procedures with good leadership.
4. Conduct safety meetings with staff on a regular basis.
5. Organize safety training and coordinate on-the-job safety instructions.

EMPLOYEES: Employees are required, as a condition of employment, to develop safe working habits and to contribute in every way possible to the safety of themselves, their co-workers, and the general public. Employees shall:

1. Report all accidents and injuries (i.e., Minor, Major or Serious).
2. Actively participate in department and/or division safety meetings.
3. Inform co-workers of probable hazards and the safest way to perform the job.
4. Report unsafe practices and conditions to their supervisor or their Department Director as soon as possible.
5. Observe and follow all Town safety rules and practices.

6. Assist in the investigation of accidents to identify and correct causes and support safety promotions.
7. Assist Town Departments by notifying them of safety hazards on sidewalks, streets, or other facilities throughout the Town to protect the well being of the general public.

ORGANIZATION

SAFETY COORDINATOR: The Safety Coordinator is appointed by the Town Manager to administer the Town's Safety program. The duties and responsibilities of the Safety Coordinator are to:

1. Plan, coordinate and make appropriate changes to the safety program, pending approval of the Town Manager.
2. Make regular reports to management on safety programs.
3. Coordinate program activities.
4. Initiate activities that will stimulate and maintain the interest of employees in safety, pending the approval of the Town Manager.
5. Supervise inspections made by the Safety Committee for the purpose of discovering and correcting unsafe work practices to prevent accidents.
6. Investigate accidents as requested by the Department Director's or the Town Manager.
7. Schedule and chair Safety Committee meetings. These meetings will occur at least quarterly. Minutes of the meetings will be distributed to each department for posting.

SAFETY COMMITTEE: The Town wide Safety Committee shall be composed of one (1) non-management employee representative from the Public Works/Utilities Department, the Fire Department, the Parks & Recreation Department, the Building Department, and the Safety Coordinator (Management employee representative). The representatives will be appointed by their respective Department Director. The responsibilities of this committee are as follows:

1. Recommend safety regulations.
2. Review accident reports to determine necessary corrective action.

3. Make periodic safety inspections of equipment and facilities to ensure compliance with safety standards and procedures, as requested by the Department Director or the Town Manager.
4. Recommend safety procedures considered necessary for safe operations and refer them to the appropriate Department Directors and Town Manger for adoption.
5. Assist in the planning of activities that will stimulate and maintain the interest of employees in the safety program.

SAFETY INSPECTIONS: The Safety Committee will perform inspections of all facilities to ensure compliance with safety standards and procedures, as requested by the Department Director or the Town Manager. Departments and divisions will be notified of any necessary corrective action. A follow-up on all inspections will occur to assure that any necessary corrective action has been taken. Inspections of all departments/divisions will be concentrated on the following safety procedures:

1. Good housekeeping.
2. Use and availability of prescribed protective equipment.
3. Compliance with published regulations.
4. Safety conditions of vehicles.
5. Safety conditions of tools and equipment.
6. Proper guarding of open ditches and construction sites.
7. Proper storage and handling of flammable, combustible liquids, and hazardous materials.
8. Fire extinguishers, first aid kits, emergency lighting and maintenance of fire exits.
9. Observe on the job safety practices and procedures.

SAFETY EQUIPMENT

The Town of Dundee will provide proper and necessary safety equipment and devices for employees when their job duties require contact with environmental, chemical, and mechanical hazards. Department Directors, division heads and supervisors are responsible for training their employees in the proper use and care of all safety equipment,

enforcing the rules, and setting the proper example. Examples of safety equipment include:

1. Hard hats to protect the head against falling objects, head bumping accidents or electrical conductors.
2. Goggles face shields or safety glasses to guard against airborne debris, dust, flying particles, chips, chemicals, heat, or injurious rays.
3. Respirators, hose masks and self-contained breathing apparatus to protect employees against toxic or abnormal atmospheric conditions.
4. Work shoes and/or proper footwear should protect the feet from falling objects, sharp objects, and hot and slippery surfaces. The required footwear, adequate for most jobs, shall consist of solid soles with leather or leather-like material uppers. It shall be the responsibility of the Department Directors to notify employees that their jobs require specific types of shoe. Sneakers, canvas shoes, loafers or open toed footwear will increase the potential for injury and will not be permitted for labor-related, field work. Office workers are encouraged to use good judgment in selecting appropriate footwear. If safety shoes are required, the Town shall furnish the employee one (1) pair per calendar year unless a second (2nd) pair is deemed necessary by the Department Director. The amount provided is set with each year's budget.
5. Reflective vests or bright articles to increase workers visibility while working in or around traffic lanes.
6. Protective clothing such as gloves, sleeves, full suits for protection against wounds, abrasions, bumps, heat, etc.

SAFETY EQUIPMENT AND DEVICES, WHERE PROVIDED, SHALL BE USED BY THE EMPLOYEE!

SAFETY RULES AND REGULATIONS

All employees are required to abide by the Town's established safety rules and regulations. The safety rules and regulations are as follows:

1. All Town employees shall obey all federal, state, and local governmental laws, rules, and regulations, as well as all fire codes.
2. Drivers of Town vehicles/equipment shall operate said vehicle/equipment in a reasonable manner and in compliance with state and local traffic laws and regulations.

3. Use of seat belts while operating Town vehicles/equipment shall be mandatory.
4. Employees shall not carry passengers in vehicles unless proper seating and seat belts are provided.
5. All slow moving or special purpose vehicles using streets or roads shall prominently display the slow-moving emblem (orange triangle) on the rear of the vehicle.
6. All personnel who drive Town vehicles and/or equipment or who operate personal vehicles on Town business shall possess the appropriate valid Florida State driver's license.
7. An employee must report to their supervisor any change in the status of his/her driver's license within twenty-four (24) hours of the change. Failure to report such change may result in appropriate disciplinary action.
8. Employees shall inspect all departmental equipment, tools, etc., prior to use and report any defects or hazardous conditions immediately to their supervisor.
9. Employees shall inspect departmental vehicles daily and prior to use. Any defects, malfunctions or hazardous conditions shall be reported to their immediate supervisor.
10. Employees shall not bring or keep any alcoholic beverages and/or controlled substances onto Town premises or attempt to perform assigned duties or operate Town equipment while under the influence of such intoxicants or any medications that may affect their ability to perform assigned duties.
11. Employees shall notify their immediate supervisor if they are using medication that may affect their ability to perform assigned duties.
12. Appropriate safety shoes, eye protection, shields or masks, safety vests protective clothing, breathing apparatus, etc., must be worn for the employee's safety.
13. Every Town employee is responsible for his/her actions and should always use good judgment and follows good and sound common sense for everybody's safety.

14. Placement of traffic cones, warning flags, barriers and lights for streets, highways, or rights-of-way work shall be in accordance with the Department of Transportation rules and regulations.
15. First aid kits will be available in workstations.
16. Texting while operating Town equipment is prohibited.
17. Any additional or modified rules and/or regulations deemed appropriate and approved by the Town Manager.

INJURY AND ACCIDENT REPORTING

PERSONAL INJURY:

1. Employees are responsible for immediately reporting all minor, major, or serious injuries and/or accidents to their supervisors.
2. For emergency and/or serious injuries and/or accidents that require medical treatment, use the Town radio, or call 911.
3. For non-emergency injuries and/or accidents that require a physician's treatment, the employee's supervisor must be notified immediately.
4. The Department Director and supervisor will review the injury report and forward it to the personnel office within twenty-four (24) hours of the accident. If the injury occurs on a Saturday, Sunday or a holiday, the injury report should be forwarded to the personnel office the next regular workday.
5. The personnel office will process the injury report forms as required by State Law and will then forward a dated copy to the Safety Coordinator.
6. The Safety Coordinator will present the injury report at the Quarterly Safety Committee meeting, or sooner if possible, for evaluation or investigation, as needed, for possible corrective action recommendation.
7. Failure to report an injury and/or accident within twenty-four (24) hours of its occurrence, or the next regular workday, if applicable, will result in disciplinary action in accordance with the Town's Personnel Policy Handbook.

PROPERTY DAMAGE/OTHER LIABILITY ACCIDENTS:

1. If public or private property, Town vehicles or equipment are damaged, the employee must notify his/her supervisor as soon as possible.

2. If an accident involves Town vehicles, the appropriate law enforcement agency and the employee's supervisor must be notified immediately.
3. Employees shall not leave the scene of the accident until the investigating officer so authorizes.
4. A copy of the accident report will be sent to Town Manager's Office
5. The supervisor investigates and reports the accident to the Department Director.
6. The Department Director will notify the Town Clerk's Office of property damage and other liability damage.
7. The Town Clerk's Office will process the accident forms and will then send them to the Town's insurance company, if appropriate.
8. Failure to report an accident within twenty-four (24) hours of its occurrence, or the next regular workday if applicable, will result in disciplinary action in accordance with the Town's Personnel Policy Handbook.

NOTE: When an employee is notified by someone in the general public that they have incurred property damage as a result of something to do with the Town, the employee should refer these calls/inquiries to their immediate supervisor so that all appropriate information may be obtained.

ACCIDENT INVESTIGATIONS:

All accidents will be reported immediately to the supervisor and Department Director. The supervisor or Department Director will then notify the Town Manager's Office. The Department Director or safety committee will conduct a thorough investigation and the following procedures must be followed:

1. Check the scene and carefully examine where the accident occurred. Reconstruct the chain of events leading up to the accident. If necessary, draw a diagram or take photographs.
2. Make notes on all facts that may relate to the cause of the accident such as unsafe conditions, misuse of equipment, faulty equipment or other factors which are not in accordance with work rules or safety policies.
3. Collect evidence, interview witnesses, record names, addresses and phone numbers.

4. Interview the employee, if possible, regarding all facts related to the accident to ensure that the information accurate.

DRIVER LICENSE REVIEW

The Town of Dundee reserves the right to periodically review the driving history of its employees.

DEPARTMENTAL POLICIES

Each department may establish additional safety policies that are department specific and do not conflict with the Town's Safety Policy Handbook.

APPENDIX A DRUG FREE WORKPLACE PROGRAM

I. STATEMENT OF POLICY

The Town of Dundee acknowledges the problem of substance abuse in our society. Furthermore, we see substance abuse as a serious threat to our Town employees and residents. We are addressing this problem through this new substance abuse policy to ensure the Town will have a drug-free workplace. This policy is implemented pursuant to the Drug Free Workplace Program requirements under the Department of Labor and Employment Security, Division of Workers Compensation 38F-9 and Florida Statute 440.102.

Drug addiction can be very complex, yet it is treatable. For this reason, our substance abuse program is targeted at alleviating the problem at the community level by involving both our employees and their families.

While the Town of Dundee understands employees and applicants under a physician's care are required to use prescription drugs, abuse of prescribed medications will be dealt with in the same manner as the abuse of illegal substances.

The goal of this policy is to balance our respect for individual privacy with our need to keep a safe, productive, and drug-free environment. Our intention is to prevent and treat substance abuse. We would like to encourage those who abuse drugs to seek help in overcoming their problem.

With these basic objectives in mind, the Town has established the following policy regarding use, possession, or sale of drugs.

II. DEFINITIONS

- A. "Legal Drug" - includes prescribed drugs, alcohol, and over-the-counter drugs, which have been legally obtained and are being used solely for the purpose that they were prescribed or manufactured.
- B. "Illegal Drug" - any drug: a) which is not legally obtainable; b) which may be legally obtainable but has not been legally obtained; or c) which is being used in a manner or a purpose other than as prescribed.

III. POLICY AND WORK RULE

The Town's policy is to employ a workforce free from the use of illegal drugs, either on or off the job. Any employee determined to be in violation of this policy is subject to disciplinary action, which may include termination, even for the first offense. It is a Standard of Conduct of Employees of the Town that employees shall not use illegal drugs. To maintain this Standard, the Town shall establish and maintain the programs and rules set forth herein.

A. General Procedures

An employee reporting to work visibly impaired is unable to properly perform required duties and will not be allowed to work. If possible, the supervisor should first seek his/her supervisor's opinion of the employee's status. Then the supervisor should consult privately with the employee to determine the cause of the observation, including whether substance abuse has occurred. If, in the opinion of the supervisor, the employee is considered impaired, the employee should be sent home or to a medical facility, by taxi or other safe transportation alternative, depending on the determination of the observed impairment, accompanied by the supervisor. An impaired employee should not be allowed to drive.

B. Pre-employment Drug Abuse Screening

The Town will conduct pre-employment screening examinations designed to prevent hiring individuals who use illegal drugs or individuals whose use of drugs indicates a potential for impaired or unsafe job performance. The Town will include a Notice of Pre-Employment Drug Testing on all job vacancies.

C. Active Employee Drug Abuse Screening

The Town will maintain screening practices to identify employees who use illegal drugs either on or off the job. It shall be a condition of continued employment for all employees to submit to a drug screen:

1. When there is reasonable suspicion to believe that an employee is using or has used illegal drugs.
2. When there is any mishap or accident involving the employee in which injury to persons requiring medical attention other than first aid or damage to property in excess of one hundred dollars (\$100) has occurred.
3. Upon return from extended absences.
4. As part of any Town required employee physical exam.

D. Job Applicant/Active Employee Testing Information

1. The Town of Dundee is a Drug Free Workplace for the benefit of all Town employees, residents, and the community. Florida law provides for a denial of workers' compensation benefits for employees who are injured while working and, subsequently, test positive [Rule 38F-9.001 (a) and W.C. Act 440.102.5]. The Town of Dundee will not tolerate or subsidize the use of illegal drugs.
2. The following drugs may be tested for under Town policy:
 - Amphetamines
 - Barbiturates
 - Benzodiazepines
 - Cannabinoids/Marijuana
 - Methadone
 - Cocaine/Metabolite
 - Opiates
 - Phencyclidine
 - Alcohol
 - Propoxyphene
 - Methaqualone
3. A list of "Drugs Which Could Alter or Affect the Outcome of a Drug Test" and "Drug Use Information" report forms are provided to the job applicant and active employee to assist them when reporting the use of prescription and non-prescription medications. These forms will be provided to the job applicant and active employee both before and after drug testing takes place. The "Drug Use Information" form is confidential and is only to be filled out at the specimen collection site.
4. Job applicants or active employees have the right to consult the testing laboratory for technical information regarding prescription and non-prescription medication.
5. An employee or job applicant who receives a positive, confirmed drug test result may explain the result to the employer within (5) working days after written notification of the positive test result. If an employee or job applicant's explanation or challenge is unsatisfactory to the employer, the person may contest the drug test result as provided by sections 38F-9.009.
6. A job applicant or active employee has the responsibility of notifying the drug testing laboratory of any administrative or civil action brought pursuant to Section 440, Florida Statutes. The lab will maintain the sample until the case or administrative appeal is settled.

7. An active employee refusing to submit to a drug test will be denied workers' compensation medical and indemnity benefits.
8. All information, interviews, reports, statement memoranda and drug test results, written or otherwise, received by the Town as part of this drug testing program, are confidential communications. Unless authorized by state laws, rules or regulations, the Town will not release such information without a written consent form signed voluntarily by the person tested.
9. If it is determined the employee is under the influence of drugs or alcohol when an accident occurs, the Town of Dundee will be reimbursed by the employee for all expenses that may have been paid prior to that determination.

E. Employee Assistance Program

Recognizing that there may be employees who have a drug or alcohol problem, the Town stands willing to assist in the resolution of that problem and encourages effected employees to seek help through the Town's designated Employee Assistance Program (EAP). The EAP will be implemented to provide counseling and/or rehabilitative services. A Town employee may be referred to the EAP for drug abuse counseling and/or rehabilitation as a condition of continued employment. Time off to attend EAP will be non-compensated time by the Town.

F. Grounds for Termination or Discipline

An employee bringing onto the Town's premises or property, having possession of, being under the influence of, possessing in the employee's body, blood or urine, any amount of controlled substances or alcohol equal to or greater than the minimum levels established by the Department of Health and Rehabilitative Services, or using, consuming, transferring, manufacturing, selling or attempting to sell or transfer any form of illegal drug as defined above while on Town business or at any time during the hours of the employee's work day, whether on duty or not, and whether on Town business, property or not, is guilty of misconduct and is subject to discipline including discharge or suspension without pay from employment, even for the first (1st) offense. Failure to submit to required medical or physical examinations or tests, is misconduct and is grounds for discharge and loss of all workers' compensation benefits.