



TOWN OF LOXAHATCHEE GROVES

HUMAN RESOURCES POLICY MANUAL

APRIL 2024

A MESSAGE FROM YOUR TOWN MANAGER

What makes Loxahatchee Groves such a wonderful and unique rural community is the work of our elected officials and you, our dedicated employees. As a part of our team, you take on an extremely important role in serving our residents and our community. Together, we work each and every day to provide quality services that foster a rural lifestyle and are environmentally sound, fiscally responsible, and socially sustainable. Our culture is based on shared values, established standards, and simply put, *doing the right thing for our residents* and visitors.

The Town is committed not only to its residents, but also to its employees. We are an Equal Employment Opportunity Employer (EEOE). Our commitment to equality is without regard to race, color, religion, sex, age, national origin, ancestry, marital, veteran or military status, disability, genetic information, sexual orientation, gender identity or expression, pregnancy, or any other protected status in accordance with applicable law. Our employment practices are guided by the principles of inclusion and equality and are designed to ensure that hiring is based solely on qualifications.

The Town's philosophy is to operate with full transparency and our Human Resources Policy Manual is key to ensuring that each of us understands what the Town expects of us on a daily basis. Our foremost responsibility as Town of Loxahatchee Groves employees is service to our community and each employee plays a critical role in making this organization successful. We thank each and every one of you for your part in getting us where we are today, as well as where we will be in the future.

Please keep in mind the Human Resources Policy Manual is only a general overview and does not contain all the information you will need during the course of your employment. As such, you will receive additional information and instructions from the Town from time to time. If you have any questions regarding this Manual or any Town policies, please direct your concerns to your immediate supervisor.

The current Manual contains the policies and practices of the Town, which are in force at the time of publication. Please read this Manual thoroughly as all previously issued Manuals and any inconsistent policy statements or memoranda are superseded by this Manual.

Again, thank you for being part of the Town's team. We wish much success to you during your employment with the Town. We hope that we will help you reach your goals and by doing so you will help us reach ours. Your continued employment after any of these policy changes indicates your agreement with these policies.



Francine L. Ramaglia, Town Manager



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Chapter 1 – General Provisions

Introduction

This Manual (including any modifications) is prepared for informational and guideline purposes only and does not constitute a contract in any respect between The Town of Loxahatchee Groves and its employees. Employment with Loxahatchee Groves is at will, and either the employee or the employer may terminate the relationship at any time for any or no reason except as otherwise provided by an employment contract, Town ordinance, or State law. All statements in this manual regarding the at-will status of Town employees or any benefits provided herein shall control any contradictory statements by any other person, whether oral or written.

Any information included in a revision of this manual may be made without advanced notice and will supersede, modify, or eliminate existing policies, benefits or rules stated herein. Regardless of change, however, your employment with the Town of Loxahatchee Groves shall remain "employment-at-will." Any and all changes to this manual will be communicated as soon as it is appropriate to do so but will not affect the implementation or administration of the revised policies, benefits, or rules.

Such personnel records as are necessary for the proper administration of the personnel system will be maintained by the Human Resources Designee (HRD). The Town shall only maintain information in personnel records that is necessary and relevant to accomplishing legitimate personnel administration needs.

Section 1: General Provisions

This manual sets forth basic policies and guidelines for all employee conduct and also contains important summary information regarding employee benefits, policies, and procedures, which are subject to change as the Town Council deems appropriate with or without notice. If Town employees have specific questions regarding the benefit plans described, they should refer to the plan documents, summary plan descriptions, or contact the HRD. Any actions not specifically covered shall be interpreted by the Town Manager with such interpretations to be in keeping with the intent and purposes of this Human Resources Policy Manual (HRPM).

This HRPM supersedes all previously issued policies, procedures, verbal or written policy statements, employment letters, and HRPMs.



Section 2: Application

This HRPM covers all positions whether probationary, part-time, full-time, temporary, or emergency. All Town employees are at-will employees. Accordingly, either the employee or the Town may terminate the relationship at will, with or without cause or notice, at any time, for any reason or no reason. This policy manual is not an employment contract and should not be considered as such.

Section 3: Administration

The Town Manager shall be responsible for the overall administration of the policies as set forth herein by this HRPM and may make exceptions when in the best interest of the Town when such exceptions do not change the Council's original intent. Department Directors shall be responsible for overall administration of the rules, policies, and procedures outlined herein within their respective departments. Routine matters pertaining to enforcement may be delegated.

All employees are required to sign a receipt acknowledging that they received a copy of this policy manual and agree to abide by the terms and conditions of employment. The signed receipt shall be placed in the employee's personnel file.

The Council authorizes the Town Manager and/or the Town Manager's designee(s) to implement such additional other policies, practices, and procedures necessary to carry out the provisions of this HRPM. Administrative policies and procedures adopted by the Town Manager may be amended from time to time at their discretion. The Town Manager may also make minor changes to this Manual; however, substantive changes require approval by the Town Council. *Substantive refers to changes that significantly alter the content, meaning or effect of the HRPM that are substantial or fundamental in nature and therefore necessitate approval from the Town Council.*

Section 4: Equal Employment Opportunity

It is the express policy of the Town to engage in a program of compliance with all applicable Federal, State, and local laws regarding recruitment, hiring, and promoting people on the basis of demonstrated ability, experience, and training without regard to race, color, religion, sex, age, national origin, ancestry, marital, veteran or military status, disability, genetic information, sexual orientation, gender identity or expression, pregnancy, or any other protected status in accordance with applicable law. This subject requires continuous action at all levels to assure legal and moral compliance with the spirit of the policy. Any employee of the Town who feels that s/he or another employee has been the victim of discrimination must notify their immediate supervisor, Department Directors, Town Clerk, HRD or the Town Manager immediately. If the concern or complaint involves the Town Manager, employees must report the concern or complaint to the Town Attorney who shall notify the Town Council.



The Town will provide reasonable accommodation for qualified applicants and individuals with known disabilities unless doing so would result in an undue hardship or cause a direct threat to the health or safety of the individual or others. Reasonable accommodation may also be made for employees sincerely held religious beliefs and, in certain circumstances, arising out of pregnancy, childbirth or related medical conditions. may require that the employee provide medical documentation regarding any such impairment relating to disability, pregnancy, childbirth, or related medical conditions and, if appropriate, identify specific accommodations which may assist the employee. The Town will engage in an appropriate interactive process with the employee in determining potential accommodations when requested by the employee. All information provided regarding any impairment will be handled confidentially to the extent required by law. This policy governs all aspects of employment including application procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions, and privileges of employment.

Employees have an obligation to bring complaints forward under the Equal Employment Opportunity policy and procedure if they experience or witness conduct contrary to the policy.

Employees will not be retaliated against for bringing a complaint forward in good faith or for requesting accommodation under this policy. Confidentiality will be maintained throughout the investigatory process to the extent practical and appropriate under the circumstances, subject to Florida's public records laws. Employees should be aware that the Town is obligated to investigate the complaints it receives under this policy. As such, the Town cannot entertain requests by the reporting employee, or anyone else, that the information received be ignored, be maintained "off the record", or otherwise fail to act upon the information. Every effort will be made to keep the employee names confidential, to the extent possible consistent with the need to conduct an adequate investigation and compliance with applicable laws and regulations.

Employees who believe that they have been subject to harassing or discriminatory conduct because of a disability must follow the reporting procedures in the "Anti-Discrimination, Harassment, and Retaliation Policy" Section. Individuals should contact the Town Manager or HRD with any questions or request(s) for accommodation.

Any employee found to have violated this policy of EEO is subject to appropriate disciplinary action, up to and including dismissal from employment. In this manner, the Town strives to ensure a work environment that provides equal opportunity to all.

Section 5: Code Of Ethics and Conflicts of Interest

All Town employees and Town Officials are required to comply with Florida's Code of Ethics for Public Officers and Employees (Chapter 112 of the Florida Statutes). As such, Town employees and Officials may not use their jobs to obtain any special privileges or private gain for themselves or others. No officer or employee shall have any interest, financial or otherwise, direct, or indirect, or engages in any business transaction or professional activity; or incurs any obligation of any nature which conflicts with the proper discharge of his or her duties in the public interest. All applicable provisions of Palm Beach County



ordinances regulating behaviors under jurisdiction of the Commission of Ethics (COE) and Office of the Inspector General (OIG) shall apply.

Employees should avoid any activity, investment, or interest that might reflect unfavorably upon the integrity or good name of the Town or in any way damage the business of the Town. As such, any employee who wishes to engage in outside professional, business, or volunteer activities must be certain that the activity does not interfere with the employee's effective performance of their duties; make use of any of the Town's proprietary or confidential information; require use of the Town's time, resources, facilities, or equipment, or otherwise violate the Town or State of Florida's Code of Ethics.

Employees shall complete the required Palm Beach County Ethics Training upon hire and annually thereafter. After completion of the training, employees shall submit the acknowledgement form to the HRD.

Section 6: Departmental Policies

Departmental policies and procedures shall serve as supplements to this HRP, and all written policies and procedures shall be reviewed and approved by the Town Manager and kept on file in the HRD's Office. In the event of conflict, the Town policies and procedures contained herein shall supersede departmental policy and take precedence.



Chapter 2 – Classification And Pay Plan

Section 1: Classification - Scope and Purpose

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

The Town shall maintain a uniform classification system. This system shall consist of approved position classifications and a listing of position titles, job codes and the pay plan shall be updated from time to time as needed.

The classification system and the provisions outlined in this Manual specifically exclude the Town Mayor, Town Council Members, Town Attorney (if outside services used), and any individual who volunteers their services on behalf of the Town.

Section 2: Authorization Of Annual Funding Position and Pay Plan

The Town Manager shall be responsible for the overall coordination, review, control, and administration of the Uniform Classification System.

A periodic review shall be performed to ensure that the classification system is current and uniform.

The fiscal year for the Town begins on October 1st of each year and ends on September 30th of each year. No later than July 1st of each year, the Town Manager shall prepare and submit to the Council a budget estimate of the expenses and revenues, including the budgeted full-time positions of all town departments, divisions, and offices for the ensuing fiscal year. The Council shall consider this budget and make such changes as it deems advisable. Then an appropriate ordinance or resolution shall be passed based upon the budget estimate. The budget estimate prepared by the Town Manager shall be open for inspection in the manager's office. After adoption of the budget by the Town Council, the Town Manager may, on a temporary basis, create, transfer, or remove budgeted full-time and/or regular part-time positions at the manager's discretion. The Town Manager may also transfer funds between respective departments, divisions and/or programs within a fund. However, approval of the Town Council is required to change the appropriated funding and/or number of budgeted full-time positions.



Section 3: Classification Of Positions:

Regular Full Time Employee

Full-time positions have successfully completed probation, are budgeted, and approved by the Town Council, regularly scheduled for at least thirty-five (35) hours per week and are eligible for all benefits.

Regular Part-Time Employee

An employee who regularly works fewer than twenty-nine (29) hours per week on a continuous basis throughout the year. Except as otherwise stated, employees regularly working less than twenty-nine (29) hours per week are not eligible for benefits. Regular part-time employees may meet the qualifications to be enrolled into the Florida Retirement System (FRS).

Temporary

An employee who has been hired for a specific time period may work either full or part time. All temporary appointments must be approved by the Town Manager. These positions are not permanent, receive no fringe benefits or paid time off, and the hours worked are based on the area of need. Generally, a temporary employee will be limited to 1040 hours or 6-month limit. Exceptions to this policy can be made at the discretion of the Town Manager and in the best interests of the Town. Temporary employees may meet the qualifications to be enrolled into the Florida Retirement System (FRS).

Probationary

All employees must successfully complete a probationary period of six (6) months from their date of hire. The Town Manager, in their sole discretion, may extend any probationary period for an additional ninety (90) days. Employees may be terminated from employment with the Town during their probationary period or after at any time, for any reason, or no reason. At the end of the initial probationary period, a determination will be made by the Town Manager whether an employee has successfully completed the probationary period to continue employment.

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

Volunteer

The Town officials recognize the importance of having volunteers involved in Town operations and passed Resolution 2023-39 on May 2, 2023, setting standards for volunteers involvement in the organization. Volunteers are integral to our community engagement efforts, and adherence to policies set forth in Resolution 2023-39 will ensure a harmonious and productive environment. All volunteers must operate within guidelines established by their supervising Town employee and approved by the Town Manager. Duties assigned should be carried out promptly and efficiently, reflecting the Town's commitment to



excellence. Confidentiality regarding accessed information is paramount, and volunteers must refrain from using non-public information for personal gain. Proper documentation, including sign-in and sign-out procedures, ensures accurate records of service.

Volunteers are expected to pass civil and criminal background checks and are ineligible if currently employed by the Town. Additionally, volunteers must agree to abide by the Town's Workers' Compensation Program. These policies collectively uphold the integrity and professionalism of our volunteer programs, fostering a positive impact on our community.

While notice of ending assignments is appreciated, it's not required. The Town reserves the right to end volunteer service at any time with or without cause or notice.

Resolution 2023-39 provides details regarding the program.

Section 4: Appointment And Removal

The Town Manager or designee has the authority to appoint, transfer, discipline, demote, and remove all Town employees. No representations or assurances regarding terms of employment made by any employee, officer, or official, other than those of the Town Manager will be honored or enforced.

Any representation or assurance made by the Town Manager regarding employment, starting date, salary, or termination will be subject to these policies.

All employees are required to sign a receipt acknowledging that s/he has received a copy of this policy manual, agreeing to abide by the terms and conditions of employment. The signed receipt shall be placed in the employee's personnel file.

Re-Hires

The Town has no obligation to re-hire former employees. Former employees who resigned, retired, or separated from the Town's employment and who are rehired after that resignation, retirement, or separation shall undergo the Town's current background screening and pre-employment process. *Former employees who are re-hired within two (2) years of separation shall be provided with PTO at the same years of service level with the Town as they were accruing on the date of separation.*

Exceptions to this policy can be made at the discretion of the Town Manager and in the best interest of the Town. No exception can be made to background checks or similar requirements. The Town will comply with all FRS re-employment limitations and requirements when re-hiring employees.

Section 5: Veteran's Preference

In accordance with federal and state law, the Town provides preferences in employment, retention, and promotion, to eligible veterans and certain family members and spouses of veterans.



Section 6: Scheduling

Purpose

The Town Manager, in consultation with Department Directors, shall establish the schedule of work, which, as far as possible, shall be uniform within occupational groups, shall be determined in accordance with the needs of the Town, and shall consider the needs of the public served by the Department. Employees' scheduled hours may include lunch and other break periods and are scheduled at the discretion of the Department Director within the guidelines as established by the Town Manager and applicable law.

Department Directors may grant an employee's request to change their shift schedule. A change in schedule will not result in overtime unless it is approved by the Town Manager and/or designee.

At the Town Manager's discretion, Town employees may be allowed to utilize flexible scheduled work hours. This benefit is intended to maximize employee productivity and permits Town flexibility for staffing extended hours and meeting requirements as may be scheduled. Attendance and reporting to work at assigned times are essential elements of the Town's operations.

Flexible Scheduling (Flex Time)

Flex Time is not appropriate for all employees or positions and is a privilege of Town employment. It allows employees to vary their arrival and/or departure time on a day-by-day basis. Flex Time is not to be used as a schedule change or to replace compensatory time for non-exempt employees. Employees who are approved to take advantage of Flex Time are required to work forty (40) hours in the week Flex Time is approved. Employees using Flex Time must have a satisfactory attendance record and meet all performance expectations. Employees may request Flex Time for the following reasons: (1) to maintain work-life balance when an exempt employee works more than eight (8) hours in one (1) day or to attend to a personal matter that does not require more than two (2) hours to complete. All requests for Flex Time must be approved by the Department Director and the Town Manager.

Telecommuting

Telecommuting is not suitable for all employees in all positions. Telecommuting may be a viable work arrangement in cases where the position, employee, and management are best suited to such an arrangement. Telecommuting allows eligible employees to perform their work duties from an acceptable home office. Working remotely must be approved by the Town Manager in conjunction with the Department Director. The telecommuting arrangement may be revoked at any time, for any reason, and without prior notice.

Non-exempt employees wishing to telecommute must make the request in writing to their Department Director and complete all required paperwork.



Section 7: Attendance

Attendance

All employees are expected to report for duty at their scheduled time and remain at work until the end of their scheduled workday. Prior supervisor approval is required for all exceptions. Each Department Director shall be responsible for the punctual attendance of all people in the department. If an employee is unable to work for any reason, s/he must notify their Department Director at least one (1) hour before their shift starts. Insufficient notice shall constitute leave without pay for non-exempt employees or deduction from an employee's leave bank for exempt employees and, in either case, is cause for disciplinary action.

Excessive absenteeism or lateness is sufficient cause for disciplinary action, up to and including termination. Other continuing patterns of absences, early departures, tardiness, regardless of the exact number of days, may warrant disciplinary action.

Section 8: Job Descriptions

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

Section 9: Classification Of New Positions:

The Town Manager shall establish a uniform classification system. The Town Manager shall be responsible for approving the classification system and any amendments thereto. The Town Manager may consult with Department Directors with respect to any new or existing position descriptions to ensure the classification system is meeting the needs of the Town and its citizens.

The HRD is responsible for maintaining the classification system and examining departmental requests for reclassification of positions consistent with departmental guidelines and with the Town's policies.

Section 10: *Reclassification Of Positions/Transfers of Employees:*

An employee may be transferred from one classification to a different classification in the same pay grade with the same, similar, additional, or fewer job duties in the same department or another department to meet the operational needs of the Town at the discretion of the Town Manager.



The HRD shall submit reclassification advisory recommendations to the Town Manager for consideration and approval. Reclassification may result from reorganization, addition, deletion, redistribution and/or alteration of work assignment which may significantly alter the responsibilities and duties of the position to be reclassified.

Employees that are reclassified undergo a new probationary period of six (6) months unless the probationary period for the transfer is waived by the Town Manager at their sole discretion. Within the limits of the budget approved by the Town Council, the Town Manager may reclassify a position to an appropriate classification and paygrade when it is determined that the duties and responsibilities of a position have materially changed or as part of a reorganization.

When an employee's position is reclassified, the employee shall be placed in the new classification, unless the employee does not meet the minimum qualifications of the new classification.

When the employee is placed in a classification with a higher pay grade the employee will receive an increase to the minimum of the new paygrade or five percent (5%), whichever is greater, but not to exceed the maximum of the paygrade. The employee may remain at the current rate of pay unless the employee's current rate of pay is below the minimum for the paygrade, in which case it will be adjusted to the minimum of the new paygrade. If and when the employee is reclassified to a lower pay grade and the employee's current rate of pay is above the maximum of the new paygrade, the Town Manager may authorize an employee to remain at their current rate of pay or shall be reduced to the new paygrade or at least a five percent (5%) decrease, whichever reduction is less.

In certain circumstances, an employee who is reclassified may receive a pay rate higher than the minimum of the paygrade or a five percent increase, if it is approved in writing by the Town Manager. Reclassification to a lower paygrade shall result in reduction of pay to the maximum of the new pay grade or a five percent decrease in the rate of pay, whichever is less.

Section 11: Pay & Compensation Plan

The pay established for a position for new or re-hired employees will be set by the Town Manager in accordance with a pay plan approved by the Town Manager based on classification, job descriptions and market conditions within the confines of the Town's budget. The Town Council may approve a Cost of Living Adjustment (COLA) in the budget in addition to, or in lieu of, budgeting funds for merit increases. Salary increases are not intended to be automatic. Salary increases are based upon many factors, including job performance, market and economic conditions, and the annual budget. Newly hired probationary employees may be eligible for an increase in base pay upon successful completion of the probationary period if authorized by the Town Manager.

Employees shall become eligible for consideration for a salary increase to their base rate of pay annually during the budget evaluation process at the sole discretion of the Town Manager.



Approved salary increases shall be effective at the beginning of the next pay period following the merit increase effective date. The Town Manager, with Council approval, may implement a merit salary increase at less than one-year intervals, to reward extraordinary performance.

Merit Increase

- A. When merit increases are approved as part of the budget, employees meeting specified criteria are eligible.
- B. The merit increase is applied to review-eligible employees who receive an overall score of at least "Meets Expectations", or "Exceeds Expectations" as determined during the review cycle.
- C. Employees over the maximum of the assigned pay grade may receive a lump sum (rather than a pay increase) as calculated on the maximum *of* the pay grade rather than actual salary.
- D. Salaries for employees at or over the maximum of their assigned pay grade will be frozen at their current salary unless/until there is a pay grade adjustment that increases the maximum of their assigned pay grade, or they are promoted to a position in a higher pay grade.
 - If the pay grade is adjusted as part of a classification and compensation study, the salary will no longer be frozen at the previous maximum (unless the incumbent's salary in the new assigned pay grade is still at the maximum of the newly assigned paygrade).
 - There is no retroactive adjustment if the pay grade is adjusted.

Employee Performance Appraisal

Appraisal of performance is a continuous process. Each employee's supervisor frequently reviews performance in an informal way. As part of the continuous review process, when an employee's performance or conduct warrants positive or negative feedback, supervisors will do so and report such instances to their Department Director and the Town Manager for any additional necessary action. A formal performance evaluation will occur at least annually.

In the event a performance appraisal/evaluation is performed, a satisfactory or higher performance review does not mean that there will be an automatic increase in pay. Salary increases are at the discretion of the Town, and if paid, will be based on merit, market, and economic conditions, and the annual budget. The Town Council approves the budget and may include funds for merit increases; if funded, the Department Director and Town Manager determine whether each employee's performance supports a merit increase.



Section 12: Overtime & Related Compensation

Overtime Pay

Overtime shall be authorized or directed for overtime eligible non-exempt employees only when it is in the best interest of the Town. All overtime shall be authorized by the Town Manager or his or her designee.

Non-exempt employees shall be paid overtime at the rate of one and one-half of their regular rate of pay for all time worked in excess of forty (40) hours actually worked in that work week. Department Directors may grant an employee's request to change their shift schedule. A change in schedule will not result in overtime, unless it is provided for under the Fair Labor Standards Act (FLSA).

On-Call

Hourly employees who are assigned to be on-call for emergencies and subject to being called out during their off-duty time will be entitled to per diem pay for those days the employee is on call. The amount of per diem pay shall be established and adjusted from time to time at the discretion of the Town Manager. Employees who are on call shall be free to engage in personal pursuits while on call. To be eligible for on-call pay, the employee must:

- A. Be designated on-call by their supervisor.
- B. Be assigned and remain in possession of a communication device (e.g., mobile phone or radio) provided by the Town.
- C. Be able to be in contact either by telephone or in person with the Town Manager within thirty (30) minutes and be at the location designated by their supervisor within sixty (60) minutes thereafter.
- D. Not consume of any alcohol and/or drugs.

Employees who are on call and are called into work shall be paid for their commute time to and from their location to the worksite, in addition to any and all time they are on duty as a result of the call.

On-call assignments will be rotated between all full-time or field operations employees that are qualified for the assignment on a weekly basis. Employees who are notified to be on-call will be paid in accordance with the Town's on-call policy.

An employee who is on-call may request a waiver from the on-call responsibility for specific personal activity, when the specific personal activity will cause them to be unavailable for emergency calls. It is the responsibility of the employee to contact his/her supervisor in sufficient time to allow for other on-call coverage to be arranged.

On-call hours, and/ or significant overtime assignments must be approved by the Town Manager.



Call-Back Pay

A call-back occurs when an off-duty employee, who is not on-call, is called back to work due to emergent conditions or other unforeseen circumstances. A call-back does not refer to a situation where there is a declared emergency, as those circumstances are governed by the emergency pay provisions of this manual. Employees who are called back to work are paid for their commute time to and from the location they were called back from, to the worksite and any and all time they are on duty as a result of the call back. Employees who are called back to work should not be impaired by alcohol and/or drugs and at a minimum should not begin their commute back to work until at least four (4) hours of time has passed since they last consumed alcohol or drugs and are legally capable of operating a motor vehicle. The employee shall advise their supervisor as to whether they are impaired at the time they are informed of the call back and when they anticipate being safely capable of responding to a call back. The employee will also inform the supervisor as to their current location and the estimated time it will take for them to return to work. The supervisor will decide as to whether the employee will still be needed if their impairment or travel time prevents the employee from responding timely to the call back. The employee will not be subject to discipline if they advise their supervisor if an impairment or travel time prevents them from timely reporting back to work.

Compensatory Time Off Pay

Compensatory time off may be granted by the Town to non-exempt employees in lieu of overtime cash payments as agreed to by the employee and the Town when overtime work becomes necessary. Compensatory time off will be computed in the same manner as overtime. Compensatory time shall be calculated at a rate of not less than one (1) and one-half hours (1 ½) for each overtime hour worked. Such accumulation of compensatory time cannot exceed more than twenty-four (24) hours. A record of earned compensatory time shall be maintained in the Town's payroll system. At the end of each fiscal year, any accrued and unused compensatory time off will be paid out in the next pay period. However, in extenuating circumstances the Department Director may request the Town Manager consider a time-certain extension for use of such leave. Upon separation, the employee will be paid for all unused compensatory time off.

If compensatory time is to be taken, the employee must request such time off at least three (3) workdays in advance, unless a more restrictive policy is imposed by the Town Manager. A Department Director may grant an employee's request for compensatory time off with less notice at their discretion and with the approval of the Town Manager. The Town will honor such a request unless to do so would be unduly disruptive to the Town's operations. Compensatory time off shall be taken in one (1) hour increments and as provided by the Fair Labor Standards Act.

Discretionary Time-Off Pay

Exempt employees do not receive overtime pay or compensatory time for any hours worked in excess of forty (40) hours in a work week because they are compensated on a salary basis which is designed to compensate them for all hours worked, including working more than forty (40) hours in any given workweek. However, the Town Manager may grant discretionary time off, up to forty (40) hours in a fiscal year. This is not intended to be balanced hour for hour with extra time worked.



Additionally, the Town Manager may authorize discretionary time off up to eight (8) hours in a fiscal year for non-exempt employees in limited circumstances.

Discretionary Time Off is tracked in the Town's payroll system but no payment will be made for any unused discretionary time at the time of separation.

Section 13: Emergency Declaration and Pay

Emergency Declaration

The Town Manager may declare a state of emergency for all Town personnel at any time.

Some of the most important functions of the Town occur during emergencies or severe weather conditions. Employees may be called in to operate pump stations, maintain canal and drainage systems, and clear debris caused by such weather.

All employees shall be available to work and/or assist in emergency situations. Managers and supervisors should make a reasonable effort to provide employees with as much notice as possible to prepare for duty or schedule changes due to an emergency and bad weather conditions. Employees are responsible for providing the HRD and their supervisors with current address and telephone numbers, including any alternate phone numbers where they can be contacted should an emergency or bad weather condition arise.

Declared Emergency Pay

The purpose of this policy is to establish Emergency Pay guidelines for Town employees.

In the event of a local declared emergency, such as severe weather, the Town Manager will make every effort to notify all staff regarding the Town's decision to close offices or to remain open.

The Town Manager will make the determination as to which employees are required to report to work during the Declaration of Emergency. In the event that Town offices are closed, all employees who are not required to report to work shall be paid their normal rates of pay/salary for the day. Only personnel designated for emergency status or receiving a specific request from their supervisors shall report for work.

Unless specifically authorized by the Town Council, this policy shall not apply to public health emergencies. The Town Manager will have the authority to declare a state of emergency for the Town for the purposes of pay and benefits under this policy and the Emergency Management Director (EMD) will determine who will work during periods of declared emergency.

The Town Manager or his or her designee will act as the EMD. Employees are required to report and/or remain at work when directed by the EMD (or designee) during a declared state of emergency.



A. Authority

The Town Manager shall have the authority to declare a state of emergency at any time for the Town for the purposes of pay and benefits under this policy. Once an emergency has been declared, the Emergency Operations Center (EOC) will be activated.

B. Federal Emergency Management Agency (FEMA) Requirements

For purposes of reporting and/or possible restitution by FEMA, all hours compensated during a declared emergency will be tracked both electronically and on designated timesheets as directed by the EMD or designee. Other requirements may apply, as determined by the EMD.

C. Reporting

Based on the type of activation, the Town may need staff before, during, and after the actual emergency event. Typically, those who are required to report during the actual event are notified prior to its start. All employees must report back to work as instructed by their supervisors and/or via the designated system. If an employee does not report as expected, the employee may be subject to disciplinary action, up to and including termination of employment.

D. Emergency Pay for Non-Exempt Staff

Non-exempt employees who are required to work during a declared emergency and are scheduled to work during a declared emergency at the direction of the EMD, shall be compensated with regular pay for their regularly scheduled hours. In addition, for the time worked during the declared emergency time frame, non-exempt employees shall receive time and one-half (1 ½) their regular rate of pay for actual time worked. There will be no duplication or pyramiding of overtime or premium pay for the same hours worked, including, but not limited to on-call pay and call-back pay.

Full-time non-exempt employees who are regularly scheduled to work but are not required to work during the declared emergency, may be released from duty and will be paid regular pay for the declared emergency time frame. If an employee has a normal scheduled day off during the emergency declared time frame, and the employee is not required to report to work, s/he will not be paid for those hours. Employees with previously scheduled and approved leave who are not required to work will be paid according to the applicable leave time policy. Emergency hours paid for time not worked will not count toward overtime calculations.

Part-time employees who are not called in to work will not be paid.

E. Emergency Pay for Exempt Staff

Exempt employees who are required to work during the declared emergency shall be compensated an additional one-half of their calculated straight time "hourly rate" for each hour of time actually worked. The straight time hourly rate for exempt employees is defined as the annual salary divided by 2080, even though such salary is designed to cover all hours worked, including hours worked over forty (40). The Town



Manager or designee will determine the emergency preparation and post-emergency recovery periods for purposes of this policy.

Exempt employees who are scheduled to work but are not required to work during the declared emergency may be released from duty and shall be paid regular pay for the declared emergency time frame for the remainder of the work week in which the emergency was declared. Thereafter, exempt employees may be paid up to a maximum of forty (40) hours during the following workweek if the emergency continues.

Exempt employees who have a normal scheduled day off during the emergency declared time frame will not be paid additional hours for their normal day off. Employees with previously scheduled and approved leave who are not required to work shall be paid according to the applicable leave time policy.

Exempt employees who work or participate in emergency related activities remotely during a declared emergency will not be additionally compensated with emergency pay.

F. Emergency Pay for Temporary Employees

Temporary employees will only be paid for hours worked. Hours paid but not worked (including holidays occurring during a declared emergency) will not be included in calculations for purposes of overtime.

G. Emergency Paid Time Off (PTO)

During Hurricane Season (June 1 – November 30), all “Paid Time Off” (PTO) time may be cancelled upon declaration of a state of emergency. If a PTO request was submitted and approved prior to the state of emergency, it may be re-evaluated by the Town Manager or designee pending or during a state of emergency. It is the responsibility of the employee requesting PTO to obtain written approval from the Town Manager or designee prior to utilizing PTO during an emergency event. If the employee is already using PTO when the emergency is declared, the employee must make every effort to check in with his or her supervisor for further instructions and may be required to report back to work. The Town will make every effort not to call back employees while on PTO during a state of emergency but should there be a need to call back an employee, the employee will be responsible to pay the costs associated with returning to work, and those costs are not reimbursable by the Town. PTO may be cancelled at the Town Manager’s (or designee’s) sole discretion. The EMD must approve all regular and overtime hours once the state of emergency has been declared.

H. Holidays

If the declared emergency occurs on a Town-observed holiday and the employee is required to work, the employee will receive emergency pay as indicated in Section D or E as applicable, and in lieu of the holiday, the employee shall receive one (1) PTO day per Town-observed holiday worked.

I. Payroll Adjustments



During a state of emergency, all employees are required to complete the FEMA log and payroll adjustments will be made based on the completed log. If no log has been received, the Town may estimate employee's hours for payroll based on an employee's fixed or regular schedule of hours. Employees may be asked to verify their actual hours worked. Any adjustments in pay, if required, may be made in a subsequent pay period.

Section 14: Safe Harbor

The Town of Loxahatchee Groves accurately compensates employees in compliance with all applicable state and federal laws and IRS rules. A "Safe Harbor" policy is put in place to ensure that employees are paid properly for all time worked and no improper deductions are made; it also requires employees to correctly record all time worked and review their paychecks upon receipt. Employees must report any errors regarding pay (including but not limited to overtime, hours worked, deductions, PTO, or holiday pay, etc.), so that they are corrected. Employees who are exempt from overtime compensation receive a predetermined salary intended to compensate for all hours worked and generally may not have their pay reduced for variations in the quantity or quality of work performed. This salary is established at the time of hire, and subject to change at any time during the term of employment.

Section 15: Benefits

Full-time employees will be eligible for certain benefits that the Town may offer, such as health and dental insurance, retirement benefits (FRS), short-term disability, long-term disability, life insurance, and PTO. Participation in such benefits plans is subject to applicable plan rules and requirements. Additionally, the Town reserves the right to amend or eliminate benefits in its discretion and judgment based on operating and financial needs, subject to any restrictions imposed by law or contract.

Please see the HRD for additional information regarding benefits currently available to full-time employees.

To allow the Town to calculate the appropriate insurance premiums and to provide COBRA notices, all employees shall promptly notify the HRD and Town Manager of any changes to marital status, dependents, or employment status.

Section 16: Employee Assistance Program

Many of us are facing daily challenges that can be stressful, overwhelming, and emotional to ourselves and those around us. Understanding your mental health is important and influences your well-being. Normalizing your feelings of distress, despair and trauma can help you cope. Reaching out for support is an important step in healing. Reach out to a trusted source such as family and friends, your doctor, therapist, or clergy. Your Employee Assistance Program (EAP) is available along with the resources listed below.

RESOURCES:



TOWN OF LOXAHATCHEE GROVES

HUMAN RESOURCES POLICY MANUAL

National Crisis Text line(s):	988 or 741741
National Suicide Prevention Hotline:	988
Mental Health Screening Tools	https://mhanational.org/self-help-tools
Narcotic Anonymous Helpline	561-848-6262
Drug Abuse Foundation of Palm Beach County	561-278-0000
Palm Beach Al-Anon/Al-a-Teen Information Service	561-888-9732
Comprehensive Alcoholism Rehabilitation Program	561-844-6400
National Alliance on Mental Illness	800-950-6264
Substance Abuse and Mental Health Services	800-622-4357
National Domestic Violence Hotline	800-799-7233
Victim Connect Resource Center	855-484-2846
American Psychological Association (APA)	https://apa.org/topics/crisis-hotlines
American Foundation for Suicide Prevention	https://afsp.org/get-help



Healthy Ways to Cope with Stress

CONNECT WITH YOUR COMMUNITY, with others, talk to people you trust about your concerns and how you are feeling.

TAKE BREAKS from watching, reading, or listening to social media and the news

TAKE CARE OF YOUR BODY: eat healthy, exercise, get plenty of sleep and avoid excessive alcohol and substance use

MAKE TIME TO UNWIND and participate in activities that you enjoy with the people you love.

The Town does not promote or recommend any specific program or organization for treatment. Other options for treatment can be located online or through various social service organizations.

The Town is aware that personal or health problems may occasionally interfere with an employee's ability to perform on the job. The Town's Employee Assistance Program ("EAP") offers regular full-time employees the opportunity to attend a period of confidential counseling sessions for services such as stress management, chemical dependency, and family/marital and legal services. Detailed information on this program is available in the Human Resources Department.

Employees may utilize EAP on their own or may be referred through disciplinary or corrective measures. If it is determined that an employee has violated Town policies, suffered from diminishing performance or is otherwise in need of assistance, the employee may be involuntarily referred to EAP for counseling. Failure to attend mandatory EAP sessions is grounds for disciplinary action up to and including termination.

Section 17: Health Insurance Coverage After Separation

Health insurance terminates on the last day of the month in which the employee separates employment. Information for continued health coverage will be provided. Employees will be required to pay their share of the dependent health and dental premiums through the end of the final month of employment.



Chapter 3 – Holidays And Leaves

Section 1: Holiday Paid Leave

Purpose And Intent

Employees will celebrate thirteen (13) holidays ~~per calendar year~~, eleven (11) of which are shown on the schedule below, and two (2) of which are personal holidays intended to be used for any purpose. Personal holidays must be taken as a full day with pay that cannot be carried into the following ~~calendar~~ **fiscal** year, compensated as holiday pay, or paid out upon separation.

The Following Eleven (11) Holidays are Observed by all Employees:

1. New Year's Day	January 1
2. Martin Luther King, Jr. Day	(3 rd) Monday in January
3. Presidents Day	(3 rd) Monday in February
4. Memorial Day	Last Monday in May
5. Independence Day	July 4
6. Labor Day	(1 st) Monday in September
7. Veteran's Day	November 11
8. Thanksgiving Day	(4 th) Thursday in November
9. Day after Thanksgiving	(4 th) Friday in November
10. Christmas Eve	December 24
11. Christmas Day	December 25
12. Personal Holiday	Open Date
13. Personal Holiday	Open Date

When an eligible 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.



Eligibility For Holiday Pay

All regular full time employees shall receive one (1) day off with pay for each of the eligible holidays. A holiday is available when an employee is on active pay status or approved paid leave on the regularly scheduled working day immediately prior to a holiday and the regularly scheduled working day immediately following a holiday.

Part-time and temporary employees are not paid for holidays.

Holiday On Scheduled Workday

Non-exempt employees who are regularly scheduled to work on the observed holiday and actually work on the holiday in order to maintain essential services to the public shall be paid at the rate of one and one-half of their regular rate of pay for all hours worked on the holiday ~~in addition to the regular pay granted for the holiday~~, or shall be given compensatory time *equal to one day* off which must be used in the same pay period it is earned, at the discretion of the Town Manager and/or their designee.

Non-exempt employees who are on call during a holiday will be called in to work on the holiday before other employees are called in to work. On call employees who are called in to work shall be paid at the rate of one and one-half (1 ½) of their regular rate of pay for all hours worked on the holiday. On call employees who are not called in to work on the holiday will not receive holiday pay of one and one-half of their regular rate of pay.

Holiday On a Leave Day

For employees who do not work a Monday-Friday schedule, and the holiday falls on an employee's normal day off, s/he will be paid a commensurate amount of holiday pay in lieu of taking time off. When a holiday falls on any employee's regularly scheduled workday and the employee is on leave, that day shall not be charged as a leave day but treated as paid holiday. When a holiday falls within an unpaid leave of absence period, the employee shall not be paid for the holiday.

If the declared emergency occurs on a Town-observed holiday and the employee is required to work, the employee will receive emergency pay as indicated or as applicable, and in lieu of the holiday, the employee shall receive one (1) PTO day per Town-observed holiday worked.

Section 2: Bereavement/Funeral Leave

*Regular full-time employees may be granted up to five (5) working days off with pay, upon signed request, and by approval of the ~~Department Director~~ **Town Manager**. Such time may be taken intermittently within sixty (60) days of death of an **immediate** family member. If additional days off are necessary, or if the employee wishes to attend the funeral of someone outside his/her **immediate** family, PTO may be requested. For purposes of this section, the employee's **immediate** family shall include the following for either the employee or their spouse/registered domestic partner: parent, sister, brother, children., ~~nieces, nephews,~~*



~~stepparent, stepchildren, stepbrother, stepsister, half brother, half sister, daughter-in-law, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, aunts, uncles, grandchildren, and grandparents.~~

This policy shall apply for each death of a family member. The employee shall be required to provide the HRD with evidence of death of the family member before compensation is approved.

Section 3: Conference/Training Leave

When deemed in the best interest of the Town, an employee may be granted leave with pay to attend professional and technical institutes, conferences, or other such meetings which may contribute to the effectiveness of the employee's representation of and service to the Town. Payment of such leave and travel expenses shall be recommended by the Department Director, subject to the approval of the Town Manager.

Records of satisfactory training completion shall be placed in the employee's personnel file.

Section 4: Military Leave

The Town will comply with the requirements of and grant leave in accordance with all applicable federal, state, and local law.

Training

All commissioned reserve officers or reserve enlisted personnel in the United States military or Naval service, or members of the National Guard shall receive a leave of absence without loss of vacation leave, pay, time or efficiency rating, on all days during which they are engaged in training ordered under the provisions of the United States military or Naval training regulations when assigned to active or inactive duty. In any one annual period, leaves of absence shall not exceed (240) working hours provided that leaves of absence for additional or longer periods of time for assignment to duty functions of a military character shall be granted without pay and without loss of time or efficiency rating.

Active-Duty Assignments

All Officers or Enlisted personnel in the National Guard or a Reserve component of the Armed Forces of the United States who are granted leave to perform active military service will receive their full pay for the first thirty (30) days of any such leave.

All members of the Florida National Guard who are granted leave to engage in active State duty for a named event, declared disaster, or operation pursuant to Florida Statute §§ 250.28 or 252.36, shall receive their full pay for the first thirty (30) days. The leave of absence with full pay shall not exceed thirty (30) days for each emergency or disaster. Additionally, under Florida law, National Guard Members called to active State duty may not be terminated from employment for a period of one (1) year after the date the employee returns to work, except for cause.



Employees and their dependents will continue to be eligible to participate in the Town's health and dental insurance in accordance with the requirements of Uniformed Services Employment and Reemployment Rights Act (USERRA).

Notice of Leave

Employees seeking to invoke military leave shall provide advance notice to the Town unless such notice is precluded by military necessity or otherwise impossible or unreasonable as interpreted under applicable law.

Documentation of Leave

Employees on military leave for periods of more than thirty (30) days shall provide the Town with such documentation that can be used to establish the employee's basic eligibility for protection under USERRA. If the employee is unable to provide satisfactory documentation of military service in excess of thirty (30) days, the Town reserves the right to contact the military unit with assistance from the employee to obtain such documentation.

Reinstatement of Leave

Employees on military leave will be reinstated with the Town in accordance with applicable State law and USERRA. Employees who take a military leave of absence are entitled to any seniority-based rights and benefits that they would have attained had the employee remained continuously employed. The period of military leave is not considered a break in employment unless the employee indicates that he or she will not return from military leave.

Upon the return of any employee from military leave, as described above, the temporary services of any employee filling his or her position shall be terminated or any such temporary employee moved elsewhere in the Town's service, at the Town's sole discretion. If an employee called to active duty is a probationary employee, the remaining number of days left on the probationary status will be added following the employee's return to work.

Failure to Return After Military Leave

Should the employee not return to employment with the Town following said military leave, any PTO accrued while on military leave will be subtracted before any allowable payment of any benefits is made in accordance with other provisions of these policies regarding payment of leave balances upon separation from employment.

Section 5: Leave Without Pay

Regular full-time employees may request an unpaid leave of absence for reasons of illness, injury, disability, family care, or valid personal reasons, not to exceed three (3) months. All requests for leave must be made in writing and approved by the Department Director and the Town Manager.



The decision to grant leave without pay is a matter of administrative discretion. Except as specifically provided herein, it shall be the responsibility of each Department Director to weigh each case on its own merits and make appropriate recommendations to the Town Manager for final approval. Any appointment made to a position vacated by an employee on leave without pay shall be conditional upon the return of the employee from leave.

The following provisions apply to leave without pay status:

1. An employee granted a leave of absence must keep the department informed at least every thirty (30) days of their current status. In addition, the employee must always keep the department informed of his/her current address. Failure to comply with these requirements shall result in the employee being dropped from leave of absence status, in which case s/he must return to duty or be discharged.
2. An employee on a leave of absence may not hold any other employment not previously disclosed to the Town. A violation of this requirement may result in disciplinary action, up to and including dismissal from employment.
3. Any employee granted a leave of absence shall contact the Department Director at least two (2) weeks prior to the expiration of the leave in order to facilitate the reinstatement process.
4. Failure to return to work at the expiration of the leave may be considered as a voluntary resignation.
5. No PTO shall be earned by an employee for the time that the employee is on leave without pay. All PTO and Serious Illness Leave, if applicable, must be used before unpaid leave.

Benefits During Unpaid Leave Period:

Insurance coverage under the Town's group benefit plans will be available to an employee during a leave period on the following basis:

1. During the leave of absence without pay for more than one (1) month, the employee and dependents may remain enrolled in the Town's medical insurance plans with the employee being responsible for paying the entire cost of coverage beginning in the month in which the leave commences.
2. At the end of a leave of absence without pay, an employee may be returned to their former position or to one of comparable pay and status within the Town if such a position is available. However, re-employment will not be offered to an employee who does not meet the minimum qualifications with or without reasonable accommodation.

Section 6: Workers' Compensation Leave

Notwithstanding any provision of this policy, the Town and the employee/claimant shall retain all statutory rights under Florida's Workers' Compensation Statute.



Safe Work Habits

Each Town employee is required, as a condition of employment, to develop and exercise safe work habits in the course of their employment, to prevent injuries to themselves, their fellow employees, and to conserve Town property and equipment.

Reporting

Employees who are injured while performing their duties for the Town shall make an immediate report of the injury to their immediate supervisor. Every injury, including those not requiring medical attention, shall be reported in writing to the Department Director and the HRD by the injured employee's supervisor within twenty-four (24) hours of the injury. Department Directors shall be responsible for notifying the HRD of all injuries reported by employees under their supervision and shall ensure that proper written reports are prepared and forwarded to appropriate officials, including the first report of injury.

Immediate Medical Attention/Care

If an employee is injured to such an extent that the employee requires immediate medical care, employees, supervisors, co-workers, or other witnesses to the accident should call 911 immediately for emergency assistance. If the need is not immediate, the employee should consult the HRD for additional information regarding the procedure for obtaining medical treatment.

Worker's Compensation Procedure

An employee who sustains a compensable workplace injury may be eligible to receive certain benefits depending on the nature of the injury. Such benefits may include full wages for the first forty (40) hours following injury, replacement of a percentage of weekly wages, permanent impairment benefits, medical treatment and medication, and reemployment services. In certain circumstances, employees may also be released and eligible for "light duty" work. Additional information and guidance regarding the procedure associated with workers' compensation should be obtained from the HRD.

Retaliation Prohibited

The Town will not terminate, discipline, or take any other adverse personnel action against any employee for filing a claim for workers' compensation benefits in good faith.

Temporary Light Duty (On Duty & Off Duty)

If an employee suffers a work-related injury or illness and becomes physically able to perform some useful alternate or transitional duty work, the Town will consider temporary alternate or transitional duty work for the employee, if there is such work available and if such work is consistent with the employee's medical limitations. The Town is not required to create or provide alternate or transitional duty work. The availability and duration of alternate or transitional duty work is up to the sole and exclusive discretion of the Town Manager.



Section 7: Jury Duty Leave

The Town will provide paid leave to an employee reporting to jury selection. If an employee is chosen to serve on a jury the Town will provide up to ~~thirty (30)~~ five (5) days of paid time for civic service. Upon receipt of the notice to serve jury duty, the employee should immediately notify their supervisor. The employee should provide their supervisor with a copy of the notice which will be attached to the employee's timesheet. Upon the employee's return to work, they should provide the supervisor with appropriate documentation from the court indicating the number of days served.

Jurors who are regularly employed and who continue to receive regular wages while serving as jurors are not entitled to receive compensation from the state for jury duty service. If an employee is released from jury duty more than three (3) hours before the end of their scheduled work shift, the employee must report to work that day.

Section 8: Official Court Appearances Leave

Job Related

Employees required to appear in court for job-related purposes shall be considered on duty with the Town and shall receive compensation in salary/pay and benefits equal to that associated with the employee's regular duty, as long as they remit the entire amounts paid to them by the Court, if any, in connection with such Court appearance to the Town. Transportation expenses will be reimbursable in accordance with the Town's policies. Any monies received for Court appearances or subpoena fees must be forwarded to the Town's Finance Department for payment into the general fund of the Town. Under no circumstances may an employee keep subpoena or Court appearance fees, while receiving compensation from the Town.

Non-Related Job

Employees subpoenaed to Court for any reason unrelated to their employment with the Town, for example, divorce proceedings, custody suits, inheritance suits, bankruptcy, traffic violations, etc., or for criminal actions, must use PTO or other accrued leave. If the employee does not have any PTO or other accrued leave, such leaves of absence shall be without pay, if approved by the Town Manager, for an employee who is a party or witness in a civil or criminal action not associated with the Town's business or affairs.



Chapter 4 – Paid Time Off (PTO)

Section 1: Purpose

Paid Time Off is defined as the entitlement to pay for time away from work based on the eligibility and accrual schedule herein. PTO may be used, for example, for vacation, personal time, appointments, illness, or to care for dependents. PTO must be scheduled in advance and approved by your supervisor. Employees are expected to manage their PTO balance to ensure it is available to them for sudden illness or other unexpected matters.

Section 2: Eligibility And Rate of Accrual

PTO begins to accrue upon hire. Each full-time employee, regardless of date of hire, shall earn PTO with pay computed from the date of hire on the following basis. Part-time and temporary employees are not eligible for PTO. PTO is accrued bi-weekly beginning on the date of hire.

Years of Continuous Service with the Town	Hours Accrued Per Fiscal Year
0 – 2	120
3 – 6	144
7 – 9	160
10+	180

Use

After completing the first six (6) months of service, new employees are eligible to use PTO. The Town Manager may grant exceptions to the use of PTO within the first six (6) months of service for extenuating circumstances of the employee.

Employees may retain no more than eighty (80) hours of PTO from one fiscal year to the next. **Employees may only retain hours if they have used at least 40 hours of PTO during the fiscal year.** Effective October 1 of each year, all hours over eighty (80) shall be placed in a Serious Illness Leave bank, selected for buy back, or forfeited. Employees are not eligible for use or payment of forfeited hours.



Section 3: Request For Leave

Requests to use PTO shall be made in advance, in accordance with department rules, and in writing, whenever possible, and must be approved by the Department Director. The Town may require a doctor's certificate after any unscheduled absence of more than two (2) days. Any PTO in excess of five (5) consecutive days must be approved by the Town Manager.

Charging Leave:

PTO shall be charged in one (1) hour minimum increments. Holidays which occur during the period selected by the employee for PTO shall not be charged against PTO.

For purposes of determining overtime payments, authorized PTO hours shall not be counted as time worked. It should be noted that as a local government, the Town shall reduce an exempt employee's pay for absences for personal reasons or because of illness or injury for less than one (1) workday when accrued leave is not used by the employee because: (1) permission for its use has not been sought or has been sought and denied or (2) accrued leave had been exhausted.

Section 4: Paid Time Off (PTO) Buy Back:

Eligible full-time employees who have successfully completed their probationary period as of September 30th and who have taken at least forty (40) hours of PTO during the fiscal year (unless otherwise approved by the Town Manager), and who have accrued a minimum of eighty (80) carry over PTO hours, may buy back any hours above the eighty (80) hours carry over up to a maximum of forty (40) PTO hours. PTO buy back is subject to budget approval.

Buyback requests must be made on or before October 31st of each year and shall be paid at the employee's rate of pay as of September 30th. Payment shall be made no later than November 30th.

Section 5: Payout At Separation of Employment:

Employees voluntarily separating from Town employment *with at least (5) years of continuous service with the Town* who provide at least a two-week (2) notice of resignation shall receive a payout any PTO accrued and unused as of the date of separation at their current rate of pay with a maximum potential payout of 80 hours.

Employees whose last day of employment occurs on October 1st, shall receive pay out of PTO hours that are carried over to October 1st.

Employees who are terminated from employment by the Town for disciplinary, performance, conduct or other reasons, shall forfeit and not be eligible for payment of accrued and unused PTO hours.



Section 6: No Accrual of PTO During Certain Absences:

Employees shall not accrue PTO during unpaid leaves of absence or other periods of inactive service, unless PTO accrual is required by applicable federal, state, or local law.

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Chapter 5 – Serious Illness Leave Bank

Section 1: Purpose

This policy applies to full-time employees who have been employed with the Town for at least one (1) continuous year.

Section 2: Bank

Each full-time employee who has been employed with the Town for at least one (1) continuous year and has used a minimum of forty (40) PTO hours in the preceding fiscal year is able to create an individual Serious Illness Leave Bank (SIL) for personal use. Each October 1 employees will have the opportunity to transfer PTO hours accrued and in excess of the eighty (80) hours carry over maximum into their Serious Illness Leave Bank. Each employee is required to have at least eighty (80) carryover PTO hours to be eligible to transfer PTO hours in excess of the eighty (80) hours carry over maximum into their Serious Illness Leave Bank.

An employee shall not accrue more than twelve (12) weeks or 480 hours of Serious Illness Leave in their bank.

Employees may submit a request, on a voluntary basis, to the HRD to donate sick leave to a Voluntary Sick Leave Bank if desired. Employees who have an excess of PTO hours at end of fiscal year may donate up to eight (8) hours of earned PTO time per fiscal year to the Voluntary Sick Leave Bank.

Regular Full-Time staff members who are granted an approved medical leave and have fewer than 10 sick days available at the start of the leave will automatically receive time from the Voluntary Sick Leave Bank (provided hours are available) to bring their sick balance to 10 days (or up to the length of their leave, whichever is smaller). Staff members may take no more than 20 days of donated sick time during their career.

Donated sick time will be distributed on a first-come, first-served basis.

Donated sick leave will not be approved if an employee refuses available alternate duty when cleared by his/her physician or for an employee who is working.



Section 3: Eligibility For Use

*Eligible employees are entitled to use Serious Illness Leave for their serious health condition or for the serious health condition of an immediate family member (parent, spouse, registered domestic partner, **sister, brother, children**), ~~son, or daughter~~).*

For purposes of this policy, the following circumstances are considered serious health conditions and will be deemed a covered event / incident for eligible leave:

The birth of a child and to bond with the newborn child within one (1) year of birth.

The placement with the employee of a child for adoption or foster care and to bond with the newly placed child within one year of placement.

A serious health condition that makes the employee unable to perform the functions of their job.

To care for the employee's spouse, registered domestic partner, son, daughter, parent, sister, brother, nieces, nephews, stepparent, stepchildren, stepbrother, stepsister, half- brother, half-sister, daughter-in-law, mother-in-law, father in-law, brother-in-law, sister-in-law, son-in-law, aunts, uncles, grandchildren, and grandparents who has a serious health condition.

The use of leave under this policy requires certification of a serious health condition by the employee's or their immediate family member's physician. No medical certification is required for the use of leave under this policy for bonding with a newborn or newly adopted child within one year of placement.

Section 4: Charging Leave

Serious Illness leave shall be charged in a minimum of four (4) hour increments. Employees needing intermittent leave for foreseeable medical treatments must work with their Department Director to schedule the leave so as not to disrupt Town operations. Holidays occurring during Serious Illness leave shall not be chargeable to the leave.

Section 5: Request For Leave

Employees must notify their Department Director and the Town Manager in writing of the anticipated need for leave as soon as they become aware of the need for such leave. All requests must be approved by the Town Manager, and the decision shall be communicated in writing to the employee.



Section 6: Notice Of Return from Leave

*The employee shall notify their Department Director and the Town Manager in writing if s/he will not be returning from leave as planned. Failure to report back to work at the end of the scheduled leave ~~may be~~ **will be** considered a voluntary resignation by the employee.*

Section 7: Medical Certification

In the case of leave for the employee's serious health condition or the serious health condition of an immediate family member, the Town will request and require a medical certification. Any information provided to the Town to establish eligibility for use of leave will be treated as confidential medical information and maintained as such by the Town. The medical certification form must be completed in its entirety and shall state:

- Health care provider contact information.
- The date on which the qualifying serious health condition began.
- The probable duration of the serious health condition.
- The appropriate medical or other facts of the serious health condition.
- Information sufficient to establish the employee cannot perform the essential functions of the job, any other work restrictions, and the duration of the inability; and
- Any additional information requested on the certification form.

Section 8: Payout At Separation

At separation, *Town employees with at least (5) years of continuous service with the Town and who provide at least a two-week (2) notice of resignation* employees shall be paid one half of the Serious Illness Leave bank balance at the employees' current pay rate with a maximum potential of 240 hours.



Chapter 6 – Employee Ethics and Conduct Procedures

Section 1: Policy On Ethics

To avoid misunderstandings and conflicts of interest which could arise, all employees are bound by the standards set forth in Florida Statutes Chapter 112, Code of Ethics for Public Officers, and Employees.

Section 2: General Prohibitions

Employees are expected to be aware that they are public employees and to conduct themselves in a manner which shall in no way discredit the Town, public officials, fellow employees, or themselves. No employee shall, directly or indirectly, give, pay, offer, solicit, or accept any money, service or other valuable consideration for any appointment, proposed appointment, proposed promotion to, or any advantage in, a position in the Town.

No employee shall interfere with an applicant's hiring process or furnish to any person any special or confidential information to assist such person in gaining employment or promotion with the Town.

No employee whose duties involve the use of a badge, card, or clothing insignia as evidence of authority or for identification shall permit such badges, cards, or insignia to be used or worn by anyone who is not authorized to use or wear them nor permit them to be out of his/her possession without good cause or approval of the Department Director. Such badges, cards, and insignia shall be used only in the performance of the official duties of the positions to which they are related.

Section 3: Employment Of Family Members

It is the Town's policy to not employ ~~the spouse, the immediate family member,~~ domestic partner, or romantic partner of a Town employee. Family members of a Town employee may not regularly work in a position where a direct or indirect reporting relationship exists, which could cause a conflict of interest.

~~**Family members are defined as:** domestic partner or other household member, parent, sister, brother, spouse, children, nieces, nephews, step-parent, stepchildren, stepbrother, stepsister, half brother, half sister, daughter in law, mother in law, father in law, brother in law, sister in law, son in law, aunts, uncles, first cousins, grandchildren, and grandparents of the employee or spouse.~~



No employee may participate in, either directly or indirectly, employment decisions that may involve a direct benefit (such as work assignments, performance reviews, job classifications, hiring, or discipline) to a domestic partner or a romantic partner or family member as defined above.

Section 4: Outside Employment

Employees are not prohibited from engaging in other employment during their off-duty hours. However, Town employment shall be considered the primary employment, and no employee may engage in outside employment which would interfere with the interests of the Town.

Any employee who obtains full-time or part-time employment elsewhere while on authorized leave of absence without pay is subject to termination of their position with the Town unless the employee obtained prior approval from the Town Manager.

Section 5: Solicitation And Distribution

Employee contributions to recognized charitable organizations are purely voluntary. No coercion of an employee to make contributions shall be permitted.

Employees of the Town are prohibited from engaging in selling merchandise or soliciting while the employee is on working time or the employee to be solicited is on working time. Work time does not include authorized break periods, or before or after work.

E-mail, voice mail, and any other Town provided communication method may not be used to advertise or solicit employees for non-work related or non-official Town events.

Section 6: Dress And Appearance

Town employees are expected to maintain high personal standards. One of the most noticeable expressions of these personal standards is dress and appearance. While no attempt is made to set specific standards related to dress, uniformed personnel shall wear uniforms in the manner they are intended, in good repair, and maintain a neat appearance. Office personnel shall dress in appropriate, professional attire that is not too tight, too loose, sloppy, or too short and present themselves in a professional manner when on the job. Specific departmental policies related to dress and appearance must be approved by the Town Manager.



Chapter 7 – Discipline and Separations

Section 1: Disciplinary Action

It shall be the duty of all Town employees to maintain high standards of competence, conduct, cooperation, efficiency, and economy in their work. Department Directors shall organize and direct the work in their direction in a manner calculated to achieve these objectives.

When employee performance, conduct, or behavior issues occur, it is the responsibility of all Department Directors to administer disciplinary action in a fair and consistent manner. In appropriate circumstances, an employee may be placed on administrative leave with pay while a review of the facts is conducted. Disciplinary actions involving suspension, demotion, or termination require the approval of the Town Manager.

Examples of misconduct include but are not limited to those shown below:

1. *Revealing privileged or confidential information to unauthorized persons.*
2. *Use, possession, sale or disbursement of alcohol or ~~any non-prescription~~ controlled substances during the workday.*
3. *Failure to meet the responsibility to protect and safeguard Town property and the person and property of residents and other employees. No employee shall be in unauthorized possession of any property of the Town, its employees or the public, regardless of value, or attempt to remove or remove such property from the premises.*
4. *Unauthorized possession, use or threatened use of weapons or firearms on Town property or at any other place while on duty.*
5. *Failure to comply with all Safety and Workers' Compensation rules, regulations and procedures, disregarding or violating safety rules such as speeding, unsafe operation of a vehicle, involvement in an accident while operating a Town vehicle or equipment, and operating a Town vehicle without a proper license. Any injury, illness or accident must be reported in accordance with the procedures specified by the district.*
6. *Incompetency; wanting adequate strength, capacity, or physical and/or mental qualifications.*
7. *Inefficiency.*
8. *Neglect of duty.*
9. *Absence from duty without leave for two (2) consecutive working days.*
10. *Excessive absenteeism or tardiness.*
11. *Sleeping while on duty.*
12. *Commission of an act which would bring discredit on the Town.*
13. *Violation of any law, rule or regulation pertaining to or affecting employment in the Town*
14. *Offensive, indecent, or abusive conduct.*
15. *Insubordination.*
16. *Theft, willful neglect, or misuse of funds, property, equipment, material or supplies.*
17. *Discourteous treatment of the public.*



18. *Violation of the Town's policy prohibiting sexual harassment.*
19. *Violation of the Town's policy prohibiting harassment based on race, color, religion, sex, sexual orientation, national origin, age, disability, pregnancy, marital status or any other characteristic protected by law.*
20. *Violation of the Town's Drug-Free Workplace Policy.*

Section 2: Types Of Discipline

The following sets forth major categories of discipline that may be used by the Town in personnel issues. Supervisors and Department Directors are encouraged to consult with the HRD at each step in the disciplinary process. While supervisors may issue Verbal Warnings with the Department Director's approval, only Department Directors may issue Written Reprimands.

Please note that Suspensions, Demotions, and Terminations must be reviewed by the HRD and approved in writing by the Town Manager prior to any action being taken.

Verbal Warning

Whenever employee performance, attitude, work habits or personal conduct at any time fall below a desirable level, supervisors and/or the Department Directors shall inform employees promptly and specifically by documenting a Verbal Warning. A Department Director or supervisor may determine that the first course of disciplinary action is a Verbal Warning. A Verbal Warning shall reference the actions for which the warning is issued. A record of such shall be documented by the individual who issued it, provided to the employee, and a copy shall be provided to the HRD for the personnel file.

Written Reprimand

In situations where a documented Verbal Warning has not resulted in the expected improvement or is insufficient to recognize the seriousness of the unsatisfactory conduct and/or action(s) of the employee, a Written Reprimand may be issued defining the nature of the infraction under the rules. A Written Reprimand shall be provided to the employee and a copy shall be provided to the HRD to be placed in the employee's personnel file. The employee's Department Director initiates and approves a written reprimand.

Suspension Without Pay

Suspension is the temporary separation of a Town employee from assigned duty for a definite period of time without pay. A Town employee may be suspended for disciplinary purposes when, in the judgment of the Department Director after consultation with the HRD and approval by the Town Manager, a written reprimand has not had the desired corrective effect, or a lower level of discipline is insufficient to recognize the seriousness of the unsatisfactory conduct and/or action(s) of the employee. The reason(s) for any suspension and the time period of any suspension shall be given to the HRD in writing on the form provided, one copy of the form to be given, or mailed, to the employee as soon as possible once the determination is



made before the suspension shall become effective; one copy to be retained by the HRD and one copy to be retained by the Department Director.

Performance Improvement Plans

An employee who fails or refuses to satisfactorily perform any of the duties of the position may be placed on a Performance Improvement Plan in addition to any disciplinary action. However, the Town reserves the right to terminate employees for performance issues without having previously issued a Performance Improvement Plan.

Demotions

An employee may be demoted or assigned to less responsible work for any reason, which may include a corresponding reduction in pay. A demotion occurs where the employee is moved to a position for which a lower maximum rate of pay is established. The Town Manager must approve all demotions and may consult with the HRD prior to a determination being made. Documentation of the demotion shall be placed in the personnel file.

Involuntary Discharge/Termination/Dismissal from Employment

Discharge/termination is a permanent separation of employment. Employees may be discharged/terminated at any time without cause or prior notice and without the right of appeal or hearing in any manner. The reason(s) for any proposed discharge/termination shall be given to the HRD in writing.

Section 3: Types of Separations

Types of Separations

Separations from employment with the Town are designated as one of the following types:

1. Resignation
2. Retirement
3. Job Abandonment
4. Death
5. Reduction in force
6. Dismissal (including failure to complete probationary period)
7. End of Temporary Assignment or Failure of Introductory Period
8. Disability

Resignation

Resignation is defined as an action whereby an employee voluntarily separates employment, with or without giving notice. An employee wishing to leave the Town in good standing should file a written resignation,



stating their last day of employment. Such notice shall be given two (2) weeks prior to their last day of employment.

Retirement

Retirement is defined as a procedure whereby an employee separates from the Town for reasons of length of service or disability as defined by the Florida Retirement System.

Job Abandonment

Employees who fail to report to work or contact their supervisor for three (3) consecutive workdays shall be considered to have abandoned the job without notice, effective at the end of their normal shift on the third day. The supervisor shall notify the HRD at the expiration of the third workday and initiate the paperwork to separate the employee. Employees who are separated due to job abandonment are ineligible to receive payout of accrued benefits and are ineligible for rehire.

Death

When an active employee is terminated due to death, the date of termination (date of separation) will be the date of death. All compensation and benefits due to the employee as of the effective date of separation shall be paid to the employee's designated beneficiary. If the employee has not designated a specific beneficiary, then the spouse and, if no spouse, to the adult child or children, and if no adult children, to the father or mother, or as otherwise required pursuant to Florida Statute Section 222.15. If there is no father or mother, then payment shall be made in accordance with orders or letters of administration received through the estate or probate process.

Reduction in Force

When it becomes necessary to reduce the number of employees within a department because of lack of funds, shortage of work, the abolishment of a position, reorganization, or other causes which do not reflect discredit on the service of the employees, the following steps will be considered:

1. First, consideration will be given to the Town budget and required staffing levels to meet the Town needs.
2. Once positions have been identified for reduction, employees within a position shall be separated from employment using the following criteria
 - a. Individual performance (past and current performance, including any disciplinary issues)
 - b. Required skills and qualifications to meet future needs.

Employees who have been affected by a reduction in the workforce may apply for future job openings.

Section 4: Dismissal

Employees may be involuntarily separated from employment at-will.



Section 5: Return Of Property and Financial Obligations

At the time of separation, all records, books, assets, uniforms, keys, tools, access badges, passwords, and other items of Town property in the employee's custody shall be returned to the department. Certification of such return shall be made by the employee's supervisor. Any monies due because of shortages shall be deducted from the final paycheck due or collected through appropriate action in accordance with applicable federal, state, and local laws.

Any outstanding debts incurred by an employee, such as shortages in leave accounts, deductions for the loss or abuse of Town property or other financial obligations which are due to the Town may be deducted from the employee's final paycheck and/or termination leave pay in accordance with applicable federal, state, and local law. This rule shall be excepted only when other appropriate arrangements have been made and approved in writing by the Town Manager.

Section 6: Exit Interviews

Upon the Town's request, an employee who resigns or retires may complete an exit interview upon leaving Town employment. Such interviews allow the Town to understand the employee's reasons for leaving and to resolve any questions regarding compensation, insurance continuation, return of Town property, or other related matters.

Section 7: Post-Termination Name Clearing

Employees may submit a written statement to be included in the employee's personnel file that will be considered the employee's name clearing opportunity in the event the employee was involuntarily terminated from his or her employment with the Town. The written statement is not an appeal of the termination decision. The written statement is designed to allow the employee to present information in the public record regarding the information forming the basis of the termination.

Chapter 8 – Personnel Records

Section 1: Responsibility

The HRD is responsible for establishing and maintaining comprehensive personnel records for all employees.



Section 2: Records

There shall be one official personnel file for each employee maintained by the HRD. Said file shall include the personnel records of employees and all official forms. All personnel records of employees shall be considered the property of the Town. The Town Clerk shall make all decisions relating to the use, maintenance and disposition of such records and material, and as to whether any information contained therein is exempt from disclosure or is confidential pursuant to federal, state, or local law.

Employees should be aware of the importance of keeping their personnel records current. This means immediately notifying the HRD of any changes such as change of address (even if temporary), change of telephone number, driver's license status, change of beneficiary, number of dependents, divorce, marriage, or any change of previously provided information or reported.

This is the responsibility of the employee and failure to comply may result in employee discipline or delays in receiving employee benefits or even loss of such benefits.

Section 3: Retention Of Public Records

The Town is committed to maintaining records in accordance with Florida Public Records law. Each department is responsible for preparing and coordinating records for retention and/or destruction with the Town Clerk and in accordance with Florida's Public Records laws. Departments shall conduct an inventory of active and inactive records and provide such data to the Town Clerk to be used to determine and establish the required retention schedules for public records.

If public records exist on employees' Town or personal devices, in the form of text messages, voicemails, social media posts, etc. those records need to be retained and made available to the public when requested. Failure to retain such information may result in disciplinary action, including dismissal from employment.

Section 4: Public Employee's Oath of Loyalty

Florida law requires all employees to take and sign an Oath of Loyalty as a condition of employment. This oath is provided in this Manual and, once taken and executed, becomes a part of the employee's personnel file.



Chapter 9 – Health And Safety

Section 1: Scope And Purpose

The Town fully complies with all applicable state and federal regulations with respect to the safety of its workforce, as well as the surrounding environment. The goal of the Town is to operate in a safe and efficient manner.

Civility In the Workplace

The Town encourages a workplace environment that respects the dignity of all employees. For this reason, all employees should maintain a high degree of civility and respect for co-workers, subordinates, and superiors. Verbal, psychological, or physically abusive behavior or harassment is counterproductive to the desire for teamwork among all employees, levels of management, and in relationships with elected officials, and the public. Use of abusive language and behavior is disruptive to these goals and will be subject to disciplinary action.

Work Safety

The Town endeavors to comply with all applicable state and federal regulations with respect to the safety of its workforce, as well as the surrounding environment. The goal of the Town is to operate in a safe and efficient manner.

The Town considers its employees its most valuable asset. To this end, the Town is responsible for ensuring a safe and healthy workplace. The Town does this by implementing the best safety programs and controls, including workplace inspections and training programs that may be conducted live, via an online platform, or face to face.

Safety Equipment

Town provided equipment must be used to perform work assignments. Failure to properly utilize provided equipment shall be cause for disciplinary action up to and including dismissal from employment.

Accident Prevention

The development of safe working conditions, practices, and habits are the Town's main safety objectives. Meeting these objectives shall result in benefits to all employees and to the Town.



Accident Reporting

All employees are responsible to immediately report to their supervisor all injuries and accidents, no matter how minor, that occur on the job.

A written report of employee Injury/Incident must be submitted to the injured employee's supervisor within twenty-four (24) hours after the date 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 all other injuries, including those only requiring first aid injuries.

For traffic crashes involving Town vehicles, the crash must immediately be reported to the appropriate law enforcement agency. Immediately thereafter, the employee's supervisor and the HRD shall be notified. A written report of employee injury/incident shall be submitted within twenty-four (24) hours.

Failure to timely report an accident may result in disciplinary action, up to and including, dismissal from employment.

Vehicles, Equipment, and Tool Use Policy

Employees are required to use Town owned or leased vehicles, equipment, and tools in a safe manner consistent with the intended use and operating instructions of the vehicle/equipment/tool. Employees must also review and abide by the Town's Safety Manual relating to the proper and safe use of vehicles, equipment, and tools, as amended from time to time. Prior to the initial use of any vehicle, piece of equipment, or tool each day, the employee shall inspect the vehicle/equipment/tool for damage, inoperable parts, under-inflated tires, or any other condition which may create an unsafe condition which may create an unsafe situation. Any deficiency shall be reported to the supervisor immediately and the supervisor shall ensure appropriate action is taken to correct the problem before the vehicle/equipment/tool is used.

Employees are specifically prohibited from using Town owned or leased vehicles, equipment, and tools for personal purposes including, but not limited to borrowing items for use off-site; lending items to residents or other members of the public; using items for non-Town work or personal pursuits. Employees are prohibited from taking Town owned or leased vehicles, equipment, and tools away from Town property except for authorized repair work to the equipment or tool or where such item is regularly kept in a Town-assigned take home vehicle.



Chapter 10 – Drug-Free Workplace Policy

The Town is committed to providing a safe work environment and to fostering the well-being and health of its employees. In addition, the Town has a strong and legitimate interest in promoting a drug-free workplace where employees are fit to perform their duties. With a drug-free workplace, employees will be afforded the opportunity to maximize their levels of productivity and reach their desired levels of success without experiencing the costs, delays, and tragedies associated with work-related accidents resulting from alcohol and/or drug abuse. It is the intent of the Town that the drug and alcohol testing conducted shall be in compliance with the Drug-Free Workplace Program contained in the Workers' Compensation Act, Florida Statutes Sections 440.101 and 440.102, the regulations adopted pursuant to the statute, and any amendments.

The Town strictly prohibits the illicit use, possession, sale, conveyance, distribution, or manufacture of illegal drugs, intoxicants, or controlled substances in any amount or in any manner. In addition, the Town strictly prohibits the abuse of alcohol or prescription drugs. Any violation of this policy will result in adverse employment action up to and including dismissal and referral for criminal prosecution.

Employees who engage in drug use face the risk of forfeiture of unemployment and workers' compensation benefits. Therefore, the Town has established the following policy:

Section 1: Policy Statement

It is a violation of this policy for any employee to use, possess, sell, trade, offer for sale, or offer to buy illegal drugs or otherwise engage in the illegal use of drugs on the job.

It is a violation of this policy for anyone to report to work under the influence of illegal drugs or alcohol.

It is a violation of this policy for anyone to use prescription drugs illegally. However, nothing in this policy precludes the appropriate use of legally prescribed medications.

It is a violation of this policy to unlawfully manufacture, distribute, dispense, possess, or use controlled substances in the workplace.

It is a condition of employment to abide by the Drug-Free Workplace Policy.

Violations of this policy subject all employees to disciplinary action up to and including immediate termination.

The goal of this policy is to balance our respect for individuals with the need to maintain a safe, productive, and drug-free environment. The intent of this policy is to send a clear message that the illegal use of drugs and the abuse of alcohol are incompatible with employment at the Town.



Section 2: Authority For Drug Testing

The Town has implemented this policy in accordance with the program requirements outlined in Florida Statute Section 440.102.

Section 3: Definitions

The following definitions are provided for in Florida Statute Section 440.102(1).

DRUG: Alcohol, including a distilled spirit, wine, a malt beverage, an intoxicating liquor, the intoxicating agent in ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol; an amphetamine; a cannabinoid; cocaine; phencyclidine (PCP); a hallucinogen; methaqualone; an opiate; a barbiturate; a benzodiazepine; a synthetic narcotic; a designer drug; or a metabolite of any of the substances listed above.

DRUG TEST OR TEST: Any chemical, biological, or physical instrumental analysis administered, by a laboratory certified by the United States Department of Health and Human Services or licensed by the Agency for Health Care Administration, for the purpose of determining the presence or absence of a drug or its metabolites.

JOB APPLICANT: A person who has applied for a Mandatory Testing position with the Town and has been offered employment conditioned upon successfully passing a drug test and may have begun work pending the results of the drug test.

MANDATORY TESTING POSITION: A job assignment that requires the employee to carry a firearm, work closely with an employee who carries a firearm, perform life threatening procedures, work with heavy or dangerous machinery, work as a safety inspector, work with children, work with detainees in the correctional system, work with confidential information or documents pertaining to criminal investigations, work with controlled substances; or a job assignment that requires an employee security background check pursuant to Florida Statute Section 110.1127; or a job assignment in which a momentary lapse in attention could result in injury or death to another person.

MEDICAL REVIEW OFFICER (MRO): A licensed physician, employed with or contracted with the Town, who has knowledge of substance abuse disorders, laboratory testing procedures, and chain of custody collection procedures; who verifies positive, confirmed test results; and who has the necessary medical training to interpret and evaluate an employee's positive test result in relation to the employee's medical history or any other relevant biomedical information.

PRESCRIPTION & NON-PRESCRIPTION MEDICATION: Drug or medication obtained pursuant to a prescription as defined by Florida Statute Section 893.02 or a medication that is authorized pursuant to federal or state law for general distribution and use without a prescription in the treatment of human diseases, ailments, or injuries.



Section 4: Types Of Testing Required

The following types of testing are provided for in Florida Statute Section 440.102(4).

Job Applicant Drug Testing: Job applicants for mandatory testing positions must submit to a drug test. Refusal to submit to a drug test, or receipt of a positive confirmed drug test, shall be used as a basis for declining to offer employment to the applicant. Job applicants for other positions shall not be tested as part of the background/employment screening process.

Reasonable Suspicion Drug Testing: Employees will be tested following any observed behavior creating “reasonable suspicion.” These behaviors may include the following:

1. Direct observation of drug/alcohol use, or the symptoms of being under the influence of a drug or alcohol;
2. Abnormal behavior while at work or a significant deterioration in work performance.
3. A report on drug use, provided by a reliable and credible source;
4. Evidence that an individual has tampered with a drug test while working for the Town
5. Information that an employee has caused, contributed to, or been involved in, an accident while at work;
6. Evidence that an employee has used, possessed, sold, or solicited drugs while working or while on the own’s premises or while operating the Town’s vehicles, machinery, or equipment;
7. Post-Accident in Town-owned vehicles.

Where testing is based on reasonable suspicion, the Town shall promptly detail in writing the circumstances which formed the basis of the determination that reasonable suspicion existed. A copy shall be provided to the employee upon request.

Follow-Up Testing: If the Town requires an employee to enter into an employee assistance program or a drug rehabilitation program as a condition of continued employment after a confirmed, positive drug test, the employee is required to submit to a random drug test, at least once per year for a two-year period after completion of the program. Advance notice of the testing date will not be given to the employee being tested. If the employee voluntarily enters the program (rather than enter a program as a result of a positive drug test), the Town is not required by law to conduct follow-up testing but may do so in its discretion.

Routine Fitness-For-Duty Testing: Employees who ordinarily must submit to annual physical fitness for duty medical examination must also submit to drug testing at that time.

Random Testing of Mandatory Testing Positions: employees with job assignments designated as mandatory testing are subject to testing through the use of an unbiased selection procedure.

Section 5: Confidentiality



All information, interviews, reports, statements, memoranda, drug test results (written or otherwise), received or produced as a result of a drug-testing program are confidential and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except by waiver of the employee.

The Town, the laboratories, medical review officers, employee assistance programs, drug rehabilitation programs and their agents shall not release any information concerning drug test results obtained under this policy without first obtaining a release from the affected individual in accordance with Florida's Drug Free Workplace Act and other applicable laws or regulations.

All information, interviews, reports, statements, memoranda, and drug test results, written or otherwise, received or produced as a result of the drug testing program are confidential and exempt from disclosure under Florida's public records laws. Notwithstanding the foregoing, the Town may use such information and documents when consulting with legal counsel in connection with actions brought under the Florida Statute Section 440.102 or where the information is relevant to its defense in a civil or administrative matter.

Section 6: Drugs To Be Tested

The Town will test for the following drugs listed in Florida Statute Section 440.102(1) as amended from time to time, which includes: alcohol (distilled spirit, wine, a malt beverage, or an intoxicating liquor); an amphetamine; Cannabinoids (Marijuana); cocaine; phencyclidine (PCP); a hallucinogen; methaqualone; an opiate; a barbiturate; a benzodiazepine; a synthetic narcotic; a designer drug; or a metabolite of any of the substances listed above.

Section 7: Testing Location

The Town only uses laboratories for drug testing that are licensed by the Florida Agency for Health Care Administration or that are certified by the U.S. Department of Health and Human Services.

You may be tested at the following laboratory:

Care Spot 41883 Wellington
129 S State Road 7, Suite 401
Royal Palm Beach, FL 33414

Town's Medical Review Officer (MRO) is:

Care Spot 41883 Wellington
129 S State Road 7, Suite 401
Royal Palm Beach, FL 33414

You may be tested at the laboratory as designated by the Town. The Town will notify employees if there is a change to the Town's testing laboratory or MRO.



Section 8: Testing Procedures

The Town and its MRO will comply with all testing procedures as outlined in Florida Statute Section 440.102(5). Employees or job applicants may confidentially report the legitimate use of prescription or non-prescription medications both before and after being tested to the testing laboratory and the Medical Review Officer. Employees and job applicants have the right to consult the testing laboratory for technical information regarding prescription and non-prescription medication.

Section 9: Challenging Positive Test Results

The following procedure is outlined in Florida Statute 440.102(3).

Within five (5) working days after receiving notice of a positive confirmed test result, an employee or job applicant may contest or explain the result to the MRO if they find the result unsatisfactory.

Within five (5) working days after the Town receives notice of the confirmed test result, the Town shall notify the employee in writing with the results, the consequences of the results, and any options available to the employee. The employee may request a copy of the test results at this time.

Within five (5) working days after the employee receives notice from the Town of the positive test result, the employee may submit information to the Town explaining or contesting the test result, including why the result should not constitute a violation of this policy. If the explanation by the employee or job applicant is unsatisfactory to the Town, the employee/job applicant will be notified by the Town in writing within fifteen (15) days of the date the challenge was received and will be subject to discipline under this policy. At that time, the employee will be provided with a copy of the confirmed positive test result and the name and the address of the laboratory.

The foregoing documentation shall be kept confidential and retained by the Town for at least one (1) year.

Any employee or job applicant may contest the drug test pursuant to law or to rules adopted by the Agency for Health Care Administration. All employees or job applicants must notify the laboratory of any administrative or civil action brought pursuant to Florida's Drug Free Workplace Act. Employees are solely responsible for all costs associated with any challenge.

Section 10: Consequences of Positive Confirmed Result

Job applicants receiving a positive confirmed test result shall not be hired. Any employee receiving a positive confirmed test result shall be subject to immediate termination. Additionally, the employee may lose his or her right to workers' compensation, unemployment compensation benefits, medical and indemnity benefits.

Pursuant to Florida Statute 440.102(5), an employee or job applicant has 180 days after receiving written notification of a positive confirmed test result to have the sample retested at his or her expense at another licensed or certified laboratory chosen by the employee or job applicant.



Section 11: Consequences of Conviction for Violation of Criminal Drug Statute Occurring in the Workplace

All employees shall report any conviction for a violation of a criminal drug statute occurring in the workplace to the immediate supervisor in writing, no later than five calendar days after such conviction. Within 30 calendar days of receiving such notice from a convicted employee, the Town shall take one of the following actions:

1. Take appropriate disciplinary action against the employee, up to and including termination;
2. Require the employee to participate in a drug abuse or assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.

Section 12: Consequences of Refusing to Submit to Drug Testing

An employee who refuses to submit to drug testing shall be subject to immediate termination. Additionally, the employee may lose his or her right to workers' compensation, unemployment compensation, medical and indemnity benefits. A job applicant who refuses to submit to drug testing will not be hired.

Refuse to submit (to an alcohol or controlled substance test) means that an employee:

1. Failed to appear for any test within two hours of being directed to report by the Town. This includes the failure of an employee to appear for a test when called by a consortium or third-party administrator;
2. Failed to remain at the testing site until the testing process is complete;
3. Failed to provide a urine specimen for any drug test, or failed to provide a blood specimen for alcohol testing;
4. In the case of a directly observed or monitored collection in a drug, failed to permit the observation or monitoring of the employee's provision of a specimen;
5. Failed to provide a sufficient amount of urine when directed, and it has been determined through a required medical evaluation, that there was no adequate medical explanation for the failure;
6. Failed or declined to take a second test that the Town or collector has directed the employee to take;
7. Failed to undergo a medical examination or evaluation; as directed by the MRO as part of the verification process, or as directed by the Town;
8. Refused to allow collection of specimens for drug and/or alcohol testing by a treating medical facility during course of treatment following an "accident", or refused to allow the Town access to medical records containing the results of such tests, or any attempt by an employee to block the release of such specimens or medical records;
9. Failed to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process).
10. Is reported by the MRO as having a submitted or attempted to submit a verified adulterated, diluted, or otherwise altered or substituted specimen.



Section 13: Medications That May Alter or Affect the Drug Test

Some common medications may alter or affect a test result are listed below for your information. Due to the large number of obscure brand names and the marketing of new products, this list cannot, and is not intended to, be all-inclusive. Employees and job applicants may confidentially report the legitimate use of prescription and non-prescription medications both before and after being tested to the testing laboratory and the Medical Review Officer. Employees and job applicants have the right to consult the testing laboratory for technical information regarding prescription and non-prescription medication.

ALCOHOL	Liquid medications containing ethyl alcohol (ethanol). Please read the label for alcohol content. For example, Vick's Nyquil is 25% (50 proof) ethyl alcohol; Comtrex is 20% (40 proof); Contac Severe Cold Formula Night Strength is 25% (50 proof)
AMPHETAMINES	Obetrol, Biphetamine, Desoxyn, Dexedrine, Didrex, Ionamine, Fastin
CANNABINOIDS	Marinol (Dronabinol, THC)
COCAINE	Cocaine HCl Topical Solution (Roxanne)
PHENCYCLIDINE	Not legal by prescription
METHAQUALONE	Not legal by prescription
OPIATES	Paregoric, Parepectolin, Donnegan PG, Morphine, Tylenol with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guaiatuss AC, Novahistine DH, Novahistine Expectorant, Diluadid (Hydromorphone), M-S Contin and Roxanol (morphine sulfate), Percodan, Vicodin, Tussi-organidin
BARBITUATES	Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebaral, Butabarbital, Butalbital, Phrenilin, Triad
BENZODIAZOPHINES	Ativan, Azene, Clonopin, Dalmane, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Halcion, Paxipam, Restoril, Centrax
METHADONE	Dolophine, Methadose



PROPOXYPHENE

Darvocet, Darvon N, Dolene

Section 14: Mandatory Testing Employees Entering into EAP or Rehabilitation Program

Mandatory Testing employees who enter an EAP or drug rehabilitation program must be assigned to a position other than a position classified as Mandatory Testing. If no such position is available, the employee must be placed on leave where the employee must use accumulated paid leave before the leave becomes unpaid.

Employee Assistance Programs are available throughout Palm Beach County. The Town does not promote or recommend any specific program or organization for treatment and other options may be located online or through various social service organizations. Some representative EAP options are listed below:

- Narcotics Anonymous Helpline: 561-848-6262
- Drug Abuse Foundation of Palm Beach County: 561-278-0000
- Palm Beach Al-Anon/Al-a-Teen Information Service: 561-888-9732
- Alcoholics Anonymous (Palm Beach County): 561-655-9732
- Comprehensive Alcohol Rehabilitation Program: 561-844-6400

Section 15: Effective Date of Drug Free Workplace Policy

This Drug Free Workplace Policy is effective sixty (60) days after adoption and supersedes any prior policies.



Chapter 11 – Department Of Transportation (Dot) Drug/Alcohol Testing Policy for Commercial Drivers

Section 1: Applicability

In addition to the requirements of Florida Statute Section 440.102, an employee who operates a commercial motor vehicle and maintains a commercial drivers' license and whose position requires operation of a commercial motor vehicle owned or leased by the Town is required to comply with Federal requirements. Such an employee is referred to as a "commercial driver" and includes full time, regularly employed drivers; casual, intermittent, or occasional drivers; leased drivers and independent owner-operator contractors or "CDL employees."

The Town's DOT Drug/Alcohol Testing Policy for Commercial Drivers ("the Policy") was developed in conformity with the Department of Transportation Regulations located in 49 C.F.R. Part 40 and 49 C.F.R. Part 382, which are on file with the Town's Designated Employer Representative (DER) (the HRD and the Town Manager) for review at any time during normal working hours.

Our policy formally and clearly states that the illegal use of drugs and abuse of alcohol or prescription drugs will not be tolerated. As a means of maintaining this policy, the Town has implemented pre-employment and active employee drug testing as outlined in the Policy.

Commercial drivers are subject to Department of Transportation ("DOT") testing regulations, which include placement in a separate random testing pool containing only DOT-covered employees for the purposes of DOT compliance. With regard to those employees covered by the DOT regulations, the federal regulations, as amended from time to time, shall govern any conflicts with this Policy. As employees of the Town, DOT-covered commercial drivers are also separately subject to the Town's Drug-Free Workplace Policy which covers all employees.

Any employee whose conduct violates this Policy will be disciplined up to and including termination.

Section 2: Policy Purpose

This Policy is designed to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by drivers of commercial motor vehicles.



Substance abuse, while at work or otherwise, seriously endangers the safety of employees, as well as the general public, and creates a variety of workplace problems including increased injuries on the job, increased absenteeism, increased health care and benefit costs, increased theft, decreased morale, decreased productivity, and a decline in the quality of products and services provided. This policy is designed to detect users and remove abusers of drugs and alcohol. To accomplish this end, the Town prohibits any of the following behaviors by its employees who drive commercial motor vehicles or perform safety-sensitive functions:

1. Reporting for duty or remaining on duty while having an alcohol concentration of 0.04 or greater.
2. Use of alcohol while performing safety-sensitive functions.
3. Use of alcohol within four (4) hours of performing safety-sensitive functions.
4. Use of alcohol within eight (8) hours following an accident that requires a post-accident alcohol test, or until s/he undergoes a post-accident alcohol test, whichever occurs first.
5. Refusal to submit to a post-accident alcohol or controlled substance test, a random alcohol or controlled substance test, a reasonable suspicion alcohol or controlled substance test, or a follow-up alcohol or controlled substance test.
6. Reporting for duty or remaining on duty when the commercial driver uses any controlled substance, unless use is pursuant to instruction of a licensed medical practitioner who has advised that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle; and,
7. Reporting for duty or remaining on duty if the commercial driver has tested positive or has adulterated or substituted a test specimen for controlled substances.

Section 3: Definitions

Alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

Commercial Motor Vehicle (CMV) means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle is a—

- (1) **Combination Vehicle (Group A)**—having a gross combination weight rating or gross combination weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 4,536 kilograms (10,000 pounds), whichever is greater; or
- (2) **Heavy Straight Vehicle (Group B)**—having a gross vehicle weight rating or gross vehicle weight of 11,794 or more kilograms (26,001 pounds or more), whichever is greater; or



- (3) **Small Vehicle (Group C)** that does not meet Group A or B requirements but that either—
- (i) Is designed to transport 16 or more passengers, including the driver; or
 - (ii) Is of any size and is used in the transportation of hazardous materials as defined in this section.

Controlled Substances mean marijuana metabolites, cocaine metabolites, amphetamines, opioids, and phencyclidine (PCP).

Designated Employer Representative (DER) means an individual identified by the Town as able to receive communications and test results from service agents and who is authorized to take immediate actions to remove employees from safety-sensitive duties and to make required decisions in the testing and evaluation processes. The HRD and Town Manager are hereby designated as such.

Disabling Damage means damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs.

- (1) Inclusions. Damage to motor vehicles that could have been driven but would have been further damaged if so driven.
- (2) Exclusions.
 - (i) Damage which can be remedied temporarily at the scene of the accident without special tools or parts.
 - (ii) Tire disablement without other damage even if no spare tire is available.
 - (iii) Headlight or taillight damage.
 - (iv) Damage to turn signals, horn, or windshield wipers which make them inoperative.

Licensed Medical Practitioner means a person who is licensed, certified, and/or registered, in accordance with applicable Federal, State, local, or foreign laws and regulations, to prescribe controlled substances and other drugs.

Safety-Sensitive Function means all time from the time a commercial driver begins to work or is required to be in readiness to work until the time s/he is relieved from work and all responsibility for performing work. Safety-sensitive functions shall include:

- (1) All time at an employer or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer.
- (2) All time inspecting equipment as required by federal regulations or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time.
- (3) All time spent at the driving controls of a commercial motor vehicle in operation.
- (4) All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth (a berth conforming to the federal requirements).



- (5) All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
- (6) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

Section 4: Participation Required

Participation in the DOT Drug/Alcohol Testing program as set forth in this Policy is a requirement for all employees who are authorized to drive the Town's commercial vehicles. The requirement to drive commercial vehicles may be a condition of employment and is identified in individual job descriptions. Failure to participate and comply with program requirements may result in disciplinary action up to and including termination of employment.

Section 5: Department Of Transportation Regulations

The Town has developed this policy in conformity with the DOT's Procedures for Transportation Workplace Drug and Alcohol Testing Programs, 49 C.F.R. Part 40 and 49 C.F.R. Part 382, ("DOT regulations") which are on file with the Town's Designated Employer Representative (DER) for review at any time during normal working hours.

These DOT regulations require alcohol and controlled substance testing with regard to certain "covered employees" performing safety-sensitive duties in transportation who drive commercial motor vehicles requiring a Commercial Driver's License to operate, and all such employees must submit to alcohol and controlled substance testing in conformance with the DOT regulations and with the provisions of this Policy. With regard to those covered employees, the DOT regulations shall be considered as preempting any inconsistent state or local laws or regulations.

In addition, commercial drivers are separately subject to the Town's Drug-Free Workplace Policy covering all employees. The Town's Drug-Free Workplace Policy reflects the requirements of the Town and are not required by the DOT. Any personnel actions under the Drug-Free Workplace Policy will be clearly indicated as being based on Town authority under the Drug-Free Workplace Policy and not based upon the DOT Drug/Alcohol Testing Policy.

Section 6: Required Hours of Compliance

Alcohol Prohibited:

- While on duty.
- (4) hours prior to on-duty time; and,
- (8) hours following an accident or until a post-accident test is complete, whichever occurs first.



Controlled Substances

Commercial Drivers are prohibited from reporting to, or remaining on, duty when using any controlled substance, unless the use is at the direction of a licensed medical practitioner who advised that the substance does not adversely affect the commercial driver's ability to safely operate a commercial motor vehicle.

Section 7: Drug/Alcohol Testing Policy Dissemination

1. The Town will give a general one-time notice to its commercial drivers that it is a condition of employment for employees to refrain from reporting to work or working with the presence of drugs or alcohol in his or her body and that a drug testing program is in place. To this end, each commercial driver shall be provided with a copy of this Policy, and each employee is required to sign a statement certifying receipt of the Policy. The Town will maintain the original of the signed certificate and will provide a copy of the certificate to the employee upon request.
2. Prior to each alcohol or controlled substance test performed under this Policy, each employee or job applicant for employment to be tested will be given a copy of this DOT Drug/Alcohol Testing Policy, a summary of the drugs which may alter or affect a drug test and a list of local employee assistance programs and local drug rehabilitation programs.
3. A notice of drug testing will be included with all vacancy announcements for those positions where drug testing is required (want ads, job postings, etc.). A notice of the DOT Drug/Alcohol Testing Policy will also be posted in an appropriate and conspicuous location on the Town's premises and copies of the policies will be made available for inspection during regular business hours by the employee or job applicant in the Town's Clerk's office.

Section 8: Designated Employer Representative

The Town has designated certain individuals as Designated Employer Representatives (DER). These individuals are responsible for the administration of the DOT Drug/Alcohol Testing Policy and are authorized by the Town to take immediate action(s) to remove employees from safety-sensitive duties, or cause employees to be removed from these covered duties, and to make required decisions in the testing and evaluation processes. The DER is also authorized to receive test results and other communications for the Town, consistent with the requirements of this Policy and with the applicable regulations. The DER is available to answer any questions from employees concerning this policy. The DER for the Town is the HRD and the Town Manager. Locations, as well as the names and addresses of the Town's chosen Drug and Alcohol Testing Laboratories and Medical Review Officers (MRO's), is provided below:



DESIGNATED EMPLOYER REPRESENTATIVE (DER)

NAME: HRD

NAME: Town Manager

MEDICAL REVIEW OFFICER (MRO)

As designated by the Town.

LABORATORY

As designated by the Town.

Section 9: Drug & Alcohol Testing Recorded (Clearinghouse Queries):

The Town is required under the DOT regulations to obtain information regarding the drug and alcohol testing record of commercial drivers from their previous DOT-regulated employers where the Town intends to use such drivers to perform safety-sensitive duties. As a result of this requirement and in accordance with federal regulations (49 C.F.R. § 382.701), the Town will query the FMCSA Drug and Alcohol Clearinghouse for any drug or alcohol information pertaining to DOT-covered CDL drivers and applicants, as follows:

1. **FULL PRE-EMPLOYMENT QUERIES:** Will be conducted on applicants, including internal transfers, for any position which requires a DOT-covered CDL license. As a condition of consideration for employment, applicants will be required to provide the Clearinghouse with consent to allow the Town to conduct a full query.
2. **FOR CURRENT EMPLOYEES:** Who are employed in a position requiring a DOT-covered CDL license, a *limited query* of the Clearinghouse will be conducted annually. As a condition of continued employment, employees are required to complete the required consent form permitting the limited query. If the limited query reveals that information about the CDL driver exists in the Clearinghouse, the Town will conduct a full query within 24 hours. As a condition of continued employment, the DOT-covered CDL driver will be required to provide the Clearinghouse with consent allowing the Town to conduct a full query.

In accordance with federal regulations (49 C.F.R. § 382.703), the Town (or its Service Agent if the Town uses a Third-Party Administrator to administer its DOT drug testing policy) will report the following drug/alcohol information regarding DOT-covered CDL drivers/applicants to the FMCSA:



Reporting entity	When information will be reported to clearinghouse
Town	<ul style="list-style-type: none">• An alcohol confirmation test with a concentration of 0.04 or higher.• Refusal to test (alcohol) as specified in 49 CFR 40.261.
Town	<ul style="list-style-type: none">• Refusal to test (drug) not requiring a determination by the MRO as specified in 49 CFR 40.191.
Town	<ul style="list-style-type: none">• Actual knowledge, as defined in 49 CFR 382.107, that a driver has used alcohol on duty, used alcohol within four hours of coming on duty, used alcohol prior to post-accident testing, or has used a controlled substance.
Town	<ul style="list-style-type: none">• Negative return-to-duty test results (drug and alcohol testing, as applicable)
Town	<ul style="list-style-type: none">• Completion of follow-up testing.

If an employee or applicant refuses to provide the necessary consent, the Town will not permit the employee to perform safety-sensitive functions and may subject the employee to disciplinary action, including immediate termination.

If the Town obtains information that an employee or applicant has violated a DOT agency drug and alcohol regulation, the employee or applicant will not be permitted to perform safety-sensitive functions unless the Town obtains or is provided documented proof that the employee has subsequently complied with the return-to-duty requirements of 49 CFR Part 40.

Section 10: Required Testing:

Pre-Employment Testing

All job applicants for commercial driver positions, including internal transfers, are required to undergo testing for controlled substances as a condition of employment. Additionally, prior to the first time an employee performs DOT covered safety-sensitive functions for the Town, either as a new hire or as a result of a transfer from a non-safety-sensitive position to a safety-sensitive position, the employee shall undergo testing for controlled substances. The Town will not allow an employee to perform DOT covered safety-sensitive functions unless the Town has received a controlled substances test result from the MRO or C/TPA indicating a verified negative test result for that covered employee.



The Town reserves the right to invoke any and all exceptions to the pre-employment testing requirement as set forth in the DOT regulations (49 CFR § 382.301(b)).

Post-Accident Testing

Commercial drivers will be tested as soon as practicable following an occurrence involving a commercial motor vehicle on a public road in commerce as follows:

Type of Accident	Citation Issued* to CMV Driver	Test Must Be Performed
Human Fatality	Yes	Yes
Human Fatality	No	Yes
Bodily injury with immediate medical treatment away from scene	Yes	Yes
Bodily injury with immediate medical treatment away from scene	No	No Yes
Disabling damage to any motor vehicle requiring tow away	Yes	Yes
Disabling damage to any motor vehicle requiring tow away	No	No Yes

*In the above chart, “citation issued” refers to a citation received by the commercial vehicle driver under State or local law for a moving traffic violation arising from the accident. With respect to alcohol testing, the citation must be received within eight (8) hours of the occurrence. With respect to controlled substance testing, the citation must be received within thirty-two (32) hours of the occurrence.

If an alcohol test is required but not administered within two (2) hours following the accident, the Town will prepare and maintain a record stating the reasons it was not promptly administered. The Town will not attempt to administer an alcohol test after eight (8) hours, or a controlled substance test after thirty-two (32) hours, following the accident.

Commercial drivers subject to post-accident testing shall remain readily available for testing or the Town may designate such unavailability as a refusal to submit to testing and the commercial driver will be subject to immediate termination. However, nothing in this section shall be construed to require the delay of



necessary medical attention for injured people following an accident or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care. The results of a breath or blood test for the use of alcohol, or the results of a urine test for the use of controlled substances, conducted by Federal, State, or local officials having independent authority for the test, meet the requirements of testing under this policy, provided the tests conform to the applicable Federal, State or local alcohol or controlled substance testing requirements, and that the results of the tests are obtained by the employer.

Post Accident Testing Under This Policy Does Not Apply To:

- (a) An occurrence involving only boarding or alighting from a stationary motor vehicle.
- (b) An occurrence involving only the loading or unloading of cargo; or
- (c) An occurrence in the course of the operation of a passenger car by an employer unless the motor vehicle is transporting passengers for hire or hazardous materials that require DOT mandated markings or placards.

Section 11: Random Testing

Every DOT covered employee shall submit to unannounced random alcohol and controlled substance testing to be spread reasonably throughout the calendar year. However, a DOT covered employee will only be tested for alcohol while performing safety-sensitive functions, just prior to performing safety-sensitive functions, or just after performing such functions. The selection of employees for random alcohol and controlled substances testing shall be made by a scientifically valid method, and each employee selected for random alcohol and controlled substances testing under the selection process used, shall have an equal chance of being tested each time selections are made. Each employee selected for testing shall be tested during the selection period. Random testing for commercial drivers will be conducted according to the applicable rates mandated by the DOT and its applicable agencies but may exceed those rates at the Town's discretion.

After notification, it is the responsibility of the employee to provide the urine specimen within the allotted time. At the time of the notification, the donor will be instructed to go directly to the designated collection site. The employee will notify the collection site personnel of their selection for a random test and that the employee is ready to provide a urine specimen for the requested test.

If an employee is selected for testing but has not received notice because it is his day off, the employee will be tested during his or her next shift within the same selection cycle.



Section 12: Reasonable Suspicion Testing

Employees who, based on specific, contemporaneous, articulable observations of a qualified supervisor concerning the appearance, behavior, speech or body odor, may be reasonably suspected of using or being under the influence of alcohol or controlled substances or tampering with a drug screen test, shall undergo alcohol and controlled substance testing. In the case of controlled substances, the observations may include indications of the chronic and withdrawal effect of controlled substances.

The Town's designated DER or alternate DER will confirm a supervisor's observations. The supervisor must immediately notify the DER of the observed behavior. Only a supervisor or Town official who has received at least 60 minutes of training on alcohol misuse and received at least an additional 60 minutes of training on controlled substances use, is authorized to assist the DER in determining whether reasonable suspicion exists to require a commercial driver to undergo testing. The training shall include the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances. Recurrent training for supervisory personnel is not required.

Alcohol testing is only authorized for reasonable suspicion testing if the observations are made during, just preceding, or just after the period of the workday that the commercial driver is required to comply. A commercial driver may only be directed to submit to this testing while the employee is performing safety-sensitive duties, just before or just after the driver performed such duties. An alcohol test pursuant to reasonable suspicion testing shall occur within eight (8) hours. If the alcohol testing is done after two (2) hours from the time the observations occurred, the Town must document the reasons the test was not promptly administered.

Notwithstanding the absence of a reasonable suspicion alcohol test under this section, no driver shall report for duty or remain on duty under the influence of or impaired by alcohol, as shown by the behavioral, speech, and performance indicators of alcohol misuse, nor shall the Town permit the employee to perform or continue to perform work duties, including any safety-sensitive functions, until:

- (i) An alcohol test is administered and the employee's alcohol concentration measures less than 0.02; or
- (ii) Twenty-four (24) hours have elapsed following the determination that there is reasonable suspicion to believe that the employee has violated the prohibitions in this part concerning the use of alcohol.

Documentation supporting such a test will be completed by the observing supervisor and signed by both the supervisor and DER within 24 hours of the observed behavior.

On the basis of circumstances requiring a reasonable suspicion test, an employee will immediately be removed from safety-sensitive functions pending the outcome of the required drug/alcohol test.



Section 13: Return To Duty & Follow-Up Testing

The Town is not required to provide commercial drivers who violate this Policy with an evaluation by a Substance Abuse Professional (SAP) or any subsequent recommended education or treatment.

If the Town, in its sole discretion, allows a driver to return to a DOT safety-sensitive function following a violation, prior to returning to duty the Town will require an evaluation by an SAP and compliance with the SAP's recommendations at the employee's sole cost and expense. In addition, following removal from a safety sensitive position after a positive, adulterated, or substituted test and referral to an SAP, and successful compliance with the prescribed education and/or treatment, a covered employee is required to undergo a return to duty test for controlled substances and/or alcohol before returning to safety-sensitive duties. Follow-up tests are unannounced and at least 6 tests must be conducted in the first 12 months after an employee returns to duty as provided by the SAP's follow-up testing plan. Follow-up testing may extend for up to 60 months following return to duty.

Additional Testing

Additional testing may also be conducted as required by applicable state or federal laws, rules, or regulations, in accordance with the Town's Drug-Free Workplace Policy for All Employees or as otherwise deemed necessary by the Town.

Section 14: Substances To Be Tested & Detection Thresholds

The Town tests for the following substances pursuant to the federal regulations:

	<u>Drug Screen Cut-off GC/MS</u>
Marijuana metabolites/THC	50 ng/mL - 15ng/mL
Cocaine Metabolites	150 ng/mL - 100 ng/mL
Codeine/Morphine	2,000 ng/mL – 2,000 ng/mL
Hydrocodone/Hydromorphone	300 ng/mL – 100 ng/mL
Oxycodone/Oxymorphone	100 ng/mL – 100 ng/mL
6-Acetylmorphine	10 ng/mL – 10 ng/mL
Phencyclidine (PCP)	25 ng/mL - 25 ng/mL
Amphetamines, Methamphetamine	500 ng/mL - 250 ng/mL
Methylenedioxymethamphetamine (MDMA)	500 ng/mL – 250 ng/mL



Alcohol - removal from safety-sensitive position at .02% Blood/Alcohol Content (B.A.C) or greater, violation of Policy at .04% BAC or greater.

*If these above limits conflict with DOT Rule 49 CFR Part 60 Section 40.85, the applicable limits in the DOT Rule shall be controlling.

Prescribed Or Over the Counter (OTC) Medications

The Town recognizes that eventually most employees will need to take medications to combat various illnesses. Employees must realize, however, that the use of certain medications may constitute a violation of this Policy if not properly reported and may potentially alter or affect the results of a drug or alcohol test. An employee could potentially test positive for a drug when taking medications prescribed by a doctor or purchased over the counter. Some medications known to alter or affect a drug test are listed in the next section of this Policy.

Employees who want more comprehensive or technical information about the use of medications, and their potential effects on the drug test results, should consult the Town's DER or a local testing laboratory. The names and contact information for the Town's testing laboratories have been provided in other sections of this Policy. To avoid the potential problems created by a false test result, the Town has implemented procedures to enable employees to confidentially report the use of medications. An employee may report the use of medications on the back of his/her copy of the chain of custody form after the specimen is collected and discuss the use only with the Medical Review Officer.

However, employees are required to report the use of prescribed drugs for which the Town tests and provide written certification from their physician advising that the substance does not adversely affect driver's ability to safely operate a commercial motor vehicle **prior to engaging in any safety sensitive functions**.

NOTE ABOUT MEDICAL MARIJUANA & CBD PRODUCTS: The DOT's Drug and Alcohol Testing Regulation – 49 CFR Part 40, at 40.151(e) – **does not authorize “medical marijuana” under a state law** to be a valid medical explanation for a commercial driver's positive drug test result. Therefore, a positive test result for marijuana or THC will result in the consequences set forth for a positive drug test. Furthermore, CBD use is not a legitimate medical explanation for a laboratory confirmed marijuana positive result. Therefore, the MRO will verify a drug test confirmed at the appropriate cutoffs as positive, even if an employee claims they only used a CBD product.

Substances Which Could Alter or Affect the Outcome of a Drug Test

The following substances, listed by brand name and common name, are among those that could affect the results of a drug test. This list is not comprehensive. All questions concerning substances which could result in a positive test should be directed at the Town's DER.

AMPHETAMINES:	Abetrol, Biphedamine, Desoxyn, Dexadrine, Didrex
CANNABINOIDS:	Marinol (Dronabinol, THC), Marijuana, Hash, Pot
COCAINE:	Cocaine HCI Topical Solution (Roxanne), Crack, Coke
PHENCYCLIDINE:	PCP, Angel Dust



OPIATES:	Paregoric, Parepectolin, Donnegan PG, Morphine, Tylenol w/Codeine, Empirin with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guaiatuss AC, Novahistine DH, Novahistine Expectorant, Diluadid (Hydromorphone), M-S Contin and Roxanol (morphine sulfate), Percodan, Vicodin, Opium, Heroin
ALCOHOL:	Liquid medications containing ethyl alcohol (ethanol). Please read the label for alcohol content. For example, Vick's Nyquil is 25% (50 proof) ethyl alcohol; Comtrex is 20% (40 proof); Contac Severe Cold Formula Night Strength is 25% (50 proof); and Listerene is 26.9% (54 proof); Booze, Drink, wine, distilled spirits, malt beverages, beer, etc.
BARBITUATES:	Phenobarbital, Tuinal, Amytal
BENZODIAZOPHINES:	Ativan, Azene, Klonopin, Dalmone, Diazepam, Halcion, Librium, Poxipam, Restoril, Serax, Transene, Valium, Vertron, Xanax
METHADONE:	Dolophine, Methadose
PROPOXYPHENE:	Darvocet, Darvon N, Dolene

Section 15: Testing Procedure

All alcohol or controlled substances testing under this Policy shall be conducted in conformity with the provisions and procedures set forth in the DOT Workplace Drug and Alcohol Testing Programs (49 C.F.R. Part 40 and 49 C.F.R. Part 382), which are on file with the Town's DER for review at any time during normal working hours. In summary, the testing procedures adopted by this Policy are as follows:

Alcohol Testing

All alcohol testing will be conducted using one of two possible methods. Alcohol testing may be performed using evidential breath testing (EBT) devices or saliva alcohol screening devices (ASD) approved by the NHTSA. A screening test is conducted first. Any result less than 0.02 alcohol concentration is considered a "negative" test. If the alcohol concentration is 0.02 or greater, a second confirmation test must be conducted. The employee and the individual conducting the test (called a breath alcohol technician (BAT)) complete the alcohol testing form to ensure that the results are properly recorded. The confirmation test, if required, must be conducted using an EBT that prints out the results, date and time, a sequential test number, and the name and serial number of the EBT to ensure the reliability of the results. The confirmation test results determine any actions taken. Under certain circumstances, post-accident tests conducted by law enforcement personnel will be acceptable.

Controlled Substance Testing

Controlled substance testing is conducted by analyzing an employee's urine specimen. The analysis is performed at laboratories certified and monitored by the Department of Health and Human Services (DHHS). The employee provides a urine specimen in a location that affords privacy, and the "collector" seals and labels the specimen, completes a chain of custody document, and prepares the specimen and



accompanying paperwork for shipment to a drug testing laboratory. The specimen collection procedures and chain of custody ensure that the specimen's security, proper identification, and integrity are not compromised. The testing for DOT requirements will be performed using "split specimen procedures" that require each urine specimen to be subdivided into two bottles labeled as a "primary" and a "split" specimen. Both bottles are sent to a laboratory. Only the primary specimen is opened and used for the urinalysis. The split specimen bottle remains sealed and is stored at the laboratory. The testing is a two-stage process. First, a screening test is performed. If it is positive for one or more of the controlled substances, then a confirmation test is performed for each identified controlled substance using state-of-the-art gas chromatography/mass spectrometry (GC/MS) analysis.

GC/MS confirmation ensures that over-the-counter medications or preparations are not reported as positive results. If the analysis of the primary specimen confirms the presence of illegal, controlled substances, the driver has 72 hours to request the split specimen be sent to another DHHS certified laboratory for analysis. This splits specimen procedure essentially provides the driver with an opportunity for a "second opinion."

All drug test results are reviewed and interpreted by a physician (Medical Review Officer (MRO)) before they are reported to the Town. If the laboratory reports a positive result to the MRO, the MRO contacts the employee (in person or by telephone) and conducts an interview to determine if there is an alternative medical explanation for the drugs found in the employee's urine specimen. If the employee provides appropriate documentation and the MRO determines that the positive result was due to legitimate medical use of the prohibited drug, the drug test result is reported as negative to the Town.

Note about Medical Marijuana and CBD Products: The MRO may not verify a drug test as negative based upon information that a physician recommended that the employee use "medical marijuana." Furthermore, CBD use is not a legitimate medical explanation for a laboratory confirmed marijuana positive result. Therefore, the MRO will verify a drug test confirmed at the appropriate cutoffs as positive, even if an employee claims they only used "medical marijuana" or a CBD product.

Section 16: Prohibited Conduct Under Dot Regulations as Adopted by This Policy

The following is an overview of the terms and conditions of this Policy, and of violation of which an employee is subject to discipline as outlined below.

1. It is a violation of the DOT regulations, as adopted by this Policy, for any employee to report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. The DOT regulations require that all covered employees in violation of this rule be immediately removed from safety-sensitive duties, including driving a commercial motor vehicle, and not be allowed to return to such duties until completion of the return to duty process set forth by the DOT regulations in 49 CFR Part 40, Subpart O. All employees found in violation of this rule will also be subject to sanctions by the Town, as set forth below, for violation of this Policy.



2. It is a violation of the DOT regulations, as adopted by this Policy, for any employee to use alcohol while performing safety-sensitive functions. The DOT regulations require that all covered employees in violation of this rule be immediately removed from safety-sensitive duties, including driving a commercial motor vehicle, and not be allowed to return to such duties until completion of the return to duty process set forth by the DOT regulations in 49 CFR Part 40, Subpart O. All employees found in violation of this rule will also be subject to sanctions by the Town, as set forth below, for violation of this Policy.
3. It is a violation of the DOT regulations, as adopted by this Policy, for any employee to perform safety-sensitive functions within four (4) hours after using alcohol. The DOT regulations require that all covered employees in violation of this rule be immediately removed from safety-sensitive duties, including driving a commercial motor vehicle, and not be allowed to return to such duties until completion of the return to duty process set forth by the DOT regulations in 49 CFR Part 40, Subpart O. All employees found in violation of this rule will also be subject to sanctions by the Town, as set forth below, for violation of this Policy.
4. It is a violation of the DOT regulations, as adopted by this Policy, for any employee required to take a post-accident alcohol test to use alcohol for eight (8) hours following the accident, or until s/he undergoes a post-accident alcohol test, whichever occurs first. The DOT regulations require that all covered employees in violation of this rule be immediately removed from safety-sensitive duties, including driving a commercial motor vehicle, and not be allowed to return to such duties until completion of the return to duty process set forth by the DOT regulations in 49 CFR Part 40, Subpart O. All employees found in violation of this rule will also be subject to sanctions by the Town, as set forth below, for violation of this Policy.
5. It is a violation of the DOT regulations, as adopted by this Policy, for any employee to refuse to submit to a post-accident alcohol or controlled substances test, a random alcohol or controlled substances test, a reasonable suspicion alcohol or controlled substances test, or a follow-up alcohol or controlled substances test. The DOT regulations require that all covered employees in violation of this rule be immediately removed from safety-sensitive duties, including driving a commercial motor vehicle, and not be allowed to return to such duties until completion of the return to duty process set forth by the DOT regulations in 49 CFR Part 40, Subpart O. All employees found in violation of this rule will also be subject to sanctions by the Town, as set forth below, for violation of this Policy.
6. It is a violation of the DOT regulations, as adopted by this Policy, for any employee to report for duty or remain on duty requiring the performance of safety-sensitive functions after or during use of any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner, who has advised the covered employee that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle. The DOT regulations require that all covered employees in violation of this rule be immediately removed from safety-sensitive duties, including driving a commercial motor vehicle, and not be allowed to return to such duties until completion of the return to duty process set forth by the DOT regulations in 49 CFR Part 40, Subpart O.



All employees found in violation of this rule will also be subject to sanctions by the Town, as set forth below, for violation of this Policy.

7. It is a violation of the DOT regulations, as adopted by this Policy, for any employee to report for duty, remain on duty or perform a safety-sensitive function, if the driver tests positive or has adulterated or substituted a test specimen for controlled substances. The DOT regulations require that all covered employees in violation of this rule be immediately removed from safety-sensitive duties, including driving a commercial motor vehicle, and not be allowed to return to such duties until completion of the return to duty process set forth by the DOT regulations in 49 CFR Part 40, Subpart O. All employees found in violation of this rule will also be subject to sanctions by the Town, as set forth below, for violation of this Policy.
8. It is a violation of the DOT regulations, as adopted by this Policy, for any employee tested under the provisions of this Policy and who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 to perform or continue to perform safety-sensitive functions, including driving a commercial motor vehicle. The Town will not permit such an employee to perform or continue to perform safety-sensitive functions, until the start of the next regularly scheduled duty period, but not less than 24 hours following administration of the test. All employees found in violation of this rule will also be subject to sanctions by the Town, as set forth below, for violation of this Policy.
9. Employees must also fully comply with all prohibitions set forth in the Town's non-DOT Drug-Free Workplace Policy, which is applicable to both DOT-covered commercial drivers and non-DOT covered drivers who may or may not hold a CDL. When safety-sensitive DOT-covered CDL employees are being tested pursuant to this policy (i.e., the DOT-mandated policy), the testing procedures set forth herein shall apply. When safety sensitive DOT-covered CDL employees are being tested pursuant to the non-DOT policy, the procedures set forth in that policy shall apply.

Section 17: Consequences Of Violations

In addition to the consequences set forth above for violation of the DOT regulations, prohibited conduct by an employee will result in the following Town actions:

1. Job Applicants will not be hired.
2. Any employee violating this policy within 6 months (120 days) of the start of employment will be terminated and shall not be eligible for rehire.
3. Any employee whose test results are confirmed positive will be subject to disciplinary action up to and including termination, or at the Town's sole discretion, required to undergo approved medical or rehabilitation assistance, including the SAP process, at the sole cost and expense of the employee. Additionally, employees found to have violated this policy shall be immediately prohibited from performing any safety-sensitive functions, included those functions designated as mandatory testing positions under the Town's non-DOT Drug Free Workplace policy. While the employee is participating



in the required program(s), the Town will temporarily assign the employee, at the budgeted rate of pay, into a vacant non-safety sensitive position that is also not a mandatory testing position where the employee meets the minimum qualifications and has the ability to perform the essential functions of the position with or without a reasonable accommodation. If a vacant non-safety sensitive position is not available, the employee will be placed on leave. The employee will be required to use their PTO or Serious Illness Leave bank hours before leave may be ordered without pay. Once the employee successfully completes the program(s) and Return to Duty process and provides the Town with the certificate of completion, the temporary assignment will end, and the employee will be placed back into their original position and rate of pay.

4. An employee participating in a drug or alcohol rehabilitation program will be prohibited from performing safety sensitive functions until successful completion of a registered DOT Clearinghouse substance abuse treatment program. A DOT-covered CDL driver who has violated DOT alcohol and drug regulations is prohibited from performing DOT related job duties until they complete the Substance Abuse Professional (SAP) evaluation, referral, and education/treatment process set forth in 49 CFR Part 40 Subpart O, and in applicable FMCSA regulations.
5. An employee found to have an alcohol concentration of .02 or greater, but less than .04, shall not perform or continue to perform safety-sensitive functions until the start of the commercial driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test. No action will be taken under this Policy based solely on test results showing alcohol concentrations of less than .04, but the Town may take action independent of this Policy in accordance with other applicable policies or laws.
6. In addition to the other consequences provided in this Policy, all employees who refuse to submit to an alcohol or drug test to be conducted under this Policy will be presumed to be positive for the presence of alcohol or a controlled substance for the purpose of all workers' compensation medical and indemnity benefits claims arising from the incidents or accidents leading to said testing. Refusals to test shall subject the commercial driver to immediate termination.

Section 18: Refusal to submit (to an alcohol or controlled substances test) means that an employee:

- a. Failed to appear for any test (except a pre-employment test) within two hours of being directed to report by the Town's DER or designee. This includes the failure of an employee to appear for a test when called by a consortium or third-party administrator.
- b. Failed to remain at the testing site until the testing process is complete. Provided that an employee who leaves the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test.



- c. Failed to provide a urine specimen for any drug test or failed to attempt to provide a saliva or breath specimen for alcohol testing, required by this Policy or DOT agency regulations. Provided, that an employee who does not provide a urine specimen because he or she has left the testing site before the testing process commences (see 49 CFR Sec. 40.63(c) of the DOT regulations) for a pre-employment test is not deemed to have refused to test.
- d. In the case of a directly observed or monitored collection in a drug test, failure to permit the observation or monitoring of the employee's provision of a specimen.
- e. Failed to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure.
- f. Failed or declined to take a second test the Town, the Town's DER, or collector has directed the employee to take.
- g. Failed to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER as part of the shy bladder or shy lung procedures set forth in 49 CFR Sec. 40.193(d) of the DOT regulations. In the case of a pre-employment drug test, a covered employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment.
- h. Refused to allow collection of specimens for drug and/or alcohol testing by a treating medical facility during the course of treatment following an "accident" requiring post-accident testing, or refused to allow the Town access to medical records containing the results of such tests, or any attempt by an employee to block the release of such specimens or medical records;
- i. Failed to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process); or
- j. Is reported by the MRO as having a submitted or attempted to submit a verified adulterated, diluted, or otherwise altered or substituted specimen.

Any driver who has a verified positive controlled substances result, an alcohol concentration of .04 or greater, or refuses to submit to a test must also be evaluated by a Substance Abuse Professional at the employee's own expense, even if the employee is terminated by the Town, before obtaining a subsequent DOT-covered commercial driver position.

Section 19: Drug/Alcohol Intervention

There are three good reasons why you should be concerned if any of your coworkers are using drugs or alcohol on the job:

1. Your health and safety may be at risk.



2. Alcohol misuse and drug use costs money.
3. Alcohol misuse and drug use creates a negative work environment.

The U.S. Department of Labor has determined that drug and alcohol use on the job cost society and estimated 102 billion a year. Since most of this cost is passed on to you in the form of higher health insurance rates or in the prices you pay for things, drug and alcohol use on the job costs you and your fellow workers.

The U.S. Department of Labor has also determined that absenteeism among problem drinkers or alcoholics is 3.8 to 8.3 times greater than normal. If your fellow workers do not come to work, you may have to do their jobs in addition to your own.

Alcohol and/or drug abuse can also destroy relationships, lead to serious problems with the law (e.g., drunk driving), and even cause harm to the people you love. If drinking or using drugs affects your work life, it could lead to job loss and all of the financial problems that could follow. Please contact the HRD, or encourage a coworker to do so, if you suspect a problem.

Section 20: Signs & Symptoms of Alcohol And/or Drug Abuse

Any one or more of the following signs may indicate a drinking or drug problem:

- Family or social problems caused by drinking or drug use.
- Job or financial difficulties related to drinking or drug use.
- Loss of consistent ability to control drinking or drug use.
- "Blackouts" or the inability to remember what happened while drinking or taking drugs.
- Distressing physical and/or psychological reactions if you try to stop drinking or taking drugs.
- A need to drink increasing amounts of alcohol to get the desired effect.
- Marked changes in behavior or personality when drinking or taking drugs.
- Getting drunk or high frequently.
- Injuring yourself - or someone else - while intoxicated or high.
- Breaking the law while intoxicated or high.
- Starting the day with a drink or drugs.

Section 21: Available Resources for Resolving Problems Associated with Alcohol or Drug Abuse

Outpatient programs exist in a variety of settings:

1. Community mental health centers.
2. Family service agencies.
3. Private physicians and therapists' Offices.



4. Occupational settings.
5. Specialized alcoholism/drug addiction treatment facilities.

Inpatient services, designed for those with more serious alcohol or drug addiction problems, can be found in hospitals, residential care facilities, community halfway houses, and some clinics.

An internet-based search will list helpful referral organizations such as (none of which are specifically recommended by the Town; treatment decisions are highly personal and made by the employee and their family):

U.S. Dept. of Health & Human Services Substance Abuse and Mental Health Service Administration	1-800- HELP (4357)
Alcoholics Anonymous	1-800-344-2666
M.A.D.D.	1-800-438-6233
AL-ANON Family Group Headquarters	1-800-356-9996

Section 22: Confidentiality

All written reports and related information received by the Town, laboratories, employee leasing programs, drug and/or alcohol rehabilitation programs and their agents will be held in strict confidence and will not be disclosed except in accordance with the applicable federal, state, and/or local laws and regulations. Any other release of this information will be allowed only with the tested individual's consent. If an employee initiates a grievance, hearing, lawsuit or other action as a result of a violation of these rules, the Town may release relevant information to its legal counsel and the decision maker in said action.

The employer or its Service Agent shall maintain the records for a period of up to five years in accordance with the requirements of the DOT regulations in 49 CFR §382.401(b), as well as the applicable retention period under Florida's public records laws, and these records and will be provided to the following agencies and/or individuals under the following circumstances:

1. An employee is entitled, upon written request, to obtain copies of any records pertaining to the employee's use of alcohol or controlled substances, including any records pertaining to his or her alcohol or controlled substances tests. The Town will also release information regarding an employee's records as directed by the specific written consent of the employee authorizing the release of the information to an identified person. Release of such information by the person receiving the information is permitted only in accordance with the terms of the employee's specific written consent as outlined in the DOT regulations in 49 CFR § 40.321(b).
2. To the decision maker in a lawsuit, grievance, or administrative proceeding initiated by or on behalf of the employee, and arising from a positive drug or alcohol test or a refusal to test (including, but not limited to, adulterated or substituted test results) or this Policy (including, but not limited to, a worker's



compensation, unemployment compensation, or other proceeding relating to a benefit sought by the driver). Additionally, an employer may disclose information in criminal or civil actions in accordance with the DOT regulations in 49 CFR § 40.323(a)(2).

3. The National Transportation Safety Board as part of an accident investigation.
4. Secretary of Transportation, any DOT agency, or any State or local officials with regulatory authority over the Town or its covered employees; or
5. A subsequent employer upon receipt of a written request from a covered employee.

Section 23: Amendment & Severability

The Town may amend this Policy in any and all respects at any time. If any provisions in this Policy or the application thereof to any party or circumstance is held invalid or unenforceable, the remainder of the terms of this Policy and the application of any invalid or unenforceable provisions to other parties or circumstances, will not be affected thereby, and to this end the provisions of this Policy are severable.

Section 24: Federal & State Laws and Regulation

Nothing in this Policy shall be presumed to override, amend, or change any requirements of state and/or Federal law. In the event any of the provisions of this Policy conflict with applicable laws and regulations, such laws and regulations will be deemed to control. All employees will notify the Town of any conviction of plea of guilty or nolo contendere to, any violation of any controlled substance law of United States or any other state for a violation occurring in the workplace no later than five (5) days after such conviction. Failure to report any such conviction within five (5) days shall result in termination of employment.



Chapter 12 – Clean Indoor Air / Smoke-Free & Tobacco-Free Workplace

The Town provides a comfortable, productive, and healthy work environment for its employees. As a further step to ensure conformity to Florida's Clean Indoor Air Act, all Town owned/leased buildings and vehicles are entirely smoke-free and tobacco-free. Smoking, vaping, and tobacco use are strictly prohibited in all areas including without limitation, vehicles, hallways, restrooms, private offices, open indoor workspaces, waiting/reception rooms, conference/meeting rooms, lobby, lunchrooms, and all indoor community areas under the Town's ownership or control.

Under this policy, smoking means inhaling, exhaling, burning, carrying, or possessing any lighted tobacco product or any vapor generating device.

For purposes of this policy, "tobacco products" include, but are not limited to cigarettes, cigars, chewing tobacco, and pipe smoking. Vapor-generating electronic device means any product that employs an electronic, a chemical, or a mechanical means capable of producing vapor or aerosol from a nicotine product or any other substance, including, but not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device or product, any replacement cartridge for such device, and any other container of a solution or other substance intended to be used with or within an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device or product. "Vape" or "vaping" means to inhale or exhale vapor produced by a vapor-generating electronic device or to possess a vapor-generating electronic device while that device is actively employing an electronic, a chemical, or a mechanical means designed to produce vapor or aerosol from a nicotine product or any other substance.

All individuals are prohibited from smoking, vaping, or using tobacco products in any enclosed indoor workplace in the Town in accordance with Florida law. Enclosed indoor workplaces include any place that is predominantly or totally bounded on all sides and above by physical barriers. "Predominately" generally refers to coverage of more than 50%. Employees unsure of an acceptable location for smoking should consult their supervisor.

Employees who witness individuals smoking, vaping, or using tobacco products in an enclosed indoor workplace must request the individual immediately extinguish the device or dispose of the product. If the employee is not comfortable confronting another employee or a citizen about the violation, he or she should immediately seek assistance from his or her supervisor or any member of management if the supervisor is unavailable.

To ensure a professional appearance, employees are also prohibited from smoking, using tobacco products, or vaping on Town property during working hours or while on paid time, as well as while using Town vehicles.



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Employees who violate this policy may be subject to disciplinary action up to, and including, immediate termination. The Town will not retaliate against any employee who makes a good faith report of suspected violations of this policy.

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Chapter 13 – Workplace Bullying Policy

The Town defines bullying as repeated inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment.

The purpose of this policy is to communicate to all employees, including Department Directors, that the Town will not tolerate bullying behavior. Employees found in violation of this policy will be disciplined up to and including dismissal from employment.

Bullying may be intentional or unintentional. However, it must be noted that where an allegation of bullying is made, the intention of the alleged bully is irrelevant and will not be given consideration when administering discipline.

The following types of behavior are examples of bullying:

- Verbal bullying: Slandering, ridiculing, or maligning a person or his/her family; persistent name calling that is hurtful, insulting or humiliating; using a person as the target of jokes; abusive and offensive remarks.
- Physical bullying: Pushing, shoving, kicking, poking, tripping, assault, or threat of physical assault; damage to a person's work area or property.
- Gesture bullying: Nonverbal threatening gestures or glances that convey threatening messages.
- Exclusion: Socially or physically excluding or disregarding a person in work-related activities.

Employees who believe they have been subjected to bullying behavior must report the incident immediately to the Department Director, HRD, or the Town Manager.



Chapter 14 – Violence In the Workplace

Town employees are prohibited from committing any act of workplace violence. All employees, customers, vendors, and business associates must be treated with courtesy and respect at all times. Employees are expected to refrain from conduct that may be dangerous or threatening to others.

Conduct that threatens, intimidates, or coerces another employee, customer, resident, vendor, or business will not be tolerated. Town resources shall not be used to threaten, stalk, or harass anyone at the workplace or outside the workplace. The Town treats threats coming from an abusive personal relationship as it does other forms of violence.

Workplace violence includes, but is not limited to; beating, stabbing, suicide, shooting, rape, attempted suicide, psychological trauma (e.g., threats, obscene phone calls, an intimidating presence, being followed, etc.). Examples of behaviors that are strictly prohibited include, but are not limited to:

- Causing physical injury to another person.
- Making threatening or intimidating remarks.
- Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress.
- Intentionally damaging employer property or property of another employee.
- Possession of a firearm or weapon in violation of the Town's Firearms or Weapons Policy;
- Committing acts motivated by, or related to, harassment or domestic violence.

The workplace includes any location, either permanent or temporary, where an employee performs any work-related activity or duty. This includes, but is not limited to, the buildings and their surrounding perimeters, including the parking lots, field locations, all areas throughout the Town and traveling to and from work assignments.

Indirect or direct threats of violence, incidents of actual violence and suspicious individuals or activities must be reported immediately to the HRD or the Town Manager. In certain instances, the employee may need to call 911 before contacting the administration. When reporting a threat or incident of violence, the employee should be as specific and detailed as possible. Employees should not place themselves in peril, nor should they attempt to intercede during an incident.

Employees should promptly inform the HRD of any protective or restraining order that they have obtained that lists the workplace as a protected area. Employees are encouraged to report safety concerns with regard to domestic violence. The Town will not retaliate against employees making good-faith reports. The Town is committed to supporting victims of domestic violence by providing referrals to The Town's Employee Assistance Program (EAP).

The Town will promptly and thoroughly investigate all reports of threats of violence or incidents of actual violence and of suspicious individuals or activities. The Town will not retaliate against employees making good faith reports of violence, threats or suspicious individuals or activities.



Anyone found responsible for threats of or actual violence or other conduct that is in violation of this policy will be subject to prompt disciplinary action up to and including termination of employment.

The Town encourages employees to bring workplace disputes to the attention of their supervisor or the HRD before the situation escalates. The Town will not discipline employees for raising such concerns.

If an employee believes that another Town employee or Elected Official may be acting in violation of this Policy, s/he must immediately report the violation to the HRD or the Town Manager.

Firearms & Weapons

The Town has a “Zero Tolerance” philosophy with regards to the possession by any employee, of any dangerous/deadly weapon on Town property or job sites, (including in one’s desk, Town vehicle, rented or leased equipment or property, lockers, road, drainage works, or park, etc.). This includes, but is not limited to, any firearm, blunt instrument, brass knuckles, exploding devices, or any other object that can cause bodily injury, serious bodily injury, or death. This includes items such as cutting utensils, screwdrivers, pepper spray, and other tools that may be considered deadly weapons when these objects are used in a violent, offensive, or threatening manner. Employees utilizing tools in the course of their day-to-day job duties will not be subject to this policy, unless the tool is used in a violent, offensive, or threatening manner.

In accordance with §790.251 Florida Statutes states an employee may keep a lawfully possessed legally owned firearm locked inside or locked to a private motor vehicle while the vehicle is in a Town parking lot and the employee is lawfully on Town property.

Persons possessing a “Concealed Weapons Permit” or who are otherwise authorized by law to carry a concealed weapon shall not be allowed to bring weapons onto Town property, facilities, or worksites, etc. in accordance with Florida law. Employees are prohibited from carrying firearms and ammunition during and in the course of performing their duties. The only exception to this rule applies to law enforcement personnel acting on behalf of the Town.

Cooperation from employees may be requested in agreeing to conduct a search of personal property such as briefcases, purses, and packages brought onto a job site or Town facility. Unattended, unidentifiable containers or packages may be subject to removal if thought to be of a suspicious nature. Employees may be asked or directed to move personal property, if the employee is unwilling to agree to a search. Refusal to comply may be grounds for disciplinary action.

All illegal items may be taken into custody and be given to law enforcement.

Any violation of Town policy or refusal to submit to a lawful inspection for the presence of a weapon on Town property may result in disciplinary action up to and including termination.

This policy is interpreted in compliance with the “Preservation and Protection of the Right to Keep and Bear Arms in Motor Vehicles Act of 2008,” Florida Statute Section 790.251, as amended from time to time.

A license or other authorization to carry a concealed weapon or firearm lawfully issued under Florida Statute Section 790.06, Florida Statutes, does not authorize any person to openly carry a handgun or carry a



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concealed weapon or firearm into any meeting of the Town's Council, pursuant to Florida Statute Section 790.06 (12)(a)(7).

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Chapter 15 – Anti-Discrimination, Harassment, and Retaliation Policy

The Town does not tolerate unlawful discrimination, harassment, or retaliation of any of our employees, customers, vendors, suppliers, or independent contractors. Any form of discrimination, harassment, or retaliation which violates applicable federal, state, or local law, including, but not limited to discrimination or harassment related to same sex harassment or an individual's race, color, religion, sex, age, national origin, ancestry, marital, veterans or military status, disability, genetic information, sexual orientation, gender identity or expression, pregnancy, or any other protected status in accordance with applicable law is a violation of this policy and will be treated as a disciplinary matter. For these purposes the term "harassment" is based upon any categories protected by law and generally includes category and includes (without limitation): slurs and any other offensive remarks; jokes other verbal, graphic, or physical conduct; leering, making offensive gestures, display objects or pictures, cartoons, or posters degrading a protected category; sexual advances, propositions, or requests; verbal abuse, graphic verbal commentaries or degrading words used to describe individual's protected category; suggestive or obscene letters, notes, or invitations; or physical conduct, such as touching, assault, battery, impeding, or blocking movements. Concerns about what constitutes harassing or discriminatory behavior should be directed to the HRD or Town Manager.

Violation of this policy will subject an employee to disciplinary action, up to and including termination. If you feel that you are being discriminated against, harassed, or retaliated against by another employee, you must immediately contact the HRD or the Town Manager. You may be assured that you will not be penalized in any way for reporting a harassment problem in good faith.

All complaints of unlawful discrimination, harassment, or retaliation which are reported to management will be investigated as promptly as possible and corrective action will be taken where warranted. The Town prohibits employees from hindering internal investigations and internal complaint procedures.

All complaints of unlawful harassment, discrimination, or retaliation which are reported as provided herein will be treated with as much confidentiality as possible, consistent with the need to conduct an adequate investigation.

Discrimination, harassment, or retaliation of employees in connection with their work by non-employees may also be a violation of this policy. Any employee who experiences harassment by a non-employee, or who observes harassment of an employee by a non-employee must immediately report such discrimination or harassment to the HRD or the Town Manager. Appropriate action will be taken against violation of this policy by any non-employee.

Discrimination or Harassment of our customers or employees of our customers, vendors, suppliers, or independent contractors, by our employees is also strictly prohibited. Such harassment includes sexual advances, offensive verbal or physical conduct based on a protected category, inappropriate comments based on a protected category, and insults based on a protected category. Any such harassment will subject an employee to disciplinary action, up to and including immediate termination.



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Your notification of the problem is essential. The Town cannot resolve a discrimination or harassment problem without becoming aware of the situation. Therefore, it is your responsibility to bring those kinds of problems to our attention immediately so that the Town can take appropriate steps to correct the problem.

Allegations of discrimination, harassment, or retaliation against the HRD shall be reported to the Town Manager. Allegations of discrimination or harassment against the Town Manager shall be reported to the Town Attorney who shall notify the Town Council. If the Town finds that an employee has violated the Town policy, appropriate disciplinary action will be taken, up to and including termination of employment.

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Chapter 16 – Whistleblower

The Town protects whistleblowers from retaliation where their allegations could legitimately support claims of violations contemplated by law. The Town will comply with all applicable Federal and State laws.

A whistleblower as defined by this policy is an employee of the Town who discloses information on their own initiative in a written and signed complaint; who is requested to participate in an investigation, hearing, or other inquiry conducted by any agency or federal government entity; or who refuses to participate in any adverse action prohibited by this section; or who initiates a complaint; or an employee who files any written complaint to their supervisory officials (Department Director, HRD, or Town Manager) or an employee who submits a complaint to the Chief Inspector General in the Executive Office of the Governor, to the Palm Beach County Ethics Commission, or to the Florida Commission on Ethics who reports an activity that s/he believes to be: (1) a violation of any federal, state, or local law, rule or regulation committed by an employee, agent or independent contractor of the Town which creates and presents a substantial and specific danger to the public's health, safety, or welfare; or (2) an act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, or gross neglect of duty committed by an employee, agent or independent contractor of the Town.



Chapter 17 – E-Mail, Internet, and Social Media

Section 1: Internet/E-Mail/Devices

The Town's Internet, electronic-mail systems, and devices are intended to facilitate Town business objectives and communication among employees, customers, and other governmental and business associates for messages, memoranda, research, or other work-related tasks.

The internet, e-mail systems, and devices are Town property and are intended for Town business. The systems and devices are not to be used for employee personal reasons or personal gain or to access, support, or advocate non-Town related business or purposes. All data and/or electronic messages created, received, or transmitted within the system or device are the property of the Town. E-mail messages may need to be retained as public records depending on their content. If so, the Department of State Records retention schedules shall apply.

In addition, the Town, through its managers and supervisors, will review the contents of any employee's internet/e-mail communications when necessary for Town business purposes. However, employees may not intentionally intercept, eavesdrop, record, read, alter, or receive other persons' internet/e-mail messages without proper authorization. Employees who misuse internet/e-mail/device privileges shall be subject to discipline up to and including dismissal from employment.

All Department Directors are responsible for the implementation and adherence of this policy within their department. Department Directors (or their designees) are encouraged to work with their entire staff toward that end. In the event that any Department policy contradicts this policy, this policy shall govern.

Section 2: Confidentiality

Although confidential passwords are issued, users will be aware that this does not suggest that systems are for personal confidential communication, nor does it suggest that access to and use of Town internet/e-mail/device is the property right of the employee. Passwords should be changed every six (6) months to ensure the security of the e-mail system. Users should not share their password with anyone else. The internet/e-mail systems and devices are restricted to Town business-related usage only.



Section 3: Prohibited Uses

The Town's internet/e-mail systems and devices shall not be used to create, access, or transmit any offensive, inappropriate, or disruptive messages or data. Examples of messages or data which are considered offensive, inappropriate, or disruptive include any message, video, or data which contain sexual implications, pornography, racial slurs, gender specific content, or any other comment that offensively or inappropriately addresses someone's race, age, sexual orientation, religious or political beliefs, national origin, gender identity or expression, genetic information, or disability or any other category protected by federal, state, or local law. Employees are also prohibited from using the Town's internet/e-mail systems and/or devices to engage in inappropriate workplace behavior, such as online dating or gambling.

Incidental and occasional personal use of Town systems and devices is permitted, but information and messages stored in the Town's systems and devices will be treated as business-related and may be viewed by the Town at any time with or without prior notice.

All users of the internet/e-mail systems and devices are subject to discipline, including dismissal from employment, pursuant to the Town personnel policies handbook and all applicable state, federal, and local laws.

Section 4: Social Networking, Social Media & Blogging

The Town takes no position with respect to an employee's decision to engage in social networking, social media, or to start or maintain a blog. However, it is the right and duty of the Town to protect itself from unauthorized disclosure of information. Unless specifically authorized by the Town to do so as part of employee's position (and with Town Manager approval), employees are not permitted to blog or use other forms of social networking, media, or technology on the internet during working hours or at any time on Town computers or other Town-supplied devices. Blogging or other forms of social media or technology include, but are not limited to, video or wiki postings, chat rooms, personal blogs, or other similar forms of online journals, diaries, or personal newsletters (e.g., Facebook, Myspace, X—formerly twitter, LinkedIn, YouTube, LiveJournal, Snap Chat, Instagram, Tik Tok, etc.) not affiliated with the Town. Employees are prohibited from linking from a personal blog or social media site to the Town's internal or external web site. Town-licensed software or other electronic equipment, Town facilities or Town time, to conduct personal blogging, social networking, or to use other social media for non-Town business. Employees are not authorized to speak on behalf of the Town using any personal social media, social networking or other personal sites.

Unless specifically instructed, employees are restricted from speaking on behalf of the Town. Employees must protect any information deemed confidential by the Town, regarding its employees, and residents. Employees are prohibited from disclosing such information to which employees have access through their Town position. However, nothing herein shall limit an employee's right to express his or her opinions on matters of public concern related to political, social, or other non-personal concerns in the community.



Additionally, nothing herein shall be construed as an attempt to infringe upon an individual's rights under federal, state, or local law.

Bloggers and users of social media and networking sites are personally responsible for their commentary and may be held personally liable for commentary, media, or photography that is considered defamatory, obscene, proprietary, or libelous by any offended party.

Employees may not use blogs or social media to harass, threaten, discriminate, or disparage employees or anyone associated with or doing business with the Town, in accordance with applicable law. If an employee chooses to identify himself or herself as an employee of the Town, some readers may view the employee as a spokesperson for the Town. Because of this possibility, employees must state that the views expressed in their blogs, postings, and other social media outlets are their own and not those of the Town, or of any person or organization affiliated or doing business with the Town.

If the Town engages in social networking activities as an organization for a public purpose, all such communications by employees must maintain and reflect the Town's standards of professionalism. Communications must strictly adhere to the Town's policies regarding confidentiality and refrain from disclosure of information exempt and/or confidential under the public records laws.

The Town's social media pages are subject to Florida's public records law, which is broadly construed. Florida's public records law extends to websites, blogs, and social media sites, including personal messaging.

Section 5: Cell Phone Policy

The Town discourages the use of cell phone devices in certain situations, while prohibiting such use in others, to promote safety, efficiency, and productivity in the workplace. Employees who violate this policy may be subject to disciplinary action, up to and including, immediate termination.

1. Restrictions While Driving

Employees are prohibited from using communications devices, including headsets, headphones, earbuds, or other listening devices, while driving a Town vehicle or while operating Town equipment. Texting or using a mobile device while operating Town equipment is prohibited.

2. Restrictions During Business Hours

All cell phone devices, whether personally owned or issued by the Town, should be placed in either vibrate or silent modes during meetings. During the meeting, employees should only utilize the cell phone to obtain urgent information relating to the meeting or operations of the Town, or for emergency use. Emergency use is generally related to a threat to the health or safety of a colleague, family member or citizen. Use of personal cell phones during business hours is generally prohibited, except when the employee is on an authorized break and away from their workstation, customers, or residents. Employees are prohibited from using a personal cell phone when actively engaged with the citizens or the public except when absolutely necessary. Employees are prohibited from using a personal cell phone at any time during customer interaction.



3. Town-Issued Devices

Employees who have been provided with a Town-issued cell phone shall operate the device within the terms of the contract to avoid overage charges. Broken or unusable devices shall be returned to the HRD for reorder or repair. Employees are prohibited from directly contacting the service provider. Employees should be aware that information sent, received, or stored on Town issued devices relating to Town business is subject to Florida's Public Records law. Such records will be treated like any other public record and shall be retained by the Town using the appropriate records retention schedule as set forth in the State's General Records Schedules in a manner in which they are accessible to the public when requested.

4. Using Personal Devices for Town Business

Employees should be aware that information sent, received, or stored on personal cell phone or other device which relates to Town business is subject to Florida's Public Records law, regardless of the fact that it is sent, received, or stored on such personal device. Such records will be treated like any other public record and shall be retained by the Town using the appropriate records retention schedule as set forth in the State's General Records Schedules in a manner in which they are accessible to the public when requested.



Chapter 18 – Continuing Education and Travel

Section 1: Tuition Reimbursement

Employees employed by the Town for a minimum of twelve (12) continuous months prior to the date on which the employee makes the request for participation are eligible for education reimbursement.

Reimbursement is applicable only to educational classes offered by a college, university, or community college that has been accredited by the Southern Association of Colleges and Schools, another regional accrediting agency, the Accrediting Council for Independent Colleges and Schools, or an accrediting agency or association that is recognized by the database created and maintained by the United States Department of Education.

Any employee employed by the Town for a minimum of twelve (12) continuous months prior to the date on which the employee makes the request for participation is eligible for education reimbursement, at the sole discretion of the Department Director and the Town Manager and their prior written approval may receive leave and/or financial reimbursement to cover a portion of certain educational expenses provided:

- A. Adequate funds are available in the budget of the department to which the employee is assigned or available for educational funds allocated for such purposes.
- B. Completion of such educational classes will generally improve the employee's skills, knowledge and/or ability to carry out job assignments, and otherwise directly relates to the employee's current employment or promotional opportunities with the Town.
- C. Upon successful completion of a course in an approved class, an employee may apply for tuition reimbursement, which shall be reimbursed at 50% of the state prevailing rate for the course. Successful completion means a rating of "C" or higher or a "Pass" rating in a pass/fail course.
- D. If the employee leaves the employment of the Town for any reason within two (2) years after completion of such educational course(s), the employee will reimburse the Town for all Town funds invested in such educational course(s). Employees who receive funds under this section will be required to sign a promissory note (a written promise to pay) to enable collection efforts if an employee leaves the employ of the Town for any reason within two (2) years after completion of educational courses covered under this section.

Records of satisfactory completion shall be placed in the employee's personnel file.



Section 2: Continuing Education / Certification Leave and Reimbursement

Continuing Education/Certification Leave

Eligible employees may request up to forty (40) hours leave per fiscal year of Continuing Education or Certification Leave for the purpose of meeting continuing education and/or certification credit requirements for certifications or licenses required by the employee's job description.

This leave may be used on-site to complete web-based programs or off-site to attend conferences or educational seminars designed to provide the required continuing education and/or certification credits.

License Reimbursement

Employees required to maintain certain licenses as a requirement of their employment with the Town shall be permitted to submit for reimbursement of such license renewal within thirty (30) days of renewing such license. For example, Town employees required to maintain a State of Florida issued CDL license for their position may be reimbursed for the cost of the renewal but will not be provided paid leave to obtain the renewal. Failure to submit for reimbursement within thirty (30) days of renewing the license shall result in forfeiture of the reimbursement.

The employee must remain actively employed by the Town for a minimum of one year following the time of reimbursement for the license.

Employees who are overpaid or who are separated from the Town for any reason (whether resignation, termination or otherwise) prior to the expiration of the required obligation period will pay back the Town for the reimbursement received. The Town may recoup the funds through payroll deductions and/or through other such collection means the Town elects to use in accordance with applicable wage and hour laws.

Direct Payment

The Town may require certain employees to attend on-site training funded by the Town. The Town Manager may require certain employees on an as-needed basis to attend various training, licensure or certification courses and exams at the Town's expense so long as the training, licensure or certification is designed to enhance the employee's skills as to the current position or for advancement within the Town. Such approval is subject to the budget and any related purchasing requirements. Should an employee fail to successfully complete the training, licensure or certification, the Town shall not make further payment toward such training, licensure, or certification on behalf of the employee.



Section 3: Travel

Travel is generally defined as transportation for Town business in excess of an employee's regular commute to his or her work location. Town approved travel includes travel for official Town business from home or regular location of employment to another destination and return to home or regular location of employment. Town approved travel does not include commuting between home and the regular location of employment.

Travel must be authorized in advance by the employee's supervisor and may require additional approvals. Employees must receive proper authorization for travel, food costs, and related activities prior to commencement of any travel, and provide appropriate documentation upon conclusion of travel. Authorized travel expenses and costs will be paid for directly by the Town or reimbursed to the employee in accordance with the Town's travel policy.

Employee Acknowledgements General Acknowledgement

This HRPM and related personnel policies and procedures describe important information about the Town of Loxahatchee Groves, and I understand that I should consult with my immediate supervisor or the Town Manager regarding any questions not answered in this Policy Manual or any Town personnel policies and procedures.

I have entered into my employment relationship with the Town of Loxahatchee Groves voluntarily and hereby acknowledge that my employment is at will and that there is no specified length of employment. Accordingly, either the Town of Loxahatchee Groves or I may terminate the employment relationship at will at any time, with or without cause, so long as there is no violation of applicable federal or state law.

Because the information, policies, procedures, and benefits described in this Policy Manual and elsewhere are subject to change as needed, I acknowledge that revisions to the foregoing may occur, except to the employment-at-will policy. Any such changes will be communicated as soon as possible after the change is implemented. I also understand that revised information may supersede, modify, or eliminate existing policies and procedures. I also understand that only the Town Council has the ability to adopt revisions to the rules, policies, and procedures in this Policy Manual.

_____Employee Initials

Drug Free Workplace Policy Acknowledgement

I acknowledge that I received a copy of the Drug-Free Workplace Policy. I understand it is my obligation to read and understand the policy and that failure to comply with the policy shall subject me to disciplinary action up to, and including, termination which may result in forfeiture of my workers' compensation and unemployment compensation benefits.

_____Employee Initials



DOT Drug/Alcohol Testing Policy for Commercial Drivers

Commercial Driver Certificate of Receipt and Acknowledgement of Policy

I _____, have received a copy of the Town's DOT Drug/Alcohol Testing Policy for Commercial Drivers. I understand and agree that it is a condition of my employment to abide by the Policy at all times and that violations may subject me to immediate termination.

I further understand and agree that this Acknowledgement is not a contract of employment for any specific duration of time and that I or the Town may discontinue the employment relationship at any time without notice or cause.

Employee Signature

Date

Employee Printed Name

Date

Equal Employment Opportunity and Anti-Discrimination and Anti-Harassment Acknowledgment

I acknowledge that I must always abide by these policies during my employment and that any failure to abide by them constitutes misconduct connected with employment, as defined by Florida Statute Chapter 443, and shall subject me to immediate termination.

I specifically acknowledge and agree that I will report any inappropriate or questionable behavior that I witness or experience to the Human Resources Designee or the Town Manager immediately. I understand that failure to report such behavior immediately may subject me to immediate termination for misconduct connected with employment.

Employee Initials



E-Mail, Internet and Social Media Acknowledgment and Waiver

I acknowledge that I have received a copy of the E-Mail, Internet, and social media Policy contained in this Policy Manual. I understand that my use of the E-mail and Internet system constitutes my consent to all the terms and conditions of that policy.

In particular, I understand that (1) the E-mail system and all information transmitted by, received from, or stored in that system are the property of the Town, (2) the system is to be used only for business purposes and not for personal purposes, and (3) I have no expectation of privacy in connection with the use of the E-mail system, the Internet, or devices, or with the transmission, receipt, or storage of information in such systems or devices.

I agree not to use code, access a file, or retrieve stored communications unless authorized. I acknowledge and consent to the Town monitoring my use of the E-mail system and the Internet at any time at its discretion, including printing and reading all E-mails or other electronic data entering, leaving, or stored in the system.

I further waive all rights and privileges with respect to any and all information, communications, files, and records transmitted through and residing on such systems.

____ Employee Initials

Conflict of Interest and Code of Ethics Policy

I understand and agree that I must abide by the Conflict of Interest and Code of Ethics Policy. I have been provided training on my obligations and understand that I am subject to both the State of Florida Code of Ethics and the Palm Beach County Code of Ethics, as amended from time to time. Violation of this policy may lead to immediate termination and investigation, or other penalties imposed by outside organizations.

____ Employee Initials

Furthermore, I acknowledge that this manual of rules, policies and procedures is neither a contract of employment nor a legal document. I have received the manual and understand that it is my responsibility to read and comply with the policies contained herein and any revisions made hereafter.

Dated _____, 20____

Employee Signature

Witness Signature

Employee Printed Name

Witness Printed Name



Loyalty Oath

I also understand that as a condition of appointment and as required by State law, I must take the following Loyalty Oath as prescribed by Section 876.05(1), Florida Statutes:

I, _____, a citizen of the State of Florida and of the United States of America or a resident alien and being employed by or an officer of the Town of Loxahatchee Groves, and a recipient of public funds as such employee or officer, do hereby solemnly swear or affirm that I will support the Constitution of the United States and of the State of Florida and the Charter of the Town of Loxahatchee Groves.

STATE OF FLORIDA

COUNTY OF _____

Sworn to (or affirmed) and subscribed before me by means of ☐ physical presence or ☐ online notarization, this (numeric date) this (numeric date) day of (month), (year), by (name of person making statement).

(NOTARY SEAL)

(Signature of Notary Public-State of Florida)

(Name of Notary Typed, Printed, or Stamped)

Personally Known _____ OR Produced Identification _____

Type of Identification Produced _____



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APPLICATION FOR TUITION REIMBURSEMENT

Name (print): _____ Telephone: _____

Position: _____

I request approval to enroll in course: _____

***(Please attach course description)**

at (Institution) _____

beginning ____ / ____ / ____ Ending ____ / ____ / ____

Number of Credits _____ @ amount per credit(s) _____ Time of class(es) _____

I am taking the course (check below):

_____ Toward a(n): ☐ Associate's ☐ Bachelor's ☐ Master's ☐ Doctorate in the
following course of study (*be specific*): _____

To enhance my skills for my present position. _____

For career redirection or advancement.

Tuition for the Course \$ _____

Enrollment Fees \$ _____

Cost of Required Books \$ _____

1. Is the course required to meet minimum educational requirements for your current job?

☐ Yes ☐ No

2. Does the course provide us with the capability of qualifying for a new job?

☐ Yes ☐ No

If you answered yes to either #1 or #2, briefly provide an explanation as to how the course is either required to meet minimum educational requirements for your current job or provides you with the capacity to qualify for a new job.



APPROVAL OF COURSEWORK

Department Head Signature: _____ Date: _____

HRD Signature: _____ Date: _____

Finance Director Signature: _____ Date: _____

Town Manager Signature: _____ Date: _____

By signing I agree to the following:

I have read, understand, and agree to comply with the provisions of the Town of Loxahatchee Groves' Tuition Reimbursement Policy. I will only receive reimbursement for approved coursework as outlined in the Town's Tuition Reimbursement Policy.

I also understand that if I voluntarily or involuntarily separate from the employment of the Town within two (2) years of satisfactory completion of the course work for which I have been reimbursed, the agreed amount of the cost of educational course will be considered only a loan. Accordingly, I will be required to reimburse the educational course expense in full prior to my last date of employment, or through such other collection means as the Town agrees.

As such, I hereby give the Town of Loxahatchee Groves an express line on all salaries, wages, and other sums payable to me by the Town of Loxahatchee Groves for the purpose of securing the Town for the payment of any amount which may become due from me. I hereby authorize the Town to deduct said amount from any sums payable to me for salaries, wages, expense reimbursements or otherwise. Moreover, I specifically authorize the Town to retain sums payable to me in the form of salaries, wages, and other sums on or before issuance of my final paycheck, subject to any restrictions under Federal and State wage and hour laws.

Proof of registration, receipts for tuition, enrollment fees and required books as well as the official school grade report and documentation of outside financial assistance will be required before reimbursement can be approved (please attach).

Employee Signature: _____

Date: _____



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APPROVAL FOR PAYMENT

Course completed: _____

Grade attained: _____

Education Reimbursement _____ %

Eligible for: \$ _____ ☐ Taxable ☐ Non-Taxable

Finance Director Signature: _____

Date: _____

HR Use Only

Tuition: _____

Enrollment: _____

Books: _____

Finance Use Only

Amount Paid Y-T-D: _____

Estimated Pending: _____

Total Pending: _____

Available: _____

Estimated Amount Available if 100% _____



TOWN OF LOXAHATCHEE GROVES

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Town of Loxahatchee Groves Beneficiary Designation Form

Please complete this form accurately and return it to the Human Resources Department. Make sure to keep your beneficiary designation up-to-date in case of any changes in your personal circumstances.

Employee Information:

Name: _____

Department: _____

Date of Birth: _____ Date of Hire: _____

I, _____, hereby designate the following individual(s) as my beneficiary(ies) to receive any final paycheck or funds owed in the event of my death.

Beneficiary Information:

Primary Beneficiary

Name: _____

Relationship to Employee: _____

Address: _____

Contact Number: _____ Email Address: _____

Secondary Beneficiary

Name: _____

Relationship to Employee: _____

Address: _____

Contact Number: _____ Email Address: _____

Signature:

Employee Signature: _____ Date: _____

Witness Signature (if required):

Witness Signature: _____ Date: _____

STATE OF FLORIDA

DATED this _____ day of, 20 ____

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this _____ day of _____, 20 ____ by _____ who is personally known to me or who has produced a Florida Driver's License as identification.

NOTARY PUBLIC SIGNATURE

NOTARY PUBLIC SEAL