

EMPLOYEE POLICIES AND PROCEDURES MANUAL

*PUBLISHED BY THE
OFFICE OF THE VILLAGE MANAGER*

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VILLAGE OF PINECREST
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VILLAGE OF PINECREST
Office of the Village Manager

A SPECIAL WELCOME TO NEW HIRES

On behalf of the Village Council and the citizens of Pinecrest, I welcome you to the Village of Pinecrest.

The Village Council desires to provide quality service to the citizens in the most cost effective manner. To accomplish this goal, the Village needs a staff that will excel in every respect. You were selected to work with us because we feel that you will excel within our organization and provide the highest level of service to the community.

The Village of Pinecrest is committed to maintaining the natural beauty of our city, reducing our energy and water consumption, and promoting green building in order to reduce our environmental impact. The Village is a Silver certified Green Local Government through the Florida Green Building Coalition (FGBC). The FGBC designates Green Local Governments for outstanding environmental stewardship. The program focuses on promoting green building and development, educating staff and residents and improving environmental performance through waste reduction, energy and water conservation, air quality improvements and many other criteria.

All departments and employees are challenged to fulfill our environmental mission. Green strategies can reduce our operational costs, so if, in the performance of your duties, you find an opportunity to reduce the Village's environmental impact, please bring your ideas to your supervisor.

The Village of Pinecrest has developed a "Green Action Plan" outlining the Village's existing sustainability efforts and plans for improvement in the future in various areas of operation and education. The "Green Action Plan" is available on the Village website; www.pinecrest-fl.gov/our-village/green-initiatives. As Village Manager, I welcome any comments and suggestions in order to further our efforts to maintain and improve the Village of Pinecrest as a sustainable community.

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It is also my pleasure to tell you about our Intranet site. The site is intended for the Village of Pinecrest family of employees. Here you will find important news, be able to download forms and other HR materials and even post announcements. I hope you will use the site often and stay connected. You may access the site at www.myvop.org with the following credentials: Username: Pinecrest | Password: Pinecrest.

The Employee Policies and Procedures Manual, which you are receiving is intended to serve as a ready reference summarizing your employee benefits and the Village's personnel policies and procedures. If any points need explanation, speak with your department head or visit the Human Resources Office.

Again, I welcome you to the Village and congratulate you on your new position in the Village of Pinecrest. I hope you will join me in providing excellent municipal services to the residents of the Village.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Yocelyn Galiano', written over the word 'Sincerely'.

Yocelyn Galiano, ICMA-CM, LEED GA
Village Manager

ABOUT THE VILLAGE OF PINECREST

The Village of Pinecrest was incorporated on March 12, 1996 and is one of thirty-four municipalities in Miami-Dade County. Pinecrest is home to approximately 18,223 residents (2010 Census) and is conveniently located south of Downtown Miami and Miami International Airport. Pinecrest encompasses approximately eight square miles and is nationally recognized as a [Tree City USA](#), a [Playful City USA](#) and a [Community of Respect](#). In 2011, the [South Florida Business Journal](#) recognized Pinecrest as one of the ten best places in Florida for "quality of life."

Pinecrest is governed by a five member Village Council and operates under the Council-Manager form of government. The Village Manager, a charter officer, serves as the Chief Administrative Officer. In 2010, the Village Council adopted a strategic plan to create a vision for the community and developed a mission statement and core values as a framework in guiding the strategic plan. The strategic plan is updated regularly and was last updated in 2017.

MISSION STATEMENT

To sustain a vibrant Village that builds a sense of community spirit and pride with fiscally responsible government, the highest quality municipal services and infrastructure, a responsive and efficient staff, and innovative leaders who engage our residents.

CORE VALUES

1. Customer Focus and Professionalism
2. Leadership and Integrity
3. Teamwork
4. Sustainability and Innovation

The Pinecrest Municipal Center is the Village's seat of government and is located on US 1 at 12645 Pinecrest Parkway. The Municipal Center is home to Village Hall (Administration and Building and Planning Department) and the Police Station. The Parks and Recreation Department is located in the Pinecrest Community Center at 5855 Killian Drive. Pinecrest Gardens is listed on the National Register of Historic Places and located at 11000 Red Road. The Public Works Department is located at 10800 Red Road. The Village employs approximately 180 employees.

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Rule 1.1 GENERAL POLICY

- a. It is the policy of the Village of Pinecrest to promote, support, implement, and maintain a Village-wide program for coordinated development of municipal services and facilities. High quality services are mandatory for the health, safety and welfare of the citizens of Pinecrest.
- b. The ability of the Village to provide high quality services to its citizens is dependent upon the employees of the Village performing at a consistently high professional level. Therefore, employees of the Village are expected to do their best in their work assignments, to be regular in their attendance on the job, and to respect the rules, regulations and policies of the Village.
- c. Clarification and interpretation of this manual shall be made by the Village Manager or his/her designee.

Rule 1.2 PURPOSE OF MANUAL

- a. The primary purpose of this Employee Policies and Procedures Manual is to establish policies, which will serve as guidelines to administrative action concerning the various personnel activities, benefits and services available to Village employees. The personnel policies included in this manual are designed to be equitable to all employees. It is expected that a systematic application of these policies will result in employee awareness.
- b. It is the responsibility of management to inform employees of their responsibilities and duties in matters of personnel and operational policies. This information is a necessary pre-requisite of a well-informed employee. This manual, therefore, serving as an informational and educational guide, should contribute toward making employees better informed and their experience with the Village of Pinecrest a rewarding one.
- c. The Village of Pinecrest takes pride in the spirit of professionalism, warmth and hospitality of its employees and makes every effort to support this feeling. To this extent, all employees are expected to read this manual and become familiar with its contents.
- d. Where any portion of the Village code, law or labor contract provision conflicts with the provisions of this manual, the former shall apply.
- e. Each rule of the Employee Policies and Procedures Manual and each section thereof is an independent rule. The holding of any rule or section to be void, invalid, or ineffective, for any reason, does not affect the validity of any other rule or section.
- f. Where the male or female pronoun is used, it applies to both sexes.

Rule 1.3 DISCLAIMER

- a. This manual summarizes the various policies and benefits currently provided by the Village of Pinecrest. In the event of a conflict between Village policies and applicable laws, employees shall be afforded all rights under the law. Nothing contained in this manual or in any other Village document and nothing said or done by a Village employee is intended as an employment contract between the Village and any employee or a guarantee of continued employment. The Village and the employee both have the right to terminate the employment relationship at-will, without cause and without notice.
- b. No one has the authority to make any verbal statements of any kind, at any time, which are legally binding on the Village.

- c. The Village reserves the right to modify, revoke, suspend, terminate or change the language in this manual, in whole or in part, at any time, with or without notice. If, from time to time, changes are necessary or revisions are made, employees shall be given revised copies for inclusion in their manual.

Rule 1.4 APPLICABILITY OF MANUAL

- a. The Employee Policies and Procedures Manual shall apply to all employees of the Village except those exempt in accordance with Rule 3.2 of this manual.
- b. The Village Manager is charged with the overall responsibility for the administration of the Employee Policies and Procedures Manual. The Village Manager may, at any time, develop and make known procedural rules, interpretations and other personnel policies and may, in certain instances, grant waivers to them.
- c. The Employee Policies and Procedures Manual shall not be construed as limiting the power and authority of any Department Head to make departmental rules and regulations governing the conduct and performance of employees. Departmental rules and regulations shall not conflict with the provisions of this manual. Departmental rules shall be subject to the approval of the Village Manager.

Rule 1.5 VILLAGE CHARTER

The Village Charter has established the authority for the preparation and administration of this Employee Policies and Procedures Manual in Section 7.3. The Village Manager has the authority to amend the manual from time to time.

Rule 1.6 OFFICE OF THE HUMAN RESOURCES DIRECTOR

The Human Resources Director shall be the Village Manager or his/her designee. It shall be the responsibility of the Human Resources Director to administer the provisions of the Employee Policies and Procedures Manual.

Rule 1.7 DEFINITIONS

- a. Administrative Leave: The temporary separation with pay of an employee from employment with the Village.
- b. Anniversary Date: The date for determining when an employee is due for a performance evaluation and/or is eligible for a merit pay increase.
- c. Appointing Authority: This term means the Village Manager.
- d. Class: This is a group of positions sufficiently similar as to duties performed, degree of supervision exercised or required, minimum requirements of training, experience or skill, and such other characteristics that the same title, the same tests of fitness and the same schedule of compensation may be equitably applied to each position in the group.
- e. Classification Title: The title chosen from the classification plan which most closely describes the nature of work performed by an employee.

- f. Class Specification: This is the written description of the essential functions and characteristics of the class and the factors and conditions that separate it from other classes. The descriptions are written in terms of duties, responsibilities, illustrative examples of work, and the qualifications needed to perform the work.
- g. Compensatory Time: Paid time off earned and accrued at one and one-half the employee's straight time rate of pay.
- h. Demotion: That action either voluntary or involuntary which changes the employee's classification title with the result that the employee is placed in a classification, which has a lower pay range.
- i. Domestic Partner: Domestic partners defined as two adults, of the same or opposite sex, engaged in a committed relationship characterized by mutual caring and dependency, and sharing a home or living arrangements. Employees must have completed a Declaration of Domestic Partnership prior to receiving any benefits outlined in this manual as a result of a domestic partnership.
- j. Employee Dispute Procedure: A mechanism intended to assure that employee questions, problems and concerns arising from those misunderstandings that develop in the day-to-day activities are promptly heard, answered and appropriate action taken to correct a particular situation.
- k. Employment-at-Will: The practice whereby employees are hired for an indefinite period of time and the employment relationship may be terminated at-will by either party at any time. Unless otherwise indicated, all employees of the Village shall be considered at-will employees.
- l. Exempt Position: Depending on the context, this term can mean either: All employment, offices and positions designated herein as being exempt from the application of the personnel rules (ref. Rule 3.2) or those positions indicated as exempt from overtime provisions under the Fair Labor Standards Act.
- m. Full-time: Any position that is scheduled to work thirty-seven and one-half (37.5) or more hours per work period. For benefits eligibility, thirty (30) hours or more shall be considered full-time.
- n. Human Resources Director: This shall mean the Village Manager, or his/her designee.
- o. Human Resources Manager: This shall mean the person designated by the Village Manager to supervise the application of the policies contained in this manual.
- p. Layoff: A reduction of the number of employees due to the lack of work, funds, or other causes not pertaining to employee performance.
- q. Layoff List: Names of employees laid off for reasons given in "Layoff" held for a period of one year.
- r. Merit Increase: An increase in pay within a pay range, based on an employee's job performance and the results of an employee's evaluation.
- s. Municipal Service: This means all persons, officers, and positions in the employ of the Village, except those designated as exempt in Rule 3.2 of this manual.

- t. Non-Exempt Position: Positions indicated as not exempt from the overtime provisions of the Fair Labor Standards Act. Non-exempt positions shall be eligible for overtime for all hours worked over forty (40) hours per workweek at a rate of time and one-half the regular rate of pay. Non-exempt positions are compensated on an hourly rate basis.
- u. Overtime: Hours worked in excess of the normal work period, and in accordance with the provisions of the Fair Labor Standards Act.
- v. Part-time: Any position that is normally scheduled twenty-nine (29) or fewer hours in a work period.
- w. Pay Rate: A rate of pay within a Pay Range in the Village's Position Classification and Compensation Plan.
- x. Pay Range: The salary range, which is assigned to a particular classification title, sometimes expressed as a pay range number. Normal pay ranges show the minimum and maximum rates through which an employee can progress with length of service and a good work record.
- y. Performance Evaluation: A report relative to the conduct and capacity of an employee in the municipal service.
- z. Position: This means an employment, office or position in the Municipal Service composed of specific duties.
- aa. Position Classification Plan: This means the systematic arrangement of individual duties and positions into appropriated classes of work to provide a comprehensive, definite and descriptive specification of the several types of work in the Municipal Service.
- bb. Prior Service Credit: The sum of all prior full months of completed service prior to terminating employment with the Village.
- cc. Promotion: A change in classification to another one with a higher maximum pay range.
- dd. Reclassification: That action which results from a noticeable change in the work assignments of a position. In this type of action, the classification title of the position is changed and the pay range of such new title is then used.
- ee. Resignation: Act of voluntarily withdrawing from Village employment.
- ff. Status Change: That action which results in a change from part-time to full-time or full-time to part-time. A status change may also result in the event of a promotion, demotion, or transfer.
- gg. Suspension: The temporary separation from duty without pay for disciplinary purposes.
- hh. Temporary Employee: An employee appointed for a special project or other work of a temporary or transitory nature not to exceed a period of six (6) months.
- ii. Temporary Transfer: Being continuously assigned on a temporary basis to another classification (higher, lower, or the same salary range) for more than ten (10) consecutive, regularly scheduled workdays.
- jj. Transfer: A transfer is a change in position to one that is in the same salary range.

CHAPTER I

GENERAL PROVISIONS

kk. Work Period: The normal work period shall be defined and applied as follows:

Full-time Employees	37.5 or 40 hours in a seven (7) day period
Part-time Employees	29 or fewer hours in a seven (7) day period

ll. Workweek: Commences at 12:01 a.m. on Friday to midnight on Thursday.

Rule 1.8 COLLECTIVE BARGAINING AGREEMENTS

The Employee Policies and Procedures Manual shall apply to all employees covered by a collective bargaining agreement. Where the provisions of these rules conflict with those of the collective bargaining agreement, the latter shall prevail.

Rule 2.1 ACCEPTANCE OF GIFTS / FAVORS

It is the policy of the Village that all employees are prohibited from accepting any personal gift and/or favor from any individual or corporation related to one's employment by the Village.

Rule 2.2 DRUG AND ALCOHOL FREE WORKPLACE

A. POLICY STATEMENT

The Village of Pinecrest ("Village") is committed to providing a safe work environment for our employees, our guests, our community and the public. The abuse of alcohol and drugs is a national problem, which impairs the safety and health of employees, promotes crime and harms our community. In order to maintain the highest standards of morale, productivity and safety in our operations, we are instituting a drug and alcohol free workplace policy. With the cooperation and assistance of our employees, we will implement a program designed to provide a safe workplace environment free from drugs and alcohol use and/or abuse.

We recognize that alcohol and drug dependency require medical supervision and treatment if there is to be successful rehabilitation. Our desire and intent is to encourage any employee with alcohol or drug dependency to voluntarily enter a drug or alcohol rehabilitation program. It is the responsibility of each employee to initiate and obtain assistance before any difficulties with drugs or alcohol affects his or her work. Accordingly:

EMPLOYEES ARE HEREBY NOTIFIED THAT IT IS A CONDITION OF EMPLOYMENT FOR EACH EMPLOYEE TO REFRAIN FROM REPORTING TO WORK OR WORKING WITH THE PRESENCE OF DRUGS OR ALCOHOL IN HIS OR HER BODY. IF AN EMPLOYEE TESTS CONFIRMED POSITIVE OR REFUSES TO SUBMIT TO A TEST FOR DRUGS OR ALCOHOL, THE EMPLOYEE IS SUBJECT TO DISCIPLINARY ACTION, INCLUDING TERMINATION, AND MAY FORFEIT ELIGIBILITY FOR MEDICAL AND INDEMNITY BENEFITS.

Our Policy complies with the Florida Drug-Free Workplace Program, as provided in Section 440.101, et seq., Florida Statutes, and the applicable Administrative Rules, as amended. This Drug and Alcohol Free Workplace Policy requires all employees to be free from the influence of drugs and alcohol while working or while on Village property. The use, possession, sale, distribution, or manufacture of any drugs, and/or the unauthorized possession and/or use of alcohol, while working or while on Village property are prohibited.

All job applicants for special-risk or mandatory testing positions will be tested for drugs prior to beginning work. All employees will be subject to drug and alcohol testing upon reasonable suspicion, after an accident or injury which requires medical attention, as a follow-up to release from a rehabilitation program, and as part of a routine fitness for duty (physical) examination. Certain classifications/positions may be subject to random drug and alcohol testing pursuant to federal law or collective bargaining agreements. All employees are encouraged to be aware of the effects of and to advise their supervisor when taking prescription medication, which may affect their performance at work.

To ensure a workplace free from the influence of illegal drugs and alcohol abuse, the following Policy has been established. The Policy applies to all employees, supervisors and managers. Any violation of the Policy will result in discipline, up to and including termination of employment.

B. DEFINITIONS

1. Drug: means alcohol, including a distilled spirit, wine, a malt beverage, or an intoxicating liquor; 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 in this paragraph. The Village may test job applicants and employees for any or all such drugs.
2. Drug rehabilitation program: means a service provider established pursuant to Florida law that provides confidential, timely, and expert identification, assessment, and resolution of employee drug abuse.
3. Employee assistance program: means an established program capable of providing expert assessment of employee personal concerns; confidential and timely identification services with regard to employee drug abuse; referrals to employees for appropriate diagnosis, treatment, and assistance; and follow-up services for employees who participate in the program or require monitoring after returning to work.
4. Job Applicant: means a person who has applied for a position with Pinecrest.
5. Employee: means an individual who works for the Village on a full-time or part-time basis and receives salary, wages, or other remuneration.
6. Drug Test:
 - 6.1 "Drug test" means any chemical, biological or physical instrumental analysis administered by a laboratory certified by the United States Department of Health and Human Services (HHS) or licensed by the Agency for Health Care Administration (AHCA) for the purpose of determining the presence or absence of a drug or its metabolites, including alcohol.
 - 6.2 Drug testing may require the collection of blood, urine, breath, saliva, or hair of an employee or job applicant. The Village has the right to use more accurate, scientifically accepted methods which may be approved in the future by the United States Food and Drug Administration (FDA) or the AHCA as such technology becomes available in a cost effective form.
 - 6.3 "Chain of custody" refers to the methodology of tracking specified materials or substances for the purpose of maintaining control and accountability from initial collection to final disposition for all such materials or substances and providing for accountability at each stage in handling, testing and storing specimens and reporting test results.
 - 6.4 "Initial Drug Test" means a sensitive, rapid, and reliable procedure to identify negative and presumptive positive specimens, using an immunoassay procedure or an equivalent, or a more accurate scientifically accepted method approved by the United States FDA or the AHCA, as such more accurate technology becomes available in a cost effective form.

- 6.5 "Confirmation test," "confirmed test," or "confirmed drug test" means a second analytical procedure used to identify the presence of a specific Drug or metabolite in a specimen, which test must be different in scientific principle from that of the initial test procedure and must be capable of providing requisite specificity, sensitivity and quantitative accuracy. All tests to confirm an initial positive result for drugs other than alcohol shall use a gas chromatography/mass spectrometry or equivalent method. All tests to confirm positive results for alcohol use a gas chromatography method.
- 6.6 Drug Testing Methodology: Specimens for drug testing will be collected, handled, maintained and tested in accordance with the Florida Drug and Alcohol Free Workplace Program. Urine will be used for the initial and confirmation tests for all drugs except alcohol. Blood will be used for the initial and confirmation tests for alcohol.
7. Mandatory Testing Position: Mandatory testing position shall mean 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; work in job assignments that require an employee security background check pursuant to section 110.1127 of the Florida Statutes; work in job assignments in which a momentary lapse in attention could result in injury or death to another person; or, perform safety-sensitive job duties and responsibilities.
8. Medical Review Officer: "Medical Review Officer" (MRO) means a licensed physician, employed or contracted with the Village, 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.
9. Prescription or Non-Prescription Medication: means a drug or medication obtained pursuant to a prescription as defined by Section 893.02, Florida Statutes, or a medication that is authorized pursuant to federal or state law for general distribution and use without a prescription in the treatment of human diseases, ailments, or injuries.
10. Reasonable Suspicion Drug Testing: means drug testing based on a belief that an employee is using or has used drugs in violation of this Policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Among other things, such facts and inferences may be based upon:
- a. Observable phenomena while at work, such as direct observation of drug use or of the physical symptoms or manifestations of being under the influence of a drug;
 - b. Abnormal conduct or erratic behavior while at work or a significant deterioration of work performance;

- c. A report of drug use, provided by a reliable and credible source, which has been independently corroborated;
 - d. Evidence that an individual has tampered with a drug test during his or her employment with the Village;
 - e. Information that an employee has caused, contributed to, or been involved in an accident while at work; or
 - f. Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on the Village's premises or while operating a vehicle, machinery, or equipment of the Village.
11. Random Drug Testing: a drug test chosen to be conducted based on a computer generated random sampling of employees within each group subject to random drug testing. All employees within a group subject to random drug testing shall have an equal chance of being selected each time selections are made. Federal law or a collective bargaining agreement may set forth further restrictions or rules on random drug testing.
12. Special-Risk Position: means a position that is required to be filled by a person who is certified under Sections 633 or 943, Florida Statutes, as amended.
13. Specimen: means tissue, hair, or product of the human body capable of revealing the presence of drugs or their metabolites as approved the FDA or the AHCA.

C. RULES ON DRUGS AND ALCOHOL

EMPLOYEES ARE HEREBY NOTIFIED THAT IT IS A CONDITION OF EMPLOYMENT FOR EACH EMPLOYEE TO REFRAIN FROM REPORTING TO WORK OR WORKING WITH THE PRESENCE OF DRUGS OR ALCOHOL IN HIS OR HER BODY. IF AN EMPLOYEE TESTS CONFIRMED POSITIVE OR REFUSES TO SUBMIT TO A TEST FOR DRUGS OR ALCOHOL, THE EMPLOYEE IS SUBJECT TO DISCIPLINARY ACTION, INCLUDING TERMINATION, AND MAY FORFEIT ELIGIBILITY FOR MEDICAL AND INDEMNITY BENEFITS.

It is not the Village's intent to intrude into the private lives of its employees. However, the effect of drug and alcohol use, abuse and/or dependency on safety, work quality, increased medical expenses and lost productivity requires that this Policy be implemented. Any employee who violates any of these rules will be subject to disciplinary action up to and including termination of employment. The following rules apply under the Village's Policy.

- 1. Pre-Employment Conditions
 - 1.1 The following pre-employment conditions are established to determine the suitability of employees to work for the Village.

- 1.2 All job applicants, for mandatory testing or special risk positions, must submit to a drug test prior to starting employment in that position. Any job offer, which a job applicant may receive from the Village for such a position, is contingent upon the applicant successfully completing the drug and/or alcohol test.
- 1.3 Any job applicant for a mandatory testing or special risk position who refuses to submit to drug and alcohol testing as part of the pre-employment testing process will be refused employment. Any such job applicant who tests positive for drugs or alcohol on a confirmation test will be refused employment at that time. Confidentiality will be maintained pursuant to this Policy.
- 1.4 The Village will not discriminate against an applicant for employment because of the applicant's past addiction to drugs or alcohol. It is the current use/abuse of drugs or alcohol that will not be tolerated.

2. Conditions of Continuing Employment

It is a condition of continuing employment for each employee to receive a copy of the Village's Drug and Alcohol Free Workplace Policy, and to abide by the Policy. The rules contained in the Policy are to be considered conditions of continuing employment and are to be consistently followed. Any violation of these conditions of continuing employment will result in disciplinary action, up to and including termination.

3. Prohibition of Possession, etc.

The unlawful manufacture, distribution, dispensation, possession, sale or use of any drug or un-prescribed, controlled substances and/or the unauthorized possession or usage of alcohol by employees while working or when on any Village property, including parking lots, is strictly prohibited.

4. Prohibition of Drug Use

All employees are prohibited from being at work or on Village property, including parking lots, with the presence of any drug or its metabolite, as set forth herein, in the employee's body. Any employee who has a confirmed positive test of a drug or its metabolite at the levels defined herein will be presumed to be under the influence of the drug and in violation of Village Policy.

5. Requirement to Report Medication Use

- 5.1 The Village does not prohibit the use of prescribed medications which have currently accepted medical uses, provided:
 - a. The drug is prescribed or authorized for an employee by a medical doctor; and
 - b. The use of the drug at the prescribed or authorized level is consistent with the safe performance of the employee's duties; and
 - c. The drug is used at the dosage prescribed or authorized.

- 5.2 Employees are encouraged to notify their immediate supervisor when reporting for work or during the course of a work shift if the use of any prescription or non-prescription medication may adversely affect his or her ability to satisfactorily and safely perform his normal job duties (e.g., including but not limited to drowsiness). A form for reporting the use of prescription or non-prescription medication is attached. Additional forms are available from the Human Resources Office. Employees in mandatory testing or special-risk positions are required to provide their supervisor with such information.
6. Employee Drug and Alcohol Testing
- 6.1 All employees will be required to submit to drug testing upon reasonable suspicion as defined in this policy; during a routine fitness for duty (physical) examination; after release from a drug or alcohol rehabilitation program; and after an accident or injury, which requires medical treatment. Certain employees may be subject to random drug testing pursuant to federal law or collective bargaining agreements.
- 6.2 An employee who refuses to submit to a drug test will be subject to discipline, up to and including termination. A refusal to complete and sign a Drug Testing Chain of Custody Form or the failure to appear at the collection site within the specified time frame will be considered a refusal to submit to a drug test and will be subject to discipline, up to and including termination.
- 6.3 An employee who tests positive on a confirmation test will be subject to discipline, up to and including termination.
- 6.4 Refusal of a Treatment Program: If the employee is offered an opportunity to enter into a treatment program and refuses to do so, the employee will be immediately terminated.
- 6.5 Treatment Program Requirements: Employees who have been provided with an opportunity to enter a treatment and/or rehabilitation program must meet all requirements of that program including any required after-care. Failure to follow or complete the treatment and/or rehabilitation program or a subsequent positive confirmed drug test will result in immediate termination.
- 6.6 Confidentiality will be maintained at all times except to the extent necessary to comply with these policies and to the extent permitted by law.
7. Employee Drug or Alcohol Related Criminal Charges or Arrests
- 7.1 Employees are required to notify the Human Resources Office of any drug or alcohol related criminal charge or arrest no later than five days after such charge has been filed. Employees in positions which require driving a Village vehicle or a personal vehicle on Village business must notify the Human Resources Office of any alcohol or drug related arrest (e.g., including but not limited to Driving while Under the Influence) on the next workday.

- 7.2 The Village will take appropriate action with respect to an employee who is so charged, which action may include transfer to another position and/or discipline.
- 7.3 Employees are required to notify the Human Resources Office of the outcome of all drug or alcohol related criminal charges no later than five days after any change in status of such charges. This includes notification of a conviction, a plea of guilty, an adjudication of guilty, plea of nolo contendere, an adjudication withheld, an acquittal or a dismissal of the charges.
- 7.4 The Village will take appropriate disciplinary action against such employee within thirty days of receiving notice of the outcome or any change in the status of such drug or alcohol related charges.

8. Rehabilitation Procedures

- 8.1 An employee who is experiencing problems as a result of drug and/or alcohol abuse should contact the Human Resources Office for referral to an Employee Assistance Program for treatment and/or counseling. This discussion will be kept confidential. Such employee will be subject to testing to verify recovery from substance abuse pursuant to the Policy requirements and failure to take or pass a drug test will result in termination of employment. Where an employee voluntarily enters a treatment program before disciplinary action is initiated, the Village, in its sole discretion, may elect to waive follow-up drug testing. If follow-up drug testing is required, it must be conducted on a periodic basis, at least quarterly, for a two-year period after completion of the program. Advance notice of a follow-up testing date to the employee to be tested is strictly prohibited.
- 8.2 An employee in a mandatory testing position who enters a substance abuse rehabilitation program will be assigned to a position other than a mandatory testing position, or, if such a position is not available, will be placed on leave while the employee is participating in the program. The employee shall be permitted to use any accumulated leave credits before leave will be ordered without pay.
- 8.3 An employee in a special-risk position is subject to discipline or discharge for the first positive confirmed test result if the drug confirmed is an illicit drug under Section 893.03, Florida Statutes. A special-risk employee who is participating in an employee assistance program or drug rehabilitation program may not be allowed to continue to work in any mandatory testing or special-risk position, but may be assigned to a position other than a mandatory testing position or special-risk position, or placed on leave while the employee is participating in the program. The employee shall be permitted to use any accumulated annual leave credits before leave will be ordered without pay.

9. Employee Education and Referral Program

- 9.1 It is the responsibility of each employee to seek assistance before drugs and alcohol use or abuse leads to disciplinary problems. Employees who may require assistance for substance dependency and related

programs are encouraged to seek assistance and information from the Human Resources Office regarding the Employee Assistance Program.

- 9.2 Once a violation of this Policy occurs, subsequent use of a counseling or rehabilitation program on a voluntary basis will not affect the determination of appropriate disciplinary action.
- 9.3 An employee's decision to seek assistance or referral from the Human Resources Office prior to any incident warranting disciplinary action will not be used as the basis for disciplinary action or in any disciplinary proceeding.
- 9.4 Upon successful completion of a drug treatment program an employee may be released to resume work but, except as provided in Section 8 above, will be subject to follow-up drug testing on a periodic basis, at least quarterly, for a two-year period as a condition of continued employment.
- 9.5 An individual's participation in an alcohol or drug treatment program will not be made part of any personnel records and will remain confidential except to the extent necessary to comply with this Policy and to the extent permitted by law. Medical and insurance records, if any, will be preserved in the same confidential manner as all other medical records. The Human Resources Office will maintain program participation records.

10. Employee Education Information

10.1 The following "crisis information centers" will provide information regarding employee assistance programs and local alcohol and drug rehabilitation programs available to employees:

- Miami Dade County Switchboard of Miami (305) 358-4357
- Broward County Crisis Information Line (954) 537-0211
- Palm Beach County Center for Information and Crisis Services, Inc. (561) 383-1134
- Monroe County Help Crisis Line, Inc. (305) 296-4357
(800) 886-7340

10.2 Other available resources include:

- 1-800-356-9996 AI-Anon
- 1-800-252-6465 Alcoholics Anonymous
- 1-800-527-5344 American Council of Alcoholism Helpline
- 1-272-842-2433 Narcotics Anonymous
- 1-800-662-HELP Federal Substance Abuse & Mental Health Services Administration Treatment Referral Routing Service
- 1-800-WORKPLACE (Drug-Free Workplace Hotline)
- 1-800-COCAINE Cocaine Hotline
- 1-800-NCA-CALL National Council on Alcoholism
- 1-800-843-4971 National Institute on Drug Abuse Hotline

- 10.3 Employees may obtain further information regarding available drug and alcohol assistance and rehabilitation programs by contacting the Human Resources Office.
11. Management's Responsibilities
- 11.1 The Village Officials, Managers, and Supervisors (hereafter collectively referred to as "supervisors") are responsible for implementing the Drug and Alcohol Free Workplace Policy. It is the responsibility of supervisors to observe the behavior of employees on the job as a precaution against unstable or unreliable behavior which could threaten the safety and well-being of employees or the public.
- 11.2 Supervisors are responsible for maintaining a safe work environment by determining each employee's fitness for duty.
- 11.3 In the event a supervisor has a reasonable suspicion (as defined in this policy) that an employee may be affected by drugs or alcohol or has otherwise violated this Policy, the employee will be sent for drug testing. A form for reporting the reason(s) for drug testing is attached and should be completed as soon as practicable following the incident or observations giving rise to such reasonable suspicion. Where reasonable suspicion is based upon observed irregular behavior, two supervisors will confirm the suspicious behavior.
- 11.4 In all cases when an employee is being removed from duty for drug testing, the supervisor should notify his superior at the earliest possible time.
12. Employees' Responsibilities
- 12.1 It is each employee's responsibility to be fit for duty when reporting for work and to inform his or her supervisor if he or she is under the influence of medication, whether prescription or non-prescription medication, which may affect job performance or safety.
- 12.2 In the event an employee observes behavior which raises a doubt as to the ability of a co-worker to work in a safe and reliable manner, the employee should report this behavior to his/her supervisor.
- 12.3 Employees who voluntarily or, as a condition of continued employment, enter a drug or alcohol treatment and/or rehabilitation program must participate and complete recommended treatment. Any employee who enters a drug or alcohol treatment and/or rehabilitation program will be responsible for payment for the treatment and/or program to the extent not covered by medical insurance provided by the Village. If the employee fails to comply with the treatment and/or the program, the employee will be subject to discipline, up to and including termination.
13. Employee Education
- 13.1 Employees and supervisors will be required to participate in a drug-free awareness program on an annual basis. The program will inform employees about the following:

- a. The legal, social, physical and emotional consequences of the use, misuse and/or abuse of alcohol or drugs;
- b. The Village's commitment to maintain a drug-free workplace;
- c. Available drug counseling, rehabilitation and employee assistance programs;
- d. Assistance in identifying personal and emotional problems which may result in the misuse of alcohol or drugs; and
- e. The penalties which may be imposed by the Village on employees for drug abuse violations occurring in the workplace.

14. Rights Under Collective Bargaining Agreements:

Employees who are covered under any collective bargaining agreement between the Village and any certified labor organization may have the right to file a grievance regarding discipline imposed by the Village as a result of a violation of this policy if said grievance is permitted to be filed pursuant to the collective bargaining agreement. Such collective bargaining agreements may set forth further rules and/or restrictions regarding employee testing.

D. TESTING PURSUANT TO THE DRUG AND ALCOHOL FREE WORKPLACE POLICY

1. Types of Testing: In order to maintain a drug and alcohol free work environment and in accordance with Florida's Drug-Free Workplace Program, Section 440.101, et seq., Florida Statutes, as amended, and applicable Administrative Rules, the Village will test for the presence of drugs and/or alcohol in the following circumstances:
 - 1.1 Pre-Employment: All job applicants for a mandatory testing or special-risk position who have been offered a position of employment must submit to a drug and/or alcohol test before beginning employment or work for the Village. In the event that an employee is permitted to begin working prior to receipt of the results of drug or alcohol testing such employment shall be contingent upon passing the drug or alcohol test.
 - 1.2 Random: Eligible employees will be chosen based on a computer generated random sampling of employees within each group subject to random testing. All employees within each group shall have an equal chance of being selected each time a selection is made. Federal law or the collective bargaining agreement may set forth further restrictions or rules on random drug testing.
 - 1.3 Reasonable Suspicion: Employees who are determined to be under reasonable suspicion of drug or alcohol use (as defined in this policy), will be required to submit to a drug and/or alcohol test.
 - 1.4 Fitness-For-Duty: All employees who are subject to a routine fitness for duty medical examinations must take a drug and/or alcohol test as part of their medical examination.
 - 1.5 Follow-up: All employees who have entered an employee assistance program or rehabilitation program for drug abuse must take drug tests on

at least a quarterly basis for two (2) years after returning to work. This requirement may be waived in the sole discretion of the Village in cases where an employee voluntarily enters a drug treatment program before disciplinary action has been taken.

- 1.6 Post-Accident or Injury: All employees who are involved in an accident or occupational injury to an employee which requires medical treatment occurring while at work which was caused by, contributed to or involved an employee must take a drug test after administration of emergency medical treatment. If it cannot be determined who was driving a Village's vehicle at the time of an accident, then anyone who was driving the vehicle during the applicable time period will be required to submit to testing. Employees involved in an accident must not use alcohol for eight (8) hours following an accident or until a post-accident test is conducted, whichever comes first.
2. Consequences of Refusing a Drug Test
 - 2.1 An employee who refuses to submit to a drug test will be subject to discipline, up to and including termination. An employee who refuses to submit to a drug test following an occupational injury which requires medical treatment forfeits his eligibility for all workers' compensation medical and indemnity benefits in accordance with Florida law.
 - 2.2A job applicant who refuses to submit to a drug test will not be hired.
3. Actions Following Positive Confirmed Test: The Village may institute disciplinary action, up to and including termination, for any employee who has a positive, confirmed drug test.
4. Reporting of Use of Medication: Employees and job applicants may confidentially report the use of prescription or non-prescription medication to the MRO during the testing process. A form for reporting medication use is attached.
5. Notice of Common Medications: A list of the most common medications by brand name or common name, as applicable, as well as by chemical name, which may alter or affect a drug test, is attached. Employees and job applicants should review this list prior to submitting to a drug test.
6. Medication Information: An employee or job applicant may consult with the Village's MRO or the testing laboratory for technical information regarding prescription and non-prescription medication.
7. Drugs To Be Tested And Cut-Off Levels
 - 7.1 Drug testing may be required for any or all of the following drugs:
 - (a) Alcohol, including distilled spirits, wine, malt beverages and intoxicating liquors
 - (b) Amphetamines
 - (c) Cannabinoids
 - (d) Cocaine
 - (e) Phencyclidine (PCP)
 - (f) Methaqualone
 - (g) Opiates
 - (h) Barbiturates

- (i) Benzodiazepines
- (j) Synthetic narcotics (Methadone and Propoxyphene)
- (k) A metabolite of any of the substances listed herein
- (l) Hallucinogens
- (m) Any other abused substances as added by federal law or Florida Statutes

A list of drugs by brand names or common names is attached at Appendix 2.

The cut-off levels for reporting positive results for both initial and confirmation drug tests are set forth below:¹

7.2 Drug Cut-Off Levels - Initial Drug Test:

All levels equal to or exceeding the following for urine specimens shall be considered to be presumptively positive and submitted for confirmation testing:

Alcohol	0.04 g/dL%
Amphetamines	1,000 ng/mL
Cannabinoids (Marijuana)	50 ng/mL
Cocaine	300 ng/mL
Phencyclidine	25 ng/mL
Methaqualone	300 ng/mL
Opiates	2000 ng/mL
Barbiturates	300 ng/mL
Benzodiazepines	300 ng/mL
Methadone	300 ng/mL
Propoxyphene	300 ng/mL

All levels equal to or exceeding the following for hair specimens shall be considered presumptively positive on initial screening and submitted for confirmation testing:

Amphetamines	5 ng/10mg of hair
Cannabinoids (Marijuana)	10 pg/10mg of hair
Cocaine	5 ng/10mg of hair
Phencyclidine	3 ng/10mg of hair
Opiate/Synthetic Narcotics And metabolites	5 ng/10mg of hair

7.3 Drug Cut-Off Levels* - Confirmation Drug Test:

All levels for urine specimens which are equal to or exceeding the following shall be reported as positive:

¹NOTE: The types of testing as well as the levels on initial and confirmation testing may change pursuant to Federal or state law or regulations. Further, the minimal levels for drugs and alcohol reported to the Village may be different for employees subject to federal drug testing regulations. The Village intends that its policy be in accordance with applicable laws at all times.

Alcohol	0.04g/dL%*
Amphetamines	500 ng/mL
Cannabinoids (Marijuana)	15 ng/mL
Cocaine	150 ng/mL
Phencyclidine	25 ng/mL
Methaqualone	150 ng/mL
Opiates (codeine, morphine)	2000 ng/mL
Barbiturates	150 ng/mL
Benzodiazepines	150 ng/mL
Methadone	150 ng/mL
Propoxyphene	150 ng/mL

All levels for hair specimens which are equal to or exceeding the following shall be reported as positive:

Amphetamines	5 ng/10mg of hair
Cannabinoids (Marijuana)	1 pg/10mg of hair
Cocaine	5 ng/10mg of hair
Phencyclidine	3 ng/10mg of hair
Opiate/Synthetic Narcotics And metabolites	5 ng/10mg of hair

8. Random Drug Testing

- 8.1 The Human Resources Office shall be responsible for maintaining updated employee lists within each group subject to random drug testing and shall submit lists to the MRO for random generation of employees' names to be tested. It is within the discretion of the Village to decide when and how often lists will be submitted to the MRO for random generation of employees' names.
- 8.2 The MRO shall notify Human Resources with the list of employees to be tested.
- 8.3 The Human Resources Office shall complete the referral form and schedule each employee for the test.
- 8.4 Once an employee is randomly selected and scheduled for a test under the provisions of this procedure, the Human Resources Office shall:
 - a. Give selected employees no more than 24 hours' notice of the scheduled drug test.
 - b. Notify the employees of the collection or testing site.
 - c. Meet with the employees to notify them that they are to be drug tested, require the employee to read and sign the Employee Random Drug Testing Notice attached at Appendix 10 and answer any questions. The Village shall keep the original copy and give a copy to the employee.
 - d. Complete a referral form indicating the drug test time range, approved collection site and location, type of testing required, and advise the testee to return the signed and dated referral form to the Human Resources Office.

- 8.5 Employees shall not be excused from random drug testing unless they are on prior approved leave of absence.
- 8.6 Additional rules and restrictions may apply to particular groups of employees based upon federal law and/or the provisions of a collective bargaining agreement.

9. Reasonable Suspicion Drug Testing

Employees will be required to submit to drug and/or alcohol testing when a supervisor has "reasonable suspicion", as defined in this policy, to believe that an employee is using or has used drugs or alcohol in violation of this Policy. The supervisor will document the circumstances which formed his or her determination of "reasonable suspicion" in writing within seven days from the date of his determination. A form for the use of a supervisor to specify the reason(s) for the test is attached at Appendix 4. A copy of this documentation will be given to the employee upon request within seven (7) days from the date of the supervisor's determination of "reasonable suspicion."

Reasonable suspicion shall be based on specific, objective and articulable facts and reasonable inferences drawn from those facts in light of experience. In making this determination, relevant factors may include, but are not limited to:

- Observable phenomena, such as direct observation of drug use or of physical symptoms or manifestation of being under the influence of a drug or alcohol;
- Abnormal conduct, erratic behavior or a significant unexplained deterioration in work performance;
- A report of drug use, provided by a reliable source;
- Evidence that an individual has tampered with a drug test during his or her employment with the Village;
- Information that an employee has caused or contributed to an accident or injury while at work;
- Evidence that an employee has negligently or recklessly operated a vehicle, equipment or machinery while at work;
- Evidence that an employee has used, possessed, manufactured, cultivated, sold, solicited, or transferred drugs.

10. Confidentiality and Records Maintenance

- 10.1 Confidentiality of records concerning drug testing pursuant to the Drug and Alcohol Free Workplace Policy will be maintained in accordance with Florida law. All information, records, drug test results in the possession of the Village, laboratories, employee assistance programs and drug and alcohol rehabilitation programs will be kept confidential. No such information or records will be released unless written consent, signed by an employee or job applicant, is provided or unless disclosure of such information or records is compelled by an administrative law judge,

hearing officer, or court of competent jurisdiction. The Village may also disclose such information when relevant to its defense in any civil, disciplinary or administrative hearing. The Village will maintain records concerning drug testing separate and apart from a job applicant or employee's personnel file.

10.2 Information on drug testing results will not be released in any criminal proceeding.

11. Challenge of Test Results of Drug Test Under Florida Law

11.1 An employee or a job applicant who receives a positive confirmed test result may submit information to the Medical Review Officer ("MRO") contesting or explaining the results in writing within ten (10) working days of receipt of notification of a positive confirmed test result.

11.2 If the explanation or challenge of the employee or job applicant is unsatisfactory to the MRO, the MRO shall report a positive result back to the Village.

11.3 Within five (5) working days after receiving notice of a positive confirmed test result from the MRO, the Village shall inform the employee or job applicant in writing of the positive test result, the consequences of such results, and the options available to the employee or job applicant. Upon request, the Village shall provide a copy of the test result to the employee or job applicant.

11.4 Within five (5) working days after receiving notice of a positive confirmed test result from the Village, the employee or job applicant may submit information to the Village explaining or contesting the test result, and explaining why the result does not constitute a violation of the Village's policy.

11.5 If the explanation or challenge of the employee or job applicant is unsatisfactory to the Village, the Village shall provide a written explanation (within fifteen (15) days of receipt) as to why the employee or job applicant's explanation is unsatisfactory, along with a copy of the report of positive confirmed test results. All such documentation will be kept confidential except as provided in Section 9, above, and will be retained by the Village for at least one (1) year.

11.6 An employee may further challenge the results of the test in a court of competent jurisdiction or, if the drug test was administered due to a workplace injury, by filing a claim for benefits with a Judge of Compensation Claims, pursuant to Chapter 440, Florida Statutes.

11.7 If an employee or job applicant contests the drug test results, he or she will be solely responsible for notifying the laboratory and the Village in writing by certified mail and provide a copy of the written notice, by certified mail, to the Village. The notice must include reference to the chain of custody specimen identification number.

11.8 An employee or a job applicant who receives a positive, confirmed test result may, at the employee's or job applicant's expense, obtain a retest of a portion of the original specimen at another licensed and approved

laboratory selected by the employee or job applicant, within one hundred eighty (180) days of the notice of the positive test result.

- 11.9 An employee or job applicant has the responsibility of notifying the drug-testing laboratory of any administrative or civil action brought pursuant to Chapter 440, Florida Statutes. The test laboratory will preserve specimens of confirmed positive results for at least two hundred ten (210) days after the result was mailed to the MRO. If timely notified of such action, the testing laboratory will maintain the sample until the case or administrative appeal is resolved.

12. Medical Review Officer's Responsibilities for Testing Under Florida Law

- 12.1 The MRO shall fully comply with all of the requirements set forth in applicable Administrative Rules. The MRO shall be a licensed physician, under contract with the Village, who has knowledge of substance abuse disorders, laboratory testing procedures, chain of custody collection procedures, and medical use of prescription drugs and pharmacology and toxicology of illicit drugs.
- 12.2 The MRO shall review and verify drug test results prior to the transmittal of the test results, either positive or negative, to the Village. The MRO shall evaluate the drug test result(s), verify the chain of custody forms and ensure that the donor's identification number on the laboratory report and the chain of custody form accurately identifies the individual.
- 12.3 If the test results reported are negative, the MRO shall notify the Village of the negative test result and submit the appropriate documentation to the ACHA.
- 12.4 If the test results reported are positive, the MRO shall notify the employee or job applicant of a confirmed positive test result within three (3) days of receipt of the test result from the laboratory and inquire as to whether prescriptive or over-the-counter medications could have caused the positive test result. Within five (5) days after receiving written notification of the positive test result, the employee or job applicant may contest or explain the result to the MRO. If the employee or job applicant's explanation or challenge is unsatisfactory to the MRO, the MRO will report a positive test result back to the Village.
- 12.5 Upon contacting an employee or job applicant who has received a positive test result, the MRO shall properly identify the donor, inform the donor that the MRO is an agent of the Village whose responsibility is to make a determination on test results and report them to the Village, and inform the donor that medical information revealed during the MRO's inquiry will be kept confidential, unless the donor is in a safety sensitive position and the MRO believes that such information is related to the safety of the donor or to the other employees.
- 12.6 Additionally, the MRO shall outline the rights and procedures for a retest of the original specimen for the donor and process any employee's or job applicant's request for retest of the original specimen within one hundred eighty (180) days of notice of the positive test result in another licensed laboratory selected by the employee or job applicant. The employee or job applicant who requests the additional test shall be required to pay for

the cost of the retest, including handling and shipping expenses. The MRO shall contact the original testing laboratory to initiate the retest.

- 12.7 Upon receipt of information and/or documentation from the employee or job applicant, the MRO shall review any medical records provided, authorized and/or released by the individual's physician, to determine if the positive test result was caused by a legally prescribed medication. If the donor does not have prescribed medication, the MRO shall inquire about over-the-counter medications which could have caused the positive test result. The donor shall be responsible for providing all necessary documentation (i.e., a doctor's report, signed prescription, etc.) within the five (5) day period after notification of the positive test result.
- 12.8 If the MRO determines that there is a legitimate medical explanation for the positive test result, the MRO shall report a negative test result to the Village. However, should the MRO feel that the legal use of the drug would endanger the individual or others, then the MRO shall report that the test is negative due to a validated prescription and shall request that the individual be placed in a position which would not threaten the safety of the individual or others.
- 12.9 If the MRO has any question as to the accuracy or validity of a test result or has a concern regarding the scientific reliability of the sample, the MRO may request the individual to provide another sample. As a safeguard to employees and job applicants, once an MRO verifies a positive test result, the MRO may change the verification of the result if the donor presents information which documents that a serious illness, injury, or other circumstances that unavoidably prevented the donor from contacting the MRO within the specified time frame and if the donor presents information concerning a legitimate explanation for the positive test result.
- 12.10 If the MRO is unable to contact a positively tested donor within three (3) days of receipt of the test results from the laboratory, the MRO shall contact the Village and request that the Village direct the donor to contact the MRO as soon as possible. If the MRO has not been contacted by the donor within two (2) days from the request of the Village, the MRO shall verify the report as positive.
- 12.11 If the donor refuses to talk with the MRO regarding a positive test result, the MRO shall validate the result as a positive and annotate such refusal in the remarks section. If the donor voluntarily admits to the use of the drug in question without a proper prescription, the MRO shall advise the donor that a verified positive test result will be sent to the Village.
- 12.12 The MRO shall notify the Village in writing of the verified test result, either negative, positive, or unsatisfactory, and appropriately file chain of custody forms to the Village and submit the proper forms to the ACHA.

E. DRUG AND ALCOHOL TESTING OF COMMERCIAL MOTOR VEHICLE DRIVERS

In addition to the policies and procedures set forth above, Village employees who are connected with the operation of commercial motor vehicles are subject to drug and alcohol testing as required by the Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C. § 31306, and pursuant to all applicable procedures and regulations promulgated by the Department of Transportation and the Federal Highway Administration, as well as any additional policy adopted by the Village pursuant to those federal laws and regulations. In cases where the requirements of both federal and state drug and alcohol laws and regulations and the Village's Drug and Alcohol Free Workplace Policy may be applicable, the requirements of federal drug and alcohol laws and regulations will control if a conflict arises between federal law and regulations and the requirements of state law or the Village's Drug and Alcohol Free Workplace Policy.

Rule 2.3 EQUAL OPPORTUNITY EMPLOYMENT POLICY

The Village is committed to the concept and practice of equal employment opportunity and affirmative action to assure equal employment opportunity in all aspects of employment. It is the policy of the Village to recruit, hire, train, and promote into all job levels, employees and applicants for employment without regard to race, sex, condition related to sex (pregnancy), color, religion, national origin, age, genetic information, disability, marital status, familial status, veteran status (except if eligible for veterans' preference), gender identity and expression, and/or sexual orientation or retaliation.

The Village bases all such decisions on individual merit, qualification and competence, as they relate to the particular position and promotion of the principle of equal employment opportunity. The Village's commitment to equal opportunity applies to all facets of the employment relationship, including compensation, benefits and all other terms, conditions and privileges of employment. All employment decisions will be made in accordance with principles of Equal Employment Opportunity.

It is the policy of the Village to ensure that all employees are able to work in an environment which is free from all forms of harassment on the basis of race, color, age, sex, national origin, religion, marital status, sexual orientation, or disability. Harassment of any form is prohibited and will result in disciplinary action up to and including termination. The Village also prohibits retaliation against any individual who has exercised any right protected by any federal, state or local law regarding equal employment opportunity.

It is extremely important that all employees conscientiously follow the Village's commitment to equal opportunity. Discrimination/harassment will not be tolerated. The Village Manager or his/her designee is charged with the overall responsibility for the administration of this policy. The Village's basic goal is the equal treatment of all employees.

Rule 2.4 PROHIBITION OF HARASSMENT POLICY

The Village is committed to maintaining a work environment free of harassment based upon sex (including gender), race, national origin, ethnicity, disability, religion, color, age, pregnancy, veteran status and marital status. The Village will not tolerate the inappropriate harassment of any of its employees, customers or any other individual conducting business with the Village. It is the affirmative responsibility of all personnel for maintaining a workplace that is free from harassment and intimidation.

The Village is committed to promptly and thoroughly investigating all complaints of harassment as set forth in this policy. If, after a thorough investigation, it is determined that inappropriate harassment has occurred in violation of this policy, immediate and appropriate disciplinary action, up to potential discharge will be taken to promptly end the harassment. Appropriate follow-up steps will also be taken where necessary to ensure that the harassment ceases and does not re-occur.

A. SEXUAL HARASSMENT

Sexual harassment includes harassment on the basis on one's sex. The Village wishes to provide its employees with a pleasant work atmosphere, therefore, sexual harassment of any kind destroys that atmosphere and does not further the business mission of the Village. It is the policy of the Village that no employee's work or emotional well-being should suffer because of sexual harassment. The Village will not tolerate any sexually related conduct by any employee, vendor, customer or supplier, which harasses, disrupts, embarrasses, intimidates, offends or threatens another person. Any employee, vendor, customer or supplier, who sexually harasses another

person during work hours, while on Village property and/or while conducting Village business shall be subject to the strictest disciplinary measures available to the Village under the circumstances, up to and including termination of employment and/or cessation of contact with the Village.

The following are guidelines that the Village will follow:

1. All employees are expected to act in ways, which establish a professional work atmosphere free of sexual harassment and sexual discrimination. Each Department Head shall ensure that the workplace is free of sexual harassment. All employees have a duty to report any suspected sexual harassment by a Village employee, or a non-employee while on Village property or when Village business is being conducted, to the appropriate Department Head even if they are not the target. An employee's rights and status with the Village shall not in any way be harmed due to any good faith report of suspected sexual harassment, nor shall any retaliation against such employee be tolerated.
2. No supervisor or non-employee shall threaten or insinuate that an employee's refusal to submit to sexual advances, or any type of sexual harassment, will adversely affect his or her employment in any way including evaluations, wages, advancement, duties, shifts, disciplinary matters or benefits.
3. Any other sexually oriented behavior by an employee, which is unwelcome by another person, is prohibited. Such conduct may include, but is not limited to:
 - a. Unwelcome and/or repeated sexual flirtations, advances, staring or propositions;
 - b. Verbal abuse of a sexual nature, sexual innuendo including sexually related comments or jokes, requests for sexual favors, graphic or degrading comments about a person's appearance or sexually-degrading words to describe a person;
 - c. Sexually-suggestive body movements directed toward a person;
 - d. Any uninvited physical contact which is sexual or offensive, such as patting, pinching, groping, or constant brushing against another's body;
 - e. The display of sexual-suggestive pictures or objects in the workplace other than what is necessary in the normal course of business; and,
 - f. Using the computer to access any content that contains material of a sexual nature.
4. Any sexually harassing behavior directed toward a non-employee by an employee during working hours or while on Village property will be treated as if the harassment was directed toward an employee.
5. Sexual harassment may occur when the intended target of the conduct is not offended, but others find the conduct to be intimidating, hostile, or offensive.

B. OTHER FORMS OF PROHIBITED HARASSMENT

In addition to sexual harassment, the Village also prohibits harassment on the basis of gender, race, national origin, ethnicity, disability, religion, color, age, pregnancy, veteran status, and marital status. Any verbal or physical conduct of an offensive or harassing nature and which is based upon or directed toward any employee based upon any of these characteristics will not be tolerated. Such prohibited conduct includes, but is not limited to:

1. Derogatory, critical, offensive or uncomplimentary jokes, comments, displays, posters, other written materials based upon another's gender, race, national origin, disability, religion, color, age, pregnancy and marital status.
2. Any physical conduct taken against another individual because of his or her gender, race, national origin, disability, religion, color, age, pregnancy and marital status.
3. Teasing or making fun of another individual's ethnicity, accent, cultural or religious beliefs or practices, mental or physical disabilities or medical limitations and other similar characteristics.

Rule 2.5 EQUAL EMPLOYMENT OPPORTUNITY / HARASSMENT COMPLAINT PROCEDURE

All employees are responsible for maintaining a workplace that is free of harassment and intimidation.

1. Any person who believes that they have been discriminated against or harassed in the work place, or any person who witnesses harassment in the workplace even if they are not the target, shall lodge a complaint (either oral or written) directly with any of the following individuals: The Village Manager, the Human Resources Manager, or the employee's supervisor or Department Head.
2. The individual receiving a complaint, if other than the Human Resources Manager, shall promptly report the complaint to the Human Resources Manager, unless the complaint is made about the Human Resources Manager, in which case the complaint shall be reported to the Village Manager.
3. All employees have a duty to file a complaint on any suspected incident of discrimination or harassment. Failure to report a complaint to the appropriate Village official shall result in termination of employment.
4. Once the Human Resources Manager receives a complaint (or the Village Manager if the complaint is about the Human Resources Manager), the complaint shall be investigated within three (3) work days of notification. The investigation shall include an interview with the employee(s) who made the complaint, and the person(s) toward whom the complaint was directed. Any other persons who have information regarding the alleged complaint may also be interviewed. The investigation may also entail reviewing pertinent documents, e-mail communications, pictures and/or any other relevant physical evidence.
5. The Human Resources Manager shall prepare a written investigation report within ten (10) work days of the notification of the suspected discrimination/harassment unless extenuating circumstances prevent from doing so. The investigation report shall include a finding that discrimination/harassment occurred, did not occur or is inconclusive evidence as to whether discrimination/harassment occurred. The results of the investigation shall be sent to the employee(s) to whom the suspected discrimination/harassment was directed, and the employee(s) suspected of the discrimination/harassment. The report and any disciplinary action which results will be placed in the appropriate employee(s) personnel file.
6. To the extent possible, all complaints will be handled in a confidential manner. Employees must be aware that the Village may have an obligation to investigate a report of discrimination even if the person reporting requests otherwise; it may not be possible for requests of anonymity to be honored. Anyone involved in a complaint will be instructed not to discuss the subject outside the investigation except for a legitimate reason. A legitimate reason would be, for example, to make a report to or respond to an inquiry from law

enforcement, a fair employment practices agency, a court, or other similar reason. Gossip, spreading rumors, or maliciously seeking to harm someone's reputation are not legitimate reasons. Personnel violating confidentiality, for other than a legitimate reason, is subject to discipline. The purpose of this provision is to protect the confidentiality of the employee who files the complaint, to encourage the reporting of any incidents of discrimination, and to protect the reputation of any employee wrongfully charged with discrimination. This provision is not intended to restrain any person from exercising any legally protected right.

7. The results of the investigation will be reported to the person who filed the complaint. If the investigation confirms the existence of harassment/discrimination, the Village will take prompt disciplinary action against the offender, up to and including termination of employment.
8. Any employee wishing to appeal the finding of an investigation may do so by submitting a request for review to the Human Resources Manager within fifteen (15) workdays of receiving the report. If the complaint was about the Human Resources Manager, the request for review will be submitted to the Village Manager. The Human Resources Manager (or Village Manager) shall notify all other parties who were informed of the investigation results that an appeal has been filed within three (3) workdays of the appeal's receipt. The Village Manager shall interview the employee(s) who filed the appeal and may interview all other persons deemed necessary, and will reach a conclusion as expeditiously as possible. If the complaint was initially investigated by the Village Manager, the Village Manager shall designate an individual to review the initial investigation and reach a conclusion.
9. If, after reporting the harassment as outlined above, the harassment continues or any further incidents of inappropriate behavior occur, employees must immediately report it. Since the Village may not be aware that the harassment is ongoing or that the initial handling of the matter has not satisfactorily resolved the issues or caused the offending conduct to cease, employees are required to report any continuing harassment or new incidents of misconduct even where he or she has previously reported a complaint.
10. No retaliatory action of any kind will be taken toward an individual for filing a complaint based upon a reasonable belief that a violation has occurred or requesting a review of the determination of any investigation. Every complaint will be expeditiously investigated at the direction of the Human Resources Manager, or the Village Manager if the complaint is against the Human Resources Manager. Disciplinary action shall be brought against any employee who files false allegations with malicious intent.

Rule 2.6 SMOKE-FREE WORKPLACE

The Village of Pinecrest has established a smoke-free workplace policy for the purpose of promoting a healthful lifestyle and thus reducing the liability exposure and lost productivity time to the Village. The Village recognizes that:

1. The Surgeon General of the United States has declared that the use of tobacco or tobacco products is a hazard to an individual's health.
2. An employee's poor health, due to the continued use of tobacco or tobacco products, increases the loss experience of the group health insurance plans and group life insurance plans'.
3. Increases in claims' loss experience result in increases in premium costs for insurance plans.
4. Increases in premium costs from employees are borne by the General Fund and subsequently, by the taxpayers of the Village of Pinecrest.

5. An employee's poor health, due to continued use of tobacco or tobacco products, increases the amount of lost workdays and limited activity and thus reduces an employee's productivity; and decreases in employee productivity result in the decrease in efficiency of the Village government; and decreased efficiency is not an effective use of taxpayer's dollars.

It is therefore, the policy of the Village of Pinecrest not to employ individuals who have used tobacco products within twelve months of filing an employment application. All applicants must be nonusers of tobacco or tobacco products for at least one year immediately preceding the date of application, as evidenced by the sworn affidavit on the employment application. Furthermore, an employee who uses tobacco products subsequent to becoming employed with the Village of Pinecrest will be subject to termination.

Rule 2.7 SAFETY

The Village of Pinecrest is committed to providing employees with a safe and healthful workplace. The safety of every Village of Pinecrest employee is a matter of prime importance and we constantly strive to keep the Village a safe place to work. Each department shall communicate that department's safety rules and procedures to each employee. Employees shall study these rules and keep them in the Employee Policies and Procedures Manual binder. In addition, a comprehensive guide to safety procedures is contained in the Workplace Safety and Health Manual, a copy of which may be obtained through the Human Resources Office. The Village meets or exceeds all applicable State and Federal Safety requirements.

It is the policy of this organization that employees report unsafe conditions and not perform work tasks if the work is considered unsafe. Employees must immediately report all accidents, injuries, and unsafe conditions to their supervisors in writing. Failure to report an unsafe condition shall result in disciplinary action.

Employee recommendations to improve safety and health conditions will be considered by the Safety and Health Committee. Recommendations for safety improvements from the Safety and Health Committee will be reviewed by the Village Manager. The correction of unsafe conditions is essential in maintaining a healthy work environment and shall be determined by the Village Manager.

Any employee who willfully or repeatedly violates workplace safety rules shall be subject to disciplinary action. This action may include verbal or written reprimands and may ultimately result in termination of employment.

The primary responsibility for the coordination, implementation, and maintenance of the Village's workplace safety program has been assigned to the Human Resources Manager.

Rule 2.8 DRESS CODE

As public employees and representatives of the Village of Pinecrest, we have a responsibility to present ourselves in a clean, neat and professional manner during working hours or when representing the Village. Employees are expected to exercise common sense and good judgment when choosing their work attire and report to work at all times presenting a well-groomed and professional image. Acceptable personal appearance is an on-going requirement of employment with the Village. To accomplish this goal, the Village has established the following dress-code guidelines for non-uniformed personnel.

A. GUIDELINES

Employees are expected to choose business appropriate clothing and footwear that communicates professionalism for the type of work being performed and the setting in which the work is performed. While climate and custom may permit a, somewhat, casual work attire, employees are reminded that the type of casual attire one may choose to wear to the workplace is quite different from weekend casual attire. At a minimum, clothing should provide a professional appearance; not be dirty, wrinkled, unkempt, provocative or otherwise inappropriate for the job duties of the individual.

1. Non-Uniformed Personnel

- a. Acceptable Attire: Collared shirts (long or short sleeves), polo shirts, Village logo apparel, sweaters, blouses, skirts, dresses, dress pants or slacks, and khaki pants. Suits, sport jackets and neckties are optional. Skirt length should be no shorter than 2 inches above the top of the knee. Shirts must be neatly tucked in at all times.
- b. Inappropriate Attire (includes but is not limited to): Jeans, or denim fabric of any kind or color, sweatshirts, tank tops, t-shirts, shorts, sun-dresses, Capri or cropped pants, spandex items, leggings, tight pants/tops, overalls, tropical print shirts or apparel, clothes exposing midriff/torso, ripped, wrinkled, torn, bleached, faded or offensive or revealing clothing, (i.e. low-cut blouses, see-through garments), solid color or prints on any kind of attire that do not present a professional and businesslike appearance, or any other attire which does not present a businesslike appearance for the workplace.
- c. Acceptable Footwear: Business appropriate, such as closed-toe shoes, pumps, oxfords, penny-loafers, and flats, are acceptable. Open-toe dress shoes are acceptable.
- d. Inappropriate Footwear: Tennis/gym shoes, clogs, flip-flops, beach sandals, flat sandals are not acceptable footwear.
- e. More traditional business attire, such as suits, jackets or neckties may be appropriate and required for certain meetings/presentations, either within or outside the Village.
- f. Tattoos may be required to be covered if deemed offensive by management.
- g. Body piercings (other than earrings) may need to be removed and/or covered if deemed offensive by management or pose a safety hazard.
- h. Jeans are not considered professional work attire, but may be worn on Friday's.

2. Uniformed Personnel

For personnel required to wear a uniform, it should be clean, fresh and intact when reporting for duty and shall be in compliance with any departmental operating procedures. Damage to or loss of uniforms or any part thereof is to be reported immediately to your supervisor.

a. Replacement and Disposal of Uniforms

Uniforms are replaced as needed due to wear and tear. Employees needing replacement uniforms must return the old or damaged uniforms to their supervisor prior to receiving a replacement. Donation of old or damaged uniforms is not permitted.

All uniforms are the property of the Village and shall be returned to the respective Village department upon separation of employment. See Rule 7.7.

All employees should be mindful of the Village's commitment to a workplace of dignity and respect and dress and present themselves accordingly. Employees' reporting to work wearing clothing that is deemed to be inappropriate, unprofessional or in violation of this policy, will be required to clock-out and go home to change and may face disciplinary action up to and including termination.

The Village Manager or the Human Resources Manager in their sole discretion shall make the final determination as to what is acceptable attire under this policy. Employees with questions or concerns about what is professional and appropriate attire should direct their inquiries to the Human Resources Manager.

Rule 2.9 VILLAGE IDENTIFICATION

Employees shall display their Village issued photo identification card during working hours in a visibly conspicuous place on their attire. Employees shall present their card for entry to the Village during periods of emergency or when necessary to identify oneself to residents in the conduct of official business. ID cards are not transferable to any other employee or individual. Employees are to report any loss or damage to their card as soon as possible. The identification card must be returned to the Village upon separation of employment.

Rule 2.10 REIMBURSEMENT FOR DAMAGED PERSONAL PROPERTY

An employee may be reimbursed for damage to personal property in the performance of his or her duty subject to the following restrictions:

- a. The maximum reimbursement for prescription eyeglasses and/or hearing aids shall be one hundred fifty (\$150.00) dollars. Any workers' compensation benefit for the same shall be signed over to the Village. For a wristwatch, up to seventy-five (\$75.00) dollars.
- b. Request for reimbursement shall be made within the shift in which the damage occurs.
- c. Reimbursement shall be approved by the Department Head and the Village Manager.

Rule 2.11 EMPLOYEE REPORTING PROCEDURES DURING DISASTER OPERATIONS

As employees of the Village of Pinecrest, it is our responsibility to be prepared at all times to respond to disaster situations that may affect the citizens of the Village. In order to accomplish this goal, the Hurricane Preparedness and Recovery Plan has been developed by the Village's administrative staff. During disaster operations, it is imperative that all personnel follow the guidelines outlined in the plan. In addition, all personnel should make advance plans for the safety of their families and personal property and be prepared to respond well ahead of the general public to the disaster threat.

When the Village Manager has declared a Village-wide emergency (e.g., natural or man-made disasters), employees of the Village that perform essential services (or designated as essential personnel) shall be required to work as deemed necessary by their Department Head.

Personnel will report for duty during disaster operations as directed by their Department Head. All personnel called to duty shall be given a specific reporting time, allowing for reasonable time to make arrangements for the safety of family and personal property. Personnel may be recalled to duty based upon the type and severity of the emergency. Failure to report for duty, without prior leave approval from the Department Head, shall result in termination of employment.

During a hurricane watch, all personnel should make arrangements for the safety of family and personal property. If possible, family members should relocate to a safe area, well inland to avoid the effects of the approaching storm. Personnel should prepare to bring appropriate personal supplies to enable them to effectively perform their duties for at least three days of operation. The following personal supplies should be assembled and brought in by personnel when reporting for duty: Extra uniforms, tee shirts, socks, underwear, shoes; toilet articles (toothbrush, toothpaste, deodorant, soap, shampoo, razor and shaving cream); rain gear; Village of Pinecrest Identification Card; prescribed medications; mosquito repellent.

Personnel will be assigned to duties as outlined in the Hurricane Preparedness and Recovery Plan and shall not leave their assigned post unless relieved by their Department Head or other appropriate authority.

Rule 2.12 TELEPHONE SYSTEM AND VOICE MAIL RECORDING

The Village's telephone systems are the property of the Village of Pinecrest. Office telephones are provided to facilitate Village business activities. Although the Village realizes that there are times when an employee may need to use the telephone for personal reasons, it is expected that good judgment will be used in limiting the length and frequency of such calls, and in making such calls only during breaks. Additionally, no long distance personal calls, other than toll free calls, may be made on Village phones without prior approval from the employee's supervisor.

During work time and while in the office, employees should limit the use of their personal cell phones (including smart phones and personal digital assistants (PDA)) for calls and text messages in the same way they must limit personal use of their office telephone for non-business use. Employees that have excessive telephone or cell usage for personal calls or text messages will be subject to disciplinary action, up to and including termination.

Additionally, employees working in view of the public, such as park service aides, permit clerks, maintenance workers, receptionists, police officers and other positions who typically perform work in view of the public are prohibited from using their personal cell phones to conduct personal (non-business related) calls or texts.

Employees who have voice mail capabilities may, from time to time, establish personalized messages. The messages shall be limited to an appropriate greeting that identifies the person's department and name. Recordings shall be responsible, professional, and related to Village business. Employees with voice mail shall be responsible for retrieving their messages daily.

Voicemail is not secure; as a result, voicemail must never include sensitive information, therefore, do not leave or accept transactional information via voicemail.

Rule 2.13 COMPUTER USE, ELECTRONIC COMMUNICATIONS AND EQUIPMENT

A. PURPOSE

1. This policy is intended to provide guidelines for the appropriate utilization of the Village's information technology resources. This policy applies to all employees of the Village. Use of the Village's information technology resources is for municipal purposes only and must meet standards as specified in this rule. The Village provides resources including electronic mail, intranet and Internet service, desktop support services, including network office automation file and print sharing, and peripherals, the primary purpose of which is to support and enhance the research and information capabilities of the Village and to encourage electronic communications and sharing of information resources within the organization and to the public at large.

2. Acknowledgement of Receipt of the Employee Policies and Procedures Manual (or addendums) shall indicate understanding of, and, agreement with the policies and regulations set forth in this rule.

B. DEFINITIONS

For the purpose of this policy, the following definitions apply:

1. Computer – includes any desktop computer, laptop, iPad, tablet or any other electronic data storage device purchased and/or issued by the Village.
2. E-mail – information created or received via an electronic mail system, which includes any attachments transmitted with the message.
3. Hardware – the physical components of a computer system including input and output devices.
4. Internet – a worldwide collection of networks utilizing the TCP/IP protocol consisting of commercial, governmental, educational and other systems that route data and messages.
5. IT – shall mean the Village's information and technology infrastructure.
6. IT Manager – is the chief information officer.
7. Network – a group of computers and associated devices that are connected by a communication device.
8. Password – a unique string of characters assigned to a user to allow access to the Village's information technology resources.
9. Payment Equipment – a device used to conduct credit card transactions.
10. Peripherals – a device that is connected to a computer such as a printer.
11. Server – a processing unit which stores the Village's mission-critical software applications and data files.
12. Smart Mobile Device – device with capability to connect to the Village's information and technology resources including but not limited to e-mail and calendar services. This definition includes, without limitation, smart phones, PDA's and tablets.
13. Software – a computer program that performs functions.
14. Users – individuals authorized to use Village issued information technology resources as part of their assigned official duties.
15. Virus – a self-duplicating program that interferes with a computer's hardware or operating system.

C. GENERAL GUIDELINES

1. Data. All electronic data on the Village's IT resources are the property of the Village. All mission critical data shall be stored on the user's assigned network drive. Only network drives are backed up on a regular basis. Users shall not store personal files on Village computers.
2. Right to Access and Monitor. The Village reserves the right to access and monitor all data, including e-mail and Internet usage, on Village IT resources. The Village has software and systems in place that can monitor and record all Internet usage. All employees should be aware that the Village's network is capable of recording each World Wide Web site visit, each chat, newsgroup or e-mail message, and each file transfer into and out of the Village's network. The Village Manager and/or his/her designee may review the Internet activity and analyze usage patterns to assure that the Village's Internet and computer resources are devoted to maintaining the highest level of productivity. All data is subject to inspection by Department Heads, the IT Manager and the Village Manager. All such data is to be available in accordance with the Sunshine Laws of the State of Florida. Employees have no right to privacy as it relates to any data stored on the Village's IT resources including all computers.
3. Hardware/Software. All IT resources, including hardware and software, are provided to an employee for the purpose of aiding in the performance of the employee's job functions. All hardware and software used is to be supplied by the Village and installed by the IT Manager. Hardware and software that is unauthorized or unlicensed by the Village may not be used or installed on any Village computer. Users may not alter and/or modify software or any computer settings or install any personal equipment on the Village's network without prior approval of the IT Manager.

D. SECURITY

1. User Name/Passwords. In order to use the Village's IT resources, every user is provided a user name and password. Only authorized users may use Village IT resources. Users should not reveal their password to anyone – even fellow employees under any circumstances.
2. Access. Users must prevent access to the Village's IT resources by unauthorized individuals. Employees shall immediately report to their Department Head any incident or activity that could compromise the security of the Village's IT resources. Access to confidential information will be granted on a minimum level of access necessary to perform assigned responsibilities. Only authorized users will be granted remote access as this access introduces a higher level of risk. Only computer systems provided by the Village of Pinecrest (in compliance with minimum anti-virus and security standards) will be authorized to remote in.
3. Terminated Employees. Any user no longer employed by the Village shall be immediately denied access to the Village's IT resources upon notification to the IT Manager from the Human Resources Office or Department Head.
4. Flash Drives. "Thumb Drives" or similar USB devices pose one of the highest data security risks to a network environment including the transmission of viruses. Employees may only use flash drives that are purchased by the Village and only with permission from their Department Head. Utilization of personally owned flash drives or other USB storage devices is prohibited.

E. ACCEPTABLE USES OF IT RESOURCES

1. Village-related business purposes only, including communicating with Federal, state or local government personnel, vendors and other private businesses.
2. Uses conducted in a responsible, efficient, ethical, and legal manner for which users must acknowledge their understanding of this rule and guidelines as a condition of receiving access with the burden of responsibility being upon the user to inquire as to acceptable and unacceptable uses prior to such use.
3. Only those activities that enhance the ability of the user, increase their productivity and provide opportunities for professional growth, pursuant to which employees are encouraged to develop uses which meet their work-related performance objective needs and which take advantage of the network function. Examples of job-related responsibilities are accessing external databases; searching on-line public access information; disseminating documents to individuals or groups; participating in electronic mail discussion groups on job related topics; gaining access to software user support information and documentation.

F. UNACCEPTABLE USES

Unnecessary or unauthorized usage causes network and server congestion. Unlawful usage may also garner negative publicity for the Village and expose the Village to significant liabilities. Exceptions are limited to police investigations into criminal activities, which may require the use of the IT resources for information and intelligence gathering. This is permissible with the prior approval of the Police Chief with notice to the Village Manager.

The following are unacceptable uses – this list is meant to be illustrative and may not be all-inclusive:

1. Violation of any laws, regulation, departmental or Village policies, including State and County Codes of Ethics.
2. Using profanity, obscenity or other language that may be offensive to another person, including the use of the computer for threats, harassment, slander, defamation, obscene or suggestive images or offensive graphical images. The display of any kind of sexually explicit image or document is a violation of the Village's policy on sexual harassment. Sexually explicit material may not be archived, stored, distributed, edited, or recorded using the Village's IT resources.
3. Sending political endorsements or chain letters.
4. Engaging in commercial activities, except as may be conducted or authorized by the Village Manager and/or his/her designee for purchasing purposes.
5. Installation of non-approved software, including, but not limited to, screen savers, games, remote control software, or entertainment software, use for any personal reasons, resulting in or relating to personal gain or for profit enterprise; copying (uploading or downloading) commercial software in violation of copyright law.
6. Transmission of any material in violation of Federal, state or local law, ordinance, regulation or policy including unlawful or inappropriate communications as stated above, including, but not limited to, offensive, intimidating or embarrassing

7. comments, jokes, slurs, insinuations, rumors or pictures based on race, sex, sexual orientation, age, religion, color, national origin, or disability.
8. Attempting to circumvent security measures or accessing data of another user (e.g. disabling virus protection or tunneling a protocol through a firewall).
9. Harm or destroy any data files or physical equipment other than editing or deleting information in the normal course of the employee's duties.
10. The use of personal computing systems or test devices within the Village of Pinecrest networks.
11. The use of the Internet for Email for any unlawful activity or personal gain.
12. Sending credit card information by email or any other messaging technology.

G. E-MAIL

1. Public Records. E-mail messages and attachments are official records when created or received in the transaction of official business and are subject to disclosure, in the absence of exception, as provided by Chapter 119, F.S.
2. Responsibility. Employees are responsible for monitoring their e-mail account on a daily basis. Employees are also responsible for the content and dissemination of their e-mail. This responsibility includes that their messages are, (a) accurate; (b) courteous; (c) sent only to the pertinent staff; (d) protect confidentiality where appropriate; (e) are sent in a timely manner; and, (f) are filed and discarded appropriately.
3. Blast E-mails. Users shall not send blast e-mails to all employees without the prior authorization of their Department Head.
4. Use. E-mail shall be used for business communications only.

H. INTERNET

1. Use. The use of the Village's Internet resources is limited to acquiring information related to or designed to facilitate the performance of assigned duties or the performance of any task or project. The use of the Internet must be supportive of organizational objectives and be consistent with the mission of the Village. The use of Internet resources for commercial uses or profit or for personal use is prohibited.
2. Internet Media Sites. The use of the Village's Internet resources to access music or video sites for non-business use is prohibited unless otherwise authorized by the Department Head. These services consume a vast amount of bandwidth and therefore should only be used when the information needed is critical.
5. Disclaimer of Liability. The Village is not responsible for material viewed or downloaded by users from the Internet. Users are cautioned that included among the massive amount of information on the Internet is offensive, sexually explicit and inappropriate material. In general, it is difficult to avoid coming into contact with some of this material on the Internet even when performing innocuous search requests. In addition, having an e-mail account may lead to receipt of unsolicited e-mails containing offensive content. Users accessing the Internet do so at their own risk and the Village disclaims all liability.

I. LAPTOPS

The primary use of laptop computers is to provide users access to the Village's IT resources in a mobile environment. Employees assigned a laptop shall observe the following protocols in addition to any departmental policies relating to same:

1. Users shall be solely responsible for the care and safeguarding of the equipment.
2. Laptops used in vehicles shall be mounted in a docking station and shall not be used while the vehicle is in motion if it interferes with the safe operation of the vehicle.
3. Users shall limit the use of the laptop to work-related functions.
4. Users shall not allow access to their laptop by anyone not authorized to use Village equipment.
5. Users shall make their laptop available for inspection by their Department Head or the IT Manager at any time.
6. Users shall immediately notify their Department Head if the laptop has been stolen or is otherwise no longer in the possession of the employee.

J. SMART MOBILE DEVICES

The use of a smart mobile device in connection with accessing the Village's e-mail and calendar system is a privilege only granted to employees classified as "Exempt" under FLSA (Fair Labor Standards Act). Exceptions to this policy must be approved in advance and in writing by the Village Manager.

Release of Liability and Disclaimer to Users of Personal Smart Mobile Devices:
The Village hereby acknowledges that the use of a personal smart mobile device in connection with Village business carries specific risks for which the employee, as the user, assume full liability. These risks include, but are not limited to, the partial or complete loss of data as a result of a crash of the OS, errors, bugs, viruses, and/or other software or hardware failures, or programming errors which could render a device inoperable.

K. TEXT MESSAGING

Employees conducting Village business on wireless communication equipment shall have no expectation of privacy regardless of whether the equipment is the property of the Village or personal equipment.

Text messages sent or received by Village employees in connection with official Village business are public records and subject to disclosure under Florida's Public Records Laws. In the event that a Village business related text message is received or sent, via any text messaging application, the user shall be responsible for ensuring that the text message(s) is properly archived for retention purposes.

For purposes of this section, "properly archived" shall mean forwarding a copy of the said text message(s) to the user's Village email account with the subject line "Text Message" and a specific description. Should the employee not have a Village issued email, he/she

shall forward the sent or received text message(s) to the Office of the Village Clerk for proper archiving.

1. Procedure: Until such time as an enterprise-wide solution is implemented, the user shall preserve any texts that require archiving by forwarding a copy to their Village-issued email account in one of the following ways:
 - a. Forward the actual text message. The message will be sent as a text file.
 - b. Take a screen shot of the message and forward the image.

L. TRAINING

1. If needed, new employees shall schedule an appointment with the IT Manager prior to being granted access to the Village's IT resources at which time they shall be provided with their network credentials and basic information regarding the use of IT resources. New employees shall also be required to sign an acknowledgement of an understanding of the provisions of Rule 2.13.
2. Employees are responsible for learning proper techniques and standards for use of the IT resources.

M. HELP DESK

Employees shall immediately contact their department's Help Desk or IT staff, in accordance with departmental policies, to report any issues with the Village's IT resources.

N. RESPONSIBILITY OF EMPLOYEES

Employees are responsible for understanding that, if they misuse the IT resources, or violate provisions of Rule 2.13, they may lose access and may be subject to disciplinary action, including termination, as may be provided by the Village's Employee Policies and Procedures Manual. Particular concerns include issues of privacy, copyright infringement, e-mail etiquette, computer viruses, and any unintended use of network resources. Additional policies, procedures and requirements may be set forth by the Village Manager from time to time.

O. ENERGY EFFICIENCY GUIDELINES

In keeping with the Village's commitment to minimize its impact on the environment by reducing energy consumption, the Village's Information Technology Division ("IT") has created the following energy efficiency guidelines. This policy shall apply to all Village departments and employees. IT will provide assistance to all Village departments in implementing the guidelines.

1. All staff monitors and peripherals should be turned off at the end of the day, or when the user will be away from the device for more than two (2) hours. All computers, monitors and peripherals should be turned off when the user will be out for an extended period of time (e.g. weekends).
2. All screen savers should be disabled in favor of "power-down" mode. Desktop computers can draw 50-100 watts when in full operation and a laptop between 25-50 watts.

In "power-down" mode, these can be reduced to 20 and 5 watts, respectively. For monitors, the energy use can be reduced from 25-40 watts to 5 watts. Please contact IT for assistance.

3. Training room and shared equipment should be turned off when not in use, including all peripherals.
4. All computer equipment that is no longer in use must be reused, recycled or disposed of through IT.
5. Devices that require charging, such as laptops and cell phones, should not have their chargers plugged in without the device. It is recommended that this extend to any device that has an AC/DC converter.
6. Wherever possible, devices that draw a trickle charge when off should be fully disabled when not in full use.
7. Whenever feasible, the Village will purchase equipment certified by the U.S. Environmental Protection Agency's (EPA) "ENERGY STAR" program. ENERGY STAR is a program helping businesses and individuals protect the environment through superior energy efficiency, and ENERGY STAR-rated equipment will improve the Village's energy and financial performance.
8. Networking/sharing a printer is a more energy/cost-efficient solution than purchasing multiple personal printers. Whenever feasible, IT will purchase strategically, networked or shared printers capable of printing on both sides of a sheet of paper in lieu of personal printers.
9. Employees will print only when necessary in order to reduce paper, energy consumption and ink cartridges.
10. As a part of the Village's website, the Website Administrator will dedicate a section, page, or area that details our involvement in the Florida Green Builders Association's "Green Local Government Standard".
11. From time to time, the Village Manager may revise these guidelines and will distribute changes with a new effective date.

Rule 2.14 WORK SPACE MAINTENANCE, SECURITY AND PRIVACY

The Village provides offices and other workspace for business purposes only. Village workspace is not private, and may be inspected at any time. Management may at any time inspect or review any and all files (hard copy or computer), desks, drawers, filing cabinets, lockers, other storage areas, and/or all other work space and its contents, with or without your knowledge.

Employees are required to ensure that all sensitive/confidential information in hardcopy or electronic form is secure in their workspace at the end of the day and when they are expected to be gone for an extended period.

The following standards are established to ensure information is handled responsibly:

- a. Computer workstations must be locked when workspace is unoccupied.
- b. Computer workstations must be shut completely down at the end of the workday.
- c. Keys used for access to restricted or sensitive information must not be left at an unattended desk.

Rule 2.15 DIRECT DEPOSIT

- a. Employees for regular, provisional, seasonal, temporary, part-time or substitute positions are eligible and encouraged to obtain and maintain a bank account for the purpose of receiving wages from the Village of Pinecrest via an electronic funds transfer system (i.e., direct deposit).
- b. Reimbursement for expenses such as mileage, uniform allowance, supplies, travel expenses, or any other reimbursable expenses shall be made via direct deposit.
- c. An exemption from the direct deposit program will be granted for any employee claiming a hardship upon receipt of a written request to the Human Resources Office.

Rule 2.16 HIPAA – PRIVACY POLICY

The Village of Pinecrest complies with all applicable provisions of the Health Insurance Portability and Accountability Act of 1996 (HIPAA). The Village of Pinecrest has designated the Human Resources Manager as the HIPAA Compliance Officer. All questions regarding HIPAA and protected health information should be directed to the HIPAA Compliance Officer. The Village of Pinecrest will maintain the confidentiality of all protected health information to the extent required by HIPAA and any other federal, state, or local law or regulation.

Rule 2.17 ATTENDANCE AND PUNCTUALITY

The Village of Pinecrest is a service-oriented organization providing important and valuable services to residents and the public at large. In order to accomplish this goal, it is imperative that every employee be present when scheduled to work to fulfill customer expectations. It is therefore, the purpose of this policy to promote the efficient operation of Village departments and minimize unscheduled absences.

A. GUIDELINES

1. Employees' are expected to be regular in their attendance and report to work as scheduled, and on time and prepared to start work at their assigned workplace each day on which scheduled to work.
2. Employees are expected to remain at work for their entire work schedule. Late arrival, early departure, or other absences from scheduled hours are disruptive and must be avoided.
3. It is the employees' responsibility to notify his or her Department Head or supervisor as far in advance as is possible of any tardiness or absence. The employee should speak directly with the supervisor and provide an explanation for the absence or lateness. Failure to give such timely notification, without good cause, will forfeit any claim for sick pay and may be grounds for disciplinary action.
4. Scheduled (known) absence shall be requested via the timekeeping software as far in advance as possible.
5. Unscheduled, (unplanned) absences must be recorded in the timekeeping software immediately upon returning to work. In the event an employee does not return to work by the end of the pay period, it is the responsibility of the supervisor to record the absence in the timekeeping software.
6. Supervisors are responsible for impressing upon employees the importance of good attendance and the effect that unplanned absences have on the department's operation.

7. Habitual tardiness and/or absences may result in disciplinary action up to and including termination of employment.
8. Attendance / Punctuality is one of the performance categories in the Employee Performance Evaluation. Absences are documented as "occurrences". An occurrence is the number of non-consecutive full-day absences due to illness (other than approved FMLA leave). Partial occurrences due to medical appointments or illness shall count as one occurrence when hours off equals an employees work day. The following ratings are used to document attendance and punctuality:
 - a. Above Satisfactory: Less than three (3) occurrences and is almost never late.
 - b. Satisfactory: Three (3) to five (5) occurrences and is usually on time and tries to improve.
 - c. Conditional: Six (6) to nine (9) occurrences and/or employee is often late. There is a pattern of sick time used in conjunction with days off.
 - d. Unsatisfactory: Ten (10) or more occurrences and/or is frequently late. There is a pattern of sick time used in conjunction with days off.
9. Enforcement of this policy shall be the responsibility of the Department Head or designee.

Rule 2.18 WORK SCHEDULE

Each department shall be responsible for establishing their regular operating hours and employee work schedules. Employees are expected to be at work during their established schedule unless approval is granted by their Department Head or their designee.

A. WORK SCHEDULE CHANGES

A Department Head may change an employee's established work schedule to meet operational requirements. Occasional requests from employees for a change in their established work schedule must be approved by the Department Head. The approval or denial will be determined on a case-by-case basis depending on the operational and staffing needs of the department, the employee's job duties, work record and the employee's ability to temporarily or permanently return to a standard work schedule when needed. Employee requests for schedule changes expected to last more than two weeks must be documented on a Personnel Action Form (PAF) and forwarded to the Human Resources Office to be included in the personnel file.

B. RECORDING WORK SCHEDULES ON TIMEKEEPING SYSTEM

Proper recording of an employees established work schedule is necessary in order for the timekeeping system to accurately record time worked by an employee. Department payroll personnel are responsible for accurately entering employees' work schedules on the timekeeping system and updating work schedules thereafter, on an as-needed basis.

Rule 2.19 MEAL PERIODS FOR NON-EXEMPT POSITIONS

1. Meal periods are determined and scheduled by the department head or their designee.
 - a. The minimum meal period for non-exempt (hourly paid) employees shall be no less than 30 minutes in duration. Depending on the employee's classification and/or department, a 60-minute meal period may be applicable.
 - b. Meal periods are scheduled by department heads during generally recognized meal times so as to minimize disruption to customers during regular business hours.

- c. Employees are expected to return to work at the end of their meal period and within the allotted time determined by their department head.
- d. All employees required to use a timeclock must clock-out prior to beginning their meal period and clock-in prior to resuming work. Employees working off-site must return to their department to clock-out or do so at any of the nearby Village locations, before beginning their meal break and clock-in prior to resuming work.
- e. Meal periods are unpaid and non-exempt (hourly paid) employees must not perform any work while on their scheduled meal break. An employee who is on a meal break and is asked to perform work, must clock-in to record their work time, and if unable to do so, must notify his/her supervisor of the meal break interruption so an adjustment can be made on the timekeeping system.
- f. Working through a meal period is not permitted for make-up time unless prior approval is granted by the Department Head.

2. Eating at Desk/Workstation

Every Village department is equipped with a kitchen and/or break room and employees are encouraged to use these facilities for their meals and snacks. While lunches or other meals must be spent away from the employee's desk or workstation, eating and drinking small snacks or drinks at the employee's desk at other times is permitted. However, the activity should be conducted with much discretion, especially with the choice of food and an employee's visibility/proximity to the public and co-workers.

Employees in locations that are in direct view of the public are not permitted to eat at their workstation.

Due to the presence of sensitive electronic equipment and original paper documents, the use of covered drinking containers (i.e., water bottle with cap) is strongly encouraged to prevent spillage. Drinking containers should also be stable and not easily tipped. Immediate cleanup and proper disposal of food items is required.

Rule 2.20 TIMEKEEPING

The Village uses an electronic timekeeping system for the purpose of recording hours worked by employees. All departments are equipped with a timeclock. Employees are provided an identification badge to be used to record their time worked.

Non-Exempt Employees: Non-exempt (hourly paid) employees are required to record their time and attendance via the timekeeping system by clocking-in at the beginning and end of their workday according to their assigned work schedule; and also clock-in and out for meal periods in accordance with departmental policy. (See Rule 2.19, Meal Periods) . Employees may clock-in within two (2) minutes of their start time (unless approval from their Department Head is granted for a longer grace period). Employees are not permitted to clock-in unless they are proceeding directly to their assigned work area or upon approval, an administrative office, including the Human Resources Office or Village Manager's Office.

Exempt Employees: Exempt (salaried) employees are not required to record their time and attendance on the timekeeping system unless otherwise instructed by the department head or Village Manager.

If an employee has an error punching in or out in accordance with this policy or the Meal Period Policy, the employee is required to immediately notify their payroll coordinator, supervisor or

Department Head so appropriate steps may be taken to correct the timekeeping system in a timely manner.

Alteration, falsification or tampering with time and attendance records will result in disciplinary action, up to and including termination from employment.

Rule 2.21 WORKPLACE VIOLENCE PREVENTION POLICY

The Village of Pinecrest strives to provide a safe and healthy work environment that is free from threats and violence for all employees and other persons in our workplace. We define workplace violence as actions or words that endanger or harm another employee, or result in other employees having a reasonable belief that they are in danger. Such actions include but are not limited to, verbal or physical harassment, verbal or physical threats, assaults or other violence, or other behavior that causes others to feel unsafe in the work setting.

All employees of the Village of Pinecrest are expected to treat each other, their customers, the general public and all others with courtesy, dignity and respect. All employees are expected to abide by the Employee Code of Conduct.

It is the responsibility of all employees to report all threatening behavior to their supervisor, Department Head or the Human Resources Manager immediately. All threatening incidents will be documented by the person receiving the report and investigated by the Human Resources Manager. This investigation may involve the assistance of the Pinecrest Police Department. No employee acting in good faith, who reports real or implied violent behavior will be subject to retaliation or harassment based upon his or her report.

The Village shall not tolerate workplace violence. It is the goal of this policy to promote the safety and well-being of all people in our workplace. A violation of this policy may result in disciplinary action up to and including termination of employment, and, civil and/or criminal sanctions, if appropriate.

Rule 2.22 CHILDREN IN THE WORKPLACE

The Village supports "Take Your Child to Work Day". Beyond this observance, in order to ensure that a productive, professional and safe environment is maintained at all times, employees shall not bring children into the workplace during the employees' normal working hours. Exceptions may be considered on a case-by-case basis with prior approval from the Village Manager.

Rule 2.23 PRIOR SERVICE CREDIT

For employees re-hired into the municipal service in accordance with Rule 7.6, prior service credit shall be calculated as the sum of all prior full months of completed service prior to terminating employment with the Village.

Prior service credit shall be used to determine service recognition awards and longevity pay. Prior service credit shall also be used to determine vacation leave accrual rates for former full-time status employees rehired as full-time status employees. Prior service credits shall be determined by the Human Resources Manager.

Rule 2.24 PROCEDURES FOR REPORTING FRAUDULENT ACTIVITY

The Village of Pinecrest is aware that fraud is possible within the organization. Fraudulent activity may include, but is not limited to, corruption or unethical behavior, theft of cash or assets, falsification of expense and invoices, alteration or falsification of records including data processing records or knowingly providing false information on job applications.

Information and concerns about fraudulent activity may come from various sources including employees, vendors, and members of the public, results of external or internal audits, or any other interested parties.

All employees have a duty to report any suspected fraudulent activity by a Village employee or a non-employee. Fraudulent activity or concerns may be reported to the Village Manager, Finance Director, Village Attorney or department head. Anonymous tips may be reported to finance@pinecrest-fl.gov or by calling (305) 234-2121.

An employee's rights and status with the Village shall not in any way be harmed due to any good faith report of suspected fraudulent activity, nor shall any retaliation against such employee be tolerated.

Rule 2.25 SOCIAL MEDIA

A. GENERAL POLICY STATEMENT

The Village recognizes that social media can be a fun and rewarding way to share your life and opinions with family, friends and co-workers around the world. However, use of social media, even use that seems to be purely personal, may impact the Village, your co-workers, the public, and your job. Therefore, to assist you in making responsible decisions about your use of social media as it relates to your employment with the Village, a policy for appropriate use of social media has been established.

1. Guidelines - In the rapidly expanding world of electronic communication, social media can mean many things. Social media includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's blog, journal or diary, personal website, social networking or affinity website, web bulletin board or a chat room, whether or not associated or affiliated with the Village, email, as well as any other form of electronic communication. Examples of social media include, but are not limited to, Twitter, Tumblr, Facebook, LinkedIn, Instagram, Pinterest, YouTube, Flickr and Google+. The absence of, or lack of explicit reference to a specific site does not limit the extent of application of this policy.

The same principles and guidelines found in the other Village rules and regulations apply to your activities online. Ultimately, you are responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow employees or otherwise adversely affects people who work on behalf of the Village may result in disciplinary action up to and including termination.

2. Social Media at Work - Unless specifically authorized by the Village to do so as part of an employee's position, employees are not permitted to blog or use other forms of social media during those periods of the day in which they are required to perform their work tasks. Employees are prohibited from using a Village issued e-mail address on

their personal blogs, social media sites or pages, or any other personal Internet account (such as accounts for on-line news, retail, entertainment or sports).

Unless specifically authorized by the Village, employees are not permitted to blog or engage in social media use on or using any Village computers or Village-supplied electronic resources or other devices (except for Village-issued cell/smart phones approved for employee personal use). In addition, employees may not use the Village's facilities to develop, design or maintain their personal blogs or social media site or page or other similar communication.

3. Know and Follow the Rules - Employee blogging and social media use that may implicate the Village is subject to the Village's Computer Use and Electronic Communications Policy (Rule 2.13); the Village's Equal Employment Opportunity Policy (Rule 2.3); Harassment Policy (Rule 2.4); Workplace Violence Prevention Policy (Rule 2.21) and any other applicable policies in the Village's Employee Policies and Procedures Manual. Inappropriate postings include, for example, discriminatory remarks, harassment based on a protected class, threats of violence, false or confidential information about the Village or its employees, posting photographs of employees or others without their permission or other similar inappropriate or unlawful conduct. Violation of the above-listed policies or other inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination from employment.

B. VILLAGE OF PINECREST - SOCIAL MEDIA SITES

The Village has several social media sites as a means of improving communication. Employees choosing to engage with the Village through social media must abide by the Terms of Use of the Village's social media sites below:

1. Terms of Use for the Villages social media sites:

While social media sites promote an open forum, please keep your comments appropriate. Inappropriate comments, comments not related to the purpose of the page or comments not related to the specific post are subject to deletion by the administrator of this account. If you do not comply with the posting guidelines, an administrator may contact you and your message will be removed. If you post inappropriate content a second time, an administrator will contact you and you will be blocked from posting any more information to the site.

This forum is not monitored at all times. Do not use this forum to report emergency situations or time-sensitive issues. Please keep the following guidelines in mind when posting:

We do not allow graphic, obscene or explicit comments or submissions nor do we allow comments that are abusive, threatening, hateful or intended to defame anyone or any organization or comments that suggest or encourage illegal activity.

Content that promotes, fosters or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability, gender identity or sexual orientation will not be tolerated.

Content posted by persons whose profile picture or avatar, username or e-mail address contains any of the aforementioned prohibited conduct will not be tolerated.

Content should be related to the subject matter of the social media site where it is posted.

We do not allow solicitations or advertisements. This includes promotion or endorsement of any financial, commercial or non-governmental agency. Similarly, we do not allow attempts to defame or defraud any person or financial, commercial or governmental agency.

We do not allow information intended to compromise the safety or security of the public or public systems.

You participate at your own risk, taking personal responsibility for your comments, your username and any information provided.

All comments are subject to Florida's public records law.

The appearance of external links on this site does not constitute official endorsement on behalf of the Village of Pinecrest.

C. MIXING BUSINESS AND PERSONAL LIVES

Online, your personal and work personas are likely to intersect. The Village respects the free speech rights of all its employees, but you must remember that coworkers, supervisors and members of the public often have access to the online content you post. Keep this in mind when publishing information that can be seen by more than family and friends, and remember that information originally intended just for friends and family can be forwarded.

1. Village Subject of Content - If the Village is a subject of the content you are creating, express only your personal opinions. Never represent yourself as a spokesperson for the Village. Make it clear to the readers that the views expressed are yours alone and that they do not reflect the views of the Village, by stating, for example, *"The views expressed in this blog [or blog posting] are my own"* or *"I am not a spokesperson for the Village"* or *"My views do not represent those of the Village."*
2. Village Manager Consent - You may not post anything on the Internet in the name of the Village or in a manner that could reasonably be attributed to the Village without prior written authorization from the Village Manager or his/her designee.
3. Confidential Information - Do not disclose any confidential information regarding on-going law enforcement investigations or any information exempt from disclosure under Florida's public records law.
4. Intellectual Property - You may not use any of the Village's logos, seal, slogan or trademarks on your personal blog or social media site or page in a manner that suggests that your posts express the opinions of the Village. In addition, you may not use the Village's trademarks as part of your social media usernames or handles.

Remember to respect the laws governing copyrights, fair use of copyrighted materials, trademarks and other intellectual property, rights of publicity, and other third-party rights in the on-line social media space.

5. Protected Activity - Nothing in this policy is intended to prohibit or discourage employees from engaging in speech as citizens on matters of public concern; to prohibit or discourage employees from engaging in any protected activities under any applicable law; or to restrain or impair the ability of any individual from cooperating with the investigative or enforcement authority of any governmental agency with applicable jurisdiction or to impair or impede such authority.

D. WORK-RELATED COMPLAINTS

The Village encourages employees to resolve work-related complaints by speaking directly with co-workers, supervisors, managers, Department Heads or the Human Resources Office. If an employee, however, decides to post personal complaints or criticism concerning the Village, its officers or employees, such communications are subject to all applicable Village policies and procedures.

E. RETALIATION IS PROHIBITED

The Village prohibits taking retaliatory action against any employee for properly reporting a possible deviation from this policy or for cooperating in an investigation. Any employee who retaliates against another employee for properly reporting a possible deviation from this policy or for cooperating in an investigation may be subject to disciplinary action, up to and including termination.

Rule 2.26 AMERICANS WITH DISABILITIES ACT – REASONABLE ACCOMMODATION

The Village of Pinecrest is committed to complying with all applicable provisions of the Americans with Disabilities Act, as amended (“ADAAA”). It is the Village’s policy not to discriminate against any qualified individual on the basis of disability in regard to recruitment, hiring, advancement, termination or any terms or conditions of employment.

Consistent with this policy of non-discrimination, the Village will provide reasonable accommodations to an employee with a disability who is a qualified individual, as defined in the ADAAA, who has made the Village aware of his or her disability, provided such accommodation does not constitute an undue hardship to the Village. Any employee with a disability who believes that he or she needs a reasonable accommodation to perform the essential functions of the job should contact the Human Resources Manager.

Any employee who feels that he or she has not been treated in accordance with this policy should contact their Department Head, Human Resources Manager or Village Manager. The Village prohibits and will not tolerate retaliation against any employee who requests a reasonable accommodation or makes a good faith complaint under this policy.

Any job applicant who has questions regarding this policy or believes that he or she has been discriminated against based on a disability should contact the Human Resources Office.

Rule 2.27 FRATERNIZATION

The Village respects the rights of its employees to conduct their personal lives as they wish. However, the Village recognizes that romantic relationships can create a conflict of interest (actual or perceived) or adversely affect work performance and employee morale, create concerns of favoritism, and potentially result in claims of harassment.

For purposes of this policy, a “romantic relationship” includes dating, sexual relationships, domestic partnerships, and employees who share the same household as a couple.

1. Co-Worker Relationships

There is no prohibition against co-worker romantic relationships or employees who marry each other or become involved in a domestic partnership provided they do not work in a direct supervisory relationship with each other or in a position, which substantially and directly influences the employment conditions of the other or in a position that has an audit or investigation function over the other, such as the Human Resources and Finance Department and Internal Affairs. Under these circumstances, the Village will attempt to reassign one of the employees to another position for which he or she is qualified if such a position is available. In the event that no such transfer is possible, or if such a transfer is not accepted by the Village or the employees, and if neither employee will resign, the Village may terminate the employment of one of the employees. It shall be within the sole discretion of the Village to determine which employee to terminate.

See Rule 3.7, Employment of Relatives.

2. Reporting Relationships

If a romantic relationship develops between a supervisor/manager and an employee, it is the supervisor/manager’s responsibility to promptly disclose the existence of the relationship to the Human Resources Manager. The employee may make the disclosure as well, but the obligation of doing so rests with the supervisor/manager.

Rule 2.28 DOMESTIC PARTNERSHIP BENEFITS

It shall be the policy of the Village of Pinecrest to offer benefits to domestic partners and their dependent children which are otherwise available to an employees’ legal spouse and dependent children. Domestic partners shall also be covered under bereavement leave and sick leave policies. Additionally, employees are eligible for leave, similar to FMLA, for the serious health condition of their declared domestic partner.

- a. **Definition of Domestic Partners:** Domestic partners are defined as two adults, of the same or opposite sex, engaged in a committed relationship characterized by mutual caring and dependency, and sharing a home or living arrangements.
- b. **Eligibility:** Employees must have completed a Declaration of Domestic Partnership prior to receiving any benefits outlined in this manual. To qualify for domestic partner coverage, both individuals must meet each of the following qualifications as well as the specific criteria outlined on the Declaration of Domestic Partnership Form.
 1. Individuals must be at least 18 years of age and mentally competent to consent to a contract.
 2. Individuals are each other’s sole and exclusive Domestic Partner and intend to remain so indefinitely.

3. Individuals are not married or legally separated or domestic partners as defined herein, with anyone else and have not been so during the preceding six (6) months prior to the declaration of domestic partnership.
 4. Individuals are not related by blood to a degree of closeness that would prohibit legal marriage in the State of Florida.
 5. Individuals are living together in a common residence and at the time of declaration, must have resided together on a continuous basis for the preceding six (6) months and intend to do so indefinitely.
 6. Individuals are engaged in a committed relationship of mutual caring and support and are jointly responsible for each other's common welfare and living expenses.
- c. Documentation for Proof of Relationship: The Village shall require at least two (2) of the following documents as proof of domestic partnership to be submitted with the Declaration of Domestic Partnership Form:
1. Common ownership of real property (joint deed or mortgage agreement) or a common leasehold interest in property.
 2. Common ownership of a motor vehicle.
 3. Driver's license listing a common address.
 4. Proof of joint bank accounts or credit accounts.
 5. Proof of designation as the primary beneficiary for life insurance or retirement benefits, or primary beneficiary designation under a partner's will.
 6. Assignment of a durable property power of attorney or health care power of attorney.
- d. Employees wishing to claim Domestic Partner Benefits must execute a written declaration, acknowledging the above listed criteria and submit the necessary and appropriate paperwork to Human Resources as requested by the Village to substantiate their eligibility. Proof of eligibility shall require a minimum of two (2) documents/instruments showing joint residency and joint financial responsibility. The date the partnership satisfies the requirements stated on the Declaration form shall serve as the employee's eligibility date for this coverage. Subsequent Declarations with a different partner are not eligible for consideration until at least six (6) months have elapsed since the previous declaration has been terminated by the Village.
- e. Civil action may be brought against one or both parties if it is determined that information on the Declaration is falsified.
- f. The filing of a declaration does not guarantee the employee's Domestic Partner eligibility for enrollment in the benefits offered by the Village. Likewise, it does not guarantee that the benefit providers will approve coverage, without additional or updated information as solely determined by the benefit provider.
- g. A qualified Domestic Partner and dependent children may be eligible for group insurance coverage for medical and dental coverage.
- h. All employees who qualify for this benefit recognize and acknowledge that IRS regulation does not recognize domestic partners/dependents as the equivalent of spouses/dependents. As such, payroll deductions cannot be made on a pretax basis and those employees shall have to pay income tax on the imputed value of the domestic partnership benefit. Additionally, unlike a spouse, one may not take a tax-free distribution from a Health Savings Account (HSA) to pay for a domestic partner's expenses, unless the

domestic partner is considered a dependent under IRS Section 152. Since there are potential tax consequences to enrolling domestic partners and children, employees are encouraged to seek tax advice from a qualified tax consultant.

- i. If an employee terminates his/her employment with the Village, the domestic partner and dependent children are not eligible for COBRA coverage for medical and dental coverage; however, the Village will extend continuation coverage similar to COBRA for up to a period of 18 months with approval from the carrier.
- j. A Domestic Partnership shall be considered automatically terminated in the event that one of the domestic partners, marries, remarries, dies or enters into a domestic partnership with another. In those instances, where a domestic partnership dissolves, the date of termination shall be date of the event the eligibility is lost, not the date of notice to the Village. Within 30 days of that date, the employee is required to complete and file with the Village's Human Resources Office a Notice of Termination of Declaration of Domestic Partnership.
- k. Domestic Partners have the obligation to and shall within fifteen (15) days of the date of which the Domestic Partnership no longer meets the eligibility criteria file with the Village's Human Resources Office a Notice of Termination of Domestic Partnership. Failure to timely report and file the Notice of Termination of Domestic Partnership shall result in a tolling of the six-month waiting period and as further penalty prohibits the eligibility for Domestic Partnership for one (1) year.
- l. All employees who fail to comply with the policies of the Domestic Partnership Benefits, or who gives false, misleading or deceitful information to obtain those benefits, shall reimburse the Village for any expenses, benefits payments or other fringe benefit. The Village is authorized to withhold such monies from any compensation, including benefit plan payments, owed to the Village or its insurance carrier.
- m. All employees who violate any terms of this policy shall be subject to discipline, up to and including termination of employment.

Rule 2.29 IMPROPER DEDUCTIONS FROM PAY - SAFE HARBOR

The Village does not make improper deductions from the salaries of exempt employees and complies with the salary basis requirements of the Fair Labor Standards Act (FLSA). Employees classified as exempt from the overtime pay requirements of the FLSA will be notified of this classification at the time of hire or change in position.

Exempt employees are compensated on a "salary basis" and regularly receive a predetermined amount of compensation each pay period less applicable wage-related taxes and other deductions authorized by the employee or required by law. The predetermined amount cannot be reduced because of variations in the quality or quantity of the employee's work. Subject to permissible deductions listed below, an exempt employee must receive the full salary for any week in which the employee performs any work, regardless of the number of days or hours worked, but will not be paid for any workweek in which they perform no work.

No deductions will be made from any salaried exempt employee's compensation for absences occasioned by the Village or by the operating requirements of the Village's business. If the employee is ready, willing and able to work, deductions will not be made for time when work is not available.

- a. Permissible Deductions - Deductions from pay are permissible when an exempt employee:
1. Is absent from work for one or more full days for personal reasons other than sickness or disability;
 2. For absences of one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness;
 3. To offset amounts, employees receive as jury or witness fees, or for military pay;
 4. For penalties imposed in good faith for infractions of safety rules of major significance;
 5. For unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions.
 6. Is in the initial or terminal week of employment, and an employer is not required to pay the full salary but instead will be paid a proportionate part of the employee's salary for the time actually worked.,
 7. For weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act.

If a salaried, exempt employee believes that an unauthorized or improper deduction has been made from his or her salary or the salary of anyone he or she supervises, the employee should notify the Village immediately by bringing the matter to the attention of the supervisor, Department Head or the Human Resources Office. If the employee prefers not to raise the matter with his or her supervisor or Department Head, the employee should report the concern to the Human Resources Office.

- b. Safe Harbor - The Village is committed in good faith to comply with the Fair Labor Standards Act at all times. If the Village concludes that the deduction was unauthorized or improper, the employee will be promptly reimbursed for any amount(s) incorrectly deducted. The Village prohibits and will not tolerate retaliation against any employee who raises any concern under this policy.

Rule 2.30 POLITICAL ACTIVITIES

It is the policy of the Village that all employees are prohibited from soliciting or accepting any political contribution in any Village property, including Village Hall, Police Department and parks. Such prohibited solicitations include, but are not limited to, using Village phones, faxes or computers to solicit contributions or personally approaching any person at any Village property for the purposes of asking for or receiving a political contribution.

Employees are prohibited from providing services to a candidate for elective office during the employees' work hours for the Village or when an employee has the appearance of being at work or representing the Village such as while in uniform or driving a Village identified vehicle. For example, if an employee is at an event in his/her official capacity, the employee is prohibited from electioneering for a candidate at that event. This prohibition also applies to any employee that may be a candidate for elective office. If an employee is also a candidate, the employee is prohibited from campaigning for him/herself during his/her work hours for the Village.

Rule 3.1 MUNICIPAL SERVICE

The Municipal Service shall include all paid employees of the Village of Pinecrest not specifically exempted under Section 3.2 below.

Rule 3.2 EXEMPTED FROM MUNICIPAL SERVICE:

The following positions are exempt from the provisions of the Employee Policies and Procedures Manual:

- a. Officials elected by popular vote and persons appointed to fill vacancies in such offices.
- b. Members of any board, committee or commission of the Village.
- c. Persons of highly technical, scientific or professional training maintaining independent practice in their chosen profession employed on a consulting basis on a part-time fee, retainer or salary basis by the Village.

Rule 3.3 LABOR AGREEMENTS

When employees are covered under a labor agreement, wages, benefits, hours, and working conditions are specified by the collective bargaining agreement. If any conflicts occur between a labor agreement and the rules of the Employee Policies and Procedures Manual, the applicable labor agreement shall take precedence.

Rule 3.4 DOUBLE EMPLOYMENT

Employees may not be employed in more than one position with the Village, except under special circumstances and with prior authorization by the Village Manager.

Rule 3.5 OUTSIDE EMPLOYMENT

Employees in the Municipal Service may engage in outside employment (including self-employment) with the approval of the Village Manager and with the understanding that their primary duty, obligation and responsibility is to the Village of Pinecrest. Employees accepting additional employment outside Village service must meet the following conditions:

- a. File an Outside Employment Request and Affidavit Form with their Department Head (found on the Intranet). The notice shall state the type and place of employment, the maximum hours of work, and employer's name. If the job has more than one location, the employee must furnish the name, address and telephone number of someone who will know his or her whereabouts. The employee must keep his or her Department Head notified of changes in conditions of any outside employment.
- b. Arrange with the outside employer to be relieved from duty if called for work by the Village.
- c. Outside employment shall not be permitted when the Village Manager determines such employment would be a conflict of interest or inappropriate with one's employment with the Village.
- d. All injuries sustained during outside employment must be reported to the employee's supervisor prior to the next working day. An employee's failure to report an injury sustained during outside employment shall be grounds for discipline including dismissal from Village employment.

- e. Outside employment shall not interfere with the efficient performance of one's duties with the Village and will not occur during regular or assigned work hours unless pre-approved annual or compensatory leave to cover the absence has been received.
- f. Be with any business, organization or agency that is subject to the regulation of, or is doing business with the Village except as expressly permitted by Florida State Law.
- g. Require one to disclose or use information gained by one's Village position unless the information is available to the general public.
- h. Involve the performance of any work to be performed as part of one's regular duties with the Village or be for personal gain while on duty with the Village.
- i. Be obtained through personal solicitation during one's work hours with the Village.
- j. Use the Village name, logo or trademark or any portion thereof, in order to solicit customers, or the use of any Village equipment, supplies, staff, facilities or materials.

Employees shall notify the Village of changes in their outside employment or when outside employment has discontinued. The Village shall have the right to rescind the approval of a request for outside employment, at any time, upon written notice.

Employees found in violation of the above provisions, may be subject to disciplinary action up to and including termination of employment.

Rule 3.6 RECRUITMENT

The Human Resources Manager shall post all vacant positions in the Municipal Service on the Village's web site.

Applications are accepted only for specific vacancies. An application shall be active for ninety (90) days from the date filed, unless it becomes void because of some other rule of the Human Resources Office. At the end of ninety (90) days, the application is void. A new application must then be completed for any vacancy, which opens after the ninety (90) day period has elapsed. Incomplete applications will not be considered. Resumes will not be accepted in lieu of a fully completed employment application.

See Rule 5.11, Recruitment Incentive Program.

Rule 3.7 EMPLOYMENT OF RELATIVES

The employment of relatives is not encouraged. Approval will not be granted for the employment, promotion or transfer of a member of the immediate family of an employee (defined under this policy as father, mother, spouse, domestic partner, children whether natural or otherwise, brother, sister, mother-in-law, father-in-law, sister-in-law, brother-in-law, or other members of employee's household) to a position where a relative may be either supervising or influencing the activities of the employee.

Current employees who marry each other or become involved in a domestic partnership will be permitted to continue employment with the Village provided they do not work in a direct supervisory relationship with each other or in a position, which substantially and directly influences the employment conditions of the relative. If employees who marry or live together do work in a direct supervisory relationship with each other, the Village will attempt to reassign one of the employees to another position for which he or she is qualified if such a position is available.

If no such position is available, one of the employees will be required to separate from employment. It shall be within the sole and discretion of the Village to determine which employee shall be terminated.

Rule 3.8 EXAMINATIONS

All appointments to the Municipal Service, either at entrance or promotional level, shall be made on the basis of qualifications, merit and fitness, to be determined by a practical combination of any or all of the following:

1. Interview examination. The Human Resources Manager will develop a list of questions to be asked during the interview. Whenever practical, there shall be more than one interviewer.
2. Performance examination.
3. Physical, medical, or psychological examination following conditional offer of employment.
4. Written examination and/or Oral Board Examination.
5. Evaluation of training and experience.
6. Other criteria, such as certifications, licenses, etc., as may apply.

The Human Resources Manager may reject applications of those who fail to meet the announced requirements of the position.

A. TYPES OF EXAMINATIONS

1. Open Competitive: Any examination in which competition is open to any person meeting the announced requirements for admission to the examination.
2. Promotional: Any examination in which competition is limited to present employees. Such examination shall be restricted to the employees serving in a lower related classification.
3. Non-Competitive: Any examination by interview, reference checking or other method customarily held for seasonal, temporary, or for related reasons whereby competitive examination is deemed impractical.

B. EXAMINATIONS, SCORING, CREDITS

1. Veterans Preference: Qualified veterans will receive preference as set forth in the applicable State of Florida Statutes.
2. Seniority Credits for Promotional Examination: In computing scores on any written promotional examination, persons in the municipal service will receive a one-point credit for each full year of service prior to date of examination with a maximum accumulation of ten points.
3. Examination Grade: Scoring for written examinations will be based on a scale of 0 – 100, unless otherwise noticed on the job announcement.

C. LAYOFF LIST

A Layoff List will contain the names of former employees who were separated in good standing from a position because of lack of work, lack of funds, or from positions abolished as a result of departmental reorganization or for like reasons. The employee's name shall be maintained on such list for a period of one year.

Rule 3.9 APPOINTMENTS

Upon receipt of the Department Head and Human Resources Manager's recommendations, the Village Manager shall approve or deny all appointments.

A. TYPES OF APPOINTMENTS

1. Regular Appointment: The appointment of an individual to the Municipal Service.
2. Provisional Appointment: The Village Manager may authorize the filling of a position by provisional appointment. Any such provisional appointee must meet educational, experience, and related requirements set forth by the Human Resources Manager. Provisional appointments shall not be for periods greater than six (6) months and shall be limited to two (2), six-month periods. The provisional appointment shall not confer any rights of status, appeal or related rights set forth under these rules. A provisional employee failing to qualify by subsequent examination shall be separated from service with the Village.

3. Other Types of Appointments:

To fill positions of a seasonal, part-time, or temporary nature the following appointments may be made (such appointments will confer no rights of status, appeal or related rights):

- a. Seasonal and Temporary: Such appointments may be made for work, which is seasonal in nature or temporary in its requirements. All applicants for such position shall meet the requirements set forth by the Human Resources Manager.
- b. Part-time: May be made for work, which requires the services of an employee for less than the number of hours of a typical workweek. Applicants for such position shall meet the requirements set forth by the Human Resources Manager.
- c. Substitute: May be made to fill a vacant position due to an extended leave of absence or other authorized leave. A substitute appointment shall confer no status or rights under the rules except those of the lower classification when such appointment is made from among existing employees.
- d. Special Administrative Appointments: In the event of a vacancy in the position of Department Head, the Village Manager may request that an employee accept such a position in an acting capacity. Such acceptance will not entitle the employee to subsequent administrative appointment to that position. Any employee in the Municipal Service accepting such an acting position will not forfeit any rights or benefits, even though the acting position is exempted from the Municipal Service. Such appointments, in an acting capacity, shall continue for an initial period of not more than six (6) months duration and may be renewed, for an additional six (6) month period thereafter, by the Village Manager. Any employee appointed to an acting position shall receive a temporary salary increment of fifteen percent (15%) over his/her current earnings, but in no case shall the temporary salary be more than that budgeted for the Department Head position.

Rule 4.1 DESIGNATED HOLIDAYS

- a. All full-time, non-exempt employees shall be paid for the following designated holidays and when required to work on such days, hourly employees shall be paid at a rate of time-and-one-half for hours worked in addition to Holiday pay (ex. 8 or 7.5 hours). However, non-exempt, shift-work personnel such as, Dispatchers, and Community Service Aides, shall receive the Holiday pay (in lieu of the time off for holidays), payable in the first pay period in December. The payment to the shift-work personnel shall be based on the number of holidays from the date of hire. Under no circumstances shall temporary, seasonal, provisional or part-time employees be entitled to the provisions of this section.

New Year's Day
Martin Luther King Jr.'s Birthday
President's Day
Memorial Day
Independence Day
Labor Day
Veterans' Day
Thanksgiving Day
Friday after Thanksgiving
Christmas Day
Employee's Birthday (Must be taken during the birth month)

Should any designated holiday fall on Sunday, the following Monday shall be observed. Holidays falling on Saturdays shall be observed on the preceding Friday.

- b. Employees must be on active pay status and/or work their scheduled hours on the regularly scheduled working day immediately prior to a holiday and the regularly scheduled working day immediately following a holiday, in order to qualify for the unworked holiday pay. Under no circumstances shall temporary, seasonal, provisional or part-time employees be entitled to the provisions of this section.
- c. Employees given holiday work assignments who fail to report for and perform such work for any reason other than verified illness or emergency, shall not receive pay for the unworked holiday and may be subject to disciplinary action.
- d. If an employee is on authorized leave when a holiday occurs, that holiday shall be charged to holiday leave and not to vacation, sick or other such leaves.
- e. Exempt employees eligible for holiday leave who are scheduled to work on the designated holiday must take the holiday during the same month in which it occurs. Carryover of holiday leave is not allowed.
- f. All full-time employees are granted two (2) PERSONAL DAYS. The Personal Days shall be taken each year by September 30 or be lost.

Rule 4.2 VOTING

Employees are encouraged to exercise their right to vote outside of their scheduled working hours.

Rule 4.3 VACATION LEAVE

Full-time employees shall be entitled to earn and accrue annual vacation leave with pay. Under no circumstances shall temporary, seasonal, provisional or part-time employees be entitled to the provisions of this section. All leave credits are to be determined each January 1.

A. COMPUTATION OF VACATION LEAVE

Annual vacation leave shall accrue at the following rate:

<u>Years of Service</u>	<u>40-hour workweek employee Rate of Vacation Accrual</u>	<u>37.5-hour workweek employee Rate of Vacation Accrual</u>
Less than 5 years	6.67 hrs/mo (80)	6.26 hrs/mo (75)
More than 5 but less than 10 years	10.00 hrs/mo (120)	9.38 hrs/mo (112.5)
More than 10 years	13.33 hrs/mo (160)	12.50 hrs/mo (150)

Upon separation from service for any reason, the employee shall be paid for all accrued unused vacation. Payment of such leave shall be made as specified in subsection (f) below. Such payment shall not be construed to extend employment beyond the last day actually worked.

B. ACCUMULATION OF ANNUAL LEAVE

The Village recognizes the value of time off for employees to rest and return to work with renewed vigor and, therefore, encourages the use of vacation leave. Employees may use vacation time as it is accrued. No more than two hundred and forty (240) hours of accrued vacation time may be carried forward into the next calendar year.

C. RESTRICTIONS

Annual leave shall not be earned by an employee during leave of absence without pay, suspension, or when the employee is otherwise on a non-pay status.

D. VACATION REQUESTS AND SCHEDULING

Department Heads shall schedule annually for vacation leave of employees in their department with due consideration to the needs of the Village, wishes of the employees, and seniority. The Department Head's determination of the schedule of leaves shall be final. Request for vacation leave shall be documented by the employee on the timekeeping system. Except in the event of an unforeseen emergency, vacation leave must be requested and approved by the supervisor in advance of the leave dates. A two-week minimum advance notification is preferred of all leave requests lasting longer than one (1) day.

E. DONATION OF ACCRUED VACATION LEAVE

1. Full-time employees may donate accrued vacation leave to a designated Village employee when illness requires the designated employee to be absent from work for a lengthy period of time and when the employee has exhausted all accrued vacation and sick leave.
2. The employee without available sick or vacation time shall submit a request to the Human Resources Manager in writing requesting that a Donation Notice be posted on his or her behalf.

3. Employees wishing to donate unused vacation time shall submit a Personnel Action Form to the Human Resources Manager indicating the number of hours he or she would like to donate.
4. The Human Resources Manager will compute the dollar value of the time donated based on the donor's rate of pay, divided by the recipient's hourly rate to determine the number of hours available to the recipient.

F. PAYMENT IN LIEU OF ANNUAL LEAVE

Employees may elect payment of accrued, unused annual leave in lieu of taking time off. The calculation of leave, which is received in lieu of taking time off, shall be made on the basis of the straight time rate of pay in effect when the payment is processed. Requests for payment in lieu of annual leave shall be requested and documented on the timekeeping system using pay code, "buy-back vacation" (BBK-V).

Rule 4.4 SICK LEAVE

Sick leave is a privilege granted to full-time employees as a short-term income protection plan when employees meet the eligibility requirements. Full-time employees shall be entitled to earn and accrue annual sick leave with pay. Under no circumstances shall temporary, seasonal, provisional or part-time employees be entitled to the provisions of this section. All sick leave credits are to be determined each January 1.

A. ELIGIBILITY

Sick leave may be granted for the following:

1. When an employee is unable to perform his or her duties because of sickness or non-job related injury or illness;
2. Personal medical, dental and optical appointments; and
3. Absence due to illness of spouse, or dependent members of the household. For the purpose of this policy, dependent members of the household are defined as those claimed on the employee's income tax return.
4. When an employee has exhausted the maximum period for supplemental workers' compensation pay as outlined in Rule 4.5(a)1, the employee may use accrued sick leave to supplement workers' compensation benefits beyond the 180-days of supplemental pay but only after exhausting all available vacation, personal and compensatory time. The amount of sick leave allowed under this subsection shall be no more than necessary to supplement the workers' compensation benefit and shall be based on the equivalent of the employee's weekly base pay minus the weekly workers' compensation benefit. See Workers' Compensation Supplemental Pay Worksheet.

B. COMPUTATION

1. Sick leave shall be calculated at the rate of eight (8) hours per month, if on a forty (40) hour workweek and at the rate of seven and one-half (7.5) hours per month, if on a thirty-seven and one-half (37.5) hour workweek. Sick leave shall not be earned by an employee during suspension or when the employee is otherwise on a non-pay status.

2. Sick leave earned shall not be charged for disability leave due to job injury for which workers' compensation benefits are paid; except as indicated under Rule 4.4 (A) 4.
3. Accrued vacation leave shall be used as sick leave when all sick leave credits have been exhausted.
4. Period of authorized sick leave shall be counted as working time in the calculation of any other benefits provided for under these rules with the exception of overtime as outlined in Rule 6.7.c.
5. Sick leave shall not be used as vacation time under any circumstances.

C. SICK LEAVE REQUESTS AND REQUIREMENTS

1. Sick leave shall be documented by the employee on the timekeeping system as soon as practicable following the use of sick leave, or documented in advance when possible. In circumstances wherein an employee is unable to request their sick leave, the supervisor may document the employees' timesheet on their behalf.
2. It is the employees' responsibility to notify his or her Department Head as far in advance as is possible of any absence. Failure to give such timely notification, without good cause, will forfeit any claim for sick pay.
3. When an employee is absent due to illness for a period longer than one day, he or she may be required to submit medical evidence of the reason for absence, upon request by his or her Department Head. If one has a record of excessive one-day absences, one may, at the discretion of the Department Head, be required to submit evidence of the reason for even one-day absences.
4. Medical, dental, and optical appointments shall be charged for the actual time used in amounts not smaller than one-quarter hour.
5. Employees shall call in every day to report in sick, even in instances of prolonged illness, unless other instructions are provided by the Department Head.

D. ACCUMULATED SICK LEAVE

Employees who are eligible to accrue sick leave may accumulate a maximum of one thousand and forty (1,040) hours if on a forty (40) hour work-week and nine hundred and seventy-five (975) hours if on a thirty-seven and one-half (37.5) hour work-week. There shall be no payment for unused accumulated sick leave upon termination of employment for any reason.

E. SELL BACK

Employees on active status may sell back to the Village up to twenty-five percent (25%) of the remaining annual accrual up to a maximum of twenty-four (24) hours (or 22.5 hours if on a 37.5-hour workweek). The calculation of hours sold back shall be based on the straight time rate of pay in effect on December 31. Payment of sick leave sell-back hours shall be made in January.

Requests for selling-back sick leave shall be made by the employee on a Personnel Action Form and submitted to the Human Resources Office.

Rule 4.5 DISABILITY LEAVE - WORKERS' COMPENSATION

All municipal employees are covered by Workers' Compensation Laws and are entitled to benefits as provided and limited by such laws. Full-time employees disabled due to job injury and having been awarded salary compensation benefits under Workers' Compensation Laws may receive disability leave and may be eligible for supplemental compensation at the employee's regular pay rate. All accidents and injuries must be reported immediately to one's supervisor who shall forward the same to the Department Head. The supervisor shall follow up with an investigation as provided by the Village's Safety Program and forward it to the Department Head and Human Resources Manager.

A. SUPPLEMENTAL WORKERS' COMPENSATION PAY

Full-time employees disabled due to job injury and having been awarded salary compensation benefits under Workers' Compensation laws may be eligible for supplementary compensation as follows:

1. The Village will continue the employees regular weekly base pay, or, if the employee chooses, the Village will pay the difference between the Workers' Compensation benefit awarded and the employee's regular rate of pay at the time of the accident, in either case, for a maximum period of one hundred eighty (180) days per injury or, one hundred eighty (180) calendar days in a calendar year (January through December), whichever is less. See Workers Compensation Supplemental Pay Calculation Worksheet.
2. Employees failing to report injuries within twelve hours from occurrence of such injury may be excluded from any supplemental Workers' Compensation pay benefit. Additionally, the employee may be disciplined for failure to comply with the Employee Policies and Procedures Manual.
3. Any injuries due to the employee's own misconduct or willful negligence will not be considered for supplemental Workers' Compensation pay and the employee may be disciplined for failure to comply with the Employee Policies and Procedures Manual and other departmental policies.

Rule 4.6 OTHER LEAVES WITH PAY

The following types of leave with pay may be granted upon recommendation of the Department Head, and subject to the approval of the Village Manager.

A. JURY DUTY

Full-time employees who are summoned to Jury Duty by a court of competent jurisdiction shall be granted time off with pay provided the employee provides a copy of the summons to his/her supervisor at least five (5) work days prior to commencement of service as a juror. This notification allows for advance planning during an employee's absence. Any employee who is released from Jury Duty and has half a day or more of regularly scheduled work time remaining shall report to work as soon as possible. Proof of time served on Jury Duty shall be required and provided to the supervisor to be added to the timekeeping system as supporting documentation for the absence. According to Florida Statute Section 40.24, each juror who serves more than three (3) days is entitled to be paid by the state for the fourth day of service and each day thereafter at the rate of thirty dollars (\$30) per day of service. The Village shall withhold from the employee's usual wages or salary an amount equal to the statutory fees to which the employee is entitled for serving as a juror as permitted in the Miami-Dade County Code, Section 11-32, unless the employee endorses their jury pay to the Village.

B. COURT APPEARANCES

The Village shall grant an employee leave with pay for appearance at any judicial proceeding where the employee has been required by the Village to appear or where he/she has been subpoenaed relative to Village business or to the scope of his/her employment with the Village. Employees are to notify their Department Head as soon as practicable after receiving a subpoena or other notice to attend any such judicial proceeding. An employee who is a litigant or required to appear for their own personal purposes or for an action unrelated to the scope of their employment or witness against the Village, however, shall not be compensated under this rule. Vacation time may be used for this purpose.

C. MILITARY LEAVE

Employees shall be granted military leave in accordance with the Uniformed Services Employment & Re-employment Rights Act of 1994 (USERRA), as amended, and Chapter 115, et seq., Florida Statutes. The following provisions shall be observed:

1. Employees who by reason of membership in the Florida National Guard or other reserve components of the Armed Forces of the United States are ordered by appropriate authority to attend a training period shall, upon presentation of his or her official orders, be entitled to leave of absence with pay not to exceed 240 working hours in any one annual period pursuant to Florida Statute Chapter 115.07. Such leaves shall be without loss of vacation, pay, time, or efficiency rating, on all days during which the employee is engaged in training ordered under the provisions of the United States military or naval training regulations when assigned to active or inactive duty.
2. Employees who are called to active duty shall be granted leave of absence from their respective offices and duties to perform active military service, the first 30 *calendar* days of any such leave of absence to be with full pay.
3. Employees requesting military leave under this policy should submit copies of their orders prior to the beginning of the leave or as soon as practicable thereafter.
4. Employees who perform service in the uniformed services, as defined USERRA, will receive all rights and benefits for which they are eligible under the Act.

D. BEREAVEMENT LEAVE

Upon approval of the Village Manager, full-time employees may, upon request, be granted time off with pay not to exceed four (4) consecutive work days in the event of a death in their immediate family. The employee's immediate family shall be defined as the employee's spouse, father, mother, stepparents, natural, step and adopted children, brother, sister, father-in-law, mother-in-law, grandparents, grandchildren, brother-in-law and sister-in-law, and registered domestic partner (including all "in-law" relationships specified herein of the domestic partner). With approval by the Village Manager, additional time off may be granted but shall be charged to vacation.

Proof of death in the form of a death certificate, obituary, memorial folder or other documentation confirming the death must be provided with the bereavement leave request or as soon as practicable after the death. The employee shall request the bereavement leave on the timekeeping system and indicate on the request the name of the deceased and the relationship of the deceased to the employee. The supervisor approving the bereavement leave shall be responsible for the collection of required documentation and providing such documentation to the payroll coordinator.

All bereavement leave is to be taken on consecutive workdays and must start no later than five days after the death occurs.

Rule 4.7 LEAVE OF ABSENCE WITHOUT PAY

Upon recommendation of the Department Head and approval of the Human Resources Manager and Village Manager, leaves without pay may be granted for the following:

- a. Employees who are called into active military service shall be entitled to such unpaid leaves and re-employment rights as provided for and limited by federal and state law.
- b. Employees may be granted leaves for any reason deemed by the Village Manager to be in the best interest of the Village; but such leaves shall not be granted for a period longer than six months.
- c. An employee who is required to be absent from work due to reasons specified in the Family and Medical Leave Act, shall be granted such unpaid leave as provided for and as limited by the Act and Village Family and Medical Leave Act Policy outlined in Rule 4.8.
- d. No fringe benefits shall accrue while an employee is on leave of absence without pay with the exception that an individual entitled to military leave will receive all benefits as required by Federal and State law.

Rule 4.8 FAMILY AND MEDICAL LEAVE ACT OF 1993 – VILLAGE POLICY

The purpose of this section is to explain Village policy regarding the Family and Medical Leave Act (FMLA) and how this interrelates with other Village personnel policies. Employees wishing to obtain additional information or request FMLA should contact the Human Resources Manager.

- a. To qualify for FMLA under this policy an employee must have been employed by the Village for one year and have worked at least 1,250 hours over the previous 12 months preceding the date the leave is to begin. Employees qualifying for FMLA are entitled to take up to 12 work weeks of job-protected leave in a twelve-month period when the leave is for one of the following reasons (or up to a total of 26 weeks if for military caregiver leave):
 1. The birth of a child and to bond with the newborn child within one year of birth;
 2. 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;
 3. To care for the employee's spouse, child, or parent with a serious health condition;
 4. A serious health condition which makes the employee unable to perform an essential function of his/her job; or,
 5. For qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty or has been notified of an impending call or order to active duty, in support of a contingency operation. Qualifying exigency leave is available to a family member of a military member in the National Guard or Reserves or the Regular Armed Forces.
 6. For Military Caregiver Leave. An employee who is a spouse, son, daughter, parent, or next of kin of a covered service member will be able to take up to 26 workweeks of leave in a single 12-month period to care for a covered service member with a serious illness or injury incurred in the line of duty on active duty.

SPOUSES

- a. Spouses employed by the Village (i.e., same employer), are limited in the amount of family leave they may take for the birth and care of a newborn child, placement of a child for adoption or foster care, or to care for a parent who has a serious health condition, to a combined total of 12 work weeks, (or 26 work weeks if leave is to care for a covered service member with a serious injury or illness). Leave for birth and care, or placement for adoption or foster care, must conclude within 12 months of the birth or placement.
- b. The definition of spouse includes individuals in lawfully recognized same-sex and common law marriages and marriages that were validly entered into outside of the United States if they could have been entered into in at least one state.

COVERAGE OF ADULT CHILDREN UNDER THE FMLA

- a. In general, an employee may not take FMLA leave to care for a son or daughter who is 18 years of age or older. However, an employee may take FMLA leave to care for a biological, adopted, or foster child, a stepchild, a legal ward, or a child to whom the employee stands in loco parentis, who is 18 years of age or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence. An eligible employee who takes FMLA leave is entitled to be restored to the same or equivalent position that the employee held when the leave started, provided that the employee returns to work following the end of the leave.
- b. The Village requires that accrued paid leave be substituted for unpaid FMLA leave and that all accrued sick (if applicable), vacation leave and compensatory time be exhausted before going on unpaid leave status. Thus, any accrued leave will be used concurrently with any FMLA leave.
- c. The Village will designate leave, paid or unpaid, as FMLA qualifying and give notice to the employee of this designation within five business days of having enough information to determine whether the leave is FMLA-qualifying. The Village will also notify the employee whether or not he or she is eligible for leave under the FMLA and whether a required leave is counted against the employee's twelve (12) week FMLA entitlement.
- d. Employees shall provide at least thirty (30) days' advance notice before FMLA leave is to begin if the need for the leave is foreseeable. Employees shall submit their request for FMLA leave in writing to their immediate supervisor on the appropriate form available on the Intranet or the Human Resources Office. If thirty (30) days' notice is not possible or practicable, taking into account all of the facts and circumstances of the individual case, then notice shall be given as soon as practicable. Employees failing to provide thirty (30) days' notice for foreseeable leave with no reasonable excuse for the delay may be denied a leave until at least thirty (30) days from the date the Village receives the notice.
- e. The method for determining the "twelve (12) month period" in which the twelve (12) weeks of leave entitlement occurs is a "rolling" twelve (12) month period measured backward from the date an employee uses any FMLA leave. Under this method, each time you take FMLA leave the remaining leave entitlement would be the balance of the twelve (12) weeks, which has not been used during the immediately preceding twelve (12) months. For example, if you had taken eight (8) weeks of FMLA qualifying leave during the past twelve (12) months, an additional four (4) weeks of FMLA leave could be taken.
- f. Employees will be required to furnish medical certification of a serious health condition as soon as practical when this is the reason for the FMLA leave. A fitness for duty certificate must be provided prior to being returned to work when the leave is for your own serious

health condition. The Village may require a second opinion if it has reason to doubt the certification. The Village shall pay for the employee to get a certification from a second doctor selected by the Village. If necessary to resolve a conflict between the original certification and the second option, the Village may require the opinion of a third doctor. The Village and the employee will jointly select a third doctor, and the Village shall pay for the opinion. The third opinion will be considered final.

- g. The Village shall continue the employee's health coverage during FMLA leave at the same level and under the same conditions coverage would have been provided if the employee had continued working. Employees, who pay by payroll deduction for dependent health insurance and/or dependent dental insurance, must continue to pay these premiums while on unpaid leave status. An employee will have a thirty (30) day grace period in which to make premium payments. The Village will notify the employee at least fifteen (15) days before his or her dependent coverage would be canceled for non-payment while on unpaid leave.
- h. Employees placed on workers' compensation leave after missing three (3) or more days of work because of a job-related injury or illness shall be required to concurrently use any and all FMLA leave available to the employee. If the employee is placed on workers' compensation leave, the leave will begin as of the first day the employee missed work. All policies and procedures of the FMLA leave will apply except employees are not required to use accrued paid leave while workers' compensation benefits are provided.
- i. If an employee is taking intermittent leave for a serious health condition or because of the serious health condition of a family member, the employee should try to reach an agreement with the Village before taking intermittent leave or working a reduced schedule. If this is not possible, then the employee must provide certification of medical necessity. The Village may otherwise require certification of medical necessity. The Village may temporarily transfer the employee to an available alternative position with equivalent pay and benefits. Such transfers will not be made to discourage employees from taking such leave, but will be made where the alternative position better accommodates the need of the employee and the Village. If FMLA leave is for birth and care, or placement for adoption or foster care, use of intermittent leave is subject to Village approval.

Rule 4.9 DOMESTIC VIOLENCE LEAVE

Employees are eligible to take up to three (3) working days of domestic violence leave within a 12-month period to deal with issues relating to domestic violence suffered by the employee or a family or household member.

Employees may qualify for this leave for one or more of the following reasons:

- a. To seek an injunction for protection against domestic violence, or an injunction for protection in cases of repeat violence, dating violence, or sexual violence;
- b. To obtain medical care or mental health counseling, or both, for the employee or a family or household member to address physical or psychological injuries resulting from the act of domestic violence or sexual violence;
- c. To obtain services from a victim-services organization, including, but not limited to, a domestic violence shelter or program or a rape crisis center as a result of the act of domestic violence or sexual violence;
- d. To make the employee's home secure from the domestic violence or sexual violence perpetrator or to seek new housing to escape the perpetrator; or

- e. To seek legal assistance in addressing issues arising from the act of domestic violence or sexual violence or attend and prepare for court-related proceedings arising from the domestic violence or sexual violence.

Employees should submit their written leave request to the Human Resources Manager and provide advance notice of seven (7) days of the need for leave, except in cases of imminent danger to the health and safety of the employee or to an employee's family or household member. The request must also be accompanied with sufficient documentation of the act of domestic violence. The documentation may include copies of police reports, restraining orders, legal papers to be filed with the court, orders to appear in court, or any other documentation to establish the need for a leave as set out in this policy.

All information relating to an employee's leave under this policy including the circumstances involving the leave request, supporting documentation and time records identifying use of leave shall be kept confidential and exempt from disclosure to the extent authorized by law.

The Village will not tolerate retaliation against any employee who takes domestic violence leave.

Definitions

- a. "Domestic violence" means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member.
- b. "Family or household member" means spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.
- c. "Victim" means an individual who has been subjected to domestic violence

Pay Status

Employees seeking leave under this policy must have exhausted all vacation, personal days, and compensatory time before unpaid domestic violence leave will be granted.

Reference: Florida Statute §741.313

Rule 5.1 INSURANCE

All full-time employees shall be eligible for coverage by the group insurance plan provided by the Village which includes medical, dental, life & accidental death and dismemberment, short-term disability and long-term disability insurance coverage. Premiums for optional dependent coverage shall be paid by the employee on a before-tax basis unless a request is made for after-tax payroll deduction. Insurance benefit information and premium cost is available from the Human Resources Office.

Rule 5.2 COBRA (Consolidated Omnibus Reconciliation Act)

The Village provides continuation coverage in accordance with the Consolidated Omnibus Budget Reconciliation Act, commonly known as COBRA. COBRA requires that most employers sponsoring group health plans offer employees and their families the opportunity for a temporary extension of health coverage (called "continuation coverage") at group rates in certain instances where coverage under the plan would otherwise end (due to a "Qualifying Event"). A third-party administrator provides notice of the rights and obligations under COBRA to all employees and their families upon commencement of coverage under the Village's group health plan. Additional copies of the notice are available from the Human Resources Manager. This policy is a summary of the law and therefore is general in nature. The law itself and the actual plan provisions must be consulted with regard to the application of these provisions in any particular circumstance.

A. COVERAGE

1. Employees. If you are an employee of the Village covered by the Village's group health insurance plans, (which are defined herein to include health and dental plans) you have a right to choose continuation coverage if you lose your group health coverage because of:
 - a. A reduction in your hours of employment, or,
 - b. Termination of your employment (for reasons other than gross misconduct on your part).
2. Spouses of employees. If you are the spouse of an employee covered by the Village's group health insurance plans, you are a "Qualified Beneficiary" and have the right to choose continuation coverage for yourself if you lose group health coverage under the Village's plan for any of the following five reasons:
 - a. The death of your spouse;
 - b. Termination of your spouse's employment (for reasons other than gross misconduct) or reduction in your spouse's hours of employment;
 - c. Divorce or legal separation from your spouse;
 - d. Your spouse becoming entitled to Medicare; or
 - e. The commencement of certain bankruptcy proceedings by the Village, if your spouse is retired.
3. Dependent Children. A dependent child of an employee covered by the Village's group health plan also is a "Qualified Beneficiary" and has the right to continuation coverage if group health coverage under the Village's plan is lost for any of the following six (6) reasons:
 - a. the death of a parent;

- b. the termination of a parent's employment (for reasons other than gross misconduct) or reduction in a parent's hours of employment with the Village;
- c. parent's divorce or legal separation;
- d. a parent becoming entitled to Medicare;
- e. the dependent ceasing to be a "dependent child" under the Village's plan; or
- f. a proceeding in bankruptcy reorganization by the Village, if the parent is retired.

A child born to, or placed for adoption with, the covered employee during a period of continuation coverage also is a Qualified Beneficiary.

NOTE: When an employee makes a voluntary choice to drop dependents from the health insurance plan during open enrollment, there is no qualifying event that would trigger COBRA eligibility. COBRA continuation is triggered when an employee's dependent loses coverage due to certain qualifying events as outlined above.

- 4. **Separate Elections.** If there is a choice among types of coverage under the plan, each qualified beneficiary who is eligible for continuation of coverage is entitled to make a separate election among the types of coverage. Thus, a spouse or dependent child is entitled to elect continuation of coverage even if the covered employee does not make that election. Similarly, a spouse or dependent child may elect a different coverage from the coverage that the employee elects.

B. EMPLOYEES DUTIES UNDER THE LAW

Under the law, the employee or a family member has the responsibility to inform the Human Resources Manager of a divorce, legal separation, or a child losing dependent status under the Village's plan, within sixty (60) days of the date of the event. After receiving notice, the Human Resources Manager will notify the employee and any Qualified Beneficiary of their right to choose continuation coverage. In addition, the employee or a family member must inform the Human Resources Manager of a determination by the Social Security Administration that the employee or covered family member was disabled during the first sixty (60) days of COBRA continuation, within sixty (60) days of receipt of such determination and before the end of the original eighteen (18) month continuation coverage period. (See e.1. Special Rules for Disability, below). If, during continued coverage, the Social Security Administration determines that the employee or family member is no longer disabled, the individual must inform the Human Resources Manager of this redetermination within thirty (30) days of the date it is made.

C. VILLAGE'S DUTIES UNDER THE LAW

A department head or designee has the responsibility to notify the Human Resources Manager of the employee's death, termination of employment or reduction in hours, Medicare eligibility, or of certain bankruptcy proceedings. Notice must be given to the Human Resources Manager within thirty (30) days of the happening of the event. When the Human Resources Manager is notified that one of these events has happened, the Human Resources Manager will in turn notify the employee within fourteen (14) days that they have the right to choose continuation coverage. Under the law, the employee has at least sixty (60) days from the date they would lose coverage because of one of the events described above to inform the Human Resources Manager that they want continuation coverage. Qualified Beneficiaries have sixty (60) days from the date that one of

the events happened or from the date of notice from the Human Resources Manager of their rights under COBRA, whichever is longer.

D. CHOOSING CONTINUATION COVERAGE

If the employee or Qualified Beneficiary does not choose continuation coverage within the time period described above, their group health insurance coverage will end.

If the employee or Qualified Beneficiary chooses continuation coverage, the Village is required to give them coverage that, as of the time coverage is being provided, is identical to the coverage provided under the plan to similarly situated employees or family members. This means that if the coverage for similarly situated employees or family members is modified, the employee's coverage will be modified. ("Similarly situated" refers to current employees or their dependents who have not had a qualifying event.)

E. COVERAGE TERM

The law requires that employees be afforded the opportunity to maintain continuation coverage for thirty-six (36) months unless they lost group health coverage because of a termination of employment or reduction in hours. In that case, the required continuation coverage period is eighteen (18) months. Additional qualifying events (such as death, divorce, legal separation, or Medicare entitlement) may occur while the continuation coverage is in effect. Such events may extend an eighteen (18) month continuation period for some additional period of time up to but not exceeding thirty-six (36) months. In no event will coverage extend beyond thirty-six (36) months from the date of the event that originally made the employee or a Qualified Beneficiary eligible to elect coverage. Employees shall notify the Human Resources Manager in writing if a second qualifying event occurs during your continuation coverage period.

When the qualifying event is the end of employment or reduction of the employee's hours, and the employee became entitled to Medicare less than 18 months before the qualifying event, COBRA coverage for the employee's spouse and dependents can last until 36 months after the date the employee becomes entitled to Medicare. For example, if a covered employee becomes entitled to Medicare 8 months before the date his/her employment ends (termination of employment is the COBRA qualifying event), COBRA coverage for his/her spouse and children would last 28 months (36 months minus 8 months).

1. Special Rules for Disability. If the employee or covered family member is disabled at any time during the first sixty (60) days of continuation coverage, the continuation coverage period is twenty-nine (29) months for all qualified beneficiaries, even those who are not disabled. The disability that extends the continuation coverage period must be determined by the Social Security Administration. The employee or family members must inform the Human Resources Manager within sixty (60) days of the date of disability determination and before the end of the original eighteen (18) month continuation coverage period. If, during continued coverage, the Social Security Administration determines that the employee or family member is no longer disabled, the individual must inform the Human Resources Manager of this redetermination within thirty (30) days of the date it is made. If an employee or family member is disabled and another qualifying event (other than bankruptcy of the Village) occurs within the twenty-nine (29) month continuation period, then the continuation coverage period is thirty-six (36) months after the termination of employment or reduction in hours.
2. Special Rule for Retirees. In the case of a Retiree or an individual who was a covered surviving spouse of a Retiree on the day before the filing of certain bankruptcy proceedings by the Village, coverage may continue until death and, in the case of the spouse or dependent child of a Retiree, thirty-six (36) months after the date of death of a Retiree.

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3. Continuation Coverage may be cut short. The law provides that your continuation coverage may be cut short prior to the expiration of the eighteen (18), twenty-nine (29) or thirty-six (36) month period for any of the following five (5) reasons:
 - a. The Village no longer provides group health coverage to any of its employees.
 - b. The premium for continuation coverage is not paid in full in a timely manner (within the applicable grace period). (See #4. Payment, below.)
 - c. Any time after the latest date the COBRA coverage may be elected under this plan, the individual becomes covered under another group health plan (whether or not as an employee) that does not contain any exclusion or limitation with respect to any preexisting condition of the individual (other than an exclusion or limitation that, after July 1, 1997, does not apply to, or is satisfied, by, the individual under the provisions of the Health Insurance Portability and Accountability Act of 1996).
 - d. The individual becomes entitled to Medicare any time after the latest date that COBRA coverage may be elected under the plan.
 - e. Coverage has been extended for up to twenty-nine (29) months due to disability (See 1, Special Rules for Disability, above) and/or there has been a final determination that the individual is no longer disabled.
 - f. For any other reason the plan would terminate coverage of a participant or beneficiary not receiving continuation coverage, (such as fraud).
4. Payment. An employee does not have to show that they are insurable to choose continuation coverage. However, under the law, the employee may have to pay all or part of the premium for their continuation coverage. The Village requires the employee to be responsible for one hundred two (102%) percent of the premium. The additional two (2%) percent covers administrative processing, and is allowed by law. The premiums may be paid in monthly installments. The first premium will be due forty-five (45) days after the date of the election by a Qualified Beneficiary. Thereafter, the applicable monthly premium for coverage must be paid by the 15th of the previous month. Non-payment of premium by the 15th of the previous month could result in termination of coverage. The Village may charge up to 150% of the normal rates for those persons on disability extension as noted in Section 1, for those additional months.
5. Conversion Coverage. At the end of the continuation coverage period, an employee may, be allowed to convert to an individual health plan provided if the same is allowed by the Village's plan.
6. Once an employee's continuation coverage terminates for any reason, it cannot be reinstated.

Rule 5.3 RETIREMENT INCOME

Full-time employees hired into the classified system are automatically enrolled in a retirement plan according to position classification.

A. DEFINED CONTRIBUTION PLAN

Regular full-time civilian employees in the classified system shall participate in the Village's 401(a) Defined Contribution Plan. The Village requires employees to contribute a mandatory set

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percentage of base pay. The Village has also established a uniform percentage of contribution on behalf of each full-time employee. These contributions are subject to change from time to time.

1. Retirement Age: Normal retirement age shall be age 59 ½.
2. Vesting: The 401a plan has a five (5) year vesting schedule. Vesting refers to the percentage of ownership in employer contributions to the plan. Employees are always 100% vested for any contributions they make to the plan.
3. Loans: Employees may request loans from their vested 401(a) plan balance. Loan application guidelines and forms are available from the Human Resources Office or by contacting ICMA Employee Services at (800) 669-7400.

B. DEFINED BENEFIT PLAN

Sworn police officers hired on or after January 1, 2009 shall be enrolled in the Florida Retirement System (FRS). Newly eligible employees are initially enrolled as members of the FRS Pension Plan by default and have the opportunity to enroll in the FRS Investment Plan. Upon initial employment and enrollment, the third party administrator of the Investment Plan responsible for the educational and choice program provides information to each new employee explaining the employee's option to participate in the Investment Plan instead of the Pension Plan. All FRS members also have a single additional opportunity to transfer on their own initiative into the opposite plan prior to termination.

1. Retirement Age: Occurs when you retire with full (unreduced) benefits based on your age and/or length of service.

Special Risk Class Members initially enrolled in FRS Pension Plan before July 1, 2011:

- a. Must be vested (6 years of creditable service) and be age 55, OR
- b. Have 25 years of special risk service (which may include military service) and be age 52, OR
- c. Have 25 years of special risk service, regardless of age, OR
- d. Have 30 years of any creditable service, regardless of age.

Special Risk Class Members initially enrolled in FRS Pension Plan on or after July 1, 2011:

- a. Members must be vested (8 years creditable service) and be age 60, OR,
- b. Have 30 years of special risk service, regardless of age, OR
- c. Have 33 years of any creditable service, regardless of age.

To determine eligibility for retirement benefits under FRS, or to rollover from another FRS employer, employees must contact the FRS toll-free line at (844) 377-1888 or via email: retirement@dms.myflorida.com

C. 457 DEFERRED COMPENSATION PLAN

A retirement savings plan available to all full-time and part-time employees in the Municipal Service. Enrollment is voluntary and plan information is available from the Human Resources Office. Loans are also available under the 457 plan.

Rule 5.4 EMPLOYEE PERFORMANCE EVALUATIONS

The Employee Performance Evaluation is designed to record the evaluation of an employee's performance, progress, attitude and behavior on the job as accurately and as fairly as possible on forms provided by the Human Resources Manager. All evaluations are kept in the employee's personnel file.

Supervisor Responsibility: The primary responsibility for conducting performance evaluations is that of the employee's immediate supervisor. Employees' who perform duties under more than one supervisor during a rating period shall be evaluated by their current supervisor, however, the supervisor preparing the evaluation should consult any prior supervisor for whom the employee worked during the rating period in order to determine the most appropriate rating for one or all of the categories in the performance evaluation.

A. INTENT OF PERFORMANCE EVALUATION

The performance evaluation is used to develop and manage employee performance and behavior on the job. It presents the supervisor with a regular opportunity to provide and solicit feedback and establish goals and objectives for the improvement or maintenance of work performance. Preparation requires careful thought, as well as accurate and objective performance information based primarily on behavioral observations. The usefulness of the evaluation system depends on the understanding, impartiality and objectivity with which ratings are made.

The evaluation shall indicate how one's past performance has been evaluated by one's immediate supervisor, bring out one's strong and weak points, and serve as the basis for discussion of how performance may be improved or maintained by indicating clear and attainable goals and objectives. The evaluation form provides the employee the opportunity to make suggestions and comments on the policies of management or one's immediate supervisor. These suggestions are to be included in the final evaluation form. The evaluation may be considered a factor for granting increases in salary, however, an employee's evaluation does not imply an automatic increase in salary.

Summary of Major Goals of Performance Evaluations

1. Measure employee performance
2. Measure employee potential
3. Assess employee attitudes
4. Increase supervisor's understanding of the subordinate as well as increase the employee's understanding of his/her responsibilities, objectives and goals
5. Strengthen the supervisor-subordinate relationship by providing a format for regular discussion of performance and performance standards
6. Identify and analyze employee strengths and weaknesses
7. Set goals and objectives for the improvement or maintenance of performance
8. Substantiate decision for merit increases
9. Verify the accuracy of the hiring process and job description
10. Substantiate decisions for disciplinary actions

B. FREQUENCY OF EVALUATIONS

Six-Months: Newly hired and rehired employees receive written performance evaluations conducted by their immediate supervisor at the end of their initial six (6) months of service.

Employees receiving a promotion, demotion or transfer will have a new anniversary date established and will be required to undergo a six (6) month evaluation in the new position and an

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evaluation once a year thereafter on the new anniversary date. As such, the creation of a new anniversary date resulting from a transfer or demotion may setback the annual performance evaluation and thus, the opportunity for a merit increase.

Annually: Employees receive annual performance evaluations on their anniversary date.

Three-Month Follow-Up Review: An employee receiving a rating of conditional or less in any one category or as the overall performance evaluation rating shall undergo a follow-up performance evaluation after three (3) months to measure improvement in the deficient area(s).

Performance Evaluations may be administered more often as deemed appropriate by the Department Head. If at times, a supervisor is not able to adequately evaluate the performance of an employee on their scheduled anniversary date, the supervisor may delay the evaluation until which time the supervisor feels he/she can accurately and objectively do so. In these instances, the supervisor shall submit a memorandum to the Human Resources Office indicating the reason for the delay and an approximate date for conducting the future evaluation.

C. COMMENT BY EMPLOYEE

Employee comments on the evaluation are optional but highly encouraged; however, an employee receiving a conditional rating or less, in any of the performance categories shall be required to indicate a plan for improvement in the employee comment section of the evaluation.

D. COMMENT BY ADMINISTRATION

The Department Head shall review, approve (or deny) the Employee Performance Evaluation reports, which are then forwarded to the Human Resources Manager.

Rule 5.5 PERSONNEL FILES

Individual employee personnel files shall be maintained by the Human Resources Office in accordance with Florida Public Records Statutes. Employees are responsible for notifying the Human Resources Office of any change in contact information, number of dependents, marriage, or any other change not previously reported. Employees have the right to examine their personnel file in the Human Resources Office upon request and with reasonable notice. The Human Resources Manager, Human Resources Assistant or Village Manager shall be present during the examination.

Employees' will be notified when the Village receives a request for a review of their personnel file.

Rule 5.6 IN-SERVICE TRAINING

It will be the responsibility of the Human Resources Manager under the direction of the Village Manager to foster and promote in-service training of employees for the purpose of improving the skills necessary for more effective job performance. The Human Resources Manager shall develop training programs, award certificates or other forms of recognition, assist Department Heads in developing programs to meet their particular needs and develop supervisory and management training programs for all departments.

Rule 5.7 EDUCATION REIMBURSEMENT PROGRAM - VOLUNTARY

- a. The Educational Reimbursement Program (ERP) provides educational assistance to full-time employees voluntarily participating in training or educational programs designed to strengthen their abilities, which in turn directly benefits the Village.

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- b. The Village Council shall determine, through the annual budget process the amount of funds available to the appropriate departments for the ERP. Requests for reimbursement are subject to the availability of funds for such program within each departmental budget.
- c. An employee requesting educational assistance shall complete and submit a Personnel Action Form to the Department Head and Village Manager for approval.
- d. Such request requires approval by the Department Head and the Village Manager, as job related. The approval shall be made on an individual course basis and not on the degree pursued. The Village of Pinecrest has the sole discretion to determine whether a course is job related and eligible for educational assistance under this policy. The employee shall pay his or her tuition and book cost at the time of enrollment in approved course. Course related textbooks to be reimbursed as part of this program should be turned over to the Human Resources Office together with the request for reimbursement. Prior to purchasing course related textbooks, employees shall verify whether the textbooks are available from the Village library on a loan basis. The cost of course related textbooks otherwise available through the Village library will not qualify for reimbursement. All other materials, supplies and activity fees shall be the employee's responsibility.
- e. The amount payable for such reimbursement shall be based upon and not exceed the established credit hour rate of tuition as charged in the state university system at the time enrolled, regardless of the employee's election to attend a private university or college. Upon employee's successful completion of approved course with a final grade of "C" or higher, the Village will reimburse the employee for one hundred percent (100%) of the tuition, provided that employee furnishes payment receipt and official grade report.
- f. Training and/or study time will be undertaken during employee's off-duty time.
- g. If an employee resigns his or her employment with the Village within six (6) months from the date of completion of any course for which employee has received Village tuition (and text book) reimbursement, then the amount of said reimbursement shall be repaid to the Village by the employee by deduction from the employee's final paycheck.
- h. In the event that employee's final paycheck is less than the amount to be reimbursed and employee fails to reimburse the Village within thirty (30) days, and the services of an attorney are required to collect such refund, such attorney's fees and court costs shall be added to the reimbursement owed to the Village.

Rule 5.8 SERVICE RECOGNITION

In recognition of long-term service to the Village and the value of dedicated and competent employees, the Village has established a service award system for qualified employees.

- a. Service Pins: Employees shall become eligible for service award pins after five (5) years of service and every five (5) years thereafter.
- b. Service Award: All employees with five (5) or more years of service, except those covered by a collective bargaining agreement, will receive a service award amounting to two percent (2%) of his or her monthly base salary, multiplied by the number of whole years of service from the date of hire. Payment shall be made in the pay period corresponding with the anniversary date of hire or as soon as practicable, thereafter.

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Rule 5.10 VOLUNTARY BENEFITS

Full-time employees in the Municipal Service are eligible to enroll in any of the voluntary benefit plans offered by the Village. Enrollment is optional and paid for by the employee via payroll deduction on an after or before-tax basis, depending on the plan. Voluntary plans may be added or removed from time to time at the Village's discretion. Booklets explaining these plans are available from the Human Resources Office. Currently, the following voluntary plans are available:

- a. 457 Deferred Compensation Plan
- b. ROTH IRA
- c. Flexible Spending Healthcare and Dependent Care Plans
- d. Supplemental Life Insurance
- e. Critical Care, Cancer and Hospitalization Confinement Insurance

Rule 5.11 RECRUITMENT INCENTIVE PROGRAM

The Village of Pinecrest recognizes that employee referrals are one of the best methods of attracting and retaining qualified employees. To encourage and reward these referrals, the Village shall offer monetary incentives to employees who refer qualified candidates who are hired to fill positions designated by the Village Manager as eligible under the Recruitment Incentive Program. Positions eligible under this program are announced in the Employment Opportunities Bulletin.

- a. All active full-time and part-time employees of the Village are eligible to participate in the program with the exception of the Village Manager, Assistant Village Manager, Village Clerk, Department Directors, Police Command Staff, Human Resources Manager and Human Resources staff members. In addition, the following are not considered eligible for the referral: Consultants, Independent Contractors, Temporary Employees, Elected Officials, Village Attorney, persons no longer employed by the Village.
- b. It is the responsibility of the applicant to identify the source of his/her referral in the appropriate section of the employment application prior to submission to the Village. Applications submitted without the referring employee's name, shall not subsequently be accepted as a referral under the Recruitment Incentive Program. Applications must be submitted by the posted closing date of the recruitment incentive period in order to qualify for the Incentive.
- c. Only one employee shall receive a cash incentive per referral.
- d. Both the referred employee and the referring employee must be actively employed with the Village of Pinecrest on the date the disbursement is due.
- e. Recruitment Incentive:
 1. \$300 to the recruiting employee upon the hire of a Police Cadet and an additional \$700 after completion of the police academy and FTO Program
 2. \$500 to the recruiting employee upon the hire of a certified police officer and an additional \$500 after the completion of one (1) year of service
 3. \$250 to the recruiting employee upon the hire of an employee in any other position in the Village Classification Plan specified as being eligible for the incentive program by the Village Manager on an as needed basis and an additional \$250 after the completion of one (1) year of service
- f. The Human Resources Office shall generate a Personnel Action Form when a disbursement is due. Payment of the Recruitment Incentive Award shall be subject to all applicable taxes and shall be issued via the regular payroll cycle via direct deposit.

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Rule 5.12 RETIREE HEALTH BENEFITS

The purpose of this policy is to specify when group health coverage is available to former employees who retire from the Village and at what premiums those benefits will be provided.

Definition of Retiree: For the purpose of this policy, a retiree is defined as a former full-time employee who meets the age and length of service requirement as determined by the Village (or state retirement plan), and meets any other criteria for retirement as specified in the retirement plan in which the employee is a member.

- A. Eligibility: Regular full-time employees who leave Village employment to receive regular, early or disability retirement benefits and meet the following criteria.
 - 1. Participants in the 401 Defined Contribution Plan: Must be age 59 ½ or older and have completed at least fifteen (15) years of continuous service with the Village.
 - 2. Special Risk Class Participants in FRS: Upon normal retirement as defined by the Florida Retirement System, with full, unreduced benefits and begin receiving payments immediately after retirement.
- B. Dependent Coverage: Dependents covered under the Village's health plan on the date of the employee's retirement are eligible for inclusion in the retiree's health insurance. Dependents not covered upon the employee's retirement may not be included in the retiree's health insurance. A retiree has the option to add or drop eligible dependents at open enrollment.
- C. Effective Date of Coverage: Health benefits end on the last day of the month following termination date. Retiree health benefits commence on the first day of the following month.
- D. Cost of Retiree Health Insurance: The cost of retiree health insurance shall be at the same rate as provided to active employees, however, the retiree will be responsible for 100% of the premium, as the Village shall not subsidize any part of the retiree's premium.
- E. Dental Plan: Retiree health insurance coverage applies to the medical plan only. Retirees wishing to continue coverage under the dental plan may do so under COBRA.
- F. Medicare Eligibility: Upon Medicare eligibility, the retiree may choose to keep the Village's coverage or elect the Village's coverage as a Medicare supplemental policy at the rates available at that time and if that option is provided by the carrier.
- G. Life Insurance: Group life insurance provided by the Village is discontinued upon separation, including retirement, however; employees may choose to continue life insurance coverage as an individual policy paying 100% of the associated premium, if permitted by the carrier.
- H. Termination of Retiree Health Coverage: Retirees' may cancel their coverage at any time by notifying the Village in writing; however, the cancellation is irrevocable. Therefore, once a retiree terminates his/her coverage with the Village, the retiree may not re-enroll.
- I. Cancellation for Non-Payment of Premiums: The retiree shall be responsible for making timely payments for their health insurance coverage on a monthly basis; two (2) late payments of more than 30 days will result in cancellation of coverage.
- J. Death of Employee: In the event of a retiree's death, dependent family members, if covered under the health plan will continue their health coverage until the end of the month following the death of the retiree. After which, the family will be permitted to continue their health coverage as provided by law, under COBRA.

CHAPTER VI

POSITION CLASSIFICATION AND COMPENSATION PLAN

The Position Classification and Compensation Plan (PCCP) provides a systematic arrangement of the positions in the municipal service. The plan groups similar positions into “classes” according to the duties, responsibilities and level of work performed and directly relates the positions to the basis of compensation for employees in the municipal service. The plan includes a Salary Schedule showing salary grades and ranges within grades

The plan contains job descriptions for every position authorized by the Village Council, except for the positions of Village Attorney, Village Clerk and Village Manager, as these are Charter Officials. The job descriptions in the plan illustrate the essential functions and detail the duties and responsibilities of every position as well as the suggested minimum qualifications; however, the omission of specific statements of duties does not exclude them from the classification if the work is similar, related, or a logical assignment for the classification.

Job descriptions are not unalterable. Organizational structure, job content, and Federal and State law changes will occur and subsequently, require the revision and updating of the job descriptions.

The Classification Identification for each position is an alphanumeric representation of the position as it is classified according to the Fair Labor Standards Act. Each position is determined to be either, Executive Exempt, Administrative Exempt, Professional Exempt, or Non-Exempt. Furthermore, each position is designated a work status of full-time or part-time. The numeric portion of the classification identification series represents the consecutive workweek for each position and is necessary for categorizing positions within the timekeeping and payroll systems.

Rule 6.1 CONTENT AND USE

The PCCP groups positions into classes on the basis of approximately equal difficulty and responsibility, which require the same general qualifications and can be equitably compensated within the same range of pay. Classifications will be used for promotion, developing employee training, determining qualifications, uniform terminology of jobs and in the preparation of interview questions and examinations.

Rule 6.2 IMPLEMENTATION

All positions shall be included among classes in the PCCP with the exception of the Village Manager and Village Clerk, which are Charter appointments. The Human Resources Manager shall have the responsibility for maintaining the PCCP and periodic reviews of all classes shall be made. Employees may be required to perform duties in a higher or lower classification for periods of time due to the nature of departmental work.

Rule 6.3 RECLASSIFICATION

If a Department Head has facts, which indicate that a position or positions are improperly classified, the Department Head may request the Human Resources Manager to review the classification of the position. Such requests shall be in writing. The Human Resources Manager shall conduct an analysis of the essential functions of the position and submit a written recommendation to the Village Manager.

A. APPEALS OF POSITION RECLASSIFICATIONS

Whenever an employee affected by a reclassification feels that his or her position has been classified incorrectly, he or she may appeal the reclassification to the Human Resources Manager.

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B. RECLASSIFICATION OF A POSITION TO A HIGHER LEVEL

Should the position be reclassified to a job classification with a higher pay grade than that of the original classification, such change shall be considered a promotion for the incumbent employee(s). Should an incumbent employee whose position has been reclassified to a job classification with a higher pay grade not be promoted to fill the reclassified position, the Village Manager, in accordance with applicable Employee Policies and Procedures Manual rules, may lay-off or demote the employee to any other existing vacancy for which the employee may be qualified.

C. RECLASSIFICATION OF A POSITION TO THE SAME PAY GRADE

Should the position be reclassified to a job classification with the same pay grade as that of the original classification, the position, if vacant, shall be filled by the incumbent employee(s). The incumbent employee reclassified shall maintain his or her same pay, step, grade and date in class. Should an incumbent employee whose position has been reclassified to a job classification with the same pay grade not be qualified to fill the reclassified position, the Village Manager, in accordance with applicable Employee Policies and Procedures Manual rules, may lay off or demote the employee to any other existing vacancy for which the employee may be qualified.

D. RECLASSIFICATION OF A POSITION TO A LOWER PAY GRADE

Should the position be reclassified to a job classification with a lower pay grade than that of the original classification, the position, if vacant, shall be filled in the appropriate manner as prescribed by policy. If the position is filled, the incumbent employee shall be offered transfer to a vacancy if one exists, in the original classification in the same or other department. In the absence of such vacancy, the incumbent employee shall remain in the reclassified position, but shall be frozen at the employee's current pay rate until such time as the pay plan meets or surpasses the current (frozen) pay rate. Rule 6.4 Compensation Plan Administration.

Rule 6.4 COMPENSATION PLAN ADMINISTRATION

Each employee shall be paid at the rates set forth in the pay plan for the classification in which he or she serves.

A. NEW EMPLOYMENT

New appointments shall be made at the beginning rate of the salary range for each classification, unless otherwise approved by the Village Manager. New appointments above the minimum rate shall only occur when there is a lack of qualified candidates for recruitment at the minimum rates; or when a qualified candidate possesses skills, experience and qualifications, which warrant starting above the minimum rate. The need to make appointments in excess of this beginning rate requires specific approval from the Village Manager.

B. SALARY INCREASES

Salary increases within the established range shall be dependent upon recommendation of the Department Head and Human Resources Manager with approval by the Village Manager. No salary increase shall be granted above the maximum rate fixed for the classification concerned.

C. COST OF LIVING ADJUSTMENT

Based on the availability of funds, full-time employees may receive a salary increase based on a cost-of-living adjustment. The cost-of-living adjustment takes into consideration changes to the

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Consumer Price Index. The cost-of-living data and trends are a guide in making pay level adjustments. When the employee's anniversary date falls on the same date as the cost-of-living adjustment, the adjustment will be calculated prior to any other applicable increases such as the merit increase. Effective date of COLA increases shall be the first day of the corresponding pay period.

D. MERIT INCREASES

Merit increases are not automatic and should be based upon formal Performance Evaluations that are made annually or on the employee's anniversary date following a promotion, demotion, transfer, etc., and as approved by the Department Head.

1. An employee whose overall performance is rated "satisfactory" or better shall be eligible for a merit increase upon approval by the Department Head and as proposed by the Village Manager and adopted by the Village Council as part of the annual budget.
2. An employee whose overall performance is "conditional" or less shall not be eligible to a merit raise. However, if subsequent performance evaluations rate the employee satisfactory or better, they shall receive the merit increase at that time.
3. If an employee's merit increase falls on the same date as the cost-of-living increase, the merit increase will be calculated based on and after the cost-of-living adjustment or pay grade adjustment.
4. The effective date of a merit increase shall be the first day of the corresponding pay period.

E. PROMOTION

Employees promoted to a classification with a salary range higher than that of the previous classification shall be increased to the minimum in the new range. If the employee's current rate of pay falls within the pay range of the classification being assumed, his or her pay rate shall be increased five percent (5%) so long as the resultant rate is still within the new range. The action of promotion shall establish a new anniversary date for the purpose of future performance evaluations and salary considerations. Employees in a new position will receive a performance evaluation after the initial six (6) months in the new position and once a year on the new anniversary date thereafter. The effective date of a promotional salary increase shall be the actual date in the new position.

F. TRANSFER

A transfer is a change in position to one that is in the same salary range. When an employee applies to a posting for a vacant position that does not involve a promotion, the situation will be reviewed by the Department Heads involved to determine whether such as transfer would be to both the employee's and the Village's best interest. The action of transfer shall not change an employee's rate of pay. It will establish a new anniversary date for the purpose of future performance evaluations and salary considerations. Employees in a new position will receive a performance evaluation after the initial six (6) months in the new position and once a year on the new anniversary date thereafter.

G. TSOR (TEMPORARY SERVICE OUT OF RANK)

A full-time employee who has been continuously assigned on a temporary basis to another classification for more than five (5) consecutive, regularly scheduled work days will be temporarily transferred to that classification and may, as outlined below, have his or her pay temporarily

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adjusted for each continuing work day beyond the initial five (5) day period during which the temporary assignment continues as follows:

1. An employee temporarily transferred to a position classified at a higher pay grade will be paid at the minimum rate of that higher grade. However, if their regular rate of pay is higher than that minimum, the rate of pay will be temporarily increased by five percent (5%) up to the maximum of the pay grade of the classification to which they are being temporarily transferred.
2. An employee temporarily transferred to a position classified at the same or lower pay grade will not have his or her pay rate adjusted because of the temporary transfer.

The duration of any temporary transfer will be of the minimum length necessary to meet the needs of the Village but shall not exceed six (6) consecutive calendar months for any one such transfer. Each such period of temporary transfer will be treated as a new event and be subject to the above guidelines.

H. DEMOTION

Upon demotion, if the employee's rate of pay in the previous class was more than the maximum rate established for the new class or position, the rate of pay shall be reduced to the maximum rate or to such intermediate step in the new pay range as may be determined by the Department Head and subject to the approval of the Village Manager. The action of demotion shall establish a new anniversary date for purpose of future salary consideration. Employees in a new position will receive a performance evaluation after the initial six (6) months in the new position and once a year on the new anniversary date thereafter. The effective date of a salary decrease shall be the actual date in the new position.

Rule 6.5 PAY GRADE ADJUSTMENTS

The Human Resources Manager, under the direction of the Village Manager, shall conduct a periodic review of salary ranges and present the results to the Village Manager. When necessary to remain competitive in the market, the Village Manager may revise the minimum and/or maximum salary of a pay grade.

- a. Changes in the pay grades shall become effective on October 1.

Rule 6.6 EFFECTIVE DATE OF PAY CHANGES

- a. Anniversary Dates & Eligibility: The anniversary date for determining an employee's eligibility for a pay increase shall be the date of employment or the date of his or her last pay rate adjustment.
- b. Effective Date of Separation: The effective date of separation from the Municipal Service shall be at the close of business the last day an employee reports for duty, the date specified in the employee's written resignation, or the last day of leave granted should an employee fail to report for duty on the first working day following the expiration of leave. Employees separated shall receive lump sum payment for earned annual leave credits and other credits accumulated which are so payable.

Rule 6.7 OVERTIME AND COMPENSATORY TIME FOR NON-EXEMPT EMPLOYEES

- a. It shall be the policy of the Village to keep overtime work to a minimum. However, when employees are directed by their authorized supervisor to work extra hours in addition to the regular hours or normal work of the department in which they are assigned, they shall be

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compensated in accordance with the provisions of the Fair Labor Standards Act. This means that employees who are not exempt from the overtime provision of the FLSA will be paid overtime at the rate of time and one-half for all hours actually worked in excess of forty (40) hours in the established seven (7) day workweek.

- b. This rule does not apply to those positions determined to be exempt from overtime under the Fair Labor Standards Act and detailed in the PCCP.
- c. No paid absences shall be counted in the computation of overtime. Overtime is based on "actual hours worked", therefore, vacation, sick, holiday, personal day, compensatory time and other such leaves will not be used in the computation of overtime worked.
- d. There shall be no duplication or pyramiding in the computation of overtime pay and nothing in this manual shall be construed to require the payment of overtime or other premium pay more than once for the same hours actually worked.
- e. Employees shall be given as much advance notice as practicable when overtime is required.
- f. Employees who are not exempt from the overtime provisions of the FLSA are to work overtime hours only when assigned and authorized. "Volunteered time", though well intentioned and appreciated, is not permitted. This includes early and late work hours and working through lunch periods.
- g. Overtime shall, whenever practicable, be distributed in a fair and equitable manner among all employees qualified to perform the work.
- h. Non-exempt employees may accrue a maximum of one-hundred twenty (120) hours compensatory time during a fiscal year. Any unused compensatory time at the end of the fiscal year (September 30), shall be paid out in cash as overtime. Compensatory time is defined as paid time off earned and accrued at one and one-half the employee's straight time rate of pay.
- i. Compensatory time may be taken as operational conditions permit with prior approval by the Department Head.

Rule 6.8 COURT TIME

- a. Police Officers required to attend court in connection with their official duty during scheduled off-duty hours shall be compensated for all hours during which his or her attendance is required at the applicable rate of pay (straight time or overtime).
- b. The officer will be paid a minimum of four (4) hours pay for an off-duty court appearance except when the off-duty court appearance is contiguous with the beginning or ending of the employee's scheduled tour of duty.
- c. Multiple court appearances in the same calendar day shall be credited separately or as one continuous appearance, whichever is least expensive to the Department.
- d. Whenever an officer is subpoenaed for criminal trial, he or she will place himself or herself on standby with the victim/witness coordinator at the State Attorney's Office. It will be the officer's responsibility to check on the status of the case no later than the day prior to the actual trial date. Standby shall not be compensable, but in the event the case goes to trial and the officer is called to appear, he or she shall be compensated as described in this rule.
- e. Pay for witness fees shall be returned to the Village.

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- f. Employees may be permitted to accrue compensatory time for off-duty court appearances in lieu of cash payments.

Rule 6.9 CALL BACK

If an employee is called back to work at a time outside normal working hours, and at least three (3) hours before the beginning of the shift and one (1) hour after the end of the shift, the employee shall be paid for the actual time worked or a minimum of two (2) hours, whichever is greater. However, an employee who has not worked a forty (40) hour workweek will be compensated for the call back at straight time up to forty (40) hours and then compensated at time and one-half for all time over forty (40) hours. Pay for court appearance, however shall be governed exclusively by the provisions of Rule 6.8.

Rule 6.10 SEPARATION PAY

Should a full-time employee be laid off from service with the Village because of reduction of personnel, reorganization of departmental structure, or other consideration necessitating layoffs, and such employee is in good standing, he or she shall, in addition to the payment for accrued annual leave earned, receive separation pay equal to two (2) weeks' salary. Employees dismissed for other reasons shall not be entitled to separation pay.

Rule 7.1 TYPES OF SEPARATION

- a. Resignation
- b. Lay Off
- c. Death
- d. Termination
- e. Suspension: Temporary Separation
- f. Administrative Leave: Temporary Separation
- g. Retirement

Rule 7.2 RESIGNATIONS

Any employee wishing to leave the service of the Village in good standing shall provide his/her Department Head with a written notice of resignation at least two (2) weeks in advance, stating the date the employee is leaving and the reasons for leaving. This notice will be filed immediately with the Human Resources Manager.

Rule 7.3 LAY OFF

Any employee may be laid off whenever such action becomes necessary by reasons of shortage of work or funds, the abolishing of a position or because of changes in organization. No employee shall be laid off when there are temporary or provisional employees serving in the same class or lower class for which the employee is eligible, able and willing to fill. The names of employees laid off for any of the above reasons shall be placed on a layoff list for a period of one year. If the position is re-created within this period, the employee shall be given the opportunity for re-appointment.

Rule 7.4 TERMINATIONS

Employees may be terminated from the service of the Village for violations of the Employee Code of Conduct as set forth in Chapter VIII.

Rule 7.5 EXIT INTERVIEWS

The purpose of the exit interview is to provide management with information that will help identify potential problems and help keep the Village of Pinecrest a pleasant and efficient place to work.

Each employee who resigns from the Village shall be asked to complete an exit interview form in the Human Resources Office at or before the time he or she receives the final paycheck and returns all Village property, including identification and keys. If a meeting is not possible prior to separation, the exit interview form may be mailed to the employee's last known address with a return self-addressed stamped envelope.

Rule 7.6 RE-HIRE POLICY

Employees who separate from the Village voluntarily and in good standing may be eligible for rehire with Department Head recommendation and approval from the Village Manager.

Rule 7.7 RETURN OF VILLAGE PROPERTY

Employees separating from the Village for any reason shall, prior to separation, return all Village-owned property and equipment, including Village issued uniforms in his or her possession to their respective department. The cost of replacing or repairing any items lost or damaged while in the possession of the employee shall be deducted from any pay and benefits held by the Village.

CHAPTER VIII

CODE OF CONDUCT AND DISCIPLINARY PROCEDURES

Rule 8.1 EMPLOYEE CODE OF CONDUCT

- a. Village rules governing employee conduct are based upon:
 1. The common-sense standards that mature people, working together to achieve a common purpose, expect of one another, and
 2. The special need to maintain public trust in those who perform municipal service.
- b. They apply equally to all employees. Supervisors are expected to set an example and to enforce these rules based on facts, uniformly, with fairness and impartiality. Each employee is responsible for his or her compliance and will be held accountable for any violations. An employee found to have committed any of the below listed offenses will be subject to appropriate disciplinary action, up to and including discharge. The offenses listed below are not all inclusive. Employees of the Village are employed at-will and may be terminated at any time, and for any reason.
 1. Conviction of a felony or other crime involving moral turpitude.
 2. Violation of the provisions of the Charter of the Village of Pinecrest.
 3. Act of incompetence or chronic inefficiency in the performance of assigned duties (i.e., poor or unsatisfactory performance).
 4. Neglect of duty or loitering while on duty.
 5. Insubordination.
 6. Deliberate misuse, destruction, or damaging any Village property or the property of another employee.
 7. Misappropriation, theft, conversion, or removal of any Village funds, Village property, or the property of another employee without proper authorization.
 8. The possession of firearms, explosives or weapons while on duty is strictly prohibited unless it is a requirement of the job to carry such items or allowed by Florida or federal law.
 9. Engaging during non-duty hours in an employment, activity, behavior or enterprise that is inconsistent, incompatible, unethical or immoral, or in legal or technical conflict with your duties, functions and responsibilities as a Village employee, or in violation of the Village Code or Ordinances, or Florida Code of Ethics Statute.
 10. Acts of employee showing lack of good moral character.
 11. Knowingly punching or swiping the time card or badge of another employee, having one's time card punched or swiped by another employee, or any unauthorized altering of a time card or badge including the photocopying of a time card or badge.
 12. Absence without leave or failure to report for duty after an Administrative Leave or Suspension has expired; or failure to report to work as instructed prior to or following a hurricane or other emergency event; abandonment of position.

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13. Making false claims or misrepresentation in an attempt to obtain sickness or accident benefits, workers' compensation or any other benefit.
14. Use or attempted use of political influence or bribery to secure an advantage of any manner.
15. Habitual Tardiness and/or absenteeism.
16. Falsifying personnel or Village records, including employment applications, accident records, work records, purchase orders, time sheets, or any other report, record or application.
17. Failure or refusal to carry out instructions.
18. Refusal to testify before a judicial proceeding or any other investigating committee. Refusal to give testimony in accident investigations.
19. Having been refused a surety bond, if required for employment. Failure to obtain or maintain any license or certification required for employment.
20. Instigating or participating in a walkout, strike, unlawful picketing, slow-down, or other concerted stoppage of work.
21. Having been involved in an excessive number of accidents resulting in injuries or property damage.
22. Violation of the Village's Drug-Free Workplace Policy including but not limited to, possessing, consuming, or being under the influence of an intoxicating beverage, controlled substance, or narcotic while on duty or when reporting for duty. Reporting for duty or being on duty with alcohol noticeably on the breath. Refusing to submit to drug or alcohol testing.
23. Smoking of any tobacco products. Refer to the Smoke Free Workplace Policy in Rule 2.6.
24. Failure to notify Department Head of any felony conviction within five (5) days of the conviction.
25. Failure to report to the Village when employee's driver license is revoked or suspended when the employee's position requires the operation of a motor vehicle.
26. Allowing hitchhikers or otherwise unauthorized persons to ride in Village vehicles.
27. Acts of misconduct while on duty.
28. Violating a safety rule, departmental rule, Village policy, or special orders.
29. Provoking or instigating a fight, or fighting at any time on Village property or while on duty.
30. Threatening, intimidating, coercing, interfering with, or other abusiveness to fellow employees, supervisors or the public in the line of duty; behaving in a way that interferes with the cooperation of employees or impairs the efficiency of municipal service; or utilizing profane, abusive or offensive language toward co-workers or members of the public.

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31. Posting or removing any matter on bulletin boards or Village property at any time unless authorized.
32. Unauthorized release of confidential information.
33. Distributing or causing to be distributed, during normal working hours, written matter of any kind on Village premises without proper authorization. The purpose of this provision is to prohibit interference by one or more employees with the work of other employees or with the operation of the Village's business.
34. Receiving from any person, or participation in any fee, gift, or other valuable item in the course of work, or any violation of Village Codes, Ordinances or Florida Code of Ethics Statute.
35. Gambling or engaging in any other game of chance during working hours, while in a Village uniform or on Village property.
36. Engaging in any other actions, which are determined by the Village Manager to warrant disciplinary action.

Rule 8.2 DISCIPLINARY RESPONSIBILITY

The Village Manager shall have the authority, with or without Department Head request, to initiate disciplinary action against any employee in the Municipal Service.

Rule 8.3 SUSPENSIONS

The Department Head shall place employees on Administrative Leave for alleged violations of any Employee Code of Conduct or other departmental or Village policy. Upon completion of the investigation, employees may be suspended by their Department Head or his/her designee without pay for not more than twenty (20) workdays. Employees aggrieved by this action may file an appeal to the action in compliance with Rule 8.5. The filing of an appeal to a suspension with the Village Manager shall stay the suspension until the Village Manager's decision is rendered.

In an extreme situation calling for immediate action, an employee may be suspended pending investigation by his or her Department Head or his/her designee. Such a situation would then be brought to the attention of the Human Resources Manager or Village Manager immediately.

Rule 8.4 TERMINATIONS

Employees may be terminated from the service of the Village for violations of the *Employee Code of Conduct* as set forth in Chapter VIII. Although all employees of the Village are employed at-will, an employee whose termination has been recommended shall be given the opportunity to address the Village Manager before a final decision is made. An employee wishing to address the Village Manager must submit his/her request within seven (7) calendar days of the recommendation for termination. The Village Manager must approve all terminations. An employee may be suspended pending the disposition of this meeting.

Rule 8.5 EMPLOYEE DISPUTE PROCEDURE

The dispute resolution procedure is a mechanism to resolve disciplinary actions taken against an employee in the Municipal Service. It is the policy of the Village of Pinecrest that every employee be treated fairly at all times with courtesy and respect. Conversely, each employee is expected to extend the same treatment to his/her associates, supervisors and to the public.

CHAPTER VIII

CODE OF CONDUCT AND DISCIPLINARY PROCEDURES

- a. Step 1: Employees who believe they have a dispute may address their concerns in writing, within five (5) workdays from the event causing the dispute. The written statement shall contain the date, time, place and nature of the dispute and relief requested and shall be filed with their immediate supervisor. Within five (5) days of the receipt, the supervisor shall inform the employee, in writing, of the disposition of the appeal, or failing in that, advise the employee, in writing, of his/her inability to settle the dispute. At this point, the employee may proceed to Step 2.
- b. Step 2: An employee who is not satisfied with the response to Step 1 may, within three (3) work days following the Step 1 response, file the written statement and a copy of the supervisor's response to his/her Department Head. The Department Head will provide a copy to the Human Resources Office. The Department Head shall, within five (5) workdays of receipt, provide a written response to the employee. If not satisfied with the response from the Department Head, employees may proceed to Step 3.
- c. Step 3: An employee who is not satisfied with the response to Step 2 may, within three (3) working days following the Step 2 response, file the written statement along with copies of the supervisor's response and the Department Head's response with the Village Manager. The Village Manager shall, within fifteen (15) workdays of receipt, meet with the employee. The Village Manager's decision shall be final, binding and not appealable.
- d. Withdrawing of Dispute: An employee may withdraw a dispute at any point in writing or by permitting the time requirements to lapse without appeal.
- e. Employees selecting a dispute resolution procedure under an applicable collective bargaining agreement are excluded from processing the same dispute under this system.

Rule 8.6 PROBLEM RESOLUTION

While the employee dispute procedure referred to above is used to appeal disciplinary actions taken by management, a less formal alternative is available to resolve other employee problems, concerns, or to put forth suggestions.

The vast majority of employee problems or complaints involve misunderstandings that can be resolved informally through discussion with your immediate supervisor. We believe strongly that open communication promotes mutual understanding and provides management with valuable information about working conditions and the quality of service we give to the residents of Pinecrest. When an employee has a problem or complaint that is not the subject of a formal written dispute, or a suggestion, he or she should schedule a mutually agreeable time to discuss the matter with his or her immediate supervisor.

In the event that an employee ever feels that their complaint, problem, or suggestion has not been answered to their satisfaction, they have the right to discuss it with successively higher levels of supervision, up to the Village Manager if necessary. They simply notify their supervisor that they want to discuss their problem, complaint, or suggestion with the next level of supervision. The supervisor will instruct the employee where and with whom to make the appointment. All levels of the Village Management are available to listen to employee complaints, problems, or suggestions. It is the Village policy that such informal complaints, suggestions, or problems needing resolution move along the chain as quickly as possible.

Problems arise within any organization of human beings. We encourage you to attempt to resolve any that may occur as quickly and simply as possible. No one exercising his or her right to the chain of command is subjected to any form of retaliation by any Village employee, supervisor, manager, or other official.

APPENDICES

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APPENDIX 1

VILLAGE OF PINECREST

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

ALCOHOL

All liquid medications containing ethyl alcohol (ethanol). Please read the label for alcohol content. As an example, Vick's Nyquil is 25% (50 proof) ethyl alcohol, Comtrex is 20% (40 proof), Contac Severe Cold Formula Night Strength is 25% (50 proof) and Listerine is 26.9% (54 proof).

AMPHETAMINES

Obetrol, Biphentamine, 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, Donnagel PG, Morphine, Tylenol with Codeine, Empirin with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guituss AC, Novahistine DH, Novahistine Expectorant, Dilaudid (Hydromorphone), M-S Contin and Roxanol (morphine sulfate), Percodan, Vicodin, Tussi-organidin, etc.

BARBITURATES

Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebaral, Butabarbital, Butalbital, Phenrinin, Triad, etc.

BENZODIAZEPINES

Ativan, Azene, Clonopin, Dalmane, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxipam, Restoril, Centrax.

METHADONE

Dolophine, Metadose

PROPOXYPHENE

Darvocet, Darvon N, Dolene, etc.

LIST PRESCRIPTION DRUGS TAKEN WITHIN THE PAST 30 DAYS. THIS IS FOR YOUR USE ONLY AT THIS TIME BUT MAY BE PROVIDED TO THE MRO IN THE EVENT OF A POSITIVE TEST RESULT TO ASSIST THE MRO IN THE TESTING PROCEDURE.

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APPENDIX 2

VILLAGE OF PINECREST

LIST OF DRUGS BY TRADE OR COMMON NAMES

DRUGS	TRADE OR COMMON NAMES
<u>Narcotics</u>	
Opium	Dover's Powder, Paregoric, Parepectolin, Laudanum
Morphine	Morphine, Pectoral Syrup, Roxanol, Duramorph
Codeine	Tylenol with Codeine, Empirin Compound with Codeine, Robitussin A-C, Fiorinal with Codeine
Heroin	Diacetylmorphine, Horse, Smack
Hydromorphone	Dilaudid
Meperidine (Pethidine)	Demerol, Mepergan
Methadone	Dolophine, Methadone, Methadose, Amidone
Other Narcotics	LAAM, Leritine, Numorphan, Percodan, Tussionex, Fentanyl, Darvon, Talwin, Lomotil
<u>Depressants</u>	
Chloral Hydrate	Noctec, Somnos
Barbiturates	Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Barbs
Benzodiazepines	Ativan, Azene, Clonopin, Dalmane, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxipam, Restoril, Rohypnol, Roofies, Tranks, Xanax
Methaqualone	Quaalude, Ludes
Glutethimide	Doriden
Other Depressants	Equanil, Mil, Noludar, Placidyl, Valmid, Alcohol
<u>Stimulants</u>	
Cocaine	Coke, Flake, Snow, Crack, Rocks
Amphetamines	Biphetamine, Delcobese, Desoxyn, Dexedrine, Mediatric, Black Beauties, Crosses, Hearts
Phenmetrazine	Preludin
Methylphenidate	Ritalin
Methamphetamine	Desoxyn, Crank, Crystal, Glass, Ice, Speed
Other Stimulants	Adipex, Bacarate, Cylert, Didrex, Ionamin, Plegine, Pre-Sate, Sanorex, Tenuate, Tepanil, Voranil
<u>Hallucinogens</u>	
LSD	Acid, Microdot
Mescaline and Peyote	Mesc, Buttons, Cactus, Peyote
Amphetamine Variants	2,5-DMA, PMA, STP, MDA, MDMA, TMA, DOM, DOB, Adam, Ecstasy, STP, XTC
Phencyclidine	PDP, Angel Dust, Hog
Phencyclidine Analogs	PCE, PCPy, TCP
Other Hallucinogens	Bufotenine, Ibogaine, DMT, DET, Psilocylin
<u>Cannabis</u>	
Marijuana	Pot, Acapulco Gold, Grass, Reefer, Sinsemilla, Thai Sticks, Blunt, Herb, Smoke, Weed
Tetrahydrocannabinol	THC, Marinol
Hashish	Hash
Hashish Oil	Hash Oil

APPENDIX 3

VILLAGE OF PINECREST

FORM FOR EMPLOYEES TO CONFIDENTIALLY REPORT THE USE OF
PRESCRIPTION OR NON-PRESCRIPTION MEDICATION THAT MAY AFFECT THEIR
ABILITY TO SAFELY PERFORM THEIR JOB

NAME:

SIGNATURE:

DATE:

PRESCRIPTION MEDICATION:.....

.....

.....

.....

.....

NON-PRESCRIPTION MEDICATION:

.....

.....

.....

.....

RECEIVED BY:

NAME: _____

POSITION: _____

DATE: _____

APPENDIX 4

VILLAGE OF PINECREST

DRUG AND ALCOHOL TEST DIRECTION FORM

I direct[ed] _____ [Name of Employee] to take a drug and alcohol test pursuant to the Village of Pinecrest's Drug and Alcohol Free Workplace Policy . This drug and alcohol test [is\was] required because of the following reason(s) (e.g., grounds for reasonable suspicion, accident, etc.):

.....
.....
.....
.....
.....
.....

The above stated reason(s) was\were also witnessed by:

.....
.....
.....
.....

Name(s) of Supervisor(s). Two Supervisors are required if reasonable suspicion is based upon observed irregular behavior. For accident or occupational injury, only one Supervisor is necessary.

Name
Position
Date
Signature

(If applicable)

Second Supervisor's Name
Position
Date
Signature

APPENDIX 5

VILLAGE OF PINECREST

APPLICANT/PRE-EMPLOYMENT DRUG TESTING
AGREEMENT AND RELEASE

PLEASE READ CAREFULLY

I acknowledge that I have received and read a copy of the Village of Pinecrest's ("Village") "Drug and Alcohol Free Workplace Policy." I further acknowledge that I have been advised that drug testing is required for the position for which I am applying.

I voluntarily consent to submit to a drug test of my urine and/or blood and/or hair prior to starting employment. I hereby authorize and give full permission to have the Village's contracted medical provider, their staff, and/or their associates send a specimen of my urine and/or blood and/or hair to a laboratory for screening tests for the presence of drugs. I authorize these results, positive or negative, to be given to a Medical Review Officer selected by the Village and the Village's Human Resources Office.

I understand that either my refusal to submit to the drug test or my failure to qualify according to the minimum standards established by the Village for this drug test may disqualify me from further consideration for employment at this time.

I will hold the Village and all concerned parties harmless and waive any legal rights for any alleged harm to me or for interfering with my ability to be hired as a result of the test reports, or my non-submission to the tests. This includes possible clerical or laboratory error.

I have read in full and understand the above statements and conditions of employment.

NAME (Please Print)

APPLICANT'S SIGNATURE

DATE

WITNESSED BY

DATE

APPENDIX 6

VILLAGE OF PINECREST

CERTIFICATE OF AGREEMENT AND RELEASE FOR DRUG TESTING

I hereby certify that I have received and read the Village of Pinecrest's "Drug and Alcohol Free Workplace Policy."

I hereby consent to submit to drug and alcohol testing of my urine and/or blood and/or hair at any time requested by the Village pursuant to the Village's Drug and Alcohol Free Workplace Policy. I hereby authorize and give full permission to have the Village's contracted medical provider, their staff, and/or their associates send a specimen of my urine and/or blood and/or hair to a laboratory for screening tests for the presence of drugs and/or alcohol. I authorize the release of the results of such tests, positive or negative, to a Medical Review Officer selected by the Village and to the Human Resources Office.

I understand that failure to comply with a request to submit to a drug and/or alcohol test by an authorized Village representative, or that a positive confirmed result from a drug and/or alcohol test may lead to termination of my employment.

Notwithstanding any rights I may have in my collective bargaining agreement, I will hold the Village and all concerned parties harmless and waive any legal rights for any alleged harm to me (including discipline and termination of employment) or for interfering with my employment with the Village as a result of the test reports, or my non-submission to the tests. This includes possible clerical or laboratory error.

NAME (Please Print)

APPLICANT'S SIGNATURE

DATE

WITNESSED BY

DATE

APPENDIX 7

VILLAGE OF PINECREST

**NOTIFICATION TO WORKERS' COMPENSATION CARRIER OR SELF-INSURER
RE: NOTICE OF DENIAL OF MEDICAL INDEMNITY BENEFITS BECAUSE OF AN INJURED
EMPLOYEE'S POSITIVE DRUG TEST.**

A notification similar to this one should be sent to the Village's workers' compensation carrier upon receipt of written confirmed positive drug test results, if the Village decides to deny medical and indemnity benefits.

Date:

Dear Worker's Compensation Carrier:

The employee listed below, who may have suffered an on-the-job injury on _____ [date of accident], has tested positive for drugs pursuant to the Village's Drug and Alcohol Free Workplace Policy.

_____ [Employee's name]
_____ [Employee's social security no.]

The specimen/sample collected from the employee at the time of the accident was tested twice by the laboratory. In addition, the test results were verified by the Village's Medical Review Officer in order to ensure the accuracy of the test.

Pursuant to Florida Statutes § 440.102(5)(p), carriers [or self insurers] are required to give "reasonable notice" to all affected health care providers that payment for treatment, care and attendance provided to the above-named employee after a future date certain may be denied.

We hereby request that you immediately provide reasonable notice to all affected health care providers that the payment for treatment, care and attendance provided to the above-employee will be denied. We also request that you deny payment for any other medical or indemnity benefits to the above named employee, after you have provided the above described reasonable notice.

Please call if you need more information. Thank you for your cooperation in this matter.

Respectfully submitted,

[Appropriate Village Official]

APPENDIX 8

VILLAGE OF PINECREST

SUMMARY OF DRUG AND ALCOHOL FREE WORKPLACE POLICY

EMPLOYEES ARE HEREBY NOTIFIED THAT IT IS A CONDITION OF EMPLOYMENT FOR EACH EMPLOYEE TO REFRAIN FROM REPORTING TO WORK OR WORKING WITH THE PRESENCE OF DRUGS OR ALCOHOL IN HIS OR HER BODY. IF AN EMPLOYEE TESTS CONFIRMED POSITIVE OR REFUSES TO SUBMIT TO A TEST FOR DRUGS OR ALCOHOL, THE EMPLOYEE IS SUBJECT TO DISCIPLINARY ACTION, INCLUDING TERMINATION, AND MAY FORFEIT ELIGIBILITY FOR MEDICAL AND INDEMNITY BENEFITS.

1. WHAT IS THE DRUG AND ALCOHOL FREE WORKPLACE POLICY?

- a. In accordance with Florida's Drug Free Workplace law, Section 440.101, et seq., Florida Statutes, the Village of Pinecrest ("Village") prohibits the illegal use, possession, sale, manufacture, or distribution, of drugs, alcohol, or other controlled substances on its property. For purposes of this policy, alcohol is considered to be a drug.
- b. It is also against Village policy for employees to report to work or to work under the influence of drugs. This includes prescription drugs, which induce an unsafe mental or physical state. Any employee who is taking any prescription drug, which might impair safety, performance, or any motor functions should advise his or her supervisor before commencing work under such medication.
- c. For the purpose of this policy, an individual is presumed to be under the influence of drugs if a confirmed drug test is positive.
- d. The use, sale, purchase, possession, distribution, or dispensing of drugs on duty or on Village property is cause for discharge.
- e. The Village may suspend employees without pay under this policy pending the results of a drug test or investigation.
- f. The Village has contracted with a Medical Review Officer (MRO) who is a licensed physician with knowledge of substance abuse disorders, laboratory-testing procedures, chain of custody collection procedures, the medical use of prescription drugs and the pharmacology and toxicology of illicit drugs. The purpose of the MRO is to ensure to the maximum extent possible that all test results are accurate. Applicants or employees can discuss any technical questions regarding testing with the MRO prior to or after the test.

2. WHO IS TESTED?

The Village tests all applicants and employees as described below:

- a. Applicants:
 - (1) Applicants who are considered final candidates for a mandatory testing or special-risk position will be tested for the presence of drugs as part of the application process.

- (2) Such applicants will be asked to sign a Pre-employment Drug Testing Agreement, consenting to the drug test. If an applicant refuses, he or she will not be considered for employment and the employment application process will be terminated.
- (3) If an applicant's test is confirmed positive, the applicant will not be considered for employment at that time and will be informed that he or she has failed to meet employment standards.

b. Employees:

- (1) **Random Drug Testing:** A drug test chosen to be conducted based on a computer generated random sampling of employees within each group subject to random drug testing. All employees within a group subject to random drug testing shall have an equal chance of being selected each time a selection is made. Federal law or a collective bargaining agreement may set forth additional restrictions or rules on random drug testing.
- (2) **Reasonable-Suspicion Testing:** Employees will be tested when there is a reasonable suspicion that an employee is or has used, possessed, sold, solicited, or transferred drugs while on the Village's premises or while operating its vehicles, machines, equipment or when there is evidence that an employee has tampered with a drug test during his employment.
- (3) **Post On-the-Job Accident or Injury Testing:** Employees who sustain an on-the-job injury which requires medical treatment, or who have caused, contributed to or have been involved in an accident or injury while at work will be tested at the time medical treatment is administered, or as soon as possible. Employees involved in an accident must not use alcohol for eight (8) hours following an accident or until a post-accident test is conducted, whichever comes first.
- (4) **Routine Fitness-for-Duty Testing:** Employees will be drug tested as part of any routinely scheduled employee fitness-for-duty medical examination.
- (5) **Follow-up and Return to Duty Testing:** Employees who have failed a test and who are permitted by the Village to return to work after completing treatment for alcohol or drug abuse will be tested prior to returning to work and will be subject to unannounced follow-up tests for a period of two (2) years.
- (6) **Additional Testing:** Additional testing may also be conducted as required by applicable state or federal laws, rules, or regulations or as deemed necessary by the Village.

3. WHAT IF AN APPLICANT OR EMPLOYEE REFUSES TO BE TESTED?

- a. A job applicant who refuses to submit to the pre-employment drug test will be ineligible for hire.
- b. Any employee who refuses to submit to a drug test may be terminated from employment or otherwise disciplined. An employee involved in a workers' compensation accident/incident who refuses to submit to a drug test, or who has a confirmed positive test result, in addition to any disciplinary action, may forfeit his or her eligibility for workers' compensation medical and indemnity benefits.
- c. A refusal to complete and sign a Drug Testing Chain of Custody Form or the failure to appear at the collection site within the specified time frame will be considered a refusal to submit to a drug test and will be subject to discipline, up to and including termination.

4. WHAT IF SOMEONE TESTS POSITIVE?

- a. Tests will be conducted only by laboratories licensed and approved by the proper state and/or federal agencies. Test specimens will be collected, tested, and stored pursuant to the requirements of Florida law. No physician-patient relationship is created between an employee or job applicant and the Village or any person performing or evaluating a drug test.
 - b. The Village's MRO will initially receive and verify that test results were properly analyzed and handled by the laboratory testing. The MRO will then contact the job applicant or employee to give the person an opportunity to explain or challenge a positive test result to determine whether prescription or other legitimately taken drugs could have caused the positive test result. If the MRO decides that the applicant or employee's explanation is unsatisfactory, the MRO will report a positive test to the Village. The Village will notify the job applicant or employee of confirmed positive test results within five (5) working days after receipt of the result from the MRO.
 - c. A job applicant or employee who receives a positive confirmed drug test result may contest or explain the result to the MRO or the Village within five (5) days after written notification of the positive test result. If the explanation or challenge is unsatisfactory, a written explanation will be given to the applicant or employee. If the applicant or employee's challenge is unsatisfactory to the MRO or the Village, the applicant or employee may have the right to contest the test results pursuant to rules adopted by the Florida Division of Workers' Compensation or in a court of competent jurisdiction.
 - d. Employees who are covered under a collective bargaining agreement between the Village and any certified labor organization may have the right to file a grievance regarding discipline imposed by the Village as a result of a violation of this policy if said grievance is permitted to be filed pursuant to the collective bargaining agreement.
 - e. The testing laboratory will preserve specimens of confirmed positive test results for at least two hundred ten (210) days after the result was mailed to the MRO. A job applicant or employee has the responsibility of notifying the drug-testing laboratory of any administrative or civil action brought pursuant to Chapter 440, Florida Statutes. If timely notified, the testing laboratory will maintain the sample until the case or administrative appeal is settled.
 - f. Any applicant or employee who elects to have a portion of his or her specimen retested at another licensed testing laboratory (at his or her expense) must notify the testing laboratory and make a request to the Village within one hundred eighty (180) days after written notification of a positive test result.
 - g. A list of names, addresses, and telephone numbers of employee assistance programs and local drug rehabilitation programs are on file with the Village. This information will be provided to any person upon request. Information about local assistance programs and/or rehabilitation programs may also be obtained at:
5. WHAT IF AN APPLICANT OR EMPLOYEE HAS QUESTIONS ABOUT LEGITIMATE PRESCRIPTION DRUGS OR OTHER TECHNICAL INFORMATION ABOUT THE TESTS?
- a. Job applicants and employees have the right to confidentially consult the MRO for technical information regarding prescription and non-prescription medication and may contest or explain the test result to the MRO both before and after being tested.
 - b. Prior to testing, the job applicant or employee will be given a list of the most common medications by brand name or common name and chemical name which may alter or affect a drug test. This information is also provided on the Drug Testing Chain-of-Custody Form.

- c. A Drug Use Information form, which is a confidential report, may be filled out by job applicants and employees before or after being drug tested. This form permits individuals to provide to the MRO a list of all prescription and non-prescription drugs they are currently using or have used in the last month, as well as any other information they consider relevant to the test.
- d. All information, interviews, reports, statements, memoranda and drug test results, written or otherwise, received by the Village as part of this drug-testing program are confidential communications. Unless authorized by state laws, rules or regulations, the Village will not release such information without a written consent form signed voluntarily by the person tested. The Village or its legal counsel may disclose such information in the event that a challenge or other form of civil, disciplinary or administrative litigation is commenced by a job applicant or employee.

6. WHAT TYPE OF DRUGS ARE TESTED?

The following is a list of drugs (described by brand name, common name and/or chemical name) for which the Village may test. Also listed and identified are those most common medications, which may alter or affect a drug test:

Alcohol (booze, drink, distilled spirits, wine, malt beverages, beer, intoxicating liquors, alcoholic beverages, etc.)

Amphetamines (Binhetamine, Desoxyn, Dexedrine)

Cannabinoids (marijuana, hashish, hash, hash oil, pot, joint, roach, spleaf, grass, weed, reefer)

Cocaine (coke, blow, nose candy, snow, flake, crack)

Phencyclidine (PCP, angel dust, hog)

Methaqualone

Opiates (opium, Dover's powder, paregoric, parepectolin)
Barbiturates (Phenobarbital Tuinal, Amytal)

Benzodiazepines (Ativan, Azene, Klonopin, Dalman e, Diazepam, Halcion, Librium, Poxipam, Restoril, Serax, Tranxene, Valium, Vertron, Xanax)

Methadone (Dolophine, Methadose)

Propoxyphene (Darvocet, Darvon N, Dolene)

Metabolites of any substances listed above.

7. WHAT ELSE SHOULD I KNOW ABOUT THE POLICY?

- a. Details of this policy may be obtained during regular business hours from the Human Resources Office.
- b. The contents of this policy constitute statements of the Village's current policy and may be changed and updated by the Village at any time. Nothing in this policy is intended to create a contract between the Village and any employee. Nothing in these guidelines binds the Village to a specific or definite period of employment or to any specific policies, procedures, actions, rules, or terms and conditions of employment.
- c. As a condition of employment and continued employment, all employees are required to abide by this policy.

APPENDIX 9

VILLAGE OF PINECREST

**EMPLOYEE ACKNOWLEDGMENT OF RECEIPT OF
SUMMARY OF DRUG AND ALCOHOL FREE WORKPLACE POLICY**

I, _____, (Employee's Name) hereby acknowledge that I received a copy of the Village of Pinecrest's Summary of Drug and Alcohol Free Workplace Policy, consisting of this page and the four (4) preceding typewritten pages on the date indicated below. I understand that on the effective date of the policy, it will be a condition of my employment to refrain from reporting to work or working with the presence of drugs or alcohol in my body.

(Employee's Signature)

DATE:

APPENDIX 10-A

VILLAGE OF PINECREST

EMPLOYEE RANDOM DRUG TESTING NOTICE

You, _____, have been randomly selected to undergo a random drug test. This random drug test is authorized under Section 440.102(4) (b), Florida Statutes, the Village's Drug and Alcohol Free Workplace Policy, federal law and/or a collective bargaining agreement between your representative and the Village.

The Village selects employees for random drug testing by a scientifically valid method such as a computer generated random number table. Each employee within a group subject to random drug testing shall have an equal chance of being selected each time selections are made. Additional rules and/or restrictions may be set forth in federal law or the applicable collective bargaining agreement.

If you refuse to complete and sign a Drug Testing Chain of Custody Form, you will be considered to have refused to submit to random drug testing. This refusal is subject to disciplinary action up to and including dismissal.

If you do not appear at the collection site within the specific time frame, you will be considered to have refused to submit to drug testing. You will be subject to disciplinary action up to and including dismissal for failure to report to the collection site unless you provide sufficient justification for failure to appear, subject to approval by the Village Manager.

An employee who receives a positive confirmed drug test result may contest or explain the result to the MRO or the Village within five (5) days after written notification of the positive test result. If the explanation or challenge is unsatisfactory, a written explanation will be given to the employee. If the employee's challenge is unsatisfactory to the MRO or the Village, the employee may have the right to contest the test results pursuant to rules adopted by the Florida Division of Workers' Compensation or in a court of competent jurisdiction.

All information, interviews, reports, statements, memoranda, and drug test results (written or otherwise) received by the Village through a drug testing program are confidential communications and will not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, unless brought pursuant to this policy or otherwise allowed by law.

The names, addresses, and telephone numbers of employee assistance programs and local alcohol and drug rehabilitation programs are available from the Human Resources Office.

Any questions regarding this drug testing policy statement should be directed to Human Resources.

I hereby certify that I understand the conditions of random drug testing.

Print Name

Date

Signature

cc: Employee; File

APPENDIX 10-B

VILLAGE OF PINECREST

EMPLOYEE RANDOM DRUG TESTING APPOINTMENT FORM

You have been selected for random Drug & Alcohol Testing in accordance with the Village's Drug and Alcohol Free Workplace Policy. You must report to Physicians Health Center (The Collection Site) **ON THE DATE AND BY THE TIME INDICATED BELOW.**

Employee: _____ Test Date: _____

S. S. #: _____ xxx-xx- _____ Time: _____

Position: _____

Location: Physicians Health Center
Occupational Health Specialists
7887 N. Kendall Drive, Suite 102
Miami, Florida 33156
(305) 279-7722

APPENDIX 11

VILLAGE OF PINECREST

CONTACT INFORMATION

Village Contact Information:
Human Resources Manager
12645 Pinecrest Parkway
Pinecrest, Florida 33156
(305) 234-2121

Name and Contact Information of the Village's Medical Review Officer:
Dr. Chapnick; Dr. Diaz; Dr. Mirabal
Physicians Health Center
4483 N.W. 36th Street
Miami, FL 33166
(305) 888-7555

Name and Contact Information for the Collection Facility used by the Village:
Physicians Health Center
7887 N. Kendall Drive, Suite 102
Miami, Florida 33156
(305) 279-7722

Name and Contact Information for the Laboratory used by Physicians Health Center:
Quest Diagnostics
1777 Montreal Circle
Tucker, GA 30084

APPENDIX 12

VILLAGE OF PINECREST

The following classifications are subject to random testing pursuant to the Village's Drug and Alcohol Free Workplace Policy due to mandatory testing or special-risk position. Additional classifications may be added from time to time based upon the safety sensitive nature of the position(s).

Building Inspector
Chief Building Inspector
Chief Electrical Inspector
Chief Mechanical Inspector
Chief Plumbing Inspector
Code Compliance Officer
Community Service Aide
Deputy Chief *
Dispatcher
Dispatcher Supervisor
Educational Program Coordinator
Foreman
Groundskeeper
Horticulturist
Maintenance Worker I
Maintenance Worker II
Operations Assistant
Operations Manager
Park Service Aide
Park Superintendent
Police Cadet (Trainee)
Police Chief *
Police Lieutenant *
Police Major *
Police Officer *
Police Sergeant *
Production and Facility Manager
Recreation Aide
School Crossing Guard
Seniors Activities Coordinator
Traffic Infraction Enforcement Officer
Victim Services Coordinator

*Special Risk Position: Law Enforcement Officer (all ranks)