

Welcome

Welcome to our professional team at the Village of Palmetto Bay! Having incorporated on September 10, 2002, Palmetto Bay is a vibrant community in South-Miami Dade County featuring beautiful surroundings and a family-oriented atmosphere. We are known as the “Village of Parks” for our wonderful and extensive park system which provides waterfront access, active and passive recreation, natural habitats and preservation, and special event facilities.

Our team is diverse and energetic, and we all take great pride in achieving quality in everything we do. Our organizational philosophy is founded on the belief that Palmetto Bay truly reflects the best of South Florida’s past, present and future. To that extent, we consistently seek to achieve excellence in the delivery of public service and maximize our productivity through fiscal and operational efficiency.

As the newest member of our team, you are a valuable and important asset in our vision for the present and the future of the Village of Palmetto Bay. Our ability to provide high quality services that ensure the health, safety and welfare of our residents is highly dependent upon our employees performing at a consistently high professional level, and embracing our organizational philosophy and goals. We aim to establish a maximally efficient government organization which promotes high quality municipal services, by attracting and maintaining a highly motivated and well-trained professional Village staff. Our employees 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.

The policies and procedures provided in this manual have been established to serve as your guidelines with the Village’s employment policies and to provide you with general information of certain benefits. These policies were developed to ensure a positive, productive and a caring workplace for the benefit of our employees.

ABOUT VILLAGE HALL: The Palmetto Bay Municipal Center, otherwise known as Village Hall, is a Platinum-level certified building by the U.S. Green Building Council (USGBC.) This is the highest certification awarded to facilities for its green building components. Construction on Village Hall was completed in December 2010, and incorporates the latest design features known in green construction. In addition to rating the building’s energy efficiency and sustainability components, the USGBC also rates the facility’s indoor quality as part of the certification process, and Village Hall received the highest recognition available as previously mentioned. What this means to our employees and visitors is that they get to enjoy a clean, healthy and environmentally-friendly indoor environment. As such, the building is a no-smoking facility. Smoking is prohibited in all areas inside and in proximity to the building, with the exception of the designated smoking area, which is located on the Northeast corner of the facility. A sign has been posted to clearly identify the location. In an effort to maintain our current status and continue to provide a healthy environment for everyone, strict adherence to this policy is expected from all employees.

Table of Contents

SECTIONS	PAGE NO.
CHAPTER 1 – INTRODUCTION	
1.1 General Policy	5
1.2 Purpose of Manual	5
1.3 Disclaimer	5
1.4 Applicability of Manual	6
1.5 Authority	6
1.6 Definitions	6
CHAPTER 2 – COMPENSATION AND SALARY	
2.1 Position Classification and Compensation Plan (PCCP)	9
2.2 Reclassification	9
2.3 Compensation Plan Administration	10
2.4 Salary Range Adjustments	12
2.5 Effective Date of Pay Changes	12
2.6 Overtime and Compensatory Time for Non-Exempt Employees	12
2.7 Separation Pay	13
CHAPTER 3 – ATTENDANCE AND LEAVE	
3.1 Designated Holidays	14
3.2 Personal Time Off (PTO)	15
3.3 Disability Leave – Worker’s Compensation	16
3.4 Other Leaves with Pay	16
3.5 Leave of Absence Without Pay	17
3.6 Family and Medical Leave Act of 1993 – Village Policy	17
CHAPTER 4 – HIRING AND EMPLOYMENT POLICIES	
4.1 Municipal Service	20
4.2 Probationary Period	20
4.3 Double Employment	20
4.4 Outside Employment	20
4.5 Recruitment	21

Table of Contents

4.6	Employment of Relatives	21
4.7	Examinations	21
4.8	Appointments	22
CHAPTER 5 – STANDARDS OF CONDUCT AND PROCEDURES		
5.1	Employee Code of Conduct	24
5.2	Disciplinary Responsibility	26
5.3	Suspensions	26
5.4	Terminations	27
5.5	Employee Dispute Procedure	27
5.6	Problem Resolution	27
5.7	Dress Code	28
5.8	Uniform Policy & Guidelines	29
5.9	Computer & Internet Access	30
5.10	Automobile Policy	31
CHAPTER 6 – EMPLOYEE BENEFITS		
6.1	Insurance	34
6.2	COBRA	34
6.3	Retirement Income	37
6.4	Employee Performance Evaluations	37
6.5	Personnel Files	38
6.6	In-Service Training	38
6.7	Education Reimbursement Program – Voluntary	38
6.8	Service Recognition	40
CHAPTER 7 – SEPARATION OF EMPLOYMENT		
7.1	Types of Separation	41
7.2	Resignations	41
7.3	Lay Off	41
7.4	Terminations	41
7.5	Exit Interviews	41

Table of Contents

7.6	Return of Village Property	41
CHAPTER 8 – GENERAL POLICIES		
8.1	Acceptance of Gifts/ Favors	42
8.2	Drug and Alcohol Free Workplace	42
8.3	Equal Opportunity Employment Policy	55
8.4	Sexual Harassment Policy	55
8.5	Equal Employment Opportunity/ Sexual Harassment Complaint Procedure	56
8.6	Workplace Safety	57
8.7	Village Identification	57
8.8	Employee Reporting Procedures During Disaster Operations	57
8.9	Work Space Privacy	58
	Acknowledgment of Receipt	59
	Performance Evaluation Form – Managerial	Attachment A
	Performance Evaluation Form – General Employees	Attachment B

Chapter 1- Introduction

1.1 General Policy

- a. The policy of the Village of Palmetto Bay (Village) is to establish a maximally efficient government organization which promotes high quality municipal services. This policy will be achieved through the extensive use of outsource contractors and a small core Village staff. The personnel procedures and policies stated in this manual promote, implement and maintain a Village-wide program for coordinated development of municipal services and facilities, which supports the Palmetto Bay approach to government.
- b. High quality services are mandatory for the health, safety and welfare of the citizens of Palmetto Bay. 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 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. Furthermore, Village employees are expected to embrace the Palmetto Bay philosophy and approach to government.
- c. The Village Manager or his designee shall issue detailed administrative regulations, not in conflict with the rules set forth herein, for the purpose of clarification and to establish orderly administrative procedures.

1.2 Purpose of Manual

- a. The primary purpose of this Personnel Policies and Procedures Manual (Manual) is to establish consistent and equitable personnel policies, which will serve as guidelines to administrative action concerning the various personnel activities, benefits and services available to Village employees. This manual is also intended to keep employees informed of established personnel policies and their responsibilities and duties in matters of personnel and operational policies. This manual serves as an informational and educational guide intended to keep employees better-informed and contribute to a rewarding employment experience with the Village of Palmetto Bay. To that extent, all employees are expected to read this manual and become familiar with its contents.

1.3 Disclaimer

- a. This manual summarizes the various policies and benefits currently provided by the Village of Palmetto Bay. Information contained in this manual or any other Village document, written or verbal, shall not be construed as an employment contract between the Village and any employee, or a guarantee of continued employment. Both, the Village and the employee, have the exclusive right to terminate employment relationship at-will, without cause and without notice.
- b. No employee, official, or representative of the Village shall have the authority to make any verbal statements of any kind, at any time, that are legally binding on the Village of Palmetto Bay.
- c. The policies contained in this manual are intended to serve as guidelines and may be amended, altered and repealed in whole or in part, at any time, with or without notice at the sole discretion of the Village Manager or his designee who shall also be responsible for their clarification and/or interpretation. Employees shall be provided with copies of any revisions or changes made to this manual.
- d. Where any portion of the Village code or law conflicts with the provisions of this manual, the former shall apply.

Chapter 1- Introduction

- e. Each rule of the Personnel 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.

1.4 Applicability of Manual

- a. The Personnel Policies and Procedures Manual shall apply to all employees of the Village.
- b. The Manual shall in no way limit the power and authority of any Department Head to enact departmental rules and regulations governing the conduct and performance of employees. Departmental rules and regulations shall not conflict with the provisions of this manual and shall be subject to the approval of the Village Manager.

1.5 Authority

The general authority and responsibility for the administration of these rules and regulations rests with the Village Manager as provided in Section 3.3 of the Village Charter. The Village Manager shall be responsible for the appointing, hiring, promoting, supervising, and removing of all Village employees, except the Village Attorney and all employees of the Office of the Village Attorney.

1.6 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. 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 description is written in terms of duties, responsibilities, illustrative examples of work, and the qualifications needed to perform the work.
- f. Classification Title: The title chosen from the classification plan which most closely describes the nature of work performed by an employee.
- g. Compensatory Time: Time worked in excess of normal assigned working hours in lieu of paid overtime.
- h. Demotion: A change in classification from one classification to another classification which has a lower maximum pay range.
- i. Department Head: Employees of the Village who are responsible, under the Village Manager, for the administration and operation of an established Village department.

Chapter 1- Introduction

- j. Employee Dispute Procedure: A mechanism intended to assure that employee questions, problems and concerns arising from misunderstandings that develop in the day-to-day activities are promptly heard, answered and appropriately addressed in order 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. All employees of the Village shall be considered at-will employees.
- l. Exempt Position: Depending on the context, this term may refer to either one of the following definitions : 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 scheduled to work forty (40) or more hours per work period.
- n. Gift: The transfer of anything of economic value, whether in the form of money, service, loan, travel, entertainment, hospitality, item or promise or in any other form, without adequate and lawful consideration, as defined by County Ordinance, Section 2-11.1 (e) (1).
- o. Layoff: A reduction of the number of employees due to the lack of work, funds, or other causes not pertaining to employee performance.
- p. Layoff List: Names of employees laid off for reasons given in "Layoff" held for a period of one year.
- q. 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.
- r. 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.
- s. Overtime: Hours worked in excess of the normal work period, and in accordance with the provisions of the Fair Labor Standards Act.
- t. Part Time: Any position that is normally scheduled for thirty-two (32) or fewer hours in a work period.
- u. Pay Rate: A rate of pay within a Pay Range in the Village's Position Classification and Compensation Plan.
- v. 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.
- w. Performance Evaluation: A report relative to the conduct and capacity of an employee in the municipal service.
- x. Human Resources Director: This shall mean the Village Manager or the person designated by the Village Manager to supervise the application of the policies contained in this manual.
- y. Position: An employment, office or position in the Municipal Service composed of specific duties.

Chapter 1- Introduction

- z. Position Classification and Compensation Plan: The systematic arrangement of individual duties and positions into appropriated classes of work so as to provide a comprehensive, definite and descriptive specification of the several types of work in the Municipal Service

- aa. Promotion: A change in classification from one to another with higher maximum pay range.

- bb. 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.

- cc. Resignation: Act of voluntarily withdrawing from Village employment.

- dd. Suspension: The temporary separation from duty without pay for disciplinary purposes.

- ee. 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.

- ff. 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 work days.

- gg. Transfer: A change in position to one that is within the same salary range.

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

Full-time Employees	40 hours in a seven (7) day period
Part-time Employees	32 or fewer hours in a seven (7) day period

Chapter 2- Compensation and Salary

2.1 Position Classification and Compensation Plan (PCCP)

The Position Classification and Compensation Plan (PCCP) is a document which provides a systematic arrangement and detailed description of the positions in the municipal service, including salary grades and ranges within the grades. The position descriptions shall be collectively developed by the Village Manager or designee, the Department Head, and the Personnel Officer. 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.

a. 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, and uniform terminology of jobs.

b. Implementation

All positions shall be included among classes in the PCCP with the exception of the Village Manager and the Village Attorney, which are directly appointed by the Village Council. The Human Resources Director shall have the responsibility for the maintenance and periodic review of the PCCP, including 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.

2.2 Reclassification

Positions that are determined to be improperly classified, may be reclassified upon the request of a Department Head or the Village Manager. A written request detailing the reasons for such determination must be forwarded to the Human Resources Director for review. The Human Resources Director shall thereupon conduct a comparative analysis of the position, including a review of the essential functions of the position and submit a written recommendation to the Village Manager.

a. Reclassification of a Position to a Higher Level

Positions may be reclassified to a higher pay level as provided in this section. If a position reclassified to a higher job classification is filled, the reclassification shall be considered a promotion for the incumbent employee, provided that the incumbent employee is qualified to fill the reclassified position. In the event a position is reclassified to a higher level and the incumbent employee is not promoted to fill the reclassified position, the Village Manager, in accordance with the applicable rules specified in this Manual, may lay off or transfer and/or demote the employee to any other existing vacancy for which the employee may be qualified.

b. Reclassification of a Position to the Same Pay Grade

In the event a position is 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 provided that the incumbent employee is qualified to fill the reclassified position. The incumbent employee shall maintain his or her same pay, step, grade and date in class. Should an incumbent employee not hold the qualifications required for the reclassified position, the Village Manager, in accordance with the personnel rules specified in this Manual, may lay off or transfer and/or demote the employee to any other existing vacancy for which the employee may be qualified.

Chapter 2- Compensation and Salary

c. Reclassification of a Position to a Lower Pay Grade

In the event a position is 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 this Manual. If the position is filled, the incumbent employee shall be offered transfer to a vacancy, if available, in the original classification. In the absence of such vacancy, the incumbent employee shall remain in the reclassified position, but his or her current pay rate shall be frozen until such time as the pay plan meets or surpasses the current (frozen) pay rate.

d. Appeals of Position Reclassifications

An employee who has been affected by a reclassification and is in disagreement with the decision to reclassify their position, may appeal the reclassification to the Human Resources Director as provided below:

- ◆ Employee must petition a review of the reclassification in writing. Such petition shall provide the reasoning for the employee's disagreement, and shall be submitted into the Human Resources Director.
- ◆ The Human Resources Director shall thereafter forward the petition to the Department Head for further review. The Department Head and Human Resources Director shall concurrently bring a recommendation to the Village Manager for review and approval.
- ◆ The Village Manager shall make a final determination approving or denying the employee's request, as detailed in the petition. Such determination shall detail the reasons for the approval or denial, and shall be deemed final.

2.3 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. Salary Increases

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

b. Cost of Living Adjustment

Based on the availability of funds, an employee may receive a salary increase based on a cost-of-living adjustment. The cost-of-living adjustment takes into consideration changes to the 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. Adjustments to the maximum salary ranges will be made each year to reflect the cost-of-living increases in accordance with the Consumer Price Index.

c. Merit Increases

Chapter 2- Compensation and Salary

Merit increases are not automatic and should be based upon formal Performance Evaluations that are made annually. Please refer to Section 6.4 of this Manual for information pertaining to Performance Evaluations.

1. An employee whose overall performance is rated “average” or better shall be entitled to a merit increase as proposed by the Village Manager.
2. An employee whose overall performance is “marginal” or less, shall not be entitled to a merit raise. However, if subsequent performance evaluations rate the employee satisfactory or better, the employee 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.

d. 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 as determined by the Village Manager 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.

e. Lateral Transfer

Existing employees may transfer to a new position by applying to a posting for a vacant position within the same pay grade and job classification. Such applications will be reviewed by the Department Heads involved to determine whether such transfer serves the best interest of the employee and the Village. The action of the lateral transfer shall establish a new anniversary date for the purpose of future performance evaluations and salary considerations.

f. 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 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.

Chapter 2- Compensation and Salary

g. Demotion

Upon demotion, if the employee's rate of pay in the previous class is higher 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, subject to the approval of the Village Manager. The action of demotion shall establish a new anniversary date for purpose of future salary consideration.

2.4 Salary Range Adjustments

The Human Resources Director, under the direction of the Village Manager, shall conduct a review of salary ranges and present the results to the Village Manager, as deemed required. When necessary to remain competitive in the market, the Village Manager will revise the salary ranges.

- a. Changes to the minimum salary range for a position will become effective on October 1st, in accordance with the beginning of the Village's fiscal year.
- b. For non-exempt positions, the minimum salary will be adjusted first and the cost of living increase and merit increase will be calculated based on the new adjusted rate.

2.5 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.

2.6 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 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 work week.
- 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.

Chapter 2- Compensation and Salary

- 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. Compensatory time must be authorized by the Department Head and the Village Manager. Non-exempt employees will be allowed to accrue a maximum of forty (40) 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 time worked in excess of forty (40) hours in a workweek in lieu of paid overtime.
- i. Compensatory Time may be taken as operational conditions permit with prior approval by the Department Head.

2.7 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 lay offs, and such employee is in good standing, he or she may, in addition to the payment for accrued PTO earned, receive separation pay equal to two (2) weeks' salary, plus the salary corresponding to one full work week for each full year of service, subject to budget availability. The Village Manager may, as deemed appropriate for the individual circumstances, authorize additional separation pay, in an amount not to exceed the limit granted under the Village's procurement policy. Employees dismissed for other reasons shall not be entitled to separation pay.

Chapter 3 – Attendance and Leave

3.1 *Designated Holidays*

- a. The Village recognizes and observes the following holidays:
1. New Year's Day
 2. Martin Luther King, Jr., Day
 3. President's Day
 4. Memorial Day
 5. Independence Day
 6. Labor Day
 7. Columbus Day
 8. Veteran's Day
 9. Thanksgiving Day
 10. Friday after Thanksgiving
 11. Christmas Day
 12. Employee Birthday
- b. Holiday Pay is the compensation that eligible full-time employees (exempt and nonexempt) receive for each holiday observed by the Village, including birthday leave, consisting of eight (8) hours of unworked paid time at the respective employee's regular rate of pay. Holiday Pay shall not be counted as hours worked for purposes of calculating overtime.
- c. With the exception of an employee's birthday, holidays falling on Sunday shall be observed on the following Monday and holidays falling on Saturday shall be observed on the preceding Friday. In such cases, the day on which the holiday is observed is considered the paid holiday and not necessarily the actual day of the holiday.
- d. To qualify for Holiday Pay, eligible employees must be on active pay status and/or work their scheduled hours on the assigned work day immediately before and immediately after the day on which the holiday or birthday is observed. Only those employees who are on authorized leave with pay when a holiday or birthday is observed shall receive the Holiday Pay, and such leave shall not be deducted from his/her accrued personal time off (PTO) or other accrued leave hours.
- e. A full-time, nonexempt employee who is required to work on an observed holiday, excluding the employee's birthday, shall be granted an alternate day off or shall receive the Holiday Pay in addition to pay for the actual hours worked on the observed holiday at his/her regular rate of pay. Such alternate day off shall be taken before the end of the month following the observed holiday.
- f. A full-time, exempt employee who is required to work on an observed holiday, except an employee's birthday, shall receive an alternate paid day off in lieu of the Holiday Pay. Such alternate day off shall be taken before the end of the month following the observed holiday.
- g. Employees who are required to work on an observed holiday and who fail to report to work as assigned or fail to perform such work for any reason other than a verified illness or emergency shall not receive Holiday Pay and may be subject to disciplinary action.

Chapter 3 – Attendance and Leave

- h. Employee birthday leave shall consist of eight (8) consecutive hours which shall be taken during the employee's birthday month, otherwise it is forfeited. Such leave shall be requested and authorized in advance.
- i. Temporary, seasonal, provisional and part-time employees shall not be entitled to Holiday Pay, an alternate day off or any other provision of this section. Such employees shall be paid for any actual hours worked on an observed holiday at their regular rate of pay.

3.2 *Personal Time Off (PTO)*

Full time employees shall be entitled to earn and accrue personal time off (PTO) with pay. PTO encompasses vacation leave, sick leave and personal days. 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 PTO

(PTO) shall accrue at a rate of 4.923 hours per bi-weekly pay period to a maximum of 16 PTO days during the first year of employment. After the first year of employment and each year thereafter, employees will be eligible to accrue additional PTO hours to provide one additional PTO day per year of employment to a maximum of 21 days of PTO following five years of service. The additional PTO shall be calculated at a rate of 0.307 hours per bi-weekly pay period for each additional year of service.

Upon separation from service for any reason, the employee shall be paid for all accrued PTO. 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 PTO

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 Personal Time Off. Employees may use personal time off as it is accrued. No more than ten (10) days of accrued PTO may be carried forward into the next calendar year.

c. Restrictions

PTO 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 Scheduling

Department Heads shall schedule annually for personal time off of employees in their department with due consideration to the needs of the Village, requests of the employees and seniority. The Department Head's determination of the schedule of PTO shall be final. Requests for PTO shall be made on a Personnel Action Form and be approved prior to the dates of leave. Except in the event of an unforeseen emergency, PTO leave must be scheduled and approved by the supervisor in advance.

e. Donation of Accrued Personal Time Off

1. Full time employees may donate accrued PTO 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 PTO.

Chapter 3 – Attendance and Leave

2. The employee without available PTO shall submit a request to the Human Resources Director in writing requesting that a Donation Notice be posted on his or her behalf.
3. Employees wishing to donate unused PTO shall submit a Personnel Action Form to the Human Resources Director indicating the number of hours/days he or she would like to donate.

f. Payment in Lieu of PTO

Employees may elect payment of accrued, unused annual PTO in lieu of time off. The payment in lieu of PTO is limited to ten (10) days following the first year of employment. 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 on December 31st of the year such leave was earned. The pay-out of said leave shall be in the order it was earned, thereby paying out from the oldest leave toward the more recently accrued leave.

3.3 Disability Leave – Worker’s 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 Director.

3.4 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 gives a copy of the summons to his/her supervisor at least five (5) work days prior to commencement of service as a juror. 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. 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.

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

Chapter 3 – Attendance and Leave

to the scope of their employment or witness against the Village, however, shall not be compensated under this rule. PTO may be used for this purpose.

c. Military Leave for Reserve or Guard Training

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 full pay not to exceed seventeen (17) work days pursuant to Florida Statute Chapter 115.

d. Active Military Duty

Employees who are called into active military service shall be entitled to such leaves and re-employment rights as provided for and limited by Federal and State law.

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 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, step-parents, natural, step and adopted children, brother, sister, father-in-law, mother-in-law, grandparents, brother-in-law and sister-in-law. With approval by the Village Manager, additional time off can be granted but will be charged to PTO.

3.5 Leave of Absence Without Pay

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

- a. 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.
- b. 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.
- c. 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.

3.6 Family and Medical Leave Act of 1993 – Village Policy

The purpose of this section is to explain the Village's policy regarding the Family and Medical Leave Act (FMLA) and how this interrelates with other Village personnel policies.

- a. Employees qualify for FMLA under this policy if the leave is for one of the following reasons:
 1. The birth of a child and in order to care for that child;
 2. The placement of the child for adoption or foster care in the employee's home;

Chapter 3 – Attendance and Leave

3. To care for a spouse, child, or parent with a serious illness; or
4. A serious health condition which makes the employee unable to perform an essential function of his job.

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 PTO leave 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. 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 which may be obtained from the Human Resources Director. 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 opinion, 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 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

Chapter 3 – Attendance and Leave

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.

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.

Chapter 4 – Hiring and Employment Policies

4.1 Municipal Service

The Municipal Service shall include all paid employees of the Village of Palmetto Bay not specifically exempted as provided below.

Exempted from Municipal Service:

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

- a. Officials elected by popular vote and persons appointed to fill vacancies in such offices.
- b. Village Manager and Village Attorney.
- c. Members of any board, committee or commission of the Village.
- d. 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.

4.2 Probationary Period

The purpose of the probationary period is to provide supervisors the opportunity to evaluate a new or transferred employee's ability to acclimate to the organizational culture, assess general working habits, and evaluate the employee's ability to meet performance standards. All newly hired employees, or employees who have transferred to a new position regardless of the position's classification and pay grade, shall begin the probationary period. A performance evaluation shall be completed for each probationary employee upon satisfactory completion of the probationary period.

- a. The probationary period shall be six (6) months for all non-exempt and exempt employees.
 1. A Department Head may elect to end the probationary period at any point within the six-month period if the employee is fully and satisfactorily meeting the job requirements. Termination of the probationary period must be approved by the Village Manager and Human Resources Director.
 2. An employee who does not demonstrate satisfactory progress in learning and performing their prescribed job duties, or who does not demonstrate satisfactory working habits, or who is exhibiting misconduct at any time during the probationary period shall be subject to disciplinary action, including termination.

4.3 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.

4.4 Outside Employment

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

Chapter 4 – Hiring and Employment Policies

- a. File a written notice with their department head. 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. Make arrangements 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.

4.5 Recruitment

The Human Resources Director shall post all vacant positions in the Municipal Service in the Human Resources Department, the Village's official website, and on official bulletin boards during the period when applications are actively being accepted.

- a. Applications will be accepted only for specific vacancies. An application shall be active for ninety (90) days from the date it is filed, unless it becomes void because of some other rule of the Human Resources Department. During this period an applicant may notify the Human Resources Department to have the application considered for any other opening specified by the applicant. 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.
- b. Village employees who have completed their probationary period (Section 4.2) may apply for any posted vacancy within the Village. Employees must have a record of satisfactory performance in order to be considered for promotional or lateral transfer. Employees who have not completed their probationary period must receive permission from their respective Department Head to seek a transfer before submitting a resume to the Human Resources Director or the Human Resources Department. Changes in the employee's rate of pay as a result of a transfer into a vacant position shall be governed by Section 2.3 of this Manual.

4.6 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 (father, mother, spouse, 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.

4.7 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:

- a. Interview examination. The Human Resources Director will develop a list of questions to be asked during the interview. Whenever practical, there shall be more than one interviewer.

Chapter 4 – Hiring and Employment Policies

- b. Performance examination.
- c. Physical, medical, or psychological examination following conditional offer of employment.
- d. Written examination and/or Oral Board Examination.
- e. Evaluation of training and experience.
- f. Other criteria, such as certifications, licenses, etc., as may apply.

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

4.8 Appointments

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

- a. Types of Appointments
 - 1. Regular Appointment: The appointment of an individual to the Municipal Service.
 - 2. Probationary Appointment: The temporary appointment of a newly hired employee or Village employee who has been transferred to a new position during the probationary period.
 - 3. 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 Director. 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.
 - 4. 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 Director.
- 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 work week. Applicants for such position shall meet the requirements set forth by the Human Resources Director.

Chapter 4 – Hiring and Employment Policies

- 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.

Chapter 5 – Code of Conduct and Procedures

5.1 *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 Palmetto Bay.
 3. Act of incompetence or chronic inefficiency in the performance of assigned duties.
 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. Unauthorized possession of firearms, explosives or weapons on Village property.
 9. Engaging during non-duty hours in an employment, activity or enterprise that is inconsistent, incompatible 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. Intentionally falsifying information on their time card or the time card of another employee, asking another individual to punch their time card, or any unauthorized altering of a time card.
 12. Absence without leave or failure to report for duty after an Administrative Leave or Suspension has expired; abandonment of position.
 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.

Chapter 5 – Code of Conduct and Procedures

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, including automobile accidents in Village-owned vehicles, resulting in injuries or damage to public, private or Village property.
22. 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. Refer to the Drug-free Workplace Policy and Work Rules Manual.
23. Failure to notify Department Head of any felony conviction within five (5) days of the conviction.
24. Failure to report to the Village when employee's driver's license is revoked or suspended when the employee's position requires the operation of a motor vehicle.
25. Failure to abide by the rules and policies set forth in the Village's Automobile Policy.
26. Failure to abide by the policies set forth in the Village's Internet Policy.
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 anytime 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.
31. Posting or removing any matter on bulletin boards or Village property at any time unless authorized.
32. Unauthorized release of confidential information.

Chapter 5 – Code of Conduct and Procedures

33. 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.
34. Gambling or engaging in any other game of chance during working hours, while in a Village uniform or on Village property.
35. Engaging in any other actions which are determined by the Village Manager to warrant disciplinary action.

5.2 *Disciplinary Action*

Employees shall be subject to corrective disciplinary action for violations to the Employee Code of Conduct or other department or Village policy, for interference with the orderly and efficient operation of the Village, or unsatisfactory performance which does not meet the expectations or requirements of their job duties. The Village Manager shall have the authority, with or without department head request, to initiate disciplinary action against any employee in the Municipal Service.

a. Progressive Discipline

In some cases, as appropriate, the Village Manager may consider progressive discipline, which allows for employees to receive prior warning of the seriousness of their behavior and the consequences of the misconduct. This policy shall not modify the at-will nature of employment with the Village.

Progressive discipline action shall conform to the following stages:

1. Verbal warning: clarifying the standards of acceptable conduct or performance, and consequences if the problem is not corrected.
2. Written warning: which shall state the nature of the misconduct or performance deficit, explain the change required to remedy the problem, and detail the possible consequences in the event the problem is rectified. In case of unsatisfactory performance, Department Heads are required to implement a corrective action plan to be followed by the employee.
3. Suspension: Administrative leave without pay, as determined by the Department Head and the Village Manager in accordance with Section 5.3 of this Manual.
4. Termination: Occurs when prior steps have failed or the seriousness of the misconduct is so that immediate termination is appropriate.

5.3 *Suspensions*

Employees may be suspended by their Department Head or his designee without pay for not more than twenty (20) work days. Employees aggrieved by this action may file an appeal to the action in compliance with Section 5.5. 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 designee. Such a situation would then be brought to the attention of the Human Resources Director or Village Manager immediately.

Chapter 5 – Code of Conduct and Procedures

5.4 *Terminations*

Employees may be terminated from the service of the Village for violations of the Employee Code of Conduct as set forth in Chapter V or unsatisfactory performance. 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. The Village Manager must approve all terminations. An employee may be suspended pending the disposition of this meeting.

5.5 *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 Palmetto Bay 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.

- a. Step 1: Employees who believe they have a dispute may address their concerns in writing, within five (5) work days 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 Personnel Office. The Department Head shall, within five (5) work days 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) work days 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.

5.6 *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 Palmetto Bay. When an employee has a problem or complaint that is not the subject of a

Chapter 5 – Code of Conduct and Procedures

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. 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.

Section 5.7 Dress Code

- a. As public employees and representatives of the Village of Palmetto Bay, we have a responsibility to present ourselves in a professional manner during working hours. While climate and custom may permit semi-casual work attire, employees should maintain a neat, clean and professional appearance while on duty.
- b. Employees are expected to exercise common sense and good judgment when choosing his/her work attire. The following guidelines are provided in an effort to clarify what is considered acceptable business casual attire, and what is inappropriate in the workplace. This information is not intended to be all-inclusive, but it is rather provided to help set general parameters for proper business wear and to assist the employees to make good judgments about items that are not specifically addressed:
 1. Acceptable dress includes: dress shirts, sweaters, blouses, dress shoes, skirts, uniform polo shirts, and slacks. Skirt length should be no shorter than 3 inches above the top of the knee. The Village Manager may, at times, allow employees to wear more casual clothing such as long shorts and sneakers when participating in a special park event or other outdoor activity. Employees may also wear denim pants on “casual Fridays” that are not skin-tight, outworn, discolored or ripped.
 2. Inappropriate dress includes: jeans or denim of any kind, except as provided in Subsection (1) above, sweatshirts or sweatpants, wind suits, tank tops, non-uniform t-shirts and shorts, overalls, capri pants, spandex or other form-fitting items, , sneakers (unless it is part of the employee uniform), flip flops, flat sandals, tight pants/tops, leggings, ripped, wrinkled, torn, bleached, faded or revealing clothing (i.e. halter tops, low-cut blouses, see-through garments).
 3. More traditional business attire may be appropriate and required for certain meetings/presentations, either within or outside the Village.
- c. Employees shall maintain good personal hygiene and grooming on a daily basis. Hairstyles shall be worn in such a manner as to present a neat and professional appearance.
- d. Additionally, employees shall cover tattoos on his/her arms, legs, head or hands with appropriate attire and/or uniform. Body ornamentation on the nose, eyebrow, tongue or other visible body part, except for earrings, shall be removed while on Village duty. Oversized and excessively ornamental earrings may impose a safety risk, and therefore, are not permitted.

Chapter 5 – Code of Conduct and Procedures

Section 5.8 Uniform Policy & Guidelines

The Village of Palmetto Bay shall require the use of uniforms for certain designated positions in an effort to ensure the safety of its employees and allow for better identification of Village staff. Uniforms shall be issued by each department to all personnel required to wear them at no cost to the employee.

- a. All safety gear, protective clothing and other such dressing items provided by the Village to be worn by the employee while on Village duty shall be considered part of the employee's uniform.
- b. Replacement uniforms are to be supplied to employees on an "as needed" basis, as determined by the Village, except when an item is lost or stolen. Replacement of uniform items shall be conditioned upon the employee turning in his/her damaged item.
- c. Village uniforms shall only be worn while on official Village duty. The use of uniforms for recreational or personal purposes is strictly prohibited.
- d. Employees in probationary status shall be provided with the minimum required uniform items to establish identity as a Village employee. Any safety gear required for the employee's protection, or for the safe performance of the employee's duties, shall be provided by the Village immediately upon hire.
- e. Failure to adhere to this policy or any portion thereof shall result in disciplinary action, as applicable.
- f. Employee Responsibilities
 1. Employees required to wear uniforms may not report to work in other attire, except under special circumstances and with the explicit approval of his/her supervisor.
 2. Employee uniforms shall be clean, neat and intact. Shirts shall be buttoned and tucked inside the pants or shorts, and belts (not provided by the Village) shall be worn. Employees are responsible for promptly reporting any gear failure or clothing malfunction to his/her supervisor.
 3. Employees shall not be relieved of his/her duty to wear prescribed uniform by virtue of loss, damage, or destruction of any uniform item. Damaged, lost or stolen uniform items shall be immediately reported to the employee's supervisor.
 4. Village uniforms shall be returned to the Village upon termination of employment. Under no circumstance may a former employee wear a Village-issued uniform.
 5. Village uniforms shall not be changed or altered in any way.
- g. Department Responsibilities
 1. Procure and issue Village uniforms, along with all required safety gear and protective clothing, to all departmental staff required to wear uniforms, in accordance with departmental procedures.

Chapter 5 – Code of Conduct and Procedures

2. Maintain a record of the type and quantity of uniforms issued to and collected from the employees.
3. Promptly issue replacement uniforms to staff upon reports of damaged, lost or stolen uniform items. Document such items in a log.
4. Regularly inspect uniforms to ensure compliance with this policy.

5.9 Computer and Internet Access

Recognizing the need to ensure the delivery of valuable information to the Palmetto Bay community, promote efficiency in service delivery, improve the Village's information and communication services, and allow electronic communication, the Village of Palmetto Bay has established a computer network that allows access to internal/external email systems and the Internet. Any questions or inquiries pertaining to the policy should be directed to the Village Manager or his designee.

Users of the Village of Palmetto Bay's computer network, who have access to the Internet, should be cognizant that all Internet sites visited may be deemed as a representation of the user and the user's employer. Accordingly, access to the Internet should include use of good judgment, common sense, and careful discretion.

The purpose of this policy is to deter unauthorized and inappropriate use of the Village of Palmetto Bay's computer network. Unauthorized and inappropriate access to the Internet that results in potentially damaging computer viruses will result in disciplinary action up to and including termination. This policy applies to all users of the Village of Palmetto Bay's computer network and email systems.

The following rules shall guide access to and use of the Village of Palmetto Bay's computer network:

1. Internet and email access is to be limited to Village business ONLY. Visiting games or adult sites and accessing for personal or other inappropriate use is strictly prohibited.
2. No user shall install or download unauthorized software on any Palmetto Bay computer. Prior to installation, all software shall be authorized in writing by the Village Manager.
3. Internet and email usage is limited to Village activities. Users with Internet access shall not use the Internet for unethical and illegal activities such as surfing the Web for entertainment during work hours, accessing obscene or sexually oriented material and downloading derogatory racial, ethnic, sexual, religious, etc... material.
4. The computer system and electronic mail system is for business and professional purposes only and not for personal use. Computer files and electronic mail are not private or confidential, and may be read or monitored at any time. Any misuse of electronic mail, including, but not limited to, harassment, sexually explicit material, or similarly inappropriate usage, is not allowed.
5. Use of Village computer systems to gain unauthorized access to remote systems is prohibited.
6. Due to the prevalence of viruses on the Internet, downloading of any programs, data, or other material, is prohibited except as expressly approved in writing by the Village Manager. When approved by the Village Manager, downloading of programs, data, or other materials must be done on your specific PC's hard drive and not to the Village network servers.
7. Confidentiality of data (including email messages) via the Internet cannot be assured.

Chapter 5 – Code of Conduct and Procedures

8. Limited non-Village related use of the Internet during non-business hours for Village related activities, such as educational research, may be allowed if pre-approved in writing by the Village Manager upon recommendation from the Department Director
9. Users should be aware that all email sent or received through their personal computer, containing subject material relative to Village or municipal business is subject to Public Records Law. Under this law, the content of the email messages may be disclosed to the public, if requested.

Violation of these policies and procedures may result in disciplinary action up to and including termination.

5.10 Automobile Policy

1. This section shall apply to the policies and procedures regarding the supply, maintenance and use of Village owned vehicles. The Automobile Policy applies equally to all staff employed by the Village. Variations to the policy may be considered in special circumstances, but all variations require the prior approval of the Village Manager. Any questions or inquiries pertaining to the policy should be directed to the Village Manager or his designee.
 - a. Departmental Vehicles: Vehicles that are required to be used by the nature of the work of a particular department or work area. These vehicles must be used for business purposes only and may not be used privately by the employees. On occasions it is a requirement that certain positions are "on-call". This is not a valid reason for Village vehicles to be garaged at the employee's home. All take-home vehicle assignments, temporary or permanent, must be approved by the Village Manager.
 - b. Employee contract vehicles: A vehicle that is provided to an employee as part of the employee's remuneration package and whose entitlement to which is specified in writing in an employee's employment contract. The vehicle is available for business and private use.
2. Subject to the policy laid out in this document, vehicles will be available to personnel on the following basis:

Departmental vehicles: Vehicle required to be used by an employee in the course of carrying out their duties.

Employment contract vehicles: Vehicle which is part of an employment package. Village vehicles shall only be operated by Village employees. Additionally, passengers who are not employees of the Village shall not be authorized to ride in a Village vehicle.
3. Village vehicles must only be used for business use. There are occasions where, for operational reasons, a staff member may be permitted to garage a Village vehicle at home to use for commuting. This type of use is considered private and in all instances, must be approved by the Village Manager. Commuting use is not permitted on a regular basis. It is the responsibility of the Department Director to ensure that designated drivers of pooled Village vehicles maintain logbook sheets at all times when using the vehicle for business purposes.
4. It is expected that all vehicles are kept in a clean, safe and fit state for use at all times. Responsibility for the state of each vehicle is to be assigned to a departmental staff person.
5. Where an employee leaves the Village, an assigned vehicle is to be returned upon separation in a clean condition, suitable for use by the next driver. In all cases the keys, fleet cards or other credit/charge cards, log books and any other appropriate documentation are to be returned to the Department of Public Works.

Chapter 5 – Code of Conduct and Procedures

6. Employees eligible to operate a Village vehicle, as defined in this section, must hold a current driver's license valid for the State of Florida and shall maintain a clean and clear driving record. To that extent, the Village shall perform routine checks of the driver's license records of eligible employees on a routine basis. Any noted violation will be considered to determine disciplinary consequences and continued employability.
7. Employees shall be aware of and comply with all state and interstate traffic laws. Additionally, drivers from interstate shall be aware of and comply with interstate license transfer requirements. Non-compliance may affect insurance coverage and may subject the employee to potential fines and/or penalties.
8. Parking fines and other traffic infringements are the responsibility of the driver and will not be paid by the Village. Nonpayment of these fines may result in disciplinary action.
9. Driving under the influence of drugs or alcohol is illegal, the consequences of which include personal penalties such as fines and or jail as well as financial penalties associated with the voiding of insurance coverage and damage to property expenses. Any employee found guilty of such an offence will be responsible for the payment of all fines and repair costs resulting from the incident and may be subject to disciplinary action, up to and including termination, in accordance with the policies contained in Section 8.2 of the Personnel Policies and Procedures Manual.
10. Personal property left in Village motor vehicles is not insured under any circumstances. Therefore wherever practicable, valuable items such as laptop computers must not be left in vehicles. If it is unavoidable the items must be out of sight and the vehicle securely locked.
11. In the event of a theft of a Village motor vehicle, staff is required to notify the police and the Department of Public Works, Director immediately. The Public Works Director will advise the Village Manager.
12. Fleet Management Policies for Village Vehicles
 - a. All vehicles will be supplied and fully maintained by the Department of Public Works and all expenditures will be forwarded to the department of Public Works.
 - b. Replacement for vehicles will be based on 5 years or 75,000 miles or as determined by the Director of Public Works.
 - c. Registration of all vehicles is the responsibility of the Public Works Department. A register of all Village vehicle registration dates is maintained by the Public Works Department.
 - d. Employees who are assigned a departmental vehicle or a contract vehicle shall be responsible for the proper maintenance of such vehicle. All vehicles purchased by the Village come with a 5 year or 75,000 miles extended warranty. With the exception of consumables such as, windshield wiper blades, brakes, tires, etc., no charge for service maintenance should be made by the service provider.
 - e. Pre-purchased maintenance from the Vehicle Manufacturer is provided for all Village vehicles. Maintenance must be carried out in accordance with the manufacturer's specifications, and the details confirmed in the vehicle's maintenance book by the authorized service center.
 - f. Wherever possible all repairs should be pre-approved by the Director. Repairs should then be authorized through the vehicle manufacturer or its agent.
 - g. All repair costs are borne by the Department of Public Works.
 - h. In the event of a mechanical breakdown, the employee assigned to a village vehicle shall contact the Department of Public Works for assistance.

Chapter 5 – Code of Conduct and Procedures

- i. General use pooled department vehicles must have a logbook and these must be filled in daily. It is the responsibility of the Department Director to ensure that this occurs. Logbooks are available from the Department of Public Works.

13. Insurance Requirements

- a. ALL Village vehicles must be covered by the Village's comprehensive insurance policy.
- b. Employee Contract Vehicles are to be used on all Village business wherever practical. Should the Village, or an administrator of the Village, require an Employee Contract Vehicle to be driven by another employee on Village business and that employee is involved in an accident, then any excess payable, damage incurred and/or loss of value of the vehicle will be met by the Village.
- c. Employees who receive compensation from the Village in the form of a car allowance shall maintain liability coverage at the \$100,000/\$300,000 limits, and such policy shall include the Village of Palmetto Bay as an additional insured.
- d. Payment of insurance excess in the event of a claim, is the responsibility of the Village. However, in line with normal Village practice, in circumstances where the vehicle is being used inappropriately and/or not in accordance with this policy, the Village may recover the excess from the employee. In these circumstances, the Village may also take disciplinary action against the employee.
- e. The Village's comprehensive vehicle insurance policy provides coverage for employee contract vehicles and departmental vehicles, inclusive of coverage for the employee driver of such vehicles.
- f. While it is recognized that use of private vehicles to conduct Village business may occasionally occur, regular use is strongly discouraged. The Village will not accept any liability whatsoever which may arise from use of a private vehicle on Village business without specific authorization of the Department Director. Mileage reimbursement may be approved by the Village Manager through a process established by the Finance Department. It is the responsibility of the owner of the vehicle to arrange for appropriate (comprehensive) motor vehicle insurance at his/her own cost and to pay any policy excess costs (deductible) applicable.

14. Accident Procedure

- a. In the event of an accident the following procedures must be followed:
 - i. Obtain all necessary details from the other driver
 - ii. Name
 - iii. Address
 - iv. Telephone numbers
 - v. License number
 - vi. Names of witnesses, if any
 - vii. Location details (street, suburb, town)
- b. All accidents must be reported immediately to the Department Director, and an insurance claim form, and a Motor Fleet Claim Form, must be completed no matter how trivial. Failure to report the incident as required will result in disciplinary action up to and including termination.
- c. Under no circumstances should the driver of the Village vehicle admit responsibility for the accident or sign any acknowledgment in this regard.

Chapter 5 – Code of Conduct and Procedures

- d. Under no circumstances are repairs to be authorized by employees. Repairs are to be authorized by the Director of Public Work or directly by the Insurer.
- e. The Police Department must be called to the scene of all accidents.
- f. If an injury has been sustained by a Village employee it must be reported to Village Manager immediately and documented within 24 hours.

15. Use of Vehicles on Approved Paid Leave

- a. Departmental vehicles

These vehicles should be used for business purposes only and are therefore not available for use on any approved leave.

16. Unauthorized Use of Vehicles

- a. Vehicles are not to be driven by non-Village employees.
- b. Hitchhikers are not to be afforded lifts in vehicles. Negligent acts by hitchhikers can void insurance and expose the driver to paying for the costs of any damage incurred.
- c. Non-compliance with these policies will result in associated costs (eg. accident or claim costs etc.) being charged to the employee.

Violation of these policies may result in disciplinary action up to and including termination.

Chapter 6 – Employee Benefits

6.1 Insurance

All full-time employees shall be eligible for coverage by the group health insurance plan provided by the Village. The Village shall pay the cost of the premiums for the employee's health, life, long-term disability coverage, and dependent coverage up to \$600 for each employee. Any costs in excess of the \$600 maximum for health, life, long-term disability coverage, and dependent coverage shall be the sole responsibility of the employee. Insurance benefit information may be obtained through the Human Resources Director or human resource provider. Based on availability of funds, the \$600 maximum shall be adjusted annually to compensate for increases in insurance rates.

6.2 COBRA (*Consolidated Omnibus Reconciliation Act of 1986*)

The Village provides continuation coverage in accordance with federal law [Public Law 99-272, Title X, 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 ("Qualifying Events"). Notice of the rights and obligations under COBRA is provided 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 Director or human services provider. 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 plan, you have a right to choose this continuation coverage if you lose your group health coverage because of a reduction in your hours of employment or the 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 plan, 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;

Chapter 6 – Employee Benefits

- 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 a bankruptcy reorganization case, 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.

4. Separate Elections. If there is a choice among types of coverage under the plan, each employee 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 Director 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 Director will notify the employee and any Qualified Beneficiary(ies) of their right to choose continuation coverage. In addition, the employee or a family member must inform the Human Resources Director of a determination by the Social Security Administration that the employee or covered family member was disabled during the sixty (60) day period after the employee’s termination of employment or reduction in hours, within sixty (60) days 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 Director of this redetermination within thirty (30) days of the date it is made.

c. Village’s Duties Under the Law

The Village has the responsibility to notify the Human Resources Director 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 Director within sixty (60) days of the happening of the event. When the Human Resources Director is notified that one of these events has happened, the Human Resources Director will in turn notify the employee 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 Director 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 Director 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.

Chapter 6 – Employee Benefits

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 to thirty-six (36) months, but 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 Director if a second qualifying event occurs during your continuation coverage period.

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 family members, 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 Director 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 Director 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 a Title 11 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.
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 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).

Chapter 6 – Employee Benefits

- 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.
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.
 5. **Conversion Coverage.** At the end of the eighteen (18), twenty-nine (29), or thirty-six (36) month continuation coverage period, an employee may, in certain circumstances, be allowed to enroll in any individual conversion health plan provided under the Village's plan.
 6. Once an employee's continuation coverage terminates for any reason, it cannot be reinstated.

6.3 Retirement Income

The Village shall offer a 401 Money Purchase Plan, and 457 Deferred Compensation Plan. The Village shall contribute a total of six (6) percent to the employee's 401 Money Purchase Plan, and shall match one hundred (100) percent of the employee's voluntary contribution up to an additional six (6) percent. Any contributions made towards the 457 Deferred Compensation Plan shall only be made by the employee. The Village will not make any contributions into the 457 Deferred Compensation Plan.

All full time employees in the Municipal Service shall be eligible to participate in the retirement plans offered by the Village. Additional information pertaining to the retirement and deferred compensation plans may be obtained from the Human Resources Department.

6.4 Employee Performance Evaluations

All employees will receive written performance evaluations conducted by their immediate supervisor at the end of the probationary period after six (6) months of service and once a year thereafter on the anniversary date. Any employee receiving a rating of average or less shall undergo a follow-up performance evaluation after three (3) months. Any employee who receives a promotion or transfer will be required to undergo a six (6) month evaluation in the new position and an evaluation once a year thereafter on the new anniversary date. Performance Evaluations may be administered more often as deemed appropriate by the Department Head. An employee receiving an average rating or less in any of the performance categories will be required to comment on the improvement section of the performance evaluation form.

The Employee Performance Evaluation is designed to record the evaluation of an employee's performance, attitude, and behavior on the job as accurately and as fairly as possible on forms provided by the Human Resources Director. The Village will utilize two separate evaluation forms for supervisory and non-supervisory positions, included in this Manual as Attachments B and C respectively. The rating structure for each form shall be the same. All original evaluations shall be kept in the employee's personnel file.

Chapter 6 – Employee Benefits

a. Intent of Performance Evaluation

The evaluation shall indicate how the employee's past performance has been evaluated by his or her immediate supervisor, highlight the employee's strong and weak points, and serve as the basis for discussion of how performance may be improved. The evaluation gives 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 performance evaluation may be considered a factor for granting increases in salary. An employee's evaluation does not guarantee an automatic increase in salary or rate of pay.

b. Comment by Administration

The Department Head shall review and approve the Employee Performance Evaluation reports, which are then forwarded for approval to the Village Manager.

6.5 Personnel Files

Individual employee personnel files shall be maintained by the Human Resources Department in accordance with the Florida Public Records Statutes. Employee's have the right to examine their personnel file in the Personnel Office upon request and with reasonable notice. The Human Resources Director or Village Manager shall be present during the examination.

Employees will be notified when the Village receives a request to review his or her personnel file.

6.6 In-Service Training

It will be the responsibility of the Human Resources Director 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 Director 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.

6.7 Education Reimbursement Program – Voluntary

The Educational Reimbursement Program (ERP) is established to provide educational assistance to full-time employees who voluntarily participate in training or educational programs designed to strengthen their abilities, which in turn directly benefits the Village's operations, activities and objectives. The Village Council shall determine, through the annual budget process the amounts of funds available for the ERP. Requests for reimbursements are subject to the availability of funds for such program.

The Village reserves the right to establish a maximum amount available each semester for each employee. Training and/or study time will be undertaken during employee's off-duty time.

a. Eligibility:

1. Full-time employees who have completed six (6) months of continuous service with the Village are eligible to participate in the ERP.
2. Coursework shall be offered by institutions accredited and recognized by the United States Department of Education.

Chapter 6 – Employee Benefits

3. An eligible course is a course that meets the intent of the ERP and, in the judgment of the Department Director, shall be related to the employee's job or shall improve the employee's ability to advance within the Village.

b. ERP Application Procedure:

1. An employee requesting educational assistance shall first complete and submit an Educational Reimbursement Program Application to his/her Department Director for the eligible course(s)
2. The employee shall include a copy of the curriculum and course registration along with cost information as supporting documentation for the ERP Application.
3. The application and supporting documentation shall be reviewed and, if eligible, approved by the Department Director, and forwarded to the Human Resources Department.
4. The Human Resources Department shall review the request for completion and verify that the employee meets the eligibility criteria for the program. The Human Resources Department shall also confirm that program funds are available.
5. Human Resources shall then forward all documents to the Village Manager for final approval.

c. Payment Requirements

1. The employee shall pay his or her tuition and book costs at the time of enrollment in an approved course. Upon completion of the approved course(s), the employee shall turn over to the Human Resources Department all tuition, lab fees and course-related textbooks receipts to be reimbursed as part of this program together with a Request for Reimbursement form. All other materials, supplies and fees shall be the employee's responsibility.
2. The Village shall reimburse the employee a percentage of eligible costs based on the final grades received, as follows:
 - a. Grade A or Pass (for Pass or Fail courses only): 90% reimbursement
 - b. Grade B: 75% reimbursement
 - c. Grade C: 70% reimbursement
3. No reimbursements shall be made for approved courses when the employee earns a grade lower than a "C" or receives a "Fail" or "Incomplete" mark.
4. Employees are responsible for informing the Village of any other financial assistance received by the employee for school tuition and related costs. Failure to do so shall render the employee ineligible to receive ERP benefits. The combined total of all other financial assistance amounts shall be reduced from the total reimbursement amount due from the Village based on the percentage limitations provided above.
5. The reimbursement amount 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.
6. Reimbursements shall be made by the Village provided that employee furnishes the ERP Reimbursement Request form with all payment receipt(s) and official grade report to the Human Resources Department
7. Human Resources shall forward the reimbursement request to the Village Manager. Upon review and approval by the Village Manager, the reimbursement shall be submitted to the payroll division for processing.

Chapter 6 – Employee Benefits

8. Pursuant to 26 U.S. Code S. 127, the first \$5,250 reimbursed during a calendar year under the ERP qualifies as tax-free assistance. In accordance with the law, all educational assistance provided to an employee within a calendar year which exceeds \$5,250, will be reported to the Internal Revenue Service as income.
9. If an employee is terminated for cause prior to receiving reimbursement for any completed and previously approved course, the Village shall have no obligation to reimburse the tuition and/or any eligible costs to the terminated employee.
10. Employees who are enrolled in an approved eligible course and are laid off prior to its completion through no fault of their own, shall be eligible to receive the applicable reimbursement for that semester period upon completion of the course(s) and submittal of all required documentation
11. If an employee resigns his or her employment with the Village within one (1) year from the date of completion of any course for which employee has received Village tuition reimbursement then the amount of said reimbursement shall be repaid to the Village by the employee by deduction from the employee's final paycheck.
12. 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.

6.8 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: Full-time employees shall become eligible for service award pins after five (5) years of continuous service and every five (5) years thereafter.
- b. Service Award: All full-time employees will receive a service award pay after five (5) years of continuous service and every five (5) years thereafter. The service award shall amount to two percent (2%) of his or her monthly base salary, multiplied by the number of whole years of continuous service from the date of hire. Payment shall be made in the pay period following the anniversary date of hire.

Chapter 7 – Separation of Employment

7.1 Types of Separation

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

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 Director.

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.

7.4 Terminations

Employees may be terminated from the service of the Village as set forth in Chapter 5.

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 Palmetto Bay 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 Department at or before the time he or she receives the final paycheck and returns all Village property, including identification and keys.

7.6 Return of Village Property

Employees separating from the Village for any reason shall, prior to separation, return all Village-owned property and equipment in his or her possession. 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 8 – General Policies

8.1 Acceptance of Gifts/Favors

It is the policy of the Village of Palmetto Bay that all employees shall neither solicit nor demand any gift, as defined herein. It is also unlawful for any person or entity to offer, give or agree to give any gift or for any employee to accept or agree to accept from another person or entity any gift for or because of:

- a. An official public action taken or to be taken, or which could be taken;
- b. A legal duty performed or to be performed, or which could be performed; or
- c. A legal duty violated or to be violated, or which could be violated by any person.

Employees shall disclose any gift, or series of gifts from any person or entity having a value in excess of Twenty-Five Dollars (\$25.00). Said disclosure shall be made by filing a copy of the disclosure form as required by Chapter 112, Florida Statutes, for “local officers” with the Village Clerk simultaneously with the filing of the form with the Secretary of State.

Exceptions: The provisions of Rule 8.1 shall not apply to:

- a. Political contributions specifically authorized by state law;
- b. Gifts from relatives or members of one’s household;
- c. Awards for professional or civic achievement;
- d. Material such as books, reports, periodicals or pamphlets which are solely informational or of an advertising nature;
- e. Gifts solicited by Village employees or departmental personnel on behalf of the Village in performance of their official duties for use solely by the Village in conducting its official business.

8.2 Drug and Alcohol Free Workplace

a. Policy

1. The Village is committed to providing a safe work environment for our employees, our guests, our community, and the public. 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.
2. The Village recognizes 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.
3. To ensure a workplace free from the influence of illegal drugs and alcohol abuse, the Village has established a comprehensive Drug and Alcohol Free Workplace Policy in accordance with Florida Statutes, Section 440.101, et seq, and the applicable Administrative Rules. This Drug and Alcohol Free Workplace Policy applies to all employees, supervisors and managers. Any violation of the Policy will result in termination of employment.
4. 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 is given an initial drug test and is confirmed positive for drugs or alcohol, they will be subject to a confirmation test. If the confirmation test is positive or if the employee refuses to submit to either the initial or confirmation test for drugs or alcohol, the employee shall be discharged, and may forfeit eligibility for medical and indemnity benefits.

Chapter 8 – General Policies

5. 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 Palmetto Bay property is strictly prohibited. Such conduct will subject the employee to disciplinary action, including termination.
6. All “job applicants” in safety sensitive positions shall be tested for drugs prior to beginning work. All employees shall 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. 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.
7. It is not Palmetto Bay’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 shall be terminated.

b. Definitions

1. Alcohol: means ethyl alcohol (ethanol) including a distilled spirit, wine, a malt beverage and intoxicating liquor. For purposes of this policy, alcohol is considered to be a drug. Thus any reference to drugs and/or drug testing includes alcohol and/or alcohol testing.
2. Drugs: means alcohol (as defined above); an amphetamine; a cannabinoid; cocaine, phencyclidine (PCP); 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. Job applicants and employees may be tested for any or all such drugs.
3. 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.
4. Job Applicant: means a person who has applied for a position with Palmetto Bay.
5. Employee: means an individual who works for Palmetto Bay on a full-time or part-time basis and receives salary, wages, or other remuneration.
6. 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 of a drug or its metabolites, including alcohol. Drug testing may require the collection of blood, urine, breath, saliva, or hair (if approved by ACHA) of an employee or job applicant. Palmetto Bay 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.
7. 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.
8. Confirmation Test: also “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

Chapter 8 – General Policies

principle from that of the initial test procedure and must be capable of providing requisite specificity, sensitivity and quantitative accuracy.

9. Drug Testing Methodology: Specimens for drug testing will be collected, handled, maintained and tested in accordance with the Florida Drug-Free Workplace Program. Urine will be used for the initial and confirmation tests for all drugs except alcohol. An intoxilyzer, breathalyzer or other similar device, maybe used for screening. Blood shall be used as a screening test for alcohol. If results are positive, a blood test shall be used for the confirmation tests for alcohol.
10. Medical Review Officer: (MRO) means a licensed physician, employed or contracted with Palmetto Bay, who has knowledge of substance abuse disorders, laboratory testing procedures and chain of custody collection procedures, who verified 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.
11. 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.
12. 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 or 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;
 - d. Evidence that an individual has tampered with a drug test during his or her employment with Palmetto Bay;
 - 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 Palmetto Bay's premises or while operating a vehicle, machinery, or equipment of Palmetto Bay.
13. Safety-Sensitive Position: means a position in which a drug impairment constitutes an immediate and direct threat to public health or safety, such as a position that requires the employee to carry a firearm, perform life-threatening procedures, work with confidential information or documents pertaining to criminal investigations, or work with controlled substances; a position subject to Section 110.1127, Florida Statutes; or a position in which a momentary lapse in attention could result in injury or death to another person. Employment for Safety Sensitive Positions is conditioned upon successfully passing a pre-employment drug test.
14. Special-Risk Position: a position that is required to be filled by a person who is certified under Chapter 633 or Chapter 943, as defined by Chapter 440.102 of the Florida Statutes.

Chapter 8 – General Policies

15. Specimen: means tissue, hair, or product of the human body capable of revealing the presence of drugs or their metabolites as approved by the FDA or the AHCA.

16. Village Manager: means the Village Manager or his designee.

c. Rules on Drugs and Alcohol

1. Pre-Employment Conditions

- a. The following pre-employment conditions are established to determine the suitability of employees to work for Palmetto Bay.
 - b. All job applicants for Safety Sensitive Positions shall submit to a drug and/or alcohol test prior to starting employment in that position. Any job offer, which a job applicant may receive from Palmetto Bay, is contingent upon the applicants successfully completing the drug and/or alcohol test.
 - c. Any job applicant for a Safety Sensitive Position who refuses to submit to drug and alcohol testing as part of the pre-employment testing process shall be refused employment. Any such job applicant who tests positive for drugs and alcohol shall be refused employment at that time. Confidentiality will be maintained pursuant to this Policy.
 - d. Palmetto Bay shall 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 shall not be tolerated.

2. Conditions of Continuing Employment

It is a condition of continuing employment for each employee to abide by this 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 shall result in termination of employment.

3. Prohibition of Possession, etc.

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

4. Prohibition of Drug Use

All employees are prohibited from being at work or on Palmetto Bay 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 shall be presumed to be under the influence of the drug and in violation of Palmetto Bay Policy.

5. Requirement to Report Medication Use

- a. Palmetto Bay does not prohibit the use of a drug (prescribed medication) which has a currently accepted medical use, provided:
 - 1) The drug is prescribed or authorized for an employee by a medical doctor; and

Chapter 8 – General Policies

2) The use of the drug at the prescribed or authorized level is consistent with the safe performance of the employee duties; and

3) The drug is used at the dosage prescribed or authorized.

b. 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). Employees should use a Medication Report Form, which may be obtained from the Human Resources Director, to notify their supervisor.

c. Employees in safety sensitive or special risk positions are required to provide their supervisor with such information.

6. Employee Drug and Alcohol Testing

a. Employees will be required to submit to drug and/or alcohol 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.

b. An employee who tests positive on a confirmed test shall be terminated.

c. 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 shall be immediately terminated.

d. 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. Treatment Programs will only be offered to employees who voluntarily report drug abuse prior to being asked to take a test. Failure to follow or complete the treatment and/or rehabilitation program or a subsequent positive confirmed drug test shall result in immediate termination of employment.

e. Confidentiality shall 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

a. Employees shall notify the Village Manager, or his designee, of any criminal drug statute related criminal charge or arrest no later than five days after such charge has been filed. Employees in positions which require driving a Palmetto Bay vehicle or personal vehicle on Palmetto Bay business shall notify the Village Manager, or his designee, of any alcohol or drug related arrest (e.g., including but not limited to Driving while Under the Influence) on the next workday.

b. Palmetto Bay shall take appropriate action with respect to an employee who is so charged, which action shall include transfer to a non-safety sensitive or special risk position and/or discipline.

c. Employees shall notify the Village Manager, or his designee, of the outcome of all criminal drug statute or alcohol related criminal charges no later than five days after any change in status of such charges. This

Chapter 8 – General Policies

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.

- d. Palmetto Bay shall take appropriate disciplinary action against such employee within thirty days of receiving notice of the outcome or any change in the status of such criminal drug statute or alcohol related charges.

8. Rehabilitation Procedures

- a. An employee who is experiencing problems as a result of drug and/or alcohol abuse should contact the Village Manager, or his designee, for referral for treatment and/or counseling. This discussion shall be kept confidential. Such employee shall be subject to testing to verify recovery from substance abuse pursuant to the Policy requirements and failure to take or pass a drug and/or alcohol test shall result in discharge (termination of employment). Where an employee voluntarily enters a treatment program before being required to be tested, Palmetto Bay, in its sole discretion, may elect to waive follow-up drug testing. If follow-up drug testing is required, it shall be conducted on a random, periodic basis, for at least two years thereafter, as a condition of continued employment. Advance notice of a follow-up testing date to the employee to be tested is strictly prohibited and the employee who notifies the employee to be tested shall be terminated from employment.
- b. An employee in a safety-sensitive position who enters a voluntary substance abuse rehabilitation program shall be assigned to a position other than a safety-sensitive position, or, if such a position is not available shall be placed on leave while the employee is participating in the program. The employee shall be required to use any accumulated leave credits, such as compensatory time, vacation and sick leave, before being placed on leave without pay.
- c. An employee in a special-risk position shall be discharged for the first positive confirmed test result if the drug confirmed is a drug identified under Section 893.03, Florida Statutes. A special-risk employee who is participating in a substance abuse program shall not be allowed to continue to work in a safety-sensitive or special-risk position, but may be assigned to a position other than a safety-sensitive position or placed on leave while the employee is participating in the program. The employee shall be required to use any accumulated leave credits, such as compensatory time, vacation and sick leave before being placed on leave without pay.

9. Employee Education and Referral Program

- a. It is the responsibility of each employee to seek assistance for drugs and alcohol use or abuse before they are required to be tested. Once an employee has been asked to take a test, it is too late to claim an abuse problem. Employees who may require assistance for substance dependency and related problems are encouraged to seek assistance and information from the Village Manager, or his designee.
- b. An employee's decision to seek assistance or referral from the Village Manager, or his designee, prior to any incident warranting disciplinary action shall not be used as the basis for disciplinary action or in any disciplinary proceeding.
- c. Palmetto Bay has no interest in restricting social drinking outside of working hours and no intent to intrude upon private or personal lives of employees. Palmetto Bay is concerned only when the employee's health, job performance and safety conditions are adversely affected.

Chapter 8 – General Policies

- d. Upon successful completion of a drug treatment program an employee may be released to resume work but, except as provided in Section 8 above, shall be subject to drug testing on a random, periodic basis, for at least two years thereafter, as a condition of continued employment.
- e. An individual's participation in an alcohol or drug treatment program shall not be made part of any personnel records and shall 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, shall be preserved in the same confidential manner as all other medical records. Program participation records shall be maintained by the Village Manager, or his designee.

10. Employee Education Information

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

CSAP Workplace Helpline	1-800-WORKPLACE or 1-800-967-5752
Miami-Dade County Switchboard of Miami	305-358-4357 or 2-1-1
Broward County Crisis Information Line	954-537-0211 or 2-1-1
Monroe County Help Crisis Line, Inc.	305-296-4357 800-886-7340

- b. Other available resources include:

Al-Anon	1-800-356-9996
National Clearinghouse for Alcohol & Drug Information	1-800-729-6686
Drug Information Hotline (Spanish)	1-800-662-4357
Alcoholics Anonymous	1-800-252-6465
American Council of Alcoholism Helpline	1-800-527-5344
Cocaine Hotline	1-800-COCAINE
National Council on Alcoholism	1-800-NCA-CALL
National Institute on Drug Abuse Hotline	1-800-662-HELP
National Institute on Drug Abuse Hotline	1-800-843-4971

- c. Employees may obtain further information regarding available drug and alcohol assistance and rehabilitation by contacting the Village Manager, or his designee.

11. Management's Responsibilities

- a. Palmetto Bay 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 and the public.
- b. Supervisors are responsible for maintaining a safe work environment by determining each employee's fitness for duty.

Chapter 8 – General Policies

- c. 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 may be obtained from the Human Resources Director 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.
- d. In all cases when an employee is being removed from duty for drug testing, the supervisor shall notify his superior at the earliest possible time.

12. Employee's Responsibilities

- a. 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 prescription medication which may affect job performance or safety.
- b. 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 shall report this behavior to his/her supervisor.
- c. 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 shall be responsible for payment for the treatment and/or program to the extent not covered by medical insurance provided by Palmetto Bay. If the employee fails to comply with the treatment and/or the program, the employee shall be terminated.

13. Employee Education

Employees and supervisors shall be required to participate in a drug-free awareness program on an annual basis. The program shall 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. Palmetto Bay'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.
 - e. The penalty that shall be imposed by Palmetto Bay on employees for drug abuse violations occurring in the workplace.
- 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, Palmetto Bay shall test for the presence of drugs and/or alcohol in the following circumstances:

- a. Pre-Employment: All job applicants who have been offered employment in a safety sensitive position must submit to a drug and/or alcohol test before beginning employment or work for Palmetto Bay. In the event

Chapter 8 – General Policies

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.

- b. Reasonable Suspicion: Employees who are determined to be under reasonable suspicion of drug or alcohol use (as defined in this policy), shall be required to submit to a drug and/or alcohol test.
- c. Fitness-for-Duty: All employees who are subject to a routine fitness for duty medical examinations shall take a drug and/or alcohol test as part of their medical examination.
- d. Follow-up: All employees who have voluntarily entered an employee assistance program or rehabilitation program for drug and/or alcohol abuse shall take drug and/or alcohol tests on a random, periodic passes for at least two (2) years thereafter, as a condition of continued employment. This rule is only applicable to those employees who report their abuse prior to being asked to take a test.
- e. Post Accident or Injury: All employees who are involved in an automobile accident while operating a Palmetto Bay vehicle causing damage to Village property or causing injury to an employee, which requires medical treatment and occurs while at work, shall take a drug and/or alcohol test after administration of emergency medical treatment. If it cannot be determined who was driving the Palmetto Bay vehicle at the time of the accident, then anyone who was driving the vehicle during the applicable time period shall be required to submit to testing. Employees involved in an accident shall 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 or Alcohol Test

- a. An employee who refuses to submit to a drug or alcohol test shall be terminated. 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.
- b. A job applicant for a safety sensitive position who refuses to submit to a drug test shall not be hired.

3. Actions Following Positive Confirmed Test

An employee who has a positive, confirmed drug or alcohol test shall be discharged from the municipal service (termination of employment).

4. Reporting of Use of Medication

Employees and job applicants shall confidentially report the use of prescription or non-prescription medication to the MRO during the testing process. A form for reporting medication may be obtained from the Human Resources Director.

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, may be obtained from the Personnel Office. Employees and job applicants should review this list prior to submitting to a drug test.

Chapter 8 – General Policies

6. Medication Information

An employee or job applicant may consult with Palmetto Bay's Medical Review Officer (MRO) or the testing laboratory for technical information regarding prescription and nonprescription medication.

7. Drugs To Be Tested For

a. Drug testing may be required for any or all of the following drugs:

- | | |
|---|--|
| 1) Alcohol, including distilled spirits, wine, malt beverages and intoxicating liquors; | 9) Benzodiazepines; |
| 2) Amphetamines; | 10) Synthetic narcotics (Methadone & Propoxyphene); |
| 3) Cannabinoids; | 11) Designer drugs; |
| 4) Cocaine; | 12) A metabolite of any of the substances listed herein; |
| 5) Phencyclidine (PCP); | 13) Any other abused substances as added by federal or Florida Statutes. |
| 6) Methaqualone; | |
| 7) Opiates; | |
| 8) Barbiturates; | |

A list of drugs by brand names or common names may be obtained from the Human Resources Department.

b. Drug Cut-Off Levels - Initial Drug Test:

All levels equal to or exceeding the following shall be reported as positive:

Alcohol	0.02g/dL%*	Methaqualone	300 ng/mL
Amphetamines	1,000 ng/mL	Opiates	300 ng/mL
Cannabinoids (Marijuana)	50 ng/mL	(25 ng/mL if immunoassay is specific for free morphine)	
Cocaine	300 ng/mL	Barbiturates	300 ng/mL
Phencyclidine	25 ng/mL	Benzodiazepines	300 ng/mL
Methadone	300 ng/mL	Propoxyphene	300 ng/mL

c. Drug Cut-Off Levels - Confirmation Drug Test

All levels equal to or exceeding the following shall be reported as positive:

Alcohol	0.02g/dL%*	Opiates (codeine, morphine)	300 ng/mL
Amphetamines	500 ng/mL	Barbiturates	150 ng/mL
Cannabinoids (Marijuana)	15 ng/mL	Benzodiazepines	150 ng/mL
Cocaine	150 ng/mL	Methadone	150 ng/mL
Phencyclidine	25 ng/mL	Propoxyphene	150 ng/mL
Methaqualone	150 ng/mL		

*NOTE: The minimal levels for drugs and alcohol reported to Palmetto Bay may be different for employees subject to federal drug testing regulations.

Chapter 8 – General Policies

8. Reasonable Suspicion Drug or Alcohol Testing

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 may be obtained from the Human Resources Director 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. A copy of this documentation shall be given to the employee within seven (7) days from the date of the supervisor's determination of "reasonable suspicion."

9. Confidentiality and Records Maintenance

- a. Confidentiality of records concerning drug testing pursuant to the Drug-Free Workplace Policy shall be maintained in accordance with Florida law. All information, records, drug test results in the possession of Palmetto Bay, laboratories, employee assistance programs and drug and alcohol rehabilitation programs shall be kept confidential. No such information or records shall 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. Palmetto Bay may also disclose such information when relevant to its defense in any civil, disciplinary or administrative hearing. Palmetto Bay shall maintain records concerning drug testing separate and apart from a job applicant or employee's personnel file.
- b. Information on drug testing results shall not be released in any criminal proceeding.

10. Challenge of Test Results of Drug or Alcohol Test Under Florida Law

- a. An employee or a job applicant who receives a positive confirmed test result may submit information to the MRO contesting or explaining the results in writing within five (5) working days of receipt of notification of a positive confirmed test result.
- b. 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 Palmetto Bay.
- c. Within five (5) working days after receiving notice of a positive confirmed test result from the MRO, Palmetto Bay shall inform the employee or job applicant in writing of the positive test result, and his or her termination. Palmetto Bay shall provide a copy of the test result to the employee or job applicant.
- d. Within five (5) working days after receiving notice of a positive confirmed test result from Palmetto Bay, the employee or job applicant may submit information to Palmetto Bay explaining or contesting the test result, and explaining why the result does not constitute a violation of Palmetto Bay's policy.
- e. If the explanation or challenge of the employee or job applicant is unsatisfactory to Palmetto Bay, Palmetto Bay 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, and will be retained by Palmetto Bay for at least one (1) year.

Chapter 8 – General Policies

- f. 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.
- g. If an employee or job applicant contests the drug test results, he or she will be solely responsible for notifying the laboratory and Palmetto Bay in writing by certified mail and provide a copy of the written notice, by certified mail, to Palmetto Bay. The notice must include reference to the chain of custody specimen identification number.
- h. 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.
- i. 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, the testing laboratory will maintain the sample until the case or administrative appeal is settled.

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

- a. The Medical Review Officer (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 Palmetto Bay, 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.
- b. The MRO shall review and verify drug test results prior to the transmittal of the test results, either positive or negative, to Palmetto Bay. 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.
- c. If the test results reported are negative, the MRO shall notify Palmetto Bay of the negative test result and submit the appropriate documentation to the ACHA.
- d. 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 Palmetto Bay.
- e. 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 Palmetto Bay whose responsibility is to make a determination on test results and report them to Palmetto Bay, 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.
- f. 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

Chapter 8 – General Policies

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.

- g. 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.
 - h. 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 Palmetto Bay. 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.
 - i. 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.
 - j. 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 Palmetto Bay and request that Palmetto Bay 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 Palmetto Bay, the MRO shall verify the report as positive.
 - k. 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 Palmetto Bay.
 - l. The MRO shall notify Palmetto Bay in writing of the verified test result either negative, positive, or unsatisfactory and appropriately file chain of custody forms to Palmetto Bay 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, Palmetto Bay 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. App. §§ 2714-2717 (1993), 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 Palmetto Bay pursuant to those federal laws and regulations. In cases where the requirements of both federal and state drug and alcohol laws and regulations and/or Palmetto Bay's Drug-Free Workplace Policy may be applicable, the requirements of federal drug and alcohol laws and regulations will control if a

Chapter 8 – General Policies

conflict arises between federal law and regulations and the requirements of state law or Palmetto Bay's Drug-Free Workplace Policy.

8.3 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, color, age, sex, national origin, religion, marital status, sexual orientation, or disability. 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 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.

8.4 Sexual Harassment Policy

The Village wishes to provide its employees with a pleasant work atmosphere. 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:

- a. All employees are expected to act in ways that 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 victim. 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.
- b. 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.

Chapter 8 – General Policies

- c. 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:
 - 1. Repeated sexual flirtations, advances, staring, or propositions;
 - 2. Verbal abuse of a sexual nature, 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;
 - 3. Sexually-suggestive body movements directed toward a person;
 - 4. Any uninvited physical contact which is sexual or offensive, such as patting, pinching, groping, or constant brushing against another's body; and
 - 5. The display of sexually-suggestive pictures or objects in the workplace other than what is necessary in the normal course of business.
- d. 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.

8.5 Equal Employment Opportunity/ Sexual Harassment Complaint Procedure

- a. Any person who believes that they have been discriminated against or harassed in the work place shall lodge a written complaint directly with any of the following individuals: the Village Manager, the Human Resources Director, or the employee's supervisor or department head.
- b. The individual receiving a complaint, if other than the Human Resources Director, shall promptly report the complaint to the Human Resources Director, unless the complaint is made about the Human Resources Director, in which case the complaint shall be reported to the Village Manager.
- c. All employees have a duty to file a complaint on any suspected incident of discrimination or harassment.
- d. Once the Human Resources Director (or the Village Manager if the complaint is about the Human Resources Director) receives a complaint, 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.
- e. The Human Resources Director 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.

Chapter 8 – General Policies

- f. 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.
- g. Any employee wishing to appeal the finding of an investigation may do so by submitting a request for review to the Human Resources Director within fifteen (15) work days of receiving the report. If the complaint was about the Human Resources Director, the request for review will be submitted to the Village Manager. The Human Resources Director (or Village Manager) shall notify all other parties who were informed of the investigation results that an appeal has been filed within three (3) work days 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.
- h. 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 Director, or the Village Manager if the complaint is against the Human Resources Director. Disciplinary action shall be brought against any employee who files false allegations with malicious intent.

8.6 Workplace Safety

The safety of every Village of Palmetto Bay 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 Personnel 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 Personnel Office. The Village meets or exceeds all applicable State and Federal Safety requirements. If an employee comes across what he or she deems to be a hazardous condition, it shall immediately be reported in writing to a supervisor.

8.7 Village Identification

All employees of the Village of Palmetto Bay shall carry with them a Village issued photo identification card. Employees must present their ID card for entry to the Village during periods of emergency or when necessary to identify themselves to residents in the conduct of official business. Lost, damaged or stolen ID cards must be reported immediately to the Village Clerk. The card must be returned to the Village upon termination of employment.

8.8 Employee Reporting Procedures During Disaster Operations

As employees of the Village of Palmetto Bay, it is our responsibility to be prepared at all times to respond to disasters and emergency situations that may affect the citizens of the Village. The Village has therefore developed an Emergency Operations Plan to guide our actions during an emergency event. 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.

Chapter 8 – General Policies

Personnel will report for duty during disaster operations as directed by the 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, t-shirts, socks, underwear, shoes; toilet articles (toothbrush, toothpaste, deodorant, soap, shampoo, razor and shaving cream); rain gear; Village of Palmetto Bay 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 the Department Head or other appropriate authority.

8.9 Work Space Privacy

The Village provides offices and other work space for business purposes only. Village work space 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.

Acknowledgment of Receipt

I hereby acknowledge that I have received a full copy of the Village of Palmetto Bay Personnel Policies Manual (Manual), including all attachments and exhibits. I further acknowledge that it is my responsibility to read and understand the rules, policies and procedures set forth in the Manual, and become familiar with the manual's contents.

I understand and acknowledge the policies contained in this manual are intended to serve as guidelines and may be amended, altered and repealed in whole or in part, at any time, with or without notice, at the sole discretion of the Village Manager or his designee who shall also be responsible for clarifying and, or, interpreting the policies .

I understand that information contained in this manual, or any other Village document, written or verbal, shall not be construed as an employment contract between the Village of Palmetto Bay and any employee, or a guarantee of continued employment. Both, the Village of Palmetto Bay and the employee, have the exclusive right to terminate employment relationship at-will, without prior cause and without prior notice.

I further certify that I will abide by the rules, procedures , and policies established by the Village of Palmetto Bay as those rules, procedures and policies are implement or as they are documented in village's Manual.

Name (printed):	
Date:	
Signature:	

_____ My initials hereby serve as confirmation that I have also received a copy of the Village of Palmetto Bay Ordinance Number 06-01, entitled "Conflict of Interest and Code of Ethics."