

# EMPLOYEE POLICIES AND PROCEDURES MANUAL



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COVER LETTER  
ABOUT THE VILLAGE  
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**Rule 1.1 GENERAL POLICY**

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

**Rule 1.2 PURPOSE OF MANUAL**

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

**Rule 1.3 DISCLAIMER**

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

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

#### Rule 1.4 APPLICABILITY OF MANUAL

- a) The Employee Policies and Procedures Manual shall apply to all employees of the Village except those exempt in accordance with Rule 3(2) of this manual.
- b) The Village Manager is charged with the overall responsibility for the administration of the Employee Policies and Procedures Manual. The Village Manager may, at any time, develop and make known procedural rules, interpretations and other personnel policies and may, in certain instances, grant waivers to them.
- c) The Employee Policies and Procedures Manual shall not be construed as limiting the power and authority of any Department Head to make departmental rules and regulations governing the conduct and performance of employees. Departmental rules and regulations shall not conflict with the provisions of this manual. Departmental rules shall be subject to the approval of the Village Manager.

#### Rule 1.5 VILLAGE CHARTER

The Village Charter has established the authority for the preparation and administration of this Employee Policies and Procedures Manual in Section 6(2). The Village Manager has the authority to amend the manual from time to time.

#### Rule 1.6 OFFICE OF THE HUMAN RESOURCES DIRECTOR

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

#### Rule 1.7 DEFINITIONS

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

- f) Class Specification: This is the written description of the essential functions and characteristics of the class and the factors and conditions that separate it from other classes.  
The description is written in terms of duties, responsibilities, illustrative examples of work and the qualifications needed to perform the work.
- g) Compensatory Time: Paid time off earned and accrued at one and one-half the employee's straight time rate of pay.
- h) Demotion: That action either voluntary or involuntary which changes the employee's classification title with the result that the employee is placed in a classification which has a lower pay range.
- i) Employee Dispute Procedure: A mechanism intended to assure that employee questions, problems and concerns arising from those misunderstandings that develop in the day-to-day activities are promptly heard, answered and appropriate action taken to correct a particular situation.
- j) Employee-at-Will: The practice whereby employees are hired for an indefinite period of time and the employment relationship may be terminated at-will by either party at any time. Unless otherwise indicated, all employees of the Village shall be considered at-will employees.
- k) Exempt Position: Depending on the context, this term can mean either: All employment, offices and positions designated herein as being exempt from the application of the personnel rules (ref. Rule 3.2) or those positions indicated as exempt from overtime provisions under the Fair Labor Standards Act.
- l) Full Time: Any position that is scheduled to work forty (40) or more hours per work period.
- m) Human Resources Director: This shall mean the Village Manager, or his/her designee.
- n) Human Resources Manager: This shall mean the person designated by the Village Manager to supervise the application of the policies contained in this manual.
- 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 to Rule 3.2 of this manual.
- s) Non-Exempt Position: Positions indicated as not exempt from the overtime provisions of the Fair Labor Standards Act. Non-exempt positions shall be eligible for overtime for all hours actually worked over forty (40) hours per work week. Employees in non-exempt positions are compensated on an hourly rate basis.
- t) Overtime: Hours worked in excess of the normal work period, and in accordance with the provisions of the Fair Labor Standards Act.
- u) Part Time: Any position that is normally scheduled for thirty-nine (39) or fewer hours in a work period.
- v) Pay Rate: A rate of pay within a Pay Range in the Village's Position Classification and Compensation Plan.

- w) 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.
- x) Performance Evaluation: A report relative to the conduct and capacity of an employee in the municipal service.
- y) Position: This means an employment, office or position in the Municipal Service composed of specific duties.
- z) Position Classification Plan: This means 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) Prior Service Credit: The sum of all prior full months of completed service prior to terminating employment with the Village.
- bb) Promotion: A change in classification from one position to another position with a higher maximum pay range.
- cc) 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.
- dd) Resignation: The act of voluntarily withdrawing from Village employment.
- ee) Suspension: The temporary separation from duty without pay for disciplinary purposes.
- ff) 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.
- gg) 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.
- hh) Transfer: A transfer is a change in position to one that is in the same salary range.
- ii) Work Period: The normal work period shall be defined and applied as follows:

Full-time Employee	40 hours in a seven (7) day period
Part-time Employee	39 or fewer hours in a seven (7) day period

## Rule 1.8 COLLECTIVE BARGAINING AGREEMENTS

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

**Rule 2.1 ACCEPTANCE OF GIFTS / FAVORS**

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

**Rule 2.2 DRUG AND ALCOHOL FREE WORKPLACE****a) POLICY**

1. The Village is committed to providing a safe work environment for our employees, our guests, our community and the public. The abuse of alcohol and drugs is a national problem, which impairs the safety and health of employees, promotes crime and harms our community. In order to maintain the highest standards of morale, productivity and safety in our operations, we have instituted a drug and alcohol free workplace policy. With the cooperation and assistance of our employees, we will implement a program designated 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 and 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 second 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 medial and indemnity benefits.
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 Estero property is strictly prohibited. Such conduct will subject the employee to disciplinary action, including termination.
6. "Job applicants" for certain full-time and part-time positions shall be required to undergo a drug test prior to beginning work. These positions are either safety sensitive, operate heavy equipment, machinery or Village vehicles, work with children or around children or include some other essential function or requirement which necessitates pre-employment drug testing. 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 routing 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 Estero'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 of 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 Estero.
5. Employee: means an individual who works for Estero 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 AHCA) of an employee or job applicant. Estero 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 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. Blood will be used as the initial and confirmation specimen for alcohol. An intoxilyzer, breathalyzer or other similar device, may also be used as the initial screening for alcohol. However, if results are positive for alcohol, a blood test shall be used for the confirmation test.
10. Medical Review Officer: (MRO) means a licensed physician, employed or contracted with Estero, 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 Estero;
  - 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 Estero's premises or while operating a vehicle, machinery, or equipment of Estero.
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: means a position that is required to be filled by a person who is certified under Sections §633 and §943, Florida Statutes as amended.
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, Assistant Village Manager or Human Resources Manager.

### 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 Estero.
    - 1) Job applicants for certain full-time and part-time positions shall be required to undergo a drug test prior to starting employment in that position. These positions are either safety sensitive, operate heavy equipment, machinery or Village vehicles, work with children or around children or include some other essential function or requirement which necessitates pre-employment drug testing in that position. 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 Estero, is contingent upon the applicants successfully completing the drug and/or alcohol test.

- 2) Any job applicant 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.
- 3) Estero 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 Estero property, including parking lots, are strictly prohibited.

4. Prohibition of Drug Use

All employees are prohibited from being at work or on Estero 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 Estero policy.

5. Requirement to Report Medication Use

- a. Estero 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
  - 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 Manager, 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, 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 Arrest

- a. Employees shall notify the Village Manager, or his/her 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 an Estero vehicle or personal vehicle on Estero business shall notify the Village Manager, or his/her designee, of any alcohol or drug related arrest (e.g., including but not limited to Driving while Under the Influence) on the next work day.
- b. Estero 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/her 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 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 such charges.
- d. Estero 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/her 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, Estero, 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 an illicit drug 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/her designee.
  - b. An employee's decision to seek assistance or referral from the Village Manager, or his/her designee, prior to any incident warranting disciplinary action shall not be used as the basis for disciplinary action or in any disciplinary proceeding.
  - c. Estero has no interest in restricting social drinking outside of working hours and no intent to intrude upon private or personal lives of the employees. Estero is concerned only when the employee's health, job performance and safety conditions are adversely affected.
  - 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/her 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:

Lee County  
Switchboard of Miami  
Hotline: (305) 358-4357 / TTY/TDD: (305) 358-2477  
<http://www.suicide.org/hotlines/florida-suicide-hotlines.html>

## b. Other available resources include:

(800) WORKPLACE	(Drug-Free Workplace Hotline)
(800) 356-9996	Al-Anon
(800) 527-5344	American Council of Alcoholism Helpline
(800) COCAINE	Cocaine Hotline
(800) NCA-CALL	National Council of Alcoholism
(800) 662-HELP	National Institute on Drug Abuse Hotline
(800) 843-4971	National Institute on Drug Abuse Hotline

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

## 11. Management's Responsibility

- a. Estero 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.
- c. In the even 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 Manager 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 and the Human Resources Manager at the earliest possible time. Upon reasonable suspicion, the supervisor shall transport or make arrangements to have the employee transported to the testing facility for drug screening.

## 12. Employee 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 even 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 Estero. 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 periodically participate in a drug-free awareness program. 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. Estero'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 Estero on employees for drug abuse violations occurring in the workplace.

### 14. Rights Under Collective Bargaining Agreements

Employees who are covered under any collective bargaining agreement between Estero and any certified labor organization shall not have the right to file a grievance regarding the termination of employment imposed by Estero as a result of a violation of this policy.

## 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, Estero 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 or a position which requires operating heavy machinery, equipment or a Village vehicle, or working with children or around children, or some other essential function or requirement which necessitates drug testing must submit to a drug and/or alcohol test before beginning employment or work for Estero. In the event that an employee is permitted to begin working prior to receipt of the results of drug or alcohol testing such employment shall be contingent upon passing the drug or alcohol test.
- 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 examination 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 basis 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 accident or injury to an employee which requires medical treatment occurring while at work which has caused, contributed to, or involved an employee shall take a drug and/or alcohol test after administration of emergency medical treatment. If it cannot be determined who was driving the Estero 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 or a position which requires operating heavy machinery, equipment or a Village vehicle, or working with children or around children, or some other essential function or requirement which necessitates drug testing 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 (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 Manager.

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 Human Resources Office. Employees and job applicants should review this list prior to submitting to a drug test.

6. Medication Information

An employee or job applicant may consult with Estero's MRO or the testing laboratory for technical information regarding prescription or non-prescription 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;
- 2) Amphetamines;
- 3) Cannabinoids;
- 4) Cocaine;
- 5) Phencyclidine (PCP);
- 6) Methaqualone;
- 7) Opiates;
- 8) Barbiturates;
- 9) Benzodiazepines;
- 10) Synthetic narcotics (Methadone and Propoxyphene);
- 11) Designer Drugs;
- 12) A metabolite of any of the substances listed herein;
- 13) Any other abused substances as added by Federal or Florida Statutes.



- b. Drug Cut-Off Levels – Initial Drug test  
Pursuant to Florida Statutes Drug-Free Workplace Act
- c. Drug Cut-Off Levels – Confirmation Drug Test  
Pursuant to Florida Statutes Drug-Free Workplace Act

**\*NOTE:** The minimal levels for drugs and alcohol reported to Estero may differ for employees subject to Federal drug testing regulations.

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 Manager 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 Estero, 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. Estero may also disclose such information when relevant to its defense in any civil, disciplinary or administrative hearing. Estero 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 Estero.
- c. Within five (5) working days after receiving notice of a positive confirmed test result from the MRO, Estero shall inform the employee or job applicant in writing of the positive test result, and his or her termination. Estero 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 Estero, the employee or job applicant may submit information to Estero explaining or contesting the test result, and explaining why the result does not constitute a violation of Estero's policy.
- e. If the explanation or challenge of the employee or job applicant is unsatisfactory to Estero, Estero shall provide a written explanation (within fifteen (15) days of receipt) as to why the employee or job

applicant's explanation is unsatisfactory, along with a copy of the report of positive confirmed test results. All such documentation will be kept confidential except as provided in Section 9, above, and will be retained by Estero for at least one (1) year.

- 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 Estero in writing by certified mail and provide a copy of the written notice, by certified mail, to Estero. 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 the requirements set forth in applicable administrative Rules. The MRO shall be a licensed physician, under contract with Estero, 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 Estero. 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 Estero of the negative test result and submit the appropriate documentation to the AHCA.
- 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 Estero.
- 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 Estero whose responsibility is to make a determination on test results and report them to Estero, and inform the donor that medial 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 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 Estero. However, should the result, 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 questions 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 Estero and request that Estero 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 Estero, 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 Estero.
- l. The MRO shall notify Estero in writing of the verified test result as either negative, positive, or unsatisfactory and appropriately file chain of custody forms to Estero and submit the proper forms to the AHCA.

#### e) DRUG AND ALCOHOL TESTING OF COMMERCIAL MOTOR VEHICLE DRIVERS

In addition to the policies and procedures set forth above, Estero 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 Estero 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 Estero's Drug-Free Workplace Policy may be applicable, the requirements of federal drug and alcohol laws and regulations will control if a conflict arises between federal law and regulations and the requirements of state law or Estero's Drug-Free Workplace Policy.

### Rule 2.3 EQUAL OPPORTUNITY EMPLOYMENT POLICY

The Village is committed to the concept and practice of equal employment opportunity and affirmative action to assure equal employment opportunity in all aspects of employment. It is the policy of the Village to recruit, hire, train, and promote into all job levels, employees and applicants for employment without regard to race, color, age, sex, national origin, religion, marital status, sexual orientation, genetic information, disability or veteran status (except if eligible for Veteran's preference). The Village bases all such decisions on individual merit, qualification and competency, as they relate to the particular position and promotion of the principle of equal employment opportunity. The Village's commitment to equal opportunity applies to all facets of the employment relationship, including compensation, benefits and all other terms, conditions and privileges of employment. All employment decisions will be made in accordance with principles of Equal Employment Opportunity.

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

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

### Rule 2.4 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 contract with the Village.

The following are guidelines that the Village will follow:

- a. All employees are expected to act in ways, which establish a professional work atmosphere free of sexual harassment and sexual discrimination. Each Department Head shall ensure that the workplace is free of sexual harassment. All employees have a duty to report any suspected sexual harassment by a Village employee, or a non-employee while on Village property or when Village business is being conducted, to the appropriate Department head even if they are not the 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.

- 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 sexual-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.

## Rule 2.5 EQUAL EMPLOYMENT OPPORTUNITY/SEXUAL HARASSMENT COMPLAINT PROCEDURE

- a. Any person who believes that he/she have been discriminated against or harassed in the work place shall lodge a complaint (either oral or written) directly with any of the following individuals: the Village Manger, the Human Resources Manager, or the employee's supervisor or Department Head.
- b. The individual receiving a complaint, if other than the Human Resources Manager, shall promptly report the complaint to the Human Resources Manager, unless the complaint is made about the Human Resources Manager, in which case the complaint shall be reported to the Village Manager.
- c. All employees have a duty to file a complaint on any suspected incident of discrimination or harassment. Failure to report a complaint to the appropriate Village official shall result in termination of employment.
- d. Once the Human Resources Manager receives a complaint (or the Village Manager if the complaint is about the Human Resources Manager), the complaint shall be investigated within three (3) work days of notification. The investigation shall include an interview with the employee(s) who made the complaint, and the person(s) toward whom the complaint was directed. Any other persons who have information regarding the alleged complaint may also be interviewed.
- e. The Human Resources Manager shall prepare a written investigation report within ten (10) working 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.

- 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 Manager within fifteen (15) work days of receiving the report. If the complaint was about the Human Resources Manager, the request for review will be submitted to the Village Manager. The Human Resources Manager (or Village Manager) shall notify all other parties who were informed of the investigation results that an appeal has been filed within three (3) working 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 reasonable belief that a violation has occurred or requesting a review of the determination of any investigation. Every complaint will be expeditiously investigated at the direction of the Human Resources Manager, or the Village Manager if the complaint is against the Human Resources Manager. Disciplinary action shall be brought against any employee who files false allegations with malicious intent.

## Rule 2.6 SMOKE-FREE WORKPLACE

The Village of Estero has adopted a policy regarding a smoke-free workplace in an effort to promote a healthful lifestyle and thus reduce the liability exposure and lost productivity time to the Village.

The first objective of this policy is to reduce the liability exposure to the Village of Estero recognizing that: (1) the Surgeon General of the United States has declared that the use of tobacco or tobacco products is a hazard to an individual's health; and (2) an employee's poor health due to the continued use of tobacco or tobacco products, increases the loss experience of the group health insurance plans and group life insurance plans; and (3) increases in loss experience result in increases in premium costs for insurance plans; and (4) increases in premium costs from employees are borne by the General Fund and subsequently, by the taxpayers of the Village of Estero.

The second objective of this policy is to reduce the amount of lost productivity time due to absenteeism recognizing that (1) an employee's poor health, due to continued use of tobacco or tobacco products, increases the amount of lost workdays and limited activity and thus reduces an employee's productivity; and (2) decreases in employee productivity result in the decrease in efficiency of the Village government; and (3) decreased efficiency is not an effective use of taxpayer's dollars.

It is the policy of the Village of Estero not to employ individuals who have used tobacco products within twelve (12) months of filing an employment application. All applicants must be nonusers of tobacco or tobacco products for at least one (1) year immediately preceding the date of application, as evidenced by the sworn affidavit on the application. Furthermore, an employee who uses tobacco products subsequent to becoming employed with the Village of Estero will be subject to termination.

## Rule 2.7 SAFETY

The Village of Estero is committed to providing employees with a safe and healthful workplace. The safety of every Village of Estero employee is a matter of prime importance and we constantly strive to keep the Village a safe place to work. Each department shall communicate that department's safety rules and procedures to each employee. Employees shall study these rules and keep them in the Employee Policies and Procedures Manual binder. In addition, a comprehensive guide to safety procedures is contained in the Workplace Safety and Health Manual, a

copy of which may be obtained through the Human Resources Office. The Village meets or exceeds all applicable State and Federal Safety requirements.

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

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

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

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

## Rule 2.8 DRESS CODE

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

### Guidelines

Employees are expected to choose business appropriate clothing that communicates professionalism for the type of work being performed and the setting in which the work is performed. While climate and custom may permit a, somewhat, casual work attire, employees are reminded that they type of casual attire on may choose to wear to the workplace is quite different from weekend casual attire.

### Non-Uniformed Personnel

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

- f. Body piercings (other than earrings) may need to be removed and/or covered if deemed offensive by management or pose a safety hazard.

### Uniformed Personnel

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

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

The Office of the Village Manager or the Human Resources Manager in their sole discretion will make the final determination as to what is acceptable under the Dress Code Policy.

Employee's reporting to work wearing clothing that is deemed to be inappropriate, unprofessional or in violation of this policy, will be required to clock-out and go home to change.

## Rule 2.9 VILLAGE IDENTIFICATION

Employees of the Village of Estero shall wear their Village issued photo identification card during working hours in a visibly conspicuous place on their clothing. Employees shall present their card for entry to the Village during periods of emergency or when necessary to identify oneself to residents in the conduct of official business. Employees are to report any loss or damage to their card as soon as possible. The identification card must be returned to the Village upon separation of employment.

## Rule 2.10 REIMBURSEMENT FOR DAMAGED PERSONAL PROPERTY

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

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

## Rule 2.11 EMPLOYEE REPORTING PROCEDURES DURING DISASTER OPERATIONS

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



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 (3) 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 Estero 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.

## Rule 2.12 VOICE MAIL RECORDING

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

## Rule 2.13 COMPUTER USE AND ELECTRONIC COMMUNICATIONS

### a) Purpose

- a. This policy is intended to provide guidelines for the appropriate utilization of the Village's information technology resources. This policy applies to all employees of the Village. Use of the Village's information technology resources is for municipal purposes only and must meet standards as specified in this rule. The Village provides resources including electronic mail, intranet and internet service, desktop support services, including network office automation file and print sharing, and peripherals, the primary purpose of which is to support and enhance the research and information capabilities of the Village and to encourage electronic communications and sharing of information resources within the organization and to the public at large.
- b. Acknowledgement of Receipt of the Employee Policies and Procedures Manual (or addendums) shall indicate understanding of; and agreement with the policies and regulations set forth in this rule.

### b) Definitions

- a. For the purpose of this policy, the following definitions apply:
  - CIO – is the Chief Information Officer, for each department, as designated by the Village Manager.
  - Computer – Includes any desktop computer, laptop or any other electronic data storage device purchased and/or issued by the Village.
  - E-mail – Information created or received via an electronic mail system which includes any attachments transmitted with the message.

- Hardware – the physical components of a computer system including input and output devices.
- Internet – a worldwide collection of networks utilizing the TXP/IP protocol consisting of commercial, governmental, educational and other systems that route data and messages.
- IT – shall mean the Village’s information and technology infrastructure.
- Network – a group of computers and associated devices that are connected by a communication device.
- Password – a unique string of characters assigned to a user to allow access to the Village’s information technology resources.
- Peripherals – a device that is connected to a computer such as a printer.
- Server – a processing unit which stores the Village’s mission-critical software applications and data files.
- Software – a computer program that performs functions.
- Users – individuals, authorized to use Village issued information technology resources as part of their assigned official duties.
- Virus – a self-duplicating program that interferes with a computer’s hardware or operating system.

### c) General Guidelines

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

**d) Security**

- a. User Name/Passwords – In order to use the Village’s IT resources, every user is provided a user name and password. Only authorized users may use Village IT resources. Users should not reveal their password to anyone – even fellow employees under any circumstances.
- b. Access – Users must prevent access to the Village’s IT resources by unauthorized individuals. Employees shall immediately report to their Department Head any incident or activity that could compromise the security of the Village’s IT resources.
- c. Terminated Employees – Any user no longer employed by the Village shall be immediately denied access to the Village’s IT resources upon notification from the Human Resources office to the CIO.
- d. Flash Drives – “Thumb Drives” or similar USB devices pose one of the highest data security risks to a network environment including the transmission of viruses. Employees may only use flash drives that are purchased by the Village and only with permission from their Department Head. Utilization of personally-owned flash drives or other USB storage devices is prohibited.

**e) Acceptable Uses of IT Resources**

Acceptable uses include:

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

**f) Unacceptable Uses**

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

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

1. Violation of any laws, regulation, departmental or Village policies, including State and County Codes of Ethics.
2. Using profanity, obscenity or other language that may be offensive to another person, including the use of the computer for threats, harassment, slander, defamation, obscene or suggestive images or offensive graphical images. The display of any kind of sexually explicit image or document is a violation of the Village’s policy on sexual harassment. Sexually explicit material may not be archived, stored, distributed, edited, or recorded using the Village’s IT resources.

3. Sending political endorsements or chain letters.
4. Engaging in commercial activities, except as may be conducted or authorized by the Village Manager and/or his/her designee for purchasing purposes.
5. Installation of non-approved software, including, but not limited to, games or entertainment software, use for any personal reasons, resulting in or relating to personal gain or for profit enterprise; copying (uploading or downloading) commercial software in violation of copyright law.
6. Transmission of any material in violation of Federal, State or Local law, ordinance, regulation or policy including unlawful or inappropriate communications as stated above, including but not limited to, offensive, intimidating or embarrassing comments, jokes, slurs, insinuations, rumors or pictures based on race, sex, sexual orientation, age, religion, color, national origin, or disability.
7. Attempting to circumvent security measures or accessing data or another user.
8. Harm or destroy any data files other than editing or deleting information in the normal course of the employee's duties.

#### g) E-mail

1. Public Records: E-mail messages and attachments are official records with created or received in the transaction of official business and are subject to disclosure, in the absence of exception, as provided by Chapter §119, F.S.
2. Responsibility: Employees are responsible for monitoring their e-mail account on a daily basis. Employees are also responsible for the content and dissemination of their e-mail. This responsibility includes that their messages are (1) accurate; (2) courteous; (3) sent only to the pertinent staff; (4) protect confidentiality where appropriate; (5) are sent in a timely manner; and (6) are filed and discarded appropriately.
3. Blast E-mails: Users shall not send blast e-mails to all employees without prior authorization of their Department Head.
4. Use: E-mail shall be used for business communications only.

#### h) Internet

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

having an e-mail account may lead to receipt of unsolicited e-mails containing offensive content. Users accessing the Internet do so at their own risk and the Village disclaims all liability.

#### **i) Laptops**

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

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

#### **j) Training**

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

#### **k) Help Desk**

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

#### **l) Responsibility of Employees**

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

#### **m) Energy Efficiency Guidelines**

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

1. All staff monitors and peripherals should be turned off at the end of the day, or when the user will be away from the device for more than two (2) hours. All computers, monitors and peripherals should be turned off when the user will be out for an extended period of time (e.g. weekends)
2. All screen savers should be disabled in favor of “power-down” mode. Desktop computers can draw 50-100 watts when in full operation and a laptop between 25-50 watts. In “power-down” mode, these can be reduced to 20 and 5 watts, respectively. For monitors, the energy use can be reduced from 25-40 watts to 5 watts. Please contact IT for assistance.
3. Training room and shared equipment should be turned off when not in use, including all peripherals.
4. All computer equipment that is no longer in use must be reused, recycled or disposed of through IT.
5. All devices that require charging, such as laptops and cell phones, should not have their chargers plugged in without the device. It is recommended that this extend to any device that has an AC/DC converter.
6. Wherever possible, devices that draw a trickle charge when off should be fully disabled when not in full use.
7. Whenever feasible, the Village will purchase equipment certified by the U.S. Environmental Protection Agency’s (EPA) “ENERGY STAR” program. ENERGY STAR is a program helping businesses and individuals protect the environment through superior energy efficiency, and ENERGY STAR-rated equipment will improve the Village’s energy and financial performance.
8. Networking/sharing a printer is a more energy/cost-efficient solution than purchasing multiple personal printers. Whenever feasible, IT will purchase strategically, networked or shared printers capable of printing on both sides of a sheet of paper in lieu of personal printers.
9. Employees will print only when necessary in order to reduce paper, energy consumption and ink cartridges.
10. From time to time, the Village Manager may revise these guidelines and will distribute changes with a new effective date.

### **Rule 2.14 WORK SPACE 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.

### **Rule 2.15 DIRECT DEPOSIT**

- a) All employees for regular, provisional, seasonal, temporary, part-time or substitute positions as a condition of employment are required to obtain and maintain a bank account for the purpose of receiving wages from the Village of Estero via an electronic funds transfer system (i.e. Direct Deposit).
- b) Reimbursement for expenses such as mileage, uniform allowance, supplies, travel expenses, or any other reimbursable expenses shall be made via direct deposit as stated above.

### **Rule 2.16 HIPPA – PRIVACY POLICY**

The Village of Estero complies with all applicable provisions of the Health Insurance Portability and Accountability Act of 1996 (HIPPA). The Village of Estero has designated the Human Resources Manager as the HIPPA Compliance

Officer. All questions regarding HIPPA and protected health information should be directed to the HIPPA Compliance Officer. The Village of Estero will maintain the confidentiality of all protected health information to the extent required by HIPPA and any other Federal, State, Local law or regulation.

### **Rule 2.17 ATTENDANCE and PUNCTUALITY**

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

Employees are expected to be regular in their attendance and report to work as scheduled, on time and prepared to start work at their assigned workplace each day on which they are scheduled to work. Employees also are expected to remain at work for their entire work schedule. Late arrival, early departure, or other absences from scheduled hours are disruptive and must be avoided. It is the employee's responsibility to notify his or her Department Head as far in advance as is possible of any tardiness or absence. Failure to give such timely notification, without good cause, will forfeit any claim for sick pay and may be grounds for disciplinary action. Habitual tardiness and/or absences may result in disciplinary action up to and including termination of employment.

Absences shall be documented on a Personnel Action Form (PAF).

Enforcement of this policy shall be the responsibility of the Department Head.

### **Rule 2.18 WORK SCHEDULE**

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

#### **a) Work Schedule Changes**

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

Work Schedules shall be updated on the electronic timekeeping system on an as needed basis by department payroll personnel.

### **Rule 2.19 MEAL PERIODS**

The minimum meal period for non-exempt employees shall be no less than thirty (30) minutes in duration. Depending on classification and/or department, a 60 minute meal period may be applicable to some non-exempt positions. Employees are expected to return to work within the allotted time.

All employees required to use a time clock must clock-out prior to beginning their meal period and clock-in prior to resuming work. Employees working in the field must return to their department to clock-out or do so at any of the nearby Village locations before beginning their meal break and clock-in prior to resuming work.

Meal periods are unpaid and non-exempt (hourly paid) employees must not perform any work while on their scheduled meal break.

Meal periods should be scheduled by Department Heads during generally recognized meal times so as to minimize disruption to customers during regular business hours.

Working through a meal period is not permitted for make-up time unless prior approval is granted by the Department Head.

#### a) Eating at Desk/Workstation

While lunches or other meals must be spent away from the employee's desk, eating and drinking small snacks or drinks at the employee's desk at other times is permitted. However, the activity should be conducted with much discretion, especially with the choice of food and an employee's visibility/proximity to the public and co-workers. Employees in locations that are in direct view of the public are not permitted to eat at their workstation. Every Village department is equipped with a kitchen and/or break room and employees are encouraged to use these facilities for their meals and snacks.

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

### Rule 2.20 TIMEKEEPING

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

Exempt employees are required to clock-in and out from the timekeeping system at the commencement and end of their workday, in addition to meal periods, unless otherwise directed by the Department head or Village Manager.

If an employee has an error punching in or out in accordance with this policy or the Meal Period Policy, the employee is required to immediately notify their payroll administrator, supervisor or Department Head so that the appropriate steps may be taken to correct the timekeeping system in a timely manner.

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

### Rule 2.21 WORKPLACE VIOLENCE PREVENTION POLICY

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

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



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

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

## **Rule 2.22 CHILDREN IN THE WORKPLACE**

The Village supports "Take Your Child to Work Day". Beyond this observance, in order to ensure that a productive, professional and safe environment is maintained at all times, employees shall not bring children into the workplace during the employees' normal working hours.

## **Rule 2.23 PRIOR SERVICE CREDIT**

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

Prior service credit shall be used to determine service recognition awards. Prior service credit shall also be used to determine vacation leave accrual rates for former full-time status employees rehired as full-time status employees. Human Resources shall be responsible for the interpretation and administration of this policy. All prior service credits shall be determined by the Human Resources Office.

**Rule 3.1 MUNICIPAL SERVICE**

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

**Rule 3.2 EXEMPTED FROM MUNICIPAL SERVICE**

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

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

**Rule 3.3 LABOR AGREEMENTS**

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

**Rule 3.4 DOUBLE EMPLOYMENT**

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

**Rule 3.5 OUTSIDE EMPLOYMENT**

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

- 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 the 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.

## Rule 3.6 RECRUITMENT

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

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 Office. During this period an applicant may notify the Human Resources Office 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 application will not be considered. Resumes will not be accepted in lieu of a fully completed employment application. All applications and supporting documentation shall be delivered in person or via U.S. Mail to the Municipal Center. Faxed applications or sent via email are not acceptable.

See Rule 5.11, Recruitment Incentive Program.

## Rule 3.7 EMPLOYMENT OF RELATIVES

The employment of relatives is not encouraged. Approval will not be granted for the employment, promotion or transfer of a member of the immediate family of an employee (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.

## Rule 3.8 EXAMINATIONS

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

- a. Interview examination. The Human Resources Manager will develop a list of questions to be asked during the Interview. Whenever practical, there shall be more than one interviewer.
- 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 Manager may reject applications of those who fail to meet the announced requirements of the position.

### a) TYPES OF EXAMINATIONS

- a. Open Competitive: Any examination in which competition is open to any person meeting the announced requirements for admission to the examination.

- b. Promotional: Any examination in which competition is limited to present employees. Such examination shall be restricted to the employees serving in a lower related classification.
- c. Non-Competitive: Any examination by interview, reference checking or other method customarily held for seasonal, temporary, or for related reasons whereby competitive examination is deemed impractical.

## b) EXAMINATIONS, SCORING, CREDITS

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

## c) LAYOFF LIST

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

## Rule 3.9 APPOINTMENTS

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

### TYPES OF APPOINTMENTS

- a. Regular Appointment: The appointment of an individual to the Municipal Service
- b. Provisional Appointment: The Village Manager may authorize the filing of a position by provisional appointment. Any such provisional appointee must meet educational, experience, and related requirements set forth by the Human Resources Manager. Provisional appointments shall not be for periods greater than six (6) months and shall be limited to two (2), six-month periods. The provisional appointment shall not confer any rights to 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.
- c. 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):
  - i. Seasonal and Temporary: Such appointments may be made for work, which is seasonal in nature or temporary in its requirements. All applicants for such position shall meet the requirements set forth by the Human Resources Manager.
  - ii. 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 Manager.

- iii. 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.
  
- iv. Special Administrative Appointments: In the event of a vacancy in the position of Department Head, the Village Manager may request that an employee accept such a position in an acting capacity. Such acceptance will not entitle the employee to subsequent administrative appointment to that position. Any employee in the Municipal Service accepting such an acting position will not forfeit any rights or benefits, even though the acting position is exempted from the Municipal Service. Such appointments, in an acting capacity, shall continue for an initial period of not more than six (6) months duration and may be renewed, for an additional six (6) month period thereafter, by the Village Manager. Any employee appointed to an acting position shall receive a temporary salary increment of fifteen percent (15%) over his/her current earnings, but in no case shall the temporary salary be more than that budgeted for the Department Head position.

**Rule 4.1 DESIGNATED HOLIDAYS**

- a) All full-time, non-exempt employees shall be paid for the following designated holidays and when required to work on such days, hourly employees shall be paid at a rate of time and one half for hours worked in additional to holiday pay. Under no circumstances shall temporary, seasonal, provisional or part-time employees be entitled to the provisions of this section.

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

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

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

**Rule 4.2 VOTING**

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

**Rule 4.3 VACATION LEAVE**

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

**a) COMPUTATION OF VACATION LEAVE**

Annual vacation leave shall accrue at the following rate:

<u>Years of Service</u>	<u>40 hr. work-week employee Rate of Vacation Accrual</u>
Less than 5 years	6.67 hrs. /mo. (80)
More than 5 but less than 10 years	10.00 hrs. /mo. (120)
More than 10 years	13.33 hrs. /mo. (160)

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

**b) ACCUMULATION OF ANNUAL LEAVE**

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

**c) RESTRICTIONS**

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

**d) VACATION SCHEDULING**

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

**e) DONATION OF ACCRUED VACATION LEAVE**

- a. Fill-time employees may donate accrued vacation leave to a designated Village employee when illness requires the designated employee to be absent from work for a lengthy period of time and when the employee has exhausted all accrued vacation and sick leave.
- b. The employee without sick or vacation time shall submit a request to the Human Resources Manager in writing requesting that a Donation Notice be posted on his or her behalf.
- c. Employees wishing to donate unused vacation time shall submit a Personnel Action Form to the Human Resources Manager indicating the number of hours he or she would like to donate.

- d. The Human Resources Manager will compute the dollar value of the time donated based on the donor's rate of pay, divided by the recipient's hourly rate to determine the number of hours available to the recipient.

**f) PAYMENT IN LIEU OF ANNUAL LEAVE**

Employees may elect payment of accrued, unused annual leave in lieu of time off. The calculation of leave, which is received in lieu of taking time off, shall be made on the basis of the straight time rate of pay in effect when the payment is processed. Requests for payment in lieu of annual leave shall be documented on a Personnel Action Form.

**Rule 4.4 SICK LEAVE**

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

**a) ELIGIBILITY**

Sick leave may be granted for the following:

- a. When an employee is unable to perform his or her duties because of sickness or non-job related injury;
- b. Personal medical, dental and optical appointments; and
- c. Absence due to illness of spouse, or dependent members of the household.

**b) COMPUTATION**

- a. Sick leave shall be calculated at the rate of eight (8) hours per month, based on a forty (40) hour work-week. Sick leave shall not be earned by an employee during suspension or when the employee is otherwise on a non-pay status.
- b. Sick leave earned shall not be charged for disability leave due to job injury for which Workers' Compensation benefits are paid.
- c. Accrued vacation leave shall be used as sick leave when all sick leave credits have been exhausted.
- d. Period of authorized sick leave shall be counted as working time in the calculation of any other benefits provided for under these rules with the exception of overtime as outline in Rule 6.7 c.
- e. Sick leave shall not be used as vacation time under any circumstances.

**c) SICK LEAVE REQUESTS AND REQUIREMENTS**

- a. Records of sick leave used shall be kept by the Human Resources Manager and Department Head on prescribed forms.
- b. It is the employee's responsibility to notify his or her Department Head as far in advance as is possible of any absence. Failure to give such timely notification, without good cause, will forfeit any claim to sick pay.



- c. When an employee is absent due to illness for a period longer than one (1) day, he or she may be required to submit medical evidence of the reason for absence, upon request by his or her Department Head. If one has a record of excessive one (1) day absences, on may, at the discretion of the Department Head, be required to submit evidence of the reason for even one (1) day absences.
- d. Medical, dental, and optical appointments shall be charged for the actual time used in amounts not smaller than one-quarter (¼ ) hour.
- e. Employees shall call in every day to report in sick, even in instances of prolonged illness.
- f. Employees shall document all requests for sick leave on a Personnel Action Form.

#### d) ACCUMULATED SICK LEAVE

Employees who are eligible to accrue sick leave may accumulate a maximum of one thousand and forty (1,040) hours based on a forty (40) hour work-week. This equals six (6) months of sick time which is income protection for the six-month waiting period before the long term disability policy begins providing a benefit. There shall be no payment for unused accumulated sick leave upon termination of employment for any reason except as that stated in subsection (e) below.

#### e) SELL BACK OF SICK LEAVE

Employees may sell back to the Village up to twenty-five percent (25%) of the annual unused portion of the ninety-six (96) hours of sick leave accrued each calendar year up to a maximum of twenty-four (24) hours to be paid out in January. The calculation of such hours sold back shall be based on the straight time rate of pay in effect on December 31st.

### Rule 4.5 DISABILITY LEAVE – WORKERS’ COMPENSATION

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

#### a) SUPPLEMENTAL WORKERS’ COMPENSATION PAY

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

- a. The Village will pay the difference between the Workers’ Compensation benefit awarded and the employee’s regular rate of pay at the time of the accident for a maximum period of one hundred eighty (180) days per injury or, one hundred eighty (180) calendar days in a calendar year (January through December), whichever is less.
- b. Employees failing to report injuries within twelve (12) hours from occurrence of such injury may be excluded from any supplemental Workers’ Compensation pay benefit. Additionally, the employee may be disciplined for failure to comply with the Employee Policies and Procedures Manual.

- c. Any injuries due to the employee's own misconduct or willful negligence will not be considered for supplemental Workers' Compensation pay and the employee may be disciplined for failure to comply with the Employee Policies and Procedures Manual and other departmental policies.

## Rule 4.6 OTHER LEAVES WITH PAY

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

### a) JURY DUTY

Full-time employees who are summoned to Jury Duty by a court of competent jurisdiction shall be granted time off with pay provided the employee gives a copy of the summons to his/her supervisor at least five (5) work days prior to the 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 (4th) 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.

### b) COURT APPEARANCES

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

### c) MILITARY LEAVE

Employees who by reason of membership in the Florida National Guard or other reserve components of the Armed Forces of the United States are ordered by appropriate authority to attend a training period shall, upon presentation of his or her official orders, be entitled to leave of absence with pay not to exceed two hundred and forty (240) working hours (thirty (30) work days) in any one annual period pursuant to Florida Statute Chapter § 115.07. Such leaves shall be without loss of vacation, pay, time, or efficiency rating, on all days during which the employee is engaged in training ordered under the provisions of the United States Military or Naval Training Regulations when assigned to active or inactive duty.

### d) BEREAVEMENT LEAVE

Upon approval of the Village Manager, full-time employees may, upon request, be granted time off with pay not to exceed four (4) consecutive work days in the event of a death in their immediate family. The employee's immediate family shall be defined as the employee's spouse, father, mother, step-parents, natural, step and adopted children, brother, sister, father-in-law, mother-in-law, grandparents, grandchildren, brother-in-law, and sister-in-law. With approval by the Village Manager, additional time off may be granted but shall be charged to vacation. Proof of death in the form of a death certificate, obituary, memorial folder or other documentation confirming the death must be provided with the bereavement leave request or as soon as practicable after the

death. The employee shall indicate on the request for bereavement leave the name of the deceased and the relationship of the deceased to the employee. The supervisor approving the bereavement leave shall be responsible for the collection of required documentation. All bereavement leave is to be taken on consecutive work days and must start no later than five (5) days after the death occurs.

#### Rule 4.7 LEAVE OF ABSENCE WITHOUT PAY

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

- a) Employees who are called into active military service shall be entitled to such unpaid leaves and re-employment rights as provided for and limited by Federal and State Law.
- b) Employees may be granted leaves for any reason deemed by the Village Manager to be in the best interest of the Village; but such leaves shall not be granted for a period longer than six (6) months.
- c) An employee who is required to be absent from work due to reasons specified in the Family and Medical Leave Act, shall be granted such unpaid leave as provided for and as limited by the Act and Village Family and Medical Leave Act Policy outlined in Rule 4.8.
- d) No fringe benefits shall accrue while an employee is on leave of absence without pay with the exception that an individual entitled to military leave will receive all benefits as required by Federal and State Law.

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

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

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

period to care for a covered service member with a serious illness or injury incurred in the line of duty on active duty.

Spouses employed by the same employer are limited in the amount of family leave they may take for the birth and care of a newborn child, placement of a child for adoption or foster care, or to care for a parent who has a serious health condition to a combined total of twelve (12) work weeks or twenty-six (26) work weeks if leave is to care for a covered service member with a serious injury or illness. Leave for birth and care, or placement for adoption or foster care, must conclude within twelve (12) months of the birth or placement.

An eligible employee who takes FMLA leave is entitled to be restored to the same or equivalent position that the employee held when the leave started, provided that the employee returns to work following the end of the leave.

- b) The Village requires that accrued paid leave be substituted for unpaid FMLA leave and that all accrued sick (if applicable), vacation leave and compensatory time be exhausted before going on unpaid leave status. Thus, any accrued leave will be used concurrently with any FMLA leave.
- c) The Village will designate leave, paid or unpaid, as FMLA qualifying and give notice to the employee of this designation. 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 Manager. 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. The Village will notify the employee at least fifteen (15) days before his or her dependent coverage would be canceled for non-payment while on unpaid leave.
- h) Employees placed on Workers' Compensation leave after missing three (3) or more days of work because of a job-related injury or illness shall be required to concurrently use any and all FMLA leave available to the employee. If the employee is placed on Workers' Compensation leave, the leave will begin as of the first day

the employee missed work. All policies and procedures of the FMLA leave will apply except employees are not required to use accrued paid leave while Workers' Compensation benefits are provided.

- i) If an employee is taking intermittent leave for a serious health condition or because of the serious health condition of a family member, the employee should try to reach an agreement with the Village before taking intermittent leave or working a reduced schedule. If this is not possible, then the employee must provide certification of medical necessity. The Village may otherwise require certification of medical necessity. The Village may temporarily transfer the employee to an available alternative position with equivalent pay and benefits. Such transfers will not be made to discourage employees from taking such leave, but will be made where the alternative position better accommodates the need of the employee and the Village. If FMLA leave is for birth and care, or placement for adoption or foster care, use of intermittent leave is subject to Village approval.

## Rule 4.9 DOMESTIC VIOLENCE LEAVE

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

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

- a) Seek an injunction for protection against domestic violence, or an injunction for protection in cases of repeat violence, dating violence, or sexual violence;
- b) Obtain medical care or mental health counseling, or both, for the employee or a family or household member to address physical or psychological injuries resulting from the act of domestic violence or sexual violence;
- c) Obtain services from a victim-services organization, including, but not limited to, a domestic violence shelter or program or a rape crisis center as a result of the act of domestic violence or sexual violence;
- d) Make the employee's home secure from the domestic violence or sexual violence perpetrator or to seek new housing to escape the perpetrator; or
- e) Seek legal assistance in addressing issues arising from the act of domestic violence or sexual violence or attend and prepare for court-related proceedings arising from the domestic violence or sexual violence.

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

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

The Village will not tolerate retaliation against any employee who takes Domestic Violence Leave.

### a) DEFINITIONS

- a. Domestic Violence: Means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense

resulting in physical injury or death of one family or household member by another family or household member.

- b. Family or household member: Means spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.
- c. Victim: Means an individual who has been subjected to domestic violence.

#### b) PAY STATUS

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

Reference: Florida Statute §741.313

## Rule 5.1 INSURANCE

All full-time employees shall be eligible for coverage by the group insurance plan provided by the Village. The plan includes medical, dental, life and accidental death and dismemberment, short-term disability and long-term disability, insurance coverage. The cost of premiums for optional dependent coverage shall be paid by the employee. Insurance benefit information and premium costs may be obtained through the Human Resources Manager.

## Rule 5.2 COBRA (Consolidated Omnibus Reconciliation Act)

The Village provides continuation coverage in accordance with the Consolidated Omnibus Budget Reconciliation Act, commonly known as COBRA. COBRA requires that most employers sponsoring group health plans offer employees and their families the opportunity for a temporary extension of health coverage (called Continuation Coverage) at group rates in certain instances where coverage under the plan would otherwise end (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 Manager. This policy is a summary of the law and therefore is general in nature. The law itself and the actual plan provisions must be consulted with regard to the application of these provisions in any particular circumstance.

### a) COVERAGE

- a. Employees: If you are an employee of the Village covered by the Village's group health insurance plans, (which are defined herein to include health and dental plans) you have a right to choose this continuation coverage if you lose your group health coverage because of a reduction in your hours or employment or the termination of your employment (for reasons other than gross misconduct on your part).
- b. Spouse of employee: If you are the spouse of an employee covered by the Village's group health insurance plans, you are a "Qualified Beneficiary" and have the right to choose continuation coverage for yourself if you lose group health coverage under the Village's plan for any of the following five (5) reasons:
  - i. The death of your spouse;
  - ii. Termination of your spouse's employment (for reasons other than gross misconduct) or reduction in your spouse's hours of employment;
  - iii. Divorce or legal separation from your spouse;
  - iv. Your spouse becomes entitled to Medicare; or
  - v. The commencement of certain bankruptcy proceedings by the Village, if your spouse is retired.
- c. 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:
  - i. The death of a parent;
  - ii. 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;
  - iii. The parent's divorce or legal separation;
  - iv. A parent becomes entitled to Medicare;
  - v. The dependent ceasing to be a "dependent child" under the Village's plan; or
  - vi. A proceeding in bankruptcy reorganization by the Village, if the parent is retired.

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

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

#### b) EMPLOYEES DUTIES UNDER THE LAW

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

#### c) VILLAGE'S DUTIES UNDER THE LAW

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

#### d) CHOOSING CONTINUATION COVERAGE

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

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

#### e) COVERAGE TERM

The law requires that employees be afforded the opportunity to maintain continuation coverage for thirty-six (36) months unless they lost group health coverage because of a termination of employment or reduction in hours. In that case, the required continuation coverage period is eighteen (18) months. Additional qualifying events (such as death, divorce, legal separation or Medicare entitlement) may occur while the continuation coverage is in effect. Such events may extend an eighteen (18) month continuation period for some additional period of time up to but not exceeding thirty-six (36) months. In no event will coverage extend beyond thirty-



six (36) months from the date of the event that originally made the employee or a Qualified Beneficiary eligible to elect coverage. Employees shall notify the Human Resources manager if a second qualifying event occurs during your continuation coverage period.

- a. Special Rules for Disability: If the employee or covered family member is disabled at any time during the first sixty (60) days of continuation coverage, the continuation coverage period is twenty-nine (29) months for all qualified beneficiaries, even those who are not disabled. The disability that extends the continuation coverage period must be determined by the Social Security Administration. The employee or family members must inform the Human Resources Manager within sixty (60) days of the date of disability determination and before the end of the original eighteen (18) month continuation coverage period. If, during continued coverage, the Social Security Administration determines that the employee or family member is no longer disabled, the individual must inform the Human Resources Manager of this redetermination within thirty (30) days of the date it is made. If an employee or family member is disabled and another qualifying event (other than bankruptcy of the Village) occurs within the twenty-nine (29) month continuation period, then then continuation coverage period is thirty-six (36) months after the termination of employment or reduction in hours.
- b. Special Rule for Retirees: In the case of a Retiree or an individual who was a covered surviving spouse of a Retiree on the day before the filing of certain bankruptcy proceedings by the Village, coverage may continue until death and, in the case of the spouse or dependent child of a Retiree, thirty-six (36) months after the death of a Retiree.
- c. 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 six (6) reasons:
  - i. The Village no longer provides group health coverage to any of its employees;
  - ii. The premium for continuation coverage is not paid in full in a timely manner (within the applicable grace period). (See 4. Payment, below);
  - iii. 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.);
  - iv. The individual becomes entitled to Medicare any time after the latest date that COBRA coverage may be elected under the plan;
  - v. 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; or
  - vi. For any other reason the plan would terminate coverage of a participant or beneficiary not receiving continuation coverage, such as fraud.
- d. 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 percent (102%) of the premium. The additional two percent (2%) covers administrative proceeding, and is allowed by law. The premiums may be paid in monthly installments. The first premium will be due forty-five (45) days after the date of the election by a Qualified Beneficiary. Thereafter, the applicable monthly premium for coverage must be paid by the 15th of the previous month. Non-payment of premium by the 15th of the previous month could result in termination of coverage. The Village may charge up to one hundred fifty percent

(150%) of the normal rates for those persons on disability extension as noted in Section 1, for those additional months.

- e. Conversion Coverage: At the end of the continuation coverage period, an employee may be allowed to convert to an individual health plan provided if the same is allowed by the Village's plan.
- f. Once an employee's continuation coverage terminates for any reason, it cannot be reinstated.

### Rule 5.3 RETIREMENT INCOME

Full-time employees in the Municipal Service shall participate in the Village's 401(a) Defined Contribution Plan. The Village requires employees to contribute a mandatory set percentage of base pay. The Village has also established a uniform percentage of contribution on behalf of each full-time employee. These contributions are subject to change from time to time. The 401(a) plan contains a five (5) year vesting schedule.

All full-time employees in the Municipal Service are eligible to participate in the Village's 457 Deferred Compensation Plan.

Employees may not request loans from their vested 401(a) plan balance or their 457 plan.

Booklets explaining these benefits are available in the Human Resources Office.

### Rule 5.4 EMPLOYEE PERFORMANCE EVALUTATIONS

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

#### a) INTENT OF PERFORMANCE EVALUATION

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

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

Summary of Major Goals of Performance Evaluations:

- a. Measure employee performance;
- b. Measure employee potential;
- c. Assess employee attitudes;
- d. Increase the supervisor's understanding of the subordinate as well as increase the employee's understanding of his/her responsibilities, objectives and goals;

- e. Strength the supervisor-subordinate relationship by providing a format for regular discussion of performance and performance standards;
- f. Identify and analyze employee strengths and weaknesses;
- g. Set goals and objectives for the improvement or maintenance of performance;
- h. Substantiate decision for merit increases;
- i. Verify the accuracy of the hiring process and job description; and
- j. Substantiate decisions for disciplinary actions.

#### **b) FREQUENCY OF EVALUATIONS**

All employees will receive written performance evaluations conducted by their immediate supervisor at the end of the initial six (6) months of service and once a year thereafter on the anniversary date. Any employee receiving an overall rating of conditional or less shall undergo a follow-up performance evaluation after three (3) months. Employees receiving a rating of conditional or less in any one performance category shall have a three (3) month follow-up review in that category to measure improvement in the deficient area(s). An employee receiving a promotion, demotion or transfer will have a new anniversary date established and will be required to undergo a six (6) month evaluation in the new position and an evaluation once a year thereafter on the new anniversary date. As such, the creation of a new anniversary date resulting from a transfer or demotion may setback the annual performance evaluation and thus, the opportunity for a merit increase. Performance Evaluations may be administered more often as deemed appropriate by the Department Head. If at times, a supervisor is not able to adequately evaluate the performance of an employee on their scheduled anniversary date, the supervisor may delay the evaluation until which time the supervisor feels they can accurately and objectively do so. In these instances the supervisor shall indicate in the Evaluation Summary Comment Section the reason for the delay and indicate an approximate date for the future evaluation.

#### **c) COMMENT BY EMPLOYEE**

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

#### **d) COMMENTS BY ADMINISTRATION**

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

### **Rule 5.5 PERSONNEL FILES**

Individual employee personnel files shall be maintained by the Human Resources Office in accordance with the Florida Public Records Statutes. Employees have the right to examine their personnel file in the Human Resources

Office upon request and with reasonable notice. The Human Resources Manager, Human Resources Assistant or Village Manager shall be present during the examination.

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

## Rule 5.6 IN-SERVICE TRAINING

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

## Rule 5.7 EDUCATION REIMBURSEMENT PROGRAM – VOLUNTARY

- a) The Educational Reimbursement Program (ERP) is established to provide educational assistance to full-time employees voluntarily participating in training or educational programs designed to strengthen their abilities which in turn directly benefits the Village.
- b) The Village Council shall determine, through the annual budget process the amounts of funds available to the appropriate departments for the ERP. Requests for reimbursement are subject to the availability of funds for such programs within each department budget.
- c) An employee requesting educational assistance shall complete and submit a Personnel Action Form to the Department Head and Village Manager for approval.
- d) Such requests require approval by the Department Head and the Village Manager, as job related. The approval will be made on an individual course basis and not based on degree pursued. The Village of Estero has the sole discretion to determine whether a course is job related and eligible for educational assistance under this policy. The employee shall pay his or her tuition and book cost at the time of enrollment in the approved course. Course related text books to be reimbursed as part of this program shall be turned over to the Human Resources Office together with the request for reimbursement. Prior to purchasing course related text books, employees shall verify whether the text books are available from the Village library on a loan basis. The cost of course related text books otherwise available through the Village library will not qualify for reimbursement. All other materials, supplies and activity fees shall be the employee's responsibility.
- e) The amount payable for such reimbursement shall be based upon and not exceed the established credit hour rate of tuition as charged in the State University system at the time enrolled, regardless of the employee's election to attend a private university or college. Upon employee's successful completion of approved course with a final grade of "C" or higher, the Village will reimburse the employee for one hundred percent (100%) of the tuition, provided that employee furnishes payment receipt and official grade report.
- f) Training and/or study time will be undertaken during employee's off-duty time.
- g) If an employee resigns his or her employment with the Village within six (6) months from the date of completion of any course for which the employee has received Village tuition (and text book) reimbursement then the amount of said reimbursement shall be repaid to the Village by the employee by deduction from the employee's final paycheck.

- h) In the event that employee's final paycheck is less than the amount to be reimbursed and employee fails to reimburse the Village within thirty (30) days, and the services of an attorney are required to collect such refund, such attorney's fees and court costs shall be added to the reimbursement owed to the Village.

## Rule 5.8 SERVICE RECOGNITION

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

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

## Rule 5.9 CREDIT UNION

All employees are eligible for membership in a Credit Union and attendant services therein. Payroll deductions from employee's paycheck will begin on the date authorized in writing by the employee and the employee may stop savings deductions at any time by written request to the Human Resources Manager. Additional information regarding membership in a Credit Union may be obtained from the Human Resources Office.

## Rule 5.10 VOLUNTARY BENEFITS

Full-time employees in the Municipal Service are eligible to enroll in a 457 Deferred Compensation Plan. These plans are totally voluntary and paid for by the employee. Voluntary plans may be added or removed from time to time. Booklets explaining these plans are available from the Human Resources Office.

## Rule 5.11 RECRUITMENT INCENTIVE PROGRAM

The Village of Estero recognizes that employee referrals are one of the best methods of attracting and retaining qualified employees. To encourage and reward these referrals, the Village shall offer monetary incentives through the Recruitment Incentive Program to employees who refer qualified candidates who are hired to fill positions specified by the Village Manager as being eligible under the Recruitment Incentive Program. Positions eligible under this program will be listed as such in the Village's Employment Opportunities Bulletin.

- a) All active full-time and part-time employees of the Village are eligible to participate in the program with the exception of the Village Manager, Assistant Village Manager, Village Clerk, Department Directors, and Human Resources Manager. In addition, the following are not considered eligible for the referral: Consultants, Independent Contractors, Temporary Employees, Elected Officials, Village Attorney, persons no longer employed by the Village.
- b) It is the responsibility of the applicant to identify the source of his recruitment in the "Referred By" section of the employment application prior to submission to the Human Resources Office. Applications submitted without the referring employee's name indicated in the "Referred By" section, shall not subsequently be accepted as a referral under the Recruitment Incentive Program. Applications must be submitted by the posted

- closing date of the recruitment incentive period as listed in the Employment Opportunities bulletin in order to qualify for the Recruitment Incentive.
- c) Only one employee shall receive a cash incentive per referral.
  - d) Both the referred employee and the referring employee must be actively employed with the Village of Estero on the date the disbursement is due.
  - e) Recruitment Incentive:
    - a. \$250 to the recruiting employee upon the hire of an employee in any position in the Village Classification Plan specified as being eligible for the incentive program by the Village Manager on an as needed basis and an additional \$250 after the completion of one (1) year of service.
  - f) The Human Resources Office will generate a Personnel Action Form when a disbursement is due. Payment of the Recruitment Incentive Award shall be subject to all required taxes and will be issued via the regular payroll check cycle.

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

### **Rule 6.1 CONTENT AND USE**

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

### **Rule 6.2 IMPLEMENTATION**

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

### **Rule 6.3 RECLASSIFICATION**

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

#### **a) APPEALS OF POSITION RECLASSIFICATIONS**

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

#### **b) RECLASSIFICATION OF A POSITION TO A HIGHER LEVEL**

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

#### **c) RECLASSIFICATION OF A POSITION TO THE SAME PAY GRADE**

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

Manual rules, may lay-off or demote the employee to any other existing vacancy for which the employee may be qualified.

#### d) RECLASSIFICATION OF A POSITION TO A LOWER PAY GRADE

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

### Rule 6.4 COMPENSATION PLAN ADMINISTRATION

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

#### a) NEW EMPLOYMENT

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

#### b) SALARY INCREASES

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

#### c) COST OF LIVING ADJUSTMENT

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

#### d) MERIT INCREASES

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

- a. An employee whose overall performance is rated "satisfactory" or better shall be entitled to a merit increase as proposed by the Village Manager and adopted by the Village Council as part of the annual budget.
- b. An employee whose overall performance is "conditional" or less shall not be entitled to a merit raise. However, if subsequent performance evaluations rate the employee satisfactory or better, they shall receive the merit increase at that time.



- c. If an employee's merit increase falls on the same date as the cost-of-living increase, the merit increase will be calculated based on and after the cost-of-living adjustment or pay grade adjustment.

#### e) PROMOTION

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

#### f) TRANSFER

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

#### g) TSOR (TEMPORARY SERVICE OUT OF RANK)

A full-time employee who has been continuously assigned on a temporary basis to another classification for more than five (5) consecutive, regularly scheduled work days will be temporarily transferred to that classification and may, as outlined below, have his or her pay temporarily adjusted for each continuing work day beyond the initial five (5) day period during which the temporary assignment continues as follows:

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

#### h) DEMOTION

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

**Rule 6.5 PAY GRADE ADJUSTMENTS**

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

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

**Rule 6.6 EFFECTIVE DATE OF PAY CHANGES**

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

**Rule 6.7 OVERTIME AND COMPENSATORY TIME FOR NON-EXEMPT EMPLOYEES**

- a) It shall be the policy of the Village to keep overtime work to a minimum. However, when employees are directed by their authorized supervisor to work extra hours in addition to the regular hours or normal work of the department in which they are assigned, they shall be 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.
- d) There shall be no duplication or pyramiding in the computation of overtime pay and nothing in this manual shall be construed to require the payment of overtime or other premium pay more than once for the same hours actually worked.
- e) Employees shall be given as much advance notice as practicable when overtime is required.
- f) Employees who are not exempt from the overtime provisions of the FLSA are to work overtime hours only when assigned and authorized. "Volunteered time", though well intentioned and appreciated, is not permitted. This includes early and late work hours and working through lunch periods.
- g) Overtime shall, whenever practicable, be distributed in a fair and equitable manner among all employees qualified to perform the work.
- h) Non-exempt employees may accrue a maximum of one-hundred twenty (120) hours compensatory time during a fiscal year. Any unused compensatory time at the end of the fiscal year (September 30th), shall be paid out in

cash as overtime. Compensatory time is defined as paid time off earned and accrued at one and one-half the employee's straight time rate of pay.

- i) Compensatory Time may be taken as operational conditions permit with prior approval by the Department Head.

### **Rule 6.8 CALL BACK**

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

### **Rule 6.9 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 shall, in addition to the payment of accrued annual leave earned, receive separation pay equal to two (2) weeks' salary. Employees dismissed for other reasons shall not be entitled to separation pay.

**Rule 7.1 TYPES OF SEPARATION**

Resignation  
Lay-Off  
Death  
Termination  
Suspension: Temporary Separation  
Administrative Leave: Temporary Separation

**Rule 7.2 RESIGNATIONS**

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

**Rule 7.3 LAY-OFF**

Any employee may be laid off when 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 lay-off list for a period of one (1) year. If the position is re-created within this period, the employee shall be given the opportunity for re-appointment.

**Rule 7.4 TERMINATIONS**

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

**Rule 7.5 EXIT INTERVIEWS**

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

Each employee who resigns from the Village shall be asked to complete an exit interview form in the Human Resources Office at or before the time he or she receives the final paycheck and returns all Village property, including identification and keys.

**Rule 7.6 RE-HIRE POLICY**

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

**Rule 7.7 RETURN OF VILLAGE PROPERTY**

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

**Rule 8.1 EMPLOYEE CODE OF CONDUCT**

- a) Village rules governing employee conduct are based upon:
- a. The common-sense standards that mature people, working together to achieve a common purpose, expect of one another; and
  - b. 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.
- a. Conviction of a felony or other crime involving moral turpitude.
  - b. Violation of the provisions of the Charter of the Village of Estero.
  - c. Act of incompetence or chronic inefficiency in the performance of assigned duties (i.e. poor or unsatisfactory performance).
  - d. Neglect of duty or loitering while on duty.
  - e. Insubordination.
  - f. Deliberate misuse, destruction, or damaging any Village property or the property of another employee.
  - g. Misappropriation, theft, conversion, or removal of any Village funds, Village property, or the property of another employee without proper authorization.
  - h. The possession of firearms, explosives or weapons while on duty is strictly prohibited unless it is a requirement of the job to carry such items or allowed by Florida or Federal Law.
  - i. 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.
  - j. Acts of employee showing lack of good moral character.
  - k. Knowingly punching or swiping the time card or badge of another employee, having one's time card punched or swiped by another employee, or any unauthorized altering of a time card or badge including the photocopying of a time card or badge.
  - l. Absence without leave or failure to report for duty after an Administrative Leave or Suspension has expired; abandonment of position.
  - m. Making false claims or misrepresentation in an attempt to obtain sickness or accident benefits, Workers' Compensation or any other benefit.

- n. Use or attempt to use of political influence or bribery to secure an advantage of any manner.
- o. Habitual tardiness and/or absenteeism.
- p. Falsifying personnel or Village records, including employment applications, accident records, work records, purchase orders, time sheets, or any other report, record or application.
- q. Failure or refusal to carry out instructions.
- r. Refusal to testify before a judicial proceeding or any other investigating committee. Refusal to give testimony in accident investigations.
- s. Having been refused a surety bond, if required for employment. Failure to obtain or maintain any license or certification required for employment.
- t. Instigating or participating in a walkout, strike, unlawful picketing, slow-down or other concerted stoppage of work.
- u. Having been involved in an excessive number of accidents resulting in injuries or property damage.
- v. Violation of the Village's Drug-Free Workplace Policy including but not limited to, possessing, consuming, or being under the influence of an intoxicating beverage, controlled substance, or narcotic while on duty or when reporting for duty. Reporting for duty or being on duty with alcohol noticeably on the breath. Refusing to submit to drug or alcohol testing.
- w. Smoking of any tobacco products. Refer to the Smoke Free Workplace Policy in Rule 2.6.
- x. Failure to notify Department Head of any felony conviction within five (5) days of the conviction.
- y. 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.
- z. Allowing hitchhikers or otherwise unauthorized persons to ride in Village vehicles.
  - aa. Acts of misconduct while on duty.
  - bb. Violating a safety rule, departmental rule, Village policy, or special orders.
  - cc. Provoking or instigating a fight, or fighting at any time on Village property or while on duty.
  - dd. 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.
  - ee. Posting or removing any matter on bulletin boards or Village property at any time unless authorized.
  - ff. Unauthorized release of confidential information.
  - gg. Distributing or causing to be distributed, during normal working hours, written matter of any kind on Village premises without proper authorization. The purpose of this provision is to prohibit interference

by one or more employees with the work of other employees or with the operation of the Village's business.

- hh. Receiving from any person, or participating 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.
- ii. Gambling or engaging in any other game of chance during working hours, while in a Village uniform or on Village property.
- jj. Engaging in any other actions which are determined by the Village Manager to warrant disciplinary action.

## Rule 8.2 DISCIPLINARY RESPONSIBILITY

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

## Rule 8.3 SUSPENSIONS

Employees shall be placed on Administrative Leave for alleged violations of an Employee Code of Conduct or other departmental or Village policy by the Department Head. Upon completion of the investigation, employees may be suspended by their Department Head or his or her 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 Rule 8.5. The filing of an appeal to a suspension with the Village Manger 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 or her designee. Such a situation would then be brought to the attention of the Human Resources Manager or Village Manager immediately.

## Rule 8.4 TERMINATIONS

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

## Rule 8.5 EMPLOYEE DISPUTE PROCEDURE

The dispute resolution procedure is a mechanism to resolve disciplinary action taken against an employee in the Municipal Service. It is the policy of the Village of Estero 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 or 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 or 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) working days following the Step 1 response, file the written statement and a copy of the Supervisor's response to his or her Department Head. The Department Head will provide a copy to the Human Resources 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, and 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.

Employees selecting a dispute resolution procedure under an applicable collective bargaining agreement are excluded from processing the same dispute under this system.

## Rule 8.6 PROBLEM RESOLUTION

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

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

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

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