VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2016 - 06

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, ESTABLISHING THE CONTENT OF AND METHODS FOR ADOPTION, AMENDMENT AND REVISIONS TO PERSONNEL POLICIES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Village Charter, Section 6 (2) provides that Personnel Policies necessary for the effective administration of employees of the village's departments, boards and agencies shall be established, regulated and maintained in a manner consistent with all applicable state and federal laws.

NOW, THEREFORE, be it ordained by the Village Council of the Village of Estero, Florida:

The Personnel Policies will be established to:

A. Include administrative provisions to establish processes and procedures that will serve as a guide to actions between the Village of Estero (Village) and employees and volunteers of Village departments, boards and agencies.

B. Be adopted by Resolution and provide that Amendments or revisions of the Personnel Policies, including those which are required by a change in Federal, State of Florida or local ordinance, resolution or administrative decision by the Village Manager, shall be by VILLAGE Council Resolution.

<u>Section 1</u>. The Personnel Policies will define **Employment,** including but not limited to:

.01 Examinations and pre-employment reference checks
.02 Veterans' Preference
.03 Equal Opportunity
.04 Ethical conduct and reports to the Village council
.05 Nepotism
.06 Medical Examinations
.07 Solicitation and Distribution
.08 Conflicts of Interest
.09 Outside Employment
.10 Political activity
.11 Employee debts

<u>Section 2</u>. The Personnel policies will define **Employee Status, Records and Performance** including but not limited to:

.01 Employment Status
.02 Personnel Records
.03 Employment Verification/Reference Checks
.04 Personnel Data Changes
.05 Introductory Period
.06 Information Accuracy and Background Checks
.07 Performance Evaluations

<u>Section 3.</u> The Personnel policies will define the **Employee Benefit Programs** including but not limited to:

.01 Workers' Compensation
.02 Holidays and Holiday Pay
.03 Paid-Time-Off (PTO)
.04 Bereavement Leave
.05 Court and Jury Duty Leave
.06 Extraordinary Medical Leave Compensation (EMLC)
.07 Benefits Continuation (COBRA)
.08 Health/Life Insurance Benefits Plan
.09 Deferred Compensation Plans
.10 Retirement Plan

<u>Section 4.</u> The Personnel policies will define **Pay and Job Classifications** including but not limited to:

.01 Timekeeping
.02 Paydays and Pay
.03 Compensation
.04 Job Descriptions
.05 Special Pay Situations

<u>Section 5.</u> The Personnel policies will define **Working Conditions** including but not limited to:

.01 Safety and Injury Reporting
.02 Tobacco Free Workplace Policy
.03 Hours of Work
.04 Attendance
.05 Overtime
.06 Meal Periods
.07 Error in Pay
.08 Cell Phone Guidelines
.09 Use of Village Equipment and Vehicles
.10 Severe Weather and Emergency Situations
.11 Travel Expenses
.12 Computer and E-mail Usage
.13 Internet Usage
.14 Workplace Violence Prevention

Section 6. The Personnel policies will define **Extended Leaves of Absence** including but not limited to:

.01 Family and Medical Leave
.02 Leave Without Pay
.03 Military Leave of Absence

Section 7. The Personnel policies will define **Employee Conduct** including but not limited to:

.01 Employee Conduct and Discipline
.02 Sexual and Other Unlawful Harassment
.03 Personal Appearance and Grooming
.04 Employment Separations
.05 Return of Village property
.06 Drug-Free Workplace

Section 8. The Personnel policies may define other **Miscellaneous** topics including but not limited to any other personnel-related matters as they may from time-to-time arise.

PASSED on first reading this _____ day of _____, 2016.

PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida this _____ day of _____, 2016.

Attest: **VILLAGE OF ESTERO, FLORIDA**

By: _____ By: _____
Kathy Hall, MMC, Village Clerk Nicholas Batos, Mayor

Reviewed for legal sufficiency:

By: _____
Burt Saunders, Esq., Village Attorney

Vote:	AYE	NAY
Mayor Batos	____	____
Vice Mayor Levitan	____	____
Councilmember Boesch	____	____
Councilmember Brown	____	____
Councilmember Errington	____	____
Councilmember Ribble	____	____
Councilmember Wilson	____	____

Village of Estero, Florida

Personnel Policies

VILLAGE OF ESTERO
Personnel Policies

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0-00 INTRODUCTION

0-01 ADMINISTRATIVE PROVISIONS

A. PURPOSE

The Personnel Policies establish processes and procedures that will serve as a guide to administrative actions concerning personnel activities and transactions of VILLAGE OF ESTERO (VILLAGE). The VILLAGE reserves the right to amend, alter, modify, delete and add to these rules. In the event that there are changes to these policies, replacement pages will be distributed to employees. The Personnel Policies are intended to cover most employee resource issues and actions that will arise. Those situations not specifically covered shall be interpreted by the Village Manager or the Village Manager's designee to ensure consistent resolution and decision making on personnel issues.

B. POSITIONS COVERED

The Personnel Policies apply to all employees and volunteers of the VILLAGE. The Village Manager of the VILLAGE shall be entitled to the same benefits as other employees, unless otherwise provided for in a separate agreement. Each VILLAGE employee shall receive and acknowledge receipt for a copy of the Personnel Policies.

C. ADMINISTRATION

The Village Manager of the VILLAGE shall be responsible for the administration and technical direction of the VILLAGE Personnel Policies.

0-02 AT WILL EMPLOYMENT

The Personnel Policies do not imply or establish a contract between the Village and any employee. The Personnel Policies are merely a summary of the current policies and programs established by the VILLAGE and are intended as guidelines only. The VILLAGE reserves the right to change, modify, suspend, interpret or cancel, in whole or in part, any of the published Personnel Policies or practices of the VILLAGE without advance notice, and in its sole discretion. As such, the Personnel Policies do not constitute terms of an employment contract. Nothing contained in these Personnel Policies should be construed as a guarantee of employment, but rather, employment with the VILLAGE is on an at-will basis. This means that the employment relationship may be terminated at any time by either the employee or the VILLAGE for any reason not expressly prohibited by law. Any written or oral statement to the contrary by a supervisor, employee or other agent of the VILLAGE is invalid and should not be relied upon by any prospective or existing employee.

0-03 GENERAL PROVISIONS

A. PERSONNEL MANAGEMENT SYSTEM

1. An objective of the VILLAGE is to establish and administer a system of personnel management consistent with employing and retaining individuals of the highest caliber who display pride, dignity and professionalism in the performance of their duties, which results in superior service to the community.

2. Employees are encouraged to develop skills and seek formal training that will enhance their personal development and add to their overall expertise within the organization.

3. The VILLAGE expects employees to comply with all Florida State Statutes and Federal regulations in the performance of their duties, as well as compliance with all safety rules, these Personnel Policies, departmental Policies and administrative policies and procedures. An employee who violates any of these may be subject to disciplinary action up to and including termination.

B. MANAGEMENT RIGHTS: The VILLAGE shall have the exclusive right to manage the facilities, services and business of the VILLAGE and direct the work force. These rights include, but are not limited to: the right to determine the organization of VILLAGE government; to determine the purpose of each of its constituent agencies; to exercise control and discretion over the organization and efficiency of operations of the VILLAGE; to set standards for services to be offered to the public; to establish, change or modify dates, tasks, responsibilities or requirements within job descriptions in the interest of efficiency, economy, technological changes or operating requests; to plan, direct and control operations; to assign work and schedule working hours; to determine the extent to which VILLAGE services will be performed by VILLAGE employees or by contract providers; to hire, train, promote, demote and transfer employees; to suspend, discipline or terminate employees for lack of work; to make and enforce Policies in the Personnel Policies, individual departmental Policies and safety procedures manual; to introduce new methods, materials, or facilities; to establish and eliminate job descriptions; to assign overtime work; and to establish benefits and rates of pay.

1-00 EMPLOYMENT

1-01 Employment and Examinations

A. Offers of employment are conditional until all necessary or required pre-employment actions, physical, drug screen, reference check, background check, etc. have been completed. There shall be no offers of employment that imply or indicate any terms or conditions of employment other than those specifically indicated in the VILLAGE Personnel Policies, unless approved in writing by the VILLAGE Manager.

B. All VILLAGE positions shall be filled from external sources as regular full-time, part-time as needed or temporary appointment and from sources inside the VILLAGE by promotion, transfer, reassignment or demotion. Volunteers will be considered if they meet the minimum qualifications for specific job postings.

C. Modifications to established positions may be approved by the VILLAGE Manager when the work load, job duties and responsibilities of the position(s) warrant.

D. PRE-EMPLOYMENT REFERENCE CHECKS

1. To ensure that individuals who join the VILLAGE work force are well qualified and have a strong potential to be productive and successful, it is the policy of the VILLAGE to check the employment references of candidates being considered for employment.

2. The Village Manager has the right to utilize social media, criminal and/or credit checks to determine the suitability and honesty of an applicant for employment with the VILLAGE. Applicants will be required to authorize the release of this information as part of the application document.

3. The Village Manager is responsible for ensuring that personal and previous employer references are contacted prior to recommending employment of a candidate.

4. Employees hired prior to the adoption of this Policy will be required to authorize the release of criminal and/or credit check information in the event that such a background check is warranted as a result of the position that the employee has assumed.

1-02 Veterans' Preference

A. It is the policy of the VILLAGE to provide veterans' preference to eligible veterans and eligible spouses of veterans in the employment process in accordance with applicable Florida Statutes.

B. Applicants claiming veterans' preference must indicate it on the VILLAGE's Application for Employment and submit the required documentation to support the veterans' preference claim at the time application is made.

C. Preference will also be provided to eligible veterans in the event of layoff.

D. A one-time promotion veterans' preference will be provided an eligible veteran returning to the VILLAGE work force following military service that qualifies for such preference.

1-03 Equal Opportunity

A. EQUAL EMPLOYMENT OPPORTUNITY

1. In order to provide equal employment and advancement opportunities to all qualified persons, employment and promotion decisions will be based on merit, qualifications, and abilities. It is the policy of the VILLAGE to recruit, employ, provide benefits, provide compensation, training advancement opportunities, layoff and recall and the application of all personnel Policies without regard to race, color, religion, sex, national origin, ethnicity, age, marital status, genetic information, disability, sexual orientation or any other characteristic protected by law, except where a bona fide occupational qualification exists.

2. The VILLAGE is committed to complying fully with the Americans with Disabilities Act (ADA) and ensuring equal opportunity in employment for qualified persons with disabilities and employees or applicants associated with persons with disabilities. All employment practices and activities are conducted on a non-discriminatory basis. For persons with disabilities the VILLAGE will provide reasonable accommodations to the extent required by law.

3. This policy is neither exhaustive nor exclusive. The VILLAGE is committed to taking all other actions necessary to ensure equal employment opportunity for all persons in accordance with all applicable federal, state, and local laws.

4. Any employee or applicant who feels that he or she has not been treated in accordance with this policy should contact their supervisor or the Village Manager. The VILLAGE prohibits and will not tolerate retaliation against any employee who makes a good faith complaint under this policy. All such inquiries or complaints will be treated as confidentially as possible, and will be disclosed only on a need to know basis.

1-04 Ethical Conduct and Reports to VILLAGE Manager

A. GENERAL

1. The successful operation and reputation of the VILLAGE is built upon the principles

of fair dealing and ethical conduct of our employees. Our reputation for integrity and excellence requires careful observance of the spirit and letter of all applicable laws and regulations, as well as a scrupulous regard for the highest standards of conduct and personal integrity.

2. The continued success of the VILLAGE is dependent upon our citizens' trust and we are dedicated to preserving that trust. Employees owe a duty to the VILLAGE, its customers, and citizens to act in a way that will merit the continued trust and confidence of the public.

3. The VILLAGE will comply with all applicable laws and regulations and expects all employees to conduct business in accordance with the letter, spirit, and intent of all relevant laws and to refrain from any illegal, dishonest, or unethical conduct.

4. In general, the use of good judgment, based on high ethical principles, will guide you with respect to lines of acceptable conduct. Contact your supervisor or Village Manager to obtain advice and assistance if a situation arises where it is difficult to determine the proper course of action.

5. Compliance with this policy of business ethics and conduct is the responsibility of every VILLAGE employee. Disregarding or failing to comply with this standard of business ethics and conduct could lead to disciplinary action, up to and including termination of employment.

B. PROHIBITIONS

1. No person shall make any false statement, certificate, mark, rating or report with regard to any appointment made under any provisions of these rules or in any manner commit or attempt to commit any fraud preventing the impartial execution of these rules.

2. No person shall, directly or indirectly, give, render, pay, offer, solicit or accept any money, service or other valuable consideration for any appointment, proposed appointment, promotion or proposed promotion to, or any advantage, in a position with the VILLAGE.

3. No employee, or other person shall deceive or obstruct any person in their right to examination, eligibility, certification or appointment under these rules, or furnish to any person any special or confidential information for the purpose of affecting the rights or prospects of any person with respect to employment with the VILLAGE.

4. No official or employee whose duties involve the use of a badge, card, or clothing insignia as evidence of authority or for identification purposes shall permit such badges, cards or insignias to be used or worn by anyone who is not authorized to use or wear same, not permit same to be out of his/her possession without good cause, or approval of his/her Village Manager or authorized superior. Such

badge, card, or insignia shall be used only in the performance of the official duties of the positions to which they are related. Any unauthorized use or display of VILLAGE identification or badges that is unrelated to official VILLAGE business will result in disciplinary action up to and including termination.

C. REPORTS TO THE VILLAGE MANAGER

An employee who obtains knowledge, or receives notice, concerning any of the following shall immediately notify his/her supervisor who in turn shall notify the Village Manager.

1. Any employee who is offered a bribe or who has reason to believe that another employee has solicited or has been offered a bribe.

2. Summons, complaint, subpoena or other legal process (except as to a matter clearly not involving the VILLAGE).

3. Serious injuries or fatalities involving an employee while on the job, in a VILLAGE vehicle, or occurring upon VILLAGE-owned property.

4. Crimes against VILLAGE employees while on the job.

5. Crimes against VILLAGE property.

6. Threats of litigation, whether oral or written.

7. Any other actions that may result in legal proceedings involving the VILLAGE or its employees.

1-05 Nepotism

A. The VILLAGE will not employ any immediate family/relative of existing or future employees or VILLAGE Council members, in accordance with Florida Statute, Section 112.3135. For the purposes of this policy, immediate family members shall include a spouse, son, daughter, mother, father, sister, brother, grandmother, grandfather, grandson, granddaughter, niece, nephew, mother-in-law, father-in-law, daughter-in-law, son-in-law, sister-in-law, brother-in-law, stepmother, stepfather, stepson, and stepdaughter.

B. However, immediate family/relatives may be temporarily employed under the supervision of a relative in a bona fide emergency situation upon approval of the Village Manager.

1-06 Medical Examinations

A. PRE-EMPLOYMENT MEDICAL EXAMINATIONS

1. Applicants for certain designated VILLAGE positions, as defined in the position's

job description, including those applicants being re-employed, after a tentative offer of employment, will be required to obtain a medical examination prior to employment. The examination shall be performed and evaluated by the VILLAGE's designated physician under standards established by the VILLAGE at the VILLAGE's expense. The physician will provide written certification of the applicant's physical capability to perform the designated requirements of the sought position. Results of medical examinations must be obtained prior to the first day of employment.

2. Any candidates for VILLAGE employment, in safety-sensitive or special risk positions as defined by Section 112.0455 of the Florida Statutes, after a tentative job offer of employment has been made, will be required to take a drug test prior to employment. Results of the drug tests must be obtained prior to the first day of employment.

B. FITNESS FOR DUTY

Current employees holding certain designated positions which require an employment physical as part of the position's job description shall be required to take medical examinations to determine fitness for duty or ability to perform their duties safely. Such examinations will be scheduled at reasonable times and intervals and performed at the VILLAGE's expense.

C. CONFIDENTIALITY OF MEDICAL INFORMATION

Information concerning an employee's medical condition or history will be kept separate from other employee records and maintained confidentially. Access to this information will be strictly limited to senior management officials with a need to know, as determined by the VILLAGE Manager.

1-07 Solicitation and Distribution

Solicitation on VILLAGE property can cause employees to neglect their work duties and may interfere with the work of fellow employees. The following rules apply to solicitation or distribution of literature on VILLAGE property. It is not intended to limit or interfere with an employee's Section 7 rights, and if the following rules conflict with any applicable law, the applicable law will prevail.

A. Employee contributions to political, social, fraternal, or charitable organizations or causes are purely voluntary. No coercion of an employee to make contributions shall be permitted.

B. VILLAGE employees are expressly prohibited from soliciting any other employee of the VILLAGE on behalf of any political issue or candidate, organization, including any charitable organization, labor union, labor organization or employee organization, during their working hours or the working hours of the employee sought to be solicited.

C. VILLAGE employees are expressly prohibited from distributing literature that promotes or discourages any political issue or candidate, organization, including any labor union, labor organization or employee organization during their working hours or the work hours of the employees receiving the literature, or in any work area.

D. Persons not employed by the VILLAGE are forbidden from coming into non-public areas on VILLAGE property to solicit or distribute material for any reason.

E. Distribution of literature for VILLAGE sanctioned programs or postings on bulletin boards are not restricted by this rule.

F. All employees should immediately notify their supervisor or another member of management of any solicitation or distribution of literature in violation of this rule by non-employees.

1-08 Conflicts of Interest

A. Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. The purpose of these guidelines is to provide general direction so that employees can seek further clarification on issues related to the subject of acceptable standards of business conduct. These regulations are, in some cases, more restrictive, but employees are subject to State Statute and must always comply with the law. For information on the types of transactions that do and/or may create an ethical conflict, employees should consult the Code of Ethics for Public Officials and Employees, set forth in Part III of Chapter 112, Florida Statutes.

B. The following policy will be adhered to by employees of the VILLAGE in order to avoid misunderstandings and conflicts of interest that could arise:

1. Employees shall not solicit or accept any gift, including loans, rewards, promise of future employment, favor or service based upon any understanding that their judgment would be influenced thereby, or that might reasonably tend to improperly influence them in the discharge of their official duties.

2. Employees shall not use or attempt to use their position to secure special privileges or exemptions for themselves or others, except as may be provided by policy and/or law.

3. Employees shall not accept employment or engage in any business or professional activity that they might reasonably expect would require or induce them to disclose confidential information acquired by them by reason of their official position.

4. Employees shall not disclose or use information not available to the public obtained by reason of their official position, nor shall they otherwise use such information for their personal gain or benefit of others.

C. An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative as a result of VILLAGE's business dealings. For the purposes of this Section, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

1. No "presumption of guilt" is created by the mere existence of a relationship with outside firms. However, if employees have any influence on transactions involving purchases, contracts, or leases, it is imperative that they disclose to the Village Manager as soon as possible, in writing, the existence of any actual or potential conflict of interest so that safeguards can be established to protect all parties. The failure to disclose possible conflicts of interest will subject employees to disciplinary action, up to and including termination of employment.

2. Personal gain may result not only in cases where an employee or relative has some ownership, employment or contract in a firm with which the VILLAGE does business, but also when an employee or relative receives any kickback, bribe, substantial gift, or special consideration as a result of any transaction or business dealings involving the VILLAGE.

D. No official or employee of the VILLAGE shall have any financial interests in the profits of any contract, service or other work performed for the VILLAGE; or shall personally profit directly or indirectly from any contract, purchase, sale or service between the VILLAGE and any person or company.

1-09 Outside Employment

A. VILLAGE employment shall be considered an employee's primary employment and no regular full-time or regular part-time employee may engage in outside employment, whether public, private or self-employment, that would interfere with the interest of the VILLAGE or in any way give the appearance of conflict with his/her VILLAGE employment as may be determined by the Village Manager.

B. Any employee engaging in outside employment shall disclose his or her outside employment to the Village Manager, in writing, before accepting or engaging in other employment.

C. An employee may hold a job with another organization as long as he or she satisfactorily performs his or her job responsibilities with the VILLAGE AND no conflict of interest exists AND he or she receives written permission from the Village Manager to accept employment outside of the VILLAGE employment. All employees will be judged by the same performance standards and will be subject to the VILLAGE's scheduling demands, regardless of any existing outside work requirements.

D. Any employee accepting outside employment under the terms of this rule shall make arrangements with the outside employer to be relieved from his/her outside duties if and when called for emergency service by the VILLAGE. Every employee who engages

in outside employment under this rule shall agree to and shall respond immediately to any emergency call to duty by the VILLAGE, whenever the Village Manager shall determine his/her services to be necessary.

E. Employees sustaining injuries while engaged in outside employment are ineligible to receive benefits under the VILLAGE workers' compensation program on account of disability resulting from the outside employment.

F. Employees engaging in outside employment shall not use VILLAGE equipment, facilities, vehicles, unauthorized VILLAGE employees or contractors, or property of the VILLAGE in the performance of work for the outside employer.

G. If the Village Manager determines that an employee's outside work interferes with performance or the ability to meet the requirements of the VILLAGE as they are modified from time to time, the employee may be requested, in writing, to terminate the outside employment if he/she wishes to remain with the VILLAGE.

H. Outside employment will present a conflict of interest if it has an adverse impact on the VILLAGE. Questions concerning conflicts of interest should be directed to the Village Manager.

I. If an employee is on PTO leave following illness or injury/recovery leave time or workers compensation injury or illness leave time, he/she shall not work in any outside employment activities.

J. The Village Manager shall consider requests for outside employment on a case by case basis and reserves the right to deny any request for outside employment at the Village Manager's sole discretion.

1-10 Political Activity

A. The political activity of any VILLAGE employee shall be governed by Florida Statute 104.31, which prohibits employees from using official authority or influence to interfere with elections; and prohibits employees from coercing political contributions from other employees. Employees are also prohibited from participating in any campaign for elective office while on duty.

B. An employee is not prohibited from expressing his or her opinions on any candidate or issue or from participating in any political campaign during the employee's off-duty hours.

D. Any violation of this Section is grounds for immediate termination.

1-11 Employee Debts

A. An employee's financial transactions are the employee's personal affair. The VILLAGE will not act as a collection agent for an employee or the collection agencies, except for a court ordered garnishment of pay.

B. Should complaints concerning an employee's failure to meet financial obligations result in interference with an employee's job performance or loss of time and effort on the part of other VILLAGE employees, the employee concerned shall be so informed by the Village Manager.

C. Employee debts to the VILLAGE are subject to collection from pay or any other appropriate means.

D. A credit check with the VILLAGE by a financial institution concerning mortgage, personal loan, car loan, etc., will be completed by the VILLAGE where the employee has granted written consent.

2-00 EMPLOYEE STATUS, RECORDS AND PERFORMANCE

2-01 Employment Status

A. It is the intent of the VILLAGE to clarify the different types of employment so that employees understand their employment status and benefits eligibility.

B. Each employee is designated as either NONEXEMPT or EXEMPT from federal and state wage and hour laws. NONEXEMPT employees are entitled to overtime pay under the specific provisions of federal and state laws. EXEMPT employees are excluded from specific provisions of federal and state wage and hour laws.

C. In addition to the above categories, each employee will belong to one other employment category:

REGULAR FULL-TIME employees are those who are not in a temporary or probationary status and who are regularly scheduled to work one of the VILLAGE's full-time work schedules. They are eligible for the VILLAGE's benefits package, subject to the terms, conditions, and limitations of each benefit program.

REGULAR PART-TIME employees are those who are regularly scheduled to work less than the full-time work schedule, but at least 16 hours per week. Certain benefits accrue to these employees, usually on a pro-rata basis.

AS NEEDED PART-TIME employees are those who work less than a regular part-time schedule and normally work when required by the employing department.

TEMPORARY or SEASONAL employees are those who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project. Temporary or Seasonal employees may work either a full-time or part-time work schedule. Employment assignments in this category are limited to six months duration.

STUDENT appointments, students majoring in a field of value to the VILLAGE from accredited universities or high schools, may be employed on an "internship" basis for a specified period of time with the approval of the VILLAGE Manager.

2-02 Personnel Records

A. The Village Manager or designee is responsible for establishing and maintaining comprehensive central personnel records for all VILLAGE employees. Each employee will have an official personnel file. Separate and access restricted records will be maintained for medical information and workers' compensation injury reports/action.

B. RECORDS.

The VILLAGE will maintain the following official records concerning employees:

1. Personnel file
2. Medical information file
3. Workers' compensation file
4. Payroll file
5. Employment Eligibility Form (I-9)
6. Current Certifications
7. Disciplinary action file, where applicable

C. RECORDS RETENTION AND DISPOSITION

The Village Manager or designee shall determine the time limit that any personnel records shall be kept on file and the final disposition of such records, in accordance with applicable Florida and federal statutes.

D. PERSONNEL RECORDS - INSPECTION

With reasonable scheduled notice, personnel records of employees are open to inspection except for exemptions provided by law, including information relating to protected health information under the Health Insurance Portability and Accountability Act. Inspection of personnel records shall be in accordance with the Florida Public Records Law. The Village Manager or designee will always be present during records review. Original record files shall not be permitted to leave the premises. The Village Manager or designee of the records shall furnish a copy or copies of any item(s) requested from the records upon payment of the fee required by VILLAGE policy.

2-03 Employment Verification/Reference Checks

A. All requests for verification of employment of current or former VILLAGE employees should be referred to the Village Manager or designee.

B. The Village Manager or designee will respond to all reference check inquiries from other employers for current or former VILLAGE employees. Responses to such inquiries will be limited to factual information that can be substantiated by the VILLAGE's records.

2-04 Personnel Data Changes

A. It is the responsibility of each employee to promptly notify the VILLAGE of any changes in personnel data.

1. Employees should be aware of the importance of keeping their personnel file current. This means immediately notifying their administrative officer of any changes; such as, change of address (even if temporary), change of telephone number, change of beneficiary, number of dependents, divorce, marriage or any change of status not previously reported.

2. The Village Manager or designee should be informed of any special training courses completed by an employee. Copies of diplomas or certificates will be copied and forwarded to the Village Manager or designee to become a permanent addition to the employee's personnel file.

B. Failure to notify the VILLAGE of personnel data changes in a timely manner may adversely affect your receipt of important documents, notification of overtime requirements and appropriate benefit coverage for dependents.

2-05 Introductory Period

A. The introductory period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. The VILLAGE uses this period to evaluate employee capabilities, work habits, and overall performance. The VILLAGE may end the employment relationship at any time during the introductory period.

B. All new and rehired employees serve in an introductory status for the first twelve (12) months after their date of hire. Any significant absence will automatically extend the introductory period by the length of the VILLAGE approved absence. If the Village Manager requests an extension of the initial introductory period, the Village Manager may extend the introductory period for a total of one (1) additional year beyond the end of the normal introductory period for the position.

C. During the introductory period, new employees are eligible for those benefits that are required by law, such as workers' compensation insurance and Social Security. They may also be eligible for other VILLAGE-provided benefits, subject to the terms and conditions of each benefits program. Employees should read the information for each specific benefits program for the details on eligibility requirements.

D. An employee performance evaluation shall be completed prior to the end of the employee's initial introductory period. Additional evaluations may be completed during the introductory period as necessary. The employee performance evaluation should be completed pursuant to the employee performance evaluation section of the Personnel Policies manual.

E. Disciplinary measures are not applicable for initial introductory employees as outlined in the disciplinary section of the Personnel Policies. Infractions of the Personnel Policies will be cause for termination during the introductory period.

2-06 Information Accuracy and Background Check

A. The VILLAGE relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process as well as post-employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the exclusion of the individual from further consideration for employment. The use of social media may also be used to determine the applicant's or employee's suitability for VILLAGE employment. If the person has been hired, termination of employment may be initiated when a misrepresentation, falsification or omission is found, regardless of the length of time the person has been employed with the VILLAGE.

B. In processing employment applications for certain designated position, the VILLAGE may obtain, with appropriate authorization, a consumer credit report or perform a background check for employment purposes only. If the VILLAGE takes an adverse employment action based in whole or in part on the consumer credit report, a copy of the report and a summary of the employee's rights under the Fair Credit Reporting Act will be provided as well as any other documents required by law.

C. The VILLAGE will check personal and professional references and investigate the accuracy of information concerning education, training, driving record, previous employment and other information, as appropriate, of applicants granted a conditional offer of employment.

2-07 Performance Evaluations

The use and content of Performance Evaluations is at the sole discretion of the Village Manager and may be used, in whole or in part, for the following:

1. Identify training needs.
2. Establish documentation relating to promotion, demotion, disciplinary action, termination, layoff, and recalls.
3. The extension or successful completion of introductory periods.
4. Improve communication between supervisors and subordinates.
5. Help to change behavior and improve performance.
6. Serve as a counseling tool.

Performance evaluations that reflect "unacceptable" ratings as determined by the process will place the employee in a performance improvement period (PIP) status for up to three (3) months at the Village Manager's recommendation.

While the overall ratings on performance evaluations may be at successful levels, the Village Manager is not precluded from initiating disciplinary/corrective/remedial actions to address individual problem areas.

3-00 EMPLOYEE BENEFIT PROGRAMS

3-01 Workers' Compensation

A. The VILLAGE provides a comprehensive workers' compensation insurance program. Refer to the Village's Workers' Compensation Policy as provided by the insurance carrier for details on coverage.

B. Employees are required to immediately report an injury or accident to their supervisor or to the Village Manager. If the injury or accident occurred after normal VILLAGE operating hours, or during an emergency, employees are required to report an injury the next business morning. A report is required regardless of whether the injury required immediate medical attention. Employees may be required to submit to a drug and/or alcohol test following any workplace injury.

C. If the employee is injured on the job and the injury qualifies as a serious health condition under the Family and Medical Leave Act ("FMLA"), the VILLAGE requires that the time off for the workers' compensation injury be counted against the employee's FMLA leave entitlement. Employees may review the separate policy regarding FMLA Leave for additional information.

D. An employee who is absent from work due to a workers' compensation injury must provide a letter from the attending medical practitioner verifying that the employee is fit to return to work and noting any applicable work-related restrictions prior to the employee seeking to return to work.

E. Neither the VILLAGE nor the insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, wellness, social, or athletic activity sponsored or authorized by the VILLAGE.

F. It is considered a felony of the third degree to knowingly and with intent to injure, defraud, or deceive an employer and /or the insurance company to file a workers' compensation claim containing any false or misleading information.

3-02 Holidays and Holiday Pay

A. DAYS OBSERVED

1. The following eleven and one-half (11 ½) holiday days are observed by the VILLAGE:

   - New Year's Day, January 1st
   - Martin Luther King's Birthday, as designated in January
   - President's Day, as designated in February
   - Memorial Day, last Monday in May
   - Independence Day, July 4th
   - Labor Day, first Monday in September
   - Veterans' Day, as designated in November
   - Thanksgiving Day, fourth Thursday in November
   - Day Following Thanksgiving, Friday
   - Christmas Eve, December 24th
   - Christmas Day, December 25th
   - One-half Day on New Year's Eve, December 31st

2. When a holiday falls on a Saturday, the preceding Friday shall be designated a substitute holiday and observed as the official holiday for that year. When a holiday falls on a Sunday, the following Monday shall be designated a substitute holiday and observed as the official holiday.

B. HOLIDAY PAY

1. Both exempt and non-exempt full-time employees who observe (e.g. do not work) on a holiday will receive their regular compensation for the hours which would have normally been worked on that day. Employees who are on an unpaid leave of absence will not receive holiday pay unless required by law.

2. PTO leave requests for the day before or after a holiday must be submitted in writing at least two weeks in advance to the Village Manager.

3-03 Paid Time Off (PTO)

The VILLAGE's Paid Time Off (PTO) Program allows employees the flexibility to use paid time away from the job to meet the employee's personal needs. PTO may be used for vacation, care of dependents, illness or personal business. The VILLAGE's PTO hours are in addition to Village-designated holidays, jury duty or bereavement leave.

A. RATE OF ACCRUAL

1. On October 1st of each year, all regular full-time employees shall accrue PTO in accordance with the following chart:

LENGTH OF SERVICE	ANNUAL ACCRUALS			
	Directors		Staff Members	
	Hours	Days	Hours	Days
Date of Hire	228.0	28.5	152.0	19.0
Beginning 7th Year	240.0	30.0	192.0	24.0
Beginning 14th Year	256.0	32.0	232.0	29.0

2. Any unused PTO will lapse on September 30th of each year, except that Directors may buy-out, that is, be paid for up to forty (40) hours of unused PTO at September 30th, so long as payment is made on or before September 30th in compliance with Village Charter, Section 4 (6) (c), which prohibits unfunded liabilities.

3. Hours of accrual in the chart above are based upon employees who work an eight (8) hour work day.

4. Employees who are hired during the middle of the fiscal year shall accrue PTO on a pro rata basis beginning upon the employee's actual date of hire through September 30 of that year. Village Manager has discretion to establish a new employee's Length of Service Level above the minimum included in the chart above.

5. At the Village Manager's discretion, regular part-time employee may accrue PTO in accordance with the chart above on a prorated basis.

6. Accrued but unused PTO will NOT be paid upon employment termination, whether termination is by resignation, retirement, layoff or involuntary termination.

B. Eligibility and Scheduling

A regular employee is eligible to use accrued PTO at any time with supervisory approval. PTO will be used in no less than one-quarter hour (15 minute) increments.

Introductory employees may utilize up to zero days (-0- hours) of PTO during the first six (6) months of employment and up to 5 days (40 hours) during the last six (6) months of their introductory period unless otherwise approved by the Village Manager.

Application for PTO leave shall be made in advance. In emergency cases, the Village Manager may waive this requirement. The requirements of an employee's job may require the Village Manager or supervisor to restrict the scheduling of PTO during certain periods of the year.

Any time away from employee's job in excess of available PTO hours will be Leave

Without Pay expect as provided in Section 3.06. Approval of Leave Without Pay will be considered on a case-by-case basis by the Village Manager.

3-04 Bereavement Leave

A. All full-time employees may be granted, upon approval of the Village Manager, time off with pay, up to forty (40) hours, in the event of a death in their immediate family. Employees who need to take time off due to the death of an immediate family member must notify their supervisor immediately.

1. Bereavement leave shall not be charged to PTO bank.

2. The employee may be required to provide the Village Manager with proof of death in the immediate family, as defined, before payment for the leave is made.

3-05 Court and Jury Duty Leave

A. Employees required to attend court, pursuant to a subpoena, in cases involving their official duties or for jury duty during their normal working hours, shall receive full pay equal to their normal work schedule for the hours they attend court. This time shall be charged as court or jury duty leave with pay.

B. Employees who are required to attend court during their normal work hours in cases not involving their official duties, will be granted leave for their attendance (PTO or Leave Without Pay), if requested in advance.

C. Employees required to attend court during hours other than their normal work hours in cases involving their official duties, will be compensated in accordance with the provisions in the Personnel Policies concerning pay.

D. All full-time employees subpoenaed to attend court as witnesses during their regularly scheduled work shift, except as paid expert witnesses, for cases in which employees are not personally or monetarily interested, are eligible for court or jury duty leave with pay. Those employees who attend court as parties to the litigation are not eligible for such leave with pay, unless the action is related to their duties with the VILLAGE.

E. Employees required to attend court for only a portion of their regularly scheduled work shift are expected to report to their supervisor when excused or released by the court.

F. The employee may retain all pay received from the court for the jury duty.

G. All court attendance must be verified before an employee is compensated.

3.06 Extraordinary Medical Leave Compensation (EMLC)

The VILLAGE recognizes that there is a potential for an employee to require extended

leave due to personal illness or injury, for which the employee does not have sufficient PTO in his/her bank. Therefore in the unlikely event, the VILLAGE will provide from the annual budgetary appropriation/reserve funds which may be used to pay an employee up to 100% of his/her regular pay rate for up to twelve (12) weeks under the following conditions:

A. Eligibility:

1. EMLC is only payable for the employee's personal illness or injury recovery period, not for the illness or care of immediate family/relative, and

2. An employee's illness or injury recovery period must exceed 14 consecutive calendar days, and

3. The employee must have exhausted his/her PTO prior to receiving EMLC, and

4. The employee must provide the Village Manager or designee written doctor's prognosis for the recovery time and anticipated return to work prior to receiving EMLC.

B. If PTO was exhausted at any time during the 14-day eligibility period, retro-EMLC will be paid for 100% of the hours not covered by PTO.

C. If the employee has Short-Term Disability insurance, he/she is not eligible to receive EMLC which would result in the employee receiving more than his/her regular salary/wage. Therefore, EMLC may be reduced from 100% to an amount when added to the Short-term disability benefits would equal 100% of the employee's regular salary/wage.

D. Pursuant to the Family and Medical Leave Act (FMLA) twelve (12) consecutive weeks is the maximum period for which the VILLAGE will reserve the employee's position, during which time the employee may be compensated using PTO, Short-term Disability benefits and EMLC, or a combination thereof.

3-07 Benefits Continuation (COBRA)

A. The Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the VILLAGE's benefit plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence.

B. Under COBRA, the employee or beneficiary pays the full cost of benefit coverage at the VILLAGE's group rates. Each eligible employee will be provided with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the VILLAGE's health insurance benefit plan. This notice contains

important information about the employee's rights and obligations.

C. Employees have the responsibility to notify the Village Manager when a COBRA qualifying event occurs that would not be common knowledge to the VILLAGE. Failure to notify the VILLAGE of a qualifying event in a timely manner could seriously impact the health insurance coverage of an otherwise eligible person.

3-08 Health/Life Insurance Benefits Plan

A. Currently, regular full-time employees are eligible to participate in the VILLAGE's health benefit plan, once the plan's eligibility requirements have been met.

B. Listed below are the benefits that are provided by the VILLAGE on the date of publication of the Personnel Policies. The benefits listed below are subject to change from time to time, and the information provided in this manual is intended to merely be a summary. More detailed information regarding each plan can be found in the plan documents maintained by the Village Manager or his designee. The official VILLAGE documents regarding the VILLAGE benefit plans are the summary plan descriptions and these supersede all references to any employee benefits in this manual.

1. Employee-only Health insurance
2. Employee-only dental insurance
3. Life/AD&D insurance at two (2) times the employee's salary/wage
4. Employee-only vision insurance; and
5. Employee Assistance Program

3-09 Deferred Compensation Plan

A. The VILLAGE provides employees the option to contribute funds to deferred compensation plan (457-B) on a tax-deferred basis. This plan is designed for a pre-withholding tax deduction from the employee's paycheck to be deposited into their personal account. These funds cannot be withdrawn until termination of employment. The employee pays this contribution.

3-10 Retirement Plan

A. The VILLAGE provides defined contribution (DC) retirement plan. Each regular full-time employee is eligible for participation in the DC Plan. The VILLAGE will contribute seven and one-half percent (7.5%) of the employee's base pay contingent upon the employee contributing two and one-half percent (2.5%) of the employee's base pay. . Both VILLAGE and employee's contributions to the retirement plan will be made bi-weekly, with the exception of the initial plan contribution made by the VILLAGE and the employee upon the initial adoption of the plan.

4-00 PAY AND JOB CLASSIFICATION

4-01 Timekeeping

A. Accurately recording time worked on the official timesheet is the responsibility of every non-exempt employee. Federal and state laws require the VILLAGE to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

B. Hours worked are recorded by the employee on a written timesheet for each pay period. The Supervisor reviews and approves the Timesheets for his/her employees and forwards to the Finance department for payroll processing.

C. Exempt employees shall record use of PTO by notifying the Finance department of their approved leave dates.

D. Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.

4-02 Paydays and Pay

A. All employees are paid on a bi-weekly basis. Each paycheck will include earnings for all work performed through the end of the previous payroll period. Paychecks are distributed every two weeks at a rate of twenty-six (26) paychecks per calendar year.

B. The pay period begins on Monday and ends on the second corresponding Sunday. Paychecks/direct deposits are distributed/credited on the Friday following that Sunday.

C. In the event that a regularly scheduled payday falls on a holiday, employees will be paid on the business day preceding the holiday(s).

D. Employees may have their paycheck directly deposited into their bank accounts. Employees who opt to utilize direct deposit will receive an itemized statement of wages and deductions when the VILLAGE makes the deposits. Employees are encouraged, but not required, to elect to receive their paychecks through direct deposit.

4-03 Compensation

A. PAY RATES

1. The budget process will annually determine the type, amount and distribution of employee compensation. If pay adjustments are budgeted, all or a portion of the compensation adjustment may or may not be added to the employee's base pay. The VILLAGE Manager also has the discretion to provide different pay

adjustments to different positions and to make other performance incentive adjustments as deemed appropriate, so long as any adjustments to pay are consistent with the requirements of the Florida Statutes.

2. A cost of living adjustment (COLA) may be considered annually. The COLA may be considered part of the pay increase.

B. MERIT BONUSES / PERFORMANCE INCENTIVE PAY

The VILLAGE Manager may, on occasion, further reward high achieving employees. Such a reward could be a salary adjustment, a bonus, performance incentive or a non-monetary reward such as public recognition or time off. Such programs would be funded by a yearly allocation set by VILLAGE Council during the budget process, and will be administered by the VILLAGE Manager. Criteria for merit bonuses to individuals or groups of employees include, but are not limited to: meritorious service to the VILLAGE; cost savings ideas; and/or successful implementation of special projects.

4-04 Job Descriptions

A. Official job description titles are to be used for all personnel. No person will be appointed to or employed in a position under a title without a Job Description.

B. All positions authorized in the VILLAGE will have an official job description. Job descriptions are to be interpreted in their entirety. Particular phrases and illustrative examples are not to be isolated and treated as a full definition of any position. Job descriptions are deemed to be descriptive and explanatory of the kinds of work performed and not necessarily inclusive of all duties performed. The Village Manager may revise a job description.

4-05 Special Pay Situations

A. PAYMENT FOR CALL-OUT

Regular employees in non-exempt classifications who are called out to work during off-duty hours, which are not contiguous to the regularly scheduled work shift, will receive a minimum of one (1) hour pay at time and one-half. Time and one-half will be paid for hours actually worked, if longer than the one-hour minimum.

B. PAYMENT FOR CALL OUT (EXEMPT)

Special situations and/or circumstances may occur that require many extended hours of work by exempt employees (examples are pre-event, actual event and post Hurricane-event call out.) During extended working hours beyond the normal weekly operations, overtime at time and one-half may be approved for exempt employees by the VILLAGE Manager. Historically the Federal Emergency Management Agency (FEMA) has reimbursed government agencies for exempt overtime payroll cost.

5-00 WORKING CONDITIONS

5-01 Safety and Injury Reporting

A. ACCIDENT PREVENTION AND SAFETY

1. A designated supervisor shall be assigned the position of "Safety Coordinator" on an annual basis by the Village Manager. This position may be rotated annually or the position may stay assigned to that supervisor for an extended period.

2. The development of safe working conditions, practices, habits, and thinking are the principal objectives. Reaching those worthwhile objectives will automatically result in benefits to all employees working for the VILLAGE. Accidents, injuries, disabilities, damage, lost time and pay, claims and medical expenses, and improper and dangerous use of equipment, are all operational problems which will be greatly improved by joint safety efforts.

3. The Village Manager, supervisors and employees are all responsible for working safely. The VILLAGE Safety Coordinator is designated by the Village Manager and will recommend appropriate training and perform routine worksite safety inspections. The Safety Coordinator will notify the subject to the Village Manager or designee of any observed problems, in writing, with a recommendation for resolution.

4. The Village Manager is responsible for ensuring that proper safety training is conducted based on the nature of operations of the department and that proper, safe and economical operation of equipment exists.

B. ACCIDENT REPORTING

1. Employees shall report all job-related injuries and illnesses to their supervisor immediately.

2. Accident reports shall be made in writing and submitted to the Village Manager within twenty-four (24) hours after the date of the accident or the report of injury or illness, if possible.

3. In case of serious injury or fatality, the Village Manager shall be notified immediately. In case of fatal injury, it will be the Village Manager, the doctor or nurse, or designee who will personally contact the family or next of kin.

C. STEPS TO TAKE IN CASE OF AN ACCIDENT

1. Minor injuries shall be rendered first aid. An element of judgment is necessary when supervisors are evaluating an injured employee. Emphasis shall be placed on input from the employee and, if any doubt exists, medical care shall be sought.

2. Seriously ill or injured employees should be taken to the nearest available emergency medical facility by Lee County EMS.

D. RETURN TO WORK

1. An injured employee who was injured on duty and who has been treated by a medical provider **MAY NOT RETURN TO WORK** without a return to work slip from the medical provider.

2. If an employee is returned to work on a Light/Restricted duty basis, the return to work slip must state specifically the nature of limitations and/or restrictions. An effort should be made by the department to accommodate the employee's return to work. Request for light duty status must be submitted to the Village Manager in writing and will be reviewed on a case by case basis, but light duty may not be available and will be dependent upon the essential functions of the position held as well as the nature of any medical restrictions

E. SAFETY EQUIPMENT AND DEVICES

1. The VILLAGE will provide proper and necessary safety equipment and devices, as recommended by the equipment manufacturer, and training, for employees engaged in work where such special equipment and devices are necessary. Such equipment and devices, where provided, must be used. Failure by employees to utilize provided equipment or devices as directed will be subject to disciplinary measures, and a reduction in workers' compensation benefits as indicated in Florida's Worker's Compensation Laws.

2. Seat Belts

   a. Florida's Mandatory Seat Belt Law requires all front seat passengers to wear their seat belts whether on or off the job. It also constitutes a safety violation of a safety requirement pursuant to the Personnel Policies. **Mandatory** for all employees and volunteers regardless of seating position.

   b. Employees who become injured on the job who <u>were not</u> using their seat belt at the time of injury are subject to a reduction in workers' compensations benefits available under Florida's Workers' Compensation Law.

3. The VILLAGE will provide scheduled maintenance of all equipment and safety devices to ensure maximum safety.

5-02 Tobacco Free Workplace Policy

A. The VILLAGE has established a tobacco free work environment and applies to all employees and volunteers. This policy and guidelines were developed in an effort to provide a more healthful working environment for all employees of the VILLAGE.

B. The use of tobacco is prohibited in any building or area owned, operated, occupied, or used by the VILLAGE and includes all types of tobacco and tobacco-like products, including smoke and smoke-less tobacco, chewing tobacco, and other smoke able products, and electronic cigarettes.

5-03 Hours of Work

A. The VILLAGE Manager shall establish the hours of work, taking into account the service needs of the public.

B. The normal non-exempt shift schedule shall be five (5) eight (8) hour days, Monday through Friday. However, the Village Manager may permit employees to work four (4) ten (10) hour days on a case-by-case basis as long as VILLAGE operations are available Monday through Friday.

C. Additional work hours may be required of all employees.

D. The VILLAGE recognizes that the hours of individual employees can be somewhat flexible beyond regular business hours. In order to provide the best service possible to the community as efficiently and cost effectively as possible, the following guidelines will be followed.

1. The VILLAGE business hours as determined by the VILLAGE Manager are from 8:00 A.M. to 5:00 P.M., Monday through Friday, except approved holidays.

2. The Village Manager may adjust days if it is determined to be in the best interests of the VILLAGE, the community, and the employee.

E. Village Manager is responsible for:

1. Approving alternate/flexible work schedules, in writing, and ensuring adequate supervision is maintained during such schedules.

2. Ensuring that each shift is adequately staffed and that there will always be a VILLAGE employee available in the department to assist the public during regular business hours.

3. Ensuring that a lunch break of no less than 1/2 hour of uninterrupted time is taken.

4. Ensuring employees work the required number of hours in their regularly scheduled workweek or pay period.

5. Ensuring that employees maintain and document accurate information on timesheets and other payroll records regarding actual hours worked.

5-04 Attendance

A. To maintain a safe and productive work environment, the VILLAGE expects an employee to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the VILLAGE. Each Supervisor shall be responsible for the punctual attendance of all employees in the VILLAGE.

B. Employees are expected to report for duty at their scheduled times. Attendance will be an element to be evaluated in the performance appraisal process.

C Where appropriate, a supervisor may require notification prior to the beginning of the scheduled shift if an employee will be absent or tardy.

D. Habitual, chronic or excessive absenteeism or tardiness shall be sufficient reason/cause for disciplinary action.

5-05 Overtime

A. OVERTIME

1. In the event a non-exempt employee is required to work additional hours beyond/outside his/her regularly scheduled normal work week or pay period, he/she shall receive overtime pay for the additional time worked at the rate of time and one-half the employee's regular straight time rate of pay.

2. All overtime worked must have prior authorization by the immediate supervisor or the Village Manager. In the event that an employee works overtime without prior authorization, the employee will be paid for all time worked, but will be subject to disciplinary action for failing to obtain the appropriate approval for overtime work.

3. A non-exempt employee shall not have his/her normal work hours reduced or adjusted to avoid the payment of overtime.

4. The VILLAGE Manager, in extraordinary and extenuating circumstances, may approve overtime pay for exempt employees (see Section 4-06 B.)

5-06 Meal Periods

A. All full-time employees are provided with one (1) meal period each workday. Supervisors will schedule meal periods to accommodate operating requirements.

B. Designated meal periods will not be less than ½ hour in duration. Employees will be completely relieved of duty during their designated meal period.

C. Non-exempt employees are required to take their full meal period each work day unless otherwise directed by their supervisor. Employees who are unable to take their full

meal period, or in the event that an employee's meal period is interrupted by work duties, the employee must report that missed lunch break to the Finance Department so that the employee may be paid for that time. Employees who fail to report their missed meal periods to the Finance Department will be subject to appropriate disciplinary action.

5-07 Error in Pay

All payroll deductions will be made in accordance with the Fair Labor Standards Act and all applicable federal, state and local laws. The VILLAGE takes every precaution to avoid errors in employee paychecks, but occasionally an error may occur. If this happens, employees should contact the Finance Department. If an improper deduction has been made, or if there was another error in the amount paid to the employee, the error will be corrected and the employee will be reimbursed for any amount of pay due.

5-08 Cell Phone Guidelines

Each employee of the VILLAGE will either be issued a cell phone or will utilize his/her personal cell phone for official VILLAGE duties.

A. Any VILLAGE issued cell phone is to be used for VILLAGE business. Personal calls shall not disrupt VILLAGE business unless due to an emergency. This restriction also includes cell phones that are personally owned, as well as those assigned by the VILLAGE. Personal calls on the VILLAGE cell phones are the responsibility of the employee. Long distance calls should be limited to VILLAGE business. Employees who are assigned a VILLAGE cell phone are required to take appropriate precautions to prevent theft and vandalism of all VILLAGE equipment.

B. Using a cellular telephone while operating a vehicle is strongly discouraged. Employees should plan calls to allow placement of calls either prior to traveling or while on a break.

C. As approved by the Village Manager, in lieu of being issued a VILLAGE cell phone for the performance of assigned duties, an employee may request to use his/her personal cell phone.

D. If the request to use a personal cell phone in lieu of a VILLAGE-issued cell phone approved by the Village Manager, the VILLAGE will reimburse the employee $50 per month for the use of his/her personal cell phone.

E. During an emergency situation, such as a hurricane or other extraordinary circumstances, when cell phone usage is beyond normal, actual work related cell phone costs may be reimbursed as determined appropriate by the Village Manager.

F. Employees who receive permission to utilize their personal cell phone to conduct VILLAGE business are prohibited from using text messages to conduct VILLAGE business. Any employees using their personal cell phones to conduct VILLAGE business must do so

through either making telephone calls or accessing their VILLAGE e-mail account to send and receive messages.

5-09 Use of VILLAGE Equipment and Vehicles

A. Equipment and vehicles essential in accomplishing job duties are expensive and may be difficult to replace. When using property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines. An employee shall not use VILLAGE property, equipment or vehicles except in the performance of official duties, nor permit its use by an unauthorized person, either on or off duty.

B. Employees will notify their supervisor if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. A supervisor can answer any questions about an employee's responsibility for maintenance and care of equipment or vehicles used on the job.

C. The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, can result in disciplinary action, up to and including termination of employment. Employees will be personally responsible for fines incurred as a result of driving or parking violations or infractions while operating a VILLAGE vehicle.

D. It is necessary for many VILLAGE employees to have VILLAGE vehicles at their disposal in order to carry out their duties. It is essential that these vehicles be used with utmost care and discretion at all times. Most VILLAGE vehicles are distinctively marked and the way they are operated directly reflects on the public image of all VILLAGE employees.

E. VILLAGE employees are permitted to use VILLAGE-owned vehicles for the performance of their official duties only; under no circumstances are they to be used for personal business or pleasure, except as otherwise approved by the Village Manager.

F. The VILLAGE shall annually request a transcript of driver record from the Department of Highway Safety and Motor Vehicles in Tallahassee for each employee who operates or may have to operate VILLAGE owned vehicles. The driver record will be reviewed to ensure employees have a valid Florida license and to evaluate recorded violations. This will assist the VILLAGE in identifying potential problems, liabilities and training needs.

G. If a VILLAGE vehicle is involved in an accident, the employee shall immediately notify the proper law enforcement agency, and the Village Manager or designee.

H. Employees who damage vehicles or equipment who are at fault may be subject to a monetary penalty.

I. Employees who are authorized to drive a VILLAGE vehicle, or who drive their personal vehicle on VILLAGE business, are required to notify the Village Manager in the event that their driving privileges are revoked.

5-10 Severe Weather and Emergency Situations

A. The VILLAGE is subject to severe weather conditions, especially in the form of tropical storms, hurricanes and floods. It is crucial to the safety and welfare of the citizens that there be sufficient VILLAGE services available during and after severe weather conditions, weather emergencies and in emergency situations to provide for guidance and protection of persons and property. This is also applicable to the time period following a severe weather condition in which the VILLAGE is in a recovery phase and may have to conduct operations with unusual scheduling requirements, away from the VILLAGE's existing building and facilities for an indefinite period of time.

B. It is, therefore, necessary to balance the normal concerns for the convenience and well-being of VILLAGE employees against the obligations of the employees and the VILLAGE to the public safety and welfare. In light of these considerations, the following policies will be in effect during severe weather conditions, including, but not limited to, tropical storms, hurricanes and floods.

1. Expectations—All VILLAGE employees are considered "essential" for the daily operations in severe weather conditions. All employees are expected to maintain an awareness of emergency situations, especially during the hurricane season (June 1st through November 30th), and to make prearranged contingency plans for the protection of their families and property.

2. General Rule Concerning Severe Weather Conditions and Emergency Situations-- Unless on prearranged leave, all employees are expected to report for their regularly scheduled work shift, unless and until the Village Manager specifically and officially declares that the VILLAGE will no longer respond to emergency due to deteriorating weather conditions. PTO leave may be canceled and "Essential Personnel" may be recalled from PTO by the Village Manager.

3. Personnel, who fail to report for work after notification to report to work, following the severe weather emergency, will not be paid for that work shift. If the failure to report was not for good cause, such personnel will also be subject to disciplinary action up to and including termination.

5-11 Travel Expenses

Business-related travel expenses and reimbursement therefore shall be in conformance with VILLAGE Ordinance No. 2015-05 or as it may be from time to time amended by successive ordinances.

5-12 Computer and E-mail Usage

A. Computers, computer files, the E-mail system, and software furnished to employees are VILLAGE property intended for business use. An employee may use a password but is subject to reveal access to all files on VILLAGE computers. To ensure compliance with this policy, computer and e-mail usage shall be monitored.

B. The VILLAGE strives to maintain a workplace free of harassment and sensitive to the diversity of its employees. Therefore, the VILLAGE prohibits the use of computers and the e-mail system in ways that are disruptive, offensive to others, or harmful to morale. For example, the display or transmission of sexually explicit images, messages, and cartoons is prohibited. Other such misuse includes, but is not limited to, ethnic slurs, racial comments, off-color jokes, or anything that may be construed as harassment or showing disrespect for others, or otherwise violative of the VILLAGE's policy prohibiting Sexual and Other Unlawful Harassment, found in Section 7-02.

C. E-mail may not be used to solicit others for commercial ventures, religious or political causes, outside organizations, or other non-business matters.

D. Employees may only use software on local area networks or on multiple machines according to the software license agreement. The VILLAGE prohibits the illegal duplication of software and its related documentation.

E. Employees who violate the computer or e-mail use policy will be subject to disciplinary action, up to and including termination of employment.

5-13 Internet Usage

A. Internet access to global electronic information resources on the World Wide Web is provided by the VILLAGE to assist employees in obtaining work-related data and technology. The following guidelines have been established to help ensure responsible and productive Internet usage. While Internet usage is intended for job-related activities, incidental and occasional brief personal use during non-duty hours is permitted within reasonable limits.

B. All Internet data that is composed, transmitted, or received via our computer communications systems is considered to be part of the official records of the VILLAGE and, as such, is subject to disclosure to law enforcement or other third parties. Consequently, employees should always ensure that the business information contained in Internet e-mail messages and other transmissions is accurate, appropriate, ethical, and lawful.

C. The equipment, services, and technology provided to access the Internet remain at all times the property of the VILLAGE. As such, the VILLAGE reserves the right to monitor Internet traffic, retrieve and read any data composed, sent, or received through our online connections and stored in our computer systems.

D. Data that is composed, transmitted, accessed, or received via the Internet must not contain content that could be considered discriminatory, offensive, obscene, threatening, harassing, intimidating, or disruptive to any employee or any other person. Examples of unacceptable content may include, but are not limited to, sexual comments or images, racial slurs, gender-specific comments, or any other comments or images that could reasonably offend someone on the basis of race, age, sex, religious or political beliefs, national origin, disability, sexual orientation, or any other characteristic protected by law, or is otherwise violative of the VILLAGE's policy prohibiting Sexual and Other Unlawful Harassment.

E. The unauthorized use, installation, copying, or distribution of copyrighted, trademarked, or patented material on the Internet is expressly prohibited. As a general rule, if an employee did not create material, does not own the rights to it, or has not gotten authorization for its use, it should not be put on the Internet. Employees are also responsible for ensuring that the person sending any material over the Internet has the appropriate distribution rights.

F. Internet users should take the necessary anti-virus precautions before downloading or copying any file from the Internet. All downloaded files are to be checked for viruses; all compressed files are to be checked before and after decompression.

G. Abuse of the Internet access provided by the VILLAGE in violation of law or VILLAGE policies will result in disciplinary action, up to and including termination of employment. Employees may also be held personally liable for any violations of this policy. The following behaviors are examples of previously stated or additional actions and activities that are prohibited and can result in disciplinary action:

* Sending or posting discriminatory, harassing, or threatening messages or images
* Using the VILLAGE's time and resources for personal gain
* Stealing, using, or disclosing someone else's code or password without authorization
* Copying, pirating, or downloading software and electronic files without permission
* Violating copyright law
* Failing to observe licensing agreements
* Engaging in unauthorized transactions that may incur a cost to the VILLAGE or initiate unwanted Internet services and transmissions
* Sending or posting messages or material that could damage the VILLAGE's image or reputation
* Participating in the viewing or exchange of pornography or obscene materials
* Sending or posting messages that defame or slander other individuals
* Attempting to break into the computer system of another organization or person
* Refusing to cooperate with a security investigation
* Sending or posting chain letters, solicitations, or advertisements not related to business purposes or activities
* Using the Internet for political causes or activities, religious activities, or any sort of gambling
* Jeopardizing the security of the VILLAGE's electronic communications systems
* Sending anonymous E-mail messages

* Engaging in any other illegal activities

5-14 Workplace Violence Prevention

The VILLAGE is committed to providing a workplace that is safe, secure, and free from threats or acts of violence. Although some violent acts result from societal problems beyond our control, measures are adopted to increase protection for employees and the visiting public to provide a secure workplace.

A. The VILLAGE prohibits any employee from threatening or committing any act of violence in the workplace, whether on duty or off duty, while on VILLAGE related business, or while operating any vehicle or equipment owned by the VILLAGE. Unprofessional behavior and outburst of anger by any employees is strictly forbidden. Violations of this policy shall result in the appropriate disciplinary action up to and including termination.

B. The VILLAGE has adopted a zero-tolerance policy regarding workplace violence and the possession of weapons such as firearms, unless they are lawfully possessed and locked inside a private motor vehicle in a parking lot, and knives (other than pocket knives commonly used as tools necessary to the performance of that employee's duties) on VILLAGE premises or while on duty.

C. Immediate supervisors are to enforce the provisions of this policy by taking prompt action to investigate any observed or reported violations. In the event that a workplace violence situation is observed in progress, supervisors are to take the steps necessary to resolve the situation, if that action can be taken in a safe manner, and report the situation to the Village Manager and, if deemed appropriate at the time, contact the Lee County Sheriff's Office.

D. Immediately following an incident, the appropriate supervisor will prepare and submit to the Village Manager a detailed report explaining the occurrence and any follow-up investigation that has been initiated.

E. Employees will not threaten any other employee or member of the general public, or otherwise cause any other employee or member of the general public to feel threatened, either verbally or physically.

F. All VILLAGE personnel are responsible for reporting to the Village Manager or the VILLAGE Council any threats they have witnessed, received or have been told that another person has witnessed or received. Even without an actual threat, VILLAGE personnel should also report any behavior they have witnessed, which they regard as threatening or violent, when the behavior is job related or might be carried out on VILLAGE property, or is connected to VILLAGE employment.

G. If a VILLAGE employee obtains a restraining order against anyone, the employee will notify their supervisor and Village Manager immediately of the circumstances requiring the order. A VILLAGE employee against whom a restraining order has been issued will notify their supervisor and Village Manager immediately of such action and the

circumstances precipitating such action. The Village Manager will immediately notify the VILLAGE Council.

6.00 EXTENDED LEAVES OF ABSENCE

6-01 Family and Medical Leave

A. The Federal Family Medical Leave Act (FMLA) applies to the employees of the VILLAGE as follows:

1. Employees who have worked for the VILLAGE for at least twelve (12) months and at least 1,250 hours during the prior twelve (12) months may take up to twelve (12) weeks of unpaid leave per twelve-month period for the following reasons:

    a. Birth and/or care of a child of the employee.

    b. Placement of a child into the employee's family by adoption or by a foster care arrangement.

    c. In order to care for the employee's spouse, child or parent who has a serious health condition.

    d. A serious health condition, which renders the employee unable to perform the functions of the employee's position.

2. In the case of leave for the birth or placement of a child, intermittent leave or working a reduced number of hours is not permitted, unless both the employee and the VILLAGE agree. If the VILLAGE employs both spouses, the combined leave shall not exceed twelve (12) weeks.

3. In the case of leave for a serious health condition, the leave may be taken intermittently or on a reduced hours basis.

B. During designated Family Medical Leave, the VILLAGE will continue to pay its portion of the core health insurance premium and the employee must continue to pay his/her share of the remaining premium for dependent coverage, if any. Failure of the employee to pay his/her share of the health insurance premium may result in loss of coverage. If the employee does not return to work after the expiration of the leave, the employee will be required to reimburse the VILLAGE for payment of health insurance premiums during the Family Medical Leave, unless the employee does not return because of the presence of a serious health condition which prevents the employee from performing his/her job or circumstances beyond the control of the employee.

C. Employees must first exhaust all accrued paid time off before going into a non-paid status unless they have Short Term Disability coverage. During any unpaid period, the employee shall not accrue leave benefits such as PTO leave.

D. Short Term Disability coverage may be utilized if applicable.

E. Employees who return to work from family leave of absence within or on the business day following the expiration of the twelve (12) weeks are entitled to return to their job or an equivalent position without loss of benefits or pay. EXCEPTION -- If a key employee's (as defined by FMLA) absence will disrupt VILLAGE business and cause "substantial and grievous economic injury" to the operations, he/she does not have to be reinstated.

F. Requests for Family Medical Leave must be submitted in writing. Requests should be submitted at least thirty (30) days before the leave is to commence, or as soon as possible if thirty (30) days' notice is not possible. Employees requesting Family Medical Leave to care for an immediate family member may be required to provide the VILLAGE with the appropriate medical certification.

G. The VILLAGE may designate other specific absences of employees, such as extended medical leave and a drug and alcohol rehabilitation absence, as leave authorized under the Family Medical Leave Act. Such designations will be made in writing to the employee.

H. Following a Family Medical Leave period related to pregnancy and childbirth, an employee may be eligible for additional leave, without pay, for purposes of childcare. In such cases, the combination of the PTO leave and the additional period for childcare leave should not exceed 12 weeks in total.

I. Family Medical Leave for Family Members of Injured Military Personnel and to Family Members of Military Reservists Called to Active Duty:

1. Family Members of Injured Military Personnel. Up to 26 weeks of unpaid FMLA leave in a 12-month period may be requested and must be granted to employees caring for family members wounded in the course of military duty. Intermittent leave is also authorized, but employees have just 12 months to take the leave.

    a. Regular FMLA leave counts toward the 12-month allotment.

    b. Employees may substitute paid leave for the unpaid leave upon request.

2. Family Members of Reservist Call-Ups. Up to 12 weeks of unpaid leave FMLA leave may be requested and must be granted to employees who have an immediate family member called to active duty for military reserves or the National Guard and who experience a "qualifying exigency."

    a. Service members need not be deployed overseas for employees to be eligible for this leave.

    b. Employees may substitute paid leave for the unpaid leave upon request.

    c. The following are examples of a "qualifying exigency:"

(1) Making alternative child care arrangements
(2) Meeting with a lawyer to redraft a will
(3) Attending counseling sessions
(4) Traveling to military send-offs or welcome-home ceremonies
(5) Attending to funeral and estate matters should the service member die while on active duty

J. The VILLAGE may require medical certification to support a FMLA leave request either to care for an employee's seriously-ill family member, or for personal medical leaves due to a serious health condition.

K. Employees must provide such certification from the health care provider within 15 calendar days, unless it is not practicable to do so under the circumstances. A certification for medical leave must include a statement that the employee "is needed to care for" a seriously-ill family member, in the case of an employee's serious health condition, a statement that the employee is unable to perform the essential job functions of the position.

L. If an employee fails to provide timely certification within 15 days of being asked to do so by the VILLAGE, and the need for leave was foreseeable, the VILLAGE may deny the employee leave until the required certification is provided. If the need for leave is not foreseeable, the employee must still attempt to provide the certification with 15 days of the VILLAGE's request, or as soon thereafter as practicable under the circumstances.

M. The VILLAGE may require and pay for a second medical opinion. If the first and second opinions differ, the VILLAGE, again at its own expense, may require the binding opinion of a third health care provider who is approved jointly by the employee and the VILLAGE. Similarly, during an employee's leave, the VILLAGE may require subsequent recertification regarding the employee's status and intent to return to work.

N. Before an employee on personal medical leave pursuant to the FMLA leave can return to work, the VILLAGE may require a fitness-for-duty certification from the health provider stating that the employee has sufficiently recovered so as to be able to perform his or her normal job duties. The VILLAGE may require a fitness-for-duty certification no more than once every thirty days. An eligible employee who takes FMLA leave is entitled to be restored to the same position that the employee held when the leave started or to an equivalent position. Certification will be maintained in confidential medical files.

6-02 Leave Without Pay

A. An employee may submit a written request outlining the reasons for requesting leave without pay to his/her Supervisor. The Village Manager may approve up to thirty (30) days. VILLAGE Manager approval is required for periods exceeding thirty (30) days, to include any extensions beyond the initial period of leave without pay approved.

B. Leave without pay is intended for circumstances where the employee has exhausted accrued leave and the employee has good cause for requesting the leave without pay.

C. Other than retaining the original date of hire, no benefits, including PTO leave accrual, will accumulate during any unpaid leave of absence that exceeds five (5) workdays.

D. While on leave without pay, except as provided in Section 6-01, Family and Medical Leave, health insurance benefits will be continued only if the employee remits to the VILLAGE the total premium amount, which includes both the VILLAGE and the employee's share. If coverage is canceled during an approved leave of absence, it will be reinstated upon return to active duty after observing the thirty (30) day waiting period prescribed for new employees.

6-03 Military Leave of Absence

A. A military leave of absence will be granted to all employees, regardless of status, who are absent from work because of service in the U.S. uniformed services in accordance with the Uniformed Services Employment and Reemployment Act (USERRA).

B. Leaves of absence for military or reserve duty are granted to full-time and regular part-time employees in accordance with applicable state and federal law. If an employee is called to active military duty, or to serve or national guard training, or if an employee volunteers for the same, the employee should submit copies of any military orders to his or her supervisor as soon as is practicable. The employee will be granted a leave of absence for the period of military service, and shall be eligible for reinstatement, in accordance with applicable state and federal law.

7.00 EMPLOYEE CONDUCT

7-01 Employee Conduct and Discipline

A. GENERAL

Employees of the VILLAGE are At-Will Employees meaning the VILLAGE can terminate an employee's employment at any time without advance warning. However this section is provided as a guide for effective supervision and employee relations and to help avoid most difficulties which otherwise might necessitate discipline of employees. The VILLAGE's objective is to correct employee behavior and not punish employees and be consistent in the application of discipline within the VILLAGE.

B. PROCEDURES

1. VILLAGE employees are expected to abide by and may be disciplined for violation of VILLAGE policies and procedures, as well as for offenses which common sense show to be the basis for disciplinary action.

2. In recognition of the fact that each instance of misconduct is different, the VILLAGE retains the right to treat each occurrence on an individual basis without creating precedent for other cases that may arise in the future. The following rules are not to be construed as a limitation upon the VILLAGE's discretion to discipline its employees, but rather is intended to be used as a guide.

C. <u>EMPLOYEE BEHAVIOR</u>

1. It is the policy of the VILLAGE that certain rules and regulations regarding employee behavior are necessary for the efficient operations of the VILLAGE and for the benefit and safety of all employees. Conduct that interferes with operations, that discredits the VILLAGE, or that is offensive to customers or coworkers will not be tolerated.

2. Employees are expected at all times to conduct themselves in a positive manner so as to promote the best interests of the VILLAGE. Such conduct includes but is not limited to:

   a. Reporting to work punctually as scheduled and being at the proper work station, ready for work, at the assigned starting time;

   b. Giving proper advance notice whenever unable to work or report on time;

   c. Complying with all VILLAGE's safety and security regulations;

   d. Wearing appropriate clothing;

e. Eating meals only during meal periods and only in the designated eating areas;

f. Maintaining work place and work area cleanliness and orderliness;

g. Treating all members of the public, visitors, and coworkers in a courteous manner;

h. Refraining from behavior or conduct deemed offensive or undesirable, or which is contrary to the VILLAGE's best interests;

i. Performing assigned tasks efficiently and in accord with established quality standards;

j. Reporting assigned tasks efficiently and in accord with established quality standards;

k. Cooperating with VILLAGE's investigations; and

l. Following VILLAGE policies and procedures.

D. The following non-exclusive list of actions is prohibited and will subject the individual involved to disciplinary action, up to and including dismissal:

1. Possession, consumption of, or being under the influence of intoxicating beverage or other mind altering substances, while on duty or on VILLAGE property (to include motor vehicles or other personal property and/or violation of the Drug Free Workplace Policy). This specifically includes bringing alcoholic beverages to work and storing them on VILLAGE property or in the employee break rooms;

2. The use of profanity or abusive language;

3. The possession of firearms or other weapons in VILLAGE buildings or vehicles;

4. Insubordination or the refusal by an employee to follow management's instructions concerning a job-related matter;

5. Fighting or assault on a coworker or member of the public;

6. Theft, destruction, defacement, or misuse of VILLAGE property or of another employee's or vendor's property;

7. Gambling on VILLAGE property;

8. Falsifying or altering any VILLAGE records or reports, such as an application for employment, a medical report, a production record, a time record, an expense account, an absentee report, shipping and/or receiving records, or any official record or document of the VILLAGE;

9. Threatening or intimidating coworkers, security guards, customers, or members of the public; engaging in behavior which is or threatening or violent behavior or exhibits violent tendencies;

10. Horseplay, pranks or practical jokes;

11. Unauthorized sleeping on the job;

12. Failure to wear assigned safety equipment or failure to abide by safety rules and policies;

13. Improper attire or inappropriate personal appearance;

14. Engaging in any form of sexual or other unlawful harassment;

15. Violation of VILLAGE policies on solicitation or distribution;

16. Improper disclosure of confidential information;

17. Engaging in activity or action, subsequent to employment, which undermines public trust or confidence in the employee or the VILLAGE or otherwise impairs the employee's ability to perform his/her job; or,

18. Violation of the policies and procedures outlined in this Handbook.

E. The examples above are illustrative of the type of behavior that will not be permitted, but are not intended to be an all-inclusive listing. Any violation of the VILLAGE's policies or any conduct considered inappropriate or unsatisfactory may, at the Village Manager's discretion, subject the employee to disciplinary action. Questions about this policy should be directed to the Village Manager.

7-02 Sexual and Other Unlawful Harassment

A. It is the policy of the VILLAGE that it will not tolerate written, verbal, or physical conduct by any employee which harasses, disrupts, or interferes with another's work performance or which creates an intimidating, offensive, or hostile environment, when that harassment is based on race, sex, color, religion, age, disability, national origin, pregnancy, genetic information, marital or veteran's status, or any other basis prohibited by local, state or federal law. Further, this policy prohibits the use of VILLAGE equipment such as the VILLAGE's e-mail, computer system, or cell phones to create or forward inappropriate material.

B. This policy is applicable to and enforceable against all VILLAGE employees at all levels, the VILLAGE Councilmembers, the offices and facilities of the VILLAGE, and to non-employees, including any vendors or independent contractors who may have contact

with VILLAGE employees as a result of their employment.

C. Prohibition of Sexual Harassment

1. It is illegal, and against VILLAGE policy, for any employee – male or female – to harass another employee by making unwelcome sexual advances or favors, or other verbal or physical conduct of a sexual nature, a condition of employment; by using a worker's submission to or rejection of such conduct as the basis for or a factor in any employment decision affecting the individual; or by creating an intimidating, offensive, or hostile work environment by engaging in such conduct.

2. The creation of an intimidating, offensive, or hostile work environment may include, but is not limited to, such conduct as:

a. Sexual flirtations, touching, advances, or propositions;

b. Verbal abuse of sexual nature;

c. Graphic or suggestive comments about an individual's dress or body;

d. The display in the work place of obscene or sexually oriented photographs or drawings;

e. Sexually degrading words to describe an individual or otherwise; and

f. Jokes or comments of a sexual nature

This type of conduct in the work place, whether committed by supervisors or non-supervisory personnel, will not be tolerated.

D. Other Forms of Prohibited Harassment

With regard to harassment based upon an employee's race, color, religion, age, disability, national origin, pregnancy, genetic information, marital or veteran's status, or any other protected characteristic examples of prohibited conduct may include:

1. The making of racial or ethnic slurs or epithets;

2. Referring to individuals in a protected class in a derogatory or disparaging manner;

3. Using offensive stereotypes;

4. Telling racial, religious or other discriminatory jokes or stories;

5. Asking unwelcome questions about racial, ethnic, religious, or medical issues.

E. Discrimination and/or Harassment Complaint Procedure

Any employee who feels victimized by harassment or discrimination has a responsibility to report the issue to management. The employee should immediately report any and all alleged discrimination and/or harassment to his or her supervisor who shall report it to the Village Manager. If the immediate supervisor is the source of the alleged harassment, the employee should report the problem directly to the Village Manager. If the Village Manager is the source of the alleged harassment, then the issue may be reported directly to any VILLAGE Councilmember with whom the employee feels comfortable.

The VILLAGE is obligated to investigate any and all incidents of discrimination and/or harassment that have been brought to the attention of any of the VILLAGE's management level employees, regardless of whether the employee wishes to make a formal complaint.

All incidents of discrimination, harassment, or other such inappropriate conduct will be investigated promptly and in an impartial and as confidential a manner as possible by the employee's supervisor, or the Village Manager or the Village Manager's designee, and in accordance with the Public Records Act, Section 119.07, Florida Statutes. In all cases, the employee will be advised of the findings and conclusion of the investigation. Employees who are dissatisfied with an investigating supervisor's resolution of a reported discrimination or harassment issue may bring the complaint to the attention of the Village Manager. Any employee who is found, after appropriate investigation, to have this policy will be subject to appropriate disciplinary action, depending on the circumstances, up to and including termination. False accusations of harassment and/or discrimination may have a serious effect on one or more individuals. Therefore, any employee who is found to have made a false accusation of harassment and/or discrimination following an investigation may likewise be subject to discipline for violation of this policy.

F. Prohibition Against Retaliation

No employee will be subject to any form of retaliation or disciplined for reporting an incident of harassment or discrimination, or for participating in an investigation relating to a reported incident. Any employee responsible for retaliatory conduct will be subject to discipline, up to and including discharge. If an employee believes that he or she is being subjected to retaliation, the retaliation should be reported and will be investigated in accordance with the procedure set forth in this section.

7-03 Personal Appearance and Grooming

It is the policy of the VILLAGE OF ESTERO that all employees who are representing the Village maintain the highest standards of professional appearance when interacting with our residents. Maintaining a professional appearance is critically important in fostering public trust and confidence in the VILLAGE. The failure of any VILLAGE personnel to present a professional appearance while in the workplace will result in disciplinary action.

7-04 Employment Separations

A. Separations from VILLAGE service are designated as one of the following types:

1. Resignation
2. Retirement
3. Disability
4. Death
5. Reduction in force (Layoff)
6. Termination

B. RESIGNATION

Exempt employees are requested to provide a minimum of forty-five (45) calendar days' notice in writing prior to leaving employment. All other regular employees are requested to give a minimum of two (2) weeks' notice.

C. RETIREMENT

Retirement will be administered in accordance with the VILLAGE's retirement plan.

D. REDUCTION IN FORCE

1. LAYOFF

a. The VILLAGE Manager may lay-off employees or reduce work hours when it is deemed necessary by reason of shortage of funds, lack of work, the abolition of positions, material changes in the job duties or organizational structure, or for other reasons within the discretion of the VILLAGE.

b. In the event of a reduction in force, temporary, part-time, or introductory employees affected shall be first laid off.

c. It shall be determined, in writing, if any employees desire voluntary layoff.

E. TERMINATION

The VILLAGE is an At-Will Employer, specific causes for involuntary termination include, but are not limited to those set out in Section 7-01, Employee Conduct and Discipline.

F. TERMINATION EXIT INTERVIEW

1. The purpose and intent of the termination exit interview is to provide management with information the VILLAGE can use to improve the personnel processes, procedures, improve departmental operations and reduce employee turnover.

2. All departing employees shall meet face-to-face with the Village Manager or designee for an exit interview and will be requested to provide any written information they desire concerning their employment experience with the VILLAGE.

3. Where a face-to-face exit interview is not possible, the Village Manager will inform the immediate Supervisor who will send the departing employee an exit interview form for completion and return to the VILLAGE.

G. FINAL PAY

All final paychecks will be issued to the separated employee on the regular pay cycle.

7-05 Return of VILLAGE Property

A. Employees are responsible for items issued to them by the VILLAGE, or in their possession or control for employment purposes, such as the following:

- cell phone and/or pager
- equipment
- keys
- protective equipment
- uniforms, if any

B. All assigned VILLAGE property must be returned by a separating employee on or before the last day of work when terminating employment with the VILLAGE.

7-06 Drug-Free Workplace

A. Drug-Free Workplace Established
Substance abuse is a problem that affects everyone in the workplace, as well as a social problem. The abuse of alcohol and use of illegal drugs endangers the health and safety of the abusers and all others around them. Accordingly, the VILLAGE is hereby declared to be a Drug-Free Workplace in accordance with Chapter 440.101 et. seq., Florida Statutes and their implementing Drug Testing Rules. The VILLAGE hereby adopts the definitions set forth in Section 440.102, Florida Statutes in their entirety. The VILLAGE's Drug-Free Workplace Program shall apply to all VILLAGE employees and to job applicants for safety sensitive or special risk positions.

B. Standard Policies

1. Illegal Drug Use Prohibited. An employee bringing onto the VILLAGE's premises or property, including parking lots, having possession of, being under the influence of, or possessing the employee's body, blood or urine in any detectable amount, or using, consuming, transferring, selling or attempting to sell or transfer any form of illegal drug as defined in this policy while on VILLAGE business or at any time during the hours between the beginning and ending of the employee's workday, whether on duty or not, and whether on VILLAGE or customer business, property or not, is subject to discipline including discharge or suspension without pay from employment, even for the first offense. Failure to submit to the required drug test is grounds for discharge or suspension without pay from employment.

2. Alcohol Abuse Prohibited. An employee who is under the influence of alcoholic beverages at any time while on VILLAGE business or at any time during the hours between the beginning and end of the employee's workday, whether on duty or not, and whether on VILLAGE business, property or not, is subject to discipline including discharge or suspension without pay from employment, even for the first offense.

   An employee shall be determined to be under the influence of alcohol if:

   a. the employee's normal faculties are impaired due to consumption of alcohol, or
   b. the employee has a blood alcohol level of .04 or higher.

3. Employees are encouraged to voluntarily seek professional support for drug or alcohol-related problems. Employees who seek treatment shall discuss the situation with their supervisor if leave time, with or without pay, is required for the employee to obtain treatment or hospitalization.

4. Failure to submit to the required drug test or providing a false sample or tainting, adulterating or tampering with a drug test is grounds for discharge or suspension without pay from employment. An employee will be terminated for refusing to submit to a drug or alcohol test.

5. Employer Action
   Any employee or job applicant whom the VILLAGE is advised has a positive confirmed drug test, including for alcohol, will be subject to discharge even for the first offense. Employees are not eligible for rehire unless they show proof that they have completed a drug and/or alcohol rehabilitation program. If rehired, the employee will be subject to random testing for two (2) years, no more than twice in one year.

C. Definitions

1. "Legal Drug" includes prescribed drugs and over-the-counter drugs, which have been legally obtained and are being used solely for the purpose for which they were prescribed or manufactured.

2. "Illegal Drug" means any drug (a) which is not legally obtainable; (b) which may be legally obtainable, but has not been legally obtained; (c) which is being used in a manner or for a purpose other than as prescribed.

D. Reporting Convictions and Civil or Administrative Actions

1. Criminal convictions
Employees must, no later than five days after a conviction relating to the use or possession of drugs or alcohol, notify their Department Director of such conviction(s). Failure to notify the employee's Department Director shall be cause for immediate termination, unless good cause exists for failure to report the conviction to the VILLAGE. The VILLAGE may report the conviction to any federal, state or local agency with which it is required by law to report.

2. Civil or Administrative Actions
It is each applicant's or employee's responsibility to notify the laboratory of any civil or administrative action brought pursuant to the Florida Workers' Compensation drug-free workplace program laws, Section 440.101, et. seq.

E. Types of Drug Testing

The VILLAGE will conduct the following types of drug testing as deemed appropriate under the circumstances:

1. Pre-Employment Drug Testing
This type of testing applies to individuals who apply for a "safety sensitive" or "special risk" position. All final candidates within these categories will be tested. An offer of employment may be made pending the results of the drug test. If work has already begun, employment is conditional upon the receipt of, and successfully passing, the drug and alcohol test.

2. Reasonable Suspicion
Employees will be required to submit to a drug and/or alcohol testing at a laboratory chosen by the VILLAGE if there is reasonable suspicion of substance abuse. Circumstances that could be indicators of a substance abuse problem and considered reasonable suspicion are:

- Observed alcohol or drug abuse during work hours on VILLAGE premises
- Apparent physical state of impairment
- Incoherent mental state
- Marked changes in personal behavior that are otherwise unexplainable

- Significantly deteriorating work performance that is not attributable to other factors
- Information that an employee has caused or contributed to, or has been involved in an accident while at work
- Abnormal conduct or erratic behavior while at work
- A report of illegal drug use, provided by a reliable source
- Evidence that a drug test has been tampered during employment with the VILLAGE
- Evidence that an employee has possessed, sold, solicited or transferred illegal drugs while working or while on VILLAGE premises, or while operating VILLAGE vehicles, machinery or equipment

3. Fitness for Duty. Substance abuse testing is conducted for all employees who receive a physical fitness exam as a routine part of their job.

4. Random
The VILLAGE will conduct random drug tests only as permitted by law.

5. Post-Accident
Employees may be required to submit to a drug and/or alcohol test with regard to any workplace injury that requires medical treatment away from the property.

6. Follow-Up
If the employee, in the course of employment, enters an employment assistance program for drug related problems or a drug rehabilitation program, the VILLAGE will require the employee to submit to a drug test as a follow-up to such program, unless the employee voluntarily entered the program. In such case, the VILLAGE has the option to not require follow-up testing. If follow-up testing is required, it will be conducted at least once a year for a two-year period after the completion of the program. Advance notice of the follow-up testing date will not be given to the employee who is to be tested.

F. Confidentiality

All information, interviews, reports, statements, memoranda and drug-free results through the VILLAGE's drug testing program will be treated as confidential to the extent required by law, except as consented to by the employee or applicant.

G. Use of Prescription and Non-Prescription Medications

Each tested individual shall report, on a confidential basis, to the Medical Review Officer (MRO), the use of prescription or non-prescription medications both before and after being tested. A form will be provided to each individual to list such medications. This form should only be filled out at the collection facility not at the VILLAGE. Additionally, such medications may be disclosed orally to the MRO after being tested, if contacted

by the MRO. The individual must not disclose such medications or provide the form requesting such information to any VILLAGE employee. The VILLAGE has attached to this policy a list of the most common medications by brand, common and if applicable, chemical name, which may alter or affect a drug test. (See Appendix A). The individual can consult a testing laboratory for additional information about medication that will affect a drug test result.

H. Positive Drug Test Results

Any employee or job applicant who receives a positive confirmed drug test result may contest or explain the results to the MRO (and the VILLAGE) within five (5) working days after written notification of the positive test results. If an employee or job applicant's explanation or challenge is unsatisfactory to the MRO (and the VILLAGE), the Medical Review Officer shall report a positive test result back to the VILLAGE, and that the person may contest the drug test pursuant to Florida law, and has a right to appeal to the Public Employee Relations Commission or applicable court.

I. Employee Assistance Programs and Local Drug Rehabilitation Programs

The VILLAGE encourages all employees who need assistance in dealing with alcohol or drug dependency problems to seek counseling through the various private and public agencies that exist in our community. Examples of such agencies are listed below. Employees who come forward to request treatment or a leave of absence for treatment will not be subject to discipline. Employees may not, however, escape discipline by first requesting such treatment or a leave of absence after being selected for testing or violating VILLAGE policies and rules of conduct. Requests for voluntary treatment and related matters will be kept confidential in accordance with federal and state laws.

Hazelden Betty Ford
950 6th Avenue North
Naples, FL 34102
(239) 659-2340

The Willough at Naples
9001 Tamiami Trail E
Naples, FL 34113
(800) 722-0100
(239) 793-0534

While the VILLAGE encourages employees to seek appropriate treatment, the VILLAGE does not recommend nor endorse any particular drug rehabilitation program.

J. Employee Assistance

1. Any employee who is experiencing difficulty with alcohol or drug abuse is encouraged to seek free, confidential, professional help through the Employee Assistance Program. The Employee assistance Program may also

be contacted to clarify provisions of the Drug-Free Workplace Policy. The phone number of the Employee Assistance Program shall be posted in VILLAGE Building. This service is provided to assist employees in locating help for their particular drug or alcohol problem. The cost of treatment or counseling shall be the responsibility of the employee.

Other Helpful Numbers

Drug/Alcohol Abuse Help line: 1-800-362-2644

Drug/Alcohol Abuse 24-hour Crisis Line: 1-800-283-2600

Alcoholics Anonymous: 1-800-252-6465

Drug Abuse Alcoholism & Cocaine: 1-800-333-4444

2. Employees voluntarily seeking help will not be disciplined, discharged or discriminated against. However, this provision does not apply for any employee who:

   a. Has previously tested positive;

   b. Is currently in a Drug Rehabilitation Program; or

   c. Has entered an Employee Assistance Program for drug-related problems.

K. If you presently occupy a safety sensitive or special risk position, you will be temporarily removed from your position and placed into a non-safety-sensitive position while under rehabilitation. If an alternate position is not available, you will be placed on unpaid leave until rehabilitation is complete.

Appendix A
Common Medications And Illegal Substances Which May Alter Or Affect A Drug Test

- Alcohol

  Common Names: Booze, liquor

  Compounds which may a affect drug test: Liquid medications containing ethyl alcohol (ethanol). For example many cough syrups, Vicks Nyquil, Comtrex, Listerine contain alcohol.

- Amphetamines

  Common Names: Binetamine, Desoxyn, Dexedrine

  Compounds which may Affect Drug Test: Obetrol, Biphetamine, Desoxyn, Dexedrine, Didrex, Delcobese, Mediatric & similar "uppers"

- Cannabinoids

  Common Names: Marijuana, Hashish, Hash, Hash Oil, Pot, Joint, Roach, Grass, Spleaf, Weed, Reefer

  Compounds which may Affect Drug Test: Marinol (dronabinol), Tetrahydrocannabinol (THC) and items listed above.

- Cocaine

  Common Names: Coke, Blow, Nose Candy, Snow, Flake, Crack

  Compounds which may Affect Drug Test: Cocaine Topical HCL Solution (Roxanne) and items listed above.

- Phencyclidine

  Common Names: PCP, Angel Dust, Hog

  Compounds which may Affect Drug Test: Not legal by prescription.

- Methagualone

  Common Names: Quaalude

  Compounds which may Affect Drug Test: Not Legal By Prescription

- Opiates

  Common Names: Opium, Dover's Powder, Paregoric, Parepectolin

  Compounds which may Affect Drug Test: Donnagel PG, Morphine, Pectoral Syrup, Tylenol with Codeine, Empirin Compound with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guiatuss AC, Novahistine DH, Novahistine Expectorant, Dilaudid (hydromorphone), CS Contin and Roxanol (morphine sulfate), Percodan, Vicodin and items listed above.

- Barbiturates

  Common Names: Phenobarbital, Tuinal, Amytal

  Compounds which may Affect Drug Test: Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebaral, Butabital, Phrenilin, Triad and items listed above.

- Benzodiazephines

  Common Names: Ativan, Azene, Clonopin, Dalmone, Diozepam, Halcion

  Compounds which may Affect Drug Test: Librium, Xanax, Serax, Tranxene, Valium, Verstran, Paxipam, Restoril, Centrax and items listed above.

- Methodone

  Common Names: Dolophine, Methodose

  Compounds which may Affect Drug Test: Items listed above.

- Propoxphene

  Common Names: Darvocet, Darvon N, Dolene

  Compounds which may Affect Drug Test: Items listed above.