

Town of Ponce Inlet



Employee Rules & Regulations

October 20, 2011

Amended September 11, 2013.

INDEX

SECTION 1.0 - **GENERAL PROVISION** 4

 1.1 - Purpose

 1.2 - Equal Employment Opportunity

 1.3 - Definition

 1.4 - Positions Covered

SECTION 2.0 - **EMPLOYMENT PROVISION**5-9

 2.1 - Establishment of Positions

 2.2 - Job Classification Rate Schedule

 2.3 - Appointment and Continuity in Positions

 2.4 - Part-time and Temporary Employment

 2.5 - Probation

 2.6 - Performance Evaluation

SECTION 3.0 - **HOURS OF EMPLOYMENT** 9-12

 3.1 - Work Week

 3.2 - Overtime Pay

 3.3 – Compensation Procedures for Emergency Suspension of Operations

SECTION 4.0 - **LEAVE OF ABSENCE WITH PAY**12-25

 4.1 - Holidays

 4.2 – Personal Leave

 4.3 – Use of Personal Leave

 4.4 - Injury Leave

 4.5 - Jury Duty

 4.6 - Civil Leave

- 4.7 - Military Leave
- 4.8 - Training Leave
- 4.9 – Bereavement Leave
- 4.10 – Administrative Leave
- 4.11 – Safety Leave
- SECTION 5.0 - **LEAVE OF ABSENCE WITHOUT PAY**25
 - 5.1 - Basic Rules
- SECTION 6.0 - **EMPLOYEE RIGHTS AND DUTIES**26-40
 - 6.1 - Grievance Procedure
 - 6.2 - Rules of Conduct
 - 6.3 – Safety
 - 6.4 – Drug-Free Workplace Program
- SECTION 7.0 - **DISCIPLINARY ACTION AND SEPARATION**40-42
 - 7.1 - Flexibility
 - 7.2 - Progressive Discipline
- SECTION 8.0 - **SEPARATIONS**42-44
 - 8.1 - Resignation
 - 8.2 - Disciplinary Termination
 - 8.3 - Final Pay
- SECTION 9.0 - **TRAINING**44
 - 9.1 - Need Determination
 - 9.2 - Scholastic Requirement
 - 9.3 - Tuition Plan
- SECTION 10.0 - **BENEFITS**44-47

- 10.1 - Life Insurance
- 10.2 – Short-Term Disability Insurance
- 10.3 – Travel Accident Insurance
- 10.4 - Health Insurance
- 10.5 - Retirement
- 10.6 - Deferred Compensation
- 10.7 – Employee Personal Computer Purchase Program

SECTION 11.0 - **PER DIEM**47-49

- 11.1 - Travel Expenses
- 11.2 - Procedures
- 11.3 - Fraudulent Claims

SECTION 12.0 – **MISCELLANEOUS**.....49-51

- 12.1 - Award Days
- 12.2 - Compassionate Leave
- 12.3 - Outside Employment
- 12.4 – Use of Computing and Networking Resources
- 12.5 – Smoke-Free Tobacco-Free Workplace
- 12.6 – Union Membership

TOWN OF PONCE INLET

PERSONNEL RULES AND REGULATIONS

SECTION 1.0 - GENERAL PROVISION

1.1 Purpose

These rules and regulations are established to serve as the basis for administrative actions as they relate to employment by the Town; to insure the efficiency of the departments that serve the Town; and to insure the rights and safety of Town employees.

1.2 Equal Employment Opportunity

It is the policy of the Town that no person shall be discriminated against in any area of employment because of race, color, religion, sex, national origin or age; or in any way be excluded from participation in or denied the benefits of any program or activity receiving Town or Town controlled funds. The Town of Ponce Inlet fully complies with the law of employment discrimination which is largely included in three broad federal laws:

- Title VII of the Civil Rights Act of 1964, as amended
- Age Discrimination in Employment Act of 1967 (ADEA)
- The Americans With Disabilities Act

As of July 1, 1994 the Town of Ponce Inlet also recognizes the Family and Medical Leave Act of August 5, 1993, as amended.

1.3 Definitions

- A. For the purpose of these rules and regulations, reference to "Department Heads" includes the Finance Manager, Planning and Development Director, Fire Chief, and Police Chief.
- B. For the purpose of these Rules and Regulations, reference to "Employee" includes any and all employees of the Town, including Department Heads; unless otherwise stated in these rules.

1.4 Positions Covered

These rules and regulations cover all employees of the Town and shall be administered by the Department Heads under the general supervision of the Town Manager.

SECTION 2.0 - EMPLOYMENT PROVISION

2.1 Establishment of Positions

- A. Article IV of the Town Charter authorizes establishment of positions in the Town.
- B. Department Heads are responsible for the preparation and updating of all job descriptions within their departments. An approved consultant may be utilized when considering the creation of, or revision to a job description.
- C. Final approval of all job descriptions is vested in the Town Manager.

2.2 Job Classification Rate Schedule

- A. The current Classification Rate Schedule for positions within the Town will be maintained by Human Resource Division, together with the effective date of the schedule.
- B. Budgeted pay increases are approved by the Department Head and the Town Manager.
- C. Working out of classification
 - 1. A Department Head may assign an employee within his/her department to any duties within the responsibility of that department. Assignments shall be based upon knowledge of the position, capability, and ability to perform.
 - 2. An employee who works in a higher job classification for five (5) consecutive working days or fire personnel after two (2) consecutive shifts or longer shall be compensated according to the following schedule:
 - a. If the rate of pay for the temporary assignment is less than the employee's normal rate of pay, the employee will receive the normal rate of pay.
 - b. If the rate of pay for the temporary assignment is greater than the employee's normal rate of pay, the employee shall be compensated from the first day of assignment at a rate equivalent to the greater of:
 - i. The minimum salary for the job classification being filled, not to exceed fifteen percent (15%) of the employee's normal rate of pay; or
 - ii. Five percent (5%) above the employee's normal pay.

2.3 Appointment and Continuity in Positions

- A. All employees, with the exception of Department Heads, will be appointed by the Department Head with the approval of the Town Manager.
- B. The appointment of Department Heads will be in accordance with provisions set forth in Article IV, Section 4.04 (a) of the Town Charter.
- C. Probationary periods, during which an employee may be terminated without cause / at the will of the Town Manager, provided in these rules and regulations do not apply to Department Heads, as they remain “at-will” employees and subject to termination with or without cause in accordance with the Town Charter.

2.4. Promotions:

Employees are encouraged to seek internal opportunities for career growth. If a promotion is granted, the employee will receive an increase to the minimum rate of the position for which they are being reclassified or a five percent (5%) increase per pay grade from their present grade to the grade of the promotion, whichever is greater. The same process will be used if a position is re-classified to a higher grade.

2.5 Part-time and Temporary Employment

- A. Part-time employment is used by the Town to cope with peak work load demands to provide stop-gap assistance where a regular employee is not available, or to provide flexible working arrangements for those positions not requiring a full-time employee.
- B. A part-time employee is one who is normally scheduled for work for less than forty (40) hours per week.
- C. A temporary employee is one who is appointed for a limited and specific period of time— no benefits are provided.

2.6 Probation

- A. With the exception of sworn police officers, all new appointees to regular or part-time positions will serve a probationary period of six (6) months. Sworn police officers shall serve a probationary period of twelve (12) months. This period begins on the date of actual employment; however, any period of approved unpaid absence shall not be counted in determining the period.
- B. A promotion within a department shall be considered as probationary for six (6) months of continuous regular duty.

- C. A lateral reassignment or job re-classification within the Town that is made upon an employee's request shall be considered probationary for six (6) months and no right to return to the former position is established on such assignment.
- D. The day-to-day performance of probationary employees will be evaluated by their immediate supervisor in relation to the performance factors prescribed for regular employees in 2.7C, below, as well as their ability to learn the duties of the new position, and the employee's achievement in any specialized training courses.
- E. Unless action has been taken or is appropriate in accordance with (F), below, probationary employees will receive a formal performance evaluation as follows:
 - 1. All new employees will receive a written performance evaluation at the conclusion of their sixth month of employment.
 - 2. Employees who are promoted or laterally assigned or re-classified in the case of (C), above, will receive written performance evaluation at the end of their sixth month of duty in the new position.

These evaluations will be related to the specific rating factors and be in writing. The rating supervisor will give the employee a copy and request that the employee sign the file copy. Upon completion of the evaluation session, the supervisor will forward the file copy to the Department Head, and the file copy should be forwarded from the Department Head to the Town Manager or designee for information and action.

- F. Where, at any time in the probationary period, a supervisor determines that an employee's employment should not be extended beyond his or her probationary period; the supervisor will advise the Department Head and shall make one of the following recommendations to the Town Manager:
 - 1. An extension of probation for up to six (6) months or immediate termination.
 - 2. In case of a promotion or re-classification, or a letter of transfer at the employee's request, either termination or, if a vacancy permits, return to the former position for which the employee is qualified.
- G. Probationary employees have no expectation of continued employment and shall be treated as "at will" employees. Any action taken against a probationary employee as outlined in paragraph (f) above shall be non-appealable, not subject to the grievance procedure in Section 6.0 of these rules, nor shall the probationary employee be entitled to a due process hearing.

- H. The Town Manager and Department Heads do not serve a probationary period as they are at-will employees of the Town and may be dismissed at any time with or without cause pursuant to the Town's Charter.

2.7 Performance Evaluation

- A. All Town employees, including Department Heads, shall continue to be formally evaluated on an annual basis to ensure that their level of performance is maintained at a satisfactory level or higher. All employees shall be evaluated on their performance, based on their job descriptions. Department Heads shall be evaluated in the same manner as their employees. Evaluations of Department Heads shall be performed by the Town Manager. Employees are eligible for pay increases in accordance with the merit system as implemented by the Town policies. However, unless otherwise contractually required, pay increases are subject to allocation in the Town's budget by the Town Council for each fiscal year.
- B. The provisions of Section 2.7 do not apply to the Town Manager, in as much as he/she is an at-will employee evaluated by the Town Council and will be evaluated according to the contractual provisions for his/her position.
- C. Performance will be measured based on the standards included on the Town Manager approved performance evaluation form.
- D. In instances where the department head is not the evaluator, each employee evaluation must be approved by the department head prior to distribution to the employee.
- E. Each employee's annual performance evaluation shall be discussed with him/her during a meeting with his/her supervisor; normally not to exceed sixty (60) days from the employee's anniversary date. It shall include an examination of the employee's performance for the year. Above average performance and areas where improvement is needed shall be documented and discussed.
- F. The performance rating and any supporting comments or documentation will be in writing. The employee will be furnished a copy and the employee will be asked to sign the file copy to evidence that the performance evaluation has been held.
- G. If the performance of an employee has been rated satisfactory the rating file will be forwarded for the information of the Department Head, or in the case where the Department Head is the rating supervisor, the Town Manager.
- H. If the performance of an employee is rated unsatisfactory in any category, the supervisor will arrange to meet with the Department Head, or in the

case where the Department Head is the rating supervisor, the Town Manager, to discuss the nature of the unsatisfactory performance, the counseling given the employee, and the length of time given the employee to raise the level of performance.

- I. The time given for raising a performance level will not exceed the period to the next annual evaluation date, and failure to raise the level of performance by the time of the next annual evaluation date following the first unsatisfactory rating may result in termination.
- J. Pay increases within the prescribed range shall be based on performance as factored by the performance instrument approved by the Town Manager and as provided for in the budget approved by the Town Council.
- K. Notwithstanding, paragraph (I) above, where performance has declined to a point where a raise to a satisfactory level is not reasonably to be expected, termination will be immediate.
- L. In the event an employee disagrees with an unsatisfactory rating, he or she may use the grievance procedure outlined in Section 6.1.
- M. The provisions of this Section on performance evaluation do not act in any way to delay or affect action in any personnel situation that is undertaken or provided for in any other Section of these rules and regulations.

SECTION 3.0 - HOURS OF EMPLOYMENT

3.1 Work Week

- A. The normal work week is forty (40) hours. The Department Head may adjust the work week in order to fit department needs.
- B. The normal work week applies to all employees, except fire and police personnel and part-time employees. However, in his/her discretion, the Town Manager may make adjustments in work hours for Department Heads to recognize demands on their time.
 - 1. A standard work day for fire personnel is comprised of twenty-four (24) consecutive hours, followed by a period of forty-eight (48) consecutive hours off-duty.
 - 2. A standard work period consists of one hundred fifty-nine (159) hours worked within a twenty-one (21) day work period.
 - 3. A standard work period for police personnel consist of eighty-four (84) hours within a fourteen (14) day work period.
- C. Under certain circumstances, Department Heads may adjust the hours of

duty within the normal work week for subordinate employees.

D. Normal work period requirements

1. Hours actually worked, holiday time, scheduled personal leave, scheduled sick leave (in accordance with procedures established in Section 4.2(D)(2), and scheduled compensatory time off shall be used to satisfy the normal work period requirement.
2. Unscheduled leave shall not be used to satisfy any part of the normal work period requirement. Unscheduled leave shall be defined as leave not requested of and approved by the Department Head at least twenty-four (24) hours prior to the occurrence.

3.2 Overtime Pay

- A. Employees eligible for overtime who are required to work in excess of the normal work period shall be compensated for all hours over their normal work period at a rate equal to 1 ½ times their regular hourly rate.
- B. Employees eligible for overtime who are required to work in excess of the normal work period may opt for compensatory time in lieu of overtime pay. Compensatory time (“comp time”) will accrue at the same rate as overtime pay.
 - i. The decision to offer comp time shall be at the discretion of the employee’s supervisor with the approval of the Department Head. The Town has the exclusive right to refuse the earning of comp time in lieu of monetary payment.
 - ii. The decision to accept comp time in lieu of monetary pay shall be at the sole discretion of the employee.
 - iii. An employee shall not accrue more than forty (40) hours of comp time, except that police officers personnel may accrue up to forty-two hours of comp time and fire department shift personnel may accrue up to eighty (80) hours of comp time. Overtime hours worked thereafter shall be paid at time and one half (1 ½) the employee’s regular rate of pay.
 - iv. Once comp time has been earned, it may not be “cashed-in” for monetary payment at a later date. However, in the event that the employee resigns or is terminated, he/she shall be paid an accrued comp time in accordance with the Fair Labor Standards Act.
 - v. No employee shall be authorized to use accrued comp time if the use of the time would unduly disrupt the operations of the Department or the Town.
 - vi. An employee filling an exempt position which requires working on an unlimited basis without the payment of overtime shall not be eligible to accrue comp time while temporarily assuming this role.

3.3 Compensation Procedure for Emergency Suspension of Operations

- A. In the event of extreme weather or other emergency conditions that make normal operations unsafe or impractical, the Town Manager or his/her designee may suspend all or part of a normal work day.
- B. In the event such determination is made the Town Manager shall notify all Department Heads of the effective time of the suspension of operations; Department Heads shall notify all affected employees in their department. Such notifications shall when possible include the date and time when normal operations will resume.
- C. Employees not required to perform in accordance with the Town's Emergency Management Plan, shall be dismissed from work. In order not to lose compensation, the employee may elect to use any accumulated personal leave or compensatory time, for the hours that would normally have been worked. Leave may not be used to exceed the normal workweek, whereby overtime compensation would be required.
- D. All temporary and part-time employees not required to work, as part of the Town's Emergency Management Plan shall not be compensated until normal operations resume.
- E. Non-exempt employees, part-time and temporary employees, required to work as part of the Town's Emergency Management Plan, or in which department operations are not suspended, shall be compensated in accordance with Town policies for actual hours worked and in accordance with the Fair Labor Standards Act.
- F. In order to provide essential services, department heads may assign employees to "Emergency Standby" duty. Being on Emergency Standby means that the employee shall be readily available to respond to work – reachable by phone or pager within one hour of being contacted. Non-exempt, non-union employees placed on Emergency Standby shall receive one (1) hour of pay per twenty-four hour period while on standby. This shall be paid whether or not the employee is called in and will be counted as one (1) hour worked, even if no work is performed. Except for this one (1) standby hour, emergency standby time away from work shall not count as hours worked for the purpose of computing overtime pay.
- G. Exempt employees required to work as part of the Town's Emergency Management Plan, or in which department operations are not suspended, who are on duty in excess of 40 hours per week, at the direction of the Town Manager shall be provided additional compensation when all of the following conditions are met:
 - 1) an emergency or disaster has been declared by an authorized local, state or federal authority;

2) the employee is called in and/or required to work in excess of six (6) hours beyond the normal workweek for non-department head exempt employees and in excess of twelve (12) hours beyond the normal workweek for department head exempt employees.

H. The additional compensation of these hours shall be calculated back to the first hour and will be paid as follows:

1) Non-department head exempt employees shall be paid on an hourly basis at time and one-half (annual salary divided by 2080 hours of work in one year x 1.5).

2) The Town Manager and Department head exempt employees shall be paid on an hourly basis at straight time (annual basis divided by 2080 hours of work in one year).

I. Nothing herein shall be deemed to reduce or alter the regular salary payment for exempt employees at times other than those specified above.

J. Once the Town resumes normal operations, all employees are expected to report as normally required. Depending upon the effect the disaster has on an employee, the Department Head may authorize the use of leave to allow the employee to take care of personal needs.

An employee who fails to report for duty or fails to seek authorization for approved leave, may be subject to disciplinary action up to and including immediate termination.

SECTION 4.0 - LEAVE OF ABSENCE WITH PAY

4.1 Holidays

A. Holidays with pay are:

1. The first day of January (New Years Day)
2. The third Monday of February (President's Day)
3. The last Monday of May (Memorial Day)
4. The Fourth of July (Independence Day)
5. The first Monday in September (Labor Day)
6. The Thursday in November proclaimed as Thanksgiving Day

7. The Friday in November immediately following Thanksgiving Day
 8. The Twenty-Fourth Day of December (Christmas Eve)
 9. The Twenty-Fifth Day of December (Christmas Day)
 10. An individual Floating Holiday for each employee which must be used within the fiscal year.
- B. When a holiday falls on a Saturday or Sunday the preceding Friday or following Monday, respectively shall be observed. All shift personnel will observe the holiday on the actual day of the holiday.
 - C. All full-time employees will receive eight (8) hours of holiday pay for the observed holiday, or in the event of shift personnel, eight (8) hours of holiday pay for the actual holiday.
 - D. In addition to the eight (8) hours of holiday pay, a full-time hourly employee who is required to work on the holiday will be compensated for up to eight hours at one and one-half times his/her current salary for actual hours worked.
 - E. In order to be entitled to holiday pay, employees must work (or be on approved leave of absence with pay), the full scheduled workday both immediately before and immediately after the holiday.
 - F. Temporary employees are not entitled to holiday pay. However, they will be paid their regular hourly rate for time worked on these days.
 - G. If a holiday occurs during a period for which an employee has taken approved leave, the employee will receive the holiday pay as opposed to the personal leave pay, thereby maintaining the leave day in his/her bank.
 - H. Part-time employees of the Town who work a minimum of 20 hours per week shall be entitled to holiday pay at a rate of four hours per holiday. Part-time employees eligible to receive holiday pay are also required to meet the policies set forth in Sections 4.1,A,B,E and G of this manual.

4.2 Personal Leave

A. Eligibility

All full time, probationary full-time, and part-time employees working in excess of 20 hours per week shall be entitled to earn and accrue personal leave.

B. Request for Personal Leave

The request for personal leave shall be submitted to the employee's Department Head on the approved form. Leave may be taken only after approval by the appropriate Department Head, and in nothing less than one (1) hour increments. Any personal leave requests shall be first approved by the Department Head.

C. Accrual

1. Personal leave is accrued on a bi-weekly basis beginning on the first pay period following completion of thirty (30) days of employment.
2. For accrual purposes, only paid leaves of absence shall be considered as time worked.
3. Personal leave may be used only as earned, and personal leave with pay shall not be allowed in advance of being earned.
4. Eighty (80) or more hours of unpaid leave, or unauthorized absence or suspension in a thirty (30) day period shall negate that employee's next scheduled accrual of personal leave. If suspension does not result in termination and back pay is not authorized, there is not accrual of personal leave. If suspension is lifted and back pay is authorized, personal leave is accrued during the period of suspension.
5. Accrual shall be in accordance with the following schedule on an annual basis:
 - i. One year (1) to five years (5) : One Hundred Forty-Four Hours (144) per year
 - ii. Six years (6) to ten years (10): One Hundred Ninety-Two Hours (192) per year
 - iii. Eleven years (11) to fifteen years (15): Two Hundred Forty Hours (240) per year
 - iv. Sixteen years (16) or above: Two Hundred Sixty-Four Hours (264) per year
6. Budgeted part-time employees whose regular work period is between 20-39 hours per week shall earn and accrue personal leave in accordance with the following schedule on an annual basis:
 - i. One year (1) to five years (5) : Seventy-Two Hours (72) per

year

- ii. Six years (6) to ten years (10) : Ninety-Six Hours (96) per year
- iii. Eleven years (11) to fifteen years (15) : One Hundred Twenty Hours (120) per year
- iv. Sixteen years (16) or above : One Hundred Thirty-Two (132) per year

This section does not include consultants and/or contractual employees.

7. Recognizing the difference in the workweek of firefighter shift personnel, accrual for those individuals shall be as follows:

- i. One year (1) to five years (5) : Two Hundred Four Hours (204) per year
- ii. Six years (6) to ten years (10): Two Hundred Sixty-Four Hours (264) per year
- iii. Eleven years (11) to fifteen years (15): Three Hundred Thirty-Six Hours (336) per year
- iv. Sixteen years (16) or above: Three Hundred Seventy-Two Hours (372) per year

8. New employees are not eligible to use any earned personal leave until six (6) months continuous service has been completed.

D. Accumulation of Personal Leave

- 1. A total of Four Hundred Eighty Hours (480) is the maximum personal leave which may be carried over to the next calendar year.
- 2. Employees who worked for the Town prior to the conversion to Personal Leave were permitted to maintain previously earned sick leave hours within a sick leave bank. However, he/she will only be allowed to use the remaining sick time for an injury or illness that extends beyond two (2) consecutive work days. Personal Leave must be used to cover the prior two (2) work days before the remaining sick time can be utilized. For Fire Department shift personnel this would equate to one (1) consecutive twenty-four (24) hour shift. Once an employee's remaining sick time is exhausted, he/she will then utilize Personal Leave for all leave under this policy. In the event of termination of employment, an

employee who leaves in good standing would be compensated at twenty-five percent for any remaining sick time.

E. Special Circumstances

1. If a holiday occurs during a period for which an employee has taken approved leave, such holiday will not be counted as a personal leave day.
2. An employee who is separated in good standing from the services of the Town shall be paid a lump sum amount for all accrued personal leave, not to exceed the Four Hundred Eighty Hour (480) cap (including the balance of all non-converted sick leave as specified in Section 4.2.D.2.).
3. An employee who is terminated for cause from Town service shall forfeit all unused accrued personal leave and sick leave.
4. An employee who resigns or is terminated within his/her first year of service shall forfeit all personal leave time accrued. 5. If an employee is unable to use personal leave before the end of the year due to special circumstances such as the department not having the manpower, or any circumstance which would prove to be unavoidable, the employee will be paid for any hours accumulated over Four Hundred Eighty (480), the maximum amount to be carried over. This shall be determined by the Department Head and approved by the Town Manager.

F. Annual Personal Leave Buy-Back (Amended 9/11/13 by Resolution 2013-16).

1. If approved by Council through the provision of funds in the budget for the fiscal year in which it is to be paid, an employee may elect to be paid for up to sixty (60) hours annually of his/her personal leave. To be eligible for this, an employee must have accrued Two Hundred Forty (240) hours of unused personal leave as of September 30th of each year. The hours will be paid in November of that year at the employee's applicable base pay rate. All hours paid under this Section will be deducted from the employee's personal leave account and subject to the Town Manager's approval. All requests for buy-back must be received by the Town Manager no later than June 1st.

4.3 Use of Personal Leave

A. Allowed Uses

An employee must use his/her personal leave hours prior to going on an unpaid leave status. All leave requests must be approved by the

Department Head and unless specified as an emergency situation or sudden illness, must be submitted to the Department Head at least twenty-four (24) hours prior to the occurrence for approval.

B. The Family and Medical Leave Act (FMLA)

It is the policy of the Town to grant eligible employees up to 12 weeks (or 26 combined weeks in the case of a Covered Servicemember) of Family and Medical Leave in a one-year period, in accordance with the Family and Medical Leave Act of 1993 (FMLA).

Employees are eligible for Family and Medical Leave if they have been employed by the Town for at least one year and have worked at least 1,250 hours during the one-year period immediately preceding the date the leave will begin.

Leave may be granted for any of the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son, daughter, or parent, who has a serious health condition;
- For a serious health condition that makes the employee unable to perform the employee's job;
- For military "qualifying exigencies" for employees with a spouse, son, daughter, or parent on active duty or called to active duty in the Armed Forces in support of a contingency operation; or
- To care for a "covered servicemember" with a serious injury or illness in connection with certain military service who is the employee's spouse, son, daughter, parent, or next of kin.

Employees may use up to 12 weeks of FMLA leave during any "rolling" 12 month period. To care for a covered servicemember, the FMLA permits employees to take up to 26 weeks of leave in a single 12 month period beginning on the first date of leave. The 26 week period includes any leave periods taken for other types of FMLA leave.

Employees must provide 30 days advance notice of the need to take FMLA leave when leave is foreseeable. Otherwise, the employee must provide notice as soon as practicable. Employees must provide sufficient information to determine if the requested leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, a family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees must also indicate if the requested leave is for a reason for which FMLA

leave was previously taken or certified.

Medical certification will be required to support a request for leave due to a serious health condition, and recertification may be required. A second or third opinion (at our expense) may also be required.

Employees will be informed whether they are eligible under the FMLA. If so, a notice specifying any additional information required as well as the employee's rights and responsibilities will be provided. If not eligible, a reason for the ineligibility will be provided. Employees will be informed if leave will be designated as FMLA-protected and, to the extent possible, the amount of leave counted against the employee's leave entitlement. Employees will be informed if leave is not FMLA-protected.

FMLA leave may be taken in a single block of time, or leave may be taken intermittently or on a reduced leave schedule when medically necessary or for military qualifying exigencies. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to disrupt office operations unduly. Employee's health insurance coverage under the group health plan will be maintained during FMLA.

Employees on FMLA leave are required to use all paid leaves before going on absence/leave without pay. FMLA leave shall be deemed to run concurrently with all other leaves. The Town may designate absences, where appropriate, as FMLA leave. Employees on leave may not be permitted to obtain, accept or work at outside employment, other than military service, during approved leave without prior written authorization.

Upon return from FMLA leave, employees will be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. Use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of leave.

Any employee, who feels that they have been discriminated against, retaliated against, or interfered with in connection with their FMLA rights, should immediately report any issues to Human Resources. It is unlawful and prohibited to interfere with, restrain, or deny the exercise of any right under the FMLA or to discharge or discriminate against any person for opposing any practice made unlawful by the FMLA or for involvement in any proceeding under or relating to the FMLA, and employees may file a complaint with the U.S. Department of Labor or may bring a private lawsuit for violations of the FMLA.

DEFINITIONS

A "Serious Health Condition" is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a

condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement includes an incapacity of more than three full calendar days and two visits to a health care provider or one visit to a health care provider and a continuing regimen of care; an incapacity caused by pregnancy or prenatal visits, a chronic condition, or permanent or long-term conditions; or absences due to multiple treatments. Other situations may meet the definition of continuing treatment.

Qualifying exigencies may include addressing short-notice deployment, attending certain military events, arranging for alternative childcare, addressing financial and legal arrangements, attending certain counseling sessions, rest and recuperation, or attending post-deployment reintegration briefings.

A "Covered Servicemember" is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation or therapy, is in outpatient status, or is otherwise on the temporary disability retired list.

FMLA does not affect any Federal or State law prohibiting discrimination, or supercede any State of local law of collective bargaining agreement which provides greater family or medical leave rights.

C. Domestic Violence Leave Law:

The Domestic Violence Leave Law became effective on July 1, 2007. Eligible employees are those that have been employed for 3 or more months, are entitled to take up to 3 days of Domestic Violence Leave in a 12 month period if the employee or a member of the employee's family or household is the victim of domestic violence.

An employee's use of Domestic Violence Leave is limited to the following activities:

- a. to seek an injunction against domestic violence
- b. to obtain medical services for a victim of domestic violence
- c. to obtain services from a victim services organization
- d. to make the employee's home secure from or to escape from the perpetrator of the domestic violence

- e. to seek legal assistance or attend court proceedings related to the domestic violence

Except in cases of imminent danger, the employee must provide his or her supervisor with advance notice of the need for Domestic Violence Leave in compliance with the Town's requested leave procedures. An employee requesting Domestic Violence Leave must provide documentation of the act of domestic violence for which the leave is needed. Due to the sensitive nature of domestic violence issues, all information relating to an employee's Domestic Violence Leave will be confidential.

An employee must first exhaust all personal leave before he/she is entitled to leave without pay for domestic leave purposes.

D. Physician's Certificate

A physician's certificate may be required at the department head's discretion to authenticate an illness for which leave is requested.

4.4 Injury Leave

A. Paid Leave

1. Paid leave for incapacitating job-related injury may be granted for a period not to exceed seven (7) working days, , or three (3) consecutive twenty-four hour shifts (72 hours) for Fire Department shift employees. The day of injury is excluded as the first day of injury.
2. Such leave shall normally require authentication by a physician.
3. If incapacitated for his/her regular position, the employee may be given other duties within the Town for the period of recuperation. Unwillingness to accept such assignment as directed by the Department Head will make the employee ineligible for injury leave for the term involved. However, this will not affect any benefits the employee may be entitled to under the Workers' Compensation Law.

B. Return to Work Program / Modified Duty Procedure

1) Purpose:

The purpose of this policy is to establish a modified duty procedure for employees who have sustained a work related injury/illness arising out of and in the course and scope of employment.

2) Policy:

The Town will attempt to provide modified duty assignments to employees who sustain a work related injury/illness arising out of and in the course and scope of employment. Modified duty assignments are not guaranteed, and depend on factors such as the employee's work restrictions and the availability of work.

3) Procedures:

An employee who is released to work with restrictions by the Workers Compensation physician will be provided a modified duty assignment by their Department Head, provided that the employee's restrictions can be safely accommodated and that there is work available in the department that satisfies the restrictions. If the Department Head cannot provide a modified duty assignment, the Department Head should notify Human Resources. Human Resources will attempt to make arrangements with another department to provide the employee with a modified duty assignment. However, it is first and foremost the responsibility of the employing department to make reasonable efforts to provide modified duty assignments to their employees who sustain a work related injury/illness arising out of and in the course and scope of employment. In all instances the employee shall be paid from the employing department's budget.

Employees who are provided modified duty assignments must report to work at their modified hours, shifts and assignments. Modified duty assignments are not intended to be permanent. Unless otherwise required by law, modified duty assignments shall not extend beyond eight (8) weeks.

Employees who refuse modified duty work assignments may be denied Workers' Compensation pay in accordance with Florida Statutes Chapter 440, The Florida Workers' Compensation Act. Such employees may use their accrued leave time in accordance with Employee Rules and Regulations Procedures until released to regular work duty by the Workers' Compensation physician. If the employee has exhausted all accrued leave and still refuses modified duty assignments, then the employee will go into a no pay status.

Modified duty should be taken into account and accommodate those restrictions which have been placed upon the injured employee by the Workers' Compensation physician. As restrictions or limitations may change during the recovery process, the Department Head will modify the duty assignment to accommodate the employee where able. Any employee experiencing problems performing their work restrictions or experiencing worsening symptoms must immediately

report those problems to their Department Head and Human Resources.

During the modified duty assignment, the employee will continue to receive their normal rate of pay for the hours worked. If the employee cannot work their regularly assigned number of hours, the employee may be entitled to Workers Compensation pay under Florida Statutes Chapter 440, The Florida Workers' Compensation Act. Under no circumstances can the amount of pay for hours worked and Workers' Compensation pay exceed 100% of the employee's regular wages. The Town will pay the employee for the time taken for medical treatment that is required during their assigned work hours.

4) Off-The-Job Injury/Illness:

Employees who sustain a non-work related injury/illness that does not arise out of and in the course and scope of employment are not eligible for modified duty assignments unless required by law. Such employees who are certified by a treating health care provider as unable to perform their assigned duties without restrictions shall be placed off duty. These employees can use their accrued personal leave in accordance with the Employee Rules and Regulations Manual. If no leave is available, the employees will be on leave without pay.

Employees who are certified by a treating health care provider as unable to perform their assigned duties due to a non-work related injury/illness, and therefore relieved from duty, may return to work only upon HR receiving a Fit-For-Duty/Return-To-Work note from the treating health care provider. Such note must indicate that the health care provider has reviewed the employee's job description and believes that the employee can perform their regular duties without restrictions. The Town has the right to seek an opinion from a health care provider of its choosing prior to returning the employee to work.

C. Workers' Compensation

1. At the expiration of Injury Paid Leave (4.4, A.1.) the employee shall be removed from the regular payroll and placed on Workers' Compensation, unless the employee utilizes his/her personal leave or work assignment options in the succeeding paragraph.
2. At the employee's option, use may be made of all of the employee's accumulated personal leave credits prior to being placed on Workers' Compensation.

3. Payment from Workers' Compensation shall not be drawn for the same time period in which the employee received personal leave, however, personal leave may be used to substitute for the 1/3 salary not being paid by Workers' Compensation.
4. Any town employee who, while acting, within the course of employment for the Town is maliciously or intentionally injured and who thereby sustains a job connected disability compensable under Chapter 440 Florida Statutes shall be carried in full-pay status rather than being required to use personal leave. Full-pay status shall be granted only after submission to the Town Manager a medical report which gives a current diagnosis of the employee's recovery and ability to return to work. In no case shall the employee's salary or Workers' Compensation benefits exceed the amount of the employee's regular salary.

4.5 Jury Duty

- A. Time spent in fulfilling duty as a juror or prospective juror is considered regular work time, however, the employee will turn over to the Town the compensation received for such duty minus any travel expense reimbursement included in payment by the court.

4.6 Civil Leave

- A. Employees attending court as a witness on behalf of a public jurisdiction shall receive full pay equal to their normal work schedule for the hours they attend court.
- B. Employees who become plaintiffs, defendants, or witnesses in non-town job related cases are not eligible for leave with pay.
- C. Job related court cases requiring attendance outside the employee's normal working hours will be compensated at the overtime rate schedule. A two (2) hour minimum time is allowed for each day of attendance.

Department Heads retain the right to minimize overtime by adjusting work schedules. The employee will turn over to the Town any compensation received for such duty.

- D. Employees who attend court for only a portion of a regular scheduled work day are expected to report to their supervisor when excused or released by the court.
- E. Employees required to attend court as stated above while on scheduled personal leave may be allowed leave with pay for such court time.
- F. If a holiday occurs during the period of employee's jury duty, the employee

will receive pay for such holiday.

4.7 Military Leave

- A. An employee who is required to report for military reserve training or emergency military service shall be entitled to leave of up to two hundred and forty hours in any twelve month period.
- B. An employee's pay for any such period of military leave shall be the current Town pay for the period, reduced by the amount of military pay.
- C. In the event that the time of military training is optional, the period of absence shall be designated by the Department Head.
- D. Personal leave shall accrue during a period of military leave as defined in this subsection.

4.8 Training Leave

- A. Department Heads may grant leave with pay for an employee to attend training courses, seminars or conferences which they deem to be in the best interest of the Town. Overnight travel expenses or leave from forty (40) hours to eighty (80) hours must be approved by the Town Manager. Leave in excess of eighty (80) hours must be approved by the Town Council.

4.9 Bereavement Leave

- A. Bereavement leave, not to exceed three (3) days may be granted for a death in the employee's immediate family or one shift for fire personnel. Should out-of-town travel be required, up to two (2) additional days or one additional shift for fire personnel may be authorized by the Department Head.
- B. Immediate family is defined as Mother, Father, Step-Parent, Aunt, Uncle, Mother-In-Law, Father-In-Law, Foster Parent, Brother, Step-Brother, Brother-In-Law, Sister, Step-Sister, Sister-In-Law, Spouse, Child, Son-In-Law, Daughter-In-Law, Grandchildren, and Grandparents.
- C. Requests for bereavement leave for the death of anyone beyond this description may be approved by the Town Manager upon recommendation from the Department Head on a case-by-case basis.

4.10 Administrative Leave

- A. The Town recognizes that exempt employees are not eligible for overtime pay or compensation time and regularly work additional hours during the year to accomplish the Town goals. Exempt employees shall receive an

additional forty (40) hours of administrative leave per fiscal year. This leave may not be carried over to the next fiscal year, nor will any monetary payment for any unused portion be permitted. The use of Administrative Leave must be approved in the same manner as other leave requests.

4.11 Safety Leave

All full-time employees shall receive an additional eight hours leave and due to the extended day shift rotation work of police officers and firefighters those employees shall also receive four more hours for a total of twelve hours of leave (to be termed a Safety Day), provided the employee has experienced no lost time in the previous fiscal year as a result of any job related accident. Part-time employees working in excess of 20 hours per week shall receive an additional four hours so long as they meet this same criteria.

The Safety Day must be taken within the fiscal year after it is earned and cannot be carried over to the next fiscal year (requires pre-approval by employee's Supervisor or Department Head).

Safety Days will be determined and granted on October 1st of each year, based upon the employees previous twelve months of service.

SECTION 5.0 - LEAVE OF ABSENCE WITHOUT PAY

5.1 Basic Rules

- A. The granting of leave without pay is a matter of administrative discretion. The basic constraint in the granting of such leave is that the Town needs the regular services of all employees for which provision has been made in the Town budget.
- B. Department Heads are authorized to approve leave without pay, either before or after the leave for a period not to exceed three (3) days and fire personnel one (1) shift, where the Department Head is satisfied that the condition requiring the absence constituted an emergency to the employee.
- C. Leave without pay that is not approved will result in disciplinary action or separation in accordance with Section 9.2.
- D. Requests for approval of leave without pay for a period of more than three (3) days must be in writing and approved by the Town Manager as well as the Department Head.

SECTION 6.0 - EMPLOYEE RIGHTS AND DUTIES

6.1 Grievance Procedure

- A. A grievance is a complaint, a view or opinion regarding employment conditions, pay, relationships with supervisors or other employees, or any other problem or dissatisfaction regarding the employment situation. Permanent Town employees who feel they have a legitimate grievance may appeal for relief from that action or condition.
- B. All employees who seek relief from a grievance are to follow a prescribed chain-of-command grievance procedure.
 - 1. Step 1 - An employee who feels aggrieved will contact and discuss the matter in question with the immediate supervisor. This must be done within fourteen (14) calendar days of the incident which gave rise to the grievance.
 - 2. Step 2 - Same procedure as Step 1 except the employee should contact the Department Head regarding the problem.
 - 3. Step 3 - If the problem is not resolved at Step 2 and the employee wishes to pursue the matter further, the employee must make an appointment within seven (7) calendar days to meet with the Town Manager.
- C. At each level of inquiry, the employee must be given an answer or decision within seven (7) calendar days.
- D. Should the grievance reach the Town Manager and not be resolved to the employee's satisfaction the employee can then, within seven (7) calendar days, apply in writing to the Town Manager to request a public hearing of the grievance at a regular or special meeting of the Town Council. The Town Council's action shall be considered final.
- E. Policy Statement: Prohibiting Harassment, including Sexual Harassment

All employees have the right to work in an environment free of discrimination and any form of harassment based on race, color, religion, age, sex, national origin, handicap, or marital status. To help ensure no employee feels himself or herself to be subject to harassment, the Town also prohibits any offensive physical, written, or spoken conduct regarding any of these items, including conduct of a sexual nature. Such conduct shall constitute harassment when engaged in by someone in the Town in a position to influence employment decisions when:

- a. Submission to such conduct is made either expressly or implicitly a condition of the recipient's continued employment; or

- b. Submission to or rejection of such conduct by the recipient is used as the basis for employment decisions affecting the recipient.

The Town also prohibits repeated and unwelcome physical, written, or spoken conduct by either a supervisor or any fellow employee that substantially interferes with an individual's work performance or creates what a reasonable person could consider to be an intimidating, hostile, abusive, or offensive working environment.

If an employee believes he or she is being subjected to any of these forms of harassment or believes he or she is being discriminated against because other employees are receiving favored treatment in exchange, for example, sexual favors, he or she must bring this to the attention of their supervisor. The very nature of harassment makes it virtually impossible to detect unless the person being harassed registers his or her discontent with the appropriate Town representative.

Consequently, in order for the Town to deal with the problem, employees must report such offensive conduct or situations to their supervisor, or the Town Manager. A record of the complaint and the findings will become a part of the complaint investigation record, and the file will be maintained separately from the employee's personnel file. It is understood any person electing to utilize this complaint resolution procedure will be treated courteously, and the problem will be handled promptly and confidentially; and the registering of a complaint will in no way be used or held against the employee, nor will it have an adverse impact on the complaining individual's employment status. Upon confirmation of prohibited harassment, the employee responsible for the harassment may be subject to disciplinary action, ranging from reprimand to termination. The Town of Ponce Inlet, in order to create a comfortable working environment and to avoid any question about possible unlawful harassment of employees, has chosen to prohibit harassment, including sexual harassment, as defined by the Town, including;

- a. Unwelcome or unwanted advances, including sexual advances. This means patting, pinching, brushing up against, hugging, cornering, kissing, fondling, or any other similar physical contact considered unacceptable by the other individual.
- b. Requests or demands for favors, including sexual favors. This includes subtle or blatant expectations, pressures of request for any type of favor, including a sexual favor (this includes requests for dates), accompanied by an implied or stated promise of preferential treatment or negative consequence concerning one's employment status.
- c. Verbal abuse or kidding that is oriented toward a prohibited form of harassment, including that which is sexually oriented and

considered unacceptable by another individual. This includes for example, commenting about an individual's national origin, race, body, or appearance where such comments go beyond mere courtesy; telling "dirty jokes" that are unwanted and considered offensive by others; or any tasteless sexually or racially oriented comments, innuendos, or actions that offend others.

- d. Engaging in any type of sexually oriented conduct or other prohibited form of harassment, that would unreasonably interfere with another's work performance. This includes extending unwanted sexual attentions to someone that reduces that person's productivity or time available to work at assigned tasks.
- e. Creating a work environment that is intimidating, hostile, abusive, or offensive because of unwelcome or unwanted conversations, suggestions, requests, demands, physical contacts or attentions, whether sexually oriented or otherwise related to a form of harassment, prohibited by the Town's policy on harassment. Normal, courteous, mutually respectful, pleasant, non-coercive interactions between employees, that are acceptable to both parties, are not considered to be harassment, including sexual harassment; however, please keep in mind that what may be perceived as normal, courteous, etc., today while the individuals are on good terms, may be perceived in the future in a vastly different way when the individuals no longer are on those same good terms.

The Town of Ponce Inlet will not tolerate prohibited harassment, including sexual harassment, of its employees by anyone-- managers, supervisors, or other employees. Prohibited harassment, including sexual harassment, can be an insidious practice. It can demean individuals being treated in such a manner. It can create unacceptable stress for the entire organization.

Morale can be adversely affected. Work effectiveness can decline. Significant costs are involved, and persons harassing others will be dealt with promptly and vigorously. It is the responsibility of supervisory employees at all levels to immediately report knowledge of prohibited harassment, complaints, or offenses to the Town Manager.

F. Procedural Steps for Harassment Cases.

If harassment is reported and confirmed by an appropriate investigation, the following procedure is to be followed by the supervisor but only after the investigation is completed and harassment is confirmed:

- a. Politely, but firmly, confront whoever is doing the harassing and state that such actions will not be tolerated by the Town of Ponce

Inlet.

- b. Take the necessary disciplinary action. Disciplinary action may vary from reprimand to termination, depending on the level of seriousness of the offense.
- c. Always follow up with the individual who brought the charge and assure him/her corrective action has been taken. Also, thank the individual for their interest and willingness to state their concerns. Request the individual to inform you if they believe they are retaliated against because of their complaint.
- d. If the matter is not resolved to the employee's satisfaction, further review can be realized by outlining the problem in writing to the Town Manager.

The Town of Ponce Inlet will deal directly and forcefully with any individual who discriminates or retaliates against another individual for making a charge of Prohibited Harassment, including Sexual Harassment. The law prohibits any type of retaliation against any individual bringing a charge against the Town or other employees for Prohibited Harassment, including Sexual Harassment.

If a complaining party elects to pursue an available alternative remedy, including the filing of a grievance, the filing of any such grievance shall operate as a waiver of the complaining party's right to file a complaint under the procedures available under this policy.

6.2 Rules of Conduct

A. Attendance

1. An employee shall be in regular attendance at work in accordance with these rules and general departmental regulations.

B. Punctuality

1. Employees must realize strict observance of work hours and schedules are expected. Non compliance can result in disciplinary action.

C. Outside Employment

1. Employees may engage in outside employment provided it does not interfere or conflict with Town employment requirements. All employees so engaged shall notify their supervisor, in writing, of the essential details PRIOR to accepting outside employment. No

facilities or property of the Town shall be utilized by an employee in connection with or while engaged in outside employment.

2. Employees who are engaged in outside employment that has been approved by the Town may not conduct outside employment business during any time for which the Town is providing wages for their services. All outside employment business shall be conducted after regular employment hours and outside the Town's facilities.

D. Citizen's Complaint

1. Any complaints or grievances on the part of any member of the public brought to the attention of any employee of the Town shall immediately be relayed to an appropriate supervisor, Department Head or the Town Manager.

E. Distribution of Printed Literature

1. The distribution of printed literature in work places must be approved by the Department Head concerned.

F. Use of Tools, Equipment and Vehicles

1. Employees who are assigned tools or equipment by their department are responsible for them and their proper use and maintenance. No personal use of any Town property, material, supplies, tools, equipment or vehicles is permitted, without specific approval of the Town Manager or Department Head.
 - a. Department Heads required to respond to Town emergencies or other significant events will be provided a car allowance or provided a Town vehicle as determined by the Town Manager.
 - i. Those Department Heads who are assigned a Town vehicle may be given unlimited personal use in Volusia County with Town Manager approval. In order for family members to be transported in Town owned vehicles, an insurance rider must be placed on the individual's insurance policy. A copy of the insurance policy must be filed with Administrative Services.
 - b. Employees who are subject to emergency calls from their residences may be assigned a Town vehicle by their respective Department Heads. These employees perform a specialized function for the Town such that they are required to report to work at any time during a 24-hour

period. The scope of work for such employees shall allow for the use of their assigned vehicle during regular work hours and going to and from work. Personal use of the vehicle is prohibited.

- c. Employees who operate Town vehicles must:
 - i. Maintain a valid Florida driver's license.
 - ii. Not use such vehicles to stop at any bar, tavern or similar establishment; and consumption of alcohol or other intoxicating substances by an employee including on-call employees, while operating a vehicle is strictly prohibited (State Law).
 - iii. Inspect his/her assigned vehicle prior to operation. Refer back to the department's policy on vehicle maintenance. All departments must have a vehicle check out policy.
 - iv. Report deficiencies discovered through the operator's inspection, which are beyond his/her capacity to correct, to their immediate supervisor.
- d. No employee will be permitted to pick up hitch-hikers when using Town owned vehicles.

G. Accidents

Any accidents to or by any Town employee, vehicle, equipment, grounds, building, person or property of the Town shall be reported to the Police Department, Department Head or designee, and Town Manager immediately.

H. Code of Ethics

- 1. The Town of Ponce Inlet, in accordance with Chapter 112.313 of the Florida State Statutes, adheres to the policy of "Public Employees Code of Ethics". To avoid misunderstanding and conflicts of interest which could arise, the following policy is to be adhered to by all employees:
 - a. No Town employee shall accept gifts, favors, or a service when such employee knows, or, with the exercise of reasonable care, should know, that it was given to influence any action in which the employee was expected to participate in his or her official capacity.

- b. No Town employee shall use or attempt to use his/her official position to secure special privileges or exemptions for himself/herself or others, except as may be provided by policy and/or law.
- c. No Town employee shall accept employment or engage in any business or professional activity which might reasonably expect, require or induce the employee to expose confidential information, nor shall any Town employee disclose, nor use any confidential information gained by reason of his/her official capacity, for his/her personal benefit or gain, or any other reason.
- d. It is the responsibility of every Town employee to conduct himself/herself as the official representative of the Town at all times, while on or off duty. Each employee is to abide by rules and regulations of the Town of Ponce Inlet.
 - I. Conduct on Duty: An employee may be suspended when his/her inappropriate behavior is so serious that immediate removal from the work place is necessary. The employee shall be required to leave town property pending investigation and the period of suspension shall be without pay. Some examples would be theft, insubordination, threat of violent action, destruction of town property, or reporting to work under the influence of alcohol or drugs, or violations of the chain of command. When an investigation has been completed, the appropriate disciplinary step, if any, will be applied:
 - II. Illegal conduct on-duty or off-duty: Employees who are arrested and/or charged with serious criminal offenses (first-degree misdemeanor or felony) may be placed on suspension with or without pay at the discretion of the Town Manager.
- e. Immediate family members may be employed by the Town of Ponce Inlet. However, these members may not work in positions where one is subordinate to the other.

I. Political Activity

- 1. In order to ensure conformity in political participation, the Town adopts the following policy:
 - a. No Town employee shall hold office as a Council member or elected official of the Town of Ponce Inlet.

- b. No Town employee, except elected officials, shall solicit votes or funds while on duty, for any candidate for office in the Town of Ponce Inlet.
- c. No immediate family member (as defined in Section 4.9 (b) of an elected Town Official can be hired by the Town of Ponce Inlet while said elected official is holding office.

J. Conflict of Interest

- 1. No employee or officer of the Town of Ponce Inlet shall:
 - a. have any financial interest in the profits of any contract, service or other work performed by the Town; or
 - b. profit, directly or in-directly, from any contract, purchase, sale or service between the Town or any person or company.
- 2. Any official or employee who violates the provisions of this rule shall be subject to termination.

K. Public Relations

- 1. Employees shall remember that they represent the Town as a whole when serving the public. They shall conduct themselves so as to project a desirable image of the Town of Ponce Inlet.

L. Dress Code and Personal Appearance

- 1. Neat and clean personal grooming and hygiene is a requirement of all employees. If proper grooming and hygiene is not maintained, disciplinary action may be taken. It is the policy of the Town that an employee's dress and grooming should be appropriate to public employment.
- 2. Employees represent the Town in their appearance as well as by their actions. Employees are expected to dress in a manner that is normally acceptable in business establishments. Business attire and casual business attire are acceptable for office personnel.
- 3. Hair should be clean, combed and neatly trimmed. Moustaches and beards should be neatly trimmed.
- 4. Pierced ears are the only acceptable exposed form of body piercing.
- 5. Employees who are required to wear uniforms or other articles of

clothing and safety shoes are required to wear those items of clothing each day to work. Shirts must be tucked in the uniform pants.

6. The dress and grooming of Town employees working in the field is to be governed by the requirements of safety and comfort. Failure to wear required safety equipment shall be grounds for disciplinary action.
7. Every Friday has been designated as Business Casual Day for non-uniformed employees. Denim pants or skirts and an office appropriate shirt may be worn.
8. Adjustments to these standards may be approved in advance by a Department Head, in accordance with work requirements.
9. If an employee reports for work improperly dressed or groomed, the supervisor should instruct the employee to return home to change clothes or may take other appropriate disciplinary action. The employee will not be compensated during such time away from work.

M. Departmental Rules

In addition to these general rules, employees are to follow the interdepartmental rules and regulations governing the performance of their specific duties.

6.3 Safety

- A. The Town's safety program is attached hereto as Appendix 1 and incorporated as part of the general rules and regulations of the Town.

6.4 Drug Free Workplace

A. Policy Statement and Notice

In a commitment to safeguard the health of our employees and to provide a safe environment for everyone, the Town established a Drug-Free Workplace Program on March 21, 2001.

The ultimate goal of this policy is to balance our respect for individual privacy with our need to keep a safe, productive, drug-free environment. We would like to encourage those who use illegal drugs or abuse alcohol to seek help in overcoming their problem. Employees who do so will be able to retain their job position in good standing.

While the Town understands that employees and applicants under a physician's

care are required to use prescription drugs, abuse of prescribed medications will be dealt with in the same manner as the abuse of illegal substances.

Employees are given notice as of the above date that it is a condition of employment to refrain from reporting to work, or working with the presence of drugs or alcohol in his or her body. Employees are subject to drug testing under the standards of this policy on May 13, 2001, which is sixty (60) days from the above date.

This policy is implemented pursuant to the drug-free workplace program requirements under Florida Statute 440.102 and Administrative Rule 59A-24 of the State of Florida Agency for Health Care Administration.

B. Definitions

1. Legal Drug - Prescribed drug or over-the-counter drug which has been legally obtained and is being used solely for the purpose for which it was prescribed or manufactured.
2. Illegal Drug- Any drug (a) which is not legally obtainable, (b) which may be legally obtainable but has not been legally obtained, or (c) which is being used in a manner or for a purpose other than as prescribed.
3. Town Manager – This term refers to the Town Manager or his or her designee.

C. Work Rule

The policy of the Town is to employ a work force free from use of illegal drugs and abuse of alcohol, either on or off the job. Any employee determined to be in violation of this policy shall be subject to disciplinary action, which may include termination, even for the first offense.

It is a standard of conduct for employees of the Town that no employee shall report to work or work with the presence of illegal drugs or alcohol in his or her body. In order to maintain this standard, the Town shall establish and maintain the programs and rules set forth below.

1. Drug Testing of Applicants

All job applicants selected for potential employment with the Town will undergo screening for the presence of illegal drugs as a condition for employment.

Any applicant with a positive test result will be denied employment at that time but may initiate another inquiry with the Town after six months.

2. Drug Testing of Employees

The Town will maintain screening practices to identify employees who use illegal drugs or abuse alcohol, either on or off the job. It shall be a condition of continued employment for all employees to submit to a drug screen:

- a. When there is a reasonable suspicion to believe that an employee is using or has used illegal drugs or is abusing or has abused alcohol;

Circumstances that could be indicators of a substance-abuse problem and considered reasonably suspicious are as follows:

- i) Information that an employee has caused, or contributed to, an accident while at work. "Accident" includes injury to person(s) and/or damage to equipment or property in excess of \$1,000.
- ii) Observable phenomena while at work, such as direct observation of drug use or of the physical symptoms or manifestations of being under the influence of a drug.
- iii) Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
- iv) A report of drug use provided by a reliable and credible source and independently corroborated.
- v) Evidence that an individual has tampered with a drug test during his or her employment with the Town.
- vi) Evidence that an employee has used, possessed, sold, solicited or transferred drugs while working or while on the employer's premises or while operating the employer's vehicle, machinery or equipment.

Whenever possible, the supervisor should have the employee observed by a second supervisor or manager before requiring testing. Employees who refuse substance testing under these circumstances will be terminated and forfeit worker's compensation medical and indemnity benefits.

- b. When the test is conducted as part of a routinely scheduled employee fitness-for-duty medical examination that is part of the employer's established policy or that is schedule routinely for all members of an employment classification or group.

- c. At other times and under such circumstances as deemed appropriate by the Town Manager and current state and/or federal

standards. Employees will be given adequate notice of any addition/change /deletion in the Town's drug testing requirements.

3. Grounds for Termination or Discipline

a. Illegal Drug Use

The following are considered violations of the Town's Drug-Free Workplace Program and are subject to disciplinary actions, including discharge or suspension from employment without pay and loss of Workers' Compensation benefits, even for the first offense:

- i) Refusing to take (including tampering with or doctoring) a Town required drug test;
- ii) Failing a Town required drug test (a *positive* test result);
- iii) An employee bringing illegal drugs onto the Town's premises or property, including Town vehicles;
- iv) Possession of illegal drugs or drug paraphernalia on the employee's person;
- v) Using, consuming, transferring, selling or attempting to sell or transfer any form of illegal drug (as previously defined) while on Town business or at any time during the hours between the beginning and ending of the employee's workday, whether on Town property or not.

b. Alcohol Abuse

The following are considered violations of the Town's Drug-Free Workplace Program and are subject to disciplinary actions, including discharge or suspension from employment without pay and loss of Workers' Compensation benefits, even for the first offense:

- i) Refusing to take (including tampering with or doctoring) a Town required alcohol test.
- ii) Failing a Town required alcohol test.
- iii) An employee who is under the influence of alcoholic beverages at any time while on Town business or at any time during the hours between the beginning and ending of the employee's workday, whether on Town

property or not, including Town vehicles.

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

- i. The employee's normal faculties are impaired due to consumption of alcohol; or if,
- ii) The employee has a blood-alcohol level of .04 or higher.

4. Confidentiality

a. All information, interviews, reports, statement memoranda, and drug-test results, written or otherwise, received by the employer through a drug-test results, written or otherwise, received by the employer through a drug-testing program are confidential communications and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except in accordance with this section or in determining compensability under this chapter 440.,F.S (Workers' Compensation) and applicable provisions of the Florida Sunshine Law.

b. Subsection (a) does not prohibit an employer, agent of an employer, or laboratory conducting a drug test from having access to employee drug-test information or using such information when consulting with the Town Attorney or other legal counsel in connection with actions brought under or related to this section or when the information is relevant to its defense in a civil or administrative matter.

5. Medication Reporting Procedure

Employees or job applicants may confidentially report to the Town Manager the use of prescription or nonprescription medications both before and after being tested. Additionally, employees and job applicants shall receive notice of the most common drugs or medications-by brand name or common name, as applicable, as well as by chemical name- which may alter or affect a drug test.

6. Reporting of Test Results

Employees or job applicants who receive a positive confirmed test result may contest or explain the result to the Town Manager or his or her designee within five (5) working days after receiving written notification of the test result. If the employee's or job applicant's explanation or challenge is unsatisfactory to the Town Manager, he

or she shall report a positive test. Employees and job applicants also may contest the drug test result pursuant to rules adopted by the Department of Labor and Employment Security, as outlined below.

7. Challenges to Test Results

- a. A requirement of the Drug-Free Workplace Program is that within seven (7) calendar days after receiving the notice of a positive confirmed test result, an employee or job applicant may submit information to the employer explaining or contesting the test result, and why the result does not constitute a violation of the employer's policy. If the employee's or job applicant's explanation or challenge of the positive test result is unsatisfactory to the employer, a written response as to why the employee's or job applicant's explanation is unsatisfactory, along with the report of positive result, shall be provided by the employer to the employee or job applicant; and all such documentation shall be kept confidential by the employer pursuant to confidentiality provisions outlined above, and shall be retained by the employer for at least 1 year.
- b. An employee or job applicant may undertake an administrative challenge by filing a claim for benefits with a Judge of Compensation Claims pursuant to Chapter 440, Florida Statutes, or if no workplace injury has occurred, the person must challenge the test result in a court of competent jurisdiction. When an employee undertakes a challenge to the result of a test, it shall be the employee's responsibility to notify the laboratory, and the sample shall be retained by the laboratory until the case is settled.

8. Drugs Tested

The Town may test for any or all of the following substances:

Drugs	Trade or Common Name
Alcohol	Liquor, Beer, Booze
Amphetamines	Biphetamine, DesoxynDexedrine
Cannabinoids	Marijuana, Pot, Grass
Cocaine	Coke, Flake, Snow, Crack

Phencyclidine HCl	PCP, Angel Dust,
Methaqualone HCl	Quaalude
Opiates	Paregoric, Morphine, Tylenol with Codeine
Barbiturates	Phenobarbital, Amytal, Nembutal, Seconal
Benzodiazepines	Librium, Valium, Halcion, Restoril
Synthetic Narcotics	Methadone-Polophine, Methadose Propoxyphene-Darvocet, Darvon-N Dolene

9. Consultation

Employees and applicants have the right to consult the Town for technical information regarding prescription and nonprescription medications. The Town Manager shall make available contact information for this resource.

10. List of local Drug Rehabilitation Programs providers within Volusia County are:

1. Stewart-Marchman Center, Inc., 1220 Willis Avenue, Daytona Beach, FL 32114; (386)236-3200.
2. Community Outreach Services, Inc., 610 Deltona Avenue, Deltona, Florida 32725; (386) 574-6669; ; (386) 574-6669.
3. Counseling Associates of Port Orange, 3959 S. Nova Road, Suite 5, Port Orange, Florida 32127; (386) 761-2390.

Or can obtained through the human resources division.

SECTION 7.0 - DISCIPLINARY ACTION AND SEPARATION

7.1 Flexibility

- A. The Town reserves the right to treat each rule infraction on an individual basis without creating a precedent for other cases which may arise in the future. The Town also reserves the right to suspend any disciplinary action as it deems necessary or prudent.

7.2 Progressive Discipline

A. It is the policy of the Town of Ponce Inlet to use the concept of Progressive Discipline in handling of violations of the rules and regulations. Progressive discipline is as follows:

1. Verbal Warning. An employee will receive a verbal warning from the immediate supervisor for the first violation of a minor rule or regulation. This verbal warning will be accompanied by instruction on how this violation can be corrected. A written record of this verbal warning will be placed in the employee's personnel record with employee's initial.
2. Written Reprimands. An employee will receive a written reprimand from the immediate supervisor when a violation of a more serious nature of a rule or violation occurs. An employee can also receive a written reprimand if the employee has already received a verbal warning for the same violation, or has received several verbal warnings for the same violation or various violations. The written reprimand will be made a part of the employee's personnel record and will be signed by the employee. In the case of a refusal to sign the reprimand, another person may be called to witness and sign the refusal.
3. Suspension. An employee will receive a suspension without pay for a violation of a rule or regulation affecting the employee's function and/or departmental efficiency. The employee may also receive a suspension without pay if the employee has received a written reprimand for the same violation, or if the employee has received one (1) or more written reprimands for violations of rules and regulations. Depending on the circumstances the employer may allow the employee to forfeit personal leave hours in the amount of the suspension, in lieu of serving the period. The choice shall rest with the affected employee.
4. Termination/Dismissal. An employee may be terminated for violation of specific rules and regulations. An employee who has accumulated one (1) or more suspensions and one (1) or more written reprimands for the same or related rule and regulation is also subject to dismissal.
5. Dismissible Violations. There are some instances in which the seriousness of the violation warrants the immediate dismissal of the employee, without utilizing the process of progressive discipline. Since each incident is to be considered on its own merit, the following violations may result in immediate dismissal:
 - a. Wanton or willful neglect in the performance of assigned

duties.

- b. Deliberate misusing, destroying, damaging, or stealing any Town property or property of any employee.
- c. Falsification of personnel or Town records, including employment applications, accident records, work records, purchase orders, time sheets or any other report, record or application.
- d. Making false claims or misrepresentations in an attempt to obtain sickness or accident benefits, workers compensation or unemployment benefits.
- e. Insubordination by the refusal to perform work assigned or to comply with the written or verbal instructions of the supervisory employees.
- f. Unauthorized possession of firearms, explosives, drugs, weapons, or alcohol on Town property, or while in control of Town equipment.
- g. Conduct which is unlawful or interferes with the employee's ability to provide a satisfactory level of job performance.
- h. Absence without leave, (AWOL). i. Permitting another person to use Town identification, using another person's identification, or altering a Town identification.
- j. Use or attempted use of political influence or bribery to secure an advantage in any manner.
- k. Conviction of a felony, under any circumstances, or a misdemeanor only arising out of the performance of his or her duties.

- B. Subsection 7.2 does not apply to Department Heads as they are at-will employees and may be terminated without using this procedure.

SECTION 8.0 - SEPARATIONS

8.1 Resignation

- A. A resigning employee shall give the Town a fourteen (14) calendar day notification, unless said employee is a Department Head, in which case thirty (30) days notification shall be given. These notification requirements may be waived by the Town Manager.

- B. Given the time required to hire a department head for the Town, the Town Manager may offer a notice incentive to department heads that provide excess notification of resignation in the amount of one month's severance pay for each additional month of notification above and beyond the required 30 days, not to exceed three month's severance pay (which would provide the Town with four months notice).

8.2 Disciplinary Termination

- A. Violation of Town rules and regulations may be the cause for the Town Manager, after being informed of the infraction by the Department Head, to suspend the employee from Town employment, pending investigation.
- B. Termination for Department Heads is outlined in the Town Charter. All other employees should be terminated by the Department Head upon the approval of the Town Manager.

8.3 Final Pay

- A. The final paycheck will be issued to the employee on the first regular payday following the date of his/her termination. This requirement may be waived to allow for earlier issuance by the Town Manager or the Town Council for the Town Manager.
- B. At the time of separation from employment, and prior to receiving the final paycheck, all records, books, uniforms, keys, tools, and other items of Town property in the employee's possession, shall be delivered to the respective Department Head.. Any monies due to the Town, including any shortage in the returned property shall be deducted from the employee's final paycheck.
- C. A Department Head who has completed two (2) years of continuous service in this position and is terminated by the Town Council or resigns at the request of the Town Manager may receive four (4) weeks severance pay. After the initial two (2) years, another two (2) weeks of severance pay for each completed year of service may be granted, up to a maximum of twenty weeks of severance pay.
 - 1. A Department Head who resigns at the request of the Town Manager, in lieu of a hearing before the Town Council, will be deemed to have been "terminated," for purposes of severance pay only, and shall receive severance in accordance with above schedule accumulated personal leave up to the maximum four hundred eighty (480) hours, plus 25% of sick leave, except as indicated in sub-section (2) below, but shall be considered voluntarily resigned.
 - 2. A Department Head who is terminated "for cause" for reasons of

insubordination; violation of the Town's drug-free workplace program as codified in section 2.7 of these Rules; theft of public property; fraud involving public property; or conviction of a misdemeanor or felony arising out of the performance of his or her official duties, shall have no entitlement to severance pay nor shall they be entitled to payment for unused accrued personal leave or sick leave.

3. A Department Head who resigns after giving proper notice, as indicated in section 8.1(A), shall be compensated for all accumulated personal leave up to the maximum four hundred eighty (480) hours, and 25% of sick leave accrued to date.

SECTION 9.0 - TRAINING

9.1 Need Determination

- A. The need for training will be determined by the Department Heads and, where appropriate, State Law.

9.2 Scholastic Requirement

- A. A failure to achieve satisfactory grades in any training course financed, in whole or part, by the Town, will be considered in accordance with Section 2.7.
- B. In the case of college courses, a satisfactory grade is defined as a C letter grade or better.

9.3 Tuition Plan

- A. Employees who wish to attend job related programs or courses may apply for tuition reimbursement. If books are required for completion of this work, the employee may apply for reimbursement for the cost of books. The maximum allowance for tuition and books is \$1,500.00 per year. These requests must be made and approval obtained from the Department Head and Town Manager prior to the beginning of the program or course work. The employee must present proof of satisfactorily completing said program or course in order to receive reimbursement.

SECTION 10.0 - BENEFITS

10.1 Life Insurance

- A. The Town insures each full-time employee for \$30,000 of life insurance. This amount is increased to \$45,000 for Exempt Employees and \$60,000 for Department Heads.

10.2 Executive Travel Accident Insurance

- A. The Town insures each Department Head with a 24-Hour Executive Travel Accident Insurance for \$250,000, in case of death, while on a business or pleasure in or outside the Town Limits.

10.3 Health Insurance

- A. Each full-time employee is insured by the Town but may choose to provide proof of equivalent insurance and receive monetary compensation added to their bi-weekly pay in the amount equivalent to fifty percent of the cost of insurance.
- B. Each full-time employee is provided a dental plan. Each part-time employee working in excess of 20 hours per week has the option of a dental plan at their own expense.

10.4 Retirement

- A. The retirement plan for the General Employees and the Departments of Police and Fire-Rescue is administered through the State of Florida Retirement System. .

10.5 Deferred Compensation

- A. Employees are entitled to invest a percentage of their pre-taxed salary into an interest bearing deferred compensation plan. No income tax is deducted or paid on this amount of salary. This money may be received upon leaving the Town's employment. The money will be subject to income tax as received.

10.6 Employee Personal Computer Purchase Program

Purpose:

This program is intended to provide an opportunity for Town employees to enhance their computer knowledge and skills by allowing eligible employees to purchase and finance computer systems, equipment and software through the Town. Computers must be purchased through one of the Town's authorized vendors.

Eligibility:

All full time employees of the Town of Ponce Inlet are eligible to purchase and finance a computer system at the end of their probation. Participants must agree to comply with all of the requirements and provisions of the Program Plan as set forth here and in the latest procedure guide.

Description of Plan:

The Town will finance the purchase of computer equipment and related software up to a total of twelve hundred dollars (\$1200.00) including Florida sales tax. The loan will be for a term not to exceed twelve (12) months. If the computer system the employee wishes to purchase exceeds the \$1200.00 limit, the employee will be responsible for the difference in the purchase price.

PROCEDURES FOR ORDERING A PERSONAL COMPUTER SYSTEM:

1. The employee should contact a vendor and explain what type of system, component, and/or software they want.

A written quote from the approved vendor outlining the proposed items (including quantities, and pricing) to be purchased shall be submitted by the Employee to the designated internal IT coordinator with a completed Purchase Request Form.

2. The IT Coordinator should ensure that the employee is eligible to apply for this benefit before signing off on the Purchase Request Form and preparing a purchase order. Once eligibility is determined, the Department Head shall prepare a Purchase Order and submit to the Finance Department with the Purchase Request Form attached.
3. The Finance Department will promptly review the request for completeness and prepare the Loan Agreement.
4. The Loan Agreement will be returned to the employee for signature. The employee's signature must be notarized. This agreement should then be returned to the IT Coordinator for final processing.
5. The order will be placed by the IT Coordinator to the vendor within 3 business days of receipt of the executed Loan Agreement. Loan payments by way of payroll deduction will begin the first paycheck for the pay period immediately following the pay period in which the final executed Loan Agreement is received. The Loan Agreement may be paid off early at any point with cash or personal check.
6. The equipment will be delivered to the IT Coordinator for distribution to the employee. It is solely the employee's responsibility to check the equipment to insure everything has been received and is in proper working order. Notify the vendor and the IT Coordinator immediately if there are any deficiencies or problems.
7. Should you return the equipment to the vendor for any reason; any refund for the purchase price will be made to the Town as the purchaser. The employee would be reimbursed the amount of any payments made, so

long as the Town was reimbursed in full. If you leave the Town's employment before the equipment is paid for, the Town will retain all monies owed to you including all salary and accrual payments and will apply it to the loan. The Town will maintain and enforce its security interest in the equipment.

8. Once the employee has picked up or received the equipment, all maintenance or repair problems are solely the employee's responsibility. The Town will not be responsible for any claims relating to warranty, maintenance or service. It is up to the employee to file the warranty papers, and/or to obtain any maintenance contracts, training, etc. The employee should check with his/her insurance agency to make sure the new computer system and any peripherals are covered by homeowner's or renter's insurance policies against damage and theft.
9. It is against Federal Law to make copies of copyrighted software, except for backup purposes. You must have one (1) legally licensed copy of each piece of software for each computer it is used on. If you copy software from the Town for use at home, you are breaking the law.

SECTION 11.0 - PER DIEM

11.1 Travel Expenses

Each Town official or employee authorized to travel to a convention, conference, meeting or to otherwise conduct bona fide Town business shall be reimbursed for the following expenses incurred while engaged in such travel and at the destination:

Transportation

- A. Transportation by common carrier is reimbursable when substantiated by a receipt therefore, or on an advanced basis provided it is approved by the Town Manager. All such travel shall be the most economical class available.

Vehicle

- A. Though every attempt shall be made to use a Town vehicle, transportation by privately owned vehicles may be recommended by the department head and authorized by the Town Manager. A mileage allowance will be provided for privately owned vehicles at the fixed rate designated as 44.5 cents per mile and amended from time to time to follow 112.061(7)(d), F.S.

Other Expenses

- A. The following incidental traveling expenses may be reimbursed if actually and necessarily expended while on travel:

1. Taxi fare
2. Ferry fares, bridge, turnpike and tunnel tolls
3. Storage and parking fees
4. Communication expense
5. Baggage Handling/Gratuities
6. Gratuities (other than for meals) of \$5.00 per day.

All expenses must be substantiated by receipts, with the exception of gratuities and baggage handling.

Meals

- A. For the purposes of reimbursement, the allowance for meals will be based upon the following schedule, as amended from time to time to follow 112.061(5)(b), F.S.:

Breakfast - \$6.00-Travel begins before 7:00 a.m. and extends beyond 9:00 a.m.

Lunch - \$11.00-Travel begins before 11:30 a.m. and extends beyond 1:30 p.m.

Dinner - \$19.00-Travel begins before 6:00 p.m. and extends beyond 8:00 p.m.

- B. No meal expenses in Volusia County shall be reimbursed unless approved by the Town Manager.
- C. When a meal is included in the cost of registration or admission to a seminar, conference, etc., per diem shall not be paid for that meal.
- D. The cost of alcoholic beverages shall not be reimbursed by the Town.

Lodging

- A. Actual expenses for lodging at a single occupancy rate will be reimbursed if substantiated by paid bills.

11.2 Procedures

- A. A request for Travel Authorization Form shall be completed before travel takes place. Such form will be reviewed and approved by the Town Manager.

- B. The Town Manager may make, or authorize advances to cover anticipated costs of travel. If the amount of the advancement is more than the amount actually due, the Town official or employee shall promptly return the difference to the Town. If the amount of the advancement is less than actually expended, the Town will reimburse the difference to the employee. Expenditures must be substantiated by receipts.
- C. If deemed appropriate, the Town Manager may adjust payment amounts to meet special conditions.

11.3 Fraudulent Claims

- A. Claims submitted pursuant to this policy shall be signed by the authorized traveler and shall be verified by a written declaration that it is true and correct as to every material matter. Any individual who knowingly makes or aids in the making of a false or fraudulent claim shall be prosecuted for violation of any applicable Florida Statutes and Town ordinances and, upon conviction thereof, shall be punished accordingly. In addition, any person who received a travel allowance, advance or reimbursement by means of knowingly submitting a false claim shall be liable for the repayment of the amount into the public fund from which the claim was paid.

SECTION 12.0 – MISCELLANEOUS

12.1 Award Days

- A. In the event that a full-time employee exhibits actions above and beyond the call of duty, the Town Manager, upon recommendation by a Department Head, may grant a full-time employee leave of absence with pay for a period not to exceed one eight (8) hour work day except that due to the extended day shift rotation work of police officers and firefighters those employees shall also receive four (4) more hours for a total of twelve hours awarded.

12.2 Compassionate Leave

- A. In the event an employee of the Town suffers injury or illness and another employee desires to donate either his/her personal leave or compensatory time, he/she may do so on a case-by-case basis for only the forthcoming pay period with donations in one hour increments. A recipient employee shall not receive Workers' Compensation or other Town disability benefits in conjunction with use of donated leave.

12.3 Outside Employment

A. Purpose

The purpose of this policy change is to establish a uniform understanding relating to the dual employment, of both sworn and civilian employees. Each Department Head will be responsible for developing their own policy for outside employment.

B. Outside Employment General Town Guidelines

It is the general policy of the Town that any employee may be granted permission to accept outside employment, which does not interfere in any way with the full and faithful discharge of his/her duties.

If any employee of the Town is an Officer, Director, Agent, Member of, or owns a controlling interest in any corporation, firm, partnership, or other business entity which is subject to the regulations of, or has a substantial business commitments from the Town, he/she shall file a sworn statement disclosing such interest, with the Clerk of the Circuit Court for Volusia County and furnish a copy to the Town Manager and Chief of Police.

No employee of the Town shall accept employment or engage in any business or professional activity, which he/she might reasonable expect, would require him/her to disclose confidential information acquired by reason of his/her position with the Town.

No employee of the Town shall accept other employment, which might impair his/her independence or judgment in the performance of his/her official duties with the Town.

No employee of the Town shall transact any business in an official capacity with any business entity of which he/she is an officer, Director, Agent, or Member, or in which he/she owns a controlling interest.

No employee of the Town shall have personal investments in any enterprise, which will create a substantial conflict between his/her private interests and the public interests as related to the Town.

No employee of the Town, nor any firm, association, corporation, or other business entity in which he/she is a Member, Director, Agent, or Officer, or in which her/she owns a controlling interest, shall sell good or services to any person, firm, association or corporation which is licensed by or regulated in any manner by the Town.

If approved, employees will be restricted to working no more than six (6) hours on any duty day at such employment. There is no limit on the number of hours that an employee may work on his/her days off, but he/she must not permit his

off-duty employment to cause his/her regular work to suffer through fatigue, distraction or other factors.

Employees must understand that working for the Town of Ponce Inlet is their number one priority and while all consideration will be made to accommodate their outside employment, being called to duty outweighs all other employment.

12.4 Use of computing and networking resources

See attached Information Technology and Computer Usage Policies (Appendix 2).

12.5 Smoke-Free, Tobacco-Free Workplace

This policy is to establish a smoke-free/tobacco-free workplace.

- A. All government buildings (defined as any building, or any portion of any building, owned by or leased to the state or any political subdivision thereof and used for governmental purposes) and Town vehicles will be designated as 'Non-Smoking/Tobacco-Free'.
- B. There shall be no offices, hallways, restrooms, departments, or rooms that shall be designated as smoking or tobacco use areas in any governmental buildings within the Town of Ponce Inlet and to include any and all Town vehicles.

12.6 Union Membership

- A. Any employee may join a union at their expense.