



# Employee Policies & Procedures Manual

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# Town of Bay Harbor Islands Employee Policies & Procedures Manual

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## **SECTION 1: INTRODUCTION**

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### **1.1 WELCOME MESSAGE FROM THE TOWN MANAGER**

**W**elcome to the Town of Bay Harbor Islands—our beautiful, close-knit community and one of the best-kept secrets on the water! Whether you're a new member of our team or a long-standing employee, we are excited to have you as part of our vibrant, growing town.

Bay Harbor Islands offers a unique blend of small-town charm with big-city amenities. Since our incorporation in 1947, we have thrived as a community with a neighborhood feel while providing excellent services to our residents. Our town is governed by a Council-Manager system, with seven elected Councilmembers who work closely with our administration to uphold our values of integrity and service. Home to over 6,000 residents, Bay Harbor Islands spans just under one square mile along the Biscayne Bay, and bordered by: North Miami, Bal Harbour, Surfside, and Indian Creek. With two islands—West Island, with its picturesque single-family homes, and East Island, home to our bustling business district, school, and multi-family residences—there's always something happening in our dynamic town.

As an employee, you are an essential part of the Town of Bay Harbor Islands' reputation for ethical leadership and exceptional resident services. Your daily contributions make a real difference in the lives of our residents and visitors, and we are committed to providing you with opportunities to grow professionally alongside a team of dedicated, high-caliber colleagues.

The Employee Policies & Procedures Manual will serve as your guide, outlining the expectations, responsibilities, and resources available to you. It is designed to support you throughout your journey with us, helping you navigate your role and maximize your potential.

For our new employees, we are thrilled to welcome you aboard and look forward to building a successful and rewarding relationship together. For our current team members, we truly value your hard work and dedication, and we are excited for what we will continue to achieve together.

At the Town of Bay Harbor Islands, we are committed to providing the highest level of service with transparency, ethics, and a shared goal of enhancing the quality of life for both our current and future generations. Thank you for being a part of this important mission!

Warm regards,

***Jenice Rosado***  
Town Manager



## **1.2 ABOUT THE EMPLOYEE POLICIES & PROCEDURES MANUAL**

The Town of Bay Harbor Islands has prepared this Employee Policies & Procedures Manual (the “Employee Manual” or the “Manual”) to acquaint employees with the Town’s employment policies and procedures and to provide highlights of certain benefits. The Town’s employment policies and procedures were developed to ensure a positive, productive and caring workplace for the benefit of the Town’s employees.

This Employee Manual supersedes all previously issued manuals and any contrary policy statements or memos. This Employee Manual serves as a resource of personnel policies, rules, and benefits for all employees of the Town of Bay Harbor Islands. Should any employee have questions on the individual policies within this Manual, seek clarification from the immediate supervisor, Department Head / Manager, and/or the Human Resources Director.

It is the responsibility of the employee to read this Employee Manual and adhere to the policies and procedures described herein, including any revisions or amendments adopted by the Town.

The Town Manager has the sole discretion to amend the Employee Manual or any other Town-issued policy at any time, with or without notice. None of the provisions in this Employee Manual should be construed in any way as limiting or altering whether an employee is considered an “at will employee,” or creating a contractual relationship between an employee and the Town of Bay Harbor Islands. For more information on employment at will, please see Policy No. 2.1 in this Manual.

The Employee Manual applies to all Town of Bay Harbor Islands employees, including employees covered by a collective bargaining agreement. To the extent that any portion of the Employee Manual conflicts with a collective bargaining agreement, the terms of the collective bargaining agreement will prevail.

The Town Manager has overall responsibility for the administration of the Employee Manual. The Town Manager (or the Town Manager’s designee) is responsible for clarification and interpretation of any of the policies and procedures in this Employee Manual.

The Town Manager has authority to modify, amend or rescind any part of this Employee Manual or any other Town-issued policy at any time, with or without notice. The Town Manager may, at any time, interpret the Employee Manual and develop procedural rules and other personnel policies. Any request for a waiver of any standard or requirement in this Manual may only be granted by the Town Manager. All employees and management team members should be aware that the Town generally will not grant such waivers and will do so only when there is a compelling reason.



Should any provisions of this Manual be rendered or declared invalid by reason of any existing or subsequently enacted legislation, or by any decree of a court of competent jurisdiction, all other articles and sections of these policies shall remain in full force and effect for the duration of the Agreement/Policies.



## **SECTION 2: GENERAL EMPLOYMENT POLICIES**

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### **2.1 EMPLOYMENT AT WILL**

Unless expressly provided otherwise in an Employee Agreement or Bargaining Unit Agreement, Employment at the Town is at will and not guaranteed for a definite period of time or for any purpose. Either the Town or the employee may terminate the employment relationship at any time, with or without cause or prior notice.

The policies in this Employee Manual and any other policies issued by the Human Resources Director do not create, and shall not be construed as creating, a contractual relationship between the Town and any employee. The at-will status of an employee can be changed only by a document titled “Employee Agreement” or “Bargaining Unit Agreement” signed and approved by the employee and the Town Manager.

### **2.2 EQUAL EMPLOYMENT OPPORTUNITY**

The Town of Bay Harbor Islands is committed to promoting and assuring equal employment opportunity for all current and prospective employees. It is the Town’s policy not to discriminate against any employee or applicant based on his or her race, color, age, sex, national origin, religion, marital status, sexual orientation, gender identity, pregnancy, disability, or any other legally recognized status entitled to protection under local, state or federal anti-discrimination laws in any of the following:

- All matters related to recruitment and advertising;
- All matters related to hiring and initial selection for employment;
- All aspects of employment, including, but not limited to, compensation, promotion, demotion, transfer, lay-offs, corrective action, termination, leaves of absence, training opportunities and other terms and conditions of employment.

Town employees do not have authority to engage in any conduct or activity which would constitute discrimination. **The Town does not condone such behavior and those found in violation will be subject to disciplinary action, up to termination.**

### **PROCEDURE FOR REPORTING DISCRIMINATION**



Any employee who feels that he or she has not been treated in accordance with this policy should promptly report the incident(s), in writing following the chain of command: Supervisor, Department Head / Manager, Human Resources Director, Assistant Town Manager, or Town Manager. If the employee feels that he or she is being discriminated against by his or her immediate supervisor or anyone else in the employee's chain of command, the employee should report the incident(s) to the Human Resources Director or Town Manager.

All allegations brought forward will be investigated by the Human Resources Director, or the Director's designee. If the Human Resources Director is the subject of the report, the Town Manager (or the Town Manager's designee) shall be responsible for the investigation in accordance with this policy. The Town Manager shall review and approve recommended corrective actions.

### **INVESTIGATION AND CORRECTIVE ACTION**

All reported complaints will be investigated thoroughly by the Department of Human Resources or a designee of the Human Resources Director or Town Manager. The complainant will be required to provide a statement (verbal or in writing) should it be deemed necessary by Human Resources based on the facts and allegations involved. The following information should be included in the employee's written report: the date(s) of the incident(s), identity of the person taking the action, identity of any witnesses, and as many details about the incident(s) as possible. In order to further investigate, the Town may request an employee who submitted a written report to attend an in-person meeting to provide additional details and information concerning the incident(s) identified in that report.

The Town will investigate reports of discrimination promptly. The Town will take prompt remedial action based on the specifics of the case to address any violation of this policy, including corrective action against any employee, which may include a warning, coaching, counseling, training, suspension or termination from employment depending on the circumstances surrounding the case and the employee(s)' history with the Town. If the Town's investigation does not disclose evidence of a violation of this policy, the Town reserves the





right to take preventative measures for future occurrences, which may include counseling, training, and/or reassignment of duties or transfer to another department/division.

Any job applicant who has questions regarding this policy, feels that his or her report was not appropriately addressed, that he or she is still being subject to discriminatory conduct, or believes that he or she has not been treated in accordance with this policy should contact the Human Resources Director, Assistant Town Manager, and/or Town Manager.

### **PROHIBITION AGAINST RETALIATION**

The Town prohibits and will not tolerate retaliation against employees who in good faith bring discriminatory conduct to the Town's attention. There will be no retaliation for reporting discrimination or for cooperating in the Town's investigation of the report. An employee responsible for retaliatory conduct will be subject to corrective action, up to and including termination from employment. If an employee believes that he or she is being retaliated against in violation of this policy, the employee is encouraged to report the retaliation by using the same procedures discussed above for reporting discrimination.

### **PREVENTION**

The Town will continue to monitor the employees involved with the report to ensure a working environment free of discrimination. An employee with a question concerning this policy should contact the Human Resources Director. It is important to note that the Human Resources Director is not solely responsible for maintaining an environment free of discrimination. All supervisors, and Department Head / Managers are responsible for promoting a healthy working environment. Employees at all levels are encouraged to speak out against discrimination.

### **2.3 AMERICANS WITH DISABILITIES ACT**

The Town of Bay Harbor Islands is committed to complying with all applicable provisions of the Americans with Disabilities Act as amended ("ADA"). It is the Town's policy not to discriminate against any qualified individual on the basis of disability in regard to recruitment, hiring, advancement, termination or any terms or conditions of employment.

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

Any employee who feels that he or she has not been treated in accordance with this policy should contact the Department Head / Manager, Human Resources Director, Assistant Town



Manager or Town Manager. The Town prohibits and will not tolerate retaliation against any employee who requests a reasonable accommodation or makes a good faith complaint under this policy.

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

The Town of Bay Harbor Islands is committed to diversity and inclusion in efforts to build on collaboration, innovation, creativity, and belonging. Our collective success depends on the robust exchange of ideas—an exchange that is best when the rich diversity of our perspectives, backgrounds, and experiences flourishes.

#### **2.4 PREGNANCY DISCRIMINATION ACT (PDA) AND REASONABLE ACCOMODATION**

In accordance with the Pregnancy Discrimination Act of 1978, the Town treats women affected by pregnancy, childbirth, or medical conditions related to pregnancy and childbirth in the same manner as other applicants or employees who are similar in their ability or inability to work. The PDA covers all aspects of employment, including, but not limited to: firing, hiring, promotions, and fringe benefits (such as leave and health insurance benefits). Pregnant workers are protected from discrimination based on current pregnancy, past pregnancy, and potential pregnancy.

If an employee needs a temporary change to how, when, or where they work due to pregnancy or related conditions, the employee may request an accommodation under this policy in writing or orally to their immediate supervisor. Any applicants may request a reasonable accommodation to the Hiring Manager during the interview process. The Town will review each request for an accommodation on a case-by-case basis. Approval of such a request may be made so long as the accommodation requested is reasonable and will not create an undue hardship for the Town. The following will be reviewed to make a determination of the accommodation request: the nature of the accommodation, the business needs of the Town and its residents, the needs of the Town's other employees, the Town's operations, and the Town's resources. The employee is responsible for maintaining open and constant communication with their immediate supervisor regarding the length of the accommodation and notifying once the accommodation is no longer necessary. If the employee has questions or concerns about their pregnancy or pregnancy accommodation, or if the employee believes they have been discriminated or retaliated against, the employee should report the matter immediately to the Human Resources Director.

#### **2.5 HARASSMENT-FREE WORKPLACE**

The Town of Bay Harbor Islands is committed to ensure that all employees are treated with dignity and respect and be able to work in an environment free of harassment. The Town



prohibits and will not tolerate harassment based on race, color, age, sex, national origin, religion, marital status, sexual orientation, gender identity, pregnancy, disability, or any other legally recognized status entitled to protection under local, state or federal anti-discrimination laws.

Town employees, including, but not limited to, Department Head / Manager / Managers, managers and supervisors, do not have authority to engage in any conduct or activity which would constitute harassment. **The Town will not condone such behavior, and those found in violation will be subject to disciplinary action, up to termination.**

### **SEXUAL HARASSMENT**

*Definition:* Unwelcome sexual advances, requests for sexual favors, and other verbal, written or physical conduct of a sexual nature is considered of sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or of creating an intimidating, hostile or offensive work environment.

Some of the more common examples of sexual harassment include, but are not limited to:

- Repeated unwelcome contact or touching.
- Repeated unwelcome and offensive sexual flirtations, staring or propositions.
- Continued and repeated abuse (verbal or written) of a sexual nature, such as sexually related comments or jokes, sexually suggestive comments, and requests for sexual favors.
- Continued and repeated graphic verbal or written commentaries about a person's body.
- Continued or repeated use (verbal or written) of sexually degrading words about a person or the person's body.
- Any of the above conduct that is conducted by voicemail, email, text message, instant message (IM) or other type of electronic communication.

The above list is not all inclusive and each situation will be considered in light of the specific facts and circumstances.

Sexual harassment refers to behavior that is not welcome, that is offensive both objectively and subjectively, that fails to respect the rights of others, that lowers morale, and that interferes with work effectiveness.



Normal courteous, mutually respectful, pleasant, non-coercive interactions between employees, including men and women, that are acceptable to and welcomed by both parties are not considered to be harassment.

Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers to behavior, which is not welcome, which is personally offensive, which debilitates morale, and which interferes with work effectiveness. Some behavior that may be acceptable in social settings is not appropriate in the workplace and is considered insulting and demeaning to the victim. In addition, no one should imply, joke about, or threaten that an applicant or individual's employment, assignment, compensation, advancement, career development or any other term or condition of employment is subject to submission or acquiescence to sexual harassment.

### **ANTI-HARASSMENT POLICY**

At the Town of Bay Harbor Islands, discriminatory harassment is defined as unwelcome verbal, written or physical conduct which is directed at a person because of his or her race, color, age, sex, national origin, religion, marital status, sexual orientation, gender identity, pregnancy, disability, or any other legally recognized status entitled to protection under local, state or federal anti-discrimination laws, when:

- Such conduct has the purpose or effect of unreasonably interfering with the person's work performance, employment relationship, or lowers morale.
- Such conduct has the purpose or effect of creating an intimidating, hostile, or offensive work environment.

Examples of conduct that can constitute discriminatory harassment in violation of this Policy include, but are not limited to:

- Repeated unwelcome jokes or comments (verbal or written) about a person's legally protected status (e.g., racial or ethnic jokes or comments).
- Continued and repeated use (verbal or written) of slurs, epithets, derogatory terms or comments reflecting stereotypes based on a person's legally protected status.
- Continued and repeated use (verbal or written) of disparaging or degrading words about a person based on his or her legally protected status.
- Any of the above conduct that is conducted by voicemail, email, text message, instant message (IM) or other type of electronic communication.

The above list is not all inclusive and each situation will be considered in light of the specific facts and circumstances. Any discrimination and harassment is considered illegal and will not be tolerated.

### **ANTI-BULLYING**



Town of Bay Harbor Islands is committed to providing all employees a healthy and safe work environment. The Town will ensure that procedures exist to allow complaints of bullying to be dealt with and resolved within Town of Bay Harbor Islands, without limiting any person's entitlement to pursue resolution of their complaint with the relevant statutory authority. Town of Bay Harbor Islands is committed to the elimination of all forms of bullying.

This policy applies to all employees of the Town. It applies during normal working hours, at work related or sponsored functions, and while traveling on work related business. There will be no recriminations for anyone who in good faith alleges bullying.

Bullying is unwelcome or unreasonable behavior that demeans, intimidates or humiliates people either as individuals or as a group. Bullying behavior is often persistent and part of a pattern, but it can also occur as a single incident. It is usually carried out by an individual but can also be an aspect of group behavior (see "mobbing" below). Some examples of bullying behavior are:

- Verbal communication
- Abusive and offensive language
- Insults
- Teasing
- Spreading rumor and innuendo
- Unreasonable criticism
- Trivializing of work and achievements
- Manipulating the work environment
- Isolating people from normal work interaction
- Excessive demands
- Setting impossible deadlines
- Psychological manipulation
- Unfairly blaming for mistakes
- Setting people up for failure
- Deliberate exclusion
- Excessive supervision
- Practical jokes
- Belittling or disregarding opinions or suggestions
- Criticizing in public



Context is important in understanding bullying, particularly verbal communication. There is a difference between friendly insults exchanged by long-time work colleagues and comments that are meant to be, or are taken as, demeaning. While care should be exercised, particularly if a person is reporting alleged bullying as a witness, it is better to be genuinely mistaken than to let actual bullying go unreported.



Mobbing is a particular type of bullying behavior carried out by a group rather than by an individual. Mobbing is the bullying or social isolation of a person through collective unjustified accusations, humiliation, general harassment or emotional abuse. Although it is group behavior, specific incidents such as an insult or a practical joke may be carried out by an individual as part of mobbing behavior.

Bullying is unacceptable behavior because it breaches principles of equality and fairness, and it frequently represents an abuse of power and authority. It also has potential consequences for everyone involved. People who have been bullied often suffer from a range of stress-related illness. They can lose confidence and withdraw from contact with people outside the workplace as well as at work. Their work performance can suffer, and they are at increased risk of workplace injury. People who witness bullying behaviors can also have their attitudes and work performance affected. They can suffer from feelings of guilt that they did nothing to stop the bullying, and they can become intimidated and perform less efficiently fearing that they may be the next to be bullied.

## **RESPONSIBILITIES**

Managers and supervisors must:

- Ensure that all employees are aware of the anti-bullying policy and procedures
- Ensure that any incident of bullying is dealt with regardless of whether a complaint of bullying has been received
- Provide leadership and role-modeling in appropriate professional behavior
- Respond promptly, sensitively and confidentially to all situations where bullying behavior is observed or alleged to have occurred

Employees are highly encouraged to speak to the alleged bully(ies) to object to the behavior in a manner that is professional and does not violate any policies within the Manual, especially the Code of Ethics.

## **PROCEDURE FOR REPORTING HARASSMENT AND BULLYING**



The Town requires that any employee who feels that he or she has been harassed and/or bullied by any employee, elected official, outside vendor or member of the public should promptly report the incident(s), either verbally or in writing, to any of the following individuals: Department Head / Manager, Human Resources Director, Assistant Town Manager, or Town Manager. Individuals who believe they have experienced, witnessed, or heard of conduct they believe is contrary to this policy by a Department Head / Manager must report it to the Human Resources Director, Assistant Town Manager, or Town Manager before the conduct becomes severe or pervasive.

Whenever an employee has a problem or complaint, the Town expects them to immediately speak up by taking the following steps:

- Tell the “violator” that such conduct/language is unacceptable and must be discontinued.
- Talk to the supervisor who is most familiar with the employee and is, therefore, in the best position to assist the employee. Since the supervisor works closely with the employee, he or she is interested in seeing that the employee is treated fairly and properly.
- If the supervisor cannot help the employee resolve the matter or is the cause of the problem, the employee should speak to the Human Resources Director. He or she will give the problem or complaint prompt consideration.
- If an employee notifies a supervisor of such a problem, the supervisor shall notify the Department Head / Manager immediately and in writing of the situation and shall provide a copy of the complaint form submitted by the employee. The Department Head / Manager shall notify the Human Resources Director as soon as he or she is made aware of such a situation.

*Remember – it is best to resolve any problems as they arise. Small issues can easily escalate to larger ones; facts can easily become confused; tensions within the workplace rise. It is important to maintain a healthy working environment by resolving any issues before they escalate.*

Employees who have experienced conduct they believe is contrary to this policy have an obligation to follow this reporting procedure.

The Town Manager, Assistant Town Manager and Department Head / Manager shall promptly convey any report of harassment and/or bullying received by the Human Resources Director for investigation, unless the Human Resources Director is the subject of the report. If the Human Resources Director is the subject of the report, the Town Manager (or the Town Manager’s designee) shall be responsible for the investigation of the report in accordance with this policy.

All complaints will be investigated thoroughly by the Department of Human Resources. The complainant may be required to provide a statement (verbal or in writing). The following



information should be included in the employee's written report: the date(s) of the incident(s), identity of the person taking the action, identity of any witnesses, and as many details about the incident(s) as possible. In order to further investigate, the Town may request an employee who submitted a written report to attend an in-person meeting to provide additional details and information concerning the incident(s) identified in that report.

An employee should follow this same reporting procedure if he or she observes or has direct knowledge of harassment and/or bullying of another Town employee.

### **THE TOWN'S INVESTIGATION**

The Town will investigate all complaints of harassment and/or bullying promptly regardless of the identity of the alleged harasser or harassee. The investigation will include, for example, interviews of relevant witnesses and inquiry into the specific conduct complained of and the number of times the conduct has occurred. Confidentiality will be maintained throughout the investigatory process to the extent possible and in accordance with the Public Records Law, 119.07 (involves the inspection of copying of records, photographing public records, fees, and exemptions), Florida Statutes, consistent with adequate investigation and appropriate corrective action. Information concerning an active complaint will not be released by the Town to third parties or to anyone within the Town who is not directly involved in the investigation, except as may otherwise be required by law or by a court of competent jurisdiction. All participants involved in an investigation are expected to maintain their involvement in or discussion of the investigation confidential, except insofar as disclosure is required in obtaining or being represented by legal counsel. In determining whether the alleged conduct constitutes harassment and/or bullying in violation of this policy, the Town will consider the totality of the circumstances, the nature of the incident(s) and the context in which the alleged incident(s) occurred.

The investigation of a complaint will normally include conferring with the parties involved and any named or apparent witnesses. Tape recorded statement may be taken of any or all of the individuals involved. All employees will be guaranteed fair and impartial treatment, and shall be protected from coercion, intimidation, interference or discrimination for filing a complaint or participating in an investigation.

The Town will take action necessary to appropriately remedy. No adverse employment action will be taken against any employee who makes a good faith report of alleged harassment and/or bullying, discrimination, or retaliation. The Town will inform the alleged victim and the alleged harasser about the results of the investigation.

A determination will be made as to whether a complaint is sustained, not sustained or unsubstantiated. A complaint is sustained when there is sufficient evidence presented to reasonably establish that the allegations or charges made are true. A complaint is not sustained



when there is sufficient evidence presented to reasonably determine that the allegations or charges made are not true. Finally, a complaint is unsubstantiated when there is insufficient evidence presented to reasonably determine whether the allegations or charges are true or false.

If a complaint is sustained, the offender will be subject to disciplinary action which may include termination from employment. Any Department Head / Manager or supervisor is under a continuing duty to take immediate remedial action to stop or prevent discrimination and/or harassment and/or bullying. If the Department Head / Manager or supervisor fails to take such action, and the misconduct was known, or should have been known to him or her, the Department Head / Manager or supervisor in question shall be terminated from employment.

Even if the investigation fails to disclose the existence of any discrimination or harassment and/or bullying, the Town reserves the right to nonetheless take action. Such action may include, but is not limited to, counseling, a reminder of the Town's directive, a written warning, or termination. Additional mandatory training will be provided if, in the Town's discretion, such training is necessary.

Disciplinary action taken as a result of discrimination or harassment and/or bullying will become part of the personnel file of the offending employee and is subject to disclosure pursuant to Public Records Law.

### **CORRECTIVE ACTION**

If the investigation discloses evidence supporting the occurrence of an incident of sexual or discriminatory harassment and/or bullying, the Town will take prompt remedial action based on the specifics of the case and the employee's disciplinary history with the Town to address any violation of this policy, including corrective action against any employee, which may include a warning, coaching, counseling, training, suspension or termination from employment depending on the severity. If the Town's investigation does not disclose evidence of a violation of this policy, the Town reserves the right to take preventative measures for future occurrences, which may include counseling and training.

An employee who feels that his or her report was not appropriately addressed or that he or she is still being subject to discriminatory conduct should immediately notify the Assistant Town Manager or Town Manager.

### **PROHIBITION AGAINST RETALIATION**

Retaliation against persons who report or provide information about harassment and/or bullying or behavior that might constitute harassment and/or bullying is strictly prohibited. The Town prohibits retaliation against an individual for reporting harassment and/or bullying or



discrimination or for participating in the investigation of a claim of harassment and/or bullying or discrimination. Any act of retaliation, including interference, coercion, and restraint, by a Town employee or by one acting on behalf of the Town, violates this policy and will result in appropriate disciplinary action, up to and including discharge.

If an employee believes that he or she is being retaliated against in violation of this policy, the employee is encouraged to report the retaliation by using the same procedures discussed above for reporting discrimination.

### **PREVENTION**

The Town will continue to monitor the employees involved with the report to ensure a working environment free of discrimination, harassment, and/or bullying so no future incidents occur. An employee with a question concerning this policy should contact the Human Resources Director. It is important to note that the Human Resources Director is not solely responsible for maintaining an environment free of discrimination. All supervisors, managers, and Department Heads are responsible for promoting a healthy working environment. Employees at all levels are encouraged to speak out against discrimination.

### **2.6 OPEN DOOR POLICY**

It is the Town of Bay Harbor Islands' policy to welcome and encourage employees' ideas, suggestions, or concerns regarding the employee's job or the Town's operations.

The Town knows from experience that its success greatly depends upon the helpful thoughts and suggestions of its employees. Employees should follow the chain of command to bring ideas and suggestions to the attention of their Supervisor, Department Head / Manager, Human Resources Director, Assistant Town Manager, and/ or the Town Manager.

Additionally, the Town is interested in all employee concerns, no matter how big or small. The Town believes in open and clear communication with its employees. In most situations, a discussion between the employee and the supervisor is the most effective way to deal with a concern or question. However, the employee may discuss any concerns or questions with a higher-level manager, up to the Town Manager. All employees are highly encouraged to follow the chain of command; higher level management is accessible and welcome comments. It is the Town's policy that any concerns or questions raised by an employee will be reviewed and resolved in a timely matter within budgetary constraints and operations. The Town prohibits retaliation against any employee raising concerns or questions pursuant to this policy.



## **SECTION 3:      WORKING AT THE TOWN OF BAY HARBOR ISLANDS**

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### **3.1      CATEGORIES OF EMPLOYMENT**

|   |  |
|---|--|
| <b>Full-time:</b>                         | An employee who is regularly scheduled to work a 35 or more hours per work week.   |
| <b>Part-time-with health benefits:</b>    | An employee who allowed to work between 30-34 hours per work week.   |
| <b>Part-time-without health benefits:</b> | An employee who is allowed to work no more than 29 hours a week.   |
| <b>Seasonal:</b>                          | An employee hired either full-time or part-time during one or more defined seasons (e.g. Summer Seasonal employee).  |
| <b>Temporary:</b>                         | A temporary employee hired to fill an open position for a maximum of two (2) six-month periods. Temporary employees must meet the education, experience and other requirements for the position and be approved by the Town Manager.   |
| <b>Acting/Interim:</b>                    | In the event of a vacancy in a Department Head / Manager position, the Town Manager may appoint an existing full-time employee to be the Acting Department Head / Manager for a maximum of two (2) six-month periods. Any employee appointed to an acting position may receive a temporary salary increase of fifteen percent (15%) above his/her current salary, but in no case shall the temporary salary be more than the salary budgeted for the Department Head / Manager position. |



***Part-time (without benefits), temporary, and seasonal employees do not qualify for benefits. temporary and acting employees do not qualify for benefits unless they are already existing full-time Town employees.***

In compliance with the Affordable Care Act (ACA), a full or part time employee shall become eligible for health benefits only, if the employee works on average either 1) 30 hours or more per workweek or 2) 130 hours during per month during the initial measurement period or standard measurement period.

### **3.2 EXEMPT/NON-EXEMPT**

The Fair Labor Standards Act divides all employees into two categories: exempt and non-exempt.

**Exempt** employees are classified as such if their job duties are exempt from the overtime provisions of the Act. Their salaries are calculated on an annual basis.

**Non-exempt** employees are eligible for overtime pay of not less than one-and-a-half times their hourly rate for any hours worked beyond 40 each week. *Employees on a 35-hour workweek schedule are only eligible for overtime after working 40 hours each week.*

### **3.3 PROBATIONARY PERIOD**

This policy was established to ensure that all newly hired, promoted, or transferred Town of Bay Harbor Islands employees are provided a Probationary Period of employment. The Probationary Period is considered a continuation of the employment selection process. It provides the Town an opportunity to observe and evaluate the capabilities of the employee, which includes the employee's ability to satisfactorily perform the essential functions of his or her job; and to observe and evaluate the employee's work habits and conduct, including attendance and the employee's relationship with coworkers and superiors.

During the Probationary Period, the new employee and his/her supervisor shall evaluate employment suitability in terms of skill, knowledge, performance, and compatibility. During this period, the employee shall be given the support and resources needed to learn and demonstrate the duties and competencies required in the new position.

### **DURATION**

#### **New Hire, Rehire and Promotions**

The probationary period for an employee shall be one (1) year for entrance, rehire, and promotional appointments for both full-time and part-time employees. In the event the employee accepts a promotional opportunity position within the Town before an initial probationary period is satisfactorily completed, the initial probationary period starts



over at the time the employee begins working in the new position. A probationary period may, at management's discretion, be extended for up to ninety (90) days to allow for additional evaluation of an employee whose job performance is considered marginal and who may otherwise not successfully pass the probationary period. Extensions of this nature shall be coordinated with the assistance of the Human Resources Director and documented and discussed with the employee prior to the expiration of the probationary period. See the Collective Bargaining Agreement for more information on Police probationary periods.

### **Transfers**

An employee who transfers to another department after successfully completing his or her initial probationary period, shall be required to complete a six (6) month probationary period. This probationary period may also be extended for up to six (6) months to allow for additional evaluation of an employee whose job performance is considered marginal and who may otherwise not successfully pass the probationary period.

An employee who transfers to another position within his or her current department may serve an adjusted probationary period, which reflects the time completed in the position held prior to transfer.

### **Full Time Appointment**

A part-time employee appointed to fill a full-time position in the same classification, may serve an adjusted probationary period, which reflects the time completed in part-time or temporary employment.

## **EVALUATION OF PERFORMANCE**

During the first 30 days of the Probationary Period, the employee's supervisor should:

- a. Provide the employee with a copy of his/her job description and orient him/her to the position.
- b. Establish written performance expectations and goals for the position and identify criteria to be used to assess the employee's performance.

Throughout the Probationary Period the supervisor should meet regularly with the employee to discuss the employee's performance and provide constructive feedback. A performance evaluation should be completed at one (1) year from the date of hire. Performance evaluations shall be completed on annual basis unless a 6-month re-review is determined. See performance evaluation section for more information.



Prior to the conclusion of the Probationary Period, the supervisor must determine whether the new employee meets the required performance expectations for continued employment, as well as complete an evaluation of the employee using the performance evaluation form. The supervisor will then meet with the employee to discuss the evaluation and the Town's decision regarding his/her continued employment.



### **UNSATISFACTORY PERFORMANCE**

The Town Manager may dismiss a probationary period employee at any time during a probationary period.

A promoted or transferred employee that does not successfully complete the probationary period may be returned to his/her prior position if the position is vacant, subject to approval from the Town Manager and recommendation of the Department Director. New hired (not transfer or promotion) employees may be terminated at any time while on probationary period.

### **AT-WILL EMPLOYMENT NOT AFFECTED**

Nothing in this policy is intended to alter the at-will status of any Town employee. The Town of Bay Harbor Islands at all times retains the right to terminate the employment relationship at any time, with or without cause or prior notice.

## **3.4 TIMEKEEPING**

### **PURPOSE AND OVERVIEW**

The Town of Bay Harbor Islands is subject to numerous laws and regulations that govern the way we conduct our business. The laws that regulate employee's wages and hours are designed to ensure that employees are paid as specified, within these regulations. This policy outlines information pertaining to recording and tracking hours of work, accruals, and making manual edits.



The Time and Attendance System is designed with the purpose of providing accurate recordings of an employee's time. The time and attendance procedures/systems will be set by the Human Resources Director and instructions will be provided to all employees on timekeeping processes. Employees are paid according to the hours recorded in his/her time sheet (whether electronic or manual format).

In order to ensure consistency of treatment for employees, the data recorded in the Timekeeping system shall be considered as the "official" record of the workday. Any disputes over actual hours worked or attendance will be resolved by referring to the official timekeeping records.



It is recognized that in certain situations (e.g. clock malfunction, human error) that it will be necessary to correct or enter missing data. These changes will be carefully documented via email from the department Manager/Supervisor to the timekeeper, who will make edits and notes on the timecard.

## **DEFINITIONS**

- A. Clock-In/Punch-In or Out – This term refers to the manual recording of time of arrival and time of departure of an employee at the workplace. This may either be one manually or electronically (as determined by the HR Department). Some examples of different ways to accomplish clocking-in or punching out are by: manual records, electronic time clock or a biometric index scan, time stamp method on their etc. Employees are required to adhere to the timekeeping regulations in order to maintain accurate payroll records.
- B. Actual Time In – After arriving at the workplace, the time an employee actually begins work. This does not include time spent driving to work.
- C. Actual Time Out – The time an employee actually completes his/her work duties. This does not include time spent driving home from work.
- D. FLSA – Fair Labor Standards Act.
- E. FLSA Cycle – The period of time on which overtime is calculated.
- F. Grace Period – IF electronic timekeeping-the period of time, currently 7 minutes, before and after a punch.



- G. Pay Period – Pay period is a recurring length of time over which employee time is recorded and paid. The current pay period for all employees is two weeks (14 days).
- H. Work Week – A fixed and regularly recurring period of work. The official workweek for the Town currently extends from 12:00 a.m. on Monday through 11:59 p.m. on the following Sunday for Administration and General employees. Public Works employees workweek extends from 12:00 a.m. on Tuesday through 11:59 p.m. on Monday.

FLSA Work Cycles/Periods are as follows:

- Sworn Non-Exempt Police Personnel – 14 Day Work Cycle or as provided in CBA.
- Unclassified Employees – 7 Day Work Cycle

Classified Employees- Please see Collective Bargaining Agreement for more information.

**TIMEKEEPING ROLES**

- A. Director/Manager - The individual within the department who has fiscal and operational authority.
- B. Designee - Any individual other than the timekeeper who has been given authority by the Director to approve changes in employee timecards within their division.
- C. Timekeeper - The individual assigned to maintain the timekeeping records for the department.
- D. Approver – Should be Department Director/Manager or designee.
- E. Employee - Individuals who work within the department who charge time against the departmental labor account.

**REPONSIBILITIES**

| <b>Responsibilities</b>  | <b>Director</b> | <b>Designee</b> | <b>Timekeeper</b> | <b>Employee Non-Exempt</b> | <b>Employee Exempt</b> |
|--|-----------------|-----------------|-------------------|----------------------------|------------------------|
| Record in/out times including lunch using designated timekeeping procedures. |                 |                 | X                 | X                          |                        |
| Submit time off requests using the time clock or computer.                   |                 | X               | X                 | X                          | X                      |
| Record exception time directly on the timecard.                              | X               | X               |                   |                            |                        |
| Review punches, and absences.  | X               | X               | X                 | X                          | X                      |
| Enter corrections into timekeeping system for employees.                     | X               | X               | X                 |                            |                        |



|   |   |   |   |   |   |
|---|---|---|---|---|---|
| Enter corrections into timekeeping system for Timekeeper.               | X | X |   |   |   |
| Approve timecard using time clock, computer or other designated system. | X | X | X | X | X |
| Verify employee approval and sign off on employee timecards.            | X | X |   |   |   |

**PROCEDURES**

1. **Employee Responsibilities** – Exempt (salaried) and Non-Exempt (hourly) employees must record time and attendance via designated timekeeping system. The timecard must be approved by the Employee and designated Approver each pay period. The timekeeping system should be an accurate reflection of actual time worked and time off for each employee. Requests for time off require supervisory approval and therefore must be submitted in advance by completing designated time-off request forms either electronically or manually as required by timekeeping procedures or by contacting the supervisor directly. Employees are responsible for ensuring that the time reflected on their timecard is accurate
  
2. **Supervisor Responsibility** – Supervisors ensure that all employees in the department are educated regarding the Town’s timekeeping policy and that all employees comply with the policy. Supervisors ensure that the timekeeping policy is administered fairly and uniformly for all employees and consider requests from employees for time off. Managers/designees must verify the number of hours worked and leave taken by each of their employees. All time worked as well as time off must be approved by the manager/designee. Managers, who will knowingly be out of the office and unable to approve their employees time, must notify the Director or Timekeeper to complete approvals in their absence. Directors/Managers/Timekeepers are responsible for creating and maintaining schedules for their employees.
  
3. **Time Off and Timekeeping**– The employee must record the requested paid time-off using the designated timekeeping procedures established by the HR Department before the time is actually taken. If the employee was unable to request the time off in advance, the employee must email the Department Manager/Supervisor and the Department Manager/Supervisor will email the Timekeeper of what edit need to be made to the employees’ timecard.

The timekeeping system shall be up to date and an accurate reflection of the employee’s time of an available time (sick, vacation, personal). If an employee uses



more time than they have available (sick, vaca, personal etc.) it is within the discretion of the Human Resources Director to allow the employee to draw out on future time.

Paid Time Off any be affected in pay periods during which unpaid leave, short-term disability, long-term disability, or workers compensation leave are taken

4. **Time Off Requests During a Holiday** – Holiday pay will automatically be applied to eligible employees in the timekeeping system. Refer to the Holiday policy for eligibility requirements.

When requesting time off during a Holiday week, the employee must enter two (2) separate time-off requests differentiating the Holiday from any other type of Paid Time Off.

5. **Timecard Approval and Deadlines**– At the end of each pay period, all employees are required to approve / sign his/her time worked and leave hours recorded for the pay period. By approving the timecard, the employee is attesting to the best of their knowledge that the information submitted is complete and accurate. Employees are responsible for inaccuracy or omission of which they are aware at the time the timecard was approved and submitted.

All time must be approved by 9:00AM the day following the end of the pay period. All timecards must be reviewed and approved by the Employee and Designated Approver. Departments may establish earlier deadlines if administratively necessary.

All Timecards must be reviewed and approved by the Employee, Timekeeper, and Approver.

The deadline for Timecards to be submitted to Payroll after a Monday Holiday is 9:00 am on Tuesday following the Monday Holiday unless Payroll communicates otherwise.

Employees are strongly encouraged to check and approve his/her timecard at the end of the last shift of the pay period.

6. **Delegating Approval to another Supervisor** – In the event a supervisor will be out of the office it is the supervisor's responsibility to ensure that the delegate has the appropriate timekeeping access/ forms to perform the delegated responsibilities prior to being out of the office.



7. **Failure to Comply with Timekeeping and Attendance Policies** - If an employee fails to complete and submit the required timecard information by the deadline given, he or she may be required to wait until the next pay period to be compensated for the leave time taken or the time worked.

In situations where an employee has time and attendance problems and/or abuses their leave time, the manager/supervisor may institute a more structured reporting requirement for the employee until the problem is corrected. Examples may include but are not limited to:

- a. Report to manager/supervisor upon arrival and departure.
  - b. Report time spent on each task or assignment.
  - c. Complete a sign in/out sheet for each period of time away from work area.
  - d. Take disciplinary action when an employee's attendance record falls below acceptable standards.
8. **Exempt Employee Time Recording:**

Exempt employees are not required to punch in or out from the timekeeping system at the commencement or end of their workday, unless otherwise directed by the Department Head / Manager or Town Manager.

Exempt Employees are required to report and record time off (vacation, sick, etc.) via the designated time keeping system.

9. **Daily Clock In/Out for Non-Exempt Employees**

It is the responsibility of each non-exempt employee to clock in and out (record their time) at the beginning and end of each scheduled workday. Under certain conditions, such as a training course at a different location, the employee may be provided with different methods or instructions for recording time for that day, All employees leaving for personal reasons during the day must accurately record their time of departure and return.

Non-exempt employees are not permitted to perform any work at home or while off-duty unless approved in advance in writing by the Town Manager. If approved, the employees must submit an accurate written record of all time worked to the Department Head / Manager within twenty-four (24) hours of performing the work.



Timecard Approver/Manager/Supervisors are responsible for ensuring that the work and leave time reported accurately reflects each employee's activity for each pay period and validate this by approving the employees timecard.

10. **Clocking in Late** - Employees are expected to clock in and out (record time) at times designated by their manager/designee. Employees clocking in past the grace period are considered late. Absenteeism and tardiness will be handled by the employee's manager or supervisor accordingly and may negatively impact the employee's annual performance evaluation.
11. **Clocking in Early** - Employees must be clocked in during all hours worked. However, Employees are expected not to begin work, or clock in, before their scheduled work time without authorization from their manager or supervisor. Clocking in early will result in overtime or compensatory time and these types of time MUST be preapproved by the Department Head / Manager.
12. **Clocking Out Late** - Employees must be clocked in during all hours worked. However, employees are expected not to end work, or clock out, after the scheduled work end time without authorization from their manager or supervisor. Clocking out late will result in overtime or compensatory time and these types of time MUST be preapproved by the Department Head / Manager.
13. **Failure to Properly Clock in and Out** - For non-exempt employees, it is each employee's responsibility to clock in and out (record their time). If an employee fails to record their time via the established time keeping system, it is the responsibility of the employee to notify the Department Director, Supervisor, and Timekeeper in writing no later than twenty-four (24) hours after it occurred. If the employee fails to notify their supervisor by the payroll deadline, missed pay may not be paid until the following payday. The Supervisor will notify the Timekeeper via email, of any edits that need to be made to the timecard.

**Under no circumstances can an employee adjust his/her own timecard. Corrections should be made by the Department Director, Manager/Supervisor, or Timekeeper.**

a. **Guidelines for Edits:**

Employee shall e-mail all edits to the Timekeeper, Supervisor, and Department Manager in order to have a record.

- i. The employee should effectively communicate by e-mail the following:



1. Detailed information as to why there is a need for the manual punch.
  2. When (what time) the punch should have been for.
- ii. All edits should be made within 24 hours.
  - iii. All edits have edit times logged in the audit trail.
14. **Tardiness** - Tracking tardiness will be the responsibility of managers and supervisors. Employees are expected to be ready to work at their designated/scheduled start times.
15. **Overtime & Compensatory time** - All overtime and compensatory time MUST be authorized in advance by the Department Head / Manager. Non-exempt employees who work overtime / compensatory time without authorization must still be paid for the time worked. However, the Employee may be subject to disciplinary action and may be negatively affected in their annual performance evaluation. Compensatory time shall not be used or recorded for time keeping purposes for any increments less than half hour.
16. **Work Schedules** - It is the responsibility of the hiring supervisor to communicate the work schedules for new hires and to ensure they are accurately reflected in the timekeeping system. Non-Exempt and Exempt employees' schedules are determined based on the requirements of the department. All full-time and eligible part-time non-exempt employees are required to take a lunch period (preferably away from the work area), unless pre-approved by manager/supervisor.
17. **Daylight Savings Time** – An employee working on a shift when daylight savings time goes into effect will be credited with the actual number of hours worked on that shift. An employee working on shift upon return to standard time is credited for the actual number of hours worked on that shift.
18. **Payroll Adjustments** – If an employee is not fully compensated for the payroll because of a data input error or a missed punch, the employee must contact the Timekeeper who will in turn contact the Payroll Office. An employee will either be cut a check for the error that was made or will be paid in the next pay period for the missing amount.
19. **Clock or System Problems (if using an electronic timekeeping system)** – Clocks will continue to collect data during times when it seems there are clock or system malfunctions, even during power outages. Employees should continue to make all



necessary punches, but also keep a physical record to ensure timecard accuracy. In this situation the Timekeeper will make a note of the times that may need adjusting but will not make adjustments until it is confirmed that the system did not collect the data. The Timekeeper will immediately notify the Payroll Office of any clock or system issues.

Order of Contact relating to Clock or System Technical Issues:

- Employee will contact Immediate Supervisor
- Supervisor will contact Payroll
- Payroll will contact timekeeping system account representative for technical support.

**20. Unauthorized/Prohibited Actions** – Employees are prohibited from the following actions:

- a. Any attempt to tamper with the timekeeping hardware, software or timesheet.
- b. Punching in/out or recording time for another employee (a.k.a. “buddy punching”)
- c. Interfering with another employee’s use of time clocks or timesheets.
- d. Falsifying another employee’s clocking transactions, timesheets and failure to use the timekeeping system properly.
- e. Failure to promptly verify and reconcile time and leave records in accordance with departmental policies and procedures.
- f. Falsification of hours actually worked.
- g. Excessive missed punches (failure to record time) without a valid (specific) reason.

### **3.5 ATTENDANCE AND PUNCTUALITY**

Punctuality and regular attendance are essential to the proper operation of the Town of Bay Harbor Islands and employees are expected to be at work on all scheduled workdays, during all scheduled work hours and to report to work on time. The Town Hall hours of operation are Monday through Friday from 9:00 am to 5:00 pm. Schedules may be modified with the approval the Department Head/Manager in accordance with department operations and special requests. ANY modification to an employee’s schedule shall be pre-approved by the Department Head / Manager or designee. If an employee will be absent, tardy or must leave prior to the end of regular work day, the employee must contact his or her Supervisor or Department Head / Manager at least one (1) day in advance of the employee’s scheduled start time or end time, or as soon as reasonably feasible.



If an employee fails to provide reasonable notice to his or her Supervisor or Department Head / Manager /, the absence will be considered an unauthorized absence (will negatively affect annual performance evaluation). The only exception to this policy is a legitimate emergency which prevents an employee from providing prior notice.

If the employee fails to notify his or her Supervisor or Department Head / Manager of absences for three (3) or more consecutive workdays, the employee will be considered to have voluntarily abandoned his or her job.

NOTE: Authorized leaves under the Town's Family and Medical Leave Act (FMLA) policy or other leave policies, or under applicable state or local laws, will not be treated as excessive absenteeism or tardiness. See FMLA Section 7.1 for more details.

### **3.6 WORK FROM HOME/TELECOMMUTING**

Telecommuting allows employees to work at home, on the road, or in a satellite location for all or part of the workweek. Telecommuting can be informal, such as working from home for a short-term project or on the road during business travel, or a formal set schedule of working away from the office as a temporary work arrangement.

The Town Manager in agreement with the Department Director / Manager at their discretion, may authorize telecommuting/working from home after evaluating the following:

- Employee suitability: The employee and the manager have assessed the needs and work habits of the employee and agree the work traits are appropriate for successful telecommuting.
- Job responsibilities: The employee and manager have discussed the job responsibilities to ensure that the job may be performed successfully to the maximum potential.
- Legal implications: An evaluation has been conducted by the Town Manager or his/her designee in order to assess tax and legal implications under IRS, and state and local government laws.

The work from home/telecommuting arrangement is 100% discretionary and must be pre-approved by the Department Director / Manager in agreement with the Town Manager, on a case by case basis.

### **3.7 OVERTIME**

Overtime is paid to non-exempt employees at a rate of one and one-half times the employee's regular rate of pay.

Non-exempt employees with a five (5) day work period are eligible for overtime time pay for all hours worked over 40 hours per work week. Non-exempt positions with normal workweeks of 35 hours will be paid overtime at 1 ½ times the employee's regular pay rate for hours worked



over 40 and will be paid straight time rate of pay for any hours worked past 35 up to 40. Employees are compensated as follows:

1. An hourly rate of at least the statutory minimum wage for all hours worked up to 40 hours per work week; and
2. One and one-half (1½) times the employee's regular pay rate for all "actual hours worked" over 40 hours per work week.
3. Overtime is based on "actual hours worked", therefore, vacation, sick, holiday, personal day, compensatory time and other such leaves will not be used in the computation of overtime worked.

It is the Town's policy to keep overtime work to a minimum and supervisors are responsible for planning and scheduling work assignments and projects so that they can be performed within the non-exempt employees' regularly scheduled hours. All hours that exceed an employee's regularly scheduled hours, including all overtime work, must be approved in advance by the Department Head / Manager. If an employee works additional hours or overtime hours that are not approved by the Department Head / Manager, the employee will be paid for those hours and the employee may be subject to corrective action. All non-exempt employees are expected to work additional hours or overtime when needed to meet the needs of the Town. The Town will provide as much advance notice as practicable for mandatory additional hours or overtime work. Department Heads / Managers shall rotate overtime in a fair manner as to allow every department member the opportunity to obtain additional work hours if they so desire. Refusal of an employee to work mandatory additional hours or overtime may result in corrective action, up to and including, termination from employment.



### **3.8 CALL BACK TIME**

If a full-time non-exempt employee is called back to work at a time outside normal working hours, the employee shall be paid for the actual time worked at one and one-half times the employee's regular rate of pay or a minimum of two (2) hours at the employee's regular rate of pay, whichever is greater, for each callback. For callbacks on Sundays and legal holidays, the employee's regular pay rate will be doubled for a minimum of two (2) hours.

Time will start when the employee reports to work. This provision does not apply to situations where the employee is called in early for his/her shift or held over after the end of the regular shift (contiguous service).



Hours paid as call back that were not actual work hours (e.g. when an employee is paid for two hours of work at their regular pay rate because the employee's actual time worked at one- and one-half times that rate would result in lower pay) will not be used in the computation of overtime worked.

Hours must be accurately recorded via the established time keeping system.

No employee is eligible for call back pay during a period of civil emergency as declared by the Town Manager.

### **3.9 REST AND MEAL PERIODS FOR NON-EXEMPT EMPLOYEES**

#### **NON-SWORN EMPLOYEES**

Rest Periods: Rest periods are paid breaks. The Town permits non-exempt employees to take reasonable rest periods during the workday as permitted by the employee's work duties and as approved by the Department. An individual rest period shall not exceed 15 minutes in length. There shall be a maximum of two (2) rest periods per workday.

Employees are not required to punch out for rest periods. However, employees are expected to be punctual in starting and ending their breaks and may be subject to corrective action for tardiness. Employees on rest breaks may not interfere with other employees who are continuing to work.

Meal Periods: The Town provides non-exempt full-time employees and exempt employees with a paid meal period up to sixty (60) minutes. Non-exempt part-time employees who work at least five hours per shift receive a paid lunch break up to thirty (30) minutes.

Minors seventeen (17) years of age or younger shall not be permitted to work for more than four (4) hours continuously without an interval of at least thirty (30) minutes for a meal period.

Employees are not required to punch in / out for meal periods but employees are expected to comply with the prescribed times.

Non-exempt employees are not permitted to perform work during their meal period. Should any employee leave Town Hall or any other Town premises for personal business during his/her paid meal/rest period, any/all injuries incurred, including vehicle accidents, are not covered by workers compensation and instead are covered by the employee's individual health/automobile insurance policies.

The maximum meal period is sixty (60) minutes for full-time non-exempt employees and thirty (30) minutes for part-time non-exempt employees.

#### **SWORN EMPLOYEES**



Sworn personnel must refer to the collective bargaining agreement for more information on meal and rest periods.

### **3.10 BREAKS FOR NURSING MOTHERS**

The Town of Bay Harbor Islands fully supports breastfeeding mothers by providing reasonable break time for an employee to express breast milk for up to one (1) year after the child's birth, in accordance with the Department of Labor's Providing Urgent Maternal Protections (PUMP) Act and the Equal Employment Opportunity Commission's Pregnant Workers Fairness Act (PWFA).



For both non-exempt and exempt employees, this break time is paid, and employees are not required to clock out. All employees, whether exempt or non-exempt, must coordinate with their supervisor to schedule break times for expressing breast milk.

Upon notice, the employee's Department Director or the Human Resources Director will provide the employee with a private, comfortable space that is not a bathroom, to express breast milk, as required by the PUMP Act. Employees covered by collective bargaining agreements should refer to their agreement for specific provisions related to breaks for nursing mothers.

In addition, under the Pregnant Workers Fairness Act (PWFA), the Town will ensure reasonable accommodations are provided to breastfeeding mothers, including additional breaks or other necessary adjustments, to support them in the workplace.

### **3.11 POLICY PROHIBITING DEDUCTIONS FROM COMPENSATION OF SALARIED, EXEMPT EMPLOYEES**

The Town prohibits any improper deductions from the compensation of any exempt employee. A salaried exempt employee will regularly receive his or her full compensation, less applicable wage-related taxes and other deductions authorized by the employee or required by law, subject to the limited exceptions set forth below.

A salaried exempt employee's compensation will not be subject to reduction based on variations in the quality or quantity of the work performed by that employee. A salaried exempt employee may be required to work hours / days above the standard workweek; their supervisor will take those extra hours / days worked into consideration for allowance of flex time and future time off. A salaried exempt employee will receive his or her full salary for any week in which the employee performs any work, without regard to the number of days or hours worked but will not be paid for any workweek in which he or she performs no work. No deductions will be made from any salaried exempt employee's compensation for absences



occasioned by the Town or by the operating requirements of the Town's business. If the employee is ready, willing and able to work, deductions will not be made for time when work is not available.

### **EXCEPTIONS**

The prohibition against deductions from the pay of a salaried exempt employee is subject to the following exceptions:

- Deductions from pay may be made when the employee is absent from work for one or more full days for personal reasons, other than sickness or disability.
- Deductions from pay may be made for absences of one or more full days occasioned by sickness or disability (including work-related accidents) if the deduction is made in accordance with the Town's plan, policy or practice of providing compensation for loss of salary occasioned by such sickness or disability. Deductions from pay may also be made before the employee has qualified under the plan, policy or practice, and after the employee has exhausted the leave allowance there under.
- No deductions from pay will be made for absences occasioned by jury duty, attendance as a witness, or temporary military leave. An offset of any amounts received by an employee as jury fees, witness fees, or military pay for a particular week against the salary due for that week may be made.
- Deductions from pay may be made for penalties imposed in good faith against an employee for violation or infractions of safety rules of major significance (i.e., those rules relating to the prevention of serious danger in the workplace or to other employees), if the Town concludes in good faith after its investigation that the employee committed such violation.
- Deductions from pay may be made for unpaid disciplinary suspensions of one or more full days for violation of workplace conduct rules which are reflected in the Town's written policies applicable to all employees (including, but not limited to, violation of the Town's Equal Employment Opportunity, Americans With Disabilities Act, Harassment-Free Workplace, Workplace Violence and/or Drug-Free Workplace policies), if the Town concludes after its investigation that the employee committed such a violation.
- Employees in their first or last weeks of employment may not be paid their full salary, but instead will be paid a proportionate part of the employee's salary for the time actually worked.
- Employees may not be paid their full salary for weeks in which they take unpaid leave under the Family and Medical Leave Act and instead, will be paid a proportionate part of their salary for time actually worked.

If a salaried, exempt employee believes that an unauthorized or improper deduction has been made from his or her salary or the salary of anyone he or she supervises, the employee should



notify the Town immediately by bringing the matter to the attention of the Department Head / Manager or the Human Resources Director.

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

DRESS APPROPRIATELY - DRESS FOR

**3.12 DRESS CODE**

Employee attire is a direct reflection on individual professionalism and the Town's image and reputation. ***The Dress Code policy has one (1) primary rule of thumb: Dress appropriately.***

The Town of Bay Harbor Islands expects all employees to exercise appropriate judgement with regard to personal appearance, dress and grooming to be most effective in the performance of their workplace duties. The Town recognizes that personal appearance is an important element of self-expression and strives not to control or dictate appropriate employee appearance with regard to attire, jewelry, or tattoos worn as a matter of personal choice.

In keeping with this approach, The Town of Bay Harbor Islands allows reasonable self-expression through personal appearance, unless

- A) It conflicts with an employee's ability to perform his or her position effectively or with his or her specific work environment, or
- B) It is regarded as offensive or harassing toward co-workers or others with whom the Town of Bay Harbor Islands conducts business and has contact with employees

The Town requires certain employees to wear uniforms at all times while on duty. Employees are expected to wear their complete uniform as specified by their department. Uniforms are to be kept clean and in good repair at all times. The Town will make a reasonable effort to ensure that its equipment, working conditions and the job environment will not jeopardize the health or safety of employees. Damage to or loss of uniforms or any part thereof is to be reported immediately to the employee's immediate supervisor. If an employee's personal property is lost or damaged, except in instances involving negligence, and no other reimbursement source is available, the Town, upon approval by the Manager, will reimburse the employee for the replacement of property to a maximum of one hundred percent (100%) of replacement cost or one hundred fifty



dollars (\$150.00), whichever is less. (for more information on sworn personnel uniforms, refer to the Collective Bargaining Agreement) Uniforms shall be replaced as necessary due to wear and tear. All uniforms are supplied by the employer.

Town employees who are not required to wear uniforms are expected to maintain a standard of dress appropriate to the Town's business operations. Employees are required to maintain a neat, clean and professional appearance at all times.

Listed below is a general overview of acceptable business wear as well as a listing of some of the more common items that are not appropriate for the office. Neither list is intended to be all-inclusive. Rather, these items should help set the general parameters for proper business wear and assist employees to make good judgments about items that are not specifically addressed.

1. Slacks — Cotton slacks are acceptable provided they are clean and wrinkle-free. Inappropriate items include jeans of any color, sweatpants, wind suits, shorts of any kind, overalls, Capri pants, leggings, spandex or other form-fitting pants. Ripped, wrinkled, torn, or faded clothing is not acceptable.
2. Shirts — Dress shirts, sweaters and turtlenecks are acceptable. Inappropriate items include tank tops, sweatshirts, shirts with large lettering, logos or slogans, low cut shirts or blouses, halter-tops, tops with bare shoulders, see-through garments, and t-shirts unless worn under another blouse, shirt, or jacket.
3. Dresses and Skirts — Dresses and skirts of an appropriate length are acceptable. Mini-skirts and spaghetti-strap dresses should not be worn to the office.
4. Shoes – Acceptable for Women: High and mid-heeled shoes and sandals, and dressy flats and open toed shoes. Not acceptable for all employees: flip flops, flat sandals, athletic shoes (unless it is part of an assigned uniform) and over-accessorized sandals.
5. Tattoos and Jewelry — The Town of Bay Harbor Islands permits employees to wear jewelry or to display tattoos at the workplace within the following guidelines. Factors that management will consider determining whether jewelry or tattoos may pose a conflict with the employee's job or work environment include:
  1. Personal safety of self or others, or damage to company property
  2. Productivity or performance expectations
  3. Offensiveness to co-workers, customers, vendors, or others in the workplace based on racial, sexual, religious, ethnic, or other



characteristics or attributes of a sensitive or legally protected nature.

4. Corporate or societal norms
5. Customer complaints

If management determines an employee's jewelry or tattoos, may present such a conflict, the employee will be encouraged to identify appropriate options, such as removal of excess or offensive jewelry, covering of tattoos, transfer to an alternative position, or other reasonable means to resolve the conflict.

An environment of mutual cooperation, respect, and fair and consistent treatment for all employees is the Town's goal. Nonetheless, the Town is legally responsible for ensuring that no employees are subject to harassment or a hostile work environment. As an initial step toward resolution of any complaint or offense under this policy, supervisors and managers will be responsible for explaining the policy and answering employee questions. If an agreeable solution cannot be reached at that stage, the Human Resources Director will follow company procedures to resolve the issue.

6. Employees should not wear any item of ornamentation in their nose, eyebrow, tongue, or any other location of their body that is visible during work hours or any work-related function. Exception: earrings are permitted; however, excessive ear piercings are prohibited.
7. Personal hygiene — Hairstyles, make-up, nails, grooming of beards and mustaches, and personal hygiene should be reasonable and in accordance with customary business practices. An employee's personal grooming and hygiene should reflect a clean and neat appearance and impression.
8. Town Events – The Town's Dress Code policy also applies for all Town events and other meetings outside of Town Hall in which the employee will serve as a representative of the Town.
9. Business Casual - Business casual dress will be permitted on Fridays, except during specified and announced periods when casual days will be suspended. Some departments may require specific guidelines that differ from the business casual guidelines. Employees who must leave work to change clothes for business reasons will use personal time or vacation time to do so. When participating in professional meetings with customers or members of the public, the above business dress code shall be observed.

**Business casual for Fridays is defined as follows:**



- Casual shirts: All shirts with collars, business casual crewneck or V-neck shirts, blouses, golf and polo shirts. Examples of inappropriate shirts include T-shirts, shirts with slogans, tank tops, muscle shirts, camouflage, crop tops, and any other sport attire.
- Pants: Casual slacks and trousers and jeans without holes, frays, etc. Examples of inappropriate pants include shorts, camouflage, skintight pants, pants worn below the waist or hip line, and any other sport attire.

If an item of clothing is deemed to be inappropriate for the office by the employee's supervisor and/or the Human Resources Director, the employee may be sent home to change clothes and return back to work dressed appropriately. Non-exempt employees (those employees subject to the minimum wage and overtime requirements of the Fair Labor Standards Act) will not be compensated for any work time missed because of their failure to comply with this policy. Violations of this policy may result in corrective action & penalties on the employee performance evaluation.

Supervisors or other management personnel can specify additional or alternative dress and grooming requirements for employees for safety reasons or based on the business needs of their departments (e.g. Parks and Recreation personnel).

Employees shall not purchase, consume or be under the influence of alcoholic beverages, while on duty or in Town uniform, nor shall they consume or possess illegal substances while on duty, or in Town uniform.

Any employee who requires an exception to the Dress Code based on a bona fide religious belief, ethnicity or disability, should contact the Human Resources Director to discuss a reasonable accommodation.

Retaliation against persons who requires an exception to the Dress Code on a bona fide religious belief, ethnicity, or disability is strictly prohibited. Any act of retaliation, including interference, coercion, and restraint, by a Town employee or by one acting on behalf of the Town, violates this policy and will result in appropriate disciplinary action, up to and including discharge.

This organization is pledged to take positive action to assure that equal opportunity is granted to all. Every member of our management team has a personal responsibility for the implementation of our Equal Employment Opportunity Policy. Every employee has an obligation to assist in maintaining a nondiscriminatory working environment.



### **3.13 OUTSIDE EMPLOYMENT**

The purpose of this Policy is to provide guidelines regarding outside employment performed by any Town of Bay Harbor Islands employee. Outside employment is employment in outside work, including without limitation self-employment, consulting or contract labor, which involves activities or duties separate and apart from the employee's official assigned duties at the Town of Bay Harbor Islands and which may result in compensation to the employee beyond that provided by the Town of Bay Harbor Islands. Town of Bay Harbor Islands Employees may engage in outside employment with the approval of the Town Manager and with the understanding that their primary duty, obligation and responsibility is to the Town of Bay Harbor Islands.

#### **Procedure**

All full-time and part-time Town of Bay Harbor Islands employees who engage in any outside employment must request permission from their Department Head / Manager before engaging in outside employment. To obtain prior written approval, the employee must file an *Outside Employment Request* form with their Department Head / Manager no later than ten (10) business days prior to accepting outside employment. The Department Head / Manager will then submit the form to the Human Resources office. The Human Resources office will submit the form to the Town Manager for final approval who will then provide a copy to the Town Clerks office for processing.

The request shall state the name and place of employment, the maximum hours of work, the expected duties and work schedule, the date of hire, and the name and telephone number of a supervisor and/or the person to whom the employee shall report while performing outside employment duties or activities. A duplicate copy of the *Outside Employment Request* form shall be returned to the employee providing information on whether the request has been approved or denied. Employees engaging in outside employment without the prior written approval of the Town Manager may be subject to disciplinary action up to and including discharge.

#### **Guidelines**

- Employees may not engage in any outside employment that creates a conflict of interest with their Town employment or a justifiable impression that such a conflict of interest may exist.
- Employees may not engage in any outside employment related duties and/or activities on Town time.



- Employees must avoid schedule conflicts and report to work with the Town in the event of any conflict with their outside employment work schedules.
- Employees may not engage in any outside employment where Town equipment, supplies, staff, facilities or material is to be used.
- Employees may not use confidential information obtained through their position as a Town employee to benefit their outside employment or for any other purpose other than as required by their regularly assigned duties as a Town employee.
- Outside employment may not interfere with the employee's performance of functions for the Town of Bay Harbor Islands.
- Employees who engage in outside employment may not use the Town of Bay Harbor Islands' name in such a manner that suggests institutional endorsement.
- The employee must keep his or her Department Head / Manager notified of any changes in outside employment status or duties.
- Absolutely no work shall be conducted by actions of contracting, performing, representing, or consulting within the Town of Bay Harbor Islands boundaries, directly or indirectly

### **State Regulated Licensees**

It is the intent of this policy to eliminate the perception and possibility that any State regulated licensee employed by the Town of Bay Harbor Islands is participating or engaging in business within the Town boundaries. Furthermore, it is encouraged that the licensee places all their applicable licenses in inactive status while employed with the Town.

If a State regulated licensed employee wishes to engage in an outside employment opportunity, the employee must notify the Department Director by completing an Outside Employment Affidavit available from either the Director's Office or Human Resources Director for each separate employment opportunity. The Department Head / Manager and the Town Manager must approve the disclosure form prior to the employee engaging in any outside employment activities. When engaging in outside employment, the employee must observe the following conditions:

1. Absolutely no work shall be conducted by actions of contracting, performing, representing, or consulting within the Town of Bay Harbor Islands boundaries, directly or indirectly.
2. No work shall be contracted, performed, represented, or consulted outside of the Town boundaries with any business entity or resident established within the Town of Bay Harbor Islands.



3. When engaging in outside employment, no business shall be conducted during Town of Bay Harbor Islands work hours. This would include using your personal or Town issued communication device, computer, or any other office machine for transacting any outside business.

When engaged in an outside employment opportunity, the employee must always give priority to the Town of Bay Harbor Islands. As requested on the Employment Disclosure Form, the employee must disclose any potential conflict(s) of interest when disclosing any outside employment opportunity. Actions or business affairs that may be interpreted as a conflict of interest and subject to disciplinary actions must be consulted with the Town Manager prior to engagement. All State regulated licensed employees must have a signed copy of this policy in their personnel folder. Violation of any of the above-mentioned conditions may result in immediate dismissal.

## **Responsibilities**

### **A. Annual Financial Report: Outside Employment Statement**

In accordance with Section 2-11.1(k)(2) of the Miami-Dade County Code, full-time Town employees engaging in outside employment shall file by July 1<sup>st</sup> of each year an annual financial report also known as Outside Employment Statement with the Town of Bay Harbor Islands Clerk. Applicable forms may be requested from the Town's Human Resources office and/or Town Clerks office.

### **B. Workers' Compensation/Disability Benefits**

All injuries sustained during outside employment must be reported to the employee's supervisor prior to the next working day. An employee's failure to report an injury sustained during outside employment shall be grounds for disciplinary action up to and including dismissal from Town employment. Furthermore, employees engaging in outside employment shall be ineligible to receive workers' compensation or disability benefits under the Town's workers' compensation or disability plans when illness, injury or disability results from outside employment.

### **C. Department Heads / Managers**

Department Heads / Managers must assure adherence to this Policy and ensure that employees requesting approval of outside employment follow this policy and procedure.

## **3.14 EMPLOYMENT OF RELATIVES**



## A. PURPOSE

The Town of Bay Harbor Islands is committed to a policy of employment and advancement based on qualifications and merit and does not discriminate in favor of or in opposition to the employment of relatives.

Due to potential for perceived or actual conflicts, such as favoritism or personal conflicts from outside the work environment, which can be carried into the daily working relationship, the Town of Bay Harbor Islands will hire relatives of persons currently employed only if:

- a) Candidates for employment will not be working directly for or supervising a relative, and
- b) Candidates for employment will not occupy a position in the same line of authority in which employees can initiate or participate in decisions involving a direct benefit to the relative. Such decisions include hiring, retention, transfer, promotion, wages and leave requests.
- c) The candidate must meet all of the minimum qualifications required to successfully perform the role. All Town positions are filled with the intention of selecting the best candidate in regard to work history, relevant experience, educational credentials, knowledge, skills, and abilities.

## B. DEFINITIONS

The following words, terms and phrases, when used in this policy, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: *“Employee”* means every person engaged in any employment with the Town under any appointment or contract of hire, express or implied, oral or written, for remuneration, including without limitation all full-time, part-time, seasonal, permanent and temporary employees.

*“Public official”* means an officer or an employee of the Town in whom is vested the authority by law, rule, or regulation, or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals or to recommend individuals for appointment, employment, promotion, or advancement in connection with employment at the Town. *“Public Official”* includes, but is not limited to, the Town Manager, Assistant Town Manager, Department Head / Manager / and any managers or supervisors who are delegated authority to recommend individuals for appointment, employment, promotion, or advancement.

*“Relative”* means an individual who is related to the public official or employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-



sister, or other members of employee's household. This specifically includes all such relationships established through adoption or marriage.

The employment application has a designated section for candidates to disclose any relative relationships with existing Town of Bay Harbor Islands employees. Failure to submit the signed application to the Human Resources Director may result in disqualification from employment.

The hiring supervisor is responsible for ensuring policy compliance. Department directors are responsible for monitoring changes in employee reporting relations after initial hire to ensure compliance with this policy. Employees are responsible for immediately reporting any change to their supervisor.

Related persons employed as of October 1, 2019, may continue their employment in their respective department, subject to Town Manager approval with recommendation from the Human Resources Director and Department Head / Manager, provided that no conflict of interest occurs, and the relationship is in compliance with Florida Statute 112.3135.

If transfer is required or recommended, it shall be within the sole discretion of the Town Manager to determine which relative-employee to transfer.

In the event that no such transfer is possible, or if such a transfer is not accepted by the employees, and if neither employee will resign, the Town shall terminate the employment of one of the relative-employees. In that circumstance, it shall be within the sole discretion of the Town Manager to determine which relative-employee to terminate.

### C.      **COMPLIANCE**

1. Department Heads / Managers are responsible for ensuring policy compliance, including monitoring changes in employee reporting relations after initial hire.
2. Employees have the responsibility to notify their supervisor or Department Head / Manager of any potential or existing relationship which falls under the definitions provided in this policy.

### **3.15    FRATERNIZATION**

The Town believes that romantic relationships create a conflict of interest (actual or perceived) or adversely affect work performance and employee morale, create concerns of favoritism, and potentially result in claims of harassment. As such, the Town prohibits employees from having romantic relationships with other Town employees. For purposes of this policy, a "romantic relationship" includes marriage, dating, sexual relationships, domestic partnerships, and employees who share the same household as a couple. If the Town determines that employees are engaged in a prohibited romantic relationship, the employees involved in said



relationship shall be subject to disciplinary action, up to and including termination. If said relationship involves any Town charter officer, the Town Council will be promptly notified and will determine the appropriate course of action.

### **3.16 COLLECTIVE BARGAINING AGREEMENTS**

In the event of a conflict between a collective bargaining agreement covering any Town employees and this Employee Manual or any other policy issued by the Human Resources Director, the applicable provision(s) of the collective bargaining agreement provisions shall take precedence.

### **3.17 EMPLOYEE WORKSPACE**

The Town provides offices and other workspace, including but not limited to, desks and Town vehicles, for use by employees for business purposes only. The Town's employee workspaces are not private and are subject to inspection by the Town at any time. Management may at any time inspect and review any and all files (hard copy or electronic), desks, drawers, filing cabinets, lockers, storage areas, compartments and all other areas of an employee's workspace and their contents, with or without the employee's knowledge.

The Town establishes a neat workspace policy in accordance with its values of efficiency and professionalism. As an expression of those values, all office areas, including employee workspaces and common areas, should be kept neat, orderly, and free of clutter. Before leaving the work area at the end of the workday, the Town requires employees to organize their areas to secure work materials, including storing files inside desk drawers and cabinets.

Employees are also encouraged to decorate their workspaces. However, employees must ensure that any/all workspace decorations are not offensive in nature and are in compliance with the Town's anti-discrimination, anti-harassment, and anti-bullying policies.

### **3.18 EMPLOYEE RECORDS AND EMERGENCY CONTACT INFORMATION**

Employees should be aware of the importance of keeping their personnel records current. This means immediately notifying their department and the Human Resources Director of any changes, such as changes of address (even if temporary); telephone number; emergency contact(s); beneficiary; number of dependents; divorce; marriage; or any change of status not



previously reported that was originally given at time of employment. This is the responsibility of the employee and failure to comply may result in loss of employee benefits and/or disciplinary action.

### **3.19 COMPLIANCE WITH THE PUBLIC RECORDS LAW**

The Public Records Act, codified in Chapter 119, Florida Statutes, entitles any individual access to Town public records. Public records are defined as [1] materials made or received by the Town [2] in connection with official Town business and used to [3] perpetuate, communicate or formalize knowledge of some type.

Examples of materials include papers, emails, electronic files, photographs, videos, text messages, and audio. If these materials are made or received by Town employees, have a connection to Town business, and were intended to communicate or formalize knowledge, any person may inspect or receive a copy of these materials.

### **EMPLOYEE OBLIGATIONS**

An employee who receives a verbal or written request for public records must promptly respond based on the circumstances. For the inspection of records, this may entail compiling the requested records and providing an inspection site (i.e., a room). For copies, this will entail making legible photocopies or providing said records in electronic form.

Town employees are required to store public records in their control in a manner such that they can be accessed. This may include the creation of a filing system (physical and digital). As such, **Town employees must not destroy public records unless it is done so in accordance with law.**

A deposit may be required before resources are expended. For copies of standard papers, a cost of 15 cents per page may be imposed. Copying other materials (e.g., large maps, videos) may require the imposition of additional costs as determined by the Town Manager.

### **EXEMPTIONS & NOTICE**

The Town will not provide public records to requestors if they are exempt and/or confidential, as defined by law. Examples of exempt records include the social security numbers of all current and former Town personnel, direct deposit records identifying banking institutions and account numbers, discrimination complaints and investigations (this exemption is temporary), and contact information of public safety employees, their spouses and/or children. Because the number of exemptions is voluminous, employees must contact a supervisor if they are unsure whether a record falls under an exemption.



If a public record request is received for any active Town employee, the Town will notify the employee as soon as possible that such request was received.

## **VIOLATIONS**

Florida law provides that a “knowing” violation of the Public Records Act is a criminal offense. All other violations are noncriminal, but punishable by fines. A violation of this policy may subject employees to discipline up to and including termination.

### **3.20 PAYROLL**

#### **PAY PERIOD**

The payroll period is biweekly, although each week stands alone for compensation purposes (FLSA work cycles may differ for employees covered by a CBA). Employees will receive their paycheck on Friday, for the pay period ending the previous Sunday, for a total of twenty-six (26) pay periods per year. The official workweek extends from 12:00 a.m. on Monday through 11:59p.m. on the following Sunday for Administration and General Employees. Public Works employee’s workweek extends from 12:00 a.m. on Tuesday through 11:59 p.m. on Monday. If the payday falls on an official Town holiday, employees will be paid on the preceding workday.

#### **PAYROLL DEDUCTIONS**

Employee pay represents the full amount of earnings each pay period, minus the appropriate required federal deductions, such as federal withholding (income tax), social security, and Medicare taxes. The Town deposits this deducted amount with the U.S. Treasury for credit on employee income tax calculations at the end of the year. Employees are responsible for completing a W-4 form properly and updating it when necessary. The Town will provide Form W-2 showing total earnings for the year and the amount of taxes that have been withheld. Employees eligible to carry Town benefits will have payments for these items deducted from their pay based on the completed benefit enrollment form. Each employee is responsible for confirm that deductions are correct and shall notify when there is a change in status that may impact benefit participation eligibility or deduction amounts.

#### **Underpayment**

If an employee is paid less than the compensation to which the employee is entitled or has been overcharged for coverage in an employee benefit plan, the Town shall correct the



situation by paying any funds due to the employee in the next payroll check after the proper determination and corrective calculations have been made and processed.

### **Overpayment**



If an employee has been compensated above the appropriate pay rate or has not paid the proper deduction for coverage in an employee benefit plan, financial restitution is due the Town. Generally, such restitution shall be made immediately by personal check to the Town or by payroll deduction from the next payroll check after the proper determination has been made. At the employee's option, restitution may be accomplished through payroll deduction over the same period of time as the employee received the overpayment.

### **Questions Regarding Employee Paychecks**

The Town takes every precaution to avoid errors in pay. However, if an error does occur inadvertently, the employee should inform his/her supervisor who will contact the Finance Department and determine whether an adjustment is appropriate. If the paycheck contains an error, an adjustment will be made as soon as feasible.

### **3.21 TOWN VEHICLES**

If determined to be operationally necessary, some employees will be issued Town Vehicles. If an employee is allowed to drive a Town vehicle or if an employee is issued a Town take home vehicle, it is the responsibility of the employee to drive that vehicle for Town related business ONLY and not for personal use of any kind. Furthermore, those employees allowed to drive a Town vehicle shall be required to maintain a valid driver's license and must provide the Human Resource Department with a copy of the driver's license on October 1<sup>st</sup> of each year or as required upon random inspection. The loss or failure to maintain a current Florida driver's license may result in disciplinary action up to and including termination. Any change in status of the driver's license must be immediately reported to the Human Resource Department no later than the next day after occurrence.

### **3.22 EMPLOYEE REFERRALS**

Employees who refer applicants for open positions of employment with the Town shall receive a \$200 referral bonus for each person they refer that gets hired by the Town.



### **3.23 EMPLOYEE RECOGNITION PROGRAM**

Employees who are nominated by the Town's Recognition Awards Committee to have performed above and beyond throughout the year in their area of work will be acknowledged and receive recognition for their exemplary service at the annual Employee Awards Banquet.

### **3.24 BROAD CAUSEWAY SUNPASS**

Employees who are actively employed by the Town and will be driving into work, will receive a sun pass exemption for the Toll located on Broad Causeway for the duration of their employment with the Town. The sun pass account must be and remain in good standing with sufficient funds and must be registered under the employee's name.

### **3.25 BENEFICIARIES**

If an employee passes away while employed with the Town, the beneficiaries on file for the life insurance policy will be the beneficiaries who will receive payment for any unused time off in the employee's time banks (sick, vaca, personal, admin, comp etc.)

### **3.26 TOWN RECORDS**

The designated custodian of public records for the Town is the Town Clerk and Deputy Town Clerk. Any requests for public records will need to be answered in consultation with the Town Clerk's office, who might require a review of the public records being provided depending on the type of record. Many records contain information that is exempt from public disclosure and will need to be redacted. Each redaction on a document must cite the specific exemption that applies to that portion of the document. Routine requests are not to be delayed and it is still your responsibility to provide the records (example: copies of water bills, code enforcement violations, building permits, or any blank forms or informational brochures). Public Records requests must be responded to timely. Any questions with regard to public records and exemptions can be addressed to the Town Clerk or Deputy Town Clerk. Certification of public records can only be done by the Office of the Town Clerk.

Records Retention – Employees shall follow the record retention schedule in consultation with the Town Clerk's office. The Town Clerk is the designated Records Manager Liaison Officer for the Town with the State of Florida and must report and document the destruction of public records in accordance with the schedule and state law. Any employee who knowingly destroys public records in their custody will be subject to disciplinary action which may include termination.



## **SECTION 4:     STANDARDS OF CONDUCT**

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### **4.1     CONFLICT OF INTEREST**

The Town expects its employees to adhere to the highest ethical standards of conduct in performing their duties and to devote their best efforts to the interests of the Town and its residents. Activities and dealings by employees that appear to create a conflict between the Town and the employee are unacceptable. The Town recognizes that employees can engage in activities outside of their employment which are private in nature and unrelated to the Town's operations. However, no officer or employee of the Town shall have any interest (financial or otherwise, direct or indirect), engage in any business transaction or professional or personal activity, or incur any obligation of any nature, which conflicts with the proper discharge of the employee's duties in the public interest, or which violates the State of Florida Code of Ethics for Public Officers and Employees (Chapter 112, Florida Statutes), or the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance.

An employee must disclose any possible conflicts to the Department Head / Manager, Human Resources Director, Assistant Town Manager, or Town Manager. If an employee has any question whether an activity or proposed activity would create a conflict of interest, he or she should immediately contact his/her Department Head / Manager, Human Resources Director, Assistant Town Manager, or Town Manager.

Because of the potential for a conflict of interest, an employee must disclose at least 10 days prior or as early as practicable if he or she is a board member or holds a leadership and/or elected official position with any condominium association or homeowner's association for a community located within the Town of Bay Harbor Islands.

Employees are prohibited from meeting with any person required to register as a lobbyist pursuant to Section 2-11.1 of the Miami-Dade County Code without verifying that the person has registered with the Town of Bay Harbor Islands' Town Clerk.

Violation of this policy will result in corrective action, up to and including termination from employment.

### **4.2     CODE OF CONDUCT**

The Town of Bay Harbor Islands maintains a single high standard of integrity in all activities. High moral and ethical standards among public officials, both elected and appointed, and public employees are essential to gain and maintain the confidence of the public. It is the policy of the Town of Bay Harbor Islands to maintain an ethical and accountable local government which earns the public's full confidence for integrity. This policy governs the conduct of all Town employees at all times.



The success of the Town and our ability to provide meaningful, rewarding work depends upon the commitment of each employee to the Code of Conduct.

The Code of Conduct is as follows:

- Give willingly a full day's effort as demonstrated by punctual and regular attendance; apply individual skills, training, abilities and conscientious care in avoiding the waste of time, effort, facilities or materials in both scheduling and performing work.
- Deal fairly, reasonably, considerately and honestly with all persons engaged in Town activities or associated with it in any way -- fellow employees, including supervisors and subordinates as well as residents and guests, suppliers and the general public.
- Comply fully with the principles, policies and instructions which are established for conducting the activities of the Town and the approved methods and procedures provided to assure that standards of quality and safety are met.
- Act with the recognition that together we are the Town and are associated for the purpose of serving the residents and guests of the Town, and that our success and that of the Town are determined and measured by the extent to which the residents and guests are served.
- Abide by the established ethical, moral and legal codes of the Miami-Dade County Commission on Ethics, which govern the behavior of government employees and officials.

The Town maintains confidence in its employees and in their honesty in all Town related activities and relies on them to follow specified safety and operating procedures. Town rules and regulations have been established in the best interest of the Town and its employees. The Town rules attempt to assure fair practices for all employees regardless of race, religion, color, sex, national origin, sexual orientation, gender identity, pregnancy, age, marital status, disability, and Veteran status, and to maintain a safe and smoothly functioning work environment.

All employees with the responsibility and authority to supervise and direct employees under their control shall: administer policies and procedures within their scope of authority; document their subordinates' job performance, conduct, and behavior as appropriate; properly conduct evaluations of subordinates in a timely manner; discipline their subordinates as required under their departmental and/or Town policies and procedures; and address performance appeals submitted to them as provided by policy in a professional manner, in an attempt to resolve such issues at the lowest possible supervisory level.



## **PROHIBITED BEHAVIORS**

Each employee is responsible for his or her compliance with the Town's policies and procedures and applicable federal, state and local laws and regulations and will be held accountable for any violations, including appropriate corrective action.

The Town has the right to discharge an employee immediately for infractions specified below. This sample list is **not all inclusive** and an employee may be disciplined or discharged without warning for a serious offense which is not listed below. The Town also reserves the right to use discretion in determining appropriate disciplinary action when mitigating circumstances are present. The Town may act in sole discretion and without advance notice except as limited by provisions of valid federal or state statutes. Nothing in this policy is intended to be or should be construed as being contractual in nature.

The Town will take disciplinary action in any case where the conduct of the employee is detrimental to the Town or other employees. Whenever possible the Town will use a progressive disciplinary system. The Town is not obligated to use all of the progressive disciplinary steps available, and may begin the disciplinary process at any level, up to and including immediate discharge, depending upon the severity of the conduct, the employee's work performance and prior disciplinary history, the employee's length of service, and any mitigating circumstances. All disciplinary actions as well as memos clearing the record must be clearly documented and shall become a part of the employee's personnel folder, and subject to removal in accordance with Florida public records retention schedule. Employees must be given every opportunity to explain their actions.

During an investigation into alleged offenses or violations of Town policies, the Town may, in its sole discretion, place the employee on administrative leave. Such leave must be pre-approved by the Town Manager or his/her designee. The leave may be with or without pay and may be charged to available accrued leave if authorized by the Town Manager. These policies shall apply to all employees unless an applicable collective bargaining agreement expressly provides to the contrary.

An employee found to have committed any of the below listed offenses will be subject to appropriate corrective action, up to and including termination from employment, including first offense situations. The list below is illustrative, not exhaustive.

*Crimes, including but not limited to robbery, embezzlement, forgery, perjury, drugs, tax evasion, fraud, or any criminal offense involving dishonesty, breach of trust, or violence, resulting in conviction, adjudication withheld, or a plea nolo contendere (no contest).*



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| <i>Violation of the provisions of the Charter of the Town of Bay Harbor Islands, the Employee Manual, any other policy or procedure of the Town of Bay Harbor Islands, and/or ethical behavior. Act of incompetence or chronic inefficiency in the performance of assigned duties.</i>  |
| <i>Neglect of duty or loitering while on duty.</i>  |
| <i>Insubordination (defiance of authority; refusal to obey orders)</i>  |
| <i>Failure to carry out instructions.</i>   |
| <i>Deliberate misuse, destruction, or damaging any Town property (including Town records under your care) or the property of another employee.</i>  |
| <i>Misappropriation, theft, conversion, or removal of any Town funds, Town property, or the property of another employee without proper authorization.</i>  |
| <i>Unauthorized possession of firearms, explosives or weapons on Town property in violation of the Town's Workplace Violence policy.</i>  |
| <i>Receipt of any gift, favor or benefit or engagement in any conduct, activity, enterprise or outside employment that is inconsistent, incompatible or immoral, or in legal or technical conflict with your duties, functions and responsibilities as a Town employee, or in violation of the Town of Bay Harbor Islands' Code of Ethics, Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, or the State of Florida Code of Ethics for Public Officers and Employees (Ch. 112, Florida Statutes).</i> |
| <i>Acts of employee showing lack of good moral character and good judgment resulting in an organizational impact.</i>   |
| <i>Unauthorized alteration of time records, failure to accurately record or report time worked, and working overtime without prior authorization.</i>   |
| <i>Absence without leave or failure to report for duty after an administrative leave, medical leave, suspension, or any other type of approved leave has expired; abandonment of position.</i>  |
| <i>Making false claims or misrepresentations to obtain sickness, disability, workers' compensation or any other benefits.</i>   |
| <i>Dishonesty or untruthfulness.</i>  |
| <i>Use or attempted use of political influence or bribery to secure an advantage of any manner.</i>   |
| <i>Excessive tardiness and/or absenteeism in violation of the Town's Attendance and Punctuality policy.</i>   |
| <i>Falsifying personnel or other Town records, including, but not limited to, employment applications, accident records, work records, purchase orders, time and attendance records, or any other report, record or application.</i>  |
| <i>Refusal to testify before a judicial proceeding or any other investigating committee concerning a matter within the scope of the employee's job duties (except as permitted by law).</i>   |



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| <i>Having been refused a surety bond, if required for employment.</i>  |
| <i>Failure to obtain or maintain any license or certification required for employment.</i>   |
| <i>Instigating or participating in a walkout, strike, unlawful picketing, slow-down, or other concerted stoppage of work.</i>  |
| <i>Having been involved in an excessive number of accidents resulting in injuries or property damage.</i>  |
| <i>Violation of the Town's Drug-Free Workplace policy.</i>   |
| <i>Smoking of any tobacco products, including electronic cigarettes, in violation of the Smoke Free Workplace Policy.</i>  |
| <i>Failure to notify immediate supervisors, not later than the next working day, when an employee has been arrested or when information has been filed by a prosecuting official against him/her for an offense or violation of law and/or when the employee is indicted by a Grand Jury. See Section 4.6 Employee Arrest or Charge.</i> |
| <i>Failure to report to the Town when employee's driver's license is revoked or suspended when the employee's position requires the operation of a motor vehicle.</i>  |
| <i>Allowing hitchhikers or otherwise unauthorized persons to ride in Town vehicles.</i>  |
| <i>Acts of misconduct while on duty.</i>   |
| <i>Violating a safety rule, departmental rule, Town policy, or special orders.</i>   |
| <i>Provoking or instigating a fight or fighting at any time on Town property or while on duty.</i>   |
| <i>Threatening, intimidating, coercing, or abusing fellow employees, supervisors or the public in the line of duty; behaving in a way that interferes with the cooperation of employees or impairs the efficiency of municipal service.</i>  |
| <i>Use of profane, abusive or offensive language in the workplace or directed toward co-workers, elected officials, or members of the public.</i>  |
| <i>Posting or removing any matter on bulletin boards or Town property at any time unless authorized.</i>   |
| <i>Unauthorized release of confidential information.</i>   |
| <i>Distributing or causing to be distributed, during normal working hours, written matter of any kind on Town premises without proper authorization. The purpose of this provision is to prohibit interference by one or more employees with the work of other employees or with the operation of the Town's business.</i>               |
| <i>Violation of federal, state or local law, including, but not limited to, Town of Bay Harbor Islands' Codes and Ordinances, the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, or the State of Florida Code of Ethics for Public Officers and Employees (Ch. 112, Florida Statutes).</i>                         |
| <i>Gambling or engaging in any other game of chance during working hours, while in a Town</i>  |



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| <i>uniform or on Town property.</i>  |
| <i>Failure to act through appropriate means and channels when witnessing and/or being aware of corruption, misconduct, harassment, discrimination, bullying, or neglect of duty whenever discovered.</i>   |
| <i>Using a position of public trust to gain access to the media for the purposes of criticizing colleagues, other public officials, citizens, or staff, impugning their integrity or vilifying their professional beliefs.</i>   |
| <i>Using information gained confidentially in the performance of governmental duties as a means of making private profit.</i>  |
| <i>All Town employees shall practice civility and decorum in their dealings with others. Belligerent, personal, derogatory, impertinent, slanderous, threatening, abusive or disparaging comments will not be tolerated. No shouting or physical actions that could be construed as threatening will be tolerated.</i> |
| <i>Unauthorized absence from work for a period of three (3) or more workdays will be considered as the employee's voluntary abandonment of his or her position.</i>  |
| <i>Conduct unbecoming a public employee.</i>   |
| <i>Engaging in any other actions which are determined by the Town Manager to be a poor representation of the Town of Bay Harbor Islands and warrants corrective action.</i>  |

Department Heads / Managers, and supervisors are expected to set an example and to enforce the Code of Conduct rules based on facts, uniformly, with fairness and impartiality.

### **4.3 CORRECTIVE ACTION**

The Town expects employees to perform their job duties in accordance with the law and the established performance and attendance standards for their positions, to conduct themselves appropriately in the workplace and to comply with Town policies, including, but not limited to, the employee code of conduct. It is critical for all Management to be aware that continuous supervision and two – way communication related to performance can effectively minimize performance issues that would require corrective action.

Employees who are unresponsive and do not satisfy the applicable performance, attendance and conduct expectations are subject to appropriate corrective action. The purpose of such corrective action is to identify and correct the issue, prevent recurrence, and improve the employee's job-related performance and workplace conduct.

The Town's corrective action process generally will proceed in four steps:

1. Counseling and Verbal Warning
2. Written Warning



- 3. Final Warning and/or Suspension
- 4. Recommendation for Termination from Employment

This sequence for the corrective action process is recommended in order to grant employees the opportunity to correct any behavior or performance issues, but not mandatory. The Town reserves the right to skip or repeat steps in the corrective action process based on the facts and circumstances of the individual situation. For certain offenses, a written warning, final warning or termination from employment may be the first corrective action step taken by the Town.

Corrective action may also include a performance improvement plan, suspension (unpaid), demotion, reassignment, probation, training, or other appropriate action, whether separate from or in combination with the steps listed above.

The determination of the appropriate corrective action step will be at the discretion of the Department Head / Manager following a recommendation from the employee's immediate supervisor/manager, with the exception of suspension and termination. Recommendation for suspension and termination shall be determined by the Department Head / Manager in consultation with Human Resources Director and presented to the Town Manager for final approval. For employees reporting directly to the Town Manager, the appropriate corrective action step will be at the discretion of the Town Manager. For sworn personnel, this policy will also be administered in accordance with the Collective Bargaining Agreement.

Nothing in this policy alters the at-will nature of an employee's employment with the Town.

#### 4.4    **SUSPENSIONS**

An employee may be suspended for up to twenty (20) workdays without pay for violation of the Employee Code of Conduct or any other departmental or Town policy, including but not limited to, the policies in the Employee Manual.

Where circumstances warrant such as the employee being indicted by any grand jury or upon information being filed against him/her by any prosecuting official; the Town Manager, Assistant Town Manager, Human Resources Director or responsible Department Head / Manager may immediately suspend an employee. If the Department Head / Manager and/or Human Resources Director suspends an employee in an emergency or hostile situation, the Department Head / Manager must notify the Town Manager or Assistant Town Manager immediately.



#### **4.5 INTERNAL INVESTIGATIONS**

The Town may conduct internal investigations pertaining to security, employee conduct, alleged violation of the Employee Code of Conduct or any other departmental Town policy or other work-related matters. Employees are required to cooperate fully with and assist in such investigations if requested to do so and are required to provide honest and truthful information. Refusal to cooperate in an investigation, providing dishonest or false information in an investigation, or retaliating against any employee who participates in an investigation may result in corrective action, up to and including termination from employment.

Where circumstances warrant, the Town Manager may place an employee on administrative leave pending the Town's investigation. Internal investigations may be conducted by the Police Department, Human Resources Director, or outside investigative agency at the request of the Town Manager.

#### **4.6 EMPLOYEE ARREST OR CHARGE**

##### **Policy**

As a condition of employment with the Town of Bay Harbor Islands, employees are required to notify their immediate supervisors, no later than the next working day, when an employee has been arrested or when information has been filed by a prosecuting official against him/her for an offense or violation of law and/or when the employee is indicted by a Grand Jury. This shall include, but not be limited to violation of probation, promise/notice to appear, injunction for any prohibited violent or threatening behavior, or moving traffic violations. Failure to notify shall result in appropriate disciplinary action, including termination of employment.

Under no circumstances may the employee report for duty without prior consent from the Human Resources Director following an arrest/indictment, promise to appear, or conviction.

##### **Procedure**

The Town will conduct its own independent investigation taking into consideration the employee's testimony and will review any police report or other available documents. The Town will evaluate each arrest/indictment on a case by case basis taking into consideration multiple factors including:

- The nature and severity of the alleged incident or crime,
- The totality of circumstances surrounding the incident,
- The employee's job responsibilities, job location, and potential interaction with employees and the public,
- Employment record of the employee (e.g., performance, length of service, etc.)



- Circumstances that adversely affect the staff member's attendance,
- The future potential for conflict that may arise,
- Any other factors the Town, in its sole discretion, deems relevant.

If the employee pleads nolo contendere or guilty, enters into a plea agreement including pre-trial intervention or is tried and found guilty of any felonious charge and/or crime involving dishonesty or moral turpitude, the employee may be immediately terminated from Town of Bay Harbor Islands employment. In the event such person is tried and acquitted, or the information or indictment is dismissed or quashed, the Town Manager will review his/her employment status to determine whether reinstatement or continuing employment is appropriate.

Employees arrested or indicted by a Grand Jury or on whom information has been filed by a prosecuting official for a felonious offense, a crime involving dishonesty or moral turpitude, or a charge that could be related to their work, may be placed on Administrative Leave with or without pay with approval of the Town Manager.

If an incident or charge is directly work related, or the offense is of a serious nature, nothing shall preclude the Town from initiating disciplinary action independent of any judicial hearing or proceeding.

Employees are also required to notify the Human Resources Director of the outcome of all criminal drug statute or alcohol related criminal charges on the next business day after any change in status, including the notification of a conviction, a plea of guilty, an adjudication of guilt, a plea of nolo contendere, an adjudication withheld, an acquittal or a dismissal of the charges. A failure to report a drug or alcohol conviction to the Town within the applicable time periods will result in immediate termination of the employee, unless good cause exists for the employee's failure to report the conviction to the Town

#### **4.7 SOLICITATION/DISTRIBUTION**

Solicitations of any type are not permitted by an employee on the Town's premises when the employee is engaged in performing his or her work tasks. Any employee who does so and thereby neglects his or her work, or interferes with the work of others, will be subject to corrective action. Solicitations are not permitted at any time on the Town's premises by persons not employed by the Town.

Distributions of pamphlets, handbills, flyers, folders, or other materials by an employee in Town premises are not permitted when the employee is engaged in performing his or her work tasks. Distributions, as described above, are not permitted by employees at any time in working areas. Any employee who violates this policy will be subject to corrective action. Distributions, as



described above, are not permitted at any time on Town premises by persons not employed by the Town.

Solicitation which is prohibited also includes the act of requesting donations, contributions from any other employee, resident, vendor or anyone who does any type of business with the Town. (example: an employee asking for donations for their child's sports team from other employees)

Employees may not post any notice or other literature on Town property without prior approval by the Town Manager, Assistant Town Manager, or Human Resources Director.

Solicitation or distribution must not impede access in or out of the Town's buildings or other premises, impede physical movement within the building or premises, or interfere with work being performed by the Town's employees and public officials.

Any employee who observes a violation of this policy should report it immediately to the Human Resources Director.

#### **4.8 GIFTS**

It is the policy of the Town that all employees are prohibited from soliciting, demanding, and/or receiving or accepting any gift, favor or benefit from any vendor, registered lobbyist, Town resident, individual, other employee, or entity related to one's employment by the Town.

Additionally, no matter the value, an employee may not accept any gift, favor or benefit from any person or entity where there is a real or potential risk of compromise or conflict of interest, or which violates the State of Florida Code of Ethics for Public Officers and Employees (Chapter 112), the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, or the Town of Bay Harbor Islands' Code of Ethics.



The following exceptions may be made for this policy:

- Shareable and edible gifts (must be disclosed to the Human Resources Director prior to consumption)
- Discount offers that apply to general population or government employees (example: hotel in Town offers a discount to all government employees – it is not a violation to accept the discount).

Should an employee be unclear if a specific item falls within the exceptions of the Gift policy, the employee should contact his/her immediate supervisor and/or the Human Resources Director.



#### **4.9 ELECTIONS AND POLITICAL CAMPAIGNS**

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

Employees are prohibited from providing services to a candidate (including current councilmembers running for re-election, presidential elections, any other types of candidates) for elective office during the employees' work hours for the Town of Bay Harbor Islands. Employees are prohibited from providing service to a candidate for elective office during the employees non-working hours IF the services provided to the candidate are done so using any type of privilege or resource associated with the employee's employment with the Town (example: employee is off duty using a Town issued cell phone to campaign). Also, if an employee is at an event in his or her official capacity, the employee is prohibited from electioneering for a candidate at that event. This prohibition also applies to any employee that is or intends to become a candidate for elective office, either within the Town or in another jurisdiction. In that circumstances, the employee is prohibited from campaigning for himself or herself during his or her work hours for the Town.

#### **4.10 EMPLOYEES PROHIBITED FROM SEEKING ELECTIVE OFFICE**

Employees are prohibited from seeking elective office in the Town of Bay Harbor Islands, including Mayor, Councilmember or any other elective office. The term "seeking elective office" means qualifying as a candidate for Town elective office. If an employee seeks elective office, the employee must adhere to current State law requirements (generally the employee must submit a resignation from employment when the employee qualifies as a candidate for Town elective office). If an employee does not resign, the employee will be terminated from employment.



## **SECTION 5:      COMPUTER AND ELECTRONIC RESOURCES**

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### **5.1      TOWN COMPUTER SYSTEM, INTERNET, EMAIL, VOICEMAIL AND CELL PHONES**

The Town of Bay Harbor Islands' computer system, internet, email, voicemail and Town-issued cell phones are property of the Town. It is the policy of the Town of Bay Harbor Islands that use of its computer systems (including desktop and laptop computers, network and software, computer aided dispatch (CAD)), internet, email, voicemail and Town-issued cell phones (including smart phones and personal digital assistants (PDA)) and iPads/tablet computers is limited solely to appropriate business use. Employees are not allowed to use the Town's computer or voicemail systems or Town-issued cell phones or iPads/tablet computers for their personal benefit or to store personal information on Town computer systems.



Employees are strictly forbidden from installing software on any computer or other device connected to the Town's network or computer systems without the express written permission of his/her Department Head / Manager. Failure to obtain appropriate approval shall result in corrective action, up to and including termination from employment. The intentional introduction of a computer virus, Trojan horse, or other malicious code is strictly prohibited and will result in termination from employment.

**This policy reaffirms that Town employees have no reasonable expectation of privacy with respect to any computer hardware, software, electronic mail, text or instant message, voicemail or other computer or electronic means of communication or storage, whether or not employees have private access or an entry code into the computer or voicemail system, or Town-issued cell phone or iPad/tablet computer.** Employees have no right to privacy in any matter, whether personal or business-related, stored in, created, received or sent through the Town's email, internet, computer or voicemail systems or Town-issued cell phones and iPads/tablet computers. The Town reserves the right to monitor the use of its voicemail and computer systems and Town-issued cell phones and iPads/tablet computers, including but not



limited to e-mail, internet use, website history, call and text message history and history of materials, data and files downloaded or uploaded. The Town also reserves the right to retrieve and read any text or other message composed, sent, or received using the Town's email or computer systems or Town-issued cell phones and iPads/tablet computers. Monitoring and retrieval may occur at any time without prior notice.

Employees using the internet are prohibited from transmitting any material or using the internet in violation of any federal or state law. This includes but is not limited to copyright infringement, engaging in discrimination or harassment, or the communication of unlawful materials. The Town's internet facilities and computing resources must not be used knowingly to violate the laws and regulations of the United States or any other nation, or the laws and regulations of any state, Town, province or other local jurisdiction. Use of any Town resources, including, but not limited to, the computer systems, email, internet or Town-issued cell phones and iPads/tablet computers, for illegal activity is grounds for immediate termination from employment.

If an employee defeats or attempts to defeat security restrictions on the Town's systems and applications, such actions will result in immediate termination from employment.

The Town recognizes that brief and occasional personal use of e-mail and the internet is acceptable as long as it is: (1) not excessive or inappropriate, (2) is restricted to non-working time (i.e., during break time or meal periods), (3) does not violate any of the prohibitions listed in this Employee Manual, (4) not in support of a personal business venture, (5) has no video, graphic, picture, or massive attachments, (6) not a chain letter or transmission of unsolicited commercial mail ("spam"), (7) does not violate the law, and (8) does not interfere with the Town's business operations or cause congestion, disruption, or impairment of the Town's networks or systems. The Town reserves the exclusive right to determine whether any personal email use is inappropriate, excessive and/or violates this policy.

Employees are expected to exercise professionalism in all business communications including those in electronic and voice format.

The Town's Harassment-Free Workplace policy also applies to an employee's use of the Town's computer system, internet, email, voicemail and Town-issued cell phones and iPads/tablet computers.

The Town expressly prohibits the following:

1. Discourteous communication to or about other persons, the Town or other organizations.
2. Sending, receiving, printing, or posting offensive or harassing statements or language including remarks of others based on their race, national origin, sex, sexual orientation, age, disability, religious or political beliefs.



3. Sending or soliciting sexually oriented messages or images including accessing any adult (pornographic) websites.
4. Issuing or forwarding chain mail and other frivolous messages.
5. Accessing gambling or hate group websites.
6. The circulating of jokes, comics or non-job-related computer graphics.
7. Personal/private employee blogging or personal/private use of such social media websites including, but not limited to, Facebook, Twitter, You Tube, and LinkedIn.
8. Soliciting donations, including charitable campaigns, except as specifically authorized or part of official Town-sponsored events, i.e., blood drives, United Way, etc.
9. Dissemination or printing of copyrighted materials, including articles and software, in violation of copyright laws.
10. Sending, receiving, printing, posting, or otherwise disseminating proprietary data, Town logos or other confidential information of the Town of Bay Harbor Islands in violation of any policy or proprietary agreements.

Disciplinary action for violation of this policy may include, but is not limited to, termination, suspension, or transfer of the offending employee. In cases involving less serious violations, disciplinary action may consist of warning or reprimand. Remedial action may also include counseling, changes in work assignments, or other measures designed to prevent future misconduct. The measure of discipline will correspond to the gravity of the offense as weighed by its potential effect on the Town and fellow employees.

When utilizing e-mail, etiquette is important. The strategies for effective e-mail communication are as follows:

- whenever possible, avoid communicating through e-mail on a sensitive subject that should be addressed in person;
- communicate confidential information in another form other than e-mail;
- check for accuracy and use correct grammar, spelling and punctuation;
- read all messages and respond regularly;
- avoid the use of typing a message in all capital letters;
- be careful not to use the 'Reply All' function when not intended, for e.g., system-wide distribution;



- ensure that messages are deleted or saved; the server should not be used to permanently store messages. However, messages can only be deleted in accordance with records retention laws / schedule (please see Town Clerk if clarification is needed).

## **5.2 CELL PHONE AND PHONE USAGE**

The Town recognizes that cellular telephones can be very valuable in times of emergency and can enhance the operational effectiveness and efficiency of staff while away from the office. The Town may issue Town Cell phones to employees who are deemed to have them due to operational necessity. It is the responsibility of those employees who have Town issued cell phones to ensure that they are responsive to their cell phones, that the cell phones are fully charged before each work day, inappropriate applications are not installed, long distance calls are not done and proper care and handling of the phone is exercised at all time. Excessive use of cellular telephone devices whether personal or Town issued, during working hours for non-business purposes can be distracting and interfere with employee productivity. As such, during working hours, employees are expected to limit personal calls as much as possible and instead make and take personal calls during non-working hours (e.g., during break and lunch periods), except in those exigent circumstances that demand immediate personal use. Employees are similarly expected to limit texting during working hours so that it does not become a distraction while performing their job duties. Supervisors are expected to monitor the activities of their employees to ensure that they are not distracted by telephone calls, texting or other activities associated with or accessible via cellular telephones, including the use of social media.

During working hours, employees should not utilize their cellular telephones to: access the Internet for non-work related purposes; violate any of the Town's Internet or email policies; visit or utilize social media; play games; watch movies or other televised programming; or engage in any activity prohibited by Town policy, including, but not limited to gambling or accessing or distributing pornographic or discriminatory material.

Employees should be aware that the record of telephone calls made on their telephones may constitute public records if those calls concern official Town business pursuant to the Florida Public Records Act, which defines public records as: "...documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics or means of transmission, made or received pursuant to law or ordinance in connection with the transaction of official business by any agency." If a public records request is submitted for an employee's phone records, the employee should assist the Town in identifying calls that were made in connection with official Town business so that those records may be produced in response to the request.

Text messages sent or received by Town employees in connection with official Town business may be public records and subject to disclosure under the Florida Public Records Law. Town



employees are required to forward all text messages sent or received in connection with official Town business to their Town email address for record retention purposes. Failure to do so is a violation of this policy. Text messages regarding notifications to members of the public of Town events or emergency situations may be sent by authorized Town personnel only.

While operating a Town vehicle / machinery and/or during the performance of Town business (regardless of whether or not an employee is driving a Town vehicle), employees are required to exercise caution, since the use of cellular telephones while driving presents a potential safety hazard. In order to promote safety and minimize liability, the following activities are prohibited while operating a Town vehicle or any vehicle during the performance of Town business:

- Making or answering telephone calls without a hands-free headset, Bluetooth device, or voice activated features available on the employee's phone;
- Sending or reading text messages, instant messages, BBMs, PIN messages or the like;
- Sending or reading email messages;
- Accessing the Internet;
- Using or accessing any telephone applications or "Apps";
- Playing games;
- Taking pictures or making video recordings;
- Recording voice notes or messages;

The foregoing list is not meant to be exhaustive but is a mere representation of popular cellular telephone functions which are prohibited by the Town while employees are operating a Town vehicle and/or during the performance of Town business (regardless of whether or not the employee is driving a Town vehicle).

Department Heads / Managers are expected to serve as role models for their subordinates to ensure compliance with the provisions of this policy and should routinely remind employees of their obligation to comply with this policy.

### **5.3 BLOGGING AND SOCIAL NETWORKING**

#### **PURPOSE:**

This document defines the social networking and social media procedure for the Town of Bay Harbor Islands, the "Town". To address the fast-changing landscape of the Internet and the way residents communicate and obtain information online, Town departments may consider using social media tools to reach a broader audience. The Town encourages the use of social media to further the goals of the Town and the missions of its departments, where appropriate. The



Town has an overriding interest and expectation in deciding what is “spoken” on its behalf on social media sites. This procedure establishes guidelines for the use of social media.

## PROCEDURES:

### Personal Use

All Town employees may have personal social media accounts/blogs. These accounts/blogs should remain personal in nature and be used to share personal opinions or non-work-related information. Following this outline helps ensure a distinction between sharing personal and Town views.

Town employees must never use their Town e-mail in conjunction with any personal social media accounts/blogs.

Town employees must never co-mingle their own personal social media / email etc. with any Town accounts /blogs.

The following guidance is for Town employees, who decide to have personal social media accounts/blogs or who decide to comment on posts about official Town business:

- Always state your name and, if relevant, role, when discussing Town business.
- Use a disclaimer such as: "The postings on this site are of my own and don't reflect or represent the opinions of the Town of Bay Harbor Islands, for which I work."
- Always write in the first person and please consider that even anonymous postings on blogs/social media accounts can be traced.
- When participating in online communities, the employee should not misrepresent himself or any roll he/she may have within the Town.
- Think twice before posting. The employee is personally responsible for the content published on blogs, Wikipedia or any other form of user-generated media. Please remember that postings on the internet, even if removed/deleted by a user, are either permanently archived or could be saved as screen shots by other users,





meaning that everything an employee publishes could be visible to the world permanently. Prior to publishing any post that could make a viewer uncomfortable, employees should review and reconsider that post. If the employee remains unsure and the post is related to the Town, the employee should speak with the Public Information Officer or Human Resources Director.

- Employees should not post comments on work-related legal matters unless he/she has received written legal approval by the Town to do so.
- The use of ethnic slurs, personal insults, obscenity, or engage in any conduct that would not be acceptable in the Town's workplace is strictly prohibited. Proper consideration for the privacy of others and for topics that may be considered objectionable or inflammatory (like religion or politics) should be exercised.
- Personal grievances and/or comments that compromise or disrupt the efficient operation of the Administration or represent the Town in a negative light are discouraged.
- Employees must refrain from speech containing obscene or sexually graphic or explicit material, images, acts and statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias.
- Employees should ensure that all Facebook, Linked-in, Twitter, Instagram or YouTube profiles and related content are consistent with how he/she wishes to present himself/herself with clients and colleagues.
- Do not create a link to the Town's website.
- Do not use the Town's Seal, logo, other intellectual property, or proprietary graphics, or any copyrighted materials.

**Employees are responsible for what they post online. Employees who engage in blogging or social networking on the Internet should be mindful that their postings, even if done off premises and while off duty, could have an adverse effect on the Town's legitimate business interests.**

### **Professional Use**

All official Town-related communication through social media outlets should remain professional in nature and should always be conducted in accordance with the Town's communications procedure, practices and expectations. Employees must not use official Town social media sites for political purposes, to conduct private commercial transactions, or to engage in private business activities.

Town employees should be mindful that inappropriate usage of official Town social media sites can be grounds for disciplinary action. If social media accounts are used for official Town business, the entire Town site, regardless of any personal views, is subject to best practices guidelines, and standards.



Only individuals authorized by the Town may publish content to a Town web site or Town social computing technologies.

### **Approval and Registration**

All Town social media sites shall be (1) approved by the Town Manager and (2) published using approved social networking platform and tools.

Any new social media accounts and/or pages must be requested to the Town Manager and approved by the Town Manager.

The Town Manager will review the request for a new social media page and determine if there is a need for it.

The Town Manager or designee will have administrative authority to all pages which are associated with the Town.

In an effort to maintain consistent messaging and overall Town branding, Boards, and Town Committees are not permitted to create social media accounts. We urge all boards and committees to work with their liaison to submit social media content to be shared through the Town's appropriate social media platforms.

### **Oversight and Enforcement**

Employees representing the Town through social media outlets or participating in social media features on Town websites must maintain a high level of ethical conduct and professional decorum. Failure to do so is grounds for revoking the privilege to participate in Town social media sites, blogs, or other social media features.

Information must be presented following professional standards for good grammar, spelling, brevity, clarity and accuracy, and avoid jargon, obscure terminology, or acronyms. Town employees recognize that the content and messages they post on social media websites are public and may be cited as official Town statements. Social media should not be used to circumvent other Town communication policies, including news media procedure requirements. Town employees may not publish information on Town social media sites that includes:

- Confidential information
- Copyright violations
- Profanity, racist, sexist, or derogatory content or comments



- Partisan political views
- Commercial endorsements or SPAM

## **Records Retention**

Social media sites contain communications sent to or received by the Town and its employees, and such communications are therefore Public Records pursuant to the Public Records Act, Chapter 119 of the Florida Statutes. The Town shall ensure that posts are not deleted in any way as to affect the retention of that record

## **EXTERNAL PROCEDURE**

The following guidelines must be displayed to users on all social media sites or made available by hyperlink.

## **Moderation of Third-Party Content**

This Town social media site serves as a limited public forum and all content published is subject to monitoring. User-generated posts will be rejected or removed or hidden (if possible) when the content

- contains obscenity or material that appeals to the prurient interest
- contains personal identifying information or sensitive personal information
- contains offensive terms that target protected classes
- is threatening, harassing or discriminatory
- incites or promotes violence or illegal activities
- contains information that reasonably could compromise individual or public safety

## **Public Records Law**

Town social media sites are subject to applicable public records laws. Any content maintained in a social media format related to Town business, including communication posted by the Town and communication received from citizens, is a public record. The Town Clerk's office is responsible for responding completely and accurately to any public records request for social media content.

If an employee needs clarification on any aspect of the procedures, he/she should contact the Town Clerk's office.



**NOTE: Nothing in this policy is intended to prohibit or discourage employees from engaging in speech as citizens on matters of public concern, or to prohibit or discourage employees from engaging in any protected activities under the Public Employee Relations Act (F.S. Chapter 447, Part II).**



## **SECTION 6: SAFETY AND SECURITY**

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### **6.1 TOWN IDENTIFICATION**

All employees of the Town of Bay Harbor Islands shall carry with them a Town issued photo identification card (ID / Access card). Employees must present their ID card for entry to the Town during periods of emergency or when necessary to identify themselves to residents when conducting Town business. Employees who lose their ID card need to report it as soon as possible. The ID card must be returned to the Town upon termination of employment.

#### **PURPOSE**

To establish guidelines for issuance of a photo identification card to all employees and for the use of said ID card by employees while at work or when representing the Town of Bay Harbor Islands in any official capacity in an effort to provide a safe and secure workplace for all employees.

#### **STATEMENT**

All employees will be issued and must wear and visibly display photo identification cards as provided by the Town. Identification cards must be worn in a manner that allows the identification of an employee by photo, first and last names and position title. This ID card may also provide access to areas through keyless entry.

Employees forgetting or misplacing their identification card will not be given a temporary card. Temporary ID cards are not permitted.

#### **DEFINITIONS**

**Employee** = For the purpose of this policy, staff member shall refer to full time, part time, seasonal employees, and interns.

**Employee ID card** = The official Town Identification card for all employees.

**Official Capacity** = Includes any time while on Town property as well as any business where the employee is representing the Town. It also includes wearing the ID card while operating any vehicle owned, leased or rented by the Town.

#### **REQUIREMENTS:**

1. Because the policy and procedures described herein are intended to provide for the safety and security of Town employees, all employees are expected to fully comply with all provisions of this policy. Any employee who is found to be in violation of this policy may be subject to disciplinary action.



2. The Department of Human Resources will provide all new staff members with a copy of this policy at the time of new hire orientation.
3. All employees are required to wear the ID while working in their official capacity. ID cards are to be prominently worn so the photo is clearly visible to others. Employee must carry the ID card at all times during work hours or when acting in an official capacity.
4. The ID card will be provided with a clip for each employee to wear the ID card. The ID card shall not be altered or defaced with pins, stickers, decals, etc.
5. Employees are responsible for safeguarding their own ID card. Any lost or damaged ID card should be reported immediately to the employee's supervisor, who is responsible for reporting the lost or damaged ID to Human Resources.
6. In an event that an employee forgets their ID card, the employee's supervisor must be notified at the start of the work shift.

## **PROCEDURE**

1. All employees of the Town of Bay Harbor Islands will be issued a photo identification card. The Human Resources Director will be responsible for authorizing the issuance of the ID card.
2. Supervisors should report lost or damaged ID to the Human Resources Director immediately. After notification from the supervisor, the employee should print out and complete an ID card request form and bring the completed form to the Human Resources Director.
3. New ID cards will be issued at no cost to the employee who receive a transfer, promotion, demotion, name change or any change of title.
4. A fee of \$10.00 will be assessed to replace all lost, stolen or damaged ID cards. ID cards that are replaced due to normal wear and tear will not be assessed a charge. Checks or money orders made payable to "Town of Bay Harbor Islands" are the only acceptable method of payment.
5. Any lost ID card that is found should be returned to the Human Resources Director in Town Hall.
6. Upon suspension, an employee must turn in their ID card to their supervisor pending return to work.
7. Upon termination or retirement, an employee must turn in their ID card to the Human Resources Director.

## **RESPONSIBILITIES**

1. The ID card may not be lent to anyone.
2. Do not allow unauthorized individuals into any secure area.
3. Do not leave ID cards on dash of vehicle or other locations where exposed to extreme temperatures.



4. Do not fold, bend pry open or mutilate the ID card.
5. Do not use the ID card improperly.
6. Immediately notify the supervisor if the ID card is no longer in the employee's possession.
7. Immediately notify the supervisor of any difficulties or problems with any ID card.

## **6.2 SAFETY MEASURES**

The safety of every Town of Bay Harbor Islands employee is a matter of prime importance. The Town strives to provide safe working conditions for all employees and to observe all applicable State and Federal Safety requirements. No employee will knowingly be required to work in any unsafe manner. Safety is every employee's responsibility and all employees are expected to do everything reasonable and necessary to keep the Town a safe place to work. Employees should immediately notify a supervisor of potential accidents or hazardous conditions.

The Town has established a Safety Committee comprised of: The Human Resources Director, Chief of Police, Public Works Director, Building Department Director, Community Services Director and the Town Clerk. The safety committee shall meet semi-annually. The Committee members will review on the job accidents, make recommendations on safety improvements and ensure that compliance and necessary changes to improve safety and prevent accidents are carried out.

The following safety rules apply at all times, and some specific job descriptions may contain additional operational safety guidelines. Each employee must be familiar with such rules and apply them at all times.

- Use prescribed protective equipment such as eye protection, hearing protection, hard hats, safety shoes, gloves, shields, etc. when those items are appropriate to the task being performed.
- Walk, do not run. Wipe spills and pick up fallen objects and debris. Keep floor surfaces clear of hazards and other obstacles, electric cords, etc. For your comfort and safety, wear shoes with non-slip soles, in good condition and with enclosed toes. Do not wear sandals, sneakers, moccasins or tennis shoes on any job site where feet could be injured.
- To avoid back injuries, use correct lifting methods. Get additional help with heavy (or difficult to handle) objects.
- Be aware of sharp tools. Use safety devises where provided, and do not alter or remove them in any way. Report hazards to management immediately.
- Fire - Be alert for causes and report smoke, heat or unusual odors immediately. Alert other people in the area to the possibility of danger in order to evacuate, if necessary. Try to verify the location and call the Fire Department or 911. Use proper portable extinguishers for small fires.
- Do not put fingers, hands, feet or clothing in moving machinery.



- Do not carry items in a manner that obscures vision.
- Do not block access to fire extinguishers.
- Do not touch open or loose electrical circuits.
- Report unusual vibrations, smells, or noises coming from equipment.
- Do not wear rings or jewelry while operating machinery.
- Do not perform maintenance or repairs on running equipment.
- Do not remove or alter warning tags or safety devices.
- Never leave nails or spikes protruding from planks or boards.
- Perform routine maintenance at all scheduled intervals.
- Do not wear ear plugs, buds, or any other wire/wireless device(s) while driving or operating Town equipment and vehicles.

#### A. ACCIDENT REPORTING

All accidents and injuries, however slight or seemingly inconsequential, **must immediately be reported** to the appropriate supervisor or the Human Resources Director. Failure to report any accident or injury within 24 hours of its occurrence may lead to disciplinary action, up to and including termination of employment. Such reports are necessary so that the Town can remain in compliance with applicable laws and begin workers' compensation benefit procedures where appropriate.

Employees who violate safety standards, who cause or exacerbate hazardous or dangerous situations, or who fail to report or, where appropriate, correct such situations, will likely be subject to disciplinary action, up to and including termination of employment.

#### B. ACCIDENTS INVOLVING TOWN EQUIPMENT OR VEHICLES

Any employee involved in an accident while operating Town equipment or vehicles shall report the accident immediately to the supervisor and to the proper law enforcement agency. The employee must immediately complete an accident report, no matter how minor the damage is to the vehicle and submit to the supervisor and to the Human Resources Director.

Drivers must obey all traffic rules and regulations prescribed by law and use every reasonable safety measure to prevent accidents. No one under the age of 18 may operate a Town vehicle. Wearing of seat belts is mandatory.

Any traffic fines imposed upon a Town employee while operating a Town vehicle will be the personal responsibility of the employee and not the Town. Any employee involved in any type of accident involving Town equipment may be disciplined if, upon investigation, it is determined that the employee was negligent or through carelessness or recklessness contributed to the cause of the accident.



Town of Bay Harbor Islands employees are the most critical element in creating and maintaining a healthy and safe work environment.

#### C.        **POLICY**

The Town encourages and insists upon safe working conditions. All employees are required to abide by all established safety rules and procedures. Failure to obey Safety rules and procedures will result in disciplinary action up to and including termination.

Since the employee on the job is frequently more aware of unsafe conditions than anyone else, employees are encouraged to make recommendations, suggestions, and criticisms of unsafe conditions to their immediate supervisor so that they may be corrected.

#### D.        **SAFETY GENERAL RULES**

1. Working under the influence of alcohol or non-prescription drugs is strictly prohibited.
2. An employee must report all accidents, injuries, fires, hazardous conditions, chemical spills, or other unsafe situations to his/her supervisor.
3. Fighting and horseplay are strictly prohibited
4. Smoking is prohibited.
5. Protective footwear and other protective equipment must be worn for specific job requirements.
6. Listening to radios, tape players, CD players or other personal entertainment devices through earphones or ear plugs is prohibited because of the restricted ability to hear warning sounds.

#### E.        **ELECTRICAL CORDS AND OUTLETS**

1. Frayed electrical cords and broken plugs must be replaced immediately. Attempts to tape or otherwise jerry rig electrical equipment are forbidden.
2. Place equipment near outlets to avoid cords posing a walking hazard. If equipment cannot be placed near the outlet, secure the cord by means of duct tape or other safety method.
3. All office machines must have ground wire connections and connected to compatible outlets. Attempts to alter plugs to eliminate ground prong are forbidden.
4. Defective outlets should be repaired immediately. Prior to repair, they should be taped or otherwise covered to prevent their usage.
5. Unused floor outlets which are flushed with the floor must have protective covers in place at all times.
6. Raised floor outlets, whether used or unused, should have furniture or equipment located over or beside them.



7. Ensure that circuit voltage and equipment requirements are compatible.
8. Portable electrical equipment shall be equipped with three-conductor cords.

#### **F. FILING EQUIPMENT AND FILE ROOMS**

1. Push do not pull, carts and other rolling equipment. Ensure that pathways are clear and use extra caution when entering or leaving offices into the hallway.
2. All carts must be inspected periodically to assure that rollers and wheels are in good condition and working order and have no sharp or jagged edges. Carts with unsafe conditions must be removed from use until they are repaired.
3. Riding on a cart or other rolling equipment is prohibited.
4. Carts are not to be pushed with feet or bumped with the body. Carts must be under control at all times.
5. Ensure the proper storage space for all boxes. Do not leave boxes in aisles or other pathways. Empty boxes must be removed and stored immediately after use.
6. Boxes must not be stacked too high or in an unsafe manner.
7. Sections of shelving should be bolted together.
8. Do not use chairs, tables, or other items in lieu of a ladder.
9. Use only System- approved ladders. Ladders should be inspected periodically to ensure that they are in safe condition. Each ladder should have and be stored in a designated space.
10. Each storage room should have a light switch at the entrance. The light must be on when entering or working in a storage area.
11. Keep filing drawers closed when not in use.
12. Close cabinet drawers by using the handle only.
13. Keep fingers away from drawers or drawer openings.
14. Do not shove drawers, close them and verify that they are closed.
15. Do not open more than one drawer at a time. Cabinets may fall over if multiple drawers are open.
16. Use all drawers in a storage cabinet. Cabinets may become unstable if only top drawers are used.
17. Do not use the tops of cabinets for storage.
18. Use caution opening boxes, especially when using a cutting blade.
19. Cutting blades must be retracted when not in use and when they are being transferred from one person or place to another.

#### **G. PERSONAL PROTECTIVE EQUIPMENT (PPE)**

##### **Eye Protection**

Employees may obtain eye protection (face shields, goggles, etc.) in the area for which it is required, or in the Public Works Department. If the eye protection is lost or destroyed due to the employee's negligence, the employee will be responsible for the cost of the replacement.



Employees working in potential eye-hazard areas who need prescription glasses must wear face shields or goggles over their glasses.

#### Ear Protection

Employees working in areas where the noise level is 80 decibels, or more may obtain ear protection through their Supervisor or from the Public Works Director.

#### Foot Protection

All employees should wear footwear for the department that they are in. If you work in a department where your toes and feet need to be protected from outside factors, protective footwear is required. The safety shoes must meet federal standards and can be purchased through several local suppliers.

#### Hair/Head Protection

Employees with long hair (down to the shoulders) should tie their hair back or wear hair nets or caps when working on moving machinery. Depending on what area you are working in, protective head gear may be required. Your Department Head / Manager will consult with you if you are in a department that requires protective personal equipment for your head.

#### General

Loose clothing must not be worn near moving machinery. Neckties must be securely clipped to the shirt. Employees working in areas where chemicals, solvents, other irritants, or caustic acids are used will wear rubber face shields, boots, aprons, etc. Rings and jewelry must not be worn when working on machinery. Work gloves (leather palmed) must be worn by anyone working in areas designated by management.

*Visitors must wear any and all protective equipment when visiting areas requiring it. Signs will be posted in the areas requiring protective equipment.*

Each department shall communicate that department's safety rules and procedures to the employees. Employees are responsible for reading these rules and for knowing and complying with the department's rules as well as any workplace safety rules or procedures adopted by the Town. A comprehensive guide with more specific information on the Town's safety procedures is contained in the Workplace Safety and Health Manual, a copy of which may be obtained through the Human Resources Director.



### **6.3 WORKPLACE VIOLENCE POLICY**

This policy outlines the Town’s policy regarding violence in the workplace and establishes guidelines and expectations regarding minimum standards of conduct in the work environment.

The objective of this policy is to ensure the highest standard of health and safety for all employees, residents, vendors, contractors, and the general public, and those acting for them (hereinafter referred to as employees and business partners), and to provide for the efficient and effective operation of the Town.

Acts or threats of physical violence, including intimidation, harassment and/or coercion, that involve or affect the Town while conducting Town business on or off property will not be tolerated. This prohibition against threats and acts of violence applies to all persons employed by or otherwise involved in Town operations.

Specific examples of conduct that may constitute threats or acts of violence under this policy include, but are not limited to, the following:

- **Verbal Harassment:** Verbal threats and violence toward persons or property that include, but are not limited to intimidating, threatening, vulgar, profane, or hostile language towards others, disparaging or derogatory comments or slurs, exaggerated criticism, name calling or belittling behavior, and threatening to destroy Town or employee property.
- **Physical Harassment:** Acts of physical harm directed towards an individual such as hitting, pushing, kicking, holding, impeding or blocking the movement of another person or using, threatening or implying the use of any offensive weapon or any article or object that could be used as such, vandalism, arson, sabotage, intentional property damage, and any other inappropriate behavior that violates the Town’s values and code of conduct
- **Visual Harassment:** Derogatory or offensive posters, cartoons, publications, drawings, images, pictures or items displayed or sent through any form of digital/electronic format
- **Mandatory Reporting of Arrests/Convictions:** See Section 4.2 Prohibited Behaviors for more details.



## **PROHIBITED ITEMS ON TOWN PROPERTY**

The following items are prohibited on Town property (including parking areas and in Town vehicles): all types of firearms (see “NOTE” below), switchblade or other knives, dangerous chemicals, explosives including blasting caps, chains, brass knuckles, or other items carried or used for the purpose of injuring or intimidating others.

NOTE: Nothing in this policy is intended to prohibit an employee from possessing any legally owned firearm if the firearm is locked inside a private motor vehicle in a parking lot and when the employee is lawfully in such areas. In addition, the Town will not terminate or otherwise discriminate against an employee who exercises the right of self-defense as long as a firearm is never exhibited on Town property for any reason other than lawful defensive purposes.

## **EXCEPTION FOR CERTIFIED LAW ENFORCEMENT PERSONNEL**

This policy does not prohibit certified law enforcement personnel from carrying firearms furnished by the Town of Bay Harbor Islands provided that the use of the firearm complies with applicable departmental guidelines and regulations. Law enforcement personnel should consult with their supervisors regarding the proper use and storage of their weapons and must act responsibly when in possession of a firearm.

## **REPORTING WORKPLACE VIOLENCE**

It is the shared obligation of all employees to individually and jointly act to prevent or defuse actual or implied violent behavior at work. All Town employees are responsible for notifying management of any threats or acts of violence which they may have witnessed, received, or been apprised that another person has witnessed or received. Even without an actual threat, employees should alert management to any behavior they have witnessed which they regard as threatening or violent. Employees are responsible for making this report regardless of the nature of the relationship between the targeted individual and the individual who initiated the threat or threatening behavior.

## **REPORTING PROCEDURE**

All reports of threats or acts of violence should be made verbally or in writing to the Department Head / Manager, the Human Resources Director, Assistant Town Manager or Town Manager. It is recommended that employees follow the chain of command when reporting incidents and concerns, however, the senior management team maintains an open-door policy. No employee who in good faith reports real or potentially violent behavior will be subject to retaliation based upon their report.

An employee who applies for or obtains a protective or restraining order that lists one or more Town locations as being protected areas shall provide the Human Resources Director and the



Town Attorney a copy of the petition and declarations used to seek the order, a copy of any temporary protective or restraining order which is granted, and a copy of any protective or restraining order that is made permanent.

#### **6.4 SMOKE & VAPE-FREE WORKPLACE**

In its commitment to providing a safe, healthy, and comfortable workplace for all employees, the Town maintains a smoke and tobacco-free environment. No smoking, vaping, or other use of tobacco products (including, but not limited to, cigarettes, vapes, pipes, cigars, snuff, electronic cigarettes, or chewing tobacco) is permitted in any Town workspace (indoor and outdoor) or in vehicles owned, leased, or rented by the Town.

Compliance with the smoke-free workplace policy is mandatory for all employees. Any employee who observes a violation of this policy should report it immediately to the Human Resources Director.

#### **6.5 DRUG AND ALCOHOL-FREE WORKPLACE POLICY**

The Town recognizes that substance abuse is a problem on the job for all of us, as well as a social problem. The Town believes that the abuse of alcohol and use of illegal drugs endangers the health and safety of the abusers and all others around them. It also leads to decreased productivity, high turnover, and decreased morale. Therefore, the Town has committed to creating and maintaining a drug-free workplace.

The Town's Drug-Free Workplace Program and Policy is intended to comply with Florida Workers' Compensation Drug-Free Workplace Program, sections 440.101-44.102, Florida Statutes, and the rules adopted by the Agency for Health Care Administration.



As stated in Section 440.101, it is the intent of the Legislature to promote drug-free workplaces in order that employers in the state be afforded the opportunity to maximize their levels of productivity, enhance their competitive positions in the marketplace, and reach their desired levels of success without experiencing the costs, delays, and tragedies associated with work-related accidents resulting from drug abuse by employees.



## **GENERAL POLICY STATEMENT**

The Town will not tolerate the use of illegal drugs or alcohol while working or while on Town property, including the parking lots, as well as any job site to which employees are assigned. This prohibition includes the possession, use, distribution, or sale of illegal drugs or alcohol. All employees are prohibited from reporting to or being at work or on Town of Bay Harbor Islands property, including parking lots, while under the influence of illegal drugs or alcohol.

Employees who are found to be under the influence of illegal drugs or alcohol, or who violate this Policy in other ways are subject to corrective action, up to and including termination from employment. Because of the serious nature of those violations, each individual case will be thoroughly investigated to determine the appropriate course of action.

The Town will test, at its own expense, all job applicants who are extended an offer for illegal drug or alcohol use as outlined in this Policy. A positive drug test can lead to withdrawal of an offer of employment for job applicants. In addition, the Town will test, at its own expense, *any* current employee for illegal drug or alcohol use if a reasonable suspicion exists that the employee is in violation of this Policy, post-accident or injury, pursuant to a fitness-for duty examination, and as a follow-up procedure to any drug or alcohol treatment program. The Town may also conduct random drug testing, and testing required by federal law for employees who operate commercial motor vehicles. Any positions that carry a firearm, perform life threatening procedures, work with heavy or dangerous machinery, work as a safety inspector, work with children, work with controlled substances, work with confidential information or documents pertaining to criminal investigations, a job assignment that requires an employee security background check pursuant to section 110.1127, Florida Statutes, or a high risk life threatening job may be tested for illegal drugs and alcohol on a routine basis. All drug testing will conform to the requirements of this Policy and to applicable state and federal law. Please note that consumption of drugs within states legalizing their use does not alter this Program or exempt employees from adhering to this Policy. Employees should review section 440.102, Florida Statutes, which discusses the requirements to comply with, and their rights under, Florida's Drug-Free Workplace statute.

The Town reserves the right to re-test any employee and/or applicant that received a positive-dilute or negative-dilute result. Refusal to conform to the additional drug test may result in immediate termination or disqualification from the recruitment process.

## **DEFINITIONS**

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



Illegal Drug includes any drug (a) which is not legally obtainable; (b) which may be legally obtainable but has not been legally obtained; (c) which is being used in a manner or for a purpose other than as prescribed. NOTE: Nothing in this Policy precludes the appropriate use of legally prescribed and over-the-counter medication.

Special-risk position means a position that is required to be filled by a person who is certified under chapter 633 (Fire Prevention and Control) or chapter 943 (Law Enforcement) of the Florida Statutes.

Mandatory-testing position means a job assignment that requires the employee to carry a firearm, work closely with an employee who carries a firearm, perform life threatening procedures, work with heavy or dangerous machinery, work as a safety inspector, work with children, work with detainees in the correctional system, work with confidential information or documents pertaining to criminal investigations, work with controlled substances, or a job assignment that requires an employee security background check pursuant to section 110.1127, Florida Statutes, or a job assignment in which a momentary lapse in attention could result in injury or death to another person.

### **PRE-EMPLOYMENT TESTING**

All offers of employment, where permissible by law, will be conditioned on the applicant's taking and passing a screening test for evidence of improper drug use and the presence of alcohol.

Applicants will be required to voluntarily submit to a test at a laboratory chosen by the Town, and sign an agreement releasing the Town from liability in connection with the test.

No applicant for employment who is currently alcohol and drug-free will be denied employment or otherwise discriminated against solely because of such individual's prior abuse of alcohol or drugs, prior treatment for alcohol or drug abuse, or status as a recovering alcoholic or drug addict. It is the current abuse of drugs or alcohol which prevents employees from properly performing their jobs that the Town will not tolerate. Any applicant who tests positive or who refuses to undergo testing will not be employed by the Town and may not reapply for at least two (2) years from the date the Town receives notice of the failed drug test.

### **ACTIVE EMPLOYEE TESTING**

#### **A. Reasonable Suspicion Testing**

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

- Direct observation of alcohol or drug abuse during work hours or on Town premises.
- Apparent physical symptoms of being under the influence of a drug or alcohol.



- Significant deterioration of work performance that is not attributable to other factors.
- Abnormal conduct or erratic behavior while at work.
- A report of drug use provided by a reliable and credible source.
- Evidence that an individual has tampered with a drug test during his or her employment with the Town of Bay Harbor Islands;
- Information that an employee has caused, contributed to, or been involved in an accident or injury while at work; or
- Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on the Town's premises or while operating a Town of Bay Harbor Islands vehicle, machinery, or equipment.

If, in the opinion of a supervisor, manager or Department Head / Manager, reasonable suspicion exists to believe that any employee may be abusing or under the influence of illegal drugs or alcohol, the supervisor, manager or Department Head / Manager must promptly notify the Human Resources Director and submit in writing the circumstances leading to the conclusion that reasonable suspicion testing is justified. The Human Resources Director, in conjunction with the applicable employee's management, will make the determination on whether to request the employee to submit to a drug test.

Upon request, a copy of any documentation concerning the basis for the reasonable suspicion testing will be provided to the employee. Documentation regarding the conclusion that reasonable suspicion testing is justified and any related conversations between management and the Human Resources Director shall be kept confidential to the extent possible.

Nothing herein shall prevent the Town from immediately terminating any employee selling or otherwise soliciting illegal drugs or providing or selling alcohol to any other person during working hours. All terminations are approved by the Town Manager following a recommendation from the Department Head / Manager and Human Resources Director.

***The Town also reserves the right to ask any employee to submit to drug testing under the following conditions:***

#### Fitness for Duty

An employee may be required to submit to a drug test as part of routinely scheduled employee fitness-for-duty medical examination.

#### Post-Accident or Injury

All employees are subject to drug and/or alcohol testing after a work-related vehicular accident where the employee is at fault, after an accident or injury involving a Town-owned vehicle where the employee is at fault, and after an accident or injury which causes injury to the employee or to any other person or damage to any property. Employees who are off duty and



are involved in a vehicular accident or injury involving a Town owned vehicle shall immediately submit to drug and/or alcohol screening.

If, because of the accident, an employee is unable to submit to drug testing immediately, the employee will authorize the release of any medical reports or documentation regarding the presence of illegal drugs or alcohol in the employee's body at the time of the accident to the Medical Review Officer. Refusal to agree to this release will result in termination of the employee.

#### Random Drug Testing

The Town may conduct random drug and alcohol testing of all employees occupying mandatory-testing and special-risk positions. Random drug and alcohol testing will be conducted on employees who are selected through the use of a computer-generated random sample by an independent third party. Human Resources will notify the randomly selected employee and schedule the appointment for immediate testing. Employees on authorized leave of absence will not be tested and employees who are absent for the day will be required to test on their next scheduled workday with no in advance notice provided.

#### Follow-Up Drug Testing

As a condition of continued employment, all employees who were referred to the Employee Assistance Program or who enrolled in a drug or alcohol abuse program shall take follow-up drug and/or alcohol tests on a random, periodic basis for at least two (2) years after the referral or enrollment. This testing is only applicable to those employees who report their abuse prior to being asked to take a test. The Town reserves the right to waive follow-up testing in the event an employee voluntarily submits to an Employee Assistance Program or drug or alcohol abuse program.

Failure to submit to the required drug test is grounds for discharge or suspension without pay from employment.

#### **DRUG AND ALCOHOL TESTING OF COMMERCIAL MOTOR VEHICLE DRIVERS**

In addition to the policies and procedures set forth above, any Town employees connected with the operation of commercial motor vehicles who are subject to drug and alcohol testing as required by the Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C. App. §§ 2714-2717 (1993), and by all applicable procedures and regulations promulgated by the Department of Transportation and the Federal Highway Administration, as well as any additional policy adopted by the Town pursuant to those federal laws and regulations. In cases where the requirements of both federal and state drug and alcohol laws and regulations and/or the Town's Drug-Free Workplace Policy may be applicable, the requirements of federal drug and



alcohol laws and regulations will control if a conflict arises between federal law and regulations and the requirements of state law or the Town's Drug-Free Workplace Policy.

### **POSSESSION OR ILLEGAL DRUGS AND ALCOHOL ON PREMISES**

An employee who possesses, uses, distributes, or sells illegal drugs or alcohol while working or while on Town property, including the parking lots, even if off duty, is subject to corrective action, which may include termination from employment, even for the first offense.

### **POSITIVE DRUG TEST RESULTS**

Any employee or job applicant who receives a positive confirmed drug test result may contest or explain the results to the Medical Review Officer within five (5) working days after written notification of the positive test results. If an employee's or job applicant's explanation or challenge is unsatisfactory to the Medical Review Officer, the Medical Review Officer shall report a positive test result back to the Town. The employee or job applicant may contest the drug test pursuant to Florida law or to rules adopted by the Agency for Health Care Administration.

### **LOSS OF WORKERS' COMPENSATION BENEFITS**

If an employee is injured in the scope of his or her employment and drug tests or other medical evidence indicates the presence of illegal drugs or alcohol in the employee's body at the time of the accident, the employee may be required to forfeit any medical or other benefits available under the Florida Workers' Compensation Statute (section 440.101 (2), Florida Statutes). This penalty is in addition to any other penalties that might apply either under this policy or under applicable law.

### **CONFIDENTIALITY STATEMENT**

All information, interview, reports, statements, memoranda and drug-free test results through the Town's drug testing program will not be made part of any personnel records and will be treated as confidential to the extent required by law, except as consented to by the employee or applicant, or if placed at issue by the employee in any legal, administrative or other proceeding to determine compensability of a workers' compensation claim.

Medical and insurance records, if any, shall be preserved in the same confidential manner as all other medical records. Program participation records shall be maintained by the Department of Human Resources.



## **USE OF PRESCRIPTION AND NON-PRESCRIPTION MEDICATIONS**

All employees or applicants may consult with the testing laboratory or the Medical Review Officer for technical information regarding the effects of prescription and non-prescription medications on drug testing.

Each tested individual shall report, on a confidential basis to the Medical Review Officer, the use of prescription or non-prescription medications both before and after being tested.

A form will be provided to each individual to list such medications. This form should only be filled out at the collection facility, not at the Town. Additionally, such medications may be disclosed orally to the Medical Review Officer after being tested, if contacted by the Medical Review Officer.

The individual must not disclose such medications or provide the form requesting such information to any Town employee.

The Company has provided at the end of this Policy a list of the most common medications by brand, common and, if applicable, chemical name, which may alter or affect a drug test.

## **EMPLOYEE/APPLICANT USE OF MEDICAL MARIJUANA**

Notwithstanding "Florida Constitutional Amendment 2" or any other statutory or regulatory implementation by the State of Florida, marijuana remains a Schedule I substance under the Controlled Substances Act ("CSA") (Title 21, United States Code, Section 811). As a result, marijuana remains illegal under Federal Law.

Bay Harbor Island employees shall not use or possess marijuana, medical or otherwise. The use or possession of medical marijuana (or any other marijuana) is a violation of the Towns' Drug Free Workplace Policy that constitutes cause for termination of employment.

## **CONSEQUENCES OF REFUSING A DRUG TEST OR TREATMENT**

**A. Refusal to Cooperate – Job Applicants.** Any person receiving a conditional offer of employment who refuses to submit to drug and alcohol testing, or who provides a false sample, or alters, adulterates, taints, tampers, or otherwise interferes with drug testing collection, samples, or analysis is immediately disqualified from employment by the Town.

**B. Refusal to Cooperate – Employees.** Any employee who refuses to submit to drug and alcohol testing when required will be terminated from employment. Any employee who provides a false sample, or alters, adulterates, taints, tampers, or otherwise interferes



with drug testing collection, samples, or analysis, will be immediately terminated from employment.

C. Refusal to Accept Treatment or Failure to Rehabilitate. Any employee who rejects a treatment program offered through the Employee Assistance Program, or who leaves a treatment program prior to being properly discharged by the program will be immediately terminated from employment with the Town. This sanction applies regardless of whether the Town referred the employee to the treatment program or Employee Assistance Program or whether the employee voluntarily sought treatment.

D. Participation in Employee Assistance or Rehabilitation Program. The Town wishes to make every effort to rehabilitate its employees who may be experiencing drug or alcohol problems. To this end, the Town will not retaliate in any manner against an employee who is referred to an Employee Assistance Program (EAP) or treatment program, or who voluntarily refers him or herself to the Employee Assistance Program or submits to treatment in a drug or alcohol abuse program. Use of the Employee Assistance Program is the employee's full financial responsibility. Any employee who is undergoing a rehabilitation program is encouraged to contact the Human Resources Director for more information and resources.

### **EMPLOYEE ASSISTANCE PROGRAMS (EAP) AND LOCAL DRUG REHABILITATION PROGRAMS**

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

Miami-Dade County  
Switchboard of Miami  
(305) 358-4357

Monroe County  
Help Crisis Line  
(305) 296-4357

Broward County  
Crisis Information Line  
(954) 537-0211

Other available resources include:

|                |   |
|----------------|---|
| 1-800-344-2666 | Al-Anon   |
| 1-800-527-5344 | American Council on Alcoholism                            |
| 1-800-622-2255 | National Council on Alcoholism                            |
| 1-800-662-HELP | Substance Abuse and Mental Health Services Administration |
| 1-800-967-5752 | Drug-Free Workplace Helpline                              |



Employees may obtain further information regarding available drug and alcohol assistance and rehabilitation by contacting the Human Resources Director which will also be able to provide the Town's current EAP provider.

### **DUTY TO NOTIFY LABORATORY OF LEGAL ACTION CONCERNING TEST RESULTS**

It is each applicant's or employee's responsibility to notify the Town and the Drug Testing laboratory of any administrative or civil action brought pursuant to section 440.101, Florida Statutes.

Employees and applicants should review any applicable collective bargaining agreements or contracts for additional information on their rights. Florida employees may have a right to appeal to Florida's Public Employees Relations Commission or applicable court for violations of Florida's Drug-Free Workplace Program.

### **DRUG TESTING INFORMATION**

*The Town may test for one or more of the following drugs:*

- Alcohol (beer, wine, booze, liquor, etc.)
- Amphetamines (speed, eve, biphedamine, desoxyn dextedrine, etc.)
- Cannabinoids (marijuana, hashish, hash, hash oil, pot, joint, reefer, roach, spleaf, grass, weed, etc.)
- Cocaine (coke, blow, snow, flake, crack, etc.)
- Phencyclidine (PCP, angel dust, hog, etc.)
- Methaqualone (quaaludes, ludes, etc.)
- Opiates (heroin, codeine, morphine, opium, Dover's powder, paregoric, parepectolin, etc.)
- Barbiturates (phenobarbital, butabarbital, secobarbital, tuinal, amytal, etc.)
- Benzodiazepine (librium, valium, ativan, azene, clonopin, dalmone, diozepam, halcion, poxipam, restoril, serax, transene, vertron, xanax, etc.)
- Synthetic narcotics, including Methadone (dolophine, methadose, etc.)
- Propoxyphene (designer drugs [ecstasy], etc.);
- Hallucinogens (LSD, acid, mushrooms, etc.); and
- The metabolite of any of the substances listed in this paragraph.

*The Town reserves the right to expand or otherwise modify the number or types of drugs tested at any time. The Town will provide employees with sixty (60) days written notice of any expansion or modification of the drugs tested under this Policy.*

### **REHABILITATION PROCEDURES FOR MANDATORY-TESTING AND SPECIAL-RISK POSITIONS**

An employee in a safety sensitive and special risk position who enters a voluntary substance abuse rehabilitation program shall be assigned to a position other than a safety sensitive and



special risk position, or if such a position is not available, shall be placed on a leave of absence while the employee is participating in the program. The employee shall be required to use his or her paid leave time (vacation and sick time, or compensatory time) during any approved leave. An employee in a special-risk position shall be discharged for the first positive confirmed test result if the drug confirmed is an illicit drug under Section 893.03, Florida Statutes.

### **REPORT OF DRUG CONVICTIONS**

Employees shall notify of any drug or alcohol related criminal charges in accordance with Employee Arrest or Charge policy requirements. Arrest for a drug or alcohol offense shall be considered Reasonable Suspicion allowing the Town to test the arrested employee for the presence of alcohol or illegal drugs.

Employees are also required to notify the Human Resources Director of the outcome of all criminal drug statute or alcohol related criminal charges no later than their next scheduled work day after any change in status, including the notification of a conviction, a plea of guilty, an adjudication of guilt, a plea of nolo contendere, an adjudication withheld, an acquittal or a dismissal of the charges. A failure to report a drug or alcohol conviction to the Town within the applicable time periods will result in immediate termination of the employee, unless good cause exists for the employee's failure to report the conviction to the Town.

The Town shall take appropriate action with respect to an employee who is charged or convicted of a violation of a criminal drug statute or alcohol related offense, which action may include transfer to a non-safety sensitive or non-special risk position and/or corrective action, up to and including termination from employment.

### **EMPLOYEE RESPONSIBILITIES**

An employee who voluntarily, or as a condition of continued employment, enters a drug or alcohol treatment and/or rehabilitation program must participate and complete recommended treatment. Any employee who enters a drug or alcohol treatment and/or rehabilitation program shall be responsible for payment for the treatment and/or program to the extent not covered by medical insurance provided by the Town of Bay Harbor Islands. If the employee fails to comply with the treatment and/or the program, the employee shall be terminated.

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

A list of some of the common medications by brand name or common name, and if applicable, chemical name, which may alter or affect a drug test, are listed below. Due to the large number of brand names and the marketing of new products, this list is not all-inclusive. Employees and job applicants should review this list prior to submitting to a drug test.



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

**Amphetamines:** Obetrol, Biphedamine, Desoxyn, Dexedrine, Didrex

**Cannabinoids:** Marinol (Dronabinol, THC)

**Cocaine:** Cocaine HCl topical solution (Roxanne)

**Phencyclidine:** Not legal by prescription

**Methaqualone:** Not legal by prescription

**Opiates:** Paregoric, Parepectolin, Donnagel PG, Morphine, Tylenol with Codeine, Empirin with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guiatuss AC, Novahistine DH, Novahistine Expectorant, Dilaudid (Hydromorphone), CS Contin and Roxanol (morphine sulfate), Percodan, Vicodin, Tussi-Organidin, etc.

**Barbiturates:** Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebaral, Butabarbital, Butabital, Phrenilin, Triad, etc.

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

**Methadone:** Dolophine, Methadose

**Propoxyphene:** Darvocet, Darvon N, Dolene, etc.

**Brand Name**

Anusol Suppos  
Anusol Suppos HC  
Aristocort Cr. Oint./Kenalog  
Atarax  
Bactrim/Septra  
Benadryl  
Betadine Oint./Efodine  
Betalin-S  
Cardizem  
Calan/Isoptin  
Colace  
Compazine  
Decadron/Hexadrol  
Demerol  
Diabeta/Micronase  
Dramamine  
Dulcolax  
Ecotrinq  
Elavil/Endep  
Erythrocin  
Esidrix/Hydrodiuril  
Isoptin/Calan  
Isordil  
Kayexalate  
Kenalog cr/oint./Aristocort

**Generic Name**

Hemorrhoidal Inserts  
Hemorrhoidal Inserts HC  
Triamcinolone  
Hydroxyzine HCL  
Trimethoprim, Sulfamethoxazole  
Diphenhydramine  
Povidone Iodine Oint.  
Thiamine  
Diltiazem  
Verapamil  
Docusate Sodium  
Prochlorperazine  
Dexamethasone  
Meperidine  
Glyburide  
Dimenhydrinate  
Bisacodyl  
Enteric Coated Aspirin  
Amitriptyline  
Erythromycin Stearate  
Hydrochlorothiazide  
Verapamil  
Isosorbide Dinitrate  
Polystyrens Sulfonate Sodium  
Triamcinolone



|                       |   |
|-----------------------|---|
| K-lor                 | Potassium Chloride 20meg Powder               |
| Larotid               | Amoxicillin                                   |
| Lasix                 | Furosemide                                    |
| Lomotil               | Diphenoxylate, Atropine                       |
| Micronase/Diabeta     | Glyburide                                     |
| Motrin/Rufen          | Ibuprofen                                     |
| M.S.                  | Morphine Sulfate                              |
| Mycolog/Mytrex        | Nystatin, Neomycin, Gramicidin, Triamcinolone |
| Mycostatin/Nilstat    | Nystatin                                      |
| Nilstat/Mycostatin    | Nystatin                                      |
| Nipride               | Nitroprusside                                 |
| Noctec                | Chloral Hydrate                               |
| Normodyne-Trandate    | Labetalol Hydrochloride                       |
| Norpramine/Pertrofane | Desipramine                                   |
| Parafon Forte         | Chlorzoxazone, Acetaminophen                  |
| Pen VK/V-Cillin K     | Penicillin VK                                 |
| Peri-Colace           | Docusate Sodium, Casanthranol                 |
| Persantine            | Dipyridamole                                  |
| Pertrofana/Norpramine | Desipramine                                   |
| Phenergan             | Promethazine                                  |
| Pitocin               | Oxytocin                                      |
| Polycillin            | Ampicillin                                    |
| Procardia             | Nifedipine                                    |
| Pronestyl             | Procainamide                                  |
| Prostaphlin           | Oxacillin                                     |
| Proventil/Vantolin    | Albuterol                                     |
| Pyridium              | Phenazopyridine                               |
| Robaxin               | Methocarbamol                                 |
| Robinul               | Glycopyrrolate                                |
| Rufin/Motrin          | Ibuprofen                                     |
| Septra/Bactrim        | Trimethoprim/Sulfamethoxazole                 |
| Solu-Medrol           | Methylprednisolone                            |
| Soma                  | Carisoprodol                                  |
| Sumycin               | Tetracycline                                  |
| Surfak                | Docusate Calcium 240 mg.                      |
| Tambocor              | Flecainide                                    |
| Therogran             | Therapeutic Multivitamin                      |
| Theragran-M           | Therapeutic Multivitamin with Minerals        |
| Theragran Hematinic   | Therapeutic Hematinic Vitamin                 |
| Thorazine             | Chlorpromazine                                |
| Tonocard              | Tocainida Hydrochloride                       |
| Urscholina/Duvoid     | Bethanechol                                   |
| Valium                | Diazepam                                      |
| Vibramycin            | Doxycycline                                   |
| VistarII Injection    | Hydroxyzine HCl                               |
| VistarII Capsules     | Hydroxyzine Pamoate                           |



## **6.6 DECLARED EMERGENCY PAY AND REPORTING**

### **AUTHORITY:**

The Town Manager or designee is responsible for implementation of this policy during an emergency.

### **PURPOSE:**

To provide guidelines for compensating and assigning work hours and workdays for all employees during emergency conditions.

During an emergency, work assignments may include work that is not related to normal job duties and responsibilities. This directive defines classifications of emergency work to ensure effective use of Town employees during a disaster as well as identify the process for assigning roles, notifications to employees, and compensation for assigned work.

### **POLICY:**

The Town of Bay Harbor Islands will make a reasonable effort to release employees from work prior to, during, and after emergency conditions to take care of personal situations such as family and property needs.

During a disaster or declared emergency, Town operations may be suspended, altered, or changed requiring an employee to be reassigned according to their emergency classification and the needs of the Town based upon the size, scope, and magnitude of the emergency. All employees are considered essential to this operation and must be prepared to support the community as assigned. In all cases, the goal of this directive is to ensure continuation and restoration of Town services, maintain safety and fulfill the Town's responsibilities to its citizens. Employees will be compensated in accordance with these guidelines, established pay policies, collective bargaining agreements, and regulations.

### **RESPONSIBILITY:**

When the Town Mayor and/or Town Manager declares a state of emergency and/or the normal operations of the Town of Bay Harbor Islands or a facility, whether in part or whole, wherein Town operation(s) is closed for regular business due to emergency circumstances including but not limited to natural hazards such as fire(s), hurricane(s), tornadoes, flood(s), and/or man-made disasters such as bombs, hazardous material incidents, mass casualty incidents, the following guidelines will apply to all Town of Bay Harbor Islands Departments and Employees.



## **PROCEDURES:**

- A. Upon declaration of a local emergency the Town Manager or designee will notify Department Head / Manager of the emergency declaration and Department Head / Manager will see that their respective employees are notified as to the extent and scope of the declared emergency.
- B. Despite suspension of government operations, employees may be required to be available to work either before, during, or immediately after an emergency occurs. Employees may be required to work flexible hours as required by the Town. Employees shall not assume they are not required to work based solely on any media or news reports regarding Town closings.
- C. During an emergency or disaster event, employees may be assigned to perform their normal duties or they may be temporarily assigned to work at different job sites specific to an emergency event (i.e., working inside the Emergency Operations Center (EOC), Department Operating Centers (DOCs), a staging area or point of distribution, etc.). Efforts shall be made to assign employees to duties according to their respective knowledge, skills, abilities, and physical capabilities.
- D. All Department Head / Managers are responsible for training their employees and implementing their respective Departmental Disaster Preparedness Plans. Department Head / Managers shall establish an emergency schedule and identify those positions required to work during the pre-emergency, emergency, and post-emergency phases. Additionally, each Department Head / Manager shall designate an alternate manager as a contact person should an emergency or disaster occur.
- E. Employees will be notified of duty assignments either prior to an event, if practical, or when contact is made with the Department Head / Manager or designee. Those who do not have an assignment shall be placed on a standby list and are to report to a designated location identified by the Department Head / Manager or designee.

## **TOWN OF BAY HARBOR ISLANDS ALERTS EMERGENCY REGISTRATION SYSTEM:**

- A. Addressing the needs of Town of Bay Harbor Islands citizens must continue during an impending or declared local state of emergency and subsequent recovery period. It is the duty of the employee to remain informed as to their report to work status during emergency/recovery post disaster periods. Employees will receive return to work status instructions by contacting the Employee Emergency Hotline 305-455-6895 for updates on reporting to work. Employees are required to contact the Hotline twice daily (10am & 7pm) during emergency/post recovery.



### **EMPLOYEE RESPONSIBILITIES:**

- A. Have a Plan: Employees should have an emergency preparedness plan to ensure their family is safe during an emergency. Employees should have at least 72 hours of supplies for each family member.
- B. Service Priority: Town operations to provide emergency services may supersede normal operations resulting in altering or suspending processing timeframes for personnel actions until the disaster recovery period has ended.
- C. Alternate Work Assignments: During the pre-disaster and disaster recovery periods, employees may perform duties other than the essential functions of their position. Depending on the needs of the Town, employees may work at different locations rather than their normal duty assignments.
- D. Pre-Assigned Employees: Many employees are assigned duties assisting with official Town disaster response/recovery efforts. These employees will report to their designated worksite when requested/directed to do so. Employees are reminded to keep their Town ID badge with them at all times to aid law enforcement officials during curfews and re-entry.
- F. Contact with the Town: Regardless of an employee's disaster assignment, all employees must apprise themselves of the Town's and their department's operational status, maintain daily contact with their manager or other designated department representative, and provide the Town with up-to-date contact information for any temporary changes in address.
- G. Accurately report all hours worked and submit required timesheet and relevant forms in a timely manner to their manager for approval. Falsification of these records shall subject an employee to disciplinary actions, up to and including termination.
- H. All employees are required to report to work when regular Town/Department business and operations resume.

### **MANAGEMENT RESPONSIBILITIES:**

- A. Department Head / Managers and Supervisors must confirm the safety and well-being of all Town of Bay Harbor Islands Team members.
- B. Department Head / Managers shall ensure all employees are provided with the Emergency Hotline phone number as soon as employed.
- C. Approve all hours worked and verify information reported by the employee on required forms is accurate.
- D. Department Head / Managers or designees must ensure that essential employees on duty receive sufficient sleep so as to avoid endangering their safety or the safety of others due to fatigue.





## **EMPLOYEE DISASTER WORK CLASSIFICATION TIERS**

### **A. Emergency Response & Recovery Employee (ERR - Tier I):**

Emergency Response & Recovery Employees are those employees with job classifications directly related to tactical response and recovery efforts within the community. Generally, this may include, but is not limited to Law Enforcement, Public Safety, Code Enforcement/Building, and Public Works.

Work assignments during disasters and work classification tiers assigned to an employee is determined by Town Manager and Department Head / Manager. These employees will be required to assist in the Town's disaster response and recovery efforts, which includes assignments requiring sheltering during the storm to ensure rapid response post storm. Roles may be pre-assigned or assigned as the situation dictates.

Department Head / Managers are responsible for identifying Emergency Essential positions and shall ensure that employees are aware of individual responsibilities by communicating and notifying them of their emergency work assignment prior to the declaration of an emergency.

Employees designated as Emergency Essential must maintain contact accessibility with their supervisors. Emergency Essential employees who fail to report to their work assignment may be subject to disciplinary action up to and including termination.

Employees who are unable to report to work should contact their supervisor by telephone. If telephone lines are down or existing conditions prevent contact by telephone, employees are to make contact with their work unit as soon as possible.

### **B. Emergency Operations Center Support Employee (EOC - Tier 2)**

Emergency Operations Center (EOC) Support Employees are those specifically assigned through the Town Manager and Bay Harbor Islands Office of Emergency Management and other authorized agencies to perform in one or more support functions outside their regular work duties.

Employees assigned to a leadership/support position within EOC or to specific roles as delineated within the Town's Comprehensive Emergency Management Plan (CEMP), Emergency Operations Plan, and Recovery Plan. These employees will be required to assist in the Town's disaster response efforts which may include assignments requiring sheltering during the storm to ensure rapid response post storm. Roles may be pre-assigned or assigned as the situation dictates.



EOC Support employees must maintain contact accessibility with their supervisors and may be reassigned to an alternative operational supervisor for the duration of the disaster or emergency. EOC Support Employees who fail to report to their work assignment may be subject to disciplinary action up to and including termination.

Employees who are unable to report to work should contact their supervisor by telephone. If telephone lines are down or existing conditions prevent contact by telephone, employees are to make contact with their work unit as soon as possible.

#### C. Department Emergency Essential (DEE-Tier 3)

Employees designated as Department Emergency Essential may be required to perform regular work functions during the pre-disaster, disaster, and post-disaster phases of an imminent or declared emergency. These employees may or may not be required to shelter during the storm. Examples of employees that would be assigned sheltering roles would include department personnel assigned to Department Operating Centers (DOCs) to coordinate department response and recovery efforts.

Employees in this tier may also be assigned to complete essential functions as designated in the department's Continuity of Operations Plan (COOP).

Department Head / Managers are responsible for identifying Emergency Essential positions and shall ensure that employees are aware of individual responsibilities by communicating and notifying them of their emergency work assignment prior to the declaration of an emergency.

Employees designated as Emergency Essential must maintain contact accessibility with their supervisors. Emergency Essential employees who fail to report to their work assignment may be subject to disciplinary action up to and including termination.

Employees who are unable to report to work should contact their supervisor by telephone. If telephone lines are down or existing conditions prevent contact by telephone, employees are to make contact with their work unit as soon as possible.

#### D. Essential Ready Reserve (RR-Tier 4)

Employees classified as Essential Non-Emergency may be directed not to report to their regular job assignment during the pre-disaster, disaster, and post-disaster phases of a locally declared state of emergency or disaster. They may work other assignments and activities as situations necessitate. Reassignment may include, but is not limited to support of the following:

- Town Staging Area(s)
- Point of Distribution Sites (POD' s)
- Food or Services Distribution Sites
- Sandbag Filling Stations
- Disaster Recovery Centers



- Emergency Operation Center

## COMPENSATION:

Once an emergency has been declared in the Town of Bay Harbor Islands and the Town Administrative Offices are closed, the following pay procedure shall be utilized:

A. **All regular full-time, hourly or salaried employees, except sworn personnel**, whose regular work schedule occurs during the Declared Emergency, *who are instructed to not report to work or who are released from work will be paid their regular wages for all hours NOT worked* during their regular work schedule. Represented employees will be compensated in accordance with their respective collective bargaining agreement.

B. **All regular full-time hourly employees** who work their regularly scheduled work period during a declared emergency and Town Administrative Offices are closed shall be paid their regular hourly wages at double time for all hours worked during this period. Emergency on-call personnel who report to work during an emergency situation (example: hurricane when Town Hall is closed) will also be paid time and a half for all hours worked.

C. **All regular full-time salaried employees** who work their regularly scheduled work period during a declared emergency and Town Administrative Offices are closed shall be paid their regular hourly wages plus will receive one (1) hour of administrative leave per each hour worked. This Administrative Leave credit shall not be provided to hourly sworn Police personnel and Administrative leave hours will be placed in an Admin Leave bank. Employees who receive administrative leave hours are encouraged to use those hours in the same calendar year they are earned. Administrative leave hours that cannot be used in the same calendar year will be allowed to be carried over to the following year. Administrative leave hour in the bank at the time of termination of employment with the Town will be forfeited.

D. **All part time employees** who work any hours during a declared emergency and Town Administrative Offices are closed shall be paid their regular hourly wages at time and a half for any hour(s) worked during this period.

E. If any employees were on prior approved leave before the declared emergency (vacation, personal, etc.) and Town Hall closes due to the emergency while they are on their pre-approved leave, the employee will not be deducted leave time for the time Town Hall closed due to the emergency. The employee should ensure their timecard is adjusted appropriately immediately upon return to the office.



F. Any employee who has pre-planned time off and consequently may have pre-purchased plane tickets, hotel stays etc. and that is required to postpone their time off as directed by their Director / Manager due to an impending emergency, will be asked to provide proof of pre-purchase of vacation expenses in order to submit for reimbursement with the Town.

G. All regular full, part time, hourly or salaried employees considered essential by their supervisor and required to report to work who call in sick, or take unscheduled leave during the period for which they were required to report to work, will be charged leave time, and may be required to submit a written certification from a health care provider substantiating the reason for absence.

H. All part-time/temporary/seasonal employees who do not report to work for any reason during a Declared Emergency will not receive any compensation for this time period. This includes not reporting to work when Town operations are officially closed.

I. No employee is eligible for call back pay during a Declared Emergency.

J. Members of collective bargaining units will receive wages and benefits in accordance with their respective collective bargaining agreement.

K. All other terms and conditions of employment as determined by a pertinent Collective Bargaining Agreement or Town Pay Policy shall remain in effect prior to, during and after the Declared Emergency.

L. The Town Manager reserves the right to consider unique pay situations as they arise throughout a Declared Emergency. In situations deemed appropriate by the Town Manager, adjustments to this Policy may be made.

## **DOCUMENTATION**

A. Employees are required to document and report to management all hours worked during an emergency utilizing the time sheets designated for emergencies, as provided by the Finance Department.

B. Time should be recorded identifying hours worked with appropriate emergency coding as provided by the Finance Department.

C. It is each Department's responsibility to verify all hours worked. Since departments are responsible for all wages paid to Town employees during a disaster/disaster recovery period, departments shall carefully review hours submitted, including those for alternate work assignments. All hours reported shall be verified by the employee's supervisor and approved through the timecard approval process. A copy of the Disaster Daily Log, supporting disaster hours worked, must be forwarded to the Finance Department who is responsible for coordinating payment of all emergency-related hours worked.



D. All Departments must maintain accurate timekeeping records during disaster/disaster recovery periods for submittal to the Finance Department.

## **EVENTUALITIES NOT COVERED**

Exceptions may be made for unique situations as they arise throughout a declared emergency, and eventualities not covered by these guidelines shall be decided on a case-by-case basis by the Town Manager or designee.

### **6.7 CHILDREN IN THE WORKPLACE**

The Town values family and work/life balance. Our employment policies and benefits are indicative of our beliefs. The Town believes in an environment that is conducive to work; therefore, the workplace should not be used in lieu of childcare. The objective of this policy is to minimize potential liability to the Town, risk of harm to children and decreased employee productivity due to distractions and disruptions.

The Town is sensitive to our employee's child-related circumstances; however, the Town cannot permit children to remain in the workplace because of the legal liability. As necessary, Managers and Supervisors may grant leave at their discretion in emergency or unforeseen circumstances.

This policy is not intended to prohibit children or other minors and family members from being in the workplace during Town-sponsored events.

*Exceptions to this policy are permitted with the approval of the Town Manager that would allow employees to bring their children to visit their worksite, provided that the visits are infrequent, brief, and planned in a fashion that limits disruption to the workplace. While children are in the workplace, they must be directly supervised by the host/parent at all times. If the frequency, length or nature of visits becomes problematic, the employee will be advised of the situation and will be expected to take corrective action.*



## **SECTION 7: LEAVES OF ABSENCE**

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### **7.1 FAMILY AND MEDICAL LEAVE OF ABSENCE**

This policy is adopted to comply with the federal Family and Medical Leave Act as amended (FMLA). The function of this policy is to provide employees with a general description of their FMLA rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law.

The Town will administer this policy in a uniform, non-discriminatory fashion in accordance with all applicable laws, including but not limited to, the Americans with Disabilities Act. To the extent permitted by law, FMLA and any family/medical leave provided under state or local law will run concurrently.

Any questions not covered by this policy should be directed to the Human Resources Director.

#### **WHO IS ELIGIBLE FOR FMLA LEAVE?**

An employee is eligible for FMLA leave if he or she has worked for the Town of Bay Harbor Islands for at least twelve (12) months and for at least 1,250 hours of service during the twelve-month period immediately preceding the commencement of the leave.

An employee who does not meet the eligibility criteria for FMLA leave may be eligible for leave under the Town's Personal Leave or other leave policies. Please contact Human Resources for more information.

#### **REASONS FOR FMLA LEAVE AND COMPUTATION OF LEAVE PERIOD**

**A. An eligible employee may take up to a total of 12 workweeks of unpaid FMLA leave during a 12-month period for one or more of the following:**

- The birth of a child, or placement of a child with the employee for adoption or foster care.
- Employee's own serious health condition.
- Employee is needed to care for your spouse; child; parent due to his/her serious health condition.
- Because of a qualifying exigency arising out of the fact that the employee's spouse; son or daughter; parent is on covered active duty or call to covered active duty status with the Armed Forces.



- The employee is the spouse; son or daughter; parent; next of kin of a covered servicemember with a serious injury or illness.

*Computation of the 12-Week Period:* An eligible employee is entitled to 12 workweeks of FMLA leave in a rolling 12-month period for one or a combination of the FMLA circumstances listed above, measured backward from the date an employee uses any leave under this policy. Each time an employee takes FMLA leave, the remaining FMLA leave entitlement would be any balance of the 12 workweeks which has not been used during the immediately preceding 12 months. For example, if an employee takes eight (8) weeks of FMLA qualifying leave during a rolling 12-month period, an additional four (4) weeks of FMLA leave could be taken during the same 12-month period.

- B. Military Caregiver Leave: An eligible employee may take unpaid leave for up to a total of 26 workweeks in a “single 12-month period” to care for a covered servicemember with a serious injury or illness, if the employee is the spouse, son, daughter, parent, or next of kin of the servicemember.

*Computation of the 26-Week Period:* An eligible employee may take up to 26 workweeks of leave during a single 12-month period. This single 12-month period is measured forward from the date of the employee’s first use of FMLA leave to care for a covered servicemember and ends 12 months after that date. This leave is applied on a per covered servicemember, per injury basis, except that no more than 26 workweeks of leave may be taken within any single 12-month period.

During the single 12-month period, the employee is entitled to a combined total of 26 workweeks of leave for the employee’s leave to care for a covered servicemember and leave for any other FMLA qualifying reason, as listed above. Leave for any other FMLA qualifying reason is limited to 12 workweeks, even if the employee takes less than 14 workweeks of leave to care for the covered servicemember.

C. Restrictions on FMLA Leave.

1. Birth, Adoption or Foster Care Placement. An employee may not take FMLA leave for the birth, adoption, or foster care of a child if 12 months have passed since the birth, adoption, or placement of the child. An employee may not take FMLA leave on an intermittent or reduced schedule basis for the birth, adoption or foster placement of a healthy child without prior written approval of the Town.
2. Spouses Working for the Town of Bay Harbor Islands: A married couple who both work for the Town of Bay Harbor Islands and who are both eligible for FMLA leave may be limited to:



- (a) *a combined total of 12 workweeks of leave during any 12-month period* if the leave is taken for the birth, adoption or foster care placement of a son or daughter, or to care for the employee’s parent with a serious health condition
  
- (b) *a combined total of 26 workweeks of leave during any single 12-month period* for leave taken to care for a covered servicemember with a serious illness or injury and any other FMLA qualifying reason. These limitations apply even if the partners are employed at different Town of Bay Harbor Islands worksites.

**EXCEPTION!!!!** *The parents may each take 12 weeks of FMLA leave if they are needed to care for their newborn, adopted or foster child who has a **serious health condition**, provided that the either party has not previously exhausted their FMLA entitlements during the applicable 12-month FMLA leave period.*



**EMPLOYEE NOTICE FOR FMLA LEAVE**

When an employee provides notice of the need for leave, the employee must provide sufficient information for the Town to determine whether the leave qualifies as FMLA leave. If the employee fails to do so, the Town may deny the leave. Calling in “sick” without providing more information will not be considered sufficient notice to trigger FMLA leave. If the employee has previously taken FMLA leave and the employee seeks another FMLA leave for the same FMLA-qualifying reason, the employee must specifically reference either the qualifying reason for leave or the need for FMLA leave. Likewise, if the employee has been previously approved for FMLA leave for more than one qualifying reason, the employee’s notice must specify which FMLA-qualifying reason supports the employee’s current request for leave.

*Foreseeable Leave:* An employee must provide the Town’s Human Resources Director at least 30 days’ advance written notice before FMLA leave or other leave is to begin if the need for the leave is foreseeable based on an expected birth, placement for adoption or foster care, planned medical treatment for a serious health condition of the employee or of a family member, or the planned medical treatment for a serious injury or illness of a covered servicemember. When planning medical treatment, the employee must consult with the Town and make a reasonable effort to schedule the treatment so as not to unduly disrupt the Town’s operations, subject to the approval of the health care provider. The employee must also advise Human Resources as soon as practicable (e.g., on the same day or next business day) if the dates of a scheduled leave change or were initially unknown.

*Unforeseeable Leave and Leave for a Qualifying Exigency:* When an employee’s request for FMLA leave is not foreseeable or is due to a qualifying exigency (regardless of how far in



advance such leave is foreseeable), the employee must provide notice (verbal or written) to his or her Department Head / Manager or the Human Resources Director as soon as is practicable under the facts and circumstances of the particular case.

If the employee does not comply with the notice and procedural requirements listed above, and no unusual circumstances justify the failure to comply, FMLA-protected leave may be delayed or denied depending on the facts of the particular case. An employee must respond to any inquiry by the Town as to the reasons for providing less than 30 days' notice for foreseeable leave.

### **NOTICE OF ELIGIBILITY AND RIGHTS AND RESPONSIBILITIES**

When an employee requests FMLA leave, or when the Town acquires knowledge that an employee's leave may be for an FMLA-qualifying reason, the Town will notify the employee of his or her eligibility to take FMLA leave and his or her rights and responsibilities for taking FMLA leave. An employee has an obligation to respond to the Town's questions designed to determine whether an absence is potentially FMLA-qualifying. Failure to comply with this requirement may result in the denial of FMLA leave.

### **CERTIFICATION REQUIREMENTS**

#### **A. Certification of Health Care Provider for a Serious Health Condition**

When requesting leave based on a serious health condition of an employee or covered family member, the employee must give the Town a certification of a health care provider that includes all information required by the FMLA. (The certification forms are available from the Human Resources Director). Alternatively, the employee may provide an executed authorization or release allowing the Town to communicate directly with the health care provider.

If the medical certification is incomplete or insufficient, the Town will specify the deficiencies in the certification and the employee will have a reasonable opportunity to provide the information necessary to make the certification complete and sufficient. The Town may directly contact the health care provider for purposes of clarification and authentication of the medical certification after the employee has the opportunity to cure any deficiencies. This contact will be made by the Human Resources Director, a health care professional, or a management official, but not the employee's direct supervisor. In compliance with HIPAA Medical Privacy Rules which apply to the health care provider, the Town will obtain the employee's permission to clarify individually identifiable health information directly with the health care provider. If the employee does not provide the Town with such authorization, and does not otherwise clarify the certification, the Town may deny the taking of FMLA leave.



1. Additional Medical Opinions: If the Town has reason to doubt the validity of a medical certification, it may require an employee to obtain a second opinion from a health care provider designated by the Town at the Town's expense. If this second opinion differs from that provided by the employee's physician, the Town may require the opinion of a third health care provider (at the Town's expense), designated jointly by the Town and the employee. The third opinion shall be final and binding. Upon request, the Town will provide the employee with a copy of the additional opinion(s).

Pending the receipt of the additional opinion, the employee will be considered as provisionally entitled to FMLA. If the additional opinion does not ultimately establish the employee's entitlement to FMLA leave, the leave shall not be designated as FMLA leave and may be treated as paid or unpaid leave under the Town's established leave policies.

2. Annual Medical Certification and Recertification: If the employee's need for leave due to the employee's own serious health condition or the serious health condition of the employee's covered family member lasts beyond a single year, the Town may require that the employee provide a new medical certification in each subsequent leave year. The Town may also request recertification of such leave during the leave in accordance with the applicable FMLA requirements. The employee has the same obligation to participate in the annual certification and recertification process as in the initial certification process.

#### B. Certification for Leave Taken because of a Qualifying Exigency

When requesting leave for a qualifying exigency, the employee must provide a certification that includes all the information requested by the FMLA and a copy of the covered military member's active duty orders or other documentation of a call to active duty status and dates of service. The Town may verify the basis for the qualifying exigency in accordance with the FMLA. A copy of the required certification form may be obtained at the Human Resources Director.

#### C. Certification for Leave Taken to Care for a Covered Servicemember (Military Caregiver Leave)

When requesting leave to care for a covered servicemember with a serious injury or illness, an employee must provide a certification completed by an authorized health care provider of the covered servicemember that includes all the information required by the FMLA, or alternatively, a copy of any "invitational travel orders" (ITOs), or "invitational travel authorizations" (ITAs) issued by the military to any family member (regardless of whether the employee is named). An ITO or ITA is sufficient certification for the duration of time specified in the ITO or ITA and if the employee needs leave beyond the time specified in the



ITO/ITA, the employee must complete a certification form to cover the remainder of the leave period. The Town may also require the employee to provide confirmation of a covered family relationship to the seriously injured or ill servicemember. It is the employee's responsibility to provide the Town with complete and sufficient certification and failure to do so may result in the denial of FMLA leave.

**D. Consequences of Not Providing the Certification or Curing Deficiencies**

If an employee does not submit a certification or does not cure the deficiencies in a certification, the leave is not a FMLA-qualifying leave. If the absences do not qualify as leave under the Town's other leave policies, the absences ordinarily will be treated as unexcused absences and may result in corrective action up to and including termination of employment.

**DESIGNATION OF FMLA LEAVE**

When the Town has enough information to determine whether the employee's requested leave qualifies as FMLA, it will provide written notice to the employee as to whether the leave will be designated and counted as FMLA leave. Where appropriate, the Town may retroactively designate leave as FMLA leave upon notice to the employee or upon agreement with the employee.

**INTERMITTENT OR REDUCED SCHEDULE LEAVE**

An employee may take FMLA leave on an intermittent or a reduced schedule if medically necessary (and such medical need can best be accommodated through an intermittent or reduced leave schedule) because of the employee's or family member's serious health condition, or to care for a covered servicemember with a serious injury or illness. Leave due to a qualifying exigency may also be taken on an intermittent or reduced leave schedule basis.

If an employee needs intermittent or reduced schedule leave for planned medical treatment for the employee, covered family member or covered servicemember, the employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt the Town's operations. In this situation, the Town reserves the right to transfer the employee temporarily to an available alternative position for which the employee is qualified and which better accommodates recurring periods of FMLA leave. The alternative position will have equivalent pay and benefits as the previous position but may not have equivalent duties.

The Town will account for intermittent or reduced schedule leave of less in ¼ hour (15-minute) increments. The employee's FMLA entitlement is reduced by the amount of leave taken during the applicable period. The employee is responsible for tracking his or her individual intermittent leave time taken. Failure to accurately record intermittent leave time, or



recording non-FMLA absences as intermittent FMLA leave, may result in corrective action, up to and including termination from employment.

### **REPORTING TO THE TOWN WHILE ON LEAVE**

An employee on FMLA leave or any other type of leave for medical or health reasons may be required to report on a periodic basis regarding his or her status and intention to return to work. If circumstances change and the employee needs either more or less leave, the Town requires that the employee provide the Town with reasonable notice (i.e., within two (2) business days) of the changed circumstances, where foreseeable. The Human Resources Director will inform the employee how often the employee must report to the Town while on leave.

### **RELATIONSHIP BETWEEN FMLA LEAVE AND PAID LEAVE TIME**

The Town requires that the employee use his or her accrued paid leave time (sick time and vacation or other type of paid time off) during FMLA leave. After the employee exhausts his or her paid leave time, the remainder of the employee's FMLA leave will be unpaid with the exception of any temporary disability benefits under the Florida Workers' Compensation Law or short-term disability benefits.

- A. Workers' Compensation Injury: If the employee is injured on the job and the injury qualifies as a serious health condition under the FMLA, the Town requires that the time off for the injury be counted against the employee's FMLA leave entitlement. The Town and the employee may agree to have the employee's unused, accrued paid leave time (sick time and vacation or other types of paid time off) supplement the employee's temporary disability benefits under the Florida Workers' Compensation Law where those benefits only provide replacement income for a portion of an employee's regular pay or salary. The employee is not required to use any paid leave time while receiving temporary disability benefits.

*NOTE:* If an employee receives supplemental pay from the Town during any portion of his or her FMLA leave for a workplace injury (see Policy No. 7.3 Workers' Compensation Leave of Absence), the employee may not use paid leave time to supplement the employee's temporary disability benefits under the Florida Workers' Compensation Law.

- B. Short Term Disability: If the employee is eligible for and is using the Town's short-term disability plan for a serious health condition, the Town requires that the time off taken under the disability plan be counted against the employee's FMLA leave entitlement. The Town and the employee may agree to have unused, accrued paid leave time (sick time and vacation or other types of paid time off) supplement the employee's short-



term disability benefits where the benefits only provide replacement income for a portion of an employee's regular pay or salary. The employee is not required to use any paid leave time while receiving benefits under the Town's short-term disability plan and the employee is not required to apply for short-term disability benefits to take FMLA leave.

### **SENIORITY AND LEAVE TIME WHILE ON FMLA LEAVE**

The employee will not accrue any seniority or paid leave time (sick time and vacation) while on unpaid FMLA leave. Accrual of any seniority and paid leave time will resume upon return to active employment. The amount of adjusted Vacation leave time the employee will receive will be determined by the Town Manager and consideration of length of service, performance review ratings, etc. will be taken into consideration by the Manager. The taking of FMLA leave will not result in the loss of any paid leave time that the employee accrued prior to the date on which FMLA leave started except to the extent such paid leave time is used during FMLA leave.

### **BENEFITS WHILE ON FMLA LEAVE**

The Town will continue to pay its portion of the employee's group health and dental insurance premiums while the employee is on FMLA leave. The employee is responsible for making arrangements with the Town's Human Resources and Finance Departments to pay the employee portion of group health and dental insurance premiums and the costs of any other elected insurance coverage in an amount equal to the amount the employee would have paid via payroll deduction, no later than the first day of the month. If FMLA leave is foreseeable, the employee may pre-pay the required premium by withholding this additional amount from his or her paycheck prior to the start of FMLA leave. If FMLA leave is taken with paid leave time (sick time and vacation) or with supplemental pay from the Town (*see* Policy No. 7.3 Workers' Compensation Leave of Absence), the premiums will be deducted from the employee's paycheck during FMLA leave as a regular payroll deduction. Failure to make timely payments will result in discontinuation of coverage.

If the employee does not return to work after his or her FMLA leave, the employee's group health plan coverage will end, and the employee will receive a separate notice that provides details about COBRA coverage.

It is the employee's responsibility during FMLA leave to add a spouse or new dependent child(ren) to the group health plan in a timely manner if such coverage is desired.

### **RETURN TO WORK**

To return to work from a FMLA leave for his or her own serious health condition, the employee is required to provide a fitness for duty certification from the employee's health care provider



on or before the day the employee returns to work. The fitness for duty certification must address the employee's ability to perform the essential functions of his or her position as listed in the job description. If the employee is released to return to work with any medical restrictions, the fitness for duty certification should specify those medical restrictions and the expected duration of the restrictions.

The employee must pay any costs associated with the completion of the fitness for duty certification (including the costs of the applicable health care provider) and the employee is not entitled to be paid for the time or travel costs spent to obtain the certification.

If the employee fails to provide a timely fitness for duty certification, the Town may delay the employee's restoration to employment until the completed fitness for duty certification is provided. If the employee does not produce the certification, the employee may be terminated from employment.

An employee who fails to return to work within three (3) days after the expiration of his or her approved FMLA leave will be treated as a voluntary resignation, absent a request and authorization for an extension of leave or an accommodation under the Americans With Disabilities Act (ADA). Any such request must be submitted in writing to the Human Resources Director at least two (2) weeks prior to the expiration date of the employee's approved FMLA leave of absence, or as soon as reasonably practicable after determining the basis for the extension request. The effective date of an employee's voluntary resignation will be the third day following the expiration of his or her FMLA leave.

### **REINSTATEMENT**

When the employee timely returns from FMLA leave, he or she will be restored to the position held when FMLA leave started, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. An employee has no greater right to reinstatement or to other benefits and conditions of employment than if he or she had been continuously employed during FMLA leave.

### **TRANSFER/PROMOTION ELIGIBILITY**

An employee is not permitted to apply for a transfer and/or promotion during his or her FMLA leave unless mutually agreed by the employee, the employee's Department Head / Manager, and the Town Manager.

### **OUTSIDE EMPLOYMENT DURING FMLA LEAVE**

An employee on FMLA leave may not work at another job during the duration of the leave when such outside employment is inconsistent with the FMLA leave approved by the Town. An employee on leave must notify his or her Department Head / Manager and the Human



Resources Director if he or she is employed in another position with an outside employer. Failure to disclose this information may lead to corrective action.

## **DEFINITIONS**

The Town adopts the definitions of the FMLA, as amended. This policy lists some of the commonly used definitions.

- A.** **“Serious health condition”** is defined as an illness, injury, impairment, or physical or mental condition that involves one of the following:
- 1.** **Inpatient Care:** An overnight stay in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care. “Incapacity,” for purposes of the FMLA means inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery there from.
  - 2.** **Absence Plus Treatment:** A period of incapacity of more than three consecutive, full calendar days (including any subsequent treatment or period of incapacity relating to the same condition) that also involves: (a) Treatment two (2) or more times within thirty (30) days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or (b) Treatment by a health care provider on at least one (1) occasion which results in a regimen of continuing treatment under the supervision of the health care provider. For purposes of the FMLA, “treatment by a health care provider” means an in-person visit to a health care provider, and the initial (or only) treatment visit must take place within seven (7) days of the first day of incapacity.
  - 3.** **Pregnancy:** The state of carrying a developing embryo or fetus within the female body.
  - 4.** **Chronic Conditions Requiring Treatments:** A chronic condition which: (a) Requires periodic visits at least twice a year for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider; (b) Continues over an extended period of time (including recurring episodes of a single underlying condition); and (c) May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).



5. **Permanent/Long-term Conditions Requiring Supervision:** A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's disease, a severe stroke, or the terminal stages of a disease.
6. **Multiple Treatments (Non-Chronic Conditions):** Any period of absence to receive multiple treatments (including any period of recovery there from) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, for: (a) restorative surgery after an accident or other injury; or (b) a condition that would likely result in a period of incapacity of more than three (3) consecutive full calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), and kidney disease (dialysis).
- B. **"Son or Daughter"** means a biological, adoptive, foster or stepchild, a legal ward, or a child of a person standing in loco parentis (guardian).
- C. **"Parent"** means a biological, adoptive, step or foster parent, or any other individual who stood in loco parentis to the employee when the employee was a son or daughter (as defined above). This term does not include the employee's parents "in law."
- D. **"Intermittent Leave"** is leave taken in separate blocks of time due to a single qualifying reason rather than for one continuous period of time and may include leave of periods from an hour or more to several weeks. A "reduced leave" schedule is a leave schedule that reduces an employee's usual number of working hours per workweek, or hours per workday.
- E. **"Qualifying Exigency"** includes leave for one or more of the following arising out of the fact that the spouse, son, daughter, or parent of the employee is a servicemember on covered active duty (or has been notified of an impending call or order to covered active duty):
1. Short-notice deployment (up to seven (7) calendar days).
  2. Attending certain military events and related activities, such as official ceremonies or programs related to the servicemember's active duty status or to attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations or the American Red Cross that are relative to the servicemember's active duty status;



3. Certain childcare and related school activities such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling or transferring a child in a new school or day care facility, or attending certain meetings at a school or a daycare facility if they are necessary due to circumstances arising from the active duty or call to active duty or the covered family member;
4. Making or updating financial and legal arrangements to address a covered military member's absence while on active duty or call to active duty status or to act as the covered military member's representative before a federal, state or local agency for the purposes of obtaining or arranging or appealing military service benefits while the covered military member is on active duty or a call to active duty status;
5. Attending counseling provided by someone other than a health care provider for oneself, for the covered military member, or for the child of the covered military member, the need for which arises from the active duty or call to active duty status of the covered military member.
6. Taking up to five days of leave to spend time with a covered military member who is on short-term temporary, rest and recuperation leave during the period of deployment.
7. Attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of 90 days following the termination of the covered military member's active duty status, and addressing issues arising from the death of a covered military member.
8. Any other event that the Town and the employee agree is a qualifying exigency.
- F. **"Covered Active Duty"** means - (i) in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and (ii) in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

**"Covered Servicemember"** means - (i) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or (ii) a veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of



five (5) years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

*For additional information regarding employee rights and responsibilities under the family medical leave act (FMLA), visit [WWW.WageHour.DOL.GOV](http://WWW.WageHour.DOL.GOV).*

## **7.2 PARENTAL LEAVE**

### **PURPOSE**

The Town of Bay Harbor Islands will provide up to six (6) weeks of paid parental leave to full time employees following the birth of an employee's child or the placement of a child with an employee in connection with adoption or foster care. The purpose of paid parental leave is to enable the employee to care for and bond with a newborn or a newly adopted or newly placed child. This policy will run concurrently with Family and Medical Leave Act (FMLA) leave, as applicable. This policy will be in effect for births, adoptions or placements of foster children occurring on or after the effective date of this policy.

### **ELIGIBILITY**

In order to be eligible for paid parental leave an employee must meet the following criteria:

- Have been employed by the Town of Bay Harbor Islands for at least twelve months.
- Have worked at least 1,250 hours during the twelve-month period preceding the leave.
- Be a full-time, regular employee not covered by a collective bargaining agreement (temporary employees and interns are not eligible for this benefit).

*If both parents work for the Town, the parents will only be entitled to a collective total of six (6) weeks of paid parental leave between them. If the parents desire to split the six (6) weeks of paid parental leave between themselves (one parent takes 3 weeks and the other parent takes 3 weeks), both parents must individually meet the eligibility criteria stated above. Both parents may take the leave at the same time provided it is operationally feasible.*

### **QUALIFYING REASONS**

Paid Parental Leave under the terms of this policy is available to eligible employees for one or more of the following qualifying reasons:

- The birth of child/children of the employee, or to care for the newborn child/children (within 12 weeks of birth);
- The placement of a child/children with the employee for adoption or foster care, or to care for the newly placed child/children (within 12 weeks of placement).



### **AMOUNT, TIME FRAME AND DURATION OF PAID PARENTAL LEAVE**

- Eligible employees will receive a maximum of six weeks (or three weeks each if spouses decide to split time) of paid parental leave per birth, adoption or placement of child/children. The fact that a multiple birth, adoption or placement occurs (e.g., the birth of twins or adoption of siblings) does not increase the four-week total amount of paid parental leave granted for that event. In addition, in no case will an employee receive more than six weeks of paid parental leave in a rolling 12-month period, regardless of whether more than one birth, adoption or foster care placement event occurs within that 12-month time frame.
- Paid parental leave may be taken by day or week during the first 12 weeks after the birth, adoption, or foster care intake of the child or children.
- Each week of paid parental leave is compensated at 100 percent of the employee's regular, straight-time weekly pay. Paid parental leave will be paid on a biweekly basis on regularly scheduled pay dates.
- Any unused paid parental leave will be forfeited 12 weeks after the birth, adoption, or foster care intake of the child or children.
- Upon termination of the individual's employment at the Town, he or she will not be paid for any unused paid parental leave for which he or she was eligible.

### **COORDINATION WITH OTHER POLICIES**

- Paid parental leave taken under this policy will run concurrently with leave under the FMLA; thus, any leave taken under this policy that falls under the definition of circumstances qualifying for leave due to the birth or placement of a child due to adoption or foster care, the leave will be counted toward the 12 weeks of available FMLA leave per a 12-month period. If the amount of the FMLA available is less than the amount of paid Parental Leave to be taken, paid Parental Leave will still be granted as specified in this Policy, without regard to the existence of the individuals available FMLA. All other requirements and provisions under the FMLA will apply.
- Paid Parental Leave shall be exhausted prior to the use of Vacation Leave, Sick Leave, or Compensatory Time when such leave is requested for the purpose of a birth or adoption event.
- After the paid parental leave (and any short-term disability leave for employees giving birth) is exhausted, the balance of FMLA leave (if applicable) will be compensated



through employees accrued sick, vacation or personal time. Upon exhaustion of accruals, any remaining leave will be unpaid leave. Please refer to the Family and Medical Leave Policy for further guidance on the FMLA.

- The Town will maintain all benefits for employees during the paid parental leave period just as if they were taking any other paid leave of absence.
- If a Town holiday occurs while the employee is on paid parental leave, such day will be charged to holiday pay; however, such holiday pay will not extend the total paid parental leave entitlement.
- If the employee is on paid parental leave when the Town offers administrative leave, that time will be recorded as paid parental leave. Administrative leave will not extend the paid parental leave entitlement.
- An employee who takes paid parental leave that does not qualify for FMLA leave will be afforded the same level of job protection for the period of time that the employee is on paid parental leave as if the employee was on FMLA-qualifying leave.

#### **REQUEST FOR PAID PARENTAL LEAVE**

- Employees seeking paid parental leave must provide their Department Director and the Human Resources Director at least thirty (30) days advanced notice before the leave is to begin if the need for the leave is foreseeable based on an expected birth, placement for adoption or foster care. If thirty (30) days' notice is not practicable, notice must be given as soon as practicable.
- One paid Parental Leave benefit is available per employee, per birth or adoption event. The number of children involved does not increase the length of paid Parental Leave granted for that event.
- When medical emergencies are involved, notice may be given in person or by telephone, and may be given by the employee's spouse or other family member if the employee is unable to do so due to a serious health condition. Written notice cannot be required in the case of a medical emergency.
- Employees seeking paid parental leave shall complete the Parental Leave Request form, Request for FMLA form, and Certification of Health Care Provider form and submit them to the Human Resources Director, stating the reason for the request, and the beginning and ending dates of the requested leave. The Town will make a determination of the employee's eligibility and qualification and approve or deny the request for parental leave.



- Paid Parental Leave shall begin no sooner than two (2) weeks before the anticipated delivery date or adoption and must end no later than twelve (12) weeks after the birth or adoption of a child.
- Employees on Paid Parental Leave are to comply with the Town's employee leave policies, are precluded from outside employment while on the leave and may, if necessary, be required to submit additional documentation to further substantiate the leave.

### **DESIGNATION NOTICE**

- Once it has been determined that paid parental leave will be granted, the Human Resources Director will notify the employee in writing within five (5) business days absent extenuating circumstance, as to whether or not the leave will be designated as paid parental leave, and provide the employee with notice detailing the specific expectations of the employer and explaining any consequences of a failure to meet these obligations.

### **7.3 GRANDPARENT LEAVE**

An employee may take leave to care for a grandparent with a serious health condition on the same terms and conditions as leave is permitted under the Family and Medical Leave Act to care for a grandparent with a serious health condition. (See Policy No. 7.1 Family and Medical Leave of Absence)

An employee is eligible for leave under this policy if he or she is employed by the Town for at least twelve (12) months and for at least 1,250 hours of service during the twelve-month period immediately preceding the commencement of leave.

For purposes of this policy, "grandparent" means any grandparent of an employee for whom the employee has assumed primary financial responsibility.

NOTE: If the grandparent stood in loco parentis to the employee when the employee was a child (see Policy No. 7.1 Family and Medical Leave of Absence), the employee's leave will be governed by the Town's FMLA policy.

### **7.4 WORKERS' COMPENSATION LEAVE OF ABSENCE**

#### **PURPOSE**

To provide an authorized leave of absence from work to eligible employees who incur a compensable work-related injury or illness, as determined by the Town's Workers'



Compensation insurance carrier. This policy further applies to those claims that are conditionally compensable during the 120-day investigation period under Florida law. This policy sets forth the conditions for the integration of state-mandated Workers' Compensation benefits with a leave of absence offered by the Town. This policy does not cover absences for claims that are not accepted as compensable or claims that are denied pursuant to the 120-day investigation period under Florida law.

This policy does not preclude the Town from terminating an employee for reasons unrelated to this policy.

The Town will administer this policy in a uniform, non-discriminatory fashion in accordance with applicable laws, including but not limited to, the Americans With Disabilities Act and the Family and Medical Leave Act.

### **ELIGIBILITY**

This policy applies to all part-time and full-time employees beginning on the first day of employment. A part-time or full-time employee who is absent from work for more than three (3) consecutive days due to a work-related injury or illness will be placed on a Workers' Compensation leave of absence, provided that the employee satisfies the requirements for this leave.

### **LEAVE DURATION**

The length of an employee's Workers' Compensation leave of absence will be the period of time that the employee is medically unable to work or that the employee has temporary work restrictions that the Town is unable to accommodate at that time. The employee's ability to work and work restrictions shall be determined by the authorized Workers' Compensation health care provider, however the Town reserves the right to obtain an independent medical examination (IME) to verify the employee's status.

The maximum length of leave under this policy is twenty-four (24) weeks in a rolling 12-month period measured backward from the date that the employee uses any leave under this policy.

Any request for an extension of leave will be reviewed by the Town's Human Resources Director in conjunction with the Town Manager, Assistant Town Manager and/or Department Head / Manager and in accordance with the Americans with Disabilities Act ("ADA"), as amended.

### **RELATIONSHIP TO THE FAMILY AND MEDICAL LEAVE ACT (FMLA)**

If the employee's work-related injury or illness qualifies as a "serious health condition" under the FMLA and the employee is eligible for FMLA leave, the employee's Workers' Compensation



leave of absence will run concurrently with the employee's FMLA leave. In this circumstance, the employee's leave will be administered in accordance with the provisions of this policy and the Town's Family and Medical Leave of Absence policy (See Policy No. 7.1)

### **COMPENSATION DURING LEAVE FOR PART-TIME EMPLOYEES**

A part-time employee's Workers' Compensation leave of absence is unpaid, except to the extent that the employee receives temporary disability benefits from the Town's Workers' Compensation insurance carrier in accordance to Florida Law.

### **COMPENSATION DURING LEAVE FOR FULL-TIME EMPLOYEES**

**A.** **Leave Is Twelve Weeks or Less.** A full-time employee's Workers' Compensation leave of absence for twelve (12) weeks or less is unpaid, except to the extent that the employee receives temporary disability benefits from the Town's Workers' Compensation insurance carrier or uses accrued paid leave time as provided below.

If the employee receives temporary disability benefits and the leave qualifies for FMLA leave, the employee may elect to use his or her accrued paid leave time (sick time and vacation TO) during weeks 1 through 12 of the leave in an amount up to the amount of the employee's regular pay or salary. (See Policy No. 7.1 Family and Medical Leave of Absence)

If the employee does not receive temporary disability benefits during this time, the employee is required to use his or her accrued paid leave time (sick time and vacation) during the leave.

**B.** **Leave During Weeks Thirteen to Twenty-Four.** If a full-time employee's Workers' Compensation leave of absence continues for thirteen (13) to twenty-four (24) weeks and the employee receives temporary disability benefits during this time, the employee may be eligible for a supplemental pay benefit from the Town. The Town will pay the difference between the temporary disability benefit amount and the eligible employee's regular pay or salary during weeks 13 through 24 of the employee's leave. The employee may not use any accrued paid leave time (sick leave, vacation or other types of paid time off) during the time that he or she receives supplemental pay from the Town under this policy.

If the employee sustained a work-related injury or illness as a result of the employee's violation of the Town's policies or procedures or misconduct as determined by the Town Manager or did not timely report the work-related injury or illness, the employee is not eligible for the supplemental pay benefit. If the employee is not eligible for the supplemental pay benefit, the



employee is required to use his or her accrued paid leave time (sick time and vacation) during the leave.

If the employee does not receive temporary disability benefits, the employee is required to use his or her accrued paid leave (sick time and vacation) during weeks 13 through 24 of the leave.

### **BENEFITS WHILE ON LEAVE**

The Town will continue to pay its portion of the employee's group health and dental insurance premiums while the employee is on an authorized leave of absence under this policy. The employee is responsible for making arrangements with the Town's Human Resources and Finance Departments to pay the employee portion of group health and dental insurance premiums and the costs of any other elected insurance coverage in an amount equal to the amount the employee would have paid via payroll deduction, no later than the first day of the month. If the Workers' Compensation leave is taken with the employee's paid leave time (sick time and vacation) or the employee receives supplemental pay from the Town, the premiums will be deducted from the employee's paycheck during the leave as a regular payroll deduction. Failure to make timely payments will result in discontinuation of coverage.

### **RETURN TO WORK**

An employee is required to provide a fitness-for-duty certification from a health care provider to the Human Resources Director on or before the day the employee returns to work. The fitness for duty certification must address the employee's ability to perform the essential functions of his or her position as listed in the job description. If the employee is released to return to work with any medical restrictions, the fitness-for-duty certification must specify those medical restrictions and the expected duration of the restrictions.

The Florida Workers' Compensation Uniform Medical Treatment/Status Reporting form (referred to as a "DWC-25 form") completed by the authorized workers' compensation health care provider satisfies the requirement of a fitness-for-duty certification under this policy, provided that the completed form addresses the employee's ability to perform the essential functions of his or her position as listed in the job description. If the completed DWC-25 form does not address the employee's ability to perform the essential functions of his or her position, the employee must submit a separate fitness-for-duty certification from a health care provider with that information. **Employees are encouraged not to leave the office of the authorized workers' compensation health care provider without receiving their completed DWC-25 form, this form must be provided to the HR Department as soon as possible.**



If the employee fails to provide a fitness-for-duty certification on or before his or her return to work, the Town may delay the employee's restoration to employment until the certification is provided to the Town. If the employee does not produce the certification within the time period specified by the Town, the employee may be terminated from employment.

### **SUPPLEMENTAL PAY FOR THERAPY OR MEDICAL TREATMENT SESSIONS**

If a full-time employee receives medical treatments or therapy for the work-related injury or illness after his or her return to work, the employee may be eligible for a supplemental pay benefit from the Town. The Town will pay the full-time employee at his or her regular rate of pay for up to one (1) hour per session to participate in physical, occupational, or other therapy or to attend a medical treatment prescribed by a health care provider for the employee's work-related injury or illness. This compensation will be paid for a maximum of 36 therapy or medical treatment sessions for the same injury or illness and the sessions must occur within 24 weeks from the date of the employee's injury or illness. The full-time employee must be an active employee (i.e., not on a leave of absence) on the date of the medical treatment or therapy sessions to be eligible for this supplemental pay benefit.

### **FAILURE TO RETURN TO WORK**

An employee who fails to return to work within three (3) days after the expiration of his or her approved Workers' Compensation leave of absence will be treated as a voluntary resignation, absent a request for an extension of leave or an accommodation under the ADA. Any such request must be submitted in writing to the Human Resources Director at least two (2) weeks prior to the expiration date of the employee's approved Workers' Compensation leave of absence, or as soon as reasonably practicable after determining the basis for the extension request. The effective date of an employee's voluntary resignation will be the third day following the expiration of his or her leave of absence under this policy.

### **REINSTATEMENT**

If the approved Workers' Compensation leave is for twenty-four (24) weeks or less and the employee has been released to work by an authorized Workers' Compensation health care provider to perform his or her essential job functions, the Town will return the employee to the employee's former position or to the same department and classification in which the employee was working prior to the leave of absence, or a substantially equivalent position. An employee has no greater right to reinstatement or to other benefits and conditions of employment than if he or she had been continuously employed during a Workers' Compensation leave of absence.

If the employee has reached maximum medical improvement and is released to return to work but is unable to perform the essential functions of his or her position (either with or without a



reasonable accommodation), the employee may request an alternative position within his or her physical and vocational capabilities. Such a request should be submitted as far in advance of the employee's scheduled return to work date as is practicable under the facts and circumstances of the s possible. The Town will evaluate any such request in conjunction with its staffing and departmental needs and in accordance with the Town's ADA policy.

The employee will be deemed to have voluntarily resigned his or her employment if the employee: (1) does not accept the Town's job offer for his or her return to work within the time specified by the Town; or (2) does not return to work on an agreed date at the end of this leave, unless the employee is entitled to take additional time off under applicable law (e.g., FMLA) or is authorized to take additional leave under the Town's other leave policies or in accordance with the Americans with Disabilities Act. An employee's failure to accept the Town's job offer to return to work may affect his or her impairment benefits under Florida law.

NOTE: Sworn police officers and sergeants should contact the Human Resources Director for information concerning the duration of a leave of absence for a workplace injury and the supplemental pay benefit currently applicable to those positions.

## **7.5 MILITARY LEAVE**

The Town will grant military leave to all eligible full-time and part-time employees who are performing or have performed military service in accordance with applicable federal and state laws. Benefits, seniority, and reinstatement will be in accordance with applicable laws. Employees seeking military leave should contact Human Resources for further details concerning notice requirements, appropriate documentation, amount of leave, benefits, and reinstatement rights.



### **FLORIDA NATIONAL GUARD SERVICE LEAVE**

An employee who is a member of the Florida National Guard shall, upon presentation of a copy of the employee's official orders issued pursuant to Chapter 250, Florida Statutes, to the Human Resources Director, be granted leave during periods in which the employee is ordered to active state service by the Governor of Florida. The first thirty (30) calendar days of leave for each period of active state service shall be with pay. Employees may elect to be paid their accrued vacation and sick time for any active state service time in excess of 30 calendar days.

### **MILITARY RESERVE AND NATIONAL GUARD TRAINING LEAVE**



An employee who is a commissioned reserve officer or reserve enlisted personnel in the United States military or naval service or a member of the National Guard shall, upon presentation of a copy of the employee's official orders to the Human Resources Director, be granted leave with pay for a maximum of 240 working hours per calendar year (January-December) during which the employee is ordered to active or inactive duty training. Employees may elect to be paid their accrued vacation and sick time for any training time in excess of 240 working hours.

### **ACTIVE MILITARY SERVICE LEAVE**

Upon presentation of the employee's official orders to the Human Resources Director, the Town shall grant leave with pay to an employee who is a commissioned reserve officer or reserve enlisted personnel in the United States military or naval service or a member of the Florida National Guard and is ordered to active military service. The first thirty (30) calendar days of leave for each period of active military service shall be with pay. Employees may elect to be paid their accrued vacation and sick time for any active military service time in excess of 30 calendar days in an amount necessary to bring the employee's total salary, inclusive of his or her base military pay, to the level the employee earned at the time called to active duty.

## **7.6 JURY DUTY AND WITNESS LEAVE**

### **JURY DUTY**

A full-time employee who is summoned to Jury Duty by a court of competent jurisdiction shall be granted time off with pay provided the employee provides a copy of the summons to his or her supervisor at least five (5) work days prior to commencement of service as a juror. Any employee who is released from Jury Duty and has a half a day or more of regularly scheduled work time remaining, shall report to work as soon as possible. Proof of time served on Jury Duty shall be required.

### **WITNESS IN A LEGAL ACTION**

If an employee is required to act as a witness or is deposed in a legal action at the request of the Town or where the employee has been subpoenaed to testify on behalf of the Town or concerning Town business, the employee will receive compensation at the applicable rate of pay (straight or overtime). This shall include appearances that are contiguous to their regularly scheduled shift.

Employees who are called back to work after being relieved of duty or required to appear in court in regard to official duties on their normal day off shall receive compensation in accordance with the Town's Call-Back policy.

An employee is required to notify his or her Department Head / Manager as soon as practicable after receiving a subpoena or other notice to attend any judicial proceeding involving the Town.



An employee may use his or her accrued vacation, personal leave in accordance with the Town's policies, to act as a witness at trial or deposition or to attend proceedings in connection with a personal or non-Town related legal action, or in connection with a personal matter of another employee. If the employee has previously exhausted his or her accrued vacation or personal time, the employee may apply for an unpaid leave of absence. The employee must submit documentation of the proceedings, including any notice or subpoena compelling the employee's appearance at deposition, hearing or trial.

### **7.7 BEREAVEMENT LEAVE**

Employees shall be granted time off with pay to arrange or attend the funeral of an immediate family member. Employees will be provided three (3) days off with pay for bereavement or five (5) days if attending a funeral over 300 miles within the State or if out of State travel is necessary. At the Town Manager's discretion, vacation leave or unpaid leave may be approved for up to five (5) days to attend international funeral services.

Immediate family is defined as: father, mother, father-in-law, mother-in-law, spouse, child, grandchild, grandparent, sister, brother, brother-in-law or sister-in-law and domestic partner. At the discretion of the Town Manager, bereavement leave may be granted for other individuals that are not an employee's immediate family member.

### **7.8 VOTING**

The Town believes that it is the responsibility and duty of employees to exercise the privilege of voting in elections. Employees are encouraged to exercise their right to vote before or after their regularly assigned work hours. However, when this is not possible due to work schedules, managers are authorized to grant a reasonable period of time, up to three hours, during the work date to vote. Time off for voting must be reported and coded appropriately on timekeeping records. Compensation for this time off may be unpaid or the employee may utilize his/her accrued leave banks.



## **7.9 DOMESTIC AND SEXUAL VIOLENCE LEAVE OF ABSENCE**

The Town provides leave from work to employees who require time off to deal with the issue or effects of domestic or repeat violence or sexual violence, and to conform to the Miami-Dade County Domestic Leave and Reporting Ordinance and Florida Statutes § 741.313.

### **ELIGIBILITY**

To be eligible for domestic violence leave, an employee must have been employed by the Town for at least ninety (90) days and for at least three hundred and eight (308) hours of service with the Town during the previous ninety (90) days.<sup>1</sup>

To be eligible for sexual violence leave, an employee must have been employed by the Town for three (3) or more months.

### **REASONS FOR LEAVE**

- A.** **Domestic Violence Leave.** Eligible employees who are victims of domestic violence are entitled to a total of thirty (30) workdays of unpaid domestic violence leave during any twelve (12) month period for one or more of the following:
- 1.** To obtain or receive medical and/or dental assistance for a medical and/or dental problem resulting from domestic or repeat violence, including obtaining such services for the employee's family or household member;
  - 2.** To obtain and receive legal assistance relating to domestic or repeat violence, including but not limited to criminal prosecution, injunction for protection, protective order, divorce, custody of children, and child support;
  - 3.** To attend court appearances relating to domestic or repeat violence, including but not limited to criminal prosecution, injunction for protection, protective order, divorce, custody of children, and child support;
  - 4.** To attend counseling or support services, including counseling or support services for dependent children;
  - 5.** To make the employee's home secure from the perpetrator of the domestic violence or to seek new housing to escape the perpetrator; or

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<sup>1</sup> An employee who has worked for the Town for at least 3 months but has not met the hours of service requirement under the Miami-Dade County Ordinance (i.e., 308 hours during the previous 90 days), is only eligible for 3 days of domestic violence leave under Florida law.



6. To make any other arrangements necessary to provide for the safety and well-being of an employee subject to domestic or repeat violence.

B. Sexual Violence Leave. Eligible employees who are victims of sexual violence are entitled to a total of 3 days of sexual violence leave for the purposes outlined in paragraphs A.1-6 above.

### **REQUEST FOR LEAVE**

An employee seeking domestic or sexual violence leave must provide the Town with written notice of his or her request for leave as far in advance of the desired leave as possible. The request should be submitted to the Human Resources Director. If the need for leave is not foreseeable, the employee must provide notice (verbal or written) as soon as is practicable under the facts and circumstances of the particular case and in accordance with his or her department's procedures for unforeseeable absences.

The Town requires that the employee use his or her accrued paid leave time (sick time and vacation or other type of paid time off) during their leave. After the employee exhausts his or her paid leave time, the remainder of the employee's leave will be unpaid with the exception of any temporary disability benefits under the Florida Workers' Compensation Law or short-term disability benefits. All leaves of absence in excess of ten (10) business days or two (2) weeks must be approved by the Town Manager.

An employee may take domestic or sexual violence leave intermittently or on a reduced leave schedule of no less than half hour increments. However, if an employee requests an intermittent leave or reduced leave that is foreseeable based on a planned schedule, the Town may require that such employee transfer temporarily to an available alternative position for which the employee is qualified and that has equivalent pay and benefits, and better accommodates recurring periods of leave.

Domestic or sexual violence leave may be taken in addition to family leave under the Town's Family and Medical Leave Act policy (*See Policy No. 7.1*) provided that the employee qualifies for FMLA leave.



## **CERTIFICATION AND CONFIDENTIALITY**

A request for domestic violence or sexual violence leave must be supported by certification issued by an authorized person such as a health care provider, attorney of record, counselor, law enforcement agency, clergy, domestic violence advocacy agency, domestic violence center or domestic violence shelter. The certification will be sufficient if it indicates that the employee is being subjected to domestic or repeat violence, or sexual violence, and needs time off to attend to one of the aforementioned matters.

To the extent possible, information regarding the employee's request for leave under this policy will be kept confidential.

If the employee took leave to obtain or receive medical and/or dental assistance for him/herself, the employee must provide a fitness for duty certification from the employee's health care provider in order to return to work. The Town will specify the information that must be provided on the fitness for duty certification. The employee must pay the cost of obtaining the fitness for duty certification and the employee is not entitled to be paid for the time or travel costs spent to obtain the certification. If the employee fails to provide such a certification before the leave ends, the Town may delay the employee's restoration to employment until the fitness for duty certification is provided to the Town. If the employee never produces the certification, the employee may be terminated from employment.

## **EMPLOYMENT AND BENEFITS PROTECTION**

The taking of leave will not result in the loss of any employment benefits accrued prior to the date on which the leave commenced.

Upon his or her return to work from a domestic or sexual violence leave, the employee shall be entitled to: restoration to the position of employment held by the employee when leave commenced; or restoration to an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment. However, an employee taking domestic violence leave for three (3) days or less will be restored to the same position held by the employee at the time leave commenced.

An employee on domestic or sexual violence leave must periodically report to the Human Resources Director on the status and intention of the employee to return to work.



## **PROHIBITION AGAINST RETALIATION**

The Town prohibits discrimination or retaliation against any employee for exercising his or her rights under this policy. If an employee believes that he or she is being retaliated against, the employee must report the retaliation to the Human Resources Director.

## **DEFINITIONS**

Domestic violence means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member, or any crime the underlying factual basis of which has been found by a court to include an act of domestic violence.

Family or household member means spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.

Sexual violence means sexual violence, as defined in Florida Statutes § 784.046, or any crime the underlying factual basis of which has been found by a court to include an act of sexual violence. Florida Statutes § 784.046 defines “sexual violence” to mean any one incident of: (1) sexual battery; (2) a lewd or lascivious act, committed upon or in the presence of a person younger than 16 years of age; (3) luring or enticing a child; (4) sexual performance by a child; or (5) any other forcible felony wherein a sexual act is committed or attempted, regardless of whether criminal charges based on the incident were filed, reduced, or dismissed by the State Attorney.

## **7.10 PERSONAL LEAVE OF ABSENCE**

The Town provides an opportunity for eligible employees to request a leave of absence for personal reasons.

### **ELIGIBILITY**

An employee is eligible for a personal leave of absence if he or she:

- i. is employed full-time
- ii. has been employed for at least 90 days



iii. is in good standing at the time of the leave.

The Town defines “good standing” as an employee who has not received any corrective action or other formal discipline, a performance improvement plan or unsatisfactory performance evaluation during their employment (for employees employed between 90 days and 12 months) or within the previous 12-month period (for employees employed 1 year or longer).

Part-time, temporary, and seasonal employees may be considered for a personal leave of absence and will be considered on a case by case basis. Temporary employees do not qualify for a personal leave of absence, unless they are already existing full-time Town employees.

### **POLICY**

Eligible employees may request a personal leave of absence for reasons not covered by the Town’s other leave policies. Examples of reasons for a personal leave of absence may include, but are not limited to, the following:

- Absences due to the employee’s own health condition if the employee does not qualify for leave under the Town’s Family and Medical Leave of Absence policy or has exceeded the time permitted by that policy.
- Absences due to the employee’s work-related injury or illness if the employee has exceeded the time permitted by the Workers’ Compensation Leave of Absence policy.
- Absences due to the continued serious health condition of the employee’s spouse, son, daughter, parent or grandparent (beyond the time permitted by the Town’s Family and Medical Leave of Absence and Grandparent Leave policies).
- Other personal reasons as approved by the Town.

Approval of a personal leave of absence is at the sole discretion of the Department Head / Manager. Any personal leave of absence, whether paid through use of vacation, sick, personal etc. or unpaid, in excess of ten (10) business days or two (2) weeks in a fiscal year must be approved by the Town Manager. In deciding whether to approve a personal leave of absence, the Town will consider the employee’s request (including the reason and length of the leave) and the staffing and operational needs of the Town for the period of the requested leave.

### **PROCEDURE**

An employee must provide the Town with at least 30 days advance written notice of his or her need for a personal leave of absence if the request for leave is based on foreseeable circumstances. If 30 days’ notice is not practicable, such as because of a lack of knowledge of approximately when leave will be necessary, or because the need for leave was unforeseeable,



the employee must provide notice (verbal or written) as soon as practicable and in accordance with his or her department's procedures for an unforeseeable absence.

The employee's request for a personal leave of absence should be submitted to his or her Department Head / Manager. The employee should include any documentation supporting his or her leave request.

### **CERTIFICATION OF HEALTH CARE PROVIDER**

If the employee requests leave due to a work-related injury or illness or due to the serious health condition of the employee or the employee's spouse, son, daughter, parent or grandparent, the employee must provide a completed certification of a health care provider. The certification must include a description of when, why and for how long the employee requires a leave of absence and be in the format of the certification form provided by the Town. The certification must be completed by the treating health care provider.

The certification of health care provider must be submitted to Human Resources by the employee at the time of the request for leave, unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts. In such circumstances, the employee must submit the certification as soon as practicable

### **COMPENSATION DURING LEAVE**

The Town requires that the employee use his or her eligible unused accrued paid leave time (sick vacation, holiday, personal, comp, admin, birthday) during a personal leave of absence. After the employee exhausts his or her eligible paid leave time, the remainder of the employee's personal leave of absence will be unpaid, unless the employee receives disability benefits under an insurance policy or through the State of Florida.

### **OUTSIDE EMPLOYMENT DURING LEAVE**

An employee on a personal leave of absence may not work at another job during the duration of the leave if such outside employment is inconsistent with the leave of absence approved by the Town. An employee on leave must notify his or her Department Head / Manager and the Human Resources Director if he or she is employed in another position with an outside employer. Failure to disclose this information may lead to revocation of the employee's leave from the Town and corrective action.

### **RETURN TO WORK**

To return from a leave for his or her own serious health condition, the employee must provide a fitness for duty certification from the treating health care provider on or before the day the employee returns to work. The certification must address the employee's ability to perform



the essential functions of his or her position as listed in the job description. If the employee is released to return to work with any medical restrictions, the fitness for duty certification should specify those medical restrictions and the expected duration of the restrictions.

If the employee fails to provide a fitness for duty certification on or before his or her return to work, the Town may delay the employee's restoration to employment until the certification is provided to the Town. If the employee does not produce the certification within the time period specified by the Town, the employee may be terminated from employment.

## **REINSTATEMENT**

When the employee returns from a personal leave of absence within the time approved by the Town, the Town will attempt to restore the employee to the former position or to the same department and classification in which the employee was working prior to the leave of absence, or to an equivalent position. The Town may not provide reinstatement to an employee who exceeds the amount of leave time initially approved by the Town.

If the employee is released to return to work but is unable to perform the essential functions of his or her position (either with or without a reasonable accommodation), the employee may request an alternative position within his or her physical and vocational capabilities. The Town will evaluate any such request in conjunction with its staffing and departmental needs and in accordance with the Town's ADA policy.

The employee will be deemed to have voluntarily resigned his or her employment if the employee: (1) does not accept the Town's job offer for his or her return to work within the time specified by the Town; or (2) does not return to work on an agreed date at the end of this leave, unless the employee is entitled to take additional time off under applicable law (e.g., FMLA) or is authorized to take additional leave under the Town's other leave policies or in accordance with the Americans with Disabilities Act.

### **7.11 ADMINISTRATIVE LEAVE**

Administrative leave is a leave of absence from work with pay. The Town may place an employee on administrative leave where circumstances warrant as determined by the Town Manager (or the Town Manager's designee). If an employee has been notified of an ongoing investigation, proposed suspension, or possible termination from employment, the employee may be placed on administrative leave between the notice and the effective date of the action. Any employee placed on Administrative Leave may not engage in their job duties or conduct Town business until they are formally granted authorization by the Town Manager or the Town Manager's designee to return to work. Town-issued identification cards, equipment and devices may be held temporarily by their Department Head / Manager (or designee) or the Department of Human Resources for the duration of the administrative leave.



Administrative leave may also be granted to provide time off with pay to exempt employees who have worked in excess of their normal work schedule. Any such leave is discretionary and must be recommended by the Department Head / Manager and approved in accordance with this policy.

All administrative leave must be approved by the Town Manager (or the Town Manager's designee).

### **7.12 UNPAID ADMINISTRATIVE LEAVE**

Unpaid administrative leave is a leave of absence from work without pay. The Town may place an employee on unpaid administrative leave if an employee has been charged with a criminal offense (on or off the job) that affects the employee's relationship to the job, fellow workers, or the reputation of the Town.

Unpaid Administrative leave may also be utilized for employees found to be physically or mentally unfit for duty.

Employees placed on unpaid administrative leave may use accrued annual leave or compensatory time in lieu of taking unpaid leave.



## BENEFITS FOR ALL FULL-TIME EMPLOYEES

### **7.13 EMPLOYEE INSURANCE BENEFITS**

The Town provides group insurance coverage for all full-time employees and their dependents. The group insurance plan consists of group health coverage, dental, vision, short-term and long-term disability, life and accidental death and dismemberment insurance coverage. Insurance benefit information and the applicable employee premiums may be obtained through the Human Resources Director.

#### **Coverage amounts for active employees will be as follows:**

- The Town will pay 100% of Employee only monthly premium for health HMO and dental HMO coverage. The Town, if providing another PPO option for health & dental, will require the employee to pay the additional amount of the difference between the HMO monthly premium coverage and the PPO coverage (an additional cost to the employee).
- The Town will pay 65% of dependent monthly premium coverage for health and dental HMO or PPO.
- The Town pays the full cost of employee only short term, long term, life and accidental death and dismemberment.
- The Town will pay life insurance in the amount that equals the employee's base annual salary.

Employees who are retiring from the Town service may be eligible to continue their health, dental and vision insurance coverage for an indefinite period of time at the full monthly premium cost to the retiring employee. To be eligible to continue insurance participation, the retiree must be covered by the Town's health insurance, dental and vision insurance at the time of retirement and immediately apply for continuation of coverage. The retiree must renew their elections during open enrollment each year. If the retiree chooses to drop any particular coverage at any time, they are not eligible to re-enroll in that coverage at a later date. The retiree must make timely premium payments in order to continue participation in their elected coverages.

#### **LEAVE SHARING PLAN**

The Town of Bay Harbor Islands has established a Leave Sharing Plan ("LSP") to provide full-time employees an opportunity to voluntarily donate their accrued time (sick time, vacation, comp, admin personal time) to the LSP for use by employees who are suffering financial hardship due to a catastrophic illness or injury.



## **DEFINITIONS**

**Employee-Donor:** The employee who donates a portion of his/her paid time of hours through the Leave Sharing Plan.

**Employee-Recipient:** The employee in need of sick time, subject to availability, who is authorized to receive donated hours from the Leave Sharing Plan.

**Catastrophic illness or injury:** A severe condition or combination of conditions affecting the mental or physical health of an employee or the employee's immediate family that requires the services of a licensed practitioner for a prolonged period of time and that will cause the employee to have a substantial loss of income because the employee will have exhausted all the leave time earned by the employee.

**Employee's immediate family:** The employee's spouse, son or daughter, or parent, as those terms are defined in the Town's Family and Medical Leave Act policy (See Policy No. 7.1), and any other individual related to the employee by blood, adoption or marriage and who lives in the same household as the employee.

## **ELIGIBILITY**

Each full-time employee is eligible to participate in the Leave Sharing Plan as an Employee-Recipient, as follows:

- The employee has been employed for at least one (1) continuous year;
- The employee or the employee's immediate family member has a catastrophic illness or injury;
- The employee has used, or is expected to use, all of his or her accrued sick and vacation leave or any other type of paid leave time, in the absence of using donated leave, the employee would have at least three workdays of unpaid absences.
- The employee is not eligible for Workers' Compensation leave of absence (See Workers Compensation Policy); and
- The employee has not been disciplined for abuse of sick, vacation or other paid leave time for at least 12 months prior to the request.

An employee will be subject to corrective action, up to and including termination from employment, if he or she falsifies information, abuses the LSP, or was otherwise ineligible for the LSP.



## **GENERAL INFORMATION**

An Employee-Donor may donate up to 80 hours of his or her accrued sick time or other paid leave time per year to the Town's LSP bank, provided that the Employee-Donor maintains a balance of at least 80 hours of sick time or other paid time off for his or her personal use. An Employee-Donor is not permitted to donate sick time or other paid time off to the account of a specific Employee-Recipient. The donated leave will be transferred to an Employee-Recipient in accordance with this policy.

Donations must be made in one (1) hour increments. For every hour donated by the Employee-Donor, the Employee-Recipient will be credited with one (1) hour of sick time (non-sworn personnel) or paid time off (sworn personnel and designated Administrative Employees).

## **PROCEDURE**

To request donated leave from the Town's LSP bank, an employee must fill out a Leave Donation Request Form with details on information regarding the illness, injury or adverse results of the major disaster or emergency to evaluate the employee's eligibility.

The employee's application should be submitted to the Human Resources Director. The Human Resources Director will verify the employee's eligibility under this policy and then submit the application to the LSP Committee for consideration.

Employees wishing to donate leave to the Town's LSP bank must submit a Leave Donation Form to the Human Resources Director indicating the number of hours they are donating. Once donated time has transferred to the Town's LSP bank, the Employee-Donor may not revoke the donation.

Employee-Recipients shall receive no more than 160 hours of sick time and paid time off in total under the LSP for those with an 8-hour workday and no more than 150 hours of sick time and paid time off in total under the LSP for those with a 7.5-hour work day. If the Employee-Recipient returns to work without exhausting all of the donated leave, the residual balance of sick time or paid time off will be returned to the LSP bank.

Benefits for the Employee-Recipient will continue for the duration of the authorized leave. However, there will be no accrual of sick, vacation or other type of paid time off to the Employee-Recipient while receiving donated time under the LSP. Under no circumstances will payment to the Employee-Recipient exceed the normal payment to such employee for his or her normal work schedule.

## **SELECTION COMMITTEE**



The LSP Committee will determine whether an applicant's request will be granted. The LSP Committee will be comprised of one representative each from the Town's Manager's Office, Human Resources Director and Finance Department.

The LSP Committee will take into consideration the LSP requests based on the number of applications then pending and the amount of sick time and paid time off hours available in the LSP bank. The LSP Committee will consider applications in the order in which they are received by the Human Resources Director and will approve or deny an application within a reasonable time after a request is made.

The LSP Committee's decisions regarding contributions to and withdrawals from the LSP bank are final. Distribution of the LSP hours to Employee-Recipients shall at all times be contingent upon availability of donated time in the LSP.

#### **7.14 VOLUNTARY EDUCATION REIMBURSEMENT PROGRAM**

The Town of Bay Harbor Islands encourages employees to voluntarily pursue training programs, professional conferences, undergraduate and graduate degrees or professional certifications that will improve and enhance their skills, performance, and ability to assume additional responsibilities at the Town. Accordingly, the Town will provide educational reimbursement to eligible employees who are seeking a qualifying undergraduate or graduate degree or professional certification, or who are obtaining job-related training. Reimbursements and other payments made by the Town to an eligible employee under this policy are subject to the current federal taxation requirements.

#### **EMPLOYEE ELIGIBILITY**

To be eligible, employees must be employed by the Town on a full-time basis for at least six (6) months of continuous service in an active status (not on a leave of absence) and must be in good standing at the time of course approval and remain in good standing through reimbursement request for said courses. For purposes of this policy, the Town defines "good standing" as an employee who has not received any corrective action or other formal discipline, performance improvement plan or an unsatisfactory performance evaluation within the last 6 months.

The employee must fill out a request for approval of said courses to the Human Resource Department prior to starting courses and must provide final grades and proof of payment for courses to the Human Resource Department once courses are completed and reimbursement is desired.

#### **UNDERGRADUATE AND GRADUATE PROGRAMS**



Course Eligibility: Undergraduate and graduate courses must be taken as part of a degree program approved in advance by the Town Manager and must provide an eligible employee with skills, knowledge or competencies applicable to the employee's current position or another position at the Town. The courses must be provided by an accredited university or college.

Grade Requirements: An employee must maintain a "C" average or above to maintain eligibility in the Town's program after completion of the first semester of classes.

Tuition Reimbursement Provisions: An employee is eligible to receive reimbursement up to a maximum amount of \$2,500 per fiscal year to pay for tuition. The amount of reimbursement approved by the Town will be based on the employee's grade in each course and funding is subject to annual approved budget line item, as provided in this policy.

Books, parking costs, required laboratory fees and other costs for supplies associated with the courses are eligible for reimbursement in an amount up to \$500 (proof of purchase must be shown).

Reimbursement Amount: Upon the employee's completion of an approved course, the reimbursement schedule will be based on grades received by the employee as follows: *100% reimbursement for a grade of "A" or "Pass" (for Pass/Fail course only); 75% reimbursement for a grade of "B", and 50% reimbursement for a grade of "C". The Town will not provide any amount of tuition reimbursement if the employee earns a grade of "D" or "F" or receives a "Fail" or "Incomplete" mark. No employee shall be reimbursed for tuition or supplies/fees in excess of two thousand (\$2,500) dollars in any fiscal year.*

Employees who voluntarily terminate employment or are discharged from the Town within one (1) year from the end of a course that was reimbursed shall reimburse the Town for the cost of the course.

***NOTE: Reimbursement for tuition & supplies, fees etc. will be provided only for any monies paid out of pocket by the employee for tuition & supplies, fees, etc. (proof must be provided, credit card receipt, etc.). Reimbursement will not apply to any tuition or fees, supplies that was paid through grants or scholarships.***

## **CERTIFICATION TESTING & CONFERENCES**

Program Eligibility: An eligible employee may obtain reimbursement for testing needed to obtain a certification in a professional discipline applicable to the employee's current position or another position at the Town. The certification must be provided by an accredited university or college, professional association, professional training provider, or other similar institution. The employee's participation in any certification testing must be approved in advance by the Human Resources Director and Town Manager.



This policy shall not reimburse books, courses or any other materials or travel needed for the certification testing.

Tuition Reimbursement Provisions & amount: An employee is eligible to receive full reimbursement of up to \$750 per fiscal year for certification testing; provided the employee passes the test and provides proof of the successful score. If test is not passed the employee will not be reimbursed for the expense.

***Expenses for conferences, management seminars, professional meetings and other external seminars/training that are applicable to the position the employee holds, should be discussed with the Finance Director and adequately budgeted for in advance. Such conferences, seminars and trainings are reimbursable under the individual department's budget at the Department Head / Managers discretion, with Town Manager approval.***

### **APPROVAL PROCEDURE**

Eligible employees must receive prior approval from the Town Manager in writing to participate in the Town's educational reimbursement program. To obtain approval, an eligible employee must submit a completed Education Reimbursement Program Participation form to his or her Department Head / Manager with the following documents attached: the course or program description; an agenda or schedule (with dates and times); and for training or certification programs only, the program cost and a list of the categories and costs of any related expenses.

The Department Head / Manager and the Human Resources Director will review the employee's form and supporting documentation to determine if the employee meets the criteria for participation in the Town's Educational Reimbursement Program. If the employee is eligible to participate in the program, the Town Manager will evaluate and either grant or deny the employee's request. Notice of the Town Manager's decision shall be provided to the employee in writing.

### **PROGRAM TERMS**

The reimbursement amounts provided to eligible employees by the Town are considered a loan for educational expenses. Accordingly, if the employee is approved to participate in the Town's educational reimbursement program, the employee is required to remain employed with the Town in a full-time capacity for a continuous 12-month period from the date of each reimbursement payment received by the employee or on the date that the employee completes the undergraduate or graduate course or the certification or training program, whichever is later.

If the employee completes the 12-month period of employment, the Town will forgive the loan for that 12-month period. However, if the employee resigns or terminates employment at any time during the 12 month employment period (for any reason other than due to a reduction in



force or due to circumstances beyond the employee's control, as determined by the Town Manager), the employee shall be required to refund the Town any money paid under this program. The balance of the loan not forgiven under this policy is due in full within seven (7) days of the employee's separation from employment. In appropriate circumstances, the Town and employee may agree to a monthly payment plan for repayment of the balance of the loan.

The Town also may retain and deduct the amount owed under this Policy (in whole or in part) from any monies due to the employee prior to or following his or her termination, subject to the applicable restrictions imposed by the Fair Labor Standards Act.

An eligible employee who receives reimbursement to attend a basic recruit training program for law enforcement officers is required to comply with the employment and repayment terms provided in Florida Statutes section 943.16.

NOTE: An employee who participates in the Town's educational reimbursement program is employed at will and the employee's employment may be terminated by the employee or the Town at any time, with or without cause or prior notice. This policy does not create a contractual relationship between the Town and any employee participating in the Town's educational reimbursement program and does not create a guarantee of employment for a definite period of time or for any purpose.

#### **PAYMENT AND REIMBURSEMENT PROCEDURE**

If approved to participate in the Town's educational reimbursement program, within thirty (30) calendar days of completion of the approved course(s), program or training, the employee must provide to his or her Department Head / Manager copies of all receipts for tuition and all eligible costs and fees and one of the following: certified transcript for the course term for any undergraduate and graduate courses, copy of professional certification, or a certificate of completion for a training program or conference. The employee shall also disclose and provide documents showing all financial assistance (including, but not limited to, scholarships, grants, stipends, waivers, discounts, fellowships, military and veterans' benefits) and other non-refundable financial assistance received by the employee used to pay tuition or other costs.

If the documents produced by the employee are satisfactory, the Department Head / Manager will proceed with reimbursement.

#### **7.15 DESIGNATED HOLIDAYS**

All full-time employees shall be paid for the following eleven (11) designated holidays ("Holiday Pay"), ***the Town Manager may at his/her discretion may approve any additional half day off holiday time:***

- New Year's Day



- Martin Luther King Day
- Presidents Day
- Memorial Day
- Independence Day
- Labor Day
- Veterans' Day
- Thanksgiving Day & the day after Thanksgiving
- Christmas Eve & Christmas Day

When one of the above holidays falls on a Saturday, the Friday immediately preceding that Saturday may be observed as the holiday if Saturday is not a regular workday of the department. If Saturday is a regular workday for the department, then Saturday will be observed as the holiday. When one of the holidays falls on a Sunday, the Monday immediately following that Sunday may be observed as the holiday if Sunday is not a regular workday of the department. If Sunday is a regular workday for the department, Sunday will be observed as the holiday. Exceptions to this rule may be necessary for departments such as the Police Department, that operate 24 hours a day, every day of the year. Other exceptions may be made by the Town Manager.

Temporary (unless already a Town Employee), seasonal or part-time employees are not eligible for Holiday Pay.

Employees must be on active pay status and/or work their regularly scheduled hours on the workdays immediately prior to and following a holiday to qualify for Holiday Pay. If an employee is on authorized leave of absence with pay when a holiday occurs, that holiday shall be paid as "Holiday Pay" and not charged to the employee's vacation or sick time, paid time off or other such leaves. Employees will not receive "holiday pay" if they are on a leave of absence without pay or on an unpaid status.

When a holiday falls on an eligible employee's day off and the employee does not work that day, the employee is credited with one hour of vacation leave for each hour in the employee's normal workday.

**Hourly, non-represented employees required to work on a holiday** will be paid at two times their regular rate of pay for the hours worked. Additionally, these employees will be credited with vacation leave on an hour for hour basis, not to exceed the number of hours in the employee's normal workday. If a legal holiday falls on an emergency situation, such as a hurricane, then the employee will be paid double time for all hours worked.

**Exempt employees eligible for holiday leave, who are scheduled to work on the designated holiday**, will be credited vacation leave on an hour for hour basis, not to exceed the number of hours in the employees normal work day.



Employees given holiday work assignments who fail to report for and perform such work for any reason other than verified illness or emergency, shall not receive pay for the un-worked holiday and may be subject to corrective action.

#### **7.16 PERSONAL DAYS**

All full-time employees receive two (2) personal days per year given January 1<sup>st</sup>. New hires if hired July-Dec will receive one (1) personal day for that calendar year. Personal days allow employees to have additional paid leave to cover absences for personal reasons, such as religious observances or parent-teacher conferences, or to supplement vacation, sick and holiday leave.

- Personal Days may only be used to cover full day absences and must be taken in the year in which given. Under no circumstances will these days be rolled over to the next year-“use it or lose it”.
- Personal Days must be scheduled and approved in advance by the employee’s immediate supervisor.

#### **7.17 BIRTHDAY HOLIDAY**

Effective October 1, 2019, all eligible non-represented full-time employees shall be entitled to a holiday on their birthday each year.

There is no waiting period for eligible employees to use the birthday holiday. However, eligible employees must be in pay status for a full day on the assigned workdays immediately before and immediately after the day in which the birthday holiday is observed in order to be paid for the holiday. Any amount of unpaid time will cause the employee to lose the holiday.

##### **Authorized Use:**

- A. The birthday holiday should be observed on the employee’s birthday. If that day is not a normal workday, then it will be observed on the next regular work day following the birthday.
- B. If the employee’s birthday falls on the same day as a Town holiday and the employee is not required to work, the birthday holiday will be charged, and the Town holiday will be added to vacation leave accrual.
- C. In cases where the employee does not want to observe their birthday as a “holiday”, that employee will be allowed to use that “birthday holiday” as a “personal” day any other day within the same calendar year.



**7.18 VACATION**

This policy addresses vacation time for full-time employees. Temporary, seasonal and part-time employees do receive vacation time. *Employees on any type of unpaid leave will be offered an adjusted rate of vacation days (less than the standard amount due annually) as determined by the Town Manager (length of leave, length of employment with Town, performance evaluations) will be considered with adjusting vacation time.*

ALL Full-time employees (hourly and exempt) if hired Jan-June shall receive **“initial vacation time”**. 6 days of vacation time for use by December 31<sup>st</sup> of that calendar year; if hired from July-October shall receive 3 vacation days for use by December 31<sup>st</sup> of that calendar year; if hired in November or December shall not receive ANY vacation time for that calendar year. These “initial” vacation days DO NOT qualify for payout should employee resign or be terminated during this time frame.

| <b>VACATION TIME FOR NON-REPRESENTED FULL TIME EMPLOYEES</b>  |  |
|---|--|
| Effective January 1 <sup>st</sup> following date hired until 6 years of employment  | <b>15 days per calendar year (105 hours a year for 35-hour employees / 120 hours a year for 40-hour employees)</b> |
| Effective January 1 <sup>st</sup> – if greater than 6 years of employment<br><br><i>(example: 6 years and one-week years of service on Jan 1, then you get 20 days)</i>   | <b>21 days per calendar year (147 hours a year for 35-hour employees / 168 hours a year for 40-hour employees)</b> |
| Effective January 1 <sup>st</sup> - if greater than 12 years of employment<br><br><i>(example: 12 and one-week years of service on Jan 1, then you get 24 days)</i>   | <b>24 days per calendar year (168 hours a year for 35-hour employees / 192 hours a year for 40-hour employees)</b> |
| <ul style="list-style-type: none"> <li>- <b>Employee will only be allowed to use 10 consecutive days of vacation time in a two-month time span, unless exception is made by Town Manager. (example:10 consecutive days in summer time &amp; 10 consecutive days in winter holiday time). Holidays falling in between your requested vacation</b></li> </ul> |  |



time will not be counted towards your consecutive day max.

- Employee will be allowed to roll over a maximum of 8 days of vacation time each year (rollover requested from Dec 1-15) provided that the rollover amount together with the new vacation days that will be received on Jan 1 does not place the employee in a position where they have over 30 days (210 hours for 35 hour employees / 240 hours for 40 hour employees) of total of vacation time on January 1. Rollover requests must be submitted to the HR Department.
- Employee will be allowed to cash out up to 5 days of unused vacation time each fiscal year -35 hours for the 7 hour day (35 hr a week) employee and 40 hours for the 8 hour day (40 hr a week) employee.
- If terminated for cause the employee will not be paid out for any unused vacation time.
- If resigning January - June of calendar year the employee will be paid out for fifty percent (50%) of all unused vacation time at the employee's regular rate of pay at the resignation date. If resigning from July 1- December 31, the employee will be paid for seventy-five (75%) of all unused vacation time at the employee's regular rate of pay at the resignation date.
- If retiring or laid off from employment with the Town of Bay Harbor – the employee will be paid out for one hundred percent (100%) of all unused banked vacation time at the employee's regular rate of pay of retirement date EXCEPT that the vacation time issued for the calendar year date of retirement will be paid at 50% of the time due for that calendar year.
- Vacation requests for the following calendar year shall be submitted to your Department Director / Manager during the month of December of the previous calendar year. Any open not requested days throughout the calendar year shall be approved if operationally feasible on a first come first serve basis. However, Seniority & operational necessity will be considered when approving vacation time requests for the same dates. Directors/ Manager are required to provide HR with copies of approved requests.

## **7.19 SICK TIME**

This policy addresses sick time for full-time employees. Temporary, seasonal and part-time employees do receive sick time. *Employees on any type of unpaid leave will be offered an adjusted rate of sick days (less than the standard amount due annually) as determined by the Town Manager (length of leave, length of employment with Town, performance evaluations) will be considered with adjusting vacation time.*

*ALL Full-time employees (hourly and exempt) shall receive "initial sick time". One day of sick time will be issued each month. If hired before the 15<sup>th</sup> of the month, sick day will be issued for that month. If hired after the 15<sup>th</sup> of the month no sick time issued for that month. These "initial" sick days DO NOT qualify for payout should employee resign or be terminated during this time frame.*



| <b>SICK TIME FOR NON-REPRESENTED FULL TIME EMPLOYEES</b> |  |
|--|--|
| Effective January 1 <sup>st</sup> following date hired   | <b>12 days per calendar year (84 hours a year for 35-hour employees / 96 hours a year for 40-hour employees)</b>   |
|  | <ul style="list-style-type: none"> <li>- If terminated for cause, the employee will not be paid out for any unused sick time.</li> <li>- Employee will be allowed to cash out up to 3 days of unused sick time each fiscal year -21 hours for 35 hour workweek employees &amp; 24 hours for 40 hour workweek employees.</li> <li>- If resigning, retiring or laid off from employment, the employee will be paid 50% of their total sick leave balance up to a maximum of 90 days. (payout not used in pension calculation)</li> </ul> |

**REASONS FOR USE OF SICK TIME**

A full-time employee may be approved or required to use sick time for absences from work for the following reasons:

- the employee’s inability to work due to the employee’s own illness, injury or other condition
- the employee’s personal health care provider appointments
- the illness, injury or health care provider appointments of the employee’s spouse, child, parent, or other dependent household member

*An employee may be required to use accrued vacation or personal time when he or she is absent from work for the above-listed reasons and has exhausted all of his or her accrued sick time. However, sick time shall not be used as vacation under any circumstances.*

Sick time shall not be used for less than half hour (1/2) increments. Department Directors/Managers are responsible for enforcement of this policy.



## **EMPLOYEE REQUEST TO USE SICK TIME**

Sick time shall not be used unless authorized by the employee's Department Head / Manager. Approval of sick time requests is at the discretion of the Department Head / Manager, except as otherwise provided in this policy or the Town's other leave policies.

It is the employee's responsibility to notify his or her immediate supervisor of any absences as far in advance as possible of the absence, but no later than one (1) hour prior to the employee's scheduled start or end time, except in a case of an emergency. If the employee fails to provide timely notification of his/her absence, without good cause, the employee will not be permitted to use sick time for that absence and the absence will be unpaid. (For exempt employees, the absence will be unpaid if it is longer than one or more full days)

Employees are required to call in every day to report absences under this policy, unless the employee is on an authorized time of absence under the Town's FMLA or other leave policies.

Sick Leave incidents do not include Sick Leave being used in connection with a family member. Additionally, an employee's constant use and abuse of sick time may negatively affect their employment status and performance evaluation.

### **Chronic Sick Designation**

Three or more incidents in a six-month period or five or more incidents in a twelve-month period will result in an employee being designated "**Chronic Sick**". Sick leave incidents shall not include sick leave used in connection with FMLA. An incident is defined as one or more days per sick occurrence.

Chronic Sick designation will cause the following regulation to be enforced:

- Review of the employee's performance records.
- Elimination of discretionary overtime and work assignments for 90 days upon the first chronic sick designation. An additional 8 month curtailment of overtime upon second/additional chronic sick designation.
- Record of Chronic Sick designation will be placed in member's permanent file.
- Chronic Sick designation will be considered when member is being considered for promotions and positions.
- Member is subject to medical evaluation to determine fitness for duty by Town chosen physician.

### **RETURN TO WORK**

When an employee is absent from work for three (3) or more consecutive days, the employee may be required (upon request by his or her Department Head / Manager or Human Resources)



to submit a written certification signed by a health care provider to substantiate the reason for absence. An employee may be required to submit a written certification from a health care provider substantiating the reason for absences of less than three days as determined by Human Resources or the Department Head / Manager / Manager.

### **OUTSIDE EMPLOYMENT WHILE USING SICK TIME**

An employee using sick time for an absence from work may not work at another job during the duration of the absence when such outside employment is inconsistent with the reason for the employee's use of sick time. An employee must notify his or her Department Head / Manager and the Human Resources Director if he or she is employed in another position with an outside employer. Failure to disclose this information may lead to corrective action.

### **7.20 LONGEVITY PAY**

Upon completion of every five years of continuous employment with the Town, –employees will receive a 5% bonus of his or her current earnings for the year immediately preceding the anniversary of employment. This is a lump sum amount not added to the employee's base rate of pay. Full time employees are eligible for longevity pay as long as they have been continuously employed (leaves of absence (FMLA etc.) do not count negatively against employee) with the Town. If you resign and then return to work with the Town a few years later, the years prior of work with the Town will not count towards years of longevity computation. Longevity pay is not pensionable.

### **7.21 RETIREMENT PENSION**

The Town has its only Retirement Pension program. The Retirement board regulates this program. After one year of Full-time employment with the Town, general employees are required to contribute at least 2% of their salary to the Town's Retirement Plan. They may contribute a max of 10% of the annual salary. Please see Retirement Summary for detailed information.



## **SECTION 8: CLASSIFICATION, COMPENSATION AND PERFORMANCE MANAGEMENT**

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### **8.1 EMPLOYEE PERFORMANCE EVALUATIONS AND PROGRESSIVE PAY SYSTEM POLICY**

The Town of Bay Harbor Islands has established a progressive pay system to motivate and reward employees according to their job performance and the contributions they make towards the accomplishment of Town goals and objectives. The purpose of the system is to also promote continuous improvement and quality performance through teamwork, assist in career development and advancement, identify individual training needs and to determine suitability for assignments, effectiveness in the assigned position and the ability for acquiring more responsibility. All employees should continually work together towards the mission, goals, and objectives of the Town.

Performance evaluations shall be a part of the procedure to determine various personnel actions, including, but not limited to, the following: salary increase or decreases, promotions, demotions, transfers, awards, separations or other personnel status changes.

The immediate supervisor shall complete a performance evaluation form. The supervisor shall meet with the employee to review and discuss the evaluation and shall provide the employee the opportunity to comment and ask questions. At the conclusion of the meeting, the employee shall be given the opportunity to write any comments in the space provided and to sign the form. The employee's signature signifies that the evaluation has been discussed and does not indicate that the employee agrees with the evaluation. The employee has the right to request an HR review of the rating. The rating may or may not be amended by the HR Manager if deemed necessary and just by the HR Manager or the HR Manager may leave the rating as is and if the rating score entitles the employee to a 0% or 2.5% merit, the employee will automatically receive a re-review at the 6-month mark from the date of the evaluation.

#### **ELIGIBILITY**

All employees are eligible for progressive pay based on their performance, as measured on the performance evaluations. All regular employees shall be evaluated at end of the year probationary period and annually thereafter on the employee's full-time date of hire anniversary. If an employee had more than one supervisor during a rating period, all concerned supervisors shall contribute to the evaluation. Progressive pay increases are not automatic and are based upon an employee's performance evaluations.

The availability of progressive pay increases is determined on an annual basis. If the Town Council does not approve funds for progressive pay increases as part of the annual budget, employees are not entitled to, and will not receive, a progressive pay increase for that year.



## **PROCEDURE**

- 1.** Employees will meet with their immediate supervisor at least once a year to develop objectives and performance standards using criteria specific to the employee's position. Objectives must relate directly to the goals of the employee's assigned department which are aligned to the Town's strategic priorities.
- 2.** Annual employee performance evaluations are conducted at each employee's anniversary date. The anniversary date is the employee's original full time hire date or the date of the employee's reclassification, such as due to a promotion or change in position.
- 3.** Immediate supervisors have the primary responsibility for conducting employee evaluations. Employees who performed their duties under more than one supervisor during the rating period should be evaluated by the supervisor for whom the employee worked during the majority of the rating period. The supervisor preparing the evaluation should consult any other supervisor for whom the employee worked during the rating period in order to determine the most appropriate rating for one or all categories outlined in the performance evaluation. Each supervisor should sign the evaluation form.

## **PERFORMANCE RATINGS**

The performance evaluation will rate each employee's performance of the duties of his/her position and the objectives and performance standards developed by the employee and supervisor, as well as competency in defined categories set in the performance evaluation. The ratings of the Performance Evaluation result in a numeric total score that determines the amount of merit which will be received. The max increase allowed is a 5% Merit increase. Those scores that result in a 0% or 2% Merit increase will automatically entitle the employee to a re-review of their performance 6 months from the date of the evaluation.

### **8.2 PERSONNEL FILES**

Individual employee personnel files shall be maintained by the Human Resources Director in accordance with the Florida Public Records Statutes. Employees have the right to examine their personnel file in the Human Resource Department upon request and with reasonable notice. Employees have a right to inspect their personnel records during the hours of 9:00 AM and 5:00 PM Monday through Friday. This inspection must be done when the employee is off duty and at their expense, the employee may request copies of their records.

Except for routine administrative material, no paperwork will be inserted in an employee's personnel file without a copy being provided to the employee or placed in the employee's departmental mailbox. Removed documents shall be retained by the Town in a separate file



and may be used for any administration or lawful purpose. The Human Resources Director or designee shall be present during the examination.

As a courtesy, employees will be notified when the Town receives a public records request to review his or her personnel file.

### **8.3 IN-SERVICE TRAINING**

It will be the responsibility of the Human Resources Director under the direction of the Town Manager to foster and promote in-service training of employees. The Human Resources Director shall develop training programs, award certificates or other forms of recognition, assist Department Head / Managers in developing programs to meet their particular needs and develop supervisory and management training programs for all departments.

### **8.4 RECLASSIFICATION**

If a Department Head / Manager has facts which indicate that a position or positions are improperly classified, the Department Head / Manager may request the Human Resources Director to review the classification of the position. Such requests shall be in writing. The Human Resources Director shall conduct an analysis of the essential functions of the position and submit a written recommendation to the Town Manager which may amend the position if he/she deems necessary and just.

### **COMPENSATION PLAN ADMINISTRATION**

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

### **8.5 COST OF LIVING ADJUSTMENT**

Based on the availability of funds, employees may receive a salary increase effective October 1, based on a cost-of-living adjustment ("COLA"). The COLA takes into consideration changes to the Consumer Price Index, if approved by the Town Council, and the cost-of-living data and trends are a guide in making pay level adjustments.

### **8.6 PROMOTION**

Employees promoted to a classification with a salary range higher than that of the previous classification shall be increased to the minimum in the new position's pay or salary range. If the employee's current rate of pay falls within the pay range of the classification being assumed, his or her pay rate shall be increased five percent (5%) so long as the resultant rate is still within the established range for the new position. A promotion shall establish a new anniversary date for the purpose of future performance evaluations and pay or salary reviews. Employees are



eligible for a promotional opportunity after one (1) year employed in his or her current position and is in good standing with the Town. The Town defines “good standing” as an employee who has not received any corrective action or other formal discipline, a performance improvement plan or unsatisfactory performance evaluation within the previous 12-month period. The one (1) year period may be waived at the discretion of the Town Manager should the employee be selected for a position in an Acting capacity.

### **8.7 TRANSFER POLICY**

A transfer is a change in position to one that is in the same pay or salary range. When an employee applies to a posting for a vacant position that does not involve a promotion, the situation will be reviewed by the Department Head / Manager involved to determine whether such a transfer would be to both the employee’s and the Town’s best interest. The transfer shall not change an employee’s rate of pay.

An employee is eligible for a transfer if he or she has been employed in his or her current position for at least one (1) year and is in good standing. The Town defines “good standing” as an employee who has not received any corrective action or other formal discipline, a performance improvement plan or unsatisfactory performance evaluation within the previous 12-month period.

### **8.8 DEMOTION**

Upon demotion, if the employee’s rate of pay in the previous class was more than the maximum rate established for the new class or position, the rate of pay shall be reduced to the maximum rate or to such intermediate step in the new pay range as may be determined by the Department Head / Manager and subject to the approval of the Town Manager. The action of demotion shall establish a new anniversary date for purpose of future salary consideration.

### **8.9 TEMPORARY SERVICE OUT OF RANK (TSOR)**

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

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



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

#### **8.10 ACTING DEPARTMENT HEAD / MANAGER**

In the event of a vacancy or a leave of a Department Head / Manager position, the Town Manager may appoint an existing full-time employee to be the Acting Department Head / Manager for a maximum of two (2) six-month periods. Any employee appointed to an acting position for any designated period of time for more than five (5) consecutive working days, may receive a temporary salary increase of fifteen percent (15%) above his or her current salary for the days serving in an acting capacity.

#### **8.11 DIRECTOR / MANAGEMENT VEHICLE ALLOWANCE**

If budget allows for in each fiscal year, Director / Management Full Time employees may be granted a vehicle allowance of \$250 a month. The amount of vehicle allowance received per month for each fiscal year may be adjusted upward (not to exceed \$400 a month) by the Town manager if budget permits. Those employees that receive a take home vehicle will not receive a Vehicle Allowance. This is not a guaranteed benefit for Directors / Managers.

#### **8.12 MILLEAGE REIMBURSEMENT**

If an employee is not provided with a Town Vehicle or Management Vehicle Allowance and the employee is directed by their Department Head / Manager or designee to use their private vehicle for Town business (other than the employee's regular commute to and from work), it is the employee's responsibility to submit a mileage reimbursement form for each occurrence as soon as possible thereafter. The employee will be compensated at the rate established per mile by the I.R.S.

#### **8.13 PER DIEM REIMBURSEMENT**

Employees / Public Officers traveling for business purposes will be reimbursed as per the guidelines set forth below. Reimbursement shall be limited to those expenses necessarily incurred by them in the performance of a public purpose authorized by law to be performed by the agency. The number of trips allowed is limited to appropriated funds. As part of the annual budget process each Department Director / Manager shall request funding for travel related to themselves and for any employees in their department to the Town Manager. Travel outside that approved through the annual budget process shall be approved on a case by case basis per the Town Manager if funding is available.



A **Travel Authorization form** must be completed and approved prior to the trip (with appropriate approvals) certain exceptions apply (see below).

1. A Travel Authorization form is **NOT** required for:
  - a. A Meeting of one day or less in which only, registration fees, parking fees, mileage reimbursements and/or other transportation charges are incurred. When claiming a "Travel Authorization form" exemption under this section, an expense report must be included.
  - b. Travel that does not require the expenditure of funds.
  - c. Webinars

#### **Types of Travel & Reimbursement:**

Reimbursement for travel will be in the amount of \$80 per day for Class A / B travel & \$20 Breakfast, \$20 Lunch & \$20 Dinner for Class C travel. Per diem expenses allowed are for food (no alcohol). Request for reimbursement must be submitted to the Chief Financial Officer as soon as possible or within 3 working days after return from travel. No receipts need to be provided for per diem.

**Class A travel**—Continuous travel of 24 hours (4 quarters of 6 hours each) or more away from official headquarters.

**Class B travel**—Continuous travel of less than 24 hours (4 quarters of 6 hours each) which involves overnight absence from official headquarters.

**Class C travel**—Travel for short or day trips where the traveler is not away from his or her official headquarters overnight.

#### **Other Expenses:**

*Travel through commercial airline* must be reasonably priced at the lowest airfare reasonably possible. Cancellations to airfare shall be reimbursed to the employee only for serious personal or work-related problems. Documentation must be in writing and proof of payment required.

*Personal Vehicles used for travel* outside of the tri-county area (even if car allowance is received) will be reimbursed for additional travel mileage expenses as allowed by the IRS; furthermore, gas expenses may be reimbursed, and proof of payment or extra mileage amount is required.

*If using a town vehicle to travel* for work purposes outside the tri-county area, gas expenses will be the only reimbursable expense. Rental cars are allowed in lieu of the use of personal cars only when the rental option is less expensive when compared to other types of transportation. Proof of rental payment is required.



### **Miscellaneous Expenses:**

Miscellaneous expenses, including checked baggage, airport parking, taxi fares, hotel parking, sundries etc., may be claimed if circumstances indicate they are necessary for the traveler and approved by the employee's department director. An expense report must be included with reimbursement request & receipts must be provided.

1) The following expenses will be reimbursed (receipts need to be provided):

- a. Laundry fees after seven (7) consecutive nights
- b. Internet connection fees incurred to conduct Town business
- c. Hotel parking including valet if it is the only means to park a Town authorized rental or personal vehicle
- d. Up to one checked bag per travel when traveling one (1) to seven (7) days. For those traveling eight (8) or more days, two (2) checked bags may be allowed after Department Director/ Manager approval
- e. For travelers carrying work related materials, including overweight bags, the cost for those checked bags will be reimbursed; however, the need must be specified on the Travel Authorization form and checked bags receipts must be submitted with the reimbursement requests
- f. Meals offered by some airlines that requires payment.
- g. Bridge, road, tunnel, tolls and other fees. Original receipts are required.
- h. Fax, and telephone – for Town business
- i. Gratuities will be allowed but are not to exceed 15% for meals and taxis. Original receipts are required

2) The following expenses will **NOT** be reimbursed:

- j. Alcoholic beverages
- k. Personal phone calls
- l. Parking, moving and/or traffic violations
- m. Movie rentals
- n. Florida Sales tax when it is the result of the traveler's failing to provide a Florida Sales tax exemption certificate
- o. Unauthorized claims – those incurred without prior approval and/or



documentation

- p. Airline add-on fees (e.g. extra legroom fees, priority boarding fees, etc.). Exceptions are allowed with the Department Director / Manager's approval



## **SECTION 9: LEAVING THE TOWN**

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### **9.1 RESIGNATIONS**

If an employee decides to voluntarily resign, he or she is requested to provide the Town with at least two weeks prior written notice to his/her Department Head / Manager or Human Resources. If circumstances warrant, the Town may elect to shorten employee's notice period.

### **9.2 LAY OFF**

Any employee may be laid off from employment with the Town due to reasons which include, but are not limited to, shortage of work or funds, the elimination of a position or organizational changes. If a layoff is expected, the Town will attempt to communicate information about an impending layoff as soon as possible. If an employee is laid off from employment, the employee will receive separation pay equal to two weeks' pay/salary. Payout for any other unused time will be consistent with Town policy.

### **9.3 TERMINATION FROM EMPLOYMENT**

If a supervisor, Department Head / Manager recommends an employee for termination from employment, the employee can request to meet with the Town Manager prior to the final decision being made concerning the employee's employment. An employee may be suspended or placed on administrative leave pending the Town Manager's review of the termination recommendation. The Town Manager makes the final decision regarding employee terminations from employment.

### **9.4 EXIT INTERVIEWS**

The purpose of the exit interview is to provide management with information that will help identify potential risks and help keep the Town of Bay Harbor Islands a pleasant and efficient place to work. Each employee who resigns from the Town shall be asked to complete an exit interview with the Human Resources Director at or before the time he or she receives the final paycheck and returns all Town property, including identification and keys.

### **9.5 RETURN OF TOWN'S PROPERTY**

Employees separating from the Town for any reason shall, prior to separation, return all Town-owned property and equipment in his or her possession. The cost of replacing or repairing any items lost or damaged while in the possession of the employee shall be deducted from any pay and benefits held by the Town, as permitted by applicable law.



## APPENDIX

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### EMPLOYEE RESOURCES

*Frequently used services for employees and their families*

Equal Employment Opportunity Commission

[www.eeoc.gov](http://www.eeoc.gov)

1-800-669-4000

Office of Personnel Management

[www.opm.gov](http://www.opm.gov)

202-606-1800

Social Security Administration

[www.ssa.gov](http://www.ssa.gov)

1-800-772-1213

Government Benefits: Healthcare, Housing, Financial Assistance, and Social Security

[www.benefits.gov](http://www.benefits.gov)

1-800-333-4636

Miami-Dade County Community Action and Human Services

[www.miamidade.gov](http://www.miamidade.gov)

311 or 305-468-5900

The United States Department of Justice

[www.justice.gov](http://www.justice.gov)

202-353-1555

Miami-Dade County Commission on Ethics

[www.ethics.miamidade.gov](http://www.ethics.miamidade.gov)

305-579-2594



**SECTION 10:   ACKNOWLEDGEMENT OF RECEIPT OF EMPLOYEE HANDBOOK**

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I have received the current Town of Bay Harbor Islands Policies & Procedures Manual. I have read and understand the material covered. I have had the opportunity to ask questions about the policies in this Manual, and I understand that any future questions that I may have about the handbook or its contents will be answered by the Town Manager or his or her designated representative upon request. I agree to and will comply with the policies, procedures, and other guidelines set forth in the Handbook. I understand that The Town of Bay Harbor Islands reserves the right to change, modify, or abolish any or all of the policies, benefits, rules, and regulations contained or described in the handbook as it deems appropriate at any time, with or without notice. I acknowledge that neither the Handbook nor its contents are an express or implied contract regarding my employment.

I further understand that, unless as set forth by collective bargaining agreement addressing terms and conditions of Town Employment, all employees of the Town, regardless of their classification or position, are employed on an at-will basis, and their employment is terminable at the will of the employee or the Town at any time, with or without cause, and with or without notice. I have also been informed and understand that, other than as negotiated by the Town Manager and as approved by the Town Council, no officer, agent, representative, or employee of the Town has any authority to enter into any agreement with any applicant for employment or employee for an employment arrangement or relationship other than on an at-will basis and nothing contained in the policies, procedures, handbooks, or any other documents of the Town of Bay Harbor shall in any way create an express or implied contract of employment or an employment relationship other than one on an at-will basis.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee Name: Printed

\_\_\_\_\_  
Town of Bay Harbor Islands Human Resources Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Town of Bay Harbor Islands Human Resources Printed Name