

RESOLUTION NO. 12-04-09

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA APPROVING AND ADOPTING THE AMENDED TOWN EMPLOYEE HANDBOOK PROVIDING FOR THE REPEAL OF THOSE PROVISIONS PREVIOUSLY ADOPTED TO THE EXTENT OF ANY CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park ("Town") is a municipal corporation of the State of Florida with such power and authority as has been conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town Commission has previously adopted general provisions pertaining to personnel rules and regulations, including, but not limited to, disciplinary actions which are set forth in the "Town of Lake Park Handbook of Procedures for Employees of the Town of Lake Park" (hereinafter referred to as the "Employee Handbook"); and

WHEREAS, Town staff has recommended to the Town Commission that the Employee Handbook be updated at the present time to provide for additional policies and principles pertaining to the administration of Town employees and personnel; and

WHEREAS, the Town Commission recognizes that periodic adjustments must be made to the Employee Handbook in order to keep the Employee Handbook current and consistent with state and federal labor and employment law requirements, as well as policies, procedures, guidelines, rules, and regulations, established by the Town on a local level for Town employees; and

WHEREAS, the Town Commission has determined that it is in the best interest of the public health, safety and general welfare to amend the Employee Handbook at this time as recommended by Town staff to update the policies, procedures, guidelines, rules, and regulations set forth in the proposed updated edition of the Employee Handbook (April 2009 edition); and

WHEREAS, a true and correct copy of the proposed updated edition of the Employee Handbook (April 2009 edition), is attached hereto and incorporated herein as **Exhibit "A"**.

**NOW THEREFORE BE IT RESOLVED BY THE TOWN COMMISSION
OF THE TOWN OF LAKE PARK, AS FOLLOWS:**

Section 1. The whereas clauses are incorporated herein as the findings of the Commission.

Section 2. The Town Commission hereby approves and adopts the Employee Handbook (April 2009 edition) attached hereto as **Exhibit "A"**, as the current Employee Handbook, which is now in full force and effect in the Town for the governance and administration of policies and procedures for employees of the Town of Lake Park. Town staff is directed to implement the use of the updated Employee Handbook commencing with the effective date of this Resolution.

Section 3. Repeal of laws in conflict. All resolutions, manuals, and procedures contained in any prior Employee Handbook or other document in conflict with the Employee Handbook (April 2009 edition) are hereby repealed.

Section 4. Effective date. This Resolution shall become effective immediately upon adoption.

The foregoing Resolution was offered by Commissioner Daly, who moved its adoption. The motion was seconded by Vice-Mayor Carey, and upon being put to a roll call vote, the vote was as follows:

	AYE	NAY
MAYOR DESCA DUBOIS	<u>/</u>	—
COMMISSIONER ED DALY	<u>/</u>	—
VICE-MAYOR JEFF CAREY	<u>/</u>	—
COMMISSIONER PATRICIA OSTERMAN	<u>/</u>	—
COMMISSIONER KENDALL RUMSEY	<u>/</u>	—

The Town Commission thereupon declared the foregoing Resolution NO. 12-04-09 duly passed and adopted this 1 day of April, 2009.

TOWN OF LAKE PARK, FLORIDA

BY: Desca Dubois
DESCA DUBOIS
MAYOR

ATTEST:

Vivian M. Lemley
VIVIAN M. LEMLEY
TOWN CLERK



Approved as to form and legal sufficiency:

BY: Thomas J. Baird
THOMAS J. BAIRD
TOWN ATTORNEY

HANDBOOK OF PROCEDURES FOR EMPLOYEES OF THE TOWN OF LAKE PARK



**THE TOWN OF LAKE PARK
OFFICE OF HUMAN RESOURCES**

**APPROVED BY THE TOWN OF LAKE PARK TOWN COMMISSION:
APRIL 1, 2009 BY RESOLUTION No. 12-04-09**

TOWN OF LAKE PARK'S MISSION STATEMENT

To improve the quality of life for all Town stakeholders through the provision of effective and efficient service delivery while maintaining a small town atmosphere in an urban environment and embracing the sense of place and community that makes the Town of Lake Park special.

INTRODUCTION AND GENERAL PROVISIONS

The Handbook of Procedures for Employees of the Town of Lake Park (Handbook) delineates the policies and procedures applicable for all managers and employees of the Town regardless of status (i.e. Exempt versus Non-Exempt) or classification (e.g. Regular Full-time, Part-time, Probationary, etc.). This Handbook includes the Town's employment policies and procedures, guidelines, provisions and regulations governing the classifications, compensation, employment standards, employee rights, responsibilities and evaluations for Town employees.

The Handbook is designed and drafted to facilitate the Town employees' understanding of their roles in achieving the mission of the Town to improve the quality of life for all Town stakeholders through the provision of effective and efficient service delivery, while ensuring that the Town's employees have a clear understanding of their rights and responsibilities and the expectation of the high level of productivity and work performance required for employment with the Town.

The Handbook is intended to be a fluid document. No document is capable of addressing every eventuality in the workplace. Therefore, from time to time the Handbook shall be supplemented by Administrative Orders issued by the Town Manager that will in turn be provided to the Town Commission on an annual basis for approval and inclusion in the Handbook. Administrative Orders shall be provided to Town employees and are expected to be adhered to by Town employees even prior to the annual re-adoption of the Handbook by the Town Commission. In the event that the Town Commission does not re-adopt the Handbook, the last adopted version, including any Administrative Orders, shall be the official version of the Handbook, applicable and binding on the employees of the Town.

The official version of the Handbook is maintained in the office of the Town Clerk and will be made available by the Town's Human Resources Department.

The Handbook does not, in any way, constitute a contract of employment nor does it provide any guarantees of continued employment with the Town. The Town reserves the right in its sole discretion to change, modify or amend the rules and regulations set forth in the Handbook. Each employee of the Town is charged with the responsibility to know, understand and abide by the rules and regulations set forth in the Handbook.

The Town Manager is hereby authorized to enforce the rules, regulations, policies and procedures set forth in the Handbook upon the Town's workforce.

Sections and portions of the Handbook may apply only to certain specified positions based upon the employee's role and designation in the workforce as management or non-management or exempt versus non-exempt personnel. Whenever possible, this distinction shall be separately delineated in the Handbook for clarity. **Appendix A** shall set forth the position titles and job codes for employee positions and will designate the classification and status for each position.

Nothing in the Handbook is intended to be in conflict with any provisions contained in an applicable collective bargaining agreement between the Town and its union employees. In the event of an apparent conflict, the applicable collective bargaining agreement shall prevail. In the absence of a conflicting provision, the Handbook shall prevail and serve as a supplement to the collective bargaining agreement to be adhered to by all Town employees.

Further, should any provision of the Handbook, or any part thereof, be rendered or declared invalid by reason of any existing or subsequently enacted legislation, by decree of any court of competent jurisdiction, or for any other reason, such invalidation of such provision or portion thereof shall be severable and shall not invalidate the remaining other provisions of the Handbook.

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SECTION 1 CLASSIFICATION SYSTEM

1.1 SCOPE AND PURPOSE:

This section sets forth the rules and regulations for the establishment, maintenance, and administration of the Town's Uniform Classification System applicable to all personnel in the Town of Lake Park.

The Human Resources Department shall maintain a uniform classification system. This system shall consist of Town-approved position classifications and a listing of position titles and job codes as outlined and set forth in **Appendix A** of this Handbook.

The classification system and the provisions outlined in this Handbook specifically exclude the Town Mayor, Town Commission Members, Town Manager, Town Attorney, and any individual who volunteers their services on behalf of the Town.

1.2 ADMINISTRATION OF THE PLAN:

The Town Manager, through the Human Resources Department, shall be responsible for the overall coordination, review, control and administration of the Handbook.

Positions are reclassified by official Town Commission action submitted by the Town Manager. Town Commission approval must be obtained to create, establish or delete positions or effect classification changes.

A periodic review shall be performed by the Human Resources Department to ensure that the classification system is current and uniform. Any modifications will be presented to the Town Manager for consideration and recommendation to the Town Commission.

The Town Manager shall present to the Town Commission such rules, regulations and changes that are deemed necessary for effective administration of the classification system.

1.3 CLASSIFICATION OF POSITIONS:

REGULAR FULL-TIME EMPLOYEE: An employee who has successfully completed the probationary period, who works no less than the established work week of forty (40) hours during a seven day (7) period.

REGULAR PART-TIME EMPLOYEE: An employee who works less than an established workweek as averaged over a twelve-month (12) period.

Part-time employees are employed at- will, are not entitled to benefits or merit increases, and may be terminated without cause or right to appeal the termination decision.

TEMPORARY EMPLOYEE: An employee who has been hired for a specific time period who may work less than the established work week .

Temporary employees are employed at-will and are not entitled to benefits or merit increases, and may be terminated without cause or right to appeal the termination decision.

PROBATIONARY EMPLOYEE: A newly hired full-time employee who has worked less than one (1) year and who is eligible for regular full-time employee status upon successful completion of the probationary period. During the probationary period, the employee is an at-will employee and may be terminated from employment without cause and without a right to appeal the termination decision.

An employee who has been promoted to a new position or who has been demoted to a lower position shall serve a six (6) month probationary period.

The probationary period for employees covered by a collective bargaining agreement shall be determined as set forth in the employee's collective bargaining agreement.

INTERMITTENT EMPLOYEE: A part-time employee who works at irregular intervals in one or more Town departments.

Intermittent employees are employed at-will and are not entitled to benefits or merit increases, and may be terminated without cause or right to appeal the termination decision.

NOTE:

Managerial Exempt Department Heads, Assistant Department Heads and other specifically designated positions as set forth in **Appendix B** of this Handbook (i.e., Assistant Town Manager, Assistant to the Town Manager, Assistant to the Finance Director, Building Official, Librarian I, Librarian II, Operations Manager, Dockmaster, Senior Registered Civil Engineer, Senior Registered Architect, Community Redevelopment Agency (CRA) Project Manager, and CRA Economic Development Director) serve at the pleasure of the Town Manager and therefore are not subject to a probationary period.

These employees may be terminated from employment at any time at the discretion of the Town Manager without cause or right to appeal the termination decision.

1.4 JOB DESCRIPTIONS:

Job descriptions shall provide a description of the kind of work, the qualification requirements, and the level of responsibility for each employee position. While the exact duties and responsibilities of the various positions may likely differ, all positions allocated to a specific pay scale shall be reasonably similar in nature (e.g. tasks to be performed, level of complexity, extent of job responsibilities and minimum qualification requirements).

1.5 CLASSIFICATION OF NEW POSITIONS:

Except in unusual circumstances (e.g. Town Manager reorganization, etc.), appropriate documentation for the classification of new positions shall be submitted by the appropriate Department Head to the Human Resources Department no less than ten (10) workdays prior to the Town Manager's submittal deadline for receipt of Town Commission agenda items. The Human Resources Director shall review the documentation prior to submittal to the Town Manager.

Before any action may be taken to fill a new position, the position must be approved by the Town Commission, upon the recommendation of the Town Manager.

1.6 RECLASSIFICATION OF POSITIONS:

The Human Resources Department is responsible for examining departmental requests for reclassification of positions consistent with departmental guidelines and with the Town's policies.

The Human Resources Director shall submit reclassification advisory recommendations to the Town Manager for consideration and for submission to the Town Commission for approval if deemed appropriate.

Reclassification may result from reorganization, addition, deletion, redistribution and/or alteration of work assignment which may significantly alter the responsibilities and duties of the position to be reclassified.

1.7 POSITION TITLES:

A listing of the Town's official position titles and job codes for each Town position is set forth in **Appendix A**.

These official position titles and job codes shall be used on all Human Resources and Finance records and in preparation of the annual budget.

**SECTION 2
EMPLOYMENT AND HIRING PRACTICES**

2.1 SCOPE AND PURPOSE:

This section sets forth the rules, regulations and procedures for the establishment and maintenance of the Town's Employment and Hiring Practices applicable to employees of the Town. All employment and hiring practices shall be processed through the Town's Human Resources Department under the authority of the Town Manager to ensure compliance with this section of the Handbook.

2.2 STATEMENT OF POLICY:

The Town of Lake Park is committed to providing a uniform policy governing the hiring, retention, transfer, promotion and all other employment practices of the Town.

The Town is equally committed to ensuring that its employment and hiring practices are administered in a fair and impartial manner to ensure compliance with federal and state laws and the maintenance of a highly qualified, diverse workforce consistent with the mission, goals and objectives of the Town.

2.3 RECRUITMENT OF EMPLOYEES:

The Town of Lake Park seeks to recruit and employ a high quality work force by actively seeking and selecting the most qualified candidates for a position. Whenever possible, the Town attempts to fill vacancies by promotion or transfer within the organization.

When a vacancy occurs through transfer, promotion, resignation, termination of employment or creation of a new position, the Department Head shall immediately notify the Human Resources Director by completing a Personnel Requisition Form and submitting it to the Human Resources Director for approval by the Town Manager.

If the vacancy is to be filled, then a job announcement shall be prepared stating the official position title, salary range, application procedures and job qualifications.

When appropriate, the announcement shall be posted in all Town Departments for ten (10) workdays.

Outside job advertisements may also be posted in local newspapers of general circulation, radio stations, educational institutions and any other appropriate sources to reach a comprehensive and diverse cross section of the available job market.

NOTE:

Notwithstanding any of the provisions set forth herein, the Town Manager may appoint directly any qualified candidate for a position without advertising the position either internally or externally.

2.4 SELECTION PROCESS:

Individuals seeking employment with the Town shall complete an employment application within the stated timeframe set forth in the job announcement.

Failure to complete an application thoroughly and honestly shall disqualify a candidate from consideration and, if selected, will subject the employee to termination of employment with the Town.

All candidates selected for employment shall be subject to a criminal background check and required examinations (such as pre-employment physical examination and drug screening examinations), and an employment reference check.

The candidate's employment is contingent upon the successful completion of the criminal background check, employment reference check and the required examinations.

In addition, other such background checks may be required, depending on the vacant position to be filled (e.g. a financial/credit background check is required for positions that require the handling of the Town's finances or significant amounts of cash).

2.5 HIRING PROCESS:

The Human Resources Director is responsible for initiating the steps required and for completing the hiring process for each employee who is offered a position with the Town.

In certain instances, the Town Manager may direct that an interview committee, consisting of outside professionals conduct interviews for a managerial exempt Department Head position.

Successful completion of the required background checks, physical and drug screening examinations is a condition of employment prior to the start date of employment with the Town.

Upon hiring, new employees shall receive a Welcome Packet and a copy of the Handbook. All new employees shall sign a Certification of Receipt of the Handbook and Acknowledgement of Compliance with the policies, rules and regulations of the Town set forth therein.

The employee's signed Certification and Acknowledgement Form along with a sign off for other Town documents delineating Town policies, rules and regulations shall be maintained in the employee's Personnel File.

No individual shall be hired for either part-time or full-time employment with the Town who has an outstanding indebtedness to the Town at the time of application.

2.6 INITIAL APPOINTMENT:

Upon initial appointment, with the exception of managerial exempt Department Heads, Assistant Department Heads and other specifically designated positions who serve at the pleasure of the Town Manager, all regular full-time employees shall be required to serve an initial probationary period.

Employees covered by a collective bargaining agreement shall have the length of time of the probationary period set forth in the agreement (i.e. union contract).

All other regular full-time Town employees shall be required to serve a twelve (12) month probationary period.

2.7 PROBATIONARY PERIOD:

The initial appointment period of probation for Town employees is set forth in Section 2.6 of the Handbook.

For employees subject to initial appointment probation as set forth in Section 2.6, this probationary period may be extended if it is deemed necessary by the Town Manager.

During the probationary period, the employee shall be evaluated for suitability for the position. The employee's evaluation(s) shall be signed by the employee, the Department Head and the Town Manager.

As set forth in section 1.3, during the probationary period, the employee may be terminated from employment without cause and without a right to appeal the termination decision. Additionally, if an employee who is on probation fails to meet the standards set for the position, the employee may be terminated at any time and shall have no right to appeal the termination decision.

An employee who has been promoted to a new position or who has been demoted to a lower position shall serve a six (6) month probationary period, or if applicable as determined in the employee's collective bargaining agreement.

2.8 TRANSFER OF POSITION:

A transfer of position is the change of an employee from one position to a different position of equal rank and status.

A transfer may be initiated by the employee or by a recommendation to the Town Manager by the employee's Department Head.

Except in unusual circumstances and upon advance approval by the Town Manager, an employee who is currently on probation may not seek a transfer of positions.

The Town Manager is responsible for approving the transfer of an employee to a new position.

NOTE: Notwithstanding any provision to the contrary, an employee may be transferred to a different position upon recommendation by the employee's Department Head and approval by the Town Manager.

2.9 PROMOTION TO A NEW POSITION:

The Town of Lake Park seeks to employ the most qualified applicants for the position while ensuring that current Town employees are afforded a variety of employment and promotional opportunities.

Promotion from within the Town's workforce shall be considered by the Town Manager and preference may be given to applications from existing personnel who meet the qualifications for the position.

Promotion is an upward change in classification to a position with a higher pay grade and salary range.

Except in unusual circumstances, and upon approval by the Town Manager, no employee who is on probation is eligible to seek a promotion to a new position.

NOTE: Notwithstanding any provision to the contrary, an employee may be promoted upon recommendation by the employee's Department Head and approval by the Town Manager.

NOTE: Additionally, as set forth in Section 5.21 of the Handbook, employees who are considered for promotion shall be subject to a criminal background check.

2.10 DEMOTION TO A LOWER POSITION:

A demotion to a lower position is the movement downward of an employee to a position having a lower classification and salary range. An employee whose work performance is determined to be unsatisfactory may be demoted.

Demotions may also occur at the voluntary request of the employee or as a result of a reduction in force or a reorganization of the Town's workforce.

2.11 REDUCTION IN FORCE:

A reduction in force is a decision by the Town Manager that conditions and/or circumstances exist that make it necessary to reduce the Town's workforce.

Such conditions and/or circumstances that could occasion a recommendation by the Town Manager to the Town Commission for a reduction in force may include a lack of Town funds, a decrease in work, and a reorganization of the workforce or changes in administrative priorities.

Prior to a reduction in force, the Town Manager shall submit the proposal to the Town Commission for approval.

Whenever possible, the Town Manager shall attempt to accomplish the reduction in force through reassignments or the filling of vacant positions if available.

If a reduction in force affects a department whose employees are governed by a collective bargaining agreement, the reduction in force will adhere to the provisions in the agreement.

2.12 RESIGNATION FROM EMPLOYMENT:

Town employees resigning from employment with the Town are required to submit a written resignation to the employee's Department Head at least two (2) weeks prior to their date of separation from employment.

The Department Head shall immediately submit the original of such resignation to the Human Resources Director for placement in the employee's personnel file. A copy of the resignation letter shall be provided to the Town Manager by the Human Resources Director.

Failure to provide proper written notice of resignation will subject the employee to a determination in the employee's personnel file that the employee resigned without proper notice to the Town.

An exit interview shall be scheduled by the Human Resources Director with the employee for the purpose of returning all Town property (e.g. identification card, uniforms, keys, laptop computers, etc.). The exit interview process is further described at Section 7.18 Employee Exit Interviews.

Failure to return all Town property shall result in the Town withholding the employee's final paycheck until all such property has been returned to the Human Resources Director.

SECTION 3 COMPENSATION SYSTEM

3.1 SCOPE AND PURPOSE:

This section sets forth the rules and regulations for the establishment, maintenance and administration of the compensation system applicable to the employees of the Town. All compensation changes shall be processed through the Town's Finance Department under the authority of the Town Manager to ensure compliance with the provisions of this section.

3.2 STATEMENT OF POLICY:

The Town of Lake Park is committed to providing a uniform policy governing compensation on the basis of tasks performed and in accordance with the knowledge, skills and abilities required by the position.

The Town is equally committed to providing a compensation pay plan to Town employees, which measures, recognizes and rewards employees based upon merit.

3.3 CALCULATION OF PAY RATE:

Town employees shall be compensated in accordance with the pay scales established for the positions to which the employees are assigned as governed by the regulations in the Handbook and the Town's compensation plan, and in accordance with an applicable collective bargaining agreement, if any.

The salary schedules set forth in the Pay Plan at **Appendix A** of this Handbook consist of all pay scales for employees of the Town and contain pay scales with minimum and maximum salary ranges for each pay scale, reflective of the competitive pay levels for comparable positions in similar public employment organizations and geographic areas.

3.4 PAY PERIODS:

The official established work week consists of a forty (40) hour, seven (7) day period.

The pay period for the Town consists of an eighty (80) hour period which includes two (2) forty (40) hour work weeks.

Paychecks are issued bi-weekly.

3.5 WORK HOURS:

The Town Manager, in consultation with Department Heads, establishes the hours of work within the work week for each department.

Employees' work hours may vary to ensure efficient delivery of Town services. Each Department Head will notify its employees of the expected hours of work and the department's work schedule.

3.6 ANNIVERSARY DATE:

An employee's anniversary date is calculated as the employee's date of hire with the Town.

3.7 INITIAL APPOINTMENT COMPENSATION:

All positions are filled at the minimum of the listed salary range of the pay scale of the classification involved unless documented and verifiable justification is provided and approved by the Town Manager prior to making the job offer.

3.8 COMPENSATION INCREASES UPON PROMOTION:

Upon promotion (i.e. an upward change of pay scale or reclassification), the employee at the discretion of the Town Manager shall receive up to a five (5) percent salary increase or the minimum of the pay scale of the promoted position, whichever is greater, unless documented justification for a greater increase is provided and is approved by the Town Manager prior to making the offer of promotion.

3.9 COMPENSATION DECREASES UPON DEMOTION:

Upon demotion (i.e. a downward change in job assignment due to an employee's unsatisfactory performance or at the voluntary request of the employee with the approval of the Town Manager), the employee's salary may be reduced by up to five (5) percent if the employee would still be in the pay scale of the demoted position or to the top of the pay scale to which the employee is being demoted, whichever is greater.

3.10 COMPENSATION UPON REASSIGNMENT OR TRANSFER:

An employee reassigned or transferred to another position in the same job classification or pay scale shall retain the same salary as before the change of position. An employee reassigned or transferred to another position in a lower job classification shall return to the same salary as before the change of position.

3.11 COMPENSATION FOR ACTING STATUS:

Upon advance approval by the Town Manager, if a position becomes vacant, and the duties of that position are temporarily assigned to a Town employee for a period of more than one (1) work week, that employee shall receive up to a five (5) percent differential, retroactively, until the date the position is filled.

NOTE: A union employee who is working out of classification shall be compensated as set forth in the collective bargaining agreement.

3.12 MERIT PAY:

A full-time employee's annual rate of salary increase shall be earned on the basis of merit, within the Town prescribed allowable range of zero (0) to five (5) percent annually, unless specifically prescribed otherwise in an applicable collective bargaining agreement or restricted by budgetary constraints.

3.13 COMPENSATION FOR PART-TIME/HOURLY EMPLOYEES:

Employees filling a position on a part-time basis shall be compensated at the minimum hourly rate of the pay scale assigned to the position being filled, unless otherwise agreed to and approved by the Town Manager.

3.14 EFFECTIVE DATE OF SALARY CHANGES:

The effective date of all salary changes requiring Town Commission approval shall be the date of Town Commission action, unless a different effective date is specified and approved by the Town Commission.

3.15 OVER-TIME PAY RATE:

Overtime pay shall be paid to non-exempt employees and employees covered by a collective bargaining agreement in accordance with the applicable agreement, if any, and as provided by Town policy.

Overtime shall be authorized and approved in advance by the applicable Department Head and approved by the Town Manager only in instances necessary to ensure the efficient operation of Town business.

Overtime shall be paid only to employees who during the applicable pay period remain in an active pay status (i.e., no leave without pay) and have worked in excess of a forty (40) hour work week.

Time worked for the purposes of calculating overtime shall include holidays and all approved vacation, sick and personal leave, bereavement, funeral leave and jury duty. The rate of pay for overtime worked is time and a half pay or as stated in the applicable collective bargaining agreement, if any. Upon approval by the appropriate Department Head and the Town Manager, employees may elect to accumulate compensatory time, at the rate of one-and-one-half hour for each hour of overtime worked as provided in Section 3.16.

NOTE: Managerial Exempt Department Heads, Assistant Department Heads and other specifically designated positions who serve at the pleasure of the Town Manager are not entitled to overtime pay.

3.16 COMPENSATORY PAY:

Compensatory pay is earned when non-exempt employees request time-off in lieu of overtime pay. Compensatory time may not be earned unless it is pre-approved and authorized by the appropriate Department Head.

Compensatory pay shall be calculated in the same manner as over-time pay and shall be paid at the same rate (i.e. time and a half) or as stated in the applicable collective bargaining agreement, if any.

Compensatory time earned and used shall be reported on the weekly timesheets and shall be tracked by the Finance Department.

In no event may an employee be permitted to accrue more than twenty four (24) hours of compensatory time and such compensatory time must be used prior to using vacation leave.

The Town specifically reserves the right to cash out compensatory time as it deems necessary.

3.17 LONGEVITY PAY:

Town employees shall receive salary recognition for length of service with the Town in accordance with the Pay Plan on cardinal years as follows:

\$500.00 shall be awarded to the employee at the completion of five (5) years of full-time service with the Town.

At the end of ten (10) years of full-time service with the Town, the employee shall receive \$1,000.00 in longevity pay.

Employees who reach fifteen (15) years of full-time service with the Town shall receive \$1,500.00 in longevity pay.

Upon reaching twenty (20) years of full-time service with the Town, the employee shall receive \$2,000.00 in longevity pay.

Employees who reach twenty five (25) years of full-time service with the Town shall receive \$2,500.00 in longevity pay.

NOTE: For purposes of longevity pay, length of service shall mean continuous service with the Town.

3.18 EMERGENCY COMPENSATION:

The Town has authorized the Town Manager to declare, partially activate or de-activate a state of emergency for Town employees due to the existence of an emergency and to establish a policy for the cancellation of annual leave and an emergency pay plan for use during an emergency declaration.

Immediately upon the declaration of an emergency, all vacation leave shall be cancelled and shall thereafter be granted only after advance written permission has been approved by the Town Manager upon the recommendation of the Department Head.

Vacation leave for Department Heads and those employees deemed to perform essential Town functions shall be granted only under extenuating circumstances.

During a declared emergency and during regular working hours, exempt and non-exempt full-time employees who are not required to work by the Town Manager may be sent home and paid their regular rate of pay based upon their scheduled hours.

Non-exempt employees who are designated to work during the emergency will be paid at two (2) times their regular rate of pay during the emergency period. All hours paid during the period of declared emergency may be paid on a separate payroll. Exempt employees required to work shall be paid their regular salary and may be additionally compensated as determined by the Town Manager.

3.19 ADMINISTRATIVE LEAVE:

Managerial exempt employees from time to time may be provided with administrative leave in the form of time off whenever the Town Manager determines that the employee has worked far in excess of their normal work hours and in furtherance of Town business for the efficient and orderly operation of Town services.

Such leave shall be awarded only to managerial exempt employees who have demonstrated a commitment to perform in an exemplary fashion for the benefit of the Town on a consistent basis and shall not be construed as an entitlement to overtime or a condition of employment.

SECTION 4 PERFORMANCE EVALUATION SYSTEM

4.1 SCOPE AND PURPOSE:

This section sets forth the rules, regulations and procedures for the establishment, maintenance and administration of the Town's Performance Evaluation System applicable for employees of the Town of Lake Park.

4.2 STATEMENT OF POLICY:

The Town's Performance Evaluation System was developed under Town direction as an aid to improving the performance of employees of the Town and as a basis for the Town's Merit Pay Plan as set forth in Section 4.7 of the Handbook.

The Performance Evaluation System is comprised of major components which highlight overall job functions as related to job duties and responsibilities, worksite target, goals and objectives and job performance.

The Town created through its Performance Evaluation System job performance standards that serve as the basic core model of the evaluation instrument and system.

All employee evaluations shall be recorded on the Town's Performance Evaluation Form which is set forth in **Appendix C** of the Handbook and is an official document of the Town.

Completed evaluations shall be maintained in the employee's personnel file in accordance with Florida law.

4.3 ADMINISTRATION OF THE PLAN:

Maintenance of the Town's Performance Evaluation System and the Merit Pay Plan as set forth in Section 4.7 of this Handbook is the responsibility of the Town Manager.

Components of the Plan may be revised by approval of the Town Manager and the pay structure may be revised by Town Commission approval.

4.4 STANDARDS OF PERFORMANCE:

The standards of performance as set forth in the employee evaluation instruments serve as a major component in evaluating employee performance.

These performance standards and evaluation instruments shall be reviewed and revised as appropriate by the Human Resources Director and the Town Manager in order to accurately reflect the overall mission of the Town while achieving the goals and objectives of the departments within the overall organization.

4.5 PURPOSE OF EVALUATIONS:

The evaluations are used to measure employee performance and to determine pay increase amounts.

Department Heads and supervisors have the responsibility of evaluating employees in a timely manner, by the end of the employee's evaluation period and correcting observed performance deficiencies.

Employees shall be expected to sign their evaluations and may submit written comments on their evaluations for inclusion in their personnel file. Current year evaluations are confidential and are exempt from disclosure as public records for one year. Thereafter, they are open for inspection in accordance with Chapter 119, Florida Statutes.

4.6 ANNUAL PERFORMANCE PLANNING:

Annual performance planning is done in cooperation with the Town's Department Heads and within the context of the mission of the Town.

The purpose of performance planning is to clarify the organizational relationship of the employee to the Town's mission and to ensure the employee's understanding of the importance of the employee's relationship to the overall accomplishment of the quality of service for the residents of the Town.

Performance planning focuses upon and factors in major job targets which reflect worksite needs and objectives, organizational and departmental concerns, recommendations from previous years and an understanding of employee standards.

4.7 EMPLOYEE PERFORMANCE EVALUATIONS AND MERIT PAY PLAN:

Formal employee performance evaluations shall be conducted at established intervals during an employee's tenure of employment with the Town.

The purpose of the evaluation shall be to formally assess the employee's performance over a designated period of time and to provide an opportunity for the immediate supervisor and the employee to discuss aspects of the employee's job duties and responsibilities within the context of furthering the Town's mission.

Salary adjustments are based upon the employee's evaluation as set forth in the Handbook.

No merit increase will be awarded to any employee who does not meet the minimum standard score of "meets expectations" (i.e., 2.0) on the employee's performance evaluation.

In the event that any area of the employee's evaluation is below expectations or needs improvement, the Department Head upon approval by the Town Manager shall defer the merit increase until such time as the area is determined to be improved. Such merit increase shall not be retroactive.

Except as otherwise provided in an applicable collective bargaining agreement, an employee's annual salary increase shall be awarded based upon the following scale:

TOTAL RATING FACTOR	PERCENT MERIT INCREASE
0 to 1.9	0 percent
2.0 to 2.5	2 percent
2.6 to 3.0	3 percent
3.1 to 3.5	4 percent
3.6 to 4.0	5 percent

Rating Factor Definitions:

Rating 4 EXCELLENT – Job performance that consistently achieves and exceeds the expectations of the job.

Rating 3 ABOVE EXPECTATIONS – Job performance that routinely is above the expectations of the job.

Rating 2 MEETS EXPECTATIONS – Job performance that routinely meets the expectations of the job.

Rating 1 NEEDS IMPROVEMENT – Job performance that needs improvement in meeting the expectations of the job.

Rating 0 BELOW EXPECTATIONS – Job performance that routinely falls below the minimum expectations and requirements of the job.

4.8 REASONS FOR EVALUATIONS:

Employee performance evaluations shall be done upon the completion of an employee's probationary period for new hires, promotions and demotions; upon the completion of each year's service as an annual evaluation; and when deemed appropriate for other reasons. Part-time employees shall be evaluated prior to their anniversary date and thereafter on an annual basis. Intermittent employees and temporary employees shall generally not be evaluated due to the finite nature of their employment with the Town.

Other reasons for an employee's performance to be evaluated include a decline in the employee's performance, a significant change in job duties, a change in supervision or any other reason upon appropriate documentation setting forth the need for an evaluation.

4.9 ANNUAL PERFORMANCE EVALUATION:

Each year prior to the employee's anniversary date, the employee shall be annually evaluated in accordance with the provisions of the Handbook and/or as set forth in an applicable collective bargaining agreement, if any.

An official Town evaluation form shall be completed for each Town employee by the employee's appropriate supervisor and shall be retained in the employee's personnel file in accordance with law and Town policy.

The annual evaluation shall be reviewed by the next level manager and presented to the Town Manager for review. The evaluation shall then be presented to the employee for discussion and signature.

If the employee's performance needs improvement, or is below expectations, the immediate supervisor shall provide counseling and documentation with the goal in mind of improving the employee's job performance.

Salary increases shall be requested, as appropriate, by the immediate supervisor and shall be based on performance reviews and available funds.

The Town reserves the right to not provide a merit pay increase to Town employees in the absence of sufficient Town finances as set forth in Section 4.7 of the Handbook.

**SECTION 5
EMPLOYMENT STANDARDS AND PROCEDURES**

5.1 SCOPE AND PURPOSE:

This section sets forth the rules, regulations and procedures for the establishment and maintenance of the Town's Employment Standards and Procedures applicable to all Town personnel.

5.2 STATEMENT OF POLICY:

All employees of the Town are representatives of the Town of Lake Park. As such, the Town's employees are expected to conduct themselves, both in their employment and in the community, in a manner that will reflect credit upon themselves and the Town.

Compliance with the Employment Standards and Procedures provisions set forth in this section of the Handbook is a term and condition of employment with the Town.

5.3 DRESS CODE:

Proper grooming and attire have a positive impact on the Town's image.

Employees of the Town shall maintain appropriate grooming and attire standards, which bear a reasonable relationship to the employees' work and job position.

Clothing worn by Town personnel shall be neat, clean and shall not detract from the Town's image or be a distraction to other Town employees.

Administrative office employees shall be dressed in an appropriate and professional manner consistent with these standards and as set forth by Town management.

Uniformed staff shall dress in a manner consistent with the standards set forth by Town management and/or as delineated in an applicable collective bargaining agreement, if any.

5.4 IDENTIFICATION CARD POLICY:

Town employees are required to wear or be in possession while on duty of the Town-issued photo identification card which is issued to them upon their initial hiring. Employees are personally and directly responsible for such identification cards. Any employee who loses an identification card must immediately report such loss to the Human Resources Director, and such employee shall be charged an appropriate replacement cost.

5.5 TIME CARD POLICY:

For Town departments that utilize time clocks, employees are required to punch in at the time they are actually scheduled to start work at the beginning of the workday, and to punch out at their actual quitting time at the end of the workday. Additionally, employees are required to punch in and out at the beginning and end of their scheduled meal breaks and rest periods.

Employees are not permitted to punch another employee's time card.

Employee are specifically required and expected to be prompt in their arrival to work and in returning from authorized breaks and meal periods, and to work all scheduled work hours. Failure to meet this requirement shall be grounds for disciplinary action as set forth in Section 7 Employee Rights and Disciplinary Procedures or if applicable as set forth in the employee's collective bargaining agreement. However, for purposes of calculating time, the following criteria shall be used:

All time shall be rounded to the nearest quarter hour.

For each quarter hour, if an employee is eight minutes or more late they will be docked for the entire quarter hour. Additionally, when an employee is authorized to work overtime, for each quarter hour, eight minutes or more shall entitle that employee to the entire quarter hour of pay.

5.6 LUNCH BREAKS:

All employees of the Town shall have a duty free lunch period provided in the employee's daily work schedule.

The employee's Department Head or immediate supervisor shall set the schedule for employee lunch breaks in a manner that ensures that Town services and functions will be covered without interruption during the workday.

Except as expressly approved otherwise by the appropriate Department Head, no individual lunch periods may exceed one (1) hour.

5.7 PERSONAL PHONE CALLS:

Employees are expected to devote their full attention to the employee's work assignments and duties throughout the workday devoid of personal interruptions and/or telephone calls.

Personal telephone calls, including responses to cell phones, pagers or any other communication device, shall be made during the employee's designated break time in a manner that does not interrupt Town business or distract other Town personnel.

In the event of a family or personal emergency, Town employees are expected to inform their immediate supervisor of the need to interrupt their workday to attend to the employee's personal business and to obtain the appropriate authorization from the supervisor to do so.

5.8 COMPUTER INFORMATION SYSTEMS AND TOWN CELL PHONE USAGE:

Computer Information Systems:

The Town ensures that employees of the Town have access to computer information systems necessary for the proper performance of their job duties and assignments.

The use of the Town's computer information systems, including employee's access to the Internet, is strictly intended for Town business and work-related purposes and shall not be used for an employee's personal use or business purpose.

Access to the Town's computer information systems is limited to authorized users, who, as a condition of employment, agree to be bound by Town policy for the appropriate use of the Town's computer information systems.

The Town's computer information systems may be used solely for lawful, proper and authorized purposes. Any improper, unauthorized or unlawful use shall be reported to the appropriate authorities and will be investigated accordingly.

Town employees have no right of personal privacy in any matter stored in, created, received or sent over the Town's computer information systems.

The Town expressly reserves the right to monitor, without notice, or reason, all information in whatever form on the Town's computer information systems. This specifically includes, without limitation, an employee's email, messages and/or other documents, regardless of system location or content.

Employees shall utilize and maintain software on Town computers that is properly licensed by the software manufacturer and approved by the Chief Information Technology Officer.

Personal software such as utilities or screen savers is discouraged and must be approved for individual employee use by the Chief Information Technology Officer. Likewise, software relating to Town business shall be downloaded or installed only after it has been approved by the Chief Information Technology Officer.

Data in the Town's computer information systems are subject to Public Record Laws and shall be retained in accordance with the appropriate retention schedule and as provided by law.

Town employees are expected to comply with the computer information systems' provisions set forth in the Handbook and are expected to report promptly any violations of these provisions.

Failure to abide by the Town's computer information systems' policy and procedures shall be grounds for disciplinary action, up to and including termination of employment with the Town.

Town Cell Phone Usage:

Employees of the Town who are provided cell phones or stipends to use their personal phones for Town business shall adhere to all rules and regulations issued by the Town as set forth in the Town of Lake Park Cellular Phones and Mobile Communication Devices Policy which is set forth at **Appendix D** of this Handbook, and shall recognize and understand that Town cell phone usage is not intended for an employee's personal use during working hours or use not related to Town business.

Frequent and/or lengthy personal phone calls from Town phones are expressly prohibited.

When driving a Town vehicle, the use of cellular phones shall be used with a hands-free device to ensure the promotion of safety practices and accident prevention.

5.9 USE OF TOWN VEHICLES:

Town vehicles shall be used only in the furtherance of official Town business, except as expressly set forth in the Handbook and/or the Town's Motor Vehicle Policy which is set forth at **Appendix E**.

Town employees assigned or authorized to operate or use a Town vehicle shall abide by the Town's Motor Vehicle Policy.

Town vehicles may be used for transportation to and from an employee's residence when the vehicle is assigned to an employee on a full-time basis or when the employee is officially "on-call" emergency duty, or when, on a temporary basis, the employee in writing is assigned the vehicle directly by the Department Head or the Town Manager.

Only an employee assigned a Town vehicle or designated to operate a Town vehicle may do so. Such employee must be eighteen (18) years of age or older and must currently possess a valid Florida Driver's License for the type of vehicle assigned.

All Town employees whose job requires them to operate a Town vehicle is under an affirmative duty to immediately report to their supervisor any restriction on their driver's license (i.e., suspension, revocation, expiration, etc.) Under no circumstances shall a Town employee, whose license has been suspended, cancelled, revoked or expired, operate a Town vehicle.

An employee may not continue to work for the Town if driving is considered a minimum requirement of the employee's job and said employee cannot or does not hold a current, valid Florida Driver's License with appropriate class designation for the type of vehicle required for the job.

Employees are required to inform the Department Head/supervisor immediately of any property damage incidents or moving violations involving Town vehicles to which they are assigned, regardless of whether a citation is issued.

All accidents, no matter how minor or inconsequential, shall be reported immediately to the employee's immediate supervisor or Department Head, appropriate law enforcement entity and to the Human Resources Director for insurance and risk management purposes.

5.10 CONFLICT OF INTEREST:

Town employees are governed by the statutory provisions contained in the "Code of Ethics for Public Officers and Employees", Chapter 112, Florida Statutes (Code of Ethics). As such, Town employees are required to comply with the provisions of the Code of Ethics.

Such adherence to the Code of Ethics diminishes the appearance of impropriety and the perception of undue influence upon the business functions of the Town.

No Town employee shall corruptly use or attempt to use his or her official position or perform his or her official duties to secure a special privilege, benefit or exemption for himself, herself, or others.

Whenever a business dealing or other transaction may be considered a conflict of interest between the employee and the Town, the employee shall notify in writing the Town Manager through the appropriate Department Head of the potential conflict of interest in advance of undertaking the business deal or transaction.

5.11 ACCEPTING GIFTS AND GRATUITIES:

Town employees are prohibited from soliciting or accepting anything of value, such as a gift, loan, reward, promise of future employment, favor, or service that is based upon an understanding that their official action or judgment would be influenced by such gift.

The taking of tips for the performance of services is expressly prohibited.

Employees are expressly prohibited from utilizing their position or employment with the Town to obtain any item for personal use or gain (such as discounts toward the purchase of items or services for personal use).

Soliciting gifts, entertainment, services or anything else of value is grounds for termination of employment with the Town.

Employees shall exercise good judgment in their dealing with vendors and firms doing business with or interested in doing business with the Town.

Any acceptance of a gift, favor, or item of value from any person, firm or entity which has business dealings or interests with the Town shall be reported to the Town Manager immediately in writing through the appropriate Department Head.

5.12 OUTSIDE/DUAL EMPLOYMENT:

The work of the Town shall take precedence over any other occupation or interests of a Town's employee.

All outside employment for salary, wages or commissions and all self-employment shall be reported in writing to the Town Manager through the appropriate Department Head for the Town Manager's approval in advance of outside/dual employment by utilizing the Dual Enrollment Authorization Form.

Each change in outside/dual employment shall require separate reporting and approval in advance of undertaking the employment.

Approval shall not be granted when the dual employment conflicts or interferes, or is likely to conflict or interfere, with the employee's or any other employee's service to the Town; when the dual employment lowers the efficiency of the employee; and/or when dual employment is incompatible with or creates a conflict of interest in an employee's official duties with the Town.

In each and every instance of an approval of an employee's dual employment, said dual employment shall be completely separated from Town duties and shall not utilize Town property or resources.

5.13 EMPLOYMENT OF RELATIVES/ANTI-NEPOTISM:

No public official, Town Manager, Department Head or supervisor of the Town may hire, appoint, promote or otherwise advance the employment status of a relative nor may they advocate such action for said relative.

For purposes of this section, relative shall be defined to include spouse, daughter, son, mother, father, sister, brother, grandmother, grandfather, mother-in-law, father-in-law, sister-in-law, brother-in-law, uncle, aunt, first cousin, nephew, niece, step-father, step-mother, step-son, step-daughter, step-brother, step-sister, half brother or half sister, or any other relative living in the same household.

Town employees who are members of the same immediate family may be employed in the same department or in the Town provided that one immediate family member (i.e., relative) may not supervise or authorize payroll for another relative at any time.

5.14 STATEMENT OF FINANCIAL INTERESTS:

Florida law requires that all appointed officials or public employees (i.e., local officers/employees) who serve as Town Manager, Assistant Town Manager, Community Development Director, Building Code Inspector, Public Works Director, Town Clerk, and Finance Director, as well as Mayor and Town Commissioners file a statement of Financial Interests by July 1st following each calendar year in which they hold their positions.

5.15 POLITICAL ACTIVITY:

The Town recognizes and encourages the rights of its employees, as citizens, to engage in political activity, with the following restrictions:

No employee shall, in the furtherance of any candidacy for nomination or election to public office in any election, provide campaign services to the candidate during the employee's working hours.

No employee shall use his/her official authority or influence for the purpose of coercing or influencing another person's vote.

Activity prohibited under this section includes, but is not limited to, the following:

- using Town email servers and individual email accounts for political purposes;
- campaigning during official work hours or otherwise attempting to influence votes when the Town is being used as a voting precinct on an election day; and/or
- directly or indirectly or expressly using staff to communicate political messages to members of the community.

No employee shall directly or indirectly coerce or attempt to coerce, command or advise any other employee to contribute any money or anything else of value to any party, committee, organization, agency or person for political purposes. However, nothing in this paragraph shall prohibit an employee from suggesting to another employee in a non-coercive manner that he or she may voluntarily contribute to a fund which is administered by a party, committee, organization, agency, person, labor union or other employee organization for political purposes.

No employee shall make or solicit or knowingly accept any campaign contribution in a building owned by the Town. This subsection shall not apply when a Town-owned building or any portion thereof is rented for the specific purpose of holding a campaign fund-raiser and the employee is in attendance at such campaign fund raiser outside of working hours.

No employee, in the furtherance of his/her candidacy for nomination or election to public office in any election shall use any Town-owned motor vehicle solely for the purpose of furthering his/her candidacy.

Use of Town email servers and individual Town-provided email accounts for the purpose of distributing political communications of any nature constitutes an inappropriate and unacceptable use.

No employee shall use any Town property for political purposes, including influencing an election.

Nothing in this section shall be construed to limit an employee's right to engage in political activity as set forth in §104.31, Florida Statutes.

5.16 NON-SOLICITATION:

The Town is legally charged by law and mission to promote the efficiency of Town services to its residents and members of the public. As such, the Town must adhere to certain guidelines in the furtherance of its mission.

Solicitation or distribution of literature in areas of Town property, which is not open to the public, is strictly prohibited.

Further, solicitation or distribution of literature by the public is prohibited where such activities disrupt, interfere, or otherwise substantially impair Town operations.

This includes all vendors and sales people who are attempting to sell goods or services to Town employees during work hours.

Unauthorized solicitation or distribution of non-work related literature by Town employees on Town property is prohibited.

5.17 TRAVEL AND SUBSISTENCE ALLOWANCE:

The Town pays for or reimburses the costs of certain meeting and travel expenses for Town employees who incur such qualified expenses in the course of their employment with or service to the Town.

In order to be reimbursable, these expenses must be incurred in the furtherance of official Town business or attendance at professional meetings, conferences, seminars or training sessions which promote job knowledge.

No payment or reimbursement shall be made unless prior authorization is obtained in advance of the expenditure. Authorization shall be made by the Town Manager through the employee's Department Head.

Such reimbursements are subject to Town budget limitations and must be in compliance with applicable laws and Town rules, regulations and policies and as set forth in the Town's Travel Policy which is set forth at **Appendix F**.

5.18 INTERVIEW EXPENSES:

In certain limited circumstances, the Town may provide reimbursement for interview expenses to applicants being considered for managerial exempt positions (i.e. Department Heads and above).

In order to receive travel expense reimbursement, prior written authorization by the Town Manager is necessary.

In no event shall reimbursement exceed twenty-five hundred dollars (\$2,500.00) and shall be payable only upon proof of expenditures occasioned by the interview.

The rate of payable reimbursement shall be the same as the established rate for Town employee travel reimbursement and as provided by law.

5.19 MOVING EXPENSE:

In certain limited circumstances, the Town may provide reimbursement for moving expenses to newly hired managerial exempt employees.

In order to receive moving expense reimbursement, the employee shall submit three (3) quotes from moving vendors in order to obtain approval and written authorization by the Town Manager.

In no event shall reimbursement exceed five thousand dollars (\$5,000.00) and shall be payable through payroll only upon proof of actual expenditures occasioned by the move.

5.20 EMPLOYEE DUTY TO NOTIFY EMPLOYER:

The Town anticipates and requires its employees to keep accurate information relevant to an employee's job status updated with the Town.

Employees are required to immediately notify the Town of all changes which may impact their job status including but not limited to notifying the Human Resources Director of all arrests, license suspension or revocation (if required for the employee's job), current contact information (i.e. current address and phone contact information) and any other such information.

5.21 TOWN'S RIGHT TO PERFORM PERIODIC CRIMINAL BACKGROUND CHECKS:

The Town is committed to ensuring that its workforce adheres to all required laws. As such, the Town may in its discretion periodically update an employee's criminal history background. Employees who are considered for promotion shall be subject to a criminal background check.

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SECTION 6 EMPLOYEE BENEFITS

6.1 SCOPE AND PURPOSE:

This section sets forth the rules, regulations and procedures for the establishment and maintenance of the Town's Employee Benefits applicable to all personnel in the Town of Lake Park.

6.2 STATEMENT OF POLICY:

The Town of Lake Park is committed to providing the best possible employee benefits package to Town employees permitted by and feasible with the budget and the changing economic times.

All eligible employees of the Town shall receive employee benefits consistent with the Town's policy, the current contracts with the Town's benefits providers, and in accordance with applicable state and federal laws and applicable collective bargaining agreements, if any.

Town benefit plans shall be renegotiated from time to time and may undergo changes and modifications at those times based upon full consideration of marketplace and budgetary factors.

6.3 SOCIAL SECURITY BENEFITS:

The Town participates in the Social Security program, deducting that portion of the employee's salary as required by law for purposes of ensuring the applicability of employee participation and coverage.

6.4 HEALTH INSURANCE BENEFITS:

The Town provides health insurance coverage for all of its full-time employees consistent with Town policy.

Specific health insurance carriers may change from time to time in order to ensure that the Town be able to obtain competitive and reasonable rates for its employees.

The Town shall pay to the extent financially feasible for the full cost of each full-time employee's health insurance and may pay a set amount to be utilized for the employee's dependent care coverage.

Employees desiring dependent care coverage shall be responsible for paying their portion of dependent health care coverage not provided by the Town.

Employees who are separated from employment with the Town through termination or resignation are eligible to apply for COBRA coverage as provided by law and may be eligible for additional insurance assistance as provided in the American Recovery and Reinvestment Act of 2009 (ARRA). The Human Resources Director is charged with notification of COBRA and ARRA coverage to eligible employees.

6.5 DENTAL AND VISION INSURANCE:

The Town shall pay to the extent financially feasible dental and vision care coverage for all of its full-time employees consistent with Town policy.

In the event that the Town elects not to pay a portion of dental and/or vision care insurance for its employees, those employees may obtain dental and vision care coverage at the employee's expense through the Town's plan.

Employees desiring dental and/or vision care coverage for their dependents may elect to obtain coverage at the employee's expense through the Town's plan.

6.6 LIFE INSURANCE:

All full-time employees are provided with a designated amount of life insurance consistent with Town policy.

Employees desiring increased life insurance coverage may obtain coverage at the employee's expense.

6.7 PENSION AND DEFERRED COMPENSATION PLANS:

The Town shall obtain and make available to its full-time employees who work at least one thousand (1,000) hours per fiscal year a pension plan and a deferred compensation plan in which its employees may participate.

Details of the Town's Pension and Deferred Compensation Plans shall be made available in the Human Resources Department.

6.8 DISABILITY INSURANCE:

The Town to the extent financially feasible, provides short and long term disability insurance coverage for its full-time employees consistent with Town policy.

Details of the Town's disability insurance coverage shall be made available in the Human Resources Department.

6.9 VACATION, SICK AND PERSONAL LEAVE:

All full-time employees earn vacation, sick and personal leave in accordance with Town policy or an applicable collective bargaining agreement, if any.

Leave is earned from the commencement of full-time employment status.

Vacation Leave:

All full-time employees shall earn vacation leave on an annual basis based upon their years of employment with the Town as follows:

0 to 5 years of employment	5 hours per pay period (16 days annually)
6 to 10 years of employment	6 hours per pay period (19.5 days annually)
10+ years of employment	8 hours per pay period (26 days annually)

Employees are encouraged to use at least five (5) vacation leave days per calendar year for purpose of vacation.

Employees can accrue up to 480 hours of vacation leave for a total of 60 days at a payment of 100 percent on a use it or lose it basis. Upon separation of employment no employee shall be paid more than a maximum of 240 hours (30) days of vacation leave. Vacation leave shall be compensated upon termination of employment at the rate of pay in effect on the date of such termination of employment.

An employee seeking to use his or her vacation leave for purposes of vacation and/or attending to personal matters shall submit a Leave Request Form to the office of the Department Head at least forty-eight (48) hours in advance of the first day of requested leave, except in emergency situations. Requests for vacation leave of more than two (2) consecutive workdays must be submitted to the office of the Department Head at least two (2) weeks in advance of the first day of requested leave. All requests for use of vacation leave are subject to the approval of the Department Head, which approval shall not be unreasonably withheld. The Department Head, in his sole discretion, may approve use of vacation leave with shorter notice than specified in this section.

An employee may take all of his or her accrued vacation leave for purposes of vacation and/or personal matters up to a maximum of four (4) weeks at any one time, at the discretion of the Department Head.

Employees new to the Town who are still on probation shall accrue vacation leave, but shall not be eligible to use vacation leave during the first three (3) months of employment with the Town unless justified by the employee and approved by the employee's supervisor and Department Head.

Sick Leave:

All full-time employees shall accrue sick leave at the rate of 1.56 hours per pay period, or five (5) days per year, and shall be eligible to accrue up to a maximum of 320 hours (40 days).

Sick leave may be used as a result of sickness or illness of the employee or of a member of the employee's immediate family as defined at subparagraph 4 below. Sick leave may also be used for the employee to attend to health-related appointments for which arrangements could not be made outside of the employee's regular hours of duty for the employee or the employee's immediate family member.

Sick leave shall continue to accrue during periods of authorized absence during which the employee is in an active pay status.

Upon voluntary separation of employment with the Town, employees shall be paid terminal pay of such sick leave in accordance with the Town's Terminal Pay policy set forth in Section 8 Town Policies of this Handbook.

NOTE: Upon adoption of this Handbook, all current employees shall have a one time option to convert up to 120 hours (15 workdays) of their annual leave bank to sick leave.

To be granted sick leave with pay, the following procedures must be strictly adhered to:

1. The employee shall notify the Department Head or supervisor not later than one hour prior to the beginning of the employee's normal work shift. Failure to appropriately and timely notify the Department of the employee's absence shall result in an unauthorized leave without pay for that day.
2. If an employee becomes ill while at work and must leave, the employee must report his illness to his supervisor or Department Head in order to record the date and time of his departure.
3. Sick leave shall not be authorized prior to the time it is earned and credited to the employee.

4. Sick leave may be granted to an employee because of sickness or illness of a member of the immediate family. Members of the immediate family, for purposes of granting sick leave, shall be construed to mean one of the following: spouse, domestic partner, children or parents. The relationship given shall include those arising from marriage, or adoption or legal guardianship.
5. Employees who have submitted their resignation are no longer eligible for sick leave without the express written permission of their Department Head and the Town Manager.
6. Sick leave shall not be used for vacation leave.

After three (3) consecutive workdays of absence, or at the discretion of the Department Head, the employee may be required to submit a physician's certification of illness. Claiming sick leave when physically fit shall be cause for disciplinary action, up to and including termination of employment.

Use of sick leave requires that the employee call in on a daily basis in accordance with Town leave procedures.

Personal Leave:

Employees may use three (3) days of sick leave per fiscal year designated as personal leave.

Personal leave, while deducted from an employee's annual sick leave accrual, may be used for any reason.

Employees seeking to use personal leave must provide notification in accordance with departmental procedures prior to the beginning of the employee's workday.

6.10 MAJOR ILLNESS LEAVE:

Paid major illness leave is available for employees who need to be off work for an extended period due to their own major illness or injury. A major illness is defined generally as an illness or injury requiring hospital treatment and enforced recuperation under a doctor's orders in excess of ten (10) workdays.

Recurring, common illnesses or maladies such as colds, a sore back, etc., which exhaust regular sick leave, **do not qualify an employee for major illness benefits.**

Major illness leave shall be accumulated at 1.5 hours per pay period to a maximum of 80 hours (ten (10) workdays). All unused hours that are accumulated are not eligible for payment to the employee upon separation of employment from the Town.

Employees requesting the use of major illness leave must submit a Physician Certificate documenting the illness. Upon return from major illness, a doctor's statement of "fitness for duty" shall be required in order to return to work.

All available paid sick leave (including major illness leave), then all available paid vacation time, must be used concurrently from the first day of any Family Medical Leave.

Employees must use sick leave for the first ten (10) workdays of the documented major illness. Should the employee not have sufficient sick leave to cover the first ten (10) workdays of the documented illness, the employee shall be paid the amount of sick leave that is available and will not receive any payment until after the tenth (10th) working day of the documented illness at which time the employee shall be paid using major illness leave that is available at the prevailing rate.

Employees that become eligible for short or long term disability during the documented illness shall be required to use the short term or long term disability provided by the Town. Employees may use major illness leave and/or sick leave to supplement the short-term and long-term disability.

NOTE: One-half of each employee's major illness leave accrual as of the date of the adoption by the Town Commission of the Handbook shall be converted to sick leave.

6.11 SICK LEAVE DONATION PROGRAM:

The Town of Lake Park recognizes and values the contribution and dedication of its employees and desires that Town employees who have non-work related major illnesses or injuries have access to use of a sick leave donation program.

Eligible employees must first have exhausted their vacation, sick/personal leave, including major illness leave, and must be in an authorized leave without pay status prior to requesting the use of sick leave from the donation program.

An eligible employee may request sick leave from the program by submitting a written request for paid sick leave from the donation program to the Town's Human Resources Director. The written request must be on the Town's Sick Leave Donation Request Form and shall include a note from the employee's physician certifying that the employee has a non-work related major illness or injury, the anticipated length of time necessary for the employee to recover and return to work and a release authorization signed by the employee that the Town may call the physician to determine eligibility and recovery information.

Upon receipt of necessary documentation, the Human Resources Director shall submit the request to the Town Manager for approval. In reviewing the request, consideration will include the requesting employee's leave history, as well as the severity of the illness/injury.

Donated time will be given to the requesting employee on a hour-for-hour exchange between the requesting employee and the donor employee.

The Human Resources Director and the Finance Department Director shall be notified of the employee's return to work and/or any major changes in the employee's medical condition.

If approved, the Town Manager shall send out a letter and Sick Leave Donation forms to the Town's employees notifying them of the request for the donation of sick leave from the requesting employee.

To be eligible to donate sick leave, employees must have a sick leave balance of at least eighty (80) hours, ten (10) workdays, of which a maximum of forty (40) hours, five (5) workdays, may be donated.

In the event a number of employees desire to donate their accrued sick leave to the requesting employee, each donor employee will, to the extent possible, have the same number of hours deducted from among the group of donating employees.

In no event will the sick leave donation continue beyond the first day of eligibility for short-term disability by the requesting employee.

6.12 LEAVE OF ABSENCE WITHOUT PAY:

Regular full-time employees are eligible for leave without pay; however, all requests for this type of leave shall be reviewed on a case-by-case basis and must be approved in advance by the Department Head and the Town Manager.

Requests for leave without pay shall be made in writing by the employee to the employee's Department Head for submittal to and approval by the Town Manager.

Except in unusual circumstances, all (vacation, sick and personal) leave must be exhausted before leave without pay is approved and authorized.

Vacation and sick leave without pay shall not exceed three (3) months unless the Town Manager provides advance written approval of such an extension not to exceed an additional three (3) months.

Vacation and sick leave benefits shall not be earned during extended leave without pay. Those employees who are approved for an extension shall pay the entire amount of health, dental and vision insurance for themselves and any dependents.

When returning to work, the employee shall, to the extent feasible, be re-instated to the former position or one of equal status and pay, if available, and may be required to present a physician's certification of fitness for duty.

6.13 BEREAVEMENT LEAVE:

Full-time employees are entitled to three (3) days of bereavement leave in the event of the death of an immediate family member and shall request such leave through their immediate supervisor or Department Head.

The immediate family shall consist of parents, spouse, children, domestic partner, sister, brother, grandparents and those relationships that arise as a result of marriage, adoption or legal guardianship.

Bereavement leave shall not exceed three (3) days. However, in the event that the funeral is held in a state other than Florida, an additional two (2) days may be granted at the discretion of the Department Head.

6.14 LEAVE TO ATTEND FUNERALS:

Full-time employees may take time off to attend funerals by utilizing personal leave in accordance with Town policy.

6.15 TOWN APPROVED HOLIDAYS:

The Town provides twelve (12) paid holidays per year for all full-time employees:

- New Year's Day
- Martin Luther King Day
- Spring Holiday (as set forth in the annual Town Calendar)
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas
- Employee's Birthday*
- Floating Holiday of Employee's Choice*

Generally, in the event that the holiday occurs on a weekend, the workday closest to the holiday shall be the observed paid holiday.

*The Floating Holiday of the Employee's choice must be scheduled and taken during the applicable fiscal year (i.e. October 1 through September 30). The employee must notify the supervisor and obtain department approval prior to designating and taking either of these holidays. The employee's Birthday Holiday must be taken within a twelve-month period immediately following the employee's birthday.

6.16 HOLIDAY PAY:

All regular full-time employees of the Town are eligible to receive holiday pay in accordance with Town procedures. To receive this benefit, an employee must be at work or on a paid approved leave the day before and the day after the scheduled holiday.

Holiday pay shall be paid at the employee's regular rate of pay for a maximum of eight (8) hours of pay.

When a non-exempt employee is required to work on a Town approved paid holiday, the employee's rate of pay will be calculated as overtime pay for each hour actually worked in addition to eight (8) hours holiday pay.

6.17 JURY DUTY:

Regular full-time employees called for jury duty are entitled to civil leave with pay for the period of absence required for court attendance.

Civil Jury Leave shall not be charged to any leave balances.

The employee, if excused from jury duty, shall return to work immediately except that employees released from jury duty on or after 2:00 p.m. shall not be required to report to work until the next working day.

Employees shall be entitled to all fees received as a juror.

6.18 OFFICIAL COURT ATTENDANCE:

Regular full-time employees who are subpoenaed or ordered to appear as a witness for a deposition or other legal proceeding or to testify at trial or other legal proceeding in an official capacity on behalf of the Town, state or federal government shall be entitled to leave with pay for such period as the employee's court attendance is required.

Such leave shall not be charged against any leave balances and mileage may be reimbursed if the employee uses his or her personal vehicle for transport.

Employee participation in any litigation not associated with their employment with the Town, which requires that the employee be absent from work shall use either personal leave or vacation leave in accordance with Town policy.

6.19 MILITARY LEAVE:

In accordance with applicable laws, Town employees who are members of the military or any reserve unit of the United States Armed Services shall be entitled to military leave without loss of pay or other benefits for up to seventeen (17) workdays in any calendar year so they may participate in annual training or other such duties ordered by the appropriate authority.

Employees of the Town who are summoned to active service shall be granted a military leave of absence from their positions and shall be entitled to full pay for the first thirty (30) days of leave. The remainder of any such leave shall be without pay.

The employee requesting military leave shall be required to provide the Town with a copy of the military orders requiring service, the dates of the required service and any other pertinent information as required by Town policy. All requests for military leave shall be made in writing to the Town's Human Resources Director.

6.20 COLLEGE TUITION REIMBURSEMENT:

The Town may reimburse its employees for some or all of their tuition expenses in accordance with Town policy provided that the coursework is taken at an accredited educational institution and that the coursework is related to the employee's job function and the employee agrees in writing to remain in the Town's employment for two years (24 months) following completion of the last reimbursed course.

The Town reserves the right to modify or eliminate its tuition reimbursement program in the event of financial hardship or insufficiency of Town funds.

The Town further reserves the right to cap the amount of per credit hour reimbursement for employee coursework in an amount not to exceed the State of Florida's university system credit hour cost.

In order to qualify for reimbursement, the employee seeking to participate in the Town's tuition reimbursement program must do the following: (1) obtain the approval of the appropriate Department Head and the Town Manager prior to beginning the course; (2) pay for the course; (3) submit proof of payment or delayed payment from the accredited school to be paid not later than thirty (30) days after submission of grades; (4) and submit documentation of the grade received.

Reimbursement is based upon receipt of the grade achieved or the equivalent record of achievement as follows:

Grade A or equivalent	100 percent reimbursement
Grade B or equivalent	80 percent reimbursement
Grade C or equivalent	50 percent reimbursement
Below C.....	No reimbursement

If the employee is working toward a degree, the course cost shall not be reimbursed if it is not a documented required course for obtaining the degree sought.

NOTE: Payments for educational credits for union employees shall be done in accordance with the collective bargaining agreement.

6.21 WORKERS' COMPENSATION:

Town employees are eligible for workers' compensation benefits in accordance with state law, Town policy as set forth in the Town's illness in the line of duty policy as set forth in this Handbook at Section 8.11 and applicable collective bargaining agreements, if any.

Employees involved in an accident who sustain an injury or illness arising from and in the course of employment must notify their respective supervisor immediately.

The immediate supervisor or Department Head shall immediately notify the Human Resources Director for insurance and risk management purposes, and for purposes of requiring that the employee obtain a post-accident drug test. The Human Resources Director shall report the injury to the Town's workers' compensation carrier.

6.22 UNEMPLOYMENT COMPENSATION:

The Town provides unemployment compensation benefits for its employees as required by state law.

6.23 FAMILY AND MEDICAL LEAVE:

The Family and Medical Leave Act policy of the Town shall be interpreted, governed and in accordance with the Family and Medical Leave Act of 1993 or any subsequent amendment, and as set forth in Section 8.4 Town Policies.

Employees who have worked for the Town for a total of twelve (12) months and who have worked at least 1,250 hours over the previous twelve (12) month period may take up to twelve (12) weeks of unpaid leave during any twelve (12) month period for certain specified reasons as set forth in the Town policy.

**SECTION 7
EMPLOYEE RIGHTS
AND DISCIPLINARY PROCEDURES**

7.1 SCOPE AND PURPOSE

This section sets forth the rules, regulations and procedures for the establishment and maintenance of the Town's Employee Rights and Disciplinary Procedures applicable to relevant personnel of the Town of Lake Park.

Employees covered by applicable collective bargaining agreements shall be afforded the rights contained in this section and if in conflict with their collective bargaining agreement, the collective bargaining agreement shall prevail.

Managerial Exempt Department Heads, Assistant Department Heads, and other specifically designated positions serve at the pleasure of the Town Manager and may be subject to dismissal from employment with the Town with or without cause and without appeal rights in accordance with Town policy and procedures.

7.2 STATEMENT OF POLICY

The Town of Lake Park is committed to ensuring that all employees of the Town are entitled to fair, consistent and equitable treatment in their employment with the Town. This by necessity provides that the rights of all Town personnel shall be respected, that they will be afforded equal treatment and that any disciplinary actions taken will be done in accordance with applicable laws, due process and Town policy and procedures.

7.3 DUE PROCESS OF LAW

Town employees shall be afforded clear, concise standards of conduct by which to conduct themselves. As set forth in Section 5 of this Handbook, employees of the Town are considered representatives of the Town of Lake Park, and as such, they are expected to conduct themselves in a manner that reflects credit upon themselves and the Town.

As a direct consequence, the Town, through its Town Manager, Department Heads and supervisors, shall ensure that when necessary, employees subject to possible disciplinary action shall be afforded all aspects of due process of law, including the opportunity to have any potential disciplinary infractions, grounds and/or complaints made known to them, unless specifically prohibited by law or a law enforcement entity, the right to be heard and to respond to those matters orally and/or in writing, as appropriate.

7.4 FORMAL CONFERENCE:

A formal conference is a discussion which may occur whenever it is deemed necessary for a supervisor to engage in fact finding concerning an employee's unsatisfactory or unacceptable behavior or performance.

A formal conference affords the employee the right to be told the nature of any incident, offense or behavior that may be the basis for disciplinary action to be taken against the employee and to present the employee's side of the story.

A formal conference may lead to disciplinary action being taken, but the conference/meeting is not disciplinary in nature.

A document recording the date, time and basis for the formal conference shall be placed in the employee's personnel file after the employee has signed acknowledgment of receipt of the conference document.

NOTE: Notwithstanding the provisions set forth in Section 7.4, the Town Manager reserves the right to hold a formal conference without notice with any employee if the Town Manager deems such conference to be warranted.

7.5 GROUNDS FOR DISCIPLINARY ACTION

Employees of the Town are accountable for their individual levels of productivity, fulfilling the duties of their positions and rendering effective and efficient delivery of services on behalf of Town residents.

Whenever an employee renders deficient performance, violates any rule, regulation, Town policy or procedure, or engages in any action which the Town Manager determines is sufficient cause for discipline, that employee shall be subject to disciplinary action as appropriate. The employee will be notified by the employee's supervisor, as soon as possible, if legally permissible, of the noted deficiency or violation, or as set forth in an applicable collective bargaining agreement.

7.6 PROGRESSIVE DISCIPLINE

The Town recognizes the concept of progressive discipline and shall utilize, when appropriate, the tenets of progressive discipline as the desirable method for remediation of the employee's behavior.

While it is recognized that the least intrusive methods for correcting behaviors shall be utilized whenever possible, the degree of discipline shall be related to the seriousness of the offense and the employee's record.

7.7 TYPES OF DISCIPLINARY ACTIONS

Types of disciplinary actions that may be taken against Town employees may include:

- documented verbal reprimand;
- documented written reprimand;
- suspension of up to three workdays without pay;
- suspension of greater than three workdays without pay; or
- termination of employment.

7.8 CATEGORIES FOR DISCIPLINARY ACTIONS

The Town has set forth three (3) categories for disciplinary actions, (i.e. Category I, Category II and Category III) consisting of sample examples of grounds for such action. Such examples are illustrative and are not intended to be the complete list of possible grounds for disciplinary action.

The employee standards and behaviors set forth in Section 5 Employee Standards and Procedures of the Handbook are required to be followed by all Town employees. Employees failing to adhere to those standards shall be subject to disciplinary action.

The Town reserves the right to treat each disciplinary occurrence individually without setting precedent for future cases.

The Town further reserves the right and has the duty to judge each incident separately, and may modify penalties to include lesser or more severe penalties when appropriate circumstances exist.

Accordingly, employee behaviors that demonstrate patternistic or repetitive negative behaviors may cumulatively warrant greater disciplinary action.

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7.9 CATEGORY I - GROUNDS FOR DISCIPLINARY ACTION

First Offense:	Documented Verbal Reprimand
Second Offense:	Documented Written Reprimand
Third Offense:	Suspension of up to three workdays without pay at the determination of the Town Manager
Fourth Offense:	Suspension of greater than three workdays without pay at the determination of the Town Manager
Fifth Offense:	Termination of Employment

- a. Discourtesy to any person the employee comes in contact with while in the performance of duties, on Town property or Town time.
- b. Creating conflict with co-workers or supervisors.
- c. Failure to report absence or late arrival to work to the supervisor (or other designated representative) by the time required by departmental policy.
- d. Wasting time or loitering during working hours.
- e. Tardiness in reporting to work .
- f. Taking more than specified time for meals or rest periods.
- g. Productivity or workmanship not up to required standards of performance.
- h. Using all available paid leave as earned excluding authorized and approved vacation days.
- i. Operating, using or possessing tools, equipment or machines to which the employee has not been assigned or using Town-owned equipment without prior authorization from the immediate supervisor.
- j. Violating a safety rule or practice, including failure to wear safety equipment or to follow safety rules as requested.
- k. Engaging in horseplay, wrestling, malicious mischief, demonstrations on the job or other types of disorderly conduct.
- l. Creating or contributing to unsafe/unsanitary conditions or poor housekeeping.
- m. Failure to report outside employment, including self-employment, to the appropriate Department Head.
- n. Unauthorized posting or removal of any matter on the Town bulletin boards or Town property at any time.
- o. Unauthorized distribution of written, electronic or printed matter of any description on Town premises.
- p. Soliciting, vending or collecting contributions for any purpose whatsoever at any time on Town premises, unless authorized.
- q. Violating the Town's dress code.
- r. Violating the Town's policy pertaining to personal phone calls.
- s. Engaging in an action which the Town Manager determines is sufficient cause for discipline under this category.

7.10 CATEGORY II - GROUNDS FOR DISCIPLINARY ACTION

First Offense:	Documented Written Reprimand or Suspension of up to three workdays without pay at the determination of the Town Manager.
Second Offense:	Suspension of greater than three workdays without pay at the determination of the Town Manager
Third Offense:	Termination of Employment

- a. Failure to work overtime, special hours or special shifts, after being scheduled or assigned according to overtime and standby duty policies.
- b. Failure to report an arrest or incarceration.
- c. Threatening, intimidating, coercing or interfering with coworkers or supervisors at any time.
- d. Sleeping during working hours.
- e. Being in possession, and/or under the influence of alcohol or illegal drugs or the improper use of prescription drugs, or other unauthorized substances as defined in the Town's Drug Free Workplace Policy as set forth at **Appendix H** of this Handbook while on duty, operating Town equipment or on Town property. **NOTE:** A repeat of this offense will result in immediate termination of employment in adherence to the Town's Drug Free Workplace Policy.
- f. Participating in activities involved with gambling and other games of chance while on duty.
- g. Absence without permission or without notification prior to the start of the workday.
- h. Accumulating two (2) unauthorized leave days without pay (LWOP) in a twelve-month period (i.e., chronic absenteeism).
- i. Quitting work or leaving assigned work area during working hours without permission.
- j. Making or publishing false, vicious or malicious statements concerning any employee, supervisor, the Town or its operation.
- k. Use of abusive or obscene language while on duty.
- l. Carelessness or any other misbehavior which results in injury to Town personnel or damage to any Town Property.
- m. Unauthorized use or possession of another employee's personal property, tools or equipment without the employee's consent.
- n. Failure to report an illness, accident or personal injury in which the employee was involved while on the job within 24 hours of the illness, accident or personal injury.
- o. Unauthorized use of Town vehicles.
- p. Driving a Town vehicle on duty without possession of the appropriate valid State of Florida license.

- q. Participation in prohibited political activity.
- r. Using the Town's information technology system (i.e., computers, cellular phones, etc.) in a manner that is in violation of the Town's policies and procedures governing such usage.
- s. Incompetence or inefficiency in the performance of assigned duties.
- t. Concealing defective work which results in a liability to the Town.
- u. Insubordination, including but not limited to the following:
 - Disobedient to authority; refusal to obey orders
 - Refusal to perform an assigned task
 - Delay in performing an assigned task
 - Failure to perform an assigned task
- v. Engaging in an action which the Town Manager determines is sufficient cause for discipline under this category.

7.11 CATEGORY III - GROUNDS FOR DISCIPLINARY ACTION

First Offense:	Termination of Employment
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- a. The manufacture, distribution, dispensing or sale of narcotics or illegal drugs or alcohol or other unauthorized substances as defined in the Town's Drug Free Workplace Policy while on duty, operating Town equipment, or on Town property.
- b. Chronic incompetence or inefficiency in the performance of assigned duties.
- c. Gross insubordination, including but not limited to, wanton or willful neglect in the performance of assigned duties, or a repeated act or acts of insubordination or disobedience to authority.
- d. Misusing, destroying or damaging any Town property or property of any employee.
- e. Falsification of personnel or Town records, including but not limited to employment applications, accident reports, leave records, work records, purchase orders, time sheets or any other records.
- f. Violation of the time card policy.
- g. Making false claims or misrepresentation in an attempt to obtain accident benefits, workers' compensation or unemployment benefits for the employee or another employee.
- h. Provoking or instigating a fight, or participating in a fight on Town Property or while on duty.
- i. Possession or use of firearms, ammunition, explosives or weapons on Town property while on duty, unless expressly permitted by Florida law.
- j. Theft of, or removal of, any Town Property or property of any employee from the Town without proper authorization.

- k. Failure to report to the employee's supervisor the restriction to or loss, suspension, revocation, expiration, etc. of a driver's license when the employee is required to drive while on duty or with restriction to the employee's driver's license which has not been immediately reported to the employee's supervisor.
- l. Moral turpitude, including but not limited to, immoral, unlawful or improper conduct or indecency, either on or off the job, which would tend to affect the employee's relationship to his or her job, fellow workers or reputation in the community.
- m. Abandonment of position, i.e., absence from duty for a period of two consecutive workdays without proper authorization.
- n. Failure to return to work from an authorized leave within two workdays from the scheduled date of return without proper authorization.
- o. Accumulating five (5) unauthorized leave days without pay (LWOP) in a twelve-month period.
- p. Acceptance from any person of a fee, gift or any other item of value when such fee, gift or item of value is given in the hope or expectation of receiving a favor or benefit from the Town or its employees.
- q. Soliciting or accepting gifts or tips in connection with Town business.
- r. Use or attempted use of the authority or influence of Town employment for the purpose of soliciting personal discounts from Town vendors.
- s. Use or attempted use of political influence or bribery to secure an advantage of any manner with the Town or its employees. (Conflict of Interest)
- t. Work stoppage, i.e., curtailment or restriction of work including, but not limited to, walkout, slowdown, strike, calling in sick, or interference with work on Town work stations or refusal to return to work at the scheduled time.
- u. Refusal to consent to drug and/or alcohol screenings when deemed necessary by the appropriate supervisor under the terms of the Drug Free Workplace Policy of the Town.
- v. Sexual harassment, i.e., making unwelcome sexual advances, requests for sexual favors, other verbal or physical advances of a sexual nature, or the distribution or display of sexually explicit jokes, photographs or graphs while on duty, during business-related travel and all work-related social functions while on duty even if such functions are held outside of Town property.

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- w. Harassment or retaliation, i.e., inappropriate behavior consisting of making derogatory remarks about a person's membership in a protected class (which includes, but is not limited to women, African-Americans, Hispanics, Native Americans, Asian-Americans [including Pacific Islanders], people age 40 or older, the disabled, veterans and religious groups), posting of cartoons or other visual messages, the distribution or display of jokes that stereotype or make fun of a protected class, or verbal or nonverbal comments or innuendoes that have a negative connotation for a protected class while on duty, during business-related travel and all work-related social functions while on duty even if such functions are held outside of Town property.
- x. Gross misconduct or other serious violations of the Town's policies or procedures or employment standards.
- y. Any action determined by the Town Manager to be so serious as to warrant immediate termination of employment.

7.12 DISCIPLINARY PROCEDURES OF THE TOWN

The Town, through the Town Manager, Department Heads and its supervisors, utilize various types of corrective measures and procedures when corrective action is warranted. The Town generally adheres to the concept of progressive discipline as follows:

1. **DOCUMENTED VERBAL REPRIMAND**—A documented verbal reprimand is used to counsel an employee for purposes of correcting unsatisfactory or unacceptable behavior, conduct or performance. The supervisor, when necessary and appropriate, will verbally advise the employee of the behavior or conduct giving rise to the supervisor's concern in order to place the employee on notice that the behavior or conduct is unacceptable and must be corrected.

Documented verbal reprimands are used as a method of counseling the employee when necessary. The supervisor will counsel the employee concerning the employee's behavior and will document that a verbal reprimand has been given to the employee, which shall be submitted immediately to the Human Resources Director for placement in the employee's personnel file.

2. **DOCUMENTED WRITTEN REPRIMAND**—A documented written reprimand is used if a documented verbal reprimand fails to correct the employee's deficient behavior, conduct or performance or if the seriousness or repetition of the behavior warrants a written reprimand.

The procedure for providing an employee with a documented written reprimand shall include a formal conference with the employee prior to issuance of the written reprimand as follows:

- A discussion with the employee by the employee's supervisor or Department Head which provides an explanation to the employee of how the employee has not met expectations;
- A review of the appropriate expectations of behavior and why such behavior is expected and required;
- An opportunity for the employee to discuss any mitigation of the unacceptable behavior or to clarify the event;
- Suggestions for corrective actions.

If the conference results in the supervisor or Department Head's determination that a documented written reprimand is warranted, the supervisor or Department Head shall prepare the written reprimand utilizing the Town form and specifying the nature and date of the offense, the corrective action required and notice that continued unsatisfactory behavior shall result in greater disciplinary action, up to and including termination of employment.

The employee will be required to sign acknowledgement of receipt of the documented written reprimand. The employee shall be given the right of appendage of a written document providing any additional information, which shall, along with the written reprimand, be submitted immediately to the Human Resources Director for placement in the employee's personnel file.

- 3. SUSPENSION OF UP TO THREE WORKDAYS WITHOUT PAY –** A suspension of up to three (3) workdays without pay shall be imposed in those cases when the infraction committed by the employee warrants disciplinary action but is not deemed so serious as to result in a recommendation for a longer term suspension or termination of employment.

Prior to a recommendation that an employee be suspended for up to three (3) workdays from employment, a formal conference shall be held in accordance with Town policy and procedures as follows:

- A discussion with the employee by the employee's supervisor and/or Department Head which provides an explanation to the employee of how the employee has not met expectations, including a full review of any prior incidents or behaviors that have led to previous disciplinary action;

- A review of the appropriate expectations of behavior and why such behavior is expected and required;
- An opportunity for the employee to discuss any mitigation of the incident or unacceptable behavior or to clarify the event; and
- Suggestions for corrective actions.

If after the conference is held, the supervisor and Department Head still determine that suspension of up to three (3) workdays is warranted, the Department Head shall prepare and submit the documentation pertaining to the infraction to the Human Resources Director, who shall review it for completeness and shall forward it to the Town Manager for approval.

The Town Manager shall review all relevant documentation and information pertaining to the infraction and shall be charged with making the final determination whether an employee shall be suspended for up to three (3) workdays without pay from Town employment and the length of the suspension. The Human Resources Director shall prepare the Notice of Suspension document.

In the event that the Town Manager approves the suspension, the employee shall be notified of the suspension, the length of the suspension and the terms of the suspension.

The employee additionally shall be informed of the employee's right to appeal the suspension and the manner and method of the appeal.

The employee shall be provided by the Human Resources Director with the Notice of Suspension document and shall be required to sign acknowledgement of receipt of the form, which shall be placed in the employee's personnel file.

- 4. SUSPENSION OF GREATER THAN THREE WORKDAYS WITHOUT PAY –** A suspension of greater than three (3) workdays without pay shall be imposed in those cases when the infraction committed by the employee warrants significant discipline and is not deemed so serious as to warrant termination of employment.

Prior to a recommendation that an employee be suspended for greater than three (3) workdays from employment, a formal conference shall be held in accordance with Town policy and procedures as follows:

- A discussion with the employee by the employee's supervisor and/or Department Head which provides an explanation to the employee of how the employee has not met expectations, including a full review of any prior incidents or behaviors that have led to previous disciplinary action;

- A review of the appropriate expectations of behavior and why such behavior is expected and required;
- An opportunity for the employee to discuss any mitigation of the incident or unacceptable behavior or to clarify the event; and
- Suggestions for corrective actions.

If after the conference is held, the supervisor and Department Head still determine that a suspension of greater than three (3) workdays is warranted, the Department Head shall prepare and submit the documentation pertaining to the infraction to the Human Resources Director, who shall review it for completeness and shall forward it to the Town Manager for approval.

The Town Manager shall review all relevant documentation and information pertaining to the infraction and shall be charged with making the final determination whether an employee shall be suspended for greater than three (3) workdays without pay from Town employment and the length of the suspension. The Human Resources Director shall prepare the Notice of Suspension document.

In the event that the Town Manager approves the suspension, the employee shall be notified of the suspension, the length of the suspension and the terms of the suspension.

The employee additionally shall be informed of the employee's right to appeal the suspension and the manner and method of the appeal.

The employee shall be provided by the Human Resources Director with the Notice of Suspension document and shall be required to sign acknowledgement of receipt of the form, which shall be placed in the employee's personnel file.

- 5. TERMINATION OF EMPLOYMENT** – The Town recognizes the seriousness with which the disciplinary action of termination of employment is acted upon, and as such, requires that Town policy and procedures be followed to ensure that the employee's right to due process is met.

Prior to a recommendation that an employee be terminated from employment, a formal conference shall be held in accordance with Town policies and procedures as follows:

- A discussion with the employee of the nature of the charge against the employee;
- An opportunity for the employee to provide any mitigation or to further explain the circumstances giving rise to the charge; and
- Notification to the employee of the seriousness of the charge and the possibility of the consequence (i.e. termination of employment).

If the required conference fails to provide any mitigating circumstances warranting a lesser disciplinary penalty, a termination notice shall be prepared by the Human Resources Director in accordance with Town policy and procedure, who shall forward it to the Town Manager for approval.

The termination notice shall contain a record of previous disciplinary action, if any, the reason(s) for termination, the date of termination, the right of the employee to appeal the termination action and how to do so and instructions for turning over Town property. The employee shall also be provided with a copy of the termination notice and shall sign acknowledgement of receipt of the document, which shall be placed in the employee's personnel file.

7.13 EMPLOYEE RIGHT OF APPEAL

No employee of the Town shall be subject to disciplinary action unless the specifics of the reasons for such action are made known to the employee in writing prior to initiating the disciplinary action or termination of employment.

An employee who is the subject of such disciplinary action shall be afforded the right to appeal the appropriateness of the action in accordance with Town policy provided that the employee requests the hearing in writing to the Human Resources Director within five (5) workdays of the notification to the employee of disciplinary action or termination of employment.

NOTE: As set forth in Section 1.3, Managerial Exempt Department Heads, Assistant Department heads and other specifically designated employees serve at the pleasure of the Town Manager and may be terminated from employment without cause and without right to appeal such termination.

7.14 INVESTIGATORY LEAVE

An employee may be placed on investigatory leave to permit the Town to investigate actions including, but not limited to, theft or misappropriation of Town funds and/or property, violence in the workplace, gross safety negligence or acts endangering others, gross insubordination or any other serious misconduct which warrants removing the employee from the worksite. Investigatory leave shall be confirmed in writing to the employee by the Town Manager stating the reason for the removal of the employee and the expected duration of the leave.

No employee of the Town shall be placed on investigatory leave unless the specifics of the reason for such leave are made known to the employee in writing provided that the Town is not precluded by law enforcement from setting forth the reasons.

The Town Manager shall review all relevant documentation and information and shall be charged with making the final determination whether an employee shall be placed on investigatory leave.

In the event that the Town Manager approves the investigatory leave, the employee, if legally permissible, shall be afforded a formal conference and shall be presented with a letter notifying the employee of the reason for the investigatory leave, the expected dates and duration of the investigatory leave (which may be extended if necessary), the terms of such leave, and direction that the employee remain available to participate in the investigation.

The employee shall be provided with a copy of the letter and shall be required to sign acknowledgement of receipt of the letter, which shall be submitted immediately to the Human Resources Director for placement in the employee's personnel file.

The Human Resources Director shall request the return of Town property and escort the employee from the worksite. Investigatory leave shall be without pay if the matter being investigated is criminal in nature or is being handled by a law enforcement entity.

Depending upon the seriousness of the action being investigated, the Human Resources Director or other appropriate authority will conduct a thorough investigation of the allegations or charges. Upon conclusion of the investigation, the Town Manager will be presented with the findings from the investigation and will determine if the investigatory leave will lead to disciplinary action. The Human Resources Director shall inform the employee in writing of the decision, and if disciplinary action is imposed, the manner in which the employee may appeal the decision.

If the employee is exonerated as a result of the investigation, and the leave was without pay, the employee shall be entitled to back pay and benefits covering the investigatory leave period.

7.15 EMPLOYEE COMPLAINT REVIEW PROCESS

The Town of Lake Park is committed to providing a uniform, fair and impartial method for resolving employee complaints and/or disputes in the workplace, which includes disciplinary actions. In order to achieve this goal, the Town has established the Employee Complaint Review Committee (ECRC).

Non-exempt personnel and non-union personnel may present a complaint or make an appeal of disciplinary action or other management decision by addressing the complaint or appeal to the ECRC as set forth below.

Appeal of a Disciplinary Action:

In the event of an appeal of **disciplinary action**, the employee may request an appeal requesting that the ECRC determine the appropriateness of the recommended disciplinary action. Such request shall be in writing to the Human Resources Director within five (5) workdays of the disciplinary recommendation using the prescribed form.

Appeal of a Non-Disciplinary Action:

Prior to initiating a complaint or appeal concerning **a non-disciplinary action**, the employee and management should make every attempt to resolve the concern informally and expeditiously utilizing the steps set forth as follows:

- Within five (5) workdays of the event giving rise to the employment concern, the employee shall verbally bring the matter to the attention of the employee's immediate supervisor in an attempt to resolve the issue informally. The supervisor or Department Head shall render a decision to the employee within five (5) workdays.
- If after the verbal discussion the issue remains unresolved, the employee within five (5) workdays shall submit a written statement using the prescribed form to the employee's Department Head setting forth the specifics of the concern. The Department Head shall meet with the employee within ten (10) workdays and shall thereafter have five (5) workdays to render a decision concerning the issue to be resolved.
- If the concern has not been resolved to the employee's satisfaction, the employee may request within five (5) workdays using the prescribed form submitted to the Human Resources Director that the matter be forwarded to the ECRC for resolution.
- The Town Manager shall submit the request to the ECRC to convene a meeting.

NOTE: The Town Manager reserves the right to move an employee's complaint or appeal to a further step or directly to the ECRC in the sole exercise of the Town Manager's discretion (for example, in matters involving a complaint between the employee and the employee's supervisor).

7.16 COMPOSITION OF THE ECRC:

The ECRC is a peer review committee, which is advisory in nature to the Town Manager. The ECRC shall consist of five members appointed by the Town Manager for three year terms. Every effort shall be made to ensure that the composition of the ECRC is diverse. Members

must be regular full-time employees of the Town. Any member may be re-appointed for successive terms by the Town Manager. In the event that the dispute or concern giving rise to the complaint or appeal involves a decision by a member of the ECRC, that member must recuse himself or herself and an alternate appointed by the Town Manager shall serve on the ECRC for the complaint or appeal.

A quorum shall consist of three members and no meeting of the ECRC shall take place in the absence of a quorum.

The ECRC shall appoint its Chairperson who shall have control of the ECRC and shall take whatever steps are necessary to ensure a fair, orderly, impartial and expeditious review. The parties shall abide by the decision of the Chairperson on all procedural matters.

If deemed necessary and appropriate, the Town Manager may authorize the use of the Town Attorney for purposes of consulting the ECRC in procedural and legal matters concerning the appeal; however, no attorneys shall be permitted to attend an ECRC meeting.

The ECRC may call for files, records or other documents pertinent to the proceeding and may call upon employees of the Town to answer questions pertaining to the matter to be reviewed. All documents considered shall be appropriately marked and preserved.

There shall be no ex parte communication between a member of the ECRC and the employee or the employee's supervisor or Department Head which in any way pertains to the subject matter of the complaint or appeal.

The ECRC after a thorough review of the issues shall render its decision and recommendations to the Town Manager within ten (10) workdays of the meeting. The decision shall include the specifics of the issue, including the ECRC's findings of fact, statements of policy and ultimate determination of the issue.

If the Town Manager agrees with the decision of the ECRC, that decision shall be final; however, the Town Manager shall not be bound by the determination of the ECRC and shall have the final decision concerning the issue to be resolved.

The written decision of the Town Manager shall be rendered to the parties within ten (10) workdays of the determination by the ECRC.

In the event of disciplinary action of an employee, the employee will be afforded a full opportunity to present his or her case prior to the Town Manager making a determination or reaching a final decision. The employee may present his case to the Town Manager with or without legal counsel.

7.17 PERSONNEL FILES

Personnel files shall be kept in accordance with Town policy and applicable state laws. Certain information and documentation may be confidential and exempt from disclosure to the public or outside parties. Employee health information shall be maintained in compliance with the Health Insurance Portability and Accountability Act (HIPAA).

No anonymous letter or anonymous material shall be placed in an employee's personnel file.

Except for materials relating to work performance or such other material that may be the cause for discipline or termination under Town rules, regulations or state law, no derogatory materials relating to an employee's conduct, service, character or personality shall be placed in an employee's personnel file.

Materials relating to work performance or discipline shall be placed in the employee's personnel file in accordance with law upon the employee's receipt of a copy of the material.

An employee may place such additional information in his or her personnel file which explains and/or clarifies such material being placed in the employee's file (i.e. the right of appendage). The employee shall have the right to inspect his or her personnel file upon reasonable notice made to the Department of Human Resources.

The Human Resources Department is charged with maintaining accurate and complete personnel files for employees of the Town. Such personnel files and records shall be retained in accordance with Florida's retention schedule for personnel files and shall be open for inspection in accordance with Chapter 119, Florida Statutes and other applicable laws.

Department Heads are charged with ensuring that personnel file information for its employees is forwarded to the Human Resources Department in a timely manner for maintenance and retention.

7.18 EMPLOYEE EXIT INTERVIEWS

As soon as it is known by the relevant Department Head that an employee is terminating his or her employment with the Town, the Department Head shall notify the Human Resources Director and provide a listing of all Town property (e.g., uniforms, cell phone, identification key or card, etc.) that has been issued to the employee. The Human Resources Director shall schedule an exit interview with the employee at which time the employee will turn in all required items to the Human Resources Director and all Town property that the employee may have in the employee's possession in order for the employee to be issued a final paycheck. The exit

interview will also be an opportunity for the Human Resources Director to explain to the employee COBRA and ARRA rights and how to rollover any retirement account monies, etc. if applicable. In the event of involuntary terminations of employment, the Human Resources Director will forego the exit interview but will ensure that all Town property has been returned by the employee.

If the employee wishes to have the final paycheck issued by direct deposit, the exit interview and return of Town property must take place by 5 p.m. on the Friday immediately preceding the week that paychecks are issued. If the exit interview and return of Town property do not take place by the deadline, the employee's direct deposit will be canceled.

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SECTION 8 TOWN POLICIES

8.1 SCOPE AND PURPOSE:

This section sets forth the policies of the Town of Lake Park applicable to Town employees as codified through ordinance, resolution, regulation, rule, administrative order or applicable procedures for the establishment and maintenance of the provisions of the Handbook and the policy statements contained herein.

8.2 STATEMENT OF POLICY:

The Town of Lake Park, through its employment policies and procedures, is committed to establish for all employment positions conditions that will attract and retain the best qualified employees who shall at all times strive to devote their energy, skills and talent to serve the residents of the Town.

To achieve this goal, the Town Manager is charged with maintaining employment policies and administrative rules which serve to further the Town's mission to its residents.

8.3 EMPLOYEE ASSISTANCE POLICY AND PROGRAM:

The Town recognizes that a broad range of diverse problems not directly associated with an employee's job duties and functions may have an adverse effect on an employee's work performance, attitude and/or attendance.

In most instances, the employee may independently overcome such personal problems and the impact and effect on job performance will be minimal. In other instances, effective supervisory intervention and assistance may lessen the impact on the employee's job performance; however, from time to time, neither the employee nor the supervisor is capable of resolving problems that may continue to impair the employee's effectiveness in the workplace.

The Town is committed to providing assistance to all employees who are experiencing problems that may impair or jeopardize the employee's health and continued employment with the Town. Such assistance will be made available to employees through the Town's Human Resources Director.

Providing employee assistance is intended to help Town employees by providing referrals for consultation, treatment and/or rehabilitation to prevent the progression of problems that impede job performance. Examples of such problems include medical or emotional problems, work related stress, alcohol or drug dependency, family or marital concerns, or any other type of physical or emotional difficulty that may adversely impact an employee's job performance.

Confidentiality of records will be ensured for employees seeking assistance through the Town's employee assistance program to the extent permitted by applicable state and federal laws.

Information about employee assistance may be obtained by contacting the Human Resources Director.

8.4 FAMILY AND MEDICAL LEAVE ACT POLICY:

The Family and Medical Leave Act policy of the Town shall be interpreted, governed and in accordance with the Family and Medical Leave Act of 1993 or any subsequent amendment.

Employees who have worked for the Town for a total of twelve (12) months and who have worked at least 1,250 hours over the previous twelve (12) month period may take up to twelve (12) weeks of unpaid leave during any twelve (12) month period for one or more of the following reasons:

- Birth and care of the newborn child of the employee;
- Placement with the employee of a son or daughter for adoption or foster care;
- To care for the serious health condition of an immediate family member (i.e., spouse, child or parent);
- To take medical leave when the employee is unable to work because of a serious health condition;
- To care for wounded service members and because of a qualifying exigency arising out of active duty or an impending call to active duty.

All available paid sick leave (including major illness leave), then all available paid vacation time, must be used concurrently from the first day of Family Medical Leave.

NOTES:

- For family/medical leave related to the employee's medical condition, all accrued sick leave must run concurrently with family/medical leave.
- For family/medical leave related to newborn, adopted or foster children, annual vacation leave must be used prior to the leave. The use of sick leave is not a requirement; however, the employee may choose to use accrued sick leave.
- Employees who are requesting family/medical leave to care for an immediate family member will be required to obtain medical certification of the condition, and may be subject to a second opinion, at the Town's expense.
- Employees who are returning from family/medical leave because of a personal serious health condition shall be required to obtain a fitness for duty certification from the employee's treating physician prior to returning to work.

- Employees returning from family/medical leave will be returned to their original or equivalent job position.

8.5 DOMESTIC VIOLENCE VICTIM'S LEAVE POLICY:

The Town of Lake Park is committed to ensuring that its employees who are the victims of domestic violence are provided all necessary rights in accordance with applicable laws. As such the Town affirmatively adopts its Domestic Violence Victim's Leave Policy for its employees as set forth in specificity at **Appendix G** of this Handbook.

Employees who have worked for the Town for at least three (3) months as of the date of a requested leave because of an incident of domestic violence for the employee or for a family or household member of the employee will be provided up to three (3) workdays unpaid leave in any twelve (12) month period.

Employees of the Town, except in cases of imminent danger to the health or safety of the employee, family or household member victim, who request such leave shall provide the Human Resources Director appropriate advance notice along with documentation of the act of violence as delineated in the Town's policy as set forth in **Appendix G** of the Handbook.

In all instances of an employee request pursuant to the Town's policy, the requesting employee must notify the Human Resources Director.

8.6 EQUAL EMPLOYMENT OPPORTUNITY POLICY:

The Town of Lake Park adheres to a policy of nondiscrimination in employment and strives affirmatively to provide equal opportunity for all as required by state and federal laws. The Town attempts to identify and overcome real or potential artificial barriers to employment, training, or promotional opportunities for its employees and applicants.

It is the policy of the Town of Lake Park to prohibit discrimination based on race, color, religion, national origin, sex, age, disability, familial status, marital status, sexual orientation or gender identity or expression.

The Town strives to ensure a highly qualified staff in terms of educational background and experience which reflects the overall diversity in terms of factors such as race, ethnicity and gender of the pool of qualified candidates.

In recruiting applicants for Town positions, the Town encourages men and women to enter non-traditional occupational areas where their gender is under-represented.

The Town continually develops and reviews job descriptions and entry qualifications in order to ensure that the tasks and duties required are reasonable and do not impose artificial barriers to qualified applicants.

No individual will be denied access, employment, training, or promotion on the basis of race, color, religion, national origin, sex, age, disability, familial status, marital status, sexual orientation or gender identity or expression.

The Human Resources Department will conduct job advertising and recruitment activities in a manner designed to apprise persons of diverse backgrounds.

Merit principles will be followed in the hiring, promotion and retention of Town employees.

8.7 NON-DISCRIMINATION HARASSMENT POLICY:

It is the affirmative policy of the Town of Lake Park to prohibit discrimination in all aspects of employment or hiring with the Town based on race, color, religion, national origin, sex, age, disability, familial status, marital status, sexual orientation or gender identity or expression.

All employees are hereby notified that they are expected to work with other employees without regard for the race, color, religion, national origin, sex, age, disability, familial status, marital status, sexual orientation or gender identity or expression of the individual.

Harassment or discrimination based on any of the above categories or factors is a violation of applicable laws and a breach of the Town's non-discrimination/harassment policy.

Violations of the Town's policy are expressly prohibited and shall not be tolerated.

Such violations shall be grounds for disciplinary action including, but not limited to, termination of employment.

Sexual harassment, including same sex harassment is a violation of Title VII of the Civil Rights Act of 1964.

Sexual harassment is defined as a pattern of behavior that includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (1) submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment; (2) submission to or rejection of such conduct is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Complaints alleging employment harassment or discrimination on the basis of race, color, religion, national origin, sex, age, disability, familial status, marital status, sexual orientation or gender identity or expression should be made to the Director of the Human Resources Department or to the employee's Department Head or supervisor as set forth in Section 8.7 of this Handbook.

8.8 NON – DISCRIMINATION/HARASSMENT COMPLAINT PROCEDURES:

The Town of Lake Park has established procedures to assure non-discrimination in employment and the elimination of harassment, including sexual harassment in the workplace.

All employees of the Town will be treated with respect. Hostile treatment or violence against employees because of their race, color, religion, national origin, sex, age, disability, familial status, marital status, sexual orientation or gender identity or expression will not be tolerated.

Discrimination or harassment complaints by employees may arise from actual or perceived situations and circumstances related to the prohibition of discrimination. It is the intent of these procedures to assure that discrimination or harassment complaints are resolved in an expeditious, orderly, and equitable manner that serves to fulfill the letter and intent of the law.

All Department Heads and supervisors are required to make a conscientious effort to fully consider and understand the nature and basis of the discrimination or harassment complaint of an employee and resolve it, to the satisfaction of the complainant, without delay or refer it, without delay, to the Human Resources Director or other appropriate authority for investigation and resolution.

The initiation of a discrimination or harassment complaint by an employee will not be used as a basis for actions that adversely affect the complainants standing in their work location. Additionally, participation in or assistance in the investigation of a complaint shall not to be used as the basis for any adverse employment action on an employee.

Discrimination or harassment complaints shall be handled using federal enforcement agencies' procedures and standards in the processing and investigation of discrimination/harassment charges and without extraneous administrative barriers.

No anonymous complaints shall be accepted or processed. Notwithstanding this provision, nothing shall preclude an employee from informally discussing any employment concern, including a real or perceived discriminatory or harassment complaint, with the employee's supervisor, Department Head or Human Resources Director.

If the employee wishes to file a formal complaint with the Town, the complaint must be signed attesting that it is true to the best of the complainant's knowledge, information and belief.

Any complainant who knowingly submits false information will be subject to disciplinary action.

A record will be maintained by the Human Resources Director of each discrimination or harassment complaint.

Procedure for Filing a Formal Complaint of Discrimination or Harassment:

An employee who has a reasonable and good-faith belief that he/she has been the subject of discrimination or harassment because of the employee's race, color, religion, national origin, sex, age, disability, familial status, marital status, sexual orientation or gender identity or expression, shall communicate in writing the allegation(s) to his/her Department Head or supervisor who shall immediately advise the Human Resources Director in writing using the prescribed form.

If the employee does not feel comfortable discussing his/her complaint at the worksite or next administrative level, the employee may file the complaint directly with the Human Resources Director or the Town Manager if deemed appropriate.

If the complaint is submitted to the Department Head or supervisor, the Department Head or supervisor will be responsible for scheduling a meeting with the complainant to discuss the complaint. In the event the complaint involves the employee's supervisor, the employee may go directly to the next level of administration, up to the Town Manager.

The employee will be requested to provide specific written information regarding the discriminatory or harassing action(s) or inaction(s), the basis (e.g., age, race, disability, etc.) for the action(s) or inaction(s), the alleged offender(s), witnesses, etc.

A failure on the part of the employee to initiate and/or follow-up on a complaint in a timely manner may result in the complaint being considered abandoned. A complaint must be filed within three hundred (300) days of the alleged discriminatory/harassing act(s).

A failure by a Department Head or appropriate supervisor to address a complaint, within ten (10) workdays will automatically allow the complainant to move the complaint to the Human Resources Director.

If the employee does not agree with the final determination made by the Human Resources Director, he/she may appeal the determination to the Town Manager by submitting a letter of appeal within ten (10) workdays of the date of the final determination.

Records of an open ongoing investigation shall remain confidential and not subject to disclosure pursuant to Chapter 119, Florida Statutes, until a final determination is made on the case.

Protected Categories:

Complaints filed with the Town based upon allegations of discrimination/harassment shall be based on one or more of the protected guidelines as set forth in law as follows:

Race -this category prevents denial of equal employment opportunities and/or discrimination/harassment because of a person's race. The five recognized races are American Indian or Alaska Native, Asian, Black or African American; Hawaiian or other Pacific Islander; and White. Because everyone has a race they can be discriminated against because of race. Persons from mixed racial backgrounds do not need to prove their exact heritage in order to assert that they have been discriminated against based on race. Likewise this category covers persons being discriminated against because they are married to persons of a different race from their own.

Color - this category prevents denial of equal employment opportunities and/or discrimination harassment because of person's skin tone. Color discrimination can be a subclass within a race and is based on the fact that a person's skin tone is different from their own. As such, color discrimination can occur within the same race. For example someone who is darker complexioned may discriminate against someone who has a lighter complexion although they are both members of the same race.

Religion - this category prevents denial of equal employment and/or discrimination/harassment because of a person's sincerely held religious practices. In certain circumstances it affords persons accommodations based upon their sincerely held religious practices.

National or Ethnic Origin - this category prevents denial of equal employment and/or discrimination/harassment because of a person's or his/her ancestor's, place of origin; or because an individual has the physical, cultural or linguistic characteristics of a national origin group.

Linguistic Preference - a subclass of national origin discrimination, this category prevents denial of equal employment opportunities and/or discrimination/harassment because of the language a person speaks unless there is a legitimate business need for requiring that a specific language be spoken.

Sex or Gender - this category prevents denial of equal employment opportunities and/or discrimination/harassment because of a person's gender or sex; it ensures that males are not treated differently from females and/or vice versa. Gender discrimination also includes sexual harassment and pregnancy discrimination which are explained below.

Sexual Harassment – Sexual harassment is defined as a pattern of behavior that includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (1) submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment; (2) submission to or rejection of such conduct is used as the basis for employment decisions affecting such individual; or (3) such conduct has

the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Pregnancy - this discrimination is a form of gender/sex discrimination, this category prevents denial of equal employment opportunities and/or discrimination/harassment of women who are with child.

Age - this category prevents denial of equal employment opportunities and/or discrimination/harassment because of a person's age.

Disability - this category prevents denial of equal employment opportunities and/or discrimination/harassment because a person either has or is perceived to have a permanent impairment that substantially limits or prevents a major life activity.

Familial Status - this category prevents denial of equal employment opportunities and/or discrimination/ harassment because of a person's familial background.

Marital Status - this category prevents denial of equal employment opportunities and/or discrimination/harassment because a person is or is not married.

Sexual Orientation or Gender Identity or Expression - this category prevents denial of equal employment opportunities and/or discrimination/harassment because of a person's sexual preference, this is based on whether an individual is heterosexual, homosexual, or bi-sexual.

Retaliation - this category prevents a person's from taking an adverse employment action against any person that has opposed activity that violates a person's Civil Rights or participated in an investigation pertaining to Civil Rights where there is a link between the adverse employment action and the person's opposition to Civil Rights violations or participation in a Civil Rights investigation.

8.9 DRUG FREE WORKPLACE POLICY:

The Town of Lake Park is committed to safeguarding the health of its employees, to promote a drug free community and to maintain a drug free workplace environment.

Substance abuse seriously endangers the safety and health of Town employees, results in a variety of workplace problems, including increased job injuries, chronic absenteeism, decreased morale and lower levels of employee productivity.

The Town has adopted and implemented a Drug Free Workplace Program in accordance with Florida law as set forth in the Workers' Compensation Act, Chapter 440, Florida Statutes.

Accordingly, the use of illegal drugs, the abuse of alcohol and/or the misuse of prescription drugs by Town employees shall not be tolerated and is expressly forbidden during work hours, while on Town property or in a Town-owned vehicle.

As part of the Town's Drug Free Workplace Policy, the Town has the right to drug/alcohol test its employees under conditions set forth in its policy.

Any employee who violates the Town's policy shall be subject to disciplinary action, up to and including termination of employment.

Employees of the Town are expected to read, understand and strictly adhere to the Town's Drug Free Workplace Policy.

The Town's Drug Free Workplace Policy and Procedure is hereby incorporated and made part of the Handbook and is attached at **Appendix H**.

8.10 TOBACCO FREE WORKPLACE POLICY:

The Town of Lake Park seeks to foster the health and well-being of all Town employees, residents and visitors.

Tobacco products pose an established significant risk to the health and potential quality of life of the tobacco user. Additionally, secondary smoke has been determined to cause or increase the risk of health related problems to non-smokers who are within close proximity to the use of tobacco products.

The Town adheres to the requirements of the Florida Indoor Clean Air Act as set forth in Florida law, Chapter 386, Florida Statutes.

Accordingly, the use of tobacco products is expressly prohibited in Town-owned buildings, facilities and Town-owned vehicles. Town employees shall not smoke on Town property except as permitted in outdoor designated smoking areas.

Town employees who smoke tobacco products are encouraged to exercise sensitivity to non-smokers and to refrain from smoking except in designated outdoor smoking areas with adequate ventilation.

8.11 WORKPLACE SAFETY AND HEALTH POLICY:

The Town of Lake Park is committed to ensuring the safety and health of its employees by promoting and operating a safety and health program that will strive to reduce the number of injuries and illnesses in the workplace.

The Town shall comply with all applicable state and federal laws to accomplish this objective as set forth in the Town's Workplace Safety and Health Manual, which is available to Town employees in the Human Resources Department.

8.12 ILLNESS/INJURY IN THE LINE OF DUTY POLICY:

A Town employee shall be entitled to illness or injury in the line-of-duty leave until workers' compensation benefits commence (i.e. the seventh (7) day following the documented injury for an injury of less than twenty one (21) days of injury) should the employee need to be absent from duties because of a personal injury received in the discharge of official duty or because of illness from any contagious or infectious disease contracted as a result of official Town work.

Such benefits shall not be approved when it is determined that the illness or injury occurred through the employee's negligence or willful misconduct. The employee may then draw upon accrued sick leave.

For a period not to exceed ninety (90) calendar days, the Town shall contribute a portion of the injured employee's salary to ensure that the employee receives 100 percent of the employee's salary. Thereafter, the injured employee shall receive the salary percentage set forth in applicable Florida law.

An employee who has a job related accident, injury or illness shall report the injury to the appropriate Department Head immediately.

The Department Head is responsible for notifying the Human Resources Department of the injury, filling out the appropriate records in a timely manner, as necessary, and verifying the details of the injury in the line of duty for submittal to the Human Resources Director. The Human Resources Director will report the injury to the Town's workers' compensation carrier.

The Town reserves the right to ensure that the injury is compensable under the provisions and requirements of the Workers' Compensation Law and to have a Town-approved physician make the ultimate determination of the employee's ability to return to duty.

Employees returning to work after a job-related injury shall submit a physician's certification of fitness to return to duty to the Human Resources Department prior to returning to work.

Employees either injured on the job or involved in vehicular accident while on the job are required to submit to a post-accident drug test immediately following such accident.

8.13 COBRA RIGHTS POLICY:

Pursuant to the Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1985, including any amendments, changes and additional laws relevant and applicable, Town employees who leave or otherwise lose their job and their dependents shall be provided the opportunity to continue group health insurance coverage for 18 to 36 months, provided that employees elect the continuation for such coverage in a timely manner and pay the full cost of such coverage unless the employee qualifies for a partial government subsidy toward COBRA coverage as set forth in the American Recovery and Reinvestment Act of 2009 (ARRA). Upon termination of employment, the Human Resources Director shall provide to the employee notification of how to continue such coverage, and shall notify the employee's group health insurance provider of the qualifying event and shall cause to be provided to the employee the necessary application forms for the employee continue such health insurance coverage under COBRA and ARRA rights.

8.14 TERMINAL SICK PAY POLICY:

The Town of Lake Park acknowledges the dedication of its full-time employees who through their exemplary job attendance demonstrate a commitment to the Town.

The Town will provide terminal sick pay to its full-time employees at voluntary resignation or retirement, or to their beneficiaries if service is terminated by death. For purposes of receiving terminal pay, resignation or retirement shall be by action of the employee and specifically excludes resignation or retirement after a recommendation for termination of employment.

Terminal pay shall not exceed an amount determined as follows:

0 – 5 years full-time service	25 percent times the number of days (or hours) of accumulated sick leave
6 – 10 years full-time service	37.5 percent times the number of days (or hours) of accumulated sick leave
10+ years full-time service	50 percent times the number of days (or hours) of accumulated sick leave

NOTE: In the event a full-time employee dies while in the employment of the Town and is owed any portion of a paycheck, the employee's spouse shall be paid the amount owed to the Town's employee. In the event the employee does not have a spouse, the employee's designated primary beneficiary for life insurance shall be paid this amount.

8.15 CONFIDENTIALITY AND NON-DISCLOSURE OF EMPLOYEE PRIVILEGED INFORMATION:

The Town of Lake Park recognizes the necessity to protect its employees from the disclosure of information which is intended by law, rule, regulation or Town policy to be confidential and exempt from disclosure. Both federal and state law specifically addresses information of this nature which is intended to be held confidential in the workplace.

Such information includes, but is not limited to, personal medical/health information, personal social security numbers, certain financial information, and in certain instances, home addresses, telephone numbers and similar personally identifiable information of Town employees who are in certain safety sensitive positions.

For that reason, it is the policy of the Town that Town employees who have access or contact with personal, privileged or exempt information of its Town employees required to be held confidential are required to maintain confidentiality as it pertains to the disclosure of such information and to handle such information in a professional manner to ensure the confidentiality and non-disclosure of such information.

Requests for information on present or former employees of the Town which may be confidential, privileged or exempt from disclosure pursuant to an applicable statute (e.g., Chapter 119, Florida Statutes) or federal laws shall be forwarded to the Human Resources Director for handling. The Human Resources Director, as the Town's Privacy Coordinator, shall have the sole authorization and responsibility for answering requests or making copies of records which may be confidential or exempt from disclosure.

Town employees may be required by the Human Resources Director to sign a Release of Confidential Information form and may also be required to present a physician's note or return to duty/fitness evaluation upon proper request from the employee's Department Head or Human Resources Director.

Town employees who violate the confidentiality policy of the Town, including the specifically adopted Social Security Number Privacy Policy set forth in **Appendix I** of this Handbook, will be subject to disciplinary action.

8.16 BENEFICIARY DESIGNATION POLICY:

The Town is committed to ensuring that its employees' designated beneficiaries are appropriately compensated in the unfortunate event of the employee's death while still in active employment with the Town. Payment of all monies due to the employee at the time of death shall be paid in accordance with the employee's designated beneficiary on the employee's Beneficiary Designation Form. As such, it is the responsibility of the employee to notify the Human Resources Director of any change of beneficiary as set forth in Section 7.17 Personnel Files of this Handbook.

8.17 COMPLIANCE WITH LAWS:

The Town of Lake Park adheres to a policy of non-discrimination in employment and strives affirmatively to provide equal employment opportunity for its employees as required by the following laws:

- Title VII of the Civil Rights Act of 1964 as amended which prohibits discrimination on the basis of race, color, religion, gender or national origin
- Age Discrimination and Employment Act of 1967 which prohibits discrimination on the basis of age with respect to individuals who are at least forty
- The Equal Pay Act of 1963 as amended which prohibits gender discrimination in the payment of wages to women and men performing substantially equal work in the same workplace
- Americans with Disability Act of 1990 which prohibits discrimination against individuals with disabilities in employment
- The Family Medical Leave Act of 1993 which requires employers to provide employees up to twelve weeks of unpaid job protected leave to eligible employees for certain family and medical reasons
- Florida Civil Rights Act of 1992 which prohibits discrimination on the basis of race, color, religion sex, national origin, age handicap or marital status
- The Pregnancy Discrimination Act of 1978 which prohibits discrimination on the basis of pregnancy, childbirth, or related medical conditions
- Other such federal and state laws, including Veteran's Preference in employment, Health Information Portability and Accountability Act, Consolidated Omnibus Budget Reconciliation Act, and the American Recovery and Reinvestment Act of 2009, etc.

The Town shall adhere to the requirements and provisions contained in Florida's Workers' Compensation Act, Chapter 440, et.seq., Florida Statutes.

Information about the Town of Lake Park's policies and specific compliance with all applicable laws and procedures is available to Town employees in the Human Resources Department.

The balance of this page is intentionally left blank.

APPENDIX A

Appendix A, attached hereto, and incorporated herein by reference, to the Handbook of Procedures of the Town of Lake Park (Employee Handbook) sets forth the Town of Lake Park Position Titles, Job Codes and Pay Plan.

**TOWN OF LAKE PARK
POSITION TITLES AND JOB CODES**

CLASS POSITION NUMBER		MINIMUM FY 2009		MAXIMUM FY 2009	
		PER YEAR	PER HR	PER YEAR	PER HR
Department: Town Manager					
100 E	Town Manager				
500 E	Assistant Town Manager	49,928.09	24.00	78,849.81	37.91
489 E	Grants Writer	50,854.75	24.45	78,943.41	37.95
490 E	Assistant to the Town Manager	50,854.75	24.45	78,943.41	37.95
Department: Information Technology Department					
112 E	Chief Information Technology Officer	50,854.75	24.45	78,943.41	37.95
General Clerical (non-departmental)					
230 NE	Executive Secretary	27,050.40	13.01	42,507.99	20.44
255 NE	Administrative Secretary	27,050.40	13.01	42,507.99	20.44
260 NE	Administrative Assistant	29,214.43	14.05	48,580.56	23.36
220 NE	Clerk Typist	18,917.37	9.05	29,717.58	14.29
Department: Town Clerk					
190 E	Town Clerk	50,854.75	24.45	78,943.41	37.95
195 NE	Deputy Town Clerk	34,624.51	16.65	54,853.13	26.28
Department: Human Resources					
120 E	Human Resources Director	50,854.75	24.45	78,943.41	37.95
Department: Community Development					
115 E	Community Development/Planning Director	87,084.99	32.25	103,233.69	48.63
110 E	Building Official	41,075.97	19.75	64,869.77	31.19
315 NE	Building Inspector	32,183.51	15.47	50,828.22	24.44
320 NE	Code Compliance Officer	30,296.45	14.57	51,009.59	24.52
111 NE	Planner I	37,128.00	17.85	57,834.00	27.80

Department: Finance

130 E	Finance Director	71,932.44	34.58	116,531.65	56.02
125 E	Assistant to the Finance Director	50,854.75	24.45	78,943.41	37.95
200 NE	Accountant	34,624.51	16.65	54,653.13	26.28
201 NE	Accountant/Business Tax Coordinator	34,624.51	16.65	54,653.13	26.28
202 NE	Accounts Payable/Receivable Coordinator	29,214.43	14.05	48,580.56	23.36
210 NE	Accounting Clerk I	21,783.48	10.47	34,401.80	16.54
215 NE	Accounting Clerk II	26,477.94	12.73	41,815.63	20.10

Department: Library

150 E	Library Director	50,854.75	24.45	78,943.41	37.95
165 E	Librarian II	37,870.56	18.21	55,867.64	26.86
210 NE	Library Accounting Clerk	27,050.40	13.01	42,507.99	20.44
235 NE	Library Assistant II	29,214.43	14.05	48,580.56	23.36
240 NE	Library Assistant I	22,722.34	10.92	34,008.39	16.35
245 NE	Library Assistant II	29,214.43	14.05	48,580.56	23.36
310 E	Librarian I	34,624.51	16.65	54,653.13	26.28
340 NE	Library Monitor	per hr	8.66		
345 NE	Library Shelver	per hr	8.13		

Department: Public Works

170 E	Public Works Director	67,084.99	32.25	103,233.69	49.63
175 E	Operations Manager	43,280.64	20.81	66,798.27	32.11
178 NE	Assistant to the PW Director	37,995.00	18.27	51,114.24	24.57
177 NE	Operations Technician I	29,070.00	13.98	41,212.50	19.81
560 NE	Foreman	30,298.45	14.57	51,515.10	24.77
563 NE	Foreman General Infrastructure	31,811.27	15.29	54,090.86	26.01
510 NE	Custodian	20,162.95	9.69	30,098.25	14.47
520 NE	Mechanic I	24,888.37	11.96	37,044.00	17.81
530 NE	Mechanic II	29,713.82	14.29	45,147.38	21.71
531 NE	Facilities Mechanic I	28,005.12	13.46	38,691.20	17.64
532 NE	Facilities Mechanic II	32,036.16	15.40	43,243.20	20.79
535 NE	Facilities Maintenance Worker I	23,655.84	11.37	33,196.80	15.96
536 NE	Facilities Maintenance Worker II	29,490.24	14.18	39,639.60	19.06
537 NE	Facilities Maintenance Worker III	35,008.40	16.83	48,829.20	23.48
540 NE	Equipment Operator I	22,285.37	10.71	32,413.50	15.58
545 NE	Equipment Operator II	27,591.41	13.27	46,305.00	22.26
546 NE	Equipment Operator III	32,884.80	15.81	48,572.16	23.35
550 NE	Maintenance Worker I	20,162.95	9.69	30,098.25	14.47
555 NE	Maintenance Worker II	22,285.37	10.71	32,413.50	15.58
556 NE	Maintenance Worker III	29,278.08	14.08	44,553.60	21.42
557 NE	Irrigation Technician I	26,838.24	12.90	35,926.80	17.27
558 NE	Irrigation Technician II	31,293.60	15.05	39,093.60	18.80
559 NE	Traffic Maintenance Technician I	26,838.24	12.90	34,507.20	16.59
560 NE	Traffic Maintenance Technician II	29,914.56	14.38	38,220.00	18.38
561 NE	Storm Water Technician I	29,278.08	14.08	44,553.60	21.42
562 NE	Storm Water Technician II	32,884.80	15.81	48,572.16	23.35
575 NE	Grounds Maintenance Crew Leader	25,468.99	12.24	40,516.68	19.48
615 NE	Vehicle Maintenance Foreman	33,542.50	16.13	55,836.31	26.75

Department: Marina

620 E	Harbor Marina Director		50,854.75	24.45	78,943.41	37.95
570 E	Dock Master		33,542.50	16.13	54,653.13	26.28
571 NE	Assistant Dock Master		22,276.80	10.71	32,387.04	15.57
209 NE	Ship's Store Clerk		22,276.80	10.71	32,387.04	15.57
610 NE	Dock Attendant		20,558.30	9.88	29,238.30	14.06

Department: Community Affairs aka Recreation

180 E	Recreation Director		50,854.75	24.45	78,943.41	37.95
181 NE	Camp Counselor (Seasonal)	per hr	7.58			
182 NE	Recreation Bus Driver	per hr	7.58			
330 E	Assistant Recreation Director		34,624.51	16.65	54,653.13	26.28
331 NE	Grounds Maintenance Worker II		22,285.37	10.71	32,413.50	15.58
630 NE	Special Projects Coordinator		29,191.93	14.03	46,101.74	22.16
None NE	Camp Director (Seasonal)	per hr	8.12			

Special I

None E	Senior Registered Civil Engineer					
None E	Senior Registered Architect					
640 ?	CADD Systems Operator		35,482.98	17.06	56,038.94	26.94

Special II

616 NE	Carpenter/Project Superintendent		29,191.93	14.03	46,101.74	22.16
618 NE	Carpenter's Helper		20,746.15	9.97	32,783.64	15.75

E - Exempt Position
NE - Non-exempt Position

APPENDIX B

Appendix B, attached hereto, and incorporated herein by reference, to the Handbook of Procedures of the Town of Lake Park (Employee Handbook) constitutes the listing of Managerial Exempt Department Heads, Assistant Department Heads, and other specifically designated positions who serve at pleasure of the Town Manager.

**DEPARTMENT HEADS, ASSISTANT DEPARTMENT HEADS AND OTHER
SPECIFICALLY DESIGNATED POSITIONS WHO SERVE AT THE PLEASURE OF THE
TOWN MANAGER**

Department Heads:

- Chief Information Technology Officer
- Community Development Director
- Finance Director
- Grants Writer
- Harbor Marina Director
- Human Resources Director
- Library Director
- Public Works Director
- Recreation Director
- Town Clerk

Assistant Department Heads:

- Assistant Town Manager
- Assistant to the Town Manager
- Assistant to the Finance Director
- Operations Manager

Other Specifically Designated Positions:

- Building Official
- Community Redevelopment Agency (CRA) Economic Development Director
- CRA Project Manager
- Dockmaster
- Librarian I
- Librarian II
- Senior Registered Civil Engineer
- Senior Registered Architect

APPENDIX C

Appendix C, attached hereto, and incorporated herein by reference, to the Handbook of Procedures of the Town of Lake Park (Employee Handbook) constitutes the Town of Lake Park Performance Evaluation Forms.



TOWN OF LAKE PARK

DEPARTMENT HEAD/DESIGNATED SUPERVISORY EVALUATION FORM

Name of Employee: _____

Position Title: _____ Department: _____

The purpose of the evaluation is to formally assess job performance over a designated period of time and to provide an opportunity for the employee and his/her immediate supervisor to discuss all aspects of the job position, and if applicable, to determine performance based (i.e., merit) pay increases.¹

Type of Evaluation: Annual Other _____

Evaluation Period: _____ to _____ Please specify

Step 1. Self-Evaluation:
The following section is to be completed by the employee and presented to the employee's immediate supervisor (attach additional pages if more space is needed). Please do not use pencil.

1. What were your goals/objectives during this evaluation period?

2. What were your achievements/accomplishments during this evaluation period?

3. How well did you do in meeting your goals and objectives? (Use a rating factor of 0 to 4 as specified in Step 2 of this Form and explain how and why you gave yourself that rating.)

4. In what areas of your job do you believe you could improve and how would you accomplish those improvements?

¹ For a more detailed discussion of the employee evaluation process, please refer to the Town of Lake Park Handbook of Procedures for Employees of the Town, Section 4.
Department Head/Designated Supervisory Evaluation Form
Revised 4/01/09
Previous editions obsolete Page 1 of 7 Pages

5. What can the Town of Lake Park and your immediate supervisor do to better assist you in performing your job and fulfilling your job requirements, goals and objectives?

6. What do you believe should be your goals/assessments for your next evaluation period?

Step 2. Employee Evaluation:

Upon completion of Step 1 Self-Evaluation by the employee, the following evaluation section is to be completed by the employee's immediate supervisor using the following rating factors:

Rating Factor	Level	Definition
4	Excellent	Job performance that consistently achieves and exceeds the expectations of the job.
3	Above Expectations	Job performance that routinely is above the expectations of the job.
2	Meets Expectations	Job performance that routinely meets the expectations of the job.
1	Needs Improvement	Job performance that needs improvement in meeting the expectations of the job.
0	Below Expectations	Job performance that routinely falls below the minimum expectations and requirements of the job.
N/A	Not Applicable	Rating factor is not relevant to this position or not observable.

NOTE: After completing the evaluation of the employee, the immediate supervisor shall forward the Evaluation Form to the Department Head, if applicable, or the Town Manager for review before the evaluated employee receives his/her evaluation.

1. Planning

	4	3	2	1	0	N/A
How effectively does the employee . . .	***	***	***	***	***	***
Set goals/objectives with end results that can be met?						
Develop strategies/tactics to meet schedules and deadlines?						
Communicate plans by involving appropriate parties?						

2. Organizing

	4	3	2	1	0	N/A
How effectively does the employee . . .	***	***	***	***	***	***
Arrange and allocate department resources?						
Prioritize, schedule and organize work activities?						
Arrange and allocate equipment/material resources?						

3. Communication

	4	3	2	1	0	N/A
How effectively does the employee . . .	***	***	***	***	***	***
Use clear, logical and concise verbal communications?						
Use clear, logical and concise written communications?						
Communicate his/her expectations to departmental staff?						
Establish clear lines of communication within his/her Department and/or with consultants?						

4. Leadership

	4	3	2	1	0	N/A
How effectively does the employee . . .	***	***	***	***	***	***
Motivate, guide and influence staff (set a good example)?						
Create a work environment that fosters employee participation?						
Provide appropriate feedback through praise/discipline?						

5. Decision Making

	4	3	2	1	0	N/A
How effectively does the employee . . .	***	***	***	***	***	***
Follow established policies and procedures?						
Make timely decisions?						
Implement decisions (follow through)?						

6. Delegating

	4	3	2	1	0	N/A
How effectively does the employee . . .	***	***	***	***	***	***
Assign authority/responsibility when delegating tasks?						
Assign work to meet goals and promote employee growth?						
Delegate tasks that challenge and motivate employees?						
Delegate tasks that are consistent with employee job responsibilities?						

7. Problem Solving

	4	3	2	1	0	N/A
How effectively does the employee . . .	***	***	***	***	***	**
Identify problems and utilize or suggest alternative strategies for resolving problems?						
Develop and implement innovative ideas that have a positive impact?						
Resolve daily, short-term and long-term issues?						
Evaluate alternatives?						

8. Knowledge of Area and Job Effectiveness

	4	3	2	1	0	N/A
How effective is the employee at . . .	***	***	***	***	***	***
Demonstrating knowledge and skills necessary to manage/supervise the department?						
Understanding general plans and goals of the department?						
Recognizing job priorities?						
Developing realistic plans for accomplishing assignments?						

9. Cooperation and Customer Service

	4	3	2	1	0	N/A
How effectively does the employee . . .	***	***	***	***	***	***
Accept guidance willingly?						
Work with others to accomplish tasks?						
Respond to and interact positively and courteously with the public and co-workers?						

10. Staffing

	4	3	2	1	0	N/A
How effectively does the employee . . .	***	***	***	***	***	***
Assess strengths/developmental needs of staff?						
Assign staff consistent with employee job responsibilities?						

11. Financial Management

	4	3	2	1	0	N/A
How effectively does the employee. . .	***	***	***	***	***	***
Plan (budget) for and allocate financial resources?						
Stay within appropriated funding amounts?						
Consistently secure products and/or services that are cost effective?						

12. Goals

	4	3	2	1	0	N/A
How effectively does the employee . . .	***	***	***	***	***	***
Establish departmental goals?						
Achieve departmental goals?						
Assist the Town in meeting its goal of providing quality customer service to residents and businesses in the Town of Lake Park?						

13. Work Ethic

	4	3	2	1	0	N/A
How well does the employee . . .	***	***	***	***	***	***
Demonstrate adherence to Town rules, regulations and policies?						
Observe work hours, attendance and punctuality consistent with an exempt, management or supervisory employee?						
Foster a leadership role in ensuring that the employee's individual work ethic sets a positive example for Town employees?						

Step 3. Evaluation Instructions:

Upon completion of scoring the employee, the evaluator must add up each rating of 0 to 4 to achieve a total score. If each assessment is scored and no "N/A" ratings are used, there is a possible 42 assessment ratings. Divide the total score (e.g., 128) by the number of ratings (e.g., 42) to arrive at an overall rating (e.g., 3.04) and round to closest rating under Total Rating Factor (e.g., 3.0.)

TOTAL RATING FACTOR

PERCENT MERIT INCREASE

0 to 1.9
2.0 to 2.5
2.6 to 3.0
3.1 to 3.5
3.6 to 4.0

0 percent
2 percent
3 percent
4 percent
5 percent

Overall Evaluation Rating_____

***Please note that the Town reserves the right to not provide a merit pay increase to Town employees in the absence of sufficient Town finances as set forth in Section 4 of the Handbook of Procedures for Employees of the Town of Lake Park.**

Evaluator's Comments**

Step 4. Post Evaluation Scoring:

The evaluator shall record a total overall rating of the employee in Section 3 above. Prior to meeting with the employee, the evaluator shall confer with his/her Department Head, if applicable, in order for the evaluation to be reviewed.

****NOTE: If the evaluator is not the Town Manager, the completed evaluation is to be sent to the Human Resources Director for review by the Town Manager before it is presented to the employee.**

List any job-related education or training programs for the employee to undertake during the next rating period.

List agreed upon goals/objectives for the next evaluation period.

Signature: _____
Evaluator

Date: _____

Signature: _____
Town Manager

Date: _____

Employee's Comments

Signature: _____
Employee's Signature Acknowledging Receipt

Date: _____

.....
For Human Resource Dept. Use Only

Current Hourly Rate: \$ _____ Merit Percent Increase: _____% Proposed Hourly Rate: \$ _____



TOWN OF LAKE PARK

GENERAL EMPLOYEE EVALUATION FORM

Name of Employee: _____

Position Title: _____ Department: _____

Employee Status: Full-Time Part-Time

The purpose of the evaluation is to formally assess job performance over a designated period of time and to provide an opportunity for the employee and his/her immediate supervisor to discuss all aspects of the job position, and if applicable, to determine performance based (i.e., merit) pay increases.¹

Type of Evaluation: Probationary Annual Other _____
Please specify

Evaluation Period: _____ to _____

Step 1. Self-Evaluation:
The following section is to be completed by the employee and presented to the employee's supervisor (attach additional pages if more space is needed).
Please do not use pencil.

1. What were your strengths and accomplishments during this evaluation period?

2. In what areas do you think you could improve?

3. How will you accomplish your improvements (i.e., what can you do to improve your job performance)?

¹ For a more detailed discussion of the employee evaluation process, please refer to the Handbook of Procedures for Employees of the Town, Section 4. General Employee Evaluation Form
Revised 4/01/09
Previous editions obsolete Page 1 of 6 Pages

4. How can the Town of Lake Park or your supervisor assist you in performing your job and fulfilling your job requirements?

5. What would you like to accomplish during the next evaluation period?

6. What suggestions do you have for improving department or Town services?

Step 2. Employee Evaluation:
 Upon completion of Step 1 Self-Evaluation by the employee, the following evaluation section is to be completed by the employee's supervisor using the following rating factors:

Rating Factor	Level	Definition
4	Excellent	Job performance that consistently achieves and exceeds the expectations of the job
3	Above Expectations	Job performance that routinely is above the expectations of the job.
2	Meets Expectations	Job performance that routinely meets the expectations of the job.
1	Needs Improvement	Job performance that needs improvement in meeting the expectations of the job.
0	Below Expectations	Job performance that routinely falls below the minimum expectations and requirements of the job
N/A	Not Applicable	Rating factor is not relevant to this position or not observable.

1. Job Knowledge

	4	3	2	1	0	N/A
How well does the employee . . .	***	***	***	***	***	***
Apply knowledge and skills necessary to perform job?						
Understand and use standard procedures?						
Demonstrate job knowledge, skills and abilities?						
Recognize job priorities?						
Develop realistic plans to accomplish assignment(s)?						

2. Quality of Work

	4	3	2	1	0	N/A
How well does the employee . . .	****	***	***	***	***	***
Pay attention to accuracy and detail?						
Perform work according to job requirements?						
Recommend and/or implement creative, innovative and practical solutions?						
Assist the Town in meeting its goal of providing quality customer service to residents and businesses of the Town of Lake Park?						

3. Job Dependability

	4	3	2	1	0	N/A
How well does the employee . . .	***	***	***	***	***	***
Follow instructions and complete work on time?						
Assume full responsibility for assigned tasks?						
Demonstrate reliability with respect to work completion?						

4. Job Initiative

	4	3	2	1	0	N/A
How well does the employee . . .	***	***	***	***	***	***
Perform tasks with independence appropriate to the assignment?						
Actively seek additional assignments?						
Take effective action without being told?						
Communicate timely and accurate information to appropriate personnel?						

5. Judgment

	4	3	2	1	0	N/A
How well does the employee . . .	***	***	***	***	***	***
Assist identifying solutions to problems or alternate courses of action?						
Evaluate the pros, cons and impact prior to making decisions?						
Take appropriate action when difficult situations arise?						

6. Cooperation and Customer Service

	4	3	2	1	0	N/A
How well does the employee . . .	***	***	***	***	***	***
Accept guidance willingly?						
Work with others to accomplish tasks?						
Respond promptly and courteously to co-workers?						
Respond promptly and courteously to the public?						

7. Safety

	4	3	2	1	0	N/A
How well does the employee . . .	***	***	***	***	***	***
Show concern for the safety of co-workers and the public?						
Operate equipment and machinery in accordance with established safety rules and regulations?						
Utilize personal protective equipment (PPE) suitable to the job performed?						

8. Employee Attendance and Compliance with Town and Departmental Rules

	4	3	2	1	0	N/A
How well does the employee . . .	***	***	***	***	***	***
Adhere to the Town's rules and regulations concerning attendance?						
Adhere to the Town's rules and regulations concerning punctuality?						
Observe and follow the Town's rules, regulations and procedures?						
Demonstrate a willingness to follow departmental rules, regulations and directives?						

Step 3. Evaluation Instructions:

Upon completion of scoring the employee, the evaluator must add up each rating of 0 to 4 to achieve a total score. If each assessment is scored and no "N/A" ratings are used, there is a possible 30 assessment ratings. Divide the total score (e.g., 100) by the number of ratings (e.g., 30) to arrive at an overall rating (e.g., 3.33) and round to closest rating under Total Rating Factor (e.g., 3.3.)

TOTAL RATING FACTOR

PERCENT MERIT INCREASE

0 to 1.9
2.0 to 2.5
2.6 to 3.0
3.1 to 3.5
3.6 to 4.0

0 percent
2 percent
3 percent
4 percent
5 percent

Overall Evaluation Rating _____

Evaluator's Comments**

Signature: _____

Date: _____

Step 4. Post Evaluation Scoring:

The evaluator shall record a total overall rating of the employee. Prior to meeting with the employee, the evaluator shall confer with his/her Department Head, if applicable, in order for the evaluation to be reviewed.

****The completed evaluation is to be sent to the Human Resources Director for review by the Town Manager before it is presented to the employee.**

List any job-related education or training programs for the employee to undertake during the next rating period.

List areas for employee improvement in the next evaluation period.

Signature: _____
Town Manager

Date: _____

***Please note that the Town reserves the right to not provide a merit pay increase to Town employees in the absence of sufficient Town finances as set forth in Section 4 of the Handbook of Procedures for Employees of the Town of Lake Park.**

Employee's Comments

Signature: _____

Date: _____

Employee's Signature Acknowledging Receipt

.....
For Human Resource Dept. Use Only

Current Hourly Rate: \$ _____

Merit Percent Increase: _____%

Proposed Hourly Rate: \$ _____

APPENDIX D

Appendix D, attached hereto, and incorporated herein by reference, to the Handbook of Procedures of the Town of Lake Park (Employee Handbook) constitutes the Town of Lake Park Cellular Phones and Mobile Communication Devices Policy.

TOWN OF LAKE PARK CELLULAR PHONES AND MOBIL COMMUNICATION DEVICES POLICY

Objective:

The objective of this policy and its procedures is to provide guidelines to Town employees regarding Cellular Phones and Mobile Communication Devices (CP/MCD) required for the purpose of conducting Town business and to provide issuance and procurement processes and reimbursement procedures.

Scope:

This policy applies to all Town employees who are required to carry a Cellular Phone or Mobile Communication Device in the performance of their duties with the Town.

Policy:

The Town is committed to providing tools and equipment that enhance or improve the employee's ability to perform their job functions effectively. CP/MCD provide employees with the ability to perform the functions of their duties in a much more efficient manner therefore management requires certain employees, positions, functions or shifts to be equipped with these devices.

Personal Devices; Stipends and Use:

The Town will offer a taxable monthly stipend for CP/MCD usage to employees whose duties and responsibilities require access. The Town Manager will determine which employees should receive monthly stipends and at what rate.

Authorization of monthly stipends should be determined by one or more of the following performance criteria:

- Critical decision maker
- An integral part of performing duties of the job
- Required to be contacted on a regular basis
- Work is regularly conducted in the field
- Required to be on-call

Instances of exceptional situations and/or emergency use may require service beyond the normal usage and control of employees. Under these circumstances the employee and Department Head should review the situation and reimbursement may be approved by the Town Manager.

For employees not eligible for a monthly stipend, the use of privately-owned CP/MCD for Town business will be reimbursed after a detailed accounting of the use is provided and approved by the Department Head.

Use of privately-owned CP/MCD must not interfere with the employee performing their job duties.

Town Issued Devices:

In the course of Town business a determination may be made to issue CP/MCD to employees that are deemed to be used for the sole purpose of conducting Town business. Town issued devices will be the direct responsibility of the employee. In this instance, the Town will receive and pay invoices directly to the vendor for services and equipment. Whenever practical, employees should use landline phones or other means of communication that would otherwise save minutes on their town issued devices. Prudent use of the Town's resources is an integral part of Town employment.

Personal use of Town issued devices must be reimbursed by the employee. If a direct cost of personal use is not able to be determined from the monthly bill a percentage of the personal use compared to the business use will be determined and the employee will reimburse the Town for the personal use percentage of the entire monthly bill. De minimus (minimal) or emergency type use on occasion will not warrant reimbursement.

Any misuse or negligent acts to Town owned property may result in disciplinary action or termination.

Procurement:

The procurement of Town issued CP/MCD, accessories and service plans shall be the direct responsibility of the Chief Information Technology Officer. Every effort should be made to pool the resources and needs of all departments when procurement of services and plans are being considered. Department Heads will approve the service maximum monthly requirements for each Town issued service.

For employees receiving the monthly stipend the procurement of CP/MCD, accessories, service plans, termination fees, and all associated costs is the direct responsibility of the individual receiving the stipend. In this instance eligible employees will establish personal service with the company of their choice. The Town reserves the right to specify certain minimum capabilities and access of equipment and service used in conjunction with this stipend.

The Town Manager may allow reimbursement of expenses for replacement equipment not to exceed \$100 in each fiscal year.

Financial hardships brought on to employees that are a direct result of decisions of the Town (other than employee misconduct) may be reimbursed by the Town. These types of decisions might include a reduction or cancellation of stipend, etc. and would thereby adversely impact an employee who had already committed to a long term contract. Appropriate documentation will be required and provided by the employee and approved by the Department Head, reimbursement would not be taxable.

Invoice Review, Expense Reimbursement and Payment:

Town issued devices will be billed to and paid by the Town. Detailed Invoices must be reviewed for accuracy by the employee or department to whom the device is issued and approved by the Department Head or their designee for payment. Any discrepancies, errors or fraudulent use should be documented and dealt with appropriately and effectively. Employees that are issued Town devices will reimburse the Town for non-minimal personal use as provided herein.

Reimbursement for business related expenses to employees who do not receive a monthly stipend will be processed after a detailed accounting of the use is provided and approved by the Department Head.

Reimbursement up to \$100 per fiscal year to employees that do receive the monthly stipend will be processed after approval is obtained from the Town Manager.

Approved invoices must be forwarded to the Finance Department for payment.

Safety Guidelines:

Use of a CP/MCD while driving is strongly discouraged. When driving a Town vehicle, the use of a CP/MCD shall be with a hands-free device to ensure the promotion of safety practices and accident prevention.

All Town issued devices are the property of the Town of Lake Park. Employees may be financially responsible for the loss, damage, or failure to return assigned property. In the event of loss or damage to a Town issued CP/MCD the employee is required to immediately notify the Chief Information Technology Officer. Failure to do so will be grounds for disciplinary action.

Cellular transmissions may not be secure, and employees should use discretion when relaying confidential information.

Authority:

Any changes or variations to this policy must be approved in writing by the Town Manager.

APPENDIX E

Appendix E, attached hereto, and incorporated herein by reference, to the Handbook of Procedures of the Town of Lake Park (Employee Handbook) constitutes the Town of Lake Park Motor Vehicle Policy.

TOWN OF LAKE PARK MOTOR VEHICLE POLICY

Purpose:

The primary purposes of this motor vehicle policy and procedures are to establish standards governing the system of motor vehicle assignment, utilization and operation; maximize the efficient and effective use of the Town's fleet in support of organizational goals and program objectives; control the use of Town owned and/or leased and personally owned and/or leased motor vehicles in the conduct of Town business; limit liability to the Town; and, hold employees accountable for any violations of policy or safety standards.

Scope of Applicability:

This policy applies to all employees and any appointed or elected officials or independent contractors who operate Town owned and/or leased motor vehicles including special use motor vehicles such as construction and excavation equipment designed to operate primarily off-road but driven on public roads to a job site.

Definitions:

The following definitions shall be used in interpreting and applying this policy:

- "Town Manager/Department Head/Foreman" shall also mean "or designee";
- "Official business, " business of the Town" or "services" shall mean any activity carried out by an employee in the performance of Town business;
- "Department/Division Pool Vehicle" shall mean a vehicle that has been provided to a department / division for use by employees on an as needed basis;
- "Motor Vehicle Assignment" shall mean the exclusive issue of a vehicle to an employee;
- "Take Home Authorization" shall mean the approval for an employee to take a vehicle home and to use the vehicle for daily commuting purposes between work and home;
- "Town Vehicle" shall mean any Town owned and/or leased motor vehicle; and
- "Pool Vehicle" shall mean any Town Vehicle assigned to a department for shared use by department employees.

Standards and Procedures:

General

- A Town vehicle is to be used for official Town business and shall not be used by an employee for personal reasons except as provided in this policy.
- A Town vehicle will be used for local travel whenever available.
- Any abusive, reckless or negligent act while operating any Town vehicle or personal vehicle while on Town business may result in a suspension or termination of an employee's driving privileges and may be grounds for further disciplinary action as provided for in the Employee Handbook or collective bargaining unit agreements.
- Employees shall obey all Town, County, State and Federal laws while operating any motor vehicle.
- Transporting non-employees for other than Town business must be approved in advance in writing by the Town Manager.
- When cargo, materials or tools are being transported, the driver is responsible for assuring that all items are properly secured to prevent them from shifting or falling from the motor vehicle or trailer and from being stolen.
- No person shall be allowed to ride on a running board, fender, hood, tailgate, bed or other location on a motor vehicle not designed or approved by the motor vehicle manufacturer for passengers.
- The operator shall not operate any motor vehicle when the normal field of vision is obstructed in any way.
- A qualified operator must be positioned at the motor vehicle's controls any time it is running. No motor vehicle except those responding to emergency situations shall be left unattended without first stopping the motor, locking the ignition, removing the key, setting the parking brake and locking the doors or otherwise securing the motor vehicle to prevent theft, vandalism or unintentional movement.
- The Town shall not be responsible for any personal property left in Town vehicles when used in the performance of Town business.
- Any employee receiving a ticket/citation for a violation of a Motor Vehicle Law, while operating his/her own vehicle or a Town Vehicle, will be responsible for payment of ticket/reinstatement of driver's license.

- No cell phone usage is permitted while operating a Town vehicle if the phone is not equipped with a hands free device. In addition, the following guidelines must also be adhered to: Whenever possible pull off the road to receive or place a call. If traffic is congested you shall not answer the phone or place a call. The stored phone number feature should be used to minimize the amount of numbers needed to be dialed to place a call. If traveling in an area where laws or ordinances prohibit cell phone usage, you must not use your phone at all.
- Text messaging while operating a Town vehicle is strictly prohibited.

Motor Vehicle Operation:

Town Vehicle Care

- An employee who operates a Town vehicle is responsible for the proper care of that vehicle.
- Fluid levels including brake, transmission, engine oil, and coolant shall be maintained. Missed service appointments may lead to loss of Town vehicle assignment.
- Any defects that will affect safe operation of the Town vehicle shall be reported promptly to the operator's supervisor and Vehicle Maintenance Foreman. No employee shall operate a Town vehicle that is in an unsafe condition.
- Any Town vehicle damage beyond normal wear and tear must be documented and reported to the operator's supervisor and Vehicle Maintenance Foreman.

Driver License

- A valid Florida driver license must be in the employee's possession at all times while operating a Town vehicle.
- For employees who are required to operate a commercial vehicle, they must:
 - Successfully pass a D.O.T. medical physical every two (2) years.
 - Comply with all State and Federal D.O.T. rules and regulations.
 - Comply with the Federal Commercial Motor Vehicle Safety Act of 1986, and obtain a Commercial Driver's License (CDL).

- Pass the qualifying training and proficiency review provided by the supervisors, where applicable (e.g. vehicles exceeding 26,000 GVWR or larger).
- Commercial operators must notify in writing Human Resources and their Department Head no later than the end of the next business day of a conviction for any traffic violation (except parking). This is true no matter where or what type of vehicle is driven.
- An employee who operates a Town vehicle must notify Human Resources and Department Head no later than the end of the next business day when an issued license has been suspended, revoked or canceled, or if for any other reason the employee is disqualified from driving.
- An employee who may operate a motor vehicle on official Town business shall provide a photocopy of his or her current Florida driver license to the Human Resources Department for his or her personnel file.

Accident Reporting Requirements

Any accident involving a Town vehicle or personal vehicle used in the performance of Town business shall be reported as follows:

- summon medical care for any injured parties;
- notify appropriate law enforcement authorities;
- notify immediate supervisor;
- employees involved in an accident should not offer any admission of guilt or information regarding the cause of the accident without first consulting with Risk Management;
- the supervisor shall immediately notify the Risk Management Division, initiate departmental investigation of the accident or act at the direction of the Risk Management Division and complete all required Town reports and recommend any follow-up preventive actions to the Human Resources Director as the Town's Risk Manager;
- failure to report as set forth above may result in disciplinary action, up to and including termination of employment;
- a drug and alcohol test is required in accordance with the Employee Handbook and/or Collective Bargaining Agreement;

- when an operator on Town business is determined to be at fault in a motor vehicle accident, the supervisor may recommend disciplinary action in accordance with Town policy and/or collective bargaining agreements; and
- an employee who uses an assigned Town vehicle for any purpose outside the direct scope of Town business and is involved in an accident may be denied workers compensation benefits in accordance with the policy.

Use of Safety Restraints

- All Town motor vehicles must be equipped with seat belts and all occupants of Town motor vehicles must properly wear seat belts any time the motor vehicle is in motion.
- The operator of construction, excavation and other off-road equipment shall use the occupant restraint system any time the motor vehicle is in operation.
- Employees are prohibited from removing, deactivating, modifying or otherwise defeating any occupant restraint installed by the manufacturer unless approved or instructed by the manufacturer.

Parked Motor Vehicles

Any motor vehicle left unattended shall be legally parked in a designated parking space. Motor vehicles responding to emergency situations or those parked on job sites shall be parked with due regard to safety and security considerations.

All Town vehicles except those taken home shall be secured in a Town parking lot during non-duty hours. When it is necessary to leave a motor vehicle at a job site overnight, the operator shall ensure the motor vehicle is parked and secured in an area which provides reasonable security.

Trailers and Towing

- An operator whose motor vehicle is towing a trailer, dolly or other equipment shall assure that the trailer weight does not exceed the rated capacity of the vehicle or trailer hitch, that the trailer is coupled properly to the hitch and that the safety chains are properly fastened.
- The operator shall ensure that the trailer or other towed equipment is supplied with proper and functioning lights including brake lights turn signals and running lights.

- Any motor vehicle having a load which extends more than four (4) feet beyond the rear of the vehicle shall have the end of the load marked with a red flag. The red flag must be a least twelve (12) inches square.

Mandatory Personal Auto Insurance Coverage

- Employees who elect to receive car allowances to use their personal vehicles to conduct Town business are required to maintain an insurance limit of \$100,000 per person/\$200,000 per accident or occurrence. The monthly car allowance offsets the cost associated with the increased insurance limit.
- Employees to whom this policy applies are subject to an annual drivers' license review by the Town's Risk Management Office. Departments are responsible for verifying proof of insurance each year and submitting to Risk Management.
- The Town will not assume any liability for bodily injury or property damage the employee may become personally obligated to pay arising out of an accident occurring in connection with the operation of his/her personal vehicle.
- The Town does not specify and assumes no responsibility for any other coverage employees carry on their own cars since this is a matter of individual status and preference.
- Failure to maintain the mandatory insurance limit will result in disciplinary action, up to and including termination.

Tobacco Use Prohibited

The use of any tobacco product (smoking or smokeless) is prohibited in any Town vehicle.

Assignments:

Upon recommendation assignments of Town vehicles shall be as follows:

Assignments while on duty:

- **Exclusive Use Assignments:** Where dictated by job responsibilities of a classification/position, a motor vehicle may be assigned for the exclusive use of an employee.

- Pool Vehicles: Where dictated by need a department/division may be assigned pool vehicles. Such vehicles are requested by the Department Head and approved by the Town Manager. Employees may use pool vehicles as approved by the Department Head. Pool vehicles are intended for shared use by department employees and shall not be exclusively assigned.

Authorization to Take a Town Vehicle Home:

- Authorization to take a Town vehicle home must be requested by the employee on a completed Vehicle Take-Home Authorization Form , recommended by the Department Head and approved by the Town Manager.
- The Town Manager may authorize the occasional take-home use of a department/division pool vehicle for specific authorized functions or activities requiring a Town vehicle at nighttime to transport people and /or equipment to/from an activity provided that:
 - (1) the domicile of an employee is such that it would be inefficient to pick up and return the vehicle to its normal storage location before and after the event; or
 - (2) for early morning business travel, picking up a vehicle at its normal storage location would be inefficient, in which case an employee may be permitted to park a Town vehicle at their domicile overnight as long as adequate security is provided.

The Town Manager may authorize the take-home use of a department/division pool vehicle when an employee is placed on standby or call-back status, for a period not to exceed fifteen (15) consecutive days for any one assignment.

Reimbursement for the Use of Personal Vehicles:

Each employee who is required to use their personal vehicle in the performance of Town business shall be reimbursed for such usage at the prevailing mileage rate in accordance with the Town Travel Policy. An employee shall be responsible for all insurance, maintenance and fuel costs associated with the operation of their personal vehicle. Employees will not be reimbursed for the use of a personal vehicle if a Town vehicle was available unless specifically approved by the Town Manager.

An employee may be awarded a monthly motor vehicle allowance as approved by the Town Manager. Employees who receive a monthly allowance may not receive reimbursement for in-town travel but may be reimbursed for out-of-town travel.

Appropriate Use of Town Vehicles:

A Town vehicle shall be used only for official travel while in the performance of Town business or services. Infrequent limited personal use of Town vehicles may be permitted when such use is incidental to the conduct of official business, such as:

- Stopping at a restaurant or fast food establishment for the purpose of eating during the designated meal period when the meal period coincides with official business travel requiring a Town vehicle, when working in a remote area and a Town vehicle is the only transportation available to reach a food establishment or when attending Town-approved meetings, conferences presentations or functions. The food establishment must be on the normal route to the work location or in close proximity to the work location.
- Stopping at a convenience store, gas station or food establishment for the purpose of buying refreshment during an official work break period or for using restroom facilities if such stop is in concert with official duties requiring travel in a Town vehicle and does not deviate from the normal route of travel.

At no time will a Town vehicle be parked at an adult entertainment establishment or an establishment whose primary business is the sale of alcoholic beverages.

A Town take-home vehicle shall not be used to replace an employee's personal vehicle for leisure-time use.

Taxable Benefit:

The employee is responsible for any taxable benefit that may accrue as a result of the use of a Town assigned take-home motor vehicle and must submit the required documentation to the Finance Director. Failure to submit required documentation may result in:

- loss of Town assigned take-home vehicle; and
- additional personal income tax liability

APPENDIX F

Appendix F, attached hereto, and incorporated herein by reference, to the Handbook of Procedures of the Town of Lake Park (Employee Handbook) constitutes the Town of Lake Park Travel Policy.

TOWN OF LAKE PARK PER DIEM AND TRAVEL EXPENSE POLICY

PURPOSE

The primary purpose of this per diem and travel expense policy is to establish the specific procedures related to travel by Town employees, the Town Manager, Mayor and Commissioners, as well as to establish the required procedures to be used to obtain reimbursement of travel expenses. This policy additionally establishes the allowable travel reimbursement rates. By way of definition, wherever employees are referenced, such definition includes the individuals listed above.

POLICY

- Authorization – All travel by Town employees to attend conventions, conferences, or training programs must be approved in advance by the appropriate Department Head. The Town Manager will approve requests for department head travel and training.
- Budget Provisions – No employee will be authorized to attend any convention, conference or training program at Town expense, unless funding is available in the annual budget, and budget constraints do not prohibit travel.
- Advance/Reimbursement – All authorized persons required to travel on Town business shall be reimbursed in accordance with established procedure. Reimbursement must be properly documented and must include receipts when required.

RESPONSIBILITY

- The Finance Director is responsible for implementing this policy, under the direction of the Town Manager. The Department Heads are responsible for the application and implementation of the policy within their departments.

PROCEDURES

Registration fees for authorized conventions, conferences and training seminars shall be paid by the Town.

Travel expenses – It is the intent of this section that employees attending approved

conferences shall utilize the most economical means of transportation available unless specifically approved by the Town Manager. Any deviation from this policy shall result in the employee being responsible for the additional expenses and travel time off.

Mileage Reimbursement – Employees attending approved conferences shall be paid according to the Internal Revenue Code rate for the use of the employee’s personally owned vehicle.

Parking and tolls will be reimbursed according to receipt verification.

Meal Reimbursement – The Town will reimburse the employee for meals in accordance with the reimbursement schedule set forth below:

- | <u>Meal</u> | <u>Amount</u> | <u>Travel Time Departure/Arrival</u> |
|-------------|---------------|--------------------------------------|
| • Breakfast | \$ 7.00 | Before 6:00 A.M./After 8:00 A.M. |
| • Lunch | \$ 10.50 | Before 12 noon/After 2:00 P.M. |
| • Dinner | \$ 24.50 | Before 6:00 P.M./After 8:00 P.M. |
- This reimbursement will be made without the necessity of receipts being maintained.

Short or Day Trips – All travelers who do not require overnight accommodation away from home, will be paid in accordance with the above reimbursement schedule. The total amount of reimbursement will be included in the employee’s paycheck following the date of attendance and submission of a travel expense report.

Meals provided as part of the registration fees will not be reimbursed.

Lodging – Lodging is paid on an actual cost basis, and its expense must be substantiated by a receipt. Lodging costs must be paid by Town check or purchasing card in order to avoid paying taxes. The Town is exempt from state sales tax and therefore, will not pay sales tax on lodging within Florida. It is the employee’s responsibility to provide the lodging vendor with a copy of the Town’s sales tax exemption certificate and ensure that no State taxes are charged.

Car Rental – When, subject to prior approval of the Department Head, a vehicle is rented by an individual traveling on Town business, the individual renting the vehicle shall purchase, at the Town’s expense, the vehicular insurance offered by the rental agency. Failure to do so will result in the individual’s own insurance being considered primary in

the event of an accident and place the individual renting the vehicle at personal financial risk.

Incidental Expenses – The following incidental expenses of the traveler may be reimbursed when receipts are provided:

- Reasonable taxi fare.
- Communication expense (must be documented as official business).
- Registration fees not paid in advance.
- Reasonable tipping and baggage charges (receipts not necessary – up to \$10.00 per day maximum).

Travel Expense Report – at the conclusion of travel a Travel Expense Report must be submitted together with all of the required receipts to the Finance Department. Application for payment of travel expenses must contain a statement that the expenses were actually incurred by the traveler as necessary travel expenses in the performance of official duties and shall be verified by a written declaration that it is true and correct as to every material matter.

Fraudulent Claims – Any person who willfully makes and subscribes any such claim that he or she does not believe to be true and correct as to every material matter, or who willfully aids or assists in, or procures, counsels, or advises the preparation or presentation of such a claim that is fraudulent or is false as to any material matter, whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present such claim, commits a misdemeanor of the second degree, punishable as provided by State law. Whoever receives an allowance or reimbursement by means of a false claim is civilly liable in the amount of the overpayment for the reimbursement of the public fund from which the claim was paid.

APPENDIX G

Appendix G, attached hereto, and incorporated herein by reference, to the Handbook of Procedures of the Town of Lake Park (Employee Handbook) constitutes the Town of Lake Park Domestic Violence Victim's Leave Policy.

TOWN OF LAKE PARK DOMESTIC VIOLENCE LEAVE POLICY

Any employee of the Town or an employee who has a family member or household member who is a victim of domestic violence is eligible for up to three (3) workdays of unpaid leave from work in any twelve (12) month period to participate in activities resulting from an act of domestic violence. The Town will permit leave for an employee to participate in the following specific activities:

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

For purposes of the Town's policy, the following definitions apply:

- a. Domestic and sexual violence include any assault, aggravated assault, battery, Aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member.
- b. Family or household member means spouses, 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.
- c. Victim means an individual who has been subjected to domestic or sexual violence.
- d. The twelve-month period for determining whether the three (3) workdays of leave is based on a rolling twelve (12) month period commencing upon the first date of leave.

APPLYING FOR LEAVE FOR VICTIMS OF DOMESTIC OR SEXUAL VIOLENCE:

Except in cases of imminent danger to the health or safety of the employee, or to the health or safety of a family or household member, an employee seeking leave from work under this policy must submit a written Request for Leave for approval along with sufficient documentation of the act of domestic or sexual violence.

MAXIMUM LEAVE ALLOWABLE:

Employees are eligible for a maximum of three (3) workdays of unpaid leave per twelve (12) month period.

PAY STATUS:

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

CONFIDENTIALITY:

Information relating the employee's leave under this policy will be kept confidential and is exempt from disclosure to the extent permitted by law.

NON-RETALIATION:

An employee will not be discharged, demoted, suspended, retaliated against or in any other manner discriminated against for exercising his or her rights under the Town's policy.

APPENDIX H

Appendix H, attached hereto, and incorporated herein by reference, to the Handbook of Procedures of the Town of Lake Park (Employee Handbook) constitutes the Town of Lake Park Drug Free Workplace Policy and Procedure.

**TOWN OF LAKE PARK DRUG FREE WORKPLACE POLICY AND PROCEDURES
POLICY STATEMENT, SECTION 8
“DRUG FREE WORKPLACE POLICY”**

I. PURPOSE

As a part of its commitment to safeguard the health of its employees, to provide a safe place for its employees to work and to promote a drug-free community, the Town has established its Drug Free Workplace Policy and Procedures on the use or abuse of alcohol and drugs by its employees. Substance and alcohol abuse, while at work or otherwise, seriously endangers the safety of employees, as well as the general public, and creates a variety of workplace problems including increased injuries on the job, increased absenteeism, increased health care and benefit costs, increased theft, decreased morale, decreased productivity and a decline in the quality of products and services provided. Continuing research and practical experience have proven that even limited quantities of narcotics, abused prescription drugs or alcohol can impair reflexes and judgment. For these reasons, the Town policy requires that all employees must report to work and work completely free from the presence of illegal drugs or alcohol in their bodies, and to assist employees in overcoming any dependence on drugs and/or alcohol in accordance with the following guidelines.

This policy is hereby implemented pursuant to the Drug-Free Workplace Program under Florida law, Chapter 440, et seq., Florida Statutes. This law provides that an employee who is injured in the course and scope of his/her employment and who either tests positive on a drug or alcohol test or who refuses to be tested forfeits his/her eligibility for workers' compensation medical and indemnity benefits.

Questions concerning the Town's policy should be presented to the Human Resources Department for guidance or clarification.

II. SCOPE

All current and future applicants and employees are covered by this policy and, as a condition of employment, are required to abide by the terms of this policy. Because of state or federal laws and regulations, certain employees may be subject to additional requirements. Employees covered by a Collective Bargaining agreement may have specific language in their agreement concerning the Town's Drug Free Workplace policy; however, all employees of the Town are expected to comply with the provisions contained in the Town's policy, including any enacted amendments or supplements to Florida law or administrative regulations.

III. DEFINITIONS

The definitions set forth in Chapter 440, Florida Statutes, and the Florida Administrative Code will apply to the terms used in this policy.

IV. ALCOHOL USE PROHIBITIONS

- A. All employees are prohibited from distributing, dispensing, possessing, using or being impaired, intoxicated or under the influence of alcohol while at work, on duty or while operating a Town vehicle.
- B. Off-duty abuse of alcohol which adversely affects an employee's job performance, or which can be expected to cause harm to the Town's image or relationship with other employees or the public, is prohibited.
- C. For the purpose of this policy, an employee is presumed to be impaired, intoxicated or under the influence of alcohol if a blood test or other scientifically acceptable testing procedure shows that the employee has a level of at least .05 percent blood alcohol in his/her system at the time of testing.
- D. An employee who is perceived to be under the influence of alcohol will be removed immediately from the workplace and may be evaluated by medical personnel, if reasonably available. The Town will take further action based on medical information, work history and other relevant factors. The determination of what action is appropriate in each case rests solely with the Town.
- E. Employees arrested for an alcohol or drug related incident shall immediately notify their supervisor or Department Head who shall immediately notify the Human Resources Director.

V. DRUG USE PROHIBITIONS

- A. All employees are prohibited from manufacturing, distributing, dispensing, possessing or using illegal drugs or other unauthorized or mind-altering or intoxicating substances while on Town property (including parking areas and grounds) or while otherwise performing Town duties away from the Town. Included within this prohibition are lawful controlled substances which have been illegally or improperly obtained. Employees are also prohibited from reporting to work or working with the presence of any such illegal or unauthorized controlled substances or excessive amounts of otherwise lawful controlled substances in their systems.
- B. For the purpose of this policy, an employee is presumed to be impaired by drugs if the results of a urine test or any other accepted testing procedure is positive for the presence of one or more of the illegal substances for which the Town will test.

- C. The proper use of medication prescribed by your physician is not prohibited; however, this policy expressly prohibits the misuse of prescribed medications. Prescription drugs may also affect the safety of the employee, fellow employees or members of the public. Therefore, any employee who is taking any prescription drug which might impair safety, performance or any motor functions must advise his/her supervisor before reporting to work under such medication. Failure to do so may result in disciplinary action. It is the employee's responsibility to determine from his/her physician whether a prescribed drug may impair job performance. If the Town determines that such use does not pose a safety risk, the employee will be permitted to work. If such use impairs the employee's ability to safely or effectively perform his or her job the Town may, at its sole discretion, temporarily reassign the employee or grant a leave of absence during the period of treatment. Improper use of prescription drugs is prohibited and may result in disciplinary action, up to and including termination of employment. Prescription medication must be kept in its original container if such medication is taken during working hours or on Town property.
- D. It shall be the responsibility of each employee who observes or has knowledge of another employee in a condition which impairs the employee to perform his/her job duties, or who presents a hazard to the safety and welfare of others or is otherwise in violation of this policy, to promptly report that fact to his/her immediate supervisor.

VI. TESTING

The Town shall conduct drug tests in the following circumstances:

- A. Applicant Testing
1. All job applicants will be tested for the presence of illegal drugs as part of the application process.
 2. The Town may elect to conduct limited testing of job applicants and only test applicants who apply for certain job positions, based on a reasonable classification basis.
 3. The Town may allow a job applicant to begin work pending the results of the drug test; however, any such employment is conditional and may be revoked if the applicant/employee fails the required test.
 4. Any job applicant who refuses to submit to drug testing, refuses to sign a consent form, fails to appear for testing, tampers with the test, or fails to pass the pre-employment drug test will be ineligible for hire. Such an individual may not reapply for employment with the Town for at least one (1) year from the date of the drug test.

B. Reasonable Suspicion Testing

Employees must submit to a drug test if the Town has reasonable suspicion that they have violated any of the rules set forth in this policy. "Reasonable suspicion" may arise from, among other factors:

1. Direct observation of drug use or of the physical symptoms or manifestations of being under the influence of a drug.
2. Deterioration in work performance.
3. A report of drug use provided by a reliable and credible source.
4. Evidence that an individual has tampered with a drug test during his/her employment with the Town.
5. Information that an individual has caused, contributed to or been involved in a workplace or vehicular accident.
6. Evidence that an employee has used, possessed, sold, solicited or transferred drugs while working or while on Town premises or while operating Town vehicles, machinery or equipment.
7. Abnormal conduct or erratic behavior while at work.

C. Routine Fitness For Duty Testing

An employee will submit to a drug test if the test is conducted as part of a routinely scheduled employee fitness-for-duty medical examination that is part of the Town's established policy or that is scheduled routinely for all members of an employment classification or group.

D. Follow-up Testing

If the employee in the course of employment enters an employee assistance program for drug related problems, or an alcohol and drug rehabilitation program, the employee must submit to drug testing as a follow-up to such a program, at least once a year for a two-year period after completion of the program. Advance notice of follow-up testing will not be given to the employee being tested.

E. Random Testing

Employees will be required to submit to drug testing on a random basis. Selection of employees for random testing will be conducted through the use of a neutral selection process.

When an employee is selected for random testing, both the employee and the employee's supervisor will be notified on the day the test is scheduled to occur.

Testing may be postponed only when an employee's supervisor agrees that there is a compelling need for deferral.

An employee whose random drug test is deferred will be subject to an unannounced test within sixty (60) days.

F. Additional Testing

Additional testing may also be conducted as required by applicable state or federal laws, rules or regulations, or as deemed necessary by the Town.

VII. PRIOR TO TESTING

A. The Town may test for any or all of the following drugs:

Alcohol (booze, drink, distilled spirit, wine, malt beverage, intoxicating liquor, etc.)

Amphetamines (Desoxyn, Dexedrine)

Cannabinoids (marijuana, hashish, hash, hash oil, pot, joint, roach, spliff, grass, weed, reefer)

Cocaine (coke, blow, nose candy, snow, flake, crack)

Phencyclidine (PCP, angle dust, hog)

Methaqualone

Opiates (opium, dover's powder, paregoric, parepectolin)

Barbiturates (Phenobarbital, Tuinal, Amytal)

Benzodiazepines (Ativan, Azene, Clonopin, Dalmane, Diazepam, Halcion, Librium, Restoril, Serax, T ranxene, Valium, Vertron, Xanax)

Methadone (Dolophine, Methadone)

Propoxyphene (Darvocet, Darvon N, Dolene)

Metabolites of any substances listed above

- B. Job applicants required to submit to drug testing and employees required to submit to drug and alcohol testing must sign a consent agreement and release of liability prior to testing.
- C. Because of the potential adverse consequences of positive test results on employees, the Town will employ a very accurate testing program. All samples will be analyzed by a qualified independent laboratory which has been selected by the Town and certified by the Agency for Health Care Administration or the U.S. Department of Health and Human Services.
- D. Applicants and employees will be given an opportunity prior to and after testing to provide any information to the Medical Review Officer which they consider relevant to the test including listing all drugs they have taken recently, including prescribed drugs, and to explain the circumstances of the use of those drugs. This medical information is confidential and should be given only to the Medical Review Officer. Applicants and employees will also be provided with a notice of the most common-medications by brand name, as well as the chemical name, which may alter or affect a drug test. Finally, applicants will receive a summary of this policy and a list of employee assistance - programs and local drug rehabilitation programs.
- E. An employee injured at the workplace and required to be tested will be taken to a medical facility for immediate treatment of injuries. If the injured employee is not at a designated collection site, the employee will be transported to one as soon as it is medically feasible and specimens will be obtained. If it is not medically feasible to move the injured employee, specimens will be obtained at the treating facility and transported to an approved testing laboratory.
- F. No specimens will be taken prior to the administration of emergency medical care. Once this condition has been satisfied, an injured employee must release to the employer the results of any tests conducted for the purpose of showing the presence of alcohol or drugs in his/her system.
- G. Urine will be used for the initial test for all drugs except alcohol and for the confirmation of all drugs except alcohol. Blood will be used as the initial and confirmation test for alcohol.
- H. The Town will pay the cost of initial and confirmation drug tests which it requires of employees and job applicants. An employee or job applicant will pay the cost of any additional drug tests not required by the Town.

VIII. PROCEDURE

- A. Personnel, will coordinate all testing requests except for the random testing carried out under the DOT regulations. Questions regarding this policy or requests for testing should be directed to Personnel or The Town Manager.
- B. Drug testing shall be conducted in accordance with the following procedures:
 - 1. Collection, transportation and storage of samples shall be conducted with due regard to the privacy of the individual providing the sample and in a manner reasonably calculated to prevent substitution or contamination of the sample. The Town shall use chain-of-custody procedures as established by state and federal rules and guidelines.
 - 2. Each specimen container shall be labeled.
 - 3. Employees and applicants shall be given a form on which they may provide any information relevant to the test, including identification of currently or recently used prescription or non-prescription medications or other relevant medical information. The form shall provide notice of the most common medications by brand name, as well as the chemical name, which may alter or affect a drug test. The providing of information shall not preclude the administration of the drug test, but shall be taken into account in interpreting any positive confirmed test results.
 - 4. Tests shall be conducted by a laboratory licensed and approved by the Agency for Health Care Administration or certified by the United States Department of Health and Human Services.
 - 5. Specimens may be taken or collected by a physician, a physician assistant, a registered professional nurse, a licensed practical nurse, a nurse practitioner or certified paramedic who is present at the scene of an accident for the purpose of rendering emergency medical service or treatment or by a qualified person employed by a licensed or certified laboratory.
 - 6. A person who collects or takes a specimen for a drug test shall collect an amount sufficient for two (2) drug tests as determined by the Agency for Health Care Administration.
 - 7. Specimens yielding a positive confirmed test result shall be preserved by the licensed or certified laboratory that conducted the confirmation test:
 - a. for at least 210 days after the result of the test was mailed or otherwise deliver to the Medical Review Officer; or

b. if the employee or job applicant undertakes an administrative or legal challenge to the test result and notifies the laboratory of such, until the case or administrative appeal is settled.

8. During the 180 day period after written notification of a positive test result, the employee or job applicant may obtain a portion of the sample for retesting at the employee's or job applicants expense, by another licensed laboratory licensed and approved by the Agency for Health Care Administration. The laboratory which performed the original test and confirmation is responsible for the transfer of the sample and for the integrity of the chain-of-custody during the transfer.
9. Within five (5) workdays after receipt of a positive confirmed test result from the Medical Review Officer, the Town shall notify the employee or job applicant in writing of the result, its consequences and the employee's or job applicant's options.
10. The Town shall provide a copy of the test results to the employee or job applicant upon request.
11. Within five (5) workdays after receipt of a positive confirmed test result, the employee or job applicant may submit information to the Medical Review Officer explaining or contesting the test results, or to the Town explaining why the results do not constitute a violation of this policy. If the challenge or explanation is unsatisfactory, the employee or job applicant shall be provided with a written explanation as to why the employee's or job applicant's explanation is unsatisfactory, along with a report of the test results. All such documentation shall be kept confidential and shall be retained by the employer for at least one (1) year.

C. Employee Protection

1. The drug testing laboratory will not disclose any information concerning the health or mental condition of the tested employee.
2. The Town will not request or receive from the testing facility or the Medical Review Officer any information concerning the personal health, habit or condition of the employee including, but not limited to, the presence or absence of HIV antibodies in the body fluids.
3. The Town will not discharge, discipline, refuse to hire, discriminate against or request or require rehabilitation of an employee or job applicant on the sole basis of a positive test result that has not been verified by a confirmation test and by a Medical Review Officer.

4. The Town shall not discharge, discipline or discriminate against an employee solely upon the employee's voluntarily seeking treatment, while under the employ of the employer, for a drug-related problem if the employee has not previously tested positive for drug use, entered an employee assistance program for drug-related problems, or entered a drug rehabilitation program. The Town retains the right to select the employee assistance program or drug rehabilitation program if the Town pays the cost of the employee's participation in the program.
5. All authorized remedial treatment, care and attendance provided by a health care provider to an injured employee before medical and indemnity benefits are denied must be paid for by the carrier or self-insurer. However, the carrier or self-insurer must have given reasonable notice to all affected health care providers that payment for treatment, care and attendance provided to the employee after a future date certain will be denied. An employee who voluntarily comes forward before being confronted, tested or involved in a drug-related incident may be provided rehabilitative opportunities, leave or an opportunity to resign as determined by management in consultation with a Town coordinating physician.
6. The Town shall promptly detail in writing the circumstances which formed the basis of a determination that reasonable suspicion existed to warrant testing and shall provide this documentation to the employee upon request. The original documentation shall be kept confidential and shall be retained by the Town for at least one (1) year.

IX. DISCIPLINARY ACTION

- A. In the case of a first-time violation of the Town's policy, including a positive drug or alcohol test result, the employee will be subject to discipline, up to and including termination of employment. Refusal to submit to testing under this policy will result in forfeiture of eligibility for all medical and indemnity benefits and will subject the employee to termination of employment.
- B. The Town may, at its sole discretion, suspend employees without pay under this policy pending the results of a drug test or investigation.
- C. Any employee having a second positive drug test during his/her employment with the Town will be terminated from employment.
- D. Employees who are not immediately terminated for testing positive or for some other violation of the policy shall, at the Town's sole discretion, be required to execute an agreement acknowledging:

1. That they tested positive or otherwise violated the policy; and,
 2. That in exchange for the Town not terminating employment for this instance of testing positive or otherwise violating the policy, they agree to undergo rehabilitation, counseling or other activities prescribed by the Town's coordinating physician in conjunction with management; to undergo periodic unannounced drug testing for a period of two (2) years, and be subject to termination from employment for any future violation of the policy.
- E. Employees who test positive, admit to drug or alcohol use or related misconduct, or voluntarily seek assistance, and are not terminated from employment, will not be returned to work or continue working until they have been evaluated by the Town's EAP Program Provider in conjunction with administration to determine if they can safely return to work.

X. INVESTIGATIONS/SEARCHES

- A. Where the Town has reasonable suspicion that an employee has violated the substance abuse policy, the Town may inspect vehicles, lockers, work areas, desks, purses, briefcases, tool boxes and other locations or belongings on the Town's premises without prior notice, in order to ensure a work environment free of prohibited substances. An employee may be asked to be present and remove a personal lock. Where the employee is not present or refuses to remove a personal lock, the Town may do so for him or her, and compensate the employee for the lock. Any such searches will be coordinated with a representative of management.
- B. Individuals may be requested to display personal property for visual inspection upon Town request. Failure to consent to a search or display personal property for visual inspection will be grounds for discharge or denial of access to Town premises.
- C. Individuals may be required to empty their pockets, but under no circumstances will an employee be required to remove articles of clothing or be physically searched.
- D. Employees will be subject to discipline, up to and including termination of employment, for refusing to cooperate with searches or investigations.

X1. ARREST OR CONVICTION FOR DRUG-RELATED CRIME

- A. If an employee is arrested for or convicted of a drug-related crime, the Town will investigate the circumstances and direct the implementation of drug-testing procedures if cause is established by the investigator. In most cases, an arrest for a drug-related crime constitutes reasonable suspicion of drug use under this policy. The following procedures will apply:
1. During investigation, an employee may, at the Town's discretion, be placed on leave without pay. After the investigation is completed, the leave may be converted to a suspension without pay or the employee may be reinstated depending upon the facts and circumstances.
 2. If convicted of a drug-related crime, an employee will be terminated from employment.
 3. If an employee has been suspended and the case has been dismissed or otherwise disposed of, the Town will make a determination as to whether to authorize the employee's return to work based on its investigation. If the employee is authorized to return to work, the employee must agree in writing to unannounced, periodic testing for a period of up to two (2) years.
 4. Because of the seriousness of such situations, the Town reserves the right to alter or change its policy or decision on a given situation depending upon its investigation and the totality of the circumstances.
- B. As a condition of employment, an employee will notify the Town of any criminal drug statute conviction. The employee must give notice to the Town within five (5) days of such conviction.

XII. CONFIDENTIALITY

All information received by the Town as a result of a drug testing program is confidential and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except:

- A. Confidential information may be released pursuant to a written consent form signed voluntarily by the person tested.
- B. Confidential information may be released if such release is compelled by a hearing officer or a court of competent jurisdiction pursuant to an appeal taken under Florida law.

- C. Confidential information may be released to a professional or occupational licensing board in a related disciplinary proceeding.
- D. The Town, agents of the Town or laboratories conducting drug tests may have access to and use employee drug test information when consulting with legal counsel in connection with actions brought under or related to Chapter 440 Florida Statutes or when the information is relevant to the Town's defense in a civil or administrative matter.

APPENDIX I

Appendix I, attached hereto, and incorporated herein by reference, to the Handbook of Procedures of the Town of Lake Park (Employee Handbook) constitutes the Town of Lake Park Social Security Number Privacy Policy.

SOCIAL SECURITY NUMBER PRIVACY POLICY AND OPERATION PROCEDURES

Statement of Town Policy. The Florida Legislature expressly acknowledged in the 2007 amendments to Section 119.071, Fla. Stat. (2007), that the social security number was never intended to be used for business purposes, but rather was intended to be used solely for the administration of the federal Social Security System. The Legislature also recognized that over time, social security numbers have been used extensively for identity verification purposes and other legitimate consensual purposes. Because social security numbers can be used as a tool to perpetuate fraud against an individual and to acquire sensitive personal, financial, medical, and familial information, the release of which could cause great financial or personal harm to an individual, state law requires the agencies that are subject to the Florida Public Records Act, Chapter 119, Fla. Stat., which includes the Town of Lake Park ('Town') implement a policy consistent with state law, to keep social security numbers that the Town collects confidential, and not subject to disclosure except in limited circumstances.

In accordance with state law, it is the policy ('Policy') of the Town to protect the confidentiality of social security numbers, which may be obtained by the Town pursuant to this Policy. All Town employees must strictly adhere to this Policy. Any employee who violates the provisions of this Policy and its operating procedures, will be subject to discipline, in accordance with the applicable provisions of the Handbook of Procedures for Employees of the Town of Lake Park, and may also be subject to the imposition of criminal and non-criminal penalties pursuant to Section 119.071, Fla. Stat., for violations, including a fine of \$500.00 per violation, against any public officer who violates the provisions.

Operating Procedures.

1. **Collection and Use of Social Security Numbers by the Town.** Social security numbers may be collected by the Town from persons applying for employment with the Town, Town employees, applicants for certain licenses and permits issued by the Town, and persons and entities doing business with the Town and/or receiving services from the Town, or for any other Town purpose. The Town may use social security numbers that the Town acquires for any of one or more of the following purposes:
 - Employment background checks (including but not limited to, consumer credit, criminal record, driving history, verification of employment, fingerprints, NCIC/FCIC checks, FDLE checks, local and state record checks, verification of military service, clarification for duplicate names, educational background government agencies,), pre-employment physicals and drug testing and screening;
 - Credit history investigations for applicants for positions of financial responsibility or for positions that involve the handling of significant amounts of currency or other valuables;

- To identify Town employees for any purpose allowed under law not limited by state and federal privacy laws; to verify the validity of Florida driver's licenses;
- Verify eligibility for employment pursuant to the Form I-9, Employment Eligibility Verification Form
- Payroll processing (IRS, Social Security, U.S. Citizen & Immigration Service, Unemployment Compensation, Division of Retirement, State of Florida New Hire reporting);
- Withholding and reporting federal income taxes;
- Insurance, retirement/pension and benefit information; To comply with sexual predator and offender laws;
- To comply with state child support reporting requirements;
- To comply with state unemployment compensation reporting requirements;
- To facilitate enrollment in employee benefit plans;
- To facilitate the processing of employee benefit claims
- Process any application for a license or permit to be issued by the Town;
- The Town may disclose social security number to another agency or another governmental entity if such disclosure is necessary for the receiving agency or governmental entity to perform its duties and responsibilities.
- **DISCLOSURE STATEMENTS WILL BE PROVIDED WHENEVER A SOCIAL SECURITY NUMBER IS REQUESTED OR USED BY THE TOWN FOR ANY PURPOSE THAT IS NOT EXPRESSLY DISCLOSED IN THIS POLICY.**

NOTE: The form(s) used for the collection of social security numbers shall contain the complete text of the above-stated disclosure statement, and shall be provided to individuals at the time that the Town collects their social security numbers. Additionally, all Town employees are required to safeguard their own individual security numbers by ensuring that their transmittal of such numbers is done in a confidential and secure manner.

2. **Receipt and Use of Social Security Numbers.** Social security numbers may be obtained and used by the Town for any of the purposes stated above, and in the event the Town requires a social security number for a purpose that is not specifically listed herein, the Town shall provide a specific disclosure statement identifying the purpose for which the social security number is to be used.

- Social security numbers or portions thereof, may not be printed on, listed or otherwise included in any of the following Town-prepared documents: identification cards, time sheets, time cards, employee rosters, employee identification records, employee paychecks, computer passwords, Town account records, agreements or contracts.
- Social security numbers or portions thereof, may not be used in open computer transmissions.

3. **Storage of, and Access to, Social Security Numbers:**
 - Storage. To the extent reasonably possible, documents containing social security numbers shall be stored in locked secured areas. Computer applications that contain social security numbers shall, to the extent reasonably possible, be maintained in secured, authorized-access computer stations only.
 - Access. Only Town employees who have a legitimate reason relating to Town business will be permitted access to social security numbers, and such access may only be granted by a Town department head(s) who is directly responsible for functions relating to the reporting or transporting of such data.

4. **Disposal of Records Containing Social Security Numbers.** Records that contain social security numbers shall be maintained in accordance with federal and state laws. When such records are scheduled for disposal, such disposal shall be done pursuant to the requirements of the State of Florida General Records Schedule GS1-SL for state and local government agencies, and the destruction of such records shall be by cross-cut shredding, or as otherwise permitted by state law.

5. **Procedure for the Disclosure of Social Security Numbers in Response to Public Records Request(s) from a Commercial Entity Engaged in the Performance of a Commercial Activity by Authorized Town Employees.** Employees who are authorized to disclosure social security numbers in response to a qualified public records request made by a commercial entity engaged in the performance of a commercial activity are: the Town Clerk, Deputy Town Clerk, and the Human Resources Director. A “commercial entity” means any corporation, partnership, limited partnership, proprietorship, sole proprietorship, firm, enterprise, franchise, or association that performs a commercial activity in this state. “Commercial activity” means the provision of a lawful product or service by a commercial entity. Commercial activity includes verification of the accuracy of personal information received by a commercial entity in the normal course of its business; use for insurance purposes; use in identifying and preventing fraud; use in matching, verifying, or retrieving information; and use in research activities. It does not include the display or bulk sale of social security numbers to the public or the distribution of such numbers to any customer that is not identifiable by the commercial entity.

An authorized Town employee may not deny a commercial entity engaged in the performance of a commercial activity access to social security numbers, provided the social security numbers will be used only in the performance of a commercial activity and provided the commercial entity makes a written request for the social security numbers. The written request must: (1) be verified in accordance with the requirements of Section 95.525, Fla. Stat., (made under oath or affirmation taken or administered before an officer authorized to administer oaths; or by the

signing of the written declaration which states as follows: "Under penalties of perjury, I declare that I have read the foregoing [document] and that the facts stated in it are true," followed by the signature of the person making the declaration, except when a verification on information or belief is permitted by law, in which case the words "to the best of my knowledge and belief" may be added. The written declaration shall be printed or typed at the end of or immediately below the document being verified and above the signature of the person making the declaration.); □ □(2) be legibly signed by an authorized officer, employee, or agent of the commercial entity; □ □(3) contain the commercial entity's name, business mailing and location addresses, and business telephone number; and □ □(4) contain a statement of the specific purposes for which it needs the social security numbers and how the social security numbers will be used in the performance of a commercial activity.

The Town may request any other information reasonably necessary to verify the identity of a commercial entity requesting the social security numbers and the specific purposes for which the numbers will be used.

The Town Clerk shall create and maintain a written log or record of all requests for the disclosure of social security numbers by commercial entities and the stated purposes for the request of the social security numbers. The Town Clerk shall file a written report with the Executive Office of the Governor, the President of the Florida Senate, and the Speaker of the Florida House of Representatives, by January 1 of each year identifying all commercial entities that have requested social security numbers during the preceding calendar year, and the specific purposes(s) stated by each commercial entity for its intended use of the social security number. If the Town did not receive any such requests, the Town must indicate that no social security number disclosure requests were received for the subject calendar year in its report.

The annual report may be in the form of a letter from the Town Manager or other authorized Town official to the Governor's Office, the Senate President, and the Speaker of the House.

Example if requests have been received by the Town:

"The Town of Lake Park is hereby submitting its annual report as required by Section 119.071(5), Fla. Stat. (2007) of requests made by commercial entities to the Town for the disclosure of social security numbers. Based upon our review of Town records, the Town of Lake Park has received social security number ("SSN") disclosure requests from the following commercial entities for the following stated purposes:

<u>Name of commercial entity</u>	<u>Purpose for requesting SSN</u>
1.	
2. None	
3.	
4.	

Please do not hesitate to contact this Office if further information is required from the Town of Lake Park in this regard."

Example if no requests have been received by the Town:

“Based upon our review of Town’s records, no requests for the disclosure of any social security numbers have been received by the Town from any commercial entity for the year 2007. Please do not hesitate to contact this Office if further information is required from the Town of Lake Park in this regard.”

The addresses for the certification letter and the annual report are as follows:

The Honorable Ken Pruitt, President
The Florida Senate
Senate Office Building, Room 312
404 South Monroe Street
Tallahassee, FL 32399

The Honorable Marco Rubio, Speaker
Florida House of Representatives
420 The Capital
402 South Monroe Street
Tallahassee, FL 32399

The Executive Office of the Governor
PL 05, The Capitol
400 South Monroe Street
Tallahassee, FL 32399