



VILLAGE OF NORTH PALM BEACH REGULAR SESSION AGENDA – **REVISED**

VILLAGE HALL COUNCIL CHAMBERS
501 U.S. HIGHWAY 1

THURSDAY, JULY 28, 2022
7:00 PM

Deborah Searcy
Mayor

David B. Norris
Vice Mayor

Susan Bickel
President Pro Tem

Darryl C. Aubrey
Councilmember

Mark Mullinix
Councilmember

Andrew D. Lukasik
Village Manager

Leonard G. Rubin
Village Attorney

Jessica Green
Village Clerk

INSTRUCTIONS FOR “WATCH LIVE” MEETING

To watch the meeting live please go to our website page (link provided below) and click the “Watch Live” link provided on the webpage:

<https://www.village-npb.org/CivicAlerts.aspx?AID=496>

ROLL CALL

INVOCATION - MAYOR

PLEDGE OF ALLEGIANCE - VICE MAYOR

AWARDS AND RECOGNITION

APPROVAL OF MINUTES

1. Minutes of the Special Session held June 30, 2022
2. Minutes of the Regular Session held July 14, 2022

COUNCIL BUSINESS MATTERS

3. **Presentation** - Palm Beach North Resiliency Action Plan

STATEMENTS FROM THE PUBLIC, PETITIONS AND COMMUNICATIONS

Members of the public may address the Council concerning items on the Consent Agenda or any non agenda item under Statements from the Public. **Time Limit: 3 minutes**

Members of the public who wish to speak on any item listed on the Regular Session or Workshop Session Agenda will be called on when the issue comes up for discussion. **Time Limit: 3 minutes**

Anyone wishing to speak should complete a Public Comment Card (on the table at back of Council Chambers) and submit it to the Village Clerk prior to the beginning of the meeting.

DECLARATION OF EX PARTE COMMUNICATIONS

PUBLIC HEARINGS AND QUASI-JUDICIAL MATTERS

CONSENT AGENDA

The Consent Agenda is for the purpose of expediting issues of a routine or pro-forma nature. Councilmembers may remove any item from the Consent Agenda, which would automatically convey that item to the Regular Agenda for separate discussion and vote.

- 4.** **RESOLUTION** – Approving a Blanket Purchase Order for the Public Works Department with GT Supplies Inc. in the total amount of \$60,000 for dumpster repairs.
- 5.** Receive for file Minutes of the Recreation Advisory Board meeting held 6/14/22.
- 6.** Receive for file Minutes of the Library Advisory Board meeting held 6/28/22.

OTHER VILLAGE BUSINESS MATTERS

- 7.** **RESOLUTION – ESTABLISHING A TENTATIVE MILLAGE RATE FOR FY 2022-2023 & SETTING THE 1ST PUBLIC HEARING** Consider a motion to adopt a resolution adopting a tentative millage rate of 7.0500 mills for Fiscal Year 2023; establishing a date, time and place for the first hearing on the Tentative Budget and Proposed Millage Rate; and authorizing the Interim Village Manager to submit the required forms to the Palm Beach County Property Appraiser.
- 8.** **RESOLUTION – REVISED AND UPDATED PERSONNEL RULES AND REGULATIONS MANUAL** Consider a motion to adopt a resolution adopting a revised and updated personnel rules and regulations manual.
- 9.** **RESOLUTION – CONSERVATION EASEMENT FOR MACARTHUR STATE PARK** Consider a motion to adopt a resolution approving the Assignment and Assumption of a Conservation Easement for MacArthur State Park; and authorizing the execution of the Assignment and Assumption.

COUNCIL AND ADMINISTRATION MATTERS

MAYOR AND COUNCIL MATTERS/REPORTS

VILLAGE MANAGER MATTERS/REPORTS

REPORTS (SPECIAL COMMITTEES AND ADVISORY BOARDS)

ADJOURNMENT

If a person decides to appeal any decision by the Village Council with respect to any matter considered at the Village Council meeting, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).

In accordance with the Americans with Disabilities Act, any person who may require special accommodation to participate in this meeting should contact the Village Clerk's office at 841-3355 at least 72 hours prior to the meeting date.

This agenda represents the tentative agenda for the scheduled meeting of the Village Council. Due to the nature of governmental duties and responsibilities, the Village Council reserves the right to make additions to, or deletions from, the items contained in this agenda.



DRAFT MINUTES OF THE SPECIAL SESSION
VILLAGE COUNCIL OF NORTH PALM BEACH, FLORIDA
JUNE 30, 2022

Present:

Deborah Searcy, Mayor
David B. Norris, Vice Mayor
Susan Bickel, President Pro Tem
Darryl C. Aubrey, Sc.D., Councilmember
Andrew D. Lukasik, Village Manager
Len Rubin, Village Attorney
Jessica Green, Village Clerk

Absent:

Mark Mullinix, Councilmember

ROLL CALL

Mayor Searcy called the meeting to order at 7:00 p.m. All members of Council were present except for Councilmember Mullinix who was out of town. All members of staff were present.

INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Searcy gave the invocation and Vice Mayor Norris led the public in the Pledge.

APPROVAL OF MINUTES

The Minutes of the Regular Session held May 26, 2022, the Special Session held June 2, 2022 and the Regular Session held June 9, 2022 were approved as written.

STATEMENTS FROM THE PUBLIC

Bill Rose, 36 Yacht Club Drive, expressed his concerns and opposition to the proposed 200 Yacht Club Drive project.

Frank Rendulic, 36 Yacht Club Drive, expressed his concerns and opposition to the proposed 200 Yacht Club Drive project.

Susan Barnard, 400 Gulf Road shared photos of her property with Council and stated that a new power pole that was 80 feet tall was installed on the front of her property and that a permit had not been pulled. Ms. Barnard expressed her concerns regarding the installation and the feedback she received from FPL regarding the new pole.

Amy Haigh, 401 Flotilla Road, stated that she lived behind Ms. Barnard's house and expressed her concerns with the installation of new poles on Flotilla Road and neighboring properties.

Casey Buckley, 401 Harbor Road, stated that a stake was placed in his yard for the installation of a pole and expressed his concerns.

STATEMENTS FROM THE PUBLIC *continued*

Walter Eckler, 2671 Lorraine Court, expressed his concerns with stormwater drainage issues within his neighborhood.

Gina Levesque, 300 N. Dixie Highway, introduced herself as the Intake and Compliance Manager for the Palm Beach County Commission on Ethics. Ms. Levesque stated that she was assigned to the Village of North Palm Beach as liaison and stated that she was available for questions or to provide assistance.

PUBLIC HEARINGS AND QUASI-JUDICIAL MATTERS

ORDINANCE 2022-12 CODE AMENDMENT – THREE TIER ASSESSMENT STRUCTURE FOR SINGLE-FAMILY RESIDENTIAL PROPERTIES

A motion was made by Vice Mayor Norris and seconded by President Pro Tem Bickel to adopt on first reading Ordinance 2022-12 entitled:

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, AMENDING CHAPTER 30, “STORMWATER MANAGEMENT UTILITY,” OF THE VILLAGE CODE OF ORDINANCES BY AMENDING SECTION 30-6, “STORMWATER MANAGEMENT UTILITY ASSESSMENTS,” TO CREATE THREE TIERS FOR ASSESSMENTS IMPOSED AGAINST IMPROVED SINGLE-FAMILY RESIDENTIAL PROPERTIES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Lukasik explained the reason for the ordinance. The ordinance would establish a three-tiered utility assessment for single family residential properties. Mr. Lukasik discussed and explained the history and background that established the Stormwater Management Utility and Stormwater Management Utility Fund which provided for the adoption of Stormwater Management Utility Assessments. After hearing options from Hazen & Sawyer regarding the stormwater utility rate methodology to produce greater equity amongst the Single Family Rate, Council agreed to implement a three-tier rate system based on parcel size.

Deborah Cross, 2560 Pepperwood Circle S, expressed her concerns and gave her input regarding stormwater management in the Village.

Thereafter, the motion to adopt on first reading Ordinance 2022-12 passed with all present voting aye.

ORDINANCE 2022-13 CODE AMENDMENT – MEETINGS AND GATHERINGS AT PARKS, PLAYGROUNDS AND RECREATION

A motion was made by Councilmember Aubrey and seconded by President Pro Tem Bickel to adopt on first reading Ordinance 2022-13 entitled:

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, AMENDING DIVISION 2, “PERMIT,” OF ARTICLE II, “MEETINGS AND GATHERINGS,” OF CHAPTER 20, “PARKS, PLAYGROUNDS AND RECREATION,” OF THE VILLAGE CODE OF ORDINANCES BY AMENDING SECTION 20-31, “PERMIT

ORDINANCE 2022-13 CODE AMENDMENT – MEETINGS AND GATHERINGS AT PARKS, PLAYGROUNDS AND RECREATION *continued*

REQUIRED,” TO INCREASE THE PERMIT REQUIREMENT THRESHOLD TO TWENTY PERSONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Lukasik explained that the purpose of the ordinance was to change the code to increase the permit requirement threshold from ten (10) to twenty (20) persons allowed to gather within Village parks and recreation areas.

Mayor Searcy recommended eliminating the ordinance and not requiring a threshold for the quantity of people who can meet or gather at Village parks or recreation areas.

Discussion ensued between Councilmembers regarding threshold requirements for persons allowed to gather within Village parks and recreation areas.

Discussion ensued between Councilmembers and staff regarding the enforcement of the ordinance.

A motion was made by President Pro Tem Bickel and seconded by Vice Mayor Norris to amend Ordinance 2022-13 increasing the permit requirement threshold of meetings and gatherings at parks, playgrounds and recreation to twenty-five (25) persons.

Thereafter, the motion to amend Ordinance 2022-13 passed 3 to 1 with Vice Mayor Norris, President Pro Tem Bickel and Councilmember Aubrey voting aye and Mayor Searcy voting nay.

Thereafter the motion to adopt on first reading Ordinance 2022-13 as amended passed 3 to 1 with Vice Mayor Norris, President Pro Tem Bickel and Councilmember Aubrey voting aye and Mayor Searcy voting nay.

CONSENT AGENDA

Item 6, the sole item on the Consent Agenda was removed and placed on the Regular Agenda.

RESOLUTION 2022-46 – COUNTRY CLUB GOLF COURSE DRIVING RANGE REPAIRS AND TURF INSTALLATION

A motion was made by Vice Mayor Norris and seconded by Councilmember Bickel to adopt Resolution 2022-46 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, ACCEPTING A PROPOSAL FROM FOREVERLAWN PALM BEACH, LLC FOR REPAIRS AND ARTIFICIAL TURF INSTALLATION AT THE COUNTRY CLUB DRIVING RANGE AND AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE A CONTRACT FOR SUCH SERVICES; AND PROVIDING FOR AN EFFECTIVE DATE.

Deborah Cross, 2560 Pepperwood Circle S, asked if the artificial turf would be water permeable.

Head Golf Professional Allan Bowman stated that the artificial turf was permeable.

Thereafter, the motion to adopt Resolution 2022-46 passed with all present voting aye.

RESOLUTION 2022-47– 2ND AMENDMENT TO LONG-RANGE PLANNING AND ZONING SERVICES

A motion was made by President Pro Tem Bickel and seconded by Councilmember Aubrey to adopt Resolution 2022-47 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA AMENDING THE ORGANIZATIONAL CHARTS AND COMPREHENSIVE PAY PLAN ADOPTED AS PART OF THE FISCAL YEAR 2022 BUDGET TO IMPROVE SERVICE DELIVERY; REVISING POSITIONS WITHIN THE PUBLIC WORKS DEPARTMENT, THE VILLAGE CLERK’S OFFICE, THE COMMUNITY DEVELOPMENT DEPARTMENT AND THE COUNTRY CLUB; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Lukasik explained that the resolution would amend an agreement for planning and zoning services with NZ Consultants, Inc. to increase the amount of compensation by \$25,000 to a total of \$75,000 and extend the term through the end of Fiscal Year 2022. Mr. Lukasik explained the need to continue services due to staffing shortages in the Community Development Department and gave an update on the search and efforts to fill those positions.

Thereafter, the motion to adopt Resolution 2022-47 passed with all present voting aye.

RESOLUTION 2022-48 – AMENDMENT TO AGREEMENT FOR BUILDING INSPECTION SERVICES

A motion was made by President Pro Tem Bickel and seconded by Vice Mayor Norris to adopt Resolution 2022-48 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, APPROVING AN AMENDMENT TO AN AGREEMENT WITH C.A.P GOVERNMENT, INC. FOR BUILDING INSPECTION SERVICES PURSUANT TO PRICING ESTABLISHED IN AN EXISTING AGREEMENT WITH THE TOWN OF JUPITER AND AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE THE AMENDMENT ON BEHALF OF THE VILLAGE; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Lukasik explained that the resolution would approve an amendment to an agreement for building inspection services with C.A.P. Government, Inc. to increase the amount by \$40,000 for a total amount of \$65,000. Mr. Lukasik explained the need to continue services due to staffing shortages in the Community Development Department and gave an update on the search and efforts to fill those positions.

Thereafter, the motion to adopt Resolution 2022-48 passed with all present voting aye.

RESOLUTION 2022-49 – AMENDMENT TO CONCEPTUAL BRIDGE AND STREETScape DESIGNS

A motion was made by President Pro Tem Bickel and seconded by Councilmember Aubrey to adopt Resolution 2022-49 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA APPROVING AN AMENDMENT TO THE CONTRACT WITH GENTILE GLAS HOLLOWAY O’MAHONEY & ASSOCIATES, INC. FOR CONCEPTUAL BRIDGE

RESOLUTION 2022-49 – AMENDMENT TO CONCEPTUAL BRIDGE AND STREETSCAPE DESIGNS *continued*

AND STREETSCAPE DESIGNS FOR PROSPERITY FARMS ROAD, U.S. HIGHWAY ONE AND LIGHTHOUSE DRIVE AND AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE THE AMENDMENT; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Lukasik explained that the resolution would approve an amendment to a contract with Gentile Glas Holloway O’Mahoney & Associates, Inc. (2GHO) for Lighthouse Drive Streetscape/Traffic Calming Design Services (Task 3) in the amount of \$84,349. The amendment would only revise Task 3 by reducing the scope of work on Lighthouse Drive. The scope of work for Lighthouse Drive is to develop conceptual designs that would manage traffic speeds, enhance pedestrian safety and beautify the corridor. The scope of work would also include a public engagement process. The revised scope of work eliminates work associated with the Lighthouse Bridge and reduces the cost from \$87,727 to \$84,349.

Thereafter, the motion to adopt Resolution 2022-49 passed with all present voting aye.

RESOLUTION 2022-50 – IRRIGATION PUMP STATION REPLACEMENT

A motion was made by Vice Mayor Norris and seconded by President Pro Tem Bickel to adopt Resolution 2022-50 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, ACCEPTING A BID PROPOSAL FROM SULLIVAN ELECTRIC & PUMP, INC. FOR THE REPLACEMENT OF THE IRRIGATION PUMP STATION AT THE NORTH PALM BEACH COUNTRY CLUB AND AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE A CONTRACT FOR SUCH SERVICES; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Bowman explained and gave a brief history of the pump station at the Country Club. The pump station was installed in 2006. The average lifespan of a pump station was twelve (12) years and the Country Club’s current pump station was sixteen (16) years old. Mr. Bowman stated that \$115,000 had been spent in repairs over the past five (5) years. Mr. Bowman discussed and explained how the new pump station would be funded.

Thereafter, the motion to adopt Resolution 2022-50 passed with all present voting aye.

MAYOR AND COUNCIL MATTERS/REPORTS

Director of Leisure Services Zak Sherman and Country Club Manager Beth Davis gave an update on the upcoming 4th of July activities and events that would take place at the Country Club.

Mayor Searcy asked for an update on the technological changes to the Council Chambers.

Information Technology Director Michael Applegate gave an update stating that two cameras were installed on the back wall and one camera was installed on the wall behind the dais for live web streaming.

MAYOR AND COUNCIL MATTERS/REPORTS *continued*

Mr. Applegate stated that effective at the next Council meeting scheduled for July 14th, the public would be able to view the meeting live from the Village website. The meetings would be archived for later viewing. The meetings would also be indexed to coincide with items listed on the agenda for that meeting so that particular items or parts of the video can be viewed versus having to watch the entire video. The new setup would be a fully produced experience for the public. Mr. Applegate stated that the current Zoom set up would no longer be utilized.

President Pro Tem Bickel asked if residents would still be able to make a public comment from home.

Mr. Applegate stated that public comments would no longer be able to be made by the public viewing the meeting from home.

President Pro Tem Bickel recommended that it be advertised that the public can no longer make public comment through the new system.

Mayor Searcy recommended coming up with ways for the public to participate or make public comment if they were physically unable to attend a Council meeting.

Mayor Searcy stated that she wanted to discuss the Village Manager recruitment process and directives for the Ad Hoc Residential Committee.

Mayor Searcy stated that Human Resources Director Renee Govig had received twenty-two (22) applications for the Village Manager position and expected more applications to come in after the 4th of July weekend.

Discussion ensued between Councilmembers and Mr. Rubin regarding the process of reviewing resumes and choosing applicants to interview.

Discussion continued regarding the interview process for Village Manager applicants.

Mayor Searcy stated that she would follow up with Ms. Govig and inform her that Council wants to review all applications and resumes that were received for the Village Manager position and ask Ms. Govig to provide a spreadsheet or grid of candidates that details each applicants' qualifications while making sure to eliminate anyone who did not meet the minimum qualifications, and to form a committee that would narrow down the Council's choices to three (3) or five (5) candidates to be brought in for interviewing.

Mayor Searcy stated that at their last meeting the Ad Hoc Residential Code Committee discussed future directives. The Committee requested that it be asked of Council if they wanted them to consider the following code provisions to evaluate:

- Whether to allow accessory structures like detached garages, garage apartments, pool houses, sheds (with design standards)
- Creating minimum tree maintenance regulations
- Do we want to allow artificial turf?
- Do we want to create any restrictions on parking in swale?

MAYOR AND COUNCIL MATTERS/REPORTS *continued*


- Do we want to allow chain link fences?
- Do we want to modify our dock regulations to limit boat size?
- Can we further incentivize one-story homes?
- Do we want to allow alley access for single-family homes that are adjacent to alleys?

Council agreed that the Ad Hoc Residential Code Committee should evaluate the list of code provisions.

Mr. Lukasik stated that a survey would be done to find out if residents wanted additional code provisions evaluated that were not included on the list.

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 8:21 p.m.



Jessica Green, MMC, Village Clerk



DRAFT MINUTES OF THE REGULAR SESSION
VILLAGE COUNCIL OF NORTH PALM BEACH, FLORIDA
JULY 14, 2022

Present:

Deborah Searcy, Mayor
David B. Norris, Vice Mayor
Susan Bickel, President Pro Tem
Darryl C. Aubrey, Sc.D., Councilmember
Mark Mullinix, Councilmember
Andrew D. Lukasik, Village Manager
Len Rubin, Village Attorney
Jessica Green, Village Clerk

ROLL CALL

Mayor Searcy called the meeting to order at 7:00 p.m. All members of Council were present. All members of staff were present.

INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Searcy gave the invocation and Vice Mayor Norris led the public in the Pledge.

STATEMENTS FROM THE PUBLIC

Mayor Searcy stated that at the time of its approval, she and Council was not aware that the new live web streaming installation would be a one-way experience whereby the public could not interact with Council or make a public comment online. Mayor Searcy apologized for the oversight and stated that they have re-implemented the public comment form online through the Village website whereby the public could submit a comment to be read at the meetings if they were physically unable to attend.

Shawn Woods, 124 Yacht Club Drive, thanked Council and Village staff for the wonderful 4th of July event at the Country Club. Mrs. Woods recommended looking into the possibility of using non-explosive displays for future events.

These residents addressed the Council with their concerns regarding the proposed 200 Yacht Club Drive Planned Unit Development:

Bob Starkie, 36 Yacht Club Drive
Bill Rose, 36 Yacht Club Drive

STATEMENTS FROM THE PUBLIC *continued*

Mary Romero, 828 Buttonwood Road, expressed her concerns with the decisions that were made at the June 2nd Special Council Meeting whereby the Village Manager's upcoming vacancy and next steps were discussed. Mrs. Romero expressed her concerns with Council's decision to have Chuck Huff as Interim Village Manager, her recycling not being picked up, lights that were out on the Lighthouse Bridge and asked about the enforcement of underage children driving golf carts. Ms. Romero also expressed concern regarding the quality of the Village's sports programs and with Mr. Lukasik's performance as Village Manager.

Russell Beverstein, 415 U.S. Highway 1, Unit 210, thanked Village Council for making it the "Best Place to Live Under the Sun". Mr. Beverstein stated that he was the President of the Village Gardens Condominium Association and on behalf of the association read a letter that was received from the Village regarding the termination of solid waste workers picking up in-ground refuse cans due to potential injuries to the refuse collectors. Mr. Beverstein expressed his concerns regarding the termination of picking up in-ground refuse cans.

Carolyn Liss, 52 Yacht Club Drive, thanked Mayor Searcy for addressing the inability of residents to no longer provide public comment through Zoom and coming up with a solution.

PUBLIC HEARINGS AND QUASI-JUDICIAL MATTERS

ORDINANCE 2022-12 CODE AMENDMENT – THREE TIER ASSESSMENT STRUCTURE FOR SINGLE-FAMILY RESIDENTIAL PROPERTIES

A motion was made by President Pro Tem Bickel and seconded by Councilmember Aubrey to adopt and enact on second reading Ordinance 2022-12 entitled:

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, AMENDING CHAPTER 30, "STORMWATER MANAGEMENT UTILITY," OF THE VILLAGE CODE OF ORDINANCES BY AMENDING SECTION 30-6, "STORMWATER MANAGEMENT UTILITY ASSESSMENTS," TO CREATE THREE TIERS FOR ASSESSMENTS IMPOSED AGAINST IMPROVED SINGLE-FAMILY RESIDENTIAL PROPERTIES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Lukasik stated that the ordinance was passed on first reading and was now being considered on second reading. The ordinance would establish a three-tiered utility assessment for single family residential properties. Mr. Lukasik discussed and explained that the ordinance would implement a three-tier rate system based on parcel size. Mr. Lukasik stated that Council would still need to conduct a public hearing to establish the assessment roll.

Mayor Searcy opened the public hearing.

Deborah Cross, 2560 Pepperwood Circle S, expressed her concerns and gave her input regarding stormwater management in the Village.

There being no further comments from the public, Mayor Searcy closed the public hearing.

Thereafter, the motion to adopt and enact on second reading Ordinance 2022-12 passed unanimously.

ORDINANCE 2022-13 CODE AMENDMENT – MEETINGS AND GATHERINGS AT PARKS, PLAYGROUNDS AND RECREATION

A motion was made by Councilmember Mullinix and seconded by President Pro Tem Bickel to adopt and enact on second reading Ordinance 2022-13 entitled:

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, AMENDING DIVISION 2, “PERMIT,” OF ARTICLE II, “MEETINGS AND GATHERINGS,” OF CHAPTER 20, “PARKS, PLAYGROUNDS AND RECREATION,” OF THE VILLAGE CODE OF ORDINANCES BY AMENDING SECTION 20-31, “PERMIT REQUIRED,” TO INCREASE THE PERMIT REQUIREMENT THRESHOLD TO TWENTY PERSONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Lukasik explained that the purpose of the ordinance passed on first reading and was being considered for second reading. The ordinance had been amended at the first reading by changing by increasing the permit requirement threshold of meetings and gatherings at parks, playgrounds and recreation from twenty (20) to twenty-five (25) persons.

Mayor Searcy opened the public hearing.

Deborah Cross, 2560 Pepperwood Circle S, expressed her concerns and gave her input regarding permit requirement threshold for meetings and gatherings at parks, playgrounds and recreation.

There being no further comments from the public, Mayor Searcy closed the public hearing.

Mayor Searcy stated that she did not agree with the ordinance and believed that it should be eliminated.

Thereafter the motion to adopt and enact on second reading Ordinance 2022-13 as amended passed 4 to 1 with Vice Mayor Norris, President Pro Tem Bickel, Councilmember Aubrey and Councilmember Mullinix voting aye and Mayor Searcy voting nay.

CONSENT AGENDA APPROVED

Item 3 was removed from the Consent Agenda and placed on the Regular Agenda. Thereafter, the Consent agenda, as amended was approved unanimously. The following items were approved:

Receive for file Minutes of the Audit Committee meeting held 4/6/22.

Receive for file Minutes of the Environmental Committee Meeting held 5/2/22.

Receive for file Minutes of the Recreation Advisory Board Meeting held 5/10/22.

Receive for file Minutes of the Library Advisory Board Meeting held 5/19/22.

Receive for file Minutes of the Audit Committee meeting held 6/22/22.

RESOLUTION 2022-51 – APPOINTMENT OF VILLAGE’S REPRESENTATIVE TO THE GOVERNING BOARD OF THE SEACOAST UTILITY AUTHORITY

A motion was made by President Pro Tem Bickel and seconded by Vice Mayor Norris to adopt Resolution 2022-51 entitled:

RESOLUTION 2022-51 – APPOINTMENT OF VILLAGE’S REPRESENTATIVE TO THE GOVERNING BOARD OF THE SEACOAST UTILITY AUTHORITY *continued*

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, APPOINTING ACTING VILLAGE MANAGER CHUCK HUFF AS THE VILLAGE’ S REPRESENTATIVE TO THE GOVERNING BOARD OF THE SEACOAST UTILITY AUTHORITY; PROVIDING THAT COMPENSATION DESIGNATED BY THE BOARD SHALL BE PAYABLE TO THE VILLAGE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Searcy thanked Mr. Huff for his willingness to serve as the Village’s Representative to the Governing Board of the Seacoast Utility but it had been brought to her attention that Karen Marcus willing to serve in Mr. Huff’s place.

A motion was made by Councilmember Aubrey and seconded by President Pro Tem Bickel to amend the Resolution to appoint Karen Marcus as the Village’s Representative to the Governing Board of the Seacoast Utility.

Discussion ensued between Councilmembers and staff regarding the appointment of Karen Marcus as the Village’s Representative to the Governing Board of the Seacoast Utility.

Karen Marcus stated that she would not mind serving on Mr. Huff’s behalf and that it was not a requirement that the Village’s representative also be a Village employee. Ms. Marcus also refused to accept the compensation and agreed that it should go back to the Village.

Thereafter, the motion to amend Resolution 2022-51 passed unanimously.

Thereafter, the motion to adopt the Resolution 2022-51 as amended passed unanimously.

RESOLUTION 2022-52 – ONLINE PERMITTING, PLANNING, CODE ENFORCEMENT AND LICENSING SOFTWARE SOLUTION

A motion was made by Councilmember Mullinix and seconded by President Pro Tem Bickel to adopt Resolution 2022-52 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, ACCEPTING A PROPOSAL FROM ICC COMMUNITY DEVELOPMENT SOLUTIONS, LLC, FOR AN ONLINE PERMITTING, PLANNING, CODE ENFORCEMENT AND LICENSING SOFTWARE SOLUTION AND AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE A CONTRACT FOR SUCH SERVICES; AND PROVIDING FOR AN EFFECTIVE DATE.

Information Technology Director Michael Applegate explained that the resolution would accept a proposal from ICC Community Development Solutions, LLC for an online permitting, planning, code enforcement and licensing software solution for the Community Development Department. Mr. Applegate stated that as a result of the RFP process and the Village’s Evaluation Committee, ICC was the highest ranked vendor.

RESOLUTION 2022-52 – ONLINE PERMITTING, PLANNING, CODE ENFORCEMENT AND LICENSING SOFTWARE SOLUTION *continued*

Mr. Applegate explained that ICC had over fifty-eight (58) years of experience working with local governments and were well known. ICC directly integrates with the Village's Laserfiche document management system and Munis Financial System and credit card processor. Mr. Applegate stated that the software would provide a fully web based application that included modules for Planning and Zoning, Code Enforcement, inspections, plan review, licensing management and a full citizens service portal. The software would allow all Village departments to work collaboratively.

Mayor Searcy asked when the program would be launched.

Mr. Applegate stated that it would be six (6) to nine (9) months for implementation.

Thereafter, the motion to adopt Resolution 2022-52 passed unanimously.

RESOLUTION 2022-53 – FISCAL YEAR 2023 PROPERTY, CASUALTY AND WORKERS COMPENSATION INSURANCE

A motion was made by Councilmember Aubrey and seconded by President Pro Tem Bickel to adopt Resolution 2022-53 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, ACCEPTING A PROPOSAL FROM FIRST FLORIDA INSURANCE BROKERS TO PROVIDE PROPERTY, CASUALTY AND WORKERS' COMPENSATION INSURANCE THROUGH PUBLIC RISK MANAGEMENT OF FLORIDA AND AUTHORIZING VILLAGE ADMINISTRATION TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT SUCH COVERAGE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Lukasik explained that the resolution would accept a proposal from First Florida Insurance Brokers to provide Property, Casualty and Workers' Compensation insurance through Public Risk Management of Florida in the amount of \$822,407. Mr. Lukasik stated that staff requested quotes through the Village's brokers. The brokers received quotes showing a fourteen percent (14%) to fifteen percent (15%) increase. Staff directed the brokers to negotiate with the Village's current provider which resulted in a ten (10%) percent increase. Mr. Lukasik stated that in order to minimize the increase, staff was recommending adoption of the resolution to lock in the ten percent (10%) increase and remain with the Village's current insurance provider.

Thereafter, the motion to adopt Resolution 2022-53 passed unanimously.

RESOLUTION 2022-54 – LANE REPURPOSING FOR U.S. HIGHWAY ONE

A motion was made by President Pro Tem Bickel and seconded by Councilmember Aubrey to adopt Resolution 2022-54 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, APPROVING LANE REPURPOSING FOR U.S. HIGHWAY ONE AND THE SUBMITTAL OF AN APPLICATION FOR FORMAL REVIEW OF THE LANE REPURPOSING PROJECT BY THE FLORIDA DEPARTMENT OF TRANSPORTATION; DIRECTING STAFF TO PURSUE GRANT FUNDING SOURCES; AND PROVIDING FOR AN EFFECTIVE DATE.

RESOLUTION 2022-54 – LANE REPURPOSING FOR U.S. HIGHWAY ONE *continued*

Mr. Lukasik gave a background and history of the proposed Lane Repurposing Project for U.S. Highway 1. Mr. Lukasik gave an overview of reasons for repurposing the lanes on U.S. Highway 1 which were the fact that it was slated as a high priority project in the Citizens' Master Plan, a traffic study indicated sufficient capacity versus demand at buildout (2040) and minimal delays relative to "no build", it was the only segment in Palm Beach County with six (6) lanes, the lanes approaching the Parker Bridge and Northlake intersection would be maintained and right-hand turn-only lanes at signalized intersections would be added. The project would create a sense of place for Village residents and businesses. The project would give better quality of life by adding paths, landscaping, golf cart crossings and reduced travel speeds, better environment for mixed use development, create an interesting place for residents to work, shop and dine. Mr. Lukasik introduced Kim Delaney, Director of Strategic Development and Policy from Treasure Coast Regional Planning Council to give a presentation.

Ms. Delaney introduced herself and Valerie Neilson, Interim Executive Director for TCRPC. Ms. Delaney began her presentation on the proposed US Highway 1 Lane Repurposing Project. Ms. Delaney discussed safety and stated that lane repurposing would slow traffic and create a safer corridor. Ms. Delaney reviewed the Citizen's Master Plan & Form Based Code and new code requirements. Ms. Delaney reviewed the Palm Beach TPA – US-1 Multimodal Corridor Study, and stated that it was concluded that the Village could reduce the six (6) lanes to four (4) lanes if they chose to. Ms. Delaney discussed and explained the traffic study overview and conclusions. Ms. Delaney presented pictures of the existing condition of U.S. Highway 1 with six (6) lanes and what U.S. Highway 1 would look like as proposed with four (4) lanes, a bike lane, landscaping and pedestrian friendly sidewalks. Ms. Delaney explained why the Village would want to improve U.S. Highway 1 stating that it would create a better "Front Door" to the Village, increase transportation choices, make a safer corridor for residents, establish a better address for investment, boost economic development.

Valerie Neilson, Interim Executive Director of TCRPC introduced herself to Council and stated that the TCRPC was excited about the proposed project and that it was on the agenda for consideration. Ms. Neilson gave a brief overview of the benefits that would be provided to the Village by repurposing the lanes on U.S. Hwy 1. Ms. Neilson gave examples of other municipalities that have done a similar repurposing project. Ms. Neilson discussed and explained what the next steps would be if Council passed the resolution. Ms. Neilson stated that the design phase of the proposed project would not begin until 2028 or 2029.

These residents addressed the Council and expressed their support of the proposed Lane Repurposing for U.S. Highway One:

Tim Hullihan, 840 Country Club Drive
Karen Marcus, 920 Evergreen Drive
Leanne Schmitt, 604 Eastwind Drive
Marina Willis, 44 Yacht Club Drive
John Maxted, 648 Atlantic Road
Kenneth McLeskey, 112 Nativa Circle
Mark Michels, 648 Shore Road

Shawn Woods, 124 Yacht Club Drive
Mary Phillips, 525 Ebbtide Drive
Nathan Kennedy, 828 Anchorage Drive
Rita Budnyk, 804 Shore Drive
Deborah Cross, 2560 Pepperwood Circle S
Francine Manthy, 655 Anchorage Drive
Peter Elsenbaumer, 604 Laurel Court

RESOLUTION 2022-54 – LANE REPURPOSING FOR U.S. HIGHWAY ONE *continued*

These residents addressed the Council with their concerns and expressed their opposition to the proposed Lane Repurposing for U.S. Highway One:

Pat Friedman, 1208 Marine Way	William Rose, 36 Yacht Club Drive
Lisa Molina, 500 Driftwood Road	Richard Freseman, 419 Anchorage Lane
Donald Solodar, 100 Lakeshore Drive	Orlando Puyol, 149 Ebbtide Drive
Bill Primm, 945 Westwind Drive	

Carolyn Liss, 52 Yacht Club Drive recommended placing barricades during the busy season along the stretch of U.S. Highway 1 that is being proposed for repurposing and observe the traffic impacts.

Bob Starkie, 36 Yacht Club Drive, expressed his concerns regarding the proposed project and recommended a cost benefit analysis and wanted to know if there would be any cost to the Village for the project.

Mayor Searcy read into the record public comments that were received via online submittal.

The following residents expressed their support of the proposed Lane Repurposing for U.S. Highway One:

Mark & Isis Manhart, 119 Bowsprit Drive	Lisa Jensen, 606 Shore Road
Barbara Case, 719 Lakeside Drive	Katherine DeWitt, 133 Anchorage Drive S
Lisa Interlandi, 150 Anchorage Drive S	Stephen & Mia St. John, 436 Harbour Road
Lisa Gallagher, 704 Teal Way	

The following residents expressed their opposition to the proposed Lane Repurposing for U.S. Highway One:

Robert & Hannah Hopkins, 424 Oyster Road

Mayor Searcy stated that she was strongly in favor of the proposed project and explained her reasons why. Mayor Searcy stated that the project would benefit the Village and its residents.

Mayor Searcy stated that she received an email just before the Council meeting from Adam Jones, owner of the Jupiter Donuts on U.S. Highway 1. Mayor Searcy stated that Mr. Jones apologized that he was not able to attend the meeting but expressed to her that he was in favor of the proposed lane repurposing project.

Mayor Searcy stated that she had also received a letter from the owner of a new pizza place Disano's Pizza that will be going in the building in front of the Memory Care Center. In his letter, Mr. Scott Disano expressed to Mayor Searcy that he was in favor of the lane repurposing and planned to be in alignment with the Master Plan by implementing outdoor dining and engaging the U.S. Highway 1 corridor.

Mayor Searcy stated that she had also received a letter awhile back from the Palm Beach North Chamber of Commerce stating that they were in favor of the lane repurposing.

RESOLUTION 2022-54 – LANE REPURPOSING FOR U.S. HIGHWAY ONE *continued*

Mayor Searcy discussed and explained how the benefits of lane repurposing outweigh the minimal traffic impacts that would occur. Mayor Searcy discussed and explained the benefits of the lane repurposing and stated that even though the Village of Tequesta did the same and had some growing pains when they narrowed U.S. 1 but they were now considering a moratorium on new construction along their corridor because the narrowing was very successful and popular.

Mayor Searcy explained how the lane repurposing project would be fully funded.

Councilmember Aubrey stated that he believed the lane repurposing project was in the best interest of the Village and was in support of it.

Vice Mayor Norris stated that the lane repurposing project looked good on paper, but it was uncertain how traffic would be impacted. Vice Mayor Norris recommended not moving forward with the project until residents had a chance to vote on it.

Mayor Searcy stated that if Council did not move forward with approving the resolution, then they would not be put on the list to begin the process and the project would be further delayed.

Discussion ensued between Mr. Lukasik and Councilmembers regarding how the proposed lane repurposing project would be funded and the timing involved with the project.

Ms. Neilson explained that the resolution would approve a final review by the Florida Department of Transportation Central Office. Ms. Neilson discussed and explained the next steps and timeline after final review. Ms. Neilson stated that the approval of the resolution would indicate that the Village wanted to move forward with lane repurposing and requesting that the TPA proceed with allocating funds toward the project.

President Pro Tem Bickel asked if the resolution was binding or if the Village would be responsible for any funds allocated toward the project if they chose to cancel.

Ms. Neilson explained that the Village would not be charged or responsible for paying back any funds allocated toward the project if they chose to cancel.

Discussion continued between Mr. Lukasik, Ms. Neilson and Councilmembers.

Councilmember Mullinix expressed his concerns regarding the proposed project and recommended getting more input from residents before making a decision to move forward. Councilmember Mullinix stated that he was not in support of the proposed lane repurposing project.

Vice Mayor Norris stated that he was not against the proposed lane repurposing project but felt that the decision to move forward was being rushed and that more input from residents and more discussion was needed.

President Pro Tem Bickel stated that she was in favor of the revitalization of the U.S. Highway 1 corridor and the lane repurposing project. President Pro Tem Bickel recommended moving forward with approval of the resolution and going forward with the idea of placing barricades along U.S. Hwy 1 to observe potential traffic impacts.

RESOLUTION 2022-54 – LANE REPURPOSING FOR U.S. HIGHWAY ONE *continued*

Ms. Neilson stated that the City of Delray had done a lane repurposing and did a pilot program before construction began. Ms. Neilson recommended that if the Village did a pilot program that they make sure that it was done with good visuals and not barricades since residents may get frustrated with barricades in the roadway if they were not aware of the reasoning behind it.

Discussion continued between Councilmembers regarding the proposed lane repurposing project and the possibility of a pilot program.

Thereafter, the motion to adopt Resolution 2022-54 passed 4 to 1 with Mayor Searcy, Vice Mayor Norris, President Pro Tem Bickel and Councilmember Aubrey voting aye and Councilmember Mullinix voting nay.

Council agreed to discuss the possibility of a pilot program at a future meeting.

DISCUSSION – Code Amendments for Proposed Concepts for Twin Cities Mall Site

Mr. Lukasik gave a brief history and background of the proposed development for the Twin Cities Mall Site. Mr. Lukasik stated that the owner of the property and his agents were in attendance to present the proposed project for that site.

Nader Solour, owner of the Twin Cities Mall Site property, introduced himself, Architect Shamim Ahmadzadegan and Planner George Gentile of 2GHO as part of his team for the proposed development. Mr. Solour gave a brief background of his company and the projects they have done which included Abacoa in Jupiter. Mr. Solour explained the reasoning behind the purchase of the site and his vision for the proposed project.

Mr. Shamin began a presentation regarding the Village Shoppes proposed project. Mr. Shamin gave a brief background about Gensler the architecture firm. Mr. Shamin showed aerial views of the site and pictures of the site with its current buildings, parking lot and vacant spaces as well as surrounding business and intersections. Mr. Shamin discussed and explained the site vision that would include a pedestrian oriented mixed use, town center, community green. Mr. Shamin discussed and explained Principles of Placemaking which involved character of spaces and the relationship between inside and outside, between end user and environment, with the goal of creating vibrant places that draw people back again and again. The elements would include nature, scale, culture, community, connectivity and art. Mr. Shamin discussed the Master Plan and showed and explained proposed conceptual pictures for the site.

Mayor Searcy read into the record a public comment received via online submittal from Rita Budnyk, 804 Shore Drive, expressing her recommendations for the proposed Twin Cities Mall Site project.

Tim Hullihan, 840 Country Club Drive, expressed and discussed his concerns with the proposed project for the Twin Cities Mall Site.

Mayor Searcy thanked Mr. Salour and his team for presenting the proposed project and asked him to speak about the financials of the project.

Mr. Salour explained that he has studied other projects and has determined that the rest of the project would need to subsidize the retail part of the project in order to be successful.

DISCUSSION – Code Amendments for Proposed Concepts for Twin Cities Mall Site *continued*

Discussion ensued between Mr. Salour and Councilmembers regarding revisions to the codes for the proposed development of the Twin Cities Mall Site.

Mr. Mullinix thanked Mr. Salour for purchasing the property and proposing its development and stated that it would be transformative for the Village.

Discussion continued between Councilmembers and Mr. Salour regarding the proposed project.

Mr. Salour thanked Council for their time and comments.

MAYOR AND COUNCIL MATTERS/REPORTS

Mayor Searcy thanked staff for all of their hard work on the successful 4th of July event.

Mayor Searcy thanked Village Clerk Jessica Green for transforming the Council Chambers with new paint and a new logo sign.

Mayor Searcy stated that the Council Chamber lobby was still in its stages of transformation and asked if any residents had Village memorabilia or historical items to contribute to the cases in the front lobby.

Mayor Searcy acknowledged that it was Mr. Lukasik's last Regular Council meeting before his departure as Village Manager and thanked him for all of his hard work and dedication.

Mr. Lukasik expressed his appreciation to Mayor Searcy and Council for the opportunity to serve the community and that he planned to continue living in the community. Mr. Lukasik stated that he enjoyed working with Council and staff. Mr. Lukasik stated that the Village had a great staff and were in good hands.

Council thanked and expressed their appreciation to Mr. Lukasik and wished him all the best.

President Pro Tem Bickel stated that she heard from residents who expressed concerns that the Village Manager recruitment process was being rushed. President Pro Tem Bickel recommended that any important items not be discussed under Mayor and Council Matters but instead be placed on an agenda as a discussion item.


Discussion ensued between Councilmembers, Mr. Lukasik and Mr. Rubin regarding the Village Manager recruitment process.

Council agreed that the process did not need to be rushed and directed Human Resources Director Renee Govig to remind the candidates that their resumes and applications were public records and were subject to public records requests.

Audit Committee Chairman Tom Magill stated that it was a privilege to work with Mr. Lukasik and that Mr. Lukasik was leaving big shoes to fill.

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 10:31 p.m.



Jessica Green, MMC, Village Clerk



PALM BEACH NORTH
CHAMBER OF COMMERCE

June 8, 2022

Dear Town Manager:

I am pleased to announce that the Palm Beach North Disaster Resiliency Plan is complete. The completion of the plan is the first step in making Palm Beach North a resilient region and was *possible because of your input*.

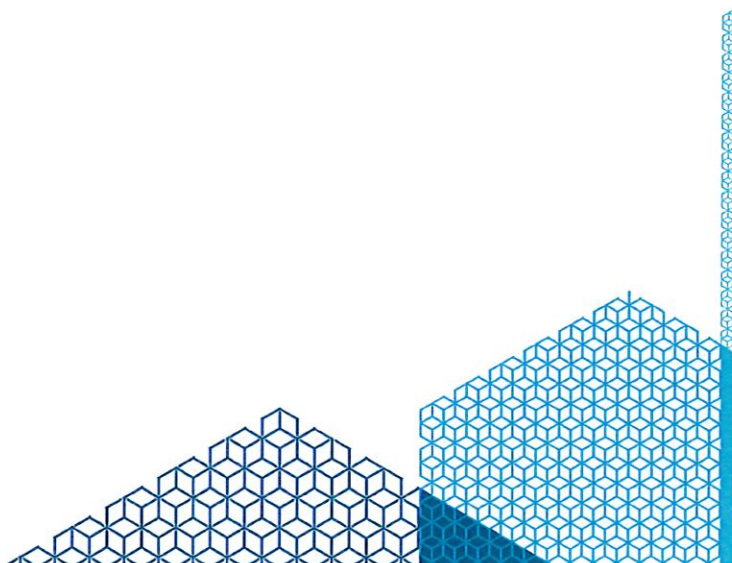
The four major components of this plan address how our region can mitigate, prepare for, respond to, and recover from extreme weather, climate change, public health, and technology-related emergency events. This Resilience Action Plan considers input received from all ten municipalities, the public, local businesses, and regional partners on the region's potential vulnerabilities and areas at risk. The Palm Beach North Chamber of Commerce, local governments, and businesses in the region should undertake following steps to begin moving this plan forward:

- Continue regularly scheduled meetings of the Palm Beach North Disaster Resiliency Task Force to coordinate efforts and oversee implementation of the plan
- Identify a champion or organization to lead each strategy in the action plan
- Commit resources to plan implementation and seek grants and other available resilience-related funding opportunities to support resilience planning, development, education, and training activities
- Review, prioritize, and initiate the short-term actions identified, such as creating Community Emergency Response Teams
- Begin additional analyses or research
- Develop performance metrics or indicators linked to the actions to monitor implementation and evaluate the success of this initial phase
- Seek opportunities to promote the Disaster Resilience Plan and implementation efforts, beginning with an invitation to Florida's Chief Resilience Officer to attend a meeting of the Palm Beach North Chamber of Commerce

This effort is a first step in initiating broader action among Palm Beach North residents and businesses to improve regional resilience and help shape detailed vulnerability assessments and resilience strategies for the region in the future. *I look forward to continuing to work together to ensure Palm Beach North is a resilient region!*

Sincerely,

Noel Martinez
President & CEO
Palm Beach North Chamber of Commerce



Palm Beach North Resilience Action Plan

prepared for

Palm Beach North Chamber of Commerce

prepared by

Cambridge Systematics, Inc.

Palm Beach North Resilience Action Plan

prepared for

Palm Beach North Chamber of Commerce

prepared by

Cambridge Systematics, Inc.

2101 West Commercial Boulevard, Suite 3200
Fort Lauderdale, FL 33309

date

May 25, 2022

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About This Document

This document was prepared by Cambridge Systematics, Inc., under contract to the City of Palm Beach Gardens, and in support of the Palm Beach North Disaster Resiliency Task Force, a coalition of public, private, and civic organizations working together to develop a Resilience Action Plan for northern Palm Beach County. Preparation of this document is supported by the Florida Department of Economic Opportunity through a Community Planning Technical Assistance Grant #P0409.

1.0 Introduction

The northern portion of Palm Beach County (Palm Beach North), consisting of Palm Beach Gardens, Riviera Beach, Juno Beach, Jupiter, Jupiter Inlet Colony, Mangonia Park, Lake Park, Palm Beach Shores, North Palm Beach, and Tequesta, has been one of the fastest growing parts of Florida for the past few decades. Home to more than 196,000 residents and more than 9,400 businesses, Palm Beach North is Florida's "Prosperity Coast" with a unique combination of a growing economy and a high quality of life.

Extreme weather events, such as flooding, storm surge, and extreme heat, are threatening the safety and prosperity of the region with the potential to cause injuries and fatalities, damage infrastructure, and disrupt business operations. Such impacts are potentially growing in magnitude with increasing temperatures, intensifying precipitation events, and rising sea levels due to climate change. In addition, environmental hazards – like water and air pollution – can contribute to chronic diseases like cancer or to acute illnesses like heat exhaustion. Pandemics, like COVID-19, and the potential spread of other diseases create challenges to protecting public health, which is compounded by the growing numbers of residents, industries, visitors, and freight movement in the region. Moreover, potential technological risks such as electricity or internet failures or cybersecurity threats could add to the stress of managing emergencies as our reliance on technology increases.

The Palm Beach North Resilience Action Plan will help the region mitigate, prepare for, respond to, and recover from extreme weather, climate change, public health, and technology-related emergency events. The project team developed the Resilience Action Plan with input from municipalities, the public, local businesses, and regional partners who were solicited to gather available information on the region's potential vulnerabilities, identify areas at risk, and create a plan for building resilience in the region. With oversight from the Palm Beach North Chamber of Commerce's Disaster Resiliency Task Force, this effort is a first step in initiating broader action among Palm Beach North residents and businesses to improve regional resilience and help shape detailed vulnerability assessments and resilience strategies for the region in the future.

2.0 Regional Risks and Vulnerabilities

In developing this Action Plan, the project team identified potential risks and vulnerabilities in Palm Beach North through outreach to local government, businesses, and regional organizations; a preliminary desktop analysis of impact from selected hazards; and a stakeholder workshop.

2.1 Outreach

The project team conducted a series of outreach efforts to understand the vulnerabilities and risks of most concern to businesses and local governments in the region. These include:

- A Palm Beach North Local Government Resilience Action Plan Survey distributed to the 10 Palm Beach North municipalities.
- A Palm Beach North Business Resilience Action Plan Survey conducted with local businesses.
- Interviews with leaders from regional organizations, including the Florida Department of Transportation, Florida Power and Light, Palm Beach County, Palm Beach Transportation Planning Agency, and Treasure Coast Regional Planning Council.

The top five risks ranked by local governments (Table 2-1) are flooding; high wind and heavy rain associated with hurricanes/coastal storm events; storm surge; sea level rise; and threats to cybersecurity. The top five risks ranked by businesses (Table 2-2) are loss of power, communications, or utilities; epidemics; threats to cybersecurity; human-caused acts (e.g., hazardous materials spills, acts of terrorism, etc.); and flooding. Among the set of risks survey participants were asked to rank, flooding and threats to cybersecurity fell within the top five greatest risks impacting both community and business resilience. Local governments and businesses are impacted by environmental risks such as heavy rain associated with hurricanes and tropical storm events that have the potential to cause flooding, storm surge, and the loss of power, communications, and utilities. In both cases, participants identified risk of drought, extreme heat, and environmental pollution as less of a concern to the region today. Participants identified “other” risks, including supply chain disruptions.

Table 2-1 Local Government Ranking of Vulnerabilities and Risks

Overall Rank	Vulnerability/Risk
1	Flooding
2	High wind and heavy rain associated with hurricanes/coastal storm events
3	Storm surge
4	Sea level rise
5	Threats to cybersecurity
6	Environmental pollution
7	Epidemics
8	Extreme heat
9	Acts of terror
10	Drought

Table 2-2 Business Ranking of Vulnerabilities and Risks

Overall Rank	Vulnerability/Risk
1	Loss of power, communications, or utilities
2	Epidemics
3	Threats to cybersecurity
4	Human-caused acts
5	Flooding
6	High wind
7	Storm surge
8	Sea level rise
9	Extreme heat
10	Environmental pollution
11	Drought
12	Other

In addition to identifying and ranking risks, the surveys and interviews created an inventory of plans, projects, programs, guidance, tools, and other resources that can be used to address resilience. For instance, the team identified opportunities to collaborate among existing entities with resilience initiatives, including those of the Treasure Coast Regional Planning Council, Palm Beach County Office of Resilience, and the Coastal Resilience Partnership formed by the seven south Palm Beach County municipalities. Business and local government participation in developing the Palm Beach County Local Mitigation Strategy, Community Rating System, and county and utility emergency management exercises presented opportunities for building resilience in the region. The effort also highlighted several opportunities for the local governments and businesses in the Palm Beach North region to enhance collaboration and coordination across key partners and agencies to build the region's resilience. For full details, please refer to the Inventory of Existing Resilience Plans and Policies Technical Memorandum dated February 28, 2022.

2.2 Preliminary Analysis of Risks and Vulnerabilities

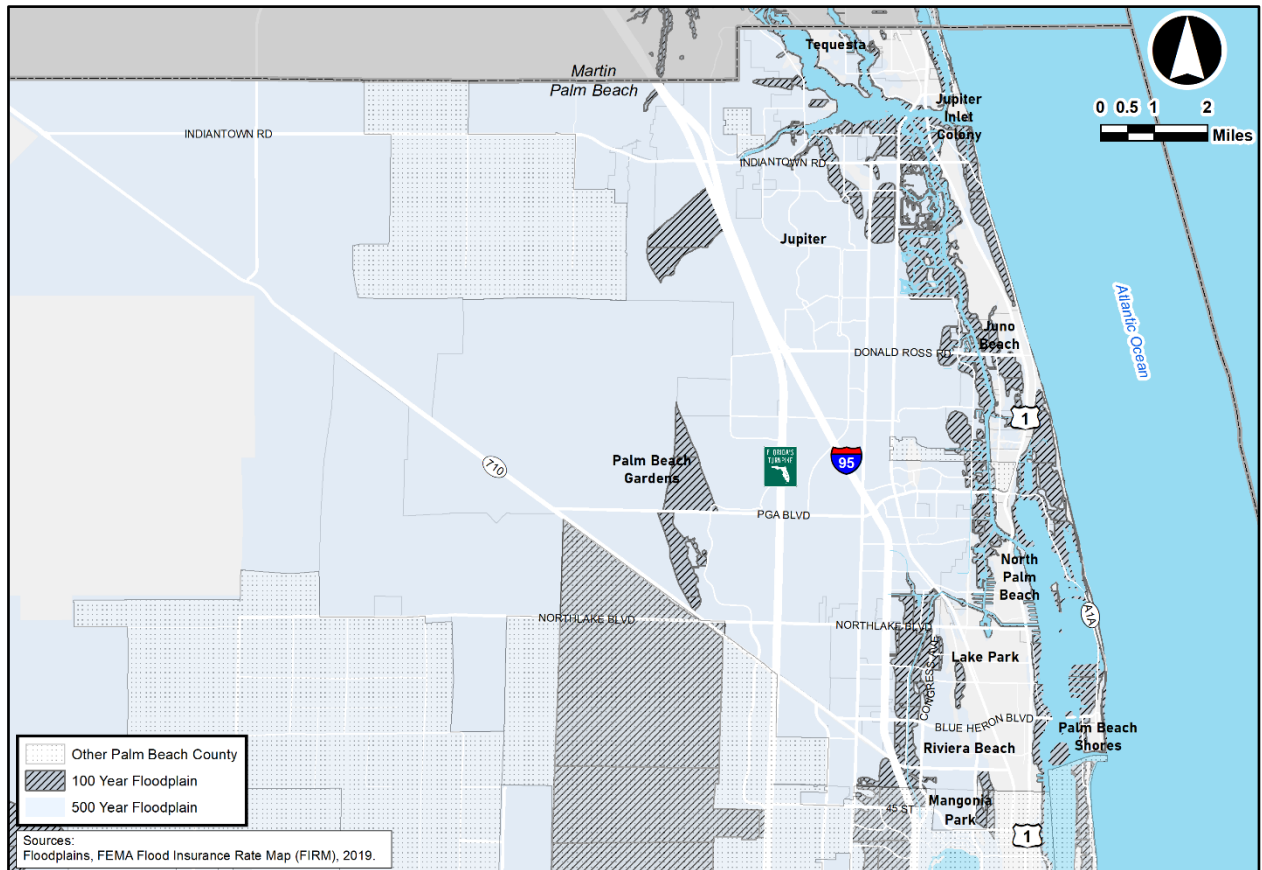
Following the outreach effort, the project team conducted a preliminary risk and vulnerability analysis to assess the impact of flooding, storm surge, sea level rise, and extreme heat within the Palm Beach North region. These four risks were chosen given their readily available and timely data sources, including the Federal Emergency Management Agency Flood Insurance Rate Map, National Oceanic and Atmospheric Administration Sea, Lake, and Overland Surges from Hurricanes model (also known as the SLOSH Model), Sea Level Scenario Sketch Planning Tool, and the U.S. Climate Resiliency Toolkit. This analysis identified the potential occurrence and severity of these risks over the next few decades based on available data, tools, and maps, as well as areas, assets, and communities that could be impacted by such risks. The socioeconomic makeup of the region and community characteristics like access to broadband Internet was overlaid with the potential impacted areas by different stressors to identify areas of additional vulnerability and opportunities to improve the resilience of the region.

Key findings and maps from the preliminary analysis are described in the following sections. Full details of this analysis are available in the Preliminary Identification of Potential Vulnerabilities and Risks Technical Memorandum dated February 28, 2022. It should be noted that this preliminary analysis is not a comprehensive vulnerability assessment of the region. The information provided here is for planning purposes only; more detailed assessments of vulnerabilities and risks are needed to evaluate potential strategies.

2.2.1 Flooding Events

The assessment of flooding used the 100-year and 500-year floodplain areas from the statewide digital flood insurance map data (2019) from the Federal Emergency Management Agency. These reflect the statistical likelihood of 1 percent or 0.2 percent chance for a storm/flood event for 100-year and 500-year floodplain areas, respectively (also sometimes called the 1 percent and 0.2 percent recurrence-intervals). Current climate trends suggest more sustained precipitation during rain events in the future. If that is the case, the statistical likelihood of heavier rain occurrence may increase. The 100-year and 500-year floodplains are shown in Figure 2-1.

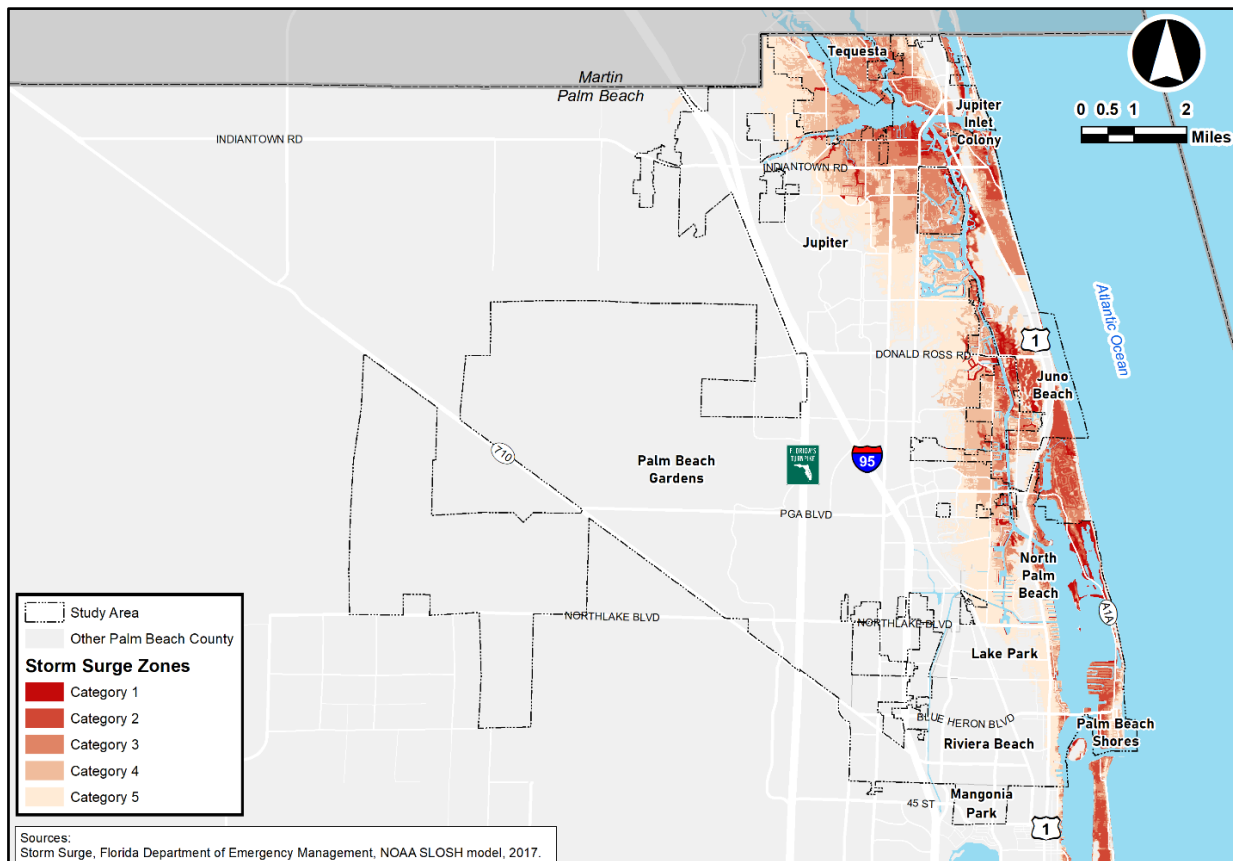
Figure 2-1 The 100-Year and 500-Year Flooding Scenarios



The 500-year floodplain covers most of the region's periphery. The 100-year floodplain should be especially planned for, as it is likely to happen more often. The 100-year floodplain covers a large portion of the region, including much of the intracoastal and coastal regions. A particular area of concern is along I-95 from Northlake Boulevard to SR-710, where there is significant industrial future land and where there are higher levels of traditionally underserved residents, such as elderly, disabled, low-income, minority, Native American, limited English proficiency, and limited literacy populations.

2.2.2 Storm Surge

The project team conducted the assessment of storm surge risk from hurricanes using the 2017 storm surge depth inundation data from the Florida Division of Emergency Management, which uses the NOAA SLOSH model. Storm surge projections are shown in Figure 2.2. This shows the storm surge inundation area for Category 1 hurricanes in the darkest shade, as that is the most critically vulnerable area. More area inland is vulnerable to stronger (lower likelihood) storms and the Category 5 storm surge inundation zone represents the maximum area (worst case scenario) of the region vulnerable to coastal flooding due to a hurricane.

Figure 2-2 Storm Surge Scenarios by Hurricane Strength

There is significant vulnerability in the region to storm surge. Much of the coastal areas and waterfront areas of Jupiter and Tequesta, for example, are at risk from Category 2 or lower hurricane impact. Also, the areas of Juno Beach bordering the intracoastal show high risk from hurricane storm surge. However, the southern inland part of the region, which has some significant flooding risk, traditionally underserved communities, and significant industrial land use, is relatively less impacted by storm surge risk.

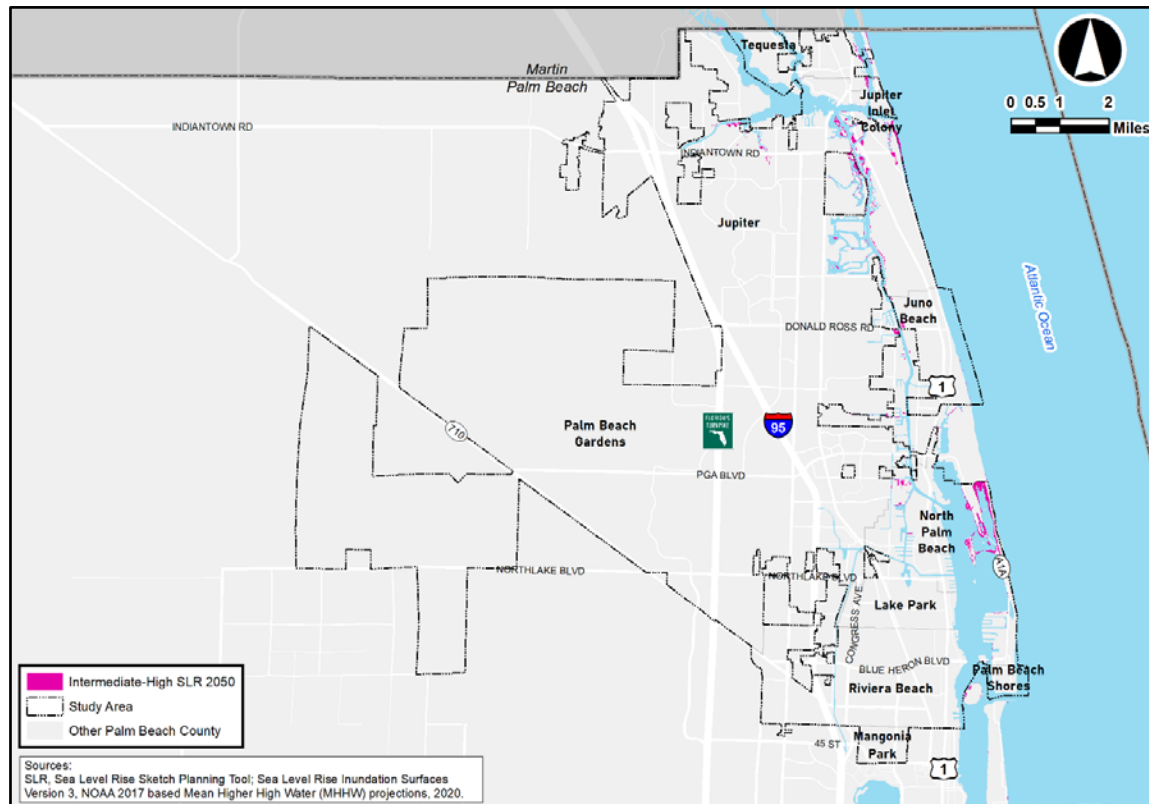
It is important to note the transportation facilities at risk of storm surge, as response and recovery efforts in a major hurricane event could be impacted by damage to the transportation infrastructure. US 1 mostly traverses higher land relative to surrounding areas, but other roads such as SR-A1A; Indiantown Road, Pennock Lane, and Center Street in Jupiter; Tequesta Drive in Tequesta; and other important connecting and arterial roads could be compromised by storm surge in a major storm event. Emergency planning efforts in the region should take this into account.

2.2.3 Sea Level Rise

The project team assessed the potential risk of sea level rise using data from the Sea Level Scenario Sketch Planning Tool developed by the University of Florida GeoPlan Center, which analyzes current flood risks and future flood risks using various sea level rise (SLR) scenarios. The Sea Level Scenario Sketch Planning Tool mapped SLR scenarios by county using local tide gauge data and various sea level projection curves. The

projection used for this analysis was the intermediate-high projection for 2050 (NOAA 2017).¹ The SLR inundation areas are shown in bright pink in Figure 2.3.

Figure 2-3 Sea Level Rise Intermediate-High 2050 Projection



SLR projections in the region are smaller in geography. However, they represent potentially permanent changes in sea and tidal inundation. Any locations currently experiencing issues with king tides could experience them to a greater extent and some areas not currently experiencing noticeable issues could do so in the future. The two vulnerable areas are: north of the region in the creek and inlet waterfront areas and on the John D. MacArthur Beach State Park area of North Palm Beach. SLR is expected to create ongoing and increasing impacts on infrastructure, businesses, and residences. Adaptation and mitigation of such impact will require long-term planning, design, construction, and possible relocation or managed retreat. As of now, the predictions do not heavily impact the areas with more traditionally underserved communities, but there is always cause for thought on how to address dealing with SLR in a fair and equitable manner.

2.2.4 Extreme Heat

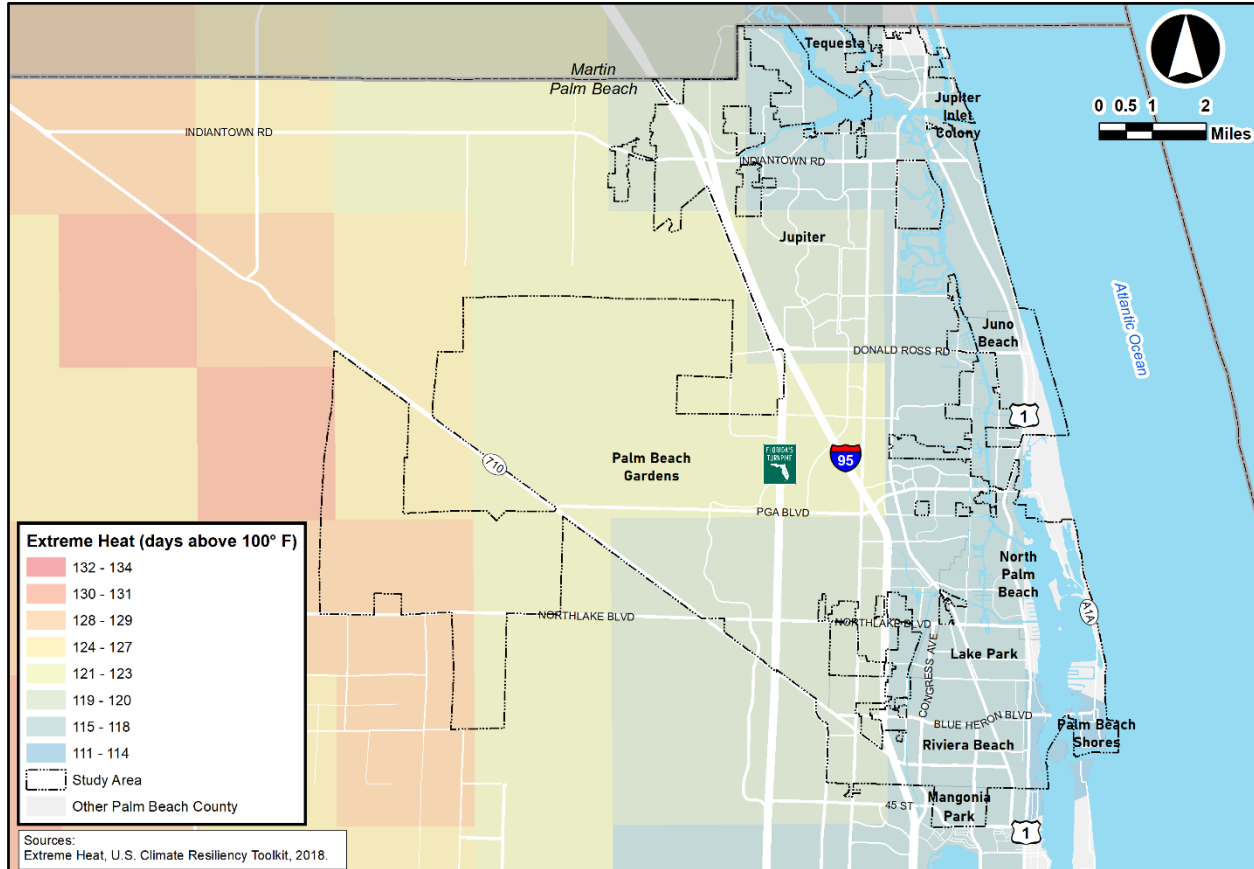
The project team assessed the potential risk of extreme heat using the statistical downscaled CMIP5 model in the Localized Constructed Analog dataset.² This data shows the number of days per year with temperatures projected to top above 100° F by the end of the century under a high emission scenario. The

¹ For comparison, this projection estimates about 16 inches above 2000 mean sea level, while the short term (2040) estimates in the Southeast Florida Regional Compact Unified Sea Level Rise Projection: 2019 Update is 10–17 inches above 200 mean and the medium term (2070) estimate is 21–54 inches above 2000 mean.

² LOCA statistical downscaling—LOCA Statistical Downscaling (Localized Constructed Analogs). <http://loca.ucsd.edu/>

current count for the county is below 10 days per year. This projection estimates a drastic increase in days of extreme heat, which can be disruptive to the region. The results are shown in Figure 2.4.

Figure 2-4 High Emission 2100 Scenario for Number of Extreme Heat Days Per Year



Extreme heat impacts business and residential activities, including the agricultural industry, outdoor workers, construction and materials, and walking and biking.

The traditionally underserved, particularly lower income residents may need assistance with cooling if they cannot afford energy costs or reliable air conditioning. Public cooling shelters/centers are one option to provide distressed populations with a refuge from the heat. Many industries could be impacted in their daily work, and water need/demand could noticeably increase relative to population growth. Materials for building and transportation infrastructure may need to be altered to endure more high heat exposure. These are all planning considerations for managing the possibility of higher extreme heat in coming decades.

2.3 Stakeholder Workshop

To further support the development of the Palm Beach North Resilience Action Plan, a stakeholder workshop was held on March 31, 2022 to set priorities among potential risks and impacts to the Palm Beach North region, identify and prioritize strategies the Palm Beach North region should consider addressing these risks, and identify partner roles and responsibilities to implement these strategies. Thirty-six stakeholders from

within and outside the Palm Beach North region participated in the workshop, including local governments, businesses, resilience organizations, medical and educational facilities, and utilities.

During the workshop, stakeholders participated in four breakout groups covering Extreme Weather, Climate Change, Technology, and Public Health, to provide inputs on risks and impacts to the Palm Beach North region, as shown in the four figures below. The potential strategies discussed and prioritized during the workshop inform the development of this action plan and are described in Section 3.0.

A full summary of the workshop as well as a copy of the workshop agenda and list of participants are available in the Stakeholder Workshop Technical Memorandum dated April 19, 2022. Participants in the workshop discussed that extreme weather events such as flooding, storm surge, heavy precipitation, and extreme heat, have the potential to cause damage to public infrastructure and personal properties, cause electricity or internet outages, and disrupt business operations, education, transportation management, and many other activities. A specific concern was raised about losing access to critical resources such as gas, electricity, cash, medicines, and clean water, and essential services, such as pharmacies, banks/ATMs, and grocery stores. Potential technological risks such as electricity or internet failures or cybersecurity threats could add to the stress of managing emergencies due to people's reliance on technology. Power or internet outages could also limit people's access to digital records, such as credit card information, passwords, insurance records, and inventory databases, which could make it difficult to conduct personal or business activities. Such impacts are potentially growing in magnitude due to climate change, causing disruption to supply chain, tourism, and the agriculture industry, and creating long-term negative impacts on the environment, labor force, and the region's quality of life.

Maintaining effective communication during emergency events is another challenge raised by the participants. On the one hand, the access to various websites, social media, or other digital platforms and channels of communication could be hampered by power outages during an emergency. On the other hand, excessive information, including competing or misinformation, could make it difficult for people to identify the knowledge they need quickly during an emergency, such as weather forecasts, evacuation or shelter-in-place notices, availability of food or gas, or contact information for emergency respondents.

People's mobility will also be impacted if an emergency event causes transit service to stop operating or make it unsafe to drive due to damage to traffic signals. There is also a concern for whether electric vehicle charging stations will be out of service due to power outage.

Participants also discussed potential risks related to public health, such as the pandemic, chronic diseases due to water or air pollution, acute illnesses like heat exhaustion after a storm, and mental stress related to climate change. These challenges will be especially significant to high-risk or traditionally underserved communities, such as the elderly, disabled, or low-income populations. Participants expressed concern about how to address the combined effect of public health concerns during weather related emergency events, and with technological challenges.

Figure 2-5 Extreme Weather Risks

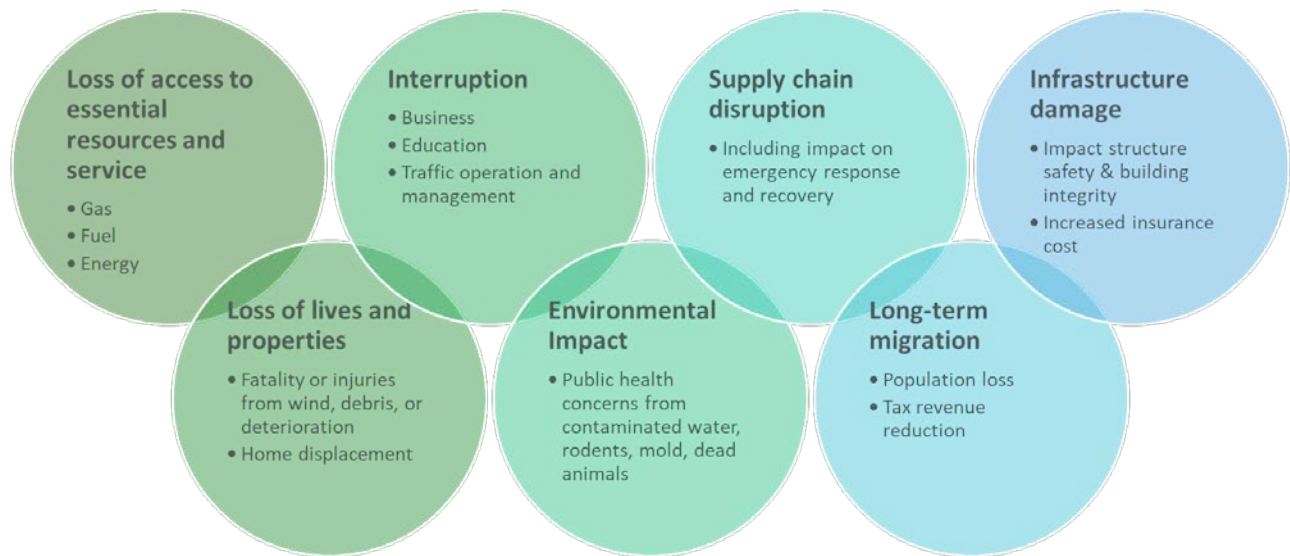


Figure 2-6 Climate Change Risks

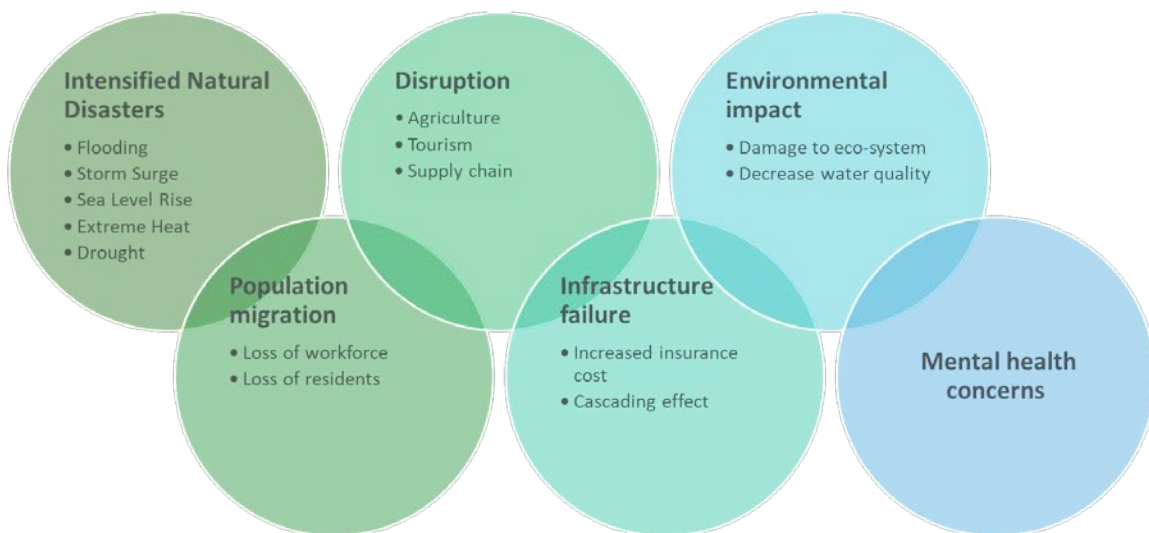


Figure 2-7 Technology Related Risks

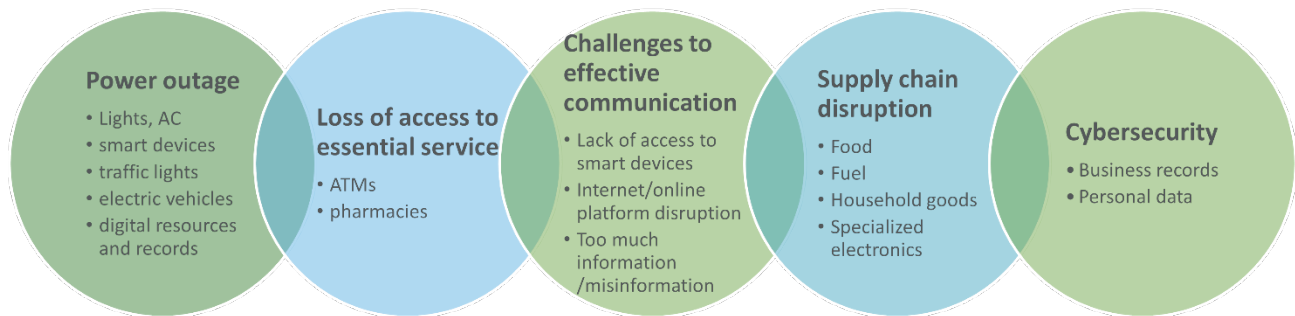
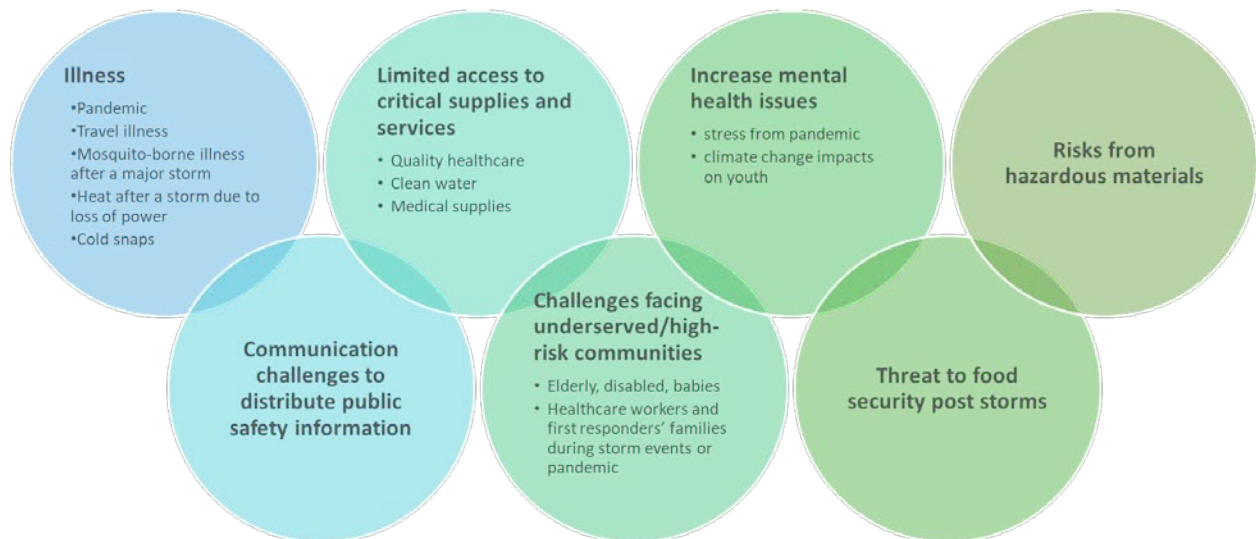


Figure 2-8 Public Health Related Risks



3.0 Action Plan

Building upon input from stakeholders, this section presents actions to improve resilience during the four phases of emergency management: mitigation, preparedness, response, and recovery. These actions are intended to be an initial set of priorities; recommendations for next steps and future actions are identified in Section 4.0. For each action in the tables that follow, the action plan identifies the timeframe for implementation (short-term: < one year, medium-term: 1 – 3 years, long-term: 3 – 5 years); whether the action should be led locally or coordinated regionally; and whether the Palm Beach North Chamber of Commerce may play a role in advancing or facilitating implementation. The ID numbers do not imply priority but are provided for easy identification.

3.1 Cross-Cutting Actions

Building resilience in the Palm Beach North region should start with establishing strong, clear goals that define the region's vision and specify the objectives or steps to achieve these goals. Goals should be specific and measurable. They should state exactly what needs to happen, where, when, and with whom to give clear direction to the planning process and narrow the focused actions in measurable ways. It is important to also identify performance metrics or indicators that are linked to resilience goals and strategies to monitor progress and evaluate success.

Improving resilience in Palm Beach North requires a collaborative effort. Promoting leadership, education, and empowerment in government, community, and business organizations is necessary to foster coordination across the region and identify clear roles and responsibilities to lead and support the development and implementation of resilience policies and strategies. Table 3-1 shows cross-cutting strategies that could be applied to all phases of emergency management.

Table 3-1 Cross-Cutting Actions

ID	Actions	Timeframe	Recommended Lead	Potential PBN Chamber Role
		Short-term: < 1 yr Medium-term: 1 – 3 yrs Long-term: 3 - 5 yrs		
1	Establish resilience goals and objectives for the Palm Beach North region.	Short-term	Regional	★
2	Incorporate resilience goals and objectives into the planning process and functions of government agencies and business communities.	Long-term	Regional	★
3	Develop resilience performance metrics/indicators for public and private critical infrastructure linked to goals, timing, and strategies to monitor adaptation and mitigation progress and evaluate success.	Short-term	Regional	★
4	Promote leadership, education and empowerment in government, community, and business organizations to identify roles and responsibilities for developing and implementing resilience policies and strategies.	Short-term	Regional	★

ID	Actions	Timeframe	Recommended Lead	Potential PBN Chamber Role
		Short-term: < 1 yr Medium-term: 1 – 3 yrs Long-term: 3 - 5 yrs		
5	Create a community flyer/guide with key informational resources for emergencies, including shelter locations, evacuation routes/directions, emergency hotlines/contacts, websites/radio channels/other ways to stay informed, etc., and make it easily accessible to residents and businesses in both digital and non-digital formats.	Short-term	Regional	★
6	Establish a Community Emergency Response Team (CERT) to facilitate emergency preparedness and take response actions until the professional responders arrive.	Short-term	Local	★
7	Partner with the Coastal Resilience Partnership in southeast Palm Beach County, Sustainable Palm Beach County, and the Palm Beach League of Cities on resilience planning initiatives.	Short-term	Regional	★
8	Identify a single voice to represent the Palm Beach North business community during a disaster to coordinate, share business impacts, and enhance communication with the Palm Beach County Emergency Operations Center.	Short-term	Regional	★
9	Participate in the South Florida Regional Climate Change Compact workshops and Annual Climate Leadership Summit to share knowledge, engage leadership across sectors, and mobilize the collaboration needed to build a resilient region.	Short-term	Regional	★
10	Strengthen relationships between the business community and the Palm Beach County Office of Resilience to ensure that investments in resilience offer a good return and demonstrate that Palm Beach County is a place where people want to live, and businesses want to invest.	Short-term	Regional	★
11	Participate in Palm Beach County's Local Mitigation Strategy development to secure post-disaster funding and Community Rating System to help reduce flood insurance costs.	Short-term	Regional	★
12	Identify resilience-related funding or grant opportunities.	Short-term	Regional	★
13	Increase awareness and coordination with local, regional, state, and national entities during the process of distributing Federal Emergency Management Agency funding to municipalities.	Short-term	Regional	★

3.2 Mitigation

Mitigation strategies are actions that prevent or reduce the cause, impact, and consequences of disasters. As shown in Table 3-2, mitigation strategies include updates to planning practices and regulations, structure and infrastructure projects, natural system protection, as well as approaches to enhance education and awareness.

Understanding the risks and vulnerabilities that are common in a region is the foundation of hazard mitigation, which is also the prerequisite for many resilience-related grant opportunities. Most of the plans, projects, programs, guidance, tools, and other resources in the Inventory of Existing Resilience Plans and Policies Technical Memorandum (February 28, 2022) do not address mitigation. The actions in the table below are meant, in part, to address this gap. It is important to incorporate mitigation plans when planning for future infrastructure and businesses.

Given the uncertainty of resilience risks and vulnerabilities, stakeholders recommended a Dynamic Adaptive Pathway Planning approach which specifies immediate actions to address the near future and keeps options open to adapt when better data and information becomes available.

Many mitigation strategies involve enhancing infrastructure to make sure it can withstand the impact of extreme weather events. The actions below take a broad view of infrastructure, including transportation, utilities, drainage systems, technology, and building structures.

While infrastructure projects can reduce the impact of extreme weather events, strategies to address climate change, such as preserving ecosystems and adopting renewable energy, could be applied to prevent or reduce the cause of future disasters—tackling the problem at its root. The following actions address these, and other issues related to mitigation, but should be conducted in conjunction with supporting broader statewide and national efforts prevent or reduce the impact of disasters.

Table 3-2 Mitigation Actions

ID	Mitigation Actions	Timeframe	Recommended Lead	Potential PBN Chamber Role
		Short-term: < 1 yr Medium-term: 1 – 3 yrs Long-term: 3 - 5 yrs		
M-1	Develop a regional mitigation strategy based on existing local mitigation strategies and vulnerability assessments.	Short-term	Regional	★
M-2	Conduct or review existing vulnerability and risk assessments and develop measurements of vulnerability and risks for critical infrastructure, businesses and communities. Consider creating a standardized system of resiliency scores to identify gaps and opportunities to increase resilience, such as identifying communities that might be more vulnerable than others.	Short-term	Regional	★
M-3	Incorporate mitigation plans and ordinances in planning and construction of infrastructure improvement, specify actions to be taken immediately to be prepared for the near future and keep options open to adapt if needed (Dynamic Adaptive Pathway Planning).	Medium-term	Regional	★
M-4	Consider the projected impact of climate change and extreme climate events when planning for future public and private infrastructure. For example, determine roadway elevation based on projected flood elevation over its useful life.	Medium-term	Regional	★

ID	Mitigation Actions	Timeframe		Recommended Lead	Potential PBN Chamber Role
		Short-term: < 1 yr	Medium-term: 1 – 3 yrs		
		Long-term: 3 - 5 yrs			
M-5	Develop aged building inspection guidelines. Improve building codes for renovation and construction in coastal and flood prone areas and exceed building codes where deemed necessary locally.	Medium-term	Regional		
M-6	Harden/bury electricity, broadband, other utility lines, and close broadband gaps in the region.	Medium-term	Regional		
M-7	Harden public infrastructure and private buildings against sea level rise and extreme climate events using heat resistant materials, low-impact design, green infrastructure, (such as permeable pavement and bio swales), and nature-based features for future infrastructure when possible. Prioritize low- and moderate-income communities for resilience investments.	Medium-term	Local	★	
M-8	Improve and maintain drainage systems.	Medium-term	Local		
M-9	Implement strategies to improve cybersecurity, such as providing trainings for employees to establish basic security practices, backing up critical business or personal data, and installing firewall security for Internet connections.	Medium-term	Local	★	
M-10	Build sea walls/protection barriers for coastal cities.	Long-term	Regional		
M-11	Apply strategies to mitigate climate change, such as preserve natural areas, adopt renewable energy, employ carbon sequestration strategies, or build with natural based features that restore or protect ecosystems.	Long-term	Regional	★	
M-12	Discuss corporate social responsibility for climate change and encourage good practices to offset emissions through environmentally friendly actions and measured improvement in air quality.	Long-term	Regional	★	

3.3 Preparedness

Table 3-3 addresses preparedness strategies, including planning, training, and educational activities for events that cannot be mitigated. Preparing for emergency events requires a collective effort from government agencies, businesses, and residents. Having an emergency preparedness plan is the first step toward ensuring the safety of residents, businesses, and public and private properties during disasters. The local government survey showed that all local governments in the region have at least one plan that addresses at least one stage of emergency management. Among those identified were Comprehensive Emergency Management Plans, disaster preparedness plans, hurricane plans and procedures, flood plans, and policies related to flood protection and control. Opportunities exist for the region's local governments to consider additional hazards in their plans, including threats to cybersecurity and epidemics, to provide a more comprehensive approach to preparedness.

Input from workshop participants identified opportunities to not only update and enhance coordination among these plans, but also to coordinate and streamline purchases, positioning, and sharing of critical supplies and equipment, such as generators and portable hot spots and charging devices. The project team identified additional key needs, such as updating communications plans and facilitating public/private collaboration and response, such as the ability to provide emergency services in master planned communities under ownership of homeowners' association.

The business survey demonstrated that many businesses do not have a Continuity of Operations Plan (COOP), or their plans are out of date. COOPs are critical to helping businesses prepare for and recover from a disaster and include strategies for handling remote work situations and technology disruptions to networks, servers, computers, and mobile devices. One key strategy may be to mandate or incentivize COOPs and emergency equipment such as generators for certain types of essential businesses. The business survey also revealed that while some businesses conduct or participate in training exercises, there are training exercises held by others in the region from which they may benefit. The stakeholder interviews revealed that the Treasure Coast Regional Planning Council, Florida Power and Light, and the Palm Beach County Department of Public Safety, Division of Emergency Management conduct exercises in which businesses and local governments are encouraged to participate. Actions to address these and other preparedness issues follow below.

Table 3-3 Preparedness Actions

ID	Preparedness Actions	Timeframe	Recommended Lead	Potential PBN Chamber Role
		Short-term: < 1 yr Medium-term: 1 – 3 yrs Long-term: 3 - 5 yrs		
P-1	Conduct or use available comprehensive vulnerability and risk assessments to assess the impact of potential natural or human-caused hazards on residents and visitors, infrastructure, operations of public agencies and businesses, the environment, and other aspects of the Palm Beach North region.	Short-Term	Regional	
P-2	Conduct future analyses for risks related to public health and technology, identify strategies, and promote educational materials or training programs to help residents and businesses prepare for, respond to, and recover from potential public health and technology related hazards.	Short-Term	Regional	
P-3	Update/expand emergency preparedness plans with goals, timing, and measurements to create shared responsibility among government, businesses, and residents.	Short-term	Regional	★
P-4	Identify resources, guidelines, and best practices related to flood management, environmental protection, and storing/moving resources during an emergency event.	Short-term	Regional	★
P-5	Conduct public outreach and education programs on emergency preparedness for residents and businesses, especially underserved and high-risk communities.	Short-term	Local	★

ID	Preparedness Actions	Timeframe	Recommended Lead	Potential PBN Chamber Role
		Short-term: < 1 yr Medium-term: 1 – 3 yrs Long-term: 3 - 5 yrs		
P-6	Encourage residents to develop household preparedness plans, such as purchasing/maintaining hazard insurance, preparing generators, charging devices/battery storage, keeping emergency cash on hand, and backing up passwords and financial records.	Short-term	Local	★
P-7	Encourage and help businesses to develop COOPs and/or remote work contingency plans. Investigate approaches to mandate/incentivize power/broadband backup system for essential businesses, such as banks, pharmacies, food stores, and gas stations.	Short-term	Local	★
P-8	Provide resources for residents and businesses to evaluate the cost and benefit of resilience investment, such as guidelines, toolkits, and trainings.	Short-term	Local	★
P-9	Conduct emergency trainings and drills, including Federal Emergency Management Agency on-line trainings and pre-event and post-event exercises. Participate in emergency management exercises or training opportunities provided by Palm Beach County, the Treasure Coast Regional Planning Council, and Florida Power and Light. Train all public sector leadership on duties and management with annual sign-off required by the Emergency Operations Center.	Short-term	Local	
P-10	Ensure the readiness and availability of critical equipment and supplies, including water, common medicines, medical supplies, portable generators, cell towers, charging stations, cyber-café, Dynamic Message Signs, etc. Pre-position staff and resources to shelters and Point of Distribution locations and inform the public prior to an event.	Short-term	Local	★
P-11	Coordinate with the business community to understand the resources and capabilities available during emergencies, such as a vendor lists and inventories of equipment and supplies and provide this information to local communities.	Short-term	Regional	★
P-12	Coordinate purchasing or sharing of equipment and supplies during emergencies.	Short-term	Regional	★
P-13	Develop a repository to track critical equipment and supplies across the region during emergencies.	Medium-term	Regional	★
P-14	Develop agreements to streamline/expedite purchasing of equipment and supplies during emergencies (e.g., reduce number of bids required).	Short-term	Regional	★

ID	Preparedness Actions	Timeframe	Recommended Lead	Potential PBN Chamber Role
		Short-term: < 1 yr Medium-term: 1 – 3 yrs Long-term: 3 - 5 yrs		
P-15	Plan for traffic safety/control for post-extreme weather events and establish pre-defined maintenance of traffic and contingencies for major thoroughfares.	Short-term	Regional	
P-16	Maintain points of contact for communities and/or Homeowners Associations. Investigate approaches to enable Homeowners Associations to enter homes for response and rescue in a master planned community.	Short-term	Local	★
P-17	Develop communication plans with multiple ways of communicating (both digital and non-digital) among Emergency Operation Centers, state, county, municipalities, and private entities. Leverage the availability of social media, ham radio/operators, satellite phones, communication devices, and capabilities of the yachting/vessel community. Make people aware of trusted communication channels for emergencies. Coordinate across agencies to ensure the accuracy and consistency of messaging.	Medium-term	Regional	★
P-18	Encourage more hospitals to join the South Florida Healthcare Resilience Collaborative.	Medium-term	Regional	
P-19	Conduct post-mortem assessments of prior events to identify effective practices. Leverage findings and data from completed or on-going resilience studies, research, and analyses through collaboration among businesses, universities, county, state, and federal agencies.	Medium-term	Regional	★

3.4 Response

Response is everyone's responsibility. Coordination and collaboration between the public and private sector are critical when responding to an emergency, particularly when some communities or areas of the region are impacted more than others. Table 3-4 consists of actions taken to protect personal safety and well-being during or immediately after a disaster when business and other operations do not function normally. In the stakeholder interview with Florida Power and Light, they noted their work with communities and local Emergency Operations Centers to ensure they have the right list of critical infrastructure facility priorities in the event of a disaster or major storm. The Palm Beach County Emergency Operations Center includes a seat for business/industry. A staff member from the Office of Equal Business Opportunity serves in that capacity; they engage with the business community during and following an event. While they typically focus on critical infrastructure, such as gas stations and grocery stores, they are interested in exploring how other businesses are impacted during a disaster. Actions resulting from the surveys, interviews, and stakeholder workshop follow below. Many of these actions should or must be accomplished in coordination and communication with the Palm Beach County Emergency Operation Center.

Table 3-4 Response Actions

ID	Response Actions	Timeframe	Recommended Lead	Potential PBN Chamber Role
		Short-term: < 1 yr Medium-term: 1 – 3 yrs Long-term: 3 - 5 yrs		
RP-1	Coordinate between the Palm Beach County Emergency Operation Center and local governments to deploy first responders and mobile medical clinics where needed (rotating/fixed locations).	Short-term	Regional	
RP-2	Develop and deploy a method for tracking portable devices where most needed, including portable cell towers, charging stations, internet hotspots, and portable solar message boards and traffic lights. Consider existing mutual aid agreements for distributing emergency equipment.	Short-term	Regional	
RP-3	Encourage businesses to communicate with employees and provide support for emergency needs (immediate financial assistance/access to cash).	Short-term	Local	★
RP-4	Leverage businesses' remote working capabilities and operate according to their COOP during emergencies.	Short-term	Local	★
RP-5	Identify and leverage businesses' resources and capabilities to support community needs during emergencies.	Short-term	Local	★
RP-6	Use a real time repository to track and share resources available during events, including power, fuel, charging stations, open pharmacies, open ATMs, etc.	Medium-term	Regional	
RP-7	Deploy security plans and teams for emergency response resources and materials.	Medium-term	Local	
RP-8	Investigate approaches for legislative protection that enables residents or businesses to provide shelter for families of first responders or healthcare workers.	Medium-term	Regional	★

3.5 Recovery

Table 3-5 includes recovery strategies—efforts to address damage from an emergency event and restore normalcy. Plans and practices related to recovery were also an identified gap in the Inventory of Existing Resilience Plans and Policies Technical Memorandum (February 28, 2022).

Cleanup or debris removal is usually the first step toward recovery after an emergency event. If there is an evacuation, specific procedures for reentry should be developed after the evacuation order is lifted. This is especially important for business recovery. A real time repository of resources could help gauge when communities and businesses return to normal, such as availability of fuel, food, and power.

Post-disaster redevelopment plans should be created to provide guidelines for the transition from immediate disaster recovery to medium-term redevelopment and finally to a long-term stronger and more resilient

future. The plans should define a system to prioritize repairs and roadway clearances, considering both the criticality of infrastructure or services and the vulnerability and equity of communities. Recovery guidelines can also be created and distributed to assist residents and businesses with applying for recovery funds. The actions below address the gap in recovery plans and policies in the region.

Table 3-5 Recovery Actions

ID	Strategy	Timeframe	Recommended Lead	Potential PBN Chamber Role
		Short-term: < 1 yr Medium-term: 1 – 3 yrs Long-term: 3 - 5 yrs		
RC-1	Coordinate with Solid Waste Authorities for post-emergency cleanup/debris removal. Identify essential employees needed to assist with business recovery using pre-established protocols.	Short-term	Local	
RC-2	Conduct assessment of damages and document all assessment costs with notes of degree of inspection reasonableness.	Short-term	Local	
RC-3	Create and post reentry letters for recovery.	Short-term	Local	
RC-4	Increase coordination between local governments and utility providers to assist with disaster recovery operations.	Short-term	Local	
RC-5	Use the real time repository of emergency equipment and resources to help gauge when communities and businesses return to normal, such as availability of fuel, food, power, etc.	Medium-term	Regional	
RC-6	Create post-disaster redevelopment plans.	Medium-term	Local	
RC-7	Define a system to prioritize repairs and roadway clearances.	Medium-term	Local	
RC-8	Develop guidelines and assist residents and businesses in applying for recovery funds.	Medium-term	Local	★
RC-9	Leverage investment and betterments with rebuilding to reduce vulnerability to future disasters.	Long-term	Local	

4.0 Roles and Responsibilities

4.1 Mitigation

Palm Beach County and local municipalities in the Palm Beach North region play key roles in mitigation. The county and municipal Local Government Comprehensive Plans and Comprehensive Emergency Management Plans provide policy framework for addressing impacts from potential natural and technological hazards. The county and municipalities could limit public expenditures in areas subject to destruction by natural disasters (especially within the coastal high hazard area) through their comprehensive planning and processing of development petitions (i.e., rezoning petitions, site plans), building permits, zoning and lot clearing ordinances, and the adoption of and amendments to the Florida Building Code. Municipalities could work with Palm Beach County to incorporate resilience considerations through project design, construction of

roads and bridges, and street improvements, which include stormwater drainage facilities within their jurisdiction. The county oversees the construction of capital projects (such as shoreline protection) as well as the long-term maintenance of County facilities (e.g., emergency operations center).

Regional coordination is also important for mitigation. The Florida Division of Emergency Management mobilizes and coordinates the state's services and resources to support local and regional mitigation strategies. The South Florida Water Management District can provide guidance to address issues of water conservation, extreme drought, and flooding and leads programs that achieve hazard mitigation relative to flooding, hurricanes, and drought. The Treasure Coast Regional Planning Council usually leads effort to address multi-jurisdictional growth management issues and works in cooperation with federal and state agencies to plan for emergency management issues.

All regional and local agencies and entities should work together to increase public and private sector awareness and support for hazard mitigation. The Palm Beach North Chamber of Commerce can lead the effort to improve coordination between government agencies and the private sector, for example, to encourage businesses to review and provide inputs that refine the county's and municipalities' hazard and vulnerability analysis for the business community.

4.2 Preparedness

Municipalities in the Palm Beach North region lead their emergency preparedness efforts with support from Palm Beach County's Department of Emergency Management, including information sharing, exercises and training opportunities, and participation in local preparedness organizations, meetings, or workshops. The Palm Beach County Emergency Operations Center is typically responsible for establishing, staffing, and operating Point of Distributions within a municipality, or support requests by communities that would like to staff and/or operate a Point of Distribution within their jurisdiction. Municipalities are responsible for distributing informational materials to their citizens, coordinating media activities with the county's Emergency Operations Center pertaining to emergency preparedness, and identifying transportation needs for evacuation using mass transportation.

The Treasure Coast Regional Planning Council administers and implements planning, training, and exercise activities focused on preparedness and assists in developing Comprehensive Emergency Management Plans and COOPs. Economic resilience is a pillar in the Council's Comprehensive Economic Development Strategy. The Palm Beach Transportation Planning Agency includes measures in its 2045 Long Range Transportation Plan related to sea level rise and storm surge based on the 100-year floodplain, which focus on making infrastructure more resilient and adaptive. Transportation funds are prioritized to address these issues, and as projects are prioritized, points are awarded for projects that reduce the impact of sea level rise and annual flooding and improve evacuation routes.

The Palm Beach North Chamber of Commerce can lead the effort to inform and equip the business community to prepare for emergencies, such as using available guidance and resources to conduct self-assessments of cost and benefit for resilience investment and develop COOPs. The chamber could also lead on creating a vendor list and inventories of equipment and supplies for the region.

4.3 Response

Palm Beach County is a leader in emergency response and in partnership with municipalities, including threat recognition, warnings, and notifications to the public and responding organizations. During emergency events (e.g., hurricanes), the Florida Division of Emergency Management is the leader in coordinating state resources to support local governments, non-profit organizations, and private sector entities for emergency response; it is responsible for emergency response for multi-jurisdictional hazards or when the emergency is beyond the capabilities of local governments and their resources. The division also serves as the liaison between each municipality and the State Emergency Operations Center. In addition, Palm Beach County Fire Rescue provides emergency medical services throughout the county, and the Palm Beach County Sheriff's Office is responsible for traffic control during emergency events.

Municipalities are responsible for coordinating and collaborating with the Palm Beach County Emergency Operations Center prior to the announcement and implementation of a municipal declaration of a state of local emergency to enable accurate and consistent countywide communication. Each municipality is responsible for dispatching emergency services, identifying a primary liaison and an alternate to serve as the municipality's emergency management representative to the county's Emergency Operations Center, providing regular situational updates, and submitting mission requests and requests for resources. Municipalities usually oversee emergency equipment purchases, leases, and resource tracking.

The Palm Beach North Chamber of Commerce can serve as a liaison among public and private sectors by assisting businesses with their emergency response activities and leveraging business resources and capabilities to support community needs during emergency events.

4.4 Recovery

Municipalities coordinate with the Palm Beach County Emergency Operations Center prior to the announcement and implementation of re-entry orders. Each municipality is responsible for debris removal and disposal, preliminary damage assessment, establishing Disaster Recovery Centers if requested, and restoring infrastructure within their jurisdiction. Palm Beach County, the Florida Division of Emergency Management, and Federal Emergency Management Agency aid, as needed.

There are many resources at the federal, state, county, and local level to help with community and business restoration and recovery efforts. The Palm Beach North Chamber of Commerce could work with municipalities to evaluate available recovery resources, identify gaps and challenges, develop strategies to fill gaps, and provide guidance and assistance to help communities and business owners obtain recovery funds.

5.0 Next Steps

Developing the Palm Beach North Disaster Resilience Plan highlighted many opportunities for the local governments and businesses in the Palm Beach North region to work together to build the region's resilience. While actions, timeframes, and roles are noted above, there are steps the Palm Beach North Chamber of Commerce, local governments, and businesses in the region should undertake to begin moving this plan forward. These include the following:

- Continue regularly scheduled meetings (e.g., quarterly) of the Palm Beach North Disaster Resiliency Task Force to coordinate efforts and oversee implementation of the plan, with an annual status meeting to evaluate progress toward plan implementation and make decisions on major action items.
- Identify a champion or organization to lead each strategy in the action plan, including their names, roles, and responsibilities.
- Commit resources to plan implementation and seek grants and other available resilience-related funding opportunities to support resilience planning, development, education, and training activities.
- Review, prioritize, and initiate the short-term actions identified in the tables above, such as creating Community Emergency Response Teams.
- Begin additional analyses or research. The initial analysis of potential vulnerabilities and risks was preliminary and based on data that was available and easily accessible. Additional analyses for other risks identified in the survey results, including public health and technology, should be conducted to identify actions that help residents and businesses to prepare for, respond to, and recover from these hazards.
- Develop performance metrics or indicators linked to the actions to monitor implementation and evaluate the success of this initial phase.
- Seek opportunities to promote the Disaster Resilience Plan and implementation efforts, beginning with an invitation to Florida's Chief Resilience Officer to attend a meeting of the Palm Beach North Chamber of Commerce.

Finally, this Action Plan is only an initial step toward a broader and more comprehensive process of building resilience in the Palm Beach North region. Updating the plan every five years will provide an opportunity to refresh and evaluate new data, assess the relevancy of the strategies based on the data, identify new strategies where needed, and measure progress toward building resilience in the region.

Palm Beach North Disaster Resiliency Task Force

Meeting #4

May 9, 2022

[Join Zoom Meeting](#)

Meeting ID: 867 9567 7069; Passcode: 209286
(Dial in Alternative: + 16468769923, 86795677069#)

Objective

- Receive feedback from the Task Force on the draft Palm Beach North Resilience Action Plan

Time	Topic	Presenter/Facilitator
2:00 pm	Welcome, Introductions, and Meeting Objective	Noel Martinez, President & CEO, Palm Beach North Chamber of Commerce
2:10 pm	Draft Palm Beach North Resilience Action Plan <ul style="list-style-type: none">• Facilitated Discussion	Sheri Coven, Cambridge Systematics
3:20 pm	General Discussion and Concluding Comments	Noel Martinez, President & CEO, Palm Beach North Chamber of Commerce
3:30 pm	Adjourn	

Palm Beach North Chamber of Commerce

Disaster Resiliency Task Force Meeting
May 9, 2022

Welcome and Introductions

Noel Martinez (Palm Beach North Chamber of Commerce) welcomed attendees.

Attendees: (15)

Name	Organization	Attendance
Task Force Members		
Chip Armstrong	Armstrong Group	X
David Markarian	Markarian Group	
John Carr	R&R Industries	X
John Curd	City of Riviera Beach Fire Rescue	X
John D'Agostino	Town of Lake Park	X
Judy Jones	Village of Tequesta	
Kevin Dalton	Unlimited Car Wash	
Kevin Lucas	Town of Jupiter Inlet Colony	
Mark Smith	GHP	X
Matt Moxley	FPL	
Michael Barbera	Town of Jupiter	X
Noel Martinez	PBN Chamber of Commerce	X
Orlando Rodriguez	Town of Palm Beach Shores	
Regina Jenkins	Village of North Palm Beach	X
Rick Murrell	Tropical Shipping	X
Stephanie Mitrione	FPL	
Steve Hallock	Town of Juno Beach	
Steve Stepp and David Reyes	City of Palm Beach Gardens	X
Victor Martin	North County Neighborhood Coalition	X
Jennifer Nunget-Hill		
Mark Johnson		X
Kathleen Dempsey	PBN Chamber of Commerce	
John Kaliski	Cambridge Systematics	X
Kensington Little	Cambridge Systematics	X
Sheri Coven	Cambridge Systematics	X
Yingfei Huang	Cambridge Systematics	X

Meeting Purpose

The meeting purpose was to review the list of actions in the draft Palm Beach North Resilience Action Plan. Sheri Coven (Cambridge Systematics) facilitated the discussion.

Action Item Review

Cross-Cutting Actions

Sheri explained that the cross-cutting actions, shown in the table below, applied to all phases of emergency management. Participants did not have any comments regarding these actions.

ID	Cross-Cutting Actions	Timeframe	Recommended Lead	Potential PBN Chamber Role
1	Establish resilience goals and objectives for the Palm Beach North region.	Short-term	Regional	★
2	Incorporate resilience goals and objectives into the planning process, plans, and functions of government agencies and business communities.	Long-term	Regional	★
3	Develop resilience performance metrics/indicators for public and private critical infrastructure linked to goals, timing, and strategies to monitor adaptation and mitigation progress and evaluate success.	Short-term	Regional	★
4	Promote leadership, education and empowerment in government, community, and business organizations to identify roles and responsibilities for developing and implementing resilience policies and strategies.	Short-term	Regional	★
5	Create a community flyer/guide with key information listed for emergencies, including shelter locations, evacuation routes/directions, emergency hotlines/contacts, websites/radio channels/other ways to stay informed, etc., and make it easily accessible to residents and businesses in both digital and non-digital formats.	Short-term	Regional	★
6	Establish a Community Emergency Response Team (CERT) to facilitate emergency preparedness and take response actions until the professional responders arrives.	Short-Term	Local	★

Mitigation Actions

Sheri explained that the mitigation actions, shown in the table below, prevent or reduce the cause, impact, and consequences of disasters.

ID	Mitigation Action	Timeframe	Lead	Potential PBN Chamber Role
M-1	Conduct vulnerability and risk assessments and develop measurements of vulnerability and risks for critical infrastructure and businesses.	Short-term	Regional	★
M-2	Incorporate mitigation plans and ordinances improvement for infrastructure in planning and construction, specify actions to be taken immediately to be prepared for the near future and keep options open to adapt if needed (Dynamic Adaptive Pathway Planning).	Medium-term	Regional	★

ID	Mitigation Action	Timeframe	Lead	Potential PBN Chamber Role
M-3	Consider the projected impact of climate change and extreme climate events when planning for future infrastructure and businesses. For example, determine roadway elevation based on projected flood elevation over its useful life.	Medium-term	Regional	★
M-4	Develop aged building inspection guidelines. Improve building codes for renovation and construction in coastal and flood prone areas and exceed building codes where deemed necessary locally.	Medium-term	Regional	
M-5	Harden/bury electricity, broadband, other utility lines, and close broadband gaps in the region.	Medium-term	Regional	
M-6	Harden public infrastructure and private buildings against sea level rise and extreme climate events, using heat resistant materials, low-impact design, green infrastructure, (such as permeable pavement and bio swales), and nature-based features for future infrastructure when possible. Prioritize low and moderate-income communities for resilience investments.	Medium-term	Local	★
M-7	Improve and maintain drainage systems.	Medium-term	Local	
M-8	Implement strategies to improve cybersecurity, such as providing trainings for employees to establish basic security practices, backing up critical business or personal data, and installing firewall security for Internet connections.	Medium-term	Local	★
M-9	Build sea walls/protection barriers for coastal cities.	Long-term	Regional	
M-10	Apply strategies to mitigate climate change, such as preserve natural areas, adopt renewable energy, employ carbon sequestration strategies, or build with natural based features that restore or protect ecosystem.	Long-term	Regional	★
M-11	Discuss corporate social responsibility for climate change and encourage good practice to offset their emissions through environmental-friendly actions and measured improvement in air quality.	Long-term	Regional	★

The following comments were offered:

- Include the timeframes (short-term: < one year, medium-term: 1 – 3 years, long-term: 3 – 5 years), in the header for each table.
- Amend Action M-1 to clarify that a mitigation strategy and vulnerability assessments are needed at the regional level, which build off existing local government vulnerability assessments to avoid duplication of work. This will support and drive access to funding opportunities for both businesses and communities.

Preparedness Actions

Sheri explained that the preparedness actions, shown in the table below, include planning, training, and educational activities for events that cannot be mitigated.

ID	Preparedness Action	Timeframe	Lead	Potential PBN Chamber Role
P-1	Conduct or use available comprehensive vulnerability and risk assessments to assess the impact of potential natural or human-caused hazards on residents and visitors, infrastructure, business operations, the environment, and other aspects of the Palm Beach North region.	Short-Term	Regional	
P-2	Conduct future analysis for risks related to public health and technology, identify strategies, and promote educational materials or training programs to help residents and businesses to prepare for, response to, and recovery from potential public health and technology related hazards.	Short-Term	Regional	
P-3	Update/expand emergency preparedness plans with measurement, goals and timing to create shared responsibility among government, businesses, and residents.	Short-term	Regional	★
P-4	Conduct public outreach and education programs on emergency preparedness for residents and businesses, especially underserved and high-risk communities.	Short-term	Local	★
P-5	Encourage residents to develop household preparedness plans, such as purchasing/maintaining hazard insurance, preparing generators, charging devices/battery storage, keeping emergency cash on hand, and backing up passwords and financial records.	Short-term	Local	★
P-6	Encourage businesses to develop Continuity of Operation Plans (COOPs). Investigate approaches to mandate/incentivize power/broadband backup system for essential businesses, such as banks, pharmacies, food stores, and gas stations.	Short-term	Local	★
P-7	Provide tools for residents and businesses to evaluate the cost and benefit of resilience investment.	Short-term	Local	★
P-8	Conduct emergency trainings and drills, including FEMA on-line trainings and pre-event and post-event exercises. Ensure that all public sector leadership has been adequately trained on duties and management with annual signed off training required by the EOC.	Short-term	Local	
P-9	Stockpile critical equipment and supplies, including water, common medicines, medical supplies, portable generators, cell towers, charging stations, cyber-café, Dynamic Message Signs, etc. Pre-position staff and resources to shelters and Point of Distribution (POD) locations and inform the public prior to an event.	Short-term	Local	★
P-10	Coordinate purchasing or sharing of equipment and supplies during emergencies.	Short-term	Regional	★
P-11	Develop a repository to track critical equipment and supplies across the region during emergencies.	Medium-term	Regional	★
P-12	Develop agreements to streamline/expedite purchasing of equipment and supplies during emergencies (e.g., reduce number of bids required).	Short-term	Regional	★

P-13	Plan for traffic safety/control for post-extreme weather events, establish pre-defined maintenance of traffic (MOT) and contingencies for major thoroughfares.	Short-term	Regional	
P-14	Maintain points of contact for communities and/or Homeowners Associations. Investigate approach or develop agreement and legislative protection to enable Homeowners Associations' ability to enter homes for response and rescue in a master planned community.	Short-term	Local	★
P-15	Develop communication plans with multiple ways of communication (digital, non-digital, social media) among Emergency Operation Centers, state, county, municipalities, and private entities. Make people aware trusted communication channels for emergencies.	Medium-term	Regional	★
P-16	Encourage more hospitals to join the South Florida Healthcare Resilience Collaborative.	Medium-term	Regional	
P-17	Conduct post-mortem assessments of prior events to identify effective practices. Leverage findings and data from completed or on-going resilience studies, research, and analyses through collaboration among businesses, universities, county, state, and federal agencies.	Medium-term	Regional	★

The following comments were offered:

- Action P-1 should clarify that assessments will also include municipalities and the private/public sector. The inclusion of municipalities and the private/public sector should be reflected throughout the plan.
- Replace “tools” with “resources” in Action P-7, and provide clarity on what is meant by resources, for example, methodologies, online resources, etc.
- Replace “Stockpile” with “Ensure ready availability” in Action P-9.
- Action P-15 should consider how information will be broadcasted if there is a total loss of electric power. The action should consider the use of Ham radios, how to identify and locate operators of Ham radios, the capabilities of satellite phones, and the yachting/vessel community, as boat operators tend to have satellite phone capabilities. The action should also address the need for coordinated efforts among messaging to ensure accuracy and consistency.

Response Actions

Sheri explained that the response actions, shown in the table below, focus on coordination and collaboration between the public and private sector when responding to an emergency, noting that response is everyone's responsibility.

ID	Response Action	Timeframe	Lead	Potential PBN Chamber Role
RP-1	Deploy first responders and mobile medical clinics where needed (rotating/fixed locations).	Short-term	Regional	
RP-2	Deploy and develop a method for tracking portable devices where most needed, including portable cell towers, charging stations, internet hotspots, and portable solar message board and traffic lights.	Short-term	Regional	

RP-3	Encourage businesses to communicate with employees and provide support for emergency needs (immediate financial assistance/access to cash).	Short-term	Local	★
RP-4	Leverage businesses' remote working capabilities and operate according to their COOP during emergencies.	Short-term	Local	★
RP-5	Leverage businesses' resources and capabilities to support community needs during emergencies.	Short-term	Local	★
RP-6	Use real time repository to track and share resources availability during events, including power, fuel, charging stations, open pharmacies, open ATMs, etc.	Medium-term	Regional	
RP-7	Deploy security plans and teams for emergency response resources and materials.	Medium-term	Local	

The following comments were offered:

- Overall coordination and communication with the Palm Beach County Emergency Operations Center is the first step toward accomplishing many of the response actions. The narrative in the draft plan that precedes this table should reflect this. Consider utilizing existing mutual aid agreements for distributing emergency equipment, which would be coordinated with the Palm Beach County Emergency Operations Center.
- Action RP-1 should clarify who is responsible for deploying first responders and mobile medical clinics. The responsible party is usually the county Emergency Operations Center in coordination with the municipalities.
- Action RP-5 should clarify that communities must have knowledge of what resources are available to them and how the businesses community can be helpful to them during emergencies. There is also an opportunity to tie this action into preparedness efforts.
- Add an action to address caring for/sheltering the families of critical first responders (e.g., Good Samaritan Bill).

Recovery Actions

Sheri explained that the recovery actions, shown in the table below, are efforts to address damage from an emergency event and restore normalcy.

ID	Recovery Action	Timeframe	Lead	Potential PBN Chamber Role
RC-1	Establish recovery teams for immediate deployment for post-emergency cleanup/debris removal.	Short-term	Local	
RC-2	Create and post reentry letters for recovery.	Short-term	Local	
RC-3	Use the real time repository of emergency equipment and resources to help gauge when communities and businesses return to normal, such as availability of fuel, food, power, etc.	Medium-term	Regional	
RC-4	Create post-disaster redevelopment plans.	Medium-term	Local	
RC-5	Define a system to prioritize repairs and roadway clearances.	Medium-term	Local	
RC-6	Develop guidelines and provide assistance to residents and businesses that need to apply for recovery funds.	Medium-term	Local	★

RC-7	Leverage investment and betterments with rebuilding to reduce vulnerability to future disasters.	Long-term	Local	
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The following comments were offered:

- Regarding Action RC-1, it was noted that most municipalities have existing contracts through their solid waste authority for debris removal. Protocols are established at the FEMA level to identify essential employees needed to assist with business recovery. This action will be extremely critical to creating resilience.
- Action RC-2 is necessary for all businesses, yet not all businesses comply.
- Add an action to address the need for accurate assessment of damages (to life, safety, and property), the degree of reasonableness in terms of inspections, and mention that all assessment costs must be collected, aggregated, and documented.

Moving Forward

John Kaliski (Cambridge Systematics) thanked everyone for their support and asked the Task Force members to briefly review and provide feedback on the bullets listed under the Moving Forward section of the plan.

Participants offered the following comments:

- The second bullet “Help businesses develop remote work contingency plans and other resources to assist during pandemics, such as guides related to telework” should include natural disasters, not just pandemics.
- A next step should include inviting the state’s Chief Resilience Officer to a meeting of the Palm Beach North Chamber of Commerce.
- Add a bullet to include identification of funding and grant resources as a next step.

John encouraged the Task Force members to review the plan in its entirety.

Next Steps

Noel Martinez (Palm Beach North Chamber of Commerce) reminded the group that feedback and comments on the draft plan are due by Friday, May 13th. He asked Sheri to email the draft plan with her notes to the Task Force members following the meeting along with a link to the Lake Park Seawall Assessment.

**VILLAGE OF NORTH PALM BEACH
PUBLIC WORKS DEPARTMENT**

TO: Honorable Mayor and Council

THRU: Charles Huff, Interim Village Manager
Chad Girard, Acting Director of Public Works

FROM: Marc Holloway, Field Operations Manager

DATE: July 28, 2022

SUBJECT: **RESOLUTION – Approval to increase the FY 2022 Blanket Purchase Order issued to GT Supplies, Inc. to \$60,000**

Village Staff is recommending Village Council consideration and approval of the attached Resolution to increase the FY 2022 blanket purchase order issued to GT Supplies, Inc. by \$10,000 for a total amount of \$60,000.

The Village utilizes GT Supplies, Inc. for reconditioning existing dumpsters as needed. While transitioning to the purchase of plastic replacement dumpsters, repairs will continue for the existing dumpsters. Through the adoption of Resolution No. 2022-26 on April 14, 2022, the Village Council approved the issuance of a purchase order to GT Supplies, Inc. in the amount of \$50,000 for the purchase/fabrication of dumpsters and parts/repairs. To date, the Village has paid \$49,992.18 to this vendor for these services.

Based on the current year trend, staff is estimating that an additional \$10,000 is needed for these services for the remainder of this fiscal year and is recommending that \$10,000 be added to the existing purchase order for this vendor. In accordance with the Village's purchasing policies and procedures, Village Council approval is required for a purchase order when the aggregate fiscal year spending to a single vendor exceeds \$25,000.

The attached Resolution has been prepared and/or reviewed by the Village Attorney for legal sufficiency.

Account Information:

Fund	Department / Division	Account Number	Account Description	Amount
General	Public Works/ Solid Waste	A7020-35217	Machinery & Equipment Supplies	\$60,000

Recommendation:

Village Staff requests Council consideration and approval of the attached Resolution to increase the FY 2022 blanket purchase order issued to GT Supplies, Inc. by \$10,000 to \$60,000, with funds expended from Account No. A7020-35217 (Solid Waste – Machinery & Equipment Supplies), in accordance with Village policies and procedures.

RESOLUTION 2022-_____

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA APPROVING A BLANKET PURCHASE ORDER FOR THE PUBLIC WORKS DEPARTMENT WITH GT SUPPLIES, INC. IN THE TOTAL AMOUNT OF \$60,000 FOR DUMPSTER REPAIRS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village's Purchasing Policies and Procedures authorize the use of blanket purchase orders for materials purchased over a certain period of time not to exceed a single fiscal year; and

WHEREAS, through the adoption of Resolution No. 2022-26 on April 14, 2022, the Village Council approved the issuance of a purchase order to GT Supplies, Inc. in the total amount of \$50,000 for the current fiscal year; and

WHEREAS, based on current spending trends, Village Staff requested that the blanket purchase order be increased by an additional \$10,000; and

WHEREAS, the Village Council determines that the adoption of this Resolution is in the best interests of the Village and its residents.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA as follows:

Section 1. The foregoing recitals are ratified as true and incorporated herein.

Section 2. The Village Council hereby approves a \$10,000 increase in the blanket purchase order issued to GT Supplies, Inc. for a total amount of \$60,000 for Fiscal Year 2022, with funds expended from Account No. A7020-35217 (Public Works/Sanitation – Machinery & Equipment Supplies).

Section 3. This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2022.

(Village Seal)

MAYOR

ATTEST:

VILLAGE CLERK

**Village of North Palm Beach
Recreation Advisory Board Minutes
June 14, 2022 at 7:00 p.m.
Anchorage Park**

Chairman	Bob Bell	(X)	Vice Chair	Don Grill	(X)
Member	Maria Cassidy	(X)	Member	Paul Beach	(X)
Member	Stephen Heiman	(X)	Member	Rita Budnyk	(X)
Member	Mia St John	(X)	Recreation	Stephen Poh	()
Council Rep.	___David Norris___	(X)	Leisure Services	Zak Sherman	(X)

Call to Order: Bob Bell called meeting to order at 7pm.

Roll Call: All members present. Council member Norris present. Three residents in audience.

Approval of Minutes: Don Grill motion to approve. Second by Maria Cassidy. All were in favor.

Public Comment: Chris Ryder: Spoke about north canal. Cost of dry storage project. Had concerns about cost increases. Proposed planting of Mangroves. Asphalt vs geogrid option. Would not need catch basins or water retention areas with geogrid option. Could save money as well.

Directors Report:

- **Accomplishments**
- **Ongoing projects**
- **Programs and events**

Lakeside Park:

- Sea grape tree uprooted
 - Precision reset tree on beach that had fallen over during storm.
- Split rail fence
 - Still waiting on fencing to arrive so we can address 3 trouble areas **(but should be in within next two weeks)**: plan to rearrange split rail fence so vehicles don't drive over Dr. Higgin's property to enter park; installing split rail fence at end of driveway of 706 Lakeside Circle to prevent vehicles from driving into park; and adding another portion of fence to block people from driving over bushes/wheel stop into park from the north trail entrance on Lakeside Dr. Ordering more split rail for Anchorage as well as part of same order.
- Park Ranger
 - Estimated [golf cart] delivery is now August.
 - New Ranger Adolfo Ochoa started in May.

- Memorial Bench
 - Two going in at playground by trees (inside the enclosure)

Anchorage Park:

- New Playground
 - Estimated delivery/installation date is now November.
 - We are amending our PO to include curbing around the playground (\$11,500); this still leaves us under budget.
- Precision
 - Removed dead tree and in its place relocated a tree that was blocking security camera views
- Piers
 - Stephen to get quotes for running water to piers so we can install cutting boards; also discussing new signage.
- Dry Storage
 - 90% plans are complete.
 - Presented to Council on June 9
- New bollard
 - New bollard is in. Plan to install in middle of trail so vehicles cannot pull into park area on north side by sand volleyball courts. (keyed up fence will install).
- Dog Park
 - Resoded big dog park; will open Monday.
 - We will then close small dog park to resod. Will open again in August. Small dogs can use one next to tennis court in meantime.
- Anchorage Drive Parking spaces
 - Parking spaces repaved; striping is almost complete.
- Signage
 - Plan to add signs at each park entrance: north trail and south trail. These will be like the ones at Lakeside that include verbiage on golf carts, leash laws, etc. PW to install.
- Waitlist software
 - Staff tested the software for a few days before purchasing.
 - Becky is currently transferring all data from Excel sheets to online program.

Marina:

- Dock boxes
 - Survey was sent to all north slip renters.
 - Some expressed interest and wanted more details.
- Signage
 - In discussion with PD to put sign near ramp “no swimming, jumping, or diving.” PD checking to see if allowed or not per ordinances.

Community Center:

- Main field
 - The fields at the Community Center are mostly closed for maintenance through July 10. Signs are posted. One or two gates are still open for access. Grass is coming in nicely. Natural rain is helping. Still some weeds out there though.

- T-Mobile
 - Still waiting on T-Mobile for reimbursement for damage done to fields in December.
- Playground
 - We are tentatively scheduled for late July.
- Spring Basketball League
 - Season culminated with two days of championship games on May 25/26.
 - Staff cooked on the grill for an estimated 500 people.
 - Thank you to Jimmy, Mia, Becky, Fernando, and Demetri for helping staff the 2-day event!
 - Breakdown of championship games:
 - Wednesday: Total Anticipated People: 300 people
 - 5pm: K-1 Champ and Consolation Games
 - Anticipated People: 40 players, 70 family
 - 6pm: 2-3 Champ and Consolation Games
 - Anticipated People: 40 players, 70 family
 - 7pm: 8-9 Champ Games
 - Anticipated People: 40 players, 40 family
 - Thursday: Total Anticipated People: 200 people
 - 5pm: 4-5 Championship Game
 - Anticipated People: 40 players, 60 family
 - 6pm: 6-7 Championship Game
 - Anticipated People: 40 players, 60 family
- Summer Camp
 - 8 wk camp from June 6 through July 29 for 8-14 yr olds.
 - Sold out all spots (45 kids per week for 8 weeks).
 - Hired 8 counselors (3 returners)
 - People can still register on the waitlist and as any spots become available, we will call the next person in line.
 - For anyone that has registered, they will receive an email the week prior to the first day of the week they are registered. This email will always include the mandatory paperwork, schedule for the week (including addresses of where we are going), and items the kids should bring each day.
 - 336 registrations over the summer, totaling to \$77,925 income. That's not unique registrants, many kids are signed up for multiple weeks.
 - Including waitlists:
 - 107 Non-residents
 - 276 Residents
 - 229 Online Registrations
 - 154 In Person
 - 193 kids aged 10+
 - 190 kids aged under 10
- Youth Flag Football Registration
 - Ages 8-14
 - Registration opens August 1st
- Stage
 - Working with PW to add some lighting under the stage to better manage our storage.

- Bleachers
 - Getting quote for new bleachers

Osborne Park:

- Garden Board
 - In process of becoming legal entity and applying for 501c3 tax exempt status. In meantime, Village will hold any funds collected and save until they are up and running.
- Basketball Court
 - Project was approved by Council.
 - Hoops have been removed. New poles to be installed within two weeks.
 - Asphalt to be completed by end of July.
 - New hoops will be installed once asphalt is done.
 - Vendor will paint the court after a couple weeks, but people can still play on the court in the meantime.
- Bottle filler stations
 - Still waiting on Public Works to finish installation of bottle filler station at the racquetball court. Needs new plumbing and electrical.
- Outdoor restrooms
 - Doors have been installed; just need to be painted.

Veterans Park:

- Not much to report; just have to fix some sod.

Special Events:

- **Bus Trip:**
 - Key West Weekender
 - Departed Friday 5-13 at 8 a.m. and arrived back on Sunday 5-15 around 8 p.m.
 - Stayed at Ibis Bay Resort
- **Special events**
 - **Trivia Night**
 - May 21 from 6:30-8:30 p.m.
 - Groups of no more than 5 individuals answered fun trivia questions for a chance to win a series of gift cards to local restaurants and business
 - Gift cards such as Cod n' Capers, Crumbl Cookie, and the Furniture Store will be awarded to the winning team for each round.
 - Everyone had a great time!
- **Upcoming Events:**
 - Bus Trip Ikea shopping June 23. Leaves 9am. Cost: \$20/person.
 - 4th of July
 - Schedule of events is attached to email.

Library:

- Summer Reading
 - This year's theme is **Oceans of Possibilities**
 - <https://www.village-npb.org/861/Summer-Reading-2022>

- We have our usual presenters, Jurassic Parts, Science Eye, Cock-a-doodle-doo reptile show all set!
- Separate programs for the public and private camps so that the groups stay small and all the kids get a change to sit up front.
- We are also offering virtual library programming through Page Turner Adventure for those who cannot make it into the library or who are traveling.
- Page Turner Adventures will have new videos and fun craft activities every week!
- Free cold lunch will be served in the Obert Meeting Room from 12:30-1:30 every Wednesday and Friday.
- 1st week of summer reading:
 - Summer reading started this week and we had a great turnout! Check out our numbers for our first week of programs since 2020!
 - Free lunch 12:30-1:30: 18
 - Snacks from 2:30-4:30: 30
 - Jurassic Parts programs: 123
 - Crafts: 23
 - Family Storytime: 37
 - Baby Storytime 8
 - Private Storytime (3 yo): 14
 - Private Storytime (4 yo): 10
 - Good Night Storytime: 17
- Facilities
 - Stephen getting quote from Saffold for possible drain at library near side doors to prevent buildup of water during heavy rain storms.
 - Stephen is working on getting the gate for the library's dumpster area replaced as two boards have been ripped off in the past few months. He may also get us a quote for the cost of enclosing the entire area so that children do not keep damaging our A/C units and playing in unsafe and unsanitary areas.
 - The AC for both upstairs and downstairs went out or had trouble working this week for different reasons. Upstairs some wires burnt up and just needed replacing. Downstairs in the children's and Obert room it was the outdoor AC units that were damaged that need to be fixed. Some parts for the Obert room AC needed to be ordered and we are awaiting them right now. As a result the AC in the Obert room is only working at half-capacity.
 - New self-checkout machines from Envisionware have arrived and are temporarily on the circulation desk upstairs until the checkout tables come in later in the month. Self-checkout is extremely easy and staff are starting to show patrons how to use it. Unlike our current scanners, these new self-checkout scanners will be able to scan the library barcode from a cellphone if the patron has an e-card or photo on their phone.
 - Final decisions were made on the upstairs remodel and Council approved on June 9.
 - Total cost for all new shelving upstairs on the wall and in the center of the room is \$113,220.90.
 - FOL donated over \$78k toward the purchase!
 - Wooden shelves on wheels in the center of the room will probably come 12 weeks after ordering for a possible installation August/September timeframe.
 - Steel shelving on the walls is expected to be delayed by as long as 20 weeks due to shortages and may not be up until later in the year.
 - Cost for the new carpet is \$45,000 and will be added to FY23 budget.
- Adult Programming
 - Adult summer book club went fantastic

- 13 book club members met to discuss the book "How the Penguins Saved Veronica" by Hazel Prior.
 - All members received a beautiful penguin bag with summer goodies in side and they were thrilled.
- The Taras Foundation talk with CEO and founder Dr. Stefan E Harzen was a lot of fun and perfectly timed for World Oceans day on June 8th.
 - 14 people came to learn about the Taras foundation and the amazing work they do for dolphins and ocean conservation.
- Staffing
 - Interviewing for two new library clerks; hired one so far, Deborah Kile.
- State Park Passes
 - The Real Florida Reader state park pass is a summer-long program that provides local library users free admission to most Florida state parks. With your Village library card, check out a Real Florida Reader Day Pass and check out one of 175 state parks that showcase Florida's natural and cultural resources. Details here: <https://www.floridastateparks.org/realfloridareader>
 - The Library has two passes currently that patrons can check out for 1 week at a time.

New Business:

- **Vending Machines**
 - Vendors have inquired about putting machines in 1 or more parks. Especially at Community Center. Residents have also inquired about vending machines. We know we used to have some at Anchorage and Community Center but got rid of them for some reason in the past. Any concerns about hosting them onsite again? (there didn't seem to be any concerns).
- **Lakeside Park Seagrape plantings**
 - **Precision suggests 25 plantings on north end (about 3' high each)**
To go on north end where the area is less thick, just north of pavilion closer to pull up bars.
- **Lakeside Park pavilion**
 - **Proposal to remove two picnic tables**
 - Board wanted to know the reason. Part of it was the fact we don't rent out the pavilion anymore. So many tables aren't quite needed. Board wanted to keep all the tables there for now. Will discuss the possibility of renting out pavilion again at a later date.

Old Business:

- **Dry Storage Project update**

Zak delivered Powerpoint presentation on dry storage project, which included the points below. Don asked for a cost analysis of grid option vs millings option (including maintenance). Zak said he'd work with Engenuity on that. Money could be saved by eliminating catch basins. About vegetation removal and replantings, Don said it is the same process that we did to the other side of park in 2008. In terms of inventory of plants, it was suggested that we require a site visit as part of bid process for better cost estimate. Bob wanted to know who suggested the 1,500 mangrove plantings. There was some concern about making sure that at least a portion of revenues collected go toward repair and maintenance. Board felt that was important. Rita said if we make this expenditure, we should maintain it like the country club. Chris suggested we establish a schedule.

- **Gate system access options**

Question about gate. Does it open in/out or slide. Zak said it is a sliding gate. Rita asked how long it stays open before closing. Zak said he'd clarify with engineers.

- **Fee options (3 vs 2)**

Rec Board prefers 3 fee options. They made a motion to support the 3 options. Motion by Rita. Second by Stephen. All were in favor. Also discussed how we allow residents to sign up for more than one list. Will discuss at a future meeting in more detail. Was suggested that maybe people only sign up for 1 dry list and 1 wet slip list. People would sign up for the list that can fit their current vessel or the vessel they plan to buy. Board would like Becky to discuss it. Board also asked how we will merge all the lists. Staff will go by date added.

- **Turning radius at ramp during construction**

Will not be any parking on either side of boat ramp.

- **Strategy for existing renters during construction**

Need to make sure Village includes clauses for early lease termination in leases. Will need to give adequate notice to residents.

- **Recommendations to Council**

- **Allow residents who have space at their property to temporary store their boat/RV during construction?**
Rec Board hopes Council will allow this.
- **Allow any storage on site? (we will also need space for turning at boat ramp and day trailer parking)**
- **Keep south storage intact or remove prior to construction?**
- **If north storage renters need to find other means, then south storage renters as well (to keep everything fair)?**
Not sorted out yet.
- **Timeline for renters to move their boats/RVs out of storage? (how much notification do we provide?)**
As much time as possible.
- **Monthly payments? Penalties for late payment?**

Rec Board not in support of monthly payments. Prefer once per year option. Also discussed tie down anchors. Board wondered what liability Village would have if a tie down failed during a storm. They would also like to know the cost of purchasing and installing tie downs.

- **Dock Boxes update**

- **Staff sent out survey. Some responded and asked for more details. Dock boxes came up because one resident (who is also a renter on north slips) asked Village manager about them. So staff checked into them to get dimension and pricing. After further investigation, staff feel that installation of dock boxes could cause issues related to ADA, spacing/layout, aesthetics, etc. It is also very likely that staff could not install a**

boxes near every slip; some residents would get left out, so we'd like to table dock boxes for now.

Member Comments: Rita spoke about iguanas.

Adjournment: Motion to adjourn by Don. Second by ?? (it wasn't clear on recording). All were in favor.

**VILLAGE OF NORTH PALM BEACH
LIBRARY ADVISORY BOARD MEETING MINUTES
JUNE 28, 2022**

CALL TO ORDER

Chairperson Christine DelGuzzi called the meeting to order at 7:00 PM.

ROLL CALL

Present: Julie Morrell, Library Manager

Christine DelGuzzi, Chairperson

Phyllis Wissner, Vice Chairperson - Absent

Bonnie Jenkins, Secretary

Tina Chippas, Member

Carolyn Kost, Member

Brad Avakian, Member

Leslie Metz, Member

Darryl Aubrey, Council Member

APPROVAL OF MINUTES

Minutes for the May 19, 2022 meeting were approved after a motion made by Carolyn Kost and seconded by Tina Chippas.

LIBRARIAN'S REPORT

Library Manager Julie Morrell reported the following:

- Facilities:
 - No additional issues with paper towels in the toilets have been noted since school closed.
 - There have been problems with the AC in the Children's Department and the outside compressors (possibly from being climbed on.) Parts have been ordered by Public Works. In addition, the gate leading to the AC/dumpster area has been replaced. A quote is being sought to enclose the entire area to prevent future damage.
 - Council approved the upstairs remodel on May 27th. \$45,000 for new carpet was added to the FY23 budget.
- Staff:
 - A new library clerk, Lynda Dones, is processing and will start July 11th. She is a former library volunteer.
 - HR sponsored Mental Health Care and First Aid Training for staff.
- Children's Programming
 - Four daytime story times continue each week on Monday and Tuesdays. Two private story times for Faith Lutheran Preschool are held each week; other members of the public may attend if they chose.
 - Good Night Storytime is held twice monthly at 6:15pm. Children come dressed in their pajamas to hear several bedtime stories.
 - Find the Hidden Book Challenge:
 - Two new children's books are wrapped and hidden each week.
 - Empty boxes are wrapped to add challenge.

- The children who finds the books are allowed to keep them.
 - Summer Programming, *Oceans of Possibilities* is in full swing:
 - Kicked off with the Chemistry Magic Show presented by Jurassic Parts;
 - Shark Tooth Lab was presented and had an all-time high attendance of 112. Attendees were given a shark tooth and made a necklace with it.
 - Virtual programming through Page Turner Adventure is also being offered.
 - The Palm Beach County School District Free Lunch and Snacks program is presented every Wednesday and Friday.
- Teen Programming:
 - Teen volunteers are helping with the summer program;
 - Team and Tween graphic novel book clubs are well attended..
- Adult Programming:
 - Knit and Crochet continues on Mondays.
 - Friday Yoga in the Park with Mi Sun continues to average 12 people and a dog.
 - Book Club discussed *How the Penguins Saved Veronica* by Hazel Prior on June 2nd.
 - Guest speaker with Dr. Stefan Harzen of the Taras Foundation presented a lecture on World Oceans Day, June 8th;
 - The public learned about dolphins and the conservation efforts of the Taras Foundation.
 - Great Courses Lectures continued;
 - A History of India - attended by approximately 21 patrons so far.
 - Topic continues through July 26th.
- Circulation continues to increase overall
 - Overdrive phased out – not available on app stores any longer

OLD BUSINESS

None

NEW BUSINESS

Carolyn Kost brought up the advisability of having private story times for private day care providers. After discussion, it was determined that members of the public can also attend these times. Additionally, it will be requested that these organizations join the Friends of the Library. It should be noted these storytimes are only offered during the summer.

QUESTIONS AND ANSWERS

None

ADJOURNMENT

Carolyn Kost motioned to adjourn the meeting. Brad Avakian seconded the motion and the meeting adjourned at 7:33pm.

The next meeting will be Tuesday, July 26, 2022, at 7:00pm in the Obert Room.

Respectfully submitted by Bonnie Jenkins

**VILLAGE OF NORTH PALM BEACH
FINANCE DEPARTMENT**

TO: Honorable Mayor and Council

THRU: Chuck Huff, Interim Village Manager

FROM: Samia Janjua, Director of Finance

DATE: July 28, 2022

SUBJECT: **RESOLUTION – Establishing a Tentative Millage Rate for FY 2022-2023 & setting the 1st Public Hearing**

Pursuant to Section 200.065(2)(b), Florida Statutes, the Village must advise the County Property Appraiser of its “tentative” millage rate and the date, time and place of its first September millage and budget hearing. The Administration is recommending a tentative millage rate of **7.0500** mills. The Village has no outstanding general obligation bond debt; therefore, the combined total millage rate of the Village would equal **7.0500** mills. ***The tentative millage rate is 12.53% above the “rolled-back” rate of 6.2648 mills.***

The tentative millage rate that is being considered for approval at tonight’s meeting establishes the **maximum** millage rate the Village may consider and approve at its September public hearings (without additional notice being provided to each taxpayer). The rate may always be reduced.

The attached Resolution has been prepared and/or reviewed for legal sufficiency by the Village Attorney.

Recommendation:

Village Staff recommends Council consideration and approval of the attached Resolution establishing a “tentative” operating millage rate of 7.0500 and a debt service millage rate of 0.0000 respectively (for a total millage rate of 7.0500) and setting the first Public Hearing on the tentative budget and proposed millage rate for Thursday, September 8, 2022 at 7:00 P.M.

RESOLUTION 2022-_____

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, ADOPTING A TENTATIVE MILLAGE RATE OF 7.0500 MILS FOR FISCAL YEAR 2023; ESTABLISHING A DATE, TIME AND PLACE FOR THE FIRST HEARING ON THE TENTATIVE BUDGET AND PROPOSED MILLAGE RATE; AUTHORIZING THE INTERIM VILLAGE MANAGER TO SUBMIT THE REQUIRED FORMS TO THE PALM BEACH COUNTY PROPERTY APPRAISER; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 200.065(2)(b), Florida Statutes, the Village Council is required to advise the Palm Beach County Property Appraiser of its proposed millage rate, its rolled back rate, and the date, time, and place of the first public hearing to consider the proposed millage rate and tentative budget.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA as follows:

Section 1. The Village Council hereby adopts a tentative millage rate of 7.0500 for General Operating Budget purposes and a tentative millage rate of 0.0000 for Debt Service, for a total combined millage rate of 7.0500 mils for Fiscal Year 2023. The tentative millage rate is 12.53% above the rolled back rate of 6.2648 mils.

Section 2. The Village Council hereby establishes Thursday, September 8, 2022 at 7:00 p.m. as the date and time of the first hearing on the tentative budget and proposed millage rate. The public hearing shall be held at Village Hall, 501 U.S. Highway One, North Palm Beach, Florida, 33408.

Section 3. The Interim Village Manager is hereby authorized and directed to submit forms DR-420 (Certification of Taxable Value) and DR-420 MM-P (Municipality Maximum Millage Levy Calculation) to the Palm Beach County Property Appraiser's Office.

Section 4. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2022.

(Village Seal)

MAYOR

ATTEST:

VILLAGE CLERK



Reset Form

Print Form

CERTIFICATION OF TAXABLE VALUEDR-420
R. 5/12
Rule 12D-16.002
Florida Administrative Code
Effective 11/12

Year : 2022	County : PALM BEACH
Principal Authority : North Palm Beach	Taxing Authority : North Palm Beach


SECTION I : COMPLETED BY PROPERTY APPRAISER

1.	Current year taxable value of real property for operating purposes	\$	2,917,346,361	(1)
2.	Current year taxable value of personal property for operating purposes	\$	48,065,749	(2)
3.	Current year taxable value of centrally assessed property for operating purposes	\$	0	(3)
4.	Current year gross taxable value for operating purposes <i>(Line 1 plus Line 2 plus Line 3)</i>	\$	2,965,412,110	(4)
5.	Current year net new taxable value (Add new construction, additions, rehabilitative improvements increasing assessed value by at least 100%, annexations, and tangible personal property value over 115% of the previous year's value. Subtract deletions.)	\$	13,141,802	(5)
6.	Current year adjusted taxable value <i>(Line 4 minus Line 5)</i>	\$	2,952,270,308	(6)
7.	Prior year FINAL gross taxable value from prior year applicable Form DR-403 series	\$	2,623,444,861	(7)
8.	Does the taxing authority include tax increment financing areas? If yes, enter number of worksheets (DR-420TIF) attached. If none, enter 0	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Number 0	(8)
9.	Does the taxing authority levy a voted debt service millage or a millage voted for 2 years or less under s. 9(b), Article VII, State Constitution? If yes, enter the number of DR-420DEBT, <i>Certification of Voted Debt Millage</i> forms attached. If none, enter 0	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Number 0	(9)
SIGN HERE	Property Appraiser Certification	I certify the taxable values above are correct to the best of my knowledge.		
	Signature of Property Appraiser:	Date :		
	Electronically Certified by Property Appraiser	6/28/2022 8:31 AM		

SECTION II : COMPLETED BY TAXING AUTHORITY

If this portion of the form is not completed in FULL your taxing authority will be denied TRIM certification and possibly lose its millage levy privilege for the tax year. If any line is not applicable, enter -0-.				
10.	Prior year operating millage levy <i>(If prior year millage was adjusted then use adjusted millage from Form DR-422)</i>	7.0500	per \$1,000	(10)
11.	Prior year ad valorem proceeds <i>(Line 7 multiplied by Line 10, divided by 1,000)</i>	\$	18,495,286	(11)
12.	Amount, if any, paid or applied in prior year as a consequence of an obligation measured by a dedicated increment value <i>(Sum of either Lines 6c or Line 7a for all DR-420TIF forms)</i>	\$	0	(12)
13.	Adjusted prior year ad valorem proceeds <i>(Line 11 minus Line 12)</i>	\$	18,495,286	(13)
14.	Dedicated increment value, if any <i>(Sum of either Line 6b or Line 7e for all DR-420TIF forms)</i>	\$	0	(14)
15.	Adjusted current year taxable value <i>(Line 6 minus Line 14)</i>	\$	2,952,270,308	(15)
16.	Current year rolled-back rate <i>(Line 13 divided by Line 15, multiplied by 1,000)</i>	6.2648	per \$1000	(16)
17.	Current year proposed operating millage rate	7.0500	per \$1000	(17)
18.	Total taxes to be levied at proposed millage rate <i>(Line 17 multiplied by Line 4, divided by 1,000)</i>	\$	20,906,155	(18)

Continued on page 2

19.	TYPE of principal authority (check one)		<input type="checkbox"/> County	<input type="checkbox"/> Independent Special District	(19)
			<input checked="" type="checkbox"/> Municipality	<input type="checkbox"/> Water Management District	
20.	Applicable taxing authority (check one)		<input checked="" type="checkbox"/> Principal Authority	<input type="checkbox"/> Dependent Special District	(20)
			<input type="checkbox"/> MSTU	<input type="checkbox"/> Water Management District Basin	
21.	Is millage levied in more than one county? (check one)		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	(21)
DEPENDENT SPECIAL DISTRICTS AND MSTUs				STOP HERE - SIGN AND SUBMIT	
22.	Enter the total adjusted prior year ad valorem proceeds of the principal authority, all dependent special districts, and MSTUs levying a millage. <i>(The sum of Line 13 from all DR-420 forms)</i>			\$ 18,495,286	(22)
23.	Current year aggregate rolled-back rate <i>(Line 22 divided by Line 15, multiplied by 1,000)</i>			6.2648 per \$1,000	(23)
24.	Current year aggregate rolled-back taxes <i>(Line 4 multiplied by Line 23, divided by 1,000)</i>			\$ 18,577,714	(24)
25.	Enter total of all operating ad valorem taxes proposed to be levied by the principal taxing authority, all dependent districts, and MSTUs, if any. <i>(The sum of Line 18 from all DR-420 forms)</i>			\$ 20,906,155	(25)
26.	Current year proposed aggregate millage rate <i>(Line 25 divided by Line 4, multiplied by 1,000)</i>			7.0500 per \$1,000	(26)
27.	Current year proposed rate as a percent change of rolled-back rate <i>(Line 26 divided by Line 23, minus 1, multiplied by 100)</i>			12.53 %	(27)
First public budget hearing		Date : 9/8/2022	Time : 7:00 PM EST	Place : Village Hall Council Chambers, 501 US Highway One, North Palm Beach, FL 33408	
S I G N H E R E	Taxing Authority Certification		I certify the millages and rates are correct to the best of my knowledge. The millages comply with the provisions of s. 200.065 and the provisions of either s. 200.071 or s. 200.081, F.S.		
	Signature of Chief Administrative Officer :			Date :	
	Title : CHARLES HUFF, INTERIM VILLAGE MANAGER		Contact Name and Contact Title : SAMIA JANJUA, FINANCE DIRECTOR		
	Mailing Address : 501 US HIGHWAY ONE		Physical Address : 501 US HIGHWAY ONE		
	City, State, Zip : NORTH PALM BEACH, FLORIDA 33408		Phone Number : 5618413360		Fax Number : 5618489698

CERTIFICATION OF TAXABLE VALUE INSTRUCTIONS

“Principal Authority” is a county, municipality, or independent special district (including water management districts).

“Taxing Authority” is the entity levying the millage. This includes the principal authority, any special district dependent to the principal authority, any county municipal service taxing unit (MSTU), and water management district basins.

Each taxing authority must submit to their property appraiser a DR-420 and the following forms, as applicable:

- DR-420TIF, Tax Increment Adjustment Worksheet
- DR-420DEBT, Certification of Voted Debt Millage
- DR-420MM-P, Maximum Millage Levy Calculation - Preliminary Disclosure

Section I: Property Appraiser

Use this DR-420 form for all taxing authorities except school districts. Complete Section I, Lines 1 through 9, for each county, municipality, independent special district, dependent special district, MSTU, and multicounty taxing authority. Enter only taxable values that apply to the taxing authority indicated. Use a separate form for the principal authority and each dependent district, MSTU and water management district basin.

Line 8

Complete a DR-420TIF for each taxing authority making payments to a redevelopment trust fund under Section 163.387 (2)(a), Florida Statutes or by an ordinance, resolution or agreement to fund a project or to finance essential infrastructure.

Check “Yes” if the taxing authority makes payments to a redevelopment trust fund. Enter the number of DR-420TIF forms attached for the taxing authority on Line 8. Enter 0 if none.

Line 9

Complete a DR-420DEBT for each taxing authority levying either a voted debt service millage (s.12, Article VII, State Constitution) or a levy voted for two years or less (s. 9(b), Article VII, State Constitution).

Check “Yes” if the taxing authority levies either a voted debt service millage or a levy voted for 2 years or less (s. 9(b), Article VII, State Constitution). These levies do not include levies approved by a voter referendum not required by the State Constitution. Complete and attach DR-420DEBT. Do not complete a separate DR-420 for these levies.

Send a copy to each taxing authority and keep a copy. When the taxing authority returns the DR-420 and the accompanying forms, immediately send the original to:

Florida Department of Revenue
Property Tax Oversight - TRIM Section
P. O. Box 3000
Tallahassee, Florida 32315-3000

Section II: Taxing Authority

Complete Section II. Keep one copy, return the original and one copy to your property appraiser with the applicable DR-420TIF, DR-420DEBT, and DR-420MM-P within 35 days of certification. Send one copy to the tax collector. “Dependent special district” (ss. 200.001(8)(d) and 189.403(2), F.S.) means a special district that meets at least one of the following criteria:

- The membership of its governing body is identical to that of the governing body of a single county or a single municipality.
- All members of its governing body are appointed by the governing body of a single county or a single municipality.
- During their unexpired terms, members of the special district's governing body are subject to removal at will by the governing body of a single county or a single municipality.
- The district has a budget that requires approval through an affirmative vote or can be vetoed by the governing body of a single county or a single municipality.

“Independent special district” (ss. 200.001(8)(e) and 189.403 (3), F.S.) means a special district that is not a dependent special district as defined above. A district that includes more than one county is an independent special district unless the district lies wholly within the boundaries of a single municipality.

“Non-voted millage” is any millage not defined as a “voted millage” in s. 200.001(8)(f), F.S.

Lines 12 and 14

Adjust the calculation of the rolled-back rate for tax increment values and payment amounts. See the instructions for DR-420TIF. On Lines 12 and 14, carry forward values from the DR-420TIF forms.

Line 24

Include only those levies derived from millage rates.



Reset Form

Print Form

MAXIMUM MILLAGE LEVY CALCULATION PRELIMINARY DISCLOSURE

For municipal governments, counties, and special districts


DR-420MM-P

R. 5/12

Rule 12D-16.002

Florida Administrative Code

Effective 11/12

Year: 2022		County: PALM BEACH	
Principal Authority : North Palm Beach		Taxing Authority: North Palm Beach	
1.	Is your taxing authority a municipality or independent special district that has levied ad valorem taxes for less than 5 years?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No (1)
IF YES,  STOP HERE. SIGN AND SUBMIT. You are not subject to a millage limitation.			
2.	Current year rolled-back rate from Current Year Form DR-420, Line 16	6.2648	per \$1,000 (2)
3.	Prior year maximum millage rate with a majority vote from 2021 Form DR-420MM, Line 13	7.4381	per \$1,000 (3)
4.	Prior year operating millage rate from Current Year Form DR-420, Line 10	7.0500	per \$1,000 (4)
If Line 4 is equal to or greater than Line 3, skip to Line 11. If less, continue to Line 5.			
Adjust rolled-back rate based on prior year majority-vote maximum millage rate			
5.	Prior year final gross taxable value from Current Year Form DR-420, Line 7	\$ 2,623,444,861	(5)
6.	Prior year maximum ad valorem proceeds with majority vote (Line 3 multiplied by Line 5 divided by 1,000)	\$ 19,513,445	(6)
7.	Amount, if any, paid or applied in prior year as a consequence of an obligation measured by a dedicated increment value from Current Year Form DR-420 Line 12	\$ 0	(7)
8.	Adjusted prior year ad valorem proceeds with majority vote (Line 6 minus Line 7)	\$ 19,513,445	(8)
9.	Adjusted current year taxable value from Current Year form DR-420 Line 15	\$ 2,952,270,308	(9)
10.	Adjusted current year rolled-back rate (Line 8 divided by Line 9, multiplied by 1,000)	6.6096	per \$1,000 (10)
Calculate maximum millage levy			
11.	Rolled-back rate to be used for maximum millage levy calculation (Enter Line 10 if adjusted or else enter Line 2)	6.6096	per \$1,000 (11)
12.	Adjustment for change in per capita Florida personal income (See Line 12 Instructions)	1.0613	(12)
13.	Majority vote maximum millage rate allowed (Line 11 multiplied by Line 12)	7.0148	per \$1,000 (13)
14.	Two-thirds vote maximum millage rate allowed (Multiply Line 13 by 1.10)	7.7163	per \$1,000 (14)
15.	Current year proposed millage rate	7.0500	per \$1,000 (15)
16.	Minimum vote required to levy proposed millage: (Check one)		
<input type="checkbox"/>	a. Majority vote of the governing body: Check here if Line 15 is less than or equal to Line 13. The maximum millage rate is equal to the majority vote maximum rate. Enter Line 13 on Line 17.		
<input checked="" type="checkbox"/>	b. Two-thirds vote of governing body: Check here if Line 15 is less than or equal to Line 14, but greater than Line 13. The maximum millage rate is equal to proposed rate. Enter Line 15 on Line 17.		
<input type="checkbox"/>	c. Unanimous vote of the governing body, or 3/4 vote if nine members or more: Check here if Line 15 is greater than Line 14. The maximum millage rate is equal to the proposed rate. Enter Line 15 on Line 17.		
<input type="checkbox"/>	d. Referendum: The maximum millage rate is equal to the proposed rate. Enter Line 15 on Line 17.		
17.	The selection on Line 16 allows a maximum millage rate of (Enter rate indicated by choice on Line 16)	7.0500	per \$1,000 (17)
18.	Current year gross taxable value from Current Year Form DR-420, Line 4	\$ 2,965,412,110	(18)

Continued on page 2

Taxing Authority : North Palm Beach		DR-420MM-P R. 5/12 Page 2	
19.	Current year proposed taxes <i>(Line 15 multiplied by Line 18, divided by 1,000)</i>	\$ 20,906,155	(19)
20.	Total taxes levied at the maximum millage rate <i>(Line 17 multiplied by Line 18, divided by 1,000)</i>	\$ 20,906,155	(20)
DEPENDENT SPECIAL DISTRICTS AND MSTUs		STOP HERE. SIGN AND SUBMIT.	
21. Enter the current year proposed taxes of all dependent special districts & MSTUs levying a millage. <i>(The sum of all Lines 19 from each district's Form DR-420MM-P)</i>		\$ 0	(21)
22. Total current year proposed taxes <i>(Line 19 plus Line 21)</i>		\$ 20,906,155	(22)
Total Maximum Taxes			
23. Enter the taxes at the maximum millage of all dependent special districts & MSTUs levying a millage <i>(The sum of all Lines 20 from each district's Form DR-420MM-P)</i>		\$ 0	(23)
24. Total taxes at maximum millage rate <i>(Line 20 plus Line 23)</i>		\$ 20,906,155	(24)
Total Maximum Versus Total Taxes Levied			
25.	Are total current year proposed taxes on Line 22 equal to or less than total taxes at the maximum millage rate on Line 24? (Check one)	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	(25)
S I G N H E R E	Taxing Authority Certification		I certify the millages and rates are correct to the best of my knowledge. The millages comply with the provisions of s. 200.065 and the provisions of either s. 200.071 or s. 200.081, F.S.
	Signature of Chief Administrative Officer :		Date :
	Title : CHARLES HUFF, INTERIM VILLAGE MANAGER	Contact Name and Contact Title : SAMIA JANJUA, FINANCE DIRECTOR	
	Mailing Address : 501 US HIGHWAY ONE	Physical Address : 501 US HIGHWAY ONE	
	City, State, Zip : NORTH PALM BEACH, FLORIDA 33408	Phone Number : 5618413360	Fax Number : 5618489698

Complete and submit this form DR-420MM-P, Maximum Millage Levy Calculation-Preliminary Disclosure, to your property appraiser with the form DR-420, Certification of Taxable Value.

**MAXIMUM MILLAGE LEVY CALCULATION
PRELIMINARY DISCLOSURE
INSTRUCTIONS**

DR-420MM-P
R. 5/12
Page 3

General Instructions

Each of the following taxing authorities must complete a DR-420MM-P.

- County
- Municipality
- Special district dependent to a county or municipality
- County MSTU
- Independent special district, including water management districts
- Water management district basin

Voting requirements for millages adopted by a two-thirds or a unanimous vote are based on the full membership of the governing body, not on the number of members present at the time of the vote.

This form calculates the maximum tax levy for 2022 allowed under s. 200.065(5), F.S. Counties and municipalities, including dependent special districts and MSTUs, which adopt a tax levy at the final hearing higher than allowed under s. 200.065, F.S., may be subject to the loss of their half-cent sales tax distribution.

DR-420MM-P shows the preliminary maximum millages and taxes levied based on your proposed adoption vote. Each taxing authority must complete, sign, and submit this form to their property appraiser with their completed DR-420, Certification of Taxable Value.

The vote at the final hearing and the resulting maximum may change. After the final hearing, each taxing authority will file a final Form DR-420MM, Maximum Millage Levy Calculation Final Disclosure, with Form DR-487, Certification of Compliance, with the Department of Revenue.

Specific tax year references in this form are updated each year by the Department.

Line Instructions

Lines 5-10

Only taxing authorities that levied a 2021 millage rate less than their maximum majority vote rate must complete these lines. The adjusted rolled-back rate on Line 10 is the rate that would have been levied if the maximum vote rate for 2021 had been adopted. If these lines are completed, enter the adjusted rate on Line 11.

Line 12

This line is entered by the Department of Revenue. The same adjustment factor is used statewide by all taxing authorities. It is based on the change in per capita Florida personal income (s. 200.001(8)(i), F.S.), which Florida Law requires the Office of Economic and Demographic Research to report each year.

Lines 13 and 14

Millage rates are the maximum that could be levied with a majority or two-thirds vote of the full membership of the governing body. With a unanimous vote of the full membership (three-fourths vote of the full membership if the governing body has nine or more members) or a referendum, the maximum millage rate that can be levied is the taxing authority's statutory or constitutional cap.

Line 16

Check the box for the minimum vote necessary at the final hearing to levy your adopted millage rate.

Line 17

Enter the millage rate indicated by the box checked in Line 16. If the proposed millage rate is equal to or less than the majority vote maximum millage rate, enter the majority vote maximum. If a two-thirds vote, a unanimous vote, or a referendum is required, enter the proposed millage rate. For a millage requiring more than a majority vote, the proposed millage rate must be entered on Line 17, rather than the maximum rate, so that the comparisons on Lines 21 through 25 are accurate.

VILLAGE OF NORTH PALM BEACH
DEPARTMENT OF HUMAN RESOURCES AND RISK MANAGEMENT

TO: Honorable Mayor and Council

THRU: Chuck Huff, Interim Village Manager

FROM: Renee Govig, Director of Human Resources and Risk Management

DATE: July 28, 2022

SUBJECT: **RESOLUTION – Adoption of updated Personnel Rules and Regulations Manual**

The Village Administration is seeking Council consideration and approval of the attached Resolution adopting a full revision of the Village's Personnel Rules and Regulations.

Background:

The Village's policies governing employment have been updated periodically over the years, but were maintained in a format that was not user friendly. In recent years, best practices and laws have been updated, which are reflected in the proposed updated Personnel Rules and Regulations Manual. Staff has worked with the Village's Employment Attorney, Lara Donlon, to ensure proper wording and up to date practices.

The updated document is designed to streamline the Village's employment policies and practices. In the event an adopted Collective Bargaining Agreement conflicts with the Personnel Rules and Regulations, the terms of the CBA will control.

Summary of Major Changes:

In addition to the major changes attached, please refer to the entire proposed updated Personnel Rules and Regulations Manual, which is also attached. The attached summary does not include non-substantive changes such as policy location, organization, re-wording, or similar updates.

A clean version has been attached for your review and approval. Please note the Rules and Regulations have been re-formatted to promote user access and some sections may have been re-organized.

No fiscal impact is anticipated.

The attached Resolution has been prepared and/or reviewed for legal sufficiency by the Village Attorney.

Recommendation:

Staff recommends Council consideration and approval of the attached Resolution adopting an updated Personnel Rules and Regulations Manual in accordance with Village policies and procedures.

RESOLUTION 2022-_____

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, ADOPTING A REVISED AND UPDATED PERSONNEL RULES AND REGULATIONS MANUAL; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village Council initially adopted the Village's current Personnel Rules and Regulations Manual through the adoption of Resolution 27-97; and

WHEREAS, through the adoption of Resolution No. 2008-46, the Village Council authorized the Village Manager to update, revise and supplement the existing Village Personnel Rules and Regulations and enact personnel policies on an ongoing basis to be incorporated into a comprehensive document to be presented to the Village Council for adoption; and

WHEREAS, Village Staff has been in the process of updating, revising and supplementing the Personnel Rules and Regulations for a number of years to ensure consistency and compliance with all applicable state and federal laws and regulations; and

WHEREAS, the Village Council determines that the adoption of a revised and updated Personnel Rules and Regulations Manual is in the best interests of the Village and its residents.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF NORTH PALM BEACH, FLORIDA as follows:

Section 1. The foregoing recitals are hereby ratified and incorporated herein.

Section 2. The Village Council hereby adopts a revised and updated Personnel Rules and Regulations Manual, a copy of which is attached hereto and incorporated herein.

Section 3. All resolutions or parts of resolutions in conflict with this Resolution shall be repealed to the extent of such conflict.

Section 4. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2022.

(Village Seal)

MAYOR

ATTEST:

VILLAGE CLERK

Updated Policies for consideration

<u>Policy</u>	<u>Description</u>
Generally	CBA's language will control where conflicting.
Equal Employment Opportunity	Added to clarify Village's policy in accordance with federal, state and local law. Specifies Village's prohibition against retaliation and also generally notes Village's reasonable accommodation process.
Preventing Harassment and Discrimination	Updates protected categories in accordance with applicable law. Updates ADA Coordinator from Village Manager to Director of HR and Risk Management. Modifies ADA grievance procedure to utilize the Director of HR and Risk Management at Step 2 (in lieu of Village Manager) and utilizes Village Manager in lieu of committee in Step 3. Updates reporting procedure for suspected violations to include Village Manager. Clarifies prohibition against retaliation.
Definitions	Updated full-time and part-time employee to reflect current scheduling and address health insurance eligibility. Clarifies that Pay Status does not include leave paid by third parties such as workers' compensation benefits.
Comprehensive Pay and Classification Plan	Included to reflect items typically included in annual budget, such as the Pay Plan, New Hire Pay Rates, Non-bargaining Merit Increase process, Lump Sum Performance Bonus for topped out employees, Merit increase process for part-time, seasonal and school crossing guards (2%), and the effect of Promotions, Demotions, Transfers and Reclassifications on Pay Rate. Provides for ability of Village Manager to approve merit increase prior to implementation of promotion if anniversary date/annual review date is within 2 months of the proposed promotion. For lateral transfers, provides for pro-rata evaluation during transition from one evaluation period to the next.
Working Temporary Assignment at Higher Pay Grade	5% for all time worked in the higher classification.
Emergency Pay	Staff recommends repealing Ordinance Section 8-31(a). Provides that non-exempt employees paid at 2x regular rate of pay during declared emergency while exempt employees will receive corresponding number of hours worked in an Administrative Leave Bank (not to exceed 60 hours, must be used before end of next fiscal year after conclusion of emergency) that are not payable upon separation of employment.
Application Process	Vacant positions posted internal only for the first 5 calendar days. Limits physical examination to only certain positions (special risk within public safety and CDL). Applications considered active for 6 months rather than 2 years. Clarifies work eligibility process (I-9/E-Verify). Updated Veterans' Preference in appointment and retention based upon current and recently updated state law.
Hours of Work and Work Locations	Work week defined for overtime purposes to reflect current practice. Sets forth process to report errors in pay. Requires written prior approval for engaging in overtime work. Clarifies that leave paid through third parties, such as workers' compensation, does not count as hours worked for purposes of computing overtime. Prohibits off-the-clock work. Provides Remote Work policy for temporary situations

	and is not intended as a substitute for child or other family care obligations along with other limitations and eligibility requirements.
FMLA	Included mandatory provisions in compliance with FMLA but removed provisions used/referred to primarily by HR for administration of leave.
Vacation Leave	Provides for Unused Vacation Reimbursement for employees who use at least 80 hours of vacation, the employee may be paid 100% of all hours above that threshold if requested in October and to be paid no later than November 30 of each fiscal year.
Personal Leave without Pay	Expanded reasons to include leave to recover from employee's own serious health condition after FMLA is exhausted. During an unpaid leave of 1 months or longer, employees no longer accrue seniority, vacation, sick or holidays.
Workers Compensation Leave	Included policy to generally inform employees of benefit. Allows for light duty in any department at the Village.
Holidays	Added Juneteenth. Clarifies that pre-scheduled vacation/sick the day before or after the holiday do not jeopardize the pay status of the holiday.
Sick Leave	Accrues during "active pay status" which is defined to exclude pay from third party sources such as workers' compensation, long-term disability plans, or other sources. Allows use of sick leave to care for domestic partner. May require return to work note/clearance from treating medical professional when employee is on sick leave for 3 consecutive days.
Sick Leave Pool	Established once during a 48-month period rolling backward.
Sick Leave Reimbursement	Once an employee accumulates 384 hours, the Village will reimburse the employee 50% of every hour above 384 hours when requested in May of each year, to be paid by November 30.
Bereavement Leave	Up to 3 days for each occurrence, with a maximum of 2 occurrences in any one annual period based on a rolling 12-month period from the employee's last use of bereavement leave. Adds domestic partner as qualifying family. Requires written proof with name of deceased, relationship, date of death, and obituary notice/memorial pamphlet, etc.
Jury Duty and other Legal Duties	Clarifies non-job related witness/court appearance is covered by vacation leave or, if exhausted, leave without pay.
Military Leave	Summarizes Village's obligations with reference to federal and state laws.
Domestic Violence/ Sexual Violence Leave	Provides up to 3 unpaid days in accordance with Florida Statute.
Prohibition Against Violence While on Duty or in the Workplace	Specifies prohibition of violence at work or while on duty.
Firearms or Weapons	Specifies prohibition against display of such items or maintaining such items on Village property in accordance with Florida law.
First Aid Procedures	Eliminated injury-specific first aid instructions and safety procedures that are best addressed at departmental level depending on nature of work.

Drug and Alcohol-Free Workplace	Applicable to all employees and volunteers. Job applicant testing is for those entering into mandatory testing positions or special risk positions only in accordance with state law's limitation as to public employers. Clarifies marijuana still prohibited under federal law and Village policy. Employees tested based upon reasonable suspicion will be placed in non-duty status and must use vacation or sick leave pending results and determination as to any discipline. Includes all elements of policy as required by Florida statute to maintain drug-free workplace.
Drug Free Workplace Policy for DOT-Covered CDL Drivers	Includes fully compliant DOT policy applicable to employees operating commercial vehicles for the Village. Updated to include DOT's Clearinghouse requirements and all other policy requirements applicable to a local government that operates commercial vehicles.
Return to Work and Light Duty	Included to streamline process throughout Village. Considered on case-by-case basis along with operational needs of Village. Priority given to work-related incidents. Addresses pay of light duty position (not to decrease more than 10%).
Training and Education	Updated Educational Reimbursement Program to include approval process, withdrawal/cancellation of courses, and the program terms/procedures.
Pay for Performance Program	Updated to include lateral transfer pro-rata relating to evaluation date change. Updated evaluation scales (now 1-5 rather than 0-3).
Progressive Discipline	Updated to reflect consistent format: Counseling Memo, Documented Verbal Counseling, Written Warning, Suspensions, Administrative Leave, Demotion and Decrease in Pay, and Terminations.
Code of Ethics Policy	Updated to include language from Florida statute.
Standards of Conduct and Work Rules	Clarifies that multiple days of Absent without Leave may constitute Job Abandonment. Included Job Abandonment as work rule. Updated Courtesy requirement. Prohibits Gambling on Village systems or devices (in addition to prior prohibitions generally). Notices-Posting/Circulation/Destruction/Defacing is now content neutral. Prohibits political activities while on duty. Updated "Professional Demeanor" to reflect professionalism in language and mannerisms. Removed requirement for employees to remain at their homes during duty hours when they have reported in sick. Clarified prohibition against soliciting the aid of elected officials/employees to obtain job benefits/promotions outside of regular process. Updated prohibitions against using phones while driving or operating equipment. Further defined "unbecoming conduct." Added prohibition against Violence on Duty. Limits visitors/non-employees from entering work areas without approval or as part of Village-sponsored program.
Resignations	Clarifies it includes those who do not retire under pension plans but who do retire under the 401(a) or 457 plans.
Retirement	Clarifies it relates to those who are part of the General or Fire/Police Retirement plans.
Disability	Application for Long Term Disability and approval constitutes an inability to perform the job and will result in termination. Employees unable to return to work from workers' compensation leave within 6

	months will be separated where an alternate existing and vacant position for which the employee is qualified is not available.
Death	Compensation is paid in accordance with Florida law.
Village Seniority	No loss for leave of absence without pay due to illness or injury for less than 6 months.
Employment of Relatives	Relative includes domestic partner. Supervisory relationship includes any supervision within any point of the chain of command. Relatives may be considered in non-supervisory relationships where a position is vacant after 6 months of active recruitment by HR with Village Manager approval.
Outside Employment or Business Activity	All employees must submit Disclosure and Request form prior to engaging in outside employment, upon request, and at the Ethics Training.
Electronic Communication and Internet Use	Includes policy on use of Village provided hardware and software and restricts to business use. Clarifies and outlines current and new practices relating to e-mail, telephone use, social media and vehicle use.

Village of North Palm Beach

Personnel Rules and Regulations



Adopted _____, 2022

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GENERAL PROVISIONS

PURPOSE

To establish consistent and equitable policies concerning Village employment and to establish workable guidelines for the implementation of these policies.

SCOPE

These regulations pertain to all personnel whose name appears on the Village payroll or receive compensation from the Village of North Palm Beach, except elected officials, members of commissions and committees appointed by the Village Council, consultants or others providing services under contract to the Village and temporary employees hired to meet the immediate requirements of an emergency condition which threatens life or property. Volunteer personnel, by definition, are also excluded from these regulations. Employees subject to collective bargaining agreements as negotiated in accordance with Florida Statutes shall be exempt from provisions of these regulations which are inconsistent with such agreements.

AMENDMENT OF REGULATIONS

Amendment of subject Rules and Regulations may from time to time be proposed and approved by the Village Manager.

DEFINITIONS

For the purpose of these policy and procedures, the following terms are defined:

- A. **Accumulate**: The process by which an employee accrues sick and vacation leave during their period of employment.
- B. **Allocation**: The assignment of an individual position to an appropriate class on the basis of the type, difficulty, and responsibility of the work performed in the position and allied positions, when compared with that position.
- C. **Appointing Authority**: The Village Manager or designee who has the authority to appoint and remove employees under his/her supervision.
- D. **Class**: A position or group of positions which involve similar duties and responsibilities, require similar qualifications, is designated by a title indicative of the kind of work and for which the same pay range can be applied with equity.
- E. **Days**: Means calendar days unless otherwise stated.
- F. **Demotion**: A change of employment status from a position of one class to a position of another class having a lower maximum rate of pay than the original class.
- G. **Department Director**: Employees of the Village in charge of the operations of an established Village Department.
- H. **Employee**: Persons employed by the Village covered by the provisions of these regulations.
- I. **Full-time Employee**: An employee who is designated as such and who normally works forty (40) or more hours per week and fills one of the designated positions identified with a job code in the Village's annual budget.
- J. **Hourly Employee**: An employee whose job basis consists of an hourly rate of pay for hours actually worked in a specific job class.
- K. **Job Code**: A control number assigned to each full-time position listed in the annual budget.
- L. **Layoff**: The separation of employees from the payroll due to lack of funds or work, or to the abolition of a position by the Village Council for these reasons or due to an organizational change.
- M. **Part-time Employee**: An employee who is designated Regular Part-time or Temporary Part-time, who normally is scheduled to work less than forty (40) hours per week. Said employee is not eligible for any fringe benefits such as sick leave, vacation, holiday pay, group health, dental, life and disability insurance, or pension. Part-time

employees who work at least thirty (30) hours per week and a minimum of one thousand five hundred and sixty (1,560) hours during the measurement period may be eligible for group health and dental insurance, but are not eligible for other benefits.

- N. **Pay Status:** Time for which an employee is paid by the Village including leaves with pay but does not include benefit payments by third parties such as workers' compensation.
- O. **Position:** A group of duties and responsibilities which require the full-time or part-time employment of one person as authorized by the Village Council.
- P. **Probationary Employee:** An employee who has not yet successfully completed the required probationary period.
- Q. **Promotion:** A change of employment from a position of one class to a position of another class which has a higher maximum rate of pay.
- R. **Regular Employee:** A full-time employee who is hired for continuous employment and has successfully completed the required probationary period.
- S. **Seasonal Employee:** An employee who is hired for employment in a position which recurs yearly or more often as required by seasonal operations and is not continuous in nature.
- T. **Temporary Employee:** An employee who is hired for a specific period not to exceed six (6) months.
- U. **Transfer:** A change of an employee from one position to another position in the same class or another class with the same pay range.
- V. **Vacancy:** A position duly created, established in the budget, and not currently occupied by an incumbent.
- W. **Veteran:** Applicants and employees who are entitled to veterans' preference as outlined in Florida Statutes.

WORKFORCE EQUITY

EQUAL EMPLOYMENT OPPORTUNITY

It is the policy and practice of the Village to treat all employees with dignity and respect and to provide equal opportunity to all persons without regard to race, age, color, religion, sex, pregnancy, national origin, physical or mental disability, genetic information, marital status, veteran or military status, sexual orientation, gender identity or expression, or any other category protected by applicable federal, state, or local law. Equal opportunity encompasses all aspects of employment practices, including but not limited to recruiting, hiring, training, compensation, benefits, promotions, transfer, layoffs, recall from layoffs, discipline, and department-sponsored education, social, and recreational programs. It is the policy of the Village that all personnel actions and employment practices are based solely on the requirements of the position and the qualifications of the applicant without regard to race, age, color, religion, sex, pregnancy, national origin, physical or mental disability, genetic information, marital status, veteran or military status, sexual orientation, gender identity or expression, or any other category protected by applicable federal, state, or local law.

In addition, the Village prohibits retaliation against any individual who reports discrimination or harassment or who participates in any investigation of such reports, or who engages in any other activity protected by applicable law. This policy covers all personnel actions affecting hiring, job assignments, training, promotions, transfers, compensation, discipline, termination of employees, or any other tangible employment benefit or term or condition of employment.

The Village will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship or where doing so would cause a direct threat to the health or safety of the individual or others. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training. If, during the course of employment, an employee sustains any type of physical or mental impairment which limits the employee's ability to perform the essential functions of his or her job, the Village may require that the employee provide medical documentation regarding any such impairment and, if appropriate, identify specific accommodations which may assist the employee. The Village will engage in an appropriate interactive process with the employee in determining potential accommodations when requested by the employee. All information provided regarding any impairment will be handled confidentially to the extent required by law.

PREVENTING HARASSMENT AND DISCRIMINATION

A. Definitions:

1. *Adverse Impact:* Employment process that does not necessarily intend to exclude people of a particular race, national origin, gender, religion, or other applicable protected category, but its practices has the effect of doing so.
2. *Discrimination:* Fundamentally defined as different or disparate treatment and neutral conduct that has an adverse impact on groups protected by law.

3. *Disparate Treatment*: Intentional discrimination in which employment decisions are determined based on an individual's race, gender, gender identity or expression, marital status, sexual orientation, religion, color, national origin, disability, or other category protected by applicable law.
- B. Non-discrimination/Equal Employment Opportunity: The Village's policy is to provide equal employment opportunity without regard to race, color, creed, religion, gender, gender identity or expression, marital status, sexual orientation, national origin, ancestry, age, religion, disability, or as otherwise required by applicable law. The Village's policy of equal employment opportunity covers, but is not limited to matters of recruitment, selection, assignment, compensation, training, promotion, transfer, discipline, and termination.
- C. Protection of Employees with Disabilities: The Village prohibits discrimination against qualified individuals with disabilities in regard to any employment practices, terms, conditions, and privileges of employment.
1. *Purpose*: The purpose of this policy is to comply with the Americans with Disabilities Act (ADA) as amended. As such, the Village's applicant process, employment practices, policies and procedures do not discriminate against qualified individuals with disabilities.
 2. *Application*: A qualified individual with a disability means an individual with a disability who:
 - a. Satisfies the requisite skills, experience, education and other job related requirements of the position such individual holds or desires; and,
 - b. With or without reasonable accommodation can perform the essential functions of the position.
 3. *ADA Coordinator*: The designated coordinator for all ADA issues for the Village is the Director of Human Resources and Risk Management or designee.
 4. *Policy*: It is the policy of the Village to abide by all provisions of the ADA. The Village will not discriminate against any individual who demonstrates the qualifications necessary to perform the duties of a particular position in the organization. No disabilities will be considered as a factor in satisfactorily performing a job/task except for those which are essential to the performance of such task. A reasonable accommodation may be requested by otherwise qualified persons with permanent, substantially limiting physical or mental disabilities as required by the ADA. Reasonable accommodations will be accomplished as follows provided the accommodation does not cause an undue hardship cause a direct threat to the health or safety of the employee or others:
 - a. A reasonable accommodation may consist of modifications or adjustment to the work environment, in the manner or circumstances in which the job customarily is performed or provide alternative lateral employment for which the individual is qualified.
 - b. A reasonable accommodation will seek to assist a qualified employee in the performance of essential job functions of the job the employee currently holds.
 - c. Employees requiring employment reasonable accommodation must contact the Director of Human Resources and Risk Management for receipt of an application.

- d. Employees seeking an accommodation under the provisions of the ADA must be disabled as defined by the statute. Employees must certify that their physical and/or mental conditions substantially limit a major life activity.
 - e. Eligible employees are those that satisfy the requisite skill, experience, education, and other job-related requirements of the position held and who with or without reasonable accommodation can perform the essential function of the position.
 - f. The Director of Human Resources and Risk Management will determine and advise employees if they are eligible under the ADA and whether the requested, or another, reasonable accommodations can be made.
 - g. Prevention of Discrimination: Anyone who, in good faith, believes they have been discriminated against as described in this policy or who, in good faith, has observed such discrimination must promptly report such conduct in accordance with the provisions set forth in this policy.
5. *ADA Grievance Procedure:*
This grievance procedure is specifically applicable for Americans with Disabilities Act (ADA) complaints. All other grievances will be processed under the Village's Grievance Procedures.
6. *Steps – Grievance Procedure:*
STEP 1: An aggrieved employee will submit all complaints regarding access or alleged discrimination in writing to his/her respective Department Director for resolution. A record of the complaint and action taken will be maintained. A decision by the Department Director will be rendered within fifteen (15) working days.
- STEP 2:** If the complaint cannot be resolved to the satisfaction of the complainant by the Department Director, the employee may submit it to the Director of Human Resources and Risk Management within three (3) working days following resolution in Step 1. The Director of Human Resources and Risk Management will have ten (10) working days to respond to the complaint. If the complaint cannot be resolved to the satisfaction of the complainant by the Director of Human Resources and Risk Management, the employee may submit it to the Village Manager within three (3) working days following the resolution in Step 2.
- STEP 3:** The Village Manager may meet with the employee and other relevant individuals and shall endeavor to issue a written decision within thirty (30) days of receipt of the complaint.
7. *Records:* A record of action taken on each request or complaint must be maintained as part of the public records at each level of the grievance process.
8. *Other Remedies:* The individual's right to prompt and equitable resolution of the complaint must not be impaired by the pursuit of other remedies such as filing of a complaint with an appropriate investigative authority or agency. The use of this grievance procedure is not a pre-requisite to the pursuit of other remedies.

D. Nondiscrimination/Anti-Harassment/Equal Employment Opportunity:

Harassment or discrimination in any form will not be permitted in the workplace. Harassment is described as engaging in a course or pattern of unwanted verbal, nonverbal, or physical conduct directed at a particular person or group based on a protected category, serving no legitimate purpose and includes, but is not limited to words, gestures, touches, innuendos, epithets, propositions, threats, or other actions which annoy, alarm, frighten, abuse, or insult another person in any manner. Discrimination is described as treating someone less favorably because of one of their protected categories (e.g. race, gender, religion, etc. ...)

E. Reporting Harassment or Discrimination: Any person who believes in good faith they have been harassed by an employee or non-employee in the work environment should promptly take the following steps:

1. The person should promptly and politely inform the offending party to immediately cease and desist from the objectionable activity. Failure to make such a request will not excuse the offending party for any unauthorized actions. Written notification to the offending party of the demand to cease is suggested, with a copy sent to the complaining employee's supervisor including all relevant details of the complaint. The supervisor will make periodic inquiries to ensure offending actions have ceased.
2. If the person is not comfortable with a direct confrontation, the complaining employee must immediately notify the supervisor.
3. If the offending party is the employee's supervisor, the complaining employee will have the option to:
 - a. Notify the next level of the employee's supervisory chain.
 - b. Contact another supervisor.
 - c. Contact the Director of Human Resources and Risk Management.
 - d. Contact the Village Manager.
4. Nothing in this section is intended to prevent any aggrieved employee from pursuing any complaint through another appropriate investigative authority or agency.
5. Complaints of harassment, discrimination, or retaliation will be fully investigated.

F. Supervisory and Management Obligations:

1. The Village provides reasonable accommodations to otherwise qualified persons with disabilities as required by the ADA as amended. Supervisory and management employees shall support implementation of reasonable accommodations when approved by Human Resources.
2. The Village does not tolerate harassment in the workplace in any form, including sexual harassment. Any employee found to have engaged in harassment will be subject to prompt disciplinary action, including termination.
3. Supervisory and management employees will continually work to discover and eliminate unreported instances of harassment or discrimination. They will strive to create a non-hostile work environment for all employees.
4. Nothing in this section will be construed to restrict supervisors from their appropriate administration of supervisory duties such as dissemination of counseling, discipline, and duty assignments.

5. All management and supervisory staff are strictly accountable for maintaining a suitable work environment in accordance with this policy and applicable law. Such accountability includes communicating this policy to all their employees.
6. All management and supervisory staff are expected and held accountable to take affirmative measures to prevent, recognize, and correct any instances of discrimination or harassment.
7. Management and supervisory staff will be subject to disciplinary action including termination, for participating in or failing to correct instances of discrimination or harassment or for engaging in retaliation.
8. Management and supervisory staff who receive reports of harassment, discrimination or retaliation, must immediately forward the complaint to Human Resources. If Human Resources is the subject of the complaint, the complaint must be immediately forwarded to the Village Manager.

G. Prohibition Against Retaliation:

The Village will not retaliate against an individual who makes a report of harassment or discrimination under this policy and strictly prohibits any supervisor, manager, or other employee from retaliating against a complainant. Retaliation is a very serious violation of this policy and must also be reported immediately. Any person found to have retaliated against an individual for reporting harassment or discrimination will be subject to appropriate disciplinary procedures, including termination.

H. Sexual Harassment:

1. Sexual harassment consists of unwanted sexual pressure, sexual attention or advances, or conduct initiated by any employee, contractor, or agent of the Village toward any other in the form of verbal abuse or invitation, unwarranted sounds, gestures or innuendos, suggestive correspondence, posters, calendars, photographs or remarks, or any form of unwelcome physical contact or suggestion.
2. It is unlawful and expressly against Village policy for any employee, male or female, to sexually harass another by:
 - a. Making submission to or rejection of unwelcome sexual advances or requests for sexual favors or engaging in other verbal or physical conduct of a sexual nature, a condition of any employee's continued employment, position, promotion or compensation.
 - b. Making submission to or rejection of such conduct the basis for determining employment, position, promotion, or compensation.
 - c. Making submission to or rejection of such conduct the basis for any employment decision affecting the employee.
 - d. Creating an intimidating, hostile, or offensive working environment by such conduct as innuendos and/or suggestive remarks, or physical contact, which an employee reasonably finds offensive.

I. Disciplinary Consequences: Any employee who has discriminated against, harassed, or retaliated against another employee in violation of this policy will be subject to disciplinary action including termination.

J. Report Processing and Investigations:

1. The Director of Human Resources and Risk Management will perform the initial processing of all complaints of discrimination or harassment submitted pursuant to this policy. If the complaint involves the Director of Human Resources and Risk Management, the Village Manager or designee will be responsible.
2. Reports of discrimination or harassment filed with Village supervisors will be forwarded immediately or as expeditiously as reasonably possible to the Director of Human Resources and Risk Management for initial processing. The Village attorney will also immediately receive a copy of any report of discrimination and/or harassment as described in this policy.
3. When the reporting party raises issues of discrimination, harassment, or retaliation, certain immediate preventative measures may be appropriate. For example, a person making a good faith report of harassment may elect an immediate, temporary transfer to a position within the Village at the same pay and benefits, to preclude further contact with the alleged offender during the investigation.
4. Upon receipt of a report of discrimination, harassment, or retaliation, the Director of Human Resources and Risk Management or designee will review the allegations of the report and meet with the Village Manager or designee to determine the appropriate measures to protect the rights of all parties involved.
5. The Director of Human Resources and Risk Management or designee will conduct an investigation. Upon conclusion of the investigation, the complaining employee and the alleged offender will be advised of the outcome.

K. Right to File Charges With State and Federal Agencies:

1. Employees who feel they were discriminated against, retaliated against, or harassed have the right to file charges with federal, state, and/or local agencies.
2. Proceeding under this policy does not preclude filing a charge with an outside agency. Specific time limitations apply to charges filed with outside agencies and proceeding under this internal policy does not stay these limitations, which generally start running from the date of the alleged unlawful act.

ORGANIZATION AND FUNCTION

COMPREHENSIVE PAY AND CLASSIFICATION PLAN

A. Generally

1. A Comprehensive Pay and Classification Plan ("Pay Plan") is established each Fiscal Year to reflect authorized Village employment position classifications and their related salary ranges for all Village employees for the Fiscal Year. The Pay Plan provides a summary of employment benefits offered to employees. The Pay Plan provides the position classifications and pay ranges for all positions to maintain appropriate staffing resources in relation so competitive market conditions and the needs of the annual Village budget/operating structure.
2. Each Fiscal Year, the Pay Plan generally provides for any performance based merit increases for non-union personnel, wage changes for bargaining unit employees pursuant to the negotiated applicable collective bargaining agreements, health and dental insurance premium cost sharing, and any annual pension contributions.

B. Development Of Pay Ranges

The Pay Plan establishes pay ranges (grades) for each classification. Such established salary ranges of pay are determined with due regard to ranges of pay for other classes, relative difficulty and responsibility of positions in the class, prevailing rates of pay for similar positions, and the financial position of the Village and other economic considerations. Base pay is, by definition, the pay level within pay range for each position classification. Base pay may not exceed the maximum pay rate for the position classification. For General (non-bargaining unit) Employees the Pay Plan provides for a pay range, without regard to specific pay level within that range. Adjustments shown to salary ranges for FPE, PBA and IAFF positions are reflected for budgeting purposes and are subject to bargaining. Bargaining unit employees shall receive base wage increases only in accordance with their collective bargaining agreement.

C. Hiring Pay Rates

The minimum rate established for a job class shall be paid upon employment, except that the "New-Hired" rate in amounts above the minimum may be authorized by the Village Manager based on the exceptional qualifications of the appointee or inability to employ adequate personnel at the minimum rate.

D. Merit Increases

All non-bargaining employees of the Village, except as provided elsewhere and specifically excluding Instructor positions, shall be eligible for a merit increase on their employee anniversary date. The anniversary date shall be defined as the employee's entry date into their present position. After the one (1) year period in their present position, employees shall be eligible for a merit increase, as defined herein, and shall be eligible at their annual anniversary date every year from that time forward.

Employees may be granted such merit increase, based upon documented and demonstrated workplace performance as recommended by the employee's Supervisor and Department Director. All merit increases shall be submitted to the Village Manager (or Human Resources Department) for review, consideration and written approval prior to discussion or delivery to the employee.

Merit increases are not automatic. Merit increases are contingent upon receipt of a satisfactory performance evaluation. Employees who are at the maximum or exceed the maximum pay for their classification will not be eligible for a merit increase in their present Pay Plan classification, but may be eligible for a lump sum performance bonus. The Village Manager must review and approve merit increases equal to or greater than 4.5% before implementation. Contractual provisions will govern bargaining unit employee merit increases.

E. Lump Sum Performance Bonus

Employees whose compensation is equal to the maximum annual pay range for their position shall be eligible for the annual performance incentive bonus program. Annual performance review bonuses would be paid lump-sum based upon written recommendation and documentation from the Department Director, subject to written approval of the Village Manager or designee based upon the following performance level categories:

Exceptional
Satisfactory and Above Average
Development Required through Unacceptable

The amount of the lump sum performance bonus, if any, is determined through the budget process each Fiscal Year.

The bonus payment shall not be included in an employee's regular base rate of pay and shall not be carried forward in subsequent years.

F. Merit Increases for Part-Time, Seasonal and School Crossing Guard Employees (excluding Instructors)

1. Part-time employees shall be eligible for a merit increase upon receipt of a satisfactory evaluation. Part-time employees who leave Village employment and are subsequently rehired, are not considered to have continuous service and, as a result, are only eligible for a merit increase annually based upon their rehire date.
2. Seasonal employees are hired to work for a defined period not to exceed twenty-six (26) weeks of any twelve (12) month fiscal year. Seasonal employees who return after working for the entirety of any scheduled season, will be eligible for a two percent (2%) merit increase at the beginning of the upcoming season. Those employees who leave employment prior to the end of the season and are later rehired by the Village will be considered new employees and will not be eligible for a merit increase upon hire.
3. School Crossing Guards are employed for approximately nine and one-half (9 ½) months out of twelve (12) months, following the regular school year calendar on a part-time basis. These individuals are part-time based on a work schedule of ninety (90) minutes per school day and are not provided performance reviews. While the duration of assignment for these individual employees exceed the above definition of "seasonal employee," their employment is of a seasonal nature. Returning part-time School

Crossing Guards will be eligible for a two percent (2%) increase at the beginning of each school year.

G. Promotions, Demotions, Transfers, And Reclassifications

1. In the event of a promotion to a higher pay range (grade), employees will either be placed in the new position's pay range (grade) at a base pay level or will receive an increase of 10% of their current salary, whichever is greater, provided the amount does not exceed the pay range maximum for the new position. Upon the written recommendation of the Department Director and written approval by the Village Manager, employees who are within two (2) months of their existing anniversary / annual review date may receive a merit increase prior to the implementation of their recommended promotion. Bargaining unit employees shall receive promotional increases in accordance with their respective collective bargaining agreement, unless otherwise negotiated.
2. In the event of an involuntary demotion, employees will be placed in the same relative position for the lower position grade as they enjoyed in the previous classification, as long as the pay does not decrease more than 10%. For a voluntary demotion to a lower pay range (grade), employees shall be placed in the lower position grade while having their current pay "frozen" at their current level or the maximum of the lower level position, which may be more than 10% – with future pay adjustments being frozen to "offset" this higher pay level until fully absorbed or until the maximum of the pay range is reached, whichever occurs first..
3. In the event an employee is transferred to a position with the same pay grade, their rate of pay will remain the same. Employees who experienced a lateral transfer during the evaluation period that causes the evaluation date to change (e.g. due to movement to/from a position covered by a collective bargaining unit to/from a non-bargaining position) shall be evaluated on a pro-rata basis during the transition from one evaluation period to the next. Bargaining unit employees shall receive merit increases in accordance with their respective collective bargaining agreement, unless otherwise negotiated.
4. The Village retains the right to evaluate and, if appropriate, make personnel classification changes (reclassifications) when appropriate in support of providing the most cost effective and efficient delivery of services to the residents of the Village

H. Working Temporary Assignment at Higher Pay Grade

General employees who work are authorized and directed by the Village Manager or designee to temporarily work in an established higher pay grade classification shall be paid five percent (5%) above their base pay rate for the period of time worked in the higher pay grade classification. Increases for temporary work assignments that do not conform to established pay grade classifications are handled on a case-by-case basis at the discretion of the Village Manager.

I. Emergency Pay

Employees may be required to work as deemed necessary and shall be compensated in a fair and equitable manner. Employees may be called in to work before, during, and/or immediately after a Village-declared emergency.

Non-Exempt Employee Emergency Duty Compensation

Non-exempt employees who work during a declared state of emergency within the Village shall be paid at a rate of two (2) times their regular rate of pay.

Exempt Employee Administrative Leave Bank

During a Village-declared state of emergency, Exempt Employees who perform work during the declared state of emergency shall receive the corresponding number of hours worked in an Administrative Leave Bank, not to exceed 60 hours.

Administrative Leave Bank hours must be used prior to the end of the next full fiscal year after conclusion of the state of emergency. Any such hours not used by the end of the next full fiscal year after conclusion of the state of emergency shall be forfeited. Administrative Leave Bank hours are not payable upon separation from employment for any reason.

J. Benefit Eligibility

Employees in full-time, budgeted positions [regularly scheduled to work forty (40) or more hours per week] are eligible for participation in the Village's retirement plans, medical and dental insurance, long-term disability insurance, and employer paid life insurance programs according to the requirements of these plans/programs.

Part-time employees who are scheduled to work more than thirty (30) hours per week or in excess of 1,560 hours within the official measurement period will be eligible for medical and dental insurance in compliance with the Affordable Care Act. Part time employees working less than thirty (30) hours per week as well as Seasonal employees are not eligible to participate in such plans or to receive benefits associated with such plans/programs. Part-time employees do not receive any other benefits.

K. Miscellaneous Benefits/Incentives

Pension and Retirement Plans: The Village maintains various retirement and retirement savings programs available based upon plan documents and eligibility requirements for each plan. Employees should contact Human Resources for more information. .

Medical/Dental Insurance: The Village offers medical and dental insurance to its eligible employees and their qualified dependents. Employees should review the information provided during open enrollment each year carefully to determine the most appropriate plan for their personal situation.

Long Term Disability Insurance – Employer-paid coverage for long-term disability shall continue for all full-time employees who become disabled due to an illness or non-work-related injury, unless otherwise negotiated.

Life Insurance – The Village life insurance program for all full-time employees shall continue at a level equivalent to the maximum level allowed by IRS regulations before imputing added employee compensation (\$50,000, or \$25,000 after the age of 70), unless otherwise negotiated.

Sick Leave Incentive Award Program – Regular full-time (non- probationary) general employees who do not use any sick leave within any continuous (6) six-month period are eligible to earn eight hours of vacation leave time as incentive for not using sick leave. Bargaining unit employees shall receive sick leave incentive(s) in accordance with their respective collective bargaining agreement, unless otherwise negotiated.

Sick Leave Pool – A voluntary sick leave pool may be established one time during a 48-month period, rolling backward, on a volunteer basis for a regular, non-probationary, full-time employee who has exhausted or depleted all accrued leave hours (sick, vacation, etc.) on an employee-only FMLA-eligible illness (not applicable to an illness incurred by a family or service member). A Sick Leave Pool whereby an employee is permitted to use up to 240 hours of sick pay as determined by the amount of sick leave time donated by other employees on a Village-wide basis must be initiated in writing by the employee's Department Director and approved by the Village Manager. Available one time during a 48-month rolling backward period for each employee.

Certification Incentive - The certification incentive program will continue to provide certification pay for job related certifications when recommended by the Department Director and approved by the Village Manager. Employees are not eligible for certification pay if they hold or are pursuing certifications or licenses that are required as stated in their current job description. Certification incentive pay will be determined by the budget then in effect.

The maximum number of certifications eligible for the certification incentive will be three (3) per employee. The certification incentive will not be included in the base pay rate, and payment will be prorated based on the standard pay cycle. Employees whose compensation has reached the pay range maximum will be ineligible for certification pay above the pay range maximum. For certification requiring renewal or continuing education, employees must meet the appropriate renewal criteria and provide a copy of the renewed certificate in order to continue receiving the certification incentive pay.

Employee Assistance Program (EAP) - The Village offers an Employee Assistance Program with various counseling and referral services for each employee (part-time and full-time) or qualified dependent.

Flexible Spending Account –Flexible Spending Accounts allow employees to voluntarily set aside tax- deferred compensation for qualified health care and work-related dependent care expenses.

Health Savings Account (HSA) – Health Savings Accounts are interest-bearing accounts. Funds can be used to pay deductibles, coinsurance and any other qualified medical expenses in compliance with IRS 213 requirements. Employees who enroll in the high deductible health plan (HDHP) qualify to fund the HSA with tax-free dollars through a payroll deduction.

APPLICATION, SELECTION AND EMPLOYMENT PROCESS

POLICY

It is the policy of the Village:

- A. To attract and retain the best qualified employees meeting at least the minimum requirements of each position as outlined in the Comprehensive Pay Plan.
- B. To select employees based on suitability for a given position without regard to race, color, creed, religion, sex, age, national origin, sexual orientation, disability, or any other protected category.

FACTORS DETERMINING EMPLOYMENT

In determining the successful candidate for any appointment, the Village Manager shall take into consideration but shall not be limited to, such factors as education, training, experience, aptitude, knowledge, skills, abilities, pre-employment screening results, and references.

AUTHORIZATION

When there is a vacant position or a new position is created the vacancy is posted internally only for the first five (5) calendar days and then externally thereafter if no qualified candidates respond to the internal posting.

Vacancies shall be filled in the following order:

- A. By promotion of an employee employed on a regular basis by the Village who meets the qualifications necessary to adequately perform the duties of the position.
- B. From an appropriate layoff list, if such a list is in existence and the person meets the minimum qualifications for the position and is determined by the Department Director to satisfactorily meet the Factors Determining Employment. Furthermore, a layoff list and layoff procedures will be in accordance with these Personnel Rules and Regulations.
- C. By a person not employed on a regular basis by the Village who meets the minimum qualifications for the position and is determined by the Department Director to satisfactorily meet the Factors Determining Employment.

APPLICATION EVALUATION

All applicant applications are to be reviewed and evaluated. The evaluation process may consist of one or any combination of the following methods: validated testing, ratings of experience and training, evaluation of daily work performance, physical agility tests, work samples, physical examinations for certain positions, interviews, or other acceptable selection techniques. Any method(s) chosen shall evaluate only those criteria necessary to perform adequately in the position. Every applicant must be capable of performing the essential functions of the position with or without a reasonable accommodation.

APPLICATION ACCEPTANCE

Applications will only be accepted for vacant positions and/or positions advertised as currently “accepting applications.” Incomplete and/or illegible applications will not be evaluated or considered. Applications that do not show the minimum qualifications of the position are met will not be considered.

PRE-EMPLOYMENT MEDICAL EXAMINATIONS

Some regular full-time applicants for certain positions are required to complete a medical examination which certifies physical ability to perform the essential functions of the position with or without a reasonable accommodation. Such positions include special risk positions within Public Safety and drivers required to maintain a CDL. Arrangements for all pre-employment medical examinations will be made by the Human Resources Department with a health care provider designated by the Village. Such examinations shall be conducted at Village expense after a conditional offer of employment has been made.

BACKGROUND INVESTIGATIONS

A background investigation of each applicant will be conducted within 30 days of the issuance of a conditional offer of employment. The investigation will include at least the following:

- A. Verification of qualifying credentials and work history.
- B. A review of criminal record and driving history (where required).
- C. Verification of at least two (2) professional and/or personal references.
- D. In some cases, as approved by the Village Manager or designee, background investigations may be conducted on applicants who have passed the initial evaluation stage prior to personal interviews with staff and/or receiving a conditional offer of employment. This measure shall be reserved for cases where it is deemed a more prudent use of Village funds and staff resources.

FRAUDULENT CONDUCT, FALSE OR OMITTED STATEMENTS BY AN APPLICANT

Fraudulent conduct of false or omitted statements by an applicant or by others with the applicant's consent, in any application or interview process, shall be deemed cause for exclusion of the applicant from consideration for the position or termination from Village employment.

TERM OF APPLICANTS

Applications for positions with the Village shall be active and considered by the Village for a term of six (6) months from the date said application is filed. After the expiration of six (6) months, the application, if not renewed, shall be void and shall not be considered by the Village and all records and correspondence pertaining to the application may be disposed of in accordance

with State law.

NON-SELECTION

When possible, applicants who are not selected for positions may be informed in writing. Prompt notification in writing is fundamental to a fair and effective selection process. Whenever possible, applicants should be informed within sixty (60) days of such a decision.

PROCEDURE FOR FILLING VACANCIES

All vacancies shall be filled by the appointment of probationary or temporary employees. The Village Manager shall make all appointments of all Village employees (except for those positions subject to Village Council appointment) subject to these regulations and may delegate the selection of employees to the Department Directors.

PROBATIONARY APPOINTMENTS

A 365-day probationary period shall begin immediately upon appointment of non-bargaining employees. The probationary period for bargaining unit employees is governed by the applicable collective bargaining agreement. A non-bargaining employee shall be retained beyond the end of the probationary period and granted regular status upon successful completion of the probationary period. Probationary periods may be extended in accordance with the “Probationary Periods” section.

TEMPORARY POSTINGS AND APPOINTMENTS

A temporary position is one which is established and approved by the Village Manager and designated to be of shorter duration than six (6) months. No employee may be retained in any temporary position longer than six (6) months. However, the Village Manager may grant extensions due to extenuating circumstances up to an additional six (6) months, not to exceed the established budget.

REGULAR FULL-TIME POSITIONS

A regular full-time position is one which is established in the budget and designated to be continuous in nature.

TRANSFERS

Transfers between departments shall be coordinated by the Department Director involved and approved by the Director of Human Resources and Risk Management and the Village Manager.

SELECTION AND NOTIFICATION

The Village Manager or designee shall notify the candidate selected of the decision in writing. The notification may include the pay rate, general listing of benefits, and work location.

EMPLOYMENT OATH

All applicants who are selected for employment shall take an oath, prior to employment, that he/she will uphold the Constitution of the United States and the State of Florida and the Village Charter and Codes, as required by the Village Charter and the Florida Statutes.

WORK ELIGIBILITY VERIFICATION

The Village is committed to employing only individuals who are authorized to work in the United States and complies with the Immigration Reform and Control Act of 1986. As a condition of employment, each new employee must properly complete, sign, and date the first section of the Immigration and Naturalization Form I-9 at the time the offer of employment is accepted, but no later than the first day of employment. The employee must also provide the supporting documents within three (3) business days of the first day of employment or as otherwise provided by law. Before commencing work, newly rehired employees must also complete the Form I-9 if the employee did not previously do so, if the prior Form I-9 is more than three years old or if the previous Form I-9 is no longer valid. Rehired employees must also complete the Form I-9 upon acceptance of the position and also have three (3) business days to provide supporting documentation. Any employee whose employment eligibility status changes at any time during employment must notify Human Resources immediately.

The Village utilizes E-Verify, which is an Internet-based system that allows an employer, using information reported on an employee's Form I-9, to determine the eligibility of that employee to work in the United States. The Village utilizes E-Verify for all new hires as well as re-hires. New hires must be E-Verified within three (3) business days of beginning employment. If the employee is required to be E-Verified and presents a List B document, the List B document must contain a photograph. The List B photograph is to be compared to the individual during the Form I-9 process. If the employee who is required to be E-Verified chooses to present an Employment Authorization Document (Form I 766), Permanent Resident Card (Form I-551) or U.S. passport/U.S. passport card during the Form I-9 process, the Village must copy such document and keep it with the employee's completed Form I-9. The photo on such document will be compared to a photo displayed by the E-Verify system during the E-Verify process to see if the two photos are reasonably identical.

VETERANS' PREFERENCE

In accordance with federal and state law, the Village provides preferences in employment, retention, and promotion, to eligible veterans and certain family members and spouses of veterans.

The following persons shall be eligible to receive preference in appointment and retention in employment:

- A Veteran who served on active duty in any branch of the U.S. Armed Forces, received an honorable discharge, and has established the present existence of a service-connected disability that is compensable under public laws administered by the Department of Veterans Affairs ("DVA");

- A disabled Veteran who is receiving compensation, disability, retirement benefits, or pension, by reason of public laws administered by the DVA and the U.S. Department of Defense;
- The spouse of a person who has a total disability, permanent in nature, resulting from a service-connected disability and who, because of such disability, cannot qualify for employment;
- The spouse of a person missing in action, captured in the line of duty by a hostile force, or forcibly detained or interned in the line of duty by a foreign government or power;
- Wartime Veterans as defined under Fla. Stat. § 1.01(14) who served at least one (1) day during a wartime period (Please note: active duty training does not qualify under this provision);
- An unremarried widow or widower of a Veteran who died of a service-connected disability;
- The mother, father, legal guardian, or unremarried widow or widower of a member of the U.S. Armed Forces who died in the line of duty under combat-related conditions, as verified by the U.S. Department of Defense;
- Current members of any Reserve component of the U.S. Armed Forces or the Florida National Guard.

When Veteran's preference positions are posted, the Village will provide notice in all announcements and advertisements of vacancies in covered positions that preference in initial appointment will be given to eligible individuals and will inform them of the right to an investigation by the Department of Veteran's Affairs if a non-preference eligible applicant is appointed to a position, the time limits for requesting such investigation, and the address to which the request for an investigation should be sent.

The Village's application for positions covered by the Veteran's preference laws will inquire as to whether the applicant is claiming Veterans' preference.

The Village will maintain records which document the manner of the selection and the propriety of the selection process and decision in accordance with federal and state laws.

Certain positions are not covered by Veteran's preference. Veteran's preference is not provided with respect to positions which are filled by officers elected by popular vote or persons appointed to fill vacancies in such offices, members of boards and commissions, persons employed on a temporary basis without benefits, and positions that require that the employee be a member of The Florida Bar, and positions posted internally only.

Preference in appointment and employment requires that a preferred applicant be given special consideration at each step of the employment selection process, but does not require the employment of a preferred applicant over a non-preferred applicant who is the most qualified applicant for the position. However, the Village reserves the right to waive a postsecondary educational requirement for a position of employment for a current member of any reserve component of the United States Armed Forces or the Florida National Guard or a veteran who has been honorably discharged if the person is otherwise qualified for the position.

Granting of an interview is one example of the type of special consideration which may be given to a preferred applicant. If, at any stage of the hiring process, a preference-eligible Veteran meets minimum qualifications for an open position, then he or she will advance to the next step in the Village's selection process. If, at any step in the selection process, a determination is made that the Veteran is not qualified to advance to a subsequent step in the selection process, such determination will receive a review at a higher level of management having authority to overturn the initial determination, to ensure whether the determination was correct.

The Village has developed and implemented, or will develop and implement, a written veterans' recruitment plan that establishes annual goals for ensuring the full use of veterans in the Village's workforce. Each veterans' recruitment plan must be designed to meet the established goals.

In the event State or local Veterans preference laws and regulations are amended, such applicable amendments will control.

PROBATIONARY PERIODS

OBJECTIVE

The probationary or working test period shall be regarded as an extension of the evaluation process and shall be utilized by supervisors and Department Directors for closely observing the employee's work, and for rejecting any employee whose performance does not meet the required work standards.

DURATION

Every person appointed, promoted or transferred to a regular vacant position shall be required to successfully complete a probationary period. The probationary period is a trial period for management to observe an employee's work and ability to fit within the organization. This period is essential to successful operations and vital to management's ability to successfully staff all areas of the organization. At no time does the use of a probationary or trial period by management guarantee continued employment for any candidate. The probationary period shall begin immediately upon appointment and shall continue for three hundred and sixty-five (365) calendar days unless specifically defined differently by an applicable Collective Bargaining Agreement. Due to extenuating circumstances, the probationary period may be extended or shortened based upon the individual's performance as recommended by Department Directors and approved by the Director of Human Resources and Risk Management.

EVALUATION OF PERFORMANCE

The employee's supervisor informally evaluates the employee's performance and provides feedback throughout the probationary period.

SUCCESSFUL COMPLETION OF PROBATIONARY PERIOD

When an employee's performance merits, at the end of the employee's probationary period, employee's employment will automatically stop being probationary.

EXTENSION OF PROBATION

When deemed necessary by the supervisor the employee's probation may be extended with the appropriate approvals from the Department Director and Director of Human Resources and Risk Management.

- A. Such extensions shall be reserved for cases when minor and correctable deficiencies exist and/or the employee has not yet had enough time to demonstrate a firm grasp of or ability for essential job functions. In such cases the supervisor and Department Director shall request an extension in writing and forward the request to the Director of Human Resources and Risk Management for review and approval/denial.

- B. A copy of the request and Director of Human Resources and Risk Management's decision shall be included in the employee's personnel file. In cases where the requests for extension is approved, the employee shall be notified in writing by the Department Director of:
1. The reasons for the extension
 2. The length of time the probation shall be extended
 3. The areas and means of improvement the employee shall take in order to successfully complete probation.
- C. Whenever possible, requests for extension of probation may be processed no more than thirty (30) days prior to the end of the employee's normal probationary period, and no less than 48 hours prior to the end of the employee's normal probationary period. Extensions may be no more than ninety (90) days in length.

TERMINATION

With the approval of the Village Manager, the Department Director may terminate the probationary employee anytime during the probationary period if in the Department Director's opinion, based on observation during the probationary period, the employee is unable or unwilling to perform the duties of the position satisfactorily or that his/her work habits and dependability do not merit continuance in the position.

HOURS OF WORK AND WORK LOCATIONS

HOURS OF WORK

The scheduled number of work hours per week by department is normally 40 hours; however, weekly hours for specific job classifications may vary as determined in accordance with each department's needs and operations. The individual Department Director establishes the work start times and stop times.

WORK WEEK

The workweek for payroll purposes is Monday to Sunday and is used for calculating overtime. Bargaining unit employees may operate on a work period for such purposes in accordance with the applicable collective bargaining agreement.

PAYMENT OF WAGES

Employees are paid on a regular pay date in accordance with the Village's payroll schedule. The Village is required by law to make mandatory deductions from earnings. Amounts withheld may vary according to how much the employee earns, marital status, government employment regulations, and other factors. Mandatory withholdings include Medicare and social security, and any other taxes or deductions required to be withheld by state and/or federal law. In addition to mandatory payroll deductions, the Village is required by law to comply with certain court orders, liens, or wage assignments and to make payroll deductions pursuant to those orders.

ERRORS IN PAY

Precautions are taken to ensure that employees are paid correctly. If an error does occur in timekeeping, overtime, pay deductions or any other compensation issue, the employee must notify Finance in writing immediately, but no later than five (5) business days from receipt of the payment in question, to make appropriate pay adjustments on the forthcoming payroll. Finance will respond to the employee within five (5) business days of receipt of the employee's notification to advise of the outcome or of the need for additional time to further research the issue and provide the outcome.

MEAL BREAKS

Bona fide meal breaks shall begin and end at the employee's assigned work area or other appropriate location. Department Directors are responsible for scheduling meal breaks that do not interfere with work requirements. The regular meal break shall not be part of the compensated workday and employees shall not engage in work activities during the designated meal break, except for Fire and Police Department employees covered by a collective bargaining agreement that provides otherwise.

OVERTIME

No employee may work overtime without prior written approval by their supervisor and Department Director. Failure to obtain this written authorization will result in disciplinary action, up to and including termination of employment.

SCHEDULING

Department Directors are responsible for scheduling the work in their departments in order to minimize overtime. All overtime designated by the department supervisor or Department Director is approved overtime within budgetary limitations. Due to shift work and public safety responsibilities, the Fire and Police Departments shall be authorized overtime by the Fire and Police Chiefs on a non-emergency basis within budgetary limitations.

NON-EXEMPT EMPLOYEES

Unless otherwise specified in the applicable collective bargaining agreement, overtime is paid to non-exempt employees at one and one-half (1½) times the hourly rate for all hours worked in excess of forty (40) hours per week.

Vacation leave and holidays shall count as hours worked for the purpose of computing overtime, except when such leave is used concurrently with FMLA. Sick leave, workers' compensation leave, or other leave paid through third party benefits shall not count as time worked when computing overtime.

Non-Exempt employees are prohibited from working "off the clock" and must report all time worked. Supervisors and managers are prohibited from allowing employees to work "off the clock." It is a serious violation of Village policy to falsify or alter actual the time worked by an employee.

SALARIED (EXEMPT) EMPLOYEES

Exempt employees are paid a salary that is designed to cover all hours worked in any given workweek, including those hours worked in excess of forty (40) hours. Salaried employees are not authorized overtime compensation because the predetermined salary covers all hours worked. The salary is a predetermined amount that is not subject to deductions for variations in the quantity or quality of work performed, subject to certain statutory exceptions. For example, an exempt employee's salary can be reduced for the following reasons in a workweek in which work was performed:

- Full day absences for personal reasons, including vacation.
- Full day absences for sickness or disability.
- Full day disciplinary suspensions for infractions of safety rules of major significance (including those that could cause serious harm to others).
- Family and Medical Leave absences (either full or partial day absences).

- Unpaid disciplinary suspensions of one or more full days for significant infractions of major workplace conduct rules set forth in written policies.
- The first or last week of employment in the event an employee works less than a full week.
- The employee's portion of health, dental or life insurance premiums (if any); state, federal or local taxes, social security, Medicare; or, voluntary contributions to a retirement plan.

REMOTE WORK

The Village has found that in-person interactions contribute in important ways to collaboration, congenial working relationships, and efficiency. Village employees who are assigned to the Village offices or facilities are expected to be present at their assigned work location during customary business hours and to perform the substantial majority of their work on site during those hours. However, temporary remote work arrangements can be beneficial to maintain ongoing operations and may be directed and assigned by the Department Director and Human Resources from time to time. Remote work arrangements are not intended as a substitute for child care or other family care obligations and employees must arrange for other care during work hours. Employees are expected to devote their full attention to their duties while working remotely, as well as a willingness and ability to report back to the assigned facility within ninety (90) minutes from notification.

Remote work is not suitable for all employees in all positions. Remote work may be approved by the Department Director and the Director of Human Resources and Risk Management provided that the business and operational needs of the organization are met and there are no adverse effects on levels of service or security of systems or information. Remote work may be revoked at any time without prior notice. Remote work is a management prerogative, not an employee benefit, and it in no way changes the terms or conditions of employment.

Approved remote work may be informal and on a short-term basis, for completion of a specific project, utilized during emergency events, or implemented in situations as approved and designated by Village management, with input from the IT Department on feasibility and functionality.

Remote work arrangements are generally not provided to employees who have substandard performance ratings, who have any form of performance improvement plan pending, who have received disciplinary action within the last six (6) months, who have a history of tardiness or excessive/unplanned absences, who are within the Probationary Period, whose position duties are not effective or efficient in a remote environment, or who have demonstrated an inability to effectively and efficiently perform the job functions without onsite supervision.

Requests are considered on a case-by-case basis and is not guaranteed. If granted, the remote worker must abide by the following:

- a. Must be accessible during their regularly scheduled hours to communicate with supervisors, co-workers, and other business contacts by phone and to monitor and respond to e-mail with response times similar to on-site response times;

- b. Must be available to report to the office worksite within ninety (90) minutes during regular working hours at the request of a Supervisor or other management official at any time determined by the supervisor or management.
- c. Must attend all meetings and training as required.
- d. Make arrangements for childcare or elder/illness care during the regularly scheduled work hours. Remote work is not a substitute for child or dependent care.
- e. Must not alter or flex their schedule without advance written approval by the immediate supervisor.
- f. Restricted access materials cannot be taken out of the office or accessed through the computer unless approved in advance by a Department Director. All privacy policies must be adhered to when engaging in remote work.
- g. Employees shall **not** conduct face-to-face business at their home offices, excluding video conferencing.
- h. Must abide by any and all technology policies to ensure the security of the Village's systems and data.
- i. All equipment for remote work must be approved in advance by the Department Director and the IT Director. Employees are required to use the Village issued laptop, but may supply some of their own equipment, depending upon the nature of the assignment. The Village will not be responsible for any wear and tear, repairs, or damage incurred for personal equipment used in the course of business.
 - 1. Village equipment in the home office may not be used by anyone other than a Village employee.
 - 2. For security purposes, access to the Village's computer network (other than e-mail) is restricted to Village-approved equipment and must be used in accordance with IT policies.
 - 3. All procedures and guidelines in force for in-office hardware and software usage and security apply to the home office.
 - 4. For performance purposes, the use of high-speed or broadband internet access is strongly recommended when accessing Village networks through VPN software.
 - 5. The IT Department does not provide in-home setup and will only repair or troubleshoot systems as related to connectivity and Village-owned software. The Village will not repair hardware on personal equipment.
- j. If equipment or connectivity is temporarily unavailable, the employee must report to the office until the situation is corrected or can continue to work productively without access to these resources.
- k. Failure to comply with the Personnel Rules and Regulations, instructions and guidelines governing remote work may result in immediate cessation of the approval for remote work.
- l. All policies and procedures that apply during working hours and while on the work site also apply at any time while working for, or representing the Village, including when engaging in remote work.
- m. Employees must set up a remote work area that is free from distractions, interruptions, excessive noise, or safety concerns.
- n. The employee's remote office workspace should be free from trip hazards, electrical hazards, and all other hazards that pose a direct threat to the health and safety of the employee.

Employees on an approved remote work schedule will be compensated for all pay, leave, holidays, overtime, and travel entitlement as if duties were performed on site. No reimbursement will be made for travel between the remote and office worksite. Overtime will be paid in accordance with FLSA. All overtime hours must be included in the time keeping system and approved in advance. Any changes to work days or work hours or requests for time off must be approved in advance by the employee's supervisor. The Village retains the right to make periodic changes or adjustments (permanent or temporary) to work hours as dictated by business needs and remote workers may be called to the office site for meetings, assignments, or special projects at the discretion of the Supervisor at any time and for any reason.

The Village will not be responsible for any costs associated with the initial setup or upkeep of a remote home office unless approved. The home work space must be free of safety and fire hazards. The Village is not responsible for injury to family members, visitors, or others in the remote worker's home.

INSPECTOR GENERAL REPORTING POLICIES AND PROCEDURES

PURPOSE AND SCOPE

The Palm Beach County Inspector General Ordinance contains certain provisions regarding the reporting of specified acts or omissions to the Office of the Inspector General ("OIG"). The Ordinance requires the Village Manager to report specified acts or omissions and designates the Inspector General as "an appropriate local official" for the purposes of whistleblower reporting and protection under Florida law. The Ordinance further makes it a crime for any person to attempt to retaliate, punish, harass or penalize anyone for communicating with or cooperating with the Inspector General. This policy explains the procedures by which Village employees may report possible wrongdoing to the OIG.

AUTHORITY

Palm Beach County Inspector General Ordinance (as codified in Article XII of Chapter 2 of the Palm Beach County Code of Ordinances).

REPORTING GENERALLY

Village employees shall promptly notify the OIG and/or their Department Director of possible:

- Mismanagement of a contract (misuse or loss exceeding \$5,000 in public funds);
- Fraud;
- Theft; or
- Bribery.

If the matter appears to involve a Department Director, an employee may promptly make his or her report directly to the Village Manager. Any employee may make his or her report to either the OIG or members of Village Administration orally or in writing. If a Department Director receives such a report, or otherwise becomes aware of such a situation, the Department Director shall promptly report the situation to the Village Manager, who shall forward the report to the OIG.

In addition to the foregoing, an employee may directly report to the OIG any other conduct which may fall within the Inspector General's jurisdiction.

WHISTLEBLOWER ALLEGATIONS

In accordance with the Palm Beach County Inspector General Ordinance and Florida law, if a Village employee reports any of the following directly and in writing to the OIG, he or she may be granted "whistleblower protection" by the OIG:

Any violation or suspected violation of any federal, state or local law, rule or regulation committed by an employee or agent of the Village or an independent contractor which creates and presents a substantial and specific danger to the public health, safety or welfare.

Any act or suspected act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, suspected or actual Medicaid fraud or abuse, or gross neglect of duty committed by an employee or agent of the Village or an independent contractor.

Note: Reporting a matter to the OIG does not guarantee the employee "whistleblower protection" and this determination will be made by the OIG only after its evaluation of the complaint.

METHODS OF REPORTING TO OIG

The OIG reporting form can be found at: <http://www.pbcgov.com/OIG/rwfa.htm>. A Village employee may file a report with the OIG by:

- E-mail: (inspector@pbcgov.com);
- Fax (561-233-2375);
- Mail (P.O. Box 16568, West Palm Beach, FL 33416);
- Telephone (877-283-7068 or 561-233-2350); or
- In person (100 Australian Ave., 4th Floor, West Palm Beach, FL).

UPDATES

Future updates will be the responsibility of the Village Manager in coordination with the OIG.

LEAVES OF ABSENCE

FAMILY AND MEDICAL LEAVE POLICY (FMLA)

INTRODUCTION

It is the policy of the Village to provide eligible employees leave in accordance with the Family Medical Leave Act of 1993, as amended from time to time. The Village prohibits the discrimination or retaliation against any individual(s) with regard to access to family and medical leave, or interference with requested leave, under this Policy. The Village will similarly not retaliate against an employee who opposes a practice made unlawful by the FMLA or being involved in any proceeding under or related to the FMLA. Employees may file a complaint with the U.S. Department of Labor or a private lawsuit to enforce their rights. Nothing in this policy or the FMLA prohibits the Village from providing greater family or medical leave rights or benefits.

PURPOSE

The purpose of the Family and Medical Leave Policy is to provide eligible employees up to 12 weeks, or 26 workweeks in the case of service-member family leave, of unpaid family, medical, or exigency leave during a 12-month period.

MEASUREMENT OF 12 MONTH PERIOD

The 12-month period is measured backward from the date an employee uses any FMLA leave for all types of leave except to measure the 26 weeks available to care for a covered service-member. The 12-month period to calculate the 26 weeks available to care for a covered service-member is measured forward from the first date the employee uses leave for this reason.

Notice:

Employees must provide the Human Resources Department with no less than thirty (30) days' notice of their intent to take FMLA leave when the leave is foreseeable. If such leave is unforeseeable, the employee shall provide notice as soon as possible after the employee learns of the need for the leave. Employees on approved family leave, medical leave, exigency leave, or service member leave under this policy, with or without pay, must make at least monthly contact with the Human Resources Department during their absence. Family Medical Leave under this policy runs concurrently with all other paid or unpaid leaves of absence.

Eligibility:

To be eligible for FMLA leave, exigency leave, or service member leave, an employee must have been employed by the Village for at least twelve (12) months and must have worked for at least 1,250 hours during the previous twelve (12)-month period. Employees must also work at a site with 50 or more Village employees or where 50 or more Village employees are located within 75 miles of the worksite.

In addition to the foregoing eligibility requirements, the employee must also show that the reason for the leave falls into one of the following categories:

1. For the birth of a son or daughter, and to care for the newborn child;
2. For the placement of a child with the employee for adoption or foster care, and to care for the newly placed child;
3. To care for an immediate family member (spouse, child, or parent) with a serious health condition;
4. When the employee is unable to work because of a serious health condition;
5. To care for an injured or ill covered service member or covered veteran. The employee must be the family member or the next of kin (nearest blood relative) of the covered service member or covered veteran; and
6. To address any qualifying exigency arising out of the fact that a spouse, child, or parent who is also a military member in the National Guard or Reserves or a regular component of the Armed Forces when the military member is on covered active duty or called to covered active duty status and deployed to a foreign country.

Medical Certifications:

The employee shall provide the Human Resources Department with complete and sufficient certification of the need for leave from the health care provider of the employee, family member, or covered service or military member within fifteen (15) days of notification of the need for leave.

The employee will be required to submit a recertification in certain circumstances. Employees bear the entire cost of obtaining all certifications required by the Village.

The Village may require, at its own expense that the employee obtain the opinion of a second health care provider designated or approved by the Village.

Employees failing to provide complete and sufficient certifications as required, and after any opportunity to correct, may be denied the taking of FMLA leave. Failure to provide any certification may result in denial of leave under the FMLA policy. Employees who fail to provide requested documentation of the reason for an absence from work may be subject to disciplinary action up to, and including, termination.

Intermittent or Reduced Work Week Leave

Leave can be taken intermittently or on a reduced work schedule when medically necessary for a serious health condition or as a result of a qualifying exigency. However, the employee must provide a certification from the health care provider stating that the employee's reduced work schedule is medically necessary and the expected duration and schedule of the intermittent leave or reduced work schedule when intermittent leave is medically necessary.

If an employee requests intermittent leave or leave on a reduced work schedule that is foreseeable based on a planned medical treatment, the employee:

1. May be required to transfer temporarily to an available alternative position (for which the employee is qualified) which has an equivalent pay and benefits and which better accommodates recurring periods of leave than the regular position of the employee.
2. Must make reasonable efforts to schedule the treatment so as not to unduly disrupt operations.

Health Insurance during FMLA Leave:

During approved FMLA leave, the Village is required to maintain group health insurance benefits. Maintenance of such group health insurance requires that the employee continue to contribute his or her normal portion of the insurance premiums to the Village at the same time payroll deductions would normally be made in order to maintain insurance coverage. If the employee's payment is more than 30 days late, the Village may discontinue health insurance coverage upon notice to the employee. To the extent an employee's FMLA leave is paid through available accrued leave balances, the employee's portion of premiums will be collected through payroll deductions. For details on continuation of health insurance benefits, please contact the Human Resources Department.

Return from FMLA:

Employees returning from FMLA leave are required to submit a fitness for duty certification from their healthcare provider prior to returning to work demonstrating the employee can perform the essential functions of the job. Failure to provide that certification may delay the employee's reinstatement.

After the beginning of the leave, an employee may discover that circumstances have changed and the amount of leave time originally anticipated is either reduced or needs to be extended. In foreseeable circumstances where it is necessary to change leave time, the employee is required to give the Village notice within two (2) business days.

An employee who accepts other employment during FMLA leave, or who fails to return to work on the next regularly scheduled work day following the expiration of the leave, or who does not accept a position offered by the Village when returning from leave, will be separated from their employment. Employees are prohibited from performing any work during FMLA leave, for the Village or any other entity or individual, and may be terminated immediately upon discovery of same.

Employees who give notice to the Village that they do not intend to return to work upon conclusion of FMLA leave will be considered to have voluntarily resigned.

Nursing Mother Breaks:

The Village will provide a reasonable break time for an employee to express breast milk for her nursing child for one (1) year after the child's birth each time the employee has need to express the milk. The Village will provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk.

Concurrent Paid and Other Leave:

The Village requires that employees use their accrued paid leave, such as sick or vacation leave, concurrently with their FMLA leave. Similarly, other leave occasioned by, for example, workers' compensation injury or disability will run concurrently with any FMLA entitlement.

Questions on Family and Medical Leave can be directed to the Director of Human Resources and Risk Management.

In the event the requirements under the Family and Medical Leave Act are amended, such requirements shall control.

FORMS FOR THE FAMILY AND MEDICAL LEAVE

The forms for Family and Medical Leave are to be used in application and other various actions for the Family and Medical Leave Policy and are available in Human Resources.

Other Leave Policies: The Village may, from time to time, add to, subtract, or modify these leave policies with additional information/requirements/policies with or without notice.

VACATION LEAVE

A. General:

1. Unless otherwise specified in an applicable collective bargaining agreement, the Department Director determines and schedules the vacation period of each employee eligible for a vacation. Consideration is given where possible to the preference of the employee as to the time of his or her vacation.
2. No one shall take a vacation of such length as to jeopardize the effectiveness of the duties of that position. The Department Director and/or the Village Manager shall determine, based on the conditions specific to the period sought for the vacation, whether or not the length of the vacation is appropriate. If the Department Director deems the vacation to be inappropriate, the vacation length may be limited.

B. Eligibility Requirements:

1. Vacation days accrue, but may not be taken, during the first ninety (90) days of the employee's probationary period. All full-time non-probationary, non-bargaining personnel who have completed the first ninety (90) days of their probationary period may take vacation with pay in accordance with the following accrual schedule:
 - a. 0-59 months = 80 hours
 - b. 60-119 months = 120 hours
 - c. 120 and over = 160 hours

Bargaining unit personnel shall accrue and be eligible for usage in accordance with the applicable collective bargaining agreement.

2. In the event a paid holiday should occur during an employee's vacation period, the employee's vacation time shall not be credited against the paid holiday.
3. Vacation time shall be credited and reported per pay period to indicate hours accrued, less hours taken, reflecting net vacation hours available per pay period.
4. Vacation schedules shall be approved by the Department Director.
5. The maximum number of vacation days an employee may accrue is the unused days accrued during the employee's previous two year period.
6. Any employee, who voluntarily terminates, retires or dies while employed by the Village shall receive payment equal to 100% of the accrued and unused days of vacation accrued during the two-year period prior to termination, retirement, or death. If employment is terminated by death, the estate of the employee shall receive payment for the earned vacation time. However, in the Village's sole discretion, payment may be made directly to the spouse, or if no spouse, to the child(ren) over 18 years of age, or if no children, to the employee's father or mother in accordance with Florida Statute 222.15, as amended from time to time. Any employee who fails to complete the probationary period, is terminated for cause, or fails to give appropriate notice of resignation, shall forfeit and not be eligible for payment of accrued and unused vacation time. Exceptions may be made for employees unable to provide full notice of resignation as recommended in writing by the Department Director and approved by the Village Manager.

C. Unused Vacation Reimbursement:

1. Purpose: The purpose of the annual vacation leave reimbursement program is to establish guidelines and criteria by which eligible employees may submit to the Village a reimbursement request for certain levels of unused vacation.
2. Criteria:
 - a. In accordance with Section B(1) above, regular full-time employees can earn up to a certain number of hours based on their length of service with the Village for purposes of vacation. In accordance with Section B(5), the employee cannot accrue more than two years' worth of vacation time.
 - b. When an employee uses eighty (80) hours of vacation time in the same year for which she/he requests reimbursement, she/he will have achieved the minimum threshold base for the reimbursement program.
 - c. Once the employee has used the minimum threshold base, the employee will be eligible for reimbursement by the Village of any unused vacation hours.

d. Reimbursement by the Village will be on a 100% (dollar for dollar basis) whereby for every unused vacation hour above the eighty (80) hours, the employee will be reimbursed at his current hourly rate for each hour of unused vacation time.

e. The reimbursement will be voluntary at the written request of the employee. The employee can only submit a written request during the month of October, immediately following the fiscal year for which his request is made. The Village will be obligated to reimburse the employee for the annual vacation leave reimbursement request no later than the November 30 following the fiscal year for which the request is made. Where an employee voluntarily terminates, retires or dies after the reimbursement request has been made, but prior to payment of the reimbursement, any payout to the employee shall be payable in accordance with Section B(6) and not based on the unpaid reimbursement request. Employees who are involuntarily terminated after the reimbursement request has been made, but prior to payment of the reimbursement, shall not be paid the reimbursement and are not eligible for payment under Section B(6).

f. Once the employee has received reimbursement for the unused vacation time above the minimum threshold base, the employee no longer possesses those unused vacation hours thus losing them due to the reimbursement. Any time an employee's overall usage of vacation time drops below the minimum 80-hour usage requirement, they become ineligible for reimbursement until such time as they achieve the required usage.

g. The Human Resources Department will be responsible for establishing a reimbursement form. The Finance Department is responsible for accounting for the base vacation hours and other data necessary to financially administer this program.

h. The employee will be required to sign a certification/affidavit confirming that the reimbursement for the annual vacation leave hours is final and will not be subject to the grievance process.

i. The employee will be reimbursed at the hourly rate earned as of September 30 for the fiscal year for which application was made.

PERSONAL LEAVE WITHOUT PAY

The Village Manager may authorize employees in regular full-time positions to be absent without pay for a period not to exceed ninety (90) days.

- A. Leave requests must first have the approval of the affected Department Director.
- B. These types of leaves shall be for candidacy for elected office, voluntary military service, education or training that will benefit the Village, leave to recover from the employee's own serious health condition after FMLA has been exhausted, or other substantial reason. The Village Manager shall have the sole discretion to approve, or not approve, unpaid leave for any other reason.

- C. Employment shall be automatically terminated at the end of approved leave if the employee does not return to work.
- D. Employees shall request such leaves in advance of the date so desired. The best interest of the Village shall be the primary consideration in granting a personal leave without pay.
- E. Should an employee be granted a personal leave without pay, health insurance and/or other fringe benefits may be continued at the employee's own expense during said unpaid leave.
- F. During an unpaid Personal Leave of one month or longer, employees do not continue to accrue seniority, vacation leave, sick leave, or holidays.

WORKERS' COMPENSATION LEAVE

An employee who sustains a compensable workplace injury may be eligible to receive certain benefits depending on the nature of the injury. Such benefits may include full wages for the first forty (40) hours following injury, replacement of a percentage of weekly wages, permanent impairment benefits, medical treatment and medication, and reemployment services. In certain circumstances, employees may also be released and eligible for "light duty" work that may be assigned by Human Resources in any department at the Village. Additional information and guidance regarding the procedure associated with workers' compensation should be obtained from Human Resources.

HOLIDAYS

- A. The following calendar days and other days as designated by the Village Council are deemed holidays with time off with full pay to all full-time employees in regular positions. If the holiday falls on a Saturday, the previous Friday shall be designated as the official holiday; and if the holiday falls on a Sunday, the following Monday shall be designated as the official holiday. All official holidays shall be considered to commence at the beginning of the first shift on the day on which the holiday is observed and continue for twenty-four (24) hours thereafter.

New Year's Day
 Martin Luther King Day
 Presidents Day
 Memorial Day
 Juneteenth
 Independence Day

Labor Day
 Veterans' Day
 Thanksgiving Day
 Friday after Thanksgiving
 Christmas Eve Day
 Christmas Day

- B. Regular full-time employees shall receive pay for official holidays at their normal rate of pay; provided they are in pay status the last regular shift to which they would have been assigned prior to the holiday and the first regular shift to which they would have been assigned following the holiday.

- C. An employee who does not work their full scheduled day before and after a holiday will not be paid holiday pay for that holiday. Pre-scheduled vacation or pre-scheduled sick leave for medical reasons/tests or scheduled treatments the day before and after a holiday are treated as days worked and does not jeopardize the holiday pay.

SICK LEAVE

- A. The basic sick leave policy of the Village shall be to earn eight (8) hours of sick leave for each month of employment.
- B. All regular full-time employees are eligible to earn eight (8) hours of sick leave per month of employment. All regular full-time employees who work less than a full month due to separation during the month or leave of absence without pay shall not earn sick leave credits for that month. Non-bargaining, employees accrue and may use sick leave during their first 90 days of the probationary period. Bargaining unit personnel shall accrue and be eligible for usage in accordance with the applicable collective bargaining agreement.
- C. Employees taking sick leave shall be compensated at their straight time hourly rate of pay for the time off work. Sick leave shall continue to accrue during periods of authorized absence on which the employee is in active pay status. "Active pay status" means an employee is receiving pay directly from the Village based upon actual hours worked, vacation leave, sick leave, or holiday pay; it does not include pay from third party payors such as workers' compensation, long-term disability plans, or other sources. An employee may accrue an unlimited number of sick days for use in the event of illness. However, an employee terminated shall not be entitled to receive an accumulated sick leave payout. Regular non-probationary employees shall receive, upon voluntary resignation, retirement or death, while in the service of the Village, a sick leave payment of fifty percent (50%) of the unused, accrued sick leave days, not to exceed 240 total hours paid out.
- D. Uses of sick leave shall not be authorized prior to the time it is earned and credited to the employee and shall only be used with the approval of the Department Director for the following reasons:
 - 1. Employee's personal illness.
 - 2. Medical or health treatment which is necessary during working hours.
 - 3. Quarantine due to exposure to contagious disease.
 - 4. In connection with workers' compensation
 - 5. Pregnancy and maternity of employee.
 - 6. When required to personally attend to an immediate family member who is seriously ill. For purposes of this provision, immediate family member is defined as parent, child, sibling, spouse, domestic partner, parent-in-law, son-in-law, daughter-in-law, sibling-in-law, step-parent, step-child, step-sibling, half-sibling, grandchild or grandparent. Additionally, in the Village's sole discretion, the Department Director, Director of Human Resources and Risk Management, or the Village Manager may require medical certification regarding the necessity for the

employee's absence.

7. Any qualifying FMLA reason.

E. In situations where a foreseeable absence due to a qualifying sick leave reason arises, the employee must provide no less than 30 days written notice to the Department Director or to Human Resources. An employee who is unexpectedly incapacitated and unable to work shall notify the Department Director no later than one (1) hour before the scheduled reporting time, or before the start of the scheduled shift for bargaining unit employees, giving reason for absence and expected period of absence. This procedure shall be followed for each day the employee is unable to work unless prior approval is given by the Department Director or for approved FMLA absences. The Department Director, along with Human Resources, shall determine to their satisfaction that an employee was actually too ill to work. Also, the Department Director:

1. Shall investigate suspected abuse of sick leave privileges.
2. After three (3) consecutive workdays of absence, may require a medical certification of the employee's illness before authorization of any additional sick leave by the employee. Additionally, a Department Director may require that an employee provide a medical certification of the employee's illness where in the sole discretion of the Department Director, Village Manager, or Human Resources it appears the employee is abusing sick leave.
3. After three (3) consecutive workdays of absence, or where it appears the absence is due to a reason qualifying for FMLA regardless of the length of the absence, the Department Director must notify Human Resources that the employee may have an absence giving rise to qualification under the FMLA policy. Human Resources shall provide the employee with the FMLA Eligibility and Notice of Rights within 5 business days.
4. If a medical certification furnished by the employee is questionable, the Village may require the employee to submit to a medical examination which shall be paid for by the Village. Based on this medical examination, the Department Director shall:
 - a. not approve further use of sick leave if the employee is evaluated as fit for work.
 - b. allow the employee to use accrued sick leave until all sick leave has been used or until the employee is able to return to work (whichever occurs first) if the employee is evaluated as unfit for work.
5. Regardless of the underlying reason for the use of sick leave, if an employee is out on sick leave for three (3) consecutive days, the Village may require the employee to furnish a return to work note/clearance from the employee's treating medical professional.
6. An employee who, upon the request by the Department Director, refuses to comply with these rules shall not be eligible to use accrued sick leave.
7. Abuse of sick leave privileges or a false claim for sick leave shall be considered sufficient cause for termination. Abuse of sick leave shall include, but not be limited to, an employee taking sick leave as it is earned, establishing a pattern of taking certain days off without any medical basis, or requesting sick leave

after other leave of absence requests have been denied. Abuse of sick leave may also be demonstrated by an employee's failure to maintain an adequate sick leave balance, as determined in the Village's sole discretion. The employee must ensure that sufficient sick leave is available before requesting or taking time off under the sick leave policy. The Village Manager may require review of any suspected abuse situation and take appropriate disciplinary action should abuse be confirmed.

8. Should a holiday occur during an employee's sickness, the sick day shall be charged as a holiday, except for circumstances described in the Holiday Leave policy.
9. Probationary employees who separate from the Village for any reason shall forfeit all unused sick leave credits.
10. Sick leave payment for deceased employees shall be remitted to the estate of the deceased. However, in the Village's sole discretion, payment may be made directly to the spouse, or if no spouse, to the child(ren) over 18 years of age, or if no children, to the employee's father or mother in accordance with Florida Statute 222.15, as amended from time to time.
11. A sick leave pool may be established one time during a 48-month period, rolling backward, on a volunteer basis to allow non-probationary, regular full-time employees who have used up all their sick leave and vacation leave due to a FMLA eligible illness of their own to draw, or use, up to 240 hours of sick pay subject to the recommendation of the respective Department Director and the approval of Village Manager. The availability of "usable hours" in the pool is determined by the sick leave time donated by other employees.
12. Regular full-time (non-probationary) general employees who do not use any sick leave within any continuous (6) six-month period are eligible to earn eight (8) hours vacation leave time as incentive for not using sick leave. Bargaining unit employees shall receive sick leave incentives in accordance with their respective collective bargaining agreement, unless otherwise negotiated.

SICK LEAVE REIMBURSEMENT

1. Purpose: The purpose of the annual sick leave reimbursement policy is to establish guidelines and criteria by which eligible employees may submit to the Village a reimbursement request for certain levels of accrued and unused sick leave.
2. Criteria
 - a. In accordance with the Section "Sick Leave", an employee can earn eight hours of sick leave for each month of employment. This is referred to as sick leave hours. In the defining and implementation of this policy, all remaining aspects of the Section "Sick Leave" remain in effect and take priority over this reimbursement policy.

- b. When an employee accumulates four (4) years' worth of sick leave (i.e. 384 hours), they will have achieved the minimum threshold base making them eligible for reimbursement.
- c. Once the employee has reached the base, all hours accumulated above the base are eligible for reimbursement by the Village.
- d. Reimbursement by the Village will be on a 50% basis whereby for every sick leave hour above the base held by the employee the Village will reimburse one-half of that amount based on the employee's hourly wage rate.
- e. The reimbursement will be strictly voluntary at the request of the employee. The employee can only submit a request once per year during the month of May. The Village will be obligated to reimburse the employee for its sick leave hours request no later than November 30 of each year. Where an employee is separated from employment for any reason after the reimbursement request has been made, but prior to payment of the reimbursement, any payout to the employee shall be payable in accordance with Sick Leave Section C, E, or subsection (g) below as applicable, and not based on the unpaid reimbursement request.
- f. Once the employee has received reimbursement for the hours above the base, the employee no longer possesses those sick leave hours, thus losing them due to the reimbursement of the hours. The base is not applicable to an employee contributing to a Sick Leave Pool. If the employee contributes sick leave hours to a pool, or uses sick leave hours for illness which results in their overall total hours of sick leave dropping below the base, they simply have to earn sick leave hours back until they meet the base to be eligible for reimbursement.
- g. In the event an employee retires, dies, or voluntarily terminates from the employment of the Village, the employee shall receive payment for unused sick leave time equal to fifty percent (50%) of the unused accrued sick leave time, not to exceed 240 total hours paid out. Payment for deceased employees shall be remitted to the estate of the deceased. However, in the Village's sole discretion, payment may be made directly to the spouse, or if no spouse, to the child(ren) over 18 years of age, or if no children, to the employee's father or mother in accordance with Florida Statute 222.15, as amended from time to time.

3. Application

- a. The Human Resources Department will be responsible for establishing a reimbursement form. The Finance Department is responsible for accounting for the base and other data necessary to financially administer this program in accordance with applicable wage and hour laws.

- b. The employee will be required to sign a certificate/affidavit confirming that the reimbursement for the sick leave hours is final and will not be subject to the grievance process.

BEREAVEMENT LEAVE

Regular full-time employees are entitled to two (2) leaves, a maximum of three (3) days of leave with pay for each instance, in any one annual period (based on a rolling 12-month period from the employee's last use of bereavement leave) for a death in the family which is defined as: spouse, domestic partner, father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, step-father, step-mother, step-son, stepdaughter, step-brother, step-sister, half-brother, half-sister, grandchild or grandparent. To qualify for such leave, employees must provide the Human Resources Department with written documentation that includes the name of the deceased, relationship to the employee and date of death as well as a copy of an obituary notice, memorial service pamphlet, funeral home announcement, etc.

JURY DUTY AND OTHER LEGAL DUTIES

- A. Employees who are summoned to jury duty by a court of competent jurisdiction will be granted time off with pay. Any employee who is released from jury duty and has more than half a normally scheduled workday remaining, shall report to work as soon after release as possible.
- B. Job Related: Employees shall be granted leave with pay for appearance before a court, legislative committee or other body as a witness in a proceeding involving the federal government, State of Florida, or a political subdivision thereof in response to a subpoena or direction by a proper authority if such attendance is in connection with the employee's official duties at the Village. Such leave shall be approved by Human Resources.
- C. Non-Job Related: Employees may use accrued and unused vacation leave when subpoenaed to Court or deposition for any reason unrelated to their employment with the Village including, for example, divorce proceedings, custody suits, inheritance suits, bankruptcy, traffic violations, etc. If the employee does not have any vacation leave, such leave of absence shall be without pay, if approved by Human Resources.

MEETINGS, CONFERENCES, OR CONVENTIONS

Regular full-time employees may attend conferences, conventions, training programs or other meetings if such attendance is in connection with the employee's official duties. In all cases the best interest of the Village shall prevail in granting time off from work. The Department Directors shall approve the time off and shall notify the Village Manager. The Village Manager or designee, in their sole discretion, may authorize travel time and/or expenses necessary to attend such meetings.

MILITARY LEAVES

The Village will comply with the requirements of and grant leave in accordance with the Uniform Services Employment and Reemployment Rights Act (USERRA), Chapter 115 of the Florida Statutes, as amended from time to time, and Florida Statute § 250.48, as amended from time to time.

1. Training

All commissioned reserve officers or reserve enlisted personnel in the United States military or naval service or members of the National Guard shall receive a leave of absence without loss of vacation leave, pay, time or efficiency rating, on all days during which they are engaged in training ordered under the provisions of the United States military or naval training regulations when assigned to active or inactive duty. In any one annual period, leaves of absence shall not exceed 240 working hours provided that leaves of absence for additional or longer periods of time for assignment to duty functions of a military character shall be granted without pay and without loss of time or efficiency rating.

2. Active Duty Assignments

All officers or enlisted personnel in the National Guard or a reserve component of the Armed Forces of the United States who are granted leave to perform active military service will receive their full pay for the first 30 days of any such leave.

All members of the Florida National Guard who are granted leave to engage in active State duty for a named event, declared disaster, or operation pursuant to Florida Statute §§ 250.28 or 252.36, shall receive their full pay for the first 30 days. The leave of absence with full pay shall not exceed 30 days for each emergency or disaster. Additionally, under Florida law, National Guard Members called to active State duty may not be terminated from employment for a period of one (1) year after the date the employee returns to work, except for cause.

Employees and their dependents will continue to be eligible to participate in the Village's health and dental insurance in accordance with the requirements of USERRA.

3. Notice of Leave

Employees seeking to invoke military leave shall provide advance notice to the Village unless such notice is precluded by military necessity or otherwise impossible or unreasonable as interpreted under applicable law.

4. Documentation of Leave

Employees on military leave for periods of more than 30 days shall provide the Village with such documentation that can be used to establish the employee's basic eligibility for protection under USERRA. If the employee is unable to provide satisfactory documentation of military service in excess of 30 days, the Village reserves the right to contact the military unit with assistance from the employee to obtain such documentation.

5. Reinstatement after Leave

Employees on military leave will be reinstated with the Village in accordance with applicable State law and USERRA. Employees who take a military leave of absence are entitled to any seniority-based rights and benefits that they would have attained had the employee remained continuously employed. The period of military leave is not considered a break in employment unless the employee indicates that he or she will not return from military leave.

Upon the return of any employee from military leave, as described above, the temporary services of any employee filling his or her position shall be terminated or any such temporary employee moved elsewhere in the Village's service, at the Village's sole discretion. If an employee called to active duty is a probationary employee, the remaining number of days left on the probationary status will be added following the employee's return to work.

6. Failure to Return after Military Leave

Should the employee not return to employment with the Village following said military leave, any vacation or sick leave accrued while on military leave will be subtracted before any allowable payment of any benefits is made in accordance with other provisions of these policies regarding payment of leave balances upon separation from employment.

DOMESTIC VIOLENCE/SEXUAL VIOLENCE LEAVE

Eligible employees will be granted up to three (3) days of unpaid Domestic Violence/Sexual Violence Leave in any twelve (12) month period, measured forward from the first date domestic/sexual violence leave is used in accordance with Florida Statute § 741.313, as amended from time to time. The Village shall not discriminate against an employee for exercising rights under this policy.

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

Family or Household Member means spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as a family, and persons who are parents of a child in common regardless of whether they have been married. Except for 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 dwelling unit.

Eligible employees may be permitted to use the leave for:

1. Seeking an injunction for protection against domestic violence or an injunction for protection in cases of repeat violence, dating violence, or sexual violence;
2. Obtaining medical care or mental health counseling for the employee and/or family/household member to address physical or psychological injuries resulting

from the domestic or sexual violence;

3. Obtaining services from a victim-services organization as a result of the act of domestic or sexual violence;
4. Making the employee's home secure from the perpetrator of domestic or sexual violence, or to seek new housing to escape the perpetrator;
5. Seeking legal assistance or to attend and prepare for court-related proceedings arising from the act 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 household member, an employee shall provide notice to Human Resources as soon as possible after the employee learns of the need for the leave. If the leave is foreseeable, such as Court dates, the employee must provide thirty (30) days' notice. The request for leave must be accompanied with sufficient documentation.

To be eligible for Domestic Violence/Sexual Violence Leave, an employee must have been employed by the Village for three (3) or more months. Domestic Violence/Sexual Violence Leave shall be granted if the employee or a family or household member of the employee is the victim of domestic/sexual violence and provides sufficient notice and documentation regarding same.

An employee seeking leave under this section must, before receiving the leave, exhaust all paid leave available.

SAFETY POLICY

PURPOSE

- A. State and federal laws, as well as the Village's policy, make the safety and health of our employees its top priority. Safety and health considerations must be a part of every operation, and every employee's responsibility at all levels. It is the intent of Village of North Palm Beach to comply with all laws concerning the operation of Village functions and the health and safety of our employees and the public.
- B. The safety program is organized in a committee system. The Village Manager shall appoint one appropriate individual to serve as Safety Coordinator over all safety efforts. The Safety Coordinator, however, is not responsible for line functions that are normally the responsibility of Department Directors. It is expected that Department Directors will complement the efforts of the Safety Coordinator assuring realistic efforts will be taken to reduce accidents, injuries and liability losses and to provide for the safety of the public. These efforts should be continuous and equal in importance to all other operational considerations.
- C. It is the objective of the Village to promote and operate a safety and health program that will reduce the number of injuries and illnesses to an absolute minimum, not merely in keeping with, but surpassing the best experience of similar operations by others. Our goal is to always strive to have zero accidents and injuries reported.

POLICY

- A. The Village is committed to providing employees with a safe and healthful workplace. It is the policy of this organization that employees report unsafe conditions and not perform work tasks if the work is considered unsafe. Employees must report all accidents, injuries, and unsafe conditions to their supervisors in writing. Failure to report an unsafe condition shall result in disciplinary action.
- B. Employee recommendations to improve safety and health conditions will be considered by the Safety Committee. Recommendations for safety improvements from the Safety Committee will be given top priority, as the correction of unsafe conditions is essential in maintaining a healthy work environment.
- C. Any employee who willfully or repeatedly violates workplace safety rules shall be subject to disciplinary action. This action may include verbal or written reprimands and may ultimately result in termination of employment.
- D. The primary responsibility for the coordination, implementation, and maintenance of our workplace safety program has been assigned to Village Safety Coordinator:

Name: Renee Govig

Telephone:

(561) 841-3358

**Title: Director of Human
Resources and Risk Management**

Email:

[rgovig@village-
npb.org](mailto:rgovig@village-npb.org)

- E. Employees must notify their direct supervisor in writing of any unsafe conditions. Supervisors will be actively involved with employees in establishing and maintaining an effective Safety Program. Our Safety Committee, the Village Manager, or other members of our management team will participate with employees in ongoing safety and health program activities, which include:
1. Providing safety and health education and training; and
 2. Reviewing and updating workplace safety policies and procedures.
- F. This policy statement serves to express management's commitment to and involvement in providing our employees a safe and healthful workplace. This workplace safety program will be incorporated as the standard of practice for this organization. Compliance with the safety rules will be required of all employees as a condition of employment.

PROHIBITION AGAINST VIOLENCE WHILE ON DUTY OR IN THE WORKPLACE

Employees are prohibited from committing any act of workplace violence. All employees, customers, vendors and business associates must be treated with courtesy and respect at all times. Employees are expected to refrain from conduct that may be dangerous or threatening to others.

Conduct that threatens, intimidates or coerces another employee, customer, resident, vendor or business will not be tolerated. Village resources shall not be used to threaten, stalk or harass anyone at the workplace or outside the workplace. The Village treats threats coming from an abusive personal relationship as it does other forms of violence.

Workplace violence includes, but is not limited to: beating; stabbing, suicide, shooting, rape, attempted suicide, psychological trauma (e.g. threats, obscene phone calls, an intimidating presence, being followed, etc.). Examples of behaviors that are strictly prohibited include, but are not limited to:

- causing physical injury to another person;
- making threatening or intimidating remarks;
- aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
- intentionally damaging Village property or property of another employee;
- possession of a firearm or weapon in violation of the Village's Firearms or Weapons Policy below; and
- committing acts motivated by, or related to, harassment or domestic violence.

The workplace includes any location, either permanent or temporary, where an employee performs any work-related duty. This includes, but is not limited to, the buildings and their surrounding perimeters, including the parking lots, field locations, all areas throughout the Village and traveling to and from work assignments during the workday.

Indirect or direct threats of violence, incidents of actual violence and suspicious individuals or activities must be reported immediately to the Human Resources Department or the Department Director. In certain instances, the employee may need to call 911 before contacting internal staff. When reporting a threat or incident of violence, the employee should be as specific and detailed

as possible. Employees should not place themselves in peril, nor should they attempt to intercede during an incident.

Employees should promptly inform the Human Resources Department of any protective or restraining order that they have obtained that lists the workplace as a protected area. Employees are encouraged to report safety concerns with regard to domestic violence. The Village will not retaliate against employees making good-faith reports. The Village is committed to supporting victims of domestic violence by providing referrals to the Village's employee assistance program (EAP).

FIREARMS OR WEAPONS

The Village prohibits possession or display by any employee, of any weapon on Village property (including in one's desk, Village vehicle, rented or leased equipment or property, lockers, etc.). This includes, but is not limited to, any firearm, blunt instrument, brass knuckles, exploding devices, or any other object that can cause bodily injury, serious bodily injury, or death. This includes items such as cutting utensils, screwdrivers, pepper spray, and other tools may be considered deadly weapons when these objects are used in a violent, offensive, or threatening manner. Employees utilizing authorized tools or weapons in the course of their day-to-day job duties will not be subject to this policy, unless the tool is used in an inappropriate manner in violation of this policy.

The only exception to this rule applies to law enforcement personnel acting on behalf of the Village. All illegal items may be taken into custody and be given to law enforcement authorities.

This policy is interpreted in compliance with the "Preservation and Protection of the Right to Keep and Bear Arms in Motor Vehicles Act of 2008," Florida Statute Section 790.251, as amended from time to time.

RESPONSIBILITIES

- A. Department Director: The Department Director shall be primarily responsible for the safe operation of the department. The Department Director has regular contact with both first line supervisors and employees in general. The Department Head must ensure the safety of each employee and the efficient operation of the departmental functions.
- B. First Line Supervisor:
 - 1. The first line supervisor has the primary responsibility for the implementation of definite safety policies established by the Village's management.
 - 2. See that an injured employee receives appropriate care as rapidly as possible.
 - 3. Promptly arrange for and transport employee to the drug testing facility where required under the Village's Drug Free Workplace policies.
 - 4. Notify Human Resources Department immediately that an injury occurred.
 - 5. Complete First Report of Injury or Illness immediately or as soon as possible following completion of Steps 2 and 3. Report forms are available on the intranet or from Human Resources.

6. Route the completed First Report of Injury or Illness forms to the Safety Coordinator (Human Resources Department) within twenty-four (24) hours of the accident (or at the start of the next business day if the accident occurs over a weekend or holiday).
 7. Ensure that corrective measures are taken to prevent a recurrence of the accident/injury.
- C. Employees: Employees are expected to follow all safety procedures. This cooperation is needed to ensure the protection of all employees, Village equipment, Village buildings, and the general public. Employees are encouraged to detect and report to supervisors, any hazardous conditions, practices, and behaviors, and to make suggestions for their correction in writing. Should an injury occur the employee should:
1. Take immediate appropriate action to care for the injury, **any injury**.
 2. Advise your supervisor immediately of any injury.
 3. If medical attention by a physician is required, you must provide a signed release form from the physician prior to reporting back to work.
 4. The release to return to duty form should be forwarded to the Human Resources Department.
 5. It is your responsibility to keep your supervisor aware of pending follow-up doctor visits/treatments and the progress of your recovery.
- D. If you are injured on the job, take the following actions:
1. If it **IS** a life threatening emergency, dial 911.
 2. If it **IS NOT** a life threatening emergency, report the injury to your supervisor.
 3. Follow the instructions of a supervisor or Human Resources to promptly obtain treatment and evaluation.

SAFETY COMMITTEE

- A. Safety Committee Organization: A safety committee has been established to recommend improvements to our Safety Program and to identify corrective measures needed to eliminate or control recognized safety and health hazards. The safety committee consists of:
1. the Safety Coordinator;
 2. at least one (1) representative appointed by the Department Director from each of the following departments:
 - a) Leisure Services
 - b) Public Safety, and
 - c) Public Works;
 3. and up to two (2) alternates from the remaining departments:
 - a) Community Development
 - b) Country Club
 - c) Finance, and
 - d) Village Clerkas recommended by the Safety Coordinator and approved by the Village Manager.

B. Responsibilities:

1. The Safety Committee shall determine the schedule for evaluating the effectiveness of control measures used to protect employees from safety and health hazards in the workplace.
2. The Safety Committee will be responsible for reviewing and updating workplace safety policies and procedures based on accident investigation findings, any inspection findings, employee reports of unsafe conditions or work practices, and accepting and addressing complaints and suggestions from employees.
3. The Safety Committee will be responsible for assisting management in updating the workplace safety program by identifying trends and patterns, and formulating corrective measures to prevent recurrence.
4. The Safety Committee may be requested to assist management in evaluating employee accident and illness prevention programs, and promoting safety and health awareness and coworker participation through continuous improvements to the Safety Program.

C. Communication: Within five (5) working days after each Safety Committee meeting, the Safety Coordinator shall communicate to the Village Manager in writing those issues determined by the Safety Committee to need further action.

D. Meetings: Safety Committee meetings shall be held at least quarterly. Meetings may be called as needed at the discretion of the Safety Coordinator. The Safety Coordinator will distribute the minutes of each meeting within one (1) week after the meeting.

E. Response: The Village Manager's response to any recommendation of the Safety Committee will be routed to the appropriate Department Director(s) for response/action. The Department Director shall note the actions taken and route the form to the Safety Coordinator for the appropriate record-keeping.

SAFETY AND HEALTH TRAINING

A. Safety and Health Orientation: Workplace safety and health orientation begins on the first day of initial employment or job transfer.

1. Supervisors will make themselves available to answer questions of employees and ensure knowledge and understanding of safety policies and job specific procedures described in this policy.
2. Supervisors will inform all employees that compliance with the safety policies and procedures described in this policy is required for continued employment with the Village.

B. Job-Specific Training:

1. Supervisors will carefully review with each employee the specific safety policies and procedures that are applicable.
2. Supervisors will give employees verbal instructions and specific directions on

how to perform the work safely.

3. Supervisors will observe employees performing the work. If necessary, the supervisor will provide a demonstration using safe work practices, or remedial instruction to correct training deficiencies before an employee is permitted to do the work without supervision.
4. All employees will receive safe operating instructions on seldom-used or new equipment before using the equipment.
5. Supervisors will review safe work practices with employees before permitting the performance of new, non-routine, or specialized procedures.

C. Periodic Retraining of Employees: All employees will be retrained periodically on safety policies and procedures. Individual employees will be retrained when a supervisor observes an employee displaying unsafe acts, practices, or behaviors.

PROCEDURES

First-Aid Procedures:

A. Emergency Phone Numbers:

Police / Fire / Rescue	911	Emergency
	(561) 848-2525	Non-emergency
Poison Control	1-800-222-1222	(national toll-free #)
or	(561) 650-6333	(local center)
Safety Coordinator	(561) 841-3358	
HR Department	(561) 882-1155	

B. Minor First-Aid Treatment: First-aid kits are kept in every Village facility building (see your supervisor for specific locations) and in every Village vehicle and vessel. If you sustain an injury or are involved in an accident requiring minor first-aid treatment:

1. Inform your supervisor.
2. Administer first-aid treatment to the injury or wound.
3. Access to a first-aid kit is not intended to be a substitute for medical attention.
4. Provide details for the completion of the First Report of Injury or Illness.

C. Non-Emergency Medical Treatment: For non-emergency work-related injuries requiring professional medical assistance, management must first authorize treatment. If you sustain an injury requiring treatment other than first-aid:

1. Inform your supervisor immediately.
2. Proceed to the medical facility designated by the Village. Your supervisor will arrange transportation if necessary.
3. Provide details for the completion of the First Report of Injury or Illness.

- D. Emergency Medical Treatment: If you sustain a severe injury requiring emergency treatment:
 - 1. Call for help (911-Fire Rescue) and seek assistance from a co-worker.
 - 2. Provide details for the completion of the First Report of Injury or Illness.
- E. First-Aid and CPR Training: Certain employees, as designated by job description or by the Village, will receive training and instructions on first-aid procedures. Re-certification is required periodically.

RECORD-KEEPING PROCEDURES

The Safety Coordinator will control and maintain all employee accident/injury records and Safety Committee records. All safety-related records are to be maintained as appropriate under Florida Statutes and include, but are not limited to:

- A. Safety committee agendas, minutes, and correspondence
- B. Workers' Compensation Notice of Injury Reports DWC 1

DRUG AND ALCOHOL-FREE WORKPLACE

PURPOSE AND SCOPE

- A. The Village hereby affirms its commitment to maintaining a drug- free workplace. The term "drug-free" includes "alcohol-free."
- B. This policy is intended to:
 - 1. Promote the goal of drug and alcohol-free work places within the Village through fair and reasonable drug testing methods for the protection of the Village employees and the Village.
 - 2. For purposes of this policy only, volunteers are considered "employees" covered by this program.
 - 3. Encourage employees who have drug use problems to participate in an employee assistance program or an alcohol and drug rehabilitation program.
 - 4. Provide for confidentiality of testing results.
- C. This policy implements the provisions of Fla. Stat. §§ 440.101 and 440.102 and the provisions of the current employee collective bargaining agreements.
 - 1. At least one time prior to testing each current employee and job applicant or volunteer applicant (for mandatory testing or special risk positions) is provided a copy of a policy statement/notice in compliance with Fla. Stat. § 440.102(3)(a).
 - 2. Pursuant to Fla. Stat. § 440.102(3)(b), the Village will provided a 60-day period between the notice to employees and job applicants, and volunteers that a drug-testing program was being implemented, and the beginning of actual drug testing.
 - 3. This Policy shall apply to all Village employees and job applicants and volunteers (for mandatory testing or special risk positions), as defined below. A separate policy for DOT covered CDL drivers follows. DOT covered CDL drivers are subject to both policies. . All job applicants, including volunteers, (for mandatory testing and special risk positions) will be provided a copy of a drug-free workplace notice with a conditional offer of employment. Each individual will sign an acknowledgment of receipt and understanding of the drug-free workplace policy statement/notice, and that acknowledgment will be retained in the employee's personnel file. Copies of a drug-free workplace notice shall be posted in prominent locations in Village buildings and are also available in Human Resources.
- D. Through the establishment of a standard drug-testing program, all employees and job applicants or volunteers (for mandatory testing and special risk positions) shall be subject to drug testing as a condition of employment under the terms and circumstances described in this policy. Employees who violate this policy shall be subject to disciplinary action, up to and including termination of employment, consistent with the applicable collective-bargaining agreement, if any. Job applicants or volunteers (for mandatory testing and special risk positions) who violate this policy will not be hired or provided volunteer duties or assignments.

- E. It is a violation of this policy for any employee or volunteer to (while on duty, on Village property, or using Village equipment or vehicles):
 - 1. Possess, sell, trade, or offer for sale, or purchase prohibited drugs or otherwise engage in the use of prohibited drugs or alcohol;
 - 2. Report to work or volunteer service under the influence of prohibited drugs or alcohol;
 - 3. Use prescription drugs prescribed for another individual or in excess of the prescribed dosage;
 - 4. Report to work under the influence of lawfully prescribed drugs that interfere with workplace safety or performance;
 - 5. Unlawfully manufacture, distribute, dispense, possess, or use controlled substances or alcohol in the workplace;
- F. The only exception to the foregoing prohibitions is off-the-job alcohol purchase and consumption by employees lawfully utilizing the Village's restaurant and/or golf services.
- G. Off-the-job use or involvement with illegal drugs, alcohol, or other controlled substances may also subject an employee to disciplinary action under applicable Village policies and/or the applicable collective-bargaining agreement, if any.
- H. Through the implementation of this policy, the Village intends to comply with and be subject to current and future requirements contained in the Drug-Free Workplace Act of 1988 and Fla. Stat. §§ 440.101 and 440.102 .

DEFINITIONS

For the purpose of this Policy, the following terms shall be defined as indicated:

- A. **Alcohol** - Any beverage, prescription, over-the-counter medication, or other product containing any form of alcohol, including, but not limited to, ethanol, methanol, propanol, and isopropanol.
- B. **Alcohol Use** - The drinking, swallowing, or ingesting of any beverage, liquid mixture, or preparation (including any medication) containing alcohol.
- C. **Alcohol Test** - Analysis of a blood sample to determine the blood alcohol level (BAL), as distinguished from the more general term "drug test."
- D. **Blood Alcohol Level** - The alcohol level as expressed in terms of milligrams of alcohol per 100 milliliters of blood; "0.04" indicates four tenths of a percent of the blood serum in the sample is alcohol. Blood samples will be used for both initial and confirmation testing for BAL under this Policy.
- E. **Chain of Custody** - The procedure used to account for the integrity of each urine specimen by tracking its handling and storage from point of specimen collection to final disposition for all specimens by an appropriate drug testing custody form that documents custody of the specimen from collection to receipt by the laboratory and handling of the sample or sample aliquots (a portion of a specimen used for testing) within the laboratory.
- F. **Confirmation Test, Confirmed Test, or Confirmed Drug Test** - A second analytical procedure used to confirm the presence of a specified drug, including alcohol, or

- metabolite in a specimen through a different technique and chemical principle from that of the screen test to ensure specificity, sensitivity, reliability, and quantitative accuracy.
- G. **Drug Rehabilitation Program** - A service vendor that provides confidential, timely, and expert identification, assessment, and resolution of employee drug abuse, including but not limited to the Village's Employee Assistance Program ("EAP").
- H. **Drug Test** - A chemical, biological, or physical instrumental analysis, administered by a laboratory certified by the United States Department of Health and Human Services or licensed by the Florida Agency for Health Care Administration, for the purpose of determining the presence or absence of a drug (including alcohol) or its metabolites. The Village shall pay for all drug tests, initial and confirmation, that it requires of employees. Employees must pay for any additional tests not required by the Village. A urine sample will be used for the initial and confirmation tests for all drugs and substances (except alcohol, for which blood samples are used).
- I. **Drug (hereinafter, Drugs or Controlled Substance(s))** - Alcohol, including a distilled spirit, wine, a malt beverage, or an intoxicating liquor; an amphetamine; a cannabinoid; cocaine; phencyclidine (PCP); a hallucinogen; methaqualone; an opiate or narcotic; a barbiturate; a benzodiazepine; a synthetic narcotic; a designer drug; or a metabolite of any of the substances listed in this subsection. The Village may test an individual for any or all such drugs. Please note that marijuana, even if prescribed for a medical purpose and even if deemed lawful by some states for other purposes, remains an illegal controlled substance under federal law. As such, the Village strictly prohibits the use of marijuana for any purpose.
- J. **Employee** - The term "employee" means any person who works for the Village for salary, wages, or other remuneration.
- K. **Employee Assistance Program ("EAP")** - An established program for employee assessment, counseling, and referral to an alcohol and drug rehabilitation program.
- L. **Fitness for Duty** - As Fla. Stat. § 440.101(2) requires that "an employee [shall] refrain from reporting to work or working with the presence of drugs or alcohol in his or her system," for purpose of this policy "fitness for duty" means being in a mental and physical condition appropriate for work, including but not limited to not having drugs or alcohol in the employee's system in excess of the testing limits in accordance with this policy. The term also applies to job applicants (meaning fitness to begin working for the Village) for mandatory testing or special risk and volunteers (fitness to begin serving in volunteer functions that constitute duties of mandatory testing or special risk positions).
- M. **Initial Drug Test** - A sensitive, rapid, and reliable procedure to identify negative and presumptive positive specimens, using a scientifically-accepted method approved by the U.S. FDA or the Florida Agency for Health Care Administration.
- N. **Job Applicant** - Any individual who has applied for a mandatory testing or special risk position with the Village and has been offered employment conditioned upon successfully passing a drug test, and may have begun work pending the results of the drug test.
- O. **Mandatory Testing Position** - A position that requires the employee to carry a firearm, perform life-threatening procedures, work with heavy or dangerous machinery, work as a safety inspector, work with children, work with detainees in the correctional system, work with confidential information or documents pertaining to criminal investigators, or work with controlled substances, or a position in which a momentary lapse in attention could

result in injury or death to another person.

- P. **Medical Review Officer (MRO)** - A licensed physician, employed with or contracted by the Village, who has knowledge of substance abuse disorders, laboratory testing procedures, and chain of custody collection procedures; who verifies positive, confirmed test results; and who has the necessary medical training to interpret and evaluate an employee's positive test result in relation to the employee's medical history or any other relevant biomedical information.
- Q. **Positive Breath Test** - A test showing a concentration of four one-hundredths (0.04) BAC or above.
- R. **Reasonable-Suspicion Drug Testing** - Drug testing based on a belief that an employee or job applicant (for mandatory testing or special risk positions), or volunteer is using or has used drugs in violation of this policy, drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience.
- S. **Screening Test (also known as an Initial Test or Initial Drug Test)** - In alcohol testing, an analytical procedure to determine whether an employee or job applicant (for mandatory testing or special risk positions), or volunteer may have a prohibited concentration of alcohol in his/her system. In controlled substance testing, an immunoassay screen to eliminate "negative" urine specimens from further consideration.
- T. **Special Risk Position** - a position that is required to be filled by a person who is certified under chapter 633 (firefighter) or chapter 943 (law enforcement).
- U. **Volunteer** - An individual who offers services to the Village without remuneration but who is covered by the Village's workers' compensation program.

NOTICE OF CONVICTION

An employee convicted of a violation of any criminal drug statute shall notify the Human Resources Department as soon as possible, but no later than within 48 hours after the conviction.

PROHIBITED CONDUCT

The following types of conduct are expressly prohibited for all employees and volunteers and shall result in disciplinary action up to and including termination of employment (or termination of volunteer services), consistent with the applicable collective-bargaining agreement, if any.

- A. **On-Duty** - No employee or job applicant, or volunteer shall use drugs, including alcohol, while performing their duties. The manufacture, distribution, dispensation, possession, use or being under the influence of drugs (including alcohol) on Village property or while on duty is prohibited.
- B. **Off-the-Job** - Off-the-job use or involvement with illegal drugs, abuse of lawfully prescribed medications, alcohol abuse, or other controlled substances may subject an employee to disciplinary action under applicable Village Policies and the applicable collective-bargaining agreement, if any. The personal possession or use of drugs (including alcohol) by Village employees is prohibited on Village property while on or off duty during normal business hours and in a Village-issued uniform (whether on or off-duty), except as otherwise permitted in this policy. The only exception to the foregoing is off-the-job alcohol purchase and consumption by employees not wearing a

Village uniform who are lawfully utilizing the Village's restaurant and/or golf services.

- C. **Controlled Substance(s)/ Drug/Alcohol Use or Abuse** - No employee or volunteer shall report for duty or remain on duty while under the influence of, or impaired by, drugs (including alcohol) as may be shown by the behavioral, speech, or performance indications of use or abuse or any controlled substance, or by positive confirmed drug test. As a condition of employment, employees are required to remain away from the place of duty and off Village property if under the influence of drugs.
- D. **Alcohol Concentration** - No employee shall report for duty or remain on duty while having a blood alcohol concentration of four one-hundredths (0.04) or more.
- E. **Use Following an Accident** - No employee or volunteer involved in an on-the-job vehicular or other work-related accident shall use alcohol for eight (8) hours following the accident, or until after undergoing a post-accident alcohol test, whichever occurs first.
- F. **Refusal to Submit to a Required Drug Test** - Following a determination of reasonable suspicion, an on-the-job vehicular or other work-related accident, no employee shall refuse to submit to a post-accident drug (alcohol or controlled substances) test; nor shall an employee refuse to submit to a reasonable suspicion drug test, a fitness for duty drug test, or a follow-up drug test. Job applicants shall not refuse the pre-employment drug test. Failure to complete and sign testing consent and release form(s), to provide an adequate specimen, or other failure to cooperate with the testing process in a way that prevents the completion of the test shall be considered a refusal to test and shall be deemed a positive test result. Any attempt to adulterate a specimen or provide a specimen that is adulterated shall also be considered a refusal to test and will be deemed a positive test result. Any obstruction to and lack of cooperation with the testing process shall be considered a refusal to test and deemed a positive test result.
- G. **Testing Positive** - No employee or volunteer shall report for duty or remain on duty after testing positive for alcohol or other drugs, unless and until cleared to return. While waiting for clearance, the employee shall be placed in a non-duty status. From the time the test is confirmed positive, the non-duty status shall be unpaid; but the employee shall be given the option of using any accumulated vacation leave before the leave is ordered to be without pay (unless the employee is incarcerated, in which case vacation leave is not available), and the Village will restore the leave hours taken (or the unpaid wages if leave hours were not used) if an appeal shows the confirmed positive test was due to another reason acceptable to the Village.

TESTING PROCEDURES

All drug testing will be conducted by a Village designated laboratory that is licensed and approved by the Agency for Health Care Administration (AHCA) or is certified by the U.S. Department of Health and Human Services. The testing will be conducted with appropriate chain of custody procedures as specified by AHCA to ensure accuracy and continuity in specimen collection, handling, transfer, and storage.

REFERRAL FOR TESTING

Appropriate notification and testing forms will be provided to employees, job applicants, and volunteers before drug testing.

VOLUNTARY SELF-REFERRAL/REHABILITATION

At any time before notification of a required test, an employee is encouraged to contact the Village's EAP for voluntary treatment of a drug or alcohol problem. Employees may also seek treatment at alcohol and/or drug rehabilitation programs independent of the Village's EAP program. Such employees must submit to follow-up testing as part of the treatment program. Voluntary self-referral made at the time of notification to submit to testing, or after such notification, shall not excuse an employee from required drug/alcohol testing, nor shall it negate a positive result from such test. An employee will not be subject to discharge or disciplinary action solely on the basis of voluntary self-referral for treatment.

Employees holding mandatory testing or special risk positions who enter into an employee assistance program or drug rehabilitation program shall not be permitted to perform duties in such positions during treatment and may use any accrued and unused vacation or sick leave during this FMLA-qualifying leave before the leave becomes unpaid. In the Village's sole discretion, and subject to availability, it may temporarily assign the employee to a position that is not classified as mandatory testing or special risk.

Volunteers who voluntarily enter into a drug or alcohol rehabilitation program may reapply upon successful completion of the program.

KINDS OF TESTING

To maintain a drug-free work environment, the Village will test for the presence of drugs, including alcohol, in the following circumstances:

- A. Job Applicant Testing: Pre-employment screening will be required of all job applicants for mandatory testing or special-risk positions before employment begins with the Village. Any job applicant for mandatory testing or special-risk positions who tests positive for a drug as defined in this Policy will not be hired and is not eligible to re-apply for employment with the Village for one year following the confirmed positive test.
- B. Reasonable Suspicion:
 - 1. All employees/volunteers who are determined to be under reasonable suspicion of drug use are required to take a drug test. Reasonable suspicion shall be determined by a supervisor at least one level above the individual to be tested. The circumstances supporting that determination must be drawn from specific objective and articulable facts that shall be documented in writing. Reasonable suspicion may include, but is not necessarily limited to, the following examples:
 - a. Observable phenomena while at work, such as direct observation of drug use or of the physical symptoms or manifestations of being under the influence of a drug. Physical symptoms or manifestations may include, but are not limited to, slurred speech, alcohol odor on breath, unsteady walking and movement, poor coordination and/or reflexes, glassy or bloodshot eyes, physical altercations, verbal altercations, or unusual behavior

- b. Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance
 - c. Credible documented evidence that an individual has tampered with a drug test during the term of employment
 - d. Credible documented information that an employee has caused, or contributed to, an accident while at work; or
 - e. Credible documented evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on Village premises or while operating the Village's vehicle, machinery, or equipment.
2. Where testing is based on reasonable suspicion, the supervisor will detail in writing the circumstances that formed the basis of the reasonable suspicion determination. A copy of this written description shall be given to the employee/volunteer upon request and the original documentation shall be kept confidential and exempt from public disclosure, and retained for at least one year.
 3. An employee pending results of a reasonable suspicion drug test shall be placed in a non-duty status and required to use vacation or sick leave (the non-duty status shall be unpaid if the employee does not have such leave hours available).

C. Post-Accident Reasonable-Suspicion Test:

1. As soon as practicable under the following circumstances, post-accident reasonable suspicion testing will be conducted on all employees/volunteers who are involved as a driver in any vehicular accident while performing their duties, including accidents with injuries and/or property damage. Additionally, employees or volunteers who sustain non-vehicular accident injuries on the job shall be tested post-accident.
2. An employee or volunteer who is subject to reasonable suspicion post-accident testing shall remain readily available for such testing. Failure or refusal to be available for testing may be deemed by the Village as a refusal to submit to testing. If an injured employee refuses to submit to a test for drugs or alcohol, the employee forfeits eligibility for medical and indemnity (workers' compensation) benefits. This provision shall not be construed as requiring the delay of necessary medical attention for injured persons following an accident or impeding an employee/volunteer from leaving the scene of an accident to obtain necessary assistance in responding to the accident or to obtain necessary emergency care.
3. If alcohol testing is not administered within eight (8) hours following an accident, the Village may not conduct alcohol testing based on the accident provision. Likewise, if other drug testing is not administered within thirty-two (32) hours following the accident, the Village may not conduct controlled substance testing based on the accident provision.
4. Following an accident, the Village will provide the employee or volunteer transportation to a testing facility by a person designated for that purpose. After testing, the employee/volunteer will be transported to their place of residence.
5. An employee pending results of a post-accident drug test shall be placed in a non-duty status and required to use sick leave (the non-duty status shall be

unpaid if the employee does not have such leave hours available). If an alcohol test yields a result of less than four one-hundredths (0.04) BAL or a controlled substances test yields a negative result, the Village will restore the leave hours taken (or the unpaid wages if leave hours were not used). A volunteer pending post-accident test results will be placed in a non-duty status on a similar basis.

6. Notwithstanding the absence of a reasonable suspicion alcohol test under this section, the Village shall not permit an employee or volunteer involved in an accident described above to perform or continue to perform duties until:
 - a. An alcohol test is administered and the employee's alcohol concentration measures less than four one-hundredths (0.04) BAL; or
 - b. Twenty-four (24) hours have elapsed following the determination that there is reasonable suspicion to believe that the employee has violated the prohibitions of this policy concerning the use of alcohol.
7. The results of a post-accident drug test administered by federal, state, or local officials having independent authority for the test may be used to satisfy this section, provided the test complies with applicable federal, state, or local requirements and the results of the test are timely obtained by the Village.

D. Fitness for Duty: For purposes of this policy, all employees or volunteers who are subject to a fitness-for-duty medical examination may be required to take a drug test (including a blood alcohol level test) as part of their medical examination.

E. Follow-up Testing: All employees who have successfully completed an employee assistance program or a drug or alcohol rehabilitation program and return to duty must submit to unannounced drug and alcohol tests at least once a year for a two-year (2-year) period after completion of the program. Advance notice of a follow-up testing date must not be given to the employee to be tested.

RESULTS REPORTING

- A. The MRO shall contact the tested employee, applicant, or volunteer directly on a confidential basis before confirming a positive initial test result.
- B. The MRO shall give the employee/applicant/volunteer an opportunity to discuss the initial test result. If the MRO makes reasonable, documented efforts to reach the employee/applicant/volunteer and is unable to do so, the MRO shall inform the Village's designated representative, who shall then direct the tested employee/applicant/volunteer to contact the MRO as soon as possible.
- C. If, after making reasonable efforts, the Village's designated representative is unable to contact the employee/applicant/volunteer, the Village may place the employee on temporary medically-unqualified status or medical leave (or may place a job applicant or volunteer on similar temporary status).
- D. The MRO may report a confirmation test result as positive to the Village without having communicated directly with the employee/applicant/volunteer:

1. The employee/applicant/volunteer declines the opportunity to discuss the test with the MRO;
 2. The Village representative has successfully contacted the tested employee/applicant/volunteer and provided specific notice to communicate with the MRO and more than five (5) working days have passed since the contact and notice by the Village; or
 3. Neither the MRO nor the Village representative, after making all reasonable efforts, has been able to contact the individual within fourteen (14) calendar days of the date on which the MRO receives the confirmed positive test result.
- E. Following the confirmation of a positive test result, the MRO shall refer the case to the Village's Human Resources Department for processing.
- F. After the MRO's reporting of a confirmed positive test result to the Village, the tested employee/applicant/volunteer may contact the Village and present information documenting the reasons (serious illness, injury or other circumstances) that prevented the employee/applicant/volunteer from communicating with either the MRO or the Village prior to the confirmation test. The MRO may, in such cases, reopen the confirmation determination and allow the individual to present information concerning a legitimate explanation for the confirmed positive test. If the MRO concludes that there is a legitimate explanation, the MRO may revise the previous positive determination and declare the test to be negative.
- G. The Village shall provide, upon request, a copy of the test results to the tested employee, volunteer, or job applicant.

CHALLENGES TO TEST RESULTS

- A. Within five (5) working days after receipt of a positive confirmed test result from the MRO, the Village shall inform the employee/applicant/volunteer in writing of such positive test result, the consequences of such results, and the options available to the employee/applicant/applicant. One of those options is that within five (5) working days after receiving notice of a positive confirmed test result, the employee/applicant/volunteer may submit information to the Village explaining or contesting the test result, and explaining why the result does not constitute a violation of this Policy. If the employee's/applicant's/volunteer's explanation or challenge of the positive test result is unsatisfactory to the Village, a written explanation as to why the explanation is unsatisfactory, along with the report of positive result, shall be provided by the Village to the employee/applicant/volunteer.
- B. Additionally, consistent with Fla. Stat. § 440.102(5)(h) and (6)(d), the MRO, on behalf of the Village, shall notify an employee/job applicant/volunteer whose test result has been confirmed as positive of the right to request an independent analysis within seventy-two (72) hours. If the employee requests the independent analysis within seventy-two (72) hours, the MRO shall take appropriate action to direct the analysis. Such independent analysis shall be conducted by "split specimen," at the employee's/applicant's/volunteer's expense, with sufficient specimen being retained for later verification testing. If the

employee/applicant/volunteer fails to contact the MRO within seventy-two (72) hours but later contacts the MRO and presents information documenting the reasons (serious illness, injury, inability to contact the MRO, lack of actual notice of a confirmed positive test result or other circumstances) that prevented the individual from timely contacting the MRO, the MRO may conclude that there is a legitimate explanation for the employee's/applicant's/volunteer's failure to contact the MRO within seventy-two (72) hours and may direct the analysis of the split specimen. An individual has 180 days after receiving written notification of a positive confirmed test result to have the sample retested at his/her own expense at another licensed or certified laboratory chosen by the employee or job applicant.

- C. The tested employee/applicant/volunteer shall bear the expense of any testing of a specimen requested by that individual.
- D. All aspects of the testing process, including any challenge to the testing process, will be kept confidential to the extent allowed by law.
- E. All employees or job applicants must notify the laboratory of any administrative or civil action brought pursuant Florida's Drug Free Workplace Act.

DISCIPLINARY ACTION FOR POSITIVE TEST RESULTS

A positive test result shall require the employee's or volunteer's immediate removal from duty.

- A. Employees whose test is confirmed positive for an unlawful controlled substance (including a prohibited blood alcohol level) shall be terminated. Refusal to submit to a drug test shall be treated as a positive test result.
- B. Applicants who test positive for drugs will not be hired; and volunteers who test positive will not be allowed to perform further volunteer functions.
- C. Pursuant to Fla. Stat. § 440.101(2), "if a drug or alcohol is found to be present in the employee's system at a level prescribed by rule adopted pursuant to this act, the employee may be terminated and forfeits his or her eligibility for medical and indemnity benefits (under Chapter 440)."

CONFIDENTIALITY

- A. All medical information, interviews, reports, statements, memoranda, and test results received or produced under the programs established by this Policy are confidential and exempt from the provision of Fla. Stat. § 119.07(1). This information may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except as specified below or as required by law:
 - 1. Upon written consent of the employee/applicant/volunteer tested (such a consent must include the name of the person to receive the information; the purpose of the disclosure; the precise information to be disclosed; the duration

- of the consent; and the signature of the person authorizing release)
2. When ordered by an administrative law judge, a hearing officer, a court of competent jurisdiction or a professional or occupational licensing agency in a related disciplinary proceeding;
 3. The information has been placed at issue in a formal dispute or any discipline proceedings between the employer and the employee
 4. The information is to be used as necessary in administering an employee assistance program;
 5. The information is needed by medical personnel for the diagnosis or treatment of the employee or volunteer in the event the employee or volunteer is unable to authorize disclosure; or
 6. Within various Village departments when consulting with legal counsel in connection with actions related to the information or when the information is relevant to defense of a civil or administrative matter.

VILLAGE DESIGNATED REPRESENTATIVE

All questions concerning this policy should be directed to the Director of Human Resources and Risk Management or to such other Village official as the Village Manager may designate.

NOTICE TO EMPLOYEES, JOB APPLICANTS, AND VOLUNTEERS

The Village Manager or designee has prepared a notice satisfying the requirements of Fla. Stat. § 440.102(3)(a), to be distributed to all Village employees, applicants, and volunteers prior to testing.

INTERPRETATION

This policy shall be interpreted and applied consistent with Fla. Stat. §§ 440.101 and 440.102 and applicable State rules and federal law.

Medications Which May Alter Or Affect Drug Tests:

Some common medications may alter or affect a test result. They are listed below for your information. Due to the large number of obscure brand names and the marketing of new products, this list cannot and is not intended to be all-inclusive.

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

AMPHETAMINES Obetrol, Biphedamine, Desoxyn, Dexedrine, Didrex, Ionamine, Fastin.

CANNABINOIDS Marinol (Dronabinol, THC).

COCAINE Cocaine HCl topical solution (Roxanne).

PHENCYCLIDINE Not legal by prescription.

METHAQUALONE Not legal by prescription.

OPIATES Paregoric, Parepectolin, Donnagel PG, Morphine, Tylenol with Codeine, Empirin with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guaiatuss AC, Novahistine

DH, Novahistine Expectorant, Dilaudid (Hydromorphone), M-S Contin and Roxanol (morphine sulfate), Percodan, Vicodin, Tussi-organidin, etc.

BARBITURATES Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotunate, Fiorinal, Fioricet, Esgic, Butisol, Mebaral, Butabarbital, Butalbital, Phrenilin, Triad, etc.

BENZODIAZEPINES tivan, Azene, Clonopin, Dalmane, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxipam, Restoril, Centrax.

METHADONE Dolophine, Metadose.

PROPOXYPHENE Darvocet, Darvon N, Dolene, etc. Testing Location and Medical Review Officer

Individuals subject to testing will be sent to:

Jupiter Medical Center Urgent Care
3250 PGA Blvd.
Palm Beach Gardens, FL 33418
561-263-7010

The Village's Medical Review Officer is:
Dr. Brian N. Heinen, MD
151 Leon Avenue
Eunice, LA 70535
888-382-2281

EMPLOYEE ASSISTANCE PROGRAM (EAP)

The Village maintains an EAP, which provides help to employees who suffer from drug and alcohol abuse. However, it is the responsibility of each employee to seek assistance from the EAP before alcohol and drug problems lead to disciplinary actions. The employee's decision to seek prior assistance from the EAP program will not be used as the basis for disciplinary action and will not be used against the employee in a disciplinary proceeding. Once a violation of this policy occurs, subsequently using the EAP on a voluntary basis will not necessarily lessen disciplinary action and may, in fact, have no bearing on the determination of appropriate disciplinary action, including immediate termination. Employees may obtain the contact information for the EAP provider from Human Resources.

Employees may also consult other programs such as:

- Narcotics Anonymous Help-line: 561-848-6262
- Drug Abuse Foundation of Palm Beach County: 561-278-000
- Palm Beach Al-Anon/Al-a-Teen Information Service: 561-882-0308
- Alcoholic Anonymous (Palm Beach County): 561-655-5700
- Comprehensive Alcoholism Rehabilitation Program: 561-844-6400

The Village does not promote or recommend any specific program or organization for treatment. Other options for treatment can be located online or through various social service organizations.

DRUG-FREE WORKPLACE POLICY FOR DOT-COVERED CDL DRIVERS

BACKGROUND AND PURPOSE

The illegal use of drugs and the abuse of alcohol are problems that invade the workplace, endangering the health and safety of the abusers and those who work around them. Every employee and applicant should understand those dangers and be aware of the federal requirements and state guidelines concerning substance abuse and alcohol in the workplace.

The Village's Drug/Alcohol Testing Policy For DOT-Covered CDL Drivers ("the Policy") was developed in conformity with the Department of Transportation Regulations located in 49 C.F.R. Part 40 and 49 CFR Part 382, which are on file with the Village's Designated Employer Representative (DER) [the Village's Director of Human Resources and Risk Management] for review at any time during normal working hours.

Our policy formally and clearly states that the illegal use of drugs and abuse of alcohol or prescription drugs will not be tolerated. As a means of maintaining this policy, the Village has implemented pre-employment and active employee drug testing as outlined in this Policy.

This Policy is designed to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by drivers of commercial motor vehicles. Substance 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. This policy is designed to detect users and remove abusers of drugs and alcohol.

Commercial drivers are subject to Department of Transportation ("DOT") testing regulations, which includes placement in a *separate random testing pool* containing only DOT-covered employees for the purposes of DOT compliance. With regard to those employees covered by the DOT regulations, the federal regulations, as amended from time to time, shall govern any conflicts with this Policy. As employees of the Village, DOT-covered commercial drivers are also separately subject to the Village's Drug-Free Workplace Policy which covers all employees.

The Village will terminate any employee who violates this Policy.

APPLICABILITY AND PARTICIPATION REQUIRED

This Policy applies to every employee who is required to maintain a commercial drivers' license whose position requires operation of a commercial motor vehicle owned or leased by the Village. These employees are referred to as "commercial drivers" and include full time, regularly-employed drivers; casual, intermittent or occasional drivers; leased drivers and independent owner-operator contractors.

Participation in the DOT Drug/Alcohol Testing program as set forth in this Policy is a requirement

for all commercial drivers and is a condition of employment. Failure to participate and comply with the requirements set forth in this Policy may result in disciplinary action up to and including termination of employment.

While the Village may require other positions to maintain a CDL license, the employees filling those positions are not subject to the DOT Drug/Alcohol Testing Policy For Commercial Drivers because it has been determined those positions never operate commercial motor vehicles.

DEFINITIONS

Commercial motor vehicle (CMV) means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle is a—

(1) Combination Vehicle (Group A)—having a gross combination weight rating or gross combination weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 4,536 kilograms (10,000 pounds), whichever is greater; or

(2) Heavy Straight Vehicle (Group B)—having a gross vehicle weight rating or gross vehicle weight of 11,794 or more kilograms (26,001 pounds or more), whichever is greater; or

(3) Small Vehicle (Group C) that does not meet Group A or B requirements but that either—

(i) Is designed to transport 16 or more passengers, including the driver; or

(ii) Is of any size and is used in the transportation of hazardous materials as defined in this section.

Safety-sensitive function means all time from the time a commercial driver begins work or is required to be in readiness to work until the time the driver is relieved from work and all responsibility for performing work. Safety-sensitive functions shall include:

(1) All time at an employer or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the commercial driver has been relieved from duty by the employer;

(2) All time inspecting, servicing, or conditioning any commercial motor vehicle at any time;

(3) All time spent at the driving controls of a commercial motor vehicle in operation;

(4) All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth (a berth conforming to the federal requirements);

(5) All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and

(6) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

DUAL TESTING REQUIREMENTS

As noted above, commercial drivers subject to the testing requirements of this Policy are separately subject to the Village's Drug-Free Workplace Policy covering all employees. The Village Drug-Free Workplace Policy, reflects requirements of the Village and are not required by the DOT. Any personnel actions under the general Drug- Free Workplace Policy will be clearly indicated as being based on Village authority under the Drug-Free Workplace Policy and not based upon the DOT Drug/Alcohol Testing Policy. Any personnel actions under this Policy will be clearly indicated as such.

REQUIRED HOURS OF COMPLIANCE

Alcohol prohibited:

- while on duty;
- 4 hours prior to on-duty time; and,
- 8 hours following an accident or until a post-accident test is complete, whichever occurs first.

Controlled Substances:

Commercial Drivers are prohibited from reporting to, or remaining on, duty when using any controlled substance, unless the use is at the direction of a physician who advised that the substance does not adversely affect the commercial driver's ability to safely operate a commercial motor vehicle.

DRUG/ALCOHOL TESTING POLICY DISSEMINATION

- (1) The Village will give a general one-time notice to its commercial drivers that it is a condition of employment for employees to refrain from reporting to work or working with the presence of drugs or alcohol in his or her body and that a drug testing program is in place. To this end, each commercial driver shall be provided a copy of this Policy, and each employee is required to sign a statement certifying that the employee has received a copy of the Policy. The Village will maintain the original of the signed certificate and will provide a copy of the certificate to the employee upon request.
- (2) Prior to each alcohol or controlled substance test performed under this Policy, each employee or job applicant for employment to be tested will be advised that the testing is being conducted pursuant to this Policy.
- (3) A notice of drug testing will be included with all vacancy announcements for those

positions where drug testing is required (want ads, job postings, etc.). A notice of the DOT Drug/Alcohol Testing Policy will also be posted in an appropriate and conspicuous location on the Village's premises and copies of the policies will be made available for inspection during regular business hours by the employee or job applicant in the Village's Human Resources Department.

DESIGNATED EMPLOYER REPRESENTATIVE

The Village has designated certain individuals as Designated Employer Representatives (DER). These individuals are responsible for the administration of the DOT Drug/Alcohol Testing Policy, and are authorized by the Village to take immediate action(s) to remove employees from safety-sensitive duties, or cause employees to be removed from these covered duties, and to make required decisions in the testing and evaluation processes. The DER is also authorized to receive test results and other communications for the Village, consistent with the requirements of this Policy and with the applicable regulations. The DER is available to answer any questions by employees concerning this policy. The DER for the Village is the Director of Human Resources and Risk Management.

DRUG AND ALCOHOL TESTING RECORD (CLEARINGHOUSE QUERIES)

The Village is required under the DOT regulations to obtain information regarding the drug and alcohol testing record of commercial drivers from their previous DOT-regulated employers where the Village intends to use such drivers to perform safety-sensitive duties. As a result of this requirement and in accordance with federal regulations (49 C.F.R. § 382.701), the Village or its providers will query the FMCSA Drug and Alcohol Clearinghouse for any drug or alcohol information pertaining to DOT-covered CDL drivers and applicants, as follows:

1. *Full pre-employment queries* will be conducted on applicants for any position which requires a DOT-covered CDL license or on current employees who have not held a position requiring a DOT-covered CDL license with the Village. As a condition of consideration for employment, applicants will be required to provide the Clearinghouse with consent to allow the Village to conduct a full query.
2. *For current employees* who are employed in a position requiring a DOT-covered CDL, a *limited query* of the Clearinghouse will be conducted annually. As a condition of continued employment, employees are required to execute the required consent form permitting the limited query. If the limited query reveals that information about the CDL driver exists in the Clearinghouse, the Village will conduct a full query within 24 hours. As a condition of continued employment, the DOT-covered CDL driver will be required to provide the Clearinghouse with consent allowing the Village to conduct a full query.

(2) In accordance with federal regulations (49 C.F.R. § 382.703), the Village (or its Service Agent if the Village uses a Third-Party Administrator to administer its DOT drug testing policy) will report the following drug/alcohol information regarding DOT-covered CDL drivers/applicants to the FMCSA:

Reporting entity	When information will be reported to Clearinghouse
Village	<ul style="list-style-type: none"> • A verified positive, adulterated or substituted drug test result. • An alcohol confirmation test with a concentration of 0.04 or higher. • Refusal to test (alcohol) as specified in 49 CFR 40.261.
	<ul style="list-style-type: none"> • Refusal to test (drug) not requiring a determination by the MRO as specified in 49 CFR 40.191.
	<ul style="list-style-type: none"> • Actual knowledge that a driver has used alcohol on duty, used alcohol within four hours of coming on duty, used alcohol prior to post-accident testing, or has used a controlled substance. “Actual knowledge” means the employer's direct observation of the employee, a traffic citation for driving a CMV while under the influence of alcohol or controlled substances, or an employee's admission of alcohol or controlled substance use. Direct observation means observation of alcohol or controlled substances use and does not include observation of employee behavior or physical characteristics sufficient to warrant reasonable suspicion testing. “Traffic citation” means a ticket, complaint, or other document charging driving a CMV while under the influence of alcohol or controlled substances.
	<ul style="list-style-type: none"> • Negative return-to-duty test results (drug and alcohol testing, as applicable) • SAP’s report of successful completion of return-to-duty process
	<ul style="list-style-type: none"> • Completion of follow-up testing.
Service Agent acting on behalf of Village (if the Village uses a TPA)	<ul style="list-style-type: none"> • A verified positive, adulterated or substituted drug test result. • An alcohol confirmation test with a concentration of 0.04 or higher. • Refusal to test (alcohol) as specified in 49 CFR 40.261.
	<ul style="list-style-type: none"> • Refusal to test (drug) not requiring a determination by the MRO as specified in 49 CFR 40.191.
	<ul style="list-style-type: none"> • Actual knowledge that a driver has used alcohol on duty, used alcohol within four hours of coming on duty, used alcohol prior to post-accident testing, or has used a controlled substance. “Actual knowledge” means the employer's direct observation of the employee, a traffic citation for driving a CMV while under the

	influence of alcohol or controlled substances, or an employee's admission of alcohol or controlled substance use. Direct observation means observation of alcohol or controlled substances use and does not include observation of employee behavior or physical characteristics sufficient to warrant reasonable suspicion testing. "Traffic citation" means a ticket, complaint, or other document charging driving a CMV while under the influence of alcohol or controlled substances.
	<ul style="list-style-type: none"> • Negative return-to-duty test results (drug and alcohol testing, as applicable) • SAP's report of successful completion of return-to-duty process
	<ul style="list-style-type: none"> • Completion of follow-up testing.

If an employee or applicant refuses to provide the necessary consent, the Village will not permit the employee to perform safety-sensitive functions and may subject the employee to disciplinary action, including immediate termination.

If the Village obtains information that an employee or applicant has violated a DOT agency drug and alcohol regulation, the employee or applicant will not be permitted to perform safety-sensitive functions unless the Village obtains or is provided documented proof that the employee has subsequently complied with the return-to-duty requirements of 49 CFR Part 40.

REQUIRED TESTING

(1) Pre-employment testing

All job applicants for commercial driver positions, including internal transfers, are required to undergo testing for controlled substances as a condition of employment. Additionally, prior to the first time an employee performs safety-sensitive functions for the Village as a commercial driver, either as a new hire or as a result of a transfer, the employee shall undergo testing for controlled substances. The Village will not allow an employee to perform safety-sensitive functions unless the Village has received a controlled substances test result from the MRO or C/TPA indicating a verified negative test result for that commercial driver.

The Village reserves the right to invoke any and all exceptions to the pre-employment testing requirement as set forth in the DOT regulations (49 CFR § 382.301(b)).

(2) Post-accident testing

Commercial drivers will be tested as soon as practicable following an occurrence involving a commercial motor vehicle on a public road in commerce as follows:

Type of Accident	Citation Issued* to CMV Driver	Test Must Be Performed
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Human Fatality	Yes	Yes
Human Fatality	No	Yes
Bodily injury with immediate medical treatment away from scene	Yes	Yes
Bodily injury with immediate medical treatment away from scene	No	No
Disabling damage to any motor vehicle requiring tow away	Yes	Yes
Disabling damage to any motor vehicle requiring tow away	No	No

*In the above chart, “citation issued” refers to a citation received by the commercial vehicle driver under State or local law for a moving traffic violation arising from the accident. With respect to alcohol testing, the citation must be received within eight (8) hours of the occurrence. With respect to controlled substance testing, the citation must be received within thirty-two (32) hours of the occurrence.

If an alcohol test is required but not administered within two (2) hours following the accident, the Village will prepare and maintain a record stating the reasons it was not promptly administered. The Village will not attempt to administer an alcohol test after eight (8) hours, or a controlled substance test after thirty-two (32) hours, following the accident.

Commercial drivers subject to post-accident testing shall remain readily available for testing or the Village may designate such unavailability as a refusal to submit to testing and the commercial driver will be subject to immediate termination. However, nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care. The results of a breath or blood test for the use of alcohol, or the results of a urine test for the use of controlled substances, conducted by Federal, State, or local officials having independent authority for the test, meet the requirements of testing under this policy, provided the tests conform to the applicable Federal, State or local alcohol or controlled substance testing requirements, and that the results of the tests are obtained by the employer.

Post-accident testing under this Policy does not apply to:

- (a) An occurrence involving only boarding or alighting from a stationary motor vehicle;
- (b) An occurrence involving only the loading or unloading of cargo; or
- (c) An occurrence in the course of the operation of a passenger car by an employer unless the motor vehicle is transporting passengers for hire or hazardous materials that require DOT-mandated markings or placards.

(3) *Random testing*

Every DOT covered commercial driver shall submit to unannounced random alcohol and controlled substance testing to be spread reasonably throughout the calendar year. However, a DOT covered employee will only be tested for alcohol while performing safety-sensitive functions, just prior to performing safety-sensitive functions, or just after performing such functions. The selection of employees for random alcohol and controlled substances testing shall be made by a scientifically valid method, and each employee selected for random alcohol and controlled substances testing under the selection process used, shall have an equal chance of being tested each time selections are made. Each employee selected for testing shall be tested during the selection period. Random testing for commercial drivers will be conducted according to the applicable rates mandated by the DOT and its applicable agencies (2022 DOT Rates: 50% Random Drug; 10% Random Alcohol), but may exceed those rates at the Village's discretion.

After notification, it is the responsibility of the employee to provide a specimen within the allotted time. At the time of the notification, the donor will be instructed to go directly to the designated collection site. The employee will notify the collection site personnel that the employee has been selected for a random test and that the employee is ready to provide a specimen for the requested test.

(4) *Reasonable suspicion testing*

Commercial drivers who, based on specific, contemporaneous, articulable observations of a qualified supervisor concerning the appearance, behavior, speech or body odor, may be reasonably suspected of using or being under the influence of alcohol or controlled substances or tampering with a drug screen test, shall undergo alcohol and controlled substance testing. In the case of controlled substances, the observations may include indications of the chronic and withdrawal effect of controlled substances.

A "qualified supervisor" is a supervisor or Village official who has received at least 60 minutes of training on alcohol misuse and receive at least an additional 60 minutes of training on controlled substances use. The training will be used by the supervisors to determine whether reasonable suspicion exists to require a commercial driver to undergo testing. The training shall include the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances. Recurrent training for supervisory personnel is not required.

Alcohol testing is only authorized for reasonable suspicion testing if the observations are made during, just preceding, or just after the period of the workday that the commercial driver is required to be in compliance. A commercial driver may only be directed to submit to this testing while the driver is performing safety-sensitive duties, just before or just after the driver performed such duties. An alcohol test pursuant to reasonable suspicion testing shall occur within eight (8) hours. If the alcohol testing is done after two (2) hours from the time the observations occurred, the Village must document the reasons the test was not promptly administered.

Notwithstanding the absence of a reasonable suspicion alcohol test under this section, no commercial driver shall report for duty or remain on duty under the influence of or impaired by alcohol, as shown by the behavioral, speech, and performance indicators of alcohol misuse, nor shall the Village permit the employee to perform or continue to perform his/her work duties, including any safety-sensitive functions, until:

- (i) An alcohol test is administered and the employee's alcohol concentration measures less than 0.02; or
- (ii) Twenty-four (24) hours have elapsed following the determination that there is reasonable suspicion to believe that the employee has violated the prohibitions in this part concerning the use of alcohol.

A copy of documentation supporting a reasonable suspicion test will be completed and signed by the qualified supervisor within 24 hours of the observed behavior or before the results of the tests are released, whichever is earlier, and will be retained confidentially by the Village.

On the basis of circumstances requiring a reasonable suspicion test, a commercial driver will immediately be removed from safety-sensitive functions, placed in a non-duty status and required to use vacation or sick leave (the non-duty status shall be unpaid if the employee does not have such leave hours available) pending the outcome of the required drug/alcohol test.

(5) *Return to Duty and Follow-up testing*

The Village is not required to provide commercial drivers who violate this Policy with an evaluation by a Substance Abuse Professional (SAP) or any subsequent recommended education or treatment. As such, commercial drivers who test positive in violation of this policy shall be terminated for the first offense.

If the Village, in its sole discretion, allows a driver to reapply and selects a the driver for a position that would return the employee to a DOT safety-sensitive function following a violation, the Village will require that the commercial driver has already undergone an evaluation by a SAP and complied with the SAP's recommendations at the commercial driver's sole cost and expense. In addition, following removal from a safety sensitive position after a positive, adulterated or substituted test and referral to a SAP, and successful compliance with the prescribed education and/or treatment, a commercial driver is required to undergo a return to duty test for controlled substances and/or alcohol before returning to safety-sensitive duties. Follow-up tests are unannounced and at least 6 tests must be conducted in the first 12 months after an employee returns to duty as provided by the SAP's follow-up testing plan. Follow-up testing may extend for up to 60 months following return to duty.

(6) *Additional testing*

Additional testing may also be conducted as required by applicable state or federal laws, rules, or regulations, in accordance with the Village's Drug-Free Workplace Policy for all employees or as otherwise deemed necessary by the Village.

SUBSTANCES TO BE TESTED AND DETECTION THRESHOLDS

The Village tests for the following substances pursuant to the federal regulations:

Drug Screen Cut-off GC/MS

Marijuana metabolites/THC	50 ng/mL - 15ng/mL
Cocaine metabolites	150 ng/mL - 100 ng/mL
Codeine/Morphine	2,000 ng/mL – 2,000 ng/mL
Hydrocodone/Hydromorphone	300 ng/mL – 100 ng/mL
Oxycodone/Oxymorphone	100 ng/mL – 100 ng/mL
6-Acetylmorphine	10 ng/mL – 10 ng/mL
Phencyclidine (PCP)	25 ng/mL - 25 ng/mL
Amphetamines, Methamphetamine And Methylenedioxymethamphetamine (MDMA)	500 ng/mL - 250 ng/mL

Alcohol - removal from safety-sensitive position at .02% Blood/Alcohol Content (B.A.C) or greater, violation of Policy at .04% BAC or greater.

PRESCRIBED OR OVER-THE-COUNTER MEDICATIONS

The Village recognizes that eventually most employees will need to take medications to combat various illnesses. Commercial drivers must realize, however, that the use of certain medications may constitute a violation of this Policy if not properly reported, and may potentially alter or affect the results of a drug or alcohol test. A commercial driver could potentially test positive for a drug when taking medications prescribed by a doctor or purchased over-the-counter. Some medications known to alter or affect a drug test are listed in the next section of this Policy.

Employees who want more comprehensive or technical information about the use of medications, and their potential effects on the drug test results, should consult the Village's DER or a local testing laboratory. To avoid the potential problems created by a false test result, the Village has implemented procedures to enable employees to confidentially report the use of medications. An employee may report the use of medications on the back of his/her copy of the chain of custody form after the specimen is collected and discuss the use only with the Medical Review Officer.

However, employees are required to report the use of prescribed drugs for which the Village tests and provide written certification from their physician advising that the substance does not adversely affect driver's ability to safely operate a commercial motor vehicle **prior to engaging in any safety sensitive functions.**

Note about Medical Marijuana and CBD Products: The DOT's Drug and Alcohol Testing Regulation – 49 CFR Part 40, at 40.151(e) – **does not authorize “medical marijuana” under a state law** to be a valid medical explanation for a commercial driver's positive drug test result. Therefore, a positive test result for marijuana or THC will result in the consequences set forth for a positive drug test. Furthermore, CBD use is not a legitimate medical explanation for a laboratory-

confirmed marijuana positive result. Therefore, the MRO will verify a drug test confirmed at the appropriate cutoffs as positive, even if the commercial driver claims only a CBD product was used.

SUBSTANCES WHICH COULD ALTER OR AFFECT THE OUTCOME OF A DRUG TEST

The following substances, listed by brand name and common name, are among those that could affect the results of a drug test. This list is not comprehensive. All questions concerning substances which could result in a positive test should be directed to the Village's DER.

- | | | |
|------|-------------------|--|
| (1) | AMPHETAMINES: | Abetrol, Biphetamine, Desoxyn, Dexadrine, Didrex |
| (2) | CANNABINOIDS: | Marinol (Dronabinol, THC), Marijuana, Hash, Pot |
| (3) | COCAINE: | Cocaine HCl Topical Solution (Roxanne), Crack, Coke |
| (4) | PHENCYCLIDINE: | PCP, Angel Dust |
| (5) | OPIATES: | Paregoric, Parepectolin, Donnegan PG, Morphine, Tylenol with Codeine, Empirin with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guaiatuss AC, Novahistine DH, Novahistine Expectorant, Diluadid (Hydromorphone), M-S Contin and Roxanol (morphine sulfate), Percodan, Vicodin, Opium, Heroin |
| (6) | ALCOHOL: | Liquid medications containing ethyl alcohol (ethanol). Please read the label for alcohol content. For example, Vick's Nyquil is 25% (50 proof) ethyl alcohol; Comtrex is 20% (40 proof); Contac Severe Cold Formula Night Strength is 25% (50 proof); and Listerene is 26.9% (54 proof); Booze, Drink, wine, distilled spirits, malt beverages, beer, etc. |
| (7) | BARBITUATES: | Phenobarbital, Tuinal, Amytal |
| (8) | BENZODIAZOPHINES: | Ativan, Azene, Klonopin, Dalmone, Diazepam, Halcion, Librium, Poxipam, Restoril, Serax, Transene, Valium, Vertron, Xanax |
| (9) | METHADONE: | Dolophine, Methadose |
| (10) | PROPOXYPHENE: | Darvocet, Darvon N, Dolene |

TESTING PROCEDURES

All alcohol or controlled substances testing under this Policy shall be conducted in conformity with the provisions and procedures set forth in the DOT Workplace Drug and Alcohol Testing Programs (49 C.F.R. Part 40 and 49 C.F.R. Part 382), which are on file with the Village's DER for review at any time during normal working hours. In summary, the testing procedures adopted by

this Policy are as follows:

(1) *Alcohol Testing*

All alcohol testing will be conducted using one of two possible methods. Alcohol testing may be performed using evidential breath testing (EBT) devices or saliva alcohol screening devices (ASD) approved by the NHTSA. A screening test is conducted first. Any result less than 0.02 alcohol concentration is considered a "negative" test. If the alcohol concentration is 0.02 or greater, a second confirmation test must be conducted. The employee and the individual conducting the test (called a breath alcohol technician (BAT)) complete the alcohol testing form to ensure that the results are properly recorded. The confirmation test, if required, must be conducted using an EBT that prints out the results, date and time, a sequential test number, and the name and serial number of the EBT to ensure the reliability of the results. The confirmation test results determine any actions taken. Under certain circumstances, post-accident tests conducted by law enforcement personnel will be acceptable.

(2) *Controlled Substance Testing*

Controlled substance testing is conducted by analyzing an employee's urine specimen. The analysis is performed at laboratories certified and monitored by the Department of Health and Human Services (DHHS). The employee provides a urine specimen in a location that affords privacy and the "collector" seals and labels the specimen, completes a chain of custody document, and prepares the specimen and accompanying paperwork for shipment to a drug testing laboratory. The specimen collection procedures and chain of custody ensure that the specimen's security, proper identification and integrity are not compromised. The testing for DOT requirements will be performed using "split specimen procedures" that require each urine specimen to be subdivided into two bottles labeled as a "primary" and a "split" specimen. Both bottles are sent to a laboratory. Only the primary specimen is opened and used for the urinalysis. The split specimen bottle remains sealed and is stored at the laboratory. The testing is a two-stage process. First, a screening test is performed. If it is positive for one or more of the controlled substances, then a confirmation test is performed for each identified controlled substance using state-of-the-art gas chromatography/mass spectrometry (GC/MS) analysis.

GC/MS confirmation ensures that over-the-counter medications or preparations are not reported as positive results. If the analysis of the primary specimen confirms the presence of illegal, controlled substances, the commercial driver has 72 hours to request the split specimen be sent to another DHHS certified laboratory for analysis. This split specimen procedure essentially provides the driver with an opportunity for a "second opinion."

All drug test results are reviewed and interpreted by a physician (Medical Review Officer (MRO)) before they are reported to the Village. If the laboratory reports a positive result to the MRO, the MRO contacts the employee (in person or by telephone) and conducts an interview to determine if there is an alternative medical explanation for the drugs found in the employee's urine specimen. If the employee provides appropriate documentation and the MRO determines that the positive result was due to legitimate medical use of the prohibited drug, the drug test result is reported as negative to the Village.

Note about Medical Marijuana and CBD Products: The MRO may not verify a drug test as negative based upon information that a physician recommended that the employee use “medical marijuana.” Furthermore, CBD use is not a legitimate medical explanation for a laboratory-confirmed marijuana positive result. Therefore, the MRO will verify a drug test confirmed at the appropriate cutoffs as positive, even if an employee claims they only used “medical marijuana” or a CBD product.

PROHIBITED CONDUCT UNDER DOT REGULATIONS AS ADOPTED BY THIS POLICY

The following is an overview of the terms and conditions of this Policy, and for violation of which a commercial driver is subject to discipline as outlined below.

1. It is a violation of the DOT regulations, as adopted by this Policy, for any employee to report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. The DOT regulations require that all covered employees in violation of this rule be immediately removed from safety-sensitive duties, including driving a commercial motor vehicle, and not be allowed to return to such duties until completion of the return to duty process set forth by the DOT regulations in 49 CFR Part 40, Subpart O. All employees found in violation of this rule will also be subject to sanctions by the Village, as set forth below, for violation of this Policy.

2. It is a violation of the DOT regulations, as adopted by this Policy, for any employee to use alcohol while performing safety-sensitive functions. The DOT regulations require that all covered employees in violation of this rule be immediately removed from safety-sensitive duties, including driving a commercial motor vehicle, and not be allowed to return to such duties until completion of the return to duty process set forth by the DOT regulations in 49 CFR Part 40, Subpart O. All employees found in violation of this rule will also be subject to sanctions by the Village, as set forth below, for violation of this Policy.

3. It is a violation of the DOT regulations, as adopted by this Policy, for any employee to perform safety-sensitive functions within four (4) hours after using alcohol. The DOT regulations require that all covered employees in violation of this rule be immediately removed from safety-sensitive duties, including driving a commercial motor vehicle, and not be allowed to return to such duties until completion of the return to duty process set forth by the DOT regulations in 49 CFR Part 40, Subpart O. All employees found in violation of this rule will also be subject to sanctions by the Village, as set forth below, for violation of this Policy.

4. It is a violation of the DOT regulations, as adopted by this Policy, for any employee required to take a post-accident alcohol test to use alcohol for eight (8) hours following the accident, or until the employee undergoes a post-accident alcohol test, whichever occurs first. The DOT regulations require that all covered employees in violation of this rule be immediately removed from safety-sensitive duties, including driving a commercial motor vehicle, and not be allowed to return to such duties until completion of the return to duty process set forth by the DOT regulations in 49 CFR Part 40, Subpart O. All employees found in violation of this rule will also be subject to sanctions by the Village, as set forth below, for violation of this Policy.

(1) It is a violation of the DOT regulations, as adopted by this Policy, for any employee to refuse to submit to a post-accident alcohol or controlled substances test, a random alcohol or controlled substances test, a reasonable suspicion alcohol or controlled substances test, or a follow-up alcohol or controlled substances test. The DOT regulations require that all covered employees in violation of this rule be immediately removed from safety-sensitive duties, including driving a commercial motor vehicle, and not be allowed to return to such duties until completion of the return to duty process set forth by the DOT regulations in 49 CFR Part 40, Subpart O. All employees found in violation of this rule will also be subject to sanctions by the Village, as set forth below, for violation of this Policy.

(2) It is a violation of the DOT regulations, as adopted by this Policy, for any employee to report for duty or remain on duty requiring the performance of safety-sensitive functions after or during use of any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner, who has advised the covered employee that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle. The DOT regulations require that all covered employees in violation of this rule be immediately removed from safety-sensitive duties, including driving a commercial motor vehicle, and not be allowed to return to such duties until completion of the return to duty process set forth by the DOT regulations in 49 CFR Part 40, Subpart O. All employees found in violation of this rule will also be subject to sanctions by the Village, as set forth below, for violation of this Policy.

(3) It is a violation of the DOT regulations, as adopted by this Policy, for any employee to report for duty, remain on duty or perform a safety-sensitive function, if the driver tests positive or has adulterated or substituted a test specimen for controlled substances. The DOT regulations require that all covered employees in violation of this rule be immediately removed from safety-sensitive duties, including driving a commercial motor vehicle, and not be allowed to return to such duties until completion of the return to duty process set forth by the DOT regulations in 49 CFR Part 40, Subpart O. All employees found in violation of this rule will also be subject to sanctions by the Village, as set forth below, for violation of this Policy.

(4) It is a violation of the DOT regulations, as adopted by this Policy, for any employee tested under the provisions of this Policy and who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 to perform or continue to perform safety-sensitive functions, including driving a commercial motor vehicle. The Village will not permit such an employee to perform or continue to perform safety-sensitive functions, until the start of the next regularly scheduled duty period, but not less than 24 hours following administration of the test. All employees found in violation of this rule will also be subject to sanctions by the Village, as set forth below, for violation of this Policy.

(5) Employees must also fully comply with all prohibitions set forth in the Village's general Drug-Free Workplace Policy, which is applicable to both DOT-covered commercial drivers and non-DOT covered drivers who may or may not hold a CDL. When safety-sensitive commercial drivers are being tested pursuant to this Policy (i.e., the DOT-mandated policy), the testing procedures set forth herein shall apply. When safety-sensitive commercial drivers are being tested pursuant to the general Drug-Free Workplace Policy, the procedures set forth in that policy shall apply.

CONSEQUENCES OF VIOLATIONS

In addition to the consequences set forth above for violation of the DOT regulations, prohibited conduct by an employee will result in the following Village actions:

- (1) Job Applicants will not be hired.
- (2) Any employee violating this Policy will be terminated, regardless of length of service. The employee may reapply after substance abuse program has been completed.
- (3) An employee found to have an alcohol concentration of .02 or greater, but less than .04, shall not perform or continue to perform safety-sensitive functions until the start of the commercial driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test. No action will be taken under this Policy based solely on test results showing alcohol concentrations of less than .04, but the Village may take action independent of this Policy in accordance with other applicable policies or laws.
- (4) In addition to the other consequences provided in this Policy, all employees who refuse to submit to an alcohol or drug test to be conducted under this Policy will be presumed to be positive for the presence of alcohol or a controlled substance for the purpose of all workers' compensation medical and indemnity benefits claims arising from the incidents or accidents leading to said testing. Refusals to test shall subject the commercial driver to immediate termination.
- (5) An employee who fails to report the use of prescribed drugs for which the Village tests and/or fails to provide written certification from their physician advising that the substance does not adversely affect driver's ability to safely operate a commercial motor vehicle prior to engaging in any safety sensitive functions shall be subject to disciplinary action up to, and including, termination.

REFUSAL TO SUBMIT (to an alcohol or controlled substances test) means that an employee:

- (1) Failed to appear for any test (except a pre-employment test) within two hours of being directed to report by the Village's DER or designee. This includes

the failure of an employee to appear for a test when called by a consortium or third-party administrator;

(2) Failed to remain at the testing site until the testing process is complete. Provided, that an employee who leaves the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test;

(3) Failed to provide a urine specimen for any drug test, or failed to attempt to provide a saliva or breath specimen for alcohol testing, required by this Policy or DOT agency regulations. Provided, that an employee who does not provide a urine specimen because they have left the testing site before the testing process commences (see 49 CFR Sec. 40.63(c) of the DOT regulations) for a pre-employment test is not deemed to have refused to test;

(4) In the case of a directly observed or monitored collection in a drug test, failure to permit the observation or monitoring of the employee's provision of a specimen;

(5) Failed to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;

(6) Failed or declined to take a second test the Village, the Village's DER, or collector has directed the employee to take;

(7) Failed to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER as part of the shy bladder or shy lung procedures set forth in 49 CFR Sec. 40.193(d) of the DOT regulations. In the case of a pre-employment drug test, a covered employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment;

(8) Refused to allow collection of specimens for drug and/or alcohol testing by a treating medical facility during the course of treatment following an "accident" requiring post-accident testing, or refused to allow the Village access to medical records containing the results of such tests, or any attempt by an employee to block the release of such specimens or medical records;

(9) Failed to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process); or

(10) Is reported by the MRO as having submitted or attempted to submit a verified adulterated, diluted, or otherwise altered or substituted specimen.

Any driver who has a verified positive controlled substances result, an alcohol concentration of

.04 or greater, or refuses to submit to a test must also be evaluated by a Substance Abuse Professional at the employee's own expense, even if the employee is terminated by the Village, before obtaining a DOT-covered commercial driver position.

DRUG/ALCOHOL INTERVENTION

There are many good reasons why you should be concerned if any of your coworkers are using drugs or alcohol on the job including, but not limited to:

- Your health and safety may be at risk.
- Alcohol misuse and drug use costs you money.
- Alcohol misuse and drug use creates a negative work environment.

If drinking or using drugs affects your work life, it could lead to job loss and all of the financial problems that could follow. Please contact Human Resources, or encourage a coworker to do so, if you suspect a problem.

Signs and Symptoms of Alcohol and/or Drug Abuse

Any one or more of the following signs may indicate a drinking or drug problem:

- Family or social problems caused by drinking or drug use.
- Job or financial difficulties related to drinking or drug use.
- Loss of consistent ability to control drinking or drug use.
- "Blackouts" or the inability to remember what happened while drinking or taking drugs.
- Distressing physical and/or psychological reactions if you try to stop drinking or taking drugs.
- A need to drink increasing amounts of alcohol to get the desired effect.
- Marked changes in behavior or personality when drinking or taking drugs.
- Getting drunk or high frequently.
- Injuring yourself - or someone else - while intoxicated or high.
- Breaking the law while intoxicated or high.
- Starting the day with a drink or drugs.

Available Resources for Resolving Problems Associated with Alcohol or Drug Abuse

Outpatient programs exist in a variety of settings:

1. Community mental health centers.
2. Family service agencies.
3. Private physicians and therapists' offices.
4. Occupational settings.
5. Specialized alcoholism/drug addiction treatment facilities.

Inpatient services, designed for those with more serious alcohol or drug addiction problems, can be found in hospitals, residential care facilities, community halfway houses, and some clinics.

An internet-based search will list helpful referral organizations such as (none of which are specifically recommended by the Village; treatment decisions are highly personal and made by the employee and their family):

U.S. Dept. of Health & Human Services
Substance Abuse and Mental Health
Services Administration:

1-800-HELP (4357)

Alcoholics Anonymous

1-800-344-2666

M.A.D.D.

1-800-438-6233

AL-ANON Family Group Headquarters

1-800-356-9996

Additionally, an Internet search will identify the names and locations of treatment centers. Also, the United Way, offers many confidential services at no charge. Any costs of outside services are, however, the employee's responsibility.

Employee Assistance Program

The Village maintains an Employee Assistance Program (EAP) that may offer services or referrals for employees and their family members who suffer from alcohol or drug abuse problems. Any questions concerning the EAP program can be directed to the Village's DER.

Seeking Voluntary Assistance

Any employee who has not previously tested positive for drug and alcohol use and has not yet entered a drug and/or alcohol abuse rehabilitation program, may seek assistance for drug and/or alcohol problems before they lead to disciplinary actions, provided that:

- (1) The employee does not self-identify in order to avoid testing under the requirements of this Policy;
- (2) The employee makes the admission of alcohol misuse or controlled substances use prior to performing a safety sensitive function (i.e., prior to reporting for duty); and
- (3) The employee does not perform a safety sensitive function until the Village is satisfied that the employee has been evaluated and has successfully completed education or treatment requirements in accordance with the requirements set forth below.

No employee will be discharged, disciplined, or discriminated against solely upon that employee's voluntarily seeking treatment for a drug and/or alcohol problem if the employee has not previously tested positive for drug use, entered an employee assistance program for alcohol- or drug-related problems, or entered an alcohol and drug rehabilitation program.

Employees may not continue to work in safety sensitive positions or otherwise while seeking voluntary treatment, but may be granted leave without pay with a conditional return to work upon successful completion of an educational or treatment program, as determined by a drug and alcohol abuse evaluation expert, i.e., employee assistance professional, substance abuse professional, or qualified drug and alcohol counselor. An employee returning to work from voluntary treatment shall undergo a return to duty test with a result indicating an alcohol concentration of less than 0.02; and/or a verified negative test result for controlled substances use. For up to two years, a series of periodic non-DOT follow-up drug and/or alcohol tests will be administered after the employee returns to work under the Village's general Drug Free Workplace policy.

CONFIDENTIALITY

All written reports and related information received by the Village, laboratories, employee leasing programs, drug and/or alcohol rehabilitation programs and their agents will be held in strict confidence and will not be disclosed except in accordance with the applicable federal, state, and/or local laws and regulations. Any other release of this information will be allowed only with the tested individual's consent. If an employee initiates a grievance, hearing, lawsuit or other action as a result of a violation of these rules, the Village may release relevant information to its legal counsel and the decision maker in said action.

The employer or its Service Agent shall maintain the records for a period of up to five (5) years in accordance with the requirements of the DOT regulations in 49 CFR §382.401(b), as well as the applicable retention period under Florida's public records laws, and these records will be provided to the following agencies and/or individuals under the following circumstances:

- (1) An employee is entitled, upon written request, to obtain copies of any records pertaining to the employee's use of alcohol or controlled substances, including any records pertaining to his or her alcohol or controlled substances tests. The Village will also release information regarding an employee's records as directed by the specific written consent of the employee authorizing release of the information to an identified person. Release of such information by the person receiving the information is permitted only in accordance with the terms of the employee's specific written consent as outlined in the DOT regulations in 49 CFR § 40.321(b);
- (2) To the decision maker in a lawsuit, grievance, or administrative proceeding initiated by or on behalf of the employee, and arising from a positive drug or alcohol test or a refusal to test (including, but not limited to, adulterated or substituted test results) or this Policy (including, but not limited to, a workers' compensation, unemployment compensation, or other proceeding relating to a benefit sought by the commercial driver). Additionally, an employer may disclose information in criminal or civil actions in accordance with the DOT regulations in 49 CFR § 40.323(a)(2);
- (3) The National Transportation Safety Board as part of an accident investigation;

(4) Secretary of Transportation, any DOT agency, or any State or local officials with regulatory authority over the Village or its commercial drivers; or

(5) A subsequent employer upon receipt of a written request from a covered employee.

FEDERAL AND STATE LAWS AND REGULATIONS

Nothing in this Policy shall be presumed to override, amend, or change any requirements of state and/or Federal law. In the event any of the provisions of this Policy conflict with applicable laws and regulations, such laws and regulations will be deemed to control.

All employees will notify the Village of any conviction of, plea of guilty or nolo contendere to, any violation of any controlled substance law of United States or any other state for a violation occurring in the workplace no later than five (5) days after such conviction. Failure to report any such conviction within five (5) days shall result in termination of employment.

**COMMERCIAL DRIVER CERTIFICATE OF
RECEIPT AND ACKNOWLEDGEMENT OF POLICY**

I _____, have received a copy of the Village's Drug-Free Workplace Policy for Dot-Covered CDL Drivers. I understand and agree that it is a condition of my employment to abide by the Policy at all times and that violations may subject me to disciplinary action up to, and including, termination.

Employee Signature

Date

Employee Printed Name

DOCUMENTATION OF BASIS FOR REASONABLE SUSPICION TESTING FOR DOT COVERED COMMERCIAL DRIVERS

Prepare and sign within **24 hours** of the observed behavior or before the results are released, whichever is earlier. Keep confidential for at least one year.

DRIVER'S NAME		DATE OBSERVED:	
ADDRESS OF INCIDENT		TIME OBSERVED:	
<div style="display: flex; justify-content: space-between;"> Street City State Zip </div>		From _____ a.m. or p.m. To _____ a.m. or p.m.	

Record employee observed behavior for reasonable suspicion for the use of alcohol or controlled substances. Per DOT requirements for reasonable suspicion testing, the employer shall require the driver to submit to a controlled substance or alcohol test if a qualified supervisor or Village official who is trained in accordance with §382.603 determines that reasonable suspicion exists.

Reasonable suspicion determined for: <input type="checkbox"/> Alcohol <input type="checkbox"/> Controlled Substances			
Mark items that apply and describe specifics			
APPEARANCE: Normal <input type="checkbox"/> Sleepy <input type="checkbox"/> Tremors <input type="checkbox"/> Clothing <input type="checkbox"/> Cleanliness <input type="checkbox"/> Description:			
BEHAVIOR: Normal <input type="checkbox"/> Erratic <input type="checkbox"/> Irritable <input type="checkbox"/> Inappropriate gaiety <input type="checkbox"/> Mood swings <input type="checkbox"/> Lethargic <input type="checkbox"/> Description:			
SPEECH: Normal <input type="checkbox"/> Slurred <input type="checkbox"/> Incoherent <input type="checkbox"/> Description:			
BODY ODORS: Description:			
INDICATIONS OF THE CHRONIC AND WITHDRAWAL EFFECTS OF CONTROLLED SUBSTANCES: <input type="checkbox"/> Yes <input type="checkbox"/> No Explain:			
OTHER OBSERVATIONS FOR REASONABLE SUSPICION: Explain:			
WITNESSED BY:			
			a.m./p.m.
Signature	Title	Preparation Date	Time
			a.m./p.m.
Signature	Title	Preparation Date	Time
The alcohol test must be administered within two (2) hours, but no more than eight (8) hours following a			

reasonable suspicion determination.

EMPLOYEE'S ACKNOWLEDGMENT AND CONSENT:

I acknowledge that I have been informed of the Village's reasons for requesting this drug and/or alcohol testing and consent to the testing.

Employee Signature

Date

IMPORTANT INFORMATION FOR DOT-COVERED COMMERCIAL DRIVERS

(It is required that this information be posted for all employees)

<p><u>Notice to Applicants and Employees</u></p> <p>PRE-EMPLOYMENT AND OTHER REQUIRED DRUG TESTING IS FOR THE FOLLOWING DRUGS:</p> <ul style="list-style-type: none">• Marijuana• Cocaine• Opioids• Amphetamines• Phencyclidine (PCP) <p>Reasonable suspicion and post-accident testing:</p> <ul style="list-style-type: none">• Above Drugs• Breath Alcohol Testing (when suspected for reasonable suspicion) <p>Random testing — above Drugs and Alcohol</p>	<p>VILLAGE DESIGNATED EMPLOYER REPRESENTATIVE (DER) - ALL QUESTIONS REGARDING THE DRUG & ALCOHOL TESTING PROGRAM</p> <p><u>DER:</u> Director of Human Resources and Risk Management</p>
<p>DRUG OR ALCOHOL HOTLINE #'S</p> <p>National Council on Alcoholism and Drug Dependence Hotline Phone: (800) 622-2255 www.ncadd.org</p> <p>Alcohol & Drug Referral Hot Line 1-800-252-6465</p> <p>SUBSTANCE ABUSE PROFESSIONAL (EMPLOYEE MUST BE REFERRED AFTER VIOLATION OF DOT DRUG/ALCOHOL POLICY)</p>	<p>IT IS THE POLICY OF THE VILLAGE THAT THERE IS NO PLACE FOR THOSE WHO USE ILLEGAL DRUGS OR WHO ABUSE LEGITIMATE DRUGS OR WHO HAVE BECOME DEPENDENT UPON ANY CHEMICAL SUBSTANCE INCLUDING ALCOHOL.</p> <p>THIS VILLAGE INTENDS TO BE IN COMPLIANCE WITH THE DOT REGULATIONS CONCERNING DRUG ABUSE AND ALCOHOL MISUSE, WHICH INCLUDES A PROGRAM OF URINALYSIS TESTING FOR ILLICIT DRUG USE.</p> <p>EMPLOYEES WHO HAVE A CONFIRMED POSITIVE TEST FOR DRUGS OR ALCOHOL ARE SUBJECT TO TERMINATION.</p>

RETURN TO WORK AND LIGHT DUTY

On occasion, employees may not be able to perform the full duties of their position due to illness, injury or recovery from an illness or injury. When the employee's health care provider provides written notification to the Village that an employee can safely perform work with a clear, objective list of work restrictions, and the anticipated time period such restrictions will be in place, the Village, in its sole discretion, makes efforts to allow the employee to return to work in a light duty capacity when an available position meets the restrictions required by the health care provider. The Village is not obligated to create light duty positions or work.

The Village may require a second medical opinion of work-related restrictions at the Village's cost. Should the first and second opinions differ, the Village and employee shall choose a third health care provider to provide the final opinion with the Village and employee sharing the cost equally.

Light Duty is considered on a case-by-case basis along with the operational needs of the Village.

- Light Duty assignments are given priority for those whose restrictions result from a covered workers' compensation injury or illness and, when offered, must be accepted by the employee.
- Employees whose restrictions result from off-duty or non-job-related medical issues or injuries may be eligible for FMLA or a Personal Leave depending on the nature of the injury or illness and may request a Light Duty assignment. The Village will not mandate a Light Duty assignment for employees whose restrictions resulted from off-duty or non-job-related medical issues or injuries.
- Light Duty assignments where the employee is temporarily placed in a lower position classification commensurate with the restricted duties shall result in a corresponding temporary reduction in pay, in which the employee will be placed in the same relative position for the lower position grade as their regular classification, as long as the pay does not decrease more than 10%.

Employees must notify Human Resources as soon as possible of any work restrictions. Employees must abide by any restrictions imposed by the health care provider if permitted to work in a Light Duty capacity. Failure to follow the restrictions may result in disciplinary action up to and including termination.

The Village may alter the employee's work schedule to accommodate a Light Duty assignment and will endeavor to provide 72 hours' notice when feasible.

TRAINING AND EDUCATION

TRAINING

The Human Resources Department shall assist the Department Directors in the training of their personnel. Training need not be limited to in-service type programs. Employees wishing to obtain additional formal training or education in their particular field may submit a request for reimbursement of tuition and books for such training or education to their Department Director prior to beginning of the program in accordance with the following regulations.

VILLAGE IN-HOUSE TRAINING PROGRAMS

Village training instructors will take roll call and document each employee's attendance at authorized training programs in writing.

Attendance record copies will be kept by Human Resources.

Excused Absences: The employee's supervisor must approve absences. When the supervisor approves the absence, the approval will be forwarded to Human Resources for review. The employee will submit a written request at least one day before the date of the absence when possible.

Limitation of Absences: If an attendee misses more than 10% of the training program's allotted time for any reason, the entire course must be retaken or hours missed retaken, at the Training supervisor's discretion.

Attendees must be punctual since late arrivals are disruptive to a class and may not be allowed to attend.

The Village may issue training certificates for successful completion of Village training programs.

The dress code for training classes will be appropriate business attire unless otherwise specified by the training announcement.

At the completion of each training class or session, the employee's training record will be updated to include the following as a minimum:

- Type of Training
- Date of Training
- Certificates Received
- Attendance
- Test Scores (as applicable)

Each class that is conducted by the Village will maintain a record of the class to include at a minimum:

- Course Content (lesson plans)
- Name of department attendees

- Test results if administered

Each training course that is conducted by the agency requires the development of a lesson plan. The trainer will submit the lesson plan to Human Resources determine that the course content meets the requirements of the Village and the course objectives are job-related.

EDUCATIONAL REIMBURSEMENT PROGRAM

The Village encourages employees to voluntarily pursue training programs, undergraduate and graduate degrees or professional certifications that will improve and enhance their skills, performance, and ability to assume additional responsibilities at the Village. Accordingly, subject to budgetary restraints, the Village will provide educational reimbursement to eligible employees who are seeking a qualifying undergraduate or graduate degree, professional certification, or who are obtaining job-related training. Reimbursement and other payments made by the Village to an eligible employee under this policy are subject to the current federal taxation requirements.

A. Employee Eligibility

To be eligible, employees must be employed by the Village on a full-time basis for at least one year (12 months) of continuous service in an active status (not on a leave of absence) and must be in good standing at the time of application for reimbursement and on the date of the reimbursement payment by the Village. For purposes of this policy, the Village defines “good standing” as an employee who has not received any corrective action or other formal discipline, performance improvement plan or an unsatisfactory performance evaluation within the last 6 months. Employees must also be currently employed at the time that payment is made. All said employees are eligible unless superseded by a current Collective Bargaining Agreement.

B. Undergraduate and Graduate Programs

Course Eligibility: Undergraduate and graduate courses must be taken as part of a degree program approved in advance by the Department Director, the Director of Human Resources and Risk Management, and the Village Manager, and must provide an eligible employee with skills, knowledge or competencies applicable to the employee’s current position or another position at the Village. The courses must be provided by an accredited university or college as identified by the US Dept. of Education at <https://ope.ed.gov/accreditation>.

Grade Requirements: An employee must maintain a “C” average or above to maintain eligibility in the Village’s program.

Tuition Reimbursement Provisions: An employee is eligible to receive reimbursement for two (2) classes per semester, up to 3 credit hours per class (four hours for courses with a laboratory), for a maximum of five (5) classes per tax (calendar) year. Courses include electives and mandatory classes required to meet degree requirements. The amount of reimbursement approved by the Village will be based on the employee’s grade in each course, as provided in this policy.

Books and required laboratory fees are eligible for reimbursement, but shall be limited to \$250.00 per tax (calendar) year and are subject to the employee earning a grade of A, B or C in the course. All other expenses, including but not limited to, those for parking, supplies or non-laboratory fees, are the employee's responsibility and are not eligible for reimbursement from the Village. The Village will provide reimbursement to up to a maximum of \$5,250.00 per tax (calendar) year based on current federal taxation requirements and limits. Reimbursements to an employee in excess of IRS limits creates tax liability for the employee.

Reimbursement Amount: The reimbursement amount will be limited to actual tuition, or the per credit rate of the established Florida resident credit hour rate for undergraduate or graduate courses charged in the State of Florida university system at the time of the employee's course enrollment, whichever is lower, regardless of the employee's election to attend a private educational institution. Upon the employee's completion of an approved course, the reimbursement schedule will be based on grades received by the employee as follows: 100% reimbursement for a grade of "A"; 100% reimbursement for a grade of "B" and 75% reimbursement for a grade of "C". The Village will not provide any amount of tuition reimbursement or reimbursement for books/laboratory fees if the employee earns a grade of "D" or "F" or receives an "Incomplete" mark. Pass/Fail courses within a degree program are not eligible for reimbursement. J.

Employees are responsible for submitting a copy of their grade report to Human Resources for inclusion in their employment files within seven (7) working days of receipt.

Courses must be scheduled outside of the employee's regular work hours and all homework or related coursework must be done outside of working hours. Employees are prohibited from using Village equipment or resources to engage in homework or other related coursework.

NOTE: The Village may reduce the percentage of reimbursement if the combined total of the employee's financial aid and the Village's reimbursement to the employee exceeds 100% of the tuition, book costs and laboratory fees for the course term.

C. Certification or Training Programs

Program Eligibility: An eligible employee may obtain reimbursement for a certification program or courses in a professional discipline applicable to the employee's current position or another position at the Village and for job-related training courses or programs (collectively referred to as "certification or training programs"). The certification or training programs must be provided by an accredited university or college, professional association, professional training provider, or other similar institution. The employee's participation in any certification or training program must be approved in advance by the Department Director, Director of Human Resources and Risk Management, and the Village Manager. Human Resources will determine whether the employee's attendance is recorded as on or off duty.

This policy applies to certification or training programs and is inclusive of registration, attendance fees and related expenses, such as travel, lodging and food. Travel and hotel accommodations will be handled by the employee or their supervisor.

Tuition Reimbursement Provisions: An employee is eligible to receive reimbursement for up to two (2) certification or training programs per tax (calendar) year. If the certification or training program consists of courses or sessions that occur over a period of time, similar to the semester-based system for undergraduate or graduate degree programs, the Village will follow the “Tuition Reimbursement Provisions” contained in the Undergraduate and Graduate Programs section of this policy. Employees are responsible for submitting a copy of their certificate of completion or other proof of attendance to Human Resources for inclusion in their employment files within seven (7) working days of receipt.

Reimbursement Amount: The reimbursement amount will be determined by the Village at the time of approval on an individual employee basis, in consideration of the nature of the certification or training program, the employee’s position, the Village’s operational needs, and the tuition, attendance or registration costs and the related expenses, such as travel, lodging and food. Any amount reimbursed by the Village in connection with a Village approved certification or training program shall not exceed the reimbursable travel expenses authorized under Section 112.061, Florida Statutes. The Village will provide reimbursement to an eligible employee who successfully completes the approved certification or training program, up to a maximum of \$5,250.00 per tax (calendar) year based on the date of the check to the employee. The Village will not provide any reimbursement to an employee who does not successfully complete the certification or training program.

D. Approval Procedure

Eligible employees must receive prior approval from the Village Manager in writing to participate in the Village’s educational reimbursement program. To obtain approval, an eligible employee must submit a completed Education Reimbursement Program Participation form at least 21 days in advance of the start of the program to his or her Department Director with the following documents attached: the degree requirements; the course or program description; an agenda or schedule (with dates and times); and for certification or training programs only, the program cost and a list of the categories and costs of any related expenses. The employee must also submit documentation of other financial aid for which the employee has applied or been granted. The Department Director and the Director of Human Resources and Risk Management will review the employee’s application form and supporting documentation to determine if the employee meets the criteria for participation in the Village’s Educational Reimbursement Program.

If the employee is eligible to participate in the program, the Village Manager will evaluate and either grant or deny the employee’s request. Notice of the Village Manager’s decision shall be provided to the employee in writing.

Employees not receiving a written notice on the approval or disapproval of the request within five (5) days of the seminar's start will contact the employee’s Department Director to obtain the status of their request.

Withdrawal or Cancellation of Course, Training, Seminar or other Educational Program

Employees withdrawing from approved courses, training, seminars or other educational programs will submit a memo stating their reasons for withdrawal to the Department Director as follows:

1. If the withdrawal is before the start date, the memo must be submitted at least seven (7) working days before its start.
2. If withdrawal is after the start date, the memo must be submitted on the date of withdrawal.
3. In emergency situations, these requirements may be waived by the Department Director and Director of Human Resources and Risk Management.
4. Employees not attending their approved training and career development course(s) and failing to timely cancel registration will be responsible to the Village for any incurred costs.

E. Program Terms

The reimbursement amounts provided to eligible employees by the Village are considered an investment in employee skills, succession planning, and public service. Accordingly, if the employee is approved to participate in the Village's educational reimbursement program, the employee is required to remain employed with the Village in a full-time capacity for a continuous 12 month period from the date of each reimbursement payment received by the employee.

If the employee resigns or terminates employment at any time during the 12 month employment period (for any reason other than due to a reduction in force or due to circumstances beyond the employee's control, as determined by the Village Manager) following reimbursement, the employee shall be required to repay the investment on a pro rata basis. The prorated amount will be calculated as follows: the total reimbursement amount paid in the prior 12 month period divided by the number of months of the employment period completed by the employee. For example, the amount of reimbursement divided by 12, times the number of months not worked will result in the amount due from the employee (e.g. \$1,200 reimbursement, divided by 12, is \$100 per month; if employee only completes 7 months of employment after reimbursement, the employee shall be responsible to pay \$500). The balance under this policy is due in full within seven (7) days of the employee's separation from employment. In appropriate circumstances, the Village and employee may agree to a monthly payment plan for repayment of the balance.

The Village also may retain and deduct the amount owed under this Policy (in whole or in part) from any monies due to the employee prior to or following his or her termination, subject to the applicable restrictions imposed by the Fair Labor Standards Act. The employee will submit a signed, notarized promissory note guaranteeing full repayment for all education expenses if the terms of this policy are not fulfilled on the side of the employee, which shall include an express lien on all wages or other payments due the employee in accordance with applicable laws.

An eligible employee who receives reimbursement to attend a basic recruit training program for law enforcement officers is required to comply with the employment and repayment terms provided in Florida Statutes section 943.16, which includes a two-year employment commitment from the employee to avoid the repayment provisions. The Village provides notice to such trainees during the employment screening process and retains a copy of the trainees'

acknowledgment of same in the personnel file.

NOTE: An employee who participates in the Village's Educational Reimbursement Program is employed at will and the employee's employment may be terminated by the employee or the Village at any time, with or without cause or prior notice. This policy does not create a contractual relationship between the Village and any employee participating in the Village's Educational Reimbursement Program, and does not create a guarantee of employment for a definite period of time or for any purpose.

F. Reimbursement Procedure

If approved to participate in the Village's Educational Reimbursement Program, within thirty (30) calendar days of successful completion of the approved course(s), program or training, the employee must provide to his or her Department Director copies of all receipts for all additional eligible costs and fees and one of the following: certified transcript for the course term for any undergraduate and graduate courses, copy of professional certification, or a certificate of completion for a training program. The employee shall also disclose and provide documents showing all financial aid (including, but not limited to, scholarships, grants, stipends, waivers, discounts, fellowships, military and veterans' benefits) and other non-refundable financial aid received by the employee used to pay tuition or other costs. The combined total of the employee's financial aid and the Village's reimbursement to the employee shall not exceed 100% of the tuition and eligible costs and fees. The reimbursement amount may be reduced to satisfy this rule.

If the documents produced by the employee are satisfactory, the Department Director will complete a Personnel Action Form (PAF) indicating approval to proceed with reimbursement. The PAF form must be submitted to the Director of Human Resources and Risk Management and then forwarded to the Village Manager for final approval. If approved, the PAF will be submitted to Finance for processing.

G. Termination from Employment

If the employee resigns, submits a resignation, or is terminated by the Village for any reason other than due to a reduction in force or due to circumstances beyond the employee's control (as determined by the Village Manager), prior to receiving reimbursement for a completed course(s) or program, the Village (at the Village Manager's Discretion) may pay a portion of the reimbursement amount on a pro rata basis.

H. Future Changes and Processing

At the Village's discretion, the Village Manager may approve exceptions and/or change the provisions of this policy at any time, including the eligibility and reimbursement criteria and the reimbursement amount. The employee's reimbursement request will be processed in accordance with the policy in effect at the time of the request, not the time of the employee's enrollment in the undergraduate or graduate course, or certification or training program.

PAY FOR PERFORMANCE PROGRAM

PURPOSE

To define the various components of the Personnel Rules and Regulations Pay for Performance Program and to provide guidelines for its administration.

POLICY

The Village recognizes that some employees perform above and beyond the call of duty, or consistently maintain a level of performance that distinguishes them from their co-workers. It is the policy of the Village to measure, as objectively as possible, how an employee's job responsibilities are performed. The Pay for Performance Program is designed to acknowledge employees who have made special efforts in a project, program, or in rendering service or have consistently maintained an outstanding level of performance, or exceeded expectations. The Village will measure employees based on stated, well defined goals and objectives to the greatest extent possible.

OBJECTIVES

The objectives of the Pay for Performance Program are as follows:

- a. To encourage and enhance communication between the supervisor and the employee.
- b. To identify, recognize and reward employees whose job performance warrants the same.
- c. To improve job performance by identifying areas where acceptable performance is lacking and by developing an action plan for improvement.
- d. To provide a review of job performance.
- e. To document employees with the capacity for assuming greater responsibility and leadership.

ELIGIBILITY

The evaluation period may be an employee's anniversary date in the position or as provided by the applicable collective bargaining agreement. All regular employees as of the end of the evaluation period (from here forward referred to as "employees") shall participate in the Pay for Performance Program (referred to as "program"), except those covered by provisions within applicable collective bargaining agreements. All employees who have completed at least 90 days of service prior to the end of the evaluation period shall also participate in the Program.

Employees who experienced a lateral transfer during the evaluation period that causes the evaluation date to change (e.g. due to movement to/from a position covered by a collective bargaining unit to/from a non-bargaining position) shall be evaluated on a pro-rata basis during the transition from one evaluation period to the next.

For purposes of the Program, base salary is defined as the basic salary earned by the employee, excluding overtime and fringe benefits, as described in the Village's annual budget or Departmental Orders, or Village Codes, Ordinances and Personnel Rules and Regulations and Village policies.

GUIDELINES

The Village places a high value on: caring, helpful service to the public; creative, workable solutions to problems; dedication and hard work; self-improvement; and enhancing the Village's positive image. On-going performance that is consistent with these values is recognized through the performance evaluation and a pay for performance program to the extent that there remains room to advance within a salary range. The Village recognizes the advantages of rewarding the consistently high performer through the Program.

- a. Pay for Performance Increases: A pay for performance increase, as budgeted by the Village Council, may be granted to an employee based on an annual evaluation of the employee's performance.
- b. In all respects, where a pay for performance increase would cause an employee to exceed the maximum of that employee's pay range, the distribution of the pay for performance increase will be such that the employee will be topped out at the maximum of the range and will not receive a base salary increase beyond the maximum of the range. In recognition of the extraordinary service of an employee, a bonus incentive (not added to base salary) will be afforded to those employees who have attained the maximum of their pay range. Said bonus incentive will be based on the annual evaluation and applicable to those employees who receive an evaluation rating of "Satisfactory" or above as explained in the Performance Evaluation Policy.

PERFORMANCE EVALUATION POLICY

PURPOSE

To establish guidelines for the completion and submission of performance evaluations and recommendations for pay for performance increases.

POLICY

All employees shall be reviewed annually. Pay for Performance increases shall be based on performance in accordance with the Village's annual budget, Collective Bargaining Agreements, Departmental Orders, or Village Codes, Ordinances and Personnel Rules and Regulations, and other Village Policies. All proposed Pay for Performance increases will require a performance evaluation.

RESPONSIBILITY FOR CONDUCTING PERFORMANCE EVALUATIONS

Under the direction of the Village Manager, the Department Director and supervisors shall be responsible for conducting performance evaluations of employees under their direct supervision.

A. Evaluation Process

1. Performance evaluations for eligible employees shall be prepared and conducted by the immediate supervisor. The supervisor is responsible for completing the evaluation form.
2. Prior to the evaluating supervisor's review meeting with the employee, the evaluating supervisor must review the completed evaluation form with the next level supervisor. If the two levels of supervision disagree on the performance evaluation for an employee, the Department Director will review the form and make a determination on the areas of disagreement before the form is reviewed with the employee.
3. After the supervisor has completed the evaluation, the performance evaluation form shall be discussed with the employee. The review meeting provides the supervisor the opportunity to review the position requirements with the employee and to discuss the employee's overall performance, covering both strong points and areas for improvements. The employee may include written comments on the evaluation form.
4. It is possible that during the evaluation meeting, based on additional information and insights from the employee on his/her performance, the supervisor may determine the need to modify a rating on a specific performance criterion. Any changes must be shown on the evaluation form and must be initialed by the evaluating supervisor.

5. After the evaluation has been discussed, and any modifications made, the employee and supervisor shall sign and date the performance evaluation form. After the employee and supervisor have signed the evaluation form, the form shall be reviewed and signed by the Department Director. The Department Director may include additional written comments.
6. Once the evaluation form has been completed and signed by the employee, supervisor, and Department Director, the original copy of the evaluation form, shall be forwarded to the Human Resources' Office. The Human Resources' office, along with the Finance Department, will be responsible for tracking, analyzing and controlling the distribution of funds in accordance with the pay for performance policy. A copy of the evaluation form will be distributed to the employee. The copy of the evaluation form will be placed in the employee's personnel file.

B. Evaluation Period and Due Dates

1. Completion and timely submission of performance evaluations are the responsibility of all supervisors and the Department Director.
2. Evaluations for all eligible employees shall be completed every twelve (12) months, but may be completed more frequently if performance warrants.

SCALES

For each category a scale of 1-5 is used when evaluating an employee. The evaluator should use the following definitions:

SCALE

Unacceptable	Development Required	Satisfactory	Above Average	Exceptional
1	2	3	4	5

- a. Exceptional - Performance consistently exceeds job requirements. This rating is reserved for employees whose performance is truly outstanding.
- b. Above Average – Performance often exceeds job requirements, but not consistently.
- c. Satisfactory - Performance fully meets job requirements. This rating applies to employees whose performance fully meets job requirements on a regular basis.
- d. Development Required - Performance leaves room for improvement. This rating applies to employees whose performance may meet minimum job requirements, but requires improvement to fully meet job requirements on a regular basis.
- e. Unacceptable - Performance is unacceptable and below minimum job requirements. This rating applies to employees whose performance is inadequate and requires

substantial improvement to successfully meet job requirements. (Individuals with an overall performance score at this level should either move up in performance level or out of the position in a short period to time).

It is imperative that each employee understand the relationship between job performance and rate of pay and the relationship between the attainment of job standards and the level of performance. There must remain a consistency between performance evaluations and the employee's rate of pay.

PRIORITY WEIGHTS

Each of the dimensions set forth in the evaluation form has been assigned a priority weight, which is a measure of its importance to the organization. The dimensions considered to be important have higher priority weights than those dimensions considered to be less important. The priority for each dimension is set on a scale of one to five (1-5).

The scale is an arithmetic progression in which a priority of five (5) is five (5) times more important than a priority of one (1). For scoring purposes, the weights act as multipliers.

The priority weights are defined as follows:

- | | |
|--------------------|--|
| Priority Weight 1: | Of minor importance to the position and to goal attainment. |
| Priority Weight 2: | Of lesser importance to the position and to goal attainment. |
| Priority Weight 3: | Important to the position and to goal attainment. |
| Priority Weight 4: | Very important to the position and to goal attainment. |
| Priority Weight 5: | Critical to the position and to the goal attainment. |

DISCIPLINE AND CONFLICT OF INTEREST

OBJECTIVE

One of the primary objectives of supervision is to ensure prompt, efficient and courteous service to the public. To meet this goal, supervisors are responsible for training, assisting, motivating, directing and correcting behavior of staff. In any organization it is essential that certain standards of personal conduct and work performance be maintained. Most people prefer to work in an orderly environment and will readily conform to reasonable rules of conduct and standards of performance as long as they understand what is expected of them. Supervisors are responsible for informing their subordinates of management's expectations. Where problems with employee behavior or performance arise, a supervisor should seek to correct the problem with the least amount of disruption to the work environment. Discipline is a means to correct employee behavior and performance. This information addresses both progressive discipline and termination. All employees working for the Village are members of a select group working together for the main purpose of serving the community. Any employee who fails to follow the necessary rules and regulations governing their conduct is not only penalizing themselves, but is also doing a disservice to all of the other Village employees. The Work Rules are not intended to restrict or impose on the individual, but are designed to ensure the rights and safety of all Village employees and to provide working guidelines to efficiently serve the community effectively.

PROGRESSIVE DISCIPLINE

Progressive discipline is utilized for regular, non-probationary employees and may include documented verbal counseling, written warning, suspension, and ultimately termination. Exempt employees are not typically subject to progressive discipline. The goals of progressive discipline are to: inform the employee of inadequacies in performance or instances of improper behavior; clarify what constitutes satisfactory performance or behavior; instruct the employee on what action must be taken to correct the performance or behavior problem; and inform the employee of what action will be taken in the future if the expectations are not met. There are several levels of disciplinary action, each progressively more serious, which may be used to correct employee performance and behavior. Assistance is available from Human Resources.

PROCEDURES

- A. Counseling Memos: These memos will be prepared to provide employees with basic information about disciplinary recommendations or counseling.
 - 1. Counseling memos are used for documenting counseling only. It is a non-disciplinary process used to denote:
 - a. Performance deficiencies
 - b. Corrective processes
 - c. Additional training or educational needs
 - 2. The employee's signature on the Counseling memo will be evidence the employee read each page and the report was discussed with the employee.
 - 3. If the employee refuses to sign the Counseling memo, the employee's supervisor

will write “Refused” and date/time of the refusal in the applicable employee's signature area. If a witness is present, the witness will sign and date the report below the employee's signature area.

B. Documented Verbal Counseling: An employee may be given a documented verbal counseling for a performance or behavior problem. A documented verbal counseling is typically issued during a private conference between the supervisor and the employee where the supervisor explains the problem and what the employee must do to return to satisfactory status. The employee should be informed that the conference is being conducted for the purpose of issuing a documented verbal counseling. This ensures that the employee is aware that disciplinary action is taking place. Documented verbal counseling can also be used as a training tool.

C. Written Warning:

1. A Written Warning will be used if discipline rather than counseling is recommended.
2. The employee's signature on a written warning will be evidence the employee read each page and the report was discussed with the employee.
3. If the employee refuses to sign the written warning, the employee's supervisor will write “Refused” and date/time of the refusal in the applicable employee's signature area. If a witness is present, the witness will sign and date the report below the employee's signature area.
4. Written warnings shall be included in the employee's personnel file.

D. Suspensions:

1. In General: Nonexempt employees may be suspended without pay for incidents which are serious enough to warrant suspension, or after less severe disciplinary actions have been taken. The duration of the suspension should be commensurate with the offense.
 - a. Typically the employee is informed of the suspension in private conference with their supervisor.
 - b. The employee is given a suspension letter detailing the basis for the action which specifies: the length of the suspension (beginning and ending dates)
 - c. A description of the specific problem or offense
 - d. The most recent incident and when it occurred; previous actions taken to correct the problem, if applicable
 - e. Expectations and acceptable standards of performance
 - f. A warning that further unsatisfactory behavior or performance may result in further disciplinary action, up to and including termination.
 - g. The suspension letter may also specify a review period, if appropriate, in which the employee's behavior or performance will be reviewed.
 - h. Exempt status employees may be suspended in increments as allowed by the Fair Labor Standards Act and other wage and hour laws as applicable for inappropriate or illegal conduct.
 - i. An employee may be suspended indefinitely or for any specified period of time without pay for offenses as defined in these policies and/or for violation

of departmental rules and regulations, as recommended by the Department Director and as approved by the Village Manager. In the case of a unionized employee, the collective bargaining process will be adhered to for any suspensions. In all cases of suspension, a suspension letter must be completed and submitted to the employee along with a copy to the Village Manager and Director of Human Resources and Risk Management.

2. Normal Suspension Procedures:

- a. Except in cases of suspensions in contemplation of termination, and except where the employee's presence poses a continuing danger to persons or to the orderly operation of Village government, the employee shall be notified in writing of the accusations/charges against the employee and the factual basis therefore prior to the effectiveness of the suspension.
- b. Concurrently with or after said notice, but prior to a suspension, the supervisor; superior or Department Director must give the accused employee a reasonable opportunity to explain the employee's version of the facts surrounding the accusations.
- c. Immediately thereafter, the supervisor, superior, or Department Director may recommend suspension, followed by approval of the Village Manager.

3. Extraordinary Suspensions: In cases where the employee's presence poses a continuing danger to persons or to the orderly operation of Village government, the employee may be immediately suspended but shall be notified in writing of the charges against the employee and shall be given an opportunity to rebut same within ten (10) days after suspension.

E. Administrative Leave

Employees may be placed on administrative leave with or without pay pending an investigation into conduct that may give rise to discipline under these policies, for safety reasons, while awaiting the results of a drug and/or alcohol test, while awaiting the outcome of the informal pre-termination conference.

F. Demotion and Decrease in Pay

1. A Department Director may recommend and the Village Manager may demote an employee with a decrease in salary and job responsibilities, as appropriate, for such time as is necessary to correct deficiencies in job performance or job qualifications. The duration of such demotion and reduction in pay and responsibilities, as appropriate, may be temporary or regular as appropriate, under the circumstances.
2. In the event of an involuntary demotion, employees will be placed in the same relative position for the lower position grade as they enjoyed in the previous classification, as long as the pay does not decrease more than 10%.
3. Subject to the above, a demoted regular employee is entitled to advance under the pay plan as any other employee based upon job performance. Prior to the proposed demotion, the employee shall be given written notice of the reasons for the proposed demotion and further, shall be given the opportunity to rebut

said reasons before the appropriate Department Director. If the Department Director determines demotion is proper, then an appropriate progress interview shall be completed and shall include the specific reasons for the demotion. The Village Manager has final approval for all involuntary demotions.

G. Terminations:

1. In General: Employees may be terminated for incidents which are serious enough to warrant immediate termination, or after less severe disciplinary actions have been taken. It is advisable to terminate an employee in private conference with the immediate supervisor and other appropriate levels of supervision. During this conference the employee is usually given a letter or a memorandum clearly stating the effective date of the termination. When allegations are serious enough to merit immediate termination, it is usually advisable place the employee on administrative leave pending an investigation. This administrative leave is for the purpose of investigating the problem and conferring with appropriate officials regarding the decision to terminate, and should be so communicated to the employee.
 - a. These procedures for dismissal are promulgated to minimize the risk of improper terminations associated with any such processes.
 - b. A probationary employee may be dismissed with or without cause at the sole discretion of the Department Director. A Regular Employee may be dismissed only for cause.
2. Immediate Termination: Immediate termination occurs without prior warnings or attempts at progressive discipline due to the seriousness of the incident. This would include, but not be limited to, theft, violation of either of the Village's drug-free workplace policies (as applicable to the position), violence or threat of violence, conviction of a felony, and negligent, careless or intentional performance that results in damage to property or individuals or the risk thereof. This action may become necessary when incidents which in and of themselves are so serious as to justify immediate termination, or performance problems which are determined to be due to rule violations or neglect of duty.
3. Termination Procedure: Prior to the proposed termination, the employee shall be placed on administrative leave without pay pending the outcome of the pre-determination conference and shall concurrently or immediately thereafter receive written notice of the reasons for the proposed termination either by hand delivery or other traceable means.
 - a. Such notice shall also specify a time, no sooner than two (2) working days nor later than five (5) working days following the employee's receipt of such notice, for an pre-determination conference to be held before the Village Manager to afford the employee an opportunity to rebut the charges.
 - b. The employee may also be allowed to respond in writing to the Village Manager. After such pre-determination conference, and after considering all evidence, the Village Manager shall take appropriate action upon the

dismissal.

- c. An employee waives the right to appeal a termination if the employee fails to attend the pre-determination conference after being given notice of same.
 - d. The Village Manager's decision shall be forthwith furnished the employee and shall be final and binding.
4. Appeals: An employee who is subject to any disciplinary action specified herein may either pursue the appeal procedure contained in applicable collective bargaining agreements, these regulations, or request a pre-determination conference on the action by serving a notice within twenty-four (24) hours after the effective date of the action to the Village Manager.

CODE OF ETHICS, CONFLICTS OF INTEREST, AND STANDARDS OF CONDUCT AND WORK RULES

PURPOSE

To provide Village employees a definition of conflict of interest, establish a code of ethics, and provide a set of work rules that establishes direction for the performance of duty and proper and efficient operation of Village operations.

BACKGROUND

Public organizations must, by reason of their existence, present an image to be respected by those they serve. The personnel who make up the organization must, at all times, project a concerned and professional image and are prohibited from engaging in conduct that creates a conflict of interest. These qualifications, not found in all professions, are a demanding requirement of this vocation, which, of necessity, must be evident in the daily operation of the organization and in all contacts with the public.

DEFINITIONS

- A. A “conflict of interest” means a situation where regard for an employee’s private interest tends to lead to disregard of a public duty or interest. A “conflict of interest” occurs when employees solicit or accept gifts, do business with the Village and/or engage in prohibited employment or business relationships, accept unauthorized compensation, misuse their position, disclose or use certain information, solicit or accept honoraria, or engage in lobbying the Village within two years of separation of employment, accept prohibited travel expenses, receive contingency fees, or submit false statements in connection with employment or services provided to the Village in violation of this policy, all of which are more fully described below.
- B. A “covered person” for purposes of the Personnel Rules and Regulations is a Village employee, regardless of classification and may include volunteers in certain circumstances. However, the statutes and local ordinances regulating ethics and conflicts of interests also govern members of the Village Council and Village Advisory Board Members.
- C. A “domestic partner” is an adult, unrelated by blood, with whom an unmarried or separated official or employee has a committed relationship and maintains a mutual residence.
- D. A “gift” is something which is paid or given by a person or entity to a Village employee, or to another for or on behalf of the employee, directly, indirectly, or in trust for the employee’s benefit or by any other means, where the employee does not, in exchange, give something of equal or greater value to that person or entity within 90 days, including:
 - 1. real property or the use of real property
 - 2. tangible or intangible personal property or the use of tangible or intangible personal property
 - 3. a preferential rate or terms on a debt, loan, goods, or services, which rate is below

the customary rate and is not either a government rate available to all other similarly situated government employees or a rate which is available to similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin

- forgiveness of an indebtedness
- transportation, other than that provided to a public employee by an agency in relation to officially approved governmental business, lodging, or parking
- food or beverage
- membership dues
- entrance fees, admission fees, or tickets to events, performances, or facilities
- plants, flowers, or floral arrangements
- services provided by persons pursuant to a professional license or certificate
- other personal services for which a fee is normally charged by the person providing the service
- any other similar service or thing having an attributable value not already provided for above

E. A “gift” does not include the following items:

- Salary, benefits, services, fees, commissions, gifts, or expenses associated with the employee’s employment, business, or service as an officer or director of a corporation or organization.
- Campaign contributions or expenditures reported pursuant to statute, campaign-related personal services provided without compensation by individuals volunteering their time, or any other contribution or expenditure by a political party.
- An honorarium or an expense related to an honorarium event paid to a person or the person’s spouse.
- An award, plaque, certificate, or similar personalized item given in recognition of the employee’s public, civic, charitable, or professional service.
- An honorary membership in a service or fraternal organization presented merely as a courtesy by such organization.
- The use of a public facility or public property made available by a governmental agency, for a public purpose.
- Transportation provided to an employee by an agency in relation to officially approved governmental business.
- Gifts provided directly or indirectly by a state, regional, or national organization which promotes the exchange of ideas between, or the professional development of, government officials or employees, and whose membership is primarily composed of elected or appointed public officials or staff, to members of that organization or officials or staff of a governmental agency that is a member of that organization.

F. A “household member” includes anyone whose primary residence is in the official’s or employee’s home, including nonrelatives who are not rent payers or employees of the head of household.

- G. “Immediate family” means any parent, spouse, child, or sibling.
- H. A “relative” means an individual who is related to a Covered Person as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, step great grandchild, person who is engaged to be married to the Covered Person or who otherwise holds himself or herself out as or is generally known as the person whom the Covered Person intends to marry or with whom the Covered Person intends to form a household, or any other natural person having the same legal residence as the Covered Person.
- I. “Work Rules” Those rules as set out under this policy and those commonly accepted standards of conduct that would normally apply to personnel of a local governments including those with police, fire and emergency medical services.
- J. “Violations” Any action of non-adherence, transgressions from, or failure to abide by work rules or commonly accepted standards of conduct.

POLICY

Employees shall conduct themselves in a manner consistent with the Code of Ethics, Conflicts of Interest, and Standards of Conduct and Work Rules set forth herein.

CODE OF ETHICS AND CONFLICTS OF INTEREST

- A. Employees are required to comply with Florida’s Code of Ethics for Public Officers and Employees and may not use their jobs to obtain any special privileges or private gain for themselves or others.
- B. In accordance with Florida law, employees shall not:
1. engage in outside employment, which will interfere with the employee's primary job with the Village or create a conflict of interest;
 2. accept a retainer, commission, consulting fee, or any other fee arrangement or remuneration without full, written disclosure to Human Resources;
 3. initiate, either directly or indirectly (including members of the employee's immediate family), to borrow from, lend to, invest in, or engage in any substantial financial transaction with a customer, client, vendor or supplier of the Village;
 4. solicit or accept gifts based on an understanding that the employee’s official actions would be influenced by such gift;
 5. directly or indirectly purchase, rent, or lease any realty, goods, or services for the Village from any business entity of which the employee (or spouse or child) is an officer, partner, director, or proprietor or holds a material interest collectively or individually;

6. engage in outside employment during the employee's scheduled working hours at the Village; or,
 7. use Village facilities, equipment, labor, or supplies to conduct outside activity.
- C. Violations of the Code of Ethics include, but are not limited to:
1. soliciting or accepting anything of value, such as a gift, loan, reward, promise of future employment, favor, monetary gift, or service;
 2. misusing the employee's public position to obtain any special privilege, benefit or exemption; or,
 3. disclosing or using information, deemed not available to the general public, for the employee's own benefit or the benefit of others.
- D. As such, any employee who wishes to engage in outside professional, business or volunteer activities must be certain that the proposed activity does not:
1. interfere with the employee's effective performance of his/her duties;
 2. make use of any of the Village's proprietary or confidential information; or
 3. require use of Village time, resources, facilities, or equipment.
- E. An employee is required to notify the Human Resource department if the employee, their spouse, or other member of their immediate family is engaged in a business that is similar in nature to the Village or that is under contract with the Village. Likewise, an employee must notify the Human Resources Department if a relative is employed by an organization that is under contract with the Village.
- F. Whenever there is a possible conflict of interest, it should be discussed with the Director of Human Resources and Risk Management.
- G. Employees shall not commit any deliberate act or omission, which constitutes a violation of work rules, regulations or directives as set out in this policy or accepted as standard operating procedure.
- H. Consequences of Violations
1. Any employee, who engages in a prohibited conflict of interest or who violates the code of ethics, shall be subject to discipline, up to and including immediate termination of employment.
 2. Additionally, any employee may be subject to investigation by the Florida Commission on Ethics, the Palm Beach County State Attorney's Office, Palm Beach County Commission on Ethics, or other enforcement agencies, which may result in civil and/or criminal penalties, if the violation of this policy also constitutes a violation of Florida or applicable local law.
- I. Reporting Violations
1. Employees must contact their immediate supervisor or Department Director if they have any questions concerning the Conflict of Interest and Code of Ethics Policy. Suspected violations of the Conflict of Interest and Code of Ethics Policy must be reported immediately to their Department Director or the Village Manager.

Employees may report their concerns verbally or in writing. Department Directors receiving reports of alleged violations must immediately forward the report to the Village Manager for action.

2. Employees may also report suspected violations of this policy to the Palm Beach County Inspector General or the Palm Beach County Commission on Ethics.
3. The Village will not retaliate against any employee who reports suspected violations of this Conflict of Interest and Code of Ethics Policy unless it is determined the report was made in bad faith or maliciously.

J. Ethics Training

At the beginning of employment and throughout the course of employment, employees are advised of their obligations to comply with the Palm Beach County and State of Florida Code of Ethics. Training provided by the Village is mandatory for all Covered Persons, whether initial training or follow-up training. The Village provides follow-up training on the ethics obligations of Covered Persons approximately every 24 months.

EMPLOYEES/MEMBERS STANDARDS OF CONDUCT AND WORK RULES

These standards of conduct and work rules are intended to govern employee conduct while facilitating the Village's goals and objectives. Employees will not commit or omit any act violating any Work Rule, regulation, directive, order, or policy. Violation of the standards of conduct and work rules may result in disciplinary action up to, and including, termination.

A

Absent Without Leave: Employees will be considered absent without leave if they are not present for work and no leave was granted. Multiple days of being Absent Without Leave may constitute Job Abandonment as set forth below.

Abuse of Position: Personnel shall not authorize the use of their: names, photographs, or official titles which identify them as Village personnel, in connection with testimonials or advertisements of any commodity or commercial enterprise; nor shall they lend to another person their identification cards or badges or permit them to be photographed or reproduced; and personnel shall not use their official position, official identification cards or badges:

- A. For personal financial gain
- B. For obtaining privileges not otherwise available to them except in the performance of duty; or
- C. For avoiding consequences of illegal acts.

Alcohol Use Off Duty: Personnel, while off duty, shall refrain from consuming alcoholic beverages to the extent that such consumption results in impairment, or obnoxious or offensive

behavior which discredits them or the Village, or renders them unfit to report for their next scheduled work day.

Alcoholic Beverages/Controlled Substances in Village Facilities: Personnel shall not store or bring into any Village facility or vehicle any alcoholic beverages and/or controlled substances except those being held as evidence or being utilized in an official investigation.

Applications – Honesty in the Applications for Positions: No person seeking to become an officer or employee, or seeking to enter into a contract to provide goods or services to the Village, may make any false statement, submit any false document, or knowingly withhold information about wrongdoing in connection with employment by or services to the Village.

Assistance, Requests for: When any person requests assistance or advice, or makes complaints or reports, by telephone, electronically, or in person, all pertinent information will be obtained in an official and courteous manner and will be properly and judiciously acted upon consistent with established Village policy.

B

Business with the Village and Prohibited Employment and Business Relationships:

- A. Covered Persons are prohibited from having an employment or contractual relationship with any business entity or agency which is subject to the regulation of the Village or that is doing business with the Village.
- B. Persons are prohibited from having an employment or contractual relationship that will create a continuing or frequently recurring conflict between their private interests and the performance of their public duties or that would impede the full and faithful discharge of their public duties.
- C. Covered Persons acting in their official capacity as a purchasing agent, with authority to commit the expenditure of public funds through a contract for, or the purchase of, any goods, services, or interest in real property for the Village (as opposed to the authority to request or requisition a contract or purchase by another person) are prohibited from either directly or indirectly purchasing, renting, or leasing any realty, goods, or services for the Village from any business entity of which the employee, or the employee's spouse or child is an officer, partner, director, or proprietor or in which such employee or their spouse or child, or any combination of them, has a material interest. A material interest means direct or indirect ownership of more than 5 percent of the total assets or capital stock of any business entity including ownership by a spouse or minor child.
- D. Covered Persons are prohibited from acting in a private capacity to rent, lease, or sell any realty, goods, or services to the Village unless the contract for the transaction was entered into prior to the employee's first date of employment at the Village.

C

Citizen Complaints: Personnel shall courteously and promptly respond to any complaint made by a citizen against any Village personnel or the Village. Personnel may attempt to resolve the complaint, but shall never attempt to dissuade any citizen from lodging a formal complaint against Village personnel. All formal complaints received shall be in writing, signed by the complainant and notarized. Complaints shall be forwarded to the Director of Human Resources and Risk Management for further action.

Compensation – Unauthorized: Employees, their spouses and minor children are prohibited from accepting any compensation, payment, or item of value when the employee knows, or should know with the exercise of reasonable care, that is given to influence an action in which the employee was expected to participate in his or her official capacity.

Conflicting - Illegal Orders: Personnel who are given an otherwise proper order which is in conflict with a previous order, rule, regulation or directive shall respectfully inform the supervisor issuing the order of the conflict.

- A. If the supervisor issuing the order does not alter or retract the conflicting order, the order shall stand. Under these circumstances, the responsibility for the conflict shall be upon the supervisor. Personnel shall obey the conflicting order and shall not be held responsible for disobedience of the order, rule, regulation or directive previously issued.
- B. Personnel shall not obey any order which they know or should know would require them to commit an illegal act. If in doubt as to the legality of order, personnel shall request the person issuing the order to clarify it or may confer with higher authority.

Conformance to Laws: Personnel shall obey all Federal, State, County, and Local laws. Conviction of the violation or attempted violation of any law shall be prima facie evidence of a violation of this section.

Contingency Fees:

- A. "Contingency fee" means a fee, bonus, commission, or nonmonetary benefit as compensation which is dependent on or in any way contingent on the passage, defeat, or modification of: an ordinance, resolution, action or decision of the Village Council, any employee authorized to act on behalf of the Village Council, the Village Manager, or any action or decision of an advisory board or committee.
- B. No person shall, in whole or in part, pay, give or agree to pay or give a contingency fee to another person.
- C. No person shall, in whole or in part, receive or agree to receive a contingency fee.
- D. This prohibition does not apply to real estate brokers when acting in the course of their profession as regulated by Florida Statutes, §§ 475.001—475.5018, as may be amended. Nothing in this section may be construed to prohibit any salesperson from engaging in legitimate government business on behalf of a company from receiving compensation or

commission as part of a bona fide contractual arrangement with that company provided such compensation or commission is ordinary and customary in the industry. Nothing in this section may be construed to prohibit an attorney from representing a client in a judicial proceeding or formal administrative hearing pursuant to a contingent fee arrangement.

Courtesy: Personnel shall be courteous to the public, vendors, and other employees of the Village. Personnel shall be tactful in the performance of their duties, shall control their tempers, and exercise the utmost patience and discretion. In the performance of their duties, personnel shall not use coarse, violent, profane or insolent language or gestures and shall not express any prejudice concerning race, color, creed, gender, gender identity or expression, marital status, sexual preference, sexual orientation, national origin, ancestry, age, religion, disability, or other characteristics protected by applicable law.

D

Dissident Groups: Employees will not, except in the line of duty, knowingly associate with any person or organizations which advocates or foster hatred, oppression, or persecution of any person or group.

Distraction From Duty: Employees will not engage in activities or personal business, which would cause them to neglect or be inattentive to duty.

E

Endorsements and Referrals: Personnel shall not recommend or suggest in any manner, except in the transaction of personal business, the employment or procurement of a particular product, professional service (such as an attorney, ambulance service, towing service, bondsman, mortician, etc.). In the case of ambulance or towing service, when such service is necessary and the person needing the service is unable or unwilling to procure it or requests assistance, personnel shall proceed in accordance with established Village procedures.

G

Gambling: On-duty employees will not engage or participate in gambling while on or in a Village facility or while using Village systems or devices. Employees will not engage in illegal gambling at any time.

Gifts – Solicitation and Acceptance:

- A. Village employees are prohibited from soliciting or accepting anything of value, including gifts, loans, rewards, promises of future employment, favors or services that are based on any understanding that their vote, official action or judgment would be influenced by such a gift.
- B Employees are prohibited from soliciting any gift from a political committee, a certified committee of continuous existence, or from a person who, for compensation, seeks or sought to influence the governmental decision making of the employee, or who encouraged the passage, defeat, or modification of any proposal

or recommendation by the employee or the Village Council, within the past 12 months, where the gift is for the personal benefit of the employee, or any member of their immediate family or household.

- C Employees, or any person on their behalf, are prohibited from knowingly accepting, directly or indirectly, a gift from a political committee, certified committee of continuous existence, or from a person who, for compensation, seeks or sought to influence the governmental decision making of the employee, or who encouraged the passage, defeat, or modification of any proposal or recommendation by the employee, or the Village Council, within the past 12 months, if the employee knows or reasonably believes that the gift has a value in excess of \$100.00. However, such a gift may be accepted by the employee on behalf of Village or a charitable organization so long as the employee does not maintain custody of the gift for any period of time beyond that reasonably necessary to arrange for the transfer of custody and ownership of the gift. The value of the gift is generally determined using the actual cost to the donor, less taxes and gratuities, or the reasonable and customary charge for personal services provided by the donor directly. Compensation provided by the employee to the donor within 90 days after receipt of the gift is deducted from the value.
- D. No Covered Person shall accept or agree to accept a gift from a person or entity, because of:
- An official public action taken or to be taken, or which could be taken;
 - A legal duty performed or to be performed or which could be performed; or
 - A legal duty violated or to be violated, or which could be violated by any official or employee.
- E. No Covered Person, or any other person or entity on their behalf, shall knowingly solicit or accept a gift with a value in excess of \$100.00 in the aggregate for the calendar year from any person or business entity that the recipient knows is a vendor, lobbyist or any principal or employer of a lobbyist where the gift is for the personal benefit of the official or employee, another official or employee, or any relative or household member of the official or employee.

Gift Reports: Any employee who receives a gift in excess of one hundred dollars (\$100.00) shall report that gift in accordance with this section.

- A. Gift reports for employees identified by state law as reporting individuals. Those persons required to report gifts pursuant to state law shall report those gifts in the manner provided by Florida Statutes, §112.3148, as may be amended. A copy of each report shall be filed with the Palm Beach County Commission on Ethics.

- B. All other employees who are not reporting individuals under state law.
1. Personal gifts. All employees who are not reporting individuals under state law are not required to report gifts in excess of one hundred dollars (\$100.00) so long as those gifts are given to the employee by a personal friend or co-worker and the circumstances demonstrate that the motivation for the gift was the personal or social relationship rather than an attempt to obtain the goodwill or otherwise influence the official or employee in the performance of his or her official duties. Factors to be considered in determining whether a gift was motivated by a personal or social relationship may include but shall not be limited to: whether the relationship began before or after the official or employee obtained his or her office or position; the prior history of gift giving between the individuals; whether the gift was given in connection with a holiday or other special occasion; whether the donor personally paid for the gift or sought a tax deduction or business reimbursement; and whether the donor gave similar gifts to other officials or employees at or near the same time. If the personal friend or co-worker is a vendor, lobbyist or principal or employer of a lobbyist that lobbies the Village, then the employee shall not accept a gift in excess of one hundred dollars (\$100.00) in accordance with this policy.
 2. All other gifts. All employees who are not reporting individuals under state law and who receive any gift in excess of one hundred dollars (\$100.00), which is not otherwise excluded or prohibited pursuant to this subsection, shall complete and submit an annual gift disclosure report with the County Commission on Ethics no later than November 1 of each year for the period ending September 30 of each year. All officials or employees who are not reporting individuals under state law and who do not receive a gift in excess of one hundred dollars (\$100.00) during a given reporting period shall not file an annual gift disclosure report. The annual gift disclosure report shall be created by the County Commission on Ethics and shall be in a form substantially similar in content as that required by state law.

Gratuities, Bribes or Rewards: Personnel shall not solicit or accept any gratuity, bribe, or reward from any person, business or organization if personnel have reason to believe that the donor is seeking to influence personnel's performance or non-performance of an official duty, has an interest which maybe substantially affected by the performance of an official duty, has a substantial interest in an enterprise which is licensed or regulated by the Village.

H

Honoraria – Solicitation of Acceptance:

- A. The Village Manager, Village Clerk, Village Building Code Inspector, employees with the power to grant or deny a land development permit, and any purchasing agent with authority to make any single purchase in excess of \$20,000 on behalf of the Village are prohibited from soliciting an honorarium which is related to their public office or duties.

- B. An honorarium means any payment of money or anything of value, directly or indirectly, to the employee, or to any other person on his or her behalf, as payment for a speech, address, oration or other oral presentation by the employee, regardless of whether presented in person, recorded or broadcast over the media, or for a writing by the employee that is intended to be published (other than a book).
- C. Because an honorarium does not include the payment or provision of actual and reasonable transportation, lodging, and food and beverage expenses related to the honorarium event, including any event or meeting registration fee for the employee and spouse, the employee may accept payment of such expenses related to an honorarium event, provided the employee receives a statement listing the name and address of the person providing the expenses, a description of the expenses provided each day, and the total value of the expenses provided for the event within 60 days of the event and receives a waiver from the Village Council authorizing acceptance of such expenses, as more specifically outlined under the Travel Expenses section of this policy.
- D. If the Village Council authorizes acceptance of the expenses, the employee must disclose such expenses with an attached statement and approval annually in the financial disclosure when such expenses are paid by a political committee or committee of continuous existence or from a person who, for compensation, seeks or sought to influence the governmental decision making of the Village Manager or purchasing agent, or who encouraged the passage, defeat, or modification of any proposal or recommendation by the Village Manager, purchasing agent, or the Village Council, within the past 12 months.

I

Identification: Personnel shall carry their identification cards on their person at all times, except when impractical or dangerous to their safety. They shall furnish their name and identification number to any person requesting that information, when they are on duty or while holding themselves out as having official capacity.

Immoral Conduct: Members and employees shall maintain a level of moral conduct in their personal and business affairs, which is in keeping with the highest standards of the profession. Members and employees shall not participate in any action involving moral turpitude, which impairs their ability to perform as Village personnel or causes the Village to be brought under unfavorable scrutiny.

Information – Disclosure or Use of Certain Information: Current and former employees of the Village are prohibited from disclosing or using information not available to members of the general public and gained by reason of his or her position, except for information relating exclusively to governmental practices, for their personal gain or benefit or for the personal gain or benefit of any other person or business entity.

Insubordination: Insubordination shall include but not necessarily be limited to any failure or deliberate refusal to obey a lawful order given by a supervisor, or any disrespectful, mutinous, defiant, insolent, or abusive language or action toward a supervisor.

J

Job Abandonment: Absence without approved leave for a period of three (3) consecutive work days or shifts. “Consecutive” refers to workdays on which the employee is scheduled to work (e.g. Monday, Wednesday and Friday are “consecutive” if the employee is not scheduled to work on Tuesday or Thursday).

K

Keys:

- A. On-duty employees will not possess a business premise key for the purpose of obtaining shelter, rest, or telephone service. Supervisors may make temporary exceptions if needed in the performance of official duties.
- B. Employees are not permitted to duplicate any Village key without their Department Director or designee's permission.

L

Labor Activity: Personnel shall have the right to join labor organizations. Nothing shall compel the Village to recognize or to engage in collective bargaining with any such labor organization except as provided by law.

M

Meal/Break Procedure:

- A. Employees are entitled to one meal break of at least thirty (30) minutes per eight-hour shift and one 15- minute break for each four hours worked. Supervisor approval is required to modify the meal/break schedule.
- B. Employees are authorized two 15-minute breaks not to be taken consecutively or in conjunction with a 30-minute meal/break unless authorized by their immediate supervisor.
- C. Meal breaks will not represent compensable time except as specified herein and as specified in any applicable collective bargaining agreement.
- D. Employees will be given time for meals and breaks at the discretion of their immediate supervisor and consistent with applicable collective bargaining agreement.
- E. Employees can be recalled from authorized meals or breaks at the discretion of a supervisor. In the event the recall prevents and employee from taking a bona fide meal break, the employee will be compensated for the time worked.

Misuse of Position:

- A. Covered Persons are prohibited from, whether corruptly or not, using or attempting to use their position or any property or resource which may be within their trust, or perform their official duties, to secure a special privilege, benefit or exemption for themselves or others. "Corruptly" means done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of an official or employee which is inconsistent with the proper performance of their public duties.
- B. Specifically, an employee shall not use their official position, or take or fail to take any action, or influence others to take or fail to take any action, in a manner which the employee knows or should know with the exercise of reasonable care will result in a special financial benefit, not shared with similarly situated members of the general public, for any of the following persons or entities:
- The employee or official;
 - Their spouse or domestic partner, household member or persons claimed as dependents on the official or employee's latest individual federal income tax return, or the employer or business of any of these people;
 - A sibling or step-sibling, child or step-child, parent or step-parent, niece or nephew, uncle or aunt, or grandparent or grandchild of either the employee, or of their spouse or domestic partner, or the employer or business of any of these people;
 - An outside employer or business of theirs, or of their spouse or domestic partner, or someone who is known to such official or employee to work for such outside employer or business;
 - A customer or client of the official or employee's outside employer or business;
 - A substantial debtor or creditor of theirs, or of their spouse or domestic partner—"substantial" for these purposes shall mean at least ten thousand dollars (\$10,000.00) and shall not include forms of indebtedness, such as a mortgage and note, or a loan between the employee and a financial institution;
 - A civic group, union, social, charitable, or religious organization, or other not for profit organization of which they (or their spouse or domestic partner) is an officer or director.

N

Neglect of Duty: Personnel shall not fail to give suitable attention to the performance of duty. Examples of neglect of duty include but are not limited to: Failure to take appropriate action on the occasion of a crime scene, disorder, or other act or condition deserving attention; Absence without Leave; Unnecessary absence from one's assignment during a tour of duty; Failure to report for duty at the time and place designated; Failure to perform duties; or engaging in any activity or personal business which would cause one to be inattentive to duty.

Notices - Posting/Circulation/Destruction/Defacing: Personnel shall not destroy or deface any official written Notice/Memorandum posted relating to Village business. The posting of any non-official Notice/Memorandum relating to Village activity is prohibited.

O

Obedience to Orders: Personnel shall obey and fully execute any lawful order, written or oral, given by a supervisor, which shall include but not necessarily be limited to these work rules, policies and procedures of the Village. The term "lawful order" shall be construed as any order in keeping with the performance of any duty prescribed by law or by these rules, or for the preservation of good order, efficiency and proper discipline, which is not in conflict with these rules or Village procedures.

Official Document-Destroying: Employees will not destroy or permanently remove from its proper location any official record without proper authorization.

P

Payment of Debts: Personnel shall not willfully or negligently fail to pay all just debts and legal liabilities when due. Personnel should not undertake any financial obligations, which they know or should know they will be unable to meet. Personnel shall not co-sign a note for any supervisor.

Payment for Personal Injury: Employees will not accept or agree to accept anything as payment for personal injury or property damage incurred in the line of duty without first notifying their Department Director, unless per a lawfully instituted legal action.

Personal Appearance: Personnel on duty shall wear uniforms or other clothing in accordance with established Village position. Personnel on duty shall maintain a neat, well-groomed appearance.

Political Activity: Personnel are permitted to engage in political activities that fall within the first amendment protections and shall not be restricted in this right except where in conflict or violation of Federal, State or local law. Employees shall not engage in political activities while on duty.

Political, Religious, or Discriminatory Discussions: Employees will not use remarks that degrade any race, color, creed, religion, gender, gender identity or expression, marital status, sexual orientation, national origin, ancestry, age, religion, disability, or other categories protected by applicable law.

Possession/Use of Controlled Substances: Personnel shall not possess or use any controlled substance in violation of the Village's drug free workplace policies. Some exceptions may arise where prescribed use is reported to Human Resources prior to the performance of any work and is determined to be possessed or used under approval and guidance of a licensed physician. At no time may any personnel of the Village be under the influence of a controlled substance where such use or influence impairs or compromises the Village.

Possession/Use of Alcohol: Personnel shall not possess or consume alcoholic beverages while on duty. Personnel shall not report for duty, or be on duty, while under the influence of alcoholic beverages, or with an odor of alcoholic beverages on their breath or body.

Promptness: Employees will report for work at the time and place specified, properly attired and equipped.

Property, Damage/Loss of Village:

- A. Damaged Village property will be reported to supervisors as soon as possible after the incident occurs via memo.
- B. Lost or stolen Village property including Village equipment, radios, badges, ID Cards, keys, uniforms, etc., will be reported as follows:
 - 1. Employees will immediately make verbal notification of the incident to their supervisor.
 - 2. As soon as possible after making verbal notification, employees will prepare a written report and submit it to their supervisor.

Note: The written report will include the property's description and circumstances surrounding the loss or theft.

- 3. Supervisors will send a copy of the report to their Department Director for filing and future reference.

Professional Demeanor: Employees shall demonstrate professionalism in their language and mannerisms when engaging with others in the workplace.

Prohibited Association/Frequenting: Personnel shall not frequent or associate with person(s), organizations or places that they know, or should know, are under criminal investigation or indictment, or that have a reputation in the community or Village for present involvement in felonious or criminal activity, or where unavoidable because of other personal relationships with personnel.

Public Statements and Appearances:

- A. Personnel shall not publicly criticize or ridicule the Village, its policies or other personnel by speech, writing or other expression, where such speech, writing or other expression is defamatory, obscene, unlawful, which undermines the effectiveness of the Village, interferes with the maintenance of discipline, or is made with reckless disregard for truth or falsity.
- B. Personnel shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or periodical, release or divulge any other matters of the Village while holding themselves out as representing the Village in such matters without proper authority.

Public – Relationship with and Courtesy to the: Employees will avoid giving the impression they are evading the performance of their duty or disinterested in problems of persons who may be referred elsewhere for service. Employees will not belittle a seemingly trivial request, complaint, or piece of information, but will thank the person regardless of the information received. Employees will be courteous when dealing with the public and shall avoid conduct which conveys disinterest or disrespect.

R

Recall to Duty: Off-duty employees will report for duty immediately upon receipt of orders to do so.

Relief: Except in emergencies, employees will not leave their assignment without being properly relieved. If not properly relieved, employees will notify their on-duty supervisor as soon as possible.

Reporting for Duty: Personnel shall report for duty at the time and place required by established schedules, special assignments, or orders. Personnel shall be physically and mentally fit to perform their duties and they shall be properly equipped and cognizant of information required for the proper performance of duty so that they may immediately assume their duties.

Reporting Illness:

- A. Employees unable to report for duty due to illness must notify their supervisor or other competent authority at least one hour before their scheduled reporting time or in accordance with the applicable collective bargaining agreement.
- B. If sick leave abuse is suspected or excessive sick leave use occurs, supervisors may require an employee to provide a physician's note explaining the employee's illness. Any medical consultation for an employee's illness is at the employee's expense.
- C. Employees will not pretend illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive a supervisor as to their health and/or fitness for duty.

S

Sleeping While On Duty: Employees will remain awake and alert while on duty. If unable to do so, they will advise their supervisor who will determine the proper course of action.

Solicit/Engage in Sexual Activity or Conduct: On-duty employees will not solicit or engage in sexual activity or conduct of a sexual nature.

Soliciting Influence: Employees will not solicit the aid of persons or groups outside the Village for assistance in the procurement of transfers, duty assignments, or promotions. Employees will not solicit the aid of elected officials or other employees of the Village for assistance in the procurement of transfers, duty assignments, wage adjustments, or promotions outside of the regular process for requesting same.

T

Telephone: Personnel shall have telephones in their residences or cell phones, and immediately report any changes of telephone numbers or addresses to Human Resources and to such other persons as is required. They shall not at any time disconnect or cause to be disconnected for any period of time the phone line or use an answering service or recorded message service for the purpose of delaying response to communication with this Village.

Telephone Use While Driving/Operating Equipment, Prohibited: Employees are restricted from the use of cell phones while operating heavy equipment or motor vehicles to emergency situations and Village business only and only once the equipment is stopped in a safe location. Texting while driving on duty or for Village purposes is strictly prohibited. Employees are also prohibited from texting while operating Village equipment.

Training Schools, Conduct While Attending:

- A. Employees will attend in-service training if scheduled.
- B. Official uniforms or civilian clothing conforming to Village standards will be worn.
- C. Employees will comply with all rules and instructions regulating their conduct while attending school or training.
- D. Employees attending approved training will not leave the training unless excused by the instructor. Employees will immediately notify their supervisor of any absences during scheduled training hours.

Travel Expenses: No employee shall accept, directly or indirectly, any travel expenses including, but not limited to, transportation, lodging, meals, registration fees and incidentals from any municipal contractor, vendor, service provider, bidder or proposer as applicable. The Village Council may waive the requirements of this subsection by a majority vote of the Village Council. The provisions of this subsection shall not apply to travel expenses paid by other governmental entities or by organizations of which the municipality is a member if the travel is related to that membership.

U

Unbecoming Conduct: Members and employees shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the Village.

- A. Conduct unbecoming a member or employee shall include any conduct which brings the Village into disrepute or reflects discredit upon the member, the employee, or the Village.
- B. It also includes any conduct, which impairs the operation or efficiency of the Village, or any member or employee.
- C. Unbecoming conduct includes, but is not limited to:

- Failure of employees to be courteous, considerate, respectful, and prompt in dealing with and serving the public and co-workers.
- Failure of employees to maintain high standards of honesty, integrity, and impartiality. Employees shall place the interests of the public ahead of personal interests. Employees shall not use, or attempt to use, their official position for personal gain or confidential information for personal advantage.
- Failure of employees to protect the Village property from loss or abuse, and employees shall use Village property, equipment and personnel only in a manner beneficial to the Village.

Undesirable Establishments - Frequenting: Employees will not knowingly visit, enter, or frequent a house of prostitution, gambling house, or establishment where Village ordinances or Florida Statutes are violated.

Unfit for Duty: Employees found unfit for duty or improperly attired or equipped may be relieved from duty by their supervisor. Any loss of time will be deducted from the employee's wages in accordance with applicable wage and hour laws and disciplinary action initiated if applicable.

Unlawful Order: Employees given unlawful orders will respectfully refuse to obey them and explain their reason. At an appropriate time, employees will submit a report to a higher authority via chain of command.

VWXYZ

Village Equipment - Use of: Personnel shall utilize Village equipment only for Village business and its intended purpose, in accordance with established procedures, and shall not abuse, damage or lose Village equipment. All Village equipment issued to employees shall be maintained in proper order. Any damage to or loss of Village equipment shall be handled in accordance with Village directives.

Village Property - Reporting Damage: Personnel shall immediately report all damage to vehicles and equipment and file a report which contains all known facts surrounding the cause and nature of the damage, in accordance with Village policy. In the event that Village property is found bearing evidence of damage which has not been reported, it shall be deemed to suspect the last person using the vehicle or property of causing the damage.

Village Property Restrictions - Use of: Physical objects issued by the Village to employees or members will remain Village property and be subject to all policies and procedures on property as follows:

- A. Employees will be responsible for the safekeeping and care of Village property used by them.
- B. Property will be used only for official purposes and in the capacity it was intended.

- C. Property will not be transferred from one employee to another without the permission of the employee's supervisor.
- D. Village equipment (in storage or assigned to an individual) will be maintained in a state of operational readiness.
- E. Employees will not take, borrow, or use any private or confiscated property for their personal use without proper authorization.

Village Reports and Records: Personnel shall submit all necessary reports on time and in accordance with Village directives, and all reports submitted shall be truthful and complete.

Village Standards - Meeting:

- A. Employees will perform their duties properly and assume the responsibilities of their positions.
- B. Employees will perform their duties in a manner which establishes and maintains the highest standards of efficiency, competency, and professionalism in carrying out the functions and meeting Village objectives.
- C. Failure to meet Village standards includes, but is not limited to:
 - 1. Lack of knowledge of laws, policies or procedures relevant to the performance of duty;
 - 2. Unwillingness or inability to perform assigned duties or satisfy standards of performance established for the position.

Village Vehicles-Operation: Personnel shall operate official vehicles in a careful and prudent manner, and shall obey all laws and general orders or procedures pertaining to such operation. Loss, revocation, or suspension of any driving license or privilege shall be reported to the Village immediately.

Village Correspondence: All Village personnel shall obtain approval from their Department Director or designee prior to distributing “official” written correspondence to external entities.

- A. Only approved Village letter head/correspondence forms will be utilized for formal correspondence.
- B. All formal “inter-office” correspondence should be placed on the established Village memorandum form.
- C. Formal Inter-office correspondence is described as that written correspondence conducted between Village personnel.

- D. Electronic Mail correspondence shall be utilized with a high degree of professionalism, regardless of whether the communication is directed internally, externally, or both.

Village Literature-Keeping Informed of:

- A. Employees will read and understand all applicable Village literature including, but not limited to:
1. Policies and procedures
 2. General Orders
 3. Administrative Orders
 4. Training and legal bulletins
 5. Village ordinances
 6. State and federal laws
- B. Employees with questions regarding Village literature will request assistance from their supervisor.

Violations of Regulations-Reporting: Employees with knowledge of an employee or member in violation of Village regulations, rules, laws, or ordinances will report the violation to their immediate supervisor or watch commander as soon as practical.

Violence While On Duty or In the Workplace: Threats, threatening language, or any other acts of aggression or violence made toward or by any Village employee or visitor are prohibited. Examples of threatening language or behavior include any verbal or physical harassment or abuse, any attempt at intimidating or instilling fear in others, menacing gestures, unlawful possession and display of weapons, stalking, or any other hostile, aggressive, injurious, or destructive action undertaken for the purpose of intimidation. Notwithstanding the foregoing, certified law enforcement officers may engage in lawful tactics to apprehend and detain individuals in accordance with the General Orders and their official duties.

Visiting a Lounge/Bar While On-Duty: On-duty employees will not enter or visit any cocktail lounge, beer parlor, or place where the sale of alcoholic beverages for consumption on the premises is the primary business.

Visitors: Employees may only admit nonemployees to work areas with management approval or as part of a Village-sponsored program. Such visits should not disrupt workflow. An employee must accompany nonemployees in non-public areas at all times. Former employees are not permitted in non-public areas except for official Village business or with approval of the applicable Department Director.

INVESTIGATION PROCEDURES

- A. **Initiation of Investigation:** Investigations are initiated based upon a variety of factors including as a result of an employee report or complaint, audit results, or other sources. Depending on the source and nature of the issue, an Internal Investigation may be conducted by the Village Manager or designee.

B. Internal Investigations: Employees will be contacted to provide information for the Internal Investigations conducted by the Village. The person assigned to the investigation will notify an employee's immediate supervisor if an employee must be absent from the work area to provide information or assist in the investigation. However, the supervisor may not be made aware of the details of the investigation by the Village if the supervisor does not have a relevant or legitimate need to know. Any interviews will be scheduled so as not to unduly disrupt the workload of the department to the extent possible.

C. External Investigations:

1. Employees may be made aware of External Investigations conducted by State, Federal or Local agencies. Where the Village is made aware of the External Investigation, the Village Manager will coordinate with the Village Attorney to facilitate employee interviews or requests for information.
2. Where authorized by the agency conducting the External Investigation, the Village Attorney will be present at any interviews or review of documents in his/her sole discretion, with input from the Village Manager, to protect the Village's interests. Additionally, all employees may, and should, request that the Village Attorney be present at all interviews. If a request is denied by the External Investigator, the employee generally has the right to terminate the interview until the employee has an opportunity to consult with the Village Attorney or the employee's own personal attorney.
3. The Village cooperates fully with External Investigations and other requests for information in accordance with applicable law. If an employee is contacted directly by a Federal, State, or Local agency regarding his or her work or affiliation and/or knowledge of the Village, the employee should not feel pressured to speak with the investigator without first contacting the Village Manager, who may also consult the Village Attorney. Employees have the right to:
 - Speak with the investigator
 - Request that the interview take place at a time and place that is convenient
 - Have the Village Attorney present or personally retained legal counsel
 - Terminate the interview at any time
 - Refuse to answer any questions
 - Refuse to allow audio recordings of the interview
4. If an employee speaks with an investigator, the Village expects the employee to be truthful and to avoid speculation in responding to inquiries. Employees must respond with accurate and truthful information. In accordance with Florida law, employees are prohibited from concealing, destroying or altering documents.
5. Interviews with external investigators may have a substantial legal effect and may impact the employee's legal rights and those of the Village. Employees should always be polite and obtain the following information before speaking with an External Investigator:
 - Business card of all investigators/persons present
 - Reason for the visit

- Obtain copy of subpoena, warrant or court order requiring production of the information requested, if any
 - Request to see the investigator's badge (e.g. for law enforcement, Department of Labor, etc.)
 - Confirm whether the employee is the subject of the investigation
6. Employees presented with a subpoena, warrant, or court order must immediately notify the Village Manager who will contact the Village Attorney.

GRIEVANCE PROCEDURES

POLICY

This grievance procedure is established to provide full opportunity to employees to bring to the attention of management any complaints, grievances, or situations that the employee feels need adjustment or for information. Good management practices recognize that a carefully designed grievance/complaint resolution process can help to reduce employee dissatisfaction, improve morale, identify problems in the organization, and increase a positive perception employees have of the organization. It is the intent and desire of the Village to address complaints or grievances informally and both supervisors and employees are expected to make every effort to resolve problems as they arise. However, it is recognized that there will be grievances which will be resolved only after a complete review. The submission of a grievance by an employee shall in no way adversely affect the employee or the employee's employment with the Village. All grievances that are brought to the attention of management will be resolved in accordance with the grievance procedures in the applicable collective bargaining agreement. Employees who are in the excepted work class will use the procedures outlined in this section.

CAUSES OF GRIEVANCES

An employee may file a grievance for an alleged violation of a policy or work regulation.

GRIEVANCE ADMINISTRATION

The grievance of matters and concerns of employees shall include, but not be limited to:

- A. Identification of matters that are grieved (for scope) and the levels in the agency or government which the grievance may be filed and/or appealed.
- B. Establishment of time limitations for filing or appealing the grievance to the next level.
- C. A description of the type of information to be submitted when filing a grievance.
- D. Establishment of procedural steps and time limitations at each level in responding to grievances or appeals.
- E. Establishment of criteria for employee representation.

COORDINATION OF GRIEVANCES AND RECORDS

- A. The Director of Human Resources and Risk Management, unless otherwise designated by the Village Manager, will be responsible for the coordination of grievance procedures in conjunction with the Human Resource Department.

- B. The Director or designee shall maintain Village records pertaining to grievances filed by or on behalf of Village employees. The grievance and associated records may be reviewed by the following:
1. The employee who filed the grievance.
 2. Persons named in the grievance.
 3. The Village Manager.
 4. The Director of Human Resources and Risk Management or designee.
 5. A member of the established bargaining unit who assisted the employee in filing the grievance or filed the grievance on behalf of the employee.
 6. Other persons who have access as required by applicable state law.

INFORMATION CONTAINED IN GRIEVANCE

The following information should be contained in a grievance when filed:

1. A statement of the grievance and the facts upon which it is based.
2. An allegation of the specific wrongful act and harm done.
3. A statement of the remedy or adjustment sought. Significant times, dates and actions taken relative to the grievance must be included along with supporting documentation if available.

PROCESSING A GRIEVANCE

In order to assure every employee of a method in which they can get their particular grievance considered rapidly, fairly, and without reprisal, the following steps are provided:

STEP 1: The aggrieved employee shall, within three (3) working days of the incident, discuss and explain the grievance verbally with the immediate supervisor who may call higher level supervision into the discussion in an effort to achieve a prompt satisfactory adjustment. The immediate supervisor will make a decision and notify the employee within five (5) working days after the discussion with the employee.

STEP 2: If the aggrieved employee feels that the matter has not been settled or adjusted to the employee's satisfaction by the immediate supervisor, the employee may submit the matter in writing to the Department Director within five (5) working days after the conclusion of Step 1. The Department Director will schedule and conduct a meeting within five (5) working days after receipt of the written grievance with the employee. The Department Director shall give a written decision within five (5) working days after the scheduled meeting as to the resolution of the grievance.

STEP 3: If the grievance is not resolved by the Department Director to the employee's satisfaction the employee may appeal in writing to the Village Manager within five (5) working days after the reply by the Department Director was rendered. The Village Manager shall within ten (10) working days reply to the grievance in writing. The Village Manager's decision shall be final.

GENERAL PROVISIONS OF THE GRIEVANCE PROCEDURE

- A. Any grievance shall be considered settled at the completion of any Step, unless it is appealed by either party within the time limits set forth. It is hoped that the great majority of grievances will be satisfactorily settled in the first or second step.
- B. A copy of all grievances and appeals shall immediately be sent to the Village Manager.
- C. All grievances at their conclusion shall be forwarded to the Director of Human Resources and Risk Management for coordination, analysis and filing.
- D. The time limits as set forth in this grievance procedure for management response shall remain the same for all employees regardless of the work week or scheduled hours per week. If the response time limits falls on an employee's day off, the reply by management shall be given to the employee on his/her next scheduled workday.
- E. These time limits may be extended upon mutual agreement between the grievant and the Village Manager.

SEPARATIONS, SENIORITY, LAYOFF AND RECALL

TYPES OF SEPARATIONS

Separations and/or terminations of employment from positions shall be designated as one of the following types:

- A. Resignations
- B. Retirement
- C. Disability
- D. Death
- E. Layoff
- F. Position Elimination
- G. Discharge/Termination

RESIGNATION

Resignation is the separation of an employee from the Village service through the submittal of a written notice expressing a desire to resign by employee wishing to leave the Village service in good standing shall notify his immediate supervisor at least two (2) weeks before leaving. Department Directors shall provide thirty (30) days' notice. Failure to provide sufficient notice may be cause for denying such employee re-employment by the Village.

Resignation includes those employees who do not retire under the Village's General Retirement Fund or the Fire and Police Retirement Fund, but who do retire under either the 401(a) or 457 plans.

Employees who terminate from Village employment shall not be eligible for reemployment with the Village for six (6) months following their date of termination, unless approved by the Village Manager.

RETIREMENT

Certain Village employees are eligible to join the applicable Retirement Plan. Details of said plan are contained in the Village of North Palm Beach General Retirement Fund and Village of North Palm Beach Fire and Police Retirement Fund Ordinances. Retirement occurs under the terms of each plan.

DISABILITY

An employee may be separated for disability when the employee cannot perform the essential functions of the job with or without a reasonable accommodation because of a physical or mental impairment and an alternate existing and vacant position for which the employee is qualified is not available. In all cases, such separations shall be supported by medical evidence acceptable to the Village Manager. The Village may require examinations at its expense to be performed by health care providers of its choice. Such examinations may include physical and or medical evaluations, as well as the completion of current medical history reports. An employee's application for

benefits under the Long Term Disability policy and approval for such benefits constitutes an inability to perform the essential functions of the position with or without reasonable accommodation and shall result in termination of employment. Employees unable to return to work from workers' compensation leave within six (6) months will be separated from employment where an alternate existing and vacant position for which the employee is qualified is not available.

DEATH

Separations shall be effective as of the date of death. All compensation due to the employee as of the effective date of separation shall be paid in accordance with Florida Statute 222.15 (1) to the surviving spouse, if any. If there is no spouse, to the children over the age of 18. If there are no such children, to the mother or father. If there are no such relatives as stated, the Village will accept letters of administration issued by the probate judge to determine the proper payee.

SENIORITY, LAYOFF AND RECALL PROCEDURES

By the direction and authority of the Village Council, an employee or employees may be laid off when deemed necessary by reason of shortage of funds, lack of work, the elimination of the position, or other material changes in the duties or organization, or for related reasons which are outside the employee's control and which do not reflect discredit upon the service of employees. The duties performed by any employee laid off may be reassigned to other employees already working who hold positions in appropriate classifications.

1. Types of Seniority:
 - a. Village Seniority

Village Seniority is understood to mean the length of time served since an employee's most recent date of full-time re-employment with the Village. Seniority shall continue to accrue during all types of leave except for leaves of absence without pay for thirty (30) consecutive calendar days or more which shall cause the employment date to be adjusted for an equivalent amount of time. Leaves of absence without pay for periods of less than thirty (30) consecutive calendar days shall not cause the Village employment seniority date to be adjusted. Employees suffer no loss of Village seniority while on leave of absence without pay due to illness or injury for a period not to exceed six (6) months.

Village seniority shall be used for purposes of computing annual leave accrual, and other matters deemed appropriate based on length of service.

- b. Classification Seniority

Classification seniority shall be defined as the length of time an employee serves in full time status in a particular classification. Upon successful completion of the probationary period, seniority in classification reverts to date of entry, transfer or promotion into a classification. Seniority will continue to accrue during all types of leave except for leaves of absence without pay for thirty (30) consecutive days or more which shall cause this date to be adjusted for an equivalent amount of time. Leave of absence of without pay for periods of less than

thirty (30) consecutive calendar days shall not cause the classification seniority date to be adjusted. Employees having a minimum of five (5) years of Village seniority shall suffer no loss of classification seniority while on a leave of absence without pay due to illness or injury for a period not to exceed six (6) months.

Classification seniority shall be used in conjunction with job classifications for purposes of layoff, recall and other matters deemed appropriate based on length of service in a classification.

2. Loss of Seniority

Employees shall lose their seniority as a result of the following:

- a. Resignation
- b. Retirement
- c. Termination for cause
- d. Layoff exceeding six (6) months
- e. Leaves of absence without pay exceeding six (6) months
- f. Failure to report to the Department Director, in writing, an intention of returning to work within fourteen (14) calendar days of the date indicated on the return receipt verification of certified mail transmitting the recall offer notice.
- g. Failure to acknowledge certified mail receipt of properly addressed certified recall notice fourteen (14) calendar days from date of attempted delivery for any reason, from the attempted delivery date of employee who has been laid off.
- h. Failure to return from military leave within the time limits prescribed by law.
- i. Failure to return from an authorized leave of absence upon the expiration of such leave.

3. Seniority Records

It shall be the responsibility of Human Resources to establish and maintain classification and Village-wide seniority records of all employees.

4. Layoff Procedures

a. Order of Layoff

When it becomes necessary to reduce the number of employees within a given classification and within a given department through a shortage of funds, lack of work, or other causes, employees shall be laid off in the following order:

- i. Temporary Part-time
- ii. Temporary Full-time
- iii. Probationary Employees (New)
- iv. Regular Part-time
- v. Probationary Employees (Promotion)
- vi. Regular Full-time

b. Layoff Criteria and Procedures

- i. Temporary employees in the affected department shall be laid off first and shall not have recall rights. Employees will be laid off from a classification in the inverse order of their length of service in that classification.
- ii. Probationary employees in the affected department shall be laid off next without recall rights unless they were promoted into the classification, in which case, they shall be eligible to be returned to the classification from which they vacated, and placed on the seniority list in line with their previous classification seniority.
- iii. Regular part-time employees in the affected department shall be laid off next in any affected classification and shall not have recall rights. Employees will be laid off from a classification in the inverse order of their length of service in that classification.
- iv. Layoffs of regular full-time employees shall be based on seniority with the least senior employees in the classification and department being laid off first, provided the following factors are substantially equal:
 1. Sufficient ability and qualifications to perform the work (tests may be given).
 2. Performance evaluation.
 3. Fitness for duty. In the event of the substantial inequality of these factors as between employees in the same classification and department, the employee with the higher values of factors 1, 2 and 3 in the aggregate, shall be retained.
- v. Only regular full-time employees laid off shall be recalled to the classification and department from which they were laid off, in the reverse order in which they were laid off.

5. Recall Procedures

- a. Regular full-time employees laid off shall have precedence for recall to their classification over new applicants for a period of six (6) months. Laid off employees recalled within six (6) months shall have their seniority restored. If re-employed after six (6) months, the employee shall be treated as a new employee.
- b. Employees laid off under the provisions of Section 4(b)(iv), shall be

recalled in the reverse order in which they were laid off.

- c. The Village will offer recall to laid off employees by certified mail to the last known address on file with Human Resources. If without good cause, the employee fails to return to work within fourteen (14) calendar days of the date indicated on the return receipt verification, the laid off employee will be ineligible for recall or rehire.
- d. Recall will be offered to laid off employees provided they are fit for duty. A laid off employee, when offered recall, who is temporarily unable to accept due to medical reasons, may request a leave of absence without pay not to exceed thirty (30) calendar days.

6. Discharge

Dismissal for cause of an employee shall result in the loss of re-employment privileges.

RETURN OF VILLAGE PROPERTY

At the time of separation and prior to receiving final compensation due, all records, books, assets, uniforms, keys, tools and other items of Village property in the employee's custody, shall be returned to the department. Money or Village property due the Village because of any shortages shall be collected through appropriate action.

PARTICIPATION IN EMPLOYEE ORGANIZATIONS

All employees have the right to organize, join and participate in, or to refuse to organize, join or participate in, any employee organization freely and without fear of reprisal or penalty.

COLLECTIVE BARGAINING AGREEMENTS

Employees covered under a collective bargaining agreement shall also be subject to the Personnel Rules and Regulations of the Village. If any conflicts occur between the agreement and the Village Personnel Rules and Regulations, the collective bargaining agreement shall be the governing factor in all cases even though the rights of benefits may be greater or lesser than provided for in the Personnel Rules and Regulations of the Village.

EMPLOYMENT OF RELATIVES

POLICY STATEMENT

The employment of relatives is discouraged and will be maintained at a minimum to be consistent with sound management. The Village will also comply with Florida Statutes on anti-nepotism.

DEFINITION OF RELATIVE

The term “Relative” with respect to a public official (or employee), means an individual who is related to the public official as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, domestic partner, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister.

SUPERVISORY RELATIONSHIP

Approval will not be granted for the employment, promotion, or transfer of a relative of the employee to a position in the same department or division where one would be in a supervisory or administrative capacity over the other at any point in the chain of command.

NON-SUPERVISORY RELATIONSHIP

Approval will generally not be granted for the employment, promotion, or transfer of a relative of the employee into the same department or division where there is no supervisory relationship. Limiting the employment of relatives throughout the Village will optimize staffing during times of family emergencies or illnesses. However, where a position continues to be vacant after six (6) months of active recruitment by Human Resources, the Village Manager may consider approval of a relative who meets the minimum qualifications.

OUTSIDE EMPLOYMENT OR BUSINESS ACTIVITY

GENERAL STATEMENT

Outside employment or business activity on the part of a regular full-time employee shall be subject to written approval of the Department Director and Village Manager in order to prevent situations that conflict with or are detrimental to Village employment. Failure to comply with this policy may result in disciplinary action.

CONSIDERATION FOR APPROVAL OF OUTSIDE EMPLOYMENT

All employees must complete and submit an Outside Employment Disclosure and Request form prior to engaging in outside employment and upon request, including at the Ethics Training which occurs approximately every twenty-four (24) months.

Approval for outside employment will be limited by any of the following provisions:

- a. Outside employment shall not interfere with or be in conflict with the proper performance of employee's duties with the Village.
- b. Association with any business considered as having a questionable reputation that would reflect unfavorably upon the employee or the Village.
- c. Association with any firm owned or operated by another Village employee within the same division or shift.
- d. Employee shall not be a principal or in a position of influence in a firm doing business with the Village.
- e. Employee shall not have or hold any employment or contractual relationship with any business entity or agency which engages in business or contractual agreement with the Village, in compliance with Florida Statutes regarding conflict of interest.

FINAL APPROVAL

Final approval is subject to the review and approval of the Village Manager. It is further understood that approval may be canceled at any time by the Village Manager upon ten (10) days' written notice to the employee, due to violations of this policy or any other Village rule, policy, regulation, ordinance.

POLITICAL ACTIVITY RESTRICTIONS

INTENT

It is in the public interest and of governmental benefit to remove career employees from the arena of partisan political activity. Florida Statute Section 104.31, impose certain restrictions on the political activities of state, county and municipal officers and employees. All Village employees are permitted to hold membership in and support a political party, or maintain neutrality. After work hours employees may undertake active political roles, attend meetings, support candidates and work in campaigns, with the exceptions noted for Village elective office.

PROHIBITIONS

- A. No person shall promise, attempt, or use political position, influence or coercion in an effort to erode the merit system nature of the Village work force by patronage or favoritism for past or future political influences or services, either implied or actual.
- B. Employees shall not take an active political role on behalf of any candidate or incumbent for Village elective office during working hours.

VILLAGE ELECTIVE OFFICE CANDIDACY

A Village employee who becomes a candidate for an elective Village office shall, at the time of formally qualifying, resign in good standing from the Village service.

OTHER ELECTIVE OFFICE CANDIDACY

A Village employee may be a candidate and elected to public office, other than the Village of North Palm Beach, and continue in Village employment and shall not be required to resign.

PENALTIES

Violations of these restrictions may result in disciplinary action including discharge, as determined by the disciplinary procedures within these Personnel Rules and Regulations.

MISCELLANEOUS PROVISIONS

DEPARTMENT RULES

Department Directors are authorized to promulgate in writing rules additional and supplemental to these rules provided they are not in conflict with these rules and are approved by the Village Manager prior to notification to employees and publication. All such rules shall be approvable, amendable, and revocable by the Village Manager.

RECORDS

The Human Resources department, or designee, shall maintain the personnel records of each employee. Such records shall include a personnel file for each employee giving basic vital statistics, disciplinary actions, employee appeals, official acts involving the employee, any examination records, and the employment record. The records of terminated employees shall be retained for fifty (50) years. Applications for employment and related selection records shall be retained for four (4) years and may then be destroyed at the discretion of Human Resources.

PERSONNEL RULES AND REGULATIONS

These Personnel Rules and Regulations supersede any previous regulations adopted by the Village Council and shall become effective upon adoption by Resolution of the Village Council.

SEVERABILITY

If any chapter, section, paragraph, sentence, clause, phrase, or word of these Personnel Rules and Regulations is for any reason held by a Court to be unconstitutional, inoperative or void, such holdings shall not affect the remainder of these Rules and Regulations.

ELECTRONIC COMMUNICATION AND INTERNET USE

The Village provides computers, printers and other electronic devices to many of its employees to perform their job functions. These devices are to be used for Village business only. Only computer programs that are authorized by the Village are to be used or installed on Village computers. Outside computer services, such as the Internet and e-mail are to be accessed and used only for Village business. All e-mail messages and Internet information transmitted through Village property and systems is considered a public record, unless otherwise exempted by law.

This policy shall be construed in a manner consistent with applicable federal and state laws relating to employee communications. This policy should not be construed in a manner to prohibit or interfere with employees communicating with one another regarding the terms and conditions of employment.

The following guidelines have been established for using the Internet, Village-provided cell phones, and e-mail in an appropriate, ethical and professional manner:

- Internet, Village-provided equipment (e.g., cell phone, laptops, computers, iPads, hotspots) and services may not be used for transmitting, retrieving or storing any communications of a defamatory, discriminatory, harassing or pornographic nature.
- The following actions are forbidden: using disparaging, abusive, profane or offensive language; creating, viewing or displaying materials that might adversely or negatively reflect upon the Village or be contrary to the Village's best interests; and engaging in any illegal activities, including piracy, cracking, extortion, blackmail, copyright infringement, and unauthorized access of any computers or Village-provided equipment such as cell phones, laptops, iPads, or hotspots.
- Employees may not copy, retrieve, modify or forward copyrighted materials, except with permission or as a single copy to reference only.
- Employees must not use the Village's systems or equipment in a way that disrupts its use by others. Employees must not send or receive large files that could be saved/transferred via thumb drives or cloud services. Employees are prohibited from sending or receiving files that are not related to work.

Computers

- The computers are provided to employees for Village business only. At no time may any computer be used for other business; however, limited and incidental personal use may be permitted during breaks and provided the employee complies with all other Village policies.
- Computer information systems and software on Village computers is the property of the Village; no unauthorized copies will be made or distributed.
- No additional software will be installed on Village computers without specific written authorization from the IT Department. Software from home or other sources is not permitted to be installed onto Village computers at any time.
- All data contained within Village computers belongs to the Village and cannot be altered without specific written authorization.
- No data stored on Village computers is to be released to any person or outside organization without specific written authorization. This includes release through

data transfer, in magnetic form, on printed reports or any other media or electronic transmission as well as databases, without the specific written authorization of the applicable Department Director and Village Clerk. However, this shall not be construed to prevent or limit the dissemination of information in response to a public records request.

- The computer passwords and security codes assigned to employees are not to be communicated to any other employee unless specifically authorized. No passwords, security codes or computer access telephone numbers are to be communicated to any persons or outside organization without specific written authorization.
- Employees must virus check any diskettes/CDs or USB drives before using them on Village computers.

E-Mail

The Village has established a policy with regard to access and disclosure of electronic mail messages created, sent or received by Village employees using the Village's electronic mail system. The Village reserves the right to change the policies set forth below at any time, as may be required by the circumstances:

- The Village maintains an e-mail system. The system is provided by the Village to assist in conducting Village business only.
- The e-mail system is Village property. Additionally, all messages composed, sent or received on the e-mail system are and remain the property of the Village. They are not the private property of any employee.
- The use of the e-mail system is reserved solely for the conducting of business at the Village. It may not be used for personal business.
- The e-mail system may not be used to solicit for commercial ventures, religious or political causes, outside organizations or other non-job-related solicitations.
- The e-mail system is not to be used to create any offensive or disruptive messages. Among those which are considered offensive are any messages which contain sexual implications, racial slurs, gender-specific comments or any other comment that offensively addresses someone's age, sexual orientation, religious or political beliefs, pregnancy, national origin, disability, or other category protected by applicable law.
- The e-mail system shall not be used to send (upload) or receive (download) copyrighted materials, trade secrets, proprietary financial information, obscene materials, or other similar materials without prior authorization.
- The Village reserves the right to review, audit, intercept, access and disclose all messages created, received or sent over the Village's e-mail system for any purpose. The contents of e-mail properly obtained for legitimate business purposes may be disclosed within the Village without the permission of the employee.
- The confidentiality of any message should not be assumed. Even when a message is erased, it does not guarantee confidentiality. Further, the use of passwords for security does not guarantee confidentiality.
- All passwords must be disclosed to appropriate Village officials upon request.
- Notwithstanding the Village's right to retrieve and read any e-mail messages, such messages should be treated as confidential by other employees and accessed only by the intended recipient. Employees are not authorized to retrieve or read any e-mail messages that are not sent to them. Any exception to this Policy must receive the

prior approval of the Department Director.

- Employees shall not use a password, access a file or retrieve any stored information, unless authorized to do so. Employees should not attempt to gain access to another employee's messages without the latter's permission. All computer passwords must be provided to the Information Technology Department. No password may be used that is unknown to the Village.
- Employees are prohibited from sending global messages of a personal nature and/or chain letters on Village computers or systems, without exception.

Employees should contact the Village Clerk's Office for information on the Village's retention schedule for e-mails. Employees may use the Village's email system to discuss terms and conditions of employment or to address work-related grievances. Any employee who violates this Policy or uses the e-mail system for improper purposes shall be subject to discipline, up to and including termination of employment.

Right to Monitor

All Village supplied technology and Village related work records belong to the Village and not the employee. The Village routinely monitors the use of Village-supplied technology and equipment. Inappropriate or illegal use or communications may be subject to disciplinary action up to and including termination of employment.

Telephone Use

Village telephones and voice message systems are to be used for Village business only. Personal telephone calls during business hours are to be confined to those which are of an emergency nature and kept to a minimum. Employees should not use the Village's telephones, including cell phones, for personal long distance calls. Employees who are hosting or attending meetings with elected officials, vendors, residents or employees from another company are restricted from answering non-emergency personal cell phones. Any employee caught in the process of answering a non-emergency personal cell phone call or sending/receiving text messages during a professional business meeting while representing the Village will be subject to disciplinary action up to and including termination.

Village employees are required to answer all business telephone calls promptly and courteously; voice mail is not intended to act as a substitute. Employees are required to return all missed business calls promptly.

Employees are restricted from the use of cell phones while operating heavy equipment or motor vehicles to emergency situations and Village business only and only once the equipment is stopped in a safe location.

Texting while driving on duty or for Village purposes is strictly prohibited. Employees are also prohibited from texting while operating Village equipment.

Social Media

Employees shall not make statements on behalf of the Village, without proper authorization, or make statements that could be construed as establishing the Village's official position or policy on any particular issue.

Employees may not post any information that is confidential or exempt from public disclosure. For example, employees shall not post photographs identifying Village law enforcement officers.

Employees may not post discriminating remarks, harassment, bullying, or threats of violence. Behavior that is not tolerated in the workplace will not be tolerated in social media.

Employees are permitted to discuss terms and conditions of employment but, when posting such information on social media sites, employees must use the following disclaimer when discussing job-related matters, "The opinions expressed on this site are my own and do not necessarily represent the views of the Village."

The Village may monitor or review content on the Internet available for public consumption. Policy violations may result in discipline up to and including termination of employment.

VEHICLE USE

Employees assigned to or issued a Village vehicle must review and abide by all policies set forth by the Village regarding such use, as amended from time to time, which includes any safety manual, general orders, or directives.

Employees are specifically prohibited from using Village-assigned or issued vehicles for personal purposes including, but not limited to, transporting contraband, illegal materials, or lawful items not directly related to the employee's work at the Village. Employees are prohibited from transporting non-Village employees or making personal stops while in route on Village business. Employees are prohibited from using Village vehicles for any purpose other than performing assigned tasks. In general, Village vehicles may not be taken out of Village boundaries for anything other than work related business, i.e. meetings, approved conferences/training, etc.

In addition to official business and transportation during work periods, Village vehicles are authorized to be used for short stops (for restroom break and meal requirements) during the working period within Village boundaries. Exceptions can be made by department supervisors on a case-by-case basis if it is closer to the job site to leave Village boundaries for lunch periods.

Unauthorized use is any personal use not authorized by this policy or use otherwise prohibited by law. Some examples of unauthorized use include, but are not limited to: transporting relatives, friends or hitchhikers; transporting other Village employees for non-business related purposes (except for meal break, machinery parked on job site and no other transportation is available), unsafe operation of the vehicle (including texting while driving), operation of the vehicle in a manner that does not comply with posted speed limits and other rules of the road, driving while ill, disabled or lethargic, and driving after any consumption of alcoholic beverages, use of illegal and/or controlled substances, or use of prescription medication that negatively impacts the ability to drive safely.

Smoking, vaping or use of tobacco is prohibited in all Village vehicles.

Use of a Village vehicle is not a privilege, right, prerequisite, nor benefit of any employee and is subject to change without advance notice. Use of a Village vehicle shall not be made based on employee merit, longevity, or employee status, but rather operational need.

Restrictions While Driving (Non-Commercial)

Employees driving motor vehicles for Village purposes must avoid distracted driving and minimize the use of hand-held cell phones. Employees are expected to assess all driving conditions before using a hand-held cell phone while driving. State law also prohibits using a handheld cell phone in a school zone, school crossing or active work zone. Employees in the drivers' seat are prohibited by state law from texting, emailing, or instant messaging while the vehicle is in motion. If it is necessary to use a cell phone while in transit and hands-free is not available, the driver should find an appropriate and safe place to park the vehicle before using the cell phone. The vehicle should be in "park" for automatic transmission vehicles or "neutral" with the parking brake applied for manual transmission vehicles. However, using a hand-held cell phone is permissible when necessary to communicate with law enforcement officials or other emergency services.

Restrictions While Driving (Drivers Operating Commercial Vehicles Regulated by DOT)

Drivers of Village vehicles qualifying as commercial motor vehicles are prohibited from texting and emailing while driving. Texting while driving is only permissible under DOT regulations when necessary to communicate with law enforcement officials or other emergency services.

Drivers of the Village's commercial motor vehicles are prohibited from using a hand-held cell phone while driving a commercial motor vehicle. However, using a hand-held cell phone is permissible when necessary to communicate with law enforcement officials or other emergency services.

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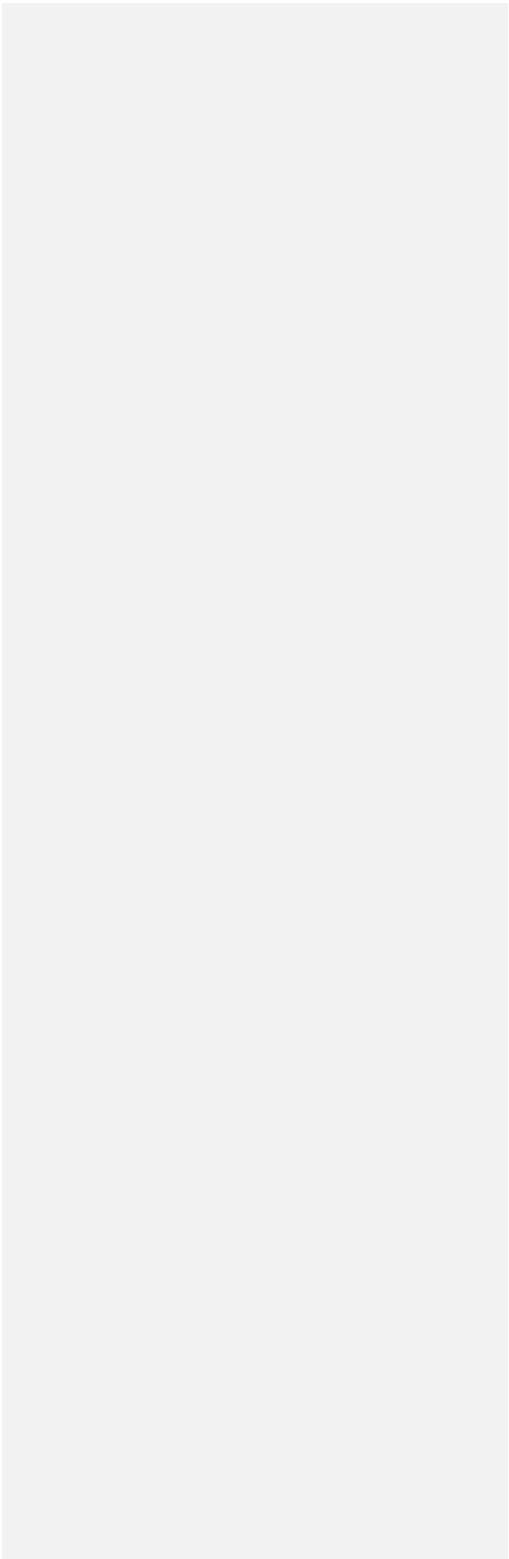


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GENERAL PROVISIONS

- 1.1 **Purpose:** To establish consistent and equitable policies concerning Village employment and to establish workable guidelines for the implementation of these policies.
- 1.2 **Scope:** These regulations pertain to all personnel whose name appears on the Village payroll or receive compensation from the Village of North Palm Beach, except elected officials, members of commissions and committees appointed by the Village Council, consultants or others providing services under contract to the Village and temporary employees hired to meet the immediate requirements of an emergency condition which threatens life or property. Volunteer personnel, by definition, are also excluded from these regulations. Employees subject to collective bargaining agreements as negotiated in accordance with Florida Statutes shall be exempt from provisions of these regulations which are inconsistent with such agreements.
- 1.3 **Amendment of Regulations:** Amendment of subject Rules and Regulations may from time to time be proposed and approved by the Village Manager.

1.1 Equal Employment Opportunity

It is the policy and practice of the Village to treat all employees with dignity and respect and to provide equal opportunity to all persons without regard to race, age, color, religion, sex, pregnancy, national origin, physical or mental disability, genetic information, marital status, veteran or military status, sexual orientation, gender identity or expression, or any other category protected by applicable federal, state, or local law. Equal opportunity encompasses all aspects of employment practices, including but not limited to recruiting, hiring, training, compensation, benefits, promotions, transfer, layoffs, recall from layoffs, discipline, and department-sponsored education, social, and recreational programs. It is the policy of the Village that all personnel actions and employment practices are based solely on the requirements of the position and the qualifications of the applicant without regard to race, age, color, religion, sex, pregnancy, national origin, physical or mental disability, genetic information, marital status, veteran or military status, sexual orientation, gender identity or expression, or any other category protected by applicable federal, state, or local law.

In addition, the Village prohibits retaliation against any individual who reports discrimination or harassment or who participates in any investigation of such reports, or who engages in any other activity protected by applicable law. This policy covers all personnel actions affecting hiring, job assignments, training, promotions, transfers, compensation, discipline, termination of employees, or any other tangible employment benefit or term or condition of employment.

The Village will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship or where doing so would cause a direct threat to the health or safety of the individual or others. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training. If, during the course of employment, an employee sustains any type of physical or mental impairment which limits the employee's ability to perform the essential functions of his or her job, the Village may require that the employee provide medical documentation regarding any such impairment and, if appropriate, identify specific accommodations which may assist the employee. The Village will engage in an appropriate interactive process with the employee in determining potential accommodations when requested by the

employee. All information provided regarding any impairment will be handled confidentially to the extent required by law.

1-1.2 Preventing Harassment -and Discrimination:

A. Definitions:

1. Adverse Impact: Employment process that does not necessarily intend to exclude people of a particular race, national origin, gender, ~~or~~ religion, or other applicable protected category, but its practices has the effect of doing so.
2. Discrimination: Fundamentally defined as different or disparate treatment and neutral conduct that has an adverse impact on groups protected by law.
3. Disparate Treatment: Intentional discrimination in which employment decisions are determined based on an individual's race, gender, gender identity or expression, marital status, sexual orientation, religion, color, national origin, ~~or~~ disability, or other category protected by applicable law.

- B. Non-discrimination/Equal Employment Opportunity: The Village's policy is to provide equal employment opportunity without regard to race, color, creed, religion, gender, gender identity or expression, marital status, sexual preference, sexual orientation, national origin, ancestry, age, religion, disability, or as otherwise required by applicable law. The Village's policy of equal employment opportunity covers, but is not limited to matters of recruitment, selection, assignment, compensation, training, promotion, transfer, discipline, and termination.

- C. ~~Americans With~~Protection of Employees with Disabilities: The Village prohibits discrimination against ~~people-qualified individuals~~ with disabilities in regard to any employment practices, terms, conditions, and privileges of employment.
1. Purpose: The purpose of this policy is to ~~conform to comply with~~ the Americans with Disabilities Act (ADA) as ~~legislated by the U. S. Congress under Public Law 101-336 and codified as 42 U.S.C. 12101-12213~~ amended. As such, the Village's ~~in the adoption of this policy assures that its~~ applicant process, employment practices, policies and procedures do not discriminate against qualified individuals with disabilities.
 2. Application: A qualified individual with a disability means an individual with a disability who:
 - a. Satisfies the requisite skills, experience, education and other job related requirements of the position such individual holds or desires; and,
 - b. With or without reasonable accommodation can perform the essential functions of the position.
 3. ADA Coordinator: The designated coordinator for all ADA issues for the Village ~~of North Palm Beach~~ is the ~~Village Manager~~Director of Human Resources Director and Risk Management or his designee.
 4. Policy: It is the policy of the Village ~~of North Palm Beach~~ to abide by all provisions of the ~~Americans with Disabilities Act~~ADA. The Village will not discriminate against any individual who demonstrates the qualifications necessary to perform the duties of a particular position in the organization. No ~~medical or physical~~ disabilities will be considered as a factor in satisfactorily performing a job/task except for those which are critical-essential to the performance of such task. A reasonable accommodation ~~will be sought for~~may be requested by otherwise qualified persons with permanent, substantially limiting physical or mental disabilities as required by the ~~Americans With Disability Act (ADA)~~. Reasonable accommodations will be accomplished as follows provided the accommodation does not cause an undue hardship cause a direct threat to the health or safety of the employee or others:
 - a. A reasonable accommodation may consist of modifications or adjustment to the work environment, in the manner or circumstances in which the job customarily is performed or provide alternative lateral employment for which the individual is qualified.
 - b. A reasonable accommodation will seek to assist a qualified employee in the performance of essential job functions of the job the employee currently holds.
 - c. Employees requiring ~~an employment~~employment reasonable accommodation must contact the Director of Human Resources Director and Risk Management ~~or Director~~ for receipt of an application.
 - d. Employees seeking an accommodation under the provisions of the ~~Americans With Disability Act~~ADA must be disabled as defined by the statute. Employees must certify that their physical and/or mental conditions substantially limit a major life activity.
 - e. Eligible employees are those that satisfy the requisite skill, experience, education, and other job-related requirements of the position held and who with or without reasonable accommodation can perform the essential function of the position.
 - f. The Director of Human Resources and Risk Management ~~Director~~ will determine and advise employees if they are eligible under the ~~provisions of the Americans With Disabilities Act~~ADA and ~~if whether the requested, or another,~~ reasonable accommodations can be made.
 - g. Prevention of Discrimination: Anyone who, in good faith, believes they was have been discriminated against as described in this policy or who, in good faith, has

observed such discrimination ~~should~~must promptly report such conduct in accordance with the provisions set forth in this policy.

5. ADA Grievance Procedure:

- a. Purpose: This grievance procedure is specifically applicable for Americans with Disabilities Act (ADA) complaints. All other grievances will be processed under the Village's Grievance Procedure in Section 14 of the Personnel Rules and Regulations.

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6. Steps – Grievance Procedure:

STEP 1: An aggrieved employee will submit all complaints regarding access or alleged —discrimination in writing to his/her respective ~~department~~Department ~~director~~HeadDirector for resolution. A record of the complaint and action taken will be maintained. A decision by the ~~department~~Department ~~director~~HeadDirector will be rendered within fifteen (15) working days.

STEP 2: If the complaint cannot be resolved to the satisfaction of the complainant by the ~~department~~Department ~~director~~HeadDirector, ~~it will be forwarded~~the employee may submit it to the Village ManagerDirector of Human Resources and Risk Management within three (3) working days following resolution in Step 1. The ~~Village Manager~~Director of Human Resources and Risk Management will have ten (10) working days to respond to the complaint. If the complaint cannot be resolved to the satisfaction of the complainant by the ~~Village Manager~~Director of Human Resources and Risk Management, ~~it will be forwarded~~the employee may submit it to ~~to an ADA Compliance Committee composed of a representative appointed by the Village Manager, a representative appointed by the complainant and a third representative appointed, by mutual agreement by the two representatives appointed by the Village Manager and the complainant~~ within three (3) working days following the resolution in Step 2.

STEP 3: ~~The committee will establish ground rules and procedures for hearing complaints, requests or suggestions from the complainant regarding access to and participation in public facilities, services, activities and functions in the community. The committee is directed to hear such complaints in public, following due public notice. The committee with Village Manager may meet with the employee and other relevant individuals and shall endeavor to issue a written decision within thirty (30) days of the public notice receipt of the complaint. The public notice will be posted within five (5) working days following the establishment of the committee. All proceedings of the committee will be recorded and records of the committee will be subject to the Florida Public Records Law.~~

STEP 4: ~~If the complaint cannot be resolved to the complainant's satisfaction by the committee, the complaint will be heard by the Village Council. An open, public meeting of the Council will precede any action taken by the Council. A determination must be made within thirty (30) days of the matter being referred to the Village Council. The decision of the Village Council will be final.~~

7. Records: A record of action taken on each request or complaint must be maintained as part of the public records at each level of the grievance process.

8. Other Remedies: The individual's right to prompt and equitable resolution of the complaint must not be impaired by ~~his/her~~the pursuit of other remedies such as filing of a complaint with ~~the U.S. Department of Justice, or another~~an appropriate

~~investigative authority or agency or any other appropriate Federal agency. Furthermore, the filing of a lawsuit in State or Federal District Court can occur at any time.~~ The use of this grievance procedure is not a pre-requisite to the pursuit of other remedies.

D. Nondiscrimination/Anti-Harassment/Equal Employment Opportunity:

Harassment or discrimination in any form will not be permitted in the workplace. Harassment is described as engaging in a course or pattern of unwanted verbal, nonverbal, or physical conduct directed at a particular person or group based on a protected category, serving no legitimate purpose and includes, but is not limited to words, gestures, touches, innuendos, epithets, propositions, threats, or other actions which annoy, alarm, frighten, abuse, or insult another person in any manner. Discrimination is described as treating someone less favorably because of one of their protected categories (e.g. race, gender, religion, etc. ...)

E. Reporting Harassment or Discrimination: Any person who believes in good faith they have been harassed by an employee or non-employee in the work environment should promptly take the following steps:

1. The person should promptly and politely inform the offending party to immediately cease and desist from the objectionable activity. Failure to make such a request will not excuse the offending party for any unauthorized actions. Written notification to the offending party of the demand to cease is suggested, with a copy sent to the complaining employee's supervisor including all relevant details of the complaint. The supervisor will make periodic inquiries to ensure offending actions have ceased.
2. If ~~some adverse consequence might result from~~ from the person is not comfortable with a direct confrontation, the complaining employee ~~s~~ must immediately notify the supervisor should be immediately consulted.
3. If the offending party is the employee's supervisor, the complaining employee will have the option to:
 - a. Notify the next level of the employee's supervisory chain.
 - b. Contact a another supervisor of the same gender.
 - c. Contact the Director of Human Resources ~~Director and Risk Management.~~
 - e.d. Contact the Village Manager.
4. Nothing in this section is intended to prevent any aggrieved employee from pursuing any complaint through another appropriate investigative authority or agency.

~~F. Supervisory and management employees will continually work to discover and eliminate unreported instances of harassment. They will strive to create a non-hostile work environment for all employees.~~

~~Nothing in this section will be construed to restrict supervisors from their appropriate administration of supervisory duties such as dissemination of counseling, discipline, and duty assignments.~~

~~4-5.~~ Complaints of harassment, discrimination, or retaliation will be fully investigated.

~~G.F.~~ Nondiscrimination/Anti-Harassment/Equal Employment Opportunity Supervisory and Management Obligations:

1. The Village provides reasonable accommodations to otherwise qualified persons with disabilities as required by the ~~Americans With Disabilities Act~~ ADA as amended. Supervisory and management employees shall support implementation of reasonable accommodations when approved by Human Resources.
2. The Village does not tolerate harassment in the workplace in any form, including

sexual harassment. Any employee found to have engaged in harassment will be subject to prompt disciplinary action, including termination.

- ~~3. Supervisory and management employees will continually work to discover and eliminate unreported instances of harassment or discrimination. They will strive to create a non-hostile work environment for all employees.~~
- ~~4. Nothing in this section will be construed to restrict supervisors from their appropriate administration of supervisory duties such as dissemination of counseling, discipline, and duty assignments.~~
- ~~3-5.~~ All management and supervisory staff are strictly accountable for maintaining a suitable work environment in accordance with this policy and applicable law. Such accountability includes communicating this policy to all their employees.
- ~~4-6.~~ All management and supervisory staff are expected and held accountable to take affirmative measures to prevent, recognize, and correct any instances of discrimination or harassment.
- ~~7.~~ Management and supervisory staff will be subject to disciplinary action including termination, for participating in or failing to correct instances of discrimination or harassment or for engaging in retaliation.
- ~~5-8.~~ Management and supervisory staff who receive reports of harassment, discrimination or retaliation, must immediately forward the complaint to Human Resources. If Human Resources is the subject of the complaint, the complaint must be immediately forwarded to the Village Manager.
- ~~6. Prevention of Discrimination: Anyone who, in good faith, has believes they have been discriminated against as described in this policy or who, in good faith has observed such discrimination should must promptly report such conduct in accordance with the provisions set forth in this policy.~~

~~7.9. Prevention of Harassment: The Village intends to maintain a work environment free of sexual harassment or harassment of any kind, including harassment on the basis of race, religion, color, creed, gender, gender identity or expression, marital status, sexual preference, sexual orientation, national origin, ancestry, age, disability, or any other basis. Accordingly, the Human Resources Director has established procedures for the prompt investigation and resolution of reports of harassment or discrimination.~~

G. Prohibition Against Retaliation:

~~The Village will not retaliate against an individual who makes a report of harassment or discrimination under this policy and strictly prohibits any supervisor, manager, or other employee from retaliating against a complainant. Retaliation is a very serious violation of this policy and must also be reported immediately. Any person found to have retaliated against an individual for reporting harassment or discrimination will be subject to appropriate disciplinary procedures, including termination.~~

H. Sexual Harassment:

1. Sexual harassment consists of unwanted sexual pressure, sexual attention or advances, or conduct initiated by any employee, contractor, or agent of the Village toward any other in the form of verbal abuse or invitation, unwarranted sounds, gestures or innuendos, suggestive correspondence, posters, calendars, photographs or remarks, or any form of unwelcome physical contact or suggestion.
2. It is unlawful and expressly against Village policy for any employee, male or female, to sexually harass another by:
 - a. Making submission to or rejection of unwelcome sexual advances or requests for sexual favors or engaging in other verbal or physical conduct of a sexual nature, a condition of any employee's continued employment, position, promotion or compensation.
 - b. Making submission to or rejection of such conduct ~~as described in Section J1~~ the basis for determining employment, position, promotion, or compensation.
 - c. Making submission to or rejection of such conduct ~~as described in Section J1~~ the basis for any employment decision affecting the employee.
 - d. Creating an intimidating, hostile, or offensive working environment by such conduct as innuendos and/or suggestive remarks, or physical contact, which an employee reasonably finds offensive.

- I. ~~Disciplinary for Discrimination and Harassment~~Consequences:** Any employee who has discriminated against, ~~or~~ harassed, ~~or retaliated against~~ another employee in violation of this policy will be subject to disciplinary action including termination.

~~J. Duty to Report Harassment/Discrimination:~~

- ~~1. Any harassment or discrimination directed toward another person must be immediately reported to the appropriate person.~~
- ~~2. All reports of harassment or discrimination will be thoroughly investigated and held in confidence to the maximum extent practical while conducting a thorough investigation and in accordance with applicable law.~~
- ~~3. Employees will not suffer retaliation for a good faith report of harassment or discrimination.~~
- ~~4. Nothing in this policy is intended to limit, discourage, or restrict any other remedies or avenues of redress an employee may have under applicable law.~~

K. Complaint Filing Process:

1. ~~Any employee who in good faith, was believes they were subjected to discrimination or harassment by a supervisor, subordinate, peer, service contractor, or the public or, in good faith, has observed or has knowledge of discrimination or harassment against another person, must promptly report the incident to the appropriate Village supervisor or Human Resources Director or directly to the Village Manager.~~
2. ~~Reports of discrimination or harassment will be kept confidential to the maximum extent practicable. An employee's failure to report actual incidents of harassment or discrimination may result in disciplinary action in accordance with policy and procedures.~~
3. ~~Chapter 1 Page 5~~

L.J. Report Processing and Investigations:

1. The ~~Director of Human Resources Director and Risk Management~~ will perform the initial processing of all complaints of discrimination or harassment submitted pursuant to this policy. If the complaint involves the Director of Human Resources Director and Risk Management, the Village Manager or designee will be responsible.
2. Reports of discrimination or harassment filed with Village supervisors will be forwarded immediately or as expeditiously as reasonably possible to the Director of Human Resources and Risk Management-Director for initial processing. The Village attorney will also immediately receive a copy of any report of discrimination and/or harassment as described in this policy.
3. ~~The Village will pursue an informal resolution of potential issues reported under this policy when the Human Resources Director believes such methods are reasonably likely to yield an appropriate result in accordance with this policy and applicable law. Notwithstanding the above, w~~When the reporting party raises issues of discrimination, harassment, or retaliation, certain immediate preventative measures generally are may be appropriate. For example, a person making a good faith report of harassment may elect an immediate, temporary transfer to a position within the Village at the same pay and benefits, to preclude further contact with the alleged offender during the investigation.
4. ~~Upon receipt of a report of discrimination, or harassment, or retaliation, the Director of Human Resources and Risk Management-Director or designee will review the allegations of the report and when practicable, conduct a preliminary, informal interview with the reporting party within two business days.~~
- 5.4. ~~If the report involves allegations of harassment, the Human Resources Director or designee will immediately or as soon thereafter as reasonably possible, meet with the Village Manager or designee to determine the appropriate measures to protect the rights of all parties involved.~~
- 6.5. ~~If the Director of Human Resources and Risk Management-Director or cannot resolve the matter of a report of discrimination or harassment informally, the Human Resources Director will forward the report to the Village Manager or designee for a will conduct formal an investigation. The Human Resources Director will upon request, continue to provide technical assistance during the formal investigatory process. Upon conclusion of the investigation, the complaining employee and the alleged offender will be advised of the outcome.~~

M.K. Right to File Charges With State and Federal Agencies:

1. Employees who feel they were discriminated against, retaliated against, or harassed have the legal right to file charges with federal, state, and/or local agencies ~~such as the Palm Beach County Human Rights Division.~~
2. Proceeding under this policy does not preclude filing a charge ~~of discrimination or harassment~~ with an outside agency. Specific time limitations apply to charges filed with outside agencies and proceeding under this internal policy does not stay these limitations, which generally start running from the date of the alleged unlawful act.

N. Human Resources will give to each new employee during new employee orientation a copy of this Harassment policy and approved Certification memo for completion. The Certification memo will be distributed as follows:

1. ~~Original Village Personnel file~~
2. ~~Copy employee~~

~~1.2 | **Higher Educational Reimbursement Assistance Program:** The Village of North Palm Beach encourages employees to voluntarily pursue training programs, undergraduate and graduate degrees or professional certifications that will improve and enhance their skills, performance, and ability to assume additional responsibilities at the Village. Accordingly, subject to budgetary restraints, the Village will provide educational assistance to eligible employees who are~~

~~1.3 | Chapter 1 Page 6~~

seeking a qualifying undergraduate or graduate degree or professional certification, or who are obtaining job related training. ~~Reimbursements~~Assistances and other payments made by the Village to an eligible employee under this policy are subject to the current federal taxation requirements.

A. Employee Eligibility:

1. ~~To be eligible, employees must be employed by the Village on a full-time basis for at least one year (12 months) of continuous service in an active status (not on a leave of absence) and must be in good standing at the time of application for assistance and on the date of the assistance payment by the Village.~~
2. ~~For purposes of this policy, the Village defines "good standing" as an employee who has not received any formal corrective action, discipline, performance improvement plan, or an unsatisfactory performance evaluation within the last 6 months, or currently on probation due to performance reasons, discipline, demotion, or being newly hired.~~
3. ~~Employees must also be currently employed at the time that payment is made. All said employees are eligible unless superseded by a current Collective Bargaining Agreement.~~

B. Undergraduate and Graduate Programs:

1. ~~Course Eligibility: Undergraduate and graduate courses must be taken as part of a degree program approved in advance by the Department DirectorHead, Human Resources Director, and the Village Manager, and must provide an eligible employee with skills, knowledge or competencies applicable to the employee's current position or another position at the Village. The courses must be provided by an accredited university or college that meets the acceptable levels of quality set by an accrediting agency that is recognized by the U.S. Secretary of Education, as published in the Federal Registeraccredited by organizations recognized by the U.S. Department of Education and verified at <http://ope.ed.gov/accreditation>.~~
~~Grade Requirements: An employee must maintain a "C" average or above to maintain eligibility in the Village's program after completion of the first semester of classes.~~
2. ~~Tuition ReimbursementAssistance Provisions: An employee is eligible to receive reimbursement for two (2) classes per semester, up to 3 credit hours per class (four hours for courses with a laboratory), for a maximum of five (5) classes per tax (calendar) year. Courses include electives and mandatory classes required to meet degree requirements. The amount of reimbursement approved by the Village will be based on the employee's grade in each course, as provided in this policy. An employee is eligible to receive assistance for Books and required laboratory fees are eligible for reimbursement, but shall be limited to \$250.00 per tax (calendar) year and are subject to the employee earning a grade of A, B or C in the course. All other expenses, including but not limited to, those for parking, supplies or non-laboratory fees, are the employee's responsibility and are not eligible for reimbursement from the Village. The Village will provide reimbursement to up to a maximum of \$5,250.00 per tax (calendar) year based on current federal taxation requirements and limits. Reimbursements to an employee in excess of IRS limits creates tax liability for the employee.two.~~
~~(2) classes per semester for a maximum of five (5) classes per fiscal year. The amount of assistance approved by the Village will be based on the employee's grade in each course, as provided in this policy. Books, and required laboratory fees are eligible for assistance, but shall be limited to \$250 per fiscal year. All other expenses, including but not limited to, those for parking, supplies or non-laboratory fees, are the~~

employee's responsibility and are not eligible for assistance from the Village.

3. ~~Reimbursement Assistance Amount: The reimbursement amount will be limited to actual tuition, or the per credit rate of the established Florida resident credit hour rate for undergraduate or graduate courses charged in the State of Florida university system at the time of the employee's course enrollment, whichever is lower, regardless of the employee's election to attend a private educational institution. Upon the employee's completion of an approved course, the reimbursement schedule will be based on grades received by the employee as follows: 100% reimbursement for a grade of "A"; 100% reimbursement for a grade of "B" and 75% reimbursement for a grade of "C". The Village will not provide any amount of tuition reimbursement or reimbursement for books/laboratory fees if the employee earns a grade of "D" or "F" or receives an "Incomplete" mark. Pass/Fail courses within a degree program are not eligible for reimbursement.~~ The assistance amount will be limited to actual tuition, or the per credit rate of the established Florida resident credit hour rate for undergraduate or graduate courses charged in the State of Florida university system at the time of the employee's course enrollment, whichever is lower, regardless of the employee's election to attend a private educational institution. Upon the employee's completion of an approved course, the assistance schedule will be based on grades received by the employee as follows: 100% assistance for a grade of "A", or "Pass" (for Pass/Fail course only); 100% assistance for a grade of "B" and 75% assistance for a grade of "C". The Village will not provide any amount of tuition assistance if the employee earns a grade of "D" or "F" or receives a "Fail" or "Incomplete" mark.
4. ~~Courses must be scheduled outside of the employee's regular work hours and all homework or related coursework must be done outside of working hours. Employees are prohibited from using Village equipment or resources to engage in homework or other related coursework.~~

~~NOTE: The Village may reduce the percentage of reimbursement assistance if the combined total of the employee's financial assistance and the Village's reimbursement assistance to the employee exceeds 100% of the tuition, book costs and laboratory fees for the course term.~~

~~— Certification or Training Programs:~~

~~Program Eligibility: An eligible employee may obtain reimbursement for a certification program or courses in a professional discipline applicable to the employee's current position or another position at the Village and for job-related training courses or programs (collectively referred to as "certification or training programs"). The certification or training programs must be provided by an accredited university or college, professional association, professional training provider, or other similar institution. The employee's participation in any certification or training program must be approved in advance by the Department Head, Human Resources Director, and the Village Manager.~~

~~This policy applies to certification or training programs and is inclusive of registration and attendance fees and related expenses, such as travel, lodging and food.~~

~~Tuition Reimbursement Provisions: An employee is eligible to receive reimbursement for up to two (2) certification or training programs per tax (calendar) year. If the certification or training program consists of courses or sessions that occur over a period of time, similar to the semester-based system for undergraduate or graduate degree programs, the Village will follow the "Tuition Reimbursement Provisions" contained in the Undergraduate and Graduate Programs section of this policy.~~

~~Reimbursement Amount: The reimbursement amount will be determined by the Village at the time of approval on an individual employee basis, in consideration of the nature of the certification or training program, the employee's position, the Village's operational needs, and the tuition, attendance or registration costs and the related expenses, such as travel, lodging and food. Any amount reimbursed by the Village in connection with a Village approved training program shall not exceed the reimbursable travel expenses authorized under Section 112.061, Florida Statutes. The Village will provide reimbursement to an eligible employee who successfully completes the approved certification or training course or program, up to a maximum of \$5,250.00 per tax (calendar) year based on the date of the check to the employee. The Village will not provide any reimbursement to an employee who does not successfully complete the certification or training course or program.~~

~~5. Program Eligibility: An eligible employee may obtain assistance for a certification program or courses in a professional discipline applicable to the employee's current position or another position at the Village and for job-related training courses or programs (collectively referred to as "certification or training programs"). The certification or training programs must be provided by an accredited university or college that meets the acceptable levels of quality set by an accrediting agency that is recognized by the U.S. Secretary of Education, as published in the Federal Register, professional association, professional training provider, or other similar institution. The employee's participation in any certification or training program must be approved in advance by the Department Director, Human Resources Director, and the Village Manager. This policy only applies to certification or training programs that cost \$1,200.00 or more, inclusive of registration and attendance fees and related expenses, such as travel, lodging and food.~~

~~6. Tuition Assistance Provisions: An employee is eligible to receive assistance for up to two (2) certification or training programs per semester. If the certification or training program consists of courses or sessions that occur over a period of time,~~

similar to the semester-based system for undergraduate or graduate degree programs, the Village will follow the "Tuition Assistance Provisions" contained in the Undergraduate and Graduate Programs section of this policy.

7. ~~Assistance Amount: The assistance amount will be determined by the Village at the time of approval on an individual employee basis, in consideration of the nature of the certification or training program, the employee's position, the Village's operational needs, and the tuition, attendance or registration costs and the related expenses, such as travel, lodging and food.~~

1. ~~Any amount paid by the Village in connection with a Village approved training program shall not exceed the reimbursable travel expenses authorized under Section 112.061, Florida Statutes.~~

2. ~~The Village will provide assistance to an eligible employee who successfully completes the approved certification or training course or program, up to a maximum of \$5,250.00 per fiscal year based on the date of the check to the employee. The Village will not provide any assistance to an employee who does not successfully complete the certification or training course or program.~~

~~Approval Procedure:~~

~~Eligible employees must receive prior approval from the Village Manager in writing to participate in the Village's educational reimbursement program. To obtain approval, an eligible employee must submit a completed Education Reimbursement Program Participation form to his or her Department Head with the following documents attached: the degree requirements; the course or program description; an agenda or schedule (with dates and times); and for training or certification programs only, the program cost and a list of the categories and costs of any related expenses. The employee must also submit documentation of other financial aid for which the employee has applied or been granted. The Department Head and the Human Resources Director will review the employee's form and supporting documentation to determine if the employee meets the criteria for participation in the Village's Educational Reimbursement Program. If the employee is eligible to participate in the program, the Village Manager will evaluate and either grant or deny the employee's request. Notice of the Village Manager's decision shall be provided to the employee in writing.~~

~~Eligible employees must receive prior approval from the Village Manager in writing to participate in the Village's educational assistance program.~~

~~To obtain approval, an eligible employee must submit a completed Education Assistance Program Participation form to his or her Department Head with the following documents attached: the course or program description; an agenda or schedule (with dates and times); and for training or certification programs only, the program cost and a list of the categories and costs of any related expenses.~~

~~The Department Head and the Human Resources Director will review the employee's form and supporting documentation to determine if the employee meets the criteria for participation in the Village's Educational Assistance Program. If the employee is eligible to participate in the program, the Village Manager will evaluate and either grant or deny the employee's request. Notice of~~

~~the Village Manager's decision shall be provided to the employee in writing.~~

~~Program Terms:~~

~~The reimbursement amounts provided to eligible employees by the Village are considered an investment in employee skills, succession planning, and public service. Accordingly, if the employee is approved to participate in the Village's educational reimbursement program, the employee is required to remain employed with the Village in a full-time capacity for a continuous 12-month period from the date of each reimbursement payment received by the employee.~~

~~If the employee resigns or terminates employment at any time during the 12-month employment period (for any reason other than due to a reduction in force or due to circumstances beyond the employee's control, as determined by the Village Manager), the employee shall be required to repay the investment on a pro-rata basis. The prorated amount will be calculated as follows: the total reimbursement amount paid in the prior 12-month period divided by the number of months of the employment period completed by the employee. The balance under this policy is due in full within seven (7) days of the employee's separation from employment. In appropriate circumstances, the Village and employee may agree to a monthly payment plan for repayment of the balance remaining after deductions from the final pay check.~~

~~The Village also may shall retain and deduct the amount owed under this Policy (in whole or in part) from any monies due to the employee prior to or following his or her termination, subject to the applicable restrictions imposed by the Fair Labor Standards Act. Prior to or at the time reimbursement is requested, the employee will submit a signed, notarized promissory note guaranteeing full repayment for all education expenses if the terms of this policy are not fulfilled on the side of by the employee, which shall include an express lien on all wages or other payments due the employee in accordance with applicable laws.~~

~~An eligible employee who receives reimbursement to attend a basic recruit training program for law enforcement officers is required to comply with the employment and repayment terms provided in Florida Statutes section 943.16, which includes a two-year employment commitment from the employee to avoid the repayment provisions. The Village provides notice to such trainees during the employment screening process and retains a copy of the trainees' acknowledgment of same in the personnel file.~~

~~NOTE: An employee who participates in the Village's Educational Reimbursement Program is employed at will and the employee's employment may be terminated by the employee or the Village at any time, with or without cause or prior notice. This policy does not create a contractual relationship between the Village and any employee participating in the Village's Educational Reimbursement Program, and does not create a guarantee of employment for a definite period of time or for any purpose.~~

8. ~~The assistance amounts provided to eligible employees by the Village are considered a loan for educational expenses. Accordingly, if the employee is approved to participate in the Village's educational assistance program, the employee is required to remain employed with the Village in a full-time capacity for a continuous 12-month period from the date of each assistance payment received by the employee or on the date that the Employee completes the undergraduate or graduate course or the certification or training program, whichever is later.~~

9. ~~If the employee completes the 12-month period of employment, the Village will forgive the loan for that 12-month period. However, if the employee resigns or terminates employment at any time during the 12-month employment period (for any reason other than due to a reduction in force or due to circumstances beyond the employee's control, as determined by the Village Manager), the Village will forgive the loan on a pro-rata basis. The prorated amount will be calculated as follows: the total assistance amount in the prior 12-month period divided by the number of months of the employment period completed by the employee. The balance of the loan not forgiven under this policy is due in full within seven (7) days of the employee's separation from employment. In appropriate circumstances, the Village and employee may agree to a monthly payment plan for repayment of the balance of the loan.~~
10. ~~The Village also may retain and deduct the amount owed under this Policy (in whole or in part) from any monies due to the employee prior to or following his or her termination, subject to the applicable restrictions imposed by the Fair Labor Standards Act. The employee will submit a signed, notarized promissory note guaranteeing full repayment for all education expenses if the terms of this policy are not fulfilled on the side of the employee, which shall include an express lien on all wages or other payments due the employee in accordance with applicable laws.~~
- ~~An eligible employee who receives assistance to attend a basic recruit training program for law enforcement officers is required to comply with the employment and repayment terms provided in Florida Statutes section 943.16, which includes a two-year employment commitment from the employee to avoid the repayment provisions. NOTE: An employee who participates in the Village's educational assistance program is employed at will and the employee's employment may be terminated by the employee or the Village at any time, with or without cause or prior notice. This policy does not create a contractual relationship between the Village and any employee participating in the Village's educational assistance program, and does not create a guarantee of employment for a definite period of time or for any purpose.~~

~~Payment and Assistance Reimbursement Procedures:~~

~~If approved to participate in the Village's Educational Reimbursement Program, within thirty (30) calendar days of successful completion of the approved course(s), program or training, the employee must provide to his or her Department Head copies of all receipts for all additional eligible costs and fees and one of the following: certified transcript for the course term for any undergraduate and graduate courses, copy of professional certification, or a certificate of completion for a training program. The employee shall also disclose and provide documents showing all financial aid (including, but not limited to, scholarships, grants, stipends, waivers, discounts, fellowships, military and veterans' benefits) and other non-refundable financial aid received by the employee used to pay tuition or other costs. The combined total of the employee's financial aid and the Village's reimbursement to the employee shall not exceed 100% of the tuition and eligible costs and fees set forth in this policy. The reimbursement amount may be reduced to satisfy this rule.~~

~~If the documents produced by the employee are satisfactory, the Department Head will complete a Personnel Action Form (PAF) indicating approval to proceed with reimbursement. The PAF form must be submitted to the Human Resources Director and then forwarded to the Village Manager for final approval. If approved, the PAF will be submitted~~

to payroll for processing.

~~11. If approved to participate in the Village's educational assistance program, the employee shall submit proof of cost of his or her tuition, laboratory fees, registration and attendance costs, and related expenses.~~

~~1. If the documents produced by the employee are satisfactory, the Department Head will complete a Personnel Action Form (PAF) indicating approval to proceed with assistance.~~

- ~~2. The PAF form must be submitted to the Human Resources Director and then forwarded to the Village Manager for final approval. If approved, the PAF will be submitted to payroll for processing.~~
- ~~3. The employee will then submit a signed, notarized promissory note to the Village guaranteeing full repayment for all education expenses if the terms of this policy are not fulfilled on the side of the employee. The signed promissory note must be received by the Village prior to any payment being made.~~
- ~~12. Within thirty (30) calendar days of successful completion of the approved course(s), program or training, the employee must provide to his or her Department Head copies of all receipts for all additional eligible costs and fees and one of the following: certified transcript for the course term for any undergraduate and graduate courses, copy of professional certification, or a certificate of completion for a training program.~~
- ~~1. The employee shall also disclose and provide documents showing all financial assistance (including, but not limited to, scholarships, grants, stipends, waivers, discounts, fellowships, military and veterans' benefits) and other nonrefundable financial assistance received by the employee used to pay tuition or other costs.~~
- ~~2. The combined total of the employee's financial assistance and the Village's assistance to the employee shall not exceed 100% of the tuition and eligible costs and fees. The assistance amount may be reduced to satisfy this rule.~~
- ~~Termination of Employment: If the employee resigns, submits a resignation, or is terminated by the Village for any reason other than due to a reduction in force or due to circumstances beyond the employee's control (as determined by the Village Manager), prior to receiving assistance for a completed course(s) or program, the Village (at the Village Manager's Discretion) may pay a portion of the reimbursement amount on a pro rata basis. Reimbursement will be determined in accordance with this policy for give the loan on a pro rata basis. If an employee is laid off from employment with the Village, the employee will be eligible for assistance of approved undergraduate or graduate courses in which the employee is enrolled at the time of layoff. Assistance will be determined in accordance with this policy.~~
- ~~C. Miscellaneous: At the Village's discretion, the Village Manager may approve exceptions and/or change the provisions of this policy at any time, including the eligibility and reimbursement criteria and the reimbursement amount. The employee's reimbursement request will be processed in accordance with the policy in effect at the time of the request, not the time of the employee's enrollment in the undergraduate or graduate course, or certification or training program.~~

Approved



Ed Green Village
Manager

2.1 DEFINITIONS

2.2 Definitions of Terms: For the purpose of these policy and procedures, the following terms are defined:

- A. **Accumulate**: The process by which an employee accrues sick and ~~annual-vacation~~ leave during their period of employment.
- B. **Allocation**: The assignment of an individual position to an appropriate class on the basis of the type, difficulty, and responsibility of the work performed in the position and allied positions, when compared with that position.
- C. **Appointing Authority**: The Village Manager or ~~his/her~~ designee who has the authority to appoint and remove employees under his/her supervision.
- D. **Class**: A position or group of positions which involve similar duties and responsibilities, require similar qualifications, is designated by a title indicative of the kind of work and for which the same pay range can be applied with equity.
- E. **Days**: Means calendar days unless otherwise stated.
- F. **Demotion**: A change of employment status from a position of one class to a position of another class having a lower maximum rate of pay than the original class.
- G. **Department Head/Director/Head**: Employees of the Village in charge of the operations of an established Village Department.
- H. **Employee**: Persons employed by the Village ~~of North Palm Beach~~ covered by the provisions of these regulations.

~~**Excluded Employee**: An employee whose position is excluded for the purposes of cash compensation for overtime as such is not subject to Village overtime regulations.~~

- I. **Full-time Employee:** An employee who is designated as such and who normally works ~~thirty (30)~~forty (40) or more hours per week ~~and 1,560 hours per year~~ and fills one of the designated positions identified with a job code in the Village's annual budget.
- J. **Hourly Employee:** An employee whose job basis consists of an hourly rate of pay for hours actually worked in a specific job class.
- ~~**Included Employee:** An employee whose position is included for the purpose of cash compensation for overtime and as such is subject to Village overtime regulations.~~
- K. **Job Code:** A control number assigned to each full-time position listed in the annual budget.
- L. **Layoff:** The separation of employees from the payroll due to lack of funds or work, or to the abolition of a position by the Village Council for these reasons or due to an organizational change.
- M. **Part-time Employee:** An employee who is designated Regular Part-time or Temporary Part-time, who normally is scheduled to work less than ~~thirty (30)~~forty (40) hours per week ~~and one thousand five hundred and sixty (1,560) hours per year~~. Said employee is not eligible for any fringe benefits such as sick leave, vacation, holiday pay, group health, dental, life and disability insurance, or pension, ~~and longevity~~. Part-time employees who work at least thirty (30) hours per week and a minimum of one thousand five hundred and sixty (1,560) hours during the measurement period may be eligible for group health and dental insurance, but are not eligible for other benefits.
- N. **Pay Status:** Time for which an employee is paid by the Village including leaves with pay ~~and but does not include benefit payments by third parties such as~~ workers' compensation.
- ~~**Personnel Officer:** Village Manager or his/her designee.~~
- O. **Position:** A group of duties and responsibilities which require the full-time or part-time employment of one person as authorized by the Village Council.
- P. **Probationary Employee:** An employee who has not yet successfully completed the required probationary period ~~as set forth in these regulations~~.
- Q. **Promotion:** A change of employment from a position of one class to a position of another class which has a higher maximum rate of pay.
- R. **Regular Employee:** A full-time employee who is hired for continuous employment and has successfully completed the required probationary period ~~as set forth in these regulations~~.
- S. **Seasonal Employee:** An employee who is hired for employment in a position which recurs yearly or more often as required by seasonal operations and is not continuous in nature.
- T. **Temporary Employee:** An employee who is hired for a specific period not to exceed six (6) months.

- X. **Transfer:** A change of an employee from one position to another position in the same class or another class with the same ~~maximum rate of pay~~ range.

Chapter 2 Page 2

- Y. **Vacancy:** A position duly created, established in the budget, and not currently occupied by an incumbent.
- Z. **Veteran:** Applicants and employees who are entitled to veterans' preference as outlined in Florida Statutes.

Approved



Jimmy Knight Village
Manager

Chapter 2 Page 3

3. ORGANIZATION AND FUNCTION

3.0 ORGANIZATION AND FUNCTION

~~3.1 AUTHORITY:~~

- a. ~~Village Charter, Florida Statutes, Federal Regulations and Fair Labor Standards Act (FLSA).~~

~~3.2 THE VILLAGE MANAGER OR DESIGNEE SHALL:~~

- ~~Interpret, administer and recommend revisions to these regulations as required.~~
- a. ~~Amend the Rules and Regulations from time to time as approved by the Village Manager.~~
- b. ~~Certify all payrolls.~~
- c. ~~Provide for the publishing or posting of vacant positions, the receiving of applications, the evaluations of applicants (including any examinations or tests), and the final selection of applicants.~~

~~3.3~~ 3.1 COMPREHENSIVE PAY AND CLASSIFICATION PLAN

A. Generally

1. A Comprehensive Pay and Classification Plan ("Pay Plan") is established each Fiscal Year to reflect authorized Village employment position classifications and their related salary ranges for all Village employees for the Fiscal Year. The Pay Plan provides a summary of employment benefits offered to employees. The Pay Plan provides the position classifications and pay ranges for all positions to maintain

appropriate staffing resources in relation so competitive market conditions and the needs of the annual Village budget/operating structure.

2. Each Fiscal Year, the Pay Plan generally provides for any performance based merit increases for non-union personnel, wage changes for bargaining unit employees pursuant to the negotiated applicable collective bargaining agreements, health and dental insurance premium cost sharing, and any annual pension contributions.

B. Development Of Pay Ranges

The Pay Plan establishes pay ranges (grades) for each classification. Such established salary ranges of pay have been ~~are~~ determined with due regard to ranges of pay for other classes, relative difficulty and responsibility of positions in the class, prevailing rates of pay for similar positions, and the financial position of the Village and other economic considerations. Appendix A sets forth the pay ranges (grades) with minimum and maximum levels. Base pay is, by definition, the pay level within pay range for each position classification. Base pay may not exceed the maximum pay rate for the position classification. For General (non-bargaining unit) Employees the Pay Plan provides for a pay range, without regard to specific pay level within that range. Adjustments shown to salary ranges for FPE, PBA and IAFF positions are reflected for budgeting purposes and ~~will be~~ are subject to bargaining. Bargaining unit employees shall receive base wage increases only in accordance with their collective bargaining agreement.

C. Hiring Pay Rates

The minimum rate established for a job class shall be paid upon employment, except that the "New-Hired" rate in amounts above the minimum may be authorized by the Village Manager based on the exceptional qualifications of the appointee or inability to employ adequate personnel at the minimum rate.

D. Merit Increases

All non-bargaining employees of the Village, except as provided elsewhere and specifically excluding Instructor positions, shall be eligible for a merit increase on their employee anniversary date. The anniversary date shall be defined as the employee's entry date into their present position. After the one (1) year period in their present position, employees shall be eligible for a merit increase, as defined herein, and shall be eligible at their annual anniversary date every year from that time forward.

Employees may be granted such merit increase, based upon documented and demonstrated workplace performance as recommended by the employee's Supervisor and Department Director. All merit increases shall be submitted to the Village Manager (or Human Resources Department) for review, consideration and written approval prior to discussion or delivery to the employee.

Merit increases are not automatic. ~~Such in Merit increases~~ is are contingent upon receipt of a satisfactory performance evaluation. Employees who are at the maximum or exceed the maximum pay for their classification will not be eligible for a merit increase in their present Pay Plan classification, but may be eligible for a lump sum performance bonus. The Village Manager ~~shall~~ must review and approve merit increases equal to or greater than 4.5% before implementation. Contractual provisions will govern bargaining unit employee merit increases.

E. Lump Sum Performance Bonus

Employees whose compensation is equal to the maximum annual pay range for their position shall be eligible for the annual performance incentive bonus program. Annual performance review bonuses would be paid lump-sum based upon written recommendation and documentation from the Department ~~Head~~ Director, subject to written approval of the Village Manager or designee ~~as based upon the following~~ ing performance level categories:

<u>Exceptional</u>
<u>Satisfactory and Above Average</u>
<u>Development Required through Unsatisfactory</u>
<u>acceptable</u>

The amount of the lump sum performance bonus, if any, is determined through the budget process each Fiscal

Year. ~~Exceptional Level II performance review rating — \$ 1,200 Successful Level I through Exceptional Level I performance~~

~~review rating — \$ 900~~

~~Development Required through Below Standards~~

~~performance review rating — \$ 0~~

The bonus payment shall not be included in an employee's regular base rate of pay and shall not be carried forward in subsequent years.

F. Merit Increases for Part-Time, Seasonal and School Crossing Guard Employees (excluding Instructors) PAY & MERIT INCREASE

~~Part-time employees shall be paid the hourly wage as outlined in the attached Pay Plan, at the pay range (grade) minimum unless otherwise recommended by the Department Director, and approved by the Village Manager.~~

~~1. Permanent Part-Time employees (who must be scheduled annually for work in more than 46 or more weeks) Part-time employees shall be eligible for a merit increase upon receipt of a satisfactory evaluation. Part-time employees who leave Village employment and are subsequently rehired, are not considered to have continuous service; and, as a result, are only eligible for a merit increase annually based upon their rehire date.~~

~~2. Seasonal part-time employees are hired to work for a defined period not to exceed twenty-six (26) weeks of any twelve (12) month fiscal year. Seasonal employees who return after working for the entirety of any scheduled season, will be eligible for a two percent (2%) merit increase at the beginning of the upcoming season. Those employees who leave employment prior to the end of the season and are later rehired by the Village will be considered new employees and will not be eligible for a merit increase upon hire. (scheduled during a 12-month period work for less than 46 weeks), who have worked during the past season and return for the upcoming season, may be eligible for a merit increase at the beginning of the upcoming season, when prior~~

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~~employment ended due to Village operational direction. Those employees who leave employment prior to the end of the season and may later be rehired by the Village, are considered new employees and not eligible for a merit increase upon their rehire date.~~

~~3. School Crossing Guards are employed for approximately nine and one-half (9 ½) months out of twelve (12) months, following the regular school year calendar on a part-time basis. These individuals are part-time based on a work schedule of ninety (90) minutes per school day and are not provided performance reviews. While the duration of assignment for these individual employees exceed the above definition of "seasonal employee," their employment is of a seasonal nature. Returning part-time School Crossing Guards will be eligible for a two percent (2%) increase at the beginning of each school year.~~

G. Promotions, Demotions, Transfers, And Reclassifications

~~In the event of a promotion to a higher pay range (grade), employees will either be placed in the new position's pay range (grade) at a base pay level or will receive an increase of that does not exceed more than 10% of their current salary, whichever is greater, provided the amount does not base pay level they occupy in their current pay range not to exceed the pay range maximum for the new position. Upon the written recommendation of the Department Director and written approval by the Village Manager, an employees that is who are within two (2) months of their existing anniversary / annual review date may~~

receive a merit increase prior to the implementation of their recommended promotion. Bargaining unit employees shall

1. receive promotional increases in accordance with their respective collective bargaining agreement, unless otherwise negotiated.
2. In the event of an involuntary demotion, an employee will be placed in the same relative position for the lower position grade as he/she/they enjoyed in the previous classification, as long as the pay does not decrease more than 10%. For a voluntary demotion to a lower pay range (grade), employees shall be placed in the same relative position for the lower position grade while having their current pay "frozen" at their current level or the maximum of the lower level position, which may be more than 10% – with future pay adjustments being used/frozen to "offset" this higher pay level until fully absorbed or until the maximum of the pay range is reached, whichever occurs first.
3. In the event an employee is transferred to a position with the same pay grade, their rate of pay will remain the same. Employees who experienced a lateral transfer during the evaluation period that causes the evaluation date to change (e.g. due to movement to/from a position covered by a collective bargaining unit to/from a non-bargaining position) shall be evaluated on a pro-rata basis during the transition from one evaluation period to the next. Bargaining unit employees shall receive merit increases in accordance with their respective collective bargaining agreement, unless otherwise negotiated.
4. The Village retains the right to evaluate and, if appropriate, make personnel classification changes (reclassifications) when appropriate in support of providing the most cost effective and efficient delivery of municipal services to the residents of the Village

H. Working Temporary Assignment at Higher Pay Grade

General employees who work are authorized and directed by the Village Manager or designee to temporarily work in an established higher pay grade classification shall be paid five percent (5%) above their base pay rate for the period of time worked in the higher pay grade classification. Increases for temporary work assignments that do not conform to established pay grade classifications are handled on a case-by-case basis at the discretion of the Village Manager.

Commented [U1]: Renee to ask Andy how long in higher classification before 5% begins (e.g. first day, after 1 week, 2 weeks?)

Overtime/Compensatory Time

Overtime is authorized by the Village Manager or Department Heads. Overtime is paid to hourly employees at one and one-half (1½) times the hourly rate for all hours worked in excess of forty (40) hours per week. Upon prior approval of the Department Head or the Village Manager hourly employees may receive compensatory time off for any work performed in excess of the regularly scheduled hours in a normal work week at one and one-half (1½) hours for every hour for overtime hours worked. Compensatory time for hourly employees shall accrue to no more than sixty (60) hours. Unused accrued compensatory time shall be paid upon termination of employment. Bargaining unit employees shall receive overtime and compensatory time in accordance with their respective collective bargaining agreement, unless otherwise negotiated.

J. Emergency Pay

Employees may be required to work as deemed necessary and shall be compensated in a fair and equitable manner. Employees may be called in to work before, during, and/or immediately after a Village-declared emergency.

Exempt Employee Emergency Duty Compensation

Eligible Exempt employees as defined in Ordinance Section 8-31(a), as amended from time to time, who perform disaster-related emergency work shall receive emergency duty compensation at their corresponding "hourly" rate for hours worked on disaster-related emergency work in excess of forty (40) hours during the workweek. Paid or unpaid time off under any of the Village's leave policies shall not be considered hours worked. Eligible Exempt employees must follow the procedures set forth in Ordinance Section 8-31 for

~~payment to be made.~~

~~Non-Exempt Employee Emergency Duty Compensation~~

~~Non-exempt employees who work during a declared state of emergency within the Village shall be paid at a rate of two (2) times their regular rate of pay.~~

~~Exempt Employee Administrative Leave Bank~~

~~During a Village-declared state of emergency, Exempt Employees who perform work during the declared state of emergency shall receive the corresponding number of hours worked in an Administrative Leave Bank, not to exceed 60 hours. However, hours paid to Exempt Employees as Emergency Duty Compensation as Administrative Leave Bank hours and shall be excluded.~~

~~Administrative Leave Bank hours must be used prior to the end of the next full fiscal year after conclusion of the state of emergency. Any such hours not used by the end of the next full fiscal year after conclusion of the state of emergency shall be forfeited. Administrative Leave Bank hours are not payable upon separation from employment for any reason.~~

Commented [U2]: Andy agrees Council should repeal since Resolution 2019-84 takes care of exempt people and most/all exempt workers do not perform "disaster related emergency work" and are not eligible for payment.

Commented [U3]: Resolution 2019-84 does not exclude public safety specifically. Do they also get 2x the regular rate?

Commented [U4]: Can delete if Ordinance 8-31 is repealed.

Commented [U5]: This is not addressed. Accurate?

K. Benefit Eligibility

~~Employees in full-time, budgeted positions [regularly scheduled to work forty (40) or more hours per week] are eligible for participation in the Village's retirement plans, medical and dental insurance, long-term disability insurance, and employer paid life insurance programs according to the requirements of these plans/programs.~~

~~Part-time employees who are scheduled to work more than thirty (30) hours per week or in excess of 1,560 hours within the official measurement period will be eligible for medical and dental insurance in compliance with the Affordable Care Act. Part time employees working less than thirty (30) hours per week as well as Seasonal employees are not eligible to participate in such plans or to receive benefits associated with such plans/programs. Part-time employees do not receive any other benefits.~~

L. Miscellaneous Benefits/Incentives

~~*Pension Contributions – The Village's annual required employer pension contributions for General Employee Pension employees will be 19.54% of payroll, 21.49% of payroll for Police & Fire Pension employees, and 15% of payroll for ICMA-RC Pension employees. The definition and limitations of earnings shall be as outlined in each respective Village Pension Plan.*~~

~~*Pension and Retirement Plans: The Village maintains various retirement and retirement savings programs available based upon plan documents and eligibility requirements for each plan. Employees should contact Human Resources for more information. 457 Deferred Compensation Contributions – The Village will match a non-union, full-time employee's 457 Deferred Compensation plan through ICMA-RC based on a contribution rate of 50 cents for every dollar of employee contribution – up to a monthly Village contribution limit of \$60 mo. (\$720 yr.) and paid on a bi-weekly basis. Bargaining unit employees shall receive deferred compensation accordance with their respective collective bargaining agreement, unless otherwise negotiated.*~~

~~*Medical/Dental Insurance: The Village offers medical and dental insurance to its eligible employees and their qualified dependents. Employees should review the information provided during open enrollment each year carefully to determine the most appropriate plan for their personal situation.*~~

~~*Long Term Disability Insurance – The Village's long-term disability Employer-paid coverage for long-term disability shall continue for all full-time employees who become disabled due to an illness or non-work-related injury shall continue for all full-time employees, unless otherwise negotiated.*~~

~~*Life Insurance – The Village life insurance program for all full-time employees shall continue to be at a level*~~

equivalent to the maximum level allowed by IRS regulations before imputing added employee compensation (\$50,000, or \$25,000 after the age of 70), unless otherwise negotiated.

Sick Leave Incentive Award Program – Regular full-time (non- probationary) general employees who do not use any sick leave within any continuous (6) six-month period are eligible to earn eight hours annual of vacation leave time as incentive for not using sick leave. Bargaining unit employees shall receive sick leave incentive(s) in accordance with their respective collective bargaining agreement, unless otherwise negotiated.

Sick Leave Pool – A voluntary sick leave pool may be established one time during a 48-month period, rolling backward, on a volunteer basis for a regular, non-probationary, full-time employee who has exhausted or depleted all accrued leave hours (sick, vacation, etc.) on an employee-only FMLA-eligible illness (not applicable to an illness incurred by a family or service member). A Sick Leave Pool whereby an employee is permitted to use up to 240 hours of sick pay as determined by the amount of sick leave time donated by other employees on a Village-wide basis must be initiated in writing by the employee's Department Director and approved by the Village Manager. Available one time during a 48-month rolling backward period for each employee.

Certification Incentive - The certification incentive program will continue to provide certification pay for job related certifications when recommended by the Department Director and approved by the Village Manager. Employees are not eligible for certification pay if they hold or are pursuing certifications or licenses that are required as stated in their current job description. Certification incentive pay will be determined by the budget then in effect.–

The maximum number of certifications eligible for the certification incentive will be three (3) per employee. The certification incentive will not be included in the base pay rate, and payment will be prorated based on the standard pay cycle. Employees whose compensation has reached the pay range maximum will be ineligible for certification pay above the pay range maximum. For certification requiring renewal or continuing education, employees must meet the appropriate renewal criteria and provide a copy of the renewed certificate in order to continue receiving the certification incentive pay.

Employee Assistance Program (EAP) - The Village offers an Employee Assistance Program with various counseling and referral services for each employee (part-time and full-time) or qualified dependent.

Flexible Spending Account –Flexible Spending Accounts allow employees to voluntarily set aside tax- deferred compensation for qualified health care and work-related dependent care expenses.

Health Savings Account (HSA) – Health Savings Accounts are interest-bearing accounts. Funds can be used to pay deductibles, coinsurance and any other qualified medical expenses in compliance with IRS 213 requirements. Employees who enroll in the high deductible health plan (HDHP) qualify to fund the HSA with tax-free dollars through a payroll deduction.





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Village of North Palm Beach

TO: Honorable Mayor and Council FROM: James P. Kelly, Village Manager

DATE: September 25, 2014

SUBJECT: Comprehensive Pay and Classification Plan Fiscal Year 2014/2015

This Comprehensive Pay and Classification Plan ("Pay Plan") reflects all authorized Village employment position classifications and their related salary ranges for all Village employees for the Fiscal Year starting October 1, 2014. This Pay Plan also reflects employment benefits provided to employees unless separately negotiated in collective bargaining agreements.

Village management reviews this Pay Plan annually and makes

~~recommendations on the classifications and pay ranges for all positions to maintain appropriate staffing resources in relation to competitive market conditions and the needs of our annual Village budget/operating structure. The attached Pay Plan has been incorporated into the budget for the coming Fiscal Year beginning October 1, 2014.~~

~~Pay Plan Recommendations~~

~~This year's Pay Plan includes:~~

- ~~Provides for an average 3.75% performance-based merit increases (0% to 5%) for FPE-eligible and non-union personnel;~~
- ~~Provides for negotiated step plan increases for PBA and IAFF-eligible employees as negotiated in their collective bargaining agreements;~~
- ~~Provides no COLA/market-based adjustment;~~
- ~~Provides for annual employer pension contributions; and~~

~~Provides for monthly employer and employee health/dental insurance contributions.~~

~~Provides for employer-sponsored Life, Accidental Death & Dismemberment (ADD), and Long Term Disability (LTD) plans.~~

~~Vision coverage is available at full employee expense.~~

Recommended Personnel Changes:

The Pay Plan reflects proposed changes in Village employment positions including as follow:

Additions / Deletions:

~~Add one (+1) Finance Accounting Clerk f/t position (pay grade 108) / Delete one (-1) Finance Intern p/t position (pay grade 100);~~

~~Add one (+1) Permit & License Tech f/t position (pay grade 108) / Delete one (-1) Permit & License Tech p/t position (pay grade 109);~~

~~Add one (+1) Criminal Intelligence Analyst f/t position (pay grade 111) / Delete one (-1) Public Safety Aide f/t position (pay grade 109);~~

~~Add one (+1) Public Works Supervisor f/t position (pay grade 11) / Delete one (-1) Mechanic f/t position (pay grade 108);~~

~~Add two (+2) Rec Assistant p/t positions (pay grade 100) / Delete one (-1) Youth Art Instructor p/t position (pay grade 100); Delete one (-1) Event Coordinator p/t position (pay grade 108);~~

~~Add one (+1) Senior Library Assistant f/t position (pay grade 109) / Delete one (-1) Library Clerk p/t position (pay grade 103);~~

~~Add one (+1) Human Resources Admin Coordinator p/t position (pay grade 109);~~

~~Add one (+1) F&B Event Banquet Coordinator p/t position (pay grade 109) / Delete one (-1) F&B Event Banquet Coordinator f/t position (pay grade 109);~~

~~Add one (+1) F&B Assistant Manager f/t position (pay grade 109) / Delete two (-2) Snack Bar Attendant p/t positions (pay grade 100);~~

~~Add one (+1) Golf Shop Attendant p/t position (pay grade 100);~~

~~Delete one (-1) Sanitation Collector f/t position (pay grade 104);~~

~~Delete seven (-7) Emergency Dispatcher f/t positions (pay grade 300).~~

Other Changes:

~~Title Change to "Zoning Compliance Officer" from "Code Compliance Officer" for one (1) full time position (pay grade 109);~~

~~Title Change to "Police Service Aide" from "Public Safety Aide" for one (1) full time position (pay grade 107);~~

~~Title Change to "Human Resources Coordinator" from "Human Resources Specialist" for one (1) full-time position (pay grade 112);~~

~~Department Reporting Change Project & Procurement Manager to Finance from Public Works (pay grade 115);~~

~~Title Change to "CALEA Manager/Captain of Professional Standards" from
"PT CALEA Manager" for one (1) part time position (pay grade 122).~~

Summary of Personnel Changes:

~~The net change in Village employment positions is provided below:~~

Fiscal Year	Full-time positions	Part-time positions
2014	149	133
2015	144	131
Net change	-5 positions	-2 positions

Pension:

~~The Village's annual employer contribution increased for both the General
Employee Pension Plan and the Police & Fire Pension Plan~~

~~for Fiscal Year 2014/2015. The Village's ICMA-RC pensions remain constant at an employer contribution of 15%.~~

~~Last year, the Village's required employer contribution for the General Employee Pension Plan was 20.82%. For Fiscal Year 2014/2015, the Village's annual required employer contribution is 19.54%, or down by 1.28%. For the Police & Fire Pension Plan the required annual employer contribution for Fiscal Year 2014/2015 increased from 21.34%, to 21.49% or up by .70%.~~

~~The reasons for these increases are based on asset returns and actuarial experience.~~

~~All budgeted plan contributions are outlined below:~~

~~For General Employee Pension Plan: Employer contribution 19.54%~~

~~Employee contribution — 6.0%~~

~~For Police and Fire Pension Plan:~~

~~Employer contribution — 21.49%~~

~~Fire Employee contribution 2.0%** (**Fire union agreement is still in negotiations) Police Employee contribution 2.67%* (*Approved in 2013 PBA Contract)~~

~~For ICMA-RC Pension Plan:~~

~~Employer contribution — 15%~~

~~Employee contribution — 3%, 5%, 10% or 15%~~

Health / Dental Insurance:

~~Due to costs incurred by the pending Patient Protection and Affordable Care Act legislation and significantly large claims experience in the past year, our current vendor Cigna originally quoted an estimated renewal increase of 20.5%. In order to secure the most advantageous renewals possible for the Village and its employees, Village Administration worked with our insurance broker to send out~~

~~an RFP for our employee health and welfare benefits in May of 2014. After strong negotiations the Village was offered a comparable plan from Cigna at a favorable medical benefits increase rate of 3%, and slight increases for a few auxiliary benefits.~~

~~Increases in medical insurance are driven by both the Village's individual claims experience rating and the increasing costs within the health care industry as a whole. The best way to combat these rising costs is to continue to augment and build upon our successful employee wellness program. With the support of the Sr. Management Team, the Village will continue to partner with CIGNA to build upon our current wellness program and encourage wellness awareness for all of our employees and their dependents.~~

~~The Village covers the full premium cost of the health plan and lower cost dental plan for all employees. For dependent coverage, the Village funds 80%~~

~~of the premium for the medical plan and lower cost dental plan, with the balance paid by the employee. Employees choosing higher cost dental plan options pay 100% of the premium cost difference between the higher and lower cost plans.~~

~~With single coverage, for both the health and dental insurance plans, the lower cost plan is paid entirely by the Village. For employee plus one (health insurance only) and the family coverage options (for health and dental insurance), the lower cost plan is paid 80% by the Village and the balance by the employee. Employees choosing higher cost plan options will pay 100% of the cost difference between the higher and lower cost plans.~~

~~Projected monthly employee costs are as follows: Health Insurance:~~

~~CIGNA HMO Plan~~

~~Employee Only Coverage \$ 0.00 per month Employee + One Coverage \$ 110.28 per month Employee + Family Coverage \$ 226.68 per month~~

~~Dental Insurance: CIGNA HMO Plan~~

~~Employee Only Coverage — \$ 0.00 per month Employee + Family Coverage \$-
5.58 per month~~

~~CIGNA PPO Plan~~

~~Employee Only Coverage — \$ 13.48 per month Employee + Family Coverage \$-
52.98 per month~~

~~The above monthly employee rates are based upon total monthly plan costs
to the Village as follow:~~

~~Health Insurance: Cigna HMO Plan~~

~~Employee Only Coverage — \$ 612.63 per month Employee + One — \$1,053.75
per month Employee + Family Coverage — \$1,519.36 per month~~

~~Dental Insurance: Cigna HMO Plan~~

~~Employee Only Coverage — \$ 18.01 per month Employee + Family Coverage
— \$ 47.26 per month~~

~~Cigna PPO Plan~~

~~Employee Only Coverage — \$ 31.49 per month Employee + Family Coverage
— \$ 94.66 per month~~

~~RECOMMENDATION:~~

~~The Administration recommends Council consideration and adoption of the
Village's Comprehensive Pay and Classification Plan as follows and with the
above incorporated changes:~~

~~FISCAL YEAR 2014/2015 VILLAGE OF NORTH PALM BEACH
COMPREHENSIVE PAY AND CLASSIFICATION PLAN~~

~~SECTION 1. ESTABLISHMENT~~

~~A Comprehensive Pay and Classification Plan for the Village of North Palm
Beach (the "Pay Plan"), pertaining to all positions, including those that may
be specified elsewhere in negotiated collective bargaining agreements or
individual employment contracts, is hereby established. This document will
supersede and replace the pay related provisions of the Village's
Personnel Rules and Regulations.~~

~~SECTION 2. DEVELOPMENT OF PAY RANGES~~

~~The Pay Plan establishes pay ranges (grades) for each classification. Such established salary ranges of pay have been determined with due regard to ranges of pay for other classes, relative difficulty and responsibility of positions in the class, prevailing rates of pay for similar positions, and the financial position of the Village and other economic considerations. Appendix A sets forth the pay ranges (grades) with minimum and maximum levels. Base pay is, by definition, the pay level within pay range for each position classification. Base pay may not exceed the maximum pay rate for the position classification. For General (non bargaining unit) Employees the Pay Plan provides for a pay range, without regard to specific pay level within that range. Adjustments shown to salary ranges for FPE, PBA and IAF positions are reflected for budgeting purposes and will be subject to bargaining.~~

~~SECTION 3. APPLICABILITY~~

~~All employees of the Village of North Palm Beach, except as provided elsewhere, shall be compensated in accordance with this plan and the exempt (salaried) and non-exempt positions, depending upon job classification.~~

SECTION 4. IMPLEMENTATION

~~The new pay plan will be implemented October 1, 2014. No general (non-union) employees will receive a cost of living adjustment (COLA) effective October 1, 2014. The pay range (grade) of each General Employee shall remain the same as Fiscal Year 2013/2014, as reflected in the attached classification plan. Bargaining unit employees shall receive base wage increases only in accordance with their collective bargaining agreement.~~

SECTION 5. HIRING PAY RATES

~~The minimum rate established for a job class shall be paid upon employment, except that the "New Hired" rate in amounts above the minimum may be authorized if the department head submits adequate written justification and such action is approved by the Village Manager. Approval will be based on the exceptional qualifications of the appointee or inability to employ adequate personnel at the minimum rate.~~

SECTION 6. MERIT INCREASE

~~All employees of the Village of North Palm Beach, except as provided elsewhere, shall be eligible for a merit increase on their employee anniversary date. The anniversary date shall be defined as the employee's entry date into his/her present position. After the one (1) year period in their present position, employees shall be eligible for a merit increase, as defined herein, and shall be eligible at their annual anniversary date every year from that time forward.~~

~~Employees may be granted such merit increase from zero to five percent (0-5%) of salary, based upon documented and demonstrated workplace performance as recommended by the employee's Supervisor and Department Director. All merit increases shall be submitted to the Village Manager (or Human Resources Department) for review, consideration and written approval prior to discussion or delivery to the employee.~~

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~~Merit increases are not automatic. Such merit increase is contingent upon receipt of a satisfactory performance evaluation. Employees who are at the maximum or exceed the maximum pay for their classification will not be eligible for a merit increase in their present Pay Plan classification, but may be eligible for a lump sum performance bonus. The Village Manager shall approve merit increases equal to or greater than 4.5%. Contractual provisions will govern bargaining unit employee merit increases.~~

~~**Lump Sum Performance Bonus:** Employees whose compensation is equal to the maximum annual pay range for their position shall be eligible for the annual performance incentive bonus program. Annual performance review bonuses would be paid lump sum based upon written recommendation.~~

~~and documentation from the Department Head, subject to written approval of the Village Manager or designee as follows:~~

~~Exceptional Level II performance review rating \$ 1,200 Successful Level I through Exceptional Level I performance review rating \$ 900
Development Required through Below Standards performance review rating \$ 0~~

~~The bonus payment shall not be included in an employee's regular base rate of pay and shall not be carried forward in subsequent years.~~

~~**SECTION 7. PROMOTIONS, DEMOTIONS, TRANSFERS, AND RECLASSIFICATIONS**~~

~~In the event of a promotion to a higher pay range (grade), employees will be placed in the new position's pay range (grade) at a base pay level that does not exceed more than 10% of the base pay level they occupy in their current pay range not to exceed the pay range maximum. Upon the written recommendation of the Department Director and written approval by the Village Manager, an employee that is within two (2) months of their existing anniversary / annual review date may receive a merit increase prior to the implementation of their recommended promotion. Bargaining unit employees shall~~

~~receive promotional increases in accordance with their respective collective bargaining agreement, unless otherwise negotiated.~~

~~In the event of an involuntary demotion an employee will be placed in the same relative position for the lower position grade as he/she enjoyed in the previous classification, as long as the pay does not decrease more than 10%. For a voluntary demotion to a lower pay range (grade), employee shall be placed in the same relative position for the lower position grade while having their current pay "frozen" at their current level with future pay adjustments being used to "offset" this higher pay level until fully absorbed.~~

~~In the event an employee is transferred to a position with the same pay grade, their rate of pay will remain the same.~~

~~The Village retains the right to evaluate and if appropriate, make personnel classification changes (reclassifications) when appropriate in support of providing the most cost effective and efficient delivery of municipal services to the residents of the Village.~~

~~SECTION 8. PART TIME PAY & MERIT INCREASE~~

~~Part time employees shall be paid the hourly wage as outlined in the attached Pay Plan, at the pay range (grade) minimum unless otherwise recommended by the Department Director, and approved by the Village Manager.~~

~~Permanent Part Time employees (who must be scheduled annually for work in more than 46 or more weeks) shall be eligible for a merit increase upon receipt of a satisfactory evaluation. Part time employees who leave Village employment and are subsequently rehired, are not considered to have continuous service, and are only eligible for a merit increase annually based upon their rehire date.~~

~~Seasonal part time employees (scheduled during a 12 month period work for less than 46 weeks), who have worked during the past season and return for the upcoming season, may be eligible for a merit increase at the beginning of the upcoming season, when prior~~

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~~employment ended due to Village operational direction. Those employees who leave employment prior to the end of the season and may later be rehired by the Village, are considered new employees and not eligible for a merit increase upon their rehire date.~~

~~SECTION 9. OVERTIME/COMPENSATORY TIME~~

~~Overtime is authorized by the Village Manager or Department Heads. Overtime is paid to hourly employees at one and one half (1½) times the hourly rate for all hours worked in excess of forty (40) hours per week. Upon prior approval of the Department Head or the Village Manager hourly employees may receive compensatory time off for any work performed in excess of the regularly scheduled hours in a normal work week at one and one half (1½) hours for every hour for overtime hours worked. Compensatory time for hourly employees shall accrue to no more than sixty (60) hours. Unused accrued compensatory time shall be paid upon termination of employment. Bargaining unit employees shall receive overtime and compensatory time in accordance with their respective collective bargaining agreement, unless otherwise negotiated.~~

~~SECTION 10. WORK ASSIGNMENTS — HIGHER PAY GRADE~~

~~The Village administration recommends creating a pay system for General employees who work in an established higher pay grade classification. If a General employee is authorized and directed by the Village Manager or designee to temporarily work in an established higher pay grade classification, the employee shall be paid five percent (5%) above their base pay rate for the period of time worked in the higher pay grade classification. Increases for temporary work assignments that do not conform to established pay grade classifications are handled on a case-by-case basis at the discretion of the Village Manager.~~

~~SECTION 11- BENEFIT ELIGIBILITY~~

~~Employees in full-time, budgeted positions [regularly scheduled to work thirty (30) or more hours per week or an excess of 1,560 hours within the fiscal year] are eligible for participation in the Village's pension plans, health and dental insurance, long-term disability insurance, and employer paid life insurance programs according to the requirements of these plans/programs.~~

~~Permanent part time employees [who work less than thirty (30) hours per week or less than 1,560 hours per fiscal year] are not eligible to participate in the Village's pension plans, health and dental insurance, long term disability insurance, employer paid life insurance programs, and sick leave incentive programs.~~

~~SECTION 12- MISCELLANEOUS BENEFITS/INCENTIVES~~

~~**Pension Contributions**—The Village's annual required employer pension contributions for General Employee Pension employees will be 10.54% of payroll, 21.49% of payroll for Police & Fire Pension employees, and 15% of payroll for ICMA-RC Pension employees. The definition and limitations of earnings shall be as outlined in each respective Village Pension Plan.~~

~~**457-Deferred Compensation Contributions**—The Village will match a non-union, full-time employee's 457-Deferred Compensation plan through ICMA-RC based on a contribution rate of 50 cents for every dollar of employee contribution up to a monthly Village contribution limit of \$60 mo. (\$720-yr.) and paid on a bi-weekly basis. Bargaining unit employees shall receive deferred compensation accordance with their respective collective bargaining agreement, unless otherwise negotiated.~~

~~**Long Term Disability Insurance**—The Village's long term disability shall continue for all full time employees, unless otherwise negotiated.~~

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~~**Life Insurance**—The Village life insurance program for all full time employees shall continue to be a level equivalent to the maximum level allowed by IRS regulations before imputing added employee compensation (\$50,000, or \$25,000 after the age of 70), unless otherwise negotiated.~~

~~**Sick Leave Incentive Award Program**—Regular full time (non-probationary) general employees who do not use any sick leave within any continuous (6) six month period are eligible to earn eight hours annual leave time as incentive for not using sick leave. Bargaining~~

~~unit employees shall receive sick leave incentive(s) in accordance with their respective collective bargaining agreement, unless otherwise negotiated.~~

~~**Certification Incentive** — The certification incentive program will continue to provide certification pay for job related certifications as recommended by the Department Head and approved by the Village Manager.~~

~~Certification incentive pay will be issued as follows:~~

~~Certifications requiring an examination and continuing education — \$1,000~~

~~Certifications requiring continuing education and no examination — \$1,000~~

~~Certification requiring an examination with no continuing education — \$500~~

~~The maximum number of certifications eligible for the certification incentive will be three (3) per individual. The certification incentive will not be included in the base pay rate, and payment will be prorated based on the standard pay cycle. Employees whose base pay plus other types of pay compensation has reached the pay range maximum will be ineligible for certification pay above the pay range maximum. For certification requiring renewal or continuing education, the employee is required to meet the appropriate renewal and to have the certification renewed in order to continue receiving the certification incentive pay. In addition, if an employee receiving EMT certification is promoted to a Paramedic position, the EMT certification pay will be removed.~~

Health/Dental Insurance Benefit—For all full-time employees, the Village will pay full cost of the lower cost single coverage and 80% of the lower-cost employee plus one (+1) for health insurance and family coverage for health and dental insurance. Employees shall pay all costs above the Village payment of above coverage including any increased premium expense of the higher-cost health/dental plans the employee may choose to select. Employees will have health and dental insurance premiums taken through the payroll process on a twice monthly basis.

Flexible Spending Account—The Village's Flexible Spending Account provides employees the ability to voluntarily set aside tax-deferred compensation for authorized personal expenses such as medical and child-care expenses.

Education Assistance Program—The Village shall follow an education assistance program that provides a maximum benefit of \$5250 per fiscal year. The assistance amount is based on the per credit rate established by the State of Florida University at the time of course enrollment, and depends on the cost of the class and the grade received. Employees must request approval for a course prior to the start of the course (at the time of enrollment) along with a notarized promissory note and then must submit their official grade report within thirty (30) days of successful completion of the course(s). The Village will make all approved payments within sixty days of receipt of the necessary paperwork.

Employee Assistance Program (EAP)—The Village offers an Employee Assistance Program through the McLaughlin Young. The program offers various counseling and referral services and currently provides for three (3) free counseling sessions per year for each employee or qualified dependent.



Village of North Palm Beach PAY RANGES FY 2014/15

(P/T positions shown with F/T annual rate for categorization purposes only)

*All union pay positions are shown for categorization purposes only and are subject to ratification of Collective Bargaining Agreements

#-PT	#-FT	Class Title	Union	Pay	N	Hrly-Min	Hrly-Mid	Hrly-Max	An-Min	An-Mid	An-Max
20		F&B SERVICE PERSONNEL	NLUB	50	N	\$-	\$-	\$	6,201	8,060	10,478
4		SNACK BAR ATTENDANT	NLUB	10	N	\$-	\$-	\$	21,500	27,950	34,400
10		CAMP COUNSELOR	NLUB	10	N	\$-	\$-	\$	21,500	27,950	34,400
6		DISHWASHER	NLUB	10	N	\$-	\$-	\$	21,500	27,950	34,400
4		LIBRARY PAGE	NLUB	10	N	\$-	\$-	\$	21,500	27,950	34,400
11		DRIVING RANGE RANGER	NLUB	10	N	\$-	\$-	\$	21,500	27,950	34,400
12		RECREATION ASSISTANT	NLUB	10	N	\$-	\$-	\$	21,500	27,950	34,400
2		GOLF SHOP ATTENDANT	NLUB	10	N	\$-	\$-	\$	21,500	27,950	34,400
8		OUTSIDE SERVICE ATTENDANT	NLUB	10	N	\$-	\$-	\$	22,790	29,627	36,464
	1	OUTSIDE SERVICE COORDINATOR	FPE	10	N	\$-	\$-	\$	22,790	29,627	36,464
6		LINE COOK	NLUB	10	N	\$-	\$-	\$	22,790	29,627	36,464
	1	CLERICAL SPECIALIST	NLUB	10	N	\$-	\$-	\$	24,157	31,404	38,651
1		GOLF MEMBER RELATIONS COORDINATOR	NLUB	10	N	\$-	\$-	\$	24,157	31,404	38,651

20		POOL LIFEGUARD	NHJ	10	N	\$	\$	\$	24,157	21,404	28,651
5		LIBRARY CLERK	NHJ	10	N	\$	\$	\$	25,606	22,288	40,970
1		GROUNDS MAINTENANCE WORKER	EPE	10	N	\$	\$	\$	25,606	22,288	40,970
2		STREET MAINTENANCE WORKER	EPE	10	N	\$	\$	\$	25,606	22,288	40,970
1		IRRIGATION TECHNICIAN	EPE	10	N	\$	\$	\$	27,143	25,286	43,429
1		LIBRARY ASSISTANT	EPE	10	N	\$	\$	\$	27,143	25,286	43,429
13		SANITATION COLLECTOR	EPE	10	N	\$	\$	\$	27,143	25,286	43,429
1		GOLESALES & MARKETING REPRESENTATIVE	NHJ	10	N	\$	\$	\$	20,498	20,647	48,797
1		1ST ASSISTANT GOLF PROFESSIONAL	NHJ	10	N	\$	\$	\$	20,498	20,647	48,797
2		EQUIPMENT OPERATOR	EPE	10	N	\$	\$	\$	22,228	42,026	51,724
1		SR IRRIGATION TECHNICIAN	EPE	10	N	\$	\$	\$	22,228	42,026	51,724
1		POLICE SERVICE AIDE	NHJ	10	N	\$	\$	\$	22,228	42,026	51,724
6		SANITATION DRIVER/OPERATOR	EPE	10	N	\$	\$	\$	22,228	42,026	51,724
5		ACCOUNTING CLERK	NHJ	10	N	\$	\$	\$	24,267	44,548	54,828
2		ADMINISTRATIVE ASSISTANT	NHJ	10	N	\$	\$	\$	24,267	44,548	54,828
1		KITCHEN MANAGER	NHJ	10	E	\$	\$	\$	24,267	44,548	54,828
2		MECHANIC	EPE	10	N	\$	\$	\$	24,267	44,548	54,828
2		TRADES MECHANIC	EPE	10	N	\$	\$	\$	24,267	44,548	54,828
2		RECREATION SUPERVISOR	EPE	10	N	\$	\$	\$	26,223	47,220	58,118

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Village of North Palm Beach PAY RANGES - FY 2014/15



(P/T positions shown with F/T annual rate for categorization purposes only)

*All union pay positions are shown for categorization purposes only and are subject to ratification of Collective Bargaining Agreements

# PT	# FT	Class Title	Union	Pay	N	Hrly Min	Hrly Mid	Hrly Max	An Min	An Mid	An Max
	2	PERMIT & LICENSE TECHNICIAN	EPE	10	N	\$	\$	\$	26,223	47,220	58,118
1	2	ADMINISTRATIVE COORDINATOR	NHJ	10	N	\$	\$	\$	26,223	47,220	58,118
1		BANQUET EVENT COORDINATOR	NHJ	10	E	\$	\$	\$	26,223	47,220	58,118
	1	CODE COMPLIANCE OFFICER	EPE	10	N	\$	\$	\$	26,223	47,220	58,118
	1	ZONING COMPLIANCE OFFICER	EPE	10	N	\$	\$	\$	26,223	47,220	58,118
	2	F&R ASSISTANT MANAGER	NHJ	10	E	\$	\$	\$	26,223	47,220	58,118
	2	SR LIBRARY ASSISTANT	EPE	10	N	\$	\$	\$	26,223	47,220	58,118
12		SCHOOL CROSSING GUARD	NHJ	10	N	\$	\$	\$	26,223	47,220	58,118
	1	TECHNICAL SUPPORT SPECIALIST	NHJ	10	N	\$	\$	\$	26,223	47,220	58,118
	1	SR TRADES MECHANIC	EPE	11	N	\$	\$	\$	28,503	50,054	61,605
	1	CRIMINAL INTELLIGENCE ANALYST	NHJ	11	N	\$	\$	\$	40,813	53,057	65,201
	1	BUILDING CONSTRUCTION INSPECTOR	EPE	11	N	\$	\$	\$	40,813	53,057	65,201
	1	EXECUTIVE SECRETARY	NHJ	11	N	\$	\$	\$	40,813	53,057	65,201
	1	LIBRARIAN	EPE	11	N	\$	\$	\$	40,813	53,057	65,201
	1	PARKS AND FACILITIES MANAGER	NHJ	11	N	\$	\$	\$	40,813	53,057	65,201
	2	PUBLIC WORKS SUPERVISOR	NHJ	11	E	\$	\$	\$	42,262	56,240	69,219
	1	H/R COORDINATOR	NHJ	11	E	\$	\$	\$	42,262	56,240	69,219
	2	SR BUILDING CONSTRUCTION INSPECTOR	EPE	11	E	\$	\$	\$	45,857	59,615	72,272
	1	PLANNER	NHJ	11	E	\$	\$	\$	45,857	59,615	72,272
	1	NETWORK SUPPORT SPECIALIST	NHJ	11	E	\$	\$	\$	48,609	62,192	77,775
	1	FIRE INSPECTOR	NHJ	11	E	\$	\$	\$	48,609	62,192	77,775
	1	DIRECTOR OF GOLF OPERATIONS	NHJ	11	E	\$	\$	\$	51,526	66,982	82,441
	1	DIRECTOR OF FOOD & BEVERAGE	NHJ	11	E	\$	\$	\$	51,526	66,982	82,441
	1	PROJECT & PROCUREMENT MANAGER	NHJ	11	E	\$	\$	\$	51,526	66,982	82,441
	1	RECREATION SUPERINTENDENT	NHJ	11	E	\$	\$	\$	54,617	71,007	87,288

	4	DEPUTY VILLAGE CLERK	NHJ	11	F	\$	\$	\$	54,617	71,007	87,289
	4	FINANCE MANAGER	NHJ	11	F	\$	\$	\$	61,268	70,778	98,180
	4	DIRECTOR OF LIBRARY	NHJ	11	F	\$	\$	\$	61,268	70,778	98,180
	4	BUILDING OFFICIAL	NHJ	11	F	\$	\$	\$	65,050	84,565	104,08
	4	VILLAGE CLERK	NHJ	12	F	\$	\$	\$	78,944	102,63	126,31
	4	DIRECTOR OF COMMUNITY DEVELOPMENT	NHJ	12	F	\$	\$	\$	78,944	102,63	126,31
	4	DIRECTOR OF INFORMATION TECHNOLOGY	NHJ	12	F	\$	\$	\$	78,944	102,63	126,31

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Village of North Palm Beach PAY RANGES - FY 2014/15

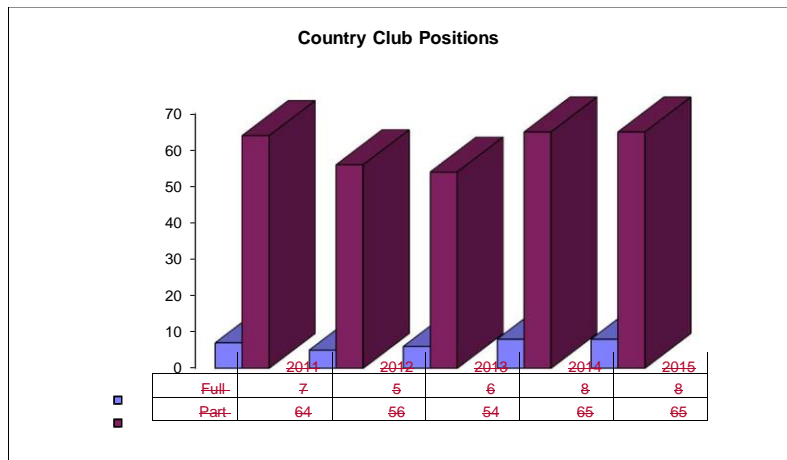
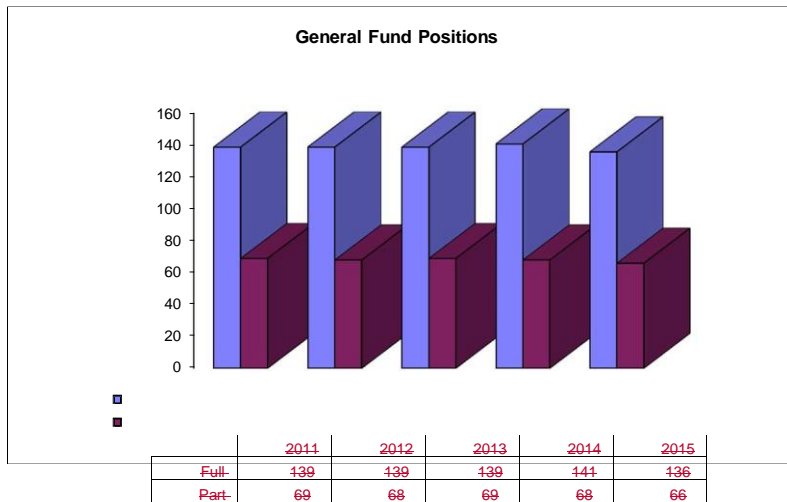


(P/T positions shown with F/T annual rate for categorization purposes only)

*All union pay / positions are shown for categorization purposes only and are subject to ratification of Collective Bargaining Agreements

# PT	# FT	Class Title	Union	Pay	N	Hrly Min	Hrly Mid	Hrly Max	An Min	An Mid	An Max
	4	DIR OF PARKS & RECREATION	NHJ	12	F	\$	\$	\$	\$	\$	\$
	4	DIRECTOR OF PUBLIC WORKS	NHJ	12	F	\$	\$	\$	\$	\$	\$
4		CALEA MGR/CAPTAIN OF PROFESSIONAL STANDARDS	NHJ	12	F	\$	\$	\$	\$	\$	\$
	2	POLICE CAPTAIN	NHJ	12	F	\$	\$	\$	\$	\$	\$
	4	FIRE CAPTAIN	NHJ	12	F	\$	\$	\$	\$	\$	\$
	4	DIRECTOR OF HUMAN RESOURCES	NHJ	12	F	\$	\$	\$	\$	\$	\$
	4	FIRE CHIEF	NHJ	12	F	\$	\$	\$	\$	\$	\$
	4	DIRECTOR OF FINANCE	NHJ	12	F	\$	\$	\$	\$	\$	\$
	4	POLICE CHIEF	NHJ	12	F	\$	\$	\$	\$	\$	\$
	4	VILLAGE MANAGER	NHJ	12	F	\$	\$	\$	\$	\$	\$
	4	FIRE FIGHTER/EMT	IAFF	20	N	\$	\$	\$	\$	\$	\$
	17	FIRE FIGHTER/MEDIC	IAFF	20	N	\$	\$	\$	\$	\$	\$
	2	FIRE RESCUE LIEUTENANT	IAFF	20	N	\$	\$	\$	\$	\$	\$
	4	RECORDS CLERK	PBA	20	N	\$	\$	\$	\$	\$	\$
	22	POLICE OFFICER	PBA	20	N	\$	\$	\$	\$	\$	\$
	6	POLICE SERGEANT	PBA	20	N	\$	\$	\$	\$	\$	\$
13	144										

Village of North Palm Beach Five Year Position Summary



VILLAGE OF NORTH PALM BEACH
VILLAGE GOVERNMENT EMPLOYEES BY FUNCTION LAST TEN FISCAL YEARS (2)
Unaudited

Number of Employees- General Government

Village Manager - Full-Time	1	1	1	1	1	1	1	1	1	1
Assistant Village Manager - Full-Time	0	0	0	0	0	0	0	0	0	0
Systems Specialist										
Full-Time	2	2	2	2	2	2	3	3	3	3
Part-Time	0	0	0	1	1	1	0	0	0	0
Executive Secretary - Full-Time	1	1	1	1	1	1	1	1	1	1
Human Resources										
Full-time	2	2	2	2	2	2	2	2	2	2
Part-Time	0	0	0	0	0	0	0	0	0	1
Village Clerk - Full-Time	3	3	3	3	3	3	3	3	3	3
Finance										
Full-time	5	5	5	5	5	5	5	5	5	7
Part-Time	0	0	1	1	1	1	1	1	1	0

2006 2007 2008 2009 2010 2011 2012
2013 2014 2015

Public Works											
Full-time	44	47	49	50	57	57	57	57	57	57	5
Part-Time	3	0	0	0	0	0	0	0	0	0	0
Public Safety											
Full-time	66	69	69	67	67	67	0	0	0	0	0
Part-Time Law Enforcement	44	43	42	44	42	42	0	0	0	0	0
Full-time											
Part-Time	0	0	0	0	0	0	12	12	12	1	
Fire-Rescue	0	0	0	0	0	0	0	0	0	0	0
Full-time	0	0	0	0	0	0	0	0	0	0	0
Part-Time	0	0	0	0	0	0	0	0	0	0	0
Community Development and Planning											
Full-time	0	0	40	0	0	0	8	8	40	4	
Part-Time	0	+	+	2	2	2	2	2	+	0	
Leisure Services-Library											
Full-time	7	7	7	6	6	6	6	6	7		
Part-Time	8	8	8	10	10	10	10	10	9		
Recreation											
Full-time	15	15	17	9	7	6	6	6	6		
Part-Time	31	39	42	42	42	43	43	43	43		
Other Government - Country Club											
Full-time	18	19	18	5	5	7	5	6	8		
Part-Time	24	25	22	21	21	64	56	54	65		

Total Number of Employees Budgeted FY Ending 254 265 268 246 234 279 268 268 282 275

± Variance exists due to the employment of seasonal and part-time employees.

Source: Village of North Palm Beach Budget Report
FY 2015 Adopted Budget—Page 229 of 294

5.1 APPLICATION PROCESS

5.2 **Application, Selection and Employment:**

5.2.1 **Policy Statements:** It is the policy of the Village ~~of North Palm Beach:~~

- A. To attract and retain the best qualified employees meeting at least the minimum requirements of each position as outlined in the ~~position classification~~ Comprehensive Pay Plan.
- B. To select employees based on suitability for a given position without regard to race, color, creed, religion, sex, age, national origin, sexual orientation, ~~or disability~~, or any other protected category.

5.2.2 **Factors Determining Employment:** In determining the successful candidate for any appointment, the Village Manager shall take into consideration but shall not be limited to, such factors as education, training, experience, aptitude, knowledge, skills, abilities, ~~physical fitness~~ pre-employment screening results, and references.

5.2.3 **Authorization:** When there is a vacant position or a new position is created the vacancy is posted internally only for the first five (5) calendar days and then externally thereafter if no qualified candidates respond to the internal posting. Vacancies shall be filled in the following order:

- A. By promotion of an employee employed on a regular basis by the Village who meets the qualifications necessary to adequately perform the duties of the position.
- B. From an appropriate layoff list, if such a list is in existence and the person meets the ~~criteria as set forth in 5.1.2~~ minimum qualifications for the position and is determined by the Department Director to satisfactorily meet the Factors Determining Employment. Furthermore, a layoff list and layoff procedures will be in accordance with Section 15 of these Personnel Rules and Regulations.
- C. By a person not employed on a regular basis by the Village who meets the minimum qualifications for the position and is determined by the Department Director to satisfactorily meet the Factors Determining Employment.

~~5.2.4~~ **5.2.4 Application Evaluation:** All applicant applications are to be reviewed and evaluated. The evaluation process may consist of one or any combination of the following methods: ~~ability tests, achievement tests, performance tests~~ validated testing, ratings of experience and training, evaluation of daily work performance, physical agility tests, work samples, physical examinations for certain positions, interviews, or other acceptable selection techniques. Any method(s) -chosen shall evaluate only those criteria necessary to perform adequately in the position. Every applicant must be ~~of sound health and have the physical and mental ability to perform the duties~~ capable of performing the essential functions of the position to which the applicant seeks employment with or without a reasonable accommodation. ~~Proof produced at~~

5.2.5 _____
5.2.6 _____
5.2.7 _____
5.2.8 _____
5.2.9 _____

Commented [U6]: Andy agrees limited to public safety and CDL.

~~5.2.5 any time to the Village of physical disability or incapacity to perform the essential duties of the position may be deemed sufficient cause to exclude the applicant.~~

Application Acceptance: Applications will only be accepted for vacant positions and/or ~~positions~~ advertised as currently “accepting applications.” Incomplete and/or illegible applications will not be evaluated or considered. Applications that do not show the minimum qualifications of the position are met will not be considered.

~~5.2.10~~**5.2.6 Pre-Employment Medical Examinations:** ~~All~~ Some regular full-time applicants for certain positions ~~are~~ are required to complete a medical examination which certifies physical ability to perform the ~~duties assigned and required~~ essential functions of the position with or without a reasonable accommodation. Such positions include special risk positions within Public Safety and drivers required to maintain a CDL. Arrangements for all pre-employment medical examinations will be made by the ~~department~~ Department Head or the Human Resources Department with a ~~physician~~ health care provider designated by the Village. Such examinations shall be conducted at Village expense after a conditional offer of employment has been made.

~~5.2.11~~**5.2.7 Background Investigations:** A background investigation of each applicant will be conducted within 30 days of the issuance of a conditional offer of employment. The investigation will include at least the following:

- A. Verification of qualifying credentials and work history,
- B. A review of criminal record, ~~worker's compensation history, and~~ driving history (where required).
- C. Verification of at least two (2) professional and/or personal references.
- D. In some cases, as approved by the Village Manager or designee, background investigations may be conducted on ~~all~~ applicants who have passed the initial evaluation stage prior to personal interviews with staff and/or receiving a conditional offer of employment. This measure shall be reserved for cases where it is deemed a more prudent use of Village funds and staff resources.

~~5.2.12~~**5.2.8 Fraudulent Conduct, False or Omitted Statements by an Applicant:** Fraudulent conduct of false or omitted statements by an applicant or by others with the applicant's consent, in any application or interview process, shall be deemed cause for exclusion of the applicant from consideration for the position or termination from Village employment.

~~5.2.13~~**5.2.9 Term of Applicants:** Applications for positions with the Village shall be active and considered by the Village for a term of ~~two (2) years~~ six (6) months from the date said application is filed. After the expiration of ~~two (2) years~~ six (6) months, the application, if not renewed, shall be void and shall not be considered by the Village and all records and correspondence pertaining to the application may be disposed of in accordance with State law.

~~5.2.14~~**5.2.10 Non-Selection:** ~~All~~ When possible, applicants who are not selected for positions may ~~shall~~ be informed in writing. Prompt notification in writing is fundamental to a fair and effective

selection process. Whenever possible, applicants should be informed within sixty (60) days of such a decision.

5.2.155.2.11 Procedure for Filling Vacancies: All vacancies shall be filled by the appointment of probationary or temporary employees. ~~Insofar as practicable, vacancies in higher job classes shall be filled by promoting individuals from lower job classes and then from an appropriate layoff list as described in Section 5.1.3B.~~ The Village Manager shall make

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all appointments of all Village employees (except for those positions subject to Village Council appointment) subject to these regulations and may delegate the selection of employees to the ~~department~~Department Heads~~Directors~~.

5.2.165.2.12 Probationary Appointments: A 365-day probationary period shall begin immediately upon appointment of non-bargaining employees. The probationary period for bargaining unit employees is governed by the applicable collective bargaining agreement. A non-bargaining employee shall be retained beyond the end of the probationary period and granted regular status ~~only if the department~~Department Head affirms that the service of the employee has been satisfactory and recommends to the Village Manager that the employee be given regular status upon successful completion of the probationary period. Probationary periods may be extended in accordance with ~~that~~Section of this policy manual~~6~~.

5.2.175.2.13 Temporary Postings and Appointments: A temporary position is one which is established and approved by the Village Manager and designated to be of shorter duration than six (6) months. No employee may be retained in any temporary position longer than six (6) months. However, the Village Manager may grant extensions due to extenuating circumstances up to an additional six (6) months, not to exceed the established budget.

5.2.185.2.14 Regular Full-Time Positions: A regular full-time position is one which is established in the budget and designated to be continuous in nature. ~~It may be part-time, but regularly scheduled, in that it is established by the budget, designated as such by the Village Manager, and filled with regular full-time or probationary employees.~~

5.2.195.2.15 Transfers: Transfers between departments shall be coordinated by the ~~department~~Department heads~~Head~~Director involved and approved by the Director of Human Resources and Risk Management and the Village Manager.

5.2.205.2.16 Selection and Notification: The Village Manager or designee shall notify the candidate selected of the decision in writing. The notification ~~shall may~~ include the ~~employment date, starting time, pay rate, and a general~~ listing of benefits, and work location.

5.2.17 Employment Oath: All applicants who are selected for employment shall take an oath, prior to employment, that he/she will uphold the Constitution of the United States and the State of Florida and the Village Charter and Codes, as required by the Village Charter and the Florida Statutes.

5.2.18 Work Eligibility Verification: The Village is committed to employing only individuals who are authorized to work in the United States and complies with the Immigration Reform and Control Act of 1986. As a condition of employment, each new employee must properly complete, sign, and date the first section of the Immigration and Naturalization Form I-9 at the time the offer of employment is accepted, but no later than the first day of employment. The employee must also provide the supporting documents within three (3) business days of the first day of employment, or as otherwise provided by law. Before commencing work, newly rehired employees must also complete the Form I-9 if the employee did not previously do so, if the prior Form I-9 is more than three years old or if the previous Form I-9 is no longer valid. Rehired employees must also complete the Form I-9 upon acceptance of the position and also have three (3) business days to provide

supporting documentation. Any employee whose employment eligibility status changes at any time during employment must notify Human Resources immediately.

The Village utilizes E-Verify, which is an Internet-based system that allows an employer, using information reported on an employee's Form I-9, to determine the eligibility of that employee to work in the United States. The Village utilizes E-Verify for all new hires as well as re-hires. New hires must be E-Verified within three (3) business days of beginning employment. If the employee is required to be E-Verified and presents a List B document, the List B document must contain a photograph. The List B photograph is to be compared to the individual during the Form I-9 process. If the employee who is required to be E-Verified chooses to present an Employment Authorization Document (Form I 766), Permanent Resident Card (Form I-551) or U.S. passport/U.S. passport card during the Form I-9 process, the Village must copy such document and keep it with the employee's completed Form I-9. The photo on such document will be compared to a photo displayed by the E-Verify system during the E-Verify process to see if the two photos are reasonably identical.

5.2.19 Veterans' Preference: In accordance with federal and state law, the Village provides preferences in employment, retention, and promotion, to eligible veterans and certain family members and spouses of veterans.

The following persons shall be eligible to receive preference in appointment and retention in employment:

- A Veteran who served on active duty in any branch of the U.S. Armed Forces, received an honorable discharge, and has established the present existence of a service-connected disability that is compensable under public laws administered by the Department of Veterans Affairs ("DVA");
- A disabled Veteran who is receiving compensation, disability, retirement benefits, or pension, by reason of public laws administered by the DVA and the U.S. Department of Defense;
- The spouse of a person who has a total disability, permanent in nature, resulting from a service-connected disability and who, because of such disability, cannot qualify for employment;
- The spouse of a person missing in action, captured in the line of duty by a hostile force, or forcibly detained or interned in the line of duty by a foreign government or power;
- Wartime Veterans as defined under Fla. Stat. § 1.01(14) who served at least one (1) day during a wartime period (Please note: active duty training does not qualify under this provision);
- An unremarried widow or widower of a Veteran who died of a service-connected disability;
- The mother, father, legal guardian, or unremarried widow or widower of a member of the U.S. Armed Forces who died in the line of duty under combat-related conditions, as verified by the U.S. Department of Defense;
- Current members of any Reserve component of the U.S. Armed Forces or the Florida National Guard.

When Veteran's preference positions are posted, the Village will provide notice in all announcements and advertisements of vacancies in covered positions that preference in initial appointment will be given to eligible individuals and will inform them of the right

to an investigation by the Department of Veteran's Affairs if a non-preference eligible applicant is appointed to a position, the time limits for requesting such investigation, and the address to which the request for an investigation should be sent.

The Village's application for positions covered by the Veteran's preference laws will inquire as to whether the applicant is claiming Veterans' preference.

The Village will maintain records which document the manner of the selection and the propriety of the selection process and decision in accordance with federal and state laws.

Certain positions are not covered by Veteran's preference. Veteran's preference is not provided with respect to positions which are filled by officers elected by popular vote or persons appointed to fill vacancies in such offices, members of boards and commissions, persons employed on a temporary basis without benefits, and positions that require that the employee be a member of The Florida Bar, and positions posted internally only.

Preference in appointment and employment requires that a preferred applicant be given special consideration at each step of the employment selection process, but does not require the employment of a preferred applicant over a non-preferred applicant who is the most qualified applicant for the position. However, the Village reserves the right to waive a postsecondary educational requirement for a position of employment for a current member of any reserve component of the United States Armed Forces or the Florida National Guard or a veteran who has been honorably discharged if the person is otherwise qualified for the position.

Granting of an interview is one example of the type of special consideration which may be given to a preferred applicant. If, at any stage of the hiring process, a preference-eligible Veteran meets minimum qualifications for an open position, then he or she will advance to the next step in the Village's selection process. If, at any step in the selection process, a determination is made that the Veteran is not qualified to advance to a subsequent step in the selection process, such determination will receive a review at a higher level of management having authority to overturn the initial determination, to ensure whether the determination was correct.

The Village has developed and implemented, or will develop and implement, a written veterans' recruitment plan that establishes annual goals for ensuring the full use of veterans in the Village's workforce. Each veterans' recruitment plan must be designed to meet the established goals.

In the event State or local Veterans preference laws and regulations are amended, such applicable amendments will control.

Approved



Jimmy Knight
Village Manager

	<p style="text-align: center;">Village of North Palm Beach</p>	<p>Number: 08-06- Subject: Probationary Periods Date: December 24, 2008 Revised: Section 6, NPB- Policy Manual</p>
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POLICY AND PROCEDURES MANUAL REVISION

6.1 PROBATIONARY PERIODS

6.2 Objective: The probationary or working test period shall be regarded as an extension of the evaluation process and shall be utilized by supervisors and ~~department~~Department ~~Head~~Director~~s~~heads for closely observing the employee's work, and for rejecting any employee whose performance does not meet the required work standards.

6.3 Duration: Every person appointed, promoted or transferred to a regular vacant position shall be required to successfully complete a probationary period. The probationary period is a trial period for management to observe an employee's work and ability to fit within the organization. This period is essential to successful operations and vital to management's ability to successfully staff all areas of the organization. At no time does the use of a probationary or trial period by management guarantee continued employment for any candidate. The probationary period shall begin immediately upon appointment and shall continue for three hundred and sixty-five (365) calendar days unless specifically defined differently by an applicable Collective Bargaining Agreement. Due to extenuating circumstances, the probationary period may be extended or shortened based upon the individual's performance as recommended by Department ~~Head~~HeadDirectors and approved by the ~~Village Manager~~Director of Human Resources and Risk Management.

6.4 Evaluation of Performance: The employee's supervisor ~~shall prepare probationary reports as required by the Village Manager~~informally evaluates the employee's performance and provides feedback throughout the probationary period.

6.5 Successful Completion of Probationary Period: When an employee's performance merits, ~~one week prior to the end of the probationary period his/her supervisor shall make a recommendation (in memo form) to the Department Head to move the employee off of probation and into a regular status. Such recommendations shall be reviewed by the Department Head and then if approved forwarded to the Village Manager for his/her review and approval/denial. Upon successful approvals at all levels, the document shall be forwarded to the Human Resources Department for inclusion in the employee's personnel file and he/she shall be removed from probationary status.~~at the end of the employee's probationary period, employee's employment will automatically stop being probationary. The supervisor or Department Head shall inform the employee of his/her change of status.

6.6 Extension of Probation: When deemed necessary by the supervisor the employee's

probation may be extended with the appropriate approvals from the Department ~~Head~~Director and ~~Village Manager~~Director of Human Resources and Risk Management.

A. Such extensions shall be reserved for cases when minor and correctable deficiencies exist and/or the employee has not yet had enough time to demonstrate a firm grasp of or ability for essential job functions. In such cases the supervisor and Department ~~Head~~Director shall request an extension in writing and forward the request to the ~~Village Manager~~Director of Human Resources and Risk Management for review and approval/denial.

B. A copy of the request and ~~Village Manager~~Director of Human Resources and Risk Management's decision shall be ~~forwarded to the Human Resources Department for inclusion~~included in the employee's personnel file. In cases where the requests for extension is approved, the employee shall be notified in writing by the Department ~~Head~~Director of:

1. The reasons for the extension
2. The length of time the probation shall be extended
3. The areas and means of improvement the employee shall take in order to successfully complete probation.

C. Whenever possible, requests for extension of probation ~~may~~shall be processed no more than thirty (30) days prior to the end of the employee's normal probationary period, and no less than 48 hours prior to the end of the employee's normal probationary period. Extensions may be no more than ninety (90) days in length.

6.7 Termination: With the approval of the Village Manager, the Department ~~Head~~Director may terminate the probationary employee anytime during the probationary period if in the Department ~~Head~~Director's opinion, ~~the working test indicates that~~based on observation during the probationary period, the employee is unable or unwilling to perform the duties of the position satisfactorily or that his/her work habits and dependability do not merit continuance in the position.

APPROVED



~~Jimmy Knight~~
~~Village Manager~~

7.1 HOURS OF WORK AND WORK LOCATIONS

7.2 **Hours of Work:** The scheduled number of work hours per week by department is normally 40 hours; however, weekly hours for specific job classifications may vary as determined in accordance with each department's needs and operations. The individual Department ~~Head~~Director~~Head~~ establishes the work start times and stop times.

7.3 **Work Week:** The workweek for payroll purposes is Monday to Sunday and is used for calculating overtime. Bargaining unit employees may operate on a work period for such purposes in accordance with the applicable collective bargaining agreement.

7.4 **Payment of Wages:** Employees are paid on a regular pay date in accordance with the Village's payroll schedule. The Village is required by law to make mandatory deductions from earnings. Amounts withheld may vary according to how much the employee earns, marital status, government employment regulations, and other factors. Mandatory withholdings include Medicare and social security, and any other taxes or deductions required to be withheld by state and/or federal law. In addition to mandatory payroll deductions, the Village is required by law to comply with certain court orders, liens, or wage assignments and to make payroll deductions pursuant to those orders.

7.5 **Errors in Pay:** Precautions are taken to ensure that employees are paid correctly. If an error does occur in timekeeping, overtime, pay deductions or any other compensation issue, the employee must notify Finance in writing immediately, but no later than five (5) business days from receipt of the payment in question, to make appropriate pay adjustments on the forthcoming payroll. Finance will respond to the employee within five (5) business days of receipt of the employee's notification to advise of the outcome or of the need for additional time to further research the issue and provide the outcome.

~~7.3.7.6~~ **~~Lunch Periods~~Meal Breaks:** ~~The lunch period~~Bona fide meal breaks shall begin and end at the employee's assigned work area or other appropriate location. Department ~~Head~~Director~~Heads~~ are responsible for scheduling ~~lunch periods~~meal breaks that do not interfere with work requirements. The regular ~~lunch period~~meal break shall not be part of the compensated workday and employees shall not engage in work activities during the designated meal break, except for ~~Public Safety personnel~~Fire and Police Department employees covered by a collective bargaining agreement that provides otherwise.

7.7 **Overtime:** No employee may work overtime without prior written approval by their supervisor and Department ~~Head~~Director. Failure to obtain this written authorization will result in disciplinary action, up to and including termination of employment. ~~Overtime shall commence when the employee works more than 40 hours in a work week.~~

~~7.3.4~~7.7.1 **~~General Policy~~Scheduling:** Department ~~heads~~Head Directors are responsible for scheduling the work in their departments in order to minimize overtime. All overtime designated by the department supervisor or Department ~~Head~~Director~~Head~~ is approved overtime within budgetary limitations. Due to ~~their twenty-four hour shifts~~shift work and public safety responsibilities, the ~~Public Safety~~Fire and Police Departments shall be authorized overtime by the ~~Public Safety Director~~Fire and Police Chiefs on a non-

emergency basis within budgetary limitations.

7.7.2 ~~Hourly Non-Exempt Employees:~~ ~~Unless otherwise specified in the applicable collective bargaining agreement, overtime is paid to non-exempt employees at one and one-half (1½) times the hourly rate for all hours worked in excess of forty (40) hours per week. Overtime shall be compensated to hourly employees at one and one half (1½) times the hourly rate for all hours worked in excess of forty (40) hours per week.~~

~~Annual Vacation~~ leave and holidays shall count as hours worked for the purpose of computing overtime, ~~except when such leave is used concurrently with FMLA. Sick leave, workers' compensation leave, or other leave paid through third party benefits shall not~~ count as time worked when computing overtime.

~~Non-Exempt employees are prohibited from working "off the clock" and must report all time worked. Supervisors and managers are prohibited from allowing employees to work "off the clock." It is a serious violation of Village policy to falsify or alter actual the time worked by an employee.~~

7.7.3 ~~Salaried (Exempt) Employees:~~ ~~Exempt employees are paid a salary that is designed to cover all hours worked in any given workweek, including those hours worked in excess of forty (40) hours. Salaried employees are not authorized overtime compensation (except in circumstances outlined in Emergency Pay) because the predetermined salary covers all hours worked. The salary is a predetermined amount that is not subject to deductions for variations in the quantity or quality of work performed, subject to certain statutory exceptions. For example, an exempt employee's salary can be reduced for the following reasons in a workweek in which work was performed:~~

- ~~• Full day absences for personal reasons, including vacation.~~
- ~~• Full day absences for sickness or disability.~~
- ~~• Full day disciplinary suspensions for infractions of safety rules of major significance (including those that could cause serious harm to others).~~
- ~~• Family and Medical Leave absences (either full or partial day absences).~~
- ~~• Unpaid disciplinary suspensions of one or more full days for significant infractions of major workplace conduct rules set forth in written policies.~~
- ~~• The first or last week of employment in the event an employee works less than a full week.~~
- ~~• The employee's portion of health, dental or life insurance premiums (if any); state, federal or local taxes, social security, Medicare; or, voluntary contributions to a retirement plan.~~

7.8 REMOTE WORK

The Village has found that in-person interactions contribute in important ways to collaboration, congenial working relationships, and efficiency. Village employees who are assigned to the Village offices or facilities are expected to be present at their assigned work location during customary business hours and to perform the substantial majority of their work on site during those hours. However, temporary remote work arrangements can be beneficial to maintain ongoing operations and may be directed and assigned by the Department Director and Human Resources from time to time. Remote work arrangements are not intended as a substitute for child care or other family care obligations and employees must arrange for other care during work hours. Employees are expected to devote their full attention to their duties while working remotely, as well as a willingness and ability to report back to the assigned facility within ninety (90) minutes from notification.

Remote work is not suitable for all employees in all positions. Remote work may be approved by the Department Director and the Director of Human Resources Director and Risk Management provided that the business and operational needs of the organization are met and there are no adverse effects on levels of service or security of systems or information. Remote work may be revoked at any time without prior notice. Remote work is a management prerogative, not an employee benefit, and it in no way changes the terms or conditions of employment.

Approved remote work may be informal and on a short-term basis, for completion of a specific project, utilized during emergency events, or implemented in situations as approved and designated by Village management, with input from the IT Department on feasibility and functionality.

Remote work arrangements are generally not provided to employees who have substandard performance ratings, who have any form of performance improvement plan pending, who have received disciplinary action within the last six (6) months, who have a history of tardiness or excessive/unplanned absences, who are within the Probationary Period, whose position duties are not effective or efficient in a remote environment, or who have demonstrated an inability to effectively and efficiently perform the job functions without onsite supervision.

Requests are considered on a case-by-case basis and is not guaranteed. If granted, the remote worker must abide by the following:

- a. Must be accessible during their regularly scheduled hours to communicate with supervisors, co-workers, and other business contacts by phone and to monitor and respond to e-mail with response times similar to on-site response times;
- b. Must be available to report to the office worksite within ninety (90) minutes during regular working hours at the request of a Supervisor or other management official at any time determined by the supervisor or management.
- c. Must attend all meetings and training as required.
- d. Make arrangements for childcare or elder/illness care during the regularly scheduled work hours. Remote work is not a substitute for child or dependent care.
- e. Must not alter or flex their schedule without advance written approval by the immediate supervisor.
- f. Restricted access materials cannot be taken out of the office or accessed through the computer unless approved in advance by a Department Director. All privacy policies must be adhered to when engaging in remote work.
- g. Employees shall **not** conduct face-to-face business at their home offices, excluding video conferencing.
- h. Must abide by any and all technology policies to ensure the security of the Village's systems and data.
- i. All equipment for remote work must be approved in advance by the Department Director and the IT Director. Employees are required to use the Village issued laptop, but may supply some of their own equipment, depending upon the nature of the assignment. The Village will not be responsible for any wear and tear, repairs, or damage incurred for personal equipment used in the course of business.
 1. Village equipment in the home office may not be used by anyone other than a Village employee.
 2. For security purposes, access to the Village's computer network (other than e-mail) is restricted to Village-approved equipment and must be used in accordance with IT policies.
 3. All procedures and guidelines in force for in-office hardware and software usage and security apply to the home office.
 4. For performance purposes, the use of high-speed or broadband internet access is strongly recommended when accessing Village networks through VPN software.
 5. The IT Department does not provide in-home setup and will only repair or troubleshoot systems as related to connectivity and Village-owned software. The Village will not repair hardware on

personal equipment.

- j. If equipment or connectivity is temporarily unavailable, the employee must report to the office until the situation is corrected or can continue to work productively without access to these resources.
- k. Failure to comply with the Personnel Rules and Regulations, instructions and guidelines governing remote work may result in immediate cessation of the approval for remote work.
- l. All policies and procedures that apply during working hours and while on the work site also apply at any time while working for, or representing the Village, including when engaging in remote work.
- m. Employees must set up a remote work area that is free from distractions, interruptions, excessive noise, or safety concerns.
- n. The employee's remote office workspace should be free from trip hazards, electrical hazards, and all other hazards that pose a direct threat to the health and safety of the employee.

Employees on an approved remote work schedule will be compensated for all pay, leave, holidays, overtime, and travel entitlement as if duties were performed on site. No reimbursement will be made for travel between the remote and office worksite. Overtime will be paid in accordance with FLSA. All overtime hours must be included in the time keeping system and approved in advance. Any changes to work days or work hours or requests for time off must be approved in advance by the employee's supervisor. The Village retains the right to make periodic changes or adjustments (permanent or temporary) to work hours as dictated by business needs and remote workers may be called to the office site for meetings, assignments, or special projects at the discretion of the Supervisor at any time and for any reason.

The Village will not be responsible for any costs associated with the initial setup or upkeep of a remote home office unless approved. The home work space must be free of safety and fire hazards. The Village is not responsible for injury to family members, visitors, or others in the remote worker's home.

~~Compensatory Time: Upon prior approval of the Department Head and/or the Village Manager, hourly employees may receive compensatory time off for any work performed in excess of the regularly scheduled hours in a normal work week at one and one-half~~

~~(1½) hours for every hour for overtime hours worked. Compensatory time shall accrue to no more than twenty four (24) hours. Unused accrued compensatory time shall be paid upon termination of employment, not to exceed twenty four (24) hours.~~

APPROVED

A handwritten signature in blue ink, appearing to read "Jimmy Knight", written over a horizontal line.

~~Jimmy Knight
Village Manager~~

	<p style="text-align: center;">Village of North Palm Beach</p>	<p>Subject: Section 8 Office of Inspector General Date: August 18, 2015</p>
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~~POLICY AND PROCEDURES MANUAL REVISION~~

8.1 INSPECTOR GENERAL REPORTING POLICIES AND PROCEDURES

A. **Purpose and Scope:** The Palm Beach County Inspector General Ordinance contains certain provisions regarding the reporting of specified acts or omissions to the Office of the Inspector General ("OIG"). The Ordinance requires the Village Manager to report specified acts or omissions and designates the Inspector General as "an appropriate local official" for the purposes of whistleblower reporting and protection under Florida law. The Ordinance further makes it a crime for any person to attempt to retaliate, punish, harass or penalize anyone for communicating with or cooperating with the Inspector General. This policy explains the procedures by which Village employees may report possible wrongdoing to the OIG.

B. **Authority:** Palm Beach County Inspector General Ordinance (as codified in Article XII of Chapter 2 of the Palm Beach County Code of Ordinances).

C. **Policy:**

1. **Reporting Generally:** Village employees shall promptly notify the OIG and/or their ~~D~~epartment ~~Head~~Director~~head~~ of possible:

- a. Mismanagement of a contract (misuse or loss exceeding \$5,000 in public funds);
- b. Fraud;
- c. Theft; or
- d. Bribery.

If the matter appears to involve a ~~D~~epartment ~~Head~~Director~~head~~, an employee may promptly make his or her report directly to the Village Manager. Any employee may make his or her report to either the OIG or members of Village Administration orally or in writing. If a ~~D~~epartment ~~Head~~Director~~head~~ receives such a report, or otherwise becomes aware of such a situation, the ~~D~~epartment ~~Head~~Director~~head~~ shall promptly report the situation to the Village Manager, who shall forward the report to the OIG.

In addition to the foregoing, an employee may directly report to the OIG any other conduct which may fall within the Inspector General's jurisdiction.

2. **Whistleblower ~~Allegation 11~~ Allegations:** In accordance with the Palm Beach County Inspector General Ordinance and Florida law, if a Village employee reports any of the following directly and in writing to the OIG, he or she may be granted "whistleblower protection" by the OIG:

- a. Any violation or suspected violation of any federal, state or local law, rule or regulation committed by an employee or agent of the Village or an independent contractor which creates and presents a substantial and specific danger to the public health, safety or welfare.
- b. Any act or suspected act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, suspected or actual Medicaid fraud or abuse, or gross neglect of duty committed by an employee or agent of the Village or an independent contractor.

Note: Reporting a matter to the OIG does not guarantee the employee "whistleblower protection" and this determination will be made by the OIG only after its evaluation of the complaint.

3. **Methods of Reporting to ~~OIG~~ OIG:** The OIG reporting form can be found at:
<http://www.pbcgov.com/OIG/rwfa.htm>.

A Village employee may file a report with the OIG by:

- a. E-mail (inspector@pbcgov.com)
- b. Fax (561-233-~~2370~~2375);
- c. Mail (P.O. Box 16568, West Palm Beach, FL 33416); or
- d. Telephone (877-283-7068 or 561-233-2350); or
- e. In person (100 Australian Ave., 4th Floor, West Palm Beach, FL).

D. **Updates:** Future updates will be the responsibility of the Village Town-Manager in coordination with the OIG.

Approved


James P. Kelly
Village Manager

9.1 LEAVES OF ABSENCE POLICY

9.2 Family and Medical Leave Policy (FMLA):

9.2.1 Introduction: It is the policy of the Village to provide eligible employees leave in accordance with the Family Medical Leave Act of 1993, as amended from time to time.

9.2.2

9.2.3 9.2.1 Village Policy/Legal Authority: The Village ~~policy~~ prohibits the discrimination or retaliation against any individual(s) with regard to access to family and medical leave, or interference with requested leave, under this Policy. ~~The Village has set forth its policy under this Section of the policy and procedures manual. The specific legal authority for the FMLA Act is 29 U.S.C. Section 2601, et seq. The Village will similarly not retaliate against an employee who opposes a practice made unlawful by the FMLA or being involved in any proceeding under or related to the FMLA. Employees may file a complaint with the U.S. Department of Labor or a private lawsuit to enforce their rights. Nothing in this policy or the FMLA prohibits the Village from providing greater family or medical leave rights or benefits.~~

9.2.4 9.2.2 Purpose: The purpose of the Family and Medical Leave Policy is to provide eligible employees up to 12 weeks, or 26 workweeks in the case of service-member family leave, of unpaid family, medical, or exigency leave during a 12-month period ~~in accordance with the Family and Medical Leave Act of 1993.~~

9.2.5 9.2.3 Measurement of 12-Month Period: The 12-month period is measured backward from the date an employee uses any FMLA leave for all types of leave except to measure the 26 weeks available to care for a covered service-member. The 12-month period to calculate the 26 weeks available to care for a covered service-member is measured forward from the first date the employee uses leave for this reason.

9.2.4 Notice:
Employees must provide the Human Resources Department with no less than thirty (30) ~~days notice~~ days' notice of their intent to take FMLA leave when the leave is foreseeable. If such leave is unforeseeable, the employee shall provide notice as soon as possible after the employee learns of the need for the leave. Employees on approved family leave, medical leave, exigency leave, or service member leave under this policy, with or without pay, must make at least monthly contact with the Human Resources Department during their absence. Family Medical Leave under this policy runs concurrently with all other paid or unpaid leaves of absence.

9.2.5 Eligibility:
To be eligible for FMLA leave, exigency leave, or service member leave, an employee must have been employed by the Village for at least twelve (12) months and must have worked for at least 1,250 hours during the previous twelve (12)-month period. Employees must also work at a site with 50 or more Village employees or where 50 or more Village employees are located within 75 miles of the worksite.

In addition to the foregoing eligibility requirements, the employee must also show that the reason for the leave falls into one of the following categories:

1. For the birth of a son or daughter, and to care for the newborn child;
2. For the placement of a child with the employee for adoption or foster care, and to care for the newly placed child;
3. To care for an immediate family member (spouse, child, or parent) with a serious health condition;
4. When the employee is unable to work because of a serious health condition;
5. To care for an injured or ill covered service member or covered veteran. The employee must be the family member or the next of kin (nearest blood relative) of the covered service member or covered veteran; and
6. To address any qualifying exigency arising out of the fact that a spouse, child, or parent who is also a military member in the National Guard or Reserves or a regular component of the Armed Forces when the military member is on covered active duty or called to covered active duty status and deployed to a foreign country.

9.2.6 Medical Certifications:

The employee shall provide the Human Resources Department with complete and sufficient certification of the need for leave from the health care provider of the employee, family member, or covered service or military member within fifteen (15) days of notification of the need for leave.

The employee will be required to submit a recertification in certain circumstances. Employees bear the entire cost of obtaining all certifications required by the Village.

The Village may require, at its own expense that the employee obtain the opinion of a second health care provider designated or approved by the Village.

Employees failing to provide complete and sufficient certifications as required, and after any opportunity to correct, may be denied the taking of FMLA leave. Failure to provide any certification may result in denial of leave under the FMLA policy. Employees who fail to provide requested documentation of the reason for an absence from work may be subject to disciplinary action up to, and including, termination.

9.2.7 Intermittent or Reduced Work Week Leave

Leave can be taken intermittently or on a reduced work schedule when medically necessary for a serious health condition or as a result of a qualifying exigency. However, the employee must provide a certification from the health care provider stating that the employee's reduced work schedule is medically necessary and the expected duration and schedule of the intermittent leave or reduced work schedule when intermittent leave is medically necessary.

If an employee requests intermittent leave or leave on a reduced work schedule that is foreseeable based on a planned medical treatment, the employee:

1. May be required to transfer temporarily to an available alternative position (for which ~~the~~ ~~or she~~ employee is qualified) which has an equivalent pay and benefits and which better

accommodates recurring periods of leave than the regular position of the employee.

2. Must make reasonable efforts to schedule the treatment so as not to unduly disrupt operations.

9.2.8 Health Insurance during FMLA Leave:

During approved FMLA leave, the Village is required to maintain group health insurance benefits. Maintenance of such group health insurance requires that the employee continue to contribute ~~any co-payment of~~ his or her normal portion of the insurance premiums to the Village at the same time payroll deductions would normally be made in order to maintain insurance coverage. If the employee's payment is more than 30 days late, the Village may discontinue health insurance coverage upon notice to the employee. To the extent an employee's FMLA leave is paid through available accrued leave balances, the employee's portion of premiums will be collected through payroll deductions. For details on continuation of health insurance benefits ~~for dependents~~, please contact the Human Resources Department.

9.2.9 Return from FMLA:

Employees returning from ~~an~~ FMLA leave are required to submit a fitness for duty certification from their healthcare provider prior to returning to work demonstrating the employee can perform the essential functions of the job. Failure to provide that certification may delay the employee's reinstatement.

After the beginning of the leave, an employee may discover that circumstances have changed and the amount of leave time originally anticipated is either reduced or needs to be extended. In foreseeable circumstances where it is necessary to change leave time, the employee is required to give the Village notice within two (2) business days.

~~The Village will provide a reasonable break time for an employee to express breast milk for her nursing child for one (1) year after the child's birth each time the employee has need to express the milk. The Village will provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk.~~

An employee who accepts other employment during FMLA leave, or who fails to return to work on the next regularly scheduled work day following the expiration of the leave, or who does not accept a position offered by the Village when returning from leave, will be separated from their employment. Employees are prohibited from performing any work during FMLA leave, for the Village or any other entity or individual, and may be terminated immediately upon discovery of same.

Employees who give notice to the Village that they do not intend to return to work upon conclusion of FMLA leave will be considered to have voluntarily resigned.

9.2.10 Nursing Mother Breaks:

The Village will provide a reasonable break time for an employee to express breast milk for her nursing child for one (1) year after the child's birth each time the employee has need to express the milk. The Village will provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk.

9.2.11 Concurrent Paid and Other Leave:

The Village requires that employees use their accrued paid leave, such as sick or vacation leave, concurrently with their FMLA leave. Similarly, other leave occasioned by, for example, workers' compensation injury or disability will run concurrently with any ~~employee~~-FMLA entitlement.

Questions on Family and Medical Leave can be directed to the ~~Director of Human Resources~~ ~~Director and Risk Management~~.

In the event the requirements under the Family and Medical Leave Act are amended, such requirements shall control.

9.2.6 Definitions:

~~A.~~

~~B. Contingency Operation: means a military operation that-~~

- ~~1. is designated by the Secretary of Defense as an operation in which members of the Armed Forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or~~
- ~~2. results in the call or order to, or retention on, active duty of members of the uniformed services under section 688, 12301(a), 12302, 12304, 12305, or 12406 of Title 10, chapter 15 of Title 10, or any other provision of law during a war or during a war or national emergency declared by the President or Congress.~~

~~C. Covered Active Duty: means duty during deployment to a foreign country as a member of the Regular Armed Forces or duty of a Reserve component of the~~

~~Armed Forces during deployment to a foreign country under a Federal call or order to active duty in support of a contingency operation.~~

~~D. Covered Service member: means a current member of the Armed Forces, including a member of the National Guard or Reserves, or covered veteran, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for an injury or illness incurred in the line of duty on active duty in the Armed Forces or that existed before the beginning of the active duty and was aggravated by service in the line of duty on active duty and that may render the member medically unfit to perform the duties of the service member's office, grade, rank or rating.~~

~~E. Military Member (for Exigency Leave provisions): means a spouse, child or parent, who is also a member of the reserve components (Army National Guard of the United States, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard of the United States, Air Force Reserve and Coast Guard Reserve) or a retired service member of a regular component of the Armed Forces, is on covered active duty or called to covered active duty status~~

Eligible Employee: An employee who has:

- ~~1. Been employed for at least twelve (12) months by the employer with respect to whom leave is requested. The twelve (12) months of employment do not need to be consecutive, and~~
- ~~2. Worked, excluding paid and unpaid leaves of absence, for at least 1,250 hours of service during the twelve (12) month period immediately preceding the leave.~~

~~F. Equivalent Position: A position with equivalent pay, benefits and working conditions, including privileges, prerequisites, and status. The equivalent position must involve the same or substantially similar duties and responsibilities, which must entail substantially equivalent skill, effort, responsibility, and authority.~~

~~G. Health Care Provider: A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State in which he or she practices. Anyone determined by the Secretary of Labor to be capable of providing health care services will also qualify as a health care provider. Included are:~~

- ~~1. Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by x ray to exist) authorized to practice in the State.~~
- ~~2. Nurse practitioners, nurse midwives, clinical social workers, and physician assistants who are authorized to practice in the State. 3. Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Mass.~~

~~H.F. Incapable of Self Care: The individual requires active assistance or supervision to provide daily self care in several "activities of daily living or "ADL's". ADL's include adaptive activities such as caring for one's grooming and hygiene, bathing, dressing, eating, cooking, cleaning, shopping, taking public~~

transportation, paying bills, maintaining a residence, using telephones, using a post office, etc.

~~I. Next of Kin of Covered Service Member: means the nearest blood relative of that individual.~~

~~J. Outpatient Status: with respect to covered service member, means the status of a member of the Armed Forces assigned to—~~

- ~~1. Military medical treatment facility as an outpatient; or~~
- ~~2. Unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.~~

~~K. Serious Health Condition: An illness, injury, impairment, or physical or mental condition that involves:~~

- ~~1. Any period of incapacity or subsequent treatment connected with inpatient (overnight) care in a hospital, hospice, or residential medical care facility; or~~
- ~~2. A period of incapacity requiring absence of more than three consecutive, full calendar days from work, school, or other regular daily activities and any subsequent treatment or period of incapacity relating to the same condition that also involves:~~
 - ~~a. Treatment two (2) or more times within thirty (30) days of incapacity, unless extenuating circumstances exist, by (or under supervision of) a health care provider; or~~
 - ~~b. Treatment by a health care provider on at least one (1) occasion that results in a regimen of continuing treatment under supervision of a health care provider.~~

~~The first, or only, treatment visit under Subsections (a) or (b) must take place in person within seven (7) days of the first day of incapacity.~~

~~A. Any period of incapacity due to pregnancy, or for prenatal care;~~

~~B. Any period of incapacity (or treatment therefore) due to a chronic serious health condition, which is defined as:~~

- ~~a. A condition that requires visits at least two(2) times per year for treatment by (or under the supervision of) a health care provider;~~
 - ~~b. Continues over an extended period of time, including episodes of a single underlying condition; and~~
 - ~~c. May cause episodic rather than a continuing period of incapacity such as asthma, diabetes and epilepsy.~~
- ~~5. A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective such as Alzheimer's, stroke, or terminal diseases;~~
- ~~6. Any absences for restorative surgery after an accident or injury or to receive multiple treatments (including any period of recovery there from) by, or on referral by, a health care provider for a condition that likely would result in incapacity of more than three consecutive days if left untreated, such as chemotherapy, physical therapy, or dialysis.~~

~~L. Parent: A biological, adoptive, step or foster parent or an individual who legally stands or stood in the place of the biological parent.~~

~~M. Child: A biological, adopted or foster child, a stepchild, a legal ward or child of a person standing in the place of the biological parent who is either under the age of 18, or age 18 or older and incapable of self care due to a mental or physical disability at~~

~~the time FMLA leave is to commence.~~

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- N. ~~Spouse~~: A spouse is defined in accordance with applicable state law in effect at the time of the leave.
- O. ~~Reduced Leave Schedule~~: A leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee.
- P. ~~Exigency~~: one that is related to, or necessitated by, the active duty or call to active duty status of a covered military member and is also one of the following:
1. ~~Short notice deployment~~;
 - a. Leave for this purpose may be used for seven (7) calendar days beginning on the date the covered military member is notified of an impending call or order to active duty in support of a contingency operation.
 - b. Leave for this purpose is used to address issues that may arise from the fact that a covered military member is notified of an impending call or order to active duty in support of a contingency operation seven (7) or less calendar days prior to the date of deployment.
 2. ~~Military events and related activities~~;
 - a. To attend any official ceremony, program, or event sponsored by the military; and
 - b. To attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross.
 3. ~~Childcare and school activities~~;
 - a. To arrange for alternative childcare when the active duty or call to active duty status of a covered military member necessitates a change in the existing childcare arrangement for a child of a covered military member at the time FMLA leave is to commence;
 - b. To provide childcare on an urgent, immediate need basis (but not on a routine, regular, or everyday basis);
 - c. To enroll in or transfer to a new school or day care facility a child of the covered military member when enrollment or transfer is necessitated by the active duty or call to active duty status of a covered military member.
 - d. To attend meetings with staff at a school or a daycare facility, such as meetings with school officials regarding disciplinary measures, parent teacher conferences, or meetings with school counselors, for a child of the covered military member.
 4. ~~Financial and legal arrangements~~;
 - a. To make or update financial or legal arrangements to address the covered military member's absence while on active duty or call to active duty status, such as preparing and executing financial and healthcare powers of attorney, transferring bank account signature authority, enrolling in the Defense Enrollment Eligibility Reporting System (DEERS), obtaining military identification cards, or preparing or updating a will or living trust.
 - b. To act as the covered military member's representative before a federal, state, or local agency for purposes of arranging or appealing military service benefits while the covered military member is on active duty or call to active duty status, and for a period of 90 days following the termination of the covered military member's active duty status.
 5. ~~Counseling~~;
 - a. To attend counseling provided by someone other than a healthcare provider for:
 1. The employee;

2. ~~The covered military member; or~~

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- ~~3. The child of the covered military member.~~
- ~~6. Rest and recuperation;~~
 - ~~a. Leave may be taken for up to fifteen (15) days for each instance of rest and recuperation.~~
 - ~~b. To spend time with a covered military member who is on short term, temporary, rest and recuperation leave during the period of deployment.~~
- ~~7. Post deployment activities;~~
 - ~~a. To attend arrival ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of 90 days following the termination of the covered military member's active duty status; and~~
 - ~~b. To address issues that arise from the death of a covered military member while on active duty status, such as meeting and recovering the body of the covered military member and making funeral arrangements.~~
- ~~8. Parental Care where the parent of the military member is incapable of self-care;~~
 - ~~a. To arrange for alternative care when the military member's call to active duty necessitates a change;~~
 - ~~b. To provide care on an urgent, immediate need basis arising from the call to active duty of the military member;~~
 - ~~c. To admit or transfer to a care facility necessitated by the call to active duty of the military member; or~~
 - ~~d. To attend meetings at the care facility due to the call to active duty of the military member.~~
- ~~9. Additional activities:~~
 - ~~a. To address other events provided that the employer and employee agree that such leave shall qualify as an exigency, and agree to both the timing and duration of such leave.~~

9.2.7 Policies:

- ~~A. Notice: Employees must provide Human Resources with no less than 30 days written notice of their intent to take FMLA leave when the leave is foreseeable. If the FMLA leave is unforeseeable, the employee must provide notice as soon as possible after the employee learns of the need for the leave.~~
- ~~B. Eligibility: To be eligible for family or medical leave, an employee must have been a Village of North Palm Beach employee for at least 12 months and have worked for at least 1250 hours during the previous 12-month period.~~

~~In addition to the foregoing eligibility requirements, the employee must also show that the reason for the leave falls into one of the following categories:~~

- ~~1. the birth of a son or daughter, and to care for the newborn child;~~
- ~~2. the placement with the employee of a child for adoption or foster care, and to care for the newly placed child;~~
- ~~3. to care for an immediate family member (spouse, child, parent, and parent "in-law") with a serious health condition;~~
- ~~4. when the employee is unable to work because of a serious health condition;~~
- ~~5. to care for a covered service member who is a member of the Armed Forces,~~

including the National Guard or Reserves, or a covered veteran, who is undergoing

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~~medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for an injury or illness incurred in the line of duty on active duty in the Armed Forces or that existed before the beginning of the active duty and was aggravated by service in the line of duty on active duty and that may render the service member medically unfit to perform the duties of the service member's office, grade, rank or rating. The employee must be the family member or the next of kin (nearest blood relative) of the covered service member; or~~

- ~~6. to address any qualifying exigency arising out of the fact that a spouse, child, or parent who is also a covered military member in the reserve components of the U.S. National Guard, Reserves, or retired members of the regular Armed Forces or Reserves is on active duty or called to active duty status in support of a contingency operation and deployed to a foreign country. Such leave is not available to an employee who is the family member of a service member of the Regular Armed Forces unless the military member is deployed to a foreign country. Additionally the call to active duty refers to a Federal call and not a State call, unless the State call was ordered by the President of the United States under certain circumstances.~~

~~C. Birth, Adoption or Foster Care of a Child~~

- ~~1. An eligible employee can take up to 12 weeks of leave during a 12-month period measured backward from the first date family or medical leave is used. This applies equally to mothers and fathers. However, if both the mother and father are employed by the Village of North Palm Beach, the aggregate number of workweeks of leave that both can receive is limited to 12 work weeks during any 12-month period.~~
- ~~2. The entitlement to leave expires at the end of the 12-month period beginning on the date of the birth, or placement of a child.~~
- ~~3. Employees meeting the requirements of the Sick Leave policy are required to use their applicable sick leave and then the accrued vacation leave concurrently with FMLA before the leave becomes unpaid. After any accrued vacation leave is exhausted, employees may request to use their remaining accrued sick leave if they did not meet the requirements of the Sick Leave Policy, or only met the requirements for a portion of the absence, before the leave becomes unpaid leave. To request to use the accrued sick leave, Employees must submit the form "Employee Request to Apply Sick Leave to Unpaid FMLA Leave Based upon Birth or Placement of a Child" to the Human Resources Department. Any accrued compensatory time off shall be used prior to the leave becoming unpaid. All paid leaves of absence shall run concurrently with the FMLA leave.~~
- ~~4. This type of leave shall not be taken by employees intermittently or on a reduced work schedule.~~

~~D. Leave due to serious health condition of the employee or to care for a family member having a serious health condition.~~

- ~~1. For purposes of this section, Family Member is defined as a spouse, parent, or child.~~
- ~~2. An eligible employee can take up to 12 weeks of leave during a 12-month period measured backward from the first date leave is used.~~
- ~~3. Employees using FMLA leave for a serious health condition are required to exhaust their sick and vacation leave balances before FMLA leave becomes unpaid. Any accrued compensatory time off shall be used prior to the leave becoming unpaid.~~
- ~~4. Spouses employed by the Village of North Palm Beach are limited to a combined total of 12 workweeks of family leave for the care of an employee's child who has a~~

serious health condition.

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- ~~5. Leave due to a serious health condition may be taken intermittently if medically necessary as certified by the treating health care provider.~~

~~E. Service Member Family Leave~~

- ~~1. For purposes of this section, family member is defined as a spouse, parent, or child.~~
- ~~2. Next of kin is the nearest blood relative of the service member (other than the spouse, parent, or child of the covered service member) in the following order of priority: blood relative who has been granted legal custody of the covered service member by court decree or statute; brothers and sisters; grandparents; aunts and uncles; and first cousins; unless the covered service member has specifically designated in writing another blood relative as the nearest blood relative for purposes of military caregiver leave under the FMLA.~~
- ~~3. An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member, who is recovering from a serious illness or injury sustained in the line of duty on active duty, may take up to a total of 26 workweeks of leave during a 12-month period to care for the service member. The leave described in this paragraph shall only be available during a single 12-month period;~~
- ~~4. During the single 12-month period, eligible employees are entitled to a combined total of 26 workweeks of leave for all types of FMLA leave;~~
- ~~5. If both a husband and wife are employed by the Village, the aggregate number of workweeks of leave that both can receive is limited to 26 workweeks during the single 12-month period for service member leave or a combination of service member leave and the other types of FMLA leave available;~~
- ~~6. If an eligible employee does not take all of his or her 26 workweeks of leave entitlement under this section during the single 12-month period, the remaining part of the 26 workweeks of leave entitlement is forfeited. However, the leave entitlement is applied on a per covered service member, per injury basis such that an eligible employee may be entitled to take more than one period of 26 workweeks of leave if the leave is to care for a different covered service member or to care for the same service member with a subsequent serious injury or illness, except that no more than 26 workweeks of leave may be taken within any single 12-month period. When the eligible employee takes leave to care for more than one covered service member or for a subsequent serious injury or illness of the same covered service member, and the single 12-month periods corresponding to the different military caregiver leave entitlements overlap, the employee is limited to taking no more than 26 workweeks of leave in each single 12-month period;~~
- ~~7. Where leave qualifies as both leave to care for a covered service member and leave to care for a family member with a serious health condition during the single 12-month period, the Village must designate such leave as leave to care for a covered service member in the first instance. This leave must not be designated and counted as both leave to care for a covered service member and leave to care for a family member with a serious health condition;~~
- ~~8. Service member leave may be taken intermittently or on a reduced leave schedule when medically necessary;~~
- ~~9. Employees using FMLA leave for service member leave are required to exhaust their sick leave then their vacation leave balance before FMLA leave becomes unpaid. Any accrued compensatory time off shall be used prior to the leave becoming unpaid.~~

~~F. Leave due to a qualifying exigency arising out of the fact that a spouse, child or parent, who is also a National Guard, Reserve, or retired service member of a regular component of the Armed Forces, or member of the regular Armed Forces is on active duty or called to active duty status in support of a contingency operation and deployed to a foreign country~~

- ~~1. Leave taken due to a qualifying exigency may be taken on an intermittent or reduced leave schedule basis.~~
- ~~2. Eligible employees may take up to 12 weeks of leave measured forward from the first date leave is taken for a qualifying exigency.~~
- ~~3. Employees meeting the requirements of the Sick Leave policy are required to use their applicable sick leave, if the leave qualifies under the Sick Leave policy, and then the accrued vacation leave concurrently with FMLA before the leave becomes unpaid. Any accrued compensatory time off shall be used prior to the leave becoming unpaid. All paid leaves of absence shall run concurrently with the FMLA leave.~~

~~G. Medical Certification~~

- ~~1. The employee shall provide the Village of North Palm Beach Human Resources office with complete and sufficient certification of the need for leave from the health care provider of the employee, family member, covered service member, or military member within 15 days of notification of the need for leave. The certification shall state:~~
 - ~~a. The date on which the serious health condition began;~~
 - ~~b. Health care provider contact information;~~
 - ~~c. The probable duration of the condition;~~
 - ~~d. The appropriate medical facts of the condition;~~
 - ~~e. If the patient is the employee, information sufficient to establish the employee cannot perform the essential functions of the job, any other work restrictions, and the duration of the inability;~~
 - ~~f. For family leave or service member leave: a statement that the employee is needed to care for the family member and an estimate of the amount of time that such care is needed.~~
 - ~~g. In the case where an employee is unable to return to work because he/she is caring for a service member who is recovering from a serious injury or illness sustained in the line of duty while on active duty, a certification must be issued stating such by the health provider of the service member.~~
 - ~~h. The medical necessity of any intermittent leave request and estimate of the frequency and duration of episodes of incapacity.~~
- ~~2. The Village shall provide the appropriate certification form to be used for all employees requesting FMLA leave. When the certification is returned incomplete or insufficient, the Village will notify the employee in writing what additional information is necessary. A certification is not sufficient if it is complete, but the information provided is vague, ambiguous, or non responsive. The Village will give the employee seven (7) calendar days to correct an incomplete or insufficient certification.~~
- ~~3. The certification shall be signed by the health care provider responsible for~~

providing such services and not by a staff member employed by the health care

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~~provider. The employee will be required to obtain subsequent re-certification on a reasonable basis.~~

- ~~4. The Village of North Palm Beach may require, at its own expense, that the employee obtain the opinion of a second health care provider designated or approved by the Village, however, the health care provider cannot be employed on a regular basis by the Village. If the two opinions conflict, the Village can, at its own expense, require a third and binding opinion.~~
- ~~5. Employees failing to provide complete and sufficient certifications as required, and after any opportunity to correct, may be denied the taking of FMLA leave.~~

~~H. Re-Certifications The employee will be required to submit a recertification if any of the following occurs:~~

- ~~1. Every thirty (30) days in connection with the employee's absence, but if the minimum duration of the condition is more than 30 days, the Village will not request a recertification until after the initial duration of the condition expires or when one of the situations below occurs, whichever occurs first.~~
- ~~2. The Village may require recertification within thirty (30) days if:~~
 - ~~a. The employee's own, their immediate family member's or covered service member's medical condition or duration or frequency of absences changes significantly;~~
 - ~~b. The Village receives information that casts doubt upon the stated reason for the absence or the continuing validity of the certification; or~~
 - ~~c. The employee's need for leave extends beyond the time their own, their immediate family member's or covered service member's health care provider indicates on the most recent medical certification.~~
- ~~3. After six (6) months of the date the most recent medical certification that was completed by the attending physician, in connection with an absence by the employee (regardless of the duration of the condition);~~
- ~~4. A qualifying exigency arises out of a different covered active duty or call to covered active duty status of the same or different covered military member; or,~~
- ~~5. The employee's need for leave due to the employee's own serious health condition, or the serious health condition of a covered family member, lasts beyond a single leave year.~~
- ~~6. Employees bear the entire cost of obtaining re-certifications required by the Village.~~
- ~~7. Employees failing to provide complete and sufficient re-certifications as required, and after any opportunity to correct, may be denied the taking of FMLA leave. Failure to provide any re-certification may result in denial of leave under the FMLA policy. Employees who fail to provide requested documentation of the reason for an absence from work may be subject to disciplinary action up to, and including, termination.~~

~~I.—Intermittent or Reduced Work Week Leave~~

- ~~1. Leave can be taken intermittently or on a reduced work schedule when medically necessary or as a result of a qualifying exigency. The taking of the leave intermittently or on a reduced work schedule shall not reduce the total amount of leave to which the employee is entitled. However, the employee must provide a certification from the health care provider stating that the employee's reduced~~

work schedule is necessary and the expected duration and schedule of the

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~~intermittent leave or reduced work schedule. Such certification must also include the information listed under the foregoing "Medical Certification" section and shall also be signed by the health care provider responsible for providing such services and not by a staff member employed by the health care provider.~~

- ~~2. If an employee requests intermittent leave or leave on a reduced work schedule that is foreseeable based on a planned medical treatment, the employee:
 - ~~a. May be required to transfer temporarily to an available alternative position (for which they are qualified) which has an equivalent pay and benefits and which better accommodates recurring periods of leave than the regular position of the employee.~~
 - ~~b. Must make reasonable efforts to schedule the treatment so as not to unduly disrupt operations.~~~~
- ~~3. If an employee was absent from work due to a previously approved FMLA reason that was unforeseeable, the employee is required to follow the Village's Sick Leave Policy's unforeseeable use of sick leave procedures to notify the Village of the need for leave, and explicitly state that the need for leave is related to the previously approved FMLA condition. Upon returning to work, the employee must complete and submit to the Human Resources Department an Intermittent Leave of Absence under FMLA Request Form within 5 business days of the employee's return to work for the time to be designated as FMLA. In the absence of such timely notification by the employee, the employee may not subsequently assert FMLA protections for the absence.~~

~~J. Concurrent Use of Paid Leave As mentioned in each of the sections above, employees are required to use sick and/or vacation leave concurrently with FMLA. The Village further requires that the employee satisfy the procedural requirements set forth in the paid leave policies in order to ensure payment pursuant to the paid leave policy.~~

~~K. Health Insurance and Other Benefits During FMLA Leave~~

- ~~1. During approved FMLA leave, the Village is required to maintain group health insurance benefits. Maintenance of such group health insurance requires that the employee continue to contribute any co-payment of his or her normal portion of the insurance premiums to the Village in order to maintain insurance coverage. For details on continuation of health insurance benefits for dependents, contact the Village of North Palm Beach's Human Resources Department.~~
- ~~2. Once FMLA leave becomes unpaid, employees do not continue to accrue seniority, vacation leave or other benefits that are not accrued during other types of unpaid leaves of absence.~~

~~L. Return from FMLA~~

- ~~1. Employees returning from an FMLA leave are required to submit a fitness for duty certification by their healthcare provider prior to returning to work demonstrating the employee can perform the essential functions of the job.~~

~~Failure to provide that certification prior to the scheduled return date may delay the employee's reinstatement.~~

- ~~2. After the beginning of the leave an employee may discover that circumstances have changed and the amount of leave time originally anticipated is either reduced or needs to be extended. In foreseeable circumstances where it is necessary to change leave time the employee is required to give the Village notice within two (2) business days.~~
- ~~3. Upon the employee's return to work, the employee is reinstated to the same or a substantially equivalent position. The Village will not guaranty the employee's position or an equivalent position if their leave extends past twelve (12) weeks.~~
- ~~4. An employee who accepts other employment, or who fails to return to work on the next regularly scheduled work day following the expiration of the leave, or who does not accept a position offered by the Village when returning from a leave, will be considered to have voluntarily resigned from their employment. Employees are prohibited from performing any work during FMLA leave, for the Village or any other entity or individual, and may be terminated immediately upon discovery of same.~~
- ~~5. If the employee decides not to return to work: If the employee does not return from the approved leave, the Village shall require the employee to reimburse the Village for its portion of their health coverage premium that was paid for the employee under the group health plan during the employee's leave.~~
- ~~6. Exceptions. The Village will not require the employee to reimburse the Village for maintaining coverage if the employee does not return to work for one of the following reasons:~~
 - ~~a. If the leave is for the employee's serious health condition and the employee was unable to return to work because of the continuation, recurrence or onset of the condition.~~
 - ~~b. If the leave is for the serious health condition of a family member and the employee was unable to return to work because he/she was still needed to care for that family member.~~
 - ~~c. Certification: If the employee does not return from their approved leave because of one of the two reasons just stated above, the employee must present certification from his/her health care provider or the health care provider of the family member in question. This certification must be presented as soon as possible, but no later than fifteen (15) days after the last day of the employee's scheduled leave.~~
 - ~~d. The certification must contain the following information:~~
 - ~~i. If the leave is for the employee's serious health condition, the certification must include a statement that the employee is unable to perform the functions of his/her position on the date the employee's approved leave expired.~~
 - ~~ii. If the leave is for the serious health condition of a family member, the certification must include a statement that the employee is needed to care for that family member on the date that the employee's approved leave expired.~~

~~The Human Resources Department shall maintain the confidentiality of information obtained from employees regarding the qualifying conditions and medical information during the FMLA process. Supervisors, Department Heads, and other employees are generally not provided this confidential information. However, Human Resources will supply the Supervisors and Department Heads, as applicable, information regarding the dates of leave, anticipated return to work dates, and any limitations or restrictions imposed upon the employee by his or her health care provider to ensure the employee's safety in working on an intermittent or reduced schedule, or upon his or her return to work.~~

9.2.89.2.11 Forms for the Family and Medical Leave: The forms for Family and Medical Leave are to be used in application and other various actions for the Family and Medical Leave Policy and are available in Human Resources.

9.3 Other Leave Policies: The Village may, from time to time, add to, subtract, or modify these leave policies with additional information/requirements/policies with or without notice.

9.3.1 ~~Vacations~~Vacation Leave:

A. General:

1. Unless otherwise specified in an applicable collective bargaining agreement, ~~the Department Head~~DirectorVillage determines and schedules the vacation period of each employee eligible for a vacation. Consideration is given where possible to the preference of the employee as to the time of his or her vacation.
2. No one shall take a vacation of such length as to jeopardize the effectiveness of the duties of that position. The Department ~~Head~~HeadDirector and/or the Village Manager shall determine, based on the conditions specific to the period sought for the vacation, whether or not the length of the vacation is appropriate. If the Department ~~Head~~DirectorHead and/or the Village Manager deems the vacation to be inappropriate, the vacation length may be limited.

B. Eligibility Requirements:

1. Vacation days accrue, but may not be taken, during the first ninety (90) days of the employee's probationary period. All full-time non-probationary, non-bargaining personnel who have completed the first ninety (90) days of their probationary period may take vacation with pay in accordance with the following accrual schedule:
 - a. 0-59 months \equiv 80 hours
 - b. 60-119 months \equiv 120 hours
 - c. 120 and over \equiv 160 hours

Bargaining unit personnel shall accrue and be eligible for usage in accordance with the applicable collective bargaining agreement.

2. In the event a paid holiday should occur during an employee's vacation period, the employee's vacation time shall not be credited against the paid holiday. ~~An employee shall not lose his vacation with pay if incapacitated due to an injury or illness incurred in the line of duty. The vacation time shall be reassigned upon return to duty.~~
3. Vacation time shall be credited and reported per pay period to indicate hours accrued, less hours taken, reflecting net vacation hours available per pay period.

4. Vacation schedules shall be approved by the Department ~~Head~~HeadDirector.

~~5.~~ The maximum number of vacation days an employee may accrue is the unused days accrued ~~during~~ the employee's previous two year period. Any employee, who

~~6.~~ Chapter 9 Page 12

voluntarily terminates, retires or dies while employed by the Village shall receive payment equal to 100% of the accrued and unused days of vacation accrued during the ~~two~~two-year period prior to termination, retirement, or death. If employment is terminated by death, the estate of the employee shall receive payment for the earned vacation time. However, in the Village's sole discretion, payment may be made directly to the spouse, or if no spouse, to the child(ren) over 18 years of age, or if no children, to the employee's father or mother in accordance with Florida Statute 222.15, as amended from time to time. Any employee who fails to complete ~~his/her~~the probationary period, is terminated for cause, or fails to give appropriate notice of resignation, shall ~~not receive~~forfeit and not be eligible for payment ~~for earned~~of accrued and unused vacation time. Exceptions may be made for employees unable to provide full notice of resignation as recommended in writing by the Department ~~Head~~HeadDirector and approved by the Village Manager.

C. Unused Vacation Reimbursement:

1. Purpose: The purpose of the annual vacation leave reimbursement program is to establish guidelines and criteria by which eligible employees may submit to the Village a reimbursement request for certain levels of unused vacation.

2. Criteria:

a. In accordance with Section 9.2.1 B, regular full-time employees can earn up to a certain number of hours based on their length of service with the Village for purposes of vacation. In accordance with Section 9.2.1 B(5), the employee cannot accrue more than two years' worth of vacation time.

b. When an employee uses eighty (80) hours of vacation time in the same year for which she/he requests reimbursement, she/he will have achieved the minimum threshold base for the reimbursement program.

c. Once the employee has ~~reached~~ used the minimum threshold base, the employee will be eligible for reimbursement by the Village of any unused vacation hours.

d. Reimbursement by the Village will be on a 100% (dollar for dollar basis) whereby for every unused vacation hour above the eighty (80) hours, the employee will be reimbursed at his current hourly rate for each hour of unused vacation time.

e. The reimbursement will be voluntary at the written request of the employee. The employee can only submit a written request during the month of October, immediately following the fiscal year for which his request is made. The Village will be obligated to reimburse the employee for the annual vacation leave reimbursement request no later than the November 30 following the fiscal year for which the request is made. Where an employee voluntarily terminates, retires or dies after the

reimbursement request has been made, but prior to payment of the reimbursement, any payout to the employee shall be payable in accordance with Section 9.2.1 B(5) and not based on the unpaid reimbursement request. Employees who are involuntarily terminated after the reimbursement request has been made, but prior to payment of the reimbursement, shall not be paid the reimbursement and are not eligible for payment under Section 9.2.1 B(5).

f. Once the employee has received reimbursement for the unused vacation time above the minimum threshold base, the employee no longer possesses those unused vacation hours thus losing them due to the reimbursement. Any time an employee's overall usage of vacation time drops below the minimum 80-hour usage requirement, they become ineligible for reimbursement until such time as they achieve the required usage.

g. The Human Resources Department will be responsible for establishing a reimbursement form. The Finance Department is responsible for accounting for the base vacation hours and other data necessary to financially administer this program.

h. The employee will be required to sign a certification/affidavit confirming that the reimbursement for the annual vacation leave hours is final and will not be subject to the grievance process.

i. The employee will be reimbursed at the hourly rate earned as of September 30 for the fiscal year for which application was made.

9.3.2 Personal Leave without Pay: The Village Manager may authorize ~~Regular Employees~~ in regular full-time positions to be absent without pay for a period not to exceed ~~one hundred eighty~~ninety (90)

~~9.3.3~~9.3.2 days.

- A. Leave requests must first have the approval of the affected Department ~~Head~~HeadDirector.
- B. These types of leaves shall be for candidacy for elected office, voluntary military service, education or training that will benefit the Village, leave to recover from the employee's own serious health condition after FMLA has been exhausted, or other substantial reason. The Village Manager shall have the sole discretion to approve, or not approve, unpaid leave for any other reason.
- C. Employment shall be automatically terminated at the end of approved leave if the employee does not return to work.
- D. Employees shall request such leaves in advance of the date so desired. The best interest of the Village shall be the primary consideration in granting a personal leave without pay.
- E. ~~In no instances shall~~Should an employee be granted a personal leave without pay, ~~if he/she can use accumulated paid leave. If~~health insurance and/or other fringe benefits may be continued at the employee's own expense during said unpaid leave.
- F. During an unpaid Personal Leave of one month or longer, employees do not continue to accrue seniority, vacation leave, sick leave, or ~~other benefits~~holidays.

9.3.3 Workers' Compensation Leave

An employee who sustains a compensable workplace injury may be eligible to receive certain benefits depending on the nature of the injury. Such benefits may include full wages for the first forty (40) hours following injury, replacement of a percentage of weekly wages, permanent impairment benefits, medical treatment and medication, and reemployment services. In certain circumstances, employees may also be released and eligible for "light duty" work that may be assigned by Human Resources in any department at the Village. Additional information and guidance regarding the procedure associated with workers' compensation should be obtained from Human Resources.

9.3.4 Holidays:

- A. The following calendar days and ~~such~~ other days as designated by the Village Council ~~may designate~~ are deemed holidays with time off with full pay to all full-time employees in regular positions. If the holiday falls on a Saturday, the previous Friday shall be designated as the official holiday; and if the holiday falls on a Sunday, the following Monday shall be designated as the official holiday. All official holidays shall be considered to commence at the beginning of the first shift on the day on which the holiday is observed and continue for twenty-four (24) hours thereafter.

Holidays

New Year's Day	Labor Day
Martin Luther King Day	Veterans' Day
Presidents Day	Thanksgiving Day
Memorial Day	Friday after Thanksgiving
<u>Juneteenth</u>	Christmas Eve Day
Independence Day	Christmas Day

- B. Regular full-time employees shall receive pay for official holidays at their normal rate of pay; provided they are in pay status the last regular shift to which they would have been assigned prior to the holiday and the first regular shift to which they would have been assigned following the holiday.

~~B.C.~~ An employee who does not work their full scheduled day before and after a holiday will not be paid holiday pay for that holiday. Pre-scheduled vacation or pre-scheduled sick leave for medical reasons/tests or scheduled treatments the day before and after a holiday are treated as days worked and does not jeopardize the holiday pay.

9.3.5 Sick Leave:

- A. The basic sick leave policy of the Village shall be to earn ~~one (1) day~~ eight (8) hours of sick leave for each month of employment.
- B. All regular full-time employees are eligible to earn ~~one (1) day~~ eight (8) hours of sick leave per month of employment. All regular full-time employees who work less than a full month due to separation during the month or leave of absence without pay shall not earn sick leave credits for that month. ~~Non-bargaining, Probationary employees accrue, but cannot and may use, sick leave during their first 90 days of the probationary period.~~ Bargaining unit personnel shall accrue and be eligible for usage in accordance with the applicable collective bargaining agreement.

- C. Employees taking sick leave shall be compensated at their straight time hourly rate of pay for the time off work. Sick leave shall continue to accrue during periods of authorized absence on which the employee is in active pay status. “Active pay status” means an employee is receiving pay directly from the Village based upon actual hours worked, vacation leave, sick leave, or holiday pay; it does not include pay from third party payors such as workers’ compensation, long-term disability plans, or other sources. An employee may accrue an unlimited number of sick days for uses in the event ~~of he or she is sick~~illness. However, an employee terminated ~~for cause~~ shall not be entitled to receive an accumulated sick leave payout. Cause shall include theft, intoxication on the job, violence or threat of violence, conviction of a felony, negligent, careless or intentional performance that results in damage to property or individuals or the risk thereof, performance problems which are determined to be due to skill deficiency rather than rule violations or neglect of duty, or any cause for termination identified in any then applicable collective bargaining agreement or the personnel policies as amended from time to time. Regular non-probationary employees shall receive, upon voluntary resignation~~termination~~, retirement or death, while in the service of the Village, a sick leave payment of fifty percent (50%) of the unused, accrued sick leave days, not to exceed ~~thirty (30) days~~240 total hours paid out.
- D. Uses of sick leave shall not be authorized prior to the time it is earned and credited to the employee and shall only be used with the approval of the Department ~~Head~~Head Director for the following reasons:
1. Employee's personal illness.
 2. Medical or health treatment which is necessary during working hours.
 3. Quarantine due to exposure to contagious disease.
 4. In connection with workers' compensation
 5. Pregnancy and maternity of employee.
 6. When required to personally attend to an immediate family member who is seriously ill. For purposes of this provision, immediate family member is defined as parent, child, sibling, ~~uncle, aunt, first cousin, nephew, niece,~~ spouse, domestic partner, parent-in-law, son-in-law, daughter-in-law, sibling-in-law, step-parent, step-child, step-sibling, half-sibling, grandchild or grandparent. Additionally, in the Village's sole discretion, the Department ~~Head Director, Director of Human Resources~~Head Director, Director of Human Resources ~~Director and Risk Management~~, or the Village Manager may require medical certification regarding the necessity for the employee's absence.
 7. Any qualifying FMLA reason.
- E. In situations where a foreseeable absence due to a qualifying sick leave reason arises, the employee must provide no less than 30 days written notice to the Department ~~Head Director~~ or to Human Resources. An employee who is unexpectedly incapacitated and unable to work shall notify the Department ~~Head Director~~ no later than ~~thirty (30) minutes after one (1) hour before~~ the scheduled reporting time, or before the start of the scheduled shift for ~~Public Safety~~bargaining unit employees, giving reason for absence and expected period of absence. This procedure shall be followed for each day the employee is unable to work unless prior approval is given by the Department ~~Head Director~~ or for approved FMLA absences. The Department ~~Head Director, along with Human Resources,~~ shall determine to ~~his/her~~their satisfaction that an employee was actually too ill to work. Also, the Department ~~Head Director~~ shall:
1. Shall ~~It~~ investigate suspected abuse of sick leave privileges.

2. After three (3) consecutive workdays of absence, may require a medical certification of the employee's illness before authorization of any additional sick leave by the employee. Additionally, a Department ~~Head~~Director may require that an employee provide a medical certification of the employee's illness where in the sole discretion of the Department ~~Head~~Director, Village Manager, or Human Resources it appears the employee is abusing sick leave.
3. After three (3) consecutive workdays of absence, or where it appears the absence is due to a reason qualifying for FMLA regardless of the length of the absence, the Department ~~Head~~Director must notify Human Resources that the employee may have an absence giving rise to qualification under the FMLA policy. Human Resources shall provide the employee with the FMLA Eligibility and Notice of Rights within 5 business days.
4. If a medical certification furnished by the employee is questionable, the Village may require the employee to submit to a medical examination which shall be paid for by the Village. Based on this medical examination, the Department ~~Head~~Director shall:
 - a. not approve further use of sick leave if the employee is evaluated as fit for work.
 - b. allow the employee to use accrued sick leave until all sick leave has been used or until the employee is able to return to work (whichever occurs first) if the employee is evaluated as unfit for work.

5. Regardless of the underlying reason for the use of sick leave, if an employee is out on sick leave for three (3) consecutive days, ~~that employee must~~ the Village may require the employee to furnish a return to work note/clearance from his or her the employee's treating medical professional.

5-6. An employee who, upon the request by the Department ~~Head~~Director, refuses to comply with these rules shall not be eligible to use accrued sick leave.

6-7. Abuse of sick leave privileges or a false claim for sick leave shall be considered sufficient cause for ~~dismissal~~termination. Abuse of sick leave shall include, but not be limited to, an employee taking sick leave as it is earned, establishing a pattern of taking certain days off without any medical basis, or requesting sick leave after other leave of absence requests have been denied. Abuse of sick leave may also be demonstrated by an employee's failure to maintain an adequate sick leave balance, as determined in the Village's sole discretion. The employee must ensure that ~~he/she has~~ sufficient sick leave is available before requesting or taking time off under the sick leave policy. ~~Additionally, a Department Head may require that an employee provide a medical certification of the employee's illness where in the sole discretion of the Department Head, Village Manager, or Human Resources it appears the employee is abusing sick leave.~~ The Village Manager may require review of any suspected abuse situation and take appropriate disciplinary action should abuse be confirmed.

7-8. Should a holiday occur during an employee's sickness, the sick day shall be charged as a holiday, except for circumstances described in the Holiday Leave policy.

8-9. ~~An Probationary~~ employees who ~~has less than six (6) months of service with the Village and separates~~ from the Village for any reason, shall forfeit all unused sick leave credits.

9-10. Sick leave payment for deceased employees shall be remitted to the estate of the deceased. However, in the Village's sole discretion, payment may be made directly to the spouse, or if no spouse, to the child(ren) over 18 years of age, or if no children, to the employee's father or mother in accordance with Florida Statute 222.15, as amended from time to time.

10-11. A sick leave pool may be established one time during a 48-month period,

rolling backward, on a volunteer basis to allow non-probationary, regular full-time employees who have used up all their sick leave, ~~compensatory~~ and vacation leave due to a FMLA eligible illness of their own to draw, or use, up to ~~thirty (30) days~~ 240 hours of sick pay subject to the recommendation of the respective Department ~~Head~~ Director and the approval of Village Manager. The availability of "usable ~~days~~ hours" in the pool is determined by the sick leave time donated by other employees.

~~11.~~ 12. Regular full-time (non-probationary) general employees who do not use any sick leave within any continuous (6) six-month period are eligible to earn eight (8) hours ~~annual~~ vacation leave time as incentive for not using sick leave. Bargaining unit employees shall receive sick leave incentives in accordance with their respective collective bargaining agreement, unless otherwise negotiated.

F. Sick Leave Reimbursement:

1. Purpose: The purpose of the annual sick leave reimbursement policy is to establish guidelines and criteria by which eligible employees may submit to the Village a reimbursement request for certain levels of accrued and unused sick leave.

2. Criteria:

a. In accordance with Section 9.2.4 "Sick Leave", an employee can earn eight hours of sick leave for each month of employment. This is referred to as sick leave hours. In the defining and implementation of this policy, all remaining aspects of Section 9.2.4 remain in effect and take priority over this reimbursement policy.

b. When an employee accumulates four (4) years' worth of sick leave (i.e. 384 hours), they will have achieved the minimum threshold base making them eligible for reimbursement.

c. Once the employee has reached the base, all hours accumulated above the base are eligible for reimbursement by the Village.

d. Reimbursement by the Village will be on a 50% basis whereby for every sick leave hour above the base held by the employee the Village will reimburse one-half of that amount based on the employee's hourly wage rate.

e. The reimbursement will be strictly voluntary at the request of the employee. The employee can only submit a request once per year during the month of May. The Village will be obligated to reimburse the employee for its sick leave hours request no later than November 30 of each year. Where an employee is separated from employment for any reason after the reimbursement request has been made, but prior to payment of the reimbursement, any payout to the employee shall be payable in accordance with Section 9.3.2 H and not based on the unpaid reimbursement request.

f. Once the employee has received reimbursement for the hours above the base, the employee no longer possesses those sick leave hours, thus losing them due to the reimbursement of the hours. The base is not applicable to an

employee contributing to a sick leave pool as delineated in Section 9.2.4 E(10). If the employee contributes sick leave hours to a pool, or uses sick leave hours for illness which results in their overall total hours of sick leave dropping below the base, they simply have to earn sick leave hours back until they meet the base to be eligible for reimbursement.

g. In the event an employee retires, dies, or voluntarily terminates from the employment of the Village, the employee shall receive payment for unused sick leave time equal to fifty percent (50%) of the unused accrued sick leave time, not to exceed 240 total hours paid out. Payment for deceased employees shall be remitted to the estate of the deceased. However, in the Village's sole discretion, payment may be made directly to the spouse, or if no spouse, to the child(ren) over 18 years of age, or if no children, to the employee's father or mother in accordance with Florida Statute 222.15, as amended from time to time.

3. Application:

a. The Human Resources Department will be responsible for establishing a reimbursement form. The Finance Department is responsible for accounting for the base and other data necessary to financially administer this program in accordance with applicable wage and hour laws.

b. The employee will be required to sign a certificate/affidavit confirming that the reimbursement for the sick leave hours is final and will not be subject to the grievance process.

9.3.6 Bereavement Leave: Regular full-time employees are entitled to two (2) leaves, a maximum of three (3) days of leave with pay for each instance, in any one annual period (based on a rolling 12-month period from the employee's last use of bereavement leave) for a death (or a critical illness in which death appears to be imminent) in the family which is defined as: spouse, domestic partner, father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, step-father, step-mother, step-son, stepdaughter, step-brother, step-sister, half-brother, half-sister, grandchild or grandparent. Any additional unpaid time which may be granted and charged to accrued and unused vacation leave shall be at the discretion of the Village Manager. To qualify for such leave, employees must provide the Human Resources Department with written documentation that includes the name of the deceased, relationship to the employee and date of death as well as a copy of an obituary notice, memorial service pamphlet, funeral home announcement, etc. The Village, in its sole discretion, may require documentation, or other acceptable proof as determined by Human Resources, to determine the validity of the bereavement leave.

Reserved:

9.3.7

Jury Duty and Other Legal Duties:

A. Employees who are summoned to jury duty by a court of competent jurisdiction will be granted time off with pay. Any employee who is released from jury duty and has more than half a normally scheduled workday remaining, shall report to work as soon after release as possible.

B. Job Related: Employees shall be granted leave with pay for appearance before a court, legislative committee or other body as a witness in a proceeding involving the federal government, State of Florida, or a political subdivision thereof in response to a subpoena or direction by a proper authority if such attendance is in connection with the employee's official duties at the Village. Such leave shall be approved by ~~the Village Manager~~ Human Resources.

C. Non-Job Related: Employees may use accrued and unused vacation leave when subpoenaed to Court or deposition for any reason unrelated to their employment with the Village including, for example, divorce proceedings, custody suits, inheritance suits, bankruptcy, traffic violations, etc. If the employee does not have any vacation leave, such leave of absence shall be without pay, if approved by Human Resources.

9.3.8

Meetings, Conferences, or Conventions: Regular full-time employees may attend conferences, conventions, training programs or other meetings if such attendance is in connection with the employee's official duties. In all cases the best interest of the Village shall prevail in granting time off from work. The Department ~~Head~~ Directors shall approve the time off and shall notify the Village Manager. The Village Manager or designee, in his or her their sole discretion, may authorize travel time and/or expenses necessary to attend such meetings. ~~Probationary employees may be sent for required certified training courses upon approval of the Department Head and the Village Manager.~~

9.3.9 **Military Leaves:**

The Village will comply with the requirements of and grant leave in accordance with the Uniform Services Employment and Reemployment Rights Act (USERRA), Chapter 115 of the Florida Statutes, as amended from time to time, and Florida Statute § 250.48, as amended from time to time.

1. Training

All commissioned reserve officers or reserve enlisted personnel in the United States military or naval service or members of the National Guard shall receive a leave of absence without loss of vacation leave, pay, time or efficiency rating, on all days during which they are engaged in training ordered under the provisions of the United States military or naval training regulations when assigned to active or inactive duty. In any one annual period, leaves of absence shall not exceed 240 working hours provided that leaves of absence for additional or longer periods of time for assignment to duty functions of a military character shall be granted without pay and without loss of time or efficiency rating.

2. Active Duty Assignments

All officers or enlisted personnel in the National Guard or a reserve component of the Armed Forces of the United States who are granted leave to perform active military service will receive their full pay for the first 30 days of any such leave.

All members of the Florida National Guard who are granted leave to engage in active State duty for a named event, declared disaster, or operation pursuant to Florida Statute §§ 250.28 or 252.36, shall receive their full pay for the first 30 days. The leave of absence with full pay shall not exceed 30 days for each emergency or disaster. Additionally, under Florida law, National Guard Members called to active State duty may not be terminated from employment for a period of one (1) year after the date the employee returns to work, except for cause.

Employees and their dependents will continue to be eligible to participate in the Village's health and dental insurance in accordance with the requirements of USERRA.

3. Notice of Leave

Employees seeking to invoke military leave shall provide advance notice to the Village unless such notice is precluded by military necessity or otherwise impossible or unreasonable as interpreted under applicable law.

4. Documentation of Leave

Employees on military leave for periods of more than 30 days shall provide the Village with such documentation that can be used to establish the employee's basic eligibility for protection under USERRA. If the employee is unable to provide satisfactory documentation of military service in excess of 30 days, the Village reserves the right to contact the military unit with assistance from the employee to obtain such documentation.

5. Reinstatement after Leave

Employees on military leave will be reinstated with the Village in accordance with applicable State law and USERRA. Employees who take a military leave of absence are entitled to any seniority-based rights and benefits that they would have attained had the employee remained continuously employed. The period of military leave is not considered a break in employment unless the employee indicates that he or she will not return from military leave.

Upon the return of any employee from military leave, as described above, the temporary services of any employee filling his or her position shall be terminated or any such temporary employee moved elsewhere in the Village's service, at the Village's sole discretion. If an employee called to active duty is a probationary employee, the remaining number of days left on the probationary status will be added following the employee's return to work.

6. Failure to Return after Military Leave

Should the employee not return to employment with the Village following said military leave, any vacation or sick leave accrued while on military leave will be subtracted before any allowable payment of any benefits is made in accordance with other provisions of these policies regarding payment of leave balances upon separation from employment.

A. Annual Military Leave

- ~~1. All commissioned reserve officers or reserve enlisted personnel in the United States military or naval service or members of the National Guard shall receive a leave of absence without loss of vacation leave, pay, time or efficiency rating, on all days during which they are engaged in training ordered under the provisions of the United States military or naval training regulations when assigned to active or inactive duty. In any one annual period, leaves of absence shall not exceed 240 working hours provided that leaves of absence for additional or longer periods of time for assignment to duty functions of a military character shall be granted without pay and without loss of time or efficiency rating.~~
- ~~2. Employees will notify their Department Head as soon as they are informed of military service dates. If employees receive written drill schedules for a period of time, they will send a copy of the schedule for all scheduled drill at one time. Department Heads will not require employees to request a leave for each drill.~~

providing schedules remain unchanged. a. The employee shall be required to submit a copy of orders or statement from the appropriate military commander as evidence of such duty to the Department Head. The orders or statement must be sent to the Village Manager at least ten (10) days in advance of scheduled date of departure for proper approval for military leave of absence.

3. Employees must submit a copy of their military orders immediately upon receipt of the orders. If an employee's military unit divides their two week annual training requirements into two or more time frames, this must be indicated with an attached cover memo.
4. Employees will not be required to, but may choose to use their accrued annual and holiday leave balance for military requirements once they have exhausted their paid military leave.

~~B. Military Leave for Active Duty (Actual Theater of Operations)~~

1. ~~US Army, Air Force, Navy, Marines, or Coast Guard members called to active duty by order of the President of the United States to participate or support an actual theater of operations (defined as the land, sea, or air area directly involved in war operations) will be granted up to 30 calendar day paid military leave. The 30 days of paid leave will be for time spent on active duty, in addition to the annual 240 hours of paid military training leave described above.~~
2. ~~Employees called to active duty by order of the President of the United States will give their Department Head as much information as possible, as soon as possible. Employees will forward a copy of the operational order, through their Department Head, to the Village Manager for review when the order is received.~~
3. ~~Air National Guard members activated by order of the Governor of Florida for humanitarian or civil unrest will be entitled to 30 calendar days of paid military leave, in addition to the annual 240 hours of paid military training leave described above. Employees will forward a copy of the activation order, through their Department Head, to the Village Manager for review when the order is received.~~
4. ~~Employees seeking to invoke military leave shall provide advance notice to the Village unless such notice is precluded by military necessity or otherwise impossible or unreasonable as interpreted under applicable law.~~
5. ~~Employees on military leave for periods of more than 30 days shall provide the Village with such documentation that can be used to establish the employee's basic eligibility for protection under the Uniformed Services Employment and Reemployment Rights Act of 1994. If the employee is unable to provide satisfactory documentation of military service in excess of 30 days, the Village reserves the right to contact the military unit with assistance from the employee to obtain such documentation.~~
6. ~~Military health coverage will be activated as soon as members are called to active duty by the President of the United States.~~
7. ~~To receive the Village insurance benefits after military benefits cease, employees must contact the Human Resources Director to request coverage during the unpaid military leave lag time between military coverage and returning to Village employment.~~
8.
9. Induction or Enlistment into Military Service: Any regular full time employee who enlists or is inducted into the armed services for active duty, shall be granted a military leave of absence without pay for the initial period of enlistment. All monies due the employee (i.e., sick, vacation, holiday time, etc.) shall be paid at the time of his/her leaving Village employment to enter active military service.

10. —

11. Health Insurance Benefits:

12. ~~Employees have the right to elect continued health insurance coverage for themselves and their dependents during periods of military service. For periods of unpaid leave of up to 30 days of training or military service, the Village will require employees to pay their share, if any, of the cost of the coverage.~~

13. ~~For longer periods of unpaid leave, the Village will charge employees the entire premium unless otherwise directed by the Village Manager.~~

14. —

15. Reinstatement from Military Service:

16. ~~Upon termination from active military service, an employee who wishes to return to Village employment shall be eligible for reinstatement or re-employment within one year after date of separation from the military service pursuant to Chapter 295, Florida Statutes. An employee requesting reinstatement with the Village shall submit to a medical examination to establish the fact that he/she is physically and mentally capable of performing the duties of his/her position.~~

17. ~~An employee returning to Village employment in his/her position shall start at the salary he/she would have received, including all adjustments, had he/she remained continuously in the service of the Village instead of entering the armed services. The period of military leave is not considered a break in employment.~~

18.1. ~~If the position vacated by an employee who entered the military service is reclassified or re-titled during his/her period of military service, such employee shall be entitled to be reinstated in the new or revised position, unless the employee is not capable of satisfactorily performing the duties of the position. If the former~~

~~position has been abolished or if he/she is incapable of satisfactorily performing the duties, the employee shall be entitled to reinstatement in a position as nearly comparable as possible in salary and duties to the position he/she vacated, providing vacancies exist.~~

9.3.10 Domestic Violence/Sexual Violence Leave

Eligible employees will be granted up to three (3) days of unpaid Domestic Violence/Sexual Violence Leave in any twelve (12) month period, measured forward from the first date domestic/sexual violence leave is used in accordance with Florida Statute § 741.313, as amended from time to time. The Village shall not discriminate against an employee for exercising rights under this policy.

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

Family or Household Member means spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as a family, and persons who are parents of a child in common regardless of whether they have been married. Except for 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 dwelling unit.

Eligible employees may be permitted to use the leave for:

1. Seeking an injunction for protection against domestic violence or an injunction for protection in cases of repeat violence, dating violence, or sexual violence;
2. Obtaining medical care or mental health counseling for the employee and/or family/household member to address physical or psychological injuries resulting from the domestic or sexual violence;
3. Obtaining services from a victim-services organization as a result of the act of domestic or sexual violence;
4. Making the employee's home secure from the perpetrator of domestic or sexual violence, or to seek new housing to escape the perpetrator;
5. Seeking legal assistance or to attend and prepare for court-related proceedings arising from the act 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 household member, an employee shall provide notice to Human Resources as soon as possible after the employee learns of the need for the leave. If the leave is foreseeable, such as Court dates, the employee must provide thirty (30) days' notice. The request for leave must be accompanied with sufficient documentation.

To be eligible for Domestic Violence/Sexual Violence Leave, an employee must have been employed by the Village for three (3) or more months. Domestic Violence/Sexual Violence Leave shall be granted if the employee or a family or household member of the employee is the victim of domestic/sexual violence and provides sufficient notice and documentation regarding same.

- An employee seeking leave under this section must, before receiving the leave, exhaust all paid leave available.

9.4 — Sick Leave Reimbursement:

9.4.1 ~~Purpose: The purpose of the annual sick leave reimbursement policy is to establish guidelines and criteria by which, eligible employees may submit to the Village a reimbursement request for certain levels of unused sick leave.~~

9.4.2 — Criteria:

- ~~A. This policy is applicable only to those employees not covered by a collective bargaining agreement.~~
- ~~B. In accordance with Section 9.2.4 "Sick Leave", an employee can earn one (1) day of sick leave for each month of employment. This is referred to as sick leave credits. In the defining and implementation of this policy, all remaining aspects of Section 9.2.4 remain in effect and take priority over this reimbursement policy.~~
- ~~C. When an employee accumulates four (4) years' worth of sick leave credits (i.e.~~

~~38448 hours/days), they will have achieved the minimum threshold base making them eligible for reimbursement.~~

~~D. Once the employee has reached the base, all hours accumulated above the base are eligible for reimbursement by the Village.~~

~~E. Reimbursement by the Village will be on a 50% basis whereby for every sick day credit above the base held by the employee the Village will reimburse one-half of that credit based on the employee's hourly wage rate.~~

~~F. The reimbursement will be strictly voluntary at the request of the employee. The employee can only submit a request once per year during the month of May. The Village will be obligated to reimburse the employee for its sick leave credit request no later than November 30 of each year. Where an employee is separated from employment for any reason after the reimbursement request has been made, but prior to payment of the reimbursement, any payout to the employee shall be payable in accordance with Section 9.3.2 H and not based on the unpaid reimbursement request.~~

~~G. Once the employee has received reimbursement for the credit above the base, the employee no longer possesses those sick leave credits, but loses thus losing them due to the reimbursement of the credit. The base is not applicable to an employee contributing to a sick leave pool as delineated in Section 9.2.4 E(10). If the employee contributes sick leave days to a pool, or uses sick leave days for illness which and results in their overall total days/hours of sick leave dropping below the base, they simply have to earn sick leave credits back until they meet the base to be eligible for reimbursement.~~

~~H. In the event an employee retires, dies, or voluntarily terminates from the employment of the Village, the employee shall receive payment for unused sick leave time equal to fifty percent (50%) of the unused accrued sick leave time, up to a maximum cap of thirty-sixty (30/60) days. Payment for deceased employees shall be remitted to the estate of the deceased. However, in the Village's sole discretion, payment may be made directly to the spouse, or if no spouse, to the child(ren) over 18 years of age, or if no children, to the employee's father or mother in accordance with Florida Statute 222.15, as amended from time to time.~~

9.4.3 Application:

~~A. The Finance Director will be responsible for establishing a reimbursement form and accounting for the base and other data necessary to financially administer this program in accordance with applicable wage and hour laws.~~

~~B. The employee will be required to sign a certificate/affidavit confirming that the reimbursement for the sick leave credits is final and will not be subject to the grievance process.~~

9.5 Unused Vacation Reimbursement:

9.5.1 Purpose: ~~The purpose of the annual vacation leave reimbursement program is to establish guidelines and criteria by which eligible employees may submit to the Village a reimbursement~~

request for certain levels of unused vacation.

9.5.2 Criteria:

- A. ~~This policy is applicable only to those employees not covered by a collective bargaining agreement.~~
- B. ~~In accordance with Section 9.2.1 B, regular full time employees can earn up to a certain number of days based on their length of service with the Village for purposes of vacation. In accordance with Section 9.2.1 B(5), the employee cannot accrue more than two years' worth of vacation time.~~
- C. ~~When an employee uses ten (10) days of vacation time (i.e. 80 hours) in the same year for which she/he requests reimbursement, she/he will have achieved the minimum threshold base for the reimbursement program.~~
- D. ~~Once the employee has reached the minimum threshold base, the employee will be eligible for reimbursement by the Village of any unused vacation days.~~
- E. ~~Reimbursement by the Village will be on a 100% (dollar for dollar basis) whereby for every unused vacation day above the ten days (80 hours), the employee will be reimbursed at his current hourly rate for each hour/day of unused vacation time.~~
- F. ~~The reimbursement will be voluntary at the written request of the employee. The employee can only submit a written request during the month of October, immediately following the fiscal year for which his request is made. The Village will be obligated to reimburse the employee for his annual vacation leave reimbursement request no later than the November 30 following the fiscal year for which his request is made. Where an employee voluntarily terminates, retires or dies after the reimbursement request has been made, but prior to payment of the reimbursement, any payout to the employee shall be payable in accordance with Section 9.2.1 B(5) and not based on the unpaid reimbursement request. Employees who are involuntarily terminated after the reimbursement request has been made, but prior to payment of the reimbursement, shall not be paid the reimbursement and are not eligible for payment under Section 9.2.1 B(5).~~
- G. ~~Once the employee has received reimbursement for the unused vacation time above the minimum threshold base, the employee no longer possesses those unused vacation days but loses thus losing them due to the reimbursement. Any time an employee's overall total days/hours of vacation time drops below the minimum threshold base, they become ineligible for reimbursement until such time as their minimum threshold base has been achieved.~~
- H. ~~The Finance Director will be responsible for establishing a reimbursement form and accounting for the base vacation days and other data necessary to financially administer this program.~~
- I. ~~The employee will be required to sign a certification/affidavit confirming that the reimbursement for the annual vacation leave days/hours is final and will not be subject to the grievance process.~~

~~J. The employee will be reimbursed at the hourly rate earned as of September 30 for the fiscal year for which application was made.~~

10.1 SAFETY POLICY

10.2 Purpose:

- A. State and federal laws, as well as the Village ~~of North Palm Beach~~'s policy, make the safety and health of our employees its top priority. Safety and health considerations must be a part of every operation, and every employee's responsibility at all levels. It is the intent of Village of North Palm Beach to comply with all laws concerning the operation of Village functions and the health and safety of our employees and the public.
- B. The safety program is organized in a committee system. The Village Manager shall appoint one appropriate individual to serve as Safety Coordinator over all safety efforts. The Safety Coordinator, however, is not responsible for line functions that are normally the responsibility of Department ~~Head~~Directors. It is expected that Department ~~Head~~Directors will complement the efforts of the Safety Coordinator assuring realistic efforts will be taken to reduce accidents, injuries and liability losses and to provide for the safety of the public. These efforts should be continuous and equal in importance to all other operational considerations.
- C. It is the objective of the Village ~~of North Palm Beach~~ to promote and operate a safety and health program that will reduce the number of injuries and illnesses to an absolute minimum, not merely in keeping with, but surpassing the best experience of similar operations by others. Our goal is to always strive to have zero accidents and injuries reported.

10.3 Policy:

- A. The Village ~~of North Palm Beach~~ is committed to providing employees with a safe and healthful workplace. It is the policy of this organization that employees report unsafe conditions and not perform work tasks if the work is considered unsafe. Employees must report all accidents, injuries, and unsafe conditions to their supervisors in writing. Failure to report an unsafe condition shall result in disciplinary action.
- B. Employee recommendations to improve safety and health conditions will be considered by the Safety Committee. Recommendations for safety improvements from the Safety Committee will be given top priority, as the correction of unsafe conditions is essential in maintaining a healthy work environment.
- C. Any employee who willfully or repeatedly violates workplace safety rules shall be subject to disciplinary action. This action may include verbal or written reprimands and may ultimately result in termination of employment.
- D. The primary responsibility for the coordination, implementation, and maintenance of our workplace safety program has been assigned to Village Safety Coordinator:
Name: ~~Mary Kay McGann~~Renee Govig Telephone: (561) 841-3358

Title: **Director of Human Resources-
Director and Risk Management**

Email: rgovig@village-npb.org

Field Code Changed

- E. Employees must notify their direct supervisor in writing of any unsafe conditions. Supervisors will be actively involved with employees in establishing and maintaining an effective Safety Program. Our Safety Committee, the Village Manager, or other members of our management team will participate with employees in ongoing safety and health program activities, which include:
1. Providing safety and health education and training; and
 2. Reviewing and updating workplace safety policies and procedures.
- F. This policy statement serves to express management's commitment to and involvement in providing our employees a safe and healthful workplace. This workplace safety program will be incorporated as the standard of practice for this organization. Compliance with the safety rules will be required of all employees as a condition of employment.

10.4 Prohibition Against Violence While On Duty or in the Workplace

Employees are prohibited from committing any act of workplace violence. All employees, customers, vendors and business associates must be treated with courtesy and respect at all times. Employees are expected to refrain from conduct that may be dangerous or threatening to others.

Conduct that threatens, intimidates or coerces another employee, customer, resident, vendor or business will not be tolerated. Village resources shall not be used to threaten, stalk or harass anyone at the workplace or outside the workplace. The Village treats threats coming from an abusive personal relationship as it does other forms of violence.

Workplace violence includes, but is not limited to: beating; stabbing, suicide, shooting, rape, attempted suicide, psychological trauma (e.g. threats, obscene phone calls, an intimidating presence, being followed, etc.). Examples of behaviors that are strictly prohibited include, but are not limited to:

- causing physical injury to another person;
- making threatening or intimidating remarks;
- aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
- intentionally damaging Village property or property of another employee;
- possession of a firearm or weapon in violation of the Village's Firearms or Weapons Policy in Section below; and
- committing acts motivated by, or related to, harassment or domestic violence.

The workplace includes any location, either permanent or temporary, where an employee performs any work-related duty. This includes, but is not limited to, the buildings and their surrounding perimeters, including the parking lots, field locations, all areas throughout the Village and traveling to and from work assignments during the workday.

Indirect or direct threats of violence, incidents of actual violence and suspicious individuals or activities must be reported immediately to the Human Resources Department or the Department Director. In certain instances, the employee may need to call 911 before contacting internal staff. When reporting a threat or incident of violence, the employee should be as specific and detailed as possible. Employees should not place themselves in peril, nor should they attempt to intercede during an incident.

Employees should promptly inform the Human Resources Department of any protective or restraining order that they have obtained that lists the workplace as a protected area. Employees are encouraged to report safety concerns with regard to domestic violence. The Village will not retaliate against employees making good-faith reports. The Village is committed to supporting victims of domestic violence by providing referrals to the Village's employee assistance program (EAP).

10.5 Firearms or Weapons:

The Village prohibits possession or display by any employee, of any weapon on Village property (including in one's desk, Village vehicle, rented or leased equipment or property, lockers, etc.). This includes, but is not limited to, any firearm, blunt instrument, brass knuckles, exploding devices, or any other object that can cause bodily injury, serious bodily injury, or death. This includes items such as cutting utensils, screwdrivers, pepper spray, and other tools may be considered deadly weapons when these objects are used in a violent, offensive, or threatening manner. Employees utilizing authorized tools or weapons in the course of their day-to-day job duties will not be subject to this policy, unless the tool is used in an inappropriate manner in violation of this policy.

The only exception to this rule applies to law enforcement personnel acting on behalf of the Village. All illegal items may be taken into custody and be given to law enforcement authorities.

This policy is interpreted in compliance with the "Preservation and Protection of the Right to Keep and Bear Arms in Motor Vehicles Act of 2008," Florida Statute Section 790.251, as amended from time to time.

10.410.6 Responsibilities:

A. Department ~~Head~~**Director**: The ~~Department~~ ~~h~~**Head**~~Director~~ shall be primarily responsible for the safe operation of ~~his or her~~the department. The ~~Department~~ ~~h~~**Head**~~Director~~ has regular contact with both first line supervisors and employees in general. The ~~Department~~ ~~H~~**head** must ensure the safety of each employee and the efficient operation of the departmental functions.

B. First Line Supervisor:

1. The first line supervisor has the primary responsibility for the implementation of definite safety policies established by the Village's management.
2. See that ~~the~~an injured employee receives appropriate care as rapidly as possible.
- ~~2.3.~~Promptly arrange for and transport employee to the drug testing facility where required under the Village's Drug Free Workplace policies.
- ~~3.4.~~Notify Human Resources Department immediately that an injury occurred.
- ~~4.5.~~Complete an Employee Injury Field Report and Accident Investigation Report~~First Report of Injury or Illness~~ immediately or as soon as possible following completion of Steps 2 and 3. Report forms are available on the intranet or from ~~in~~ Human Resources.
- ~~5.6.~~Route the completed First Report of Injury or Illness~~Employee Injury Field Report and Accident Investigation Report~~ forms to the Safety Coordinator (Human Resources Department) within twenty-four (24) hours of the accident (or at the start of the next business day if the accident occurs over a weekend or holiday).
- ~~6.7.~~Ensure that corrective measures are taken to prevent a recurrence of the

accident/injury.

C. Employees: Employees are expected to follow all safety procedures. This cooperation is needed to ensure the protection of all employees, Village equipment, Village buildings, and the general public. Employees are encouraged to detect and report to supervisors, any hazardous conditions, practices, and behaviors, and to make suggestions for their correction in writing. Should an injury occur the employee should:

1. Take immediate appropriate action to care for the injury, **any injury**.
2. Advise your supervisor immediately of any injury.
3. If medical attention by a physician is required, you must provide a signed release form from the physician prior to reporting back to work.
4. The release to return to duty form should be forwarded to the Human Resources Department.
5. It is your responsibility to keep your supervisor aware of pending follow-up doctor visits/treatments and the progress of your recovery.

D. If you are injured on the job, take the following actions:

1. If it **IS** a life threatening emergency, dial 911.
2. If it **IS NOT** a life threatening emergency, report the injury to your supervisor.
3. ~~In either situation, call 24 hours a day, 365 day a year 1-877-676-3890:~~
 - a) ~~To report the injury~~
 - b) ~~To receive first aid information~~
 - c) ~~To receive authorization for treatment~~

~~For injuries sustained during normal business hours, seek care at CONCENTRA, 4455 Medical Center Way, West Palm Beach, FL 33407, Phone: 561-881-0066, FAX: 561-881-5533~~
4. ~~3. For after hours and emergency care, an approved 24 hour a day provider is: PALM BEACH GARDENS MEDICAL CENTER, 3360 Burns Road, Palm Beach Gardens, FL 33410, Phone: 561-622-1411, FAX: 561-694-7236 Follow the instructions of a supervisor or Human Resources to promptly obtain treatment and evaluation.~~

10.510.7 **Safety Committee:**

A. Safety Committee Organization: A safety committee has been established to recommend improvements to our Safety Program and to identify corrective measures needed to eliminate or control recognized safety and health hazards. The safety committee consists of:

1. ~~the~~ the Safety Coordinator;
2. ~~at least one (1) representative appointed by the Department Head~~ Director from each of the following departments:
 - a) ~~Parks and Recreation~~ Leisure Services
 - b) Public Safety, and
 - c) Public Works;
3. ~~and up to two (2) alternates from the remaining departments:~~
 - a) Community Development
 - b) Country Club
 - c) Finance
 - d) ~~Library~~, and

e)d) Village Clerk

as recommended by the Safety Coordinator and approved by the Village Manager.

B. Responsibilities:

1. The Safety Committee shall determine the schedule for evaluating the effectiveness of control measures used to protect employees from safety and health hazards in the workplace.
2. The Safety Committee will be responsible for reviewing and updating workplace safety policies and procedures based on accident investigation findings, any inspection findings, employee reports of unsafe conditions or work practices, and accepting and addressing complaints and suggestions from employees.
3. The Safety Committee will be responsible for assisting management in updating the workplace safety program by ~~evaluating employee injury and accident records,~~ identifying trends and patterns, and formulating corrective measures to prevent recurrence.
4. The Safety Committee ~~will be responsible for~~ may be requested to assisting management in evaluating employee accident and illness prevention programs, and promoting safety and health awareness and coworker participation through continuous improvements to the Safety Program.

C. Communication: Within five (5) working days after each Safety Committee meeting, the Safety Coordinator shall communicate to the Village Manager in writing those issues determined by the Safety Committee to need further action. ~~(A sample memo is located at the end of this document).~~

D. Meetings: Safety Committee meetings shall be held at least quarterly. Meetings may be called as needed at the discretion of the Safety Coordinator. The Safety Coordinator will distribute the minutes of each meeting within one (1) week after the meeting.

E. Response: The Village Manager's response to any recommendation of the Safety Committee will be routed to the appropriate Department ~~Head~~Director(s) for response/action. The Department ~~Head~~Director shall note ~~his/her~~the actions taken and route the form to the Safety Coordinator for the appropriate record-keeping.

10.610.8 Safety and Health Training:

A. Safety and Health Orientation: Workplace safety and health orientation begins on the first day of initial employment or job transfer.

- ~~1. Upon initial employment or job transfer, employees are required to acknowledge by signature that they have received a copy of this policy and are bound by its contents as a condition of employment.~~
- ~~2. Each employee has access to a copy of this policy through his or her supervisor, for review and future reference.~~
- ~~3.1. A personal copy of the safety policies and procedures pertaining to his or her job will be provided if requested.~~ Supervisors will make themselves available to answer questions of employees and ensure knowledge and understanding of safety policies and job specific procedures described in this

policy.

- 4.2.** Supervisors will inform all employees that compliance with the safety policies and procedures described in this policy is required for continued employment with the Village.

B. Job-Specific Training:

1. Supervisors will carefully review with each employee the specific safety policies and procedures that are applicable ~~and that are described in this Policy.~~
2. Supervisors will give employees verbal instructions and specific directions on how to perform the work safely.
3. Supervisors will observe employees performing the work. If necessary, the supervisor will provide a demonstration using safe work practices, or remedial instruction to correct training deficiencies before an employee is permitted to do the work without supervision.
4. All employees will receive safe operating instructions on seldom-used or new equipment before using the equipment.
5. Supervisors will review safe work practices with employees before permitting the performance of new, non-routine, or specialized procedures.

- C. Periodic Retraining of Employees:** All employees will be retrained periodically on safety policies and procedures ~~and when changes are made to the workplace safety manual.~~ Individual employees will be retrained ~~after the occurrence of a work-related injury caused by an unsafe act or work practice and~~ when a supervisor observes an employee displaying unsafe acts, practices, or behaviors.

10.710.9 Procedures:

10.6.1 First-Aid Procedures:

A. Emergency Phone Numbers:

Police / Fire / Rescue	911 (561) 848-2525	Emergency Non-emergency
Poison Control	1-800-222-1222 (561) 650-6333	(national toll-free #) or (local center)
Safety Coordinator	(561) 841-3358	
HR Department	(561) 882-1155	

- B. Minor First-Aid Treatment:** First-aid kits are kept in every Village facility building (see your supervisor for specific locations) and in every Village vehicle and vessel. If you sustain an injury or are involved in an accident requiring minor first-aid treatment:

1. Inform your supervisor.
2. Administer first-aid treatment to the injury or wound.
3. Access to a first-aid kit is not intended to be a substitute for medical attention.
4. Provide details for the completion of the ~~Employee Injury Field-Report~~ First Report of Injury or Illness.

C. Non-Emergency Medical Treatment: For non-emergency work-related injuries requiring professional medical assistance, management must first authorize treatment. If you sustain an injury requiring treatment other than first-aid:

1. Inform your supervisor immediately.
2. Proceed to the medical facility designated by the Village. Your supervisor will arrange transportation if necessary.
3. Provide details for the completion of the First Report of Injury or Illness~~Employee Injury Field Report and Accident Investigation Report~~.

D. Emergency Medical Treatment: If you sustain a severe injury requiring emergency treatment:

1. Call for help (911-Fire Rescue) and seek assistance from a co-worker.
- ~~2. Use the emergency telephone numbers and instructions posted in your work area or in section 10.3 D above to request assistance and transportation to the local hospital emergency room.~~
- 3.2. Provide details for the completion of the First Report of Injury or Illness~~Employee Injury Field Report and Accident Investigation Report~~.

E. First-Aid and CPR Training: Each Certain employees, as designated by job description or by the Village, will receive training and instructions on first-aid procedures. Re-certification is required periodically.

~~F. First Aid Instructions: In all cases requiring emergency medical treatment, immediately call, or have a co-worker call, to request emergency medical assistance.~~

- ~~1. Wounds:
 - a. Minor: (cuts, lacerations, abrasions, or punctures) Wash the wound using soap and water; rinse it well. Cover the wound using clean dressing.
 - b. Major: (large, deep and bleeding) Stop the bleeding by pressing directly on the wound, using a bandage or cloth. Keep pressure on the wound until medical help arrives.~~
- ~~2. Broken Bones: Do not move the victim unless it is absolutely necessary. If the victim must be moved, "splint" the injured area. Use a board, cardboard, or rolled newspaper as a splint.~~
- ~~3. Burns:
 - a. Thermal: (Heat) Rinse the burned area without scrubbing it, and immerse it in cold water for a maximum of one (1) minute; do not use ice water. Blot the area dry and cover it using sterile gauze or a clean cloth.
 - b. Chemical: If the chemical is a dry substance, brush the chemical from skin surface prior to flushing; flush the exposed area with cool water for 15 to 20 minutes.~~
- ~~4. Eye Injury:
 - a. Small particles: Do not rub eyes. Use the corner of a soft clean cloth to draw particles out or hold eyelids open and flush the eyes continuously with water using an eye wash station.
 - b. Large or stuck particles: If a particle is stuck in the eye, do not~~

- attempt to remove it. Cover both eyes with bandage.
- ~~e. Chemical: Immediately irrigate the eyes and under the eyelids with water for 30 minutes.~~
- 5. Neck and Spine Injury: If the victim appears to have injured his or her neck or spine or is unable to move his or her arm or leg, do not attempt to move the victim unless it is absolutely necessary.
- 6. Heat Exhaustion: Loosen the victim's tight clothing. Give the victim sips of cool water. Make the victim lie down in a cooler place with the feet raised.

10.6.2 Accident Investigation Procedures:

10.6.310.6.2 Record-Keeping Procedures:

The Safety Coordinator will control and maintain all employee accident/injury records and Safety Committee records. All safety-related records are to be maintained as appropriate under Florida Statutes and include, but are not limited to:

- A. Safety committee agendas, minutes, and correspondence
- ~~B. Supervisor's Accident Investigation Reports and supplements~~
- ~~C.B. Workers' Compensation Notice of Injury Reports DWC 1, and~~
- ~~D.C. Bi-Weekly Log of Work Related Injuries and Illnesses.~~

10.7 Work Place Safety Policy and Procedures:

~~The safety policies and procedures contained on these pages have been prepared to protect you in your daily work. Employees are to follow these rules, review them often and use good common sense in carrying out assigned duties.~~

10.7.1 Office Safety:

- ~~A. Keep an eye open for loose or rough floor covering and report it to your supervisor.~~
- ~~B. Exercise caution when approaching a door that can be pushed open towards you.~~
- ~~C. Gently push doors open and slow down when coming to a blind corner.~~
- ~~D. Walking hastily between desks will result in bruises and falls. Slow down and pay attention to your movements.~~
- ~~E. Electrical cords should not be placed near foot traffic; however, if this is necessary, an approved cord cover must be utilized to minimize tripping hazards.~~
- ~~F. All file, desk, and table drawers shall be kept closed when not in use. Close drawers immediately after each use. Never open more than one file drawer at a time.~~
- ~~G. Overloading the top drawer of unsecured file cabinets is dangerous. If unfamiliar with the file cabinet, test the drawers and be careful not to pull them out too far if there is no locking device on them.~~
- ~~H. Furniture such as tables, desks, and chairs must be maintained in good condition and free of sharp corners, projected edges, wobbly legs, etc. Notify your supervisor immediately of any deficiencies.~~
- ~~I. It is a hazard to tilt chairs or use them improperly. Avoid using chairs as a stepping stool as they may fall over. Be sure the chair is behind you before you sit down.~~
- ~~J. Never use chairs, desks, or other furniture as a makeshift ladder. Always use a step ladder or safety step stool.~~
- ~~K. Message spindles should not be used unless a suitable blunt cover protects the point~~

and/or the point is bent at a horizontal angle.

~~L. Keep the blades of paper cutters closed when not in use. Keep fingers and hands clear of blades when operating the paper cutter.~~

~~M. Pencils are safest when carried point down in pockets.~~

~~N. Scissors, paper cutters, glass, and razor blades can cause painful injuries. Report such accidents at once to your supervisor and protect yourself from infection.~~

~~O. Keep paper clips, thumbtacks, and pins in a secure place so as not to cause any unnecessary wounds. Keep razor blades covered. Even a little scratch can get infected.~~

~~P. Be sure equipment is grounded and that the cord is in good condition. If a machine gives you a shock or starts smoking, UNPLUG IT, and immediately report it to your supervisor.~~

10.7.2 Computers:

~~A. In order to prevent repetitive eyestrain injuries make sure your monitor is directly in front of you, with the top of the screen at eye level.~~

~~B. Make sure your keyboard and mouse are low enough to allow you to relax your shoulders.~~

~~C. Never rest your wrists on the desk, wrist pad or armrests while you are typing or using a mouse to avoid strain on your wrist.~~

~~D. To avoid eyestrain or computer vision syndrome, experts advise that you take a 1 minute break every half hour when working on a computer. During the break, you should look away from the computer and focus on an object that is 15 feet or more away.~~

10.7.3 Housekeeping:

~~A. All work areas and storage facilities must be kept clean, neat and orderly. All aisles, stairways, passageways, exits, and access ways to buildings shall be kept free from obstructions at all times. All grease and water spills shall be removed from traffic areas at once.~~

~~B. Do not place supplies on top of lockers, hampers, boxes or other moveable containers at a height where they are not visible from the floor. Store heavy items below shoulder level.~~

~~C. When piling materials for storage, make sure the base is firm and level. Cross tie each layer. Keep piles level and not stacked too high. Keep aisles clean and with adequate space to work in them.~~

~~D. When storing materials suspended from racks or hooks, secure them from falling. Route any walk ways a safe distance from beneath the suspended materials.~~

~~E. When storing materials overhead on balconies, provide adequate toe boards to prevent objects from rolling over the edge.~~

~~F. Tools, equipment, machinery, and work areas are to be maintained in a clean and safe manner. Defects and unsafe conditions shall be reported to your supervisor immediately.~~

~~G. Return tools and equipment to their proper storage place when not in use.~~

~~H. Lay out extension cords, air hoses, water hoses, ladders, pipes, tools, etc. in such a way as to minimize tripping hazards or obstruction to traffic.~~

~~I. Clean up spills immediately to avoid slipping hazards. In the event the removal cannot be done immediately, the area must be appropriately guarded, signed, or roped off.~~

~~J. Nail points and tie wires must not be left exposed when packing and unpacking boxes, crates, and other storage packages. Nails are to be removed as soon as lumber is~~

disassembled.

~~K. Sharp or pointed objects should be stored as to prevent persons from coming in contact with the sharp edges or points. Place sharp objects into a sealed, labeled, sturdy container (i.e. cardboard box) prior to disposal.~~

~~L. All packing materials should be properly disposed of to prevent fires.~~

~~M. Wastebaskets are to be emptied into approved containers.~~

~~N. Oil and greasy rags shall be put into a designated metal container for that purpose.~~

~~O. Adequate lighting in obscure areas shall be secured for the protection of both employees and public. Notify your supervisor of areas with inadequate lighting.~~

10.7.4 Fire Prevention:

~~A. Fire equipment shall be prominently displayed, labeled for usage and kept clear for easy access at all times.~~

~~B. All employees should know the location and type of fire extinguishers and how to use them. After using an extinguisher, report its use immediately to your supervisor and/or the facility engineer, so a replacement may be obtained or the extinguisher recharged.~~

~~C. Different types of fires require different types of extinguishers. The following describes extinguisher ratings and how they should be used:~~

~~1. "A" rating fires involving wood, rubber, paper, cloth and plastics~~

~~2. "B" rating fires involving flammable liquids, gases and greases such as motor oil, paint thinner, gasoline, propane or natural gas.~~

~~3. "C" rating fires involving live electrical equipment; prevents possible severe electrical shock.~~

~~4. "D" rating fires involving metals such as sodium and magnesium.~~

~~D. Oily rags and other flammable wastes shall be kept in covered, metal containers. Such debris shall be removed as soon as possible and, in no case, shall be left unattended in a building overnight.~~

~~E. Cleaning solvents that have flammable properties shall be kept in approved safety containers. Each container shall be labeled as to its contents. Use of gasoline is prohibited for cleaning floors or any parts of buildings.~~

~~F. Gasoline used in small quantities in shops for fueling engines under repairs, being tested or adjusted, shall be handled and dispersed in the smaller (one gallon) approved metal safety containers. Containers must be labeled as to their contents.~~

~~G. The fueling of any type of motorized equipment while the engine is running is prohibited. When transferring flammable liquids, make sure the filler nozzle touches the equipment or can be filled in order to guard against the build up of static electrical charge.~~

~~H. Never fill a tank to its full capacity to allow room for expansion of the liquid.~~

~~I. No artificial light, except UL approved flashlights will be used near escaping gasoline or other flammable vapors, or when entering an enclosure suspected of containing gas.~~

~~J. Exits shall not be locked (chained or otherwise) from the inside.~~

~~K. All City/Village vehicles shall have a 2A513C, 2 1/2 lb. fire extinguisher securely mounted in a convenient location.~~

~~L. All fire extinguishers must be inspected and certified annually by an extinguisher company licensed by the State of Florida. Each department shall have a designated person to inspect fire extinguishers on a monthly basis. Discrepancies shall be reported to the supervisor who shall be responsible for obtaining a replacement unit.~~

10.7.5 Material Handling: Accidents can be avoided by taking time to plan aheadhead, using mechanical equipment whenever possible, and thinking about the proper way to do the

~~task and the proper tools to use while performing it.~~

4 STEP MANUAL LIFTING PROCESS

STEP 1 — Getting Ready

- ◆ ~~Size up the load. If it is too heavy or bulky, play it safe—get help.~~
- ◆ ~~Check the load over and remove any protruding materials such as nails, splinters, sharp edges, or anything that could cause you to lose your grip such as oil or grease.~~
- ◆ ~~Wear gloves if surface is rough.~~
- ◆ ~~Be sure the path you take is clear from any obstacles.~~

STEP 2 — Picking it up

- ◆ ~~Ensure firm footing and balance, and try to stand with feet about shoulder-width apart, grip load firmly.~~
- ◆ ~~If load is below waist, bend knees to get into position, keep your back straight, stomach muscles tight and lift slowly with your legs.~~
- ◆ ~~Lift object or load close to the body.~~

STEP 3 — Carrying it carefully

- ◆ ~~Be sure you can see where you are going; turn your body in the direction of your feet.~~
- ◆ ~~Use extra care in tight places as not to smash hands and fingers.~~

STEP 4 — Putting it down

- ◆ ~~If receiving surface is about waist high, use the surface edge to take part of the load, and then push it forward.~~
- ◆ ~~If you must lower the load to the floor or ground, bend your knees, keep back straight, stomach muscles tight, and again use your legs.~~

~~Employees who are issued a back belt should be sure to use it properly. Your supervisor will provide initial training at time of issuance and periodic retraining when necessary.~~

10.7.6 Personal Protective Equipment (PPE): ~~The variety of work operations performed by municipal employees involves potential industrial hazards. The tasks performed range from custodial services to heavy construction activities. Care should be taken by each employee to protect themselves and others from injury by following these general rules:~~

A. Clothing:

- ~~1. The wearing of loose, flowing, or ragged clothing on or near moving machinery or equipment is prohibited (i.e. long sleeves, shirt tails, etc.)~~
- ~~2. To avoid injuries, footwear should be in good condition. Wear appropriate footwear required for the work being done. If you have any doubts about the appropriate type of footwear necessary ask your supervisor.~~
- ~~3. Hair should be pulled back and secured on the head, so as not to get in the way, especially around moving equipment.~~
- ~~4. Gas and oil soaked clothes are a serious hazard. Keep clothes oil free.~~
- ~~5. Safety vests shall be worn at all times when working on the right-of-way, roadways, and areas of reduced visibility.~~

B. Head Protection: Hard hats shall be worn in the following situations:

1. All personnel working on a site involving construction.
2. All personnel working with high voltage electrical equipment.
3. All personnel engaged in tree trimming or cutting operations.
4. All personnel engaged in inspections or supervision of the above activities.
5. Supervisors may designate additional areas where hardhat usage is required, as the need arises.

C. Face and Eye Protection: Hazards involving the possibility of injuries to the face and eyes exist with both indoor and outdoor tasks. They range from dust, particles of steel, concrete, sand, and splashes from corrosives and liquid chemicals. Safety glasses, goggles, or face shields made of plastic or glass offer a vital protection when used properly. Dirty or scratched lenses may provide another hazard from reduced visibility and should be cleaned or replaced immediately.

D. All Village employees are expected to follow the below safety procedures regarding face and eye protection:

1. Safety goggles or safety glasses should be worn when:
 - a. Grinding, cutting, milling, or drilling with power tools.
 - b. Using impact wrenches, compressed air tools and pressure washers.
 - c. Chipping, scraping, or scaling paint, rust, carbon, or other materials.
 - d. Using punches, chisels, or other impact tools.
 - e. Cutting or breaking glass.
 - f. Chipping or breaking concrete.
 - g. Soldering.
 - h. Cleaning dirt from vehicles, machinery, etc.
 - i. Sand blasting or air cleaning operations.
 - j. Using power woodworking machinery, both fixed and portable.
 - k. Tree trimming, brush cutting or stump removal.
 - l. Using any lawn mowing equipment (mowers, blowers, edger's, etc). A full plastic face shield shall be worn when handling acids, caustics, and other harmful dusts, liquids, or gases.
2. A proper face shield with lens or welders' lens shall be worn at all times during metal cutting and welding operations. Warning signs shall be posted to warn others prior to any welding operations. Additionally, welding screens shall be used if available.
3. A face shield should always be used with other eye protection such as goggles or glasses.

E. Finger, Palm and Hand Protection:

1. Do not wear rings, metal, bracelets, and other jewelry when working around machinery. Jewelry increases the danger of electrical shock and can cause fingers or hands to be badly injured.
2. Gloves should be worn when handling hot, cold, abrasive, caustic, infectious, or any other hard to handle materials. Several types of gloves are available to employees; be sure to choose gloves appropriate for the task at hand.
3. Any allergic reactions or rashes thought to have been caused by gloves shall be reported at once.

F. Hand Tools: All employees are required to follow the safety procedures detailed below:

1. ~~Employees that are inexperienced in the use of a hand or power tool shall not use the tool unless properly trained and supervised.~~
2. ~~Select the right tool for the job.~~
3. ~~Sharpen and carry all cutting tools with the sharp edge down.~~
4. ~~Check the handles of all tools for tightness and splinters prior to use.~~
5. ~~Check the head of each tool, such as hammers, chisels, punches, etc. If the tool needs to be dressed, repair it prior to use or do not use it.~~
6. ~~Wear shatterproof glasses or goggles when using chisels, punches, and wedges.~~
7. ~~Use only properly insulated tools when working around electrical circuits or equipment.~~
8. ~~Avoid using metal measuring tapes, fabric containing woven metal strands, rope with wire cord, or other tools and equipment that have conductive properties while around energized electrical circuits or equipment.~~
9. ~~Return all tools to their proper place.~~

~~G. Power Tools and Equipment: Potential serious injuries can occur from the operation of both portable and stationary power tools. All employees who use power tools or equipment must first be trained and display adequate knowledge of safety operating procedures.~~

~~• General Safety Rules~~

- ~~○ All power tools should be visibly inspected for damage, prior to each use (i.e. cords, housings, blades, etc.).~~
- ~~○ Make sure all machine guards are in proper place prior to operation.~~
- ~~○ Install or repair equipment only if you are qualified. Unplug equipment prior to repairing or making adjustments.~~
- ~~○ Be sure equipment is properly grounded. Check all ground connections regularly for tightness.~~
- ~~○ Wear all proper protective equipment required for the job. ○ Unplug power cords by pulling on the plug, not the cord. ○ Work area should be clean, well lit, and dry.~~
- ~~○ Do not carry tools by the cord.~~
- ~~○ Always be aware of your surroundings. Stay alert and safe!~~

~~1. Portable Power Tools:~~

~~a. Saws:~~

- ~~1) Do not use dull or loose blades.~~
- ~~2) Do not overload the motor by pushing too hard or cutting material that is too heavy.~~
- ~~3) Before cutting, inspect the material to be cut for nails or foreign objects.~~
- ~~4) Be sure you have firm footing and balance.~~

~~b. Drills:~~

- ~~1) Select the correct drill bit for job and be sure that it is sharp.~~
- ~~2) Make sure the material being drilled is secured or clamped firmly.~~
- ~~3) Hold the drill firmly and at the correct angle. Don't force with all your strength.~~
- ~~4) Always remove the bit from the drill when work is complete.~~

~~c. Routers:~~

- ~~1) Never start the router when the cutting edge of the bit is in contact with the work.~~
- ~~2) Hold the router firmly, especially when starting.~~
- ~~3) When the cut is complete, turn off the motor. Do not lift the machine from the work until the motor has come to a complete stop.~~
- ~~4) Always keep router base flat on work surface.~~

~~d. Grinding Wheels:~~

- ~~1) Before use, make sure that wheels are firmly held on spindles and work rests are tight.~~
- ~~2) Stand to one side while starting motor, until operating speed is reached. This prevents injury if a defective wheel breaks apart.~~
- ~~3) Use light pressure when you start grinding, too much on a cold wheel may cause failure.~~

~~e. Portable Sanders:~~

- 1) ~~Arrange cord so that it will not be damaged by the abrasive belt.~~
 - 2) ~~Keep both hands on the tool to ensure good control.~~
 - 3) ~~Hold onto sander when you plug it in.~~
 - 4) ~~Clean dust and debris from motor and lubricate regularly.~~
2. ~~Stationary Power Tools~~
- a. ~~Table Saw:~~
 - 1) ~~Never reach over the saw to push stock that has been sawed.~~
 - 2) ~~Stand slightly to one side, never in line with the saw.~~
 - 3) ~~To avoid 'kickback' (the greatest hazard of running a table saw):~~
 - ~~Never use a dull blade.~~
 - ~~Do not cut 'freehand' or attempt to rip badly warped wood.~~
 - ~~Use splinter guard.~~
 - ~~Do not drop wood on an unguarded saw.~~
 - b. ~~Radial Arm Saw:~~
 - 1) ~~The saw and motor should always be returned to the rear of the table against the column after a cut is made.~~
 - 2) ~~If the motor slows while cutting, it means it is overloaded. It can also mean low voltage; bad blades or the material is being fed too fast.~~
 - 3) ~~Keep machine in good alignment and adjustment to prevent excessive vibration.~~
 - c. ~~Jig Saw:~~
 - 1) ~~Be sure blade is secured tightly.~~
 - 2) ~~Handle material being cut with both hands and keep fingers away from blade.~~
 - 3) ~~When making curved cuts, do not push stock into blade. Turn stock on the table until curve has been cut.~~
 - d. ~~Compressed Air:~~
 - 1) ~~The use of compressed air for cleaning purposes is prohibited.~~
 - 2) ~~Eye protection is required.~~
 - 3) ~~Be sure that the discharge end of air hose is securely fastened prior to turning compressed air into the hose.~~
 - 4) ~~Always maintain a secure hold on any air powered tool to prevent injury to the operator or anyone nearby.~~
3. ~~Grounds Maintenance Equipment~~
- a. ~~Mowers:~~
 - 1) ~~Wear employer prescribed Personal Protective Equipment (PPE), such as eye/face protection, gloves, and hearing protection during mowing operations.~~
 - 2) ~~Make sure all equipment is in good operating condition prior to use.~~
 - 3) ~~No mowing equipment will be left unattended with the motor running.~~
 - 4) ~~Visually inspect the area to be mowed. Remove or safely all mow around hazards.~~
 - 5) ~~If a cutting unit strikes a solid object or vibrates abnormally, stop immediately, turn off the engine, wait for all motion to stop and inspect for damage. Raise the cutting decks when driving from one area to another.~~
 - 6) ~~Do not run the engine in a confined area without adequate ventilation.~~

- ~~7) Bystanders should be warned by the operator of the danger of flying objects. Do not direct discharge towards bystanders.~~
- ~~8) Become familiar with the controls and know how to stop the engine quickly.~~
- ~~9) Keep all safety devices and decals in place, replace as needed.~~
- ~~10) Operator must keep feet and hands away from the undercarriage of the mower.~~
- ~~11) Check safety switches daily.~~
- ~~12) No mowing equipment shall be operated without the manufactured safety guards in place.~~
- ~~13) Do not touch engine, muffler, or exhaust pipe while engine is running.~~
- ~~14) Never refuel with engine running.~~
- ~~15) Use only approved gasoline containers.~~
- ~~16) Do not smoke while handling gasoline.~~
- ~~17) Do not use mowers in rainy weather.~~
- b. Chain Saws:
 - ~~1) When transporting a chain saw in a vehicle, keep the chain and the bar covered with a guard. Secure the chain saw to prevent fuel spillage and damage.~~
 - ~~2) When transporting a chain saw by hand, stop the engine, grip the saw handle, place the muffler at the side away from your body and position the guide bar to the rear.~~
 - ~~3) Always start a chain saw with a 10-inch or larger bar on the ground.~~
 - ~~4) Do not place a chain saw on your knee when starting it.~~
 - ~~5) Always use both hands to maintain control of the chain saw using only those grip locations specified by the manufacturer.~~
 - ~~6) When moving from tree to tree or cut to cut, activate the chain brake, remove your finger from the trigger and keep the bar away from your body.~~
 - ~~7) Do not operate a chain saw above your shoulder height.~~
 - ~~8) Do not set a saw down while the blade is engaged.~~
 - ~~9) Stop the engine and turn the switch to 'OFF' when the chain saw is to be left unattended or refueled. Do not overfill the fuel tank.~~
 - ~~10) Place cones and barricades in the area where you are performing chain saw operations.~~
 - ~~11) Choose an area for cut branches to fall before beginning work. Alert coworkers by yelling 'timber' to notify them of falling branches~~
 - ~~12) Disengage spark plug wire before attempting to remove jammed material from blade.~~
- e. Edgers:
 - ~~1) Do not start an edger if the blade is touching the ground.~~
 - ~~2) Operate the edger at full blade speed.~~
 - ~~3) When edging along roads, stay as close to the curb as possible.~~
 - ~~4) Wear your employer prescribed Personal Protective Equipment (PPE), such as eye/face protection, gloves, breathing filters, and hearing protection.~~
 - ~~5) Do not use the edger in rainy weather.~~

- 6) ~~Do not use the edger if it has loose or worn blades, belts, or other parts. If these conditions exist, tag the edger out of service and do not use it.~~
- 7) ~~Visually inspect the area to be edged for possible hazards.~~
- 8) ~~When working in close proximity to roadways, always wear a safety vest.~~
- d. ~~Line Trimming / Weed Eater / Brush Cutter:~~
 - 1) ~~Before refueling the trimmer, remove it from your harness, place it on the ground, and allow the engine to cool.~~
 - 2) ~~Wear employer-prescribed Personal Protection Equipment (PPE), such as eye/face protection, gloves, breathing filters, long pants and hearing protection.~~
 - 3) ~~Only use grip locations as specified by the manufacturer as a handhold when operating the unit; keep both hands on the unit during operations.~~
 - 4) ~~Visually inspect for and trim around hazards.~~
 - 5) ~~Do not perform trimming operations above 10 feet in height alone; a coworker must assist you.~~
 - 6) ~~When working in close proximity to roadways, always wear a safety vest.~~
- e. ~~Backpack Blowers:~~
 - 1) ~~Do not use the blower to clean yourself.~~
 - 2) ~~Do not direct the blower toward bystanders.~~

~~H. Electrical Hazards:~~

- 1. ~~In case of contact with live wires, do not touch the victim. Call 911 immediately.~~
- 2. ~~Where electrical equipment must be used in damp or wet locations, use low voltage equipment and wear rubber boots and gloves.~~
- 3. ~~Proper lockout/tagout procedures shall be followed when performing installation, repair, maintenance, modification, or any other adjustments to power equipment where unexpected energy surges or start up of the equipment could harm employees.~~
- 4. ~~Never attempt work in or near overheadhead lines, underground power lines or gas lines. Contact the appropriate personnel prior to any work being performed.~~
- 5. ~~In the event of a downed power line, stay away from the danger area, keep others away and contact emergency services or the appropriate personnel equipped to do the repair work.~~
- 6. ~~Control or fuse boxes should be kept closed at all times and should be labeled to indicate the areas or machinery they operate.~~
- 7. ~~Extension cords should not be run across aisles or through oil or water. Extension cords should not be bound tightly as they become damaged and dangerous. Cords should be inspected for kinks, worn insulation and exposed strands or wire before use. Dispose of and replace any cords exhibiting wear.~~
- 8. ~~When fuses blow continually, it is an indication of an overload or short. This condition should be reported to your supervisor immediately.~~
- 9. ~~Keep electrical equipment properly oiled and free of grease and dirt.~~

~~I. Public Utility Services: Line Locations:~~

- 1. ~~Public utilities are often installed in or near work sites. Because of this, good coordination between the utility companies and the Village is imperative. Contact with or damage to other utilities may affect the safety of the workers on the job, the safety of the general public, or may cause interruption of essential utility services. To avoid these problems,~~

~~line locations are required prior to any digging, trenching, overhead or underground operations. Whenever possible, the utility companies should be notified in time to schedule a walk-through of the work site to locate any utility at least 24-48 hours in advance.~~

- ~~2. Employees should be knowledgeable of the Uniform Color Code, as published by the Utility Location and Coordination Council. Do not proceed until clarification is received if any doubt exists as to the location of a utility.~~

~~3. A supervisor must follow the safety procedures detailed below BEFORE WORK IS STARTED:~~

- ~~a. Check plans to see if any utility services are located in or adjacent to the work.~~
- ~~b. Contact other utility agencies and coordinate line locations.~~
- ~~c. Make a personal inspection of the job site to identify what signs, post markers, overhead electrical lines, etc., may be seen and make this information known to all affected employees.~~
- ~~d. Have all utility agencies' emergency phone numbers at the job site area, so that an immediate report can be made if accidental contact is made.~~

~~4. IF ACCIDENTAL CONTACT IS MADE:~~

- ~~a. Call 911 for emergency medical/fire/rescue services.~~
- ~~b. Report incident to the affected utility service and to your supervisor.~~
- ~~c. Secure the area and re-route traffic, if necessary, until situation is cleared or until relieved by the proper authorities.~~

~~J. Ladders and Scaffolding: The following procedures will prevent accidents and possible injury relating to ladders and scaffolding:~~

~~1. Ladders:~~

- ~~a. Metal ladders shall not be used in the vicinity of electrical circuits.~~
- ~~b. Inspect for defects before using. Keep rungs clean and free of grease and oil.~~
- ~~c. Ladders should not be placed against a window sash.~~
- ~~d. Straight ladders form a triangle when placed against a wall or object for climbing. When properly placed, the bottom side of the triangle should be about one fourth as long as the vertical, (i.e. if the ladder is leaned against the wall eight feet high, the feet should be set two feet from the wall.)~~
- ~~e. When using a straight ladder, it should be long enough to extend at least three rungs above the level to which the user is climbing. Step ladders are not designed to be used as straight ladders.~~
- ~~f. If the bottom of a ladder is placed on an insecure surface, secure the ladder in a position by the use of hooks, ropes, spikes, cleats or other anti-slip devices, or by stationing an employee at the ladder base to hold it in position during use.~~
- ~~g. Never stand on the top step of a ladder to work.~~
- ~~h. Only one person should be on a ladder at a time.~~
- ~~i. If it is necessary to place a ladder near a door or where there is potential traffic, set up warning signals, or take other precautions to prevent accidental contacts which might upset the ladder.~~

~~2. Scaffolding:~~

- ~~a. Planks and other materials used in building scaffolding must be sound and free from knots. Keep planks in good condition with a spar varnish (never use paint on planks).~~
- ~~b. Planking should be adequately cleated; the scaffolding over ten feet high should have toe boards, mid-rails and handrails.~~

- e. ~~Be sure staging is on a sound base.~~
- d. ~~Loose tools on top of scaffolding are liable to fall and injure someone. Keep tools in a bucket or box secured on the scaffolding.~~

~~K. Working in Confined Spaces:~~

1. ~~The Occupational Safety and Health Administration (OSHA) confined space standard defines a confined space as a space that is large enough for an employee to enter, has restricted means of entry or exit, and is not designed for continuous employee occupancy. Examples of confined spaces are storage tanks and bins, ducts, tunnels, sewers, manholes and wet wells. The most common confined space areas for Village employees will be sewers, manholes and wet wells.~~
2. ~~Specific confined space hazards include physical hazards (mechanical equipment, temperature, sound, collapse, entrapment, etc.), oxygen deficiency (identified as the primary hazard), combustibility (fire and explosion), and toxic air contaminants. The presence of any one or combination of these hazards constitutes a Permit Required Confined Space (PRCS). Before entry into a PRCS, a written permit must be obtained according to the Confined Space Operating and Rescue Procedures Plan.~~
3. ~~General Safety Procedures:~~
 - a. ~~Before entering confined spaces, test for oxygen and explosive/toxic vapors and gases.~~
 - b. ~~Venting of hazardous atmospheres shall be accomplished before entering, whenever possible.~~
 - c. ~~Maintain adequate ventilation while working.~~
 - d. ~~When using portable blowers to ventilate, make sure the air intake will not pick up carbon monoxide fumes from the engine.~~
 - e. ~~Adequate respiratory equipment shall be available for use, if necessary, and all potential users shall be instructed in the proper use of such equipment.~~
 - f. ~~No employees shall enter a manhole sewer, tank, or other underground confined space without a safety belt or harness and an attached lifeline, tended by another employee at the point of entry.~~
 - g. ~~Use barricades and warning signs to protect pedestrian traffic and to alert vehicle traffic to the hazard when opening manholes in streets.~~
 - h. ~~Never allow exits to be blocked.~~
 - i. ~~Ladders shall be used when entering manholes, when there is any doubt about the safety of manhole steps.~~
 - j. ~~Only lights approved and provided by the Village shall be used in manholes on areas where explosive vapors or gases may exist.~~

~~L. Motor Vehicle and Mobile Equipment:~~

1. ~~Village vehicles are easily identified and, therefore, constitute a traveling advertisement seen by many citizens. We exercise an important influence upon good or bad public relations through our relationship with other motorists. By utilizing courteous, considerate, and safe driving habits, we shall build good public relations as well as avoid needless accidents.~~
2. ~~General Safety Procedures (Motor Vehicles):~~
 - a. ~~Employees will not ride in the back of a truck; they shall sit in seats constructed for that purpose.~~

- ~~b. All employees shall be responsible for a safety check EACH DAY of any vehicle or mobile equipment he/she is assigned to drive. Safety checks shall be documented on the appropriate form provided by the department.~~
 - ~~e. Supervisors shall be notified immediately of any necessary repairs needed.~~
 - ~~d. Position all adjustments for safe driving before starting vehicle (i.e., seat, mirrors, etc.).~~
 - ~~e. Drivers of Village vehicles must possess a valid Florida driver's license and they must be thoroughly familiar with state and local regulations governing motor vehicle operation.~~
 - ~~f. All slow moving equipment operated in public right of ways shall be equipped with a triangular shaped reflecting sign and flashing lights in accordance with Florida Motor Vehicle Code.~~
 - ~~g. Be sure all loads are secured prior to movement of vehicle.~~
 - ~~h. Never take drugs or strong medication before operating any vehicle. Remember that drugs, illnesses or extreme fatigue may affect your ability to judge distances, speed, and driving conditions.~~
 - ~~i. Supervisors are responsible for ensuring that employees are utilizing seat belts. Failure to utilize the seat belts may result in disciplinary action.~~
 - ~~j. No more than three (3) persons shall be permitted to ride in the front seat of any vehicle at one time.~~
 - ~~k. Never leave the vehicle unattended with the motor running.~~
 - ~~l. Stay within posted speed limits. Slow down when conditions warrant.~~
 - ~~m. Be particularly cautious and alert while driving around children.~~
 - ~~n. Do not assume the right of way.~~
 - ~~o. Avoid tailgating. Keep a safe distance behind other vehicles and slow down or stop to let tailgaters pass.~~
 - ~~p. Turn on low beam headheadlights during rainstorms and fog.~~
 - ~~q. When refueling, shut off motor and do not smoke.~~
- ~~3. Motor Vehicle Accident Procedures:~~
- ~~a. Obtain first aid or medical treatment, if required.~~
 - ~~b. Notify the Police Department of the jurisdiction where accident occurred immediately, and request an investigation at the scene. Notify Supervisor as soon as practical.~~
 - ~~e. Exchange names, driver's license numbers and vehicle numbers with the other persons involved. Offer no information regarding the responsibility for the accident or what should have been done to avoid the accident.~~
- ~~4. Aerial Platforms and Baskets:~~
- ~~a. Exercise extreme care when operating this type of equipment near overheadhead power lines.~~
 - ~~b. Only those employees who are trained and well versed in this type of equipment operation shall be allowed to perform these operations.~~
 - ~~e. Vehicle must remain parked while platform or basket is raised.~~
 - ~~d. When outriggers are part of the vehicle's equipment, use them.~~
 - ~~e. Strategically place appropriate warning devices to warn on coming traffic while working in or near roadways.~~

~~M. Working in the Public Right of Ways: Municipal employees are often required to work in or along public roads and right of ways, normally used for vehicle or pedestrian traffic to repair utility services, or perform tree trimming, or landscaping tasks, and other maintenance activities. It is desirable that, whenever possible, some continued flow of traffic be maintained with the least possible interference with normal traffic patterns. The following are general guidelines to be followed when working in these situations:~~

- ~~1. Notify all appropriate agencies prior to partial or full closure of a road as necessary.~~
- ~~2. Wear employer prescribed Personal Protective Equipment (PPE) such as a safety vest, hard hat, safety shoes, gloves, etc.~~
- ~~3. Individuals working in roadways and right of ways must be properly trained in current traffic control practices and~~
- ~~4. The Traffic Control and Work Zone Safety Plan shall serve as the standard for all related activities and should be referred to often.~~

~~N. Chemical Hazards:~~

~~1. General Safety Policies:~~

- ~~a. Never eat, drink, or smoke around chemicals in the work area.~~
- ~~b. Keep flammable and explosive material away from any heat sources.~~
- ~~c. Make sure there is enough ventilation in the work area. If you feel the slightest amount of dizziness or nausea, report the incident immediately to your supervisor.~~
- ~~d. Use the proper personal protective equipment. This may include gloves, safety glasses, masks, respirators, and work clothes depending on the type of chemicals you are using.~~
- ~~e. Know how to properly dispose of all contaminated materials.~~
- ~~f. Always use established procedures for handling, storing or transporting hazardous chemicals.~~

~~2. Special care should be taken when mixing chemicals or loading chemical application devices as most injuries occur at that time.~~

APPROVED



**Jimmy Knight-
Village Manager**

~~10.6.2 **Vehicle Crash/Incident Investigation Procedures:** Public Safety will be notified and respond to the location where the crash/incident occurred and will conduct (or in cases of conflict refer) an investigation. The involved staff member's supervisor will also be notified and respond to ensure completion of internal documents that may be required. The Department Head is responsible for seeing that the crash investigation reports and internal documents are completed, and routed to the Human~~

~~Resources/Risk Management Department within twenty four (24) hours of the crash/incident. Supervisors will be responsible for their respective administrative investigation of all accidents, injuries and occupational issues in their division using the following investigation procedures:~~

- ~~A. Implement temporary control measures to prevent any further injuries to employees.~~
- ~~B. Review the equipment, operations and processes to gain an understanding of the accident situation.~~
- ~~C. Identify and interview each witness and any other person who might provide clues to the accident's cause.~~
- ~~D. Investigate causal conditions and unsafe acts; make conclusions based on existing facts.~~
- ~~E. Complete the internal crash/incident Investigation Report.~~
- ~~F. Provide recommendations for corrective actions.~~
- ~~G. Indicate the need for additional or remedial safety training. A crash/incident investigation is an analysis of the crash/incident to determine causes that can be controlled or eliminated.~~
- ~~H. Crash Review: A Safety Committee will be established by the Village Manager and will be responsible for the review of all vehicular crashes and vehicle incidents involving Village personnel and Village vehicles.~~
 - ~~1. Definition: A preventable crash is defined as any traffic crash or traffic incident involving property damage or physical injury that may be avoided with applicable action by the employee.~~
 - ~~2. Procedure:~~
 - ~~a. The Board is appointed by the Village Manager and will consist of members from the following departments as follows:~~
 - ~~Village Manager, Chairperson~~
 - ~~Human Resources, Risk Management~~
 - ~~Police~~
 - ~~Fire~~
 - ~~Fleet/Public Works~~
 - ~~Parks & Recreation~~
 - ~~Country Club~~
 - ~~Community Development~~
 - ~~Library~~
 - ~~b. The Safety Committee will make a determination if the crash being reviewed was preventable. Decisions of the Safety Committee will be by majority vote. The decision of the Safety Committee will not be contingent upon a chargeable offense or upon the finding of a court hearing on such charges.~~
 - ~~c. The Safety Committee will conduct an administrative investigation to determine whether there was any violation of Florida State Statutes, Village Directives, or Department Directives. The Safety Committee may make recommendations for policy modifications, safety improvements and/or training. The Safety Committee may make other determinations as~~

- requested and/or directed by the Public Safety Director.
- d. ~~The Safety Committee will convene within thirty (30) days of the traffic collision or incident at a time and place determined by the Safety Committee Chairperson. The involved employee will be notified and may elect to appear before the Safety Committee to answer any questions or discuss the crash. Upon conclusion of the review, the Board will render a finding.~~
 - e. ~~The Risk Manager (Human Resources Director) is required to submit a written report to the Village Manager. After the report is reviewed by the Manager, the appropriate disciplinary or corrective action will be recommended and forwarded to the Department Director/Head for final determination. The Safety Committee is a fact-finding body and may NOT recommend disciplinary action. This process will be concluded within 45 days of the date of incident unless articulated extenuating circumstances require an extension (with approval of the Village Manager).~~
3. Documentation: ~~The following applicable documentation will be completed for traffic crashes/incidents involving employees driving department owned or leased vehicles:~~
- a. ~~Damaged Equipment Form (completed by Supervisor).~~
 - b. ~~Memorandum(s) completed by each involved staff member.~~
 - c. ~~Applicable Florida Traffic Crash Reports (HSMV 90003, 90004, 90005)~~
 - d. ~~Traffic crash photographs~~
 - e. ~~Fleet Maintenance documentation noting any alleged mechanical defects with the department owned or leased vehicle.~~
4. Discipline: ~~Discipline will be determined based upon the findings of culpability by the Safety Committee and the Village Manager's application of the below matrix and any other applicable directives. The following discipline pertains to crashes/incidents deemed preventable. Action is cumulative for all crashes/incidents occurring within the preceding three-year period.~~
- a. ~~Upon approval of findings and recommendations, the appropriate department Director/Head will notify the driver in writing of the imposed discipline or corrective action.~~
 - b. ~~Drivers notified of a preventable crash and associated discipline may appeal the findings using the discipline appeal process established by collective bargaining agreements and Village directives.~~
 - c. ~~All Preventable crashes will require an appropriate driver improvement program.~~
 - d. ~~Driver improvement programs, Counseling Reports, and temporary loss of vehicle assignment privileges are not considered discipline.~~
 - e. ~~Employees found violating traffic laws may be issued citations and assigned duties which prevent them from using Village vehicles for a time period specified by their Director. This action is not subject to the appeal process.~~
 - f. ~~Employees failing to report a crash will be subject to appropriate disciplinary action.~~
5. Traffic crash/incident severity definitions:
- a. ~~A minor crash/incident is one caused by slight negligence or carelessness, which does not have the potential for serious injury and does not involve significant cost to repair. (Example: Improper backing at slow speeds and striking a sign pole; slow motion forward and bumping another car).~~

- b. ~~A more serious/clear-cut violation is a crash/incident caused by greater negligence or carelessness and which has a potential for serious injury or significant cost to repair. (Example: a crash caused by unreasonable speed above the posted limit; a crash caused by improper passing; or a crash caused by obvious violation of right of way.~~
- c. ~~An extreme/complete disregard violation is a crash/incident caused by reckless or irresponsible vehicle operation with gross disregard for the safety of persons or property, or which results in personal injury and/or substantial cost to repair.~~

~~Traffic Crash/Incident Review Recommended Disciplinary Guidelines~~

Severity of Crash	First Offense	Second Offense	Third Offense
Minor	Letter of Counseling and Driver Training	Written Reprimand and <u>Driver Training</u>	One Day Suspension up to Dismissal and Driver Training
More Serious/ Clear-Cut	Written Reprimand and Driver Training	One Day Suspension up to Dismissal and Driver Training	Five Day Suspension up to Dismissal and Driver Training
Extreme/ Complete Disregard	One Day Suspension up to Dismissal and Driver Training	Five Day Suspension up to Dismissal and Driver Training	Ten Day Suspension up to Dismissal and Driver Training

APPROVED



**Ed Green-
Village-
Manager**

10.2 DRUG AND ALCOHOL-FREE WORKPLACE

10.2.1 Purpose and Scope:

- A. The Village ~~of North Palm Beach~~ hereby affirms its commitment to maintaining a drug-free workplace. The term "drug-free" includes "alcohol-free."
- B. This policy is intended to:
- ~~1.~~ Promote the goal of drug and alcohol-free workplaces within the Village through fair and reasonable drug testing methods for the protection of the Village employees and the Village.
 - ~~2.~~ For purposes of this policy only, volunteers are considered "employees" covered by this program.
 - ~~3.~~ Encourage ~~the Village to provide~~ employees who have drug use problems ~~with an opportunity~~ to participate in an employee assistance program or an alcohol and drug rehabilitation program.
 - ~~4.~~ Provide for confidentiality of testing results.
- C. ~~The established drug-free workplace~~ This policy implements the provisions of Fla. Stat. §§ 440.101 and 440.102 ~~and rules of the Agency for Health Care Administration (the Drug-Free Workplace Standards set forth in Fla. Admin. Code rules 59A-24.003-59A-24.008)~~ and the provisions of the current employee collective bargaining agreements.
- ~~1. At least one time prior to~~ Before testing is initiated under this Policy, each current employee; and job applicant or volunteer applicant (for mandatory testing or special risk positions); ~~and volunteer will be~~ provided a copy of a policy statement/notice, ~~which is incorporated in this policy by reference~~ in compliance with Fla. Stat. § 440.102(3)(a).
 - ~~2. Pursuant to Fla. Stat. § 440.102(3)(b), there will be~~ the Village will provide a 60-day period between the notice to employees; and job applicants, and volunteers that a drug-testing program was being implemented, and the beginning of actual drug testing. ~~For good measure, the Village will issue a second notice to employees during that 60-day period.~~
 - ~~3. This Policy shall apply to all Village employees and job applicants and volunteers (for mandatory testing or special risk positions), and volunteers, as defined in section 10.2.2 below. A separate policy for DOT covered CDL drivers follows. DOT covered CDL drivers are subject to both policies. except those subject to the standards and procedures contained under 49 C.F.R. part 40 that requires separate drug tests. All job applicants, including volunteers, (for mandatory testing and special risk positions) will be provided a copy of a drug-free workplace notice with a conditional offer of employment and all volunteers will be provided a copy of the notice before any volunteer activities are performed. Each employee-individual will sign an acknowledgment of receipt and understanding of the drug-free workplace policy statement/notice, and that acknowledgment will be retained in the employee's personnel file. Copies of a drug-free workplace notice shall be~~

Commented [U7]: It is my opinion that we could test volunteer applicants who are providing services that would be considered "mandatory testing" or "special risk" if it were a paid position. This is because the workers' compensation statute considers local government volunteers as employees for coverage purposes.

posted in prominent locations in Village buildings and are also available in Human Resources.

- D. Through the establishment of a standard drug-testing program, all employees, and job applicants or volunteers (for mandatory testing and special risk positions), ~~and volunteers~~ shall be subject to drug testing as a condition of employment ~~or may be a condition of commencing volunteer activities~~ under the terms and circumstances described in this policy. Employees who violate this policy shall be subject to disciplinary action, up to and including termination of employment, consistent with the applicable collective-bargaining agreement, if any. Job applicants or volunteers (for mandatory testing and special risk positions) who violate this policy will not be hired or provided volunteer duties or assignments; ~~and volunteers who violate this policy will not be allowed to perform further volunteer service.~~

E. It is a violation of this policy for any employee or volunteer to (while on duty, on Village property, or using Village equipment or vehicles):

1. Possess, sell, trade, or offer for sale, or purchase prohibited drugs or otherwise engage in the use of prohibited drugs or alcohol;
2. Report to work or volunteer service under the influence of prohibited drugs or alcohol;
3. Use prescription drugs prescribed for another individual or in excess of the prescribed dosage;
4. Report to work under the influence of lawfully prescribed drugs that interfere with workplace safety or performance;
5. Unlawfully manufacture, distribute, dispense, possess, or use controlled substances or alcohol in the workplace;

~~E.F. Prohibited under this policy is the unlawful manufacture, distribution, dispensation, possession, or use of drugs (including alcohol or controlled substances), as defined by Fla. Stat. Chapter 893, on Village property or vehicles or while on duty. The only exception to the foregoing prohibitions is The only exception being off-the-job duty alcohol purchase and consumption use by non Food & Beverage Division employees at the lawfully utilizing the Village's restaurant and/or golf services as defined by Section 10.2.4.B of this policy, "Off the Job."~~

~~Reporting for duty or remaining on duty under the influence of drugs (alcohol or a controlled substance) is prohibited, except when the use of a controlled substance is pursuant to the prescribed instructions of a licensed medical practitioner who has advised the individual that the substance will not adversely affect the individual's ability to safely perform all assigned duties.~~

F.G. Off-the-job use or involvement with illegal drugs, alcohol, or other controlled substances may also subject an employee to disciplinary action under applicable Village policies and/or the applicable collective-bargaining agreement, if any.

G.H. Through the implementation of this policy, the Village intends to comply with

and be subject to current and future requirements contained in the Drug-Free Workplace Act of 1988 and Fla. Stat. §§ 440.101 and 440.102 ~~and 49 C.F.R. part 40 as it applies to employees special risk, mandatory testing, and other in safety sensitive positions.~~

10.2.2 Definitions: For the purpose of this Policy, the following terms shall be defined as indicated:

- A. **Alcohol** - Any beverage, prescription, over-the-counter medication, or other product containing any form of alcohol, including, but not limited to, ethanol, methanol, propanol, and isopropanol.
- B. **Alcohol Use** - The drinking, ~~or~~ swallowing, or ingesting of any beverage, liquid mixture, or preparation (including any medication) containing alcohol.
- C. **Alcohol Test** - Analysis of a blood sample to determine the blood alcohol level (BAL), as distinguished from the more general term "drug test."
- D. **Blood Alcohol Level** - The alcohol level as expressed in terms of milligrams of alcohol per 100 milliliters of blood; "0.04" indicates four tenths of a percent of the blood serum in the sample is alcohol. Blood samples will be used for both initial and confirmation testing for BAL under this Policy.
- E. **Chain of Custody** - The procedure used to account for the integrity of each urine specimen by tracking its handling and storage from point of specimen collection to final disposition for all specimens by an appropriate drug testing custody form that documents custody of the specimen from collection to receipt by the laboratory and handling of the sample or sample aliquots (a portion of a specimen used for testing) within the laboratory.
- ~~F. **Confirmation Test, Confirmed Test, or Confirmed Drug Test for Alcohol** - A second test (following an initial alcohol test with a result of four one hundredths BAL (0.04) or greater) that provides specific quantitative data for alcohol.~~
- ~~G.F. **Confirmation Test for Drugs (Other than Alcohol)** - A second analytical procedure, following an initial drug test, used to confirm the presence of a specified drug, including alcohol, or metabolite in a specimen through a different technique and chemical principle from that of the screen test to ensure specificity, sensitivity, reliability, and quantitative accuracy. Gas chromatography/mass spectrometry ("GC/MS") is the only authorized confirmation test for cocaine, marijuana, opiates, amphetamines, and phenylelidine.~~
- ~~H.G. **Confirmed Test or Confirmed Drug Test** - A screening result confirmed by a second analytical procedure used to confirm the presence of a specified drug or metabolite in a specimen through a different technique and chemical principle from that of the screen test to ensure specificity, sensitivity, reliability, and quantitative accuracy. Gas chromatography/mass spectrometry ("GC/MS") is the authorized confirmation test for cocaine, marijuana, opiates, amphetamines, and phenylelidine.~~
- I.H. **Drug Rehabilitation Program** - A service vendor that provides confidential, timely, and expert identification, assessment, and resolution of employee drug abuse, including but not limited to through the Village's Employee Assistance Program ("EAP").
- J.I. **Drug Test** - A chemical, biological, or physical instrumental analysis, administered by

a laboratory certified by the United States Department of Health and Human Services or licensed by the Florida Agency for Health Care Administration, for the purpose of determining the presence or absence of a drug (including alcohol) or its metabolites. The Village shall pay for all drug tests, initial and confirmation, that it requires of employees. Employees must pay for any additional tests not required by the Village. A urine sample will be used for the initial and confirmation tests for all drugs and substances (except alcohol, for which blood samples are used).

K.J. Drug (hereinafter, Drugs or Controlled Substance(s)) - Alcohol, including a distilled spirit, wine, a malt beverage, or an intoxicating liquor; an amphetamine; a cannabinoid; cocaine; phencyclidine (PCP); a hallucinogen; methaqualone; an opiate or narcotic; a barbiturate; a benzodiazepine; a synthetic narcotic; a designer drug; or a metabolite of any of the substances listed in this subsection. The Village may test an individual for any or all such drugs. Please note that marijuana, even if prescribed for a medical purpose and even if deemed lawful by some states for other purposes, remains an illegal controlled substance under federal law. As such, the Village strictly prohibits the use of marijuana for any purpose.

L.K. Employee - The term "employee" means any person who works for the Village for salary, wages, or other remuneration.

M.L. Employee Assistance Program ("EAP") - An established program ~~capable of providing expert assessment of an employee's personal concerns; confidential and timely identification services for employee drug or alcohol abuse; referrals of employees for appropriate diagnosis, treatment, and assistance; and follow-up services for employees who participate in the program or require monitoring after returning to work for employee assessment, counseling, and referral to an alcohol and drug rehabilitation program.~~

N. First Offense - An initial violation of this drug-free workplace policy whether it involves drugs or alcohol.

O.M. Fitness for Duty - As Fla. Stat. § 440.101(2) requires that "an employee [shall] refrain from reporting to work or working with the presence of drugs or alcohol in his or her system/body," for purpose of this policy "fitness for duty" means being in a mental and physical condition appropriate for work, including but not limited to being sober/not having drugs or alcohol in the employee's system in excess of the testing limits in accordance with this policy. The term also applies to job applicants (meaning fitness to begin working for the Village) for mandatory testing or special risk and volunteers (fitness to continue-begin serving in volunteer functions that constitute duties of mandatory testing or special risk positions).

P.N. Initial Drug Test - A sensitive, rapid, and reliable procedure to identify negative and presumptive positive specimens, using a scientifically-accepted method approved by the U.S. FDA or the Florida Agency for Health Care Administration.

Q.O. Job Applicant - Any individual who has applied for a mandatory testing or special risk position with the Village and has been offered employment conditioned upon successfully passing a drug test, and may have begun work pending the results of the drug test; ~~refers only to persons who have applied for special risk or safety-sensitive mandatory testing positions.~~

P. Mandatory Testing Position - A position that requires the employee to carry a firearm.

perform life-threatening procedures, work with heavy or dangerous machinery, work as a safety inspector, work with children, work with detainees in the correctional system, work with confidential information or documents pertaining to criminal investigators, or work with controlled substances, or a position in which a momentary lapse in attention could result in injury or death to another person.

R.Q. **Medical Review Officer (MRO)** - A licensed physician, employed with or contracted by the Village, who has knowledge of substance abuse disorders, laboratory testing procedures, and chain of custody collection procedures; who verifies positive, confirmed test results; and who has the necessary medical training to interpret and evaluate an employee's positive test result in relation to the employee's medical history or any other relevant biomedical information.

S.R. **Positive Breath Test** - A test showing a concentration of four one-hundredths (0.04) BAC or above.

T.S. **Reasonable-Suspicion Drug Testing** - Drug testing based on a belief that an employee, or job applicant (for mandatory testing or special risk positions), or volunteer is using or has used drugs in violation of this policy, drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience.

U.T. **Screening Test (also known as an Initial Test or Initial Drug Test)** - In alcohol testing, an analytical procedure to determine whether an employee, or job applicant (for mandatory testing or special risk positions), or volunteer may have a prohibited concentration of alcohol in his/her system. In controlled substance testing, an immunoassay screen to eliminate "negative" urine specimens from further consideration.

~~Second Offense~~ - Any violation of this drug-free workplace policy (whether by alcohol or other drugs) following the initial violation, whether either violation involves alcohol or other drugs, constitutes the second offense. **Special Risk Position** - a position that is required to be filled by a person who is certified under chapter 633 (firefighter) or chapter 943 (law enforcement).

~~V. Specimen~~ - Tissue, hair, or a product of the human body capable of revealing the presence of drugs or their metabolites, as approved by the U.S. FDA or the Florida Agency for Health Care Administration.

~~W.U. Substance Abuse Professional ("SAP")~~ - A person with knowledge of and clinical experience in the diagnosis and treatment of drug-related disorders who evaluates employees and makes recommendations concerning education, treatment, follow-up testing, and aftercare.

Volunteer - An individual who offers services to the Village without remuneration but who is covered by the Village's workers' compensation program.

10.2.3 Notice of Conviction: An employee convicted of a violation of any criminal drug statute ~~for conduct that occurred on Village property~~ shall notify the Human Resources ~~office~~ **Department** as soon as possible, but no later than within 48 hours ~~five (5) working days~~ after the conviction.

10.2.4 Prohibited Conduct: The following types of conduct are expressly prohibited for all employees ~~and job applicants~~, and volunteers and shall result in disciplinary action up to and including termination of employment (or termination of volunteer services), consistent with the applicable collective-bargaining agreement, if any.

- A. **On-Duty** - No employee or job; applicant, or volunteer shall use drugs, including alcohol, while performing their duties. The manufacture, distribution, dispensation, possession, ~~or use~~ or being under the influence of drugs (including alcohol) on Village property or while on duty is prohibited, ~~except as otherwise permitted in this policy under medical prescription.~~
- B. **Off-the-Job** - Off-the-job use or involvement with illegal drugs, abuse of lawfully prescribed medications, alcohol abuse, or other controlled substances may subject an employee to disciplinary action under applicable Village Policies and the applicable collective-bargaining agreement, if any. ~~The personal possession or use of drugs (including alcohol) by employees of the Food & Beverage Division of the Country Club Department is prohibited on Village property while on or off duty and in a Village-issued uniform (whether on or off duty), except as otherwise permitted in this policy under medical prescription, or when off duty in attendance at a Village-sponsored and sanctioned event (i.e. employee holiday party).~~ The personal possession or use of drugs (including alcohol) by ~~all other~~ Village employees is prohibited on Village property while on or off duty during normal business hours and in a Village-issued uniform (whether on or off-duty), except as otherwise permitted in this policy ~~under medical prescription.~~ The only exception to the foregoing is off-the-job alcohol purchase and consumption by employees not wearing a Village uniform who are lawfully utilizing the Village's restaurant and/or golf services.
- C. **Controlled Substance(s)/ Drug/Alcohol Use or Abuse** - No employee or volunteer shall report for duty or remain on duty while under the influence of, or impaired by, drugs (including alcohol) as may be shown by the behavioral, speech, or performance indications of use or abuse or any controlled substance ~~except when the use is pursuant to prescribed instructions of a licensed medical practitioner who has advised the individual that the substance will not adversely affect the individual's ability to safely perform all work duties, or by positive confirmed drug test.~~ As a condition of employment, employees are required to remain away from the place of duty and off Village property if under the influence of drugs.
- D. **Alcohol Concentration** - No employee shall report for duty or remain on duty while having a blood alcohol concentration of four one-hundredths (0.04) or more.
- E. **Use Following an Accident** - No employee or volunteer involved in an on-the-job vehicular or other work-related accident shall use alcohol for eight (8) hours following the accident, or until after undergoing a post-accident alcohol test, whichever occurs first.
- F. **Refusal to Submit to a Required Drug Test** - Following a determination of reasonable suspicion, an on-the-job vehicular or other work-related accident, no employee shall refuse to submit to a post-accident drug (alcohol or controlled substances) test; nor shall an employee refuse to submit to a reasonable suspicion drug test, a fitness for duty drug test, or a follow-up drug test. Job applicants shall not refuse the pre-employment drug test. Failure to complete and sign testing consent and release form(s), to provide an adequate specimen, or other failure to cooperate with the testing process in a way that prevents the completion of the test shall be considered a refusal to test and shall be deemed a positive test result. Any attempt to adulterate a specimen or provide a specimen that is adulterated shall also be considered a refusal to test and will be deemed a positive test result. Any obstruction to and lack of cooperation with the

testing process shall be considered a refusal to test and deemed a positive test result.

- G. **Testing Positive** - No employee or volunteer shall report for duty or remain on duty after testing positive for alcohol or other drugs, unless and until cleared to return. While waiting for clearance, the employee shall be placed in a non-duty status. From the time the test is confirmed positive, the non-duty status shall be unpaid; but the employee shall be given the option of using any accumulated ~~annual-vacation or compensatory time~~ leave ~~credits~~ before the leave is ordered to be without pay (unless the employee is incarcerated, in which case ~~annual-vacation or compensatory~~ leave is not ~~available as an option~~), and the Village will restore the leave hours taken (or the unpaid wages if leave hours were not used) if an appeal shows the confirmed positive test was due to another reason ~~such as prescription or nonprescription medication lawfully taken~~ acceptable to the Village.

10.2.5 Testing Procedures: All drug testing will be conducted by a Village designated laboratory that is licensed and approved by the Agency for Health Care Administration (AHCA) or is certified by the U.S. Department of Health and Human Services. The testing will be conducted with appropriate chain of custody procedures as specified by AHCA to ensure accuracy and continuity in specimen collection, handling, transfer, and storage.

~~10.2.5~~ **10.2.6 Referral for Testing:** Appropriate notification and testing forms will be provided to employees, job applicants, and volunteers before drug testing.

10.2.7 Voluntary Self-Referral/Rehabilitation: At any time before notification of a required test, an employee is encouraged to contact the Village's EAP for voluntary treatment of a ~~substance~~ drug or alcohol problem. Employees may also seek treatment at alcohol and/or drug rehabilitation programs independent of the Village's EAP program. Such employees ~~may be required to~~ must submit to ~~compliance~~ follow-up testing as part of the treatment program. Voluntary self-referral made at the time of notification to submit to testing, or after such notification, shall not excuse an employee from required drug/alcohol testing, nor shall it negate a positive result from such test. An employee will not be subject to discharge or disciplinary action solely on the basis of voluntary self-referral for treatment.

Employees holding mandatory testing or special risk positions who enter into an employee assistance program or drug rehabilitation program shall not be permitted to perform duties in such positions during treatment and may use any accrued and unused vacation or sick leave during this FMLA-qualifying leave before the leave becomes unpaid. In the Village's sole discretion, and subject to availability, it may temporarily assign the employee to a position that is not classified as mandatory testing or special risk.

Volunteers who voluntarily enter into a drug or alcohol rehabilitation program may reapply upon successful completion of the program.

~~10.2.6~~ **10.2.8 Kinds of Testing:** ~~Random testing of employees shall not be conducted, except those employees that hold CDL licenses operate commercial vehicles for job duties and subject to the standards and procedures contained under 49 C.F.R. part 40 that requires separate drug tests.~~ To maintain a drug-free work environment, the Village will test for the presence of

drugs, including alcohol, in the following circumstances:

A. ~~Pre-Employment Screening~~Job Applicant Testing: Pre-employment screening will be required of all job applicants for ~~safety-sensitive~~mandatory testing or special-risk positions ~~and/or as required by the Department of Transportation ("DOT") for CDL-bearing commercial driving positions~~ before employment begins with the Village. Any job applicant for mandatory testing or special-risk positions who tests positive ~~in the pre-employment screening~~ for a drug as defined in this Policy will not be hired and is not eligible to re-apply for employment with the Village for one year following the confirmed positive test.

B. Reasonable Suspicion:

1. All employees/~~applicants~~/volunteers who are determined to be under reasonable suspicion of drug use are required to take a drug test. Reasonable suspicion shall be determined by a supervisor at least one level above the individual to be tested. The circumstances supporting that determination must be drawn from specific objective and articulable facts that shall be documented in writing. Reasonable suspicion may include, but is not necessarily limited to, the following examples:

- a. Observable phenomena while at work, such as direct observation of drug use or of the physical symptoms or manifestations of being under the influence of a drug. Physical symptoms or manifestations may include, but are not limited to, slurred speech, alcohol odor on breath, unsteady walking and movement, poor coordination and/or reflexes, glassy or bloodshot eyes, physical altercations, verbal altercations, or unusual behavior
- b. Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance
- c. Credible documented evidence that an individual has tampered with a drug test during the term of employment
- d. Credible documented information that an employee has caused, or contributed to, an accident while at work; or
- e. Credible documented evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on Village premises or while operating the Village's vehicle, machinery, or equipment.

2. Where testing is based on reasonable suspicion, the supervisor will detail in writing the circumstances that formed the basis of the reasonable suspicion determination. A copy of this written description shall be given to the employee/~~applicant~~/volunteer upon request and the original documentation shall be kept confidential and exempt from ~~the provisions of Fla. Stat. § 119.07(1), as provided in Fla. Stat. § 440.102(8)~~public disclosure, and retained for at least one year.

2.3. An employee pending results of a reasonable suspicion drug test shall be placed in a non-duty status and required to use vacation or sick leave (the non-duty status shall be unpaid if the employee does not have such leave hours available).

C. Post-Accident Reasonable-Suspicion Test:

~~1.~~ As soon as practicable under the following circumstances, post-accident reasonable

suspicion testing will be ~~done~~ conducted on all employees/~~applicants~~/volunteers who are involved as a driver in any vehicular accident while performing their duties, including accidents with injuries and/or property damage. Additionally, employees or volunteers who sustain non-vehicular accident injuries on the job shall be tested post-accident.

- ~~2. On a surviving employee/applicant/volunteer when an accident results in loss of human life. The employee/applicant/volunteer need not have been cited for a moving traffic violation or deemed at fault to be subject to testing under this paragraph~~
- ~~3. When an employee/applicant/volunteer receives a citation for a moving violation(s) and one (1) or more of the vehicles involved in the accident is towed from the scene of the accident; or~~
- ~~4.1. When an employee/applicant/volunteer receives a citation for a moving violation(s) and one (1) or more persons involved in the accident received medical treatment away from the scene of the accident.~~
- ~~5.2. An employee, applicant, or volunteer who is subject to reasonable suspicion post-accident testing shall remain readily available for such testing. Failure or refusal to be available for testing may be deemed by the Village as a refusal to submit to testing. As stated in Fla. Stat. § 440.101(2), "it is a condition of employment for an employee to refrain from reporting to work or working with the presence of drugs or alcohol in his or her body and, if an injured employee refuses to submit to a test for drugs or alcohol, the employee forfeits eligibility for medical and indemnity (workers' compensation) benefits." This provision shall not be construed as requiring the delay of necessary medical attention for injured persons following an accident or impeding an employee/applicant/volunteer from leaving the scene of an accident to obtain necessary assistance in responding to the accident or to obtain necessary emergency care.~~
- ~~6.3. If alcohol testing is not administered within eight (8) hours following an accident, the Village may not conduct alcohol testing based on the accident provision. Likewise, if other drug testing is not administered within thirty-two (32) hours following the accident, the Village may not conduct controlled substance testing based on the accident provision. The Village is required to document those instances when testing is not timely conducted according to the time frames noted above.~~
- ~~7.4. Following an accident, the Village will provide the employee, applicant, or volunteer transportation to a testing facility by a person designated for that purpose. After testing, the employee/applicant/volunteer will be transported to their place of residence.~~
- ~~8.5. An employee pending results of a post-accident drug test shall be placed in a non-duty status and required to use annual vacation or sick leave (the non-duty status shall be unpaid if the employee does not have such leave hours available). If an alcohol test yields a result of less than four one-hundredths (0.04) BAL or a controlled substances test yields a negative result, the Village will restore the leave hours taken (or the unpaid wages if leave hours were not used). A volunteer pending post-accident test results will be placed in a non-duty status on a similar basis.~~
- ~~9.6. Notwithstanding the absence of a reasonable suspicion alcohol test under this section, the Village shall not permit an employee or volunteer involved in an accident described above to perform or continue to perform duties until:~~
 - a. An alcohol test is administered and the employee's alcohol concentration measures less than four one-hundredths (0.04) BAL; or
 - b. Twenty-four (24) hours have elapsed following the determination that there

is reasonable suspicion to believe that the employee has violated the prohibitions of this policy concerning the use of alcohol.

~~10.7.~~ The results of a post-accident drug test administered by federal, state, or local officials having independent authority for the test may be used to satisfy this section, provided the test complies with applicable federal, state, or local requirements and the results of the test are timely obtained by the Village.

~~Random: All bargaining unit employees in the following mandatory testing positions shall be subject to random testing through the use of an unbiased selection procedure: Grounds Maintenance Worker, Street Maintenance Worker, Equipment Operator, Senior Irrigation Technician, Sanitation Driver/Operator, Mechanic, Trades Mechanic, Recreation Supervisor, Building Construction Inspector, and Senior Building Construction Inspector. All bargaining unit employees occupying the special risk positions of sworn and/or certified law enforcement officer and/or certified firefighter/EMT shall be subject to random testing through the use of an unbiased selection procedure. Additionally, the Village shall designate applicable non-bargaining positions as either mandatory testing or special risk positions subject to random testing.~~

- D. Fitness for Duty: For purposes of this policy, all employees or volunteers who are subject to a fitness-for-duty medical examination may be required to take a drug test (including a blood alcohol level test) as part of their medical examination.
- E. Follow-up Testing: All employees who have successfully completed an employee assistance program or a drug or alcohol rehabilitation program and return to duty must submit to unannounced drug and alcohol tests at least once a year for a two-year (2-year) period after completion of the program. Advance notice of a follow-up testing date must not be given to the employee to be tested.

~~10.2.7~~10.2.9 **Results Reporting:**

- A. The MRO shall contact the tested employee, applicant, or volunteer directly on a confidential basis before confirming a positive initial test result.
- B. The MRO shall give the employee/applicant/volunteer an opportunity to discuss the initial test result. If the MRO makes reasonable, documented efforts to reach the employee/applicant/volunteer and is unable to do so, the MRO shall inform the Village's designated representative, who shall then direct the tested employee/applicant/volunteer to contact the MRO as soon as possible.
- C. If, after making ~~all~~ reasonable efforts, the Village's designated representative is unable to contact the employee/applicant/volunteer, the Village may place the employee on temporary medically-unqualified status or medical leave (or may place ~~a~~ a job applicant or volunteer on similar temporary status).
- D. The ~~MRO's communication with the tested employee/applicant/volunteer is important to the confirmation of a positive test result; however, in three (3) circumstances the MRO will~~ may report a confirmation test result as positive to the Village without having communicated directly with the employee/applicant/volunteer:

1. The employee/applicant/volunteer declines the opportunity to discuss the test with the MRO;
2. The Village representative has successfully contacted the tested employee/applicant/volunteer and provided specific notice to communicate with the MRO and more than five (5) working days have passed since the contact and notice by the Village; or
3. Neither the MRO nor the Village representative, after making all reasonable efforts, has been able to contact the individual within fourteen (14) calendar days of the date on which the MRO receives the confirmed positive test result.

~~E.~~ Following the confirmation of a positive test result, the MRO shall refer the case to the Village's Human Resources Department for processing ~~pursuant to Fla. Stat.~~

~~F.E.~~ §.440.102(5)(h).

~~G.F.~~ After the MRO's reporting of a confirmed positive test result to the Village, the tested employee/applicant/volunteer may contact the ~~MRO-Village~~ and present information documenting the reasons (serious illness, injury or other circumstances) that prevented the employee/applicant/volunteer from communicating with either the MRO or the Village ~~representative regarding the initial test and the need for aprior to the~~ confirmation test. The MRO may, in such cases, reopen the confirmation determination and allow the individual to present information concerning a legitimate explanation for the confirmed positive test. If the MRO concludes that there is a legitimate explanation, the MRO ~~will~~ may revise the previous positive determination and declare the test to be negative.

~~H.G.~~ The Village shall provide, upon request, a copy of the test results to the tested employee, volunteer, or job applicant.

10.2.10.2.10 Challenges to Test Results:

~~A. A positive test result does not automatically identify an employee/job applicant/volunteer as having used drugs in violation of this policy; therefore, providing the MRO (through, or on behalf of, the Village) with detailed knowledge of possible alternative explanations is important to the review of results and is the responsibility of the employee/job applicant/volunteer.~~

~~B.A.~~ Pursuant to Fla. Stat. § 440.102(5)(h), ~~w~~Within five (5) working days after receipt of a positive confirmed test result from the MRO, the Village shall inform the employee/applicant/volunteer in writing of such positive test result, the consequences of such results, and the options available to the employee/applicant/applicant. One of those options is that within five (5) working days after receiving notice of a positive confirmed test result, the employee/applicant/volunteer may submit information to the Village ~~(or MRO in the Village's stead)~~ explaining or contesting the test result, and explaining why the result does not constitute a violation of this Policy. If the employee's/applicant's/volunteer's explanation or challenge of the positive test result

is unsatisfactory to the Village, ~~or MRO on the Village's behalf~~, a written explanation as to why the explanation is unsatisfactory, along with the report of positive result, shall be provided by the Village to the employee/applicant/volunteer.

~~C.~~—Additionally, consistent with Fla. Stat. § 440.102(5)(h) and (6)(d), the MRO, on behalf of the Village, shall notify an employee/job applicant/volunteer whose test result has been confirmed as positive of the right to request an independent analysis within seventy-two

D-B. (72) hours. If the employee requests the independent analysis within seventy-two (72) hours, the MRO shall take appropriate action to direct the analysis. Such independent analysis shall be conducted by "split specimen," at the employee's/applicant's/volunteer's expense, with sufficient specimen being retained for later verification testing. If the employee/applicant/volunteer fails to contact the MRO within seventy-two (72) hours but later contacts the MRO and presents information documenting the reasons (serious illness, injury, inability to contact the MRO, lack of actual notice of a confirmed positive test result or other circumstances) that prevented the individual from timely contacting the MRO, the MRO may conclude that there is a legitimate explanation for the employee's/applicant's/volunteer's failure to contact the MRO within seventy-two (72) hours and may direct the analysis of the split specimen. An individual has 180 days after receiving written notification of a positive confirmed test result to have the sample retested at his/her own expense at another licensed or certified laboratory chosen by the employee or job applicant.

~~E.C.~~ The tested employee/applicant/volunteer shall bear the expense of any testing of a specimen requested by that individual.

D. All aspects of the testing process, including any challenge to the testing process, will be kept confidential to the extent allowed by law.

~~F.E.~~ All employees or job applicants must notify the laboratory of any administrative or civil action brought pursuant Florida's Drug Free Workplace Act.

~~10.2.9~~10.2.11 **Disciplinary Action for Positive Test Results:** A positive test result shall require the employee's or volunteer's immediate removal from duty.

~~A. No employee or volunteer shall perform duties after testing positive for drugs until the terms specified in this Policy have been satisfied.~~

B.A. Employees whose test is confirmed positive for an unlawful controlled substance (including a prohibited blood alcohol level) shall be ~~subject to disciplinary action up to and including termination of employment, consistent with the applicable collective bargaining agreement, if any~~terminated. Refusal to submit to a drug test shall be treated as a positive test result.

~~C.B.~~ Applicants who test positive for drugs will not be hired; and volunteers who test positive will not be allowed to perform further volunteer functions.

~~D.C.~~ Pursuant to Fla. Stat. § 440.101(2), "if a drug or alcohol is found to be present in the employee's system at a level prescribed by rule adopted pursuant to this act, the employee may be terminated and forfeits his or her eligibility for medical and indemnity benefits (under Chapter 440)." ~~consistent with Fla. Stat. §§ 440.102(12) and 440.102(5)(p).~~

~~10.2.10~~ **10.2.12 Confidentiality:**

- A. All medical information, interviews, reports, statements, memoranda, and test results received or produced under the programs established by this Policy are confidential and exempt from the provision of Fla. Stat. § 119.07(1). This information may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except as specified below or as required by law:
1. Upon written consent of the employee/applicant/volunteer tested (such a consent must include the name of the person to receive the information; the purpose of the disclosure; the precise information to be disclosed; the duration of the consent; and the signature of the person authorizing release)
 2. When ordered by an administrative law judge, a hearing officer, a court of competent jurisdiction or a professional or occupational licensing agency in a related disciplinary proceeding;
 3. The information has been placed at issue in a formal dispute or any discipline proceedings between the employer and the employee
 4. The information is to be used as necessary in administering an employee assistance program;
 5. The information is needed by medical personnel for the diagnosis or treatment of the employee or volunteer in the event the employee or volunteer is unable to authorize disclosure; or
 6. Within various Village departments when consulting with legal counsel in connection with actions related to the information or when the information is relevant to defense of a civil or administrative matter.

~~10.2.11~~ **10.2.13 Village Designated Representative:** All questions concerning this policy should be directed to the Director of Human Resources and Risk Management or to such other Village official as the Village Manager may designate.

~~10.2.12~~ **10.2.14 Notice to Employees, ~~Job~~ Applicants, and Volunteers:** The Village Manager or designee has prepared a notice satisfying the requirements of Fla. Stat. § 440.102(3)(a), to be distributed to all Village employees, applicants, and volunteers prior to testing.

~~10.2.13~~ **10.2.15 Interpretation:** This policy shall be interpreted and applied consistent with Fla. Stat. §§ 440.101 and 440.102 and applicable State rules and federal law.

10.2.16 ~~Required Training~~ Medications Which May Alter Or Affect Drug Tests:
Some common medications may alter or affect a test result. They are listed below for your information. Due to the large number of obscure brand names and the marketing of new

products, this list cannot and is not intended to be all-inclusive.

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

AMPHETAMINES Obetrol, Biphedamine, Desoxyn, Dexedrine, Didrex, Ionamine, Fastin.

CANNABINOIDS Marinol (Dronabinol, THC).

COCAINE Cocaine HCl topical solution (Roxanne).

PHENCYCLIDINE Not legal by prescription.

METHAQUALONE Not legal by prescription.

OPIATES Paregoric, Parepectolin, Donnagel PG, Morphine, Tylenol with Codeine, Empirin with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guaiatuss AC, Novahistine DH, Novahistine Expectorant, Dilaudid (Hydromorphone), M-S Contin and Roxanol (morphine sulfate), Percodan, Vicodin, Tussi-organidin, etc.

BARBITURATES Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebaral, Butabarbital, Butalbital, Phrenilin, Triad, etc.

BENZODIAZEPINES tivan, Azene, Clonopin, Dalmane, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxipam, Restoril, Centrax.

METHADONE Dolophine, Metadose.

PROPOXYPHENE Darvocet, Darvon N, Dolene, etc. Human Resources will provide training to any supervisor or other employee who is assigned the responsibility for making a reasonable suspicion determination shall complete a training program of at least sixty (60) minutes on alcohol misuse and sixty

~~10.2.14 (60) minutes on controlled substance abuse. The training should include, but not be limited to:~~

~~10.2.15~~

~~10.2.16 The dangers of drug (including alcohol) abuse~~

~~10.2.17 The prohibition of drug (including alcohol) use or introduction into the workplace~~

~~10.2.18 The Village's policy of maintaining a drug free workplace and the types of testing that will be conducted~~

~~10.2.19 Contact information for available drug (including alcohol) counseling and rehabilitation~~

~~10.2.20 Contact information for the Employee Assistance program~~

~~10.2.21 The consequences of refusing to submit to testing~~

~~10.2.22 All drugs included in testing under this policy~~

~~10.2.23 The procedures for challenging a positive confirmed test result~~

~~10.2.24 The confidentiality provisions of this policy; and~~

~~10.2.25 Penalties to be imposed for violations of this Policy.~~

10.2.17 Testing Location and Medical Review Officer

Individuals subject to testing will be sent to:

Jupiter Medical Center Urgent Care

3250 PGA Blvd.

Palm Beach Gardens, FL 33418

561-263-7010

The Village's Medical Review Officer is:

Dr. Brian N. Heinen, MD

151 Leon Avenue
Eunice, LA 70535
888-382-2281

10.2.18 Employee Assistance Program (EAP)

The Village maintains an EAP, which provides help to employees who suffer from drug and alcohol abuse. However, it is the responsibility of each employee to seek assistance from the EAP before alcohol and drug problems lead to disciplinary actions. The employee's decision to seek prior assistance from the EAP program will not be used as the basis for disciplinary action and will not be used against the employee in a disciplinary proceeding. Once a violation of this policy occurs, subsequently using the EAP on a voluntary basis will not necessarily lessen disciplinary action and may, in fact, have no bearing on the determination of appropriate disciplinary action, including immediate termination. Employees may obtain the contact information for the EAP provider from Human Resources.

Employees may also consult other programs such as:

- Narcotics Anonymous Help-line: 561-848-6262
- Drug Abuse Foundation of Palm Beach County: 561-278-000
- Palm Beach Al-Anon/Al-a-Teen Information Service: 561-882-0308
- Alcoholic Anonymous (Palm Beach County): 561-655-5700
- Comprehensive Alcoholism Rehabilitation Program: 561-844-6400

The Village does not promote or recommend any specific program or organization for treatment. Other options for treatment can be located online or through various social service organizations.

APPROVED



Jimmy Knight
Village Manager

10.3 DRUG-FREE WORKPLACE POLICY FOR DOT-COVERED CDL DRIVERS

A. Background and Purpose

The illegal use of drugs and the abuse of alcohol are problems that invade the workplace, endangering the health and safety of the abusers and those who work around them. Every employee and applicant should understand those dangers and be aware of the federal requirements and state guidelines concerning substance abuse and alcohol in the workplace.

The Village's Drug/Alcohol Testing Policy For DOT-Covered CDL Drivers ("the Policy") was developed in conformity with the Department of Transportation Regulations located in 49 C.F.R. Part 40 and 49 CFR

Part 382, which are on file with the Village's Designated Employer Representative (DER) [the Village's Director of Human Resources Director and Risk Management] for review at any time during normal working hours.

Our policy formally and clearly states that the illegal use of drugs and abuse of alcohol or prescription drugs will not be tolerated. As a means of maintaining this policy, the Village has implemented pre-employment and active employee drug testing as outlined in this Policy.

This Policy is designed to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by drivers of commercial motor vehicles. Substance 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. This policy is designed to detect users and remove abusers of drugs and alcohol.

Commercial drivers are subject to Department of Transportation ("DOT") testing regulations, which includes placement in a *separate random testing pool* containing only DOT-covered employees for the purposes of DOT compliance. With regard to those employees covered by the DOT regulations, the federal regulations, as amended from time to time, shall govern any conflicts with this Policy. As employees of the Village, DOT-covered commercial drivers are also separately subject to the Village's Drug-Free Workplace Policy which covers all employees.

The Village will terminate any employee who violates this Policy.

B. Applicability and Participation Required

This Policy applies to every employee who is required to maintain a commercial drivers' license whose position requires operation of a commercial motor vehicle owned or leased by the Village. These employees are referred to as "commercial drivers" and include full time, regularly-employed drivers; casual, intermittent or occasional drivers; leased drivers and independent owner-operator contractors.

Participation in the DOT Drug/Alcohol Testing program as set forth in this Policy is a requirement for all commercial drivers and is a condition of employment. Failure to participate and comply with the requirements set forth in this Policy may result in disciplinary action up to and including termination of employment.

While the Village may require other positions to maintain a CDL license, the employees filling those positions are not subject to the DOT Drug/Alcohol Testing Policy For Commercial Drivers because it has been determined those positions never operate commercial motor vehicles.

C. Definitions

Commercial motor vehicle (CMV) means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle is a—

(1) Combination Vehicle (Group A)—having a gross combination weight rating or gross combination weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater,

inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 4,536 kilograms (10,000 pounds), whichever is greater; or

(2) Heavy Straight Vehicle (Group B)—having a gross vehicle weight rating or gross vehicle weight of 11,794 or more kilograms (26,001 pounds or more), whichever is greater; or

(3) Small Vehicle (Group C) that does not meet Group A or B requirements but that either—

(i) Is designed to transport 16 or more passengers, including the driver; or

(ii) Is of any size and is used in the transportation of hazardous materials as defined in this section.

Safety-sensitive function means all time from the time a commercial driver begins work or is required to be in readiness to work until the time the driver is relieved from work and all responsibility for performing work. Safety-sensitive functions shall include:

(1) All time at an employer or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the commercial driver has been relieved from duty by the employer;

(2) All time inspecting, servicing, or conditioning any commercial motor vehicle at any time;

(3) All time spent at the driving controls of a commercial motor vehicle in operation;

(4) All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth (a berth conforming to the federal requirements);

(5) All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and

(6) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

D. Dual Testing Requirements

As noted above, commercial drivers subject to the testing requirements of this Policy are separately subject to the Village's Drug-Free Workplace Policy covering all employees. The Village Drug-Free Workplace Policy, reflects requirements of the Village and are not required by the DOT. Any personnel actions under the general Drug- Free Workplace Policy will be clearly indicated as being based on Village authority under the Drug-Free Workplace Policy and not based upon the DOT Drug/Alcohol Testing Policy. Any personnel actions under this Policy will be clearly indicated as such.

E. Required Hours Of Compliance

Alcohol prohibited:

- while on duty;
- 4 hours prior to on-duty time; and,

- 8 hours following an accident or until a post-accident test is complete, whichever occurs first.

Controlled Substances:

Commercial Drivers are prohibited from reporting to, or remaining on, duty when using any controlled substance, unless the use is at the direction of a physician who advised that the substance does not adversely affect the commercial driver's ability to safely operate a commercial motor vehicle.

F. Drug/Alcohol Testing Policy Dissemination

(1) The Village will give a general one-time notice to its commercial drivers that it is a condition of employment for employees to refrain from reporting to work or working with the presence of drugs or alcohol in his or her body and that a drug testing program is in place. To this end, each commercial driver shall be provided a copy of this Policy, and each employee is required to sign a statement certifying that the employee has received a copy of the Policy. The Village will maintain the original of the signed certificate and will provide a copy of the certificate to the employee upon request.

(2) Prior to each alcohol or controlled substance test performed under this Policy, each employee or job applicant for employment to be tested will be advised that the testing is being conducted pursuant to this Policy.

(3) A notice of drug testing will be included with all vacancy announcements for those positions where drug testing is required (want ads, job postings, etc.). A notice of the DOT Drug/Alcohol Testing Policy will also be posted in an appropriate and conspicuous location on the Village's premises and copies of the policies will be made available for inspection during regular business hours by the employee or job applicant in the Village's Human Resources Department.

G. Designated Employer Representative

The Village has designated certain individuals as Designated Employer Representatives (DER). These individuals are responsible for the administration of the DOT Drug/Alcohol Testing Policy, and are authorized by the Village to take immediate action(s) to remove employees from safety-sensitive duties, or cause employees to be removed from these covered duties, and to make required decisions in the testing and evaluation processes. The DER is also authorized to receive test results and other communications for the Village, consistent with the requirements of this Policy and with the applicable regulations. The DER is available to answer any questions by employees concerning this policy. The DER for the Village is the Director of Human Resources and Risk Management.

H. Drug And Alcohol Testing Record (Clearinghouse Queries)

The Village is required under the DOT regulations to obtain information regarding the drug and alcohol testing record of commercial drivers from their previous DOT-regulated employers where the Village intends to use such drivers to perform safety-sensitive duties. As a result of this requirement and in accordance with federal regulations (49 C.F.R. § 382.701), the Village or its providers will query the FMCSA Drug and Alcohol Clearinghouse for any drug or alcohol information pertaining to DOT-covered CDL drivers and applicants, as follows:

1. Full pre-employment queries will be conducted on applicants for any position

which requires a DOT-covered CDL license or on current employees who have not held a position requiring a DOT-covered CDL license with the Village. As a condition of consideration for employment, applicants will be required to provide the Clearinghouse with consent to allow the Village to conduct a full query.

2. For current employees who are employed in a position requiring a DOT-covered CDL, a limited query of the Clearinghouse will be conducted annually. As a condition of continued employment, employees are required to execute the required consent form permitting the limited query. If the limited query reveals that information about the CDL driver exists in the Clearinghouse, the Village will conduct a full query within 24 hours. As a condition of continued employment, the DOT-covered CDL driver will be required to provide the Clearinghouse with consent allowing the Village to conduct a full query.

(2) In accordance with federal regulations (49 C.F.R. § 382.703), the Village (or its Service Agent if the Village uses a Third-Party Administrator to administer its DOT drug testing policy) will report the following drug/alcohol information regarding DOT-covered CDL drivers/applicants to the FMCSA:

<u>Reporting entity</u>	<u>When information will be reported to Clearinghouse</u>
<u>Village</u>	<ul style="list-style-type: none"> <u>• A verified positive, adulterated or substituted drug test result.</u> <u>• An alcohol confirmation test with a concentration of 0.04 or higher.</u> <u>• Refusal to test (alcohol) as specified in 49 CFR 40.261.</u>
	<ul style="list-style-type: none"> <u>• Refusal to test (drug) not requiring a determination by the MRO as specified in 49 CFR 40.191.</u>
	<ul style="list-style-type: none"> <u>• Actual knowledge that a driver has used alcohol on duty, used alcohol within four hours of coming on duty, used alcohol prior to post-accident testing, or has used a controlled substance. "Actual knowledge" means the employer's direct observation of the employee, a traffic citation for driving a CMV while under the influence of alcohol or controlled substances, or an employee's admission of alcohol or controlled substance use. Direct observation means observation of alcohol or controlled substances use and does not include observation of employee behavior or physical characteristics sufficient to warrant reasonable suspicion testing. "Traffic citation" means a ticket, complaint, or other document charging driving a CMV while under the influence of alcohol or controlled substances.</u>
	<ul style="list-style-type: none"> <u>• Negative return-to-duty test results (drug and alcohol testing, as applicable)</u> <u>• SAP's report of successful completion of return-to-duty process</u>

	<ul style="list-style-type: none"> • <u>Completion of follow-up testing.</u>
<u>Service Agent acting on behalf of Village (if the Village uses a TPA)</u>	<ul style="list-style-type: none"> • <u>A verified positive, adulterated or substituted drug test result.</u> • <u>An alcohol confirmation test with a concentration of 0.04 or higher.</u> • <u>Refusal to test (alcohol) as specified in 49 CFR 40.261.</u>
	<ul style="list-style-type: none"> • <u>Refusal to test (drug) not requiring a determination by the MRO as specified in 49 CFR 40.191.</u>
	<ul style="list-style-type: none"> • <u>Actual knowledge that a driver has used alcohol on duty, used alcohol within four hours of coming on duty, used alcohol prior to post-accident testing, or has used a controlled substance. "Actual knowledge" means the employer's direct observation of the employee, a traffic citation for driving a CMV while under the influence of alcohol or controlled substances, or an employee's admission of alcohol or controlled substance use. Direct observation means observation of alcohol or controlled substances use and does not include observation of employee behavior or physical characteristics sufficient to warrant reasonable suspicion testing. "Traffic citation" means a ticket, complaint, or other document charging driving a CMV while under the influence of alcohol or controlled substances.</u>
	<ul style="list-style-type: none"> • <u>Negative return-to-duty test results (drug and alcohol testing, as applicable)</u> • <u>SAP's report of successful completion of return-to-duty process</u>
	<ul style="list-style-type: none"> • <u>Completion of follow-up testing.</u>

If an employee or applicant refuses to provide the necessary consent, the Village will not permit the employee to perform safety-sensitive functions and may subject the employee to disciplinary action, including immediate termination.

If the Village obtains information that an employee or applicant has violated a DOT agency drug and alcohol regulation, the employee or applicant will not be permitted to perform safety-sensitive functions unless the Village obtains or is provided documented proof that the employee has subsequently complied with the return-to-duty requirements of 49 CFR Part 40.

I. Required Testing

(1) Pre-employment testing

All job applicants for commercial driver positions, including internal transfers, are required to undergo testing for controlled substances as a condition of employment. Additionally, prior to the first time an employee performs safety-sensitive functions for the Village as a commercial driver, either as a new hire or as a result of a transfer, the employee shall undergo testing for controlled substances. The Village will

not allow an employee to perform safety-sensitive functions unless the Village has received a controlled substances test result from the MRO or C/TPA indicating a verified negative test result for that commercial driver.

The Village reserves the right to invoke any and all exceptions to the pre-employment testing requirement as set forth in the DOT regulations (49 CFR § 382.301(b)).

(2) Post-accident testing

Commercial drivers will be tested as soon as practicable following an occurrence involving a commercial motor vehicle on a public road in commerce as follows:

<u>Type of Accident</u>	<u>Citation Issued* to CMV Driver</u>	<u>Test Must Be Performed</u>
<u>Human Fatality</u>	<u>Yes</u>	<u>Yes</u>
<u>Human Fatality</u>	<u>No</u>	<u>Yes</u>
<u>Bodily injury with immediate medical treatment away from scene</u>	<u>Yes</u>	<u>Yes</u>
<u>Bodily injury with immediate medical treatment away from scene</u>	<u>No</u>	<u>No</u>
<u>Disabling damage to any motor vehicle requiring tow away</u>	<u>Yes</u>	<u>Yes</u>
<u>Disabling damage to any motor vehicle requiring tow away</u>	<u>No</u>	<u>No</u>

*In the above chart, "citation issued" refers to a citation received by the commercial vehicle driver under State or local law for a moving traffic violation arising from the accident. With respect to alcohol testing, the citation must be received within eight (8) hours of the occurrence. With respect to controlled substance testing, the citation must be received within thirty-two (32) hours of the occurrence.

If an alcohol test is required but not administered within two (2) hours following the accident, the Village will prepare and maintain a record stating the reasons it was not promptly administered. The Village will not attempt to administer an alcohol test after eight (8) hours, or a controlled substance test after thirty-two (32) hours, following the accident.

Commercial drivers subject to post-accident testing shall remain readily available for testing or the Village may designate such unavailability as a refusal to submit to testing and the commercial driver will be subject to immediate termination. However, nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care. The results of a breath or blood test for the use of alcohol, or the results of a urine test for the use of controlled substances, conducted by Federal, State, or local officials having independent authority for the test, meet the requirements of testing under this policy, provided the tests conform to the applicable Federal, State or local alcohol or controlled substance testing

requirements, and that the results of the tests are obtained by the employer.

Post-accident testing under this Policy does not apply to:

- (a) An occurrence involving only boarding or alighting from a stationary motor vehicle;
- (b) An occurrence involving only the loading or unloading of cargo; or
- (c) An occurrence in the course of the operation of a passenger car by an employer unless the motor vehicle is transporting passengers for hire or hazardous materials that require DOT-mandated markings or placards.

(3) Random testing

Every DOT covered commercial driver shall submit to unannounced random alcohol and controlled substance testing to be spread reasonably throughout the calendar year. However, a DOT covered employee will only be tested for alcohol while performing safety-sensitive functions, just prior to performing safety-sensitive functions, or just after performing such functions. The selection of employees for random alcohol and controlled substances testing shall be made by a scientifically valid method, and each employee selected for random alcohol and controlled substances testing under the selection process used, shall have an equal chance of being tested each time selections are made. Each employee selected for testing shall be tested during the selection period. Random testing for commercial drivers will be conducted according to the applicable rates mandated by the DOT and its applicable agencies (2022 DOT Rates: 50% Random Drug; 10% Random Alcohol), but may exceed those rates at the Village's discretion.

After notification, it is the responsibility of the employee to provide a specimen within the allotted time. At the time of the notification, the donor will be instructed to go directly to the designated collection site. The employee will notify the collection site personnel that the employee has been selected for a random test and that the employee is ready to provide a specimen for the requested test.

(4) Reasonable suspicion testing

Commercial drivers who, based on specific, contemporaneous, articulable observations of a qualified supervisor concerning the appearance, behavior, speech or body odor, may be reasonably suspected of using or being under the influence of alcohol or controlled substances or tampering with a drug screen test, shall undergo alcohol and controlled substance testing. In the case of controlled substances, the observations may include indications of the chronic and withdrawal effect of controlled substances.

A "qualified supervisor" is a supervisor or Village official who has received at least 60 minutes of training on alcohol misuse and receive at least an additional 60 minutes of training on controlled substances use. The training will be used by the supervisors to determine whether reasonable suspicion exists to require a commercial driver to undergo testing. The training shall include the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances. Recurrent training for supervisory personnel is not required.

Alcohol testing is only authorized for reasonable suspicion testing if the observations are made during, just preceding, or just after the period of the workday that the commercial driver is required to be in compliance. A commercial driver may only be directed to submit to this testing while the driver is performing safety-sensitive duties, just before or just after the driver performed such duties. An alcohol test pursuant to reasonable suspicion testing shall occur within eight (8) hours. If the alcohol testing is done after two (2) hours from the time the observations occurred, the Village must document the reasons

the test was not promptly administered.

Notwithstanding the absence of a reasonable suspicion alcohol test under this section, no commercial driver shall report for duty or remain on duty under the influence of or impaired by alcohol, as shown by the behavioral, speech, and performance indicators of alcohol misuse, nor shall the Village permit the employee to perform or continue to perform his/her work duties, including any safety-sensitive functions, until:

(i) An alcohol test is administered and the employee's alcohol concentration measures less than 0.02; or

(ii) Twenty-four (24) hours have elapsed following the determination that there is reasonable suspicion to believe that the employee has violated the prohibitions in this part concerning the use of alcohol.

A copy of documentation supporting a reasonable suspicion test will be completed and signed by the qualified supervisor within 24 hours of the observed behavior or before the results of the tests are released, whichever is earlier, and will be retained confidentially by the Village.

On the basis of circumstances requiring a reasonable suspicion test, a commercial driver will immediately be removed from safety-sensitive functions, placed in a non-duty status and required to use vacation or sick leave (the non-duty status shall be unpaid if the employee does not have such leave hours available) pending the outcome of the required drug/alcohol test.

(5) Return to Duty and Follow-up testing

The Village is not required to provide commercial drivers who violate this Policy with an evaluation by a Substance Abuse Professional (SAP) or any subsequent recommended education or treatment. As such, commercial drivers who test positive in violation of this policy shall be terminated for the first offense.

If the Village, in its sole discretion, allows a driver to reapply and selects a the driver for a position that would return the employee to a DOT safety-sensitive function following a violation, the Village will require that the commercial driver has already undergone an evaluation by a SAP and complied with the SAP's recommendations at the commercial driver's sole cost and expense. In addition, following removal from a safety sensitive position after a positive, adulterated or substituted test and referral to a SAP, and successful compliance with the prescribed education and/or treatment, a commercial driver is required to undergo a return to duty test for controlled substances and/or alcohol before returning to safety-sensitive duties. Follow-up tests are unannounced and at least 6 tests must be conducted in the first 12 months after an employee returns to duty as provided by the SAP's follow-up testing plan. Follow-up testing may extend for up to 60 months following return to duty.

(6) Additional testing

Additional testing may also be conducted as required by applicable state or federal laws, rules, or regulations, in accordance with the Village's Drug-Free Workplace Policy for all employees or as otherwise deemed necessary by the Village.

J. Substances To Be Tested And Detection Thresholds

The Village tests for the following substances pursuant to the federal regulations:

	Drug Screen Cut-off GC/MS
<u>Marijuana metabolites/THC</u>	<u>50 ng/mL - 15ng/mL</u>
<u>Cocaine metabolites</u>	<u>150 ng/mL - 100 ng/mL</u>
<u>Codeine/Morphine</u>	<u>2,000 ng/mL – 2,000 ng/mL</u>
<u>Hydrocodone/Hydromorphone</u>	<u>300 ng/mL – 100 ng/mL</u>
<u>Oxycodone/Oxymorphone</u>	<u>100 ng/mL – 100 ng/mL</u>
<u>6-Acetylmorphine</u>	<u>10 ng/mL – 10 ng/mL</u>
<u>Phencyclidine (PCP)</u>	<u>25 ng/mL - 25 ng/mL</u>
<u>Amphetamines, Methamphetamine</u> <u>And Methylenedioxymethamphetamine (MDMA)</u>	<u>500 ng/mL - 250 ng/mL</u>

Alcohol - removal from safety-sensitive position at .02% Blood/Alcohol Content (B.A.C) or greater, violation of Policy at .04% BAC or greater.

K. Prescribed or Over-the-Counter Medications

The Village recognizes that eventually most employees will need to take medications to combat various illnesses. Commercial drivers must realize, however, that the use of certain medications may constitute a violation of this Policy if not properly reported, and may potentially alter or affect the results of a drug or alcohol test. A commercial driver could potentially test positive for a drug when taking medications prescribed by a doctor or purchased over-the-counter. Some medications known to alter or affect a drug test are listed in the next section of this Policy.

Employees who want more comprehensive or technical information about the use of medications, and their potential effects on the drug test results, should consult the Village's DER or a local testing laboratory. To avoid the potential problems created by a false test result, the Village has implemented procedures to enable employees to confidentially report the use of medications. An employee may report the use of medications on the back of his/her copy of the chain of custody form after the specimen is collected and discuss the use only with the Medical Review Officer.

However, employees are required to report the use of prescribed drugs for which the Village tests and provide written certification from their physician advising that the substance does not adversely affect driver's ability to safely operate a commercial motor vehicle **prior to engaging in any safety sensitive functions.**

Note about Medical Marijuana and CBD Products: The DOT's Drug and Alcohol Testing Regulation – 49 CFR Part 40, at 40.151(e) – **does not authorize “medical marijuana” under a state law** to be a valid medical explanation for a commercial driver's positive drug test result. Therefore, a positive test result

for marijuana or THC will result in the consequences set forth for a positive drug test. Furthermore, CBD use is not a legitimate medical explanation for a laboratory-confirmed marijuana positive result. Therefore, the MRO will verify a drug test confirmed at the appropriate cutoffs as positive, even if the commercial driver claims only a CBD product was used.

L. Substances Which Could Alter Or Affect The Outcome Of A Drug Test

The following substances, listed by brand name and common name, are among those that could affect the results of a drug test. This list is not comprehensive. All questions concerning substances which could result in a positive test should be directed to the Village's DER.

- (1) AMPHETAMINES: Abetrol, Biphedamine, Desoxyn, Dexadrine, Didrex
- (2) CANNABINOIDS: Marinol (Dronabinol, THC), Marijuana, Hash, Pot
- (3) COCAINE: Cocaine HCI Topical Solution (Roxanne), Crack, Coke
- (4) PHENCYCLIDINE: PCP, Angel Dust
- (5) OPIATES: Paregoric, Parepectolin, Donnegan PG, Morphine, Tylenol with Codeine, Empirin with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guaiatuss AC, Novahistine DH, Novahistine Expectorant, Diluadid (Hydromorphone), M-S Contin and Roxanol (morphine sulfate), Percodan, Vicodin, Opium, Heroin
- (6) ALCOHOL: Liquid medications containing ethyl alcohol (ethanol). Please read the label for alcohol content. For example, Vick's Nyquil is 25% (50 proof) ethyl alcohol; Comtrex is 20% (40 proof); Contac Severe Cold Formula Night Strength is 25% (50 proof); and Listerene is 26.9% (54 proof); Booze, Drink, wine, distilled spirits, malt beverages, beer, etc.
- (7) BARBITUATES: Phenobarbitol, Tuinal, Amytal
- (8) BENZODIAZOPHINES: Ativan, Azene, Klonopin, Dalmone, Diazepam, Halcion, Librium, Poxipam, Restoril, Serax, Transene, Valium, Vertron, Xanax
- (9) METHADONE: Dolophine, Methadose
- (10) PROPOXYPHENE: Darvocet, Darvon N, Dolene

M. Testing Procedures

All alcohol or controlled substances testing under this Policy shall be conducted in conformity with the provisions and procedures set forth in the DOT Workplace Drug and Alcohol Testing Programs (49 C.F.R. Part 40 and 49 C.F.R. Part 382), which are on file with the Village's DER for review at any time during normal working hours. In summary, the testing procedures adopted by this Policy are as follows:

(1) Alcohol Testing

All alcohol testing will be conducted using one of two possible methods. Alcohol testing may be

performed using evidential breath testing (EBT) devices or saliva alcohol screening devices (ASD) approved by the NHTSA. A screening test is conducted first. Any result less than 0.02 alcohol concentration is considered a "negative" test. If the alcohol concentration is 0.02 or greater, a second confirmation test must be conducted. The employee and the individual conducting the test (called a breath alcohol technician (BAT)) complete the alcohol testing form to ensure that the results are properly recorded. The confirmation test, if required, must be conducted using an EBT that prints out the results, date and time, a sequential test number, and the name and serial number of the EBT to ensure the reliability of the results. The confirmation test results determine any actions taken. Under certain circumstances, post-accident tests conducted by law enforcement personnel will be acceptable.

(2) Controlled Substance Testing

Controlled substance testing is conducted by analyzing an employee's urine specimen. The analysis is performed at laboratories certified and monitored by the Department of Health and Human Services (DHHS). The employee provides a urine specimen in a location that affords privacy and the "collector" seals and labels the specimen, completes a chain of custody document, and prepares the specimen and accompanying paperwork for shipment to a drug testing laboratory. The specimen collection procedures and chain of custody ensure that the specimen's security, proper identification and integrity are not compromised. The testing for DOT requirements will be performed using "split specimen procedures" that require each urine specimen to be subdivided into two bottles labeled as a "primary" and a "split" specimen. Both bottles are sent to a laboratory. Only the primary specimen is opened and used for the urinalysis. The split specimen bottle remains sealed and is stored at the laboratory. The testing is a two-stage process. First, a screening test is performed. If it is positive for one or more of the controlled substances, then a confirmation test is performed for each identified controlled substance using state-of-the-art gas chromatography/mass spectrometry (GC/MS) analysis.

GC/MS confirmation ensures that over-the-counter medications or preparations are not reported as positive results. If the analysis of the primary specimen confirms the presence of illegal, controlled substances, the commercial driver has 72 hours to request the split specimen be sent to another DHHS certified laboratory for analysis. This split specimen procedure essentially provides the driver with an opportunity for a "second opinion."

All drug test results are reviewed and interpreted by a physician (Medical Review Officer (MRO)) before they are reported to the Village. If the laboratory reports a positive result to the MRO, the MRO contacts the employee (in person or by telephone) and conducts an interview to determine if there is an alternative medical explanation for the drugs found in the employee's urine specimen. If the employee provides appropriate documentation and the MRO determines that the positive result was due to legitimate medical use of the prohibited drug, the drug test result is reported as negative to the Village.

Note about Medical Marijuana and CBD Products: The MRO may not verify a drug test as negative based upon information that a physician recommended that the employee use "medical marijuana." Furthermore, CBD use is not a legitimate medical explanation for a laboratory-confirmed marijuana positive result. Therefore, the MRO will verify a drug test confirmed at the appropriate cutoffs as positive, even if an employee claims they only used "medical marijuana" or a CBD product.

N. Prohibited Conduct Under DOT Regulations As Adopted By This Policy

The following is an overview of the terms and conditions of this Policy, and for violation of which a

commercial driver is subject to discipline as outlined below.

(1) It is a violation of the DOT regulations, as adopted by this Policy, for any employee to report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. The DOT regulations require that all covered employees in violation of this rule be immediately removed from safety-sensitive duties, including driving a commercial motor vehicle, and not be allowed to return to such duties until completion of the return to duty process set forth by the DOT regulations in 49 CFR Part 40, Subpart O. All employees found in violation of this rule will also be subject to sanctions by the Village, as set forth below, for violation of this Policy.

(2) It is a violation of the DOT regulations, as adopted by this Policy, for any employee to use alcohol while performing safety-sensitive functions. The DOT regulations require that all covered employees in violation of this rule be immediately removed from safety-sensitive duties, including driving a commercial motor vehicle, and not be allowed to return to such duties until completion of the return to duty process set forth by the DOT regulations in 49 CFR Part 40, Subpart O. All employees found in violation of this rule will also be subject to sanctions by the Village, as set forth below, for violation of this Policy.

(3) It is a violation of the DOT regulations, as adopted by this Policy, for any employee to perform safety-sensitive functions within four (4) hours after using alcohol. The DOT regulations require that all covered employees in violation of this rule be immediately removed from safety-sensitive duties, including driving a commercial motor vehicle-, and not be allowed to return to such duties until completion of the return to duty process set forth by the DOT regulations in 49 CFR Part 40, Subpart O. All employees found in violation of this rule will also be subject to sanctions by the Village, as set forth below, for violation of this Policy.

(4) It is a violation of the DOT regulations, as adopted by this Policy, for any employee required to take a post-accident alcohol test to use alcohol for eight (8) hours following the accident, or until the employee undergoes a post-accident alcohol test, whichever occurs first. The DOT regulations require that all covered employees in violation of this rule be immediately removed from safety-sensitive duties, including driving a commercial motor vehicle, and not be allowed to return to such duties until completion of the return to duty process set forth by the DOT regulations in 49 CFR Part 40, Subpart O. All employees found in violation of this rule will also be subject to sanctions by the Village, as set forth below, for violation of this Policy.

(5) It is a violation of the DOT regulations, as adopted by this Policy, for any employee to refuse to submit to a post-accident alcohol or controlled substances test, a random alcohol or controlled substances test, a reasonable suspicion alcohol or controlled substances test, or a follow-up alcohol or controlled substances test. The DOT regulations require that all covered employees in violation of this rule be immediately removed from safety-sensitive duties, including driving a commercial motor vehicle-, and not be allowed

to return to such duties until completion of the return to duty process set forth by the DOT regulations in 49 CFR Part 40, Subpart O. All employees found in violation of this rule will also be subject to sanctions by the Village, as set forth below, for violation of this Policy.

(6) It is a violation of the DOT regulations, as adopted by this Policy, for any employee to report for duty or remain on duty requiring the performance of safety-sensitive functions after or during use of any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner, who has advised the covered employee that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle. The DOT regulations require that all covered employees in violation of this rule be immediately removed from safety-sensitive duties, including driving a commercial motor vehicle, and not be allowed to return to such duties until completion of the return to duty process set forth by the DOT regulations in 49 CFR Part 40, Subpart O. All employees found in violation of this rule will also be subject to sanctions by the Village, as set forth below, for violation of this Policy.

(7) It is a violation of the DOT regulations, as adopted by this Policy, for any employee to report for duty, remain on duty or perform a safety-sensitive function, if the driver tests positive or has adulterated or substituted a test specimen for controlled substances. The DOT regulations require that all covered employees in violation of this rule be immediately removed from safety-sensitive duties, including driving a commercial motor vehicle, and not be allowed to return to such duties until completion of the return to duty process set forth by the DOT regulations in 49 CFR Part 40, Subpart O. All employees found in violation of this rule will also be subject to sanctions by the Village, as set forth below, for violation of this Policy.

(8) It is a violation of the DOT regulations, as adopted by this Policy, for any employee tested under the provisions of this Policy and who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 to perform or continue to perform safety-sensitive functions, including driving a commercial motor vehicle. The Village will not permit such an employee to perform or continue to perform safety-sensitive functions, until the start of the next regularly scheduled duty period, but not less than 24 hours following administration of the test. All employees found in violation of this rule will also be subject to sanctions by the Village, as set forth below, for violation of this Policy.

(9) Employees must also fully comply with all prohibitions set forth in the Village's general Drug-Free Workplace Policy, which is applicable to both DOT-covered commercial drivers and non-DOT covered drivers who may or may not hold a CDL. When safety-sensitive commercial drivers are being tested pursuant to this Policy (i.e., the DOT-mandated policy), the testing procedures set forth herein shall apply. When safety-sensitive commercial drivers are being tested pursuant to the general Drug-Free Workplace Policy, the procedures set forth in that policy shall apply.

O. Consequences Of Violations

In addition to the consequences set forth above for violation of the DOT regulations, prohibited conduct

by an employee will result in the following Village actions:

- (1) Job Applicants will not be hired.
- (2) Any employee violating this Policy will be terminated, regardless of length of service. The employee may reapply after substance abuse program has been completed.
- (3) An employee found to have an alcohol concentration of .02 or greater, but less than .04, shall not perform or continue to perform safety-sensitive functions until the start of the commercial driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test. No action will be taken under this Policy based solely on test results showing alcohol concentrations of less than .04, but the Village may take action independent of this Policy in accordance with other applicable policies or laws.
- (4) In addition to the other consequences provided in this Policy, all employees who refuse to submit to an alcohol or drug test to be conducted under this Policy will be presumed to be positive for the presence of alcohol or a controlled substance for the purpose of all workers' compensation medical and indemnity benefits claims arising from the incidents or accidents leading to said testing. Refusals to test shall subject the commercial driver to immediate termination.
- (5) An employee who fails to report the use of prescribed drugs for which the Village tests and/or fails to provide written certification from their physician advising that the substance does not adversely affect driver's ability to safely operate a commercial motor vehicle prior to engaging in any safety sensitive functions shall be subject to disciplinary action up to, and including, termination.

P. Refusal to submit (to an alcohol or controlled substances test) means that an employee:

- (1) Failed to appear for any test (except a pre-employment test) within two hours of being directed to report by the Village's DER or designee. This includes the failure of an employee to appear for a test when called by a consortium or third-party administrator;
- (2) Failed to remain at the testing site until the testing process is complete. Provided, that an employee who leaves the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test;
- (3) Failed to provide a urine specimen for any drug test, or failed to attempt to provide a saliva or breath specimen for alcohol testing, required by this Policy or DOT agency regulations. Provided, that an employee who does not provide a urine specimen because ~~he~~ ~~or she~~ they have left the testing site before the testing process commences (see 49 CFR Sec. 40.63(c) of the DOT regulations) for a pre-employment test is not deemed to have refused to test;
- (4) In the case of a directly observed or monitored collection in a drug test, failure to

permit the observation or monitoring of the employee's provision of a specimen;

(5) Failed to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;

(6) Failed or declined to take a second test the Village, the Village's DER, or collector has directed the employee to take;

(7) Failed to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER as part of the shy bladder or shy lung procedures set forth in 49 CFR Sec. 40.193(d) of the DOT regulations. In the case of a pre-employment drug test, a covered employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment;

(8) Refused to allow collection of specimens for drug and/or alcohol testing by a treating medical facility during the course of treatment following an "accident" requiring post-accident testing, or refused to allow the Village access to medical records containing the results of such tests, or any attempt by an employee to block the release of such specimens or medical records;

(9) Failed to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process); or

(10) Is reported by the MRO as having a submitted or attempted to submit a verified adulterated, diluted, or otherwise altered or substituted specimen.

Any driver who has a verified positive controlled substances result, an alcohol concentration of .04 or greater, or refuses to submit to a test must also be evaluated by a Substance Abuse Professional at the employee's own expense, even if the employee is terminated by the Village, before obtaining a DOT-covered commercial driver position.

Q. Drug/Alcohol Intervention

There are many good reasons why you should be concerned if any of your coworkers are using drugs or alcohol on the job including, but not limited to:

- Your health and safety may be at risk.
- Alcohol misuse and drug use costs you money.
- Alcohol misuse and drug use creates a negative work environment.

If drinking or using drugs affects your work life, it could lead to job loss and all of the financial problems that could follow. Please contact Human Resources, or encourage a coworker to do so, if you suspect a problem.

Signs and Symptoms of Alcohol and/or Drug Abuse

Any one or more of the following signs may indicate a drinking or drug problem:

- Family or social problems caused by drinking or drug use.
- Job or financial difficulties related to drinking or drug use.
- Loss of consistent ability to control drinking or drug use.
- "Blackouts" or the inability to remember what happened while drinking or taking drugs.
- Distressing physical and/or psychological reactions if you try to stop drinking or taking drugs.
- A need to drink increasing amounts of alcohol to get the desired effect.
- Marked changes in behavior or personality when drinking or taking drugs.
- Getting drunk or high frequently.
- Injuring yourself - or someone else - while intoxicated or high.
- Breaking the law while intoxicated or high.
- Starting the day with a drink or drugs.

Available Resources for Resolving Problems Associated with Alcohol or Drug Abuse

Outpatient programs exist in a variety of settings:

1. Community mental health centers.
2. Family service agencies.
3. Private physicians and therapists' offices.
4. Occupational settings.
5. Specialized alcoholism/drug addiction treatment facilities.

Inpatient services, designed for those with more serious alcohol or drug addiction problems, can be found in hospitals, residential care facilities, community halfway houses, and some clinics.

An internet-based search will list helpful referral organizations such as (none of which are specifically recommended by the Village; treatment decisions are highly personal and made by the employee and their family):

U.S. Dept. of Health & Human Services

Substance Abuse and Mental Health

Services Administration: 1-800-HELP (4357)

Alcoholics Anonymous 1-800-344-2666

M.A.D.D. 1-800-438-6233

AL-ANON Family Group Headquarters 1-800-356-9996

Additionally, an Internet search will identify the names and locations of treatment centers. Also, the United Way, offers many confidential services at no charge. Any costs of outside services are, however, the employee's responsibility.

Employee Assistance Program

The Village maintains an Employee Assistance Program (EAP) that may offer services or referrals for employees and their family members who suffer from alcohol or drug abuse problems. Any questions concerning the EAP program can be directed to the Village's DER.

Seeking Voluntary Assistance

Any employee who has not previously tested positive for drug and alcohol use and has not yet entered a drug and/or alcohol abuse rehabilitation program, may seek assistance for drug and/or alcohol problems before they lead to disciplinary actions, provided that:

(1) The employee does not self-identify in order to avoid testing under the requirements of this Policy;

(2) The employee makes the admission of alcohol misuse or controlled substances use prior to performing a safety sensitive function (i.e., prior to reporting for duty); and

(3) The employee does not perform a safety sensitive function until the Village is satisfied that the employee has been evaluated and has successfully completed education or treatment requirements in accordance with the requirements set forth below.

No employee will be discharged, disciplined, or discriminated against solely upon that employee's voluntarily seeking treatment for a drug and/or alcohol problem if the employee has not previously tested positive for drug use, entered an employee assistance program for alcohol- or drug-related problems, or entered an alcohol and drug rehabilitation program.

Employees may not continue to work in safety sensitive positions or otherwise while seeking voluntary treatment, but may be granted leave without pay with a conditional return to work upon successful completion of an educational or treatment program, as determined by a drug and alcohol abuse evaluation expert, i.e., employee assistance professional, substance abuse professional, or qualified drug and alcohol counselor. An employee returning to work from voluntary treatment shall undergo a return to duty test with a result indicating an alcohol concentration of less than 0.02; and/or a verified negative test result for controlled substances use. For up to two years, a series of periodic non-DOT follow-up drug and/or alcohol tests will be administered after the employee returns to work under the Village's general Drug Free Workplace policy.

R. Confidentiality

All written reports and related information received by the Village, laboratories, employee leasing programs, drug and/or alcohol rehabilitation programs and their agents will be held in strict confidence and will not be disclosed except in accordance with the applicable federal, state, and/or local laws and regulations. Any other release of this information will be allowed only with the tested individual's consent. If an employee initiates a grievance, hearing, lawsuit or other action as a result of a violation of these rules, the Village may release relevant information to its legal counsel and the decision maker in said action.

The employer or its Service Agent shall maintain the records for a period of up to five (5) years in accordance with the requirements of the DOT regulations in 49 CFR §382.401(b), as well as the applicable retention period under Florida's public records laws, and these records will be provided to the following agencies and/or individuals under the following circumstances:

(1) An employee is entitled, upon written request, to obtain copies of any records pertaining to the employee's use of alcohol or controlled substances, including any records pertaining to his or her alcohol or controlled substances tests. The Village will also release information regarding an employee's records as directed by the specific written consent of the employee authorizing release of the information to an identified person. Release of such information by the person receiving the information is permitted only in accordance with the terms of the employee's specific written consent as outlined in the DOT regulations in 49 CFR § 40.321(b);

(2) To the decision maker in a lawsuit, grievance, or administrative proceeding initiated by or on behalf of the employee, and arising from a positive drug or alcohol test or a refusal to test (including, but not limited to, adulterated or substituted test results) or this Policy (including, but not limited to, a workers' compensation, unemployment compensation, or other proceeding relating to a benefit sought by the commercial driver). Additionally, an employer may disclose information in criminal or civil actions in accordance with the DOT regulations in 49 CFR § 40.323(a)(2);

(3) The National Transportation Safety Board as part of an accident investigation;

(4) Secretary of Transportation, any DOT agency, or any State or local officials with regulatory authority over the Village or its commercial drivers; or

(5) A subsequent employer upon receipt of a written request from a covered employee.

S. Federal And State Laws And Regulations

Nothing in this Policy shall be presumed to override, amend, or change any requirements of state and/or Federal law. In the event any of the provisions of this Policy conflict with applicable laws and regulations, such laws and regulations will be deemed to control.

All employees will notify the Village of any conviction of, plea of guilty or nolo contendere to, any violation of any controlled substance law of United States or any other state for a violation occurring in the workplace no later than five (5) days after such conviction. Failure to report any such conviction within five (5) days shall result in termination of employment.

Commercial Driver Certificate of Receipt and Acknowledgement of Policy

I _____, have received a copy of the Village's Drug-Free Workplace Policy for Dot-Covered CDL Drivers. I understand and agree that it is a condition of my employment to abide by the Policy at all times and that violations may subject me to disciplinary action up to, and including, termination.

Employee Signature Date

Employee Printed Name

**DOCUMENTATION OF BASIS FOR REASONABLE SUSPICION TESTING
FOR DOT COVERED COMMERCIAL DRIVERS**

Prepare and sign within **24 hours** of the observed behavior or before the results are released, whichever is earlier. Keep confidential for at least one year.

<u>DRIVER'S NAME</u>		<u>DATE OBSERVED:</u>
<u>ADDRESS OF INCIDENT</u>		<u>TIME OBSERVED:</u>
Street _____ City _____ State _____ Zip _____		From _____ a.m. or p.m. To _____ a.m. or p.m.

Record employee observed behavior for reasonable suspicion for the use of alcohol or controlled substances. Per DOT requirements for reasonable suspicion testing, the employer shall require the driver to submit to a controlled substance or alcohol test if a qualified supervisor or Village official who is trained in accordance with §382.603 determines that reasonable suspicion exists.

<u>Reasonable suspicion determined for:</u> <input type="checkbox"/> Alcohol <input type="checkbox"/> Controlled Substances
<u>Mark items that apply and describe specifics</u>
<u>APPEARANCE:</u> Normal <input type="checkbox"/> Sleepy <input type="checkbox"/> Tremors <input type="checkbox"/> Clothing <input type="checkbox"/> Cleanliness <input type="checkbox"/> <u>Description:</u>
<u>BEHAVIOR:</u> Normal <input type="checkbox"/> Erratic <input type="checkbox"/> Irritable <input type="checkbox"/> Inappropriate gaiety <input type="checkbox"/> Mood swings <input type="checkbox"/> Lethargic <input type="checkbox"/> <u>Description:</u>
<u>SPEECH:</u> Normal <input type="checkbox"/> Slurred <input type="checkbox"/> Incoherent <input type="checkbox"/> <u>Description:</u>
<u>BODY ODORS:</u> <u>Description:</u>
<u>INDICATIONS OF THE CHRONIC AND WITHDRAWAL EFFECTS OF CONTROLLED SUBSTANCES:</u> <input type="checkbox"/> Yes <input type="checkbox"/> No <u>Explain:</u>
<u>OTHER OBSERVATIONS FOR REASONABLE SUSPICION:</u> <u>Explain:</u>
<u>WITNESSED BY:</u>
<u>Signature</u> _____ <u>Title</u> _____ <u>Preparation Date</u> _____ <u>Time</u> _____ a.m./p.m.
<u>Signature</u> _____ <u>Title</u> _____ <u>Preparation Date</u> _____ <u>Time</u> _____ a.m./p.m.

The alcohol test must be administered within two (2) hours, but no more than eight (8) hours following a

reasonable suspicion determination.

EMPLOYEE'S ACKNOWLEDGMENT AND CONSENT:

I acknowledge that I have been informed of the Village's reasons for requesting this drug and/or alcohol testing and consent to the testing.

Employee Signature

Date

IMPORTANT INFORMATION FOR DOT-COVERED COMMERCIAL DRIVERS
(It is required that this information be posted for all employees)

<p><u>Notice to Applicants and Employees</u></p> <p><u>PRE-EMPLOYMENT AND OTHER REQUIRED DRUG TESTING IS FOR THE FOLLOWING DRUGS:</u></p> <ul style="list-style-type: none"> • <u>Marijuana</u> • <u>Cocaine</u> • <u>Opioids</u> • <u>Amphetamines</u> • <u>Phencyclidine (PCP)</u> <p><u>Reasonable suspicion and post-accident testing:</u></p> <ul style="list-style-type: none"> • <u>Above Drugs</u> • <u>Breath Alcohol Testing (when suspected for reasonable suspicion)</u> <p><u>Random testing — above Drugs and Alcohol</u></p>	<p><u>VILLAGE DESIGNATED EMPLOYER REPRESENTATIVE (DER) - ALL QUESTIONS REGARDING THE DRUG & ALCOHOL TESTING PROGRAM</u></p> <p><u>DER:</u> <u>Director of Human Resources and Risk Management</u></p>
<p><u>DRUG OR ALCOHOL HOTLINE #'S</u></p> <p><u>National Council on Alcoholism and Drug Dependence Hotline</u> <u>Phone: (800) 622-2255</u> <u>www.ncadd.org</u></p> <p><u>Alcohol & Drug Referral Hot Line</u> <u>1-800-252-6465</u></p> <p><u>SUBSTANCE ABUSE PROFESSIONAL (EMPLOYEE MUST BE REFERRED AFTER VIOLATION OF DOT DRUG/ALCOHOL POLICY)</u></p>	<p><u>IT IS THE POLICY OF THE VILLAGE THAT THERE IS NO PLACE FOR THOSE WHO USE ILLEGAL DRUGS OR WHO ABUSE LEGITIMATE DRUGS OR WHO HAVE BECOME DEPENDENT UPON ANY CHEMICAL SUBSTANCE INCLUDING ALCOHOL.</u></p> <p><u>THIS VILLAGE INTENDS TO BE IN COMPLIANCE WITH THE DOT REGULATIONS CONCERNING DRUG ABUSE AND ALCOHOL MISUSE, WHICH INCLUDES A PROGRAM OF URINALYSIS TESTING FOR ILLICIT DRUG USE.</u></p> <p><u>EMPLOYEES WHO HAVE A CONFIRMED POSITIVE TEST FOR DRUGS OR ALCOHOL ARE SUBJECT TO TERMINATION.</u></p>

11.1 RETURN TO WORK AND LIGHT DUTY

On occasion, employees may not be able to perform the full duties of their position due to illness, injury or recovery from an illness or injury. When the employee's health care provider provides written notification to the Village that an employee can safely perform work with a clear, objective list of work restrictions, and the anticipated time period such restrictions will be in place, the Village, in its sole discretion, makes efforts to allow the employee to return to work in a light duty capacity when an available position meets the restrictions required by the health care provider. The Village is not obligated to create light duty positions or work.

The Village may require a second medical opinion of work-related restrictions at the Village's cost. Should the first and second opinions differ, the Village and employee shall choose a third health care provider to provide the final opinion with the Village and employee sharing the cost equally.

Light Duty is considered on a case-by-case basis along with the operational needs of the Village.

- Light Duty assignments are given priority for those whose restrictions result from a covered workers' compensation injury or illness and, when offered, must be accepted by the employee.
- Employees whose restrictions result from off-duty or non-job-related medical issues or injuries may be eligible for FMLA or a Personal Leave depending on the nature of the injury or illness and may request a Light Duty assignment. The Village will not mandate a Light Duty assignment for employees whose restrictions resulted from off-duty or non-job-related medical issues or injuries.
- Light Duty assignments where the employee is temporarily placed in a lower position classification commensurate with the restricted duties shall result in a corresponding temporary reduction in pay, in which the employee will be placed in the same relative position for the lower position grade as their regular classification, as long as the pay does not decrease more than 10%.

Employees must notify Human Resources as soon as possible of any work restrictions. Employees must abide by any restrictions imposed by the health care provider if permitted to work in a Light Duty capacity. Failure to follow the restrictions may result in disciplinary action up to and including termination.

The Village may alter the employee's work schedule to accommodate a Light Duty assignment and will endeavor to provide 72 hours' notice when feasible.

12.1 TRAINING AND EDUCATION

12.2 Training: The Human Resources Department shall assist the Department heads/Head Directors in the training of their personnel. Training need not be limited to in-service type programs.

Employees wishing to obtain additional formal training or education in their particular field may submit a request for ~~payment reimbursement~~ of tuition and books for such training or education to their ~~department~~Department ~~Head~~Director prior to beginning of the program in accordance with the following regulations.

12.3 ~~Attendance Authorized~~Village In-House Training Programs:

Village training instructors will take roll call and document each employee's attendance at authorized training programs in writing.

Attendance record copies will be kept by Human Resources.

Excused Absences: The employee's supervisor must approve absences. When the supervisor approves the absence, the approval will be forwarded to Human Resources for review. The employee will submit a written request at least one day before the date of the absence when possible.

Limitation of Absences: If an attendee misses more than 10% of the training program's allotted time for any reason, the entire course must be retaken or hours missed retaken, at the Training supervisor's discretion.

Attendees must be punctual since late arrivals are disruptive to a class and may not be allowed to attend.

The Village may issue training certificates for successful completion of Village training programs.

The dress code for training classes will be appropriate business attire unless otherwise specified by the training announcement. ~~Shorts, tank tops, sweat pants, and T-shirts will not be permitted. Slacks and a collared shirt will be acceptable. Employees not meeting this dress code will be asked to leave the training class.~~

At the completion of each training class or session, the employee's training record will be updated to include the following as a minimum:

- Type of Training
- Date of Training

- Certificates Received
- Attendance
- Test Scores (as applicable)

Each class that is conducted by the Village will maintain a record of the class to include at a minimum:

- Course Content (lesson plans)
- Name of department attendees
- Test results if administered

Each training course that is conducted by the agency requires the development of a lesson plan. The trainer will submit the lesson plan to Human Resources determine that the course content meets the requirements of the Village and the course objectives are job-related.

~~12.3.1 Training/Seminar Request:~~

- ~~12.3.1.1 Requests to attend schools, seminars, courses, or training activities must be approved by the employee's department Department Head or designee.~~
- ~~12.3.1.2 Requests must be submitted on a Training Request Form with a copy of the course announcement, agenda, and completed registration form.~~
- ~~12.3.1.3 Requests must be submitted in the order indicated on the Training Request Form.~~
- ~~12.3.1.4 Seminar requests must be submitted at least 21 calendar days before the seminar's starting date.~~
- ~~12.3.1.5 Employees will be notified of approvals in writing.~~
- ~~12.3.1.6 Approved requests will be filed in Human Resources.~~
- ~~12.3.1.7 Disapproved requests will be returned to the submitting employee with the reasons for the disapproval noted.~~
- ~~12.3.1.8 Employees not receiving a written notice on the approval or disapproval of the request within five (5) days of the seminar's start will contact the employee's supervisor to obtain the status of their request.~~
- ~~J. Travel and hotel accommodations will be handled by the employee or his/her their supervisor.~~
- ~~K. Employees withdrawing from approved training or seminars will submit a memo stating their reasons for withdrawal to the employee's supervisor as follows:~~
 - ~~1. If the withdrawal is before the start of the training or seminar, the memo must be submitted at least seven (7) working days before its start.~~
 - ~~2. If withdrawal is during the course of the training or seminar, the memo must be submitted on the date of withdrawal.~~
 - ~~3. In emergency situations, the requirements in Section 11.1.2K1 or 2 may be waived by directly notifying the employee's supervisor. The waiver will then be forwarded to~~

Human Resources.

- ~~4. Employees not attending their approved training and career development course(s) and failing to cancel registration will be responsible for the Village for incurred costs.~~
- ~~L. The employee's supervisor will be responsible to approve the employee's attendance as on or off duty.~~
- ~~M.~~
- ~~N. The Village reserves the right to require employees failing a seminar or course to reimburse the Village for the training costs.~~
- ~~O.~~
- ~~P. Employees will be responsible for submitting a copy of their certificate of completion or other proof of attendance to Human Resources for inclusion in their Training files within seven (7) working days of the receipt of their certificate.~~

12.4 Educational Reimbursement Program

12.4.1 The Village encourages employees to voluntarily pursue training programs, undergraduate and graduate degrees or professional certifications that will improve and enhance their skills, performance, and ability to assume additional responsibilities at the Village. Accordingly, subject to budgetary restraints, the Village will provide educational reimbursement to eligible employees who are seeking a qualifying undergraduate or graduate degree, professional certification, or who are obtaining job-related training. Reimbursement and other payments made by the Village to an eligible employee under this policy are subject to the current federal taxation requirements.

12.4.2 Employee Eligibility

To be eligible, employees must be employed by the Village on a full-time basis for at least one year (12 months) of continuous service in an active status (not on a leave of absence) and must be in good standing at the time of application for reimbursement and on the date of the reimbursement payment by the Village. For purposes of this policy, the Village defines “good standing” as an employee who has not received any corrective action or other formal discipline, performance improvement plan or an unsatisfactory performance evaluation within the last 6 months. Employees must also be currently employed at the time that payment is made. All said employees are eligible unless superseded by a current Collective Bargaining Agreement.

12.4.3 Undergraduate and Graduate Programs

Course Eligibility: Undergraduate and graduate courses must be taken as part of a degree program approved in advance by the Department Director, the Director of Human Resources and Risk Management, and the Village Manager, and must provide an eligible employee with skills, knowledge or competencies applicable to the employee's current position or another position at the Village. The courses must be provided by an accredited university or college as identified by the US Dept. of Education at <https://ope.ed.gov/accreditation>.

Grade Requirements: An employee must maintain a “C” average or above to maintain eligibility in the Village's program.

Tuition Reimbursement Provisions: An employee is eligible to receive reimbursement for two (2) classes per semester, up to 3 credit hours per class (four hours for courses with a laboratory), for a maximum of five (5) classes per tax (calendar) year. Courses include electives and mandatory classes required to meet degree requirements. The amount of reimbursement approved by the Village will be based on the employee's grade in each course, as provided in this policy.

Books and required laboratory fees are eligible for reimbursement, but shall be limited to \$250.00 per tax (calendar) year and are subject to the employee earning a grade of A, B or C in the course. All other expenses, including but not limited to, those for parking, supplies or non-laboratory fees, are the employee's responsibility and are not eligible for reimbursement from the Village. The Village will provide reimbursement to up to a maximum of \$5,250.00 per tax (calendar) year based on current federal taxation requirements and limits. Reimbursements to an employee in excess of IRS limits creates tax liability for the employee.

Reimbursement Amount: The reimbursement amount will be limited to actual tuition, or the per credit rate of the established Florida resident credit hour rate for undergraduate or graduate courses charged in the State of Florida university system at the time of the employee's course enrollment, whichever is lower, regardless of the employee's election to attend a private educational institution. Upon the employee's completion of an approved course, the reimbursement schedule will be based on grades received by the employee as follows: 100% reimbursement for a grade of "A"; 100% reimbursement for a grade of "B" and 75% reimbursement for a grade of "C". The Village will not provide any amount of tuition reimbursement or reimbursement for books/laboratory fees if the employee earns a grade of "D" or "F" or receives an "Incomplete" mark. Pass/Fail courses within a degree program are not eligible for reimbursement. J.

Employees are responsible for submitting a copy of their grade report to Human Resources for inclusion in their employment files within seven (7) working days of receipt.

Courses must be scheduled outside of the employee's regular work hours and all homework or related coursework must be done outside of working hours. Employees are prohibited from using Village equipment or resources to engage in homework or other related coursework.

NOTE: The Village may reduce the percentage of reimbursement if the combined total of the employee's financial aid and the Village's reimbursement to the employee exceeds 100% of the tuition, book costs and laboratory fees for the course term.

12.4.4 Certification or Training Programs

Program Eligibility: An eligible employee may obtain reimbursement for a certification program or courses in a professional discipline applicable to the employee's current position or another position at the Village and for job-related training courses or programs (collectively referred to as "certification or training programs"). The certification or training programs must be provided by an accredited university or college, professional association, professional training provider, or other similar institution. The employee's participation in any certification or training program must be approved in advance by the Department Director, Director of Human Resources and Risk Management, and the Village Manager. Human Resources will determine whether the employee's attendance is recorded as on or off duty.

This policy applies to certification or training programs and is inclusive of registration, attendance fees and related expenses, such as travel, lodging and food. Travel and hotel accommodations will be handled by the employee or their supervisor.

Tuition Reimbursement Provisions: An employee is eligible to receive reimbursement for up to two (2) certification or training programs per tax (calendar) year. If the certification or training program consists of courses or sessions that occur over a period of time, similar to the semester-

based system for undergraduate or graduate degree programs, the Village will follow the “Tuition Reimbursement Provisions” contained in the Undergraduate and Graduate Programs section of this policy. Employees are responsible for submitting a copy of their certificate of completion or other proof of attendance to Human Resources for inclusion in their employment files within seven (7) working days of receipt.

Reimbursement Amount: The reimbursement amount will be determined by the Village at the time of approval on an individual employee basis, in consideration of the nature of the certification or training program, the employee’s position, the Village’s operational needs, and the tuition, attendance or registration costs and the related expenses, such as travel, lodging and food. Any amount reimbursed by the Village in connection with a Village approved certification or training program shall not exceed the reimbursable travel expenses authorized under Section 112.061, Florida Statutes. The Village will provide reimbursement to an eligible employee who successfully completes the approved certification or training program, up to a maximum of \$5,250.00 per tax (calendar) year based on the date of the check to the employee. The Village will not provide any reimbursement to an employee who does not successfully complete the certification or training program.

12.4.5 Approval Procedure

Eligible employees must receive prior approval from the Village Manager in writing to participate in the Village’s educational reimbursement program. To obtain approval, an eligible employee must submit a completed Education Reimbursement Program Participation form at least 21 days in advance of the start of the program to his or her Department Director with the following documents attached: the degree requirements; the course or program description; an agenda or schedule (with dates and times); and for certification or training programs only, the program cost and a list of the categories and costs of any related expenses. The employee must also submit documentation of other financial aid for which the employee has applied or been granted. The Department Director and the Director of Human Resources and Risk Management will review the employee’s application form and supporting documentation to determine if the employee meets the criteria for participation in the Village’s Educational Reimbursement Program.

If the employee is eligible to participate in the program, the Village Manager will evaluate and either grant or deny the employee’s request. Notice of the Village Manager’s decision shall be provided to the employee in writing.

Employees not receiving a written notice on the approval or disapproval of the request within five (5) days of the seminar's start will contact the employee’s Department Director to obtain the status of their request.

12.4.6 Withdrawal or Cancellation of Course, Training, Seminar or other Educational Program

Employees withdrawing from approved courses, training, seminars or other educational programs will submit a memo stating their reasons for withdrawal to the Department Director as follows:

- A. If the withdrawal is before the start date, the memo must be submitted at least seven (7) working days before its start.
- B. If withdrawal is after the start date, the memo must be submitted on the date of withdrawal.
- C. In emergency situations, these requirements may be waived by the Department Director and Director of Human Resources and Risk Management.
- D. Employees not attending their approved training and career development course(s) and

failing to timely cancel registration will be responsible to the Village for any incurred costs.

12.4.7 Program Terms

The reimbursement amounts provided to eligible employees by the Village are considered an investment in employee skills, succession planning, and public service. Accordingly, if the employee is approved to participate in the Village's educational reimbursement program, the employee is required to remain employed with the Village in a full-time capacity for a continuous 12 month period from the date of each reimbursement payment received by the employee.

If the employee resigns or terminates employment at any time during the 12 month employment period (for any reason other than due to a reduction in force or due to circumstances beyond the employee's control, as determined by the Village Manager) following reimbursement, the employee shall be required to repay the investment on a pro rata basis. The prorated amount will be calculated as follows: the total reimbursement amount paid in the prior 12 month period divided by the number of months of the employment period completed by the employee. For example, the amount of reimbursement divided by 12, times the number of months not worked will result in the amount due from the employee (e.g. \$1,200 reimbursement, divided by 12, is \$100 per month; if employee only completes 7 months of employment after reimbursement, the employee shall be responsible to pay \$500). The balance under this policy is due in full within seven (7) days of the employee's separation from employment. In appropriate circumstances, the Village and employee may agree to a monthly payment plan for repayment of the balance.

The Village also may retain and deduct the amount owed under this Policy (in whole or in part) from any monies due to the employee prior to or following his or her termination, subject to the applicable restrictions imposed by the Fair Labor Standards Act. The employee will submit a signed, notarized promissory note guaranteeing full repayment for all education expenses if the terms of this policy are not fulfilled on the side of the employee, which shall include an express lien on all wages or other payments due the employee in accordance with applicable laws.

An eligible employee who receives reimbursement to attend a basic recruit training program for law enforcement officers is required to comply with the employment and repayment terms provided in Florida Statutes section 943.16, which includes a two-year employment commitment from the employee to avoid the repayment provisions. The Village provides notice to such trainees during the employment screening process and retains a copy of the trainees' acknowledgment of same in the personnel file.

NOTE: An employee who participates in the Village's Educational Reimbursement Program is employed at will and the employee's employment may be terminated by the employee or the Village at any time, with or without cause or prior notice. This policy does not create a contractual relationship between the Village and any employee participating in the Village's Educational Reimbursement Program, and does not create a guarantee of employment for a definite period of time or for any purpose.

12.4.8 Reimbursement Procedure

If approved to participate in the Village's Educational Reimbursement Program, within thirty (30) calendar days of successful completion of the approved course(s), program or training, the employee must provide to his or her Department Director copies of all receipts for all additional eligible costs and fees and one of the following: certified transcript for the course term for any undergraduate and graduate courses, copy of professional certification, or a certificate of completion for a training program. The employee shall also disclose and provide documents

showing all financial aid (including, but not limited to, scholarships, grants, stipends, waivers, discounts, fellowships, military and veterans' benefits) and other non-refundable financial aid received by the employee used to pay tuition or other costs. The combined total of the employee's financial aid and the Village's reimbursement to the employee shall not exceed 100% of the tuition and eligible costs and fees. The reimbursement amount may be reduced to satisfy this rule.

If the documents produced by the employee are satisfactory, the Department Director will complete a Personnel Action Form (PAF) indicating approval to proceed with reimbursement. The PAF form must be submitted to the Director of Human Resources and Risk Management and then forwarded to the Village Manager for final approval. If approved, the PAF will be submitted to Finance for processing.

12.4.9 Termination from Employment

If the employee resigns, submits a resignation, or is terminated by the Village for any reason other than due to a reduction in force or due to circumstances beyond the employee's control (as determined by the Village Manager), prior to receiving reimbursement for a completed course(s) or program, the Village (at the Village Manager's Discretion) may pay a portion of the reimbursement amount on a pro rata basis.

12.4.10 Future Changes and Processing

At the Village's discretion, the Village Manager may approve exceptions and/or change the provisions of this policy at any time, including the eligibility and reimbursement criteria and the reimbursement amount. The employee's reimbursement request will be processed in accordance with the policy in effect at the time of the request, not the time of the employee's enrollment in the undergraduate or graduate course, or certification or training program.

~~12.4 Tuition Refund Program:~~

~~12.4.1 **Purpose:** The Village encourages employees to pursue formal education that will improve the services which the employee was hired to perform or qualify the employee for acceptance of greater responsibility within the scope of normal job development. Tuition assistance will be provided for regular full time Village of North Palm Beach employees who have successfully completed an approved course of instruction.~~

~~12.4.2 **Limitations:**~~

~~12.4.2.1 The tuition reimbursement program rates are established by the Village Council and through Collective Bargaining. Employees will be reimbursed in accordance with the prevailing rates established by the Village Council or the Collective Bargaining Agreements.~~

~~12.4.2.2 Reimbursement is for tuition only. No tuition assistance is paid for cost of books, fees, supplies, transportation, or other expenses.~~

~~12.4.2.3 No tuition assistance will be paid prior to the grade of at least a "C" being verified.~~

~~12.4.2.4 Tuition assistance is available to employees who have a minimum of one year's service with the Village.~~

~~12.4.2.5 The employee must agree to stay in the employment of the Village for a period of one~~

~~year after the completion of the course that has been funded through tuition assistance. If the employee resigns, or is terminated for any reason before the expiration of the one year period, any money paid under tuition refund assistance must be returned to the Village.~~

~~12.4.3 **Courses to be Approved:**~~

~~12.4.3.1 No blanket approval of programs or courses will be granted. Only specific courses for a particular semester or term will be approved.~~

~~12.4.3.2 To be acceptable for the program, courses must provide training which will tend to improve the services which the employee was hired to perform or may reasonably be expected to perform.~~

~~12.4.4 **Application:** Application for tuition assistance must be made on forms supplied by the Village and must be submitted no later than 20 days following course registration. After the employee's department head has made a recommendation, the Village Manager or designee will approve or disapprove all applications for tuition assistance. Applications will be subject to budget availability.~~

~~12.4.5-~~

~~12.4.6 **Method of Payment:** Upon successful completion of an approved course, the employee must submit an official grade report and a copy of receipt for tuition which must be submitted within thirty (30) days of course completion. The Village will reimburse employees for an approved course within sixty (60) days of the employee's submission of the official grade report and tuition receipt.~~

APPROVED



~~Jimmy Knight
Village Manager~~

12.1 PAY FOR PERFORMANCE PROGRAM

12.1.1 PURPOSE:

To define the various components of the Personnel Rules and Regulations Pay for Performance Program and to provide guidelines for its administration.

12.1.2 POLICY:

The Village ~~of North Palm Beach~~ recognizes that some employees perform above and beyond the call of duty, or consistently maintain a level of performance that distinguishes them from their co-workers. It is the policy of the Village to measure, as objectively as possible, how an employee's job responsibilities are performed. The Pay for Performance Program is designed to acknowledge employees who have made special efforts in a project, program, or in rendering service or have consistently maintained an outstanding level of performance, or exceeded expectations. The Village will measure employees based on stated, well defined goals and objectives to the greatest extent possible. ~~These goals and objectives will be reduced to writing and made a part of the Village's budget and other policies.~~

12.1.3 OBJECTIVES: The objectives of the Pay for Performance Program are as follows:

- a. To encourage and enhance communication between the supervisor and the employee.
- b. To identify, recognize and reward employees whose job performance warrants the same.
- c. To improve job performance by identifying areas where acceptable performance is lacking and by developing an action plan for improvement.
- d. To provide a review of job performance.
- e. To document employees with the capacity for assuming greater responsibility and leadership.

12.1.4 ELIGIBILITY:

The evaluation period may be an employee's anniversary date in the position or as provided by the applicable collective bargaining agreement. ~~shall begin on June 1 of the previous year and end on May 31 of the current year.~~ All regular ~~full-time~~ employees as of the end of the evaluation period (from here forward referred to as "employees") shall participate in the Pay for Performance Program (referred to as "program"). except those covered by provisions within applicable collective bargaining agreements. All ~~full-time~~ employees who have completed at least 90 days of service prior to the end of the evaluation period shall also participate in the Program.

Employees who experienced a lateral transfer during the evaluation period that causes the evaluation date to change (e.g. due to movement to/from a position covered by a collective bargaining unit to/from a non-bargaining position) shall be evaluated on a pro-rata basis during the transition from one evaluation period to the next.

For purposes of the Program, base salary is defined as the basic salary earned by the employee, excluding overtime and fringe benefits, as described in the Village's annual budget or Departmental Orders, or Village Codes, Ordinances and Personnel Rules and Regulations and Village policies.

12.1.5 GUIDELINES:

The Village places a high value on: caring, helpful service to the public; creative, workable solutions to problems; dedication and hard work; self-improvement; and enhancing the Village's positive image. On-going performance that is consistent with these values is recognized through the performance evaluation and a pay for performance program to the extent that there remains room to advance within a salary range. The Village recognizes the advantages of rewarding the consistently high performer through the Program.

- a. Pay for Performance Increases: A pay for performance increase, as budgeted by the Village Council, may be granted to an employee based on an annual evaluation of ~~his or her~~ the employee's performance.
- b. In all respects, where a pay for performance increase would cause an employee to exceed the maximum of that employee's pay range, the distribution of the pay for performance increase will be such that the employee will be topped out at the maximum of the range and will not receive a base salary increase beyond the maximum of the range. In recognition of the extraordinary service of an employee, a bonus incentive (not added to base salary) ~~will~~ will be afforded to those employees who have attained the maximum of their pay range. Said bonus incentive will be based on the annual evaluation and applicable to those employees who receive an evaluation rating of "~~Exceptional~~Satisfactory" or "~~Successful~~above as explained in Section". ~~The bonus incentive amount shall equal the designated rate increase for the rating attained.~~

12.2 PERFORMANCE EVALUATION POLICY

12.2.1 PURPOSE:

To establish guidelines for the completion and submission of performance evaluations and recommendations for pay for performance increases.

12.2.2 POLICY:

All employees shall be reviewed annually. Pay for Performance increases shall be based on performance in accordance with the Village's annual budget, Collective Bargaining Agreements, Departmental Orders, or Village Codes, Ordinances and Personnel Rules and Regulations, and other Village Policies. All proposed Pay for Performance increases will require a performance evaluation.

12.2.3 RESPONSIBILITY FOR CONDUCTING PERFORMANCE EVALUATIONS:

Under the direction of the Village Manager, the Department ~~Head~~Director and supervisors shall be responsible for conducting performance evaluations of employees under their direct supervision.

a. Evaluation process.

- 1) Performance evaluations for eligible employees shall be prepared and conducted by the immediate supervisor. ~~The supervisor and the employee shall both independently prepare in writing an evaluation prior to the review.~~ The supervisor is responsible for completing the evaluation form, ~~and the employee is responsible for completing the self-evaluation form.~~
- 2) Prior to the evaluating supervisor's review meeting with the employee, the evaluating supervisor must review the completed evaluation form with the next level supervisor. If the two levels of supervision disagree on the performance evaluation for an employee, the Department ~~Head~~Director will review the form and make a determination on the areas of disagreement before the form is reviewed with the employee.
- 3) After the supervisor has completed the evaluation, the performance evaluation form shall be discussed with the employee. The review meeting provides the supervisor the opportunity to review the position requirements with the employee and to discuss the employee's overall performance, covering both strong points and areas for improvements. The employee may include written comments on the evaluation form. ~~The employee self-evaluation should also be discussed during the review meeting.~~
- 4) It is possible that during the evaluation ~~interview~~meeting, based on additional information and insights from the employee on his/her performance, the supervisor may determine the need to modify a rating on a specific performance criterion. Any changes must be shown on the evaluation form and must be initialed by the evaluating supervisor.
- 5) After the evaluation has been discussed, and any modifications made, the employee and supervisor shall sign and date the performance evaluation form. After the employee and supervisor have signed the evaluation form, the form shall be reviewed and signed by the Department ~~Head~~Director. The Department ~~Head~~Director may include additional written comments.
- 6) Once the evaluation form has been completed and signed by the employee, supervisor, and Department ~~Head~~Director, the original copy of the evaluation form, ~~and the employee's self-evaluation shall be forwarded to the Village Manager's Human Resources' Office. The Village Manager or his designee Human Resources' office, along with the Finance Department,~~ will be responsible for tracking, analyzing and controlling the distribution of funds in accordance with the pay for performance policy. A copy of the evaluation form ~~will~~ be distributed to the employee. The ~~original a~~ copy of the evaluation form will be placed in the employee's personnel file.

b. Evaluation period and due dates:

The Evaluation Period for employee performance shall be from June 1 of the previous year through May 31 of the current year.

- 1) Completion and timely submission of performance evaluations are the responsibility of all supervisors and the Department ~~Head/Director~~ Head. ~~All evaluations shall be submitted to the Village Manager and Human Resources no later than June 30 of each year.~~
- 2) Evaluations for all eligible employees shall be completed every twelve (12) months, but may be completed more frequently if performance warrants.

~~12-Page 4~~

12.2.4 **SCALES:**

For each category a scale of ~~0-31-5~~ is used when evaluating an employee. The evaluator should use the following definitions:

SCALE

Below Standards	Development Required	Successful	Exceptional
0	1	2	3
Unacceptable	Development Required	Satisfactory	Above Average
1	2	3	4

~~a. Exceptional~~ - Performance consistently exceeds job requirements. This rating is reserved for employees whose performance is truly outstanding.

~~a.b. Above Average~~ - Performance often exceeds job requirements, but not consistently.

~~b.c. Successful-Satisfactory~~ - Performance fully meets job requirements. This rating applies to employees whose performance fully meets job requirements on a regular basis.

~~e.d. Development Required~~ - Performance ~~meets only minimum job requirements~~leaves room for improvement. This rating applies to employees whose performance may meets minimum job requirements, but requires improvement to fully meet job requirements on a regular basis.

~~d.e. Below Standards-Unacceptable~~ - Performance is unacceptable and below minimum job requirements. This rating applies to employees whose performance is inadequate and requires substantial improvement to successfully meet job requirements. (Individuals with an overall performance score at this level should either move up in performance level or out of the position in a short period to time).

It is imperative that each employee understand the relationship between job performance and rate of pay and the relationship between the attainment of job standards and the level of performance.

There must remain a consistency between performance evaluations and the employee's rate of pay.

12.02.05. PRIORITY WEIGHTS:

Each of the dimensions set forth in the evaluation form has been assigned a priority weight, which is a measure of its importance to the organization. The dimensions considered to be important have higher priority weights than those dimensions considered to be less important. The priority for each dimension is set on a scale of one to ~~nine-five~~ (1-95). ~~Although the priority weights are constant in terms of definition, their applicability to a particular dimension of measurement will vary from year to year. That variance is predicated on the importance of that dimension as it relates to the organization's needs, goals and objectives for a given year.~~

The scale is an arithmetic progression in which a priority of five (5) is five (5) times more important than a priority of one (1). For scoring purposes, the weights act as multipliers.

The priority weights are defined as follows:

Priority Weight 1: Of minor importance to the position and to goal attainment.

Priority Weight 2: Of lesser importance to the position and to goal attainment.

Priority Weight 3: Important to the position and to goal attainment.

Priority Weight 4: Very important to the position and to goal attainment.

Priority Weight 5: Critical to the position and to the goal attainment.

~~Priority Weight 6, 7, 8, 9: Special weight granted for obtaining key certifications and management responsibilities for supervisors, division chiefs, or department heads.~~

13.1 DISCIPLINE AND CONFLICT OF INTEREST

13.2 Objective: One of the primary objectives of supervision is to ensure prompt, efficient and courteous service to the public. To meet this goal, supervisors are responsible for training, assisting, motivating, directing and correcting behavior of staff. In any organization it is essential that certain standards of personal conduct and work performance be maintained. Most people prefer to work in an orderly environment and will readily conform to reasonable rules of conduct and standards of performance as long as they understand what is expected of them. Supervisors are responsible for informing their subordinates of management's expectations. Where problems with employee behavior or performance arise, a supervisor should seek to correct the problem with the least amount of disruption to the work environment. Discipline is a means to correct employee behavior and performance. This information addresses both progressive discipline and termination. All employees working for the Village ~~of North Palm Beach~~ are members of a select group working together for the main purpose of serving the community. Any employee who fails to follow the necessary rules and

regulations governing their conduct is not only penalizing themselves, but is also doing a disservice to all of the other Village employees. The Work Rules are not intended to restrict or impose on the individual, but are designed to ensure the rights and safety of all Village employees and to provide working guidelines to efficiently serve the community effectively.

- 13.3 **Progressive Discipline:** Progressive discipline is utilized for regular, non-probationary employees and may include ~~oral~~-documented verbal counseling, written ~~counseling~~warning, suspension, and ultimately termination. Exempt employees are not typically subject to progressive discipline. The goals of progressive discipline are to: inform the employee of inadequacies in performance or instances of improper behavior; clarify what constitutes satisfactory performance or behavior; instruct the employee on what action must be taken to correct the performance or behavior problem; and inform the employee of what action will be taken in the future if the expectations are not met. There are several levels of disciplinary action, each progressively more serious, which may be used to correct employee performance and behavior. Assistance is available from Human Resources.

13.4 **Procedures:**

A. Counseling Memos: These memos will be prepared to provide employees with basic information about disciplinary recommendations or counseling.

1. Counseling memos are used for documenting counseling only. It is a non-disciplinary process used to denote:

- a. Performance deficiencies
- b. Corrective processes
- c. Additional training or educational needs

2. The employee's signature on the Counseling memo will be evidence the employee read each page and the report was discussed with the employee.

3. If the employee refuses to sign the Counseling memo, the employee's supervisor will write "Refused" and date/time of the refusal in the applicable employee's signature area. If a witness is present, the witness will sign and date the report below the employee's signature area.

A.B. Documented Verbal Counseling: An employee may be given a documented verbal counseling for a performance or behavior problem. A documented verbal counseling is typically issued during a private conference between the supervisor and the employee where the supervisor explains the problem and what the employee must do to return to satisfactory status. ~~Supervisory notes to the file are permissible and in most cases appropriate.~~ The employee should be informed that the conference is being conducted for the purpose of issuing a documented verbal counseling. This ensures that the employee is aware that disciplinary action is taking place. Documented ~~Verbal~~ counseling can also be used as a training tool.

~~B. Counseling Memos and Disciplinary Action Memos: These memos will be prepared to provide employees with basic information about disciplinary~~

~~recommendations or counseling.~~

~~1. Counseling Memo:~~

- ~~a. Counseling memos will be used for documenting counseling only. It is a non-disciplinary process used to denote:
 - ~~(1) Performance deficiencies~~
 - ~~(2) Corrective processes~~
 - ~~(3) Additional training or educational needs~~~~
- ~~b. The employee's signature on the Counseling memos will be evidence the employee read each page and the report was discussed with the employee.~~
- ~~c. If the employee refuses to sign the Counseling memo, the employee's supervisor will write "Refused" and date/time of the refusal in the applicable employee's signature area. If a witness is present, the witness will sign and date the report below the employee's signature area.~~
- ~~d. Counseling memos will not be copied for the purpose of including the report in any file other than to the designate distribution, without express approval of the Assistant Director.~~
- ~~e. Counseling memos will be maintained in unit personnel files for one year and then forwarded to Staff Inspections. Staff inspections will review and make any policy or procedure recommendations to the Director and forward a copy to Training to be made aware of training issues. Then counseling memos will be archived.~~

C. ~~Disciplinary Action Recommended Memo~~Written Warning:

- 1. ~~Disciplinary action memos~~A Written Warning will be used if discipline rather than counseling is recommended.

~~Note: Counseling is not considered discipline.~~

- 2. The employee's signature on a ~~disciplinary memo~~written warning will be evidence the employee read each page and the report was discussed with the employee.
- 3. If the employee refuses to sign the ~~disciplinary memo~~written warning, the employee's supervisor will write "Refused" and date/time of the refusal in the applicable employee's signature area. If a witness is present, the witness will sign and date the report below the employee's signature area.
- 4. ~~Disciplinary memos~~Written warnings will not be copied for the purpose of including the memo in any file other than to the designated distribution, without express approval of the Human Resources Director. The Human Resources Director will be responsible for any other distribution of these reports~~shall be included in the employee's personnel file.~~
- 5. ~~Information relating to employee disciplinary reports will be recorded on an Employee Counseling/Disciplinary Action Log. The Human Resources Director or designee will be responsible for maintaining the log.~~

D. Suspensions:

- 1. In General: Nonexempt employees may be suspended without pay for incidents which are serious enough to warrant ~~extraordinary~~ suspension, or after less severe disciplinary actions have been taken. The duration of the suspension should be

commensurate with the offense.

- a. Typically the employee is informed of the suspension in private conference with ~~his/her~~their supervisor.
- b. The employee is given ~~an employee notice form~~suspension letter or form detailing the basis for the action which specifies: the length of the suspension (beginning and ending dates)
- c. A description of the specific problem or offense
- d. The most recent incident and when it occurred; previous actions taken to correct the problem, if applicable
- e. Expectations and acceptable standards of performance
- f. A warning that further unsatisfactory behavior or performance may result in further disciplinary action, up to and including termination.
- g. The suspension letter/~~form~~ may also specify a review period, if appropriate, in which the employee's behavior or performance will be reviewed.
- h. Exempt status employees may be suspended in increments as allowed by the Fair Labor Standards Act and other wage and hour laws as applicable of one workday for inappropriate or illegal conduct.
- i. An employee may be suspended indefinitely or for any specified period of time without pay for offenses as defined ~~by the Work Rules~~in these policies and/or for violation of departmental rules and regulations, as recommended by the ~~Department Head~~Director and as approved by the Village Manager. In the case of a Public Safety unionized employee, ~~the immediate supervisor or other superior may suspend an employee and later obtain the necessary approval of the department head, following the guidelines of the PBA Contract~~the collective bargaining process will be adhered to for any suspensions. In all cases of suspension, ~~an employee notice~~suspension letter/ form must be completed and submitted to the employee along with a copy to the Village Manager and Director of Human Resources and Risk Management.

2. Normal Suspension Procedures:

- a. Except in cases of suspensions in contemplation of termination, and except where the employee's presence poses a continuing danger to persons or to the orderly operation of Village government, the employee shall be notified in writing of the accusations/charges against the employee and the factual basis therefore prior to the effectiveness of the suspension.
- b. Concurrently with or after said notice, but prior to a suspension, the supervisor; superior or ~~department~~Department ~~Head~~Director must give the accused employee a reasonable opportunity to explain the employee's version of the facts surrounding the accusations.
- c. Immediately thereafter, the supervisor, superior, or ~~department~~Department ~~Head~~Director may recommend suspension, followed by approval of the Village Manager.

3. Extraordinary Suspensions: In cases where the employee's presence poses a continuing danger to persons or to the orderly operation of Village government, the employee may be immediately suspended but shall be notified in writing of the charges against the employee and shall be given an opportunity to rebut same within

ten (10) days after suspension.

E. Administrative Leave

Employees may be placed on administrative leave with or without pay pending an investigation into conduct that may give rise to discipline under these policies, for safety reasons, while awaiting the results of a drug and/or alcohol test, while awaiting the outcome of the informal pre-termination conference.

F.F. Demotion and Decrease in Pay:

1. A ~~department~~Department ~~h~~HeadDirector may recommend and the Village Manager may demote an employee with a decrease in salary and job responsibilities, as appropriate, for such time as is necessary to correct deficiencies in job performance or job qualifications. The duration of such demotion and reduction in pay and responsibilities, as appropriate, may be temporary or regular as appropriate, under the circumstances.
2. In the event of an involuntary demotion, employees will be placed in the same relative position for the lower position grade as they enjoyed in the previous classification, as long as the pay does not decrease more than 10%.
- 2.3. Subject to the above, A demoted regular employee is entitled to advance under the pay plan as any other employee based upon job performance. Prior to the proposed demotion, the employee shall be given written notice of the reasons for the proposed demotion and further, shall be given the opportunity to rebut said reasons before the appropriate ~~department~~Department ~~H~~HeadDirector. If the ~~department~~Department ~~H~~HeadDirector determines demotion is proper, then an appropriate progress interview ~~form~~ shall be completed and shall include the specific reasons for the demotion. ~~A copy of the progress interview shall be forwarded to the Village Manager for his~~has final approval for all involuntary demotions.

F.G. Terminations:

1. In General: Employees may be terminated for incidents which are serious enough to warrant immediate termination, or after less severe disciplinary actions have been taken. It is advisable to terminate an employee in private conference with ~~his/her~~the immediate supervisor and other appropriate levels of supervision. During this conference the employee is usually given a letter or a memorandum clearly stating the effective date of the termination. When allegations are serious enough to merit immediate termination, it is usually advisable ~~to suspend and place the employee, on administrative leave~~ pending an investigation. This administrative leavesuspension is for the purpose of investigating the problem and conferring with appropriate officials regarding the decision to terminate, and should be so communicated to the employee.
 - a. These procedures for dismissal are promulgated to minimize the risk of improper terminations associated with any such processes.
 - b. A probationary employee may be dismissed with or without cause at the sole discretion of the ~~department~~Department ~~h~~HeadDirector. A Regular Employee may be dismissed only for cause.
2. Immediate Termination: Immediate termination ~~is the disciplinary action that~~ occurs

without prior warnings or attempts at progressive discipline due to the seriousness of the incident. This would include, but not be limited to, theft, ~~intoxication on the job~~ violation of either of the Village's drug-free workplace policies (as applicable to the position), violence or threat of violence, conviction of a felony, and negligent, careless or intentional performance that results in damage to property or individuals or the risk thereof. This action may become necessary when incidents which in and of themselves are so serious as to justify immediate termination, or performance problems which are determined to be due to ~~skill deficiency rather than~~ rule violations or neglect of duty.

3. Termination Procedure: Prior to the proposed termination, the employee shall be ~~suspended~~ placed on administrative leave without pay pending the outcome of the ~~informal conference~~ pre-determination conference and shall concurrently or immediately thereafter receive written notice of the reasons for the proposed termination either by hand delivery or ~~by Registered U.S. Mail~~ other traceable means.
 - a. Such notice shall also specify a time, no sooner than two (2) working days nor later than five (5) working days following the employee's receipt of such notice, for an ~~informal conference~~ pre-determination conference to be held before the Village Manager to afford the employee an opportunity to rebut the charges.
 - b. The employee may also be allowed to respond in writing to the Village Manager. After such ~~informal conference~~ pre-determination conference, and after considering all evidence, the Village Manager shall take appropriate action upon the dismissal.
 - c. An employee waives the right to appeal a termination if the employee fails to attend said pre-determination conference after being given notice of same. ~~Failure of an employee to attend said the informal conference pre-determination conference after being given notice of same, shall waive any rights of the employee hereunder.~~
 - d. The Village Manager's decision shall be forthwith furnished the employee and shall be final and binding.
4. Appeals: An employee who is subject to any disciplinary action specified herein may either pursue the appeal procedure contained in applicable collective bargaining agreements, these regulations, or request an ~~informal conference~~ pre-determination conference on the action by serving a notice within twenty-four (24) hours after the effective date of the action to the Village Manager. ~~Any employee who has been involuntarily terminated shall be immediately advised of the employee's right to appeal the action through the use of the disciplinary appeal process or the informal conference.~~

13.5 Code of Ethics, Conflicts of Interest, and Work Rules

13.4.1 Purpose: To provide Village employees a definition of conflict of interest, establish a code of ethics, and provide a set of work rules that establishes direction for the performance of duty and proper and efficient operation of Village operations.

13.4.113.4.2 Background: Public organizations must, by reason of their existence, present an

image to be respected by those they serve. The personnel who make up the organization must, at all times, project a concerned and professional image and are prohibited from engaging in conduct that creates a conflict of interest. These qualifications, not found in all professions, are a demanding requirement of this vocation, which, of necessity, must be evident in the daily operation of the organization and in all contacts with the public.

~~13.4.2~~13.4.3 **Definitions:**

- A. A “conflict of interest” means a situation where regard for an employee’s private interest tends to lead to disregard of a public duty or interest. A “conflict of interest” occurs when employees solicit or accept gifts, do business with the Village and/or engage in prohibited employment or business relationships, accept unauthorized compensation, misuse their position, disclose or use certain information, solicit or accept honoraria, or engage in lobbying the Village within two years of separation of employment, accept prohibited travel expenses, receive contingency fees, or submit false statements in connection with employment or services provided to the Village in violation of this policy, all of which are more fully described below.
- B. A “covered person” for purposes of the Personnel ~~R~~ules and Regulations is a Village employee, regardless of classification and may include volunteers in certain circumstances. However, the statutes and local ordinances regulating ethics and conflicts of interests also govern members of the Village Council and Village Advisory Board Members.
- C. A “domestic partner” is an adult, unrelated by blood, with whom an unmarried or separated official or employee has an ~~an exclusive~~ committed relationship and maintains a mutual residence.
- D. A “gift” is something which is paid or given by a person or entity to a Village employee, or to another for or on behalf of the employee, directly, indirectly, or in trust for the employee’s benefit or by any other means, where the employee does not, in exchange, give something of equal or greater value to that person or entity within 90 days, including:
- real property or the use of real property
 - tangible or intangible personal property or the use of tangible or intangible personal property
 - a preferential rate or terms on a debt, loan, goods, or services, which rate is below the customary rate and is not either a government rate available to all other similarly situated government employees or a rate which is available to similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin
 - forgiveness of an indebtedness
 - transportation, other than that provided to a public employee by an agency in relation to officially approved governmental business, lodging, or parking

- food or beverage
- membership dues
- entrance fees, admission fees, or tickets to events, performances, or facilities
- plants, flowers, or floral arrangements
- services provided by persons pursuant to a professional license or certificate
- other personal services for which a fee is normally charged by the person providing the service
- any other similar service or thing having an attributable value not already provided for above

E. A “gift” does not include the following items:

- Salary, benefits, services, fees, commissions, gifts, or expenses associated with the employee’s employment, business, or service as an officer or director of a corporation or organization.
- Campaign contributions or expenditures reported pursuant to statute, campaign- related personal services provided without compensation by individuals volunteering their time, or any other contribution or expenditure by a political party.
- An honorarium or an expense related to an honorarium event paid to a person or the person’s spouse.
- An award, plaque, certificate, or similar personalized item given in recognition of the employee’s public, civic, charitable, or professional service.
- An honorary membership in a service or fraternal organization presented merely as a courtesy by such organization.
- The use of a public facility or public property made available by a governmental agency, for a public purpose.
- Transportation provided to an employee by an agency in relation to officially approved governmental business.
- Gifts provided directly or indirectly by a state, regional, or national organization which promotes the exchange of ideas between, or the professional development of, government officials or employees, and whose membership is primarily composed of elected or appointed public officials or staff, to members of that organization or officials or staff of a governmental agency that is a member of that organization.

F. A “household member” includes anyone whose primary residence is in the official’s or employee’s home, including nonrelatives who are not rent payers or employees of the head of household.

G. “Immediate family” means any parent, spouse, child, or sibling.

H. A “relative” means an individual who is related to a Covered Person as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step

grandchild, step great grandchild, person who is engaged to be married to the Covered Person or who otherwise holds himself or herself out as or is generally known as the person whom the Covered Person intends to marry or with whom the Covered Person intends to form a household, or any other natural person having the same legal residence as the Covered Person.

- I. “Work Rules:” Those rules as set out under this policy and those commonly accepted standards of conduct that would normally apply to personnel of a local governments including those with police, fire and emergency medical services organization.
- J. “Violations:” Any action of non-adherence, transgressions from, or failure to abide by work rules or commonly accepted standards of conduct.

~~K.A. **Background:** Public organizations must, by reason of their existence, present an image to be respected by those they serve. The personnel who make up the organization must, at all times, project a concerned and professional image and are prohibited from engaging in conduct that creates a conflict of interest. These qualifications, not found in all professions, are a demanding requirement of this vocation, which, of necessity, must be evident in the daily operation of the organization and in all contacts with the public.~~

L.K. **Policy:**

- Employees shall conduct themselves in a manner consistent with the Code of Ethics, Conflicts of Interest, and Work Rules set forth herein.
- that which is considered a normal standard of conduct. Employees are required to comply with Florida’s Code of Ethics for Public Officers and Employees and may not use their jobs to obtain any special privileges or private gain for themselves or others.
- In accordance with Florida law, employees shall not:
 - engage in outside employment, which will interfere with the employee’s primary job with the Village or create a conflict of interest;
 - accept a retainer, commission, consulting fee, or any other fee arrangement or remuneration without full, written disclosure to Human Resources;
 - initiate, either directly or indirectly (including members of the employee’s immediate family), to borrow from, lend to, invest in, or engage in any substantial financial transaction with a customer, client, vendor or supplier of the Village;
 - solicit or accept gifts based on an understanding that the employee’s official actions would be influenced by such gift;
 - directly or indirectly purchase, rent, or lease any realty, goods, or services for the Village from any business entity of which the employee (or spouse or child) is an officer, partner, director, or proprietor or holds a material interest collectively or individually;

- engage in outside employment during the employee's scheduled working hours at the Village; or,
- use Village facilities, equipment, labor, or supplies to conduct outside activity.
- Violations of the Code of Ethics include, but are not limited to:
 - soliciting or accepting anything of value, such as a gift, loan, reward, promise of future employment, favor, monetary gift, or service;
 - misusing the employee's public position to obtain any special privilege, benefit or exemption; or,
 - disclosing or using information, deemed not available to the general public, for the employee's own benefit or the benefit of others.
- As such, any employee who wishes to engage in outside professional, business or volunteer activities must be certain that the proposed activity does not:
 - interfere with the employee's effective performance of his/her duties;
 - make use of any of the Village's proprietary or confidential information; or
 - require use of Village time, resources, facilities, or equipment.
- An employee is required to notify the Human Resource department if the employee, their spouse, or other member of their immediate family is engaged in a business that is similar in nature to the Village or that is under contract with the Village. Likewise, an employee must notify the Human Resources Department if a relative is employed by an organization that is under contract with the Village.
- Whenever there is a possible conflict of interest, it should be discussed with the Director of Human Resources and Risk Management.
- Employees shall not commit any deliberate act or omission, which constitutes a violation of work rules, regulations or directives as set out in this policy or accepted as standard operating procedure.
- Consequences of Violations:
 1. Any employee, who engages in a prohibited conflict of interest or who violates the code of ethics, as specified in this directive, shall be subject to discipline, up to and including immediate termination of employment.
 2. Additionally, any employee may be subject to investigation by the Florida Commission on Ethics, the Palm Beach County State Attorney's Office, Palm Beach County Commission on Ethics, or other enforcement agencies, which may result in civil and/or criminal penalties, if the violation of this policy also constitutes a violation of Florida or applicable local law.

M.L. Reporting ~~Violation~~Violations:

1. Employees must contact their immediate supervisor or Department ~~Head~~Director if they have any questions concerning the Conflict of Interest and Code of Ethics Policy. Suspected violations of the Conflict of Interest and Code of Ethics Policy must be reported immediately to their Department

~~HeadDirector~~ or the Village Manager. Employees may report their concerns verbally or in writing. Department ~~HeadDirectors~~ receiving reports of alleged violations must immediately forward the report to the Village Manager for action.

2. Employees may also report suspected violations of this policy to the Palm Beach County Inspector General or the Palm Beach County Commission on Ethics.
3. The Village will not retaliate against any employee who reports suspected violations of this Conflict of Interest and Code of Ethics Policy unless it is determined the report was made in bad faith or maliciously.

~~N.M. 13.4.5~~ **Ethics Training:** At the beginning of employment and throughout the course of employment, employees are advised of their obligations to comply with the Palm Beach County and State of Florida Code of Ethics. Training provided by the Village is mandatory for all Covered Persons, whether initial training or follow-up training. The Village provides follow-up training on the ethics obligations of Covered Persons approximately every ~~12-18~~24 months.

~~13.4.6~~ **Obedience to Rules and Regulations:** ~~Employees will not commit or omit any act violating any rule, regulation, directive, order, or policy. Violations shall result in disciplinary action.~~

~~13.4.7~~**13.4.6 Employees/Members Standards of Conduct and Work Rules:** These standards of conduct and work rules are intended to govern employee conduct while facilitating the Village's of North Palm Beach's goals and objectives. Employees will not commit or omit any act violating any Work Rule, regulation, directive, order, or policy. Violation of the standards of conduct and work rules may result in disciplinary action up to, and including, termination.

A

Absent Without Leave: Employees will be considered absent without leave if they are not present for work and no leave was granted. Multiple days of being Absent Without Leave may constitute Job Abandonment as set forth below.

Abuse of Position: Personnel shall not authorize the use of their: names, photographs, or official titles which identify them as Village personnel, in connection with testimonials or advertisements of any commodity or commercial enterprise; nor shall they lend to another person their identification cards or badges or permit them to be photographed or reproduced; and personnel shall not use their official position, official identification cards or badges:

- A. For personal financial gain
- B. For obtaining privileges not otherwise available to them except in the performance of duty; or
- C. For avoiding consequences of illegal acts.

Alcohol Use Off Duty: Personnel, while off duty, shall refrain from consuming alcoholic beverages to the extent that such consumption results in impairment, or obnoxious or offensive behavior which discredits them or the Village, or renders them unfit to report for their next scheduled work day.

Alcoholic Beverages/Controlled Substances in Village Facilities: Personnel shall not store or bring into any Village facility or vehicle any alcoholic beverages and/or controlled substances except those being held as evidence or being utilized in an official investigation.

Applications – Honesty in the Applications for Positions: No person seeking to become an officer or employee, or seeking to enter into a contract to provide goods or services to the Village, may make any false statement, submit any false document, or knowingly withhold information about wrongdoing in connection with employment by or services to the Village.

Assistance, Requests for: When any person requests assistance or advice, or makes complaints or reports, ~~either~~ by telephone, electronically, or in person, all pertinent information will be obtained in an official and courteous manner and will be properly and judiciously acted upon consistent with established Village policy.

B

Business with the Village and Prohibited Employment and Business Relationships:

- A. Covered Persons are prohibited from having an employment or contractual relationship with any business entity or agency which is subject to the regulation of the Village or that is doing business with the Village. Covered
- B. Persons are prohibited from having an employment or contractual relationship that will create a continuing or frequently recurring conflict between ~~his or her~~their private interests and the performance of ~~his or her~~their public duties or that would impede the full and faithful discharge of ~~his or her~~their public duties.
- C. Covered Persons acting in their official capacity as a purchasing agent, with authority to commit the expenditure of public funds through a contract for, or the purchase of, any goods, services, or interest in real property for the Village (as opposed to the authority to request or requisition a contract or purchase by another person) are prohibited from either directly or indirectly purchasing, renting, or leasing any realty, goods, or services for the Village from any business entity of which the employee, or the employee's spouse or child is an officer, partner, director, or proprietor or in which such employee or ~~his or her~~their spouse or child, or any combination of them, has a material interest. A material interest means direct or indirect ownership of more than 5 percent of the total assets or capital stock of any business entity; ~~however, indirect ownership does not include including~~ ownership by a spouse or minor child.
- D. Covered Persons are prohibited from acting in a private capacity to rent, lease, or sell any

realty, goods, or services to the Village unless the contract for the transaction was entered into prior to the employee's first date of employment at the Village.

C

Citizen Complaints: Personnel shall courteously and promptly respond to any complaint made by a citizen against any Village personnel or the Village. Personnel may attempt to resolve the complaint, but shall never attempt to dissuade any citizen from lodging a formal complaint against Village personnel. All formal complaints received shall be in writing, signed by the complainant and notarized. Complaints shall be forwarded to the Director of Human Resources and Risk Management-Director for further action.

Compensation – Unauthorized: Employees, their spouses and minor children are prohibited from accepting any compensation, payment, or item of value when the employee knows, or should know with the exercise of reasonable care, that is given to influence an action in which the employee was expected to participate in his or her official capacity.

Conflicting - Illegal Orders: Personnel who are given an otherwise proper order which is in conflict with a previous order, rule, regulation or directive shall respectfully inform the supervisor issuing the order of the conflict.

- A. If the supervisor issuing the order does not alter or retract the conflicting order, the order shall stand. Under these circumstances, the responsibility for the conflict shall be upon the supervisor. Personnel shall obey the conflicting order and shall not be held responsible for disobedience of the order, rule, regulation or directive previously issued.
- B. Personnel shall not obey any order which they know or should know would require them to commit an illegal act. If in doubt as to the legality of order, personnel shall request the person issuing the order to clarify it or may confer with higher authority.

Conformance to Laws: Personnel shall obey all Federal, State, County, and Local laws. Conviction of the violation or attempted violation of any law shall be prima facie evidence of a violation of this section.

Contingency Fees:

A. "Contingency fee" means a fee, bonus, commission, or nonmonetary benefit as compensation which is dependent on or in any way contingent on the passage, defeat, or modification of: an ordinance, resolution, action or decision of the Village Council, any employee authorized to act on behalf of the Village Council, the Village Manager, or any action or decision of an advisory board or committee.

A-B. No person shall, in whole or in part, pay, give or agree to pay or give a contingency fee to another person.

B-C. No person shall, in whole or in part, receive or agree to receive a contingency fee.

C.A. "Contingency fee" means a fee, bonus, commission, or nonmonetary benefit as compensation which is dependent on or in any way contingent on the passage, defeat, or

~~modification of: an ordinance, resolution, action or decision of the Village Council, any employee authorized to act on behalf of the Village Council, the Village Manager, or any action or decision of an advisory board or committee.~~

- D. This prohibition does not apply to real estate brokers when acting in the course of their profession as regulated by Florida Statutes, §§ 475.001—475.5018, as may be amended. Nothing in this section may be construed to prohibit any salesperson from engaging in legitimate government business on behalf of a company from receiving compensation or commission as part of a bona fide contractual arrangement with that company provided such compensation or commission is ordinary and customary in the industry. Nothing in this section may be construed to prohibit an attorney from representing a client in a judicial proceeding or formal administrative hearing pursuant to a contingent fee arrangement.

Courtesy: Personnel shall be courteous to the public, vendors, and other employees of the Village. Personnel shall be tactful in the performance of their duties, shall control their tempers, and exercise the utmost patience and discretion. In the performance of their duties, personnel shall not use coarse, violent, profane or insolent language or gestures and shall not express any prejudice concerning race, color, creed, gender, gender identity or expression, marital status, sexual preference, sexual orientation, national origin, ancestry, age, religion, disability, or other characteristics protected by applicable law~~race, religion, politics, national origin, lifestyle or similar personal characteristics.~~

D

Dissident Groups: Employees will not, except in the line of duty, knowingly associate with any person or organizations which advocates or foster hatred, oppression, or persecution of any person or group.

Distraction From Duty: Employees will not engage in activities or personal business, which would cause them to neglect or be inattentive to duty.

E

Endorsements and Referrals: Personnel shall not recommend or suggest in any manner, except in the transaction of personal business, the employment or procurement of a particular product, professional service (such as an attorney, ambulance service, towing service, bondsman, mortician, etc.). In the case of ambulance or towing service, when such service is necessary and the person needing the service is unable or unwilling to procure it or requests assistance, personnel shall proceed in accordance with established Village procedures.

G

Gambling: On-duty employees will not engage or participate in gambling while on or in a Village facility or while using Village systems or devices. Employees will not engage in illegal gambling at any time.

Gifts – Solicitation and Acceptance:

- A. Village employees are prohibited from soliciting or accepting anything of value, including gifts, loans, rewards, promises of future employment, favors or services that are based on any understanding that their vote, official action or judgment would be influenced by such a gift.
- B. Employees are prohibited from soliciting any gift from a political committee, a certified committee of continuous existence, or from a person who, for compensation, seeks or sought to influence the governmental decision making of the employee, or who encouraged the passage, defeat, or modification of any proposal or recommendation by the employee or the Village Council, within the past 12 months, where the gift is for the personal benefit of the employee, or any member of their immediate family or household.
- C. Employees, or any person on ~~his or her~~their behalf, are prohibited from knowingly accepting, directly or indirectly, a gift from a political committee, certified committee of continuous existence, or from a person who, for compensation, seeks or sought to influence the governmental decision making of the employee, or who encouraged the passage, defeat, or modification of any proposal or recommendation by the employee, or the Village Council, within the past 12 months, if ~~he/she~~the employee knows or reasonably believes that the gift has a value in excess of \$100.00. However, such a gift may be accepted by the employee on behalf of Village or a charitable organization so long as the employee does not maintain custody of the gift for any period of time beyond that reasonably necessary to arrange for the transfer of custody and ownership of the gift. The value of the gift is generally determined using the actual cost to the donor, less taxes and gratuities, or the reasonable and customary charge for personal services provided by the donor directly. Compensation provided by the employee to the donor within 90 days after receipt of the gift is deducted from the value.
- D. No Covered Person shall accept or agree to accept a gift from a person or entity, because of:
- An official public action taken or to be taken, or which could be taken;
 - A legal duty performed or to be performed or which could be performed; or
 - A legal duty violated or to be violated, or which could be violated by any official or employee.
- E. No Covered Person, or any other person or entity on ~~his or her~~their behalf, shall knowingly solicit or accept a gift with a value in excess of \$100.00 in the aggregate for the calendar year from any person or business entity that the recipient knows is a vendor, lobbyist or any principal or employer of a lobbyist where the gift is for the personal benefit of the official or employee, another official or employee, or any relative or household member of the official or employee.

Gift Reports: Any employee who receives a gift in excess of one hundred dollars (\$100.00) shall report that gift in accordance with this section.

A. **Gift reports for employees identified by state law as reporting individuals.** Those persons required to report gifts pursuant to state law shall report those gifts in the manner provided by Florida Statutes, §112.3148, as may be amended. A copy of each report shall be filed with the Palm Beach County Commission on Ethics.

B. **All other employees who are not reporting individuals under state law.**

1. **Personal gifts.** All employees who are not reporting individuals under state law are not required to report gifts in excess of one hundred dollars (\$100.00) so long as those gifts are given to the employee by a personal friend or co-worker and the circumstances demonstrate that the motivation for the gift was the personal or social relationship rather than an attempt to obtain the goodwill or otherwise influence the official or employee in the performance of his or her official duties. Factors to be considered in determining whether a gift was motivated by a personal or social relationship may include but shall not be limited to: whether the relationship began before or after the official or employee obtained his or her office or position; the prior history of gift giving between the individuals; whether the gift was given in connection with a holiday or other special occasion; whether the donor personally paid for the gift or sought a tax deduction or business reimbursement; and whether the donor gave similar gifts to other officials or employees at or near the same time. If the personal friend or co-worker is a vendor, lobbyist or principal or employer of a lobbyist that lobbies the Village, then the employee shall not accept a gift in excess of one hundred dollars (\$100.00) in accordance with this policy.

2. **All other gifts.** All employees who are not reporting individuals under state law and who receive any gift in excess of one hundred dollars (\$100.00), which is not otherwise excluded or prohibited pursuant to this subsection, shall complete and submit an annual gift disclosure report with the County Commission on ~~e~~Ethics no later than November 1 of each year ~~beginning November 1, 2011,~~ for the period ending September 30 of each year. All officials or employees who are not reporting individuals under state law and who do not receive a gift in excess of one hundred dollars (\$100.00) during a given reporting period shall not file an annual gift disclosure report. The annual gift disclosure report shall be created by the County Commission on ~~e~~Ethics and shall be in a form substantially similar in content as that required by state law.

Gratuities, Bribes or Rewards: Personnel shall not solicit or accept any gratuity, ~~b~~Bribe, or reward from any person, business or organization if personnel have reason to believe that the donor is seeking to influence personnel's performance or non-performance of an official duty, has an interest which maybe substantially affected by the performance of an official duty, has a substantial interest in an enterprise which is licensed or regulated by the Village.

H

Honoraria – Solicitation of Acceptance:

A. The Village Manager, Village Clerk, Village Building Code Inspector, employees with the power to grant or deny a land development permit, and any purchasing agent with

authority to make any single purchase in excess of \$20,000 on behalf of the Village are prohibited from soliciting an honorarium which is related to their public office or duties.

- B. An honorarium means any payment of money or anything of value, directly or indirectly, to the employee, or to any other person on his or her behalf, as payment for a speech, address, oration or other oral presentation by the employee, regardless of whether presented in person, recorded or broadcast over the media, or for a writing by the employee that is intended to be published (other than a book).
- C. Because an honorarium does not include the payment or provision of actual and reasonable transportation, lodging, and food and beverage expenses related to the honorarium event, including any event or meeting registration fee for the employee and spouse, the employee may accept payment of such expenses related to an honorarium event, provided the employee receives a statement listing the name and address of the person providing the expenses, a description of the expenses provided each day, and the total value of the expenses provided for the event within 60 days of the event and receives a waiver from the Village Council authorizing acceptance of such expenses, as more specifically outlined under the Travel Expenses section of this policy.
- D. If the Village Council authorizes acceptance of the expenses, the employee must disclose such expenses with ~~an~~the attached statement and approval annually in the financial disclosure when such expenses are paid by a political committee or committee of continuous existence or from a person who, for compensation, seeks or sought to influence the governmental decision making of the Village Manager or purchasing agent, or who encouraged the passage, defeat, or modification of any proposal or recommendation by the Village Manager, purchasing agent, or the Village Council, within the past 12 months.

I

Identification: Personnel shall carry their identification cards on their person at all times, except when impractical or dangerous to their safety. They shall furnish their name and identification number to any person requesting that information, when they are on duty or while holding themselves out as having official capacity.

Immoral Conduct: Members and employees shall maintain a level of moral conduct in their personal and business affairs, which is in keeping with the highest standards of the profession. Members and employees shall not participate in any action involving moral turpitude, which impairs their ability to perform as Village personnel or causes the Village to be brought under unfavorable scrutiny.

Information – Disclosure or Use of Certain Information: Current and former employees of the Village are prohibited from disclosing or using information not available to members of the general public and gained by reason of his or her position, except for information relating exclusively to governmental practices, for ~~his or her~~their personal gain or benefit or for the personal gain or benefit of any other person or business entity.

Insubordination: Insubordination shall include but not necessarily be limited to any failure or deliberate refusal to obey a lawful order given by a supervisor, or any disrespectful, mutinous, defiant, insolent, or abusive language or action toward a supervisor.

J

Job Abandonment: Absence without approved leave for a period of three (3) consecutive work days or shifts. "Consecutive" refers to workdays on which the employee is scheduled to work (e.g. Monday, Wednesday and Friday are "consecutive" if the employee is not scheduled to work on Tuesday or Thursday).

K

Keys:

- A. On-duty employees will not possess a business premise key for the purpose of obtaining shelter, rest, or telephone service. Supervisors may make temporary exceptions if needed in the performance of official duties.
- B. Employees are not permitted to duplicate any Village key without their Department ~~Director~~ Head Director or designee's permission.

L

Labor Activity: Personnel shall have the right to join labor organizations. Nothing shall compel the Village to recognize or to engage in collective bargaining with any such labor organization except as provided by law.

M

Meal/Break Procedure:

- A. Employees are entitled to one ~~30-minute~~ meal break of at least thirty (30) minutes per eight-hour shift and one 15-minute break for each four hours worked. Supervisor approval is required to modify the meal/break schedule.
- B. Employees are authorized two 15-minute breaks not to be taken consecutively or in conjunction with a 30-minute meal/break unless authorized by their immediate supervisor.
- C. Meal breaks will not represent compensable time except as specified herein and as specified in any applicable collective bargaining ~~unit~~ agreement. ~~Nonetheless, employees will continue to receive pay for 40 hours of work per regularly scheduled workweek.~~
- D. Employees will be given time for meals and breaks at the discretion of their immediate supervisor and consistent with applicable collective bargaining ~~unit~~ agreement.
- ~~E.~~ Employees can be recalled from authorized meals or breaks at the discretion of a supervisor. ~~Employees may be recalled for up to two meal breaks per workweek without incurring any additional compensable time beyond that otherwise accrued. Additional recall during meal breaks in a workweek beyond two meal breaks will result~~

~~in an added 30 minutes of compensable time for that workweek.~~In the event the recall prevents and employee from taking a bona fide meal break, the employee will be compensated for the time worked.

Misuse of Position:

- A. Covered Persons are prohibited from, whether corruptly or not, using or attempting to use ~~his or her~~their position or any property or resource which may be within ~~his or her~~their trust, or perform ~~his or her~~their official duties, to secure a special privilege, benefit or exemption for ~~himself, herself, themselves~~ or others. "Corruptly" means done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of an official or employee which is inconsistent with the proper performance of ~~his or her~~their public duties.
- B. Specifically, an employee shall not use ~~his or her~~their official position, or take or fail to take any action, or influence others to take or fail to take any action, in a manner which ~~he or she~~the employee knows or should know with the exercise of reasonable care will result in a special financial benefit, not shared with similarly situated members of the general public, for any of the following persons or entities:
- ~~Himself or herself~~The employee or official;
 - ~~His or her~~Their spouse or domestic partner, household member or persons claimed as dependents on the official or employee's latest individual federal income tax return, or the employer or business of any of these people;
 - A sibling or step-sibling, child or step-child, parent or step-parent, niece or nephew, uncle or aunt, or grandparent or grandchild of either ~~himself or herself~~the employee, or of ~~his or her~~their spouse or domestic partner, or the employer or business of any of these people;
 - An outside employer or business of ~~his or her~~theirs, or of ~~his or her~~their spouse or domestic partner, or someone who is known to such official or employee to work for such outside employer or business;
 - A customer or client of the official or employee's outside employer or business;
 - A substantial debtor or creditor of ~~his or her~~theirs, or of ~~his or her~~their spouse or domestic partner—"substantial" for these purposes shall mean at least ten thousand dollars (\$10,000.00) and shall not include forms of indebtedness, such as a mortgage and note, or a loan between the employee and a financial institution;
 - A civic group, union, social, charitable, or religious organization, or other not for profit organization of which ~~he or she~~they (or ~~his or her~~their spouse or domestic partner) is an officer or director.

N

Neglect of Duty: Personnel shall not fail to give suitable attention to the performance of duty. Examples of neglect of duty include but are not limited to: Failure to take appropriate action on the occasion of a crime scene, disorder, or other act or condition deserving attention; Absence without Leave; Unnecessary absence from one's assignment during a tour of duty; Failure to report for duty at the time and place designated; Failure to perform duties;

or engaging in any activity or personal business which would cause one to be inattentive to duty.

Notices - Posting/Circulation/Destruction/Defacing: Personnel shall not destroy or deface any official written Notice/Memorandum posted relating to Village business. The posting of any non-official Notice/Memorandum ~~of derogatory character~~ relating to Village activity is prohibited.

O

Obedience to Orders: Personnel shall obey and fully execute any lawful order, written or oral, given by a supervisor, which shall include but not necessarily be limited to these work rules, policies and procedures of the Village. The term "lawful order" shall be construed as any order in keeping with the performance of any duty prescribed by law or by these rules, or for the preservation of good order, efficiency and proper discipline, which is not in conflict with these rules or Village procedures.

Official Document-Destroying: Employees will not destroy or permanently remove from its proper location any official record without proper authorization.

P

Payment of Debts: Personnel shall not willfully or negligently fail to pay all just debts and legal liabilities when due. Personnel should not undertake any financial obligations, which they know or should know they will be unable to meet. Personnel shall not co-sign a note for any supervisor.

Payment for Personal Injury: Employees will not accept or agree to accept anything as payment for personal injury or property damage incurred in the line of duty without first notifying their Department ~~Director~~Head Director, unless per a lawfully instituted legal action.

Personal Appearance: Personnel on duty shall wear uniforms or other clothing in accordance with established Village ~~policy~~position. Personnel on duty shall maintain a neat, well—groomed appearance ~~and shall style their hair according to any applicable established Village policy.~~

Political Activity: Personnel are permitted to engage in political activities that fall within the first amendment protections and shall not be restricted in this right except where in conflict or violation of Federal, State or local law. Employees shall not engage in political activities while on duty.

Political, Religious, or Discriminatory Discussions: Employees will not use remarks that degrade any race, color, creed, religion, gender, gender identity or expression, marital status, sexual orientation, national origin, ancestry, age, religion, disability, or other categories protected by applicable law~~national origin, sex, age, color, creed, beliefs, or physical handicaps.~~

Possession/Use of Controlled Substances: Personnel shall not possess or use any controlled substance in violation of the Village's drug free workplace policies. Some exceptions may

~~arise where prescribed use is reported to Human Resources prior to the performance of any work and is determined to be, except with the possession or used under approval and guidance of a licensed physician and with the knowledge of a supervisor.~~ At no time may any personnel of the Village be under the influence of a controlled substance where such use or influence impairs or compromises the Village.

Possession/Use of Alcohol: Personnel shall not possess or consume alcoholic beverages while on duty. Personnel shall not report for duty, or be on duty, while under the influence of alcoholic beverages ~~to any degree whatsoever,~~ or with an odor of alcoholic beverages on their breath or body.

Promptness: Employees will report for work at the time and place specified, properly attired and equipped.

Property, Damage/Loss of Village:

- A. Damaged Village property will be reported to supervisors as soon as possible after the incident occurs via memo.
- B. Lost or stolen Village property including Village equipment, radios, badges, ID Cards, keys, uniforms, etc., will be reported as follows:
 - 1. Employees will immediately make verbal notification of the incident to their supervisor.
 - 2. As soon as possible after making verbal notification, employees will prepare a written report and submit it to their supervisor.

Note: The written report will include the property's description and circumstances surrounding the loss or theft.

 - 3. Supervisors will send a copy of the report to their Department ~~Director~~ Head Director for filing and future reference.

Professional Demeanor: Employees ~~will not~~ shall demonstrate professionalism in their language and mannerisms when engaging with others in the workplace ~~a lazy disposition such as lounging about or placing their feet on desks or other furniture in public view.~~

Prohibited Association/Frequenting: Personnel shall not frequent or associate with person(s), organizations or places that they know, or should know, are under criminal investigation or indictment, or that have a reputation in the community or Village for present involvement in felonious or criminal activity, or where unavoidable because of other personal relationships with personnel.

Public Statements and Appearances:

- A. Personnel shall not publicly criticize or ridicule the Village, its policies or other personnel by speech, writing or other expression, where such speech, writing or other expression is defamatory, obscene, unlawful, which undermines the effectiveness of the Village, interferes with the maintenance of discipline, or is made with reckless disregard for truth or falsity.

- B. Personnel shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or periodical, release or divulge any other matters of the Village while holding themselves out as representing the Village in such matters without proper authority.

Public – Relationship with and Courtesy to the: Employees will avoid giving the impression they are evading the performance of their duty or disinterested in problems of persons who may be referred elsewhere for service. Employees will not belittle a seemingly trivial request, complaint, or piece of information, but will thank the person regardless of the information received. ~~Public – Courtesy to the:~~ Employees will be courteous when dealing with the public, and shall avoiding conduct, which conveys disinterest or disrespect.

R

Recall to Duty: Off-duty employees will report for duty immediately upon receipt of orders to do so.

Relief: Except in emergencies, employees will not leave their assignment without being properly relieved. If not properly relieved, employees will notify their on-duty supervisor as soon as possible.

~~**Rendering Assistance:** Employees will take applicable action without delay, to aid another law enforcement officer or employee exposed to impending danger.~~

Reporting for Duty: Personnel shall report for duty at the time and place required by established schedules, special assignments, or orders. Personnel shall be physically and mentally fit to perform their duties and they shall be properly equipped and cognizant of information required for the proper performance of duty so that they may immediately assume their duties.

Reporting Illness:

- A. Employees unable to report for duty due to illness must notify their supervisor or other competent authority at least one hour before their scheduled reporting time or in accordance with the applicable collective bargaining agreement.

~~B. Ill or injured employees on sick leave will remain at home during their regularly scheduled duty hours except for viable medical reasons, voting, attending religious establishments, or at their supervisor's discretion.~~

~~C.~~ B. If sick leave abuse is suspected or excessive sick leave use occurs, supervisors may require an employee to provide a physician's note explaining the employee's illness. Any medical consultation for an employee's illness is at the employee's expense.

~~D.~~ C. Employees will not pretend illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive a supervisor as to their health and/or fitness for duty.

S

Sleeping While On Duty: Employees will remain awake and alert while on duty. If unable to do so, they will advise their supervisor who will determine the proper course of action.

Solicit/Engage in Sexual Activity or Conduct: _

On-duty employees will not solicit or engage in sexual activity or conduct of a sexual nature.

~~A. Employees will not solicit or engage in sexual activity with inmates or in custody persons or knowingly initiate sexual activity with subjects or witnesses of a criminal investigation.~~

Soliciting Influence: Employees will not solicit the aid of persons or groups outside the Village for assistance in the procurement of transfers, duty assignments, or promotions. Employees will not solicit the aid of elected officials or other employees of the Village for assistance in the procurement of transfers, duty assignments, wage adjustments, or promotions outside of the regular process for requesting same.

T

Telephone: Personnel shall have telephones in their residences or cell phones, and immediately report any changes of telephone numbers or addresses to ~~their supervisors~~ Human Resources and to such other persons as is required. They shall not at any time disconnect or cause to be disconnected for any period of time the phone line ~~to the residence~~ or use an answering service or recorded message service ~~when in residence~~ for the purpose of delaying response to communication with this Village.

Telephone Use While Driving/Operating Equipment, Prohibited: Employees are restricted from the use of cell phones while operating heavy equipment or motor vehicles to emergency situations and Village business only and only once the equipment is stopped in a safe location. Texting while driving on duty or for Village purposes is strictly prohibited. Employees are also prohibited from texting while operating Village equipment.

Training Schools, Conduct While Attending:

- A. Employees will attend in-service training if scheduled.
- B. Official uniforms or civilian clothing conforming to Village standards will be worn.
- C. Employees will comply with all rules and instructions regulating their conduct while attending school or training ~~and with the firearms instructor's directions regarding their conduct on the range.~~
- D. Employees attending approved training will not leave the training unless excused by the instructor. Employees will immediately notify their supervisor of any absences during scheduled training hours.

Travel Expenses: No employee shall accept, directly or indirectly, any travel expenses including, but not limited to, transportation, lodging, meals, registration fees and incidentals from any municipal contractor, vendor, service provider, bidder or proposer as applicable. The Village Council may waive the requirements of this subsection by a majority vote of the Village Council. The provisions of this subsection shall not apply to travel expenses paid by other governmental entities or by organizations of which the municipality is a member if the travel is related to that membership.

U

Unbecoming Conduct: Members and employees shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the Village.

A. Conduct unbecoming a member or employee shall include any conduct which brings the Village into disrepute or reflects discredit upon the member, the employee, or the Village.

B. It also includes any conduct, which impairs the operation or efficiency of the Village, or any member or employee.

C. Unbecoming conduct includes, but is not limited to:

- Failure of employees to be courteous, considerate, respectful, and prompt in dealing with and serving the public and co-workers.
- Failure of employees to maintain high standards of honesty, integrity, and impartiality. Employees shall place the interests of the public ahead of personal interests. Employees shall not use, or attempt to use, their official position for personal gain or confidential information for personal advantage.
- Failure of employees to protect the Village property from loss or abuse, and employees shall use Village property, equipment and personnel only in a manner beneficial to the Village.

Undesirable Establishments - Frequenting: Employees will not knowingly visit, enter, or frequent a house of prostitution, gambling house, or establishment where Village ordinances or Florida Statutes are violated.

Unfit for Duty: Employees found unfit for duty or improperly attired or equipped may be relieved from duty by their supervisor. Any loss of time will be deducted from the employee's salary-wages in accordance with applicable wage and hour laws and disciplinary action initiated if applicable.

Unlawful Order: Employees given unlawful orders will respectfully refuse to obey them and explain their reason. At an appropriate time, employees will submit a report to a higher authority via chain of command.

VWXYZ

Village Equipment - Use of: Personnel shall utilize Village equipment only for Village

business and its intended purpose, in accordance with established procedures, and shall not abuse, damage or lose Village equipment. All Village equipment issued to employees shall be maintained in proper order. Any damage to or loss of Village equipment shall be handled in accordance with Village directives.

Village Property - Reporting Damage: Personnel shall immediately report all damage to vehicles and equipment and file a report which contains all known facts surrounding the cause and nature of the damage, in accordance with Village policy. In the event that Village property is found bearing evidence of damage which has not been reported, it shall be deemed to suspect the last person using the vehicle or property of causing the damage.

Village Property Restrictions - Use of: Physical objects issued by the Village to employees or members will remain Village property and be subject to all policies and procedures on property as follows:

- A. Employees will be responsible for the safekeeping and care of Village property used by them.
- B. Property will be used only for official purposes and in the capacity it was intended.
- C. Property will not be transferred from one employee to another without the permission of the employee's supervisor.
- D. Village equipment (in storage or assigned to an individual) will be maintained in a state of operational readiness.
- E. Employees will not take, borrow, or use any private or confiscated property for their personal use without proper authorization.

Village Reports and Records: Personnel shall submit all necessary reports on time and in accordance with Village directives, and all reports submitted shall be truthful and complete.

Village Standards - Meeting:

- A. Employees will perform their duties properly and assume the responsibilities of their positions.
- B. Employees will perform their duties in a manner; which ~~tends to~~ establish~~es~~ and maintain~~s~~ the highest standards of efficiency, competency, and professionalism in carrying out the functions and meeting Village objectives.
- C. Failure to meet Village standards includes, but is not limited to:
 - 1. Lack of knowledge of laws, policies ~~and/or~~ procedures relevant to the performance of duty;
 - 2. Unwillingness- or inability to perform assigned duties or satisfy standards of performance established for the position.

Village Vehicles-Operation: Personnel shall operate official vehicles in a careful and prudent manner, and shall obey all laws and general orders or procedures pertaining to such operation. Loss, revocation, or suspension of any driving license or privilege shall be reported to the Village immediately.

Village Correspondence: All Village personnel shall obtain approval from their ~~department~~Department ~~Head~~Director~~director~~ or designee prior to distributing “official” written correspondence ~~outside the agency~~to external entities.

A. Only approved Village letter head correspondence forms will be utilized for formal correspondence.

B. All formal “inter-office” correspondence should be placed on the established Village memorandum form.

C. Formal Inter-office ~~correspondence~~ is described as that written correspondence conducted between Village personnel.

~~C.D.~~ Electronic Mail correspondence shall be utilized with a high degree of professionalism, regardless of whether the communication is directed internally, externally, or both.

~~D. No third party communication is to be disseminated outside the agency without the expressed consent of the authoring agency/jurisdiction.~~

Village Literature-Keeping Informed of:

A. Employees will read and understand all applicable Village literature including, but not limited to:

1. Policies and procedures
2. General Orders
3. Administrative Orders
4. Training and legal bulletins
5. Village ordinances
6. State and federal laws

B. Employees with questions regarding Village literature will request assistance from their supervisor.

Violations of Regulations-Reporting: Employees with knowledge of an employee or member in violation of Village regulations, rules, laws, or ordinances will report the violation to their immediate supervisor or watch commander as soon as practical.

Violence While On Duty or In the Workplace: Threats, threatening language, or any other acts of aggression or violence made toward or by any Village employee or visitor are prohibited. Examples of threatening language or behavior include any verbal or physical

harassment or abuse, any attempt at intimidating or instilling fear in others, menacing gestures, unlawful possession and display of weapons, stalking, or any other hostile, aggressive, injurious, or destructive action undertaken for the purpose of intimidation. Notwithstanding the foregoing, certified law enforcement officers may engage in lawful tactics to apprehend and detain individuals in accordance with the General Orders and their official duties.

Visiting a Lounge/Bar While On-Duty: On-duty employees will not enter or visit any cocktail lounge, beer parlor, or place where the sale of alcoholic beverages for consumption on the premises is the primary business.

Visitors: Employees may only admit nonemployees to work areas with management approval or as part of a Village-sponsored program. Such visits should not disrupt workflow. An employee must accompany nonemployees in non-public areas at all times. Former employees are not permitted in non-public areas except for official Village business or with approval of the applicable Department Director.

13.4.8 Investigation Procedures:

- A. Initiation of Investigation: Investigations are initiated based upon a variety of factors including as a result of an employee report or complaint, audit results, or other sources. Depending on the source and nature of the issue, an Internal Investigation may be conducted by the Village Manager or ~~his/her~~ designee.
- B. Internal Investigations: Employees will be contacted to provide information for the Internal Investigations conducted by the Village. The person assigned to the investigation will notify an employee's immediate supervisor if an employee must be absent from the work area to provide information or assist in the investigation. However, the supervisor may not be made aware of the details of the investigation by the Village if ~~he or she~~ the supervisor does not have a relevant or legitimate need to know. Any interviews will be scheduled so as not to unduly disrupt the workload of the department to the extent possible.

External Investigations:

- 1. Employees may be made aware of External Investigations conducted by State, Federal or Local agencies. Where the Village is made aware of the External Investigation, the Village Manager will coordinate with the Village Attorney to facilitate employee interviews or requests for information.
- 2. Where authorized by the agency conducting the External Investigation, the Village Attorney will be present at any interviews or review of documents in his/her sole discretion, with input from the Village Manager, to protect the Village's interests. Additionally, all employees may, and should, request that the Village Attorney be present at all interviews. If a request is denied by the External Investigator, the employee generally has the right to terminate the interview until ~~he or she~~ the employee has an opportunity to consult with the Village Attorney or ~~his/her~~ the employee's own personal attorney.
- 3. The Village cooperates fully with External Investigations and other requests for

information in accordance with applicable law. If an employee is contacted directly by a Federal, State, or Local agency regarding his or her work or affiliation and/or knowledge of the Village, the employee should not feel pressured to speak with the investigator without first contacting the Village Manager, who may also consult the Village Attorney. Employees have the right to:

- Speak with the investigator
 - Request that the interview take place at a time and place that is convenient
 - Have the Village Attorney present or personally retained legal counsel
 - Terminate the interview at any time
 - Refuse to answer any questions
 - Refuse to allow audio recordings of the interview
4. If an employee speaks with an investigator, the Village expects the employee to be truthful and to avoid speculation in responding to inquiries. Employees must respond with accurate and truthful information. In accordance with Florida law, employees are prohibited from concealing, destroying or altering documents.
 5. Interviews with external investigators may have a substantial legal effect and may impact the employee's legal rights and those of the Village. Employees should always be polite and obtain the following information before speaking with an External Investigator:
 - Business card of all investigators/persons present
 - Reason for the visit
 - Obtain copy of subpoena, warrant or court order requiring production of the information requested, if any
 - Request to see the investigator's badge (e.g. for law enforcement, Department of Labor, etc.)
 - Confirm whether ~~you are~~ the employee is the subject of the investigation
 6. Employees presented with a subpoena, warrant, or court order must immediately notify the Village Manager who will contact the Village Attorney.

APPROVED



**Ed Green Village
Manager**

**~~ACKNOWLEDGMENT OF
RECEIPT VILLAGE OF NORTH
PALM BEACH DISCIPLINE,
CONFLICTS OF INTEREST AND
CODE OF ETHICS POLICY~~**

~~I, the undersigned Village of North Palm Beach Employee, state that I have received the Village's Discipline, Conflicts of Interest and Code of Ethics Policy and shall abide by all of the Villages approved procedures contained therein. I understand that it is my responsibility to read and understand the procedures contained within this policy. I also understand that this policy is not intended to serve as a contract, either express or implied, and that the Village has the right to revise, discontinue, suspend, or modify any of the procedures contained herein at any time at its sole discretion, and that all such changes will be binding upon all employees. This document is not intended as legal advice or a solution to an individual problem.~~

Print Name: _____

Signed: _____

Date: _____

POLICY AND PROCEDURES MANUAL REVISION

14.1 GRIEVANCE PROCEDURES

14.2 Policy: This grievance procedure is established to provide full opportunity to employees to bring to the attention of management any complaints, grievances, or situations that the employee feels need adjustment or for information. Good management practices recognize that a carefully designed grievance/complaint resolution process can help to reduce ~~personnel-employee~~ dissatisfaction, improve morale, identify problems in the organization, and increase a positive perception employees have of the organization. It is the intent and desire of the Village to address complaints or grievances informally and both supervisors and employees are expected to make every effort to resolve problems as they arise. However, it is recognized that there will be grievances which will be resolved only after a complete review. The submission of a grievance by an employee shall in no way adversely affect the employee or ~~his/her~~ the employee's employment with the Village. All grievances that are brought to the attention of management will be resolved in accordance with the grievance procedures in the applicable collective bargaining agreement. Employees who are in the excepted work class will use the procedures outlined in this section.

14.3 Causes of Grievances: An employee may file a grievance for an alleged violation of a policy or work regulation.

14.4 Grievance Administration: The grievance of matters and concerns of ~~department members~~ employees shall include, but not be limited to:

- A. Identification of matters that are grieved (for ~~for~~ scope) and the levels in the agency or government ~~to~~ which the grievance may be filed and/or appealed.
- B. Establishment of time limitations for filing or appealing the grievance to the next level.
- C. A description of the type of information to be submitted when filing a grievance.
- D. Establishment of procedural steps and time limitations at each level in responding to grievances or appeals.
- E. Establishment of criteria for employee representation.

14.5 Coordination of Grievances and Records:

- A. The ~~Director of Human Resources~~ ~~Director and Risk Management~~, unless otherwise designated by the Village Manager, will be responsible for the coordination of grievance procedures in conjunction with the Human Resource Department.
- B. The Director or designee shall maintain Village records pertaining to grievances filed by or on behalf of Village employees. The grievance and associated records may be reviewed by the following:
 1. The employee who filed the grievance.
 2. Persons named in the grievance.
 3. The Village Manager.
 4. The Director of Human Resources ~~and Risk Management~~ or designee.
 5. A member of the established bargaining unit who assisted the employee in filing the grievance or filed the grievance on behalf of the employee.
 6. Other persons who have access as required by applicable state law.

14.6 **Information Contained in Grievance:**

The following information should be contained in a grievance when filed:

1. A statement of the grievance and the facts upon which it is based.
2. An allegation of the specific wrongful act and harm done.
3. A statement of the remedy or adjustment sought. Significant times, dates and actions taken relative to the grievance must be included along with supporting documentation if available.

~~B. All records of grievances filed shall be strictly maintained in an access-controlled file.~~

14.7 **Processing a Grievance:** In order to assure every employee of a method in which they can get their particular grievance considered rapidly, fairly, and without reprisal, the following steps are provided:

STEP 1: The aggrieved employee shall, within three (3) working days of the incident, discuss and explain ~~his/her the~~ grievance ~~verbally orally~~ with the immediate supervisor who may call higher level supervision into the discussion in an effort to achieve a prompt satisfactory adjustment. The immediate supervisor will make a decision and notify the employee within five (5) working, days after the discussion with the employee.

STEP 2: If the aggrieved employee feels that the matter has not been settled or adjusted to ~~his/her the employee's~~ satisfaction by ~~his/her the~~ immediate supervisor, ~~he/she the employee~~ may submit the matter in writing to the ~~department~~ ~~Department~~ ~~to~~ ~~Head~~ ~~Director~~ within five (5) working days after the conclusion of Step 1. The ~~department~~ ~~Department~~ ~~to~~ ~~Head~~ ~~Director~~ will schedule and conduct a meeting within five (5) working days after receipt of the written grievance with the employee. The ~~department~~ ~~Department~~ ~~to~~ ~~Head~~ ~~Director~~ shall give a written ~~answer~~ ~~decision~~ within five (5) working

days after the scheduled meeting as to the resolution of the grievance.

STEP 3: If the grievance is not resolved by the ~~department~~Department ~~H~~HeadDirector to the employee's satisfaction the employee may appeal in writing to the Village Manager within five (5) working days after the reply by the ~~department~~Department ~~H~~HeadDirector was rendered. The Village Manager shall within ten (10) working days reply to the grievance in writing. The Village Manager's decision shall be final.

14.8 General Provisions of the Grievance Procedure:

- A. Any grievance shall be considered settled at the completion of any Step, unless it is appealed by either party within the time limits set forth. It is hoped that the great majority of grievances will be satisfactorily settled in the first or second step.
- B. A copy of all grievances and appeals shall immediately be sent to the Village Manager.
- C. All grievances at their conclusion shall be forwarded to the Director of Human Resources ~~Director~~and Risk Management for coordination, analysis and filing.
- D. The time limits as set forth in this grievance procedure for management response shall remain the same for all employees regardless of the work week or scheduled hours per week. If the response time limits falls on an employee's day off, the reply by management shall be given to the employee on his/her next scheduled workday.
- E. These time limits may be extended upon mutual agreement between the grievant and the Village Manager.

APPROVED



Jimmy Knight
Village-
Manager

15. SEPARATIONS, SENIORITY, LAYOFF AND RECALL

15.0 SEPARATIONS, SENIORITY, LAYOFF AND RECALL

15.1 TYPES OF SEPARATIONS:

Separations and/or terminations of employment from positions shall be designated as one of the following types:

- a. Resignations
- b. Retirement
- c. Disability
- d. Death
- e. Layoff
- e-f. Position Elimination
- f-g. Discharge/Termination

15.2 RESIGNATION:

Resignation is the separation of an employee from the Village service through the submittal of a written notice expressing a desire to resign by employee wishing to leave the Village service in good standing shall notify his immediate supervisor at least two (2) weeks before leaving. Department ~~head~~Directors shall provide thirty (30) ~~days~~ notice ~~days' notice~~. Failure to provide sufficient notice may be cause for denying such employee re-employment by the Village.

Resignation includes those employees who do not retire under the Village's General Retirement Fund or the Fire and Police Retirement Fund, but who do retire under either the 401(a) or 457 plans.

Employees who terminate from Village employment shall not be eligible for reemployment with the Village for six (6) months following their date of termination, unless approved by the Village Manager.

~~RETIREMENT:~~

~~All full-time Village employees are eligible to join the Retirement Plan. Details of said plan are contained in the General Fund and Public Safety Retirement Ordinances.~~

15.3 RETIREMENT: ~~All full-time~~ Certain Village employees are eligible to join the applicable Retirement Plan. Details of said plan are contained in the Village of North Palm Beach General Retirement Fund ~~General Fund~~ and Village of North Palm Beach Fire and Police Retirement Fund ~~Public Safety Retirement Ordinances~~. Retirement occurs under the terms of each plan.

~~15.315.1 RETURN OF VILLAGE PROPERTY:~~

~~At the time of separation and prior to receiving final compensation due, all records, books, assets, uniforms, keys, tools and other items of Village property in the employee's custody, shall be returned to the department. Money or Village property due the Village because of any shortages shall be collected through appropriate action.~~

15.4 DISABILITY:

An employee may be separated for disability when the employee cannot perform the ~~required duties~~essential functions of the job with or without a reasonable accommodation because of a physical or mental impairment and an alternate existing and vacant position for which the employee is qualified is not available. In all cases, such separations shall be supported by medical evidence acceptable to the Village Manager. The Village may require examinations at its expense to be performed by ~~Physicians~~health care providers of its choice. Such examinations may include physical and or medical evaluations, as well as the completion of current medical history reports. An employee's application for benefits under the Long Term Disability policy and approval for such benefits constitutes an inability to perform the essential functions of the position with or without reasonable accommodation and shall result in termination of employment. Employees unable to return to work from workers' compensation leave within six (6) months will be separated from employment where an alternate existing and vacant position for which the employee is qualified is not available.

15.5 DEATH:

Separations shall be effective as of the date of death. All compensation due to the employee as of the effective date of separation shall be paid in accordance with Florida Statute 222.15 (1) to the ~~beneficiary of record~~, surviving spouse, if any. If there is no spouse, to the children over the age of 18. If there are no such children, to the mother or father. If there are no such relatives as stated, the Village will accept letters of administration issued by the probate judge to determine the proper payee or to the estate of the employee as determined by Florida Statutes.

15.6 SENIORITY, LAYOFF AND RECALL PROCEDURES:

By the direction and authority of the Village Council, an employee or employees may be laid off when deemed necessary by reason of shortage of funds, lack of work, the ~~abolition-elimination~~ of the position, or other material changes in the duties or organization, or for related reasons which are outside the employee's control and which do not reflect discredit upon the service of employees. The duties performed by any employee laid off may be reassigned to other employees already working who hold positions in appropriate classifications.

1. Types of Seniority:

a. Village Seniority

Village Seniority is understood to mean the length of time served since an employee's most recent date of full-time re-employment with the Village. Seniority shall continue to accrue during all types of leave except for leaves of absence without pay for thirty (30) consecutive calendar days or more which shall cause the employment date to be adjusted for an equivalent amount of time. Leaves of absence without pay for periods of less than thirty (30) consecutive calendar days shall not cause the Village employment seniority

date to be adjusted. Employees suffer no loss of Village seniority while on leave of absence without pay due to illness or injury for a period not to exceed ~~twelve-six (126)~~ months.

Village seniority shall be used for purposes of computing annual leave accrual, ~~longevity~~, and other matters deemed appropriate based on length of service.

b. Classification Seniority

Classification seniority shall be defined as the length of time an employee serves in full time status in a particular classification. Upon successful completion of the probationary period, seniority in classification reverts to date of entry, transfer or promotion into a classification. Seniority will continue to accrue during all types of leave except for leaves of absence without pay for thirty (30) consecutive days or more which shall cause this date to be adjusted for an equivalent amount of time. Leave of absence of without pay for periods of less than thirty (30) consecutive calendar days shall not cause the classification seniority date to be adjusted. Employees having a minimum of five (5) years of Village seniority shall suffer no loss of classification seniority while on a leave of absence without pay due to illness or injury for a period not to exceed ~~twelve-six (126)~~ months.

Classification seniority shall be used in conjunction with job classifications for purposes of layoff, recall and other matters deemed appropriate based on length of service in a classification.

c. Loss of Seniority

Employees shall lose their seniority as a result of the following:

1. Resignation
2. Retirement
3. Termination for cause
- ~~4.~~ Layoff exceeding six (6) months
- ~~4-5.~~ Leaves of absence without pay exceeding six (6) months
- ~~5-6.~~ Failure to report to the ~~department~~Department ~~Hhead~~Director, in writing, an intention of returning to work within fourteen (14) calendar days of the date indicated on the return receipt verification of certified mail transmitting the recall offer notice.
- ~~6-7.~~ Failure to acknowledge certified mail receipt of properly addressed certified recall notice fourteen (14) calendar days from date of attempted delivery for any reason, from the attempted delivery date of employee who has been laid off.
- ~~7-8.~~ Failure to return from military leave within the time limits prescribed by law (see Section No. 9.~~023~~.09).
- ~~8-9.~~ Failure to return from an authorized leave of absence upon the expiration of such leave.

d. Seniority Records

It shall be the responsibility of ~~the Village Manager~~ Human Resources to establish and maintain classification and Village-wide seniority records of all employees.

b. Layoff Procedures

1. Order of Layoff

When it becomes necessary to reduce the number of employees within a given classification and within a given department through a shortage of funds, lack of work, or other causes, employees shall be laid off in the following order:

- a. Temporary Part-time
- b. Temporary Full-time
- c. Probationary Employees (New)
- d. Regular Part-time
- e. Probationary Employees (Promotion)
- f. Regular Full-time

2. Layoff Criteria and Procedures

- a. Temporary employees in the affected department shall be laid off first and shall not have recall rights. Employees will be laid off from a classification in the inverse order of their length of service in that classification.
- b. Probationary employees in the affected department shall be laid off ~~next~~ next without recall rights unless they were promoted into the classification, in which case, they shall be eligible to be returned to the classification from which they vacated, and placed on the seniority list in line with their previous classification seniority.
- c. Regular part-time employees in the affected department shall be laid off next in any affected classification and shall not have recall rights. Employees will be laid off from a classification in the inverse order of their length of service in that classification.
- d. Layoffs of regular full-time employees shall be based on seniority with the least senior employees in the classification and department being laid off first, provided the following factors are substantially equal:
 1. Sufficient ability and qualifications to perform the work (tests may be given).
 2. Performance evaluation.
 3. ~~Physical condition~~ Fitness for duty and job attitude. In the event of the substantial inequality of these factors as between employees in the same classification and department, the employee with the higher values of factors 1, 2 and 3 in the aggregate, shall be retained.

- e. Only regular full-time employees laid off shall be recalled to the classification and department from which they were laid off, in the reverse order in which they were laid off.

c. Recall Procedures

1. Regular full-time employees laid off shall have precedence for recall to their classification over new applicants for a period of six (6) months. Laid off employees recalled within six (6) months shall have their seniority restored. If re-employed after six (6) months, the employee shall be treated as a new employee.
2. Employees laid off under the provisions of Section 15.96, subsection b, paragraph 2 shall be recalled in the reverse order in which they were laid off.
3. The Village will offer recall to laid off employees by certified mail to the last known address on file with ~~the department~~ Department Head Human Resources. If without good cause, the employee fails to return to work within fourteen (14) calendar days of the date indicated on the return receipt verification, the laid off employee will be ~~terminated~~ ineligible for recall or rehire.
4. Recall will be offered to laid off employees provided they are ~~physically and mentally qualified to perform the duties of the job~~ fit for duty. A laid off employee, when offered recall, who is temporarily unable to accept due to ~~no~~ medical reasons, may request a leave of absence without pay not to exceed thirty (30) calendar days.

d. Discharge

Dismissal for cause of an employee, ~~according to Regulation No. 13~~, shall result in the loss of re-employment privileges.

15.7 RETURN OF VILLAGE PROPERTY:

At the time of separation and prior to receiving final compensation due, all records, books, assets, uniforms, keys, tools and other items of Village property in the employee's custody, shall be returned to the department. Money or Village property due the Village because of any shortages shall be collected through appropriate action.

16.1 PARTICIPATION IN EMPLOYEE ORGANIZATIONS:

All employees have the right to organize, join and participate in, or to refuse to organize, join or participate in, any employee organization freely and without fear of reprisal or penalty.

16.2 COLLECTIVE BARGAINING AGREEMENTS:

Employees covered under a collective bargaining agreement shall also be subject to the Personnel Rules and Regulations of the Village. If any conflicts occur between the agreement and the Village Personnel Rules and Regulations, the collective bargaining agreement shall be the governing factor in all cases even though the rights of benefits may be greater or lesser than provided for in the Personnel Rules and Regulations of the Village.

17.0 EMPLOYMENT OF RELATIVES

17.1 POLICY STATEMENT:

The employment of relatives is ~~not encouraged~~discouraged and will be maintained at a minimum to be consistent with sound management. The Village will also comply with Florida Statutes on anti-nepotism.

17.2 DEFINITION OF RELATIVE:

The term "Relative" with respect to a public official (or employee), means an individual who is related to the public official as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, domestic partner, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister.

17.3 SUPERVISORY RELATIONSHIP:

~~After the effective date of this policy, a~~Approval will not be granted for the employment, promotion, or transfer of a relative of the employee to a position in the same department or division where one would be in a supervisory or administrative capacity over the other at any point in the chain of command.

17.4 NON-SUPERVISORY RELATIONSHIP:

Approval will generally not be granted for the employment, promotion, or transfer of a relative of the employee into the same department or division where there is no supervisory relationship. Limiting the employment of relatives throughout the Village will optimize staffing during times of family emergencies or illnesses. However, where a position continues to be vacant after six (6) months of active recruitment by Human Resources, the Village Manager may consider approval of a relative who meets the minimum qualifications.

18.0 OUTSIDE EMPLOYMENT OR BUSINESS ACTIVITY

18.1 GENERAL STATEMENT:

Outside employment or business activity on the part of a regular full-time employee shall be subject to written approval of the ~~department~~Department ~~Head~~Director and Village Manager in order to prevent situations that conflict with or are detrimental to Village employment. Failure to comply with this policy may result in disciplinary action.

18.2 CONSIDERATION FOR APPROVAL OF OUTSIDE EMPLOYMENT:

All employees must complete and submit an Outside Employment Disclosure and Request form prior to engaging in outside employment and upon request, including at the Ethics Training which occurs approximately every twenty-four (24) months.

Approval for outside employment will be limited by any of the following provisions:

- a. Outside employment shall not interfere with or be in conflict with the proper performance of employee's duties with the Village.
- b. Association with any business considered as having a questionable reputation that would reflect unfavorably upon the employee or the Village.
- c. Association with any firm owned or operated by another Village employee within the same division or shift.
- d. Employee shall not be a principal or in a position of influence in a firm doing business with the Village.
- e. Employee shall not have or hold any employment or contractual relationship with any business entity or agency which engages in business or contractual agreement with the Village, in compliance with Florida Statutes regarding conflict of interest.

18.3 FINAL APPROVAL:

Final approval is subject to the review and approval of the Village Manager. It is further understood that approval may be canceled at any time by the Village Manager upon ten (10) days' written notice to the employee, due to violations of ~~the provisions of Section 18.02;~~this policy or any other Village rule, policy, regulation, ordinance.

19.0 POLITICAL ACTIVITY RESTRICTIONS

19.1 INTENT:

~~The Personnel Regulations state it to be~~It is in the public interest and of governmental benefit to remove career employees from the arena of partisan political activity. Florida Statutes, ~~Chapter-Section~~ 104.31, impose certain restrictions on the political activities of state, county and municipal officers and employees. All Village employees are permitted to hold membership in and support a political party, or maintain neutrality. After work hours employees may undertake active political roles, attend meetings, support candidates and work in campaigns, with the exceptions noted for Village elective office.

19.2 PROHIBITIONS:

- a. No person shall promise, attempt, or use political position, influence or coercion in an effort to erode the merit system nature of the Village work force by patronage or favoritism for past or future political influences or services, either implied or actual.
- b. Employees shall not take an active political role on behalf of any candidate or incumbent for Village elective office during working hours.

19.3 VILLAGE ELECTIVE OFFICE CANDIDACY:

A Village employee who becomes a candidate for an elective Village office shall, at the time of formally qualifying, resign in good standing from the Village service.

19.4 OTHER ELECTIVE OFFICE CANDIDACY:

A Village employee may be a candidate and elected to public office, other than the Village of North Palm Beach, and continue in ~~the service~~Village employment and shall not be required to resign.

19.5 PENALTIES:

Violations of these restrictions may result in disciplinary action including discharge, as determined by the disciplinary procedures ~~in Section 13 of the~~within these Personnel Rules and Regulations.

20.0 MISCELLANEOUS PROVISIONS

20.1 RETIREMENT:

~~All full time Village employees are eligible to join the Retirement Plan. Details of said plan are contained in the General Fund and Public Safety Retirement Ordinances.~~

20.220.1 DEPARTMENT RULES:

Department ~~Hheads~~Directors are authorized to promulgate in writing rules additional and supplemental to these rules provided they are not in conflict with these rules and are approved by the Village Manager prior to notification to employees and publication. All such rules shall be approvable, amendable, and revocable by the Village Manager.

20.320.2 RECORDS:

The ~~Village Manager~~Human Resources department, or designee, shall maintain the personnel records of each employee. Such records shall include a personnel file for each employee giving basic vital statistics, disciplinary actions, employee appeals, official acts involving the employee, any examination records, and the employment record. The records of terminated employees shall be retained for fifty (50) years. Applications for employment and related selection records shall be retained for ~~two~~ (2)four (4) years and may then be destroyed at the discretion of ~~the Village Manager~~Human Resources.

20.420.3 PERSONNEL RULES AND REGULATIONS:

These Personnel Rules and Regulations supersede any previous regulations adopted by the Village Council and shall become effective upon adoption by Resolution of the Village Council.

20.520.4 SEVERABILITY:

If any chapter, section, paragraph, sentence, clause, phrase, or word of these Personnel Rules and Regulations is for any reason held by a Court to be unconstitutional, inoperative or void, such holdings shall not affect the remainder of these Rules and Regulations.

21.0 ELECTRONIC COMMUNICATION AND INTERNET USE

The Village provides computers, printers and other electronic devices to many of its employees to perform their job functions. These devices are to be used for Village business only. Only computer programs that are authorized by the Village are to be used or installed on Village computers. Outside computer services, such as the Internet and e-mail are to be accessed and used only for Village business. All e-mail messages and Internet information transmitted through Village property and systems is considered a public record, unless otherwise exempted by law.

This policy shall be construed in a manner consistent with applicable federal and state laws relating to employee communications. This policy should not be construed in a manner to prohibit or interfere with employees communicating with one another regarding the terms and conditions of employment.

The following guidelines have been established for using the Internet, Village-provided cell phones, and e-mail in an appropriate, ethical and professional manner:

- Internet, Village-provided equipment (e.g., cell phone, laptops, computers, iPads, hotspots) and services may not be used for transmitting, retrieving or storing any communications of a defamatory, discriminatory, harassing or pornographic nature.
- The following actions are forbidden: using disparaging, abusive, profane or offensive language; creating, viewing or displaying materials that might adversely or negatively reflect upon the Village or be contrary to the Village's best interests; and engaging in any illegal activities, including piracy, cracking, extortion, blackmail, copyright infringement, and unauthorized access of any computers or Village-provided equipment such as cell phones, laptops, iPads, or hotspots.
- Employees may not copy, retrieve, modify or forward copyrighted materials, except with permission or as a single copy to reference only.
- Employees must not use the Village's systems or equipment in a way that disrupts its use by others. Employees must not send or receive large files that could be saved/transferred via thumb drives or cloud services. Employees are prohibited from sending or receiving files that are not related to work.

Computers

- The computers are provided to employees for Village business only. At no time may any computer be used for other business; however, limited and incidental personal use may be permitted during breaks and provided the employee complies with all other Village policies.
- Computer information systems and software on Village computers is the property of the Village; no unauthorized copies will be made or distributed.
- No additional software will be installed on Village computers without specific written authorization from the IT Department. Software from home or other sources is not permitted to be installed onto Village computers at any time.
- All data contained within Village computers belongs to the Village and cannot be altered without specific written authorization.
- No data stored on Village computers is to be released to any person or outside

organization without specific written authorization. This includes release through data transfer, in magnetic form, on printed reports or any other media or electronic transmission as well as databases, without the specific written authorization of the applicable Department Director and Village Clerk. However, this shall not be construed to prevent or limit the dissemination of information in response to a public records request.

- The computer passwords and security codes assigned to employees are not to be communicated to any other employee unless specifically authorized. No passwords, security codes or computer access telephone numbers are to be communicated to any persons or outside organization without specific written authorization.
- Employees must virus check any diskettes/CDs or USB drives before using them on Village computers.

E-Mail

The Village has established a policy with regard to access and disclosure of electronic mail messages created, sent or received by Village employees using the Village's electronic mail system. The Village reserves the right to change the policies set forth below at any time, as may be required by the circumstances:

- The Village maintains an e-mail system. The system is provided by the Village to assist in conducting Village business only.
- The e-mail system is Village property. Additionally, all messages composed, sent or received on the e-mail system are and remain the property of the Village. They are not the private property of any employee.
- The use of the e-mail system is reserved solely for the conducting of business at the Village. It may not be used for personal business.
- The e-mail system may not be used to solicit for commercial ventures, religious or political causes, outside organizations or other non-job-related solicitations.
- The e-mail system is not to be used to create any offensive or disruptive messages. Among those which are considered offensive are any messages which contain sexual implications, racial slurs, gender-specific comments or any other comment that offensively addresses someone's age, sexual orientation, religious or political beliefs, pregnancy, national origin, disability, or other category protected by applicable law.
- The e-mail system shall not be used to send (upload) or receive (download) copyrighted materials, trade secrets, proprietary financial information, obscene materials, or other similar materials without prior authorization.
- The Village reserves the right to review, audit, intercept, access and disclose all messages created, received or sent over the Village's e-mail system for any purpose. The contents of e-mail properly obtained for legitimate business purposes may be disclosed within the Village without the permission of the employee.
- The confidentiality of any message should not be assumed. Even when a message is erased, it does not guarantee confidentiality. Further, the use of passwords for security does not guarantee confidentiality.
- All passwords must be disclosed to appropriate Village officials upon request.
- Notwithstanding the Village's right to retrieve and read any e-mail messages, such

messages should be treated as confidential by other employees and accessed only by the intended recipient. Employees are not authorized to retrieve or read any e-mail messages that are not sent to them. Any exception to this Policy must receive the prior approval of the Department Director.

- Employees shall not use a password, access a file or retrieve any stored information, unless authorized to do so. Employees should not attempt to gain access to another employee's messages without the latter's permission. All computer passwords must be provided to the Information Technology Department. No password may be used that is unknown to the Village.
- Employees are prohibited from sending global messages of a personal nature and/or chain letters on Village computers or systems, without exception.

Employees should contact the Village Clerk's Office for information on the Village's retention schedule for e-mails. Employees may use the Village's email system to discuss terms and conditions of employment or to address work-related grievances. Any employee who violates this Policy or uses the e-mail system for improper purposes shall be subject to discipline, up to and including termination of employment.

Right to Monitor

All Village supplied technology and Village related work records belong to the Village and not the employee. The Village routinely monitors the use of Village-supplied technology and equipment. Inappropriate or illegal use or communications may be subject to disciplinary action up to and including termination of employment.

Telephone Use

Village telephones and voice message systems are to be used for Village business only. Personal telephone calls during business hours are to be confined to those which are of an emergency nature and kept to a minimum. Employees should not use the Village's telephones, including cell phones, for personal long distance calls. Employees who are hosting or attending meetings with elected officials, vendors, residents or employees from another company are restricted from answering non-emergency personal cell phones. Any employee caught in the process of answering a non-emergency personal cell phone call or sending/receiving text messages during a professional business meeting while representing the Village will be subject to disciplinary action up to and including termination.

Village employees are required to answer all business telephone calls promptly and courteously; voice mail is not intended to act as a substitute. Employees are required to return all missed business calls promptly.

Employees are restricted from the use of cell phones while operating heavy equipment or motor vehicles to emergency situations and Village business only and only once the equipment is stopped in a safe location.

Texting while driving on duty or for Village purposes is strictly prohibited. Employees are also prohibited from texting while operating Village equipment.

Social Media

Employees shall not make statements on behalf of the Village, without proper authorization, or

make statements that could be construed as establishing the Village's official position or policy on any particular issue.

Employees may not post any information that is confidential or exempt from public disclosure. For example, employees shall not post photographs identifying Village law enforcement officers.

Employees may not post discriminating remarks, harassment, bullying, or threats of violence. Behavior that is not tolerated in the workplace will not be tolerated in social media.

Employees are permitted to discuss terms and conditions of employment but, when posting such information on social media sites, employees must use the following disclaimer when discussing job-related matters, "The opinions expressed on this site are my own and do not necessarily represent the views of the Village."

The Village may monitor or review content on the Internet available for public consumption. Policy violations may result in discipline up to and including termination of employment.

22.0 VEHICLE USE

Employees assigned to or issued a Village vehicle must review and abide by all policies set forth by the Village regarding such use, as amended from time to time, which includes any safety manual, general orders, or directives.

Employees are specifically prohibited from using Village-assigned or issued vehicles for personal purposes including, but not limited to, transporting contraband, illegal materials, or lawful items not directly related to the employee's work at the Village. Employees are prohibited from transporting non-Village employees or making personal stops while in route on Village business. Employees are prohibited from using Village vehicles for any purpose other than performing assigned tasks. In general, Village vehicles may not be taken out of Village boundaries for anything other than work related business, i.e. meetings, approved conferences/training, etc.

In addition to official business and transportation during work periods, Village vehicles are authorized to be used for short stops (for restroom break and meal requirements) during the working period within Village boundaries. Exceptions can be made by department supervisors on a case-by-case basis if it is closer to the job site to leave Village boundaries for lunch periods.

Unauthorized use is any personal use not authorized by this policy or use otherwise prohibited by law. Some examples of unauthorized use include, but are not limited to: transporting relatives, friends or hitchhikers; transporting other Village employees for non-business related purposes (except for meal break, machinery parked on job site and no other transportation is available), unsafe operation of the vehicle (including texting while driving), operation of the vehicle in a manner that does not comply with posted speed limits and other rules of the road, driving while ill, disabled or lethargic, and driving after any consumption of alcoholic beverages, use of illegal and/or controlled substances, or use of prescription medication that negatively impacts the ability to drive safely.

Smoking, vaping or use of tobacco is prohibited in all Village vehicles.

Use of a Village vehicle is not a privilege, right, prerequisite, nor benefit of any employee and is subject to change without advance notice. Use of a Village vehicle shall not be made based on employee merit, longevity, or employee status, but rather operational need.

Restrictions While Driving (Non-Commercial)

Employees driving motor vehicles for Village purposes must avoid distracted driving and minimize the use of hand-held cell phones. Employees are expected to assess all driving conditions before using a hand-held cell phone while driving. State law also prohibits using a handheld cell phone in a school zone, school crossing or active work zone. Employees in the drivers' seat are prohibited by state law from texting, emailing, or instant messaging while the vehicle is in motion. If it is necessary to use a cell phone while in transit and hands-free is not available, the driver should find an appropriate and safe place to park the vehicle before using the cell phone. The vehicle should be in "park" for automatic transmission vehicles or "neutral" with the parking brake applied for manual transmission vehicles. However, using a hand-held cell phone is permissible when necessary to communicate with law enforcement officials or other emergency services.

Restrictions While Driving (Drivers Operating Commercial Vehicles Regulated by DOT)

Drivers of Village vehicles qualifying as commercial motor vehicles are prohibited from texting and emailing while driving. Texting while driving is only permissible under DOT regulations when necessary to communicate with law enforcement officials or other emergency services.

Drivers of the Village's commercial motor vehicles are prohibited from using a hand-held cell phone while driving a commercial motor vehicle. However, using a hand-held cell phone is permissible when necessary to communicate with law enforcement officials or other emergency services.

**VILLAGE OF NORTH PALM BEACH
VILLAGE ATTORNEY'S OFFICE
VILLAGE MANAGER'S OFFICE**

TO: Honorable Mayor and Council

THRU: Chuck Huff, Interim Village Manager

FROM: Leonard G. Rubin, Village Attorney

DATE: July 28, 2022

SUBJECT: **RESOLUTION** – Assignment of Conservation Easement for MacArthur State Park to the Village of North Palm Beach

The Village received a request from the The John D. MacArthur Park Conservation Corporation, Inc. ("Conservation Corporation") to assume the obligations under an existing Conservation Easement applicable to MacArthur State Park.

On December 19, 1980, Palm Beach County granted the Conservation Corporation a Conservation Easement over MacArthur State Park. The property was subsequently transferred to the State of Florida, subject to the terms of the Conservation Easement.

In accordance with Section 704.06, Florida Statutes, a Conservation Easement "is a right or interest in real property which is appropriate to retaining land or water areas predominantly in their natural, scenic, open, agricultural or weeded condition." The Conservation Easement for McArthur Park provided that:

- The existing ecological relationships with terrestrial and aquatic animal species, including birds, indigenous to the property shall be fostered, preserved, and enhanced by regulations public recreational usage not incompatible with the existing environment.
- The development of the property will be in accordance with the Conceptual Plan approved by the County and will not infringe upon existing buffers and filters.
- Commercial operations on the property shall be limited to those consistent with the maintenance and use of the property as a park.

The stated purposes of the Easement are to: (1) limit surface use of the property except for purposes that permit the land or water area to remain predominantly in its natural condition; (2) limit activities on the Property which are detrimental to drainage, flood control, water conservation, erosion control, soil conservation or fish and wildlife habitat preservation; and (3) limit acts or uses detrimental to the retention of land or water areas on the property.

The Conservation Corporation is seeking to assign the Conservation Easement to the Village because the Village is best positioned to be the guardian of this valuable resource and ensure that the Easement endures. The Conservation Corporation was formed years ago when McArthur (and subsequently the McArthur Foundation) was a significant landowner in Palm Beach County. Now that McArthur is no longer a significant landowner, the Conservation Corporation is no longer the appropriate mechanism for

continued oversight and will be dissolved. Given that McArthur Park has been developed and in operation for many years, there is little reason to believe that any enforcement action will be necessary. However, given the circumstances, the Village is most appropriate entity to ensure that the goals and objectives of the Conservation Easement continue into the future.

There is no fiscal impact.

Recommendation:

Village Staff requests Council consideration and approval of the attached Resolution approving the Assignment and Assumption of the Conservation Easement for McArthur State Park from the John D. MacArthur Park Conservation Corporation, Inc. and authorizing the Mayor to execute the Assignment on behalf of the Village.

RESOLUTION NO. 2022-_____

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, APPROVING THE ASSIGNMENT AND ASSUMPTION OF A CONSERVATION EASEMENT FOR MACARTHUR STATE PARK AND AUTHORIZING THE MAYOR TO EXECUTE THE ASSIGNMENT AND ASSUMPTION ON BEHALF OF THE VILLAGE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in 1980, Palm Beach County granted a Conservation Easement over the MacArthur Park property to The John D. MacArthur Park Conservation Corporation, Inc. pursuant to Section 704.06, Florida Statutes; and

WHEREAS, because MacArthur is no longer a major landowner in Palm Beach County and there is no continued need for the Conservation Corporation, the Corporation has requested that the Village accept the assignment and assumption of the Conservation Easement; and

WHEREAS, the Village Council determines that the adoption of this Resolution is in the best interests of the public health, safety and welfare.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, as follows:

Section 1. The foregoing recitals are ratified and incorporated herein.

Section 2. The Village Council hereby approves the Assignment and Assumption of Conservation Easement from The John D. MacArthur Park Conservation Corporation, Inc. to the Village, a copy of which is attached hereto and incorporated herein, and authorizes the Mayor to execute the Assignment and Assumption on behalf of the Village.

Section 3. This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2022.

(Village Seal)

MAYOR

ATTEST:

VILLAGE CLERK

Prepared by:
David N. Morrison
Attorney at Law
Quarles & Brady LLP
1395 Panther Lane, Suite 300
Naples, FL 34109

ASSIGNMENT AND ASSUMPTION OF CONSERVATION EASEMENT

THIS ASSIGNMENT AND ASSUMPTION OF CONSERVATION EASEMENT (“Assignment”) is made this ____ day of _____, 2022 (the “Effective Date”), by and among **THE JOHN D. MACARTHUR PARK CONSERVATION CORPORATION, INC.**, a Florida not-for-profit corporation (“Assignor”), and **THE VILLAGE OF NORTH PALM BEACH**, a municipal corporation organized and existing under the laws of the State of Florida (“Assignee”).

W I T N E S S E T H:

WHEREAS, Assignor and PALM BEACH COUNTY, FLORIDA, have entered into that certain Conservation Easement dated December 19, 1980 and recorded on February 2, 1981 in Official Records Book 3456, commencing at Page 1455, of the Public Records of Palm Beach County, Florida ("Conservation Easement"); and

WHEREAS, Assignor, as grantee under the Conservation Easement, desires to assign all of its obligations, rights, title and interest in and to the Conservation Easement to Assignee and Assignee wishes to accept said assignment.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. Except as specifically defined in this Assignment, all capitalized terms used herein shall have the meanings ascribed to them in the Conservation Easement.
2. Assignor transfers, assigns and sets over to Assignee all of obligations, rights, title and interest of Assignor in and to the Conservation Easement as of the Effective Date.
3. Assignee accepts the assignment made in Paragraph 2 above, assumes the Conservation Easement, and agrees to observe and perform all of the covenants, agreements and obligations to be observed or performed by the grantee under the Conservation Easement from and after the Effective Date.
4. Assignee agrees to indemnify, defend, and hold harmless Assignor from and against all claims, actions, losses, damage, costs, and expenses (including, without limitation, reasonable attorneys' fees and costs including costs and fees associated with any appeals) arising out of

Assignee's failure to comply with any of the terms, covenants, conditions, and obligations of the grantee under the Easement Agreement, on or after the Effective Date. Nothing set forth herein shall operate as a waiver of Assignee's sovereign immunity protections or the limits of liability set forth in Section 768.28, Florida Statutes, nor shall it create a cause of action in favor of any third party.

5. This Assignment shall be governed by and construed in accordance with the laws of the State of Florida.

6. This Assignment shall be binding upon and inure to the benefit of the parties and their respective heirs, legal representatives and permitted successors and permitted assigns. This Assignment may be executed in counterparts, each of which, when combined, shall constitute an original.

[SIGNATURES ON FOLLOWING PAGES]

IN WITNESS WHEREOF, Assignor has executed this Assignment as of the day and year below.

ASSIGNOR:

The John D. MacArthur Park Conservation
Corporation, Inc., a Florida not-for-profit corporation

By: _____

Name: _____

Title: _____

Date: _____

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of ☐ physical presence or by ☐ online notarization, on this day of _____, 2022, by _____, as _____ of the John D. MacArthur Park Conservation Corporation, a Florida not-for-profit corporation, who ☐ is personally known or who ☐ has produced _____ as identification.

[Notary Seal]

Notary Public

Printed Name:

My Commission Expires:

IN WITNESS WHEREOF, Assignee has executed this Assignment as of the day and year below.

ASSIGNEE:

The Village of North Palm Beach, a municipal
corporation organized and existing under the laws of the
State of Florida

By: Deborah Searcy, Mayor

Date: _____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☐ physical presence or by ☐ online notarization,
on this day of _____, 2022, by Deborah Searcy, as Mayor of the Village of North Palm Beach, a political
subdivision of the State of Florida, who ☐ is personally known or who ☐ has produced
_____ as identification.

[Notary Seal]

Notary Public

Printed Name:

My Commission Expires:

81 018910

121880



✓ 22
Prepared by and Return to:
Marshall M. Criser, Esq.
Gunster, Yoakley, Criser and
Stewart, P.A.
First National Bank Building
Palm Beach, Florida 33480

CONSERVATION EASEMENT

THIS CONSERVATION EASEMENT, dated this 19th day of December, 1980 by and between PALM BEACH COUNTY, FLORIDA, its successors and assigns (the "GRANTOR"), and THE JOHN D. MACARTHUR PARK CONSERVATION CORPORATION, INC., a Florida not-for-profit corporation, its successors and assigns (the "GRANTEE").

WITNESSETH: that for the sum of Ten Dollars (\$10.00) and other good and valuable considerations, to it in hand paid by Grantee, receipt whereof is hereby acknowledged, GRANTOR hereby grants unto GRANTEE, a Conservation Easement as hereinafter imposed pursuant to Florida Statutes, Section 704.06 (1979), over all that certain property situated in the County of Palm Beach and State of Florida, described in Exhibit A attached hereto and made a part hereof (the "PROPERTY").

GRANTOR hereby imposes the following Conservation Easement upon the PROPERTY:

1. The existing ecological relationships with terrestrial and aquatic animal species, including birds, indigenous to the PROPERTY shall be fostered, preserved and enhanced by regulated public recreational usage not incompatible with the presently existing environment.
2. The GRANTOR and GRANTEE have reviewed and approved a Conceptual Plan for the development of the PROPERTY (the "PLAN"), a copy of which is attached hereto as Exhibit B and made a part hereof. The GRANTEE covenants and agrees that the development of the PROPERTY, when and if undertaken, will strictly conform to the PLAN.
3. The PLAN provides buffers and filters to protect the PROPERTY from adverse environmental impact by reason of water, air or noise pollution. Development and improve-

Approved by Board of County Commissioners
12/19/80
State of Florida
John D. MacArthur Park Conservation Corporation

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25.60
40

ment of the PROPERTY shall not infringe upon these buffers and filters.

4. Commercial operations on the PROPERTY shall be limited to those consistent with the maintenance and use of the PROPERTY as a park, and the only improvements constructed shall be for designated parking areas; walkways and foot bridges; sanitary facilities; bathhouses; attendant facilities for maintenance, security, lifesaving and safety; limited boating; ranger residences; an interpretive nature center; and limited food and beverage concessions. All activities on the PROPERTY shall be limited to those designated as "resource based activities", as opposed to "user oriented activities", as those terms are defined in the 1976 Outdoor Recreation Plan published by the Department of Natural Resources of the State of Florida.

The purposes of this Conservation Easement are

- (1) to limit surface use of the PROPERTY except for purposes that permit the land or water area to remain predominantly in its natural condition; (2) to limit activities on the PROPERTY which are detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation; and (3) to limit acts or uses detrimental to the retention of land or water areas on the PROPERTY.

This Conservation Easement shall run with the land and be binding upon the parties hereto and upon all subsequent owners of all or any part of the PROPERTY.

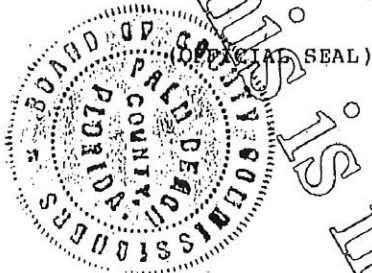
All or any part of this Conservation Easement, may be enforced by the GRANTEE by injunction or by a proceeding in equity or at law brought in Palm Beach County, Florida, and this Conservation Easement shall entitle the GRANTEE to enter the PROPERTY in a reasonable manner and at reasonable times to assure compliance.

This Conservation Easement shall become effective upon its being recorded in the Palm Beach County Public Records or on February 1, 1981, whichever shall first occur.

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TO HAVE AND TO HOLD this Conservation Easement unto the
GRANTEE, its successors and assigns forever.

IN WITNESS WHEREOF, GRANTOR caused these presents to be exe-
cuted in its name by its Board of County Commissioners acting by
the Chairman of said board, the day and year aforesaid.



PALM BEACH COUNTY, FLORIDA
By its Board of County
Commissioners

By Dennis P. Koehler
Dennis P. Koehler, Chairman

Attest: John B. Dunkle
Clerk of the Circuit
Court

The GRANTEE accepts and agrees to enforce this Conservation
Easement.

Signed, sealed and delivered
in the presence of:

James H. Herman
John D. MacArthur

THE JOHN D. MACARTHUR PARK
CONSERVATION CORPORATION, INC.,
a Florida not-for-profit
corporation

By William T. Kirby
William T. Kirby, President

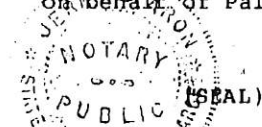
(CORPORATE SEAL)



STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 19th
day of December, 1980, by DENNIS P. KOEHLER and John B. Dunkle,
Chairman of the Palm Beach County Board of Commissioners and Clerk
of the Circuit Court, respectively, of Palm Beach County, Florida,
on behalf of Palm Beach County, Florida.



Jerry E. Aron
Notary Public
My Commission Expires:
Notary Public, State of Florida at Large
My commission expires April 6, 1982

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 19th
day of December, 1980, by WILLIAM T. KIRBY, PRESIDENT of THE JOHN
D. MACARTHUR PARK CONSERVATION CORPORATION, INC., a Florida not-
for-profit corporation, on behalf of the corporation.



Jerry E. Aron
Notary Public
My Commission Expires:
Notary Public, State of Florida at Large
My commission expires April 6, 1982

B3456 P1457

EXHIBIT A

Lot 1, Section 10, Township 42 South, Range 43 East; also all that part of Lot 1, Section 15, Township 42 South, Range 43 East, described as follows: Beginning at a point where a line drawn parallel to and exactly 5280 feet south of the North line of Government Lot 1, Section 10, Township 42 South, Range 43 East intersects the waters edge of the Atlantic Ocean, running from thence south along the waters of the Atlantic Ocean to a point exactly 7920 feet south of said North line of Government Lot 1, when measured at right angles to said North line of said Lot 1; thence west on a line parallel to said North line of Lot 1, and exactly 7920 feet south thereof to the waters edge of Lake Worth; thence North along the waters of Lake Worth to a point 5280 feet south of said North line of Lot 1 when measured at right angles to said North line of Lot 1; thence east along a line parallel to and exactly 5280 feet south of said North line of Lot 1 to point of beginning, except the south 1000 feet thereof heretofore deeded to the Blue Heron Beach Company, a Delaware corporation; being a tract of land bounded on the north by the North line of Government Lot 1, Section 10, Township 42 South, Range 43 East, on the east by the Atlantic Ocean, on the south by a line parallel to and exactly 6920 feet south of the North line of Government Lot 1, Section 10, Township 42 South, Range 43 East, when measured at right angles to said North line of said Lot 1, and on the west by the waters of Lake Worth.

Together with riparian and littoral rights thereunto appertaining.

All of Lot 2, Section 10, Township 42 South, Range 43 East, excepting therefrom the following described tract, to-wit: ..

"Commencing at Traverse Post on East shore of Lake Worth marking the line between Sections 3 and 10, Township 42 South, Range 43 East, running east along section line 22 chains to water, thence south four (4) chains and 60 links, thence west to Lake Worth, thence northerly along the lake shore to point of beginning, containing 10 acres, more or less."

Together with all riparian and littoral rights thereunto appertaining.

Beginning at a point where a line drawn parallel to and exactly 7920 feet south of the North line of Government Lot 1, Section 10, Township 42 South, Range 43 East, intersects the waters edge of the Atlantic Ocean, running from thence North along the waters of the Atlantic Ocean to a point exactly 6920 feet south of said North line of Government Lot 1, Section 10, Township 42 South, Range 43 East, when measured at right angles to said North line of Lot 1; thence west on a line parallel to said North line of Lot 1 and exactly 6920 feet south thereof to the waters edge of Lake Worth; thence south along the waters of Lake Worth to a point 7920 feet south of said North line of Lot 1 when measured at right angles to said North line of Lot 1, thence east along a line parallel to and exactly 7920 feet south of said North line of Lot 1 to point of beginning; together with all riparian and littoral rights thereunto belonging or in anywise appertaining.

A strip of ground near the center line running east and west crossing Lot 1, Section 15, Township 42 South, Range 43 East, said strip being 60 feet in width north and south and extending entirely across said lot in an easterly and westerly direction 500 feet, more or less, the northerly line of which strip is approximately 7920 feet south of the North line of Lot 1 of Section 10 in said Township and Range, said strip extending from the Atlantic Ocean on the east to Lake Worth on the west.

Island Number 1, Section 15, Township 42 South, Range 43 East, containing 15.57 acres, more or less, and being the same land which was patented by the United States of America to Nathan W. Pitts on January 25th, 1892, which patent was recorded on March 22nd, 1892, in

Deed Book "E," Page 384, of the public records of Dade County, Florida, which said land was also conveyed by the said Nathan W. Pitts and wife to James M. Munyon, now deceased, by warranty deed, dated March 9th, 1901, and recorded on March 26, 1901, in Deed Book 1, Page 66, of the public records of said Dade County, Florida, which said Island Number 1 has been commonly known and designated as Munyon's Island; together with all the riparian rights thereunto belonging or in anywise appertaining.

All riparian and littoral rights appurtenant to any of the lands hereinabove described in the foregoing items.

* * * * *

Excepting from the lands hereinabove described the right of way for State Road No. 5, Section 9304-112, as shown on a right of way map prepared by the State Road Department and recorded in State and County Road Plat Book 2, Pages 43 to 56, inclusive, in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida.

Also excepting from the lands hereinabove described, all parcels, easements, and reservations not hereinabove particularly described, which are held by the Town of Lake Park, the County of Palm Beach, the State of Florida, the United States of America, or any public utility corporation; and

* * * * *

All right, title, interest, reservation, reversion, and remainder which the Parties of the First Part have in, to, or appurtenant to the following described property:

- a) All islands and their riparian right lying North of or upon a line drawn from the southerly end of Government Lot 2, Section 10, Township 42 South, Range 43 East, and a point on the east side of Lake Worth 6920 feet south of the North line of Government Lot 1, Section 10, Township 42 South, Range 43 East, when measured at right angles to said North line of Government Lot 1, including Islands numbered 3 and 4, Section 15, Township 42 South, Range 43 East.
- b) All land described in Deed between Blue Heron Beach Company and Harry Oakes dated May 14, 1931, recorded in Deed Book 446, Page 450, of the public records of Palm Beach County, Florida.
- c) All submerged land in Lake Worth lying between the north and south boundary lines when produced west to the channel of Lake Worth of the tract of land described in Deed from Horton C. Rorick and wife to Tesdem, Inc., dated April 15, 1935, and recorded in Deed Book 511, Page 133, of the public records of Palm Beach County, Florida.

* * * * *

Starting from a certain stake in pile of stone on the east side of Lot 2, Section 10, Township 42 South, of Range 43 East, from which a large rubber tree marked J.S.J. on south side and I.R.H. on north side bears west 160 links, running south along the Lagoon 4 chains, thence west to stake and rocks on bank of Lake Worth, thence north 4 chains to stake and rocks, thence east to point of beginning; containing 5 acres, and is in the south part of Lot 2, Section 10, Township 42 South, of Range 43 East, with all riparian rights. Being the same land conveyed by F. A. Metcalf and wife to John J. Haley, by deed dated May 15th, 1899, and recorded in Deed Book T, Page 284, of the records of Dade County, Florida; and

Lands in Section 15, Township 42 South, Range 43 East, Village of North Palm Beach, Palm Beach County, Florida, said lands being all that part of the lands on or contiguous with Island No. 1 (Munyon Island, so called) as meandered by George W. Potter, U.S. Deputy Surveyor on April 22 and April 23, 1889, lying above the Mean High Water Line as established by the State of Florida Department of Natural Resources criteria, said lands being more particularly described as follows:

Commencing at the centerline point of tangency at Station 220+61.67 of the right-of-way of State Road 703 (State Road No. A-1-A) as same is shown on the State of Florida Department of Transportation Right-of-Way Map (Section 93080-2509) dated December 12, 1978, from (bearings cited herein are in the meridian of the Florida State Plane Coordinate System East Zone) at an angle of 50° 27' 32", as measured from north to west from the said centerline of State Road No. A-1-A, North 73° 18' 47" West, 1795.51 feet to the POINT OF BEGINNING of the herein described parcel of land, said POINT OF BEGINNING having Florida State Plane Coordinates X = 812212.086, Y = 903294.151, and from said POINT OF BEGINNING which lies on the southerly shore of the narrow peninsula running southeasterly off said Munyon Island, run clockwise along a series of lines meandering the Mean High Water Line which ranges from Elevation 1.62 on the east side of said island to Elevation 1.73 on the west side of said island, by the following numbered courses:

- E1. South 58° 11' 28" West, 145.93 feet; thence...
- E2. South 64° 31' 13" West, 288.03 feet; thence...
- E3. South 62° 29' 43" West, 294.28 feet; thence...
- E4. South 50° 07' 28" West, 246.30 feet; thence...
- E5. South 37° 42' 24" West, 155.36 feet; thence...
- E6. South 04° 20' 23" West, 19.25 feet; thence...
- E7. South 12° 07' 19" East, 122.99 feet; thence...
- E8. South 01° 45' 26" West, 322.07 feet; thence...
- E9. South 06° 02' 19" East, 85.48 feet; thence...
- E10. South 16° 06' 20" East, 74.57 feet; thence...
- E11. South 47° 42' 25" East, 60.82 feet; thence...
- E12. South 25° 19' 59" East, 144.85 feet; thence...
- E13. South 04° 44' 44" East, 36.04 feet; thence...
- E14. South 31° 00' 59" West, 64.08 feet; thence...
- E15. North 74° 45' 38" West, 49.77 feet; thence...
- E16. North 55° 38' 55" West, 125.99 feet; thence...
- E17. North 46° 42' 07" West, 93.45 feet; thence...
- E18. North 33° 28' 52" West, 163.16 feet; thence...
- E19. North 12° 19' 27" West, 431.02 feet; thence...
- E20. North 44° 13' 40" West, 285.10 feet; thence...
- E21. North 16° 09' 22" West, 661.21 feet; thence...
- E22. North 14° 20' 22" West, 226.13 feet; thence...
- E23. North 20° 30' 30" West, 165.58 feet; thence...
- E24. North 29° 25' 27" West, 250.39 feet; thence...
- E25. North 33° 01' 58" West, 269.68 feet; thence...
- E26. North 13° 07' 44" West, 92.50 feet; thence...
- E27. North 04° 17' 42" East, 93.35 feet; thence...
- E28. North 13° 01' 25" East, 97.59 feet; thence...
- E29. North 26° 32' 37" East, 116.34 feet; thence...
- E30. North 38° 33' 00" East, 114.15 feet; thence...
- E31. North 60° 04' 26" East, 138.45 feet; thence...
- E32. North 76° 44' 40" East, 83.20 feet; thence...
- E33. North 59° 28' 49" East, 78.92 feet; thence...
- E34. North 46° 20' 00" East, 118.87 feet; thence...
- E35. North 37° 16' 49" East, 132.06 feet; thence...
- E36. North 48° 35' 53" East, 43.98 feet; thence...
- E37. North 78° 09' 07" East, 29.62 feet; thence...
- E38. North 86° 48' 18" East, 73.10 feet; thence...
- E39. North 66° 30' 20" East, 90.49 feet; thence...
- E40. South 85° 03' 10" East, 66.38 feet; thence...
- E41. South 05° 41' 32" East, 9.97 feet; thence...
- E42. South 58° 26' 37" West, 91.56 feet; thence...
- E43. South 33° 02' 13" West, 91.75 feet; thence...

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E44. South 21° 58' 33" West, 77.55 Feet; thence...
 E45. South 11° 33' 22" East, 44.83 feet; thence...
 E46. South 41° 26' 72" East, 135.95 feet; thence...
 E47. South 06° 28' 28" East, 44.20 feet; thence...
 E48. South 06° 56' 57" West, 231.62 feet; thence...
 E49. South 02° 30' 49" East, 67.99 feet; thence...
 E50. South 08° 56' 38" East, 180.92 feet; thence...
 E51. South 12° 58' 37" East, 262.63 feet; thence...
 E52. South 17° 47' 47" East, 170.06 feet; thence...
 E53. South 12° 21' 35" East, 149.38 feet; thence...
 E54. South 11° 11' 27" East, 97.78 feet; thence...
 E55. South 20° 09' 00" East, 147.98 feet; thence...
 E56. South 28° 51' 25" East, 134.64 feet; thence...
 E57. South 19° 48' 05" East, 159.34 feet; thence...
 E58. South 68° 47' 05" East, 24.66 feet; thence...
 E59. North 57° 19' 09" East, 185.33 feet; thence...
 E60. North 50° 08' 09" East, 117.44 feet; thence...
 E61. North 73° 18' 43" East, 132.57 feet; thence...
 E62. North 80° 34' 44" East, 122.64 feet; thence...
 E63. North 70° 39' 44" East, 145.18 feet; thence...
 E64. North 72° 29' 32" East, 73.38 feet; thence...
 E65. North 61° 04' 34" East, 129.02 feet; thence...
 E66. South 29° 07' 00" East, 24.95 feet,
 more or less, to the POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING PARCEL:

Island Number 1, Section 15, Township 42 South, Range 43 East,
 containing 15.57 acres, more or less, and being the same land which was
 patented by the United States of America to Nathan W. Pitts on
 January 25th, 1892, which patent was recorded on March 22nd, 1892, in
 Deed Book "E," Page 384, of the public records of Dade County, Florida,
 which said land was also conveyed by the said Nathan W. Pitts and wife
 to James M. Munyon, now deceased, by warranty deed, dated March 9th,
 1901, and recorded on March 26, 1901, in Deed Book 1, Page 66, of the
 public records of said Dade County, Florida, which said Island Number 1
 has been commonly known and designated as Munyon's Island; together
 with all the riparian rights thereunto belonging or in anywise
 appertaining.

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EXHIBIT B

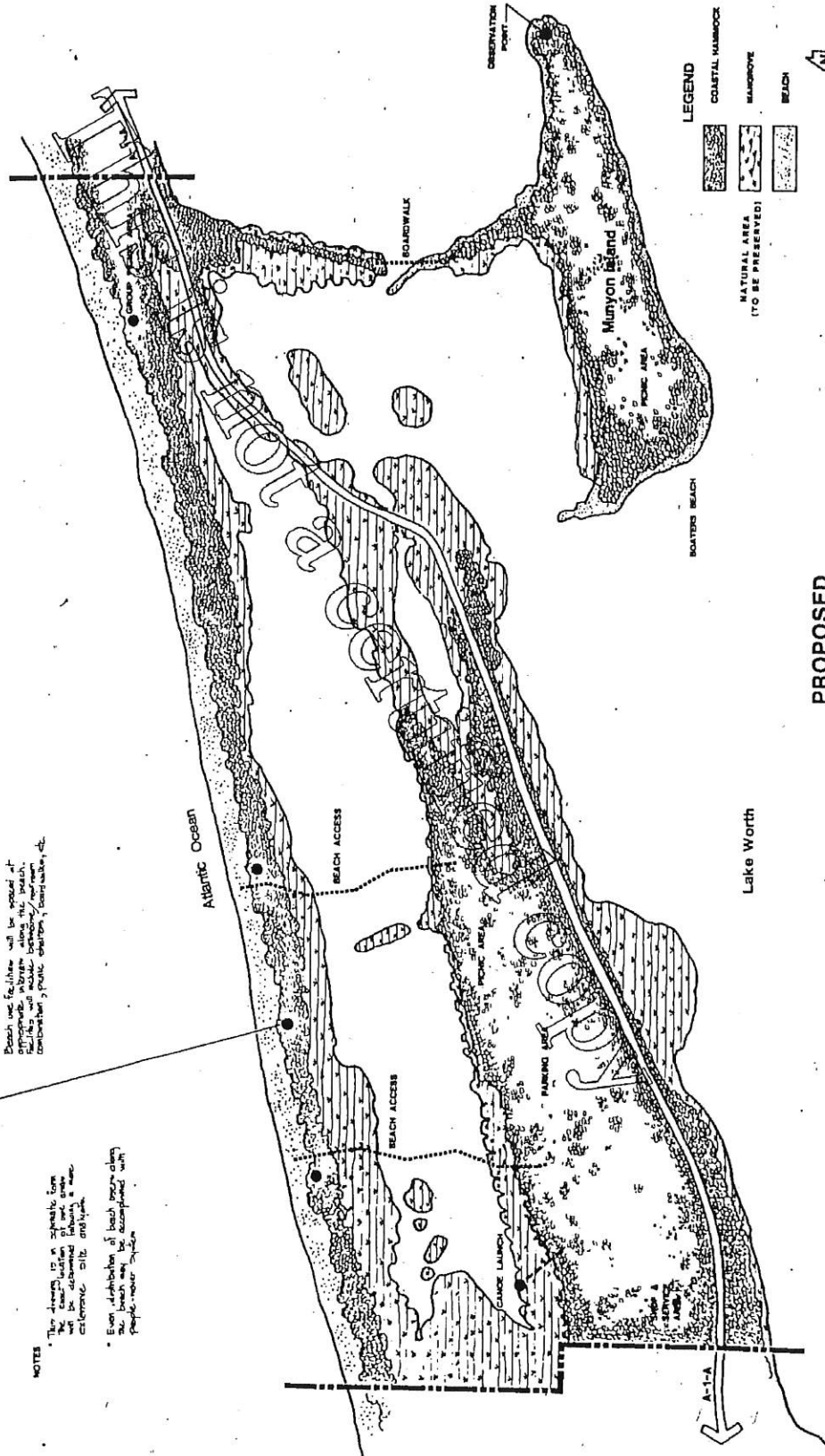
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NOTES

- * This drawing is a schematic plan of the proposed beach area and is not intended to be construed as a representation of the actual site conditions, including, but not limited to, elevation, soil, and hydrology.
- * Even distribution of beach area along the beach may be accomplished with proper beach nourishment.

BEACH USE AREAS

Beach use facilities will be located at different intervals along the beach. These facilities include, but are not limited to, public education, construction, etc.



PROPOSED JOHN D. MACARTHUR BEACH STATE RECREATION AREA

SEPTEMBER 1960

Record Verified
Palm Beach County, Fla.
John B. Dunkle
Clerk Circuit Court