



Village of Estero

Personnel Policy Manual

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GENERAL STATEMENT OF VILLAGE'S EMPLOYMENT POLICY

Excellence in government public service is attained, in part, through personnel systems that reflect merit principles and sound administrative management. It is the intent of the Estero Village Council that its Personnel Policy Manual provide firm and clear direction to its employees.

Furthermore, it is the intent of the Council that no unlawful discrimination will exist in the application and administration of any Estero policy, practice, rule, or regulation.

The Village Manager is charged with ensuring that the provisions of this Policy are implemented and made known to the employees of Estero.

This Personnel Policy Manual is not and shall not be considered an employment contract with any person. Nothing herein is intended to create an employment contract between the Village and any person for the purposes of employment, promotions, or for the providing of any benefit.

The provisions contained within this Manual are and shall be considered as part of the terms and conditions of employment of all employees of the Village and should thus be adhered to by all Village employees. The Village Council reserves the right to establish, modify, or make exceptions to these rules when necessary. Any question concerning the interpretation or application of these rules shall be referred to the Manager for resolution.

Employment with the Village is at-will. Unless the Village has otherwise explicitly agreed by separate written contract, either the employee or the Village may terminate the employee's employment at any time, and for any or no reason. To the extent the Village's personnel forms or procedures use words such as 'provisional', 'probationary', or 'regular' employee, the use of such words shall have no interpretation which is contrary to Village employees' at-will status. The Village neither guarantees employment nor offers tenure.

The Village of Estero endeavors to include a comprehensive overview of the rules and policies governing employment with the Village within this Personnel Policy Manual. However, there may from time to time be additional personnel rules, procedures or policies issued by the Council. The Manager may also issue additional administrative rules so long as such additional rules do not conflict with the provisions in this Manual. All such additional rules shall be in writing and constitute a part of an employee's terms of employment.

Equal Employment Opportunity

It is the continuing policy of the Estero Village Council to promote the concepts of equal employment opportunity in its employment function, and to comply with all federal, state and local laws, rules and regulations pertaining to fair employment practices.

1. All employees and applicants for employment will be treated fairly with respect to all terms and conditions of employment regardless of race, color, religion, national origin, ancestry, sex, age, marital status, genetic profile, or any physical or mental disability which does not preclude the performance of the employee's essential job functions with or without reasonable accommodation(s).
2. All personnel opportunities and decisions related to employment, promotions, transfers, reclassifications, compensation, benefits, performance ratings, training courses and programs, layoffs, returns from layoff, terminations, and all other aspects of employment with the Village will be in accordance with the principles of the merit system, which afford equal opportunity by imposing only valid requirements.
3. The Estero Council reaffirms its commitment to equal employment opportunity through open and non-exclusive advertisements of job openings, promotion opportunities, as well as through all other constitutional efforts at affirmative action.
4. Employees who allege that they have been unlawfully discriminated against or treated unfairly in the application or employment process must follow the steps outlined in this Personnel Policy on Illegal Harassment or Discrimination. Non-employee applicants and applicants for temporary employment alleging unlawful discrimination must submit their complaint in writing to the Village Manager, who will conduct an investigation in accordance with the applicable portions of this Policy.

Civility and Customer Service

The Village of Estero holds its employees to a high standard of professional behavior. Employees of the Village are expected to be solution-oriented, team focused, and to provide excellent customer service. Employees are expected to maintain professional conduct at all times, both on and off duty.

Village employees not only serve visitors, residents, and the Council, but are colleagues of one another who work interdependently with each other. Employees are expected to be highly self-disciplined, to respect the personal boundaries of co-workers, to discourage intrusive and overbearing behavior, and to produce quality work in a positive and productive manner. Professional courtesy among employees is of the highest value. The ethical imperative is that no single employee is of more value than another.

Employment Rules and Procedures

1. In the interest of hiring “best qualified and available” candidates to meet Village employment requirements, and to avoid favoritism in hiring practices, the Village Manager is responsible for ensuring that all interested applicants have an equal opportunity to apply for Village employment.
2. Notices of open positions will be published interdepartmentally and/or publicly according to the department’s request and concurrence of the Manager. Notwithstanding the foregoing, where the Manager or other official with delegated hiring authority determines that a particular candidate is fully qualified for a position (for instance where an intern or employee in acting status has been working successfully in the position for some time), that candidate may be offered the position without the need to post the position. However, to prevent undue favoritism or nepotism and ensure a diverse, well qualified work force, this exception must be used only on approval of the Manager, and should not be regularly used in place of posting opportunities and allowing candidates to apply.
3. Applicants for Village employment apply for employment in the form and manner, including electronic application submission, as the Village designates. Applicants who make initial contact with an individual Village department or official, and applications/resumes received by other Village departments or officials, shall be directed to the Manager to complete the standard application process.
4. Applications are accepted for announced openings during the published advertising period. If no advertising period is established, the position shall be open until filled.
5. The Village Council is authorized to make the offer of employment to all persons selected to fill positions established by the Village Charter (Manager and Village Attorney). Other vacancies shall be hired by the Manager as provided for in this Policy Manual.
6. Once a position has been filled, the position is closed. Should an opening for the same position come open again within ninety days after first being filled, the Village may make an offer to the next most qualified candidate from among the original applications. Alternatively, or if the vacancy arises more than sixty days later, the position will, absent an exception approved by the Manager, be re-advertised and new applications sought.
7. Current employees chosen for interview for other Village jobs will be allowed to interview during work hours if necessary. The Village will work with the employee to make reasonable adjustments to the employee’s schedule to permit the interview. If the interview takes place during the employee’s scheduled work hours, the time will not be paid, and employees should use available PTO leave for such purposes. All other interviews are unpaid.
8. The Manager may establish eligibility registers for positions as required by turnover frequency or other recruitment issues. Positions that are identified by departments or the

Manager as being vacant on a regular basis or having certain recruitment needs, may have an eligibility register of qualified applicants established.

9. Pursuant to Florida Statutes § 295.07(1), the Village shall give preference in appointment and retention in positions to:
 - a. Those disabled veterans:
 - (1) Who served on active duty in any branch of the United States Armed Forces, have received an honorable discharge, and have established the present existence of a service-connected disability that is compensable under public laws administered by the United States Department of Veterans Affairs; or
 - (2) Who are receiving compensation, disability retirement benefits, or pension pursuant to public laws administered by the United States Department of Veterans Affairs and the United States Department of Defense.
 - b. The spouse of a person who has a total disability, permanent in nature, resulting from a service-connected disability and who, because of this disability, cannot qualify for employment, and the spouse of a person missing in action, captured in line of duty by a hostile force, or forcibly detained or interned in line of duty by a foreign government or power.
 - c. A wartime veteran as defined in s. 1.01(14), who has served at least 1 day during a wartime period. Active duty for training may not be allowed for eligibility under this paragraph.
 - d. The unremarried widow or widower of a veteran who died of a service-connected disability.
 - e. The mother, father, legal guardian, or unremarried widow or widower of a member of the United States Armed Forces who died in the line of duty under combat-related conditions, as verified by the United States Department of Defense.
 - f. A veteran as defined in Florida Statutes § 1.01(14). Active duty for training may not be allowed for eligibility under this paragraph.
 - g. A current member of any reserve component of the United States Armed Forces or the Florida National Guard.

The Village may waive a postsecondary educational requirement for a position of employment, other than those positions made exempt under subsection (5), 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.

Preference in employment and retention, or educational waivers, may be given only to eligible persons who are described in subsections (a) through (g) above.

Pursuant to Florida Statutes § 295.07(5), the positions of Village Manager, department director and Village Clerk are not eligible for preference.

Pursuant to Florida Statutes § 295.085, first preference in appointment, employment, and retention must be given by the state and political subdivisions in the state to a person included under § 295.07(1)(a) or (b), and second preference must be given to a person included under § 295.07(1)(c), (d), (e), (f), or (g), who possess the minimum qualifications necessary to discharge the duties of the position involved.

Pursuant to Florida Statutes § 295.07(6), the Village Manager shall ensure that a written veterans' recruitment plan is developed which establishes annual goals for ensuring the full use of veterans in the Village's workforce. This plan must be designed to meet the established goals.

10. No employee may begin activities associated with working for the Village, including engaging in post-offer screening activities, until the candidate accepts, electronically or otherwise, a conditional offer of employment. No term or condition of employment not consistent with this Policy Manual, including matters of pay, bonuses, PTO advances, moving expenses, or other similar matters, shall be effective unless included within a conditional offer of employment.
11. The Manager is authorized to adopt such forms and procedures as are deemed necessary to effectively implement these employment policies and to conduct such pre-employment screening as may be either legally or administratively required, including background and reference checks and physical or psychological examinations related to job functions. For any position requiring a pre-employment, post-offer examination, it shall be job-related, and given uniformly to all candidates conditionally offered the position. Candidates must meet/satisfy any established screening requirements and any candidate who fails to do so may be denied employment. In addition to the foregoing, for any Village position requiring interaction with law enforcement personnel, records or other matters, access to secure facilities, or otherwise required to pass background standards promulgated by a regulating agency with jurisdiction over such records, personnel or facilities, employees holding such positions must be able to pass the relevant standards and their inability to do so will disqualify them from continued employment.
12. All volunteers are not Village employees for any purpose. However, pursuant to Florida Statutes § 440.02, volunteers are eligible for certain worker compensation benefits for municipal volunteers. Therefore, Village volunteers must comply with all related Village accident or injury reporting procedures.
13. Employment of persons under 18 years of age in either regular or temporary positions shall be subject to and in accordance with applicable child labor laws.

14. To ensure compliance with the Affordable Care Act, when an employee formerly eligible for health benefits leaves the Village's employ for any reason, he/she shall be ineligible for re-hire until the former employee has been separated from the Village for a minimum of thirteen (13) weeks. Additionally, except for any seasonal OPS staff, all persons employed in temporary/OPS positions who are not offered health care coverage shall not be scheduled or permitted to work more than 27 hours per week.

15. Interns.

- a. The Village may from time to time provide internship opportunities for students to experience work in Village government that is relevant to their educational goals and objectives or personal career interests, and to non-students seeking to experience working in a Village position.
- b. Recruitment of interns shall be conducted through the Village's regular recruiting procedures, outlined in this section, unless otherwise approved by the Manager.
- c. Interns shall not be recruited to fill regularly authorized position vacancies or displace regular employees. Interns are considered temporary employees and are not eligible for benefits provided regular employees. Intern appointments shall not exceed 12 months.
- d. For a student to be eligible for employment as an intern, an individual must be a student in good standing, enrolled in or on school-approved break from an accredited secondary or post-secondary school, junior college, college or university, or a vocational-technical school.
- e. Student Interns are required to notify the employing Village department of any change in their academic or disciplinary standing at the institution.
- f. Interns will be paid at the minimum pay rate of assigned pay grades. A departure from the minimum pay rate may be approved by the Manager.
- g. Persons who may be students but who wish to volunteer with the Village outside of any academic program must complete a Volunteer Service Agreement as provided by the Village Attorney.
- h. Students who are present in the workplace and who are not performing any services for the Village, nor participating in any related academic program, are considered to be "job shadowing" and are not considered to be volunteers, or employees, of the Village. Any persons who are "job shadowing" must be approved by the Manager in advance, must not perform any work for the Village, and must be under the supervision of an employee-mentor.
- i. Students who are present in the workplace and who may perform work for the Village but who are not compensated shall meet the requirements of the federal Department of Labor concerning the acceptance of work by student interns. Interns who are not

students must be compensated at least the prevailing minimum wage for work performed for the Village.

- j. The Manager is responsible for the development, coordination and promotion of intern recruitment activities and is responsible for ensuring that all interested persons have an equal opportunity to apply and be considered for internship opportunities.
 - k. Notwithstanding the foregoing, the Village may, from time to time, enter into agreements with educational institutions whereby student interns will be identified, assigned and compensated pursuant to the terms of such agreements.
16. Where staffing needs dictate, a Village employee may be allowed to be employed in more than one position, at different pay rates. Such secondary employment must meet the following criteria:
- a. Only temporary OPS, part-time positions, which are considered to be occasional or sporadic (in accordance with 29 C.F.R., Section 553.30), will be eligible.
 - b. The employee's decision to work in a different capacity must be made freely and without coercion, implicit or explicit, by the employer.
 - c. The rate of pay for secondary employment positions, including the overtime rate, shall be calculated pursuant to FLSA regulations regarding secondary employment.
 - d. The joint position must be in a different capacity, i. e., it must not fall within the same general occupational category as the employee's primary government employment.

17. Employment of Relatives (Nepotism)

- a. Employment shall be in compliance with Florida Statutes § 112.3135 regarding "*Restriction on employment of relatives.*" Pursuant to this section, a public official may not appoint, employ, promote, or advance, or advocate for appointment, employment, promotion, or advancement, in or to a position in which the official is serving or over which the official exercises jurisdiction or control any relative of the public official. An individual may not be appointed, employed, promoted, or advanced in or to a position if such appointment, employment, promotion, or advancement has been advocated by a public official, serving in or exercising jurisdiction or control over a Village department or office, who is a relative of the individual or if such appointment, employment, promotion, or advancement is made by a Village board of which a relative of the individual is a member.
- b. Relative, for purposes of this section only, shall include 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, or half-sister;

but shall not include any other relatives who become related by law or marriage not specifically listed above.

- c. For purposes of this section only, public official, hereinafter referred to as “official,” shall include, but not be limited to, the Manager, Council Members, Village Clerk, and any other managerial Village employee who is authorized to make employment-related recommendations or decisions, whether the official is elected, contracted, or appointed.
- d. It is the Village’s policy to prohibit an official from having direct supervision over any employee who is a relative of the official, as more fully set forth in Paragraph a. It is also the Village’s policy to prohibit an official from having direct supervision over any employee to whom the official is engaged or is otherwise involved in a current romantic or sexual relationship.
- e. Direct supervision shall include any situation in which the official would be in a position to make decisions concerning the terms and conditions of the person’s employment with the Village including decisions about hiring, promotion, transfer, reclassification, compensation, benefits, work assignments, performance evaluations, training courses and programs, layoffs, return from layoff, termination, and all other tangible aspects of employment.

18. Disqualification and Re-Employment

- a. An employee who has been terminated from Village employment for violation of any conduct or performance rule or standard, or who resigns after being notified of the Village’s intent to terminate, is ineligible for re-employment for two years from the date of such resignation or termination.
- b. An employee terminated due to a positive drug/alcohol test, a refusal to test, or other violations of the Village’s drug-free workplace policy; or who voluntarily resigns within two weeks of a positive result in a test for drug use; or when an employee serves notice of resignation immediately upon notification of being selected for such test, is ineligible for re-employment for a period of two years after such termination or resignation. Additionally, a former employee who owes the Village money for drug testing or treatment which was the responsibility of the employee to pay shall be ineligible for re-employment until all funds owed are paid.
- c. An employee who voluntarily resigns without giving a two-week notice or is separated from employment for absence without leave (job abandonment) is ineligible for re-employment for a period of one year. In circumstances where the Manager determines that a non-eligible former employee will meet a critical need of the Village which cannot be filled by normal recruitment efforts, the Manager has the authority to waive this waiting period.

19. An employee’s anniversary date shall be the date the employee begins employment.

Personnel Files

1. The Village's official records of present and past employees' personnel files are maintained by the Village Clerk, which shall be the custodian of these records.
2. The Manager is authorized to develop, revise and issue all forms related to personnel matters. Therefore, absent specific authorization from the Manager to the contrary, Village departments may not promulgate or make use of any customized or unauthorized personnel forms, including unique leave requests, time records or employee evaluations.
3. Public Records requests for personnel files made to the Village must be transferred to the Village Clerk for a coordinated response. The Clerk shall be responsible for reviewing files to identify any information which has been designated by law as confidential or exempt from public records disclosure. The Clerk, with advice of the Village Attorney as needed, will assert any applicable public records exemptions for such records.

NOTE: Employees holding certain positions are entitled under Florida law to request that certain personally-identifying information such as home addresses, not be released by other governmental agencies which may be in possession of this information. It is the responsibility of each applicant for and employee holding such a position to make these requests to other governmental agencies.

4. The official personnel record shall contain at least the following documents regarding the employee:
 - a. The employee's initial and any subsequent employment/transfer/promotion applications; I-9 form; interview forms; oath of employment; employment contract (if applicable); acknowledgments of receipt of benefits (to include secondary employment approval forms); conditional offer forms; retirement enrollment forms (when applicable); and other related documents required by law or Village policy to be included.
 - b. The employee's performance evaluation forms and any written responses thereto;
 - c. All official personnel actions, such as promotions, transfers, and pay increases;
 - d. Official disciplinary notices and warning or counseling forms issued to the employee;
 - e. Signature forms demonstrating an employee's taking of the statutory oath and the receipt of this Policy Manual and other Village policies;
 - f. Records demonstrating attendance at Village training sessions.
 - g. Any separation surveys provided by a departing employee.
5. The personnel file may also contain the following items, at the discretion of the Manager:

- a. Correspondence from citizens, co-workers, etc., concerning the employee's performance of his or her job or contribution to the community (excepting documents which are found to be fraudulent, false, or which are required by law to be separately maintained);
 - b. Records regarding an employee's education or professional credentials;
 - c. Such other records as the Manager may deem appropriate for inclusion or which are not prohibited from inclusion by law.
6. The Manager shall also ensure that separate and secured files are also kept and maintained for current and former employees which contain medical records or medical claim records exempt under Florida Statutes § 112.08, the results of drug tests (excepting discipline notices confirming a positive result was received), medical documents provided in support of PTO requests, reports of a healthcare provider discussing specific health conditions or status associated with a fitness-for-duty exam, medical records provided in support of a request for accommodation of a disability under the ADA, and medical records received in the course of administering a worker compensation claim.
 7. Notwithstanding the foregoing, the Manager is entitled to review medical records of applicants and current employees when he or she has the business need to do so. Such instances include reviewing an employee's defense against a disciplinary action where the employee cites a medical reason for the conduct or performance, reviewing requests for PTO leave including decisions as to whether an absence is covered by any applicable leave law, reviewing requests for accommodation under the ADA or determining whether the applicant or employee presents a danger to him/herself or others due to a medical condition. The Village Attorney or other attorneys representing the Village in any employment claim or suit are also authorized to examine such records to the extent the claim or suit places the medical condition of the applicant or employee at issue.
 8. In the event a Village official examines records which include information otherwise confidential or exempt from public disclosure under law, such official must exercise care and discretion so as not to further communicate any such information to Council Members, subordinates, or an employee's co-workers unless there is a valid legal reason to do so. Village officials in doubt as to their duties in such circumstances are encouraged to seek advice from the Village Attorney.
 9. The Manager is responsible for ensuring records are controlled, maintained, disposed of, and that requests for copies are processed, in accordance with the Public Records Act and the rules of the Florida Division of Archives, History and Records Management. To that end, the Manager is authorized to develop such additional administrative procedures and forms so as to accomplish this responsibility.
 10. While managerial personnel responsible for drafting performance evaluations may, to assist them in drafting evaluations, maintain separate notes on positive/negative conduct or

performance during the evaluation period, including notes on verbal counseling events, such records are public records and, if specifically referenced in an evaluation or discipline notice, must be provided to the employee on request.

11. Personnel files are public records subject to review under Florida Statutes § 119.07, subject to any applicable exemption(s). Official employee personnel files may be reviewed at Village Hall during normal business hours. The records custodian, or designee, will assist and supervise during the review. Documents cannot be removed or rearranged within the official personnel file during review.
12. Requests concerning past or present employee personnel information should be referred to the Manager who will respond to inquiries from agencies and the general public regarding disclosure of official personnel data.
13. In accordance with the Florida Public Records Act, copies of personnel files may be made and furnished to requesters upon payment of the statutory fees. Money collected is remitted to the Village's general fund. Employees are not charged for single copies made from their official personnel files. However, they shall be charged the established rate for additional copies. The Village Clerk is responsible for reviewing a personnel file prior to production or copying to ensure all material that is confidential or exempt from public records disclosure has been covered. If the Clerk's file is at issue, the review will be conducted by the Village Manager.
14. Official personnel files must be retained for a length of time determined by the State of Florida Bureau of Archives and Records Management. This period is currently twenty-five (25) years following the employee's effective date of separation from Village employment. Because of the permanency of such records, the Manager must carefully review documents to determine their necessity before requesting entry of non-mandatory records into the official personnel file. The Manager is authorized to develop administrative procedures concerning the proper storage of, and access to, records, including medical files, of current or former employees.

Work Week; Hours of Work; Compensation

1. Due to the variety of services provided by the Village to its residents, certain employees may be required to work varying days and hours. The Manager schedules work hours that are necessary and beneficial for the efficient operation of the Village. It is the responsibility of the Manager to manage overtime within budgetary constraints. Pursuant to 29 C.F.R. § 553.23, by accepting employment with the Village, all overtime-eligible employees agree that the Village may elect to provide compensatory time in lieu of payment of overtime work in cash pursuant to its compensatory time policies. Employees may also be required, at the discretion of the Village, to use compensatory time in lieu of PTO leave when requesting PTO time off.
2. Non-Exempt Employees
 - a. For purposes of this Policy, all employees not considered exempt will be considered non-exempt, and therefore subject to the minimum wage and maximum hour provisions of the Fair Labor Standards Act (FLSA). Non-exempt employees are eligible to earn overtime or compensatory time at one and one-half (1 ½) times their hourly rate.
 - b. Whenever a non-exempt employee becomes promoted or reclassified to an FLSA-exempt position, the employee shall have any accrued compensatory time paid to him/her at their rate of pay of the non-exempt position they held immediately prior to their promotion.
3. Exempt Employees:
 - a. For purposes of this Policy, exempt employees are expected to work whatever hours are necessary to accomplish assigned duties and responsibilities. However, it is recognized that because exempt employees are often required to work irregular and/or extended hours, it is appropriate that they be provided a certain latitude in occasionally being away from their place of work during normal work hours. It is the responsibility of the Manager to determine if exempt employee absences are inappropriate.
 - b. Exempt employees are not eligible to be awarded compensatory time.
 - c. The final determination as to which Village positions are to be classified as Fair Labor Standards Act overtime exempt will be made by the Manager, with appropriate advice from the Village Attorney.
4. Allocation of Work Hours, Workweek and Work Period:
 - a. The workweek starts at 12:00 a.m. on Saturday and ends at midnight the following Friday. The normal full-time work schedule includes forty (40) hours during the workweek. These hours should not be construed as either a fixed minimum or maximum. Work hours that exceed a normal workweek may be required. Except as

provided herein or as determined by the Council or the Manager, normal work hours are Monday through Friday, 8:00 a.m. to 5:00 p.m.

- b. Lunch periods – Bona fide meal periods (employee is completely relieved from duty for the purpose of eating regular meals) are not work time and are unpaid. The time scheduling and length of lunch periods are coordinated between the employee and the supervisor, according to that Village operating unit's needs. (Note: There is no federal or State of Florida law requiring meal breaks in industries or offices, with the exception that minors 17 years of age or younger shall not be permitted to work for more than 4 hours continuously without at least 30 minutes for a meal period.)
- c. Break (rest periods) – Breaks (usually not more than 15 minutes each) may be permitted by supervisors when the work requirements allow them, and must be allowed for nursing mothers to express milk for up to one year after birth. Break periods are considered to be rest periods and must fall within working hours (work is performed immediately preceding and following the break period) and may not be accumulated for additional time away from work. (Note: There is no federal or State of Florida law requiring rest periods, but if they are offered, they must be counted as hours worked.)
- d. Flextime is the generic term for flexible scheduling programs – work schedules that permit flexible starting and quitting times within limits set by the Manager. Flextime requires employees to work a standard number of hours within a given time period (usually forty (40) hours during a five-day work week). The Village Manager has the option to authorize the use flextime if it is determined that doing so can better meet the unique needs of a given Village operational unit. However, no Village operating unit or supervisory employee may permit use of flextime until the Manager approves a flex time use procedure which, upon approval, will be published to the employees in that unit, and which will be uniformly applied within that unit.
- e. Work-at-Home Program – Given the Village's limited number of employees, and the fact that the Village's employees directly serve residents and customers in person on a daily basis, the Village does not recognize a Village-wide work-at-home program. There may be times when certain projects could be performed by employees who are at home due to extenuating circumstances. Any such projects must be authorized by the Manager prior to work being done. If a project is approved to be completed at home, the project must be familiar to the employee concerned and have definite parameters for measuring time necessary to perform the work. Village equipment is not to be used outside the regular workplace, unless authorized by the Manager. All time worked at home must be reported.
- f. Medical Attention – In accordance with 29 C.F.R., § 785.43, time spent by an employee in waiting for and receiving non-elective medical attention on the premises or at the direction of the employer during the employee's normal working hours on days when he or she is working constitutes hours worked except for worker compensation visits.

- g. Furlough – Notwithstanding any other provision of these policies to the contrary, where the Council or Manager determines that current budgetary conditions require a reduction in the overall hours employees work in order to remain within the authorized budget, the operational hours of any one or more office, service or function of the Village may be reduced for one or more weeks, days or hours, either consecutively or sporadically. Such periods of reduction may be either by complete closure or operation with a less than full staff as deemed necessary. Employees working within such offices, services or functions will be placed on unpaid furlough during such periods, and hours spent on furlough shall not count as hours worked for any purpose. Pursuant to 29 C.F.R. § 541.710(b), the Manager is authorized to deduct hours spent on any furlough from any employee being compensated on a salary basis if budgetary constraints require the deduction.
- h. Electronic Timekeeping – In recognition of the limitations which may be inherent in any electronic timekeeping systems the Village may now or in the future use, including limitations on the delineation of actual lunch or break schedules, non-exempt employees who are unable to enter the actual chronological times for such events shall not be subject to discipline for falsifying records. FLSA non-exempt employees must, however, ensure that their actual hours worked each day are truthfully and accurately recorded in any such system to ensure proper payment of wages due, including overtime pay.

5. Pay Eligibility

a. Extra Hours

The necessity to work extra hours is made at the discretion of the Manager. It is important that the Manager ensure that extra hours are distributed equitably among employees in the same job class qualified to perform the work, while giving consideration to the personal wishes of employees involved. However, it is ultimately the Manager's decision to designate who will perform the extra hours.

For overtime control purposes, overtime-eligible employees are prohibited from coming to work early and leaving late for purposes of conducting work, or working through lunch periods or bringing work home, unless specifically authorized by the Manager in advance. The Manager shall monitor the workplace to ensure that employees who are not scheduled to be working do not remain in the workplace. Nothing herein is intended to prevent an employee from remaining in a Village building during a meal period. However, during such period, the employee is not expected to, and is prohibited from, performing work of any kind (including answering phones or reviewing emails) for the Village.

An employee shall be required to work overtime when assigned unless excused by the Manager. An employee who refuses to work overtime when assigned will be subject to disciplinary action for said refusal. An employee scheduled to work overtime who fails to fulfill the assignment for reported medical reasons will, at the Village's discretion, be required to substantiate the medical absence with a doctor's note or similar proof.

Overtime or compensatory time shall be documented by such paper or electronic time off request process as the Village may currently use. However, if this is not feasible, a schedule of work hours or other form of written documentation should be available to support the designation of overtime or compensatory time.

All hours worked over forty (40) in a workweek are considered overtime and are compensated by overtime pay or compensatory time as agreed or understood before the work in excess of forty (40) in a workweek is performed. Absent emergency circumstances, overtime must be approved in advance by the Manager.

When a non-exempt employee is designated as “acting” in an open exempt position (such as acting Village Clerk or acting Village Manager due to such official’s extended absence or separation), the employee shall be compensated during this acting status as an FLSA exempt employee and shall therefore not be eligible for overtime or compensatory time.

However, when a non-exempt employee is only temporarily fulfilling the duties normally associated with an exempt position (such as to cover for a vacationing Village Clerk) in addition to her/his normal duties, the employee shall continue to be paid her/his normal rate of pay, and shall be eligible for overtime and compensatory time, as may normally be applicable.

For purposes of this Policy, exempt employees are paid on a salaried basis and are expected to work the hours necessary to accomplish assigned duties and responsibilities. Paid extra hours are only to be considered under the terms of an approved performance bonus plan compliant with Florida Statutes § 215.425(3).

b. Compensatory (Comp.) Time. Time off in place of overtime is called compensatory (comp.) time.

The Manager is authorized to allow and require employees to accumulate or use Comp Time in lieu of overtime.

6. On-Call Status

An employee required to remain on-call (on Village premises or so close that he/she cannot use the time effectively for personal purposes) is considered to be working in an on-call status. On-call hours are designated as work hours for the workweek and count towards overtime. On-call hours for non-exempt employees are eligible for overtime and compensatory time.

On-call employees must always be reachable by a pre-designated means of communication and able to arrive at the work location within the time established by the Manager or designee. As employees are compensated for on-call assignments, they must refrain from drinking alcohol, taking medications or engaging in any other conduct which would prevent being ready for duty. Further, if they are unavailable when called in, they will be

subject to disciplinary action and will not be paid any on-call pay for that assigned period. On-call assignments should be distributed equitably among qualified employees, consistent with operational needs.

Exempt employees are ineligible for on-call status.

7. Standby Status

Employees who are not otherwise informed that they have been scheduled to work and who are placed on standby status (instructed to be available but otherwise able to use the time effectively for personal purposes) may remain at home, or they may leave word how (cell phone, etc.) and where they can be reached, but they must do one or the other. These employees receive straight time pay (compensatory time not allowed) for hours designated as standby assignment, with maximum accruable hours of three (3) in a 24-hour period. Standby hours must be outside the scheduled (regular or modified-schedule) workday, and may not be assigned to or worked by employees who do not work their regularly-scheduled shift immediately prior to standby assignment, or who are unable to respond, due to illness. Employees who receive advanced notice of a requirement to report for duty, even where such work is to be performed outside of a regular schedule, are not eligible for standby pay. Since assigned standby hours can vary according to circumstances, the following standby pay rules shall apply:

- Less than five (5) hours of standby status is ineligible for standby pay
- One (1) hour of straight time pay for 5 up to 9 hours of standby status
- One and one-half (1.5) hours of straight pay for 9 up to 12 hours of standby status
- Two (2) hours of straight pay for 12 up to 16 hours of standby status
- Two and one half (2.5) hours straight pay for 16 up to 20 hours of standby status
- Three (3) hours of straight pay for 20 up to 24 hours of standby status

If employees on standby status are required to report for duty, they are paid for hours worked, with a minimum of two (2) hours for the first “call out” regardless of time spent responding. Thereafter, employees shall only be paid for the actual hours worked on subsequent “call outs” during the standby period. Call-out hours count as hours worked towards overtime.

Employees placed on standby assignments must always be reachable by a pre-designated means of communication and able to arrive at the work location within the time established by the Manager. As employees are compensated for standby assignments, they must refrain from drinking, taking medications or engaging in any other conduct which would prevent being ready for duty. Further, if they are unavailable when called in, they will be subject to disciplinary action and will not be paid any standby pay for that assigned period.

Exempt employees are ineligible for standby pay.

8. Payroll Records

The Village's work time records or timecards are designed to meet the record-keeping requirements of the FLSA. The Manager is responsible for ensuring a record of work schedules for non-exempt employees is maintained.

Exempt Employees: Due to their exempt, salaried status, and the expectation that they are often required to work irregular and extended hours while having the latitude of occasionally being away from their workplace during normal work hours, exempt employees complete payroll records but do not have to complete a daily record of time worked. For payroll accounting and leave tracking purposes, such employees will need to record absences charged to employee benefit accounts (i. e., PTO, holiday, etc.). Exempt employees are not required to create records of time worked unless absences are charged to their accrued leave accounts.

Non-Exempt Employees: All hours (paid, unpaid or charged to accrual accounts) must be recorded in the Village's paper or electronic time and attendance system daily for the non-exempt employee's scheduled work periods. Pay, including overtime pay, is calculated for each workweek, and paid (if overtime pay) or credited (if comp. time) to employees on the Village's chosen weekly or bi-weekly pay period. Non-exempt employees are required to sign their time records, either physically or, where provided, via electronic means.

9. Compensation During Emergency

Emergency Conditions: When the Village Council formally declares a state of emergency, Village employees who hold positions designated to perform essential services during the actual emergency declaration period shall report to work when required. The Manager may also require employees who perform essential services to work during actual or impending extreme emergency situations or conditions (weather, hazard, etc.), not declared as a "state of emergency."

Pay for Work During Declared Emergency: During a declared emergency, Village offices and operations may close. Employees who are not directed to work in any capacity during such closure must not report for duty during such periods. Employees are not authorized to designate themselves as essential or to perform work of any kind for the Village during a closure of Village offices and operations, unless expressly directed to work by the Manager.

For all employees in positions classified as FLSA exempt, such employees will receive no additional compensation for any hours worked during any declared emergency. FLSA non-exempt employees shall receive compensatory time at 1.5 times their regular hourly rate of pay for any hours worked during any declared emergency regardless of what non-emergency hours he or she may have worked during any given work week and regardless of what specific work assignment such employee is given during the emergency period.

Non-FLSA exempt employees shall not be compensated for any time off during such periods. FLSA exempt employees shall be paid their established salaries except that if they

are not directed to perform any work during the entire work week, such employees shall not receive their salaries for that week.

Employees who are not compensated due to a closure during a declared emergency may, at their discretion, use any available PTO or compensatory leave to accommodate otherwise unpaid periods.

In the event a Village holiday falls on a day where the Village is closed due to an emergency condition, compensation of the holiday for employees not required to report for duty shall be as provided for in this policy with respect to holiday compensation. Employees required to work on a holiday during a declared emergency shall be entitled to take the equivalent unpaid time off with no reduction in leave balance once the declared emergency ends and the leave may be scheduled with the Manager.

All employees with pre-approved leave requests covering the declared emergency period, regardless of leave type, are subject to having such leave cancelled and to being recalled to duty during the emergency period. The Manager shall make every effort to accommodate pressing conditions, and ill employees, when determining which employees to call back from leave.

Failure to Report for Duty When Assigned: Any employee required to report for duty during an emergency condition who fails or refuses to report and/or to perform duties as directed will be subject to termination from employment. Failure to monitor on-call or stand-by phone numbers and respond to calls will constitute a failure to report. The only exception to this policy will be for employees physically or medically unable to report or perform as ordered. For medical conditions, the Village will require after-the-fact medical verification of medical conditions, and reserves the right to require second opinion examinations. Employees claiming a physical inability to report when required are not permitted to cite a mere fear of travel during the emergency condition, or a general concern for not staying with family. Employees, particularly those designated as being critical responders during emergency conditions, have a responsibility to plan ahead for the safety and welfare of their families and the securing of their property so that they will have the ability to report when called. Only extraordinary incidents of inability to report wholly beyond the employee's ability to control will be excused. The Manager is considered a critical responder. Other employees will see such designation in their written job descriptions.

10. FLSA Compliance

It is the Village's policy to comply with applicable wage and hour laws and regulations. Accordingly, the Village intends that deductions be made from your pay only in circumstances permitted by the Fair Labor Standards Act and the U.S. Department of Labor's rules governing the salary basis for pay for exempt employees. The improper pay deductions specified in 29 C.F.R. §541.602(a) may not be made from the pay of employees subject to the salary basis test.

If a Village employee has any questions or concerns about the employee's salaried status, or the employee believes that any deduction has been made from her or his pay that is inconsistent with her or his salaried status, she or he should immediately raise the matter with the Manager. If the employee has raised a concern and it is not resolved within ten (10) business days, or if, for any reason, the employee is uncomfortable discussing the matter with the Manager, the employee must submit her or his question or concern to the Village Attorney for review and response.

To ensure the Village understands the employee's question or concern and is able to conduct a proper review, any such question or concern which seeks the payment of wages allegedly owed must be made in written form. Any such question or concern must, at a minimum, include the employee's name, a brief description of the facts related to the question or concern, and any prior response the employee may have been given by any Village official. The pay period(s) at issue should also be identified. If the employee is unable due to disability to submit her or his concern in writing, the Manager will assist the employee in formalizing her or his question or concern, which she or he will then be asked to review and sign to ensure its accuracy.

The Village is committed to investigating and resolving all compensation disputes as promptly, but also as accurately, as possible. Consistent with the U.S. Department of Labor's policy, any question or concern will be responded to within a reasonable time given all the facts and circumstances. If a review of the matter reveals the employee was subjected to an improper deduction from pay, the employee will be reimbursed and the Village will take whatever action it deems necessary to ensure compliance with overtime rules and the salary basis test in the future.

11. Reclassifications and Reorganizations

Market factors, evolving priorities, evolutions in equipment and materials, employee input, grant funding, or changing organizational needs may cause a particular position classification within the Village to become subject to change. The Village continually evaluates these factors against classified positions accordingly and at times determines, where the position is not wholly eliminated, to re-classify and/or reassign one or a group of positions to better serve the needs of the Village and its citizens. Such reclassifications/reassignments can be minor or significant, and may result in enhancing one or more positions and related duties and requirements, or decreasing a position's duties and requirements. Such reclassifications/reorganizations are solely within the discretion of the Village and no employee possesses any right or expectation to hold or keep any one position or set of duties.

12. Paydays and Pay

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

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

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

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

13. Performance Pay

In addition to any general wage adjustment that the Village Council may from time to time adopt, the Council may by separate resolution adopt a compensation program which includes variable wage increases linked to job performance. Such program may distinguish between exempt professional and managerial classifications, and full and part time hourly compensated employees. As to hourly employees, any such program shall be based upon quantifiable measures of performance and shall be designed and administered to ensure discrimination, favoritism or inconsistent application of eligibility criteria do not occur. In addition, pursuant to Florida Statutes § 215.425(3), the Village Council may from time to time adopt, by resolution, a performance bonus plan based on work performance which describes the performance standards and evaluation process by which such awards are to be given. Any such plan must be noticed to all employees prior to implementation. Nothing herein shall be interpreted as creating any requirement to develop or budget funds for pay for performance or bonus programs or policies, nor as creating an entitlement on the part of any employee to receive same.

Holidays and Benefits

1. The following eleven and one-half (11 ½) holiday days are observed by the Village:
 - New Year's Day, January 1st
 - Martin Luther King's Birthday, as designated in January
 - President's Day, as designated in February
 - Memorial Day, last Monday in May
 - Independence Day, July 4th
 - Labor Day, first Monday in September
 - Veterans' Day, as designated in November
 - Thanksgiving Day, fourth Thursday in November
 - Day Following Thanksgiving, Friday
 - Christmas Eve, December 24th
 - Christmas Day, December 25th
 - One-half Day on New Year's Eve, December 31st

When a holiday falls on a Saturday, the preceding Friday shall be designated a substitute holiday and observed as the official holiday for that year. When a holiday falls on a Sunday, the following Monday shall be designated a substitute holiday and observed as the official holiday. If a paid holiday falls within a scheduled PTO day, the holiday is not counted as a PTO day. Employees on unpaid leaves are not paid for holidays.

2. In addition to its PTO leave allowance, the Village strives to offer its full-time employees a competitive array of insurance options such as health, life, dental, and long-term disability, at favorable premium and deductible levels. The Village also strives to provide employee assistance programs, and facilitates retirement benefit programs and a worker's compensation program.
3. Due to the evolving nature of the employee benefits landscape, for details on the Village's most current benefits package and insurance options, employees and job applicants should consult with the Village's Manager.

Leaves of Absence

1. Paid Time Off (PTO)

- a. The Village’s PTO Program allows employees the flexibility to use paid time away from the job to meet the employee’s personal needs. PTO may be used for vacation, care of dependents, illness or personal business. The Village’s PTO hours are in addition to Village-designated holidays, and any other leave categories set forth in this Policy Manual.
- b. Rate of Accrual. On October 1st of each year, all regular full-time employees shall accrue PTO in accordance with the following chart:

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

- c. Any unused PTO will lapse on September 30th of each year, except that employees holding the positions of Assistant Village Manager, Director, Assistant Director, and Village Clerk may request payment for up to eighty (80) hours of unused PTO on September 30th, so long as payment is made on or before September 30th in compliance with Village Charter § 4(6)(c), which prohibits unfunded liabilities. Hours of accrual in the chart above are based upon employees who work a forty (40) hour workweek. When non-FLSA exempt employees work and are paid less than forty (40) hours, PTO hours accrued will be calculated on a pro-rata basis.
- d. PTO for non-exempt employees (which should generally be scheduled no less than three (3) workdays in advance), regardless of whether such leave is used for vacation or other purposes such as court appearance, etc., will not be counted as hours worked towards overtime.
- e. PTO leave will not be earned during an unpaid leave of absence. Each employee shall not earn PTO leave for any time worked over the standard forty-hour workweek or during periods when that employee is in an unpaid status, such as being on leave of absence without pay, on suspension without pay, or on unpaid administrative leave.
- f. Employees may not begin using PTO until after having worked six months. Approved PTO leave will be paid in accordance with the number of hours regularly scheduled to work that day. Employees taking less than a full workday shall be paid PTO hour for hour in no less than ½ hour increments.

- g. An employee who, upon separation from employment, has given proper notice and is in good standing with the Village, and who does not resign while presently under an investigation for misconduct, will be paid for no more than 20 hours of accrued but unused PTO time, at the employee's current hourly rate.
- h. Employees are not permitted to schedule or use more than three weeks of PTO time in advance of their planned resignation or retirement from Village employment.
- i. Use of PTO leave credits cannot be authorized prior to the time they are earned and credited. PTO leave hours are used only with approval from the Manager or designee.
- j. Notwithstanding any provision of this Policy referring to "anniversary date" or "calendar year," accruals of leave balances shall be governed by the Village's adopted payroll tracking system, and may be calculated by the payroll calendar year used by that system.

2. PTO Forfeiture; Light Duty

- a. Employees shall forfeit any PTO payout provided for under this section if employment terminates because the employee:
 - (1) Has been found guilty in a court of competent jurisdiction of committing, aiding, or abetting any embezzlement or theft from the employee's employer or bribery in connection with the employment; or
 - (2) Has been terminated by reason of the employee having admitted to committing, aiding, or abetting an embezzlement or theft from his or her employer or by reason of bribery; or
 - (3) Prior to termination or retirement, is found guilty of, or adjudged by a court of competent jurisdiction to have violated any state law against strikes by public employees; or
 - (4) Was terminated for the commission of any felony with the intent to defraud the public or a public agency of the right to receive the faithful performance of his or her duty as a public officer or employee, realizes or obtains, or attempts to realize or obtain, a profit, gain, or advantage for himself or herself or for some other person through the use or attempted use of the power, rights, privileges, duties, or position of his or her public office or employment position.
 - (5) Forfeiture shall also occur where the employee resigns from employment after having been charged by the Village or other law enforcement authority with any of the above acts but prior to having been terminated.
- b. The forfeiture of PTO payout pursuant to this policy is supplemental to any other forfeiture requirements related to public officers or employees provided by law.

- c. Light Duty. An employee who provides written documentation from her/his doctor indicating that the employee is unable to perform her/his regular job duties due to an accident, illness, or medically related reason may, with the approval of the Manager, be placed on light duty status or assigned to perform other temporary duties which will not be prohibited by the condition during recuperation, within the following guidelines:
- (1) The employee's hourly rate of pay remains the same.
 - (2) If requested by the Village, the employee submits to a physical examination by a medical doctor (selected and paid for by the Village) prior to approval (or continuation) of the temporary status. Failure to comply could result in denial of use of further PTO.
 - (3) The temporary light duty status may be approved by the Manager for a period not to exceed three (3) consecutive months.
 - (4) Requests to remain in the temporary status in excess of the three-month period must be authorized by the Manager. Such requests will only be considered under exceptional circumstances.
 - (5) Approval of temporary light duty is in the sole discretion of the Village and is conditioned upon the availability of budgeted payroll funds to pay the employee and/or temporary workers at the same time, the disruption which may be caused to other workers in the workplace, the operational needs of the Village, and the availability of actual, bona fide light duty work to be done. The Village will not create light duty work where none actually exists.
 - (6) With documentation from a doctor stating the employee may return to regular, unrestricted, full duty status, the employee will resume his/her regular position.
 - (7) When approved to return to regular, unrestricted, full duty status, failure by the employee to do so could result in termination of employment.
 - (8) Approval of temporary light duty does not signify the Village's agreement that the employee is a qualified individual with a disability under the Americans with Disabilities Act ("ADA") or the Rehabilitation Act, or abrogate any defense that the Village may have under these or similar civil rights laws.
- d. Employees who are determined to be unable to perform the essential functions of their job may request a reasonable accommodation under the ADA if such accommodation would then allow the employee to perform her or his essential job functions. Since light duty does not allow the employee to perform all of her or his essential duties, light duty is not a reasonable accommodation.

3. Bereavement Leave

a. Paid leave may be authorized for full time employees who have a death in their immediate families according to the following provisions:

(1) Bereavement leave may be authorized (excluding holidays if scheduled to work the holiday) for up to fourth (40) hours.

(2) Bereavement leave is separate and distinct from other types of leave and is not chargeable to PTO leave balances. Bereavement leave does not count as hours worked towards overtime.

(3) In the event a family death occurs during an employee's approved PTO or compensatory time leave, the time missed due to the death may be designated as bereavement leave, if eligible.

(4) Bereavement leave is paid in accordance with scheduled work hours.

b. Definition of Immediate Family. For the purpose of administering this type of leave, "Immediate Family" is defined as the following persons, as related by blood or law to the employee and/or the employee's spouse: spouse, child, step-child, foster child, grandchild, parent, step-parent, grand or great grandparent, step-grand or step-great grandparent, brother, sister, half-brother, half-sister, step-brother, step-sister, or legal guardian. The definition also includes an individual for whom the employee or the employee's spouse is the legal guardian, and any other family member of the employee or of the employee's spouse who was a full-time resident in the employee's household immediately preceding the death.

c. Proof of Purpose of Leave. Validation of the request is left to the discretion of the Manager.

4. Military Leave

a. For purposes of interpreting this Section, the general term "Military Leave" includes both Military Leave, as provided for in subsection (1) below, and Military Call, as provided for in subsection (2) below.

(1) Military Leave: In accordance with Chapter 115, Florida Statutes, Village employees who are commissioned reserve officers or reserve enlisted personnel in the United States military or naval service or a member of the National Guard, shall, upon presentation of a copy of the employee's official orders, be granted military leave on all days during which the employee is ordered to active duty or inactive duty for training. Such employees shall not be required to work or use accrued personal leave on any day during which they are engaged in training under official orders. Whether continuous or intermittent, such leave with pay may not exceed 240 working hours (30 days) in any one annual period beginning January 1 and ending December 31. Administrative leaves of absence for additional or longer periods of time for assignment to duty functions of a military character, including assignments under

applicable FEMA or USERRA regulations, shall be without pay unless required by federal law.

(2) Military Call: Village employees who are commissioned reserve officers or reserve enlisted personnel in the United States military or naval service or members of the National Guard, who are ordered to active military duty shall, upon presentation of a copy of the employee's official orders, be granted military leave beginning with the day ordered to duty and ending up to 31 days after the date of release from the military service or from hospitalization continuing after discharge. The first thirty (30) calendar days of such leave shall be with full pay. (Note: Employees would only be compensated for scheduled workdays during this 30-day period.)

- b. Scheduled workdays for which Military Leave is taken under the rules outlined in subsections a(1) and a(2) above will be compensated as Military Leave or Military Call (as applicable) and will not count towards overtime.
- c. Employees requesting Military Leave shall furnish the Manager with competent orders from the appropriate military command as valid evidence of such duty status. These orders shall be kept in the employee's departmental personnel file. Since "competent orders" are not always defined or consistent, the Manager may consult with the Village Attorney for guidance.
- d. Any absence in excess of the limits set in subsections a(1) and a(2) above may, upon request by the employee and approval by the appropriate supervisor, be covered by accrued PTO leave or accrued comp. time. If not requested by the employee or approved by the Manager as PTO or comp. time, such absences in excess of the limits shall be approved as military leave without pay. However, such leave shall be without loss of seniority or time in service. Should any portion of the leave be paid leave, the employee shall be entitled to accumulate all benefits granted under paid leave status.
- e. Village employees called to active military service will not be discharged, reprimanded, or in any other way penalized because of their absence due to such service. The employee's position may be filled by another employee with substitute or temporary status. Upon separation from the military service, the employee shall be eligible to return to the former position held or a different position in the same class in the same geographic location.
- f. Veteran's Leave: A Village employee filling a regular established position and who has been rated by the United States Department of Veterans Affairs or its predecessors to have incurred a service-connected disability and has been scheduled by the United States Department of Veterans Affairs to be examined or treated for the disability, shall be granted veteran's leave for such reexamination or treatment without loss of pay or benefits. The maximum veteran's leave authorized for this purpose shall not exceed six (6) calendar days in any one annual period beginning January 1 and ending December 31. Hours used are not counted as hours worked toward overtime.

- g. Issues of military leave not addressed in this policy shall be resolved as provided for state employees in applicable provisions of the Florida Administrative Code, Florida Statutes, and federal law.

4. Jury Leave

- a. Whenever an employee (full-time, part-time or temporary OPS) is called for jury duty, upon presentation of the summons to his/her supervisor, the employee will be excused from scheduled workdays and will receive Jury Leave pay for hours actually performing such duty, but not exceeding their scheduled work hours. The employee will not be compensated by the Village for Jury Leave on unscheduled workdays unless the employee requests to substitute a night or weekend shift or portion thereof immediately preceding or following jury duty. The employee keeps any jury fees received.
- b. Paid Jury Leave hours are considered as hours worked for all compensation purposes including calculating hours worked towards overtime. The Village does not reimburse an employee for meals, lodging, travel, or any other expenses incurred as a juror.
- c. Employees are required to report to work if excused from jury duty during their regular working hours. However, if their scheduled shift has been filled or they are not otherwise needed to complete the shift, they may, with supervisory approval, charge the balance of their scheduled work hours to their PTO or compensatory time leave accounts, or take the time off without pay, but only to the extent they are not able to make up regularly-scheduled hours by means of flex time assignment.
- d. An employee called to jury duty shall promptly notify his or her Manager and provide a copy of the court summons so that arrangements may be made in advance for his or her absence from work. Where so requested by an employee's Manager, an employee will provide the head with a statement of actual days spent on jury duty service (such as by memo or e mail) before compensation is approved. Where the Clerk of Court engages in "day prior call in" programs (where unseated jurors call a number to determine whether their presence will be needed the next day), employees who discover their presence at the courthouse will not be required the following day (but who have not yet been released from duty) shall report to work on that day unless otherwise ordered by the Court. Once an employee is released from duty, he or she shall inform the department and report to work.
- e. An employee called to jury duty while on PTO leave shall be allowed jury duty pay for that time served in court which corresponds to his or her regular workday. Such employee shall have his or her PTO leave hours restored provided satisfactory evidence of the time served on jury duty is presented to the department. In the event a holiday occurs during the period an employee is serving on jury duty, he or she shall receive holiday pay for the holiday rather than jury duty pay.
- f. Employees who have a normal work schedule outside the regular business day (night or weekend shifts) who are summoned for jury duty during the business day immediately following the scheduled shift shall, if they request, be permitted to be excused from their

scheduled work shift (or portion thereof) immediately prior to the jury duty day, in order to rest or otherwise prepare for their jury service. However, such excused period shall not exceed 8 hours and, where an employee requests to be excused from work for a portion or all a scheduled shift, the employee shall not be compensated for the shift or portion thereof, not actually worked (unless PTO leave is used) but shall only be compensated for jury duty equal to the number of shift hours missed performing such duty. Notwithstanding the general requirement for employees to report to duty should they not be required to spend an entire day of jury duty service, night/weekend shift employees who serve any portion of a day for jury duty without taking time off their regular shift shall be paid for the entire shift, not to exceed the number of work hours scheduled.

5. Witness Leave

- a. An employee appearing as a witness for the Village in a court case or administrative proceeding within the boundaries of Lee County, in which the Village is a party, including depositions, post-termination proceedings, mediation or arbitration proceedings, or who is subpoenaed as a witness in a court case or administrative proceeding in which the employee's testimony is related to official Village business, is considered to be on duty during such appearance (not including travel time), even during off-duty hours. The employee must remit to the Village any witness fee received in connection with such appearance. In the event the litigation is in a forum outside Lee County, and the employee attends as a witness for Estero, he/she shall be entitled to per diem expenses in accordance with Florida Statutes § 112.061. However, in the event the litigation is in a forum outside Lee County, and the employee is subpoenaed by a party other than Estero, the employee may keep any reimbursement of travel expenses, and he/she shall not be entitled to reimbursement of per diem expenses from the Village.
- b. An employee who voluntarily appears at a court or administrative proceeding, as defined above, on behalf of a party litigating against the Village shall be ineligible for witness leave pay by the Village for any time spent at such proceeding and must attribute such time to appropriate available leave balances or take leave without pay.
- c. An employee who becomes a party in or is appearing as a witness in any case other than those described in Paragraph a. is considered to be off-duty and must attribute such time to appropriate available leave balances or take leave without pay. Under such circumstances, the employee is entitled to keep any witness fee received.

6. Leave Related to Disability

a. Workers' Compensation

- (1) An employee who suffers accidental injury arising out of work performed in the course and scope of Village employment may qualify for benefits during periods in which the employee is unable to work, as provided in the Workers Compensation Law, Florida Statutes Chapter 440. Any employee who has suffered an injury or illness while at work is required to report that injury or illness on an appropriate Village form as soon as

possible. Supervisors who are aware of such illness/injury are required to provide the appropriate form to the employee, to compel the employee to complete it, and to promptly report the incident to the Manager.

- (2) An employee receiving workers' compensation wage benefits may, at the employee's election, use any available PTO leave balance in accordance with the PTO leave provisions in this Policy Manual to supplement those benefits. The supplemental payments plus workers' compensation benefits cannot exceed the employee's regular salary. Time spent by an employee accessing treatment for a workers' compensation covered injury does not count as hours worked toward overtime.
- (3) An employee who is released to light duty by the workers compensation primary care provider may, at the discretion of the Manager, be assigned to perform other than his/her regular duties during recuperation. An employee who refuses to accept a light duty assignment will be ineligible for other disability leave, may lose workers compensation benefits, and will be subject to disciplinary action for refusal to perform work assigned.
- (4) An employee who refuses to return to work after being released to unrestricted full duty by the workers' compensation primary care provider will be subject to discipline, including discharge, or may be deemed to have abandoned his/her job and resigned.
- (5) Nothing in this sub-section (a) eliminates or reduces an employee's rights under Florida law, to appeal workers' compensation decisions, nor should it be read as guaranteeing light duty work. Where no bona fide light duty work is available within the employee's assigned work unit, the employee may be required to remain out of the workplace until the employee's physician certifies she/he is able to return to full duty. While no employee will be retaliated against for having submitted a claim for benefits and will give every opportunity for employees to recover from work-related injuries, the Village reserves its right under law to terminate any employee for the inability to perform the essential functions of his or her job where the needs of the Village so require.

b. Short-Term Disability Leave/Reasonable Accommodations/Fitness for Duty Exam

- (1) All employees of the Village are expected to be able to perform the essential functions of the positions they hold. At times, a physical or mental impairment may cause an employee to become unable to perform one or more job functions. In such circumstance, it will be the responsibility of the Manager to work with the employee to identify reasonable accommodations which will permit the employee to perform all essential job functions. This process may take more than one try depending on the specific facts of the case. Though the employee's input on accommodations should be given weight, an employee is not entitled to demand a particular accommodation if the Village wishes to provide a different accommodation, so long as the accommodation will permit the employee to perform his or her essential job functions. The Manager, with appropriate advice from the Village Attorney, should be consulted where any questions arise over the identification of accommodations.

- (2) Where the Manager, through appropriate medical documentation or written representations from the employee, becomes aware that an employee is unable to perform the functions of his/her job due to illness or injury, she/he will explore with the employee any workplace accommodations which may permit the employee to perform the affected job functions. In conjunction with this accommodation search, or in instances where the facts reveal that an accommodation is not possible or legally unreasonable, the Village may require the employee to submit to a fitness for duty medical examination by a physician named and paid for by the Village. The Village's inquiry will be limited to whether the employee is able to perform job-related functions and if not, the probable duration of the disability and expected return to full duty. If the medical examination confirms that the employee is unable to perform the essential functions of his/her job with or without reasonable accommodation, the employee may request to use any short-term disability policy the employee may have obtained for up to thirty (30) calendar days. The granting of such request is at the discretion of the Manager. NOTE: Outside of a worker compensation claim or a Village-paid fitness for duty examination, Village staff should NOT be directly communicating with healthcare providers of employees. Instead, all such communication will be made through the employee to the provider in writing.
- (3) If the Manager approves the use of short-term disability leave, then, at the outset of such leave, the Manager will inform the employee in writing of the maximum duration of the leave and that, at the conclusion of that time period, the employee is expected to return to unrestricted full duty work, if he/she is able to perform the essential functions of the job with or without reasonable accommodation.
- (4) The granting, denying, or administration of short-term disability leave under this rule relates only to the ability to remain on the Village's payroll as an employee while accessing a short-term disability leave insurance benefits and does not constitute, and is in no way related to, any paid leave policy of the Village.
- (5) An employee authorized to be on short-term disability leave must be paid from the insurance policy first. If absence is authorized beyond those benefits, then PTO hours are to be used next. If PTO leave is exhausted, the employee may request use of any available compensatory time. If the employee uses all such leave or does not have enough leave to cover the duration of the disability leave period, the employee may request to be placed on leave without pay for the balance of the short-term disability leave period. Such period is at the sole discretion of the Manager.
- (6) If, at the conclusion of any short-term disability leave period granted, the employee is still unable to perform the essential functions of his/her job with or without reasonable accommodation, the following options are available:
 - (A) The Manager may require the employee to submit to another medical examination. If the examination reveals that the employee is able to perform the essential functions of the job with or without reasonable accommodation, the employee must

return to work or face discharge, or be deemed to have abandoned his/her position and resigned.

(B) The employee may request an extension of short-term disability leave for another thirty (30) calendar day period not to exceed a total of three (3) consecutive months. The Manager may require the employee to produce medical certification indicating that he/she remains unable to perform the essential functions of the job during these periods. Such requests may be granted under exceptional circumstances, depending on the operational needs of the department.

(C) The Manager may accept the employee's voluntary written resignation for reason of inability to perform assigned duties.

(D) The employee may be non-disciplinarily separated for inability to perform.

(7) While under short-term disability leave without pay, it is the employee's responsibility to pay any group health and life insurance premiums that are normally paid by the employee. Such monthly premiums must be paid by the employee prior to the effective month of coverage; otherwise, coverage may terminate.

7. Domestic Violence Leave

a. Pursuant to Florida Statutes § 741.313, an employee who has been employed for 3 or more months is permitted to request up to 3 working days of paid or unpaid leave during any rolling 12-month period if the employee, or a family or household member of the employee is the victim of domestic violence, where such leave is taken to:

(1) Seek an injunction for protection against domestic violence or an injunction for protection in cases of repeat violence, dating violence, or sexual violence;

(2) Obtain medical or mental health care for the employee or family or household member to address injuries resulting from an act of domestic violence;

(3) Make the employee's home secure from the perpetrator of domestic violence or to seek new housing to escape the perpetrator; or

(4) Seek legal assistance or attend court proceedings arising from an act of domestic violence.

b. Domestic violence leave shall be coded as paid PTO leave (depending on whether the reason for taking the leave is to seek medical treatment or not) to the extent the employee has sufficient PTO balances. Otherwise, the leave shall be coded as no pay.

c. Except in cases of imminent danger to the health or safety of the employee or family or household member, an employee seeking domestic violence leave must provide appropriate advanced notice of the leave request, and may be required to produce sufficient

documentation to support the requested leave. To the extent an employee provides personal identifying information related to a request for domestic violence leave, such information shall be maintained by the Village as confidential and exempt from public records disclosure, pursuant to Florida Statutes § 741.313(4)(c)(2).

- d. Employees who feel they are not being granted domestic violence leave should contact the Manager to determine eligibility and obtain a suitable resolution to the matter.

8. Leaves of Absence Without Pay

- a. Leaves of absence without pay will only be allowed upon depletion of accrued PTO leave balances. The exception to this would be an employee who requests a leave of absence without pay to supplement military leave.
- b. The decision to grant leaves of absence without pay is a matter of administrative discretion and must be approved by the Manager.
- c. Leaves of absence without pay may be approved up to a maximum of three (3) months.
- d. While under a leave of absence without pay, any group health and life insurance premiums that are normally paid by the employee must continue to be paid by the employee. Applicable monthly premiums must be paid by the employee prior to the effective month of coverage; otherwise, coverage will be canceled at the beginning of the delinquent period.

9. Leaves of Absence Related to Judicial Proceedings

- a. If an employee is arrested for, and/or charged with, an alleged violation of a federal or State law, county or municipal ordinance, or an order of a court, and/or becomes incarcerated for such reason, the Manager shall investigate as necessary for the purpose of determining whether to take disciplinary action and/or whether to place the employee on judicial leave of absence pending judicial proceedings. The decision to place an employee on leave of absence is discretionary with the Manager. Any decision to place an employee on judicial leave shall be final and not subject to appeal through any grievance process.
- b. While in some cases the Village may elect to await the outcome of judicial proceedings prior to discipline action, the Village reserves the right to make its own determination regarding the facts of the case and whether its personnel rules were violated, regardless of the outcome of any criminal proceedings.
- c. An employee not incarcerated while awaiting disposition of a charge may be permitted to work if it is determined by the Manager that allowing the employee to work will not adversely impact Village operations or citizen good will, or jeopardize the well-being of other employees or citizens.
- d. Judicial Leave is not a right but an option which may be exercised in the sole discretion of the Village and shall be unpaid. However, an employee must use all PTO leave prior to

any unpaid period. Nothing herein should be interpreted as preventing the Village from proceeding to terminate or otherwise discipline an employee at any time after a charge or arrest where the Village possesses adequate information upon which to base its decision.

10. Manager Leave Requests. The Manager, as the chief executive employee of the Village, shall take leave in her or his discretion and shall keep the Council Members reasonably apprised of periods of more than one week when she or he will be on leave.

Non-Disciplinary Separations from Employment

1. Job Abandonment.

Any Village employee absent from his/her position of employment without approval of the Manager for a period of two (2) consecutive workdays/shifts is considered to have resigned without notice. Leaving an after-hours message, or sending a text or email during an unauthorized absence will not constitute approval. Rather, the employee must make actual contact with the Manager, inform that official as to why the absence is occurring (arrest, emergency medical issue, etc.), and obtain approval for the duration of the absence.

2. Resignation

- a. Resignation is the separation of an employee from Village employment through submission of a written or verbal notice of intent to resign. An employee's resignation shall be deemed as accepted by the Village the moment it is tendered regardless of any stated effective date, and no supervisor has the authority to reject or permit an employee to rescind a resignation without the express prior authorization of the Manager.
- b. An employee who wants to leave Village employment in good standing must notify the Manager at least two (2) weeks prior to leaving. The Manager may allow the employee, under extenuating circumstances, to give less than two (2) weeks' notice and still resign in good standing. In the event the Manager determines that it would be in the Village's best interest to deem a resignation notice an immediate resignation or shorten the resigning employee's notice, he/she may do so.
- c. Upon an employee's resignation notice, any interest in continued employment ceases.
- d. Employees who resign from Village employment without two (2) weeks' notice (unless otherwise approved by the Manager), may not be recommended for rehire, nor be eligible for re-employment, with the Village for one (1) year following their date of termination unless approved by the Village Manager.
- e. Village employees separating from Village employment may be requested to complete an employee separation survey to provide the Village with input the employee may have about his/her employment experience at the Village. Completion of any such survey will be voluntary and have no impact on a departing employee's benefits.
- f. An employee who takes any step to run for a Village Council seat, including opening a campaign account for that purpose, filing qualifying paperwork with the Supervisor of Elections, or conducting a press conference or issuing a press release confirming his or her candidacy, shall be deemed to have resigned his or her position with the Village as of the close of business of the date any of these actions are first taken. Nothing herein shall be read or interpreted as preventing an employee from standing for election for

any other elective public office or applying for appointment to any appointive public office.

3. Retirement

- a. None of the provisions of this Policy can be construed or interpreted to alter or impair the Village's retirement plan.
- b. There is no mandatory retirement age for employees of the Village unless otherwise provided by Florida Statute or a pension plan provision. Continued employment is determined by the employee's ability to perform satisfactorily in the job classification assigned.
- c. Employee assistance and retirement information is available from the Florida Retirement System (FRS) as needed. Employees are urged to contact the Manager at least ninety (90) days in advance of the anticipated retirement date to allow time to process any retirement benefit forms required by FRS.
- d. Employees who have retired from Village employment may be re-hired by the Village in any position and under such terms and conditions as the Village may offer, consistent with policies or procedures applicable at the time of application, but subject to FRS regulations.

4. Death

- a. Separation is effective on the date the death occurs.
- b. All compensation due the employee at separation is paid to the beneficiary, surviving spouse, or to the estate of the employee, as determined by law or by executed forms in the employee's official personnel file. The Village will not be able to release final compensation to a surviving spouse or relative just upon request, and proof of the legal right to receive the payment (to the satisfaction of the Village Attorney), may be requested.

5. Layoff

- a. It is the intent of the Village Council to provide stable employment to Village employees. However, there may be occasions which necessitate a reduction in the Village work force.
- b. A reduction of work force may be instituted in cases of bona fide budget reduction, lack of work, lack of funds, privatization of functions, program or grant discontinuation, technological replacement, or any other significant organizational change or condition of serious financial distress that may occur. When such conditions exist, the Manager may proceed to lay off an employee or employees. To the extent a reduction in force is necessitated by the Manager's proposed budget, layoff decisions shall be consistent with the programs, services or operations to be reduced or eliminated by such budget.

- c. A reduction in work force may be made by work site assignment and/or specific function performed and/or unique skills or qualifications held and/or by general job classification and/or by pay grade within the affected Village operating unit. Layoffs which are targeted solely at reduction of salary costs must fairly target the foregoing employee classifications in a roughly uniform way so as not to cause the layoff of a more senior worker where a more junior employee performing the exact same duties and working at the same location is earning more.
- d. The duties previously performed by a laid-off employee may be reassigned to other employees already working in positions in appropriate job classifications.
- e. Layoff Priority
 - (1) In the event of layoff, primary consideration will be on the factors set out in Section c above. Thereafter, the order of layoff shall begin with temporary then probationary employees. The next order of layoff shall begin with the employee who has the least seniority.
 - (2) Seniority shall be determined by Village-wide continuous service. Rules of continuous service shall be observed in deciding the date of last hire for the purpose of seniority determination.
 - (3) If two or more individuals should have the same hire date for determining seniority, the employee with the most disciplinary and/or counseling notices shall be laid off first.
 - (4) In accordance with prevailing veteran laws, including Chapter 295, Florida Statutes, certain veterans and spouses of certain veterans may be eligible for preference in retention when layoffs are necessitated. The Manager shall review layoff proposals to ensure compliance with such laws.
- f. Village employees who are scheduled for layoff shall not have “bumping rights” to other positions in the Village. However, where the Village is able to forecast a layoff in advance, the Village may establish a time period wherein employees subject to a pending layoff will be permitted to apply for other open positions. During this period, such employees shall, when being interviewed, receive preference in hiring where they are at least equally qualified with outside candidates. Nothing herein, however, is intended to require the hiring of any such employee by the Village where another candidate is clearly more qualified for the position.
- g. Employees scheduled for layoff may, if offered by the Village, elect to accept transfer to vacant Village positions for which they are qualified. Such transfer offers may be made at the discretion of the Village and must be accepted by the employee within 3 days of receipt of the written offer. The employee’s pay rate would be adjusted in accordance with prevailing Village policy for any other Village employee changing positions within the Village. Employees who accept a transfer offer under this paragraph shall not be further entitled to any reinstatement to their prior position.

- h. Employees on layoff status with no offer of transfer, may for a period of twelve (12) months from the date of layoff apply and receive preference in interviewing for any job for which they are minimally qualified.
- i. The Manager shall ensure the Village's health plan Manager is made aware of any layoffs to ensure proper COBRA notices are provided.
- j. Reinstatement
 - (1) Laid-off employees, who have not accepted an offer of transfer to a different Village position, have priority for reinstatement, according to seniority, in jobs within their classifications at the time of separation for twelve (12) months following the effective date of layoff. Laid-off employees reinstated to those classifications within the twelve (12) month period shall have their previous dates of hire restored (including PTO leave accrual rates and any unpaid PTO leave balances in effect at the time of layoff). However, recalled employees may not be offered the rate of pay they had prior to their layoff, where fiscal conditions require a reduced rate for the position. At the end of the twelve (12) month period, all laid-off employees' rights associated with reinstatement are concluded. The Village offers reinstatement to laid-off employees by certified mail to the last known address. (Note: It is the laid-off employee's responsibility to keep the Village notified of any change of address, if he/she is interested in reinstatement.)
 - (2) Reinstatement is offered to laid-off employees provided they are qualified (medical certification may be required) to perform the essential duties of the job, and are in compliance with current pre-employment requirements including the Village's drug free workplace program. A laid-off employee who is temporarily unable to accept an offer of reinstatement due to medical certification may request a delay in starting work, not to exceed thirty (30) calendar days.
 - (3) The return-to-work date for a laid-off employee, who is qualified to return to work and compliant with all pre-employment requirements, is determined by the Village's requirements, but the employee must be available for work no later than two (2) weeks following notice or his/her seniority will be forfeited and he/she is no longer considered eligible for reinstatement under the layoff procedures.
 - (4) If the employee fails to report to work within three (3) business days after receipt of the certified notice or if the employee does not meet all current pre-employment requirements, his/her seniority is forfeited, and he/she is no longer considered eligible for reinstatement under the layoff procedures.
- k. Employees who are scheduled for layoff do not have the right to submit appeals or complaints regarding layoff actions, except for reasons of alleged violation of these policies and procedures governing such reduction of work force, or for alleged acts of illegal discrimination. The Manager may elect to offer separation agreements to employees

subject to layoff using available budgeted wage funds. Such agreements should be developed or reviewed by the Village Attorney prior to being offered.

1. Employees who are scheduled for layoff should contact their health insurance provider to discuss their medical coverage and other health benefits.
- m. The Manager shall make all reasonable efforts to provide outplacement assistance and services to laid-off employees to the extent Village resources allow.

6. Disability Separation/Reasonable Accommodation

- a. All employees of the Village are expected to be able to perform the essential functions of the positions they hold. At times, a physical or mental impairment may cause an employee to become unable to perform one or more job functions. In such circumstance, it will be the responsibility of the Manager to work with the employee to identify reasonable accommodations which will permit the employee to perform all essential job functions.
- b. Though the employee's input on accommodations should be given weight, an employee is not entitled to demand a particular accommodation if the department wishes to provide a different accommodation, so long as the accommodation will permit the employee to perform his or her job functions.
- c. An employee may be terminated when he/she is unable to perform the essential functions of the job because of a physical or mental impairment, and where no reasonable accommodation has been identified or such an accommodation is rejected. Separations based on the employee's inability to perform the essential functions of the job under the provisions of this section will not be considered disciplinary terminations.
- d. If the inability to perform the job occurs due to an on-the-job injury, the employee should be given a reasonable opportunity to reach maximum medical improvement (MMI) as stated by the Workers' Compensation doctor before being separated unless such inability has existed for more than 12 weeks in the immediate prior 12-month period. The point in time at which an employee is considered for separation for an illness or off-duty injury will be dependent upon the operational needs of the Village in conjunction with the availability of a definitive recovery prognosis. Nothing herein prohibits discharge for inability to perform duties, regardless of the source of illness or injury, where the continued non-performance of essential job functions by the employee results in a substantial hardship for the Village's operations.

Disciplinary Actions and Discharges

Since employment with the Village is at-will, employees may be discharged for any or no reason. However, the Village wishes to provide employees with information on what standards will apply to their work with the Village, and information on the Village's disciplinary philosophy.

1. General Provisions

- a. The level of discipline an employee will receive for a given offense varies in each case depending on the employee's past work and discipline record, seniority and the severity of the offense.
- b. Employees may be disciplined by written notice alone (with or without other conditions), suspension, probation, demotion, discharge or combinations of these for an action or failure to act which adversely affects job performance or the efficient operation of the Village or the employee's work unit. It is the intent of the Village that employees succeed within their own work units. Therefore, transferring of unsuccessful employees from one operational area to another is a disfavored practice, and will not generally be used to address employee performance or misconduct issues.
- c. In lieu of formal disciplinary action, the Village Manager may elect to offer and enter into a last chance agreement or voluntary separation agreement with an employee. The Village Attorney shall assist in the drafting and review of any such agreements.

2. Performance and Conduct Rules

While Village employees may be disciplined or discharged for any or no reason, the following are examples of performance and conduct standards employees are expected to avoid violating:

- a. Incompetency or inefficiency in the performance of assigned duties.
- b. Possession, use, sale, purchase, or attempt to sell or purchase, any illegal controlled substance, on or off duty; misuse of prescription drugs while on duty.
- c. Consumption or possession of any alcoholic beverage on duty or while operating or riding in or on Village vehicles or equipment or immediately prior to driving a Village vehicle or operating Village equipment.
- d. Reporting to work, or working with, the presence of alcohol or illegal drugs in one's body; or failure to inform supervisor of use of prescription or non-prescription medication which may affect the employee's ability to safely and effectively perform job functions, or otherwise reporting to work while either mentally or physically unfit to perform duty.
- e. Refusal to submit to drug or alcohol testing as provided for in this policy or as may be required by law; attempting to contaminate test specimens or otherwise interfering with drug or alcohol testing procedures.

- f. Insubordination including refusing to perform work when assigned, or to comply with written or verbal instructions of the supervisory force, including the use of abusive or threatening language or behavior directed toward a supervisor.
- g. Refusal to fully and truthfully cooperate in an investigation conducted by or at the direction of the Village or to testify at any hearing or proceeding when directed to do so.
- h. Interference with the work of another employee.
- i. Conducting personal business during duty hours.
- j. Unexcused absenteeism or tardiness, including failure to report to duty at any reasonable time.
- k. Political campaigning in writing, orally, or by telephone while on the job or during work hours.
- l. Carelessness or negligence in handling or control of Village property or the improper appropriation of Village property.
- m. Willful or negligent failure to follow safety rules or procedures.
- n. Discourteous, insulting, abusive, or inflammatory language or conduct toward any person, which disrupts the workplace or serves to offend any citizen, vendor or other person with whom the employee comes into contact during the performance of duties.
- o. Inability to perform the essential functions of the employee's position with or without reasonable accommodation, including the inability to maintain regular attendance.
- p. Failure to comply with ethical requirements in law or these Policies, including the acceptance of a gift under circumstances from which it could reasonably be inferred that the giver expects preferred treatment in a Village-related matter.
- q. On or off the job conduct which adversely affects the ability of the employee to perform his/her duties or the ability of another employee to perform his/her duties. This includes conduct that adversely affects the efficient operation of the Village or its work units.
- r. Lying, falsifying an official document including employment applications, medical examination forms, accident records, insurance records, leave or payroll records, purchase orders, or any other dishonesty connected with the employee's job or the operation of the Village.
- s. Unlawful or unauthorized possession, use, or threat of use, of a deadly weapon, including a firearm, ammunition, explosive device, illegal knife, or other weapon, while on duty, on Village property, or in a Village vehicle.

- t. Horseplay, fighting, unsafe conduct, or other disorderly misconduct, while on duty or on Village property.
- u. Violation of a Village rule, procedure, order or regulation, any statute or ordinance related to Village employment, or any provision of this Policy.
- v. Unlawful or improper conduct, either on or off the job, which would tend to affect the employee's relationship to his or her job, his or her fellow workers, or the Village's reputation or goodwill in the community.
- w. Engaging in discriminatory or harassing behavior of a verbal or physical nature which includes, but is not limited to, slurs, epithets, jokes, negative stereotyping, or other acts that relate to race, religion, gender, national origin, marital status, age or disability; or any display or written or graphic material such as photographs or cartoons that denigrates or shows hostility or aversion toward any individual or group because of same; as prohibited by the Village's EEO/AA Policy.
- x. Violation of Florida Statute § 447.505, prohibiting public employees from participating in any strike against a public employer.
- y. Conviction or guilt of a felony or a misdemeanor of the first or second degree as defined by Florida statutes or federal criminal law, without regard to or status of any criminal proceeding, or any violation of a county or municipal ordinance involving moral turpitude, while either on or off the job.
- z. Failure to obtain and maintain, or suspension or revocation, of a state, federal or other license/certificate required or essential to the performance of the employee's job, and failure to inform the Village of such suspension or revocation of license/certification.
- aa. The loss, suspension, or revocation of a driver's license when driving duties and/or possession of a valid driver's license are requirements for the employee's job.
- bb. Use of Village vehicles for other than Village business, or the failure to use seat belts while driving or riding in Village vehicles, or any other violation of the policies on the use of vehicles for Village business.
- cc. Failure to notify the Manager or employee's Manager of any criminal arrest, charge or conviction within three (3) business days of such arrest, charge or conviction.
- dd. Operating, using, or possessing tools, equipment or machines to which the employee has not been assigned, or performing other than assigned work.
- ee. Productivity or workmanship not up to required standards of performance.

- ff. Failure to properly wear a complete Village uniform as provided by the employee's department, or to display proper Village identification as required by Village rules.
- gg. Taking more than specified time for meals and rest periods.
- hh. Habitual failure to properly and timely complete record of time worked.
- ii. Knowingly making any unauthorized marks or amendments to time records of oneself or of another, or requesting or soliciting another employee to make such marks or amendments.
- jj. Failure to obtain and keep current the required authorization for outside employment.
- kk. Failure to pay just debts due, including debts to the Village, or failure to make reasonable provision for the future payment of such debts, thereby causing operational disruption to the Village or its employees or agents.
- ll. Failure to report immediately to the Manager the loss of a Village identification card or access keys.
- mm. Knowingly permitting another person to use a Village identification or access card, or using another person's identification or access card, or altering a Village identification or access card.
- nn. Failure to keep the Manager notified of current address and telephone number.
- oo. Unauthorized posting or removal of any matter on or from any Village website, social media site, bulletin boards or other Village property.
- pp. Provoking or instigating a fight, or actively participating in a fight during the workday, including breaks and meal periods, or at any time while on Village property.
- qq. Sleeping during work hours.
- rr. Unauthorized distribution of written or printed matter of any description on Village premises.
- ss. Failure to report to the Village Manager or Village Clerk a request for information, or receipt of a subpoena from an attorney, law firm, or court of law in connection with Village related litigation.
- tt. Unauthorized vending, soliciting or collecting contributions at any time on Village premises.
- uu. Failure to comply with the Village's computer and internet use policies.

- vv. Disregarding job duties by loafing or neglecting work during working hours or stopping work, wasting time, or loitering, or temporarily leaving assigned work area during working hours without permission.
- ww. Failure to follow leave request procedures or giving false information to access leave.
- xx. Being absent without permission or leave.
- yy. Deliberately misusing, destroying, damaging, or causing to be destroyed or damaged, any Village property or property of a co-worker, Village contractor or citizen.
- zz. Making false claims or misrepresentations in an attempt to obtain accident benefits, workers' compensation benefits, health insurance payments, or other benefits.
- aaa. Knowingly harboring without proper treatment, a communicable disease, which may endanger the health of other employees.
- bbb. Concerted curtailment or restriction of production or interference with work in or about the Village's workstations including, but not limited to, instigating, leading or participating in any walkout, sit-down, stand-in, slowdown, sick-out, refusal to return to work at the assigned time for the scheduled shift, or participation in a strike or any concerted activity against the Village as defined in Florida Statutes.
- ccc. Threatening, intimidating, coercing or interfering with fellow employees, supervision or the public at any time, including the use of abusive, foul or obscene language.
- ddd. Failure to report a work-related accident, illness or injury to the Manager.
- eee. Theft or misappropriation of Village funds or other assets.

3. Violence and Weapons

- a. Employees shall not bring any knife, crossbow, explosive device, or firearm into Council chambers or Village workplaces while on duty, except for law enforcement personnel and other classifications of persons authorized to possess firearms in such locations by Florida Statutes Chapter 790. In the event future amendments to Chapter 790 conflict with this provision, the statute shall control over this policy.
- b. Pursuant to Florida Statutes § 790.251, an employee may keep a legally owned firearm in her or his private vehicle in a Village parking lot when such firearm is lawfully possessed and locked inside or locked to a vehicle.
- c. Violence, bullying, intimidation, harassment, or the threat of violence by any employee is unacceptable behavior and will subject the employee to serious disciplinary action, including termination of employment. Bullying is defined as repeated harassment resulting

in maltreatment of one employee to another. The Village will cooperate with the appropriate law enforcement agency to prosecute any person who commits violent acts against employees or Village officials, or threatens any kind of violence towards employees or Village officials.

4. Drugs and Alcohol

- a. The Village has zero tolerance for abuse of alcohol and/or drugs in the workplace. The Village provides testing and treatment programs to ensure prevention of substance abuse. Employees with job classifications which are covered by Florida Department of Transportation (FDOT) regulations or are designated as safety sensitive are subject to random drug and alcohol testing.
- b. The Manager may use discretion in requiring drug or alcohol testing if a Village employee is injured on the job or appears impaired by alcohol or drug abuse. Although the Village has adopted a drug-free workplace policy, there must be “reasonable suspicion” that drug or alcohol abuse contributed to the accident or inability to perform.

5. Name Clearing Hearings

- a. When an employee is discharged, and thereafter the employee believes that his or her file contains stigmatizing information connected with the discharge, or where a Village official publishes information post-termination and connected with the discharge, and which information the employee believes is stigmatizing, the employee may, within ten (10) calendar days of receiving notice of the publishing of the post-termination information, request a hearing for the sole purpose of responding to the information considered to be stigmatizing.
- b. In the event such request is made, the Village will appoint a hearing officer to conduct a name-clearing hearing, and shall provide the discharged employee an opportunity to clear his/her name as related to the alleged stigmatizing information.
- c. Upon hearing from the former employee and any relevant Village witnesses, a hearing officer appointed by the Manager may recommend to the Manager that a demonstrably false or incomplete statement or conclusion in a file be supplemented with the former employee’s side, that the Village issue a retraction or clarification of a demonstrably false or incomplete statement to the public, or some other measure requested by the former employee so as to eliminate or reduce the alleged unwarranted stigma. The hearing officer may also decide to make no recommendation if one is not warranted. The mere confirmation that the former employee had been discharged, the fulfillment of a public records request for documents related to the discharge, or the former employee’s disagreement with a discharge decision, will not be proper foundations for a name-clearing hearing. Such a hearing shall not entitle the employee to any relief from discharge.

6. General Statement on Conduct and Performance Correction

- a. For corrective action taken against an employee who has violated Village policy, the range of corrective action includes a verbal warning to a formal performance improvement program (PIP) which may include an unpaid suspension from employment. Corrective action will continue until the violation or infraction is corrected.
- b. Each employee's past record, tenure, position held, and other factors will be considered on a case-by-case basis when determining how the employee's misconduct or performance problems are addressed within the correction and disciplinary realm. However, in general, while all positions are at-will, the Village believes in the concept of progressive discipline. Therefore, the steps in corrective action will usually be:
 - (1) verbal counseling/warning
 - (2) written counseling/warning
 - (3) written disciplinary notice (which will find a violation has occurred and may impose a period of suspension or demotion)
 - (4) written disciplinary notice informing the employee of her or his termination.

In addition to these progressive discipline steps, the Village Manager may also develop a performance improvement plan providing for measures which are calculated to bring the employee's conduct or performance back in line with the Village's conduct rules and required levels of job performance. An employee's failure to successfully complete a performance improvement plan may result in termination. Nothing herein shall negate that Village employees serve in at-will positions unless otherwise provided by contract.

Employee Complaint Procedure

1. Definitions

- a. Complaint - a written statement made by an employee concerning any non-disciplinary, work-related problem. The statement must state the details of the complaint, and be signed and dated by the employee.
- b. Immediate Supervisor - the person in the chain of command to whom an employee directly reports and under whose direct supervision the employee performs his/her job.
- c. Regular Employee or Employee - (for purposes of this Section) - a person employed by the Village who is not working in a temporary status.
- d. Occurrence - an event that caused the complaint or an incident which the employee, through the exercise of reasonable care, should have known about.

2. General Provisions

a. Purpose

The purpose of the Complaint Procedure is to establish a process for resolving employee work-related problems and grievances at the lowest administrative level possible and to ensure the fair, expeditious and orderly resolution same. The Complaint Procedure shall NOT be used to appeal evaluations or discipline, nor to address allegations of illegal harassment or discrimination. Complaints regarding such matters must be processed under the Illegal Discrimination or Harassment provisions of this Policy.

b. Coverage

- (1) The Employee Complaint Procedure is applicable to all regular employees.
- (2) Employees, including probationary and temporary employees, who wish to lodge a complaint concerning illegal discrimination must utilize the formal procedures established as to Illegal Discrimination and Harassment set forth in this Policy Manual.

c. Time Limits

- (1) The time limits set forth in this Procedure are strictly adhered to unless waived by both parties concerned or the Manager.
- (2) Failure on the part of the Village to comply with the time limits enables the employee to proceed to the next step.
- (3) If an employee fails to comply with the time limits, his or her problem shall be deemed resolved, and any pending complaint shall be dismissed.

d. Responsibilities of the Manager

The Manager is responsible for ensuring that employee complaints are promptly considered and that each employee is made aware of this procedure.

e. Available Complaint Procedures. Employees have the following procedures available to them:

- (1) Opportunity to file a complaint with Manager.
- (2) Opportunity for informal resolution of the complaint. An effort will be made within the affected Village operational unit to resolve the problem informally, with the help of Manager as necessary.
- (3) Opportunity to bring witnesses and documentary evidence at any step in this procedure.
- (4) Opportunity to have copies of relevant records or documents provided by the records custodian when such records or documents are kept by or for the Village in the ordinary course of business.

f. Procedural Steps

The following steps are available to employees for the orderly and expeditious processing of non-disciplinary, work-related problems or complaints.

1. STEP I: Immediate Supervisor

- a. When an employee has a work-related complaint, the employee should consult with his/her immediate supervisor within ten (10) calendar days of the occurrence. Employees are encouraged to work in good faith with their respective supervisors for speedy resolutions of their problems or concerns.
- b. If a satisfactory resolution is not reached within two (2) of the supervisor's working days following the employee's initial consultation with the supervisor, the employee has two (2) additional workdays to put the problem in writing and to present it to his/her supervisor.
- c. The supervisor has two (2) working days (supervisor's working days) from the day the employee presented the written complaint to give the employee a written decision.

2. STEP II: Manager

The Village Manager or his/her designee will consider the complaint. Upon request, the complaining employee may explain his/her position in writing and/or in a meeting with the

Manager or designee. After considering all the available information, including any recommendation by a designee, the Manager will make a final determination within fifteen (15) calendar days after receipt of written submission, meeting with employee, or receipt of designee's report, whichever is last occurring.

Illegal Discrimination or Harassment

1. Policy

- a. Estero is committed to providing workplaces that are non-discriminatory and afford equal treatment to all. The Village will not condone or tolerate illegal discriminatory behavior. This specifically includes sexual harassment and any other type of harassment or discriminatory conduct based on race, color, national origin, religion, sex, marital status, age, citizenship or disability (protected classes).
- b. Employees shall not engage in conduct which violates this policy at any time during working hours, or on Village premises while off duty, or while off duty and interacting with fellow employees (including interactions on social media).
- c. All administrative and supervisory personnel are expected to abide by the Village's commitment to equal opportunity and treatment under the law and to ensure that this policy is fully implemented and enforced.
- d. Due to the severity of illegal discriminatory conduct, and the legal questions which are often involved in investigating such conduct, the procedures in this policy shall be used in investigating and dealing with illegal discrimination complaints.

2. Definitions

- a. Illegal harassment or discriminatory conduct can be any verbal or physical conduct that belittles or otherwise shows hostility or aversion toward an individual or group based upon that individual's or group's race, color, religion, gender (including sexual orientation or transgender status), national origin, marital status, age, citizenship or disability, and that for a reasonable person:
 - (5) has the effect of creating an intimidating, hostile, or offensive work environment;
or
 - (6) has the effect of unreasonably interfering with an individual's work performance;
or
 - (7) otherwise adversely affects an individual's terms and conditions of employment.
- b. Examples of illegal harassment include, but are not limited to, epithets, slurs, jokes, negative stereotyping, or other acts which are threatening, intimidating, or hostile in nature, that relate to a protected class, or any display of written or graphic material such as photographs or cartoons that belittles or shows hostility or aversion toward an individual or group because of the same.

- c. Sexual harassment is generally defined as abusive treatment of an employee by the employer or by a person or persons under the employer's control, which would not occur but for the person's sex, when:
 - (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
 - (2) submission to such conduct by an individual is used as the basis for employment decisions affecting the individual; or
 - (3) such conduct has the effect of unreasonably interfering with an individual's work performance or creating an intimidating or offensive work environment.

- d. Examples of conduct which may constitute sexual harassment may include, but are not limited to, the following:
 - (1) unwelcome sexual advances, flirtations, or propositions
 - (2) actual or implied demands for sexual favors in exchange for favorable treatment or continued employment
 - (3) unwelcome jokes or remarks of a sexually oriented nature
 - (4) verbal abuse of a sexual nature
 - (5) unwelcome commentary about an individual's body, sexual prowess, attractiveness, or sexual deficiency
 - (6) any display in the workplace of sexually suggestive objects, pictures, posters, or reading material
 - (7) a coerced sexual act or assault
 - (8) uninvited physical contact of a sexual nature such as pinching, grabbing, patting, or brushing against another person
 - (9) uninvited leering, whistling, or gestures of a sexual nature

3. Procedure

- a. Any employee or applicant who believes that he or she is being or has been illegally discriminated or retaliated against or harassed must file a timely written complaint with the Manager. To the extent the Village maintains an official form for the purpose of filing a charge under this section, such form must be used and all questions therein responded to fully.

- b. If the complaint is against the Village Manager, the employee shall report the complaint to the Village Attorney.
- c. Supervisors must not initiate investigations on their own. Rather, they are responsible for immediately bringing any allegation or concern related to potential cases of illegal discrimination or harassment to the attention of the Village Manager (or Mayor/Village Attorney if the complaint is against the Manager).
- d. The Manager will be responsible for evaluating all complaints under this policy, obtaining advice of the Village Attorney as needed, and making the determination on whether an internal investigation is warranted. In cases where such an investigation is determined to be warranted, the Manager will designate an appropriately qualified person or persons from outside the employee's operational area who shall be responsible for conducting a prompt, thorough and objective investigation.
- e. Employees questioned during the course of an investigation are obligated to cooperate in a full and honest manner. No employee shall face any form of reprisal for making a complaint or for his or her cooperation with an internal investigation. Employees who either refuse to cooperate in an internal investigation, or who intentionally give false information at any point within an investigation, shall be subject to disciplinary action.
- f. Once an internal investigation has been concluded, the Manager will review the investigator's written report. The Manager will determine the remedial action to be taken, if any is required. A final written report containing final findings and the actions taken will be generated at the conclusion of the investigation and review, with a copy provided to the complainant. Individuals against whom allegations were raised will likewise be entitled to receive a copy of the final report upon request.
- g. Once an investigation has been concluded, it shall be the responsibility of the Manager (or designee of the Mayor if the complaint is against the Manager) to implement the remedial actions which have been found to be necessary and appropriate. The Manager shall be responsible for monitoring the workplace situation, and should be contacted by the complainant or other affected parties if they at any point feel that either retaliation is taking place, or the illegal behavior is continuing.
- h. This internal complaint and investigation process does not preclude an aggrieved employee from filing a complaint with the United States Equal Employment Opportunity Commission and/or the Florida Commission on Human Relations. However, failing to first utilize this internal procedure may under the law result in the loss of important legal rights.

Employee Ethics

1. Officer and Employee Ethics: Village officers and employees are required to conduct the affairs of the Village in an ethical manner in accordance with the Code of Ethics for Public Officers and Employees (Florida Statutes 112.311 - 112.326), including, but not limited to, the following:
 - a. Duties and obligations will be discharged in a manner that reflects credibility upon the Village. Conduct that gives the appearance that decisions and actions are motivated by personal relationships or for personal gain do not meet the standards of conduct for employees under the Policy.
 - b. In conducting the affairs of the Village, no employee shall seek or assure a favorable decision or service by any person or entity, public or private, through acceptance of gifts, loans, favors, or any other form of unethical or unlawful conduct.
 - c. Employees shall not be employed or accept employment with any business entity or agency or engage in a professional activity which might result in a conflict of interest or cause/require the employee to disclose confidential information acquired as a result of his/her official capacity with the Village. Approval of secondary employment shall be obtained from the Manager.
 - d. No Village officer or employee shall solicit or accept anything of value to the recipient such as a gift (including Christmas gift), favor, loan, reward, promise of future employment, preferred service, benefit, or concession that would reasonably tend to improperly influence the officer or employee in the discharge of his or her official duties or give the appearance of improperly influencing the officer or employee.
 - e. No Village officer or employee shall disclose/use information not available to members of the general public and gained by reason of his or her official position for his or her personal gain or benefit or for the personal gain or benefit of any other person or business entity.
 - f. No Village officer or employee shall transact, or solicit to transact any business in his or her official capacity with any business entity of which the officer or employee, or his or her spouse or child is an officer, director, agent, or member, or in which the officer or employee or his/her spouse or child owns a financial interest, or otherwise has any material interest therein. No Village officer or employee, acting in a private capacity, shall transact or solicit to transact any business with the Village, or with any of its subdivisions or agencies.
 - g. No Village officer or employee shall have personal investments in any business which would, in the opinion of the Village, reasonably create a conflict between his or her private interests and the Village's interest.

- h. No Village officer or employee or his or her spouse or minor child shall, at any time, accept any compensation, payment or thing of value when he or she knows, or with the exercise of reasonable care, should know, that it was given to influence a vote or other action in which the officer or employee was expected to participate in his or her official capacity.
 - i. No Village officer or employee shall have or hold any employment or contractual relationship with any business entity or agency which is subject to the regulation of, or is doing business with the Village, or any part of the Village of which he or she is an officer or employee. Nor shall any Village officer or employee have or hold any employment or contractual relationship which will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties, or that would impede the full and faithful discharge of his or her public duties.
 - j. Violations of the Code of Ethics for Public Officers and Employees are violations of State law and can result in fines, removal from employment, and criminal conviction; as well as in discipline including discharge from Village employment.
2. Certain Village public officers and employees, including “Local Officers,” “Procurement Employees,” “Legislative Analysts,” and those who are required by law to file either limited financial disclosure forms (Form 1), or full financial disclosure forms (Form 6), are under more stringent requirements, especially with regard to the acceptance of gifts and honoraria. These individuals may request additional guidance as to their ethical obligations from the Village Attorney.
 3. Village employees are encouraged to seek guidance from the Manager if there is any question whatsoever about the propriety of any contemplated action prior to such action being undertaken. A copy of the statutory Code of Ethics may be obtained online or by contacting the Village Clerk. Employees may also request, with the approval of the Manager, a formal opinion from the Florida Commission on Ethics in Tallahassee. Such requests shall be directed to the Village Attorney, who shall formulate the request and be the point of contact with the Commission.
 4. Procedures Upon Offering of Group Gift – From time to time, including during holidays, Village crews or individual employees may receive or be offered gifts including gift certificates, baskets, tickets, food, or other items of value, from developers, vendors, contractors, lobbyists and other persons who conduct, have conducted, or seek to conduct business with Estero. In such instances, such gifts or offers should be reported to the Manager so that the gift or offer may be evaluated under the applicable ethics laws. In cases where it is determined that a gift or offer may not be accepted, the gift will be returned or offer declined. Nothing herein, however, prevents any person from presenting a gift to the Village, which gift may be accepted on behalf of the Village by the Manager or Village Council and used at the Village’s sole direction.

5. While Village employees may, given their positions, attend meetings and provide information, no current employee of Estero may serve as a member of any Estero board, commission, task force or other body, nor hold any other office of Village government, including advisory bodies. Nothing herein shall be interpreted as preventing employees from holding any office of any other governmental entity, or from serving on the board of directors of any corporation, so long as no other ethical conflict prevents such service.
6. Employees who may wish to disclose information concerning alleged violations of law or gross mismanagement, malfeasance, waste of public funds or neglect of duty by a Village agent, official or contractor must follow the Village's Whistle-Blower procedures.

Electronic Communication and Social Media

1. Employees are prohibited from using Village owned devices (computers, tablets, smart phones) for personal use.
2. For those employees of the Village who have been provided with computers, tablets, or smart phones that enable them to send and receive electronic mail (email) and access the Internet to assist in the performance of their job duties, the employees are to use these systems for appropriate purposes related to their job duties.
3. The Internet may not be accessed at any time to gamble or engage in other illegal activities or to view, display, store, download, transmit, or receive any material that is fraudulent, harassing, sexually explicit, profane, obscene, defamatory, or otherwise unlawful, including offensive material concerning gender, race, color, national origin, religion, age, disability or other characteristic protected by law, regardless of intent.
4. It is the employee's responsibility to make every effort to protect the Village's technology resources available to him or her. Each employee is responsible for the use and security of assigned Village computers and passwords.
5. Village employees must adhere to the following technology use rules in order to protect the Village's technology assets and systems/data security:
 - Never write passwords down or share with another individual.
 - **PASSWORDS SHOULD NEVER BE SAVED IN MEMORY!** Do not store your password on your computer.
 - When leaving the desk, an employee must log out or use a password-locked screensaver to obscure the normal display the monitor. This prevents a logged-in system from being accessed by unauthorized individuals, protects you from an email being sent "from you" without your knowledge, protects the information stored on your computer, and also hides the work currently being done from passers-by.
 - When not in use, keep removable storage media and paper documents containing information that should be protected from disclosure in a secure place.
 - Report suspected computer security incidents such as viruses, unauthorized disclosure or inappropriate use to the Manager or Village Clerk.
 - When reviewing emails, if you do not know who the sender of the email is, or the email does not seem to be regarding legitimate Village business, to not click on any embedded links. **CLICKING ON EMBEDDED LINKS MAY ALLOW THE VILLAGE'S SOFTWARE AND DATA SYSTEMS TO BE HIJACKED FOR RANSOM.**
6. The Village may, from time to time, elect to utilize one or more social media platforms. Village employees who are not authorized by the Manager to use such social media platforms are not allowed to publish or comment as a representative of the Village via any

Village-established social media account. All uses of social media shall follow the same ethical standards that Village employees must otherwise follow.

7. Employees are expressly forbidden to misuse any social media access privileges in any way, including:
 - a. Using social media accounts for unlawful activities, including violations of copyright law, or for activities that are malicious or have the effect of harassing other users;
 - b. Misrepresenting the Village's programs or policies in their communications;
 - c. Publishing confidential information. Examples of confidential information may include unpublished details about projects, private customer data, protected health information, unreleased bid or financial information, private personnel information and other sensitive or classified information. Determination of confidential-natured content is the responsibility of the site topic Manager and their department director.

Outside Secondary Employment, Employee Private Businesses

1. No Village employee shall work in any enterprise or business, including self-employment, accept outside employment, or render services for private interests, whether paid or unpaid, non-profit or profit, when the employment or service conflicts with the employee's official duties. Nor shall such work create an appearance of conflict or impair independent judgment or action in the performance of the duties of a Village employee.
2. Newly-hired or current employees wishing to engage in, or continue in any enterprise, business, outside employment, or to render services for private interests, paid or unpaid, non-profit or profit, must first submit to the Manager a written request for outside employment. The Manager will make an assessment of the request to ascertain whether the proposed nature and/or schedule of the outside employment will or likely will negatively impact the employee's Village job performance, or if the employment or activity is inconsistent, incompatible, or conflicts with the employee's duties and responsibilities, or may tend to be so. The Manager will then either grant or deny the request. Employees who fail to file a request prior to engaging in outside employment activity may be subject to disciplinary action up to and/or including dismissal. Newly hired employees must declare and seek approval of supplemental employment or other outside business at the time of hiring.
3. The proposed employment shall not be with a business or agency subject to the regulation of, or that is doing business with, the department of the employee, except if expressly permitted by state law.
4. The proposed employment cannot require the employee to disclose or use information gained in his/her official Village position that is not available to the public.
5. Changes in secondary employment or outside business must be reported promptly to the Manager, who will determine whether further approval is required.
6. Permission to engage in secondary employment and outside business may be denied or withdrawn at any time if the Manager determines, in his or her sole discretion, that such activities are interfering with, or may be expected to interfere with, the employee's production, efficiency, duties or responsibilities, or when it causes discredit or is in conflict with Village interests.
7. Any outside employment or business described above is secondary to the requirements of regular Village employment. It must not interfere with or impede the availability of an employee to perform his/her duties and responsibilities. Every employee granted approval under this rule must agree to respond immediately to any call to duty by the Village whenever the Manager determines his/her services are necessary.
8. The Manager must be notified immediately, but no later than the employee's next scheduled working day, of injuries sustained during outside employment. Employees sustaining injuries are ineligible to receive workers compensation benefits from the

Village. PTO leave benefits are allowed based on injury or illness arising from outside employment only if the outside employment has been approved under this policy and only to the extent the employee is not eligible to be otherwise compensated for absences caused by the injury or illness.

9. No Village personnel, equipment, facilities, vehicles, or other property may be used by employees while engaged in outside employment, enterprise or business.
10. No employee shall perform work for private individuals or other governmental departments/agencies as a part of his/her Village employment except when the work is part of contract arrangements, mutual aid agreements, or interlocal agreements entered by the Village Council.
11. No employee of Estero shall have financial interests in the profits of contracts, services or other work performed by or for the Village. Nor shall a Village employee personally profit, directly or indirectly, from any contract, purchase, sale or service between the Village and any person or business. Any employee who violates this rule is guilty of misconduct and subject to immediate dismissal.

Employee Political Activity

1. No person shall be appointed to, demoted, or dismissed from any Village position, or in any way favored or discriminated against with respect to employment with Estero, because of political opinion or affiliations.
2. No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure for any person an appointment or advantage in appointment to a position in the service of the Village, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person, or for any other political consideration.
3. As an individual, each employee retains all rights and obligations of citizenship provided in the Constitution and laws of the State of Florida and the Constitution and laws of the United States of America. However, no employee of the Village shall:
 - a. Take any active part in a political campaign while on duty or within any period of time during which they are expected to perform services for which they receive compensation from the Village. This will include making or distributing flyers, hand cards, or other campaign or political items in the workplace; or making use of any Village equipment, service or facility in furtherance of any campaign or political purpose.
 - b. Use the authority of their position to secure support for or oppose any candidate, party or issue in an election or affect the results thereof.
 - c. Use any promise or reward or threat of loss to encourage or coerce any employee to support or contribute to any political issue, candidate or party.
 - d. Display on their person (while on duty), Village vehicles or in their workplace, any button, sign, decal or other symbol of support for any elected official, political party, issue or candidate for public office.
 - e. Appear in any print, television, radio or other form of advertisement for any elected official, political party, issue or candidate while wearing a Estero uniform, or while identifying oneself as an employee of Estero.

Nothing herein shall be interpreted as prohibiting a Village employee from using Village resources related to state or local referendum or initiative to the extent authorized by Florida Statute § 106.113 where that employee's duties permit or require such work, and where the Estero Council has adopted a policy or position concerning the matter.

4. An employee who takes any step to run for a Estero Council seat, including opening a campaign account for that purpose, filing qualifying paperwork with the Supervisor of Elections, or conducting a press conference or issuing a press release confirming his or her candidacy, shall be deemed to have resigned his or her position with Estero as of the close

of business of the date any of these actions are first taken. Nothing herein shall be read or interpreted as preventing an employee from standing for election for any other elective public office or applying for appointment to any appointive public office.

5. An employee elected to public office other than as a Estero Council Member shall resign from Village employment if the elected position presents any conflict of interest or interference with the employee's Village job. The Manager may grant written permission to remain in the Village job, if no such conflict or interference exists. For purposes of this section, a conflict of interest will be determined in the sole discretion of the Manager regardless of any other determination.
6. Any person who violates any provision of this section shall be subject to disciplinary action, including discharge. However, nothing herein shall be construed to prohibit an employee's right to file a complaint of workplace discrimination or harassment, to raise a concern regarding workplace safety, to report to appropriate authorities the misuse or theft of Village assets, or to engage in casual workplace discussions on social or political topics, so long as such discussions do not, in the judgment of management, interfere with the orderly, peaceful, and efficient performance of assigned duties or with the valid exercise of authority of management. Employees having questions concerning political activities or the interpretation of this policy should consult the Manager.

Professional Development

1. The Village supports career advancement and enrichment by encouraging employees to participate in courses, seminars, and examinations for which they may qualify, the purpose of which is to reach a compatibility level between personal growth and development and improvement of Village service. Copies of all certifications, certificates of completion, continuing education units earned, or diplomas related documents will be filed in the employee's personnel file. If the educational venue is paid by Village funds, the ensuing paperwork verifying attendance and completion must be mailed or electronically transferred to the Village. Reimbursement for and time off to attend a course, seminar, or exam must be approved by the employee's supervisor before the date of the course, seminar, or examination. The attendance at a course, seminar, or examination for which the Village will be paying for registration, travel, or other expenses shall be subject to adequate funds being available in the Village budget.
2. In accordance with 29 C.F.R. § 785.27, attendance at lectures, meetings, training programs and similar activities need not be counted and, consequently, shall not be counted as working time if the following four criteria are met:
 - a. Attendance is outside of the employee's regular working hours;
 - b. Attendance is in fact voluntary;
 - c. The course, lecture, or meeting is not directly related to the employee's job; and
 - d. The employee does not perform any productive work during such attendance.
3. Attendance at training workshops/seminars is permissible during working hours with prior department approval. All employees who attend education or training classes during normal working hours are directed to mark their timecards with the appropriate code as enacted by the Village's payroll system.
4. An employee may not use any Village personnel, equipment or supplies as part of the course or program of instruction. Nor may an employee work on projects or homework, or attend a tuition-reimbursed course during assigned working hours, unless such time is covered by approved PTO or compensatory time leave, or leave without pay.

Village and Personal Vehicle Use

1. When it is necessary to allow an employee to carry out assigned job duties, an employee may be required to operate and control Village-owned/leased vehicles, or to operate a personally owned vehicle for Village business. When possessing a Village-owned/leased vehicle for such a reason, employees may only use it during the course and scope of their assigned employment duties, and under no circumstances is the vehicle to be used for personal business or pleasure, whether during duty hours or not. However, employees may make workday deviations to use restrooms or take meal/comfort breaks.
2. An employee driving a Village vehicle, or a personal vehicle for Village business, must have in his or her possession a valid Florida driver's license with any required endorsements or classifications.
3. Village vehicles will not be used to transport anyone other than Village employees unless the person(s) to be transported are directly involved in the provision of Village-related services or otherwise involved in Village government operations.
4. In normal circumstances, Village owned/leased vehicles are to be driven over the most direct route. Any out of Lee County travel must be pre-approved by the employee's director unless emergency circumstances prevent prior approval.
5. No employee shall operate a Village vehicle or personal vehicle on Village business when any physical or mental impairment causes the employee to be unable to drive. This prohibition includes, but is not limited to, circumstances in which the employee is temporarily unable to operate a vehicle safely or legally because of illness, medication or being under the influence of illegal drugs or alcohol.
6. Vehicles driven on Village business must be driven in accordance with all applicable traffic and parking laws, including applicable speed limits. Seat belts must be used by vehicle occupants at all times. Each employee shall be personally responsible for any fines or penalties incurred as a result of driving or parking violations while operating a Village vehicle.
7. Any accident involving a Village-owned vehicle which results in property damage and/or personal injury will be reported without delay to the operator's immediate supervisor, regardless of whether such accident occurs during or after regular duty hours, as well as to the law enforcement agency with jurisdiction over the accident scene.
8. The Village does not normally authorize take-home vehicles. In the event the Village may assign a Village vehicle to an employee for use to and from work, the employee shall be responsible for the personal tax liability for the value of this use. No other Village employee is authorized to take Village vehicles home. Any request for a special exception must be submitted in writing to the Manager.

9. Village vehicles must be maintained in good working order at all times. An employee who observes an apparent safety or equipment defect regarding vehicle equipment should report it to a supervisor immediately and if the vehicle is unsafe, it shall not be driven further. Employees who have been assigned a take home vehicle shall store the vehicle in a safe, secure area at the employee's residence, keep it locked, and shall take all reasonable measures to prevent damage to the vehicle.
10. When Village vehicles are not in use, they shall be parked in a designated Village parking lot.
11. Employees are on notice that they should avoid bringing valuable personal items into Village vehicles. The Village will not be responsible for the loss or theft of any personal items from Village vehicles, and Village vehicles may be inspected or searched at any time at the Village's election.
12. Employees who are assigned a Village vehicle, or who are using their personal vehicle while on Village business, must refrain from speaking on cellular phones while driving the vehicle unless the employee makes use of a "hands-free" device. Employees not using hands-free devices must bring their vehicles to a full stop in a safe location prior to using a cellular phone. Employees shall not text or type on smart phones while driving.
13. Employees shall not smoke, vape, or use smokeless tobacco within any Village vehicle.
14. No Village employee shall order, authorize or permit any non-Village employee, including contractors and temporary workers, to operate any Village vehicle, including cars, trucks, earth-moving equipment, airplanes, all-terrain vehicles, and boats, unless same is absolutely required to respond to an extreme emergency or imminent threat to life or safety and no Village employee is available to operate the vehicle.
15. If an employee is assigned a take-home vehicle, the employee may not use the Village-owned vehicle to engage in personal business while commuting to/from work, including shopping trips, stopping at dry cleaners (other than to pick up or drop off Village uniforms), or picking up or dropping off school children.
16. By law, the Village may not be required to cover injuries or damages resulting from use of vehicles by its employees unless such use was in the course and scope of employment. Employees are therefore warned that failure to limit use of Village vehicles to such purposes may result in personal financial liability for any such damage or injury to the employee or third persons. To the extent the Manager determines appropriate, employees being granted use of Village vehicles or being instructed to use personal vehicles to conduct Village business may be required to execute acknowledgement forms concerning issues of liability.
17. Authorization given to an employee to use a Village-owned vehicle, whether take home, daily assignment, pool or otherwise, is not and shall not be construed as being a guaranteed benefit or entitled form of compensation to the employee. Vehicles are assigned based on

operational needs and budgetary limitations and the Village may remove, reassign, or decommission any of its vehicles at any time within its discretion.

Travel Time

1. Ordinary home to work travel is not considered “hours worked” or compensable time. (This includes travel time to and from home for employees assigned a take-home Village vehicle.)

2. Exempt Employees

Travel time and/or attendance at a meeting, seminar, conference, etc. (voluntary or requested by the Village) is compensable only when it occurs during regular working hours during the regularly scheduled workweek.

3. Non-Exempt Employees

a. Travel time and/or attendance at a meeting, seminar, conference, etc., which is for the Village’s benefit and at the employer’s request is compensable, regardless if it occurs within or outside regular working hours. These hours count as hours worked towards overtime.

b. Travel time and/or attendance at a meeting, seminar, conference, etc., which is voluntary and not required by the employer, will be compensated only during regular scheduled working hours during the regularly scheduled workweek.

Work Attire, Uniforms

The Manager is authorized to adopt reasonable standards of personal dress, appearance and hygiene during working hours. Personal appearance should be evaluated based upon the type of work, the work environment, and the amount of public contact required by the job. Designated uniforms or work clothes shall be worn as required by Village policy.

1. If the Village provides an employee a uniform, the employee shall be required to wear such uniform as a condition of employment.
2. Employees required to wear uniforms shall only wear the uniforms while on duty or commuting. Wearing uniforms at any other time is strictly prohibited.
3. Uniforms are Village property and must be returned to the Village upon separation or transfer to a position which does not require use of the uniform.
4. It is the responsibility of the employee to ensure that their uniforms are properly maintained and laundered.
5. Employees may be subject to disciplinary action, up to and/or including dismissal, for violation of any of the above.
6. If the Village mandates the wearing of particular clothing or equipment to facilitate workplace safety, the Village will acquire such clothing or equipment at Village expense.

Miscellaneous Policies

1. Area-Specific Rules

Though Estero attempts, where possible, to maintain uniform rules generally applicable to all Village employees, unique needs in specific Village operational units may call for customized rules. Therefore, the Manager may promulgate and implement additional rules unique to a given operational unit based upon operational needs and requirements as a supplement to this Policy Manual. Such rules, when issued, shall be applicable to employees of that unit as though they were published herein.

2. Expense Reimbursement

Expense reimbursement is authorized for approved travel and attendance at conferences and educational seminars. If authorized, an employee may utilize a Village-owned vehicle to travel to a conference or training. If an employee elects to travel to a conference or seminar using her or his personal vehicle, the Village will reimburse funds paid for gasoline used (based on vehicle mileage using the shortest route between Village Hall and the event location). However, the Village will not reimburse for any additional mileage expenses.

Employees must secure supervisory approval for all reimbursable expenses in advance of incurring those expenses. Other instances of legitimate reimbursement will be reviewed on a case-by-case basis provided the request for reimbursement is made before expenses are incurred. Documentation for all reimbursable expenses must be submitted in a timely fashion to the Treasurer for processing and appropriate budgetary assignment. Expense reimbursement shall be governed by Florida Statutes § 112.061.

3. Personal Cell Phone Use

Employees are prohibited from using personal cell phones to conduct Village business. In the event an employee does so, then, in addition to any disciplinary action which may be taken, the employee is on notice that her or his cell phone records related to Village business (whether created on a personal or Village-issued device) shall be subject to access for the Village's compliance with public records laws. An employee shall not maintain an expectation of privacy for cell phone records if the employee's personal cell phone (including text messaging) is used for Village business. The employee's cell phone records associated with Village business shall also be subject to production in the case of disciplinary proceedings.

4. Village Property and Supplies

- a. Employees are expected to take proper care in the handling and use of all Village equipment and property. Employees are not to remove Village property from the premises without authorization by the Manager with the exception of those items that have been authorized for use off the premises such as cellular phones, pagers, laptop computers, etc.

- b. Employees are not permitted to “recycle,” “scavenge” or take for personal use any used or excess supplies, tools or equipment, including construction materials and office supplies, absent a published Village policy on re-use or recycling of such materials.
- c. The Village shall keep and maintain a record of all Village property assigned to any Village employee with a value in excess of \$1,000.
- d. Upon request or separation from employment, employees shall return all Village property to the Village. By accepting employment with the Village, employees agree that the replacement cost for all property damaged, lost or not returned may be deducted from the employee’s paycheck without need to file any further legal action against the employee, except to the extent a deduction would reduce pay to an hourly rate below the prevailing minimum wage.

5. Village Communications Equipment

All Village equipment, including electronic communications systems such as e mail and voice mail, is the property of the Village and is subject to monitoring at any time, with or without further notice, at the sole discretion of management. All Village employees are required to comply with the terms of the Village’s computer and internet use policies, to the extent such are adopted by the Manager or the Village Council.

6. Address and Telephone Number

Each employee shall provide the Village with a current physical address, telephone number, and contact information. The employee shall also provide and maintain a current name and telephone number of an emergency contact. The Manager must be informed of any change in the above-required data in a timely manner.

7. Statements by Village Employees to Attorneys, Law Firms, or Others Concerning Employees or Village Business

Village employees may from time to time be requested or subpoenaed to make a statement to an investigator, an attorney, or a law firm. These statements may be concerned with an actual or contemplated legal action against the Village. Employees are not generally authorized to make representations to anyone regarding Village business. Therefore, should any employee receive either a request to make a statement or be subpoenaed regarding Village business, the employee shall discuss the matter with the Manager and, prior to making any oral or written statements, the matter should be reviewed with the Village Attorney. Nothing herein should be interpreted as preventing an employee from speaking with his or her own legal counsel regarding personal legal matters, nor from speaking with a representative of a labor association concerning any grievance, mutual aid or concerted activity as protected by Florida Statutes § 447.301.

8. Media Relations, Requests for Interviews

- a. The Village's official positions and policies are set and communicated to the public by the elected Council Members and, in certain circumstances such as litigation or administrative matters, the Village Manager or Village Attorney.
- b. However, other Village employees may from time to time be asked by various media outlets to provide comments or interviews concerning the Village's policies, operations, or other such matters. To ensure that the Village's official positions on matters related to the business of the Village are communicated to the media in a consistent and informed way, any employee who receives a media request to be interviewed or to provide comments concerning Village business shall refer the matter to the Manager, who will determine the appropriate response. Unless first authorized by the Council or Manager, employees shall refrain from providing comments or being interviewed regarding Village business or policy.

9. Recording Workplace Communications Prohibited

Chapter 934, Florida Statutes, prohibits interception of wire or oral communications by electronic, mechanical or other device without the consent of all parties involved. Recordings related to Village business are also public records subject to being retained and inspected. Employees are therefore prohibited from recording any conversations between individuals, whether fellow employees, subordinates or citizens, with or without the permission of all parties, except as otherwise provided by law, as part of an official Village broadcast production, as may be authorized by a criminal investigation conducted by law enforcement, or as is authorized by Village policies regarding Village-owned phones, faxes, radios and computers.

10. Loss of or Failure to Obtain Professional Certification or License

- a. Where an employee's position with the Village requires any specific certification, license or other credential, including driver's license, as a condition of holding that position, the employee is required to obtain and maintain the certification, license or credential, and to provide written proof thereof upon request. An employee who loses or within the provided amount of time fails to obtain the required certification, license or credential for whatever reason, including suspension, revocation, or expiration, has a responsibility to immediately report this fact to the Manager. Failure to provide timely notice will result in discipline up to termination.
- b. Upon timely notification by an employee that he or she has lost or failed to obtain the certification, license or credential, the Manager shall have the following options:
 - (1) Make a reasonable effort to reassign the employee, on a temporary basis, to appropriate and available responsibilities not requiring the certification, license or credential, for a reasonable timeframe up to the subsequent exam/incident follow-up and results notification date to provide continuous employment during his or her efforts to attempt to acquire or obtain reinstatement.

- (2) Allow him or her to use any available and applicable leave during the allotted timeframe while obtaining reinstatement.
 - (3) Place him or her on a temporary administrative leave of absence without pay not to exceed the allotted timeframe.
- c. An employee who fails to have his or her certification, license or credential reinstated, or to initially obtain same within the allotted period, may apply for and be considered on a competitive basis for any vacant Village position for which he or she is qualified. If the employee is not selected or does not apply for such position prior to expiration of the allotted timeframe, then he or she shall be non-disciplinarily separated for failure to obtain or maintain a necessary job qualification.

11. Searches on Village Property

- a. The Village seeks to provide a safe work environment for all its employees. To that end, the Village reserves the right whenever the Manager has reasonable suspicion to believe an employee has brought on Village premises or work sites alcohol, illegal drugs or controlled substances, or any other illegal or prohibited item, or stolen property; or has misused Village equipment, to search Village property including, but not limited to work locations, desks, file or storage cabinets, computer files (including software, hardware, metadata, e mail, voice mail, and internet activity), lockers (locked or unlocked), Village owned or controlled vehicles, and all other Village equipment.
- b. On a case-by-case basis, and where a reasonable suspicion of a violation of Village policies has occurred or is occurring related to the item searched, employees may be requested to display personal items brought into Village offices or workspaces for visual inspection. Failure to comply with a search or visual inspection request from supervisory or security personnel will be grounds for discipline. Searches of an employee's personal property, such as briefcases or food containers, will take place only in the employee's presence unless an emergency condition exists which would, if confirmed, present an immediate danger to others or the employee him/herself. Employees who do not wish to subject personal items to possible inspection are strongly advised to leave such items at home.
- c. The Village will make every effort to honor the personal dignity of employees during any search but will take appropriate disciplinary action in cases where prohibited items or activities are uncovered, regardless of how such item(s) or activity has been discovered (accidentally or in the process of a search).

12. Employee Arrest or Charge

Employees must inform the Manager, either verbally or in writing and either personally or via an attorney or family member, etc., within three (3) business days of their being criminally arrested, charged or convicted of any state or federal crime, including for violation of parole or probation. Failure to do so will result in disciplinary action.

13. Use of Tobacco and “e cigarettes”

Use of any e-cigarette or tobacco product is prohibited within Village owned/leased buildings, including bathrooms and doorways, except in areas specifically designated and designed for smoking. Employees desiring to use a tobacco product or e-cigarette must do so at least twenty feet from any Village facility entrance.

14. Village Bulletin Boards and Common Areas

The Village may from time to time establish and ordain certain display cases, bulletin boards, or the like for the purpose of posting authorized communications to employees and/or the public. The purpose of such bulletin boards or display cases is not to create a general speech area but is instead intended to effectively and efficiently communicate information to citizens and employees. Employees are thus prohibited from posting any item not approved by the Manager in advance and not related to Village business or Village employment. Employees are likewise prohibited from removing any posted notice or item from a Village display case or bulletin board unless authorized, and from posting, or facilitating or authorizing anyone else to post any advertisement, notice, solicitation or any other printed materials in, on or along any common area of any Village building or facility. Common areas include, but are not limited to, break rooms, entryways, doors, hallways and parking facilities.

15. Communicable Diseases

The Village government desires to maintain a workplace free from preventable risks of communicable illness or disease. Therefore, all employees of the Village are required to properly treat any communicable disease which would present a danger to the health or safety of fellow employees. Employees should, in consultation with their health care providers, take appropriate precautions within the workplace to reduce any infection risks to co-workers. The Village does not seek to needlessly impose on the medical privacy of its employees and where a communicable disease or illness is adequately managed and treated, the employee need not disclose same to co-workers or the Village. However, should the employee desire the assistance of the Village in modifying working conditions to prevent risk of transmission, the Manager should be consulted and any records generated concerning the medical condition will be treated as confidential as permitted by state and federal law.

16. Inventions and Intellectual Property

Any invention, method, program, publication or other form of intellectual property which is developed by a Village employee during work hours or using Village equipment or resources, is the property of the Village. Employees are prohibited from seeking to patent, trademark, service mark, copyright or otherwise register such intellectual property without the prior authorization of the Village Council.

17. Letters of Reference

Though all employees have the right to express their personal opinions regarding another current or former co-worker, no employee below the rank of Village Manager may write any letter of recommendation, commendation, etc., on Village letterhead without the express prior approval of the Village Manager.

18. Tobacco Free Workplace

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

The use of tobacco is prohibited in any building or area owned, operated, occupied, or used by the Village and includes all types of tobacco and tobacco-like products, including smoke and smokeless tobacco, chewing tobacco, and other smoke able products, and electronic cigarettes. Such products may be used outside of Village buildings within parking lots or areas designated for such use, but not within 20 feet of the outer door of such buildings.

19. Drug-Free Workplace

A. Drug-Free Workplace Established

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

B. Standard Policies

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

business, property or not, is subject to discipline including discharge or suspension without pay from employment, even for the first offense.

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

- a. the employee's normal faculties are impaired due to consumption of alcohol, or
 - b. the employee has a blood alcohol level of .04 or higher.
3. Employees are encouraged to voluntarily seek professional support for drug or alcohol-related problems. Employees who seek treatment shall discuss the situation with their supervisor if leave time, with or without pay, is required for the employee to obtain treatment or hospitalization.
 4. Failure to submit to the required drug test or providing a false sample or tainting, adulterating or tampering with a drug test is grounds for discharge or suspension without pay from employment. An employee will be terminated for refusing to submit to a drug or alcohol test.

5. Employer Action

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

C. Definitions

1. "Legal Drug" includes prescribed drugs and over-the-counter drugs, which have been legally obtained and are being used solely for the purpose for which they were prescribed or manufactured. To the extent they are not classified as Schedule I drugs by the federal government, the term does not include medical marijuana, edibles, and low-THC cannabis, as those terms are defined in Florida Statutes § 381.986(1), where such substances are prescribed, possessed, purchased or used by a "qualified patient" for a "medical use" (as those terms are defined by the statute).
2. "Illegal Drug" means any drug (a) which is not legally obtainable; (b) which may be legally obtainable, but has not been legally obtained; (c) which is being used in a manner or for a purpose other than as prescribed.

D. Reporting Convictions and Civil or Administrative Actions

1. Criminal convictions

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

2. Civil or Administrative Actions

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

E. Types of Drug Testing

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

1. Pre-Employment Drug Testing

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

2. Reasonable Suspicion

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

- Observed alcohol or drug abuse during work hours on Village premises
- Apparent physical state of impairment
- Incoherent mental state
- Marked changes in personal behavior that are otherwise unexplainable
- Significantly deteriorating work performance that is not attributable to other factors
- Information that an employee has caused or contributed to, or has been involved in an accident while at work
- Abnormal conduct or erratic behavior while at work
- A report of illegal drug use, provided by a reliable source
- Evidence that a drug test has been tampered during employment with the Village
- Evidence that an employee has possessed, sold, solicited or transferred illegal drugs while working or while on Village premises, or while operating Village vehicles, machinery or equipment

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

4. Random

The Village will conduct random drug tests only as permitted by law.

5. Post-Accident

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

6. Follow-Up

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

F. Confidentiality

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

G. Use of Prescription and Non-Prescription Medications

Each tested individual shall report, on a confidential basis, to the Medical Review Officer (MRO), the use of prescription or non-prescription medications both before and after being tested. A form will be provided to each individual to list such medications. This form should only be filled out at the collection facility not at the Village. Additionally, such medications may be disclosed orally to the MRO after being tested, if contacted by the MRO. The individual must not disclose such medications or provide the form requesting such information to any Village employee. The individual can consult a testing laboratory for additional information about medication that will affect a drug test result.

H. Positive Drug Test Results

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

I. Employee Assistance Programs and Local Drug Rehabilitation Programs

The Village encourages all employees who need assistance in dealing with alcohol or drug dependency problems to seek counseling through the various private and public agencies that exist in our community. Examples of such agencies are listed below.

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

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

Employees who come forward to request treatment or a leave of absence for treatment will not be subject to discipline. Employees may not, however, escape discipline by first requesting such treatment or a leave of absence after being selected for testing or violating Village policies and rules of conduct. Requests for voluntary treatment and related matters will be kept confidential in accordance with federal and state laws.

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

J. Employee Assistance

1. Any employee who is experiencing difficulty with alcohol or drug abuse is encouraged to seek free, confidential, professional help through the Employee Assistance Program. The Employee assistance Program may also be contacted to clarify provisions of the Drug-Free Workplace Policy. The phone number of the Employee Assistance Program shall be posted in Village Building. This service is provided to assist employees in locating help for their particular drug or alcohol problem. The cost of treatment or counseling shall be the responsibility of the employee.

Other Helpful Numbers

Drug/Alcohol Abuse Help line: 1-800-362-2644
Drug/Alcohol Abuse 24-hour Crisis Line: 1-800-283-2600
Alcoholics Anonymous: 1-800-252-6465
Drug Abuse Alcoholism & Cocaine: 1-800-333-4444

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

- a. Has previously tested positive;
- b. Is currently in a Drug Rehabilitation Program; or
- c. Has entered an Employee Assistance Program for drug-related problems.

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

20. Funds Owed by Employees; Debt Collection Calls

Employees may on occasion become indebted to the Village. By accepting employment with the Village, employees acknowledge and consent to the Village's authority to retain or otherwise withhold portions of an employee's compensation to allow such funds to be recovered by the Village except to the extent the deduction would reduce regular pay to an hourly rate below the prevailing minimum wage, or as otherwise prohibited by law.

The Village does not authorize or permit the use of Village communication assets, including phones and email systems, to be used to make or receive messages related to debt collection efforts. Employees are not authorized to initiate, receive or forward such communications to any other person, and debt collectors violating this policy shall be subject to fines and penalties as provided for by federal and state debt collection practice laws.

ACKNOWLEDGMENT OF RECEIPT

I acknowledge receipt of the Village of Estero Personnel Policy Manual. I accept my responsibility to read and understand this Manual. I understand the topics discussed in this Manual represent the general policies of the Village of Estero and that the Village may impose additional requirements, depending upon the nature of my position and the authority granted by the Village. I also acknowledge that this Manual is subject to change at any time and is not intended as an express or implied contract nor is it intended to create an entitlement to continuing employment.

Employee Name: _____ (Signature)

_____ (Print Name)

_____ (Date)