

CHAPTER 4 - EMPLOYMENT POLICIES AND PROCEDURES

A. Equal Employment Opportunity (EEO) / Americans with Disabilities Act (ADA)

1. It is the policy of the Town to promote and assure equal opportunity employment for all current and prospective employees without regard to race, color, age, sex, national origin, religion, marital status, sexual orientation, disability or other legally protected class. This policy governs all matters related to recruitment, advertising, and initial selection of employment. It shall also apply to all other aspects of employment, including, but not limited to, aspects of compensation, promotion, demotion, transfer, lay-offs, terminations, leave of absence, and training opportunities.
2. The Town is committed to complying with all applicable provisions of the Americans with Disabilities Act (the "ADA"). It is the Town's policy not to discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of such individual's disability. Consistent with this policy of non-discrimination, the Town will provide reasonable accommodations to a qualified individual with a disability, as defined in the ADA, who has made the Town aware of his or her disability, provided such accommodation does not constitute an undue hardship to the Town.
3. Any employee or job applicant who has questions regarding this policy or believes that he/she has been discriminated against based on a disability may notify the Human Resources Director. All such inquiries or complaints will be treated as confidential, and will only be disclosed on a need-to-know basis. The Human Resources Director shall respond to the complaint as soon as the situation allows.

B. I-9 Form

The Town is committed to hiring only authorized workers. Each new employee must provide documentation to verify both identity and authorization to work in the United States and to complete the I-9 form. The employer section of the I-9 Form (Section 2) must be completed by examining evidence of identity and employment authorization within three days of the date employment begins. The Human Resources Director may verify the I-9 form on the e-Verify system. If an employee cannot provide these required documents, they may be either dismissed or suspended until the required documents are produced. Both the employee and the Town representative will sign the I-9 form certifying that the documents are valid.

C. Hours of Work / Work Week

1. The established workweek begins on Monday at 12:01 a.m. and ends on midnight on Sunday. The normal workweek shall be forty (40) hours.
2. The normal business day shall be from 9:00 a.m. to 5:00 p.m. for most employees unless the needs of your department are different.
3. Employees shall report to work in sufficient time and be ready for work at the commencement of their schedule. Unauthorized absences due to early departure or late arrival shall not be chargeable to the employee's sick or vacation leave. Frequent tardiness will be subject to disciplinary action.

D. Attendance and Punctuality

Punctuality and regular attendance are essential to the proper operation of the Town and employees are expected to be at work on all scheduled work days, during all scheduled work hours and to report to work on time. If an employee will be absent, tardy or must leave prior to the end of regular work day, the employee must contact his or her supervisor or Department Head at least one (1) hour in advance of the employee's scheduled start time, or as soon as reasonably feasible.

If an employee fails to provide prior notice to his or her supervisor or Department Head, the absence will be considered an unauthorized absence. Employees with a record of excessive tardiness or unauthorized absences will be subject to appropriate corrective action, up to and including termination of employment.

E. Personnel Record Updates / Employee Record Review

1. Employees are required to keep the Town apprised (within two weeks) of all changes in marital status, number of dependents and address changes. This information has a direct bearing on payroll deductions and insurance benefits.
2. Employees have the right, upon request, to examine and copy any and all material contained in their own employee file. The Human Resources Director maintains employee records pursuant to Chapter 119, Florida Statutes.

F. Payroll

1. The payroll period is bi-weekly, although each work week stands alone for compensation and overtime purposes. Employees will receive their direct deposit stub every other Friday, for twenty six (26) paydays per year. If the payday falls on an official Town holiday, employees will be paid on the preceding workday or other day designated by the Town. In extenuating circumstances, the Town will consider a pay advance upon approval of the Town Manager.
2. The employee's paycheck shall include the full amount of earnings for the previous two work weeks, minus the appropriate required federal deductions, such as federal withholding (income tax), Social Security and Medicare taxes. The Town deposits this deducted amount with the U.S. Treasury for credit on employee income tax calculations at the end of the year. Employees are responsible for completing a W-4 form properly and updating it when necessary. The Town will provide a W-2 form showing total earnings for the year and the amount of taxes that have been withheld.

G. Compensation Plan / Policy

1. The Town determines compensation based on performance, classification, length of service with the Town and other economic and job considerations. Employee compensation is reviewed annually.
2. The Town Manager may move any class or position from one pay grade to another pay grade or adjust any salary, as economic or unique local employment markets may require. If after reallocation an employee's salary is below the minimum pay rate for the new grade, the employee's salary may be adjusted to the new grade's minimum salary.
3. No person shall be hired for any position not previously classified, nor shall any salary be designated for any new position until a position description has been prepared and the position has been classified and assigned a salary range by the Town Manager upon the recommendation of the Human Resources Director.
4. New Employees:
 - a. All new employees usually enter Town service at the minimum salary range.

- b. The Department Head may recommend the hiring of a new employee above the minimum salary range. However, recommendation to hire above the minimum range must include justification including, but not limited to, that the candidate has substantial qualifications that exceed the minimum requirements, or that the position is particularly difficult to fill. This justification should be submitted with the approved recommendation to hire. The Town Manager will review the request for consideration of approval. Budgetary limitations, and wage compression should be considered when making a recommendation to hire above the established minimum salary range.
5. When a position is reassigned to a lower pay grade, or when the minimum and maximum rates for a position are decreased, the pay of an employee may remain unchanged for subsequent annual performance appraisal periods.
6. If an employee's salary exceeds the maximum rate for a pay range, the employee shall not be eligible for increases of any type, unless:
 - a. Subsequent pay adjustments for the position re-establish the maximum for the class;
 - b. The employee is subsequently promoted and the rate of pay is below the maximum for the class to which the employee is promoted; and/or
 - c. A special salary adjustment is approved by the Town Manager (see below).
7. Special salary adjustments may be utilized for a pay increase not provided for elsewhere under established policies. Special salary adjustments are subject to review and approval by the Town Manager and shall be within approved budget limitations. Special salary adjustment requests must meet at least one of the following requirements in order to be considered:
 - a. Serious inequity in internal and/or external professional comparability;
 - b. Exceptional or unusual conditions associated with an employee's job classification;
 - c. Additional permanent responsibilities not required in the employee's current job classification;

- d. Reorganization; and/or
 - e. Initial increase following six (6) months employment, for certain positions which are difficult to fill or retain.
8. Department Heads may recommend monetary incentive programs and bonus awards that directly relate to measurable performance criteria. The Town Manager must approve all monetary incentive programs and bonus awards prior to implementation. Such incentives are discretionary and shall not be considered an entitlement.

H. Performance Evaluations

1. The primary purpose of the employee performance evaluation program is to inform employees how well they are performing and to offer constructive criticism on how an employee can improve his/her performance. Performance evaluations shall also be considered in decisions affecting salary advancement, merit, promotion, reassignment, dismissal and training needs.
2. The employee's immediate supervisor shall be responsible for completing a performance evaluation on the form provided and approved by the Town at the time prescribed for each employee under his/her supervision. In the case of unsatisfactory performance, the supervisor will include written comments as to remedial actions required by the employee. After review by the responsible Department Head, the completed evaluation shall be discussed with the employee and the employee will be encourage to add comments if desired. After the discussion is completed, both the supervisor and the employee shall sign the completed evaluation form and submit to Town Manager for signature.
3. The Department Head shall review the performance evaluation report completed by each supervisor under his/her jurisdiction before the report is discussed with the employee.
4. Non bargaining unit employees who receive any individual rating below "satisfactory" on their annual performance based evaluation will not be eligible to receive the full merit increase until such deficiency(ies) is remedied. The immediate supervisor must provide comments under the improvement plan which are required for conditional and unsatisfactory ratings in any of the performance categories. Such employees shall be subject to corrective or disciplinary action up to and including termination if the required improvement is not achieved.

I. Exit Interviews

The Human Resource Director shall attempt to conduct an exit interview with each employee who separates employment with the Town. The interview is used as a tool to determine problem areas and improve working conditions.

J. Professional Development Seminars and In-Service Training Programs

The Town sends employees to professional development seminars and in-service training programs for topics that are job-relevant to an employee's job description or for those employees eligible for transfer, reassignment or promotion to other positions. This training is provided at no cost to the employee and on-the-job with no deductions from accumulated times.

K. Education Assistance

1. The Town offers its full time employees (who apply for and are approved) a partial tuition reimbursement for college courses. Courses must be from an accredited public or private academic institution, directly related to an employee's particular job, position or assignment, and taken for academic credit toward a degree. The reimbursement is conditioned upon achieving a grade of "C" or better, or its equivalent, and is limited to one-half of the tuition cost of the tuition of a similar course at a State University. Tuition reimbursement will apply only to tuition cost. Reimbursement will not cover application fees, testing of any kind and/or other fees.

2. Any employee who receives a tuition reimbursement shall remain employed by the Town for a minimum of twelve (12) months from the date of completion of any college course for which the Town has provided the employee a reimbursement.

If the employee voluntarily leaves the employment of the Town prior to the expiration of this time period, the employee shall repay the Town all college tuition reimbursement received in the prior twelve (12) months.

3. This program is contingent on annual funding availability.

L. Anti-Discrimination and Harassment Policy

1. It is the Policy of the Town that all employees enjoy a work environment free from discrimination and/or harassment. Discrimination and harassment are forms of misconduct which undermine the integrity of the employment relationship, lower morale, and interfere with work effectiveness. This policy applies equally to any discrimination or harassment based on race, gender, national origin, religion, age, disability or any other legally protected status. **Discrimination and harassment are illegal and will not be tolerated.**
2. No employee should be subjected to derogatory verbal or nonverbal references regarding his or her race, gender, national origin, religion, age, disability, or any other legally protected status. No employee, male or female, should be subjected to unsolicited, offensive and unwelcome sexual overtures or conduct (verbal or physical).
3. Such conduct, whether committed by supervisory or non-supervisory personnel, is specifically prohibited by state and federal law, as well as by the Town. Such conduct may expose the Town and the individual to liability for damages, attorney's fees and costs.
4. It is the responsibility of all supervisors and Department Heads to ensure that discrimination and/or harassment does not take place. At a minimum, Department Heads are required to inform all employees of this policy and to immediately correct any problems that may arise. Supervisors and Department Heads are responsible for maintaining a work environment that is free from discrimination and/or harassment, as well as any other conduct which creates a hostile work environment for any individual.
5. The Town recognizes that invalid, unfounded or false accusations of discrimination and/or harassment can have serious effects on innocent individuals. Therefore, Department Heads shall thoroughly, and as confidentially as possible, investigate with the assistance of the Human Resources Director, and if appropriate, legal counsel, any and all complaints of discrimination and/or harassment to determine the most appropriate disposition. Each and every complaint or allegation of discrimination or harassment shall be reported immediately to the Human Resources Director by the Department Head.

6. Harassment and discrimination participants fall into three (3) categories: the alleged offender, the alleged victim and any witnesses. Any of the three (3) can be found in violation of the Policy. A Town employee violates this Policy by participating in discriminatory and/or harassing practices, permitting subordinate employees to engage in such practices, filing false charges or malicious complaints or retaliating against employees who report instances of discrimination and/or harassment. Appropriate disciplinary action shall be taken against any and all individuals who violate the Policy. Any violation of the Policy shall result in disciplinary action up to and including immediate termination from employment.

7. Definition of Sexual Harassment
 - a. Sexual harassment refers to unwelcome behavior of a sexual nature that is personally offensive, deliberate and repeated. It includes sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature.

 - b. Such harassment may be verbal, nonverbal or physical, and is illegal when:
 - i. Submission to such conduct is made implicitly either as a term or condition of employment;

 - ii. Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting the individual; and/or

 - iii. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

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

8. Definition of Discrimination and Other Harassment

The term discrimination includes any offensive or unwelcome physical, written, or spoken conduct which is premised on any one of the protected grounds. Such prohibited conduct includes, but is not limited to, jokes or comments relating to any protected category; the display or circulation of printed materials that reflect mockery, disapproval, stereotypes, hostility, anger or violence based on any protected grounds; or the assignment of work, discipline, or benefits based on any protected grounds. Harassment may also be any discrimination by any employee that substantially interferes with an individual's performance or creates what a reasonable person could consider to be an intimidating, hostile, abusive or offensive working environment.

9. Complaint Procedure

- a. The following procedures should be followed when an employee thinks he or she is the victim of discrimination and/or harassment:
 - i. Step 1. Anyone who believes that he or she may have been subjected to discrimination and/or harassment should, whenever reasonably possible, first inform the offending party that such behavior is offensive and will not be tolerated.
 - ii. Step 2. Because proving a claim of discrimination or harassment can be difficult, the victim should keep a record of times, places and specific details, including witnesses. If the behavior continues, the employee may file a formal, written complaint with his or her supervisor, Department Head or the Human Resources Director.
 - iii. Step 3. If the supervisor is the offending party, the employee may file the written complaint directly with that person's supervisor, the Department Head or the Human Resources Director.
 - iv. Step 4. Once an employee notifies a supervisor of such a problem, the supervisor shall notify the Department Head immediately and in writing of the situation, and shall provide a copy of the complaint submitted by the employee. Department Heads that learn of discrimination and/or harassment allegations are obligated to immediately notify the Human Resources Director in writing.

10. Investigation

- a. Complaints will be investigated by the Human Resource Director and the Department Head in a confidential and timely manner and in accordance with the Public Records Law. Information concerning an active complaint will not be released by the Town to third parties or to anyone within the Town who is not directly involved in the investigation, except as may otherwise be required by law or by a court of competent jurisdiction. The purpose of this provision is to protect the confidentiality of an employee who files a complaint, to encourage the reporting of all instances and to protect the reputation of any employee charged with discrimination and/or harassment.
- b. All participants involved in an investigation are expected to maintain their involvement in or discussion of the investigation confidential, except insofar as disclosure is required in obtaining or being represented by legal counsel. *The failure to abide by this confidentiality requirement constitutes a violation of this Policy.*
- c. Disciplinary action taken as a result of discrimination and/or harassment will become part of the personnel file of the offending employee and is subject to disclosure pursuant to Public Records Law.
- d. The investigation of a complaint will normally include conferring with the parties involved and any named or apparent witnesses. Tape recorded statements may be taken of any or all the individuals involved. All employees will be guaranteed fair and impartial treatment, and shall be protected from coercion, intimidation, interference or discrimination for filing a complaint or participating in an investigation.
- e. A determination will be made as to whether a complaint is sustained, not sustained or unsubstantiated. A complaint is sustained when there is sufficient evidence presented to reasonably establish that the allegations or charges made are true. A complaint is not sustained when there is sufficient evidence presented to reasonably determine that the allegations or charges made are not true. Finally, a complaint is unsubstantiated when there is insufficient evidence presented to reasonably determine whether the allegations or charges are true or false.

- f. If a complaint is sustained, the offender will be subject to disciplinary action which may include termination from employment. Any Department Head or supervisor is under a continuing duty to take immediate remedial action to stop or prevent discrimination and/or harassment. If the Department Head or supervisor fails to take such action, and the misconduct was known, or should have been known, to him or her, the Department Head or supervisor in question shall also be subject to disciplinary action which may include termination from employment.
- g. Even if the investigation fails to disclose the existence of any discrimination or harassment, the Town reserves the right to nonetheless take action. Such action may include counseling, a reminder of the Policy or a written warning. Additional mandatory training will be provided if in the Town's discretion, such training is necessary.

11. Follow Up

Once an investigation has been concluded, the Town will continue to monitor the employees involved in discrimination and/or harassment complaints to ensure that no future incidents of discrimination and/or harassment occur.

12. Retaliation

The Policy prohibits retaliation against employees who bring complaints of discrimination and/or harassment or who assist in investigating such complaints. Any employee bringing a complaint of discrimination or harassment or assisting in the investigation will not be adversely affected in terms and conditions of employment. Nor shall any employee take any action against a complainant that is intended to discourage the complaint. Retaliation by any employee against the complainant could result in disciplinary action, up to and including termination.

13. Conclusion

The Town is dedicated to maintaining a working environment that is free of discrimination and/or harassment and is based on professionalism. It is expected that all employees will continue to act responsibly in fulfilling the Town's commitment to working in an environment totally free of discrimination and/or sexual harassment. To that end, it is also expected that employees will prudently avail themselves of the mechanisms provided by the Policy. To the extent any provision of the Policy is inconsistent with any other Town personnel policy or

directive, the provisions of the Policy will control with respect to claims of discrimination and/or harassment.

M. Whistle Blowing and Other Retaliation

1. Whistle Blowing is defined as a person who tells someone in authority about alleged dishonest or illegal activities (misconduct) occurring in a government department, a public or private organization, or a company.
2. The Town encourages our employees to report, in accordance with the Town's procedures and with Section 112.3187, Florida Statutes, any violations of the laws, or the Town's policies contained in the Manual. Each employee is assured of protection from any retaliation resulting from the reporting of such problems. Should any employee experience a situation they believe to be retaliatory in nature he/she should report the matter immediately to their supervisor, Department Head and/or the Human Resource Department.
3. Anyone who engages in retaliation against an employee who has, in good faith, reported a violation of the laws outlined above and/or the Town's policies based on those laws, whether or not one agrees with the facts reported, is subject to discipline up to, and including, termination.

N. Weapons at Work

Employees are not allowed to have weapons in their personal possession on Town property while at work, unless these weapons are necessary to perform their job or as authorized by the Town Manager. Employees who violate this policy will be subject to disciplinary action up to and including immediate dismissal.

O. Workplace Violence

1. Violence or threats of violence are prohibited in the Town's work locations. It is the shared obligation of all employees to act individually and jointly to report and prevent actual or implied violent behavior at the workplace. Violence or the threat of violence, by or against any employee of the Town or other person is unacceptable and will subject the perpetrator to serious disciplinary action and possible criminal charges. Town employees are required to cooperate with law enforcement officials

to aid in the prosecution of anyone who threatens to commit or does commit violent acts against other employees or individuals having business with the Town.

2. Any employee or supervisor who becomes aware of a threat made by another employee or has observed or has been made aware of the potential or actuality of violence in the workplace should immediately contact a supervisor who in turn has the responsibility to contact the Town's Human Resources Director and/or the Police Department, if necessary. No employee who acts in good faith in reporting violence or threatened violence in the workplace will be subject to retaliation or harassment based upon such reporting.
3. The Town also recognizes that employees may be involved in personal disputes with family members, neighbors, or personal acquaintances. An employee who applies for a restraining order which lists the Town work area as a protected area must inform his or her supervisor of such action and provide a description of the individual restrained by the order. If a court order has not been secured but the employee feels threatened, the employee should notify the immediate supervisor and the Police Department.

P. Staff Search and Security Policy

The Town reserves the right to conduct an investigation of missing property or other suspected rule or policy violations. Offices, desks, lockers and file cabinets are the property of the Town and are subject to search by the Town at any time without prior notice.

Q. Drug Free Workplace Policy

In a strong commitment to safeguard the health of our employees, to provide a safe working environment for both our employees and invitees, and to set an example for the citizens of the Town of Surfside, Florida, especially its youthful residents, we have established a Drug and Alcohol Free Workplace Policy and Substance Abuse Testing Procedures which comply and comport with both federal and state laws, regulations and judicial rulings.

This policy is implemented pursuant to the Drug Free Workplace Program as codified within the laws of the State of Florida at § 440.102, the Florida Administrative Code, Drug Free Workplace Standards found at Chapter 59A-24 of the State of Florida Administrative Code,

the rules of the Department of Labor and Employment Security, Division of Workers' Compensation, as well as the Federal Drug Free Workplace Act of 1988 and 1989.

Under the policy it is a condition of employment for all Town of Surfside employees to refrain from ingesting illegal substances at all time and from reporting to work or working with presence of drugs or alcohol endangers not only the health and safety of our employees, in addition to causing poor morale and employee relations problems, but most importantly, such use and/or abuse directly impairs the employee's ability to safety and efficiently perform his or her assigned tasks and job functions by contribution to tardiness and increasing employee accidents, absenteeism, and substandard job performance.

The essential components of this policy are:

- I. The Town of Surfside in accordance with the requirements of a Drug Free Workplace has a **"zero tolerance"** and therefore prohibits the illegal use, possession, sale, manufacture or distribution of drugs, alcohol or other controlled substances on its property or in its vehicles.

It is also against the Town of Surfside's policy to report to work or to work under the influence of illegal, non-prescribed drugs or alcohol. Employees who violate this policy are subject to disciplinary action up to an including termination. Any employee who is taking any prescription drug which might impair safety, performance, or any motor functions must advise his or her immediate supervisor or the Human Resources Director before reporting to work while on such a medication.

- II. **Drug Testing of Applicants:** The Town of Surfside recognized employees have a constitutional right under the Fourth Amendment against unreasonable searches; however, all applicants considered final candidates for a position, to the extent permitted by Florida law, will be tested for the presence of drugs as part of the application process. All applicants for positions requiring a commercial drivers' license will be tested for drugs pursuant to federal law.
 1. Applicants will be required to sign a Consent to Pre-Employment Screening form;
 2. if the applicant refuses to sign the form or refuses to submit to the screening when asked, he or she will not be considered for employment and the employment application process will be concluded at that time; and

3. if an applicant 's test is confirmed positive, the applicant will not be considered for employment at that time and will be informed that he or she has failed to meet standards.

III. **Reasonable Suspicion Substance Abuse Testing:** The Town will require any employee to submit to a drug or alcohol test when it has a reasonable suspicion that the employee to be tested is thought to be under the influence of or possibly using illegal drugs, narcotics and/or alcohol. The term "reasonable suspicion" for the purpose of this policy, shall be defined as follows:

1. Aberrant or unusual on duty behavior or department of an employee;
2. Behavior which is a recognized and accepted symptoms(s) of intoxication or impairment caused by a controlled substance, including alcohol; and
3. The behavior of the employee is not reasonably explained as resulting from causes other than the use of a controlled substance, including alcohol.

Inappropriate employee behavior as described above must be personally observed by a Town managerial or supervisory employee and witnessed by at least one (1) other employee witness, who may or may not be a supervising employee.

When confronted by a supervisor/managerial employee, the employee under suspicion will be offered an opportunity to explain to the supervisor/manager, prior to being ordered to take the drug and/or alcohol test, why the aberrant or unusual behavior is noticeable. Drug and/or alcohol testing based upon reasonable suspicion will be conducted only with either the request of a Department Head or his/her designee and the Human Resources Director with the consent of the Town Manager or his/her designee. Such approval shall be memorialized in writing and indicate the subject matter of the test, why the test was ordered and listing the specific objective fact(s) constituting "reasonable suspicion." A copy of this written order will be provided to the employee as soon as it is practicable to do so.

Any refusal on the part of the suspected employee to immediately comply with a valid "reasonable suspicion" substance abuse testing order will result in the immediate causal termination of the employee.

IV. **Substance Abuse Testing Procedures:** The following procedures shall apply to the substance abuse testing administered to employees who meet the above stated conditions:

1. The Town may request urine and/ blood samples. The employee may, at his/her sole option and expense, upon request receive a blood test in addition to a urine test if none were ordered. The sample will be split to preserve a portion of the sample for future testing.
2. Analysis of specimens will be collected and performed only by laboratories, hospitals, a certified collector or clinics certified by the State of Florida Agency for Health Care Administration (AHCA) of the Federal Substance Abuse and Mental Health Services Administration (SAMHSA), or certified by the Drug and Alcohol Testing Industry Association (DATIA) utilizing qualified sites and employing collectors trained to follow custodial collection protocols and properly maintain legal specimen chain-of-custody.
3. Urine or blood specimens shall be drawn or collected at a laboratory, hospital, doctor's office, certified medical facility or even on Town premises by a certified health care professional. Employees being tested may request a representative of their choice to accompany the employee to the substance abuse test and observe the collection of other specimen. If the Town or the collector requires an observer when the urine specimen is given, the observer shall be of the same sex as the employee being tested. All specimen containers and vials shall be sealed with evidence tape and labeled in the presence of the employee and his/her witness.
4. All substance abuse testing will be conducted using recognized technologies and recognized testing standards. The following standards shall be used to determine what level of detected substance shall constitute a **POSITIVE** test result.

Substance	Screening Test	Confirmation
Amphetamines	1000 ng/mL	1000 ng/mL
Barbiturates	300 ng/mL	300 ng/mL
Benzodiazepines	300 ng/mL	300 ng/mL
Cocaine	300 ng/mL	300 ng/mL
Cannabinoids (Marijuana)	50 ng/mL	50 ng/mL
Methadone	300 ng/mL	300 ng/mL
Methaqualone	300 ng/mL	300 ng/mL
Opiates (Heroin, Morphine, Codeine)	300 ng/mL	300 ng/mL
Phencyclidine (PCP)	25 ng/mL	25 ng/mL
Propoxyphene	300 ng/mL	300 ng/mL
Alcohol (Ethanol)	0.02 g%	0.02 g%

The levels used will be same as those set by the Federal Government CDL Program. As those levels change so will the levels in this policy. Levels found below those set above shall be determined as negative indicators. Tests for other non-presented controlled substances will be in accordance with federal government screening and confirmation standards.

5. A Certified Medical Review Officer (MRO) will review all negative and confirmed positive laboratory results. Positive results will be communicated to the Town's Human Resources Director after the MRO has ascertained that personal prescriptions or other legal substances do not account for the laboratory findings. Investigations may include, as appropriate, telephone contact with the employee and any prescribing physician. Employees may consult the Town appointed MRO concerning drugs and/or drug groups that may be tested for under this procedure.
 6. An employee who tests positive will be sent a "Notice of Positive Drug Test Result" letter containing the laboratory and the MRO's telephone numbers as well as pertinent information concerning the drug test result challenge/appeal process. Within five (5) working days after receiving written notification of a confirmed positive test result which has been verified, an employee may request a further test for the split sample and may submit information to the Town and/or the MRO contesting the test results. If the explanation or challenge of the employee or job applicant is unsatisfactory to the Town, the Town, within fifteen (15) days of receipt, will provide a written explanation as to why the employee or job applicant's explanation is unsatisfactory, and a copy of the report of positive confirmed test results. Such documents shall be kept confidential and maintained by the Town for at least one (1) year.
 7. The results of all urine and blood tests performed hereunder will be held confidential to the extent permitted by law.
 8. Any adulteration of specimens before during or after the substance abuse test, will constitute immediate grounds for employee discharge from employment.
- V. **Post - Accident Testing:** Employees will be required to undergo urine and/or breath testing for all work related accident that have caused a death or any personal injury or property damage in excess of \$500.
1. Employees must adhere to post-accident specimen collection requirements as a condition of employment.

- VI. **Disciplinary Consequences for Positive Substance Abuse Test:** Disciplinary consequences for violating the Town’s Drug and Alcohol Free Workplace Policy may include termination of employment and denial of Unemployment Compensation benefits. An employee injured and subsequently confirmed positive for drug or alcohol abuse based upon post-accident testing may not get Workers’ Compensation benefits under State law.

- VII. **Voluntarily Acknowledgment of Substance Abuse Problem:** Nothing in the Town’s Drug and Alcohol Free Workplace Policy shall prohibit an employee from voluntarily self-identifying as having a substance abuse problem to either his/her immediate supervisor or Human Resources Director. Requests from employees for assistance in this regard shall remain confidential to the extent permitted by law. Employees enrolled in substance abuse programs as outpatients, shall be subject to all Town rules, regulations and job performance standards. There will not be discipline for voluntary requests for assistance involving a personal substance abuse problem if such request is made before drug/alcohol abuse leads to disciplinary problems. The Town is not required to provide work If employee is unable to perform his/her duties.

- VIII. Drug and alcohol abuse are serious personal concerns for many individuals. The Town of Surfside provides employees in such circumstances with the services of an Employee Assistance Program which may be called to obtain confidential professional referral assistance.

- IX. **SAMPLE FORMS**



**DOCUMENTATION OF REASONABLE SUSPICION FORM
FOR REASONABLE SUSPICION OF THE PRESENCE OF ALCOHOL AND/OR DRUGS**

This form is to be completed by the supervisor who believes reasonable suspicion exists. It must be completed as soon as practicable upon suspicion and no later than the end of the workday. A copy of this form will be provided to the employee upon request.

Employee Name: _____ Department: _____

Date of Suspicion: _____ Time of Suspicion: _____

Please indicate with an "X" as appropriate. Please use the bottom of this form for additional comments.

	YES	NO
1. Smell of alcohol on breath or person?	___	___
2. Slurred Speech?	___	___
3. Disorientation: Is the employee confused about:		
Where he or she is?	___	___
What day it is?	___	___
What time it is?	___	___
4. Altered motor functions? (i.e. inability to stay awake, poor condition, staggering gait)	___	___
5. Mood		
Belligent?	___	___
Ecstatic?	___	___
More open or nervous than usual?	___	___
Other: _____	___	___
6. Erratic and/or reckless behavior?	___	___
7. Skin color:		
Pale?	___	___
Flushed?	___	___
8. Excessive perspiration?	___	___
9. Excessive trips to restroom?	___	___
10. Bloodshot eyes?	___	___
11. Dilated pupils?	___	___
12. Traces of alcohol in any containers?	___	___

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| 13. Observation of individual consuming what appears to be an illegal drug or alcohol? | _____ | _____ |
| 14. Confession of employee that he or she was drinking alcohol or ingesting drugs? | _____ | _____ |
| 15. Confession of other employees? | _____ | _____ |
| 16. Traces of drugs? | _____ | _____ |
| 17. Traces of drug paraphernalia | _____ | _____ |
| 18. Congregation of employees in remote areas of facilities
Or job sites in area employees usually do not frequent? | _____ | _____ |
| | YES | NO |
| 19. Weariness, fatigue or exhaustion? | _____ | _____ |
| 20. Deteriorating physical appearance? | _____ | _____ |
| 21. Yawning excessively? | _____ | _____ |
| 22. Blank stare or expression? | _____ | _____ |
| 23. Sunglasses worn at inappropriate times? | _____ | _____ |
| 24. Changes in appearance after lunch or break? | _____ | _____ |
| 25. Withdrawing and avoiding peers? | _____ | _____ |
| 26. Complaints from co-workers? | _____ | _____ |
| 27. Excessive absenteeism or patterns or sick leave abuse
Especially on Mondays, Fridays, and days before or after
holidays? | _____ | _____ |
| 28. Unauthorized or unscheduled absences? | _____ | _____ |
| 29. Unusually high incident of colds, flu, upset stomach &
headache? | _____ | _____ |
| 30. Prolonged lunch hours? | _____ | _____ |
| 31. Tardiness? | _____ | _____ |
| 32. Unexplained departures from work or disappearances from
job areas? | _____ | _____ |
| 33. More than average number of job-related mistakes, injuries,
or accidents? | _____ | _____ |
| 34. Decrease in efficiency or productivity? | _____ | _____ |
| 35. Has the employee been given a chance to explain any of
the above observations? If yes, what was the employee's
response? | _____ | _____ |

36. Other (attach additional pages if necessary):

List Witnesses: _____

Employee Signature

Date

Time

Supervisor's Signature

Date

Time



**FORM A - NOTICE TO EMPLOYEE OF
ALCOHOL AND/OR CONTROLLED SUBSTANCE TEST**

TO: _____

You are hereby notified by the Program Administrator that pursuant to Town's Policy and Procedures Regarding Alcohol and Controlled Substance Testing you are required to submit:

- _____ an alcohol breath test
- _____ a controlled substance urine test

Your breath specimen will be analyzed for the presence of alcohol. Your urine specimen will be tested at a laboratory approved by the U.S. Department of Health and Human Services for the following drug substances: Amphetamines, Barbiturates, Benzodiazepines, Cannabinoids (marijuana), Cocaine, Opiates (Heroin, Morphine, Codeine), Phencyclidine, Propoxyphene and Alcohol (Ethanol).

You are now required to proceed directly to the collection site for the purpose of providing the above-requested breath and/or urine samples. Upon reaching the site you will be asked to consent to the requested testing. You must follow the instructions given to you and any instructions given to you by the collection site technician. Your cooperation is greatly appreciated.

I, _____, have read and understand the terms contained in this notice. I understand I will may be terminated should my breath alcohol test indicate a presence of alcohol in my body greater than 0.04 or should my urine test indicate the presence of any of the above-listed controlled substances. Further, I understand I may be terminated should I refuse to submit to the required testing.

Employee Signature

Date

Employee Name (Please Print)

Parent's Signature if Employee is under age 18

Witness Signature

Witness Name (Please Print)



**FORM B - CONSENT TO ALCOHOL AND/OR CONTROLLED SUBSTANCE TESTING
BASED UPON *REASONABLE SUSPICION***

I, _____, have received a copy of Town's Policy and Procedures Regarding Alcohol and Controlled Substance Testing, and I understand that refusing to provide a breath and/or a urine specimen, as requested by the Town, tampering with a specimen, or providing false information on a specimen collection and control form constitute grounds for termination of employment with Town. I understand that failure to pass either the requested alcohol test or the requested drug test may result in disciplinary action up to and including termination from employment.

I hereby consent to provide a breath and/or a urine specimen, as requested by the Town, for the purpose of testing for the presence of alcohol and controlled substances at a laboratory designated by Town. I authorize the release of such test results to the medical review officer designated by Town and to the Program Administrator who is responsible for the Statement of Procedures and Policy Regarding Alcohol and Controlled Substance Testing.

_____ Employee Signature	_____ Date
_____ Employee Name (Please Print)	_____ Parent's Signature if Employee is under age 18
_____ Witness Signature	_____ Witness Name (Please Print)

I do not consent to provide either a breath or a urine specimen, as requested by the Town, for the purpose of testing for the presence of alcohol and controlled substances. I understand that my refusal to participate in testing may result my termination from employment.

_____ Employee Signature	_____ Date
_____ Employee Name (Please Print)	_____ Parent's Signature if Employee is under age 18
_____ Witness Signature	_____ Witness Name (Please Print)



**FORM C - CONSENT TO POST-ACCIDENT
ALCOHOL AND/OR CONTROLLED SUBSTANCE TESTING**

I, _____, have received a copy of Town's Policy and Procedures Regarding Alcohol and Controlled Substance Testing, and I understand that refusing to provide a breath and/or a urine specimen, as requested by the Town, tampering with a specimen, or providing false information on a specimen collection and control form constitute grounds for termination of employment with Town. I understand that failure to pass either the requested alcohol test or the requested drug test may result in disciplinary action up to and including termination from employment.

I hereby consent to provide a breath and/or a urine specimen as requested by Town for the purpose of testing for the presence of alcohol and/or controlled substances at a laboratory designated by Town. I authorize the release of such test results to the medical review officer designated by Town and to the Program Administrator who is responsible for the Statement of Procedures and Policy Regarding Alcohol and Controlled Substance Testing.

Employee Signature	Date
Employee Name (Please Print)	Parent's Signature if Employee is under age 18
Witness Signature	Witness Name (Please Print)

I do not consent to provide either a breath or a urine specimen as requested by Town for the purpose of testing for the presence of alcohol and controlled substances. I understand that my refusal to participate in testing may result in my termination from employment.

Employee Signature	Date
Employee Name (Please Print)	Parent's Signature if Employee is under age 18
Witness Signature	Witness Name (Please Print)

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

This sheet is for your information only.

ALCOHOL

All liquid medications containing ethyl alcohol (ethanol). Please read the label for alcohol content. For example, Vick's Nyquil is 25% (50 proof) ethyl alcohol; Comtrex, 20% (40 proof); Listerine, 26.9% (54 proof).

AMPHETAMINES

Obetral, Biphetimine, Desoxyn, Dexedrine, Didrex.

CANNABINOIDS

Marinol (Dronabinol, THC).

COCAINE

Cocaine HCl topical solution (Roxanne).

PHENCYCLIDINE

Not legal by prescription.

OPIATES

Paregoric, Parepectolin, Donnagel PG, Morphine, Tylenol with Codeine, Empirin with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guaiatuss AC, Novahistine DH, Novahistine Expectorant, Dilaudid (Hydromorphone), M-S Contin and Roxinol (morphine sulfate), Percodan, Vicodin, etc.

BARBITURATES

Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fiorecet, Esgic, Butisol, Mebarbal, Butabarbital, Phrenilin, Triad, etc.

BENZODIAZEPHINES

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

METHADONE

Dolophine, Methadose.

PROPOXYPHENE

Darvocet, Darvon N, Dolene, etc.

Should you have any questions regarding this information you may contact:

Drug Free Workplaces, Inc.

27 W. Romana Street Pensacola, FL 32502

850-434-3782 or 800-430-3782

help@drugfreeworkplaces.com

R. Family and Medical Leave Act (FMLA)

1. Employees who have been employed for at least one (1) year *and* have worked for at least 1,250 hours during the preceding 12-month period are eligible for family and medical leave. Except for those employees designated as “highly compensated employees,” employees will be returned to the same or to an equivalent position upon their return from leave.
2. Family or medical leave will consist of appropriate accrued paid leave and unpaid leave. An employee must use all of his or her accrued paid vacation leave and sick leave when on family or medical leave. The remainder of the leave period will then consist of unpaid leave.
3. All employees who meet the applicable time-of-service requirements may be granted a total of twelve (12) weeks of unpaid family leave and paid sick and vacation leave combined, as appropriate in a 12-month period (calendar year), for the following reasons:
 - a. The birth of the employee’s child and in order to care for the child (the entitlement to leave for the birth of a child will expire twelve (12) months from the date of the birth);
 - b. The placement of a child with the employee for adoption or foster care (the entitlement to leave for placement of a child for adoption or foster care will expire twelve (12) months from the date of the placement);
 - c. To care for a spouse, child or parent who has a serious health condition;
 - d. A serious health condition that renders the employee incapable of performing the functions of his or her job; or
 - e. A qualifying emergency arising out of the fact that a spouse, or a son, daughter, or parent is a covered military member on active duty (or has been notified of an impending call) in the Armed Forces in support of a contingency operation.
4. All employees who meet the applicable time of service requirements may be granted a total of twenty-six (26) weeks of unpaid family leave inclusive of paid vacation leave combined during a single 12-month period to care for a spouse, son, daughter, parent or next of kin who is a covered service member.

5. In all cases, an employee requesting leave must complete the “Application for Family and Medical Leave” and return it to the Human Resource Department. The completed application must state the reason for the leave, the duration of the leave, and the starting and ending dates of the leave.
6. An employee intending to take family or medical leave because of an expected birth or placement, or because of a planned medical treatment, must submit an application for leave at least thirty (30) days before the leave is to begin. If leave is to begin within thirty (30) days, an employee must give notice to his or her immediate supervisor *and* to the Human Resources Director as soon as the necessity for the leave arises.
7. An application for leave based on the serious health condition of the employee, the serious health condition of the employee’s spouse, child or parent, or to care for a covered service member must also be accompanied by a “Medical Certification Statement” completed by the applicable health care provider. The certification must state the date on which the health condition commenced, the probable duration of the condition, and the appropriate medical facts regarding the condition.
8. If the employee is needed to care for a spouse, child, parent, or next of kin, the certification must so state along with an estimate of the amount of time the employee will be needed. If the employee has a serious health condition, the certification must state that the employee cannot perform the functions of his or her job.
9. During a period of family or medical leave, an employee will be retained on the Town’s health plan under the same conditions that applied before leave commenced. To continue health coverage, the employee must continue to make any contributions that he or she made to the plan before taking leave. Failure of the employee to pay his or her share of the health insurance premium shall result in loss of coverage.
10. If the employee fails to return to work after the expiration of the leave, the employee will be required to reimburse the Town for payment of health insurance premiums during the family leave, unless the reason the employee fails to return is the presence of a serious health condition which prevents the employee from performing his or her job or to circumstances beyond the employee’s control.
11. An employee eligible for family and medical leave — with the exception of those employees designated as “highly compensated employees” — will be restored to his

or her old position *or* to a position with equivalent pay benefits, and other terms and conditions of employment. The Town cannot guarantee that an employee will be returned to his or her original job. A determination as to whether a position is an “equivalent position” will be made by the Town.

12. The failure of an employee to return to work upon the expiration of a family or medical leave of absence will subject the employee to immediate termination unless an extension is granted. An employee who requests an extension of family leave or medical leave must submit a request for an extension, in writing, to the employee’s immediate supervisor. This written request should be made as soon as the employee realizes that she or he will not be able to return at the expiration of the leave period.

S. Non-Nepotism Policy

Any Town official or employee, whether elected, hired or appointed, who shall knowingly employ or appoint to a remunerative position with the Town, either directly or indirectly, any person related [by consanguinity to the third degree or by] affinity to any Town official or employee, shall be deemed guilty of misfeasance and malfeasance in office, subject to removal thereof, and shall forfeit all unpaid compensation, salary, and emoluments of his office, and the person so employed shall be discharged immediately.

The third degree of consanguinity applies to the job candidate’s first, second, and third degree of blood relatives as follows:

- Spouse - Children - Parents (first degree)
- Brothers/Sisters - Half-Brothers/Half-Sisters - Grandchildren - Grandparents (second degree)
- Uncles/Aunts - Nephews/Nieces - Great-Grandparents - Great-Grandchildren (third degree)

To the third degree of affinity applies to the job candidate’s first, second, and third degree relatives by marriage as follows:

- Stepchildren - Stepmother/Stepfather - Mother-in-Law - Father-in-Law (first degree)

- Stepbrothers/Stepsisters - Brothers-in-Law - Sisters-in-Law – Step Grandchildren – Step Grandparents (second degree)
- Step uncles/Step aunts – Step nephews/Step nieces – Step great Grandparents – Step great-Grandchildren (third degree)

T. Emergency Conditions

1. The Town realizes that emergency conditions such as storms may develop that may require the temporary closing of Town facilities. Should that situation occur during the workday, hours considered for payroll shall be determined by the Town Manager. Emergency closing during the workday will be announced to the Department Heads, who will assess their department's operational needs and communicate the information to their employees.
2. If emergency conditions develop during non-working hours, it is each employee's responsibility to call the assigned employee call-in phone number to receive instructions regarding the status of the emergency, employee work schedules and other instructions. In the event that the employee hotline number is not functional or contains no message pertaining to the emergency, the employee is required to make every effort to be in contact with their supervisor to determine their work schedule.

U. Outside Employment

1. Employees are prohibited from engaging in outside work that interferes in the carrying out of their normal duties for the Town and/or poses a real or a perceived potential conflict of interest.
2. Full- time employees are prohibited from accepting outside employment, either incidental, occasional or otherwise, where Town time, equipment and/ or material is used or where such employment or any part of thereof is to be performed on Town time.
3. No part-time employee shall accept outside employment during such hours and times that are committed to employment by the Town of Surfside nor shall equipment and/or material belonging to the Town of Surfside be used by any part-time employee for employment outside the Town of Surfside.

4. All employees may accept incidental or occasional outside employment so long as such employment is not contrary, detrimental or adverse to the interest of the Town or any of its departments and the approval in writing, of the Town Manager is obtained. Any employee who violates Chapter 2 “Administration” Section 2-152 “Outside Employment by Town Employees” of the Town of Surfside Code of this ordinance may be subject to disciplinary action.
5. Additionally, all employees engaging in outside employment must file an annual disclosure report no later than July 1st of each year as required by the Miami-Dade County Code, Section 2-11.1 (k)(2).

V. Smoking

The Town prohibits smoking in all Town vehicles, Town facilities, including lobbies, restrooms, hallways, stairwells, employee eating areas, conference rooms and elevators on Town premises or anywhere, while on duty or in uniform, while in such facilities.

W. E-mail / Internet Policy

1. The Town may provide Internet and e-mail access from Town computers to employees that have a legitimate business-related need for such access. Employees with Internet and e-mail access may only use the Internet and e-mail for business purposes and for purposes in the best interests of the Town. Use of the Internet and e-mail for any other purposes, is prohibited.
2. The Town reserves the right to access and monitor, with or without the user’s consent, all messages and files on any of its computer systems at any time and for any purpose as deemed necessary and appropriate. Internet and e-mail messages are the property of the Town, are considered public communication, and therefore are not private. Employees of the Town should not have any expectation of privacy when using the Town’s computer systems. All communications including text and images can be disclosed to law enforcement or other third parties without prior consent of the sender or the receiver.
3. Personal employee codes, passwords, or other security measures and devices must be made known to appropriate Town representatives upon request. Personal passwords and other codes may be used only by the designated employee and may

not be loaned or shared with others (except the appropriate designee). Although the employee may have a personal password to the network and their e-mail, Town Administration – without an employee’s knowledge or consent – can access their Town network and e-mail accounts.

4. All e-mails, either received or sent, pertaining in any way to Town business are subject to inspection as provided by Florida Public Records Law. There shall be no attempt to hide e-mails pertaining to Town business.
5. Employees receiving Town e-mails at off-site or home locations must forward the Town related e-mail to their Town e-mail address for proper archival retention.
6. It is the employee’s responsibility to ensure that Town computers and telephones are used for personal use **only** for emergency purposes.
7. It is the employee’s duty to turn off his/her computer upon completion of his/her shift to avoid any security breach.

X. Prohibitions

1. The Internet and e-mail account may not be used for any personal reason or gain, or for the advancement of individual views.
2. The Internet and e-mail account may not be used for soliciting or proselytizing for commercial ventures, job searches, chain letters, religious or personal causes or outside organizations or other similar, non-job-related solicitations.
3. Audio or video streaming may only be used for Town research and business purposes.
4. Internet and e-mail use must not disrupt the operation of the Town’s network or the networks of other users, or cause damage to or corrupt information on the Town system or any other system by means of a computer virus.
5. Employees may not use the Town’s Internet and e-mail account in any way that may be seen as insulting, disruptive, or offensive by other persons or harmful to morale. Examples of forbidden transmissions include sexually explicit messages; cartoons or jokes; unwelcome propositions or love letters; ethnic or racial slurs; or any other message that can be construed to be harassment or disparagement

of others based on their race, color, age, sex, national origin, religion, marital status, sexual orientation, disability or other legally protected class.

6. The Internet and e-mail may not be used to send copies of documents in violation of copyright laws.
7. The Internet and e-mail and account may not be used to access websites or information that is considered inappropriate in the workplace (i.e. sexual content or depictions, violence or profanity, cult, extremists, etc.).
8. The Internet and e-mail may not be used to disclose information to unauthorized persons or entities in violation of Florida Public Records Laws.
9. The Internet and e-mail account may not be used to compromise the integrity of the Town or its business in any way, or interfere with employee productivity.

Y. Medical Testing

1. The Town Manager and/or Department Head may require an employee to take a medical/psychological examination when such examination is job-related and consistent with business necessity.
2. Refusal to submit to such examination may be grounds for immediate termination.

Z. Accidents

If an accident occurs on Town property or involving any Town equipment/operations, whether to employees or visitors, employees must immediately refer the matter to their supervisor, regardless of how insignificant the accident may appear. This procedure is necessary in order to provide immediate medical aid to an injured person and facilitate a full and prompt report to the Human Resources Director. If the accident involves visitors, employees should not make any statements to the injured person as to their opinions about the cause of the accident; instead, report the complete circumstances to the Human Resources Director on the appropriate forms. All accidents shall be reported to the Human Resources Director without delay.

AA. Care of Town Property and Equipment

Town owned and operated equipment will not be used, under any circumstances, for any purpose other than specified Town business unless authorized in writing by the Department Head and Town Manager beforehand.

BB. Dress Code / Appearance

1. Town employees must dress in an appropriate manner. The Town provides uniforms and/or special clothing to certain employees based on department operational needs. This can include uniforms, clothing, footwear and protective accessories. When these items are provided, it is required that they be worn as both a matter of appearance and safety.
2. All uniforms, clothing and footwear shall be returned to the department when the employee separates from employment or moves to a position that does not require such items.
3. The Town reserves the right to determine whether an employee is dressed in an acceptable manner. If the Town decides that an employee's dress is inappropriate for business, the Town may require the employee to return home and change. Employee will not be paid for such time.

CC. Political Activity

1. It is the policy of the Town to hire and promote all employees without regard to political considerations.
2. Any employee who takes an active part in the campaign or candidacy of any person who is a candidate for elected office within the Town, including the contribution of time, money or anything of value to the campaign of any candidate while on duty or while wearing a Town uniform, shall be subject to disciplinary action including immediate dismissal.
3. Employees are prohibited from contacting any elected official to seek favoritism, job advantage, promote their cause or resolve a concern in their favor.

4. As required by Section 14 of the Town Charter, no employee subject to direction from the Town Manager shall take orders or implement requests from individual Town Commissioners unless communicated through the Town Manager. Any employee receiving an order(s) or request(s) from a member of the Town Commission shall inform his/her Department Head, who shall notify the Town Manager of all such communication(s) given to an employee or Department Head. The Town Manager shall then decide what action to take, if any. This will address inquiries in a more efficient way.

DD. Identification Badge

1. All employees shall be required to obtain a Town Identification Badge and must carry the badge during working hours. Identification badges are not to be loaned.
2. The identification badge will be issued by the Human Resources Director (request form is below).
3. Employees who lose their badge will be charge \$4.00 or \$10.00 replacement fee depending upon the type of identification badge.
 - a. Lost identification badges that are read by a card-reader to gain facility access are \$10.00
 - b. Non-reader type (no door access) are \$4.00
4. The Human Resource Director should be notified immediately in the event of a loss and a replacement badge will be reissued.
5. Identification badge will expire upon separation of employment and must be returned to the Town along with any other Town property.
6. Employees may request a new card from the Human Resources Director if their name changes and/or are transferred to a different position. There is no fee for this type of replacement badge.



REQUEST FOR REPLACEMENT OF EMPLOYEE IDENTIFICATION BADGE

(PRINT) NAME OF EMPLOYEE: _____

DEPARTMENT: _____

REASON FOR REPLACEMENT I.D. (CHECK ONE):

1. _____ Lost I.D.
2. _____ Stolen I.D.
3. _____ Name change
4. _____ Transfer

By signing below, I consent to any fees associated with the replacement of my badge. I must submit payment in the form of cash, check or money order payable to the Town of Surfside.

EMPLOYEE'S SIGNATURE: _____ DATE: _____

For official use only. This portion to be completed by the Department Head (or designee).

I, (Department Head) _____, hereby authorize the Human Resources Director to issue and release the above Employee Identification Badge at a cost of _____ \$10.00 for facility door access , _____ \$4.00 non- reader type, or _____ free for name change or transfer.

AUTHORIZING SIGNATURE: _____ DATE: _____

PRINT AUTHORIZING NAME: _____

APPOINTMENT DATE SET BY HUMAN RESOURCES DIRECTOR _____

EE. Solicitation and Distribution of Literature

Unless approved by the Town Manager, solicitation and distribution of literature by employees on Town property during working time, which in any way interferes with work production or service to citizens is prohibited.

FF. Telephone / Cell Phone Use

1. Town telephones, including Town issued cellular telephone, are only to be used for Town business. Personal calls shall not disrupt Town business unless they are an emergency. Long distance calls are limited to Town business unless a personal emergency.
2. Town issued cellular telephones should not be used when a less costly alternative is safe, convenient and readily available.
3. A monthly stipend will be an option to those employees that are authorized by the Department Director and who use the cellular service in the performance of their duties. One or more of the following criteria should be used to determine eligibility for a stipend:
 - a. Having a cellular phone is an integral part of performing duties of job description.
 - b. Required to be contacted on a regular basis, including after hours
 - c. Required to be on-call
 - d. Critical decision maker

The employee receiving the stipend will be responsible for choosing and paying for their own cellular phone equipment and service plans. However, the Town reserves the right to specify certain minimum capabilities of cellular telephone equipment used in conjunction with this stipend. Also, the Town will also not be responsible for procuring cellular phones for the employees that are eligible for a monthly stipend.

4. Plan Allowance:

- a. Employees will be responsible for choosing their own voice or data plan as well as their carrier. Employees may also, at his or her own expense, add extra services or equipment features, as desired.
- b. Employees will also be responsible for choosing their own equipment. There is no additional allowance for the purchase of cell phones, since most carriers offer a number of phones free in connection with a service plan.
- c. The Town will provide a flat-rate monthly taxable allowance, independent of the cell phone provider selected by the employee.

The allowance amounts shown below will be reviewed annually and may be adjusted to reflect changes in available rate plans.

- d. The Town will pay only the approved allowance amount even if actual monthly costs may occasionally exceed the allowance as follows:
 - i. \$30.00 monthly taxable for base cell defined as a long-range, portable electronic device used for mobile communication which is connected to a cellular network of base stations. Cellular phones include basic phones, which may also provide texting capability.
 - ii. \$60.00 monthly taxable for Personal Digital Assistant (PDA) defined as a small handheld computer typically providing calendar, contacts, and note-taking applications, but may include other applications such as web browser and media player. PDA's can access the Internet, intranets or extranets via Wi-Fi or wireless wide area networks; and Smartphone defined as a mobile phone offering advanced capabilities that are beyond that of a typical mobile phone, often with PC-like functionality. A Smartphone is a single device combining a cellular telephone with a personal digital assistant (PDA).
- e. All monthly allowances will be paid as a taxable "cellular allowance" to the employee's regular paycheck and are subject to FICA , withholding and is considered non-pensionable.

- f. Exceptional usage situations which require cellular phone service beyond the normal usage and control of the employee will be reviewed and reimbursement (with appropriate documentation) may be approved by the appropriate Department Director and Town Manager.
5. The use of the cellular phone should be as follows:
- a. Employees will not use Town owned cellular telephones and services for personal calls provided that an employee may use Town owned cellular phones and/or services for personal calls only in situations where the call is an emergency
 - b. Cellular telephones should not be used when a less costly alternative is safe, convenient, and/or readily available.
 - c. Unless a personal emergency the use of Town issued cellular phones for long distance and 411 calls are discouraged.
 - d. The Town reserves the right to monitor the use of all Town owned cellular telephones. It is acknowledged that cellular phone records may be public records.
 - e. Reasonable precautions should be made to prevent equipment theft and vandalism. Lost cellular phones must be reported immediately to the Finance and IT department and a Police report must be filed as soon as practical.
 - f. Cellular telephones and accessories expenses will be billed to the Department in which it is used.
 - g. Town cellular equipped employees are required to reimburse the Town for excess personal charges not covered by their assigned service plan. These include text messages, download and phone usage overage and taxes. Those charges will be derived from usage as billed to the Town and reported to the Human Resources Director when applicable.
 - h. Personal cellular telephone calls should not interfere with scheduled duties and job performance unless they are an emergency.

- i. **Employees should not use cellular telephones while driving. Every attempt shall be made to use cellular telephones from a parked position away from traffic lanes.**
 - j. If an employee must use a cellular phone while driving, said use will require the use of a hands free device and should be conducted with extreme caution.
 - k. Town owned and stipend employee owned cellular telephone call records are considered public records pursuant to Chapter 119 of the Florida Statutes which states that "It is the policy of this state that all state, county, and municipal records are open for personal inspection by any person. Providing access to public records is a duty of each agency."
 - l. The use of a Town issued cellular phone or issuance of a stipend is a privilege, not a right.
6. Employees in possession of Town issued cellular phones, lap tops, and documents are required to take appropriate precautions to prevent theft and vandalism of all Town equipment. The employee shall reimburse costs incurred by the Town to repair or replace the Town issued cellular phones due to damage or loss as a result of carelessness by the employee.
7. Lost cellular phones must be reported immediately to the Finance Director. Such a report may be reported to the Finance Director 24 hours a day/7 days per week.

GG. Attendance, Absenteeism and Tardiness

- 1. Employees are expected to maintain detailed timely attendance records. Excessive absences are cause for dismissal. Absence for three (3) consecutive workdays without notifying the supervisor is considered voluntary termination.
- 2. An employee who is absent for any reason is required to notify his/her supervisor at least (30) minutes prior to their starting time.
- 3. All employees are expected to arrive on time for work and are not to depart prior to their regularly scheduled quitting time. Any departure from this policy will require prior permission by the employee's supervisor.

4. If an employee will unavoidably be either tardy or absent, it is his/her responsibility to notify supervisory personnel as soon as it is evident. This normally occurs before the start of the employee's shift on the workday.
5. Unreported and excessive tardiness will result in disciplinary action as prescribed in Chapter 6.