



## **TOWN OF FORT MYERS BEACH**

### **EMPLOYEE HANDBOOK**

**Effective January 2022**



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## INTRODUCTION

The Town believes that all its employees are an integral part of the Town's team and hopes that each employee's experience will be challenging, enjoyable and rewarding.

The Town of Fort Myers Beach operates and is governed by the laws of the State of Florida and its own Charter, which was adopted in 1995. The Town operates under a Council-Manager form of government. Legislative authority is vested in five councilors elected at large. The terms of office are four years each. A Mayor and Vice-Mayor are selected annually by the Town Council for one-year terms. Town Council enacts ordinances and resolutions, adopts municipal policies, appoints committees, authorizes the appropriation and expenditure of funds with the adoption of its annual budget, and establishes goals and objectives for the community.

The Town Manager, appointed by the Town Council, is responsible for the administrative affairs of the Town, enforcement of ordinances, the implementation of council policies, and the preparation of the annual budget.

All Department Directors and employees are appointed by the Town Manager and may be removed from employment at the Town Manager's sole discretion. The Town Manager is responsible for the effective and efficient operation of all Town government functions. It is the Town Manager's responsibility to hire talented, competent, efficient, and motivated employees to assist in the accomplishment of Town services and the fulfillment of Town Council's goals and objectives.

It is the purpose of this Employee Handbook to communicate and set forth the Town's personnel policies and procedures. The policies and procedures are intended to cover most employee resource issues and actions that will arise. Those situations not specifically covered shall be interpreted by the Town Manager or designee to ensure consistent resolution and decision making on personnel issues within the Town. Such interpretations will be in the best interest of the Town's objectives and consistent with federal, state, county and other applicable laws or regulations.

The Town Charter provides that members of Town Council will not be involved in hiring, disciplinary actions, or termination decisions. Such decisions are only within the province of the Town Manager. The Town Council deals directly through the Town Manager and neither the Town Council nor any Councilor may give orders to any employee, either publicly or privately. It is the policy of the Town that employees are not permitted to contact members of Town Council to seek changes in terms and conditions of employment, including benefits connected with employment. It is expressly understood that such issues will be addressed with the Department Director, Human Resources, and/or the Town Manager.

Council members shall, always, be treated with courtesy and respect. They have been elected by the people of this community to govern the Town of Fort Myers Beach.

The Town reserves the right to make changes to these policies at any time. When changes are necessary, employees will be provided with amended pages for their Employee Handbook.

## I. PURPOSE OF THIS EMPLOYEE HANDBOOK

It is the purpose of this Employee Handbook to establish policies and procedures which will serve as guidelines for employee conduct and administrative actions concerning various personnel activities and transactions. These policies and procedures may be changed at any time. Any procedures outlining pay plans and benefits may also be changed at any time.

## II. TOWN ADMINISTRATION

The Town Manager is responsible for the development and implementation of this Employee Handbook and any changes thereto necessary for the effective administration of the personnel system. The Town Manager may delegate the authority to administer the personnel system to a designee such as Human Resources. All matters pertaining to hiring, performance reviews, discipline, and/or terms and conditions of employment are under the direct and exclusive authority of the Town Manager.

Department Directors may promulgate appropriate rules and regulations to regulate operating practices and procedures in their respective departments, provided the prescribed rules and regulations do not conflict with or permit a lesser standard than that imposed by this Employee Handbook.

No employee, except the Town Manager, is authorized to enter any contract of employment with any employee, whether written, expressed, or implied.

No applicant or employee, therefore, is entitled to rely on any oral promises of employment or continued employment, or employment for any definite duration.

It is the policy of the Town that Department Directors and the Town Manager work together for effective coordination and management of the Town in a spirit of cooperation. Employees of the Town are expected to act in the Town's best interest.

## III. EMPLOYMENT

### At Will Employment

The Employee Handbook does not imply or establish a contract between the Town and the employee. The contents of this Employee Handbook summarize current Town policies and programs and are intended as guidelines only. The Town retains the right to change, modify, suspend, interpret, or cancel, in whole or in part, any of the published Human Resource policies or practices of the Town, without advance notice, in its sole discretion, without having to give cause or justification to any employee. Recognition of these rights and prerogatives is a term and condition of employment and continued employment. As such, the contents of the Employee Handbook do not constitute the terms of an employment contract. Nothing contained in this Employee Handbook should be construed as a guarantee of continued employment, but rather, employment with the Town is on an at-will basis. This means that the employment relationship may be terminated at any time, with or without notice, by either the employee or the Town for any

reason not expressly prohibited by law. Any written or oral statement to the contrary by a supervisor, employee or other agent of the Town is invalid and should not be relied upon by any prospective or existing employee.

### Immigration Control and Enforcement Policy

It is Town policy to fully comply with the regulations of the Federal Immigration Reform and Control Act of 1986 (as amended) enforced by the Department of Homeland Security including utilization of the E-verify system and the Florida Verification of Employment Eligibility statute. The Town will only hire individuals who are lawfully authorized to work in the United States. The Town must collect and review certain information concerning the employment authorization of all employees. Therefore, employees must complete a Form I-9 on the first day of employment with the Town and must provide satisfactory evidence of identity and legal authority to work in the United States at the time of hire. There will be no exceptions made for failure to present such documentation on a timely basis.

The information presented will be used only for compliance with applicable Federal Immigration laws, Florida law requirements, and will not be used for any employee-related decision by management or for any unlawful purpose. If an employee's authorization changes or terminates at any time after the start date of their employment, the employee is required to inform Human Resources immediately.

### Categories of Employment

Full-Time Employees regularly work a minimum of 30-hours per week and may qualify to enroll in the Town's benefits plans.

Part-Time Employees are normally scheduled to work less than 30 hours each week and are not eligible for benefits other than paid Christmas Holiday and Paid Thanksgiving Holiday.

Temporary/Seasonal Employees are hired as interim replacements for regular full-time or regular part-time employees, or for short periods of employment such as summer months, peak periods, or special projects and/or for vacation coverage. Temporary/Seasonal Employees are hired for periods not exceeding six (6) months. Such appointments may be renewed for specified periods not exceeding six (6) months, provided funds are budgeted and available and the employee's additional services are required. Temporary/Seasonal employees are not eligible for Town benefits (including paid time off). Temporary/Seasonal appointments and extensions of Temporary/Seasonal appointments must be approved by the Town Manager

Student Internships Appointments - with the approval of the Town Manager, students majoring in fields of value to the Town from accredited universities or high schools may be employed on an "internship" basis for a specified period of time. Such internship may be paid or unpaid. Student Interns are not eligible for Town benefits (including paid time off).

In addition to the preceding, employees are also categorized as "exempt" or "non-exempt."

Non-Exempt Employees - Pursuant to the Fair Labor Standards Act (FLSA) and state law, in general, this classification is given to workers who must be at their jobs regardless of having more or less work to do, either to provide coverage or support on an as-needed basis. Non-exempt

employees are expected to confine their work to the normal workday and workweek unless their Mentor/Supervisor authorizes overtime in advance. Non-exempt employees will be paid at time and one-half for all authorized hours worked more than forty (40) in a workweek (or as mandated by the applicable state law).

Exempt Employees - Pursuant to the Fair Labor Standards Act (FLSA) and applicable state law, the hours worked by professional, salaried employees are often irregular and may begin and end beyond the normal workday. These employees are exempt from the overtime provisions of the Federal Wage and Hour Law and do not receive overtime pay. If you are uncertain about the classification of your position, please contact Human Resources.

### Position Vacancy

The Town of Fort Myers Beach seeks to employ the most qualified persons available. In this effort, the Town conducts an active job information and recruitment program. The Town's recruitment program shall be administered as follows:

1. Upon learning that a vacancy will occur, a Department Director shall immediately notify Human Resources.
2. A job announcement shall be prepared and posted internally and externally simultaneously.

### Application Form

All applications for employment shall be made on forms prescribed by the Town Manager.

### Drug Tests/Physical Examinations/Background Checks

In connection with a contingent offer of employment candidates are required to successfully pass a pre-employment drug screen, and background check, paid for by the Town. Additionally, depending on the position offered, a candidate, in connection with a contingent offer of employment may be required to also undergo a physical examination.

### Introductory Period

The first one-hundred-eighty (180) days of employment (or in a new position) constitutes a new, transferred or promoted employee's Introductory Period. This mutual try out period is designed to give employee and the Town an initial evaluation period and an opportunity to determine whether expectations are met. Completion of the Introductory Period does not obligate employee or the Town to continue the employment relationship. Either party remains free to end the employment at-will relationship at any time before or after the Introductory Period.

### Changes in Status of Employment

#### *Promotions*

To qualify for a promotion, an employee generally must have worked for the Town at least six months and be in good standing, including, without limitation, having received a satisfactory rating on his/her most recent performance appraisal. The employee will go through the regular interview process for selection. A request for promotion does not guarantee that the employee will be promoted. An employee who is selected for a promotion must continue to work in his or her current position for at least two weeks to provide the Town sufficient time to find a suitable

replacement. They may also be asked to help training their replacement, an employee who is promoted is subject to a 180-day Introductory Period and the Town will strive to conduct a performance evaluation towards the end of the Introductory Period. Completion of this Introductory Period does not offer any expectation of continuation in employment or salary adjustment or modify the "at-will" employment relationship. Continuation of employment may be affected by many factors, including, but not limited to performance and conduct.

#### *Transfers within Town Departments*

To qualify for a transfer to another department, an employee must have worked for the Town at least six months and be in good standing, including, without limitation, having received a rating of satisfactory on their most recent performance appraisal. The employee will be required to go through the regular interview process for selection. A request for transfer does not guarantee that the employee will be transferred. An employee who is selected for transfer must continue to work in their current position for at least two weeks to provide the Town sufficient time to find a suitable replacement. They may also be asked to help training their replacement. An employee who transfers is subject to a 180-day Introductory Period in the new position and the Town will strive to conduct a performance evaluation towards the end of the Introductory Period. Completion of the Introductory Period does not offer any expectation of continuation in employment or salary adjustment or modify the "at-will" employment relationship. Continuation of employment may be affected by many factors, including, but not limited to performance and conduct.

#### *Reclassifications*

The Town reserves the right, in its sole discretion, to place an employee in a reclassified position whether the reclassified position is a promotion, demotion or lateral move.

#### *Emergency Duty Assignments*

If civil emergency conditions are declared, the Town Manager or designee may assign any employee under their jurisdiction to any duties to fulfill the mission of the Town. Conditions constituting civil emergency may include, but are not limited to, civil disorders, hurricane conditions or similar catastrophes.

#### *Resignation*

An employee who desires to resign from their position are requested to provide a written two week notice to his/her immediate supervisor. Failure to give the requested notice may affect the employee's rehire status. The period of notice may be reduced or waived upon recommendation of the Department Director and approval of the Town Manager. A notice of resignation shall become part of the employee's personnel file.

If the Town believes it is advisable for the employee to leave prior to the end of the employee's two-week notice, the Town will accept the employee's resignation and pay the employee for the remainder of the notice period. The effective date of resignation pursuant to the employee's notice of resignation shall be the last day on which the employee works. The value of an employee's Annual Leave balance shall be paid to the employee with their final paycheck following separation and the return of any Town property in the employee's possession.

## IV. PERFORMANCE EVALUATION

### Purpose

The primary purpose of the employee performance evaluation program is to inform employees how well they are performing and to provide feedback on their performance. Performance evaluations shall also be considered in decisions affecting salary, promotions, demotions, transfers, reassignments, dismissals, training needs, and other personnel changes.

### Introductory Period Evaluation

New employees are subject to a 180-day (6-month) Introductory Period. This period provides time for employees to decide if the job suits them and for the Town to decide on the initial suitability of the employee. During this period, the employee must demonstrate, at a minimum, an aptitude for the work, compliance with all policies, as well as the ability and desire to succeed. Prior to the end of the Introductory Period, the employee will receive an evaluation from their supervisor. The successful completion of the Introductory Period does not alter the at-will nature of the employment relationship.

### Annual Evaluation

The Town strives to conduct an annual performance evaluation for each employee. A satisfactory rating, however, does not guarantee an increase in salary nor does it alter the at-will nature of the employment relationship.

### Special Evaluation

A special performance evaluation may be completed when there is a significant change (either upward or downward) in an employee's performance. An employee may be placed on a performance improvement plan ("PIP") by his/her immediate supervisor because of deficiencies in the employee's performance, or because of a violation of the Town's policies, rules, or regulations. Regardless of the term of the PIP the employee may be terminated at any time if sufficient improvement is not exhibited. The employee will be evaluated by his/her supervisor during and at the end of the PIP. If at any time the Town has determined that the employee has not corrected the deficiencies or actions which necessitated the imposition of the PIP, the employee may be subject to immediate dismissal or other action as determined by the Town Manager. The placement on a PIP does not alter the at-will nature of the employee's employment.

### Unsatisfactory Evaluation

In the case of "unsatisfactory" performance, the Department Director will include written comments as to remedial actions required by the employee. The completed evaluation shall be discussed with the employee, and the employee will be allowed to add comments if desired. After the discussion is completed, both the Department Director and the employee shall sign the completed evaluation form. Failure or refusal of the employee to sign an unsatisfactory performance evaluation does not affect the assignment of the unsatisfactory rating. Employees who receive an overall rating of "unsatisfactory" on their annual evaluation may be subject to corrective or disciplinary action up to and including demotion, transfer, or termination.

## V. EMPLOYEE PAY/PAYROLL

### Pay Periods

A pay period consists of 14 days, two (2) weeks. Employees are paid on the Thursday following the end of the pay period.

### Effective Date of Changes in Pay

Effective date of personnel transactions affecting an employee's rate of pay shall be the first day of a pay period.

### Error in Pay

The Town makes every effort to ensure our employees are paid correctly. Occasionally, however, inadvertent mistakes can happen. Please review your pay stub when you receive it to make sure it is correct. All payroll deductions will be made in accordance with the Fair Labor Standards Act and all applicable federal, state, and local laws. If you believe your wages have been subject to any improper deductions or your pay does not accurately reflect all hours worked, please report the error to your supervisor or to Human Resources/Payroll in writing as soon as possible so that the error may be investigated and corrected if necessary.

### Direct Deposit

The Town provides direct deposit of pay to an employee's bank account(s). Employees can request to have their check deposited in more than one account.

### Compensation

The Town strives to maintain a competitive compensation package that is reviewed and approved by the Town Council and based on the following factors:

Approved Five (5) Step pay plan-based on same position compensation adjustment predicated on length of service adjustments effective each October

Performance Bonus by the authority of the Town Manager

Economic Stipends that may be implemented at the discretion of the Town Manager in the event of unforeseen national and or regional economic conditions

Loyalty Recognition Plan based on completed fiscal years of service with the Town as defined below:

5-9 years	\$500 annual bonus paid in October annually
10-14 years	\$1000 annual bonus paid in October annually
15-19 years	\$1500 annual bonus paid in October annually
20+ years	\$2000 annual bonus paid in October annually

## Five (5) Step Pay Plan – Effective 10/01/2021

### **ADMINISTRATIVE**

Administrative Officer Intern		\$ 17																		
Receptionist	\$ 16	\$ 17	\$ 18	\$ 19	\$ 20															
Administrative Assistant	\$ 16	\$ 17	\$ 18	\$ 19	\$ 20															
Administrative Assistant II				\$ 19	\$ 20	\$ 21	\$ 22	\$ 23												
Administrative Officer I				\$ 19	\$ 20	\$ 21	\$ 22	\$ 23												
Administrative Officer II							\$ 22	\$ 23	\$ 24	\$ 25	\$ 26									
Sr Administrative Officer										\$ 25	\$ 26	\$ 27	\$ 28	\$ 29						
Contracts Manager/Deputy Clerk													\$ 28	\$ 29	\$ 30	\$ 31	\$ 32			

### **FINANCE**

Accounts Payable Specialist			\$ 18	\$ 19	\$ 20	\$ 21	\$ 22													
Accountant I						\$ 21	\$ 22	\$ 23	\$ 24	\$ 25										
Accountant II									\$ 24	\$ 25	\$ 26	\$ 27	\$ 28							
Senior Accountant												\$ 27	\$ 28	\$ 29	\$ 30	\$ 31				

### **BUILDING, PLANNING AND ZONING**

Permitting Tech I	\$ 16	\$ 17	\$ 18	\$ 19	\$ 20															
Permitting Tech II				\$ 19	\$ 20	\$ 21	\$ 22	\$ 23												
Environmental Tech				\$ 19	\$ 20	\$ 21	\$ 22	\$ 23												
SR Permitting & Zoning Tech						\$ 21	\$ 22	\$ 23	\$ 24	\$ 25										

### **CODE COMPLIANCE**

Code Documentation Clerk			\$ 18	\$ 19	\$ 20	\$ 21	\$ 22													
Code Officer I						\$ 21	\$ 22	\$ 23	\$ 24	\$ 25										
Code Officer II									\$ 24	\$ 25	\$ 26	\$ 27	\$ 28							
Code Manager												\$ 27	\$ 28	\$ 29	\$ 30	\$ 31				

### **CULTURE & RECREATION**

Recreation Aid	\$ 17	\$ 18	\$ 19																	
Program Coordinator		\$ 18	\$ 19	\$ 20	\$ 21	\$ 22														
Recreation Supervisor					\$ 21	\$ 22	\$ 23	\$ 24	\$ 25											
Recreation Manager								\$ 24	\$ 25	\$ 26	\$ 27	\$ 28								
Assistant Aquatic Supervisor		\$ 18	\$ 19	\$ 20	\$ 21	\$ 22														
Aquatic Supervisor					\$ 21	\$ 22	\$ 23	\$ 24	\$ 25											
Mound House Educator			\$ 19	\$ 20	\$ 21	\$ 22	\$ 23													
Cultural Coordinator					\$ 21	\$ 22	\$ 23	\$ 24	\$ 25											
Environmental Coordinator					\$ 21	\$ 22	\$ 23	\$ 24	\$ 25											

### **PUBLIC WORKS**

Maintenance Worker I	\$ 16	\$ 17	\$ 18	\$ 19	\$ 20															
Maintenance Worker II				\$ 19	\$ 20	\$ 21	\$ 22	\$ 23												
Maintenance Worker III (Lead)							\$ 22	\$ 23	\$ 24	\$ 25	\$ 26									
Beach and Street Supervisor I			\$ 19	\$ 20	\$ 21	\$ 22	\$ 23													
Beach and Street Supervisor II						\$ 22	\$ 23	\$ 24	\$ 25	\$ 26										

### **UTILITIES**

Utilities Customer Service Clerk	\$ 16	\$ 17	\$ 18	\$ 19	\$ 20															
Utility Customer Service Supervisor				\$ 19	\$ 20	\$ 21	\$ 22	\$ 23												
Water Technician				\$ 19	\$ 20	\$ 21	\$ 22	\$ 23												
Water Technician II						\$ 22	\$ 23	\$ 24	\$ 25	\$ 26										

### **MANAGEMENT**

		1	2	3	4	5														
Assistant Director	\$ 32	\$ 33	\$ 34	\$ 35	\$ 36															
Town Clerk	\$ 37	\$ 38	\$ 39	\$ 40	\$ 41															
Building Services Manager	\$ 37	\$ 38	\$ 39	\$ 40	\$ 41															
Cultural Affairs & Museum Director	\$ 37	\$ 38	\$ 39	\$ 40	\$ 41															
Finance Director	\$ 37	\$ 38	\$ 39	\$ 40	\$ 41															
PRD Director	\$ 37	\$ 38	\$ 39	\$ 40	\$ 41															
P & Z Director	\$ 37	\$ 38	\$ 39	\$ 40	\$ 41															
Public Works Director	\$ 37	\$ 38	\$ 39	\$ 40	\$ 41															
Utilities Director	\$ 37	\$ 38	\$ 39	\$ 40	\$ 41															

## VI. EMPLOYEE BENEFITS

### Purpose

The Town recognizes the value of benefits to employees and their families. The Town supports employees by offering a comprehensive and competitive benefits program. The next few pages contain a brief outline of the benefits programs that the Town offers to eligible employees. The information presented here is intended to provide only a brief overview of the benefit plans that are available and is for general information only. If you participate in any of the benefit plans, you may request a copy of the Summary Plan Description(s). The provisions of the plans, including eligibility and benefits provisions, are summarized in the summary plan descriptions (“SPDs”) for the plans (which may be revised from time to time).

Further, the Town retains full discretionary authority to interpret the terms of the plans, as well as full discretionary authority about administrative matters arising in connection with the plans and all issues concerning benefit terms, eligibility, and entitlement.

### Eligibility

Full-time regular employees and their dependents are offered the following benefits. For employees hired from the 1st to the 15th day of the month, coverage begins the first day of the month following the date of hire. For employees hired from the 16th to the 31st day of the month, coverage begins on the first day of the second month following the date of hire

### *Medical Insurance*

The Town offers full-time regular employees and their dependents with health insurance benefits. The Town currently pays 100% of the employee coverage and 50% of the dependent and spouse coverage. Employees who elect to have dependents covered under this plan will have their portion of the premium’s payroll deducted.

### *Dental Insurance*

The Town provides full-time regular employees and their dependents with dental care insurance benefits. The Town currently pays 100% of the employee coverage and 50% of the dependent and spouse coverage. Employees who elect to have dependents covered under this plan will have their portion of the premium’s payroll deducted.

### *Vision Insurance*

The Town provides full-time regular employees and their dependents with vision care insurance benefits. The Town currently pays 100% of the employee coverage and 50% of the dependent and spouse coverage. Employees who elect to have dependents covered under this plan will have their portion of the premium’s payroll deducted.

### *Life Insurance*

The Town provides a basic life insurance plan for all full-time regular employees. The basic life insurance plan includes Accidental Death and Dismemberment (AD&D) insurance. The Town currently pays 100% of the policy costs for each eligible employee. AD&D provides benefits in the event an accident causes a serious injury or death.

### *Short-Term Disability*

The Town has a short-term disability (STD) benefits program for all full-time regular employees. The Town currently pays 100% of the policy costs for each eligible employee. STD benefits are paid to eligible employees who cannot work because of qualifying disability conditions caused by an injury or illness as determined by the insurance carrier. If the disability is due to pregnancy or a pregnancy related illness, it will be treated the same as any other illness that prevents an employee from working. Employee coverage begins after completion of 90 days of full-time employment.

### *Long-Term Disability*

The Town provides long-term disability (LTD) benefits to all full-time regular employees. The Town currently pays 100% of the policy costs for each employee. The LTD plan is designed to ensure continuing income in the event an eligible employee becomes disabled due to qualifying disability conditions caused by illness or injury resulting in a long-term absence from work. Employee coverage begins 90 days of full-time employment.

### *Retirement Plan*

All regular full-time employees are eligible to participate in the Town's retirement plan. Participation in the 401(A) plan begins on the first day of employment. The Town contributes 4% of the employee earnings each pay period for those employees hired after April 1, 2019, employees hired prior to April 1, 2019, are grandfathered in at 10% contributions. Employees may contribute up to the maximum allowable by the IRS into a 457 (b) retirement plan.

### *COBRA*

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) was enacted to ensure that employees and their dependents can continue their health insurance once they are no longer eligible under the Town's health insurance plan.

There are strict rules about when employees and/or their dependents are eligible for COBRA benefits. COBRA allows an eligible employee and/or dependents to choose to continue their health insurance when a "qualifying event" happens. Qualifying events include the employee's resignation, termination, leave of absence, shorter work hours, divorce, legal separation, or death, or when a dependent child is no longer eligible for coverage under the employee's health insurance.

If a former employee decides to continue insurance under COBRA or a dependent elects COBRA, they must pay the full cost of such insurance at the group rate plus an administrative fee. Employees who are eligible for the health insurance plan will receive a written notice describing COBRA rights upon termination of employment or a qualifying event. This notice contains important information about employee/dependent rights and what to do if COBRA is needed. It is important that employees/dependents read the notice carefully and maintain it with their insurance documents.

Upon a qualifying event, notice will be sent by the Town's administrator as required by law.

### *Benefits Allowance*

The Town provides full-time regular employees a Benefits Allowance that is determined by the Town Manager that helps to offset the increasing cost of health insurance.

## Holidays

The Town observes the following paid holidays:

New Year's Day	January 1st
Martin Luther King Day	As designated in January
Presidents' Day	As designated in February
Memorial Day	Last Monday in May
Juneteenth (National Independence Day)	June 19th
Independence Day	July 4th
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veterans' Day	November 11
Thanksgiving Day	4th Thursday in November
Day After Thanksgiving	4th Friday in November
Christmas Eve	December 24th
Christmas Day	December 25th
New Year's Eve	December 31st

Typically, if the holiday falls on a Saturday it is observed on the Friday preceding the holiday if the holiday falls on a Sunday it is observed on the following Monday.

## Computation of Holiday Pay

All non-exempt regular employees will receive holiday pay at their regular hourly rate for those hours they would normally work on the holiday. Full-time regular employees will be paid for one full day at their current rate of pay recognized for each Town holiday. Part-time employees will be paid at their standard shift hours for the Thanksgiving and Christmas Holidays only. Exempt employees who are required to work on a holiday will receive holiday pay and will be permitted to take a different day off with pay.

Employees eligible for holiday pay must work their regularly scheduled day before and after a holiday or be on approved leave to receive holiday pay. Employees who are on an approved paid leave receive holiday pay and are not charged a leave day for any holiday that occurs during their scheduled leave. Employees who are scheduled to work the day before or after a holiday but do not work, will not get paid for the holiday unless that provide a proof of illness or injury. Acceptable proof of illness or injury is a letter from a medical professional

Regular full-time non-exempt employees who work on a Town recognized holiday shall be compensated at a rate of one and one-half the regular base rate for all hours worked on the holiday regardless of the total hours worked in the workweek instead of holiday pay.

## Wellness Credit

The Town will reimburse full-time employees \$20.00 per month for gym membership. Proof of membership is required.

## VII. LEAVE OF ABSENCE POLICIES

### Annual Leave

Paid annual leave is a benefit provided for all full-time regular employees. Leave which is requested and approved prior to the day in which it is taken by the employee shall be considered "Scheduled Leave". Leave which is requested and approved on the day it is taken by the employee for reasons including, but not limited to, illness or injury, shall be considered "Unscheduled Leave". If an employee cannot report to work because of an illness or injury, they should notify their supervisor, by either telephone or text message, before the scheduled start of the workday, if possible. Their supervisor must also be contacted on each subsequent of absence. If an employee has been on medical leave due to a serious injury or health condition, a doctor's statement that the employee can safely return to work and perform their normal job functions will be required. Employees who are on leave without pay for the entire month earn no new paid leave for that month. An employee's excessive use of Unscheduled Leave may be grounds for disciplinary action.

Full-time regular employees begin accruing paid annual leave from the day they begin work. Annual leave is accrued on the first day of each month at the following rates:

0 - 4 years of service	16 Hours
5 - 9 years of service	24 Hours
10 + years of service	29 Hours

Department Directors accrue annual leave on the first day of each month that the employee works at the following rates:

0 - 4 years of service	19 Hours
5 - 9 years of service	32 Hours
10 + years of service	34 Hours

### Personal Leave

Full-time regular employees are entitled to 8 hours of paid Personal Leave at the beginning of each fiscal year (fiscal year begins October 1 and ends September 30). Requests for Personal Leave should be requested in writing and as far in advance as possible to the employee's supervisor. Personal Leave must be used during the fiscal year in which it is earned and may not be carried forward to future fiscal years, and if not used during the year it is granted it is forfeited. Personal leave must be taken in increments of .25 hour. Unused Personal Leave is not paid upon termination of employment.

### Birthday Leave

Full-time regular employees are entitled to 8 hours of paid Birthday Leave at the beginning of each fiscal year (fiscal year begins October 1 and ends September 30). Requests for Birthday Leave should be submitted in writing and as far in advance as possible to the employee's supervisor. Birthday Leave need not be taken on the employee's actual birthday. Birthday Leave must be used during the fiscal year in which it is earned and may not be carried forward to future fiscal years, and if not used during the year it is granted it is forfeited. Birthday Leave must be taken in increments of at least .25 hour. Unused Birthday Leave is not paid upon termination of employment.

### Leave Donation

Leave donation allows a qualified employee to voluntarily donate annual leave to another qualified employee who has exhausted all forms of paid leave to which they are entitled and who is unable to work because of extended serious illness or injury. Donated leave must be approved by both the proposed recipient's Department Director and the Town Manager. Leave Donation will be paid out at the recipient rate of pay.

### Payment for Leave Time

An employee whose annual leave accrues more than 479 hours may elect to receive payment for the hours accrued above 479 upon the approval of the Town Manager. The buyout of annual leave may occur twice (July and December) in each calendar year and must be in 40 hours increments.

### Workers' Compensation Leave

The Town is committed to meeting its obligations under the Florida Workers' Compensation Act to provide medical, rehabilitation, and wage-replacement benefits to employees who sustain work-related injuries or illnesses. Employees must immediately report all illnesses and injuries no matter how minor to their supervisor or Human Resources and complete a First Notice of Injury Report. If an employee fails to timely report the injury or illness and assist in filing this Report, their claim, and benefits, if applicable, may be delayed or denied by the insurance carrier. A supervisor or Human Resources will assist in completing the First Notice of Injury Report. Failure to comply with Workers' Compensation laws may result in forfeiture of benefits.

To be eligible for Workers' Compensation benefits, the injury or illness must be a direct result of the job. Benefit entitlements are governed by law, but it is essential that all work-related accidents, injuries, and illnesses be reported immediately regardless of how minor.

If the injury or accident occurred after hours, employees are required to report an injury the next business morning. A report must be filed regardless of whether the incident required immediate medical attention.

If an employee needs medical attention, Human Resources must be notified so that the injury/incident can be reported to the Town's Workers' Compensation carrier and a list of covered physicians can be provided. If emergency medical attention is required, the employee should seek medical treatment first and then notify Human Resources.

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

Employees cannot use group health plans for injuries or illnesses covered under the Workers' Compensation Act. In addition, employees cannot use their accrued leave while they are receiving wage-replacement benefits under workers' compensation.

If the employee is injured on the job and the injury qualifies as a serious health condition under the Family Medical Leave Act ("FMLA"), the Town requires that the time off for the Workers' Compensation injury be counted against the employee's FMLA leave entitlement. The Town and the employee may agree to have unused, accrued paid leave supplement the employee's wage

replacement benefit under the Florida Workers' Compensation Law where that benefit only provides replacement income for a portion of an employee's regular pay or salary. The employee is not required to use any paid leave while receiving the wage replacement benefits under the Florida Workers' Compensation Law. New Annual Leave benefits do not accrue while the employee is out on Workers' Compensation leave.

An employee who seeks to return to work following a workers' compensation injury must provide a Fitness for Duty letter from a medical provider verifying that the employee is fit to return to work and noting if there are any restrictions on the employee's work duties upon returning to work.

The Town works with its workers' compensation insurer to investigate any suspected fraudulent workers' compensation claims; and seeks the prosecution of any employees filing fraudulent claims or engaging in other workers' compensation fraud. Filing a false or fraudulent claim is also a violation of the Town's policy, and will result in disciplinary action, up to and including immediate termination of employment.

#### Family and Medical Leave Act (FMLA)

The Town is covered by the Family and Medical Leave Act of 1993 as Amended ("FMLA"), it is Town policy to provide family and/or medical leave. All unused Annual Leave must be used while on FMLA until exhausted as part of the 12-work week period provided by this policy.

- Eligibility - To be eligible for a family and/or medical leave of absence under the federal FMLA, an employee must have been employed by the Town for at least 12 months and have worked for the Town for at least 1,250 hours during the 12 months immediately prior to the beginning of the leave. For more information about the FMLA and/or this policy, please contact Human Resources.
- Fraud - Providing false or misleading information or omitting material information in connection with an FMLA leave will result in disciplinary action, up to and including discharge.
- Employees Who Do Not Meet the Minimum Eligibility Requirements or Require Additional Leave - Employees who are not eligible for FMLA leave or who have utilized all their FMLA leave may still be eligible for a personal leave. The Town will review any request for additional leave, on a case-by-case basis and will grant or deny in the Town's sole discretion, or as required by state and federal law. Unless applicable state or local law requires otherwise, reinstatement will not be guaranteed.

#### Other General Leave (Non-FMLA)

Unpaid leave for reasons other than a Family and Medical Leave (FMLA) qualifying event may be approved for employees in extenuating circumstances. This leave cannot exceed 90 days. Employees must submit a request in writing and receive approval by the supervisor, Department Director, Human Resources, AND the Town Manager PRIOR to beginning leave. Requests are reviewed and considered on a case-by-case basis and are subject to approval at the sole discretion of the Town. Employees are responsible for ensuring the request has been approved by all

necessary persons prior to beginning leave. No benefits will be provided or accrued during a general unpaid leave of absence.

### Personal Leave Without Pay

The Town will consider a request from a full-time regular employee to take an unpaid personal leave of absence to fulfill personal obligations.

Eligible employees may request personal leave without pay only after they have completed at least one year of service and are in good standing and they have exhausted all Accrued Leave. Employees are required to submit a leave of absence request in writing to their director and to do so as far in advance as possible so that the request can be given adequate consideration. All leaves of absence requests must be approved in writing by both the Department Director and Town Manager. An eligible employee may not take more than 180 days of leave without pay.

Each request for leave without pay will be given individual consideration. The decision to approve leave without pay will be based on several business factors such as anticipated workload needs and staffing considerations during the proposed absence. It is in the Town's discretion whether to approve the request for leave.

During any period of leave without pay, the Town will not provide for any employee benefits. This includes, but is not limited to, annual leave accrual, holiday leave, medical insurance, other insurance, or retirement. The employee will receive COBRA paperwork for continuation of insurance benefits at the employee's sole expense.

When the leave without pay time ends, the Town will make every reasonable effort to return the employee to the same position, if it is available, or to an available similar position for which the employee is qualified. However, the Town cannot guarantee reinstatement in all cases.

If an employee does not report to work promptly at the end of an approved period of leave without pay or provide the Town with a written notice requesting an extension or explaining to the Town's sole satisfaction as to why they are unable to return, the Town will assume that the employee has voluntarily resigned.

### Domestic Violence Leave

In accordance with Florida laws employees who have been employed by the Town for three (3) or more months may be granted up to three (3) working days of unpaid leave in any twelve (12) month period if the employee or a family or household member of an employee is a victim of domestic violence or sexual violence. An employee seeking leave under this section must, before receiving the leave, exhaust accrued leave, birthday, or personal leave.

The leave may be used for any of the following reasons:

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 care or mental health counseling, or both, for the employee or a family or household member (\*) to address physical or psychological injuries resulting from the act of domestic violence or sexual violence.

3. Obtain services from a victim-services organization, including, but not limited to, a domestic violence shelter or program or a rape crisis center because of the act of domestic violence or sexual violence.
4. Make the employee's home secure from the perpetrator of the domestic violence or sexual violence or to seek new housing to escape the perpetrator.
5. Seek legal assistance in addressing issues arising from the act of domestic violence or sexual violence or to attend and prepare for court related proceedings arising from the act of domestic violence or sexual violence.

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

Except in cases of imminent danger to the health or safety of the employee or their family or household member, fifteen (15) days advance notice of the need for leave is required. Sufficient documentation of the act of domestic violence, such as a restraining order, police report or order to appear in court, is also required. Requests for leave and documents in connection with this leave will be kept confidential by the Town to the extent permitted by law.

#### [Jury Duty and Court Leave](#)

The Town will provide paid leave to full-time regular employees who are: summoned for jury duty or are subpoenaed to testify as a witness in court (other than if the employee is the defendant in a criminal action). All full-time regular employees are eligible for Jury Duty pay for up to fourteen (14) days. Employees called for jury duty must promptly notify their immediate supervisor so that arrangements can be made for their absence from work. Time spent in court is the actual time required to report, as scheduled in writing on the subpoena, until dismissed by the court. Employees on court or jury duty while on scheduled paid Annual Leave can reinstate Annual Leave hours served in court when satisfactory evidence of the time served on such duty is presented to the Department Director. In the event a holiday occurs during the period of the court or jury duty for which the employee is eligible for holiday pay, the employee will receive pay for such holiday at the straight time rate. The employee shall provide the Department Director with proof of court or jury duty service before payment for such time is approved. Any payments received from the court, other than expense reimbursements, will be deducted from jury duty pay. Additionally, time spent on jury duty will not be considered hours worked for purposes of overtime calculations.

Employees who are required to participate in other legal matters such as testifying as a witness, providing a deposition, etc. in an official capacity as a Town of Fort Myers Beach employee will be paid their regular pay during their attendance at the proceedings. Any employee who is requested to report to court or other related matters in an official capacity as a Town of Fort Myers Beach employee should notify their Department Director immediately. The Department Director should notify the Town Attorney and the Town Manager and provide information regarding the request to appear.

### Bereavement Leave

The Town grants five (5) days of paid leave to a full-time regular employee in the event of a death of a member of the employee's immediate family. Immediate family is defined to include spouse, son, daughter, mother, father, sister, brother, grandmother, grandfather, grandson, granddaughter, mother-in-law, father-in-law, daughter-in-law, son-in-law, sister-in-law, brother-in-law, stepmother, stepfather, stepson, and stepdaughter. The Town may require verification of the need for leave. Annual Leave and/or Personal Leave may be utilized for any additional days requested.

### Military Leave

The Town will grant a military leave of absence to employees who are absent from work because they are serving active duty in the U.S. uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and state law. Such employees must give their supervisor and Human Resources advance notice of upcoming military service and a copy of the official orders received from the military, unless military necessity prevents advance notice, or it is otherwise impossible or unreasonable.

Employees are not paid for military leave unless it is required by state or federal law. Employees may, however, use any available accrued leave, such as annual or medical leave, to help pay for the leave. Continuation of health insurance benefits is available as required by USERRA based on the length of the leave and subject to the terms, conditions, and limitations of the applicable plans for which the employee is otherwise eligible.

An employee's benefits, including, without limitation, Annual Leave, will not accrue during a military leave. When the employee returns to work, the benefits will start accruing again. If an employee is on military leave for up to 30 days, they must return to work on the first regularly scheduled work period after their active-duty service ends (allowing for reasonable travel time). If an employee is on military leave for more than 30 days, they must apply for reinstatement in accordance with USERRA and applicable state laws.

When an employee returns from military leave (depending on the length of military service in accordance with USERRA), they will be placed either in the position they would have attained if they had stayed continuously employed or in a comparable position. To determine any benefits that are based on length of service, employees will be treated as if they had been continuously employed.

Employees who are commissioned reserve officers or reserve enlisted personnel in the United States military or naval service or members of the National Guard are entitled to leaves of absence for reserve or guard training as provided in Chap.115, Fla. Stat.

If there are any questions about military leave, Human Resources should be contacted for more information.

### Pregnancy Leave

If a pregnant employee is temporarily unable to perform her job because of pregnancy, she will be treated the same as any other temporarily disabled employee. The Town provides pregnancy leave to all eligible employees in accordance with the Family and Medical Leave Act (FMLA), Pregnancy Discrimination Act (PDA), Americans with Disabilities Act (ADA),

and Florida law. If employee is suffering from a pregnancy-related disability and require reasonable accommodation (which may include leave) for this purpose, employee is encouraged to speak with Human Resources to discuss a reasonable accommodation. Employee may be required to submit medical certification of your disability.

If an employee has been absent from work because of a pregnancy-related condition and recovers, she will be able to return to work in accordance with applicable law.

#### Time Off to Vote

Employees are entitled to one hour time off with pay to vote on all designated federal, state, and local election days. The time of day when such leave is taken must be approved in advance by the employee's supervisor.

#### Declared State of Emergency

Should an emergency, disaster, accident, or other incident occur involving the Town in any way, employees are encouraged not to share details or comment on the incident on social media. Sharing unconfirmed and unofficial information may hinder rescue efforts, safety, or other investigations.

In the event of an emergency, employees are encouraged to privately contact friends and family to inform them of their status and/or use the tools available on networks, like Facebook, to “mark yourself as safe.” The Town will follow its crisis communications procedures to confirm and distribute information about emergencies, responses, and any follow-up details.

Employees should not answer calls, messages or social media requests from media requesting information about emergencies or other incidents related to the Town. The Town’s appointed representatives will be responsible for organizing, fielding, and responding to these requests.

Employees who have questions or need further guidance, employee should contact department director or Human Resources. Nothing in this policy is intended in any way to interfere with, coerce, or restrain any employee from exercising his or her rights under any state or federal labor law, including the National Labor Relations Act.

## VIII. RESPONSIBILITIES OF PUBLIC SERVICE

### Public Purpose

Public employees are employed for the benefit of the public. They are bound to uphold the Constitution of the United States, the Constitution of the State of Florida, Federal and State laws, as well as the rules and regulations of the Town to foster respect for all levels of government. They are bound to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that their public and private affairs should be above reproach.

All employees owe a duty of loyalty to the Town and all programs developed to attain the policies and objectives of the Town Council and the Town Manager. Employees should adhere to the rules of work and performance established as the standard for their positions by the appropriate authority.

Employees shall not exceed their authority or breach any law or duty, or ask others to do so, and they should work in full cooperation with other public officials and employees unless prohibited from doing so by law or by the officially recognized confidentiality of their work.

### Code of Ethics

Town employees are expected to maintain high standards of conduct and to conduct themselves in a manner that positively reflects on them, their co-workers, supervisors, administrators, elected officials, and the Town's reputation. Employee conduct should be always considered during working hours; whenever serving on official Town business; in any capacity as a representative of the Town; or when speaking on behalf of the Town as an authorized or appointed Town representative. Employees are expected to use good judgment and integrity keeping in mind the expectations that the public has of its employees.

Town employees shall follow the standards outlined by the Florida Commission on Ethics and Sec. 112.313, Fla. Stat., (outlined below) which were established in the interest of providing the highest levels of professional service to the public and the communities served by public employees. Employees violating the Code of Conduct/Ethics may be subject to disciplinary action, up to and including discharge.

The standards include that:

1. No Town employee shall disclose confidential information gained by reason of their official position, nor shall they otherwise use such information for their personal gain or benefit.
2. No Town employee shall have personal investments in any enterprise, which will create substantial conflict between his/her private interest and the public interest.
3. No Town employee shall purchase any County Tax Certificate or Tax Deed. (The intent of this rule is to avoid any appearance of a conflict of interest on the part of either the Town or the employee.)
4. Nothing in this section shall prohibit voluntary donations or the exchange of gifts of nominal commercial value between or amongst Town employees or public officials on special occasions or established holidays. A special occasion, as contemplated in this

section, includes those times when it has been regarded as customary to give a gift, such as a birthday, a wedding, the birth of a child or a grandchild, adoption, a graduation, a promotion, permanent departure from the workplace or community, hospitalization, the loss of a loved one, retirement, or similar occurrences.

5. No employee shall accept, or agree to accept, either directly or indirectly, any favor, gift, loan, fee, service, or other item of value, in any form whatsoever, from any organization or individual, if the employee knows or reasonably should know that it is intended to reward or influence the employee in the performance or nonperformance of his or her appointed duties. Violation(s) of this standard shall be considered a very serious breach of the Code of Ethics/Standards of Conduct and it is presumed that the appropriate discipline for violation(s) of this standard shall be discharge, absent compelling mitigating circumstances.
6. Nor does this section prohibit Town employees from participating in fund-raising activities for charitable purposes or the receipt of unsolicited advertising or promotional materials, of nominal commercial value, from an individual or entity that is not currently in a contractual relationship nor likely to be in a contractual relationship with the Town.
7. Nominal commercial value means anything with a value of less than \$50.00 in the marketplace.
8. No Town employee shall serve as a member of the Town Council's Advisory Boards or Committees, to reduce any potential perception of conflict of interest by the public.
9. Employees may not serve in a decision-making capacity for any entity that received funding (either directly or indirectly) from the Town Council, including grant funding. Prior to an entity making a request for funding from the Town Council, any employee serving the requesting agency in a decision-making capacity must resign from that position. Town Council, may with good cause shown, waive this restriction upon a super majority vote.

#### Fraud, Waste, Abuse and Whistleblower Protection

The Town has established internal controls that will provide for the detection, prevention, and a system for reporting fraud, waste, and abuse.

#### **Definitions:**

- **FRAUD** - refers to any dishonest or fraudulent act that includes, but is not limited to, forgery or alteration of any documents; misappropriation of funds, supplies, etc.; improper handling or reporting of money or financial transactions; profiting by self or others as a result of inside knowledge, destruction or intentional disappearance of records or property; accepting or seeking anything of material value from vendors or persons providing services or materials to the Town for personal benefit; and/or any similar or related irregularity.
- **WASTE** - refers to the unnecessary incurring of costs because of inefficient practices, systems, or controls.
- **ABUSE** - refers to violations and evasion of departmental regulations that weakens the effectiveness and efficiency of operations.

#### **Employee Responsibilities:**

It is the policy of the Town that "employees shall demonstrate and be dedicated to high ideals of honor and integrity so as to merit the respect, trust and confidence of the Town's citizens, county

officials and fellow employees." Every employee is responsible for the detection and prevention of fraud, misappropriations, and other irregularities in the Town. Each member of the Town's staff shall be familiar with the types of improprieties that might occur within his or her area of responsibility and be alert for any indication of irregularity.

Violations of the Town's Fraud, Waste, Abuse, and Whistleblower Protection Policy and Procedures that must be reported include, but are not limited to:

1. Any dishonest or fraudulent act.
2. Intentionally improperly updating court cases or otherwise inappropriately using the Town's systems for the benefit of the employee or others.
3. Forgery.
4. Theft of money or property.
5. Misappropriation of funds, securities, supplies, or other assets.
6. Impropriety in the handling or reporting of money or financial transactions.
7. Profiteering because of insider knowledge of Town activities.
8. Accepting or seeking anything of material value from contractors, vendors or persons providing services/materials to the Town.
9. Misrepresentation or falsification of information concerning an injury or incident on the job.
10. Destruction, removal or inappropriate use of records, furniture, fixtures, and equipment, and/or,
11. Any similar or related irregularity.

**How to Report Fraud, Waste or Abuse:**

Any irregularity that is detected or suspected must be reported immediately to the address or telephone number provided below, at which time the allegations will be reported to the Town Manager or the Town Attorney.

A current or former Town employee who suspects Fraud, Waste or Abuse, and who does not desire anonymity, should:

Submit a detailed, written, signed statement, outlining the suspected fraud to the Town Manager or the Town Attorney at the address below and include contact information:

Town Manager (or Town Attorney)  
2525 Estero Blvd.  
Fort Myers Beach, FL 33931  
CONFIDENTIAL

A current Town employee who suspects Fraud, Waste, or Abuse, and wishes to remain anonymous, should:

1. Contact Human Resources at (239) 765-0202 extension 1201 from an outside number, providing as much detailed information as possible regarding the suspected fraudulent conduct without providing your specific contact information. The caller, though anonymous, must be willing to share specific information regarding the suspected fraudulent behavior. OR
2. Submit a detailed, written, unsigned statement, outlining the suspected Fraud, Waste, or Abuse to the Town at the address provided above.

### **Whistleblower Protection:**

**EMPLOYEES ARE REQUIRED TO REPORT IN WRITING AND WITHOUT DELAY TO THE TOWN MANAGER OR TOWN ATTORNEY:**

1. Any violation or suspected violation of any federal, state, or local law, rule, or regulation committed by an employee or agent of an agency or independent contractor which creates and presents a substantial and specific danger to the public's health, safety, or welfare.
2. Any act or suspected act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, suspected or actual Medicaid fraud or abuse, or gross neglect of duty committed by an employee or agent of an agency or independent contractor.

Complaints of the foregoing nature will be investigated in accordance with the procedures described in Florida's Whistleblower Act. Any employee making a good faith report under this policy will be fully protected under Sec. 112.3187 and 112.3188, Fla. Stat. Any employee knowingly making false statements will be disciplined up to and including termination.

### **Gifts and Gratuities**

In accordance with Florida law, employees of the Town are prohibited from seeking or accepting any gift or favor from any individual, corporation, or a business in exchange for official action or favorable treatment. It shall be the responsibility of each Town employee to remain free from indebtedness or favors that would tend to create a conflict of interest between personal and official interests or might reasonably be interpreted as affecting the impartiality of the individual employee. If an employee is offered a gift or gratuity that could be construed to be an attempt to bribe, influence or to encourage special consideration with respect to municipal operations, the employee shall refuse the offer and promptly report the offer to the employee's immediate supervisor, who in turn will inform the Department Director.

If there is any doubt whether a gift or gratuity is of such significance as to create undue influence upon the employee, the matter shall be promptly reported to the employee's Department Director. Any employee who knowingly accepts any gift or gratuity that creates undue influence or results in special consideration that benefits the giver, the employee shall be subject to disciplinary action, which may include termination from employment.

### **Nepotism**

Two (2) or more members of an immediate family shall not be employed by the Town if such employment will result in either supervising an immediate family member or occupying a position which has influence over the other's employment, promotion, salary administration and/or other management or personnel administration. Persons becoming spouses or domestic partners while working within the same department may not both continue their employment in the same department if one supervises or has influence over the other in violation of this policy. If that occurs, the Town will endeavor to transfer one individual to another department. If such a transfer is not available, the Town, after consultation with the individuals, will determine which of the individuals will be terminated from their position. Immediate family shall include spouse, domestic partner, son, daughter, mother, father, sister, brother, grandmother, grandfather, grandson, granddaughter, niece, nephew, mother-in-law, father-in-law, daughter-in-law, son-in-law, sister-in-law, brother-in-law, stepmother, stepfather, stepson, and stepdaughter. No member

of the immediate family of a Town Council member shall be employed by the Town. *Students and/or summer interns are exempt from the nepotism policy.*

### Outside Employment

Town employment shall be the employee's primary employment. No employee shall engage in any other employment, whether public, private, or self-employment, during scheduled work hours or outside scheduled work hours if such employment conflicts with the Town's interests or adversely affects the employee's availability and ability to perform or be available to perform their job duties to the Town. Town Employees who work second jobs that do not interfere with their primary employment must submit an outside employment form for approval by both their Departmental Director and the Town Manager.

Florida law prohibits certain business relationships on the part of public officers and employees, including persons serving on advisory boards and committees. In general, advisory committee members are prohibited from entering contacts with the Town. This includes contracts or transactions between the Town of Fort Myers Beach government and an employee, their *outside employer/employment, or any business in which the employee has a material interest.*

Please consult the excerpted guidelines from the Sunshine Amendment and Code of Ethics for Public Officers and Employees (Chap. 112, Fla. Stat.) or assistance in answering the questions below.

### Prohibited Employment and Business Relationships

1. Doing Business with Employee-Owned Agency
  - A. A public employee acting as a purchasing agent, or public officer acting in an official capacity, is prohibited from purchasing, renting, or leasing any realty, goods, or services for his or her agency from a business entity in which the officer or employee or his or her spouse or child own more than a 5% interest. [Sec. 112.313(3), Fla. Stat.]
  - B. A public officer or employee, acting in a private capacity, also is prohibited from renting, leasing, or selling any realty, goods, or services to his or her own agency if the office or employee is a state officer or employee, or, if he or she is an officer or employee of a political subdivision, to that subdivision or any of its agencies. [Sec. 112.313(3), Fla. Stat.]
2. Conflicting Employment or Contractual Relationship
  - A. A public officer or employee is prohibited from holding any employment or contract with any business entity or agency regulated by or doing business with his or her public agency. [Sec. 112.313(7), Fla. Stat.]
  - B. A public officer or employee also is prohibited from holding any employment or having a contractual relationship which will pose a frequently recurring conflict between the official's private interests and public duties, or which will impede the full and faithful discharge of the official's public duties. [Sec. 112.313(7), Fla. Stat.]
  - C. Limited exceptions to this prohibition have been created in the law for legislative bodies, certain special tax district, drainage districts, and persons whose professions or occupations qualify them to hold their public positions. [Sec. 112.313(7)(a) and (b), Fla. Stat.]

3. Exemptions - Pursuant to Sec. 112.313(12), Fla. Stat., the prohibitions against doing business with one's agency and having conflicting employment may not apply:
  - A. When the business is rotated among all qualified suppliers in a Town or county.
  - B. When the business is awarded by sealed, competitive bidding and neither the official nor his or her spouse or child have attempted to persuade agency personnel to enter the contract. NOTE: Disclosure of the interest of the official, spouse, or child and the nature of the business must be filed prior to or at the time of submission of the bid on Commission FORM 3A with the Commission on Ethics or Supervisor of Elections, depending on whether the official serves at the state or local level.
  - C. When the purchase or sale is for legal advertising, utilities service, or for passage on a common carrier.
  - D. When an emergency purchase must be made to protect the public health, safety, or welfare.
  - E. When the business entity is the only source of supply within the political subdivision and there is full disclosure of the official's interest to the governing body on Commission FORM 4A.
  - F. When the aggregate of any such transactions does not exceed \$500 in a calendar year.
  - G. When the business transacted is the deposit of agency funds in a bank of which a county, Town, or district official is an officer, director, or stockholder, so long as agency records show that the governing body has determined that the member did not favor his or her bank over other qualified banks.
  - H. When the prohibitions are waived in the case of **ADVISORY BOARD MEMBERS** by the appointing person or by a two-thirds vote of the appointing body (after disclosure of Commission FORM 4A).
  - I. When the public officer or employee purchases in a private capacity goods or services, at a price and upon terms available to similarly situated members of the public, from a business entity, which is doing business with his or her agency.
  - J. When the public officer or employee in a private capacity purchases goods or services from a business entity which is subject to the regulation of his or her agency where the price and terms of the transaction are available to similarly situated members of the public and the officer or employee makes full disclosure of the relationship to the agency head or governing body prior to the transaction.”

### Work Created During Employment

All rights, title and interest in and to the results and proceeds of employees' services for the Town (including, without limitation, any and all works of authorship created by the Town or by employees in connection with their employment) shall be exclusively owned, throughout the universe and in perpetuity, by the Town or its assigns as a "work made for hire," including without limitation all intellectual property rights therein, all trademarks, service marks, copyrights, patents and processes (whether tangible or intangible) therein, the right to all derivative work for the life of the "Intellectual Property" including all extensions and renewals thereof.

## IX. EMPLOYEE CONDUCT

### General Conduct

Town employees are expected to maintain high standards of conduct, and to perform their work safely, efficiently, and effectively, ever mindful of the expectations the public has of its employees. Acceptable personal behavior in the workplace involves exercising good conduct, good judgment, and integrity always. Discipline will be administered without regard to the employee's race, color, creed, religion, national origin, ancestry, citizenship status, age, sex, or gender (including pregnancy, childbirth, and pregnancy-related conditions), gender identity or expression (including transgender status), sexual orientation, marital status, military service and veteran status, physical or mental disability, genetic information or any other characteristic protected by applicable federal, state and local law.

### Employee Responsibilities

If an employee has knowledge that another employee has violated any law, regulation, policy, or procedure, it is the employee's responsibility to come forward and be forthright and cooperative in providing information to his or her supervisor, Department Director, or Human Resources, or if confidentiality is requested, through the Town Manager and/or Town Attorney. Failure to do this, if substantiated, could result in termination since there is no tolerance for employee misconduct. In addition to the reasons listed above, it is expected that all Town employees will conduct themselves in a manner that contributes to building and maintaining a positive and productive work environment. Further, all employees are required to cooperate in any Town investigation of any alleged violation of a law, regulars, policy, or procedure.

### Prohibited Behavior

It is the policy of the Town that certain rules and regulations regarding employee behavior are necessary for the efficient operations of the Town and for the benefit and safety of all employees. Conduct that interferes with operations, that discredits the Town, or that is offensive to residents and coworkers will not be tolerated.

Any employee who commits one of the offenses listed below will be subject to disciplinary action, up to and including termination. The listed offenses serve as a guideline for Department Directors and supervisory personnel and are not all-inclusive. Offenses committed which are not listed here shall not interfere with the right or duty of the Department Director or Town Manager or designee to counsel, discipline or terminate employees on other grounds which in the Town's sole discretion are considered justifiable and in the best interest of the Town. This may include administering discipline outside the normal progression dependent upon the severity of the action. Nothing in this policy is designed to modify the Town's employment at-will policy. Because the employment relationship is terminable, at-will, at any time, progressive discipline is not guaranteed. Any policy violation may result in immediate termination. Discharge decisions will be based on an assessment of all relevant factors and on a case-by-case basis. Examples of violations which are grounds for formal disciplinary action include but are not limited to:

1. Violation of a Federal, State, County, or Town law.
2. Violation of a provision of the Town's Charter or Ordinance.

3. Violation of Town policies or procedures, or departmental rules or regulations including safety regulations, including but not limited to the Town's Code of Ethics and/or Conflict of Interest Policies.
4. Failure to carry out any lawful direction or work assignment from an authorized authority where such failure amounts to any act of insubordination or a breach of proper discipline or has resulted (or reasonably might be expected to result) in loss or injury to the Town, co-workers, or the public.
5. Harassing and/or offensive conduct, language, communications whether written or verbal, or gestures toward the public, supervisors, or co-workers.
6. Preventable or willful damage or taking of public or private property or waste of public supplies, property, or equipment.
7. Neglect of duty.
8. Intentional falsification or misrepresentation of any record, report, oral or written statement, document, or misuse of Town funds, including the alteration of the same. This includes submission of a false or fraudulent voucher for reimbursement of expenses.
9. Misuse of leave, excessive tardiness or absenteeism, or unauthorized absence from duty without satisfactory explanation.
10. Failure to report absence from duty or early work departure to supervisor within required time and in accordance with department and division procedures, if established.
11. Failure to affirmatively report arrests and/or convictions, loss of driving privileges, potential conflicts of interest and secondary employment in accordance with the Town's policies.
12. Job abandonment in which an employee has two (2) or more days of consecutive, unexcused absence without notifying their direct supervisor.
13. Exercising poor judgment on a matter within the employee's responsibility when such judgment results in a negative impact on the department or Town organization.
14. Failure to be forthright, truthful, and cooperative in providing information during any internal, administrative, or external investigation or hearing.
15. Display of antagonism towards supervisors or fellow employees or engaging in destructive or disruptive conduct that interferes with the proper cooperation of employees and impairs the efficiency of public service.
16. Unauthorized taking or using of Town time, property, equipment, or funds for personal use. (This shall include improper or misuse of Town vehicles).
17. Failure to wear designated safety equipment or failure to abide by safety rules or policies.
18. Misuse of Town computer and/or computer network including Town issued and licensed computer software. This shall include but not be limited to utilizing a computer for non-Town business purposes, accessing computer game software during scheduled working hours, and obtaining, using, and/or downloading unlicensed copies of software (pirating) onto a Town computer or network. This may include downloading information or data from the Internet or other external source directly or from any other source or copying or transferring information from an employee's home computer system without being scanned for viruses by the appropriate Information Technology personnel or department designee.

19. Being under the influence of an alcoholic beverage during working hours, or use or possession of non-prescription narcotic drugs or hallucinogens, in violation of the Town's Drug Free Workplace Policy as set forth in this manual, or the failure to inform a supervisor that an employee is under medical care which includes the use of prescription narcotic drugs, or other prescription or non-prescription drugs which may impair their ability to operate vehicles or equipment, or may place an employee, co-workers, or the public in a dangerous or hazardous safety situation.
20. Physical assault, attempted assault, or threatening to assault a supervisor, fellow employee, or a member of the public during working hours, or on Town property, or any other violation of the Town's Workplace Violence Policy, as set forth in this manual.
21. Failing to maintain a personal driving record that enables the Town to maintain driver standards acceptable to its automobile insurance carrier.
22. Violation of the Town's policies on solicitation or distribution.
23. Improper disclosure of confidential information.
24. Violation of the Town's policies against discrimination or harassment
25. Engaging in any activity or action, after employment, which undermines the public trust or confidence in the employee or Town, or otherwise impairs the ability of the employee to perform his or her job.



## APPENDIX

### HIRING/HARASSMENT POLICIES

*Any employee who feels that he or she has not been treated in accordance with these policies should contact their Department Director, Human Resources, or the Town Manager. The Town prohibits and will not tolerate retaliation against any employee who makes a good faith complaint under these policies.*

#### Equal Employment Opportunity (EEO)

It is the policy of the Town to promote and ensure equal opportunity employment for all current and prospective employees without regard to actual or perceived race, color, creed, religion, national origin, ancestry, citizenship status, age, sex or gender (including pregnancy, childbirth and pregnancy-related conditions), gender identity or expression (including transgender status), sexual orientation, marital status, military service and veteran status, physical or mental disability, genetic information and all other characteristics protected by applicable federal, state and local law. This policy governs all matters related to recruitment, advertising, hiring, and initial selection of employment. It shall also apply to all other aspects of employment, including, but not limited to, recruitment, compensation, benefits, promotion, demotion, transfer, lay-offs, recall from lay-offs, corrective action, termination, leaves of absence, Town-sponsored training opportunities, and other terms and conditions of employment.

Any employee or applicant with questions or concerns about equal employment opportunities in the workplace are encouraged to bring these issues to the attention of Human Resources or the Town Manager. The Town will not allow any form of retaliation against individuals who raise issues of equal employment opportunity. If employees feel they have been subjected to any such retaliation, they should contact Human Resources. All such inquiries or complaints will be treated as confidentially as possible and will only be disclosed on a need-to-know basis. To ensure our workplace is free of artificial barriers, violation of this policy including any improper retaliatory conduct will lead to discipline, up to and including discharge. All employees must cooperate with all investigations conducted pursuant to this policy.

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

#### Americans with Disabilities Act

The Town is committed to complying with all applicable provisions of the Americans with Disabilities Act, as amended (the "ADA"). It is the Town's policy not to discriminate against any otherwise qualified employee or applicant based on such individual's disability or perceived disability about recruitment, hiring, advancement, termination or any terms and conditions of employment if the individual can perform the essential function of the job. 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. Any employee or applicant with a disability who believes that they need a reasonable accommodation to perform the essential functions of the job should contact Human Resources.

### Procedures for Requesting an Accommodation

Any applicant or employee who needs an accommodation to perform the essential functions of the job should contact Human Resources to request such an accommodation. The individual should specify what accommodation is needed to perform the job and submit supporting documentation explaining the basis for the requested accommodation, to the extent permitted and in accordance with applicable law. The Town then will review and analyze the request, including engaging in an interactive process with the employee or applicant, to identify if such an accommodation can be made. The Town will evaluate requested accommodations, and as appropriate, identify other possible accommodations, if any. The individual will be notified of Town's decision regarding the request within a reasonable period. The Town treats all medical information submitted as part of the accommodation process in a confidential manner.

The Town is committed to providing reasonable accommodations for an employee's sincerely held religious beliefs and practices, in accordance with the law. If this applies to you, contact Human Resources to discuss your request or any questions you may have. Requests for such accommodations should follow the same protocol noted above.

### Lactation Breaks

The Town accommodates lactating employees by providing a reasonable amount of break time to any employee who desires to express breast milk for an infant child. The break time will, if possible, run concurrently with any break time already provided to the employee. Any break time provided to express breast milk that does not run concurrently with break time already provided to the employee shall be unpaid.

The Town will provide employees who need a lactation accommodation with the use of a room or other private location that is located close to the employee's work area that is safe, clean, has seating and electricity, as well as a place for personal items. The Town will also provide access to a sink with running water and a refrigerator or cooler for storing milk.

Employees who desire lactation accommodations should contact Human Resources to request the accommodations.

### Prohibition of Unlawful Discrimination and Illegal Harassment

The Town is committed to providing and maintaining a work environment free of harassment of any kind. Harassing employees because of race, color, creed, religion, national origin, ancestry, citizenship status, age, sex, or gender (including pregnancy, childbirth, and pregnancy-related conditions), gender identity or expression (including transgender status), sexual orientation, marital status, military service, and veteran status, physical or mental disability, genetic information and all other characteristics protected by applicable federal, state, and local law. Harassment is unwelcomed visual, verbal, or physical conduct engaged in because of a person's actual or perceived membership in a protected category. Anyone guilty of engaging in offensive, intimidating, or hostile conduct will be subject to appropriate discipline, up to and including discharge.

All employees should be aware that this policy does not prohibit normal social interactions among our staff. However, in those cases where harassment is used as the basis for an employment decision, or to affect a term or condition of employment, or otherwise to create an intimidating,

hostile, or offensive working environment, the conduct is contrary to our policy and will not be tolerated; and the Town Manager or Human Resources shall be notified immediately.

The provisions of this directive apply to all personnel working for the Town, either directly or through a contractual relationship, as well as elected officials. The term "employee" as used in this policy shall apply to all contractual personnel, direct employees, participants in Town services, vendors, and volunteers of the Town. Harassing employees, applicants, residents, or a person providing services to the Town, whether by employees or non-employees, is prohibited.

The Town will also not tolerate any form of retaliation directed against an employee or other individual who complains about harassment or participated in any investigation concerning harassment. 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 harassment. To that end, it is also expected that employees will prudently avail themselves of the mechanisms provided herein to address issues regarding discrimination and/or harassment.

### Harassment Defined

Harassment generally is defined in this policy as unwelcome verbal, visual or physical conduct that denigrates or shows hostility or aversion towards an individual because of any actual or perceived protected characteristic or has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Harassment can be verbal (including slurs, jokes, insults, epithets, gestures or teasing), visual (including offensive posters, symbols, cartoons, drawings, computer displays, text messages, social media posts or e-mails) or physical conduct (including physically threatening another, blocking someone's way, etc.). Such conduct violates this policy, even if it does not rise to the level of a violation of applicable federal, state, or local laws. Because it is difficult to define unlawful harassment, employees are expected to always behave in a manner consistent with the intended purpose of this policy

### Definition of Sexual Harassment

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. Such harassment may be verbal, nonverbal, or physical, and is illegal when:

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

Examples of Common Sexual Harassment that violate this policy include:

1. unwelcome, and offensive sexual flirtations, advances, propositions, leering, whistling, touching, pinching, assault, blocking normal movement
2. requests for sexual favors or demands for sexual favors in exchange for favorable treatment

3. unwelcome contact or touching
4. sexually degrading words about a person or the person's body
5. obscene or vulgar gestures, posters, or comments
6. sexual jokes or comments about a person's body, sexual prowess, or sexual deficiencies
7. propositions or suggestive or insulting comments of a sexual nature
8. derogatory cartoons, posters, and drawings
9. sexually explicit e-mails, text messages or voicemails
10. unwelcome sexually related comments
11. conversation about one's own or someone else's sex life
12. conduct or comments consistently targeted at only one gender, even if content is not sexual
13. teasing or other conduct directed toward a person because of the person's gender

The above list is not all-inclusive, and each situation will be considered considering the specific facts and circumstances.

The behavior described above is unacceptable in the workplace, and in all other work-related settings, such as business trips and/or business-related social events. Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Sexual harassment is considered a form of employee misconduct and individuals found to have engaged in such conduct shall be subject to disciplinary action up to and including termination of employment. Similarly, managerial employees who knowingly allow sexual harassment to occur shall be subject to disciplinary action up to and including termination of employment.

Every report of perceived harassment will be fully investigated, and corrective action (which may range from counseling to termination of employment) will be taken where appropriate. All complaints will be kept confidential to the extent possible, but confidentiality cannot be guaranteed. In accordance with the Public Records Act, Sec. 119.07, Fla. Stat. Information concerning an active complaint will not be released by the Town to third parties or to anyone within the Town who is not directly involved in the investigation, except as may otherwise be required by law or by a court of competent jurisdiction. All employees must cooperate with all investigations conducted pursuant to this policy.

The Town recognizes that false accusations of harassment can cause serious harm to innocent persons. If an investigation results in a finding that the complainant knowingly, or in a malicious manner, falsely accused another person of harassment, the complainant will be subject to disciplinary action up to and including discharge.

#### Retaliation Prohibited

In addition, the Town will not allow any form of retaliation against individuals who report unwelcome conduct to management or who cooperate in the investigations of such reports in accordance with this policy. If the employee has been subjected to any such retaliation, the employee should report it in the same way the employee would report a claim of perceived harassment under this policy. Violation of this policy including any improper retaliatory conduct will result in disciplinary action, up to and including termination.

## EMPLOYEE POLICIES

### Progressive Discipline

Town employees who fail to perform their work satisfactorily (poor productivity and/or poor quality), are continually tardy or absent from work, or engage in workplace misconduct shall be subject to disciplinary action up to and including discharge of employment. Progress disciplinary action may include the following steps to resolve the issue/problem and restore the employee to good standing:

1. Verbal Counseling
2. First written warning
3. Second or final written warning
4. Suspension with or without pay
5. Termination of employment

In some instances, a Performance Improvement Plan (PIP) may be utilized, for poor performance instances, concurrently with a warning or independently, at management discretion. A PIP is a structured, milestone-oriented plan to assist the employee in returning to acceptable performance levels. Despite implementing a progressive discipline policy, The Town reserves the right to impose whatever action it deems appropriate under the gravity of the offense and considering all the facts and circumstance without regard to sequence or number of steps. There are some instances of misconduct that cannot be tolerated and may result in immediate termination.

### Hours of Work/Attendance

1. Regular working hours for full-time regular Town employees (except designated Utilities, Public Works, and B.A.S.E employees) shall consist of a five-day week, eight hours a day, and forty hours a week. The workweek begins at 12:00 a.m. on Monday and continues through 11:59 p.m. on Sunday.
2. The allotted time for meal periods for full-time employees shall be one (1) paid hour, unless determined differently by the Departmental Director. Full-time employee must work at least 75% their assigned work shift to be eligible for the paid lunch time. Meal periods for part time employees are determined by their Departmental Director.
3. The Town expects employees to be reliable and punctual. ALL employees are required to report for work on time and as scheduled. If an employee cannot come to work or will be late for any reason, they must telephone or send a text message to their immediate supervisor as soon as possible. Unplanned absences disrupt work, inconvenience other employees and effect productivity. If an employee has a poor attendance record or excessive lateness, this becomes a performance issue and may be subject to disciplinary action, up to and including discharge. Documentation of hours worked is substantiated through the Time and Attendance System that the employee, and their supervisor approves.
4. Being at work on time and maintaining good attendance is a condition of employment and is an essential function of every job.
5. Alternative work schedules to meet departmental operating needs may be established with the approval of the Department Director and/or Town Manager.

## Time Reporting

Non-exempt hourly employees are required to keep accurate and complete time records of daily hours worked through the timekeeping system authorized by the Town. Employees are required to clock in and out when starting work for the day, as well as when ending their workday. Employees are required, at the end of each work week, to review their hours worked and ensure that their time was properly recorded. Employees who fail to review or timely submit their hours worked at the end of each work week may be subject to disciplinary action.

Employees are not to work any hours outside of their scheduled workday unless their supervisor has authorized the unscheduled work in advance, or an emergency exists.

Employees are not to start work early, finish work late, work during a meal break or perform any other extra or overtime work unless authorized to do so and that time is recorded on their timecard. Employees are prohibited from performing any “off-the-clock” work. “Off-the-clock” work means work they perform but fail to report on their timecard. Any employee who fails to report or inaccurately reports any hours worked will be subject to disciplinary action, up to and including discharge.

Employees are also prohibited from falsifying or altering their time records, including entering time for a co-worker, without obtaining prior permission from their director. Falsifying or altering time records will result in disciplinary action, up to and including termination of employment.

## On-Call

Non-exempt employees assigned to be on-call shall be assigned the on-call status on a weekly basis and shall receive a stipend of \$125.00 per week on-call pay.

While on call, the employee shall be required to be reachable by supervisors by cell phone. The employee is free to pursue personal activities if communications are possible, and the employee is in a state of readiness to respond promptly within a reasonable time to a call as defined by the Departmental Director.

## Overtime

1. Overtime compensation will be paid to all eligible non-exempt employees for hours worked more than 40 hours per workweek in accordance with the Fair Labor Standards Act. Overtime is paid at time and one-half of the employee's current regular hourly rate of pay. In calculating overtime hours, all accrued leave, bereavement leave, and other authorized leaves with pay is not be considered as hours worked. Paid Holidays do count as hours worked for the calculation of overtime.
2. All overtime hours **MUST** have the advance approval of the Town Manager or the Department Director prior, except in an emergency, in which case the Town Manager or the Department Director should be notified as soon as possible about the need for the overtime work non-exempt employees who work overtime hours must report all the hours that they work. The Town intends to properly pay non-exempt employees for all the hours that they work in any workweek. Except in the case of a documented emergency,

employees may be subject to disciplinary action for the failure to obtain the required pre-approval to work overtime.

3. The Town reserves the right to schedule mandatory overtime for employees to ensure that the Town's operational needs and continued quality of customer service are provided. The assignment of overtime, however, will be made in an equitable manner, if practical and, if possible, will endeavor to avoid conflicting with an employee's off duty plans and personal emergencies.
4. Emergency Overtime

The Department Director or other person in charge of providing emergency service shall ensure that the overtime hours are properly recorded. During a "Declaration of Local Emergency," all hours worked by a non-exempt employee more than 40 hours per workweek shall be logged and paid as overtime hours. Exempt employees called to duty during disasters, opening of Emergency Operations Center, and/or states of emergencies (i.e., hurricanes, etc.) shall be paid their regular salary for time worked during normal business hours, and 1.5 times their calculated regular hourly rate for hours worked over and above normal business hours. Employees are expected to be available to be called in to work during emergency operations that could include before, during and/or after the emergency.

#### Seasonal Afternoon Call in Pay

Non-exempt employees who are to work during "season" for special circumstances will be paid a minimum of 4 hours pay being called in to perform said work. Any task that requires more than 4 hours, will be paid for actual hours worked.

#### Dress Code

Town employees work in many different settings and have vastly different job duties. Some work in a business office environment, others are in the field doing physical work, and others serve in uniformed public safety positions. Therefore, it is not possible to have one standard dress code for everyone. This policy includes general guidelines for Town employees to follow.

The Town's dress code has been set at the Departmental Directors Discretion, but as a general guideline, employees should refrain from wearing:

- Clothes that bare an employee's stomach, back or chest,
- Extremely short skirts, sweatpants, see-through tops, or cutout apparel,
- Clothes that are excessively worn,
- Clothing where the employee's undergarments are visible.

Town employees must always appear and act professionally. This dress code also applies to all Town meetings.

#### Uniforms

Required uniforms shall be in accordance with Department policy as approved by the Town Manager. Certain departments such as Public Works, Bay Oaks, Mound House and B.A.S.E. require employees to wear uniforms that are paid for by the Town.

## Drug-Free/Alcohol Free Workplace Policy

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 Town is hereby declared to be a Drug-Free Workplace in accordance with Sec. 440.101, Fla. Stat., and their implementing Drug Testing Rules. The Town hereby adopts the definitions set forth in Sec. 440.102, Fla. Stat., in their entirety. The Town's Drug-Free Workplace Program shall apply to all Town employees, contractors, temporary employees, any person who receives compensation in any form from the Town, and to job applicants for safety sensitive or special risk positions.

The Town is committed to being a drug-free and safe workplace. Town employees must be physically and mentally fit to perform their duties in a safe and efficient manner. Therefore, no employee shall work or report to work while under the influence of alcohol, illegal drugs or any substance that would affect their ability to perform their job in a safe and efficient manner. This prohibition shall not be applicable to the responsible consumption of alcohol by Town employees who are off-duty and who are attending an authorized function or an event at a Town facility. The use, possession, manufacture, transportation, or sale of unauthorized controlled substances or the use of alcohol by any Town employee during working hours or while on Town property is prohibited.

Employees are further prohibited from being at work while Impaired. The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and safely in a manner, that does not endanger clients or other individuals in the workplace. When employees are required to take any kind of prescription or nonprescription medication that may potentially affect their job performance, they are required to report this to their Department Director.

If it is determined by the Department Director, through physician consultation, if needed, that the individual is unable to perform the essential functions of their job without impairment caused by the medication or the underlying condition, the employee will be directed not to work, using available medical leave options, until able to fully perform the essential functions of their job.

The Town reserves the right to take whatever measures are reasonably necessary to determine if alcohol or illegal drugs are located on or are being used on Town property contrary to this policy. Measures that may be used include, but are not limited to, searches of people and of personal property located on Town premises, which may be conducted by law enforcement, authorities, or Town management.

Failure to submit to a search or failure to submit to a drug or alcohol test when requested will result in immediate removal from service and may result in termination of employment.

### *Standard Policies*

#### **1. Illegal Drug Use**

An employee bringing onto the Town's premises or property, including parking lots; having possession of, being under the influence of, or present in 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 Town 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 Town or customer business property or not, is subject to discipline including discharge or suspension without pay from employment, even for the first offense.

2. **Alcohol Abuse**

An employee who is under the influence of alcoholic beverages at any time while on Town 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 Town or customer business property or not, is subject to, at the Town's sole discretion, discipline including discharge or suspension without pay from employment, even for the first offense.

3. 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.

4. **Employer Action**

Any employee or job applicant whom the Town 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 and will be required to sign a "Last Chance Agreement" acknowledging their obligations to the Town regarding drug and alcohol use.

*Definitions*

- 1. "Impaired" means under the influence of a substance such that the employee's motor senses or judgment either are or may be reasonably presumed to be affected.
- 2. "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.
- 3. "Illegal Drug" means any drug (a) which is not legally obtainable under federal law (including cannabinoids such as marijuana); (b) which may be legally obtainable but has not been legally obtained; or (c) which is being used in a manner or for a purpose other than as prescribed. The Town tests for the following drugs and their metabolites (Substance Abuse DHHS (NIDA) Panel 5 Drug Screen):
  - A. Amphetamines
  - B. Cannabinoids (Marijuana) (THC)
  - C. Cocaine
  - D. Opiates (including heroin)
  - E. Phencyclidine (PCP)
  - F. Semi-synthetic opioids (hydrocodone, oxycodone, hydromorphone, oxymorphone)

### *Use of Medical Marijuana*

Though Florida law now permits the use of medical marijuana by qualifying patients/users with certain medical conditions, marijuana (including cannabinoid and THC) use remains illegal under federal law as a Schedule 1 drug under the Controlled Substances Act. In other words, federal law does not recognize a legal use of marijuana for medical or any other purposes.

As a result, the Town has no legal obligation to accommodate an employee's use of medical marijuana, even if the use otherwise complies with Florida law, because the use is illegal under federal law and remains a prohibited substance under the Florida Drug Free Workplace Act. Employees are advised that the Town will not accommodate or otherwise permit an employee's use of medical marijuana, whether such use occurs on duty or off duty. Thus, the use of drugs will continue to be enforced by the Town in the same manner as it always has, irrespective of the legalization of medical marijuana in Florida. Any violation of this policy, including for the use of medical marijuana, will result in disciplinary action.

### *Types of Drug Testing*

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

1. Pre-Employment Drug Testing:

All Prospective Employees must agree to submit to a drug screening. All offers of employment are contingent upon successfully passing the screening. If a Prospective Employee tests positive, their job offer will be rescinded.

2. Reasonable Suspicion:

The Town may require an employee to submit to a drug and/or alcohol test when there is information about an employee's appearance, conduct or behavior that would cause a reasonable person to believe that the employee has used or may be impaired by drugs or alcohol.

3. Post-Accident:

Employees may be required to submit to a drug and/or alcohol test after any workplace accident or any injury that requires medical treatment away from the property in accordance with state and federal law.

### *Challenges to Test Results*

Employee has the right to challenge any confirmed positive test result. All challenges must be filed within 5 working days of receiving notification of such result. The first stage requires that employee explains or contests the result in writing to the Medical Review Officer care of the Town's Human Resource Representative. If explanation is unsatisfactory, employee will be notified of such within 15 days of the date challenge was received. At that time, employee will be provided with a copy of positive test result and the name and address of the laboratory. If employee was involved in an accident and denied medical benefits and/or indemnity benefits, employee may file an administrative challenge by filing a claim for benefits with a Judge of Compensation Claims. If no workplace injury occurred, employee may challenge the test result in a court of competent jurisdiction. If employee decide to challenge the test result, it is employee's responsibility to notify the laboratory that are challenging the test result.

Employee will be solely responsible for all costs associated with such a challenge:

- Within 180 days after written notification of a positive test result, the applicant/employee shall be permitted by the Town to have a portion of the specimen re-tested, at the expense of the applicant/employee. This will be explained in the initial letter of notification to the applicant/employee.
- If the applicant/employee desires to have the specimen tested at another laboratory, he or she shall have the first laboratory transfer the specimen to the second laboratory. The Town will not make the transfer.
- The employee/applicant can administratively challenge the results of a drug test by filing a claim with a Judge of Compensations Claims within thirty (30) days after receipt of the employer's response to his explanation. The Town shall pay the cost of initial and confirmation drug tests which it requires of employees.

### Employee Assistance Programs (EAP) and Local Drug Rehabilitation Programs

The Town encourages all employees who need assistance in dealing with alcohol or drug dependency issues to voluntarily seek professional support employees with alcohol or drug dependency problems may choose to seek counseling through the various private and public agencies that exist in our community. Examples of such agencies phone numbers are listed below. 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 Town policies and rules of conduct. Requests for voluntary treatment and related matters will be kept confidential in accordance with federal and state laws. Employees who seek treatment shall discuss the situation with their Department Director if leave time, with or without pay, is required for the employee to obtain treatment or hospitalization.

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

### Helpful Numbers

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

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

### Information Technology

The Town computer system, internet, e-mail, voicemail and Town-issued cell phones and other devices are the property of the Town.

This policy reaffirms that Town employees have no reasonable expectation of privacy with respect to any computer hardware, software, electronic mail, text or instant message, voicemail or other

computer or electronic means of communication or storage, whether employees have private access or an entry code into the computer or voicemail system, or Town-issued cell phone. Employees have no right to privacy in any matter, whether personal or business-related, stored in, created, received, or sent through the Town's e-mail, internet, computer or voicemail systems or Town-issued cell phones. The Town must adhere to Chapter 119, Fla. Stat., (the Florida Public Records Law) that governs public access and retention of information regardless of form. All messages should be considered public information unless otherwise designated by the Florida Public Records Law. The Town reserves the right to monitor the use of its voicemail and computer systems and Town-issued cell phones, including, but not limited to e-mail, internet use, website history, call and text message history and history of materials, data and files downloaded or uploaded. The Town also reserves the right to retrieve and read any text or other message composed, sent, or received using the Town's e-mail or computer systems or Town-issued cell phones. Monitoring and retrieval may occur at any time without prior notice. As a result, text messages must be converted and saved to the Town's computer system so they may be preserved. You are not to delete any messages without saving them as required by the Florida Public Records Law.

#### *Cell Phone Policy*

As a productivity enhancement tool, the Town encourages the business use of cellular telephones. Departmental Directors will determine the need for Town issued cellular telephones for their staff. The purpose of this policy is to clearly define the acceptable use of the Town's cellular telephones and what actions are prohibited.

#### **Ownership of Cellular Service/Equipment**

The Town's cellular telephones belong to the Town of Fort Myers Beach and the call logs of any cellular communications, as well as text messages, pictures, and stored files are always accessible by the Town for business related or other purposes. Employees are to assume there is no right to privacy for cellular communications on Town cell telephones and that activity on Town owned cellular devices is subject to Florida Public Records laws.

Information sent or received in connection with the transaction of official Town business on a personal cellular device is subject to Florida Public Records laws. Personal phones are not to be used for Town business related text messaging and if you receive a business-related text, you are responsible for forwarding the text to your e-mail for archiving. Effective January 1, 2022, the Town will no longer offer a cellular-phone stipend to Town employees who use their personal phone for business.

#### **Acceptable Use**

Use of the Town's cellular phones is intended for Town related business. All employees are to use cellular phones as they would any other type of official Town communications tools. Communications should fall within ethical guidelines and should not contain confidential information. Communication by cellular telephone is encouraged when it results in the most efficient and/or effective means of communication.

All text messaging, voicemail, and other device usage is subject to monitoring, review, and restrictions. Text message archival software (when and where available) may be used to facilitate

retention of text messages in accordance with the State of Florida General Records Retention Schedules.

Employees are to assume there is no right to privacy for electronic communications on the Town's communication devices.

The Town Clerks Department will monitor call usage on Town owned cellular equipment and report suspected or known violations to the Department Head or their designee. It will be responsible to assist in compiling electronic public records requests when needed.

**Prohibited Use:**

1. Employees may not use the Town's cellular telephones in any way that may be insulting, disruptive, or offensive by other persons, or harmful to morale.
2. Employees may not use the Town's cellular telephones in any way that compromises the integrity of the Town or its business.
3. Employees may not use the Town's cellular telephones in any way that compromises or violates this Employee Handbook.
4. Employees may not use the Town's cellular telephones in any manner that creates an unsafe environment to the employee or to others. Safety is a priority.
5. Employees must obey all state and local laws regarding use of cellular and mobile devices while driving. (No texting while driving, No handheld phone use, etc.)

Employees are expected to follow this policy. Violations of this policy will be reported to the violator's Department Head and may result in disciplinary action, if necessary up to and including termination of employment.

*E-Mail Policy*

The Town encourages the business use of e-mail as a productivity enhancement tool. E-mail access will be granted to all Town employees unless specifically denied by the employee's Department Director and/or the Town Manager.

**Ownership of the E-mail System**

The Town's e-mail system belongs to the Town of Fort Myers Beach and the contents of all e-mail communication are always accessible by the Town, with or without advance notice. Nothing in or on the e-mail system should be considered confidential. The employee has no right to and should have no expectation of privacy of e-mail while using the Town's system.

**Acceptable Use**

Use of the Town's e-mail system is intended for Town related business. All employees are to use e-mail as they would any other type of official Town communications tool. When any e-mail is transmitted, both the reader and sender should consider if the communication falls within ethical guidelines. No communication should contain confidential information. Communication by e-mail is encouraged when it results in the most efficient and/or effective means of communication.

Town employees are permitted incidental and occasional personal use of the e-mail system, and such use will be treated the same as other business-related e-mail messages. Email users are not to add slogans, quotes, special backgrounds, special stationeries, digital images, unusual fonts, etc.,

to the body of their electronic messages. Personal e-mail is defined as a personal exchange not covered by the Florida Public Records Law.

The following are guidelines when using the Town's e-mail system for personal use:

- Personal incoming or outgoing e-mail must be kept to a minimum so that it does not consume more than a trivial amount of system resources and should not include anything relating to The Town's business.
- Any personal use must not interfere with normal business activities, must not involve solicitation, must not be associated with any for-profit outside business activity, and must not potentially embarrass the Town.

Personal incoming or outgoing e-mail must not interfere with an employee's productivity.

- Personal use of the e-mail system is a privilege that may be monitored, restricted, or revoked at any time.
- Personal e-mail should be extremely limited in use and deleted after it is read.

*NOTE: All messages sent by electronic mail are Town records. Personal e-mails may be accessible to the public under the access portion of the Florida Public Records Law in certain circumstances.*

#### **Prohibited Use:**

- Charitable or fundraising campaigns unless specifically approved in advance by the Town manager.
- Solicitations or proselytization (defined as: campaigning, preaching, or evangelizing) for commercial ventures, chain letters, religious or personal causes, or outside organizations or other similar, non-Town-job related solicitations.
- E-mails that may be insulting, disruptive, or offensive by other persons, or harmful to morale or violate the discrimination or harassment policies of the Town.
- Use of e-mail to send copies of documents in violation of copyright laws.
- Use of e-mail system to compromise the integrity of the Town or its business in any way.
- Use of e-mail to offer for sale non-Town related items.

#### **Retention of E-mail**

All incoming and outgoing e-mail is archived on the archiving server and is searchable by the Town Clerk for public records requests. User mailboxes will have a mailbox quota to limit the amount of e-mail retained on the e-mail server to improve performance.

#### **Mailbox Limits**

The IT Department will set mailbox and message size limits that are appropriate to the stability and adequate performance of the e-mail system.

#### **Enforcement**

The IT Department will provide for the enforcement of these policies using monitoring technology and report violations to the Department Director of the offending employee for disciplinary action, if necessary.

## **Responsibilities**

End-Users must be aware of these policies and ensure compliance. Must maintain e-mails in accordance with State of Florida Public Records Laws. Must coordinate long-term storage with the IT Department, when necessary.

### *Internet Policy*

The Town encourages the business use of Internet access as a productivity enhancement tool. Internet access will be granted to all Town employees unless specifically denied by the employee's Department Head and/or the Town Manager.

## **Acceptable Use**

Use of the Town's Internet access is intended for Town related business. All employees are to use Internet as they would any other type of official Town tool. Users should consider ethical guidelines.

Town employees are permitted incidental and occasional personal use of the Town's Internet system, and such use will be treated the same as any other legitimate business access. Personal use of the Town's Internet is a privilege that may be monitored, restricted, or revoked at any time. The Town reserves the right to search and/or monitor the Town's Internet usage and the files/transmissions of any employee without advance notice and consistent with applicable state and federal laws. Employees should expect that communications that they send and receive by the Internet will be disclosed to Town management. Employees should not assume that communications that they send and receive by the Internet are private or confidential.

## **Prohibited Use**

Any use of the Internet for "moonlighting", soliciting for commercial ventures, gambling, religious or personal causes, or outside organizations, or for other similar non-Town job related solicitations is strictly prohibited. The Town's policies against sexual and other types of harassment apply fully to Internet usage, including the use of instant messaging programs. Violations of those policies are not permitted and may result in disciplinary action, up to and including discharge. Therefore, employees are also prohibited from displaying, transmitting and/or downloading sexually explicit images, messages, ethnic slurs, racial epithets, or anything that could be construed as harassment or disparaging to others, or which may bring disrepute to the Town.

Users shall not download or install any programs, browser plug-in or "enhancement applications" such as Flash, Real Media, Quick Time, Shock Wave, browser toolbars, etc., without permission from the IT Department. This includes, but is not limited to pop-up blockers, anti-spyware programs, screen savers, background changers, or any other item that is not provided by the IT Department as part of the original system configuration or added by IT.

## **Security and Blocked Access**

The IT Department will provide for Internet security that includes, but is not limited to, firewall protection, specific routing, profiles, and passwords. Web sites that have no legitimate business purpose may be blocked from access. All web and internet traffic may be blocked from access until a specific business use is demonstrated. An audit trail of access to sites may be maintained by the IT Department to investigate possible violation of Town policy or breach of security.

All Systems passwords and encryption keys must be available and known to the Town IT Department. Employees may not install password or encryption programs without the written permission of the IT Department. Employees may not use the passwords and encryption keys belonging to others.

### **Public Representation**

No media advertisement, Internet home page, electronic bulletin board posting, electronic mail message, or any other public representation about the Town of Fort Myers Beach may be issued unless appropriate management has granted approval. Any items placed or administrative access given is temporary and all services provided on the website etc. are owned by the Town. Any administrative passwords used to access the site on behalf of the Town are the Town's property.

### **Enforcement**

The IT Department will monitor Internet access using technology tools in accordance with all applicable laws. Violations will be reported to the Department Head of the offending employee and/or the Town Manager for disciplinary action, if necessary.

#### *Press Releases and Communication with the Media*

All requests for information or comments from the media regarding the Town are to be directed to the Town Manager or the Social Media Coordinator. Employees should not give comments to the media on behalf of the Town unless specifically directed to do so by the Town Manager.

#### *Social Media and Networking Policy*

The Town of Fort Myers Beach uses traditional media and social media to provide accessible and timely information to its various audiences, including residents, visitors, and business owners and their employees.

### **General management responsibility**

Under the direction of the Town Manager and the Town Clerk, the Town's Communications Coordinator is responsible to direct, manage and oversee all social media platforms that communicate the Town's various services, functions and locations. The contractor that oversees Information Technology for the Town has responsibility for technical and security issues.

The Communications Coordinator may delegate certain responsibilities to specific Town employees to assist them with content. These designated employees ("content managers") are the only employees who may create content, set up new accounts, and send or respond to messages via Town social media platforms.

Staff will follow the Town's policies and procedures at all times when creating or participating in Town-sponsored social media. The Town Manager via the above specified employees will control the Town's social media activities such as but not limited to the creation or use of accounts on new or existing platforms.

A list of current platforms and administrators can be obtained through the Town Clerk.

### **Personal use of social media by employees**

Employees have the right to personally participate in social media using their own equipment and time. Even as private citizens, employees are expected to never post or create anything that would be potentially embarrassing to the Town, due to their professional role as a public employee. Town staff are expected to refrain from posting or sharing derogatory comments about the Town on their personal social media accounts or using their personal social media accounts to conduct or create content about Town business. Sharing posts to personal social media accounts that have been published on the Town's official social media outlets is permitted.

### **Standard practices by employees when posting on behalf of the Town**

- Protect sensitive or personal information
- Coordinate messages and responses with the appropriate subject matter experts
- If using photos taken by people other than Town staff, obtain verbal permission and give written credit in the post
- Monitor and appropriately respond to user comments but **DO NOT DELETE THEM**. The public has the right to free speech including in written form on social media accounts operated by government agencies.
- Consult with the Communications Coordinator on how best to respond if conversations become challenging.
- Be accurate
- Correct mistakes promptly
- Be considerate
- Respect copyrights and trademarks
- Use work e-mail addresses and strong passwords, and actual profiles, not fake profiles, to manage content.
- **NO GENERIC LOGINS** – real profiles must be used to manage the platform. We risk our platforms being shut down by the companies that provide them if we do not use an authentic profile of a real person to manage our presence.
- Ensure that each platform has at least two admins so that access is not lost if someone is gone
- Avoid advertisements, sponsorships and endorsements
- Stay within area of expertise

### **Public records**

Social media communications are public record. The Town will maintain an account with an appropriate social media record archiving vendor to comply with all public records laws and requests.

### **Branding**

All Town social media presences will have a look and feel consistent with other communications tools used by the Town, including the logo.

### **Comments policy**

*This policy will appear on or be linked to Town-operated social media outlets.*

*This official Town of Fort Myers Beach social media page is provided to share news and information related to Town governance. We do respect your right to freely express your*

*opinions and we ask that you be respectful and refrain from vulgar language, personal attacks, or offensive comments that disparage any ethnic, racial, or religious group. We do reserve the right to hide comments of this nature. We also reserve the right to delete comments that are spam or link to other sites, advocate illegal activity, promote services, products, or views that are not consistent with the Town, infringe on copyrights or trademarks, or use personally identifiable medical information. Please keep in mind when communicating with the Town through social media platforms that all posts, messages, responses and files are public records and are subject by law to public disclosure and public records requests. If you have questions about the operation of this site, contact the Town's Communications Coordinator by email at [publicinfo@fmbgov.com](mailto:publicinfo@fmbgov.com).*

### Arrests and Convictions

Employees and volunteers are responsible for notifying their Department Director and Human Resources regarding any criminal drug or alcohol infractions, arrests or convictions, and loss of driving privileges (if applicable to position) within 24 hours of the occurrence and before the beginning of the employees next work shift. The Town reserves the right to take whatever actions it deems necessary with respect to the employee's employment if it believes the employee's ability to effectively perform their job function may be impaired as a result. Employees may receive disciplinary action up to and including termination of employment for failure to provide adequate notification.

### Firearms

Consistent with applicable Florida law, including Sec. 790.251, Fla. Stat., employees, contractors, volunteers, or other individuals doing business with the Town may not carry or otherwise possess a weapon or firearm while at work, on duty, or on Town property, even if the person possesses a license to carry such firearm or weapon. Provided, however, that a legally owned firearm may be kept securely locked and out of sight within a private vehicle in a parking lot so long as the individual and the vehicle are lawfully on the premises; the employee, contractor, or volunteer has a license to carry the concealed firearm; the possession of the firearm is not for an unlawful purpose; and the firearm is never exhibited on Town property for any reason other than a lawful defensive purpose. Further, this policy does not apply to employees who are required to carry a firearm as part of the essential functions of their job for the Town (such as police officers). Employees who violate this policy are subject to disciplinary action, up to and including discharge.

### Smoke Free Workplace

The Town is dedicated in providing a healthy, comfortable, and productive work environment for its employees. State law prohibits smoking in public buildings and facilities and has allowed areas to be designated for smoking at the discretion of the person in charge (i.e., Town Manager).

All owned or leased Town buildings, facilities, and vehicles are designated as non-smoking. Smoking areas have been designated outside Town buildings and facilities. This policy applies to all employees, clients, contractors, vendors, and visitors. The use of smokeless tobacco products and vaping is also prohibited by the Town except in designated smoking areas.

The success of this policy depends upon the thoughtfulness, consideration, and cooperation of all employees. Problems should be brought to the attention of the appropriate supervisor and should

be handled through the normal chain of command. Employees who violate this policy may be subject to the same disciplinary action that applies to other infractions of Town policies.

### Telecommuting/Remote Work Policy

**Objective:** Telecommuting/remote work allows employees to work at home, or in a satellite location. The Town of Fort Myers Beach (the “Town”) considers telecommuting/remote work to be a viable, flexible work option when both the employee and the job are suited to such an arrangement. Telecommuting/remote work may be appropriate for some employees and jobs but not for others. It is not an entitlement, it is not a Town-wide benefit. The Telecommuting/remote work arrangement in no way changes the terms and conditions of employment with the Town and does not alter your duties, obligations, responsibilities.

**Procedures:** Either an employee or a supervisor can suggest telecommuting/remote work as a possible work arrangement. A telecommuting/remote work arrangement Any telecommuting/remote work arrangement available to those deemed eligible at the Departmental Directors and/or Town Manager’s sole discretion.

Any telecommuting/remote work arrangement made will be on a trial basis for the first 30 days and may be discontinued at will and at any time, at the request of either the telecommuter or the Town. Every effort will be made to provide 30 days’ notice of such change to accommodate commuting and other issues that may arise from the termination of a telecommuting/remote work arrangement. There may be instances, however, when no notice is possible.

**Eligibility:** Individuals requesting formal telecommuting/remote work arrangements must be in good standing with the Town and have a satisfactory job performance record.

Before entering any telecommuting/remote work arrangement, the employee and the Departmental Director, will evaluate the suitability of such an arrangement, reviewing the following areas:

- **Employee suitability:** The employee and Departmental Director will assess the needs and work habits of the employee, compared to traits customarily recognized as appropriate for successful telecommuters.
- **Job responsibilities:** The employee and Departmental Director will discuss the job responsibilities and determine if the job is appropriate for a telecommuting/remote work arrangement.
- **Communication:** The employee will be expected to communicate at a level consistent with employees working at the office or in a manner and frequency that is appropriate for the job and the individuals involved.
- **Equipment/Schedule needs:** workspace design considerations and scheduling issues will be reviewed by the Departmental Director and employee.
- **Tax and other legal implications:** The employee must determine any tax or legal implications under IRS, state, and local government laws, and/or restrictions of working out of a home-based office. Responsibility for fulfilling all obligations in this area rests solely with the employee.

**Designated Workspace:** It is the responsibility of the employee to establish an appropriate workspace, which is typically a space in the employee's home (an office, spare bedroom, etc.). No work should be performed outside of this designated workspace. The Town will not be responsible for costs associated with the setup of the employee's home office, such as remodeling, furniture, or lighting, nor for repairs or modifications to the home office space. The designated workspace must be kept in a safe condition, free from hazards to both the employee and the equipment. Should the employee sustain any injuries in their designated workspace and in conjunction with his or her regular work duties, the employee is responsible for notifying his or her supervisor of such injuries as soon as is practicable or during the employee's non-working time. Unless other arrangements are made, the employee is responsible for supplying at their cost all the equipment required to perform the job.

**Meetings and Telephone Coverage:** Employees working from a designated workspace will be expected to attend all essential meetings via video conference or by phone. Missed phone calls and texts are expected to be returned promptly. On occasion, the employee may be required to come to the Town's offices or to other locations for meetings. Generally, the employee will be given 24 hours' notice of the requirement to attend an in-person meeting.

**Rules and Policies:** All of the Town's rules and policies, including those set forth in The Town's Personnel Manual, apply while telecommuting. These policies include, but are not limited to, policies regarding attendance, confidentiality, and policies prohibiting harassment. Employees are reminded that this telecommuting/working remotely is not to be used in place of Accrued leave, FMLA leave, etc. The Town is not responsible for any expenses related to remote work while an employee is telecommuting. Employees telecommuting/working remotely, understand that their personal computers and work may be monitored by the Town. Additionally, the Town reserves the right to inspect, copy and/or delete Town information from the employee's computer. The employee will make all computer equipment and personal cell phones used for Town business available when requested during and after employment to allow the Town to download and/or remove Town information from the equipment.

**Designated Work Time:** Employees must follow their regular assigned work schedule, unless otherwise discussed with and approved by the employee's supervisor. All arrangements for childcare, elder care, repair persons, etc. must be arranged so as not to interfere with the employee's regular work schedule. Telecommuting/remote work is not designed to be a replacement for appropriate child / dependent care. The focus of the arrangement must remain on job performance and meeting business demands. Prospective telecommuters are encouraged to discuss expectations of telecommuting/remote work with family members.

**Timekeeping:** Employees who are not exempt from the overtime requirements of federal and state laws (hourly) will be required to accurately record all hours worked through Paychex and submit accurate time records to their directors. Overtime hours will require the advance approval of the employee's supervisor. Failure to comply with these requirements may result in the immediate termination of the remote working arrangement. Exempt (Salaried) employees are required to email their supervisor the beginning of the remote workday and at the end.

**Confidentiality and Security:** Employees working remotely are reminded that even if they are working from a designated workspace, they are bound by any confidentiality and/or security agreements they signed in connection with their employment with The Town, and any confidentiality and/or security policies contained in the Town’s personnel manual. Consistent with The Town’s expectations of information security for employees working in the office, remote employees will be expected to ensure the protection of proprietary Town and customer information accessible from their home office. Steps include regular password maintenance, secure Wi-Fi, locked file cabinets and desks to store sensitive information, and any other measures appropriate for the job and the environment of the designated workspace. Upon the voluntary or involuntary termination of my employment I will return all Town information and property and will make my computer and phone available for the removal of all Town information and property.

**Technology and Public Records:** It is the employee’s responsibility to maintain all public records and technology needed to work remotely. Employees will be required to turn over all public records in reply to a FOIA request or other legal demand and must maintain all records in accordance with legal requirements. Employees should not use public wi-fi while working remotely.

### Workplace Violence

It is Town policy to promote a safe environment for its employees and the visiting public, and to work with our employees to maintain a work environment that is free from violence, harassment, intimidation, and other disruptive behavior. The Town has a zero-tolerance policy for violent acts or threats of violence against our employees, applicants, visitors, guests, or vendors.

The Town expressly prohibit any act or threat of violence, whether verbal or physical, by any employee, former employee, consultant, guest, vendor, or other visitor to our workplace. If any employee is found to have engaged in any act of violence, threatened, perceived or actual, the employee’s employment will be terminated. The Town expects all its employees to conduct themselves in an appropriate, non-threatening manner always.

It is very important that every employee understands that there is no such thing as an “empty” or “idle” threat. If employee makes a threatening statement or gesture (i.e., a raised fist or fingers pointed like a gun), the Town will not accept the defense that employee “did not mean it” or were “just kidding.” Nor will the Town tolerate “implied” threats such as “maybe I’ll take care of you later,” or, “I know where you live.” The Town will take it as a real threat and act accordingly. Failure to comply with this policy will result in disciplinary action, up to and including termination.

Employees should notify Human Resources if a restraining order related to them in anyway is in effect, or if a potentially violent non-work related situation exists that could result in violence in the workplace. All Supervisors and all employees have an obligation to report any person who exhibits threatening behavior towards another employee or poses a danger or threat to any employee, guest, or other visitor to Human Resources immediately. If an employee feels they are in imminent danger, they should dial 911 and the Police. 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.

## GENERAL POLICIES

### Safety

The Town of Fort Myers Beach is committed to providing a safe and healthy working environment for all employees. All employees are expected to observe all posted safety rules and regulations, wear required safety equipment, practice safety in the work areas, and report any unsafe conditions or equipment promptly. The following safety rules will be strictly followed by all personnel:

1. Wear safety equipment as required. Safety goggles, dust masks, and similar protective equipment will be furnished to those employees whose work requires this protection. **EMPLOYEES SHOULD NOT WORK WITHOUT PROPER SAFETY EQUIPMENT AND SHOULD NOTIFY THEIR SUPERVISOR IF THE EQUIPMENT IS FAULTY OR NEEDS REPLACEMENT.** Public Works Employees are required to wear OSHA certified safety shoes and the Town will reimburse employees up to \$150.00 every 12 months for the cost of shoes.
2. Handle and care for safety equipment properly. If equipment needs to be replaced, return it to the appropriate supervisor.
3. Obey warning signs (i.e., No Smoking, Speed Limits, Keep Out, Hard Hats.)
4. Practice good housekeeping. It not only improves the appearance of the job, but it also helps prevent fires, accidents, personal injuries, and property damage.
5. Check guard and safety devices on machines or equipment being used.
6. Handle tools, machinery, and equipment carefully and properly. Store tools and equipment properly to prevent accidents.
7. Fighting, practical jokes, playing with air hoses (for example), running, shoving, scuffling, or throwing things are prohibited.
8. Emergency situations should be reported to an employee's supervisor or proper public safety, law enforcement and/or emergency responders as soon as possible.

### Severe Weather and Other Unusual Emergency Situations

It is well known that the Town is subject to severe weather conditions, especially in the form of tropical storms, hurricanes, and floods. It is crucial to the safety and welfare of the citizens that there be sufficient Town services available during severe weather conditions, weather emergencies and in other emergency situations to provide guidance and protection of persons and property. It is, therefore, necessary to balance the normal concerns for the convenience and well-being of Town employees against the obligations of the employees and the Town to the public safety and welfare. Considering these considerations, employees shall follow the procedures outlined in the Emergency Operation Plan which will be in effect during severe weather conditions, including, but not limited to, tropical storms, hurricanes, and floods. Employees will be given time to secure their family's safety and protect their property prior to reporting for work during such emergencies.

### Use of Town Property

Proper use and maintenance of all Town property is of the utmost importance. If it is found that equipment is defective, the condition should be reported to the Supervisor and/or Department Director at once. Defective equipment should never be used as this may endanger employees and others. Town-owned property shall not be used by an employee while off the job or for personal use while on the job unless approved by the employee's supervisor. Willful abuse or misuse of Town equipment will be considered cause for termination of employment.

The purpose of this policy is to ensure proper care and accountability in handling Town of Fort Myers Beach equipment and/or property. The policy applies to all full-time and hourly/part-time Town employees, contracted workers, as well as, day laborers.

Employees who are issued Town equipment and/or property shall be responsible for the safekeeping, serviceable condition, proper care, use and obtaining a replacement of Town property assigned or entrusted to them. Town equipment and/or property shall only be used by those to whom it was assigned. The Department Supervisor has the discretion to allocate equipment as they deem fit. Supervisor may issue varying tool sets within their departmental divisions.

Use should be limited to official purposes and in the capacity for which it was assigned by trained personnel. Damaged or unserviceable Town equipment and/or property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority. If any Town equipment and/or property become damaged or unserviceable, no employee shall attempt to repair the equipment and/or property without prior approval of a supervisor (unless it is part of his/her job).

An employee's intentional or negligent abuse or misuse of Town equipment and/or property may lead to appropriate disciplinary action which may include, but may not be limited to, a verbal counseling, verbal reprimand, written reprimand, suspension, demotion, or termination of employment.

Any equipment loss or damage will be immediately investigated by the supervisor. The written "incident report" shall be filled out and submitted to the employee's supervisor before the end of the shift during which the equipment loss or damage occurred. When Town equipment and/or property is reported to be damaged or lost according to this Policy, an "incident report" must be completed by the employee, supervisor and a copy of the report must be submitted to the Finance Department. The investigation is to establish what happened and if the situation that caused the incident can be corrected to eliminate reoccurrence. The supervisor may add to the Report or attach a memo of explanation to the report.

The employee will be deducted \$100.00 per paycheck cycle(s) until lost or stolen tool(s) is fully reimbursed to the Town. The employee is to follow standard procurement policy when obtaining the replacement of said equipment/property. The pricing should be of equal or lesser value of that which has been lost or damaged.

#### Use of Town Vehicles

It is the policy of the Town of Fort Myers Beach that certain positions require employee access to municipal vehicles, either during the work shift or on a 24-hr on-call basis. Town vehicles are not to be considered personal vehicles and are not for personal use. Town vehicles are owned by the Town of Fort Myers Beach and are solely for the purpose of providing municipal services to the taxpayers and property owners of the Town of Fort Myers Beach.

Therefore, the purpose of this policy is to set forth guidelines under which Town vehicles are authorized for use by Town personnel and guidelines under which Town vehicles, and their fuel is utilized.

1. Municipal vehicles must have the Town seal affixed on the vehicle and may only be used for providing municipal services. Additionally, applicable grants or other funding sources may require a seal be affixed to Town vehicle.
2. Municipal vehicles will not be used to transport any passenger who is not directly or indirectly providing municipal services. Friends and Family members shall not be transported in Town vehicles.
3. The above mentioned may be superseded in cases:
  - A. A citizen(s) or passenger(s) is deemed to be in an emergency by Town personnel.
  - B. A municipal entity is providing recreational or educational services to the citizen(s) or passenger(s).
4. Municipal Vehicles will not be used to transport Town employees for non-Town related trips.
5. The Town shall not be liable for the loss or damage of any personal property transported in the vehicle.
6. The assignment of municipal vehicles during work time is based upon job classification. Appointing authorities who have municipal vehicles available for this purpose may assign such vehicles in a manner consistent with departmental workload, employee function, and Florida licensing credentials. The assignment of vehicles may be rescinded at any time by the Department Manager, Department Supervisor, or Town Manager.
7. All personnel authorized to drive a municipal vehicle have provided a valid Florida driver's license. And have passed a background check conducted by the Finance Department. Employees shall mention any additional licensures, such as a Commercial Driver's License among others. The Department Supervisor and Town Manager have the sole authority to make such authorizations.

**Employee Traffic Violations:**

1. Employees who incur parking or other fines in municipal vehicles will generally be personally responsible for payment of such fines unless the payment of such fines by the Town is approved by the Town Manager.
2. Employees who are issued citations for any offense while using a municipal vehicle must notify their Department Supervisor immediately, but in no case later than 24 hours. Failure to provide such notice may be grounds for disciplinary action.
3. An employee who operates a municipal vehicle and who is arrested for or charged with a motor vehicle offense for which the punishment includes suspension or revocation of the motor vehicle license, whether in his or her personal vehicle or in a municipal vehicle, must notify the Department Supervisor immediately but in no case later than 24 hours. Conviction for such an offense may be grounds for loss of municipal vehicle privileges and/or further disciplinary action.
4. In the case of 'b' or 'c', the Town Manager must be notified within 24 hours of the incident. Any violations of the traffic, transportation or motor vehicle laws must be reported to the Town Manager for a determination of continued use of a Town vehicle by the involved Town employee.
5. Employees are not permitted, under any circumstance, to operate a Town vehicle, or a personal vehicle for Town services, when any physical or mental impairment causes the employee to be unable to drive safely. Employees whose jobs require regular driving for

service as a condition of employment must inform their supervisor and the Town Manager of any changes that may affect their ability to meet the standards of this policy.

6. Employees driving a Town vehicle may claim reimbursement for parking fees (not fines) and tolls actually incurred. Employees who are authorized to use their personal vehicles for approved service purposes will receive mileage allowance as adopted yearly by the Town Council. All requests for reimbursement must be approved by the employee's direct supervisor.
7. Employees must report to their Department Supervisor or Manager any accident, theft, or damage involving a Town vehicle or a personal vehicle used on Town services, regardless of the extent of damage or lack of injuries. This report must be handwritten or electronic and made as soon as possible but no later than 24 hours after the incident.
8. It shall be the employee's responsibility to always maintain the security of the vehicle and its contents it is in his or her possession. Drivers must also make sure that the vehicle's oil is checked on a regular basis, tires have sufficient tread, and that the vehicle is kept clean, etc. **No vehicle should be driven unless it is safe for the road.**

### **Vehicle Fuel Usage**

1. The employee must have a verified Florida Driver's License, and approval from the Department Supervisor for obtaining a 'Fuel Card'. All approved employees will receive a unique Identification Number (ID) provided by the Public Works Supervisor. These ID's will be attached a personal card issued to all approved individuals.
2. Accurate mileage is key for fuel management, and it is necessary for the Town of Fort Myers Beach to effectively monitor vehicle utilization, track vehicle preventive maintenance compliance, predict accurate vehicle cost-per-mile, understand vehicle fuel miles-per-gallon, forecast vehicle carbon footprints, calculate optimal vehicle lifecycles and other mileage related activities.
3. Employees are therefore required to enter accurate odometer readings at the time of fuel pump purchase.
4. The 'Fuel Card' is to only be used at approved fueling sites, which can be received from the Public Works Supervisor. These locations may also be found using the WEX app. Staff is encouraged to use the most cost-effective location within reasonable proximity.
5. Town of Fort Myers Beach Supervisors must review the monthly record of all fuel card transactions to ensure drivers are following current published policies regarding purchase of fuel. Drivers review their own fuel transactions. The final verification and approval of these logs will be done by the Finance Department.

### **Training and Development**

The Town's policy is to ensure that all employees are knowledgeable about their job and its requirements. Management will use their best efforts to ensure that training is available to all employees periodically in various fashions, such as on-the-job training, video, training meetings, external seminars and/or workshops as well as personal consultation.

Directors/supervisors will determine what training employees are required to have and what training courses they should attend. If an employee has identified certain training that is available is related to their job, the employee should contact their supervisor to discuss the feasibility of the Town providing such training.

Training will normally take place during work hours and the Town will be responsible for all expenses associated with the training. If an hourly employee is required to attend a training session, the employee will be compensated for the time involved in the training. An employee who incurs expenses associated with the training must complete an expense report and include the appropriate receipts and submit it to their Department Director for authorization.

The Town Manager may require certain employees to attend training courses that will enhance the employee's ability to perform their job and improve the general efficiency of Town services. The Town will pay the cost of required training that may include tuition, supplies, meals, lodging, etc.

### Continuing Education Assistance Policy

The Continuing Educational Assistance program viability will be determined each year by the Departmental Directors and set forth in their annual budget and approved by the Town Council. The Town of Fort Myers Beach may provide educational assistance to its employees to allow them to enhance their ability to serve the public interest of the citizens of the Town.

#### General Provisions

1. Coursework must be designed to *enhance* the knowledge, skills, and abilities relating to the official duties that the employees perform and must be taken for credit at an accredited college or university.
2. No reimbursement will be made for coursework or training required as a minimum qualification for employment. A maximum of two courses per enrollment.
3. All regular full-time employees are eligible for educational assistance once they have completed any required probationary periods and have an above "satisfactory" evaluation from their department director/supervisor.
4. Amount of leave bank available to the employee will be considered when determining education assistance.
5. Employees must seek approval prior to enrollment if requesting reimbursement. The Department and Human Resources ***must*** receive requests for educational assistance *no later than two weeks after the first day the course begins*. The Department, the Town Manager, and Human Resources will consider the following factors in evaluating requests for educational assistance:
  - A. The nature, content, and purpose of the course of study.
  - B. The benefits to be derived by the enhanced ability of the employee to serve the public trust.
  - C. The number of courses the employee has submitted for reimbursement in the calendar year shall not be limited.
  - D. The employee's level of responsibility.
  - E. The estimate of the costs involved.
  - F. Any potential lost time or productivity while the employee attends the program, and
  - G. Availability of funds for such reimbursement in the fiscal year in the employee's department budget for this specific purpose.

### *Approval/Reimbursement Process*

1. An employee applying for educational assistance shall complete and provide the following forms available from the Human Resources/Payroll Coordinator to his/her Supervisor and Department Director:
  - A. Approval application,
  - B. Agreement for Reimbursement of Continuing Educational Assistance,
  - C. and a copy of the course syllabus/course description.By signing the Agreement for Reimbursement, the employee agrees to repay any educational reimbursements received in the twelve (12) months preceding his/her voluntary termination of employment. Reimbursement to the Town will be debited from the employee's final pay. The Town reserves the right to seek a judgment for any remaining balance owed after deducting funds from the final pay.
2. The Department Director shall evaluate the request and forward it along with a recommendation for approval/disapproval to the Human Resources Coordinator and forward to the Town Manager.
3. The Town Manager will determine whether the request is eligible for educational assistance and Human Resources will advise the Department Director and the employee of its conclusion.
4. Upon completion of coursework previously approved for educational assistance, the employee must submit a copy of the transcript and original receipts to the Department Director and Human Resources.
5. Human Resources will verify expenses and submit the request for the appropriate amount of reimbursement to the Department Director. The Department Director will complete a check request for the employee's reimbursement. The employee will be issued a reimbursement check from the Town of Fort Myers Beach.

### *Reimbursement Process*

1. The Town will authorize the reimbursement of tuition, required books, required software, lab fees, and registration fees based upon the required rate at the enrolled state of Florida public university and/or college. Tuition and fees from private institutions or out of state will not be reimbursed above the rate required by Florida Gulf Coast University for a similar course.
2. Reimbursement will be 50% for all grades at a "B" or above and grades at a "C" will be reimbursed at 25%. There is no reimbursement for grades below a "C".
3. Non-graded courses shall be reimbursed at a rate of 50% upon satisfactory completion of the course.
4. Employees receiving educational reimbursement from other sources must inform the Town and reimbursement will be adjusted accordingly.
5. Classes and assignments are to be completed outside of regular working hours and should not interfere with the employee's work. Unsatisfactory job performance during enrollment may result in forfeiture of educational assistance.
6. Employees shall not use any space, personnel, equipment, or supplies of the Town in the process of fulfilling any of the requirements of the coursework for which they are being reimbursed.
7. Employees shall not be given any bonus or additional incentive pay for completion of a degree for which any costs were reimbursed under this Policy.
8. Annual reimbursement is capped at \$3,600 per employee, per fiscal year.



## RECEIPT AND ACKNOWLEDGEMENT OF TOWN OF FORT MYERS BEACH EMPLOYEE HANDBOOK

I hereby acknowledge that I have received a copy of the Employee Handbook (“Manual”) of the Town of Fort Myers Beach (the “Town”). I understand that it is my obligation to read the Manual and seek clarification from my Department Head or Human Resources if necessary, to ensure that I understand the Manual.

I expressly acknowledge reviewing the Equal Employment Opportunity, Discrimination and Harassment Workplace Policies contained in the Manual and understand that I immediately must report any conduct in violation of the policy.

I also understand that the policies in the Manual are continually evaluated and may be amended, modified, or terminated at any time in the Town's discretion. I understand that nothing contained in the Manual may be construed as creating a promise of future benefits or continued employment or a binding contract with the Town for benefits or for any other purpose.

I further understand that nothing contained in the Manual, in any other materials provided to me, or in any communications with me create a contract or guarantee of continued employment. Instead, employment with the Town is on an at-will basis. I understand that as an “at will” employee, my employment with the Town is not for a fixed term or definite period and may be terminated at the will of either me or the Town, for any reason or no reason, and with or without prior notice. I understand that, to modify the at will nature of my employment, a written agreement referencing the at will policy contained in this Employee Handbook and signed by the Town Manager, and me must be entered. I understand that all new employees (promoted and transferred employees) must complete an Introductory Period, but that even successful completion of the Introductory Period does not guarantee me future employment.

I understand and acknowledge the Town's Fraud, Waste, Abuse, and Whistleblower Protection Policy and Procedures contained in this Manual and agree to abide by them.

I acknowledge that I have read the Information Technology policy in the Manual. I understand that my use of the Town’s electronic systems constitutes my consent to all the terms and conditions of that policy. I understand that (1) the electronic systems and all information transmitted by, received from, or stored in that system are the property of the Town, and (2) I have no expectation of privacy in connection with the use of the electronic systems or with the transmission, receipt, or storage of information in those systems. I agree not to use a code, access a file, or retrieve stored communications unless authorized. I acknowledge and consent to the Town’s monitoring without further notice to me of my use of the Town E-mail system, instant messaging, group messaging, texts, and the Internet at any time for business and management purposes to ensure compliance with Town policy, including without limitation printing and reading all E-mails entering, leaving, or stored in the system.

Please sign below and return the signed copy to Human Resources within five (5) days of your date of hire. A copy of this acknowledgment will be retained by the Town in your personnel file.

Signed: \_\_\_\_\_

Print Name \_\_\_\_\_

Date: \_\_\_\_\_