

# *Village of Royal Palm Beach*



## *Human Resources Policy & Procedure Manual*



## Village of Royal Palm Beach, Florida

1050 Royal Palm Beach Boulevard Royal Palm Beach, Florida 33411  
Telephone (561) 790-5100 Fax (561) 790-5174 E-mail: clerk@royalpalmbeach.com

Raymond C. Liggins, P.E.  
Village Manager

August 20, 2018

Dear Employee:

On behalf of the Mayor, Village Council and Administration, I want to welcome you to the Village of Royal Palm Beach. As Village officials, we are genuinely interested in the well being and protection of every employee's rights. By adopting these Human Resources Policies and Procedures, we have set forth in writing the formal standards designed to guide and inform employees about our workplace and the benefits provided by the Village. Through these rules and regulations, it is our intent to provide a structured yet creative, productive, pleasant, and fair work environment. Accordingly, the Village expects its employees to perform their duties to the best of their ability with integrity, courtesy and respect for the citizen taxpayers, Village officials, supervisors and fellow workers.

Any questions regarding these policies and procedures should be directed to your supervisor. We are pleased that you have joined our family of employees, and we look forward to a long and mutually beneficial relationship with you.

Again, welcome to the Village of Royal Palm Beach.

Sincerely,

Raymond C. Liggins, P.E.  
Village Manager

Fred Pinto  
Mayor

Selena Smith  
Vice Mayor

Jeff Hmara  
Councilman

Jan Rodusky  
Councilwoman

Richard Valuntas  
Councilman

Raymond Liggins, P.E.  
Village Manager

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## **CHAPTER 1: HUMAN RESOURCES POLICIES AND PROCEDURES**

### **1-1. Purpose**

The general purpose of these policies is to provide a comprehensive guideline for human resources administration for the Village of Royal Palm Beach which efficiently and effectively delivers services to employees and taxpayers. These policies may change with or without further notice, and they are not to be interpreted as a restriction on any inherent right of the Village. They are also not to be construed as a contract or in any way as creating any expectations or property interest.

### **1-2. Declaration of Policy**

The Village Council and Administration declare the following principles to constitute the human resources policies of the Village of Royal Palm Beach.

- A. Employment in the Village government shall be based on merit and qualifications free of personal and political consideration.
- B. Just and equitable incentives and conditions shall be established and maintained in order to promote efficiency and economy in the operation of the municipal government.
- C. An effort will be made to classify positions with similar duties and responsibilities on a uniform basis.
- D. Appointments, promotions, and other personnel actions will occur upon approval of the Village Manager.
- E. Every effort shall be made to stimulate high morale by administration of policies with appropriate consideration of the rights and interests of the public and the Village.

### **1-3. Power of Appointment**

The Village Manager shall appoint, and when necessary, promote, demote, remove, discipline or otherwise impact the employment of all Village employees and appointed administrative officers.

### **1-4. At-Will Employment**

Employment with the Village of Royal Palm Beach is at-will. The employee may resign at any time, and the Village may terminate the employee at any time with or without cause. This at-will employment relationship cannot be changed orally or by any conduct, unless such change is specifically acknowledged in writing by the Village Manager. Employees shall not rely upon any representation, whether orally or in writing, contrary to the fact that employment is at will, unless otherwise specified by law or collective bargaining agreement. Benefits, policies, and all other matters may be changed with or without notice, with the exception of matters for which the impact must be negotiated with the bargaining units.

1-5. Approval of Policies

These policies shall be enforced and effective when approved by the Village Council and may only be modified by the Village Manager or Village Council.

1-6. Additional Rules & Regulations

Additional rules and regulations may be established by the departments and/or by Administrative Orders that are consistent with these policies and which have been approved by the Village Manager.

1-7. Applicability

This policy will apply to all personnel employed by the Village of Royal Palm Beach, except that in any conflict between the terms of a collective bargaining agreement and this policy, the collective bargaining agreement will control.

## CHAPTER 2: PAY PLAN

This chapter and its subparts only apply to unrepresented employees, those which are not represented by a collective bargaining unit.

### 2-1. Establishment

- A. The Village Council of the Village of Royal Palm Beach shall periodically adopt by Resolution, a pay plan. This plan may subsequently be amended by Resolution or budget appropriation.
- B. The pay plan and associated salary structure has been created only for those employees who are not covered by a collective bargaining agreement. The comprehensive pay plan salary schedule is available from either Human Resources or the Finance Department, which contains the salary ranges for those positions of employment by the Village. This pay plan is applicable to all classes of non-collective bargaining positions, except that of Village Manager.

### 2-2. Management

The Village Manager or designee shall be responsible for implementing and managing the pay plan.

### 2-3. Maintenance

- A. The Village Manager or designee shall occasionally conduct such comparative studies as deemed necessary on the factors affecting pay ranges prior to the preparation of the annual budget. On the basis of information derived from such studies, the Village Manager may recommend to the Village Council such changes necessary to maintain the adequacy and fairness of the salary structure, and to be consistent with community standards.
- B. The Village Manager may re-classify positions within the established pay grades based upon adjustments in job responsibilities and job value of the new classifications.
- C. Other miscellaneous benefits may be provided to employees in order to provide for the effective administration of Village affairs, as solely determined by the Village Manager. Other miscellaneous benefits may also be provided pursuant the Village Manager's power and duties as set forth in Village Code Sec 2-2 in order to provide for the most cost effective and efficient administration of Village's business affairs.

### 2-4. Minimum Rate

The pay grade and minimum step allocated to a classification takes into account the necessary experience and qualifications. On occasion, for highly skilled, technical, or managerial positions it may be necessary to hire above the minimum rate in the range. A recommendation to hire above the minimum rate in the range shall be documented by the department head and approved by the Village Manager. The amount shall not exceed 25%

above the minimum rate in the range.

Part time, temporary, and contract to hire positions are exempt and by Village Manager approval, can be hired at any step in the appropriate grade. Candidates hired for temporary camp positions for the Village's summer camp program, will be hired at the minimum of the pay range with the exception of individuals who are returning staff from a previous summer camp program. Returning camp employees will receive 2% (move two (2) steps) for each year after the first year they worked to a maximum of step 40. For example, a returning summer camp position who is returning for the third year would start at step 5. First year of hire starts at step 1, second year returning starts at step 3, and third year returning would start at step 5, etc.

2-5. Compensation Plan

- A. Pay Range – Each pay grade has 40 steps. Each step is an increment of 1% compounded.
- B. Prospectively, any employee whose salary meets the maximum pay rate (step 40) will only receive a COLA (cost of living adjustment) increase.
- C. Employee performance evaluations could result in a merit adjustment of 0% - 5% for all non-temporary employees. Any merit adjustment will be effective October 1<sup>st</sup> of each fiscal year. The merit adjustment will apply only to those employees who have been employed a minimum of six (6) continuous months as of September 30<sup>th</sup> of the prior fiscal year.
- D. Lump Sum Merit Bonus

Should an employee receive an overall rating score on their Performance Evaluation which would indicate a merit increase that would place their step above the 40 step maximum grade, the employee will receive the difference of merit above step 40 in a Lump Sum Bonus. Bonus will not be added to the base salary.

Example: If an employee is 2% away from the maximum of their pay range and their performance review indicates they should receive a 3% increase, then the following will occur. They will receive a 2% increase, which increases their pay to the 40 step maximum. They will also receive the other 1% as a lump sum bonus, paid out in the first payroll in January of that fiscal year, but will not be added to the base salary.

E. Automobile Allowance & Use

The Mayor and Council are paid a monthly stipend for using their cars for business purposes. The Village Manager shall be authorized to increase that amount to reflect current economic conditions subject to the annual budget approval. This money is taxable income, and is treated as such. Mileage reimbursement for Mayor, Council and Department Head staff is to be requested when using a personal vehicle for business purposes when the destination is located outside the tri-county area; Broward, Palm Beach, and Martin County. Reimbursements on mileage must be requested on the proper accounting form and approved by the appropriate supervisory staff.

## F. Cell Phone Allowance

Monthly cell phone stipends are given to certain employees. The stipend is for the purchase, use and costs related to the cell phone. Employees issued a stipend may use their cell phones for personal use. However, use of the phone in any manner contrary to Village policy or local, state or Federal laws will constitute misuse and will result in immediate termination of the cell phone service stipend. Employees given a cell phone stipend must be able to produce a copy of their phone bills if a public record is requested. Additionally, the Village discourages official Village business being done via texting. Text messages are considered public record, and as such, you may be asked to produce your text messages pursuant to a request. The Village is not responsible for any cell phone contracts or fees associated with employee's cell phones unless an employee no longer is required to have a cellular phone, and incurs a fee to cancel the service. In this case, the Village will reimburse such costs given the proper documentation.

## 2-6. Job Postings/Employment

- A. In circumstances where a vacancy or newly created position will be filled by someone other than a current Village employee, such position shall be advertised publicly. Advertisements shall include job title, salary, department, minimum requirements, work schedule and application deadline. Such advertisements shall be posted on the Village website. Applications for Employment shall only be accepted for vacancies. It is the applicant's responsibility to thoroughly and accurately complete the online application which is available on the internet at [www.royalpalmbeach.com](http://www.royalpalmbeach.com). Resumes submitted without completing an online Village employment application will not be accepted as a job application. Online applications are required; resumes are optional. No unsolicited resume and/or application will be considered. Applicants must possess the necessary qualifications and abilities to perform the job for which they are applying for at the time of application unless otherwise noted in the job description (i.e. licensing requirements).
- B. In order to develop career opportunities for Village employees, it is the Village's policy to fill job vacancies by promotion from within whenever appropriate and in the Village's best interest. For positions only open to current employees, the Human Resources Department shall post the opening online visible only to current employees for at least five (5) working days. Employees are directed to apply for the internal posting using the online application system.
- C. The Human Resources Department shall forward applicants who meet the minimum job qualifications to the department filling the position. Applicants who are clearly overqualified may be declined an interview. The department head shall coordinate job interviews, selection and hiring with the Human Resources Department. Prior to all job interviews, questions will be reviewed and approved by the Human Resource Department.
- D. The Human Resource Department will arrange for criminal background, fingerprinting, DMV, sexual offender, credit, social security, and other checks as required by statute or policy to be completed on applicants who have successfully interviewed and meet the minimum requirements. Upon completion of the various background checks,

departments will be told if the applicant can move forward in the hiring process. In accordance with the Fair Credit Reporting Act, applicants not hired are entitled to know if employment is denied because of information obtained by the Village from a Consumer Reporting Agency. Such applicant shall be provided information about the report including the name of the agency or sources of information and scope of the investigation. Applicants not hired shall be notified by the Human Resources Department.

- E. Applicants should never be offered or be made any promise of employment without approval from the Human Resource Department. Any job offer extended to an applicant is conditioned upon the successful completion of a pre-employment physical examination and in some cases, a drug screen. The Human Resource Department will arrange for both the physical and if needed, the pre-employment drug test.
- F. Upon approval from the Human Resource Department, applicants may be contacted and a start date agreed upon. Departments are responsible for coordinating the new hire orientation with the Human Resource Department. No employee can start work until a new hire orientation is completed on the first day of employment.
- G. Current employees selected for another job must be released from his/her current position within two (2) weeks from the date of selection, unless a different time period is mutually agreed upon by the current and requesting departments.
- H. People who are applying to Volunteer in one of our facilities, must fill out a Volunteer application. The HR Office will run a background check and may require a drug test. The HR office will inform the department if the Volunteer is a suitable candidate. All Volunteers must sign a waiver of liability form. Volunteers cannot be ex-employees who were terminated for cause or involuntarily resigned. Furthermore, the Village reserves the right to place Volunteers in the department where the Village feels the Volunteer will be best utilized.

#### 2-7. Promotion

An employee promoted to a position with a higher pay grade will receive the starting rate of pay for that job or a 5% increase, whichever is greater and feasible within the current approved pay grade table, unless the Village Manager determines that a higher pay level is appropriate. Accordingly, the Village Manager may authorize a pay increase of up to 20%. The promoted employee will be on probation for the first 90 days. During the probationary period, the employee may be returned to his/her prior position provided the position is still vacant. If it is decided that the employee is to return to his/her former position during the probationary period, he/she will receive his/her previous salary. All promotions require prior approval of the Village Manager.

#### 2-8. Transfer

An employee who requests a voluntary or receives an involuntary transfer to another position in the same pay grade shall receive the same rate of pay. An employee transferred permanently without a promotion or demotion shall not receive a change in pay. All transfers require prior approval of the Village Manager. The transferred employee will be on

probation for the first ninety (90) days, and may be returned to his/her prior position and salary if necessary.

2-9. Demotion

- A. An employee who is demoted for disciplinary reasons will be assigned to the same step in the new (lower) classification as the employee's former classification before the demotion. All demotions require prior approval of the Village Manager.
- B. Should an employee voluntarily request and be granted a transfer to a position in a lower classification his/her pay may be reduced by the percent difference in the pay grades, or 5%, whichever is less. The employee will be advised in writing of the rate of pay for the new position before accepting it. If an employee is above the maximum of the range of the lower classification, the employee will have his/her pay reduced to the maximum of the lower classification.

2-10. Temporary Assignments/Transfers

See Chapter 9, Section 9-2 (Temporary Job Classification).

2-11. Wages

- A. Employees assigned to directly supervise inmate labor will receive a 10% base rate wage increase for all hours actually spent on such duties.
- B. Code Enforcement Inspectors (CEI's) will receive the starting wage rate for the new position or a 5% increase in their base pay upon completion of the Florida Association of Code Enforcement (FACE) certification. No more than one certification can be completed in any given Fiscal Year. There will be four (4) different levels of Code Enforcement Inspectors. Level I certification must be obtained within one (1) year of start date as a CEI Trainee or the employee will be terminated.
- C. Employees are encouraged to be cross licensed in both inspection and plan review. Employees are eligible to receive additional certification pay once they meet a minimum two (2) certification criteria. Pursuant to the needs of the department, employees are eligible to receive two (2) additional certifications each fiscal year. For each additional certification above the minimum two (2), in either plan review or inspection in one of the four trades, employee will receive starting the first payroll of the month following the state issuance of their certification, \$50.00 per pay period per certification, not to exceed a total of \$1,300 per certification in each fiscal year. Additional certs will be limited to six (6) within the four trades. Certification pay is not retroactive to the start of a fiscal year when certs are received mid fiscal year.

## CHAPTER 3: PERFORMANCE EVALUATIONS

### 3-1. Purpose

The performance evaluation assists an employee in understanding how he/she is performing. The evaluation also serves as a tool for employees to set goals with their supervisors, and to review progress in job performance toward those goals. The overall purpose of the evaluation is to maintain or improve the high quality level of work performance of Village employees. It is the Village's policy to recognize and reward meritorious performance based on the employee's performance evaluation which could result in a 0% to 5% increase in pay, as set forth in Chapter 2, Section 2-5 (Compensation Plan).

### 3-2. Probationary Employees

The probationary period is one year from the date of employment. An employee who attains a satisfactory evaluation after one (1) year of service will be considered a non-probationary employee. In the event of an interruption of service or for other purposes, a probationary employee's evaluation may be extended by approval of the Village Manager.

### 3-3. Non-Probationary Employees

An effort will be made to evaluate employees annually, or at such intervals as the Village Manager deems necessary and/or appropriate. Department heads and supervisors are encouraged to provide performance related feedback to employees throughout the year. An unsatisfactory evaluation may result in a 90-day probation period in which a performance improvement plan shall be written by the supervisor with the employee effective the date of the performance review. At the end of the 90-day review period, the employee will be evaluated for performance improvement only, and will not be eligible for any merit raise until the next annual performance evaluation. Failure to improve after this probationary period may result in termination of employment.

### 3-4. Non Eligible Employees

Non temporary employees hired after April 1<sup>st</sup> are not eligible for a merit pay increase. The employee's manager may still opt to give the employee a performance review. The manager should explain to the employee that the review will have no bearing on pay for the upcoming fiscal year, rather the review is given to them to provide feedback.

### 3-5. Below Expectation Rating

Only overall ratings that are "Below Expectation" rating, 0 – 1.9, may have access to the grievance procedure for appeal.



## CHAPTER 4: LENGTH OF SERVICE AWARDS

### 4-1. Purpose

The Village of Royal Palm Beach values its employees, and the importance of publicly recognizing employees for length of service milestones throughout their employment. Our program is intended to recognize employees' continuous length of service at intervals of their first (1<sup>st</sup>) year, fifth (5<sup>th</sup>), tenth (10<sup>th</sup>) year and for intervals of five years thereafter. A year is defined as a calendar year from the employee's date of hire.

### 4-2. Eligibility

After the completion of one year of continuous service, employees will receive a personal letter from the Village Manager, congratulating them on their first year milestone. The employee will also receive a commemorative gift with the Village Logo.

### 4-3. Presentation and Event

For five (5), ten (10), fifteen (15), twenty (20), twenty-five (25), and thirty (30) years of completion, the employee will pick an award from a brochure within the appropriate section. Awards will be presented from ten (10) years and up at the monthly Village Council Meetings. The employee's Department Head or designee will plan and coordinate smaller ceremonies for the one year and five year awards.

## CHAPTER 5: HOLIDAYS

### 5-1. Holidays

The Village will observe the holidays listed below. For the purpose of this policy, the term “holiday” shall mean either the observed day or the actual day pursuant to the following conditions of employment.

For all permanent, full time employees who are regularly scheduled to work a Monday – Friday schedule with Saturday and Sunday off, when a holiday falls on Saturday, the previous Friday will be observed, and if the holiday falls on Sunday, the following Monday will be observed. Additionally, the Village will observe the last four hours of an eight hour shift for Christmas Eve when it falls on a Tuesday, Wednesday or Thursday. When Christmas Eve falls on a Monday, the Village will observe the holiday for the entire day (8 hours).

For all permanent, full time employees who regularly work a schedule other than Monday – Friday, holidays will be observed and paid on the actual day of the holiday. For these employees only, a half day (4 hours) will be observed for Christmas Eve when the holiday falls on a day they are regularly scheduled to work. When Christmas Eve falls on a day following their two regularly scheduled days off, these employees will observe the entire day (8 hours).

New Year’s Day, January 1st	Columbus Day
Martin Luther King, Jr.’s Day	Veterans Day
President’s Day	Thanksgiving Day
Memorial Day	Day After Thanksgiving
Independence Day, July 4th	Christmas Day
Labor Day, 1st Monday in September	

### 5-2. Eligibility

To be eligible to receive holiday pay, a non-exempt employee must be in a paid status for the entire assigned shift before the holiday and the entire assigned shift after the holiday. For the purposes of this section, an entire assigned shift is defined as a minimum of seven (7) hours, not to include unpaid meal times.

When it is necessary to maintain regular services requiring an employee to work on an official holiday, such employee shall be compensated by receiving eight (8) hours of pay for the holiday, plus pay for the number of hours actually worked. Any actual hours worked on a holiday will be added to the eight (8) hours for purposes of computing overtime. Employees scheduled to work on a holiday, but do not report to work, will not be able to substitute non-preapproved leave for the scheduled holiday work shift. The scheduled shift will be forfeited.

In the event that an official holiday is observed during an employee’s pre-approved personal leave, it shall not be charged against personal leave. Employees whose day off is on the

Village's observed holiday will receive eight (8) hours of work time to be added into hours worked for the purpose of computing overtime.

## CHAPTER 6: APPROVED LEAVES

### 6-1. Personal Leave and Definitions

- A. Personal leave provides each fulltime employee with discretionary time off for any personal needs including illness or injury without any obligation to provide a doctor's excuse or to remain at home.

Pre-Approved Personal Leave (PL) – Leave requested and approved in advance with the proper timelines as detailed below in Section B. Such hours are counted as hours worked in the computation of overtime.

Non-Pre-Approved Personal Leave- (UP)– Leave requested and approved less than 24 hours in advance and more than ½ hour before their regular starting time. Does not count as hours worked in the computation of overtime.

Unexcused Leave (UX) – Leave requested outside of the definitions above. Requesting leave while not having sufficient amount of time available in leave bank at the time of leave being used. Pay will be forfeited for the scheduled time not worked. Employee will be subject to disciplinary action.

Employees shall accrue personal leave on the following per hour basis:

Years of Service	Hours Accrued Per 80 Hours Worked	8 Hour Days Equivalent
0 - completion of 5 <sup>th</sup> year	5.539	18 (144 hours)
Beginning of 6 <sup>th</sup> year – completion of 10 <sup>th</sup>	7.077	23 (184 hours)
Beginning of 11 <sup>th</sup> year +	8.616	28 (224 hours)

- B. Pre-Approved Personal Leave (PL) and Non Pre- Approved Personal Leave (UP) may be taken in minimum increments of 15 minutes. In the event two or more employees request leave for the same date(s), and have requested the leave at the same time, seniority will prevail. The Village reserves the right to cancel any approved personal leave when it is deemed in the Village's best interest.
- C. Exempt employees absent from work for at least four (4) hours must request leave.
- D. Employees who are a no call/no show forfeit pay for the entire day. Time will be UX and the employee subject to disciplinary action. If an employee does not call at least thirty (30) minutes before the start of their shift, they will be UX for a minimum of thirty (30) minutes or UX up until the time they called out, whichever one is greater.
- E. Employees may accrue a fiscal maximum of 35 personal days (280 hours) and carry

them over from year to year. During the course of the fiscal year, the maximum 280 hours may be exceeded; however hours in excess of 280 hours must be used by September 30 or be forfeited. If an employee ends a fiscal year with an amount of time which exceeds 280 hours due to the Village requiring a change in vacation plans, then the employee shall use the hours requested within 90 days of the beginning of the fiscal year.

- F. Short Term Disability - After an employee meets the requirements to be eligible for Family Medical Leave and has been out of work due to illness or off-the-job injury for 160 consecutive regularly scheduled hours of work, the employee may apply for short term disability which would provide up to 22 additional weeks (880 hours) of salary continuation at 75% of the employee's regular salary. An employee with accrued personal leave may use it to supplement the disability payments so as to receive 100% of his/her regular salary.

The Village retains the right to have the employee examined by its physician at the Village's expense to ascertain the need for disability leave, an employee's fitness for duty, and or any appropriate work duty restrictions. If the Village selected physician disagrees with the employee's physician, these physicians will select a qualified third physician who will render a final determination as to whether the employee is disabled.

Separate leaves within a six (6) month period from the previous date of return for the same illness or injury will be considered one leave for the purpose of the continuation of benefits under Short Term Disability.

- G. Employees injured on the job, who are unable to return to work on the day of injury, shall be paid for that day. Employees absent from work as a result of a compensable on the job injury will be entitled to workers' compensation benefits; however, the Village will not supplement those benefits except as noted below. Employees with accrued personal leave, or comp time may use any to supplement worker's compensation benefits to receive up to 100% of their salary
- H. Employees returning to work from short term disability or absence due to illness or injury under worker's compensation are required to provide their supervisor with a copy of a release to return to work at full duty, or light duty if it can be accommodated, from the treating physician. The release is to be forwarded to Human Resources Department.
- I. Long Term Disability: The Village will provide at no cost to the employee a long term disability policy that shall provide minimum coverage of at least 60%, or the maximum provided for in the policy, of the employee's salary (integrated with worker's compensation and/or social security benefits) to begin after an elimination period of 180 days has been satisfied. Employees who return to work and request disability leave for the same illness/injury within six (6) months from the previous date of return will receive credit toward the 180 day elimination period.
- J. Employees may request PL time as soon as it has accrued. All employees will be paid 100% for all accrued personal leave when their employment is terminated for any reason.
- K. In unusual cases or emergency situations, the Village Manager can pay an employee part

or all of his/her accrued personal leave. The Manager's decision is final.

- L. Any time an employee is out of work on paid leave, the employee will accrue all regular benefits, which includes personal leave time, retirement and healthcare benefits. Workers' compensation will be treated as paid leave. Employees on approved unpaid leave of up to ninety (90) calendar days shall also accrue all regular benefits.
- M. Any unauthorized absence or absence without leave time will be without pay and the employee may be subject to disciplinary action up to and including discharge. Employees who are absent from work for three (3) consecutive work days and have not called in, applied for leave, or have not notified their supervisor of their status will be considered to have abandoned their job and will be terminated. Notification of such termination will be sent via certified mail and regular US Mail.
- N. Employees who are absent from work for six (6) months (26 weeks) in any rolling twelve month period will be terminated. Extensions may be requested in writing via the Department Head or HR Department to the Village Manager, and will be considered on a case by case basis.
- O. All leave shall be recorded on the electronic time keeping system and approved by the department head.
- P. When an employee uses Personal Leave for three or more consecutive work shifts and the leave is medically related, the employee may be required to bring in a doctors note clearing them for return to work, and they may be subject to the provisions under Chapter 19 (Medical Examination). Employees requiring Family Medical Leave paperwork may request the paperwork as provided in Section 6-5.
- Q. While personal leave may be used in any manner so long as the employee stays within the guidelines outlined in Section 6-1, subsections A & B, patterned absenteeism may lead to disciplinary action. Excessive use of Non-pre-approved time, (UP), will be taken into consideration during the performance review process and is discouraged.

#### 6-2. Compassionate Leave

In the event of the death of an immediate member of the family (parents, siblings, children, spouse, step-parents, step-children, mother-in-law and father-in-law, grandparents, spouse's grandparents, grandchild, son-in-law, daughter-in-law, guardian), a full-time employee will be entitled to three paid (3) compassionate leave days immediately following the death to attend the funeral. Five (5) paid days shall be granted if the employee is in attendance at the funeral and such funeral is held outside the State of Florida. All days referred to herein shall be eight (8) hours. Proof of death and or attendance at the funeral may be required.

#### 6-3. Jury and Witness Duty

- A. Leave with pay shall be authorized for full-time permanent employees in the Village who may be required to perform jury duty. Employees must return to the Village all compensation, less expenses, paid by the court. Further, when an employee is released from jury duty with at least three (3) hours remaining on his/her regularly scheduled

work day, the employee shall return to work and report to his/her supervisor. Upon returning to work, the employee must present a note from the court showing dates and times the employee was absent from work to serve as a witness or juror.

- B. Employees who work the evening or midnight shifts who are called to jury duty shall have at least eight (8) hours between the end of jury duty and the beginning of their regularly scheduled shift or from the end of their regularly scheduled shift and the reporting time for jury duty. Should there be less than eight (8) hours the employee shall be relieved, with pay, from that portion of their shift so as to give the employee eight (8) hours rest.
- C. Employees subpoenaed to testify in court proceedings for Village related actions shall be given leave with pay for the time needed to honor the subpoena.

6-4. Unpaid Leave of Absence (Non-FMLA Related)

- A. Employees may request, in writing, a leave of absence without pay for up to six (6) months. Such requests must be submitted through your Supervisor and or Department Head, and be addressed to the Village Manager for approval.
- B. All available personal leave except personal leave already scheduled and approved, must be exhausted prior to use of any approved leave without pay unless written approval is received from the Village Manager.
- C. The decision to grant leave without pay (Leave of Absence) is a matter of administrative discretion. The Village Manager will consider each request and determine each case on its own merits.
- D. Employees granted leave of absence must inform their Department Head every six (6) weeks regarding the status of their current activity (school, medical, military, etc.) In addition, they must keep their Department Head advised of their current address and phone number at all times. After 90 days of unpaid leave, employees must pay the full cost of health benefits.
- E. Employees granted a leave of absence and who wish to return before the leave period has expired may do so only upon approval of the Village Manager.
- F. Employees granted a leave of absence shall, upon termination and/or expiration of the leave, return to the job classification, grade and step held at the time leave began.
- G. Leaves which fall under the Family and Medical Leave Act will be treated accordingly.

6-5. Family and Medical Leave

This policy is designed to give employees notice of their basic rights under the Family and Medical Leave Act of 1993 (FMLA), as amended from time to time. However, employees may have additional rights and obligations pursuant to that Act which will be explained to them upon taking leave under this policy, or upon request. Employees requesting FMLA leave should contact the Human Resources Department to receive information and complete

the appropriate forms, and inform their direct Supervisor and or Department Head of their request. Forms are available online at:

<http://www.royalpalmbeach.com>, under the Departments tab, Human Resources  
Click on → Village Employee Information and Forms  
Enter the User ID and Password

A. An employee who has (1) worked for at least twelve months for the Village, (or a total of 52 weeks whether or not continuously); (2) at least 1,250 hours of service with the Village during the 12 months preceding the leave, may request up to 12 weeks of unpaid leave within a rolling 12 month period under the following circumstances (NOTE: Certain highly paid employees may not be entitled to all leave benefits provided under this policy):

1. For incapacity due to pregnancy, prenatal medical care or for a serious health condition following child birth;
2. To care for the employee's child after birth, or placement for adoption or foster care;
3. To care for the employee's spouse, son, daughter, or parent who has a "serious health condition";
4. For a serious health condition that makes the employee unable to perform one or more of the essential requirement of the employee's job.
5. Because of a qualifying exigency as defined in Section 6-5, D.

The entitlement to leave for birth or adoption or foster care of a child, shall expire at the end of the 12 month period beginning on the date of such birth or placement. Leave time will be taken consecutively, not intermittently. Exceptions to this are decided by the Village Manager on a case by case basis. If spouses are both employed by the Village, aggregate leave for both spouses for birth, adoption, or foster care of a child, or to care for a parent (but not a spouse or a child) with a serious health condition shall not exceed 12 weeks within a rolling twelve month period. However, an employee is entitled to take the remainder of his or her own 12 week leave to care for a spouse or child with a serious health condition, or because of the employee's own serious illness.

For the purpose of this section, except as otherwise noted in the policy, "child" means a biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis (in place of a parent) and who is either under the age of eighteen (18) or, if older than the age of eighteen (18), is incapable of self-care because of a mental or physical disability. "Parent" means a biological, adoptive, step or foster parent or any other individual who stood in loco parentis (in place of a parent) to the employee when the employee was a child. Parent does not include parents "in law".

B. A "serious health condition" is defined as an injury, illness, impairment, or physical or mental condition that involves either:

1. Hospital Care: Inpatient care (i.e. an overnight stay) in a medical care facility, hospital, hospice, or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with or consequent to such inpatient care.



2. Absence Plus Treatment:
  - a. A period of incapacity of more than three consecutive calendar days (including any subsequent treatment or period of incapacity relating to the same condition) that also involves:
    - 1a. Treatment of at least two or more times within 30 days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care service (e.g. physical therapist) under orders of, or on referral by, a health care provider; or
    - 2a. Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition.

The requirement in paragraphs (B), (1) & (2) of this section for treatment by a health care provider means an in-person visit to a health care provider. The first (or only) in person treatment visit must take place within seven (7) days of the first day of incapacity.

3. Pregnancy: Any period of incapacity due to pregnancy, prenatal care, or for a serious health condition following child birth.
4. Chronic Conditions Requiring Treatments:
  - a. Requires periodic visits, at least two visits per year, for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;
  - b. Continues over an extended period of time (including recurring episodes of a single underlying condition); and
  - c. May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.)
5. Permanent/Long term Conditions Requiring Supervision:

A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provide. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.
6. Multiple Treatment (Non-Chronic Conditions):

Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity or more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer, severe arthritis, and kidney disease.

7. The FMLA definitions of “serious injury or illness” for current service members and veterans are distinct from the FMLA definition of “serious health condition”. See Section 6-5, C.

- C. Care for Service Members: FMLA now provides for leave for up to 26 workweeks in a single 12 month period for an employee who is the spouse, son, daughter, parent or next of kin to care for a covered service member. A covered service member is: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness, or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness. “Next of Kin” of a military member means the nearest blood relative other than the service member’s spouse, parent or child, in the following order of priority (unless the service member has specifically designated in writing another blood relative as his nearest blood relative for purposes of military caregiver): 1) blood relatives who have been granted legal custody of the service member, 2) brothers and sisters, 3) grandparents, 4) aunts and uncles and 5) first cousins.

A serious injury or illness for a covered service member means an injury or illness incurred by a covered service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank or rating. Is it also to include injuries or illnesses that existed before the beginning of the member’s active duty and were aggravated by service in the line of duty on active duty in the Armed Forces. A serious injury or illness for a covered veteran means an injury or illness that was incurred or aggravated by the member in the line of duty on active duty in the Armed Forces and manifested itself before or after the member became a veteran, and is:

1. A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member’s office, grade, rank or rating; OR
2. A physical or mental condition for which the covered veteran has received a VA Service Related Disability Rating (VASRD) of 50 percent or greater and such VASRD rating is based, in whole or in part, on the condition precipitating the need for caregiver leave; OR
3. A physical or mental condition that substantially impairs the veteran’s ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service or would do so absent treatment; OR
4. An injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

If two related employees work for the Village, the combined leave shall not exceed twenty-six (26) weeks of leave during the single twelve (12) month period.

- D. Qualifying Exigency: FMLA will also provide leave for up to 12 work weeks because of any qualifying exigency arising out of the fact that the spouse, son, daughter, or parent of the eligible employee is a member of the National Guard and Reserves, and the Regular Armed Forces, and has been notified of an impending call to order to covered active duty in the Armed Forces in support of a contingency operation and deployment to a foreign country. The Department of Labor defines qualifying exigency by referring to a number of broad categories for which employees can use FMLA leave: 1) Short notice deployment; 2) Military events and related activities; 3) Childcare and school activities; 4) Financial and Legal arrangements; 5) Counseling; 6) Rest and recuperation; 7) Post-deployment activities; 8) Parental Care; and 9) Additional activities not encompassed in the other categories, but agreed to by the employer and employee.
- E. Employees who request qualifying exigency leave to spend time with a military family member on Rest and Recuperation leave, may take up to fifteen (15) calendar days.
- F. An employee must utilize all accrued personal leave for leave granted under the Act for an employee's own serious health condition. Once leave has been exhausted, the remainder of the FMLA leave will be unpaid.
- G. An employee must utilize all accrued personal leave for leave granted under the Act for a birth, adoption, or placement of a foster child, or to care for the spouse, son, daughter, or parent of an employee, if the family member has a "serious health condition", or for any leave associated with military or airline flight crew reasons. After all personal leave is utilized, the remainder of the FMLA leave will be unpaid.
- H. Employees must give 30 days notice of their intent to take leave for foreseeable events. When circumstances require a leave to begin in less than 30 days, the employee must give as much notice as is practicable. Once an employee has been given the Medical Certification Form, for any of the aforementioned qualifying reasons, the employee has 15 calendar days to complete the form and return it to the HR Dept. If the form is not completed within the allotted time frame, FMLA can be denied, and the employee may be subject to disciplinary action up to and including termination. The Village will require that leave based upon a qualifying exigency also be supported by a certification and supporting documentation, including a copy of the military member's active duty orders or other similar documentation.
- I. Certification issued by a health care provider is required to support an employee's request for leave due to a serious health condition or qualifying exigency, or Military Caregiver Leave. The employee shall provide in a timely manner, a copy of such certification to the Village. Sufficient certification shall include a statement of:
1. The date on which the serious health condition commenced; or a copy of the military member's Rest and Recuperation leave orders, or other documentation issued by the military setting for the dates of military member's leave.
  2. Its probable duration;
  3. The appropriate medical facts within the knowledge of the health care provider regarding the condition;

4. An assertion that the employee is unable to perform the functions of the position of the employee, or that the employee is needed to care for the family member and an estimate of the amount of time that the employee is needed to care for the family member.
5. Certification of Military Caregiver Leave is expanded to include additional information as outlined in 29 CFR §825.310 and as amended.

A second and third medical opinion from a Village designated health care provider concerning the information provided in the medical certification may be required by the Village, at the Village's expense. When the second opinion differs from the original certification, the Village may require a third health care provider opinion jointly selected by the Village and the employee at the Village's expense. The third opinion is final and binding on both parties.

- J. When an employee requests a reduced schedule leave or intermittent leave, the Village must track intermittent FMLA leave using the smallest increment of time used for tracking other forms of leave, but at the very least the increments of time cannot be larger than one hour. Additionally, only the time actually taken as FMLA leave can be counted against the employee's leave entitlement. The following is required:
  1. In the case of planned medical treatment, a health care provider certification must also include the dates on which treatment is expected and the duration of the treatment;
  2. If an employee takes leave due to his or her serious medical condition, certification must also include a statement of the medical necessity for such intermittent or reduced leave schedule and the expected duration of the intermittent or reduced leave schedule;
  3. If an employee requests leave to care for a sick family member, the certification must also include a statement that such intermittent or reduced leave schedule is necessary for the care of the family member who has a serious health condition or will assist in their recovery, and the expected duration and schedule of the intermittent or reduced leave schedule.
- K. If the leave was based on the employee's own serious health condition, a fitness for duty certification from the employee's health care provider is required. The certification must show that the employee is able to safely resume performing all the essential functions of his or her position. Nothing in this paragraph shall supersede a valid state, federal, local law or a collective bargaining agreement that governs the return to work of such employee.
- L. During unpaid leave, the employee shall accrue all regular benefits. Employment benefits to which an employee may be entitled on the day family and medical leave of absence begins will not be lost because of such leave. Upon return from FMLA leave, employees are entitled to any changes in benefits not dependent on seniority or accrual during the leave.
- M. The Village will continue to pay the employee's health insurance premium, however the employee is responsible for continuing to pay any share of health premiums during FMLA leave. Failure to do so may result in loss of coverage. If the employee does not

return to work after the expiration of the leave, he/she will be required to reimburse the Village for payment of health insurance premiums during the family leave, unless:

1. the employee does not return because of the presence of a serious health condition which prevents him/her from performing the essential functions of the position;
2. the employee is needed to care for a spouse, son, daughter, or parent with a serious health condition; or
3. because of circumstances beyond the control of the employee.

If the employee does not return because of a serious health condition, certification of a health care provider may be required in a timely manner in order to avoid being required to reimburse the Village for payment of health insurance premiums.

- N. In the case of unpaid leave for the birth or placement of a child, intermittent leave or working a reduced number of hours is not permitted unless approved by the Village Manager. In the case of unpaid leave for a serious health condition of the employee or the employee's family member, the leave may be taken intermittently or on a reduced hours basis only if such leave is medically necessary.

If an employee requests intermittent or reduced schedule leave for a serious health condition of the employee or the employee's family member, the Village may require such employee to transfer temporarily to an available alternative position for which the employee is qualified, and that has equivalent pay and benefits, and that better accommodates recurring periods of leave than the regular employment position of the employee.

- O. On return from leave within the leave period, an employee shall be entitled to be restored to the position of employment held by the employee when leave commenced, or to be restored to an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment.
- A. When leave is taken by an employee who is injured on the job, and the employee qualifies for FMLA, such leave will be designated as FMLA leave. The HR Dept will notify the employee via FMLA Form WH-381 "Notice of Eligibility and Rights & Responsibilities" and WH - 382, "Designation Notice".
- Q. Should an employee desire to moonlight and work at a secondary place of employment while the employee is on FMLA leave from the Village, the employee would need to make a written request to do so and receive written approval from the Village Manager.

#### 6-6. Military Leave

- A. Training – In accordance with Florida Statutes Chapter 115.07, military leaves of absences will be granted to those employees who are commissioned reserve officers, reserve enlisted personnel in the United States Military or Naval Service, or members of the National Guard without loss of pay, personal leave or time, on all days during which they are engaged in training. These leaves shall not exceed two hundred forty (240) working hours per calendar year (January 1 through December 31). The employee shall

notify his/her department head and upon the basis of the orders from proper military authority, the Village Manager shall grant such leave. Leaves of absence for additional periods of time for such assignments shall be without pay, and shall be granted by the Village without loss of seniority.

- B. Active Duty - In accordance with Florida Statutes Chapters 115.09 and 250.48, Village officers or employees who are members of a reserve component of the U.S. Armed Forces, the National Guard or Florida National Guard are entitled to leave of absence, without loss of pay or time on all days during which they are engaged in active duty for a period up to thirty (30) consecutive days. Thereafter, leave shall be without pay, and under section 115.14 such employees may utilize accrued personal leave or banked sick leave to bring their total salary, inclusive of their base military pay, to the level earned at the time they were called to active military duty. During such leave, the Village shall continue to provide all regular benefits.

An employee terminating active military service and returning from said leave shall be restored to the position of employment held when leave commenced, or restored to an equivalent position with equivalent pay, benefits and other conditions of employment.

- C. USERRA – The Uniformed Services Employment and Reemployment Rights Act  
USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service, reserves, or certain types of service in the National Disaster Medical System. USERRA also prohibits employers from discriminating against past and present members of the uniformed services and applicants of the uniformed services.

1. Reemployment Rights: You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and:
  - a. you ensure that your employer received advance written or verbal notice of your service;
  - b. you have five years or less of cumulative service in the uniformed services while with that particular employer;
  - c. you return to work or apply for reemployment in a timely manner after conclusion of service; and
  - d. you have not been separated from service with a disqualifying discharge or under other than honorable conditions.

If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not been absent due to military service or, in some cases, a comparable job.

2. Health Insurance Protection: If you leave to perform military service, you have the right to elect to continue your existing employer-based health plan coverage for you and your dependents for you to 24 months while in the Military.
3. Even if you don't elect to continue coverage during your military service, you have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting period or exclusions except for service connected illnesses or injuries.

6-7. Domestic Violence Leave

The Village has established the Domestic Violence Leave Policy in accordance with s.741.313, F.S. requiring that certain employers permit an employee to take leave from work to undertake activities resulting from an act of domestic violence or sexual abuse.

Employees must complete a minimum of three months of employment before being eligible to take off up to 3 days of leave in any 12 month period if the employee or a family or household member of an employee is the victim of domestic violence. Employees must exhaust all personal leave time before Domestic Violence Leave is granted as unpaid leave.

A. Domestic Violence Leave may be used for an employee to:

1. Seek an injunction for protection against domestic violence or an injunction for protection in cases of repeat violence, dating violence, or sexual violence;
2. Obtain medical 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;
3. Obtain services from a victim-services organization, including, but not limited to, a domestic violence shelter or program or a rape crisis center as a result of the act of domestic violence;
4. Make the home secure from the perpetrator of the domestic 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 to attend and prepare for court related proceedings arising from the act of domestic violence.

B. "Family or household member" may be defined as spouse, former spouse, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household member 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 the employee's family or household member, the employee must provide to Human Resources appropriate advance notice of the need for leave along with sufficient documentation of the act of domestic violence. This documentation may include copies of restraining orders, police reports, orders to appear in court, etc. When advance notice is not possible, due to the imminent danger to the health and safety of the employee, or a family or household member, the employee must inform the Village that the leave was taken pursuant to this policy and bring supporting documentation as soon as he or she returns to work.

The Village recognizes that confidentiality in matters relating to this type of leave is of utmost importance and every measure possible will be taken to maintain confidentiality.



## CHAPTER 7: HOURS OF WORK

### 7-1. Hours

- A. The normal work week of seven (7) consecutive days, Thursday to Wednesday, for Village employees will consist of forty (40) hours or the equivalent regardless of shift duty. The actual days or shifts worked by an employee may vary by department and shall take into account the needs and best interests of the Village. The Village's official business days are Monday through Friday regardless of the actual days employees are scheduled to work.
- B. Training or study undertaken by employees at the Village's request and for the Village's benefit will be considered part of the employee's regular work hours.
- C. Compensation - An employee will be compensated for the time actually worked during his/her scheduled workday hours. The rounding rules in Chapter 8, section 4 will apply when calculating hours.
- D. Tardiness – Employees are considered to be tardy if they report to work more than 7 minutes after the start of their shift. Employees will not be compensated for the time missed due to tardiness and may be subject to disciplinary action. An employee will receive an educational verbal counseling the first two occurrences of being tardy. These educational verbal counselings will be documented in the Gatekeeper system in the “notes” section of the employee's record. If within a rolling 12 month period, starting on the date of the first educational verbal counseling, the employee should have a third occurrence of tardiness, a written counseling form may be issued. A fourth occurrence in the rolling 12 month period may result in a written reprimand. Beyond a fourth occurrence, the employee may be subject to suspension and or termination.
- E. Unauthorized Work - No employee shall work prior to or after his/her scheduled workday hours or during their meal break without prior authorization from his/her supervisor. The fact that an employee is compensated for time worked prior to or after his/her scheduled workday hours does not excuse that employee's failure to obtain prior authorization. Any employee who works prior to or after his/her scheduled workday hours without such authorization will be subject to disciplinary action, up to and including discharge, for each incident of unauthorized work
- F. An employee's schedule may be altered for thirty (30) calendar days or less to accommodate the needs of the Village, including special projects. The Village will give as much notice as possible but not less than 72 hours.
- G. The Village may alter an employee's work schedule for more than thirty (30) calendar days provided the Village gives at least a seven (7) calendar day notice.
- H. There must be a minimum of eight (8) hours between an employee's completing of a shift and the beginning of a shift. No employee may work longer than 16 hours out of any 24 hour period. During a declared state of emergency or special circumstance, the Village Manager may suspend this policy.

7-2. Overtime

- A. Non-exempt employees will be entitled to overtime pay for hours worked in excess of forty (40) hours in the work week. Paid overtime will be compensated at one and one-half (1½) times the normal rate of pay.
- B. Employees may be required to work overtime. Failure to do so may result in discipline up to and including discharge. Any employee who works overtime without prior approval will be subject to disciplinary action, up to and including discharge, for each incident of unauthorized overtime.
- C. In the event a non-exempt employee is called back to work outside his/her regular work schedule, the employee shall receive a minimum of two (2) hours pay at the rate of time and one-half or actual hours worked, whichever is greater, when called back before Midnight. The employee shall receive a minimum of three (3) hours pay at the rate of time and one-half or actual hours worked, whichever is greater, when an employee is called back between 12:01 am and 7:30 am or on the actual day of a holiday. Time will start when the employee reports to work. Call back pay may only be paid once within any two (2) or three (3) hour period regardless of the number of events or call backs that occurred during that two or three hour period. Call-back pay is utilized when an employee is required to return to work outside his or her scheduled work hours and without prearrangement (e.g., scheduled meetings), thereby necessitating additional travel to and from work. The call-back pay shall not apply to work that immediately follows or precedes the employee's work schedule, or to any scheduled work, meeting, or assignment.
- D. Overtime will be distributed as equally as possible within classifications and departments except where special skills, licenses, etc. may cause fluctuations in overtime distribution.

7-3. Compensatory Time

- A. All non-exempt employees will be permitted to accrue compensatory time up to a maximum of forty (40) hours. At no time under any conditions will they exceed 40 hours of accrued comp time on Village records. The Finance Department will maintain recorded comp time.
- B. Compensatory time will be accrued on the same basis upon which overtime is paid (time and one-half an employee's regular rate of pay). Employees may request compensatory time in lieu of overtime, but the Village will make the final decision as to whether the employee receives compensatory time or overtime pay. At no time will the Village direct that employees accrue compensatory time as opposed to paid overtime. Exempt employees are compensated on a salary basis and do not receive overtime or compensatory time. Non-exempt employees who become exempt will have any banked compensatory time paid out to them within two weeks following their status change.
- C. For purposes of computing compensatory time or overtime, only hours actually worked shall be counted, with the exception of pre-approved personal leave, pre-approved comp time, paid holidays, pre-assigned court or jury duty, and compassionate leave which shall

be treated as time worked.

7-4. Travel Time

A. Overnight Stay:

1. Driver of Vehicle: Only in cases where an employee is driving a vehicle to an overnight event, is all travel time compensable, including hours outside of the normal work shift. Regular meal period time is not counted as time worked. For example, an employee drives on Sunday evening from 6 p.m. – 10 p.m. for a Monday seminar but stops for dinner for one hour. Three hours of time are compensable.
  2. Passenger: Travel for a business related purpose as a passenger on an airplane, boat, train, bus or automobile, which requires an overnight stay, shall be paid if the travel time occurs during the employee's "regular working hours", even if it occurs during corresponding hours during non-working days. Regular meal period time is not counted as time worked. For example, an employee travels on Sunday from 2 - 4 p.m. for a Monday seminar. The employees normal working hours are 7 a.m. - 4 p.m., therefore the 2 hours of travel time would be compensable versus, an evening flight from 7 p.m.- 9 p.m. is not compensable.
- B. Same day travel, which occurs outside normal working hours, for the purposes of training is not compensable.
- C. Same day travel to a different location for reasons other than training is compensable if it occurs during or outside the normal working hours, but the employee's normal commuting time to work is to be deducted. Similarly, travel to and from an airport, bus or train station is not compensable as they are considered "home to work" time.
- D. Travel time that crosses over from work to non-work hours or vice-versa, is compensable under the rules cited above.

7-5. Standby Pay

- A. Non-Exempt employees required to maintain their availability during their off-duty hours shall be paid one and one half (1 ½) hours of straight time for each twenty-four (24) hour period or any part thereof. These hours shall not be included in hours counted for the calculation of overtime pay. Employees accepting this assignment are able to respond immediately and be on site within thirty (30) minutes of being notified. Employees are to refrain from being under the influence of any substance which may hinder their ability to drive, or perform the duties required of them while on standby. The twenty-four (24) hour period starts when the employee is required to maintain their availability and be available to respond to calls.
- B. Employees assigned to standby must respond when called. Employees who are unable to fulfill assigned standby pay obligations at any time or for any reason must notify their immediate supervisor to transfer standby responsibilities to another employee. Non-Exempt Employees called into work shall be subject to Section 7-2, subsection C.

7-6. Meal Periods/Break Times

- A. Field Employees will normally be permitted to take two (2) fifteen (15) minute paid breaks during each regular shift of at least eight (8) hours. Employees in offices or who spend the majority of their time in a vehicle can take reasonable breaks throughout the day and do not require two structured fifteen (15) minute breaks.
- B. The Village may alter break and or meal schedules for business needs and in emergencies. The Village may alter or cancel breaks to meet business needs.
- C. Employees will normally have a meal break of at least thirty (30) minutes. Where no meal break is provided after the first five hours of work, the employee may be given the option to take a meal break or work through the entire shift and receive pay for the meal period.

## CHAPTER 8: TIME CLOCK PROCEDURES

### 8-1. Purpose

The Village of Royal Palm Beach has a time keeping system which utilizes a combination of an identification card issued through the Human Resource Department and hand identification to identify employees and accurately record time. I.D. cards are also used as a means for security to get in and out of buildings and restricted areas.

### 8-2. Use of Equipment

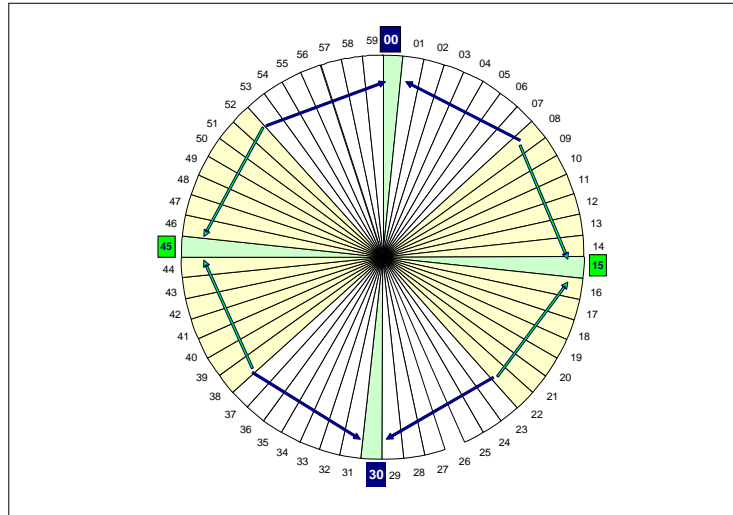
- A. Every non-exempt employee is required to punch in at the start of their shift, and punch out at the conclusion of their work shift.
- B. Employees are to punch in and out at the time clock that has been designated for their department.
- C. No employee shall attempt to punch in or out for another employee.
- D. Tampering with, abuse or misuse of time clocks can result in disciplinary action up to and including termination
- E. If equipment is not functioning correctly, the employee should notify his/her supervisor immediately.
- F. Employees are prohibited from giving any person, including another employee, use of their identification cards to access a building or restricted area or for any other purpose.
- G. Employees are to wear their identification badge in open view at all times unless it poses a safety hazard. In such cases, I.D. badges are to be secured and worn when the safety hazard is no longer present.

### 8-3. Grace Periods

- A. Employees are expected to punch in no more than 7 minutes before the start of their shift nor later than 7 minutes after the start of their shift. Employees punching in more than 7 minutes after the start of their shift will be considered to be tardy, and may be subject to disciplinary action.
- B. No employee shall clock in more than 7 minutes prior to the start of their shift without the prior authorization of his/her immediate supervisor. Employees doing so may be subject to disciplinary action.
- C. No employee shall clock out more than 7 minutes after the end of their shift without the prior authorization of his/her immediate supervisor. Employees doing so may be subject to disciplinary action.

#### 8-4. Work Time Rounding

Time clock punches will be rounded to the nearest quarter hour as indicated by the following diagram:



- 7 minutes before or after the hour will round to the hour
- 7 minutes before or after the quarter hour will round to the quarter hour
- 7 minutes before or after the half hour will round to the half hour
- 7 minutes before or after the three quarter hour will round to the three quarter hour.

#### 8-5. Break Time

- A. No employee will be required to punch in or out for their paid breaks throughout the day.
- B. Non-exempt employees are required to punch in and out for their unpaid meal break unless an exception has been approved by the Department Head.

#### 8-6. Missed Punches/Lost I.D. Cards

- A. All employees will receive an initial Identification card issued through the Human Resource Office. All employees must have their photo taken for the I.D. Card. All non-exempt employees must have the dimensions of their hand measured for the time keeping system.
- B. All employees will receive one replacement card due to theft or loss. If a card is worn out from normal wear and tear, the card needs to be presented to the HR Dept, and a replacement will be issued.
- C. Employees are required to punch in and out. Should an employee miss a punch, they are to notify their supervisor immediately. If an employee does not punch for any reason, it may lead to disciplinary action.

#### 8-7. Adjusting Punch Times

Under normal circumstances, no manager or supervisor should be changing or editing employee punch times. If a punch must be changed for an unusual circumstance, the “Notes” section of gatekeeper should be filled out to explain the reason why..

8-8. Requesting Time

- A. Employees requesting time off must utilize the “Work Time” program to enter an electronic request for time off. The request will be routed to the appropriate levels of management for approval. Once a request has been either approved or denied, the employee will be notified in their “Work Time” account.
  
- B. Employees who have been asked to work extra time or who would like to request extra time to work, can put in a request for “OT-Extra Time” in the “Work Time” program. Requests will be electronically approved or denied. The employee will get the notification in their “Work Time” account.

## CHAPTER 9: WORK OUT OF CLASSIFICATION

### 9-1. Advancement

The Village will provide the opportunity for employees to receive practical on-the-job experience in preparation for job advancement when it is in the Village's interest.

### 9-2. Temporary Job Classification

- A. The Village may transfer employee(s) temporarily to another position, facility, and or location for up to ninety (90) days. No employee shall be involuntarily transferred to another position and/or location more than one (1) time every twenty-four (24) months.
- B. Employees may be required by the Village to work in a job classification which is higher or lower than their current position. After three (3) consecutive days of work in a higher graded job, starting on the fourth day, the employee will receive the starting rate of pay for that job or an increase of 5% whichever is greater for all additional continuous days worked in that position.
- C. Whenever an employee is temporarily assigned to a lower or lateral classification, that employee will not have his/her pay reduced as a result.



## CHAPTER 10: RETURN TO WORK – LIGHT DUTY

### 10-1. Purpose

The Village of Royal Palm Beach recognizes that occasionally employees may not be able to perform the full duties of their position. If the employee is hurt, and their doctor by written notification has given them permission to return to work with a clear, objective list of work restrictions, the Village has taken the position of allowing such people to return to work in a light duty capacity if at the Village's discretion, an appropriate position is available.

### 10-2. Return to Work Permission

- A. Any person injured while on or off duty will be required to have in writing a note from their treating physician indicating the date the person will be able to return to work, and whether or not they have any restrictions. The restrictions will be objective so as to give the Village of Royal Palm Beach a clear understanding of what the person is able to do without further injuring themselves.
- B. The Village reserves the right to get a second medical opinion of work related restrictions at the cost of the Village. Should the first and second opinions differ, the Village and Employee may pick a third physician and share the cost.
- C. Once an employee has filed for short term disability and then returns to work, should the employee go back out on leave for the same ailment within a 12 month period, disability continues where it left off.

### 10-3. Light Duty

- A. All employees will be considered for light duty on a case by case basis. Light duty is given to employees on a first come, first serve basis if available. In the event that two employees are injured during the same time frame, the work related or worker's compensation injury will take priority for light duty assignments.
- B. The Village of Royal Palm Beach is not obligated to create light duty positions.
- C. Employees who are injured on the job do not have a choice whether or not to accept a light duty assignment. Employees injured off the job may apply for FMLA or a leave of absence depending on the nature of their injury, or may ask for a light duty assignment. The Village will not mandate an off the job injured person work light duty.

### 10-4. Notice To Employees

- A. It is the Employees responsibility to inform their department manager and the Human Resource department of their work restrictions.
- B. It is the Employees responsibility to follow the light duty restrictions given to them by their attending physician. Failure to follow light duty restrictions may lead to

disciplinary action up to and including termination.

- C. The Village may alter an employees work schedule to accommodate a light duty work schedule. The Village will endeavor to give at least 72 hours notice when a temporary schedule change is needed.

## CHAPTER 11: EDUCATION

### 11-1. Purpose

Where practical and feasible, the Village will assist with training or educational programs designed to strengthen an employee's abilities and improve job performance.

Such requests are to be approved prior to registering for the seminar or class, and funding must be in the budget to cover the costs. When travel is involved for any such training, seminar or class, a "Travel Expense Reconciliation Form" must be filled out and approved with all necessary documentation prior to the travel.

### 11-2. Tuition Reimbursement

#### A. Program Eligibility

An eligible education program is one that, according to the Village Manager and the department head, directly relates to the employee's current position or a related higher position in the Village.

#### B. Employee Status

An employee must meet the following criteria to be eligible for the tuition reimbursement benefit.

1. Must be full time, non-probationary, permanent, and in a paid, active status during the semester in which classes are being taken and reimbursed. If an employee's probationary period falls within a term of coursework, the employee will not be eligible for that term; and
2. Have received in the most recent performance evaluation, a rating of "Exceeds Requirements"; and
3. Have no disciplinary action or PIP plans within the last 12 months.

#### C. Fiscal Maximums

Funds for such departmental programs are approved and budgeted by the Village Council. Requests are to be submitted on a Tuition Assistance Request Form with all supporting documentation no later than the end of April each year during the budget process. Requests must be made each fiscal year independent of any previous year submission.

Accordingly, the Village will reimburse employees only for tuition and registration fees up to the annual fiscal maximum allowable amount. Reimbursement will not be given for books, parking, travel, mileage, lab or activity fees, supplies or other such expenses.

1. The fiscal annual maximum tuition assistance for an Associates or Undergraduate degree is \$3,000.
2. The fiscal annual maximum for tuition assistance for a Graduate degree is \$6,000.00.

D. Reimbursement

Reimbursement of tuition shall be made at the per credit hour rate for Florida State tuition not exceeding those of Palm Beach State College for an Associate's degree, or the Freshman and Sophomore year of an Undergraduate program, and Florida Atlantic University (FAU) for Junior and Senior year Undergraduate degree or Graduate programs. Tuition reimbursement will be reduced by any amount of financial assistance the employee receives which is not required to be repaid by the employee, such as grants, scholarships, GI bill or other funds that offset the cost of tuition.

E. Financial Agreement

All employees seeking tuition assistance will be required to acknowledge and sign the Tuition Assistance Request Form during the budget cycle. In the event an employee voluntarily terminates employment with the Village for reasons other than death or disability, before the time frames as referenced in Section 11-4, Employment Obligations, any reimbursements made to the employee according to the schedule below, will be considered to be a loan in which the employee will be financially responsible to repay the Village in full:

1. Repayment for Associates and Undergraduate classes will be limited to the last two reimbursed semesters.
2. Repayment for Graduate level, will be limited to the last three reimbursed semesters.

Winter break session for the purpose of this section will not be counted as a semester.

F. Payment to Village Upon Separation

When an employee voluntarily leaves for reasons other than death or disability, the amount of any such reimbursement shall be considered a personal loan repayable to the Village, and shall be deducted from the employee's final paycheck to the extent allowable; however, no such deduction shall result in the employee receiving less than minimum wage for all hours worked in the final work week.

Any unpaid balance not paid from the final paycheck shall be paid to the Village by the employee within 3 months of separation date. Requests for extensions or exceptions must be made in writing to the Village Manager. In the event the employee fails to reimburse the Village as provided above, and the services of an attorney or other agency are required to collect, such attorney, agency, and or court fees will be added to the amount owed by the employee to the Village.

- G. No tuition assistance will be given for any degree above a graduate, nor for multiple undergraduate or graduate degrees.
- H. The successful completion of an approved course with a final grade of "B" or higher is required in order to receive 100% reimbursement of covered expenses. In the case where a letter grade is not given, employee must receive a grade of "pass" to be eligible for reimbursement.

- I. Termination of employment, for any reason, prior to the completion of the course(s) will make the employee ineligible for tuition reimbursement.

#### 11-3. Procedure

- A. If an employee is seeking a degree, the request is to be made using the “Tuition Assistance REQUEST” form during the budget process in April, as outlined in section 11-2, and submitted for written approval by the department head to the Human Resource Director and Village Manager. The form can be found online under the Human Resources Employee Forms section or from the Human Resource office. Additionally, after the request has been approved, an individual “Tuition/Course Reimbursement” form for each term’s courses must be completed with all necessary supporting documentation prior to the start of each course. Employees must pay for their own tuition, books, lab, materials, supplies and other fees at the time of enrollment in an approved course.
- B. Classes must be taken at a Florida State institute which is accredited by an accreditation agency recognized by the US Department of Education unless specific permission is granted to do otherwise. In certain circumstances, the Village recognizes certain classes may not be offered at a Florida State school.
- C. Training or study will be undertaken during the employee’s off-duty time. Study time will not interfere with the employee’s position with the Village. Activities such as homework and research shall also be performed on the employee’s own time and not during the employee’s work hours.
- D. A payment receipt and an official grade report/transcript must be forwarded within 60 days to the Human Resources Department upon completion of the approved course. Reimbursement of tuition may be subject to taxation according to current Federal IRS rules and regulations.

#### 11-4. Employment Obligations

- A. Employees who receive tuition assistance for an Associates or Undergraduate degree are obligated to remain employed with the Village for a minimum of one (1) full year, a rolling twelve (12) month period, after the completion and reimbursement of the last course.
- B. For a Graduate degree, an employee is obligated to remain employed for a period of two (2) years, a rolling twenty-four (24) month period, to start after the completion and reimbursement of the last course.
- C. This section shall not be construed as an employment agreement between the Village and the Employee. The Village shall retain the right to terminate without cause or notice at any time. Employment with the Village of Royal Palm Beach will remain at-will.

#### 11-5. Certifications and Licenses

- A. When necessary and required for a position within the Village, and with budgeted funds available, the Village may pay for a seminar, class, or prep course necessary for a required certification or license. The Village, depending on the class, the length of time, location and type of class, will determine if the employee will be able to attend class during work hours or be asked to take the class on their own time. Employees are required to seek approval from their supervisor and Department head prior to the enrollment of any type of class/seminar/course if they are seeking reimbursement from the Village.
  
- B. The Village will pay for the registration fee associated with corresponding exams and licenses required for an employee's position. Should an employee fail the exam the first time, the Village will pay for the exam a second time. There will be no expectation from the employee for exam payment after a second attempt, even if the Village is requiring the exam or license.

## CHAPTER 12: EMPLOYEE CODE OF ETHICS AND CONDUCT

### 12-1. Ethics

All Village employees are required to maintain the highest ethical standards in the conduct of their position or office. In order to fulfill this requirement, the following shall apply:

- A. There shall be no activity, or outside employment as outlined in Chapter 17, which is in conflict with the interest of the employee's official duties.
- B. Village employees shall not misuse their positions or information obtained in connection with their employment with the Village for personal gain.

### 12-2. Palm Beach County Code of Ethics Requirements

- A. Section 2-446(a) of the Palm Beach County Code of Ethics provides in part: "Officials and employees shall be informed of their ethical responsibilities at the start of their public service, and shall receive updates and training materials on ethics issues throughout the span of their public service. The ... municipal administrator as applicable shall establish by policy a mandatory training schedule for all officials and employees which shall include mandatory periodic follow-up sessions." As required by the Palm Beach County Code of Ethics, Section 2-446, the Village has established the following requirements regarding ethics training and retraining. This policy and the compliance with the ethics training requirements shall apply to all Village elected officials, appointed officials such as advisory board members, full-time employees, part-time employees, contract employees and volunteers (hereinafter "officials and employees").

### 12-3. Initial PBC COE Ethics Training at Start of Public Service

- A. All officials and employees must receive initial Code of Ethics training, must read the Palm Beach County Code of Ethics Ordinance, and must sign the Palm Beach County Code of Ethics Training Acknowledgement Form within thirty (30) days from their employment start date, appointment date, or taking office date, subject to the grace period outlined in Section 12-5. The training requirement may be met by attending a live presentation of the Palm Beach County Commission on Ethics (COE) staff, watching the ethics training video on-line, or watching the ethics training video on DVD. Training form requirements are as follows:
  - 1. All employees must submit their signed original forms to the Human Resources Department.
  - 2. All elected officials and advisory board members must submit their signed original forms to the Village Clerk's Office.
  - 3. For recordkeeping purposes, all signed forms will be centrally maintained in specified ethics training folders, electronically through the Village's Document Management System. The Human Resources Department and the Village Clerk's Office will coordinate maintenance of these records.

#### 12-4. PBC COE Retraining

- A. After initial training, periodic mandatory follow-up training (“retraining”) will be required every five (5) years from the date of the last formal group retraining, or as otherwise determined by the Village. Human Resources and the Village Clerk’s Office will coordinate timely retraining programs with the COE. Officials and employees must complete retraining either on the date scheduled by the Village for the next formal group retraining, or within one hundred eighty (180) days after such date, subject to the grace period outlined in Section 12-5.
- B. Follow-up retraining shall be complete once the official or employee has attended Code of Ethics retraining, read the Code of Ethics Ordinance, and signed the Training Acknowledgement Form in accordance with the process outlined in Section 12-3, A. If an official or employee has taken Palm Beach County Code of Ethics training within one hundred eighty (180) days prior to the date scheduled for a formal group retraining, then that official or employee is not required to attend the formal group retraining or comply with the retraining requirements during that particular retraining cycle. Instead, the official or employee will be exempted from the current retraining cycle, and will comply with retraining requirements during the next retraining cycle.
- C. Elected and appointed officials who have undergone initial ethics training pursuant to Section 12-3, are not required to undergo initial ethics training each time they are re-elected or re-appointed for consecutive terms. Elected and appointed officials that are re-elected or re-appointed with consecutive terms are considered “continuing” their public service. Such elected and appointed officials only shall be required to undergo retraining in accordance with the timeframe outlined in Section 12-4, subsection A and B.
- D. Amendments to the Palm Beach County Code of Ethics

In the event the Palm Beach County Code of Ethics is amended, all officials and employees affected by the amendment, as determined by the Village, will be informed, and trained on such amendment, and shall acknowledge such training. Information and training on an amendment may be in the form of an information fact sheet or other written memorandum outlining the amendments. Human Resources and the Village Clerk’s Office will coordinate information and training on any amendments to the Code. Information and training on such amendments, and required acknowledgements, shall be completed within one hundred eighty (180) days from the date the amendment is adopted by the Palm Beach County Board of County Commissioners, subject to the grace period outlined in Section 12-5. Formal re-training on the entire Palm Beach County Code of Ethics will be conducted in accordance with Section 12-4.

#### 12-5. Grace Period

If an official or employee is unable to complete initial training or retraining within the time periods stated above due to the official or employee’s, or their spouse, domestic partner, relative, household member or dependent’s, illness, disability, death, injury, family medical leave, or other extenuating circumstance as determined by the Human Resources Director,



then such official or employee shall complete the required training within thirty (30) days upon their return to public service or employment.

12-6. PBC COE Ethics Training Materials

Required ethics training materials will be maintained by the Human Resources Department and are available for review upon request.

12-7. PBC COE Compliance Audits

Ethics training compliance audits by the COE will be coordinated through the Human Resources Department. Results of such audits will be submitted to the Village for action and opportunity to cure any deficiency at least ten (10) business days prior to the issuance of final compliance reports.

For more information on compliance, definitions, or general questions and published advisory opinions, contact the Palm Beach County Commission on Ethics, or visit their website at [www.palmbeachcountyethics.com](http://www.palmbeachcountyethics.com).

12-8. Inspector General

Per Article XII, Section 2-422, Palm Beach County Code, the Office of the Inspector General (OIG) was established in 2010 to "Enhance Public Trust in Government". The OIG has complete independent oversight authority at both County and Municipal levels to ensure accountability and transparency to the citizens of Palm Beach County. Village employees who wish to report mismanagement of contracts, fraud, theft, bribery, or other violations of the law which appear to fall within the jurisdiction of the OIG, shall notify their supervisor, department head, Village Manager, or the OIG. The Village Manager shall notify the inspector general of the aforementioned possible violations. For more information on compliance, definitions, general questions and full OIG duties, employees can contact the Office of the Inspector General, or visit website, [www.pbcgov.org/oig](http://www.pbcgov.org/oig).

12-9. Acceptance of Gifts

- A. Employees shall not directly or indirectly accept nor solicit any gift, favor or service in whatever form under circumstances from which it could reasonably be inferred that the gift was intended to influence them or reasonably be expected to influence them in the performance of their official duties, or was intended as a reward for any official act on their part.
- B. Gifts include anything of value to the recipient from any existing or potential vendor, contractor, utility corporation or customer including a gift, loan, reward, promise of future employment, favor or service based on the understanding that the official action or judgment of the Village employee would be thereby influenced.
- C. This restriction also applies to family members and others in whose welfare the Village employee is interested. It is not intended to isolate employees from normal social practices where gifts among friends, associates or relatives are appropriate for certain occasion.

- D. Gift cards, coupons, cash and any other form of monetary gift shall be immediately returned. Items such as food or gift baskets which are addressed to the Village or a department within the Village, and are not valued greater than \$100.00, shall be placed in an area for all employees to share.
- E. Palm Beach County Gift Forms are to be filed for each year (Oct 1 – Sept 30), no later than the first day of November for the previous reporting year. All public employees and officials subject to the jurisdiction of the PBC Code of Ethics are required to file such form if applicable, except those employees and officials required to report gifts pursuant to state law in the manner provided by Florida Statutes, S. 112.3148.

12-10. Nepotism

It is the Village's intent to comply with state law regarding nepotism, and to eliminate employment practices which result in conflicts of interest, favoritism or appearance of impropriety.

- A. No employees related to each other, in the immediate family, shall be employed in the same division of the same department. This shall not apply to employees assigned before the effective date of this policy.
- B. No employee shall be transferred, promoted, or demoted to the same division of a department in which an immediate family member/Domestic Partner is working. This shall not apply to employees assigned before the effective date of this policy.

A "relative" is defined for these purposes as a spouse, domestic partner, parent, child, sibling, uncle, aunt, first cousin, nephew, niece, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, step-parent, step-child, step-sibling, or half-sibling. A Domestic Partner shall be defined according to the Palm Beach County Clerk and Comptroller's Office requirements to obtain a "Certificate of Domestic Partnership". The Village will recognize Domestic Partners once an employee presents to the HR Office, a completed "Certificate of Domestic Partnership" which reflects the registration of such relationship in Palm Beach County (or county of residence, if different). The procedure for obtaining the Certificate can be found on the Palm Beach County Clerk & Controller's website, [www.pbccountyclerk.com](http://www.pbccountyclerk.com), or you can get a Certificate at their offices at 205 North Dixie Highway, Room 425, West Palm Beach, Florida (or any of their branch locations).

- C. Employees who change their relationship by marriage, adoption or other means while working within the same department shall not both continue their employment in the same respective department, whether one supervises or evaluates the other or not. One employee shall request a transfer to another division or department if such a position is available as determined by the Village Manager, or separate from the Village service of employment.
- D. A supervisor shall not hire, promote, advocate or recommend the hiring or promotion of any relative into a position that he/she supervises or evaluates.

- E. Employment of relatives of Village employees shall be disclosed on the appropriate form. Applications for Employment of relatives of Village employees must receive prior approval from the Village Manager or designee to assure no managerial conflict exists.

#### 12-11. Felony and Misdemeanor Crimes

- A. Employees are required to immediately inform their Department Head in the event they are arrested -and- /or charged with a crime, or any drug related charge, whether a misdemeanor or a felony. If an employee has been arrested and/or charged with a crime, the Village may place the employee on administrative leave with or without pay depending on the circumstances. At the Village's sole discretion, the Village may initiate an investigation into the circumstances surrounding an employee's charge and/or arrest, with or without regard to any pending criminal case and/or the outcome of the criminal proceedings. If an employee is incarcerated and unable to report to work, the Village may terminate the employee.
- B. Employees who drive or operate a Village vehicle or Village power equipment, are required to report to their Department Head any traffic citations they receive. Employees whose job does not require a driver's license are not required to report traffic citations.

#### 12-12. Lost/Found Items

Should any items be found by an employee while they are on duty performing work for the Village or on Village property whether on or off duty, the employee is to surrender the item to their direct supervisor. The supervisor will deliver the item to the Clerk's Office where it will be recorded as a found item, the employee who found it, the location, and the date it was found. If no one claims ownership of the item within 30 days, the item will become the property of the Village.

#### 12-13. Co-Worker Relationships

Due to the potential for a conflict of interest, sexual harassment, and/or other serious concerns, the Village strongly discourages employees from dating or entering into a consensual and/or romantic relationship with other co-workers, supervisors or Council members. In an effort to avoid such problems from arising, the Village prohibits supervisors and managers from dating any subordinate in their department. Such relationships can be disruptive to the work environment, create a conflict or appearance of a conflict of interest, and lead to charges of favoritism, discrimination, and claims of sexual harassment. While the Village has no desire to interfere with the private lives of its employees, or their off-duty conduct, where such conduct impacts upon the Village and/or the Village's work environment in a negative manner, such as noted above, the Village reserves the right to take whatever action is appropriate, in its discretion, to protect the Village's interests.

If employees become involved in a consensual and/or romantic relationship, except as prohibited amongst supervisors/managers and departmental subordinates, as referenced above, the employees have a mandatory obligation to notify Human Resources within 10 calendar days.

## CHAPTER 13: SAFETY POLICY

### 13-1. Policy Statement

It is the policy of the Village of Royal Palm Beach that all work areas and working conditions be kept safe. Hazards shall be eliminated, and work-related injuries shall be prevented. Safety is the responsibility of all employees. Therefore, employees must take all necessary precautions to protect themselves and their co-workers from accidents or injuries. To this end, department management will make every reasonable effort to provide and maintain safe working conditions. Employees are required to always wear and use personal protective equipment provided by the Village.

### 13-2. General Rules

- A Employees injured on the job must report the injury to their immediate supervisor or department head as soon as possible after the injury and no later than the end of the workday. The supervisor or department head shall complete a First Notice of Injury form, and a Village of Royal Palm Beach Accident/Incident Investigation form for such reports. Forms are available in the Human Resources Department or online. The completed report shall then be submitted to the Human Resources Department within 24 hours.
- B An employee's failure to report a work-related injury before the end of the work day may jeopardize a claim for Worker's Compensation. The injured employee shall be authorized by the Human Resources Department to receive treatment through the Village's managed care providers and physicians. Once reported, an employee's refusal to obtain medical attention on the day of injury shall be documented by the department head.
- C Submitting false or fraudulent information when reporting an injury will be cause for dismissal and denial of medical and wage loss benefits.
- D Employees injured on the job and as a result, seek medical attention must be required to submit to a post accident drug and or alcohol test. Upon investigation and consistent with the Village's Drug Free Workplace Policy (Chapter 22) employees found under the influence of drugs or alcohol on the job will be subject to discipline up to and including discharge. Employees taking prescribed medication which affect their work performance should advise their supervisor prior to the start of the shift.
- E Employees shall report any unsafe conditions immediately to their supervisor.
- F Employees who are unsure about how to operate any equipment or vehicle in the performance of their duties shall request assistance immediately from their supervisor. Employees shall not operate any equipment without the proper authority and safety instruction, nor operate any equipment when guards or other safety devices are not in place.
- G Employees shall not repair or tamper with equipment that is not working properly, unless

instructed to do so by their supervisor.

- H. Employees furnished with safety equipment will be required to use such equipment.
- I. Employees shall correctly lift objects by bending at the knees, and asking for assistance to lift heavy loads or objects.
- J. Employees shall not use flammable liquids, toxic materials, chemicals or acids unless authorized and instructed in the proper procedures.
- K. Employees shall not smoke in areas which are not specifically designated as smoking areas. See Section 13-7 (Smoking).
- L. Employees shall wear seat belts in Village vehicles at all times.
- M. Employees shall follow all safety and warning signs at all times.

### 13-3. Safety Committee

The Village Manager is responsible for implementing safety policies within the Village in accordance with the following guidelines:

- A. The Village shall have one (1) safety oversight committee for the entire Village. Membership shall include four (4) members of management and one (1) employee from Public Works, one (1) employee from Parks and or Recreation, and (1) employee from Building. Employees will be appointed to the Safety Committee on an annual basis.
- B. The Committee will meet on a regular basis to review and report safety and health related issues, and to make recommendations to the Village Manager.
- C. The Committee will also inspect all work areas periodically, and recommend changes and additions to current safety practices as well as safety devices and equipment when needed.
- D. Safety suggestions from all Village employees are welcomed and encouraged.

### 13-4. Safety Regulations Relating to Working Apparel

- A. Where uniforms are provided by the Village for employees, they shall wear the total uniform, including the shirts, regardless of weather conditions.
- B. Village provided safety shoes will be worn by all employees who receive them. Failure to do so will result in discipline up to and including discharge
- C. Department heads and supervisors shall provide the necessary safety equipment for their employees to do their jobs safely. This may include but not be limited to the following items:
  - (1) hard hats - worn anytime there is overhead exposure;
  - (2) safety harness - worn in sewer and storm manholes, wet wells, catch

- basins, or large pipes;
- (3) safety vests - worn when flagging traffic, and/or working in a traveled right-of-way;
- (4) safety goggles/glasses - worn when grinding, chipping, using power/hand tools, and/or when requested by the supervisor;
- (5) safety gloves - worn to protect from blood, chemicals, acids, caustics, petroleum-based oils, other hazardous materials;
- (6) respirator/mask - worn to protect from air born particles, dust, toxics, fumes, mists, gases and vapors;
- (7) back belts - worn for heavy lifting.

Department heads and supervisors shall determine when employees may be required to wear back belts according to work assignments and weight to be lifted.

- D. Employees shall receive training to properly use safety equipment provided, including items listed above, to perform their duties. Employees shall not perform jobs nor wear any item until they receive such training.
- E. Employees shall wear and use safety equipment supplied by the Village. Non-compliance may result in disciplinary action up to and including discharge.
- F. Accidents caused by the failure to use available safety equipment, or resulting from carelessness or negligence may result in disciplinary action up to and including discharge.

#### 13-5. Accident Investigations

The purpose of accident investigations is to identify the causes of the accident and develop remedies to prevent recurrence. Accidents will be investigated by department heads and supervisors according to the following the guidelines:

- Preserve the scene, including key materials or elements involved in the accident until the investigation has been completed.
- Conduct interviews of the injured, witnesses, or other involved parties.
- Obtain specific descriptions and facts.
- Photograph the area/equipment for future reference and documentation.
- Analyze the collected data to determine how the accident could have been prevented
- Determine what contributed to the accident.
- Recommend steps for prevention.
- Retain accident/investigation reports including information regarding repairs, expenses and evidence.

#### 13-6. Property/Equipment Damage

Damaged or stolen Village property, equipment, and vehicles must be reported to the Village's insurance company. Items provided by the Village to employees for use in the performance of their jobs shall be maintained in proper working condition. Employees shall report any items that become lost, stolen or damaged immediately to their supervisor for repair or replacement as determined by the supervisor or department head. Depending upon

the circumstances, the department head shall provide all pertinent information with a completed Accident/Investigation Report to the Human Resources Department in order to process the appropriate data to the insurance company. A formal investigation will follow.

A. Vehicle Accident Reporting Procedures:

1. When an employee is involved in a collision while operating a Village or personal vehicle during business hours, he/she must call the Police/Sheriff Department to the scene for investigation.
2. The employee who is the driver of the vehicle involved in an accident will submit to a post accident drug test.
3. The supervisor of the employee must also investigate the collision by completing an Accident/Investigation Report and a Motor Vehicle Investigation Report within 24 hours. This must not interfere with the Police investigation. Report forms are available from the Human Resources Department. Report forms shall be kept in each Village owned or leased vehicle.
4. Any Village vehicle that has been involved in an accident must be sent to the Public Works Department for inspection and repairs, to ensure the proper working condition and operation of the vehicle.

B. Citizen/Public Accidents/Incidents

Accidents involving non-employees on Village property, equipment or vehicles must be reported to the Human Resources Department immediately. An Accident/Incident Investigation report form will be completed with the parties involved.

13-7. Smoking

The “Florida Clean Indoor Air Act” prohibits smoking in public facilities. It is the Village’s intent to assure compliance with this law to provide a safe and healthy place for employees to work. Accordingly, the Village shall prohibit smoking, the use of tobacco, vaping, and e-cigarette products in public buildings, facilities, vehicles, other public places, and during the use of Village owned equipment. This policy is to protect the public health, safety, comfort and environment.

Procedures:

- A. Except for specially designated areas, smoking and the use of tobacco, vaping, and e-cigarette products will be prohibited in all common areas of Village owned or operated buildings, facilities, offices, vehicles, and during the use of all Village equipment including but not limited to:
- Village Hall
  - Parks and Recreation Department and Cultural Centers
  - Public Works Complex
  - Police Department
  - Village employee take home vehicles
  - all trucks, gradalls, backhoes, tractors, gators, golf carts, cars, buses, vans
  - electric and gas powered tools (weedaters, drills, etc.)

- B. Employees will not smoke or use tobacco, vaping, or e-cigarette products while in direct contact with or in view of the public, and while performing official duties. Employees will refrain from smoking when a non-smoker is present.
- C. Smoking or use of tobacco, vaping, or e-cigarette products will be permitted when in uniform on employees' own time only in designated areas.
- D. Smoking or use of tobacco, vaping, or e-cigarette products is strictly prohibited while operating all Village vehicles and equipment.
- E. Department heads and supervisors are responsible to ensure compliance with this policy. Complaints of violation should be directed to the department head responsible for the particular work area or facility involved in the complaint. The department head will notify the violator. Non-compliance after notification may result in penalties provided by Florida Law, as well as in disciplinary action.

13-8. Cellular Phone Distractions

The use of personal cellular phones or other electronic devices capable of text messaging, email, downloading or uploading information or any other ancillary functions, should only occur during break or lunch time and should never be used while operating a Village vehicle or equipment while in motion. Village of Royal Palm Beach issued Cellular Phones may only be used for Village business and should not be utilized while operating a Village vehicle or equipment, unless authorized to do so.

13-9. Weapons Control

The Village of Royal Palm Beach prohibits all employees from bringing or having a weapon of any kind on Village property during and in the course of the employee's official duties. Village property includes but is not limited to all buildings, parking lots, and employee lockers. Where state law differs from this policy, the Village will enforce this ban on weapons to the fullest extent permitted by applicable state laws. The only exceptions to this policy are security guards hired by the Village, or employees with a valid active Florida concealed weapons licenses who keep the firearm locked inside or locked to a private motor vehicle in a parking lot when the employee is lawfully on the premises.

"Weapons" include any form of gun, inappropriate knife, explosive device, dangerous or deadly item or substance or other instrument restricted under local, state, or federal law. If you have a question about whether an item is considered a weapon, ask your supervisor or Human Resource Department.

13-10. Driving Records

- A. All positions which require driving a Village vehicle require the employee's license to be checked annually to be sure it is valid and within the guidelines of what is considered by the Village to be a safe driver. Additional DMV checks may be performed at the Village's discretion.



- B. Employees which are required to drive a Village vehicle are responsible to report a reckless driving citation, and or moving violations that result in more than six (6) points on their license the next scheduled work shift. Employees cited with a DWI or DUI driving citation, or have their license suspended or revoked are required to inform the Village within 24 hours after the citation, suspension or revocation has been issued. The Village retains the right to suspend or terminate employees who receive DWI/DUI citations, or license suspensions or revocations. Failure to report any of the above citations may lead to disciplinary action up to and including termination.
- C. Applicants applying for a position that requires driving a Village vehicle will have to meet the minimum job qualifications, a Class E driver's license, as well as the safe driver requirements. Applicants who have a DUI or DWI within the last 5 years may be rejected.
- D. The Village has determined that the standard for a safe driver will be the following criteria:
- No more than two (2) moving violations within the last rolling 12 month period.
  - No more than 6 violation points on your license within the last 24 months.
- E. Applicants not meeting the above criteria will not be eligible for a position, and must wait until their license is cleared of violations or attend driving school which will eliminate some of the points. After such time, the applicant may reapply for the position if it still remains open.
- F. Employees found to be in violation of the above criteria will be temporarily taken off driving duty, and must take on their own time and expense a driving school for the purpose of reducing points and or violations. If an employee is unable to maintain a valid driver's license the employee may be terminated from their position.
- G. Employees required by the Village to have a CDL must abide by all the Florida Department of Transportation and Florida Department of Motor Vehicle rules and regulations governing CDL licensing. CDL drivers must participate in random drug testing as required by the Department of Transportation. Refusal to be drug tested for CDL will result in disciplinary action up to and including termination.

#### 1. Commercial Driver Licenses (CDL)

Class A: Commercial motor vehicles - trucks or truck combinations weighing with a Gross Vehicle Weight Rating of 26,001 lbs. or more, provided towed vehicle is more than 10,000 lbs.

Class B: Commercial motor vehicles - straight trucks weighing 26,001 lbs. Gross Vehicle Weight Rating or more.

Class C: Any single vehicle, or combination of vehicles, that does not meet the definition of Class A or Class B, but is either designated to transport 16 or more persons including the driver, or is transporting material that has been designated as hazardous under 49 U.S.C 5103 and is required to be placarded

under subpart F of 49 CFR Part 172 or is transporting any quantity of a material listed as select agent or toxin in 42 CFR Part 73.

Endorsements to a FL CDL include special classes of CMV such as:

H – Vehicles transporting hazardous materials

P – Passenger

S – School Bus

T – Double or Triple Trailers

N – Tank Vehicle

X – Combination of tank vehicle and hazardous materials endorsements

## 2. Non-Commercial Driver Licenses

Class E: Any non-commercial motor vehicles with Gross Vehicle Weight Rating (GVWR) less than 26,001 pounds, including passenger cars, 15 passenger vans including the driver, trucks or recreational vehicles and two or three wheel motor vehicles 50 cc or less, such as mopeds or small scooters. Farmers and drivers of authorized emergency vehicles who are exempt from obtaining a commercial driver license must obtain a Class E license.

## CHAPTER 14: GRIEVANCE PROCEDURE

This chapter and its subparts only apply to unrepresented employees, those which are not represented by a collective bargaining unit.

### 14-1. Grievance Procedure

- A. This grievance procedure is established for Village employees to provide a process to address the application of these policies and procedures, or problems in the workplace.

1. Level 1

In the event that any employee believes there is a basis for grievance, the employee shall in writing first present the grievance with his/her immediate supervisor within five (5) working days after the grievance is alleged to have occurred or when the supervisor should have gained knowledge of the occurrence. The grievance must include what Policy and Procedure the employee feels has been violated and the remedy sought. The supervisor will then respond to the employee within five (5) working days.

2. Level 2

Any grievance which cannot be satisfactorily settled in Level 1 should be presented in writing to the employee's department head within five (5) working days after receipt of the answer in Level 1. The department head shall meet with the employee within ten (10) working days of the appeal to Level 2, and within five (5) working days after this meeting render a written decision on the grievance.

3. Level 3

Any grievance which cannot be satisfactorily settled in Level 2 may be presented in writing to the Village Manager or designee within five (5) working days after receipt of the answer in Level 2. The Village Manager or designee will meet with the employee within ten (10) working days of the appeal to Level 3. Upon appropriate review of the matter, the Village Manager shall render a decision in writing within five (5) working days after this meeting, and such decision shall be final.

- B. The date of filing a grievance shall be determined by the date it is received by the supervisor or his/her designee. The Grievance will be initialed and dated by the supervisor upon receipt. The same procedure shall be applied to the progression of the grievance to Levels 2 and 3.
- C. If the Village fails to respond in any level within the time frame allotted, it will be considered a denial of the grievance.
- D. It is understood that in Levels 2 and 3 the Village and the employee may jointly elect to meet during non-work hours or a meeting may extend into non-working hours.

## CHAPTER 15: DISCIPLINARY MEASURES

This chapter and its subparts only apply to unrepresented employees, those which are not represented by a collective bargaining unit.

### 15-1. Policy

It is the policy of the Village of Royal Palm Beach to provide a well-defined system of discipline which outlines the procedures for disciplinary actions applicable to all employees. While recognizing that some conduct warrants immediate termination, the Village endorses the concept of progressive discipline. The types of disciplinary action include verbal counseling, written reprimand, suspension, and discharge.

### 15-2. Disciplinary Action Procedures for Non-Probationary Employees

- A. Verbal Counseling - The department head or supervisor may initiate disciplinary action by meeting with an employee to discuss performance and/or behavior issues, and to counsel an employee regarding such concerns as well as ways to improve conduct. The counseling meeting will be documented in writing on the "Employee Counseling/Reprimand Form" and forwarded to the Human Resources Department for the employee's personnel file.
- B. Written Reprimand - The department head or supervisor will meet with and inform the employee about the nature of the disciplinary action, and present the employee with a written reprimand documented on the "Employee Counseling/Reprimand Form" and forward it to the Human Resources Department for the employee's personnel file. When applicable, the written reprimand may indicate a plan for improvement up to and including placement on a 90-day probation period.
- C. Suspension - The department head or supervisor will investigate allegations pertaining to a disciplinary action which may substantiate that sufficient evidence exists for suspension without pay. At the discretion of the department head or supervisor, an employee may be suspended with pay when circumstances dictate that the employee should not perform his/her job until an investigation is concluded. Suspensions shall be documented on the "Employee Counseling/Reprimand Form" and forwarded to the Human Resources Department for the employee's personnel file.
- D. The employee may appeal a suspension, or demotion for disciplinary reasons through the grievance procedure set forth in Chapter 14.
- E. Previous charges or disciplinary actions brought forth by the department head or supervisor may be cited against the employee if these previous acts are reasonably related to the existing charge, or show a pattern of inappropriate behavior.
- F. The results of the disciplinary action taken and/or related grievance, including documentation, will be made part of the employee's personnel record. All previous charges or disciplinary actions must have been shared with the employee. Employees will sign all disciplinary forms, which will be used only to acknowledge receipt of the

document, not concurrence with it.

- G. During the first twelve (12) months of employment, all employees are considered probationary, meaning that they are subject to discipline up to and including discharge for no specific charge without recourse through the grievance procedure.

15-3. Discharge of Non-Probationary Employees

- A. At the discretion of the department head, an employee may be placed on a 90-day probationary review period. Should an employee not respond positively and improve performance, the department head may discharge such employee with the approval of the Village Manager.
- B. Discharged employees have the right to grieve the discharge including a final hearing before the Village Manager.

15-4. Causes for Disciplinary Action

The following is an illustrative but not exhaustive list of causes that may result in disciplinary action up to and including discharge:

1. Substandard work performance.
2. Infractions of policies and procedures established by the Village, Village Manager or the department head.
3. Offenses or misconduct specifically prohibited by law.
4. Drinking or being under the influence of intoxicants, narcotics, controlled substances, hallucinogens on the job; use, possession, distribution or sale of narcotics, illegal drugs or non-prescribed prescriptions while on duty.
5. Unauthorized absence from work; absence without calling in prior to start of work shift and/or without reasonable cause; reporting to work late; leaving work area or job without permission; absences without leave.
6. Disregard or violation of safety rules; carelessness or negligence in the use of Village property; failure to use/wear total uniform provided by the Village including safety shoes or other equipment while on duty.
7. Participating in any form of unlawful harassment or unlawful discrimination.
8. Unauthorized use of Village property, equipment or premises; abuse of Village vehicle or equipment.
9. Insubordination and/or violation of any lawful directive of a supervisor or other manager.
10. Operating a Village vehicle or equipment without a proper and valid license
11. Overstaying lunch or break periods.
12. Conduct unbecoming of a Village employee, either on or off duty, which would bring discredit or interfere with Village service.
13. Outside employment which interferes with Village job.
14. Sleeping on the job.
15. Use of abusive, profane, offensive language; antagonistic attitude or conduct toward a supervisor, fellow employees or the public.
16. Fighting while on duty, or engaging in any intentional act which may inflict bodily harm on anyone.

17. Conviction of a felony.
18. Theft or dishonesty.
19. Soliciting or accepting an unauthorized fee or gift.
20. Unauthorized display or possession of a firearm or concealed weapon on Village property or while performing official job duties.
21. Falsifying application or other records, or concealing information during employment screening and processing, or at any other time; giving falsified testimony or information, or refusal to give testimony (subject to applicable Constitutional rights).
22. Failure to work required overtime; unavailability during stand-by duty; refusal to report during emergency.

15-5. Application of Disciplinary Procedures

The provisions in Section 15-4 are not to be construed as a limitation upon the retained rights of the Village to discipline for any reason up to and including discharge. These guidelines should not be interpreted as creating a right or expectation of continued employment, progressive discipline, or discharge only for certain reasons after previous warnings, or any other property right or interest in employment.

Although internal consistency in administering progressive discipline is desirable departmentally and Village-wide, many factors may be considered in determining the appropriate level of discipline at each step. Some factors include but may not be limited to: time intervals between infractions; possible or actual consequences of infractions; employee willingness to improve; job attitude; nature of infraction relative to employee's job responsibilities; repetition of same or other serious infraction(s).

Certain infractions may be serious enough that immediate discharge upon first offense is applicable.

Incidents of misconduct may differ among employees, and the Village retains the right to treat each incident on an individual basis without creating precedent for future cases.

## CHAPTER 16: MISCELLANEOUS BENEFITS

### 16-1. Health Insurance and Life Insurance Benefits

- A. The Village will contribute toward the cost of a Village approved Health Benefit Package. Any coverage beyond such costs will be paid by the employee through payroll deduction.
- B. The Health Benefit Package provided by the Village will abide by the Patient Protection and Affordable Care Act (PPACA), and shall be made available to all full-time, non-temporary employees and their families, which will include medical and may include life insurance. For the purpose of eligibility of healthcare benefits only, the definition of full time will be any permanent employee who is employed on average at least 30 “hours of work” per week, or 130 hours per month or as PPACA is amended. Options for other insurance such as dental and vision insurance may be offered, but may or may not be supplemented by the Village. The Village reserves the right to change providers. Information regarding these benefits will be provided initially during new employee orientation, annually for renewal during open enrollment and at other appropriate times as determined by the Village.
- C. New employees must complete all insurance forms and return them to the Human Resources Department. Employees are entitled to this coverage thirty (30) days from the date of employment to be effective on the first day of the following month.

### 16-2. Cafeteria Plan

- A. The Village offers a Section 125 Cafeteria Plan for full-time employees to direct pre-tax dollars for reimbursement of qualifying expenses. This allows employees to set aside dollars from their salary for qualified expenses such as:
  - Medical/dental/vision expenses not reimbursed by insurance;
  - dependent care.
- B. In addition, under the Cafeteria Plan, employees who enroll in one of the approved Village medical, dental and vision plans and who make contributions for coverage under the plan(s) may elect to have any out of pocket medical, dental and vision insurance premiums deducted from their salary before income taxes.

Participation in the plan will reduce an employee’s income taxes and Social Security tax by reducing his/her taxable salary. Information on the plan will be provided during new employee orientation and annually during open enrollment.

### 16-3. Social Security

- A. All employees shall have Social Security taxes deducted from their salaries. Such amount deducted shall be matched by the Village in accordance with the currently prevailing Federal tax laws.

- B. Pursuant to subparagraph 119.071(5)(a)2.a, *Florida Statutes* and Florida HB 7051, the Village provides all people with the following statement as a result of the Village's request for their social security number.

**THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, COLLECTS YOUR SOCIAL SECURITY NUMBER FOR THE FOLLOWING PURPOSES: MANDATORY COLLECTION REGARDING ANY INMATE RELEASE INTO THE COMMUNITY AND SEXUAL OFFENDER DATABASE PURSUANT TO SEC.944.605(3),F.S.; MANDATORY COLLECTION FOR EMPLOYMENT RELATED ISSUES DUE TO FILING OF TAX AND WAGE DOCUMENTS PURSUANT TO THE INTERNAL REVENUE CODE OF 1986 AS AMENDED ("IRS CODE") AND TREASURY REPORTING REQUIREMENTS FOR SOCIAL SECURITY ADMINISTRATION ("SSA") PURSUANT TO IRS CODE §§ 6109 & 6051 (W-2 FORMS) AND 42 U.S.C.A. § 405(c)(2)(a) (SSA); MANDATORY COLLECTION FOR IDENTIFICATION AND VERIFICATION, AND CREDIT WORTHINESS IN ACCORDANCE WITH FAIR CREDIT REPORTING ACT PURSUANT TO 15 U.S.C. 1681, ET. SEQ; AUTHORIZED COLLECTION FOR RECONCILIATION, TRACKING, BILLING AND PAYMENTS PURSUANT TO SEC. 119.071(5)(a)2.a.(II),F.S.; MANDATORY COLLECTION OF DATA PURSUANT TO 42 U.S.C.A. § 653 AND SEC 409.2576(3)(C), F.S., FOR INCLUSION IN THE STATE DIRECTORY OF NEW HIRES; MANDATORY COLLECTION FOR BENEFIT PROCESSING FOR MEDICARE AND HEALTH INSURANCE PURSUANT TO 42 U.S.C.A. §§ 1395 & 2044; MANDATORY COLLECTION RELATED TO THE ADMINISTRATION OF THE VILLAGE PENSION PLANS PURSUANT TO CHAPTER 121, F.S. FOR THE FLORIDA RETIREMENT SYSTEM AND PURSUANT TO IRS CODE § 6047 RELATED TO RETIREMENT PLAN DISTRIBUTIONS UNDER FEDERAL LAW.**

**SOCIAL SECURITY NUMBERS ("SSN") held by the Village may be disclosed only for the following reasons:**

1. The disclosure of the SSN is expressly required by federal or state law or a court order;
2. The disclosure of the SSN is necessary for the receiving agency or governmental entity to perform its duties and responsibilities;
3. The individual expressly consents in writing to the disclosure of his or her SSN;
4. The disclosure of the SSN is made in order to comply with the USA Patriot Act of 2001 (Public Law 107-56) or Presidential Executive Order 13224;
5. The disclosure of the SSN is made to a "commercial entity" for the permissible uses set forth in the Driver's Privacy Protection Act (18 U.S.C. 2721, et. seq.), Fair Credit Reporting Act (15 U.S.C. 1681, et. seq.) or Financial Services Modernization Act of 1999 (15 U.S.C. 6801), or for the verification of the accuracy of personal information received by a commercial entity in the normal course of its business (subject to the requirements of Policy 1.3 hereinabove);
6. The disclosure of the SSN is for the purpose of the administration of health benefits for the Village employee or the dependents of that employee;
7. The disclosure of the SSN is for the purpose of the administration of a pension fund administered for the Village employee's retirement fund, a deferred compensation plan, or a defined contribution plan; or
8. The disclosure of the SSN is for the purpose of the administration of the Uniform Commercial Code by the office of the Secretary of State.

#### 16-4. Employee Retirement Plan



- A. In order to encourage tenure and loyalty in employment, and to provide employees with some form of financial security upon termination of their services, the Village has a retirement plan for all employees.
- B. Each permanent, full time employee who is at least 18 years of age, completed one (1) year of service with the Village, and who was employed prior to October 1, 2007, made an irrevocable choice to either join the Florida Retirement System, or remain a participant in the Village's 401a retirement plan. In the 401a plan, after one year of service, the Village contributes 5% of the employee's gross earnings into the 401a plan. The employee has the opportunity to contribute up to 5% as well. The Village will match 100% of the funds the employee contributes.
- C. Permanent employees hired after October 1, 2007, will be enrolled automatically in the Florida Retirement System (FRS). A mandatory employee contribution of 3% will be made by all active participants to the FRS or as amended by the State.
- D. Retirement Forms are available in the Human Resources Department or the Finance/Payroll Department. The Village's Pension Administrator, in conjunction with the Village Pension Board, and FRS will provide educational materials and information about the plans to all employees

16-5. Deferred Compensation

The Village offers a Section 457 Deferred Compensation Plan which allows permanent employees to save for retirement without paying Federal Withholding Taxes. Any contributions from an employee's salary to the plan will be non-taxed, except Social Security and Medicare. Interested employees can obtain enrollment forms and information regarding the products for participation at any time in the Human Resources Department or from payroll/finance.

16-6. Workers' Compensation

- A. As required by Florida Statutes, all Village employees are covered under Florida Workers' Compensation Law and shall abide by the "Drug Free Workplace" policies and procedures (Chapter 22).
- B. Employees sustaining work related injuries shall notify their immediate supervisor or department head as soon as possible after the injury and no later than the end of the workday. The supervisor or department head shall notify the Human Resources Department as soon as possible after the accident or injury. The supervisor or department head must complete a Village Accident/Incident Report and return it to the Human Resources Department within 24 hours of the date of injury. All workers' compensation forms are available from the Human Resources Department. Failure on the part of the employee to report an injury before the end of the workday may jeopardize the claim for Workers' Compensation.
- C. Employees injured on the job who are unable to return to work on the day of injury shall be paid for that day. For any subsequent days of absence from work due such work related injury, the employee shall be entitled only to the amount allowed under workers'

compensation laws. Employees may elect to use accrued personal leave, or compensatory time to receive up to 100% of their salary.

D. Benefits provided by Workers' Compensation Law:

1. Payment for all medical costs related to the employee's injury or illness.
2. Payment of reasonable transportation costs to and from the doctor's office. Employees may request such costs directly through the Village's Workers' Compensation Carrier; however, such costs shall not be paid by the Village.
3. Payment of a percentage of wages lost if the employee is permanently impaired or if the employee's disability causes him/her to miss more than seven (7) days of work.

E. Employees will not receive overtime as a result of reporting an injury and receiving medical treatment on the date of injury, or for any other related appointments.

F. Workers' Compensation will be coordinated through the Human Resources Department. If an employee under Workers' Compensation as a result of a work-related injury or illness is unable to return to his/her regularly assigned and/or essential job duties due to work restrictions, the Village shall make effort to provide reasonable accommodation commensurate with job availability and the employee's abilities with such restrictions. Such cases shall be reviewed and determined by the Village Manager.

16-7. Direct Deposit

Employees may have their regular biweekly paychecks deposited directly into a particular checking or savings account. Authorization forms are available in the Human Resources Department or online at [www.royalpalmbeach.com](http://www.royalpalmbeach.com), Human Resource Department, forms.

16-8. Retiree

A retiree is anyone who separates from Village employment with at least 25 years of full time creditable service or anyone who is at least 59 ½ years old and ten (10) consecutive years of full time service with the Village. In addition, all former Mayors, Village Council members who have served at least three (3) consecutive full terms are considered retirees of the Village. All retirees are eligible to purchase health, dental, and/or group life insurance benefits from the Village at the same rates as current employees. Elections for benefits must be made by the last day of the month they separate employment with the Village. Once a benefit is waived or terminated, a retiree cannot come back at a later date and request the benefit be reinstated.

16-9. COBRA

COBRA (Consolidated Omnibus Budget Reconciliation Act of 1986) is the acronym used to describe the benefit of a continuation of benefits once an employee separates service from their employer. Once a person has separated employment, the Village is required to inform the ex-employee of their rights regarding continuing their medical and dental insurance. The Village has a plan administrator who sends out paperwork to all eligible terminated employees informing them of their rights.

In general terms, benefits such as those mentioned can continue for a specified period of time, but the cost of the benefit will no longer be supplemented by the Village and there will be an additional 2% maintenance cost added as well. Employees and or their eligible dependents are sent forms and must make an election that is time sensitive of whether or not to continue with their present medical and dental benefits.

COBRA coverage is not required to be offered to employees who become covered under the medical insurance available to them through their new employer. If a waiting period exists with the new employer, ex Village employees may take COBRA coverage for the waiting period, then cancel it once their new coverage starts.

Under certain other circumstances, such as divorce, death or separation, COBRA may be offered to the spouse or children of employees. For more details on COBRA coverage, please see the Human Resources office.

#### 16-10. Employee Assistance Program (EAP)

The Village contracts with an outside vendor which provides our employees an EAP, employee assistance program. This program is offered to all employees at no cost to the employee. Various seminars, workshops and counseling are available. For more information, please contact the Human Resources Department.

#### 16-11. Third Party Vendors

The Village has allowed certain third party vendors to make presentations to the employees. Such benefits are not paid for by the Village, but payroll deductions are allowed and encouraged. The Village has no financial vested interest in these companies or their products. Enrollment is purely voluntary, and all dealings with the vendor are to be done privately. The Village will not be responsible for claims, suits, or customer service issues with the vendors. Issues such as premium payments will be addressed and brought to the attention of the Human Resource or payroll/finance department. Upon separation of employment, it is the responsibility of the employee to contact these companies to continue premium payment of these policies.

Third Party Vendors include, but are not limited to and can change at any time; Aflac, PMA USA, Legal Shield, Guardians Credit Union, Unum, Prudential, Met Life, and CIGNA.

## CHAPTER 17: OUTSIDE EMPLOYMENT

### 17-1. Outside Employment

An employees accepting employment with any other Employer while employed by the Village shall do so only after receiving written approval through the department head from the Village Manager, which shall not be unreasonably withheld. In such instances, the employee's primary obligation shall continue to be with the Village. Accordingly, such outside employment must not interfere in the carrying out of an employee's duties with the Village. Employees shall be notified of approval or non-approval within seven (7) days of the request.

### 17-2. Employment with Vendors Providing Services to the Village

Village employees are prohibited from working for vendors which provide services to the Village without prior written approval from the Village Manager. When such permission is granted, the employee shall complete a conflict of interest waiver from the Commission on Ethics website, or the Village's Human Resource Department. Such waiver shall be filled out when an employee is seeking employment with an outside employer who has entered into a contract for goods and services with the Village and:

- A. Neither the employee, nor a relative of the employee, does not work in the Village department which enforces, oversees or administers any contract or transaction with the outside employer;
- B. The outside employment will not interfere or otherwise impair the employee's judgment or the full and faithful performance of his/her public duties;
- C. Neither the employee, nor a relative of the employee, has participated in determining the requirements or awarding of any contract to the outside employer;
- D. The employee's public job responsibilities and job description will not require them to be involved in any contract in any way including, but not limited to, the enforcement, oversight, administration, amendment, extension, termination or forbearance with the outside employer;
- E. The employee has complied with all merit rules or other policy requirements of the Village.

Original copies of the "Conflict of Waiver Form" will be filed in the employee's file, while a copy is forwarded to the Commission on Ethics.

### 17-3. Self-Employment

An employee who is self-employed, an officer, or a partner in a business, shall disclose the following information to the Village via the Village Self Employment Disclosure Form, or written memorandum to the Village Manager through the Department Head:

- The Name of the Business
- Location of the Business
- Type of Business, describing services and/or products

### Involvement in the business

An employee's primary obligation shall continue to be with the Village and must not present a conflict of interest or interfere with the employee's ability to perform the duties within the Village.

## CHAPTER 18: VILLAGE EQUIPMENT

### 18-1. Village Equipment

Village equipment is not to be used for purposes outside the scope of Village business. All Village owned and operated equipment will not be used, under any circumstances for any purpose other than specified Village business without prior written approval from the Village Manager. This shall include but not be limited to computers, telephones, cellular phones, beepers, vehicles, tools, fax machines and copiers. Failure to comply may result in discipline up to and including discharge. Employees using any Village owned equipment will abide by all laws and safety requirements.

### 18-2. Personal Use of Village Vehicles

- A. When it is in the Village's interest, certain employees shall be designated to drive a Village vehicle to and from their residence. This shall be the only authorized personal use of such vehicles unless other provisions are agreed upon resulting from a contractual agreement.
- B. Employees driving Village vehicles may have occasions where an incidental stop is necessary between work-related stops. Such use shall not necessarily be considered a violation of this policy.
- C. No personal items other than incidentals shall be stored in the vehicle. The employee is required to keep the vehicle locked at all times with work-related items stored either in a lock box or trunk during times when the vehicle is not in use. Village Employees shall not carry prohibited passengers, materials, or firearms in the vehicle unless required or authorized by the Village Manager. Employees shall not allow an unauthorized person to drive a Village vehicle.
- D. The Finance Department shall compute a daily value for commuting when a non-logo Village owned or leased vehicle is used. This value shall be included in the employee's W-2 form at the end of the calendar year. Such amount shall be the minimum allowed by Federal income tax laws. This information shall be maintained by the Village to comply with Internal Revenue Service regulations which require documentation on the use of such vehicles as defined above.

### 18-3. Use of Village Telephones, Computers, and Fax Machines

Employees shall not use Village computers or fax machines for personal purposes. The use of Village telephones to make or receive personal calls during work hours shall be kept to a minimum and shall not interfere with work. Employees shall not make long distance phone calls and charge them to the Village. Because the computers are Village property, no software or hardware other than that provided and installed by the Village shall be used at any time.

### 18-4. Information Systems

- A. This policy pertains to all Village-owned or leased computers, printers, scanners, networks, Internet connections, and communication systems transmitting voice, data, or video information. All electronic and voice mail systems, and all communications and stored information transmitted, received or contained in the Village's Information Systems are property of the Village. As such, they are to be used solely for work-related purposes. There is no expectation of privacy when using any of the Village's informational systems.
- B. The use of such equipment and software for private purposes is strictly prohibited. Employees have no right of personal privacy in any matter stored in, created, received or sent over the Village's information systems. The Village reserves the right to monitor all messages and any other information on the systems, without notice for any reason.
- C. Data on Village information systems are subject to Public Records Law and are discoverable. Computer files and e-mail, including files that have been deleted are still retained and retrievable. Electronic records retained on Village systems are subject to state and federal Privacy Acts.
- D. All Village employees receiving a network account and access to the Information Systems network must abide by the following policies and guidelines:
  - 1. Appropriate use is always ethical, reflects honesty, the security and confidentiality of personal information, and shows restraint in the consumption of shared resources. The purpose of the Information Systems network is to support Village operations.
  - 2. Loading of computer programs from outside sources is prohibited. Any programs that are required for business purposes should be loaded by the Village Information Systems personnel, who shall also retain such files and licensing agreements.
  - 3. The Village information systems are designed to support Village operations, work-related research and education. It is not designed nor intended to support the downloading of copyrighted material, such as, unlawfully obtained music, videos, software, or work-place unsuitable materials containing, but not limited to (1) pornography or (2) abusive and/or profane language. Use resources only for appropriate purposes. The Village reserves the right to monitor and record all Internet sites visited from each workstation.
  - 4. Streaming video and audio is strongly discouraged.
  - 5. The Village reserves the right to review, audit, and disclose all matters sent or received over its E-mail system. For this reason, all communications should be regarded as "on-the-record and attributable to the user".
  - 6. Do not use Village resources to harass, intimidate, or otherwise annoy another person, for example, by broadcasting unsolicited messages, sending unwanted mail. (Chain letters via electronic mail are prohibited). The Village's Anti-Harassment and Anti-Discrimination Policy (Chapter 20), and the Workplace

Violence Policy (Chapter 21), applies fully to this policy, and a violation is grounds for discipline up to and including termination.

7. User ID (login name and password) should be protected from unauthorized use. The individual is responsible for all activities on his or her user ID. Accounts, user ID, and passwords created with other business entities or social media sites, at the request of the Village for Village business, are property of the Village. Upon termination of employment, all username and passwords must be given to the Department. It is not permitted to use city email to register an account on social networks, blogs, media groups, etc. which will be for personal use.
  8. Access only files and data that belong to the individual user, that are publicly available, or to which the individual user has been given authorized access. Employees shall not use a code, access a file, or retrieve any stored information other than during the routine course of their work without prior authorization from their department head.
  9. Be considerate in the use of shared resources. Refrain from monopolizing systems, overloading networks with excessive data, or wasting computer time, connect time, disk space, printer paper, bandwidth, or other resources.
  10. Do not use computer programs to decode passwords or access control information.
  11. Do not attempt to circumvent or subvert system security measures.
  12. It is not permitted to place digital photographic or recording equipment of any kind in any space on Village public buildings without the prior written permission of the Village Manager or Human Resources Director.
  13. It is strictly prohibited to bring personal unprotected data/voice devices, such as computers, laptops, or smart phones, into the workplace and connect them to the Village private wired/wireless networks.
- E. Violations of this policy shall subject employees to disciplinary action up to and including discharge.

#### 18-5. GPS Tracking & Video Recording

- A. The Village may attach video recording and GPS tracking devices to Village electronic devices, equipment, vehicles, and machinery. The video recording devices will record video to document official Village business, which may incidentally include recording your own image. Employees using such items have no expectation of privacy while driving a Village vehicle, or while utilizing Village equipment, machinery or electronic devices.
- B. Certain electronic devices and Village machinery or equipment are equipped with hardware and or software that allows the Village to track the location of the device, machinery or equipment. Employees issued or using the electronic devices are to keep



them powered up and if required, shall be logged into them during their entire work day. At the conclusion of each day, certain devices are to be returned to their docking stations.

- C. Vehicles and Village equipment/machinery found to be driven at excessive speeds, driven outside Village boundaries without specific supervisory permission, driven in any unauthorized manner, or the GPS or recording devices tampered with or removed will be subject to disciplinary action, up to and including termination.

## CHAPTER 19: MEDICAL

### 19-1. Medical Examination

When an employee's possible medical and/or psychological condition is in question as it relates to his/her position with the Village, the Village Manager may require that employee to take a medical, drug and/or psychological examination at the expense of the Village. The reason for such examination may include, but is not limited to:

- when an employee's work performance or record of attendance declines.
- when an employee seeks an accommodation for a disability in order to determine the need and type of accommodation.
- determining if an employee returning from a workers' compensation or medical leave can perform the duties of his/her job.
- monitoring the employee as required by applicable laws or policies, such as under the Drug Free Workplace Policy.
- Based on an employees behavior or interaction with other employees.

The examination shall be coordinated through the Human Resources Department. The Village's physician, designated by the Village Manager and at the expense of the Village, will be responsible for determining the medical and/or psychological fitness of the employee. Should the Village physician determine that an employee is unable to perform his/her job, such employee may, within five (5) days of receiving such notification, indicate in writing, to the Village Manager, his/her intention of submitting the determination by the Village physician to his/her own physician. Should the opinions of the Village physician and the employee's physician differ, a third physician shall be mutually selected by the Village physician and the employee's physician who will render a final decision regarding the employee's ability to perform his/her job. Should this third physician find the employee unable to perform his/her job, he/she may be discharged upon notice from the Village Manager.

Any job offer extended to an applicant is conditioned upon the successful completion of a pre-employment physical, at the expense of the Village, in order to determine the applicant's fitness to perform the functions of the job for which he/she has applied.

The Village is committed to providing reasonable accommodation to qualified individuals with disabilities who can perform the essential functions of a job in accordance with the Americans with Disabilities Act and Amendments.

### 19-2. HIPAA Privacy and Security

#### A. Background

The Village of Royal Palm Beach sponsors health benefits for employees through group insurance plan(s) (referred to as the "Plan(s)"). The Plan(s) provides benefits to eligible employees and their eligible dependents, and to certain former employees and dependents such as COBRA and Retiree participants (all collectively referred to in this

Policy as "individuals") and as may be indirectly administered at times by various other third party administrators (referred to as "Administrators").

This policy applies only to health information of the Plan(s), and not to any other types of medical information that the Village may have as an employer. As a function of the Village's role in the administration of the Plan(s), it receives individually identifiable health information in connection with the Plan(s).

The Village designates members of its workforce to perform plan administrative functions (referred to hereinafter as the "Workforce Members"), in cooperation with Administrators. In the course of these functions, the Workforce Members may have access to the individually identifiable health information of individuals in connection with the Plan(s) either: (1) on behalf of the Plan itself, or (2) on behalf of the Village of Royal Palm Beach.

It is the policy and commitment of the Village of Royal Palm Beach to comply fully with the requirements of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended from time to time. To that end, all personnel who have access to protected health information ("PHI") to perform Plan administrative functions must comply with this HIPAA Privacy Policy (the "Policy").

### 19-3. HIPAA Policy

#### A. Privacy and Security Officer

The Village designates the Human Resources Director to act as the Privacy Officer and designates the Information Systems Manager to act as the Security Officer for the Plan(s). The Privacy Officer and Security Officer will be responsible for the development and implementation of policies and procedures relating to privacy and security. The Privacy Officer and Security Officer will also serve as the contact person for individuals who have questions, concerns, or complaints about the privacy or security of their protected health information or their rights under HIPAA with respect to the Plan(s).

#### B. Access to Protected Health Information

Only specific Workforce Members are permitted access to protected health information (PHI) on behalf of the Plan(s). These people include, but are not limited to the Privacy Officer, Security Officer, and assigned staff in the Human Resources Department and the Finance Department to the extent they come into contact with the Plan's PHI. Staff from the Information Systems Department may be granted access to PHI for the sole purpose of assisting the Workforce Members in servicing the electronic versions and transmission of the PHI on the Village's network servers. Workforce Members may use and disclose the Plan's PHI for plan administrative functions. The amount of PHI disclosed must be limited to the minimum amount necessary to perform the relevant task. Generally, Workforce Members may not disclose PHI to employees other than those classified as Workforce Members.

### C. Technical and Physical Safeguards

The following are procedures for daily processing of PHI:

1. While working on a specific claim, document or file, take measures to prevent others from viewing it. Keep all documents containing PHI inside folders or face down;
2. When employees are away from their workstations during the day, such as breaks and lunch, PHI must be put in a drawer or other secure area. When leaving for the day, PHI must be placed in a locked drawer or cabinet;
3. E-mails containing PHI must be limited to the minimum necessary, for example, do not forward strings of e-mails containing PHI;
4. To assure confidentiality regarding Plan participants' PHI (including employee claims), conversations regarding such claims are not to take place in general areas open to other employees;
5. All questions regarding a personal claim or a claim for a covered dependent must be directed to the individual who handles employee claims. Issues regarding an employee's personal claim should not be discussed with other employees who are not Workforce Members;
6. When on the telephone, Workforce Members must lower their voices to prevent others from overhearing conversations regarding PHI;
7. Documents or files containing PHI must not be removed from the office;
8. Documents with PHI, which are distributed internally, must be marked as "confidential";
9. Social Security numbers must not be used as identifiers in e-mails;
10. All papers containing PHI that are being discarded in accordance with Florida's Public Records Law must be shredded or placed in the shredder bin before leaving the office for the day;
11. A password is not to be written where someone can see it or find it. Passwords are never to be shared with anyone, including managers or IS staff;
12. Computers must be locked before a Workforce Member leaves the workstation;
13. When it is necessary to monitor or listen to audible sources of PHI, all necessary precautions must be taken to protect the privacy of those communications and reasonable steps must be taken to avoid exposing the PHI.

#### 19-4. HIPAA Complaints

Individuals may lodge complaints about privacy procedures; forms for logging complaints are available in the Human Resources Department or online at [www.royalpalmbeach.com](http://www.royalpalmbeach.com), under the Human Resources, employee forms. The Plan's Notice of Privacy Practices advises individuals of the right to report complaints of a potential violation of their privacy rights to the Plan. All complaints must be immediately reported to the Privacy Officer. The Privacy Officer will determine if a complaint requires investigation and, if so, will investigate, either personally or through a designee. Further, if the Privacy Officer deems necessary, the Privacy Officer will take appropriate corrective action. The Privacy Officer will retain copies of all such complaints as well as the documented disposition of the complaints.

All complaints shall be investigated promptly, and confidentiality will be maintained within the parameters of the investigation to the greatest extent possible. While the Privacy Officer

shall make every effort to be sensitive to privacy issues, in the course of an investigation, the Privacy Officer may discuss relevant information with appropriate parties as required to obtain needed information. There shall be no intimidation, threats, discrimination, or other retaliatory action or behavior taken against an individual who files a complaint with the Privacy Officer or with the Secretary of U.S. Department of Health and Human Services.

19-5. Violations of Privacy and Security

Using or disclosing PHI in violation of this Policy will result in disciplinary action as appropriate. A violation of this Policy or any other HIPAA privacy or security policy or procedure by Workforce Members or by any other employee may result in disciplinary action up to and including termination of that employee. The Privacy Officer will maintain documentation reflecting any such disciplinary actions.

19-6. Inadvertent Disclosures of PHI

If any employee becomes aware of a disclosure of PHI that is not in compliance with this Policy, that employee must immediately contact the Privacy Officer so that appropriate steps to mitigate the harm to the individual can be taken.

19-7. Use and Disclosure of PHI

A. Workforce Members Must Comply with Plan's Policy and Procedures. The Privacy Officer will review any complaints regarding privacy violations by the Workforce Members. If the Privacy Officer is aware of a pattern or practice that is a material violation of any Workforce Member's duties to the Plan and the Village Royal Palm Beach with regard to privacy, the Privacy Officer will take reasonable steps to end the violation. The Privacy Officer will monitor the return or destruction of PHI used, created or obtained by the Workforce Members.

B. Permitted Uses and Disclosures; Payment and Health Care Operations

PHI may be used or disclosed for the Plan's own payment purposes, and/or may be disclosed to another HIPAA-covered entity (e.g., another health plan or a health care provider) or to the Administrators for payment purposes of the Plan or that other covered entity. When individuals inquire about their Plan benefits, Workforce Members will generally direct those individuals to the Administrators as appropriate.

19-8. Non-Disclosure of PHI for Non-Health Plan Purposes

PHI held by the Plan may not be used or disclosed by the Plan or the Village in connection with administration of any of the Village's other ("non-health") benefits such as disability, workers' compensation, or FMLA, unless the individual subject of the information has provided an authorization for such use or disclosure. However, Workforce Members may use or disclose the PHI without an authorization from the individual if applicable state law requires such use or disclosure and particular requirements under HIPAA are met.

Mandatory Disclosures of PHI to an Individual and to the Department of Health and Human Services must be disclosed as required by HIPAA in two situations:

- The disclosure is to the individual who is the subject of the information; and
- The disclosure is made to the Secretary of the United States Department of Health and Human Services ("HHS") for purposes of enforcement of HIPAA.

Requests from any governmental authority, whether state or federal, must be forwarded to the Privacy Officer immediately. Information may not be disclosed until the Privacy Officer can verify that the request is authentic.

In connection with disclosures to the individual subject of the information, Workforce Members will use reasonable safeguards to ensure that the person requesting the PHI is actually the individual subject of such PHI. Spouses of employees are not permitted to receive PHI without the written authorization of the individual subject of the information.

#### 19-9. Permitted Disclosures of PHI

A. PHI may be disclosed in the following situations without an individual's authorization, when specific requirements are satisfied. These disclosures presuppose the prior approval of the Plan's Privacy Officer, so that the Privacy Officer may determine if the specific applicable requirements and limits on such disclosures are satisfied:

1. Disclosures to the individual's family and friends where the individual provided informal permission to disclose PHI directly relevant to that person's involvement in the individual's care or payment for care in accordance with 45 C.F.R. 164.510(6)
2. Disclosures required by law (in addition to the disclosures to HHS referenced above)
3. Disclosures about victims of abuse, neglect, or domestic violence
4. Disclosures for judicial and administrative proceedings
5. Disclosures for law enforcement purposes
6. Disclosures to avert a serious threat to health or safety
7. Disclosures for specialized government functions
8. Disclosures that relate to workers' compensation programs

B. PHI may be disclosed for any purpose designated by the individual subject of the information, if the individual signs an authorization form that satisfies all of the requirements under HIPAA for a valid authorization. The Plan has developed a compliant template authorization form that will be provided to individuals upon request. The Plan's authorization form is not required for uses and disclosures of an individual's PHI between the Plan and Administrators but is required for uses and disclosures of an individual's PHI made between the Plan and any other third parties, or for use of PHI for purposes other than plan administration.

All uses and disclosures made by the Plan pursuant to a valid authorization form must be consistent with the terms and conditions of that authorization. All authorizations may be revoked by delivering written notice to the Privacy Officer, except to the extent that the disclosing party has already relied upon such authorization by releasing PHI. The

Privacy Officer will be responsible for tracking all authorization forms and revocations of authorizations and maintaining them on file for six (6) years from the last effective date.

C. Complying With the "Minimum Necessary" Standard

When PHI is used or disclosed, the amount disclosed generally must be limited to the "minimum necessary" to accomplish the purpose of the use or disclosure. This includes disclosures to and by Administrators. The "minimum necessary" standard does not apply to any of the following:

1. Uses or disclosures made to the individual;
2. Uses or disclosures made with the individual subject's permission, pursuant to a valid authorization;
3. Disclosures made to the Department of Health and Human Services;
4. Uses or disclosures required by law; and
5. Uses or disclosures required to comply with HIPAA.

All other requests for PHI must be reviewed on an individual basis with the Privacy Officer to ensure that the amount of information requested is the minimum necessary to accomplish the purpose of the disclosure. The Privacy Officer shall have the discretion to issue general guidance (rather than on an individual basis) as to the minimum necessary amount of PHI that should be disclosed in connection with all routine disclosures.

D. Disclosures of De-Identified Information and Limited Data Sets

The Plan may freely use de-identified information, and also disclose de-identified information to Village management or to any other individuals. De-identified information is health information that does not identify an individual and with respect to which there is no reasonable basis to believe that the information can be used to identify an individual. The Plan can determine that information is de-identified either by professional statistical analysis or by removing 18 specific identifiers.

19-10. No Intimidating or Retaliatory Acts; No Waiver of HIPAA Privacy

No employee or management representative may intimidate, threaten, coerce, discriminate against or take other retaliatory action against individuals for exercising their rights, filing a complaint, participating in an investigation, or opposing any improper practice under HIPAA.

No individual shall be required to waive his or her privacy rights under HIPAA as a condition of treatment, payment, enrollment or eligibility in the Plan.

19-11. Individual Rights

A. Access to and Copies of Records, and Requests for Amendment

The Plan will grant individuals various rights with respect to their own PHI that the Plan or Administrators maintain in "designated record sets." These rights include the right of

individuals to request copies of their records and the right to request that their own PHI maintained in the Plan's designated record sets be changed.

The Workforce Members maintain designated record sets with respect to certain information pertaining to individuals who receive health benefits through the Plan. However, most of the Plan's designated record sets are maintained and stored by Administrators. Therefore, Administrators shall grant individuals their HIPAA rights through Business Associate Agreements.

Individuals may contact Workforce Members regarding the records subject to those rights, and the Workforce Members will work with the Administrators to ensure that the individuals can exercise those rights. Individuals may also contact Administrators directly to exercise their HIPAA rights with respect to information held by the Administrators.

B. Requests for Alternative Communication Means or Locations

Individuals may request to receive communications from the Plan regarding their PHI by alternative means or at alternative locations, due to a need for more privacy. For example, individuals may ask to receive statements from the Plan at work rather than at home. Such requests shall be honored if, in the sole discretion of the Privacy Officer, the requests can be reasonably accommodated.

C. Requests for Restrictions on Uses and Disclosures of PHI

An individual may request restrictions on the use and disclosure of the individual's PHI. For example, an individual may request that the Plan restrict uses and disclosures of the individual's PHI, even to family members who are involved in the individual's care. It is the Plan's policy to attempt to honor such requests if, in the sole discretion of the Privacy Officer, the requests are reasonable; however, the Plan is not legally obligated and cannot be required to honor any such requests. If the Plan agrees to the request, the Plan will not use or disclose the individual's PHI in violation of the restriction unless it is needed to provide emergency treatment or if the Plan terminates the restriction.

Any requests for these types of restrictions by Administrators will be directed to those Administrators, which may choose whether or not they wish to comply with the requests.

19-12. Business Associates

The Village of Royal Palm Beach will enter into written privacy agreements ("Business Associate Agreements") with its Administrators and other service providers, if any, who furnish services to the Plan to the extent those services involve the use of the Plan's PHI.

The Privacy Officer will review any complaints regarding privacy violations by the Plan's Business Associates. The Privacy Officer will take reasonable steps to end the violation. If such steps are unsuccessful, the Privacy Officer will determine whether termination of the agreement with the Business Associate is feasible. If not, the Privacy Officer will determine



if it is reasonable to report the Business Associate's violation to the government agency responsible for enforcing the Privacy Rule.

### 19-13. Breach Notification

#### A. Exceptions to Definition of Breach

A breach does not include: (i) any unintentional acquisition, access, or use of PHI by Workforce Members or by a person acting under the authority of Workforce Members or a Business Associate, if it was made in good faith and within the scope of authority, and does not result in further use or disclosure in a manner not permitted under the Regulations; (ii) any inadvertent disclosure by Workforce Members or a Business Associate who is authorized to access PHI, to another person authorized to access PHI so long as the information received as a result of such disclosure is not further used or disclosed in a manner not permitted under the Regulations; or (iii) a disclosure of PHI where the Workforce Member or a Business Associate has a good faith belief that the unauthorized person to whom the disclosure was made would not reasonably have been able to retain such information.

#### B. Obligation to Report Suspected or Actual Breaches

Any employee, Business Associate, or any covered person under the Plan, or any other person who becomes aware of an actual or suspected breach must immediately notify the Privacy Officer. The Privacy Officer will determine if any additional steps need to be taken.

#### C. Investigation Required Upon Report of a Suspected or Actual Breach

The Privacy Officer or, as applicable, the Business Associate, shall immediately undertake an investigation to determine if the unauthorized use or disclosure constitutes a breach under 45 CFR Part 164. All such investigations shall be documented, and any investigation by the Privacy Officer shall be maintained on file by the Privacy Officer.

#### D. Notification to Participants

If notification to participants is legally required, the Privacy Officer, or designee, will notify in writing each participant whose unsecured PHI has been, or is reasonably believed to have been, accessed, acquired, used or disclosed, as soon as possible after the discovery of such breach (but under no circumstances later than 60 days after the discovery of the breach or, to the extent feasible, any earlier date that the breach should have been discovered through the exercise of reasonable diligence). In the event of a breach by a Business Associate, the Privacy Officer may, if the Business Associate or the Business Associate Agreement allows, work with the Business Associate to ensure that the Business Associate undertakes notification on behalf of the Plan in the manner required by 45 CFR Part 164, Subpart D, at the expense of the Business Associate.

#### E. Written Notification

Any written notice of breach is to be sent by first class mail to the participant's last known address, or if there is valid authorization from the participant to receive notice by email, then by email.

F. Content of Notification to Participants

The notice to participants will include, to the extent possible: (1) a brief description of what happened, including the date of the breach, the date of its discovery, if known, and whether the PHI was actually acquired or viewed; (2) the nature and extent of the PHI involved in the breach, including the types of identifiers and the likelihood of re-identification; (3) the unauthorized person who used the PHI or to whom the disclosure was made; (4) the steps the participant should take to protect him/herself; (5) what the Plan is doing to investigate the breach, mitigate risk to the PHI, and protect against further breaches; and (6) contact procedures the participant can use to ask questions or learn additional information, which shall include an email address, telephone number, website address or postal address.

G. Notifications and Documentation

If a breach affects 500 or more participants, then at the same time the notification requirements above are satisfied, the Privacy Officer shall notify HHS electronically and in the manner specified on the HHS website by completing the appropriate form. In the event of a breach by a Business Associate, the Plan will determine in each instance whether the requisite notice will be provided by the Plan or by the Business Associate.

If a breach affects 500 or more participants who reside in a particular state or other jurisdiction, such as a county or town, then in addition to the notice requirements described above, notice of the breach must also be provided to prominent media outlets serving the state or jurisdiction. This notification should be made as soon as possible after the discovery of the breach (but no later than 60 days after discovery of the breach or, to the extent feasible, any earlier date that the breach should have been discovered through the exercise of reasonable diligence). In the event of a breach by a Business Associate, the Plan will determine in each instance whether this notice will be provided by the Plan or by the Business Associate.

For breaches that affect fewer than 500 participants, the Privacy Officer shall maintain a log or other documentation of such breaches and shall, not later than 60 days after the end of each calendar year, provide HHS with notice of breaches occurring during the preceding calendar year, in the manner specified on the HHS website and by completing the appropriate form. A separate form must be completed for each breach that has occurred during the preceding calendar year.

19-14. Definitions

For the purpose of this policy, the following definitions apply:

1. "Protected Health Information ("PHI")"- means information that (A) is created or received by the Plan and relates to: (i) the past, present, or future physical or mental health or condition of an individual; (ii) the provision of health care to an individual; or (iii) the past, present, or future payment for the provision

of health care to an individual; and (B) identifies the individual or for which there is a reasonable basis to believe the information can be used to identify the individual. PHI includes information of persons living or deceased. PHI shall be referred to as "PHI" throughout this document.

2. "Payment"- Payment includes activities undertaken to obtain payment by the Plan for an individual's medical treatment or in connection with the payment activities of another health plan. "Payment" generally means activities in connection with processing claims for an individual's health care (including billing, claims management, subrogation, reviews for medical necessity and appropriateness of care and utilization review and pre-authorizations). The Plan may disclose PHI to Administrators for purposes of administering payment of claims for the Plan, or for assisting individuals in disputes or inquiries with the Administrator.
3. "Health Care Operations"- Health care operations means any of the following activities to the extent that they relate to plan administration functions:
  - conducting quality assessment, improvement activities and other activities relating to Plan coverage; and
  - conducting or arranging for medical review, legal services, and auditing functions.
4. "Breach"- Breach shall mean the acquisition, use or disclosure of Unsecured Protected Health Information ("Unsecured PHI") that compromises the security or privacy of the Unsecured PHI in a manner not permitted by the regulations promulgated by HHS at 45 CFR Part 164, Subpart E, as amended from time to time (the "Regulations").
5. "Designated Record Set" - is a group of records maintained by or for the Plan that includes:
  - the enrollment, payment and claims adjudication record of an individual maintained by or for the Plan; or
  - other PHI used, in whole or in part, by or for the Plan to make coverage decisions about an individual
6. "Unsecured PHI"- means PHI that is not rendered unusable, unreadable or indecipherable to unauthorized individuals through encryption, destruction or other means.

## CHAPTER 20: ANTI-HARASSMENT AND ANTI-DISCRIMINATION

### 20-1. Purpose

- A. The Village of Royal Palm Beach is committed to providing a work environment that is free from all forms of unlawful harassment and unlawful discrimination. In accordance with State and Federal Equal Employment Opportunity Laws, all aspects of employment policies and practices shall be based on the requirements of the job without regard to age, race, sex, religion, national origin, ancestry, genetics, medical conditions, marital or veteran's status, qualifying disability, familial status, sexual orientation, gender identity or expression, or any other form of unlawful discrimination. Unlawful discrimination as described above will not be tolerated. Sexual harassment in the workplace is a form of unlawful discrimination prohibited by Title VII of the Civil Rights Act, as amended, and will not be tolerated by the Village.
- B. The Village complies with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, the Americans with Disabilities Act of 1990 ("ADA") and any amendments made, as well as any other Federal and State laws or regulations. In accordance with these laws, policies and practices, the Village does not tolerate discrimination in any of its programs, services or activities, and will not exclude participation in, deny the benefits of, or subject to discrimination anyone on the grounds of race, color, national origin, sex, age, genetics, qualifying disability or medical conditions, religion, income or familial status, marital or veteran's status, sexual orientation, gender identity or gender expression. Further, the Village will actively work to ensure that Village programs, services and activities are inclusive of and accessible to everyone.

### 20-2. Definitions

- A. Sexual harassment is legally defined as unwelcome sexual advances, requests for sexual favors and other verbal, non-verbal, visual or physical contact where:
  - 1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
  - 2. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual;
  - 3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment.
- B. Sexual harassment can also include suggestive calendars, graffiti, or other sexually suggestive or offensive materials. Sexual, racial, religious, ethnic, or any other type of unlawful harassment consists of the use of derogatory terms, jokes, slurs, conduct, or comments which disparage someone because of their age, color, sex, religion, national origin, ancestry, medical conditions, marital or veteran's status, genetics, qualifying disability, familial status, sexual orientation, gender identity or expression or any other form of unlawful discrimination.
- C. Social media harassment, defined for the purpose in this section, is behavior such as

posting/blogging/tweeting photos, memes, language/comments, ‘likes’ about coworkers, supervisors, vendors or any business related entity, on the internet or social media sites, that are found to be discriminatory or harassing based on age, race, religion, sex, ethnicity, nationality, disability or other protected class, status or characteristic.

### 20-3. Procedures

- A. Unlawful harassment of any kind, fashion or nature will not be tolerated. An in-depth investigation of all reported cases of harassment will be conducted, as well as on-going attempts by supervisors and department heads to work toward eliminating instances of harassment, and to create a non-hostile, non-discriminatory work and Village wide environment for all employees and people utilizing services in the Village.
- B. For Employees:
1. To facilitate effective enforcement of this policy, any employee who becomes the subject of any such discriminatory harassment, by a supervisor, co-worker, vendor, customer, or anyone is encouraged to promptly report the facts of the incident to his/her supervisor, and/or the Human Resources Department.
  2. Department heads and supervisors are required to immediately report any conduct that they have knowledge of which might constitute a violation of this policy to the Human Resources Department.
  3. In the event the person alleged to be committing the discriminatory harassment is in the reporting employee’s chain of command, the reporting employee may report the complaint to the department head. In the event the allegation involves the department head, the employee may report the allegations directly to the Village Manager.
  4. In determining whether the alleged conduct constitutes sexual harassment, the department head, Human Resources Department, and/or Village Manager will look at the record as a whole. Circumstances of the particular employment relationship and the job functions performed by the individual(s) will be examined.
- C. For Non-Employees:
1. All complaints by members of the public shall be filed as soon as possible but no later than sixty (60) calendar days from the date of the alleged discrimination occurred. All complaints shall be reported to the Title VI Coordinator, the Director of Human Resources or Designee.
  2. Complaints will be documented on the Title VI and ADA Complaint of Discrimination Form, which can be found on the Village’s website under Human Resources or obtained in the Human Resource Department.
  3. Within fifteen (15) calendar days after the receipt of the complaint, the Title VI Coordinator or designee will meet with the complainant if possible, or call to discuss the complaint and a possible resolution.
  4. Within thirty (30) calendar days of the meeting or discussion, the Title VI Coordinator or designee will complete an investigation of the allegations and respond in writing to the person who filed the complaint.
  5. Should the Village be unable to satisfactorily resolve the complaint, the Title VI Coordinator will forward the complaint, along with the investigation records to the Village Manager or designee. The Village Manager or designee will meet or discuss with the complainant possible alternate resolutions. Within fifteen (15) calendar days after such discussion or meeting, a written response will be mailed to the

complainant with a final resolution.

- D. All departments involved in any complaint, internal or external, shall make responding to requests from Human Resource Department or Title VI Coordinator a priority. Departments shall cooperate and make available personnel for interviews, and submit documents or information requested in association with the investigation within seven (7) calendar days of request.

#### 20-4. Enforcement Provisions

Employees who violate these policies and procedures will be subject to disciplinary action, up to and including discharge. Disciplinary action will be taken promptly against any employee by management if such employee has engaged in any prohibited conduct in violation of this policy. The Village prohibits any form of retaliation against any employee or person for filing a complaint under this policy, or for assisting in an investigation. If after investigating any complaint, the Village determines that an employee has knowingly provided false information, disciplinary action may be taken against the individual who knowingly filed a false complaint or who knowingly provided false information. Questions concerning the application of this policy should be directed to the Human Resources Department or the Title VI Coordinator or Designee.

All employees of the Village shall be periodically trained on Harassment and Discrimination. Employees will conduct themselves in such a manner so as to comply, identify, and report violations. All employees are to fully cooperate with any investigation or alleged violations, complaints, or requests for reasonable accommodations made by the Human Resources Director or Title VI Coordinator or Designee.

#### 20-5. Equal Employment Opportunity/Americans with Disabilities Act Policy/ ADA Amendments Act of 2008 (ADAAA)/Genetic Information Nondiscrimination Act of 2008 (GINA)

In accordance with State and Federal Equal Employment Opportunity Laws, the Village is committed to respect and equal opportunity for all employees in the workplace. All aspects of employment policies and practices shall be based on the requirements of the job without regard to race, color, religion, sex, national origin, ancestry, genetics, age, qualifying disability, marital or veteran's status, familial status, sexual orientation, gender identity or expression or any other form of unlawful discrimination.<sup>1</sup> The Village is committed to providing reasonable accommodations to qualified individuals with disabilities.

Should an employee need to request a reasonable accommodation, the employee will be asked to fill out the "Reasonable Accommodation Request" form and provide adequate and supporting medical documentation. A HIPAA release form will be required in addition to

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<sup>1</sup>Under Title VII of the Civil Rights Act, Equal Pay Act, Age Discrimination in Employment Act, Rehabilitation Act, Vietnam Era Veteran Readjustment Act, Executive Order 11246, Genetic Information Non-Discrimination Act, Americans with Disabilities Act, ADA Amendments Act of 2008, as amended from time to time.

the ADA request form. These forms can be found online, [www.royalpalmbeach.com](http://www.royalpalmbeach.com), under Human Resources in the forms section, or a hard copy can be attained from the Human Resource Office.

Should a person utilizing the Village's programs, facilities, services or activities require a reasonable accommodation, a formal request at least ten (10) calendar days prior to the need for the accommodation should be filed with the Village Clerk's office. Accommodations will be reviewed on a case by case basis. The ADA does not require the Village to take any action that would fundamentally alter the nature of its programs, or services, or impose an undue financial or administrative burden.

#### 20-6. Veterans' Preference Policy

In accordance with Florida Administrative Code Rule 55A-7, and Florida Statute § 295.07, as amended from time to time, the Village is committed to give preference to those eligible applicants meeting the definitions provided in F.S. 295. Positions exempt from Veterans' Preference are elected officials, appointed officials and their personal secretaries; board and commission members; temporary positions without benefits; part time positions; and department heads. Eligible applicants must provide required documentation at the time of application. A list of eligible applicants and supporting documents can be requested from the Human Resources office, or can be found on the Florida Department of Veterans' Affairs website.

## CHAPTER 21: WORKPLACE VIOLENCE

### 21-1. Purpose

The Village of Royal Palm Beach is committed to maintaining a safe and secure working environment where employees and customers are free from the threat of workplace violence. The Village has adopted a zero tolerance policy for assaults, threats, threatening behavior or acts of violence committed by or against its employees or anyone on Village property. Violations of this policy will lead to disciplinary action up to and including discharge, arrest, and prosecution.

Any person who makes substantial threats, exhibits threatening behavior or engages in violent acts on Village property will be removed from the premises as quickly as safety permits, will remain off Village property to the extent our policies or the law allows, and pending the outcome of an investigation. The Village will initiate an appropriate response which may include but is not limited to disciplinary action up to and including suspension, discharge as well as possible criminal charges of the person(s) involved. The Village will work with law enforcement agencies to prosecute anyone outside the Village who commits violent acts against employees. No existing Village policy, procedure or practice should be interpreted to prohibit decisions designed to prevent a threat from being carried out, a violent act from occurring or a life threatening situation from developing.

It is the shared obligation of all employees to individually and jointly act to prevent or defuse actual or implied violent behavior at work. Unauthorized possession, use or threat of use of weapons or firearms are not permitted at work or on Village property including a Village vehicle, unless such possession or use of weapon is required, necessary and an approved requirement of the job.

### 21-2. Standards of Conduct

Employee's conduct toward co-workers, managers, supervisors and the public must be positive, respectful and appropriate to the work environment. The following behaviors are always prohibited. This following list is illustrative and is not all inclusive:

1. Threatening, intimidating, coercing, harassing or assaulting an employee or customer.
2. Engaging in horseplay, fighting, violence or any other action interfering with the work of other employees or service to the public.
3. Using threats or profane or abusive language in dealing with the public, co-workers, supervisors, or other persons in work relationships, or otherwise provoking or abusing others in any way.
4. The unauthorized possession, use or threatened use of weapons or firearms while on duty.
5. Harassing, terrorizing, threatening with physical violence or punishment, or otherwise forcing an employee to suffer embarrassing or degrading experiences.
6. Posting/blogging/tweeting on the internet or social media sites any language, comments, memes, or images that would not be permissible in the workplace, and is found to be harassing, bullying, discriminatory, retaliatory, threatening, or intimidating between co-workers, supervisors or vendors, even if it is done after



hours, from home and on home computers or other electronic devices.

21-3. Definitions

- A. Assaulted Employee: Any employee who is reasonably put in fear of being imminently struck by another employee or anyone on Village property, either by a menacing gesture, sudden move alone, or accompanied by a threat.
- B. Battered Employee: Any employee who experiences actual physical contact from another employee, or anyone on Village property (whether or not a physical injury occurred).

21-4. Procedures

- A. Any employee, supervisor, or department head who has been threatened, is the victim of a threat or violent act, witnesses any threats or violent acts, or learns or any threats or violent acts at work is to immediately report the facts of the incident to his/her supervisor or department head, and or the Human Resource Department. In any immediate emergency situation, an employee should call 911 and report as many details as possible, and then report the incident to his/her supervisor or department head.
- B. Department heads and supervisors are required to immediately report any conduct that they have knowledge which might constitute a violation of this policy to the Human Resource Department.
- C. An in-depth investigation of all reported incidents will be conducted, as well as ongoing attempts by department heads and supervisors to stop actual or potential violent situation on Village property as quickly as possible and prevent any escalation that could threaten others on Village property. Based upon the outcome of the investigation, the Village Manager will determine what follow up actions are appropriate, including a request for intervention by law enforcement agencies.
- D. In the event the persons alleged to have committed the threatening or violent act is in the reporting employee's chain of command, the reporting employee may report the incident to the department head. In the event the allegation involved the department head, the employee may report the allegations directly to the Village Manager.
- E. In determining whether the alleged conduct constitutes workplace violence, the department head, Human Resource Department, and or Village Manager will look at the record as a whole. Circumstances of the particular employment relationship, job performance record and job functions performed by the individual(s) will be examined.
- F. If an employee experiences actual physical contact from another employee, or anyone on Village property, if needed, the battered employee may report to the Village's medical health care provider for evaluation and treatment of any possible injuries. Any such employee should report for an evaluation regardless of whether an injury has actually occurred. The Human Resource Department will arrange the evaluation with the Village's medical health care provider.

G. Any employee who engages in any threatening or violent behavior may at the Village's discretion be referred to the Village's Employee Assistance Program (EAP).

21-5. Enforcement Provisions

Employees who engage in prohibited behavior in violation of this policy will be subject to disciplinary action up to and including discharge from employment. The Village will promptly investigate all complaints of retaliation. If after investigating any complaint the Village determines that an employee has knowingly provided false information or filed a false complaint or report, disciplinary action against the employee will be taken up to and including discharge from employment.

Information about than incident or threat will be disclosed on a need to know basis, and in compliance with federal, state, and local laws so that a fair and thorough investigation can be conducted and or appropriate corrective action can be taken.

Questions concerning the application of this policy should be directed to the Human Resource Department.

## CHAPTER 22: DRUG FREE WORKPLACE POLICY

### 22-1. Purpose and Expectation

The Village of Royal Palm Beach recognizes that employees are not immune from the problems which face society in general. The problems of alcohol and substance abuse have become widespread throughout our community and nation. As part of a commitment to safeguard employees' health, to provide a safe environment for employees to work, and to promote a drug-free community, the Village has established this policy dealing with the problems of alcohol and substance abuse. The purpose of this policy is to prevent alcohol and drug abuse in the workplace, while also recognizing the rights of employees to privacy and protection from searches of any kind which are inherently intrusive, and which should not be undertaken except for real problem situations. In addition, the purpose of this policy is to provide for confidentiality, fairness and accuracy of drug testing and testing results.

A requirement of employment is that a person is free from drug dependence, illegal drug activity, or drug or alcohol abuse including medical marijuana. It is a condition of employment for an employee to refrain from reporting to work or working with the presence of drugs or alcohol in or on his/her body. These prohibitions also apply to the misuse or abuse of prescription and over the counter drugs, including medical marijuana. If the use of controlled substances, narcotics, or other mind-altering substances is found on Village property, or suspected on Village property, or if an employee is selling or purchasing illegal drugs or prescription drugs, even if they are not using them while at work or on Village property, the proper law enforcement officials may be notified immediately.

### 22-2. No Legal Duty To Test

All drug testing conducted by the Village of Royal Palm Beach shall be in conformity with the standards established in this policy and all applicable rules promulgated pursuant to this policy. However, the Village of Royal Palm Beach shall not have a legal duty under this policy to request an employee to undergo drug testing.

### 22-3. Definitions

For the purpose of this policy, the following definitions apply:

1. "Alcohol" means any beverages, mixture, or preparation containing ethyl alcohol, which includes but is not limited to distilled spirits, wine, malt beverages and intoxicating liquors.
2. "Chain of Custody" refers to the methodology of tracking specified materials or substances for the purpose of maintaining control and accountability from initial collection to final disposition for all such materials or substances and providing for accountability at each stage in handling, testing, storing and reporting of test results.
3. "Collection Site" means a place where employees present themselves for the purpose of providing a specimen to be analyzed for the presence of drugs.
4. "Collection Site Person" means a person provided by an approved laboratory who instructs and assists employees at a collection site and who receives and makes an initial examination of the specimen provided by those employees.

5. "Confirmation test," "confirmed test," or "confirmed drug test" means a second analytical procedure run on a sample that was positive on the initial screening test. The second analytical procedure must be used to identify the presence of a specific drug or metabolite in a specimen. The confirmation test must be different in scientific principle from that of the initial test procedure. The confirmation method must be capable of providing requisite specificity, sensitivity and quantitative accuracy. The confirmation test for alcohol will be gas chromatography and the confirmation test for all other drugs will be gas chromatography/mass spectrometry.
6. "Donor" means the individual employee or job applicant being drug tested.
7. "Drug" means alcohol, including distilled spirits, wine, malt beverages, or an intoxicating liquor; an amphetamine; a cannabinoid; cocaine; phencyclidine (PCP); a hallucinogen; methaqualone; an opiate, a barbiturate; a benzodiazepine; a synthetic narcotic; a designer drug; or a metabolite of any substances listed in this paragraph. The Village may test an individual for any or all of such drugs.
8. "Drug test" or "test" means any chemical, biological or physical instrumental analysis in conformity with this policy, administered for the purpose of determining the presence or absence of a drug or its metabolites.
9. "Employee" means any bargaining unit member who works for salary, wages, or other remuneration for the Village of Royal Palm Beach.
10. "Employee assistance program" means an established program for employee assessment, counseling, and referral to an alcohol and drug rehabilitation program.
11. "Employer" means the Village of Royal Palm Beach who employs bargaining unit members for salary, wages, or other remuneration.
12. "GC/MS" means gas chromatography/mass spectrometry.
13. "Initial drug test" means a sensitive, rapid and reliable procedure to identify negative and presumptive positive specimens, using an immunoassay procedure or an equivalent, or a more accurate scientifically accepted method approved by the United States Food and Drug Administration or the Agency for Health Care Administration as such more accurate technology becomes available in a cost-effective form.
14. "Job applicant" means a person who has applied for a position with an employer and has been offered employment conditioned upon successfully passing a drug test, and may have begun work pending the results of the drug test. For a public employer, "job applicant" means only a person who has applied for a special-risk or safety-sensitive position.
15. "Laboratory" means a facility licensed and certified under law by the Agency for Health Care Administration using criteria established by the United States Department of Health and Human Services.
16. "Medical Review Officer" or "MRO" means a licensed physician, employed with or contracted with by the Village of Royal Palm Beach, who is responsible for receiving and reviewing all confirmation results for the laboratory. The MRO is responsible for contacting all positively tested individuals to inquire about possible prescriptive or over-the-counter medications, which could have caused a positive test result. The MRO must have knowledge of substance abuse disorders, laboratory testing procedures, and chain of custody collection procedures. The MRO must also have the appropriate medical training to interpret and evaluate a positive test result with prescriptive or other relevant medical information.
17. "Nonprescription controlled substance" means amphetamines; cannabinoids; cocaine; phencyclidine (PCP); or opiates obtained without a prescription.
18. "Nonprescription medication" means a medication that is authorized pursuant to state or federal law for general distribution and use without a prescription in the treatment of human disease, ailments or injuries.
19. "Prescription medication" means a drug or medication obtained pursuant to a prescription as defined by Section 893.02, Florida Statutes.

20. "Reasonable suspicion drug testing" is defined as drug testing based on a belief that an employee is using or has used drugs in violation of the Village's policy, drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Among other things, such facts and inferences may be based upon:
  - a. Observable phenomena while at work, such as direct observation of drug use or the physical symptoms or manifestations of being under the influence of a drug.
  - b. Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
  - c. Evidence that an individual has tampered with a drug test during his employment with the current employer.
  - d. Evidence that an employee has used, possessed, sold or solicited, dispensed, distributed or transferred drugs while working or while on the Village's premises, or while operating the Village's vehicle, machinery or equipment.
  - e. Information that an employee has caused, or contributed to, an accident while at work.
  - f. A report of drug use, provided by a reliable and credible source, which has been independently corroborated.
21. "Safety sensitive position" means with respect to a public employer, a position in which a drug impairment constitutes an immediate and direct threat to public health or safety, such as a position that requires the employee to carry a firearm, perform life threatening procedures, work with confidential information or documents pertaining to criminal investigations, or work with controlled substances; a position subject to Section 110.1127, Florida Statutes; or a position in which a momentary lapse in attention could result in injury or death to another person.
22. "Special risk" means employees who are required as a condition of their employment to be certified under Chapter 633, Florida Statutes, or Chapter 943, Florida Statutes.
23. "Specimen" means a tissue or product of the human body capable of revealing the presence of alcohol and/or drugs or their metabolites. Unless circumstances necessitate otherwise, urine will be the specimen collected for the testing of all drugs except alcohol, and blood will be the specimen collected for the testing of alcohol.
24. "Threshold detection level" means the level at which the presence of a drug or alcohol can be reasonably expected to be detected by an initial and a confirmatory test performed by a laboratory that meets standards established herein. The threshold detection level indicates the level at which a valid conclusion can be drawn that the drug or alcohol is present in the employee's sample.

22-4. Authority To Test, Types of Tests, Refusal To Test

- A. Authority to Test - The Village of Royal Palm Beach has the authority to require employees to submit to testing for the presence of alcohol or drugs only as specifically as set forth in this drug-testing policy.
- B. Types of Tests - The Village of Royal Palm Beach may conduct the following types of drug tests in order to maintain a drug-free workplace program:
  1. Job Applicant Drug Testing - The Village requires job applicants for specific positions identified as "safety sensitive" to submit to a pre-employment drug test and may use a refusal to submit to a drug test or a positive confirmed drug test as a basis for refusing to hire a job applicant.
  2. Reasonable Suspicion Testing - The Village may require an employee to submit to reasonable suspicion drug testing. Reasonable suspicion drug testing shall not be required except upon the written recommendation of a supervisor who is at least one level of supervision higher than the immediate supervisor of the employee in question. Furthermore, the supervisor's recommendation as to reasonable suspicion

must be reviewed and agreed upon in writing by the Village Manager or his designee. This written recommendation shall include the circumstances which formed the basis of the determination that reasonable suspicion existed to warrant testing. Please see the Village's definition of 'Reasonable suspicion drug testing' as outlined in Section 22-3, above, for more information.

3. Random Testing - The Village has established employment classifications such as safety sensitive, or those requiring a CDL, which may be subject to random drug testing.

- i. All employees working in a position covered by this policy are subject to unannounced testing based on random selection. This includes temporary employees performing work in a covered position.
- ii. All persons will be subject to be randomly picked for drug testing at each random testing date. A person may be randomly picked more than once or not picked at all during the annual period.
- iii. To assure that the selection process is random all employees covered by this policy will be placed in a common pool.
- iv. The selection procedure will select sufficient additional names to be used to reach the appropriate testing level during each test period. These alternate names will be tested in order of selection only if persons selected are unavailable for testing due to vacations, medical leave or travel requirements. The random selection will be performed by the Medical Review Officer (MRO).

4. Follow-Up Testing - If the employee in the course of employment enters an employee assistance program for drug-related problems, or an alcohol and drug rehabilitation program, the Village, at its option, may require the employee to submit to follow-up testing. If follow-up testing is required, it will be conducted at least once a year for a two-year period after completion of the program. Advance notice of a follow-up testing date will not be given to the employee to be tested.

5. Routine Fitness for Duty Testing – An employee may be asked to submit to a drug test as part of a routinely scheduled fitness for duty medical examination that is either part of the Village's established policy or that is scheduled routinely for all members of an employment classification or group.

C. Refusal to Test - If an employee refuses to submit to a test for drugs and alcohol, he/she may be disciplined up to and including termination for such refusal.

#### 22-5. Notice To Employees

The Village of Royal Palm Beach includes a notice of drug testing on all vacancy announcements for those positions where drug testing is required. A notice of this policy is posted in appropriate and conspicuous locations on the Village's premises, and copies of the policy are available for inspection during regular business hours by the general public in the Village of Royal Palm Beach Human Resources Department.

Employees are prohibited from possessing controlled substances, narcotics, or alcohol on their person, in their lockers, desks, or vehicles, while on Village property, while operating

or riding in Village vehicles away from Village property, or while otherwise performing Village duties away from the Village. With reasonable suspicion, the desks, lockers, cabinets, drawers, and vehicles used by employees are Village property, and may be searched. If an employee places a personal lock on a locker, desk, cabinet, or other storage area, upon reasonable suspicion, the Village may require the employee to remove such lock upon request and permit a search by management. Employees who have a desk, locker or any other type of work area on Village Property are to have no expectation of privacy.

22-6. Collection Procedures, Choice of Specimen, Cost of Testing

- A. An employee injured at the workplace who requires medical attention will be tested, in accordance with this policy, and shall be taken to a medical facility for immediate treatment of injury. If the injured employee is not at a designated collection site, the employee will be transported to one as soon as it is medically feasible where specimens shall be obtained. If it is not medically feasible to move the injured employee, specimens shall be obtained at the treating facility under the procedures set forth in this policy and transported to an approved testing laboratory.
- B. No specimens shall be taken prior to the administration of emergency medical care. Once this condition has been satisfied, the Village of Royal Palm Beach may obtain results of any tests conducted on a specimen for the presence of alcohol or drugs only as is specifically provided for in this policy.
- C. The Village of Royal Palm Beach may test for any or all of the following drugs: alcohol, including distilled spirits, wine, malt beverages and intoxicating liquors, amphetamines, cannabinoids, cocaine, phencyclidine (PCP), hallucinogens, methadone, methaqualone, opiates, barbiturates, benzodiazepines, propoxphene, synthetic narcotics, a designer drug or a metabolite of any of the substances listed in this paragraph.
- D. Body specimens – Urine will be used for the initial test for all drugs, and for the confirmation of all drugs, except alcohol. Blood will be used as the initial and confirmation test for alcohol. Nothing in this section shall be construed to limit the discretion of a physician to determine whether drawing a blood sample will threaten the health of the employee, or if the employee has a medical condition unrelated to the accident which may preclude the drawing of the necessary quantity of blood for a testing specimen. No inference or presumption of intoxication or impairment may be made in a case where a physician prevents a specimen extraction based on his or her medical expertise.
- E. Cost of testing – The Village of Royal Palm Beach shall pay the cost of all drug tests which it requires of employees. An employee shall pay the cost of any additional drug tests not required by the Village.
- F. Collection site – The Village of Royal Palm Beach shall utilize a collection site designated by an approved laboratory which has all necessary personnel, materials, equipment, facilities, and supervision to provide for the collection, security, chain of custody procedures, temporary storage and shipping or transportation of urine and blood specimens to the approved drug testing laboratory.

- G. Security of the collection site, chain of custody procedures, privacy of the individual, collection control, integrity and identity of the specimen, and transportation of the specimen, and transportation of the specimen to the laboratory shall be in accordance with Chapter 59A-24.005, Florida Administrative Code. The attached Chain of Custody Form will be used for each employee tested.
- H. Collection site personnel - A specimen for a drug test may be taken or collected by any of the following persons:
  - 1. Physician, a physician's assistant, a registered professional nurse, a licensed practical nurse, or a nurse practitioner or a certified paramedic who is present at the scene of an accident for the purpose of rendering emergency medical service or treatment.
  - 2. Qualified person employed by a licensed or certified laboratory, as described in Florida Statutes 440.102(9).
- I. Prior to any collection of a specimen, the drug testing facility shall provide a form for the employee concerning Chain of Custody and a Consent and Release form. Refusal to execute Chain of Custody and/or Consent and Release forms shall be treated as a refusal to be tested.

22-7. Laboratory Procedures

- A. No laboratory may analyze initial or confirm drug specimens unless the laboratory is licensed by the Department of Health and Rehabilitative Services and is capable of performing such tests in accordance with Section 112.0455, Florida Statutes, and its attendant rules in Chapter 59A-24.006, Florida Administrative Code.
- B. Laboratory Assistance - The approved laboratory shall provide technical assistance to the MRO for the purpose of interpreting any positive confirmed test results which could have been caused by a prescription or non-prescription medication taken by the employee.
- C. Laboratory Analysis Procedures - All laboratory security, chain of custody, transporting and receiving of specimens, specimen processing, retesting, storage of specimens, instrument calibration and reporting of results shall be in accordance with Section 112.0455, Florida Statutes, and its attendant rules in Rule 59A-24.006, Florida Administrative Code.
- D. Initial Test - The initial screen for all drugs shall use an immunoassay methodology except that the initial test for alcohol will be an enzyme oxidation methodology. The following cut-off levels shall be used when first screening specimens to determine whether they are positive or negative for the drugs or metabolites specifically listed below. In the event that the following cut-off levels are subsequently amended by legislation, the cut-off levels set forth in the new legislation shall control. All levels exceeding the following shall be reported as positive and reported for confirmation testing:

Alcohol	0.04g%
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Amphetamines	1000 ng/ml
Barbiturates	300 ng/ml
Benzodiazepines	300 ng/ml
Cannabinoids	50 ng/ml
Cocaine	300 ng/ml
Methaqualone	300 ng/ml
Methadone	300 ng/ml
Opiates	2000 ng/ml
Phencyclidine	25 ng/ml
Propoxyphene	300 ng/ml

However, the Village reserves the right to conduct expanded profile testing for any and all of the drugs and metabolites listed above.

- E. Confirmation Test - All specimens identified as positive on the initial test shall be confirmed using gas chromatography mass spectrometry (GC/MS) except that alcohol will be confirmed using gas chromatography. All confirmations shall be done by quantitative analysis. Concentrations which exceed the linear region of the standard curve shall be documented in the laboratory record as “greater than highest standard curve value.” The following confirmation cut-off levels shall be used when analyzing specimens to determine whether they are positive or negative for the drugs or metabolites specifically listed below. (In the event that the following confirmation cut-off levels are subsequently amended by legislation, the confirmation cut-off levels set forth in the new legislation shall control.) All levels exceeding the following shall be reported as positive:

Alcohol	0.04g%
Amphetamines	500 ng/ml
Barbiturates	150 ng/ml
Benzodiazepines	150 ng/ml
Cannabinoids	15 ng/ml
Cocaine	150 ng/ml
Methaqualone	150 ng/ml
Opiates	
Codeine	2000 ng/ml
Morphine	2000 ng/ml
6-Acetylmorphine	10 ng/ml
Phencyclidine	25 ng/ml
Methadone	150 ng/ml
Propoxyphene	150 ng/ml

- F. Drug testing laboratories shall retain and store all confirmed positive specimens pursuant to Section 112.0455, Florida Statutes, and its attendant rules as established in Chapter 59A-24.006, Florida Administrative Code. The assigned laboratory shall be required to maintain any specimens under legal challenge for an indefinite period.

22-8. Release of Results

- A. Reporting Results:

1. The laboratory shall report test results to the MRO within seven business days after receipt of the specimen by the laboratory.
2. The laboratory shall report as negative to the MRO all specimens which are negative on the initial test or are negative on the confirmation test. Only specimens which are confirmed as positive on the confirmation test shall be reported positive to an MRO for a specific drug.
3. The laboratory shall transmit to the MRO in a manner designed to ensure confidentiality of the information. The laboratory and MRO must ensure the security of the data transmission and restrict access to any data transmission, storage, and retrieval system.
4. The MRO and/or the tested employee may request from the laboratory, and the laboratory shall provide quantified test results.
5. The MRO will also verify that positive and negative test results were properly analyzed and handled. The MRO will have knowledge of substance abuse disorders and shall also be knowledgeable in the medical use of prescription drugs and in the pharmacology and toxicology of illicit drugs. The MRO shall evaluate the drug test results which are reported by the laboratory, verify the drug test results by checking the chain of custody form that the specimen was collected, transported and analyzed under proper procedures as set forth in this policy.
6. The MRO will initially notify the employee of a confirmed positive test result within three business days of receipt of the test result from the laboratory and determine if any alternate medical explanations caused a positive test result. This determination by the MRO shall include conducting a medical interview with the employee, review of the employee's medical history, review of any other relevant bio-medical factors, a review of all medical records made available by the tested employee, and an inquiry as to whether any prescription or non-prescription medications could have caused the positive test result. The MRO will provide an opportunity for the employee to discuss the positive test result and to submit documentation of any prescriptions relevant to the positive test result for up to five business days after notification period.

The MRO will then communicate the test results of an employee to a designated representative of the Village of Royal Palm Beach and the employee. The test results shall be communicated only after the MRO has verified that the positive and/or negative test results were properly analyzed and handled and, in the case of a positive test result, the MRO has provided at least up to five business days for the employee to discuss the positive test results and to submit documentation of any information relevant to the positive test results.

7. The MRO shall provide to the designated representative of the Village of Royal Palm Beach and the employee a copy of the test results subject to the employee

protection provision (Section 22-11) and the confidentiality provision (Section 22-15) of this policy.

- B. Records of Results – All records pertaining to a given specimen shall be retained by the drug testing laboratory for a minimum of five years. Also, drug testing laboratories shall retain in place all confirmed positive specimens in a properly secured long-term frozen storage facility for a period of at least one year from the date of the initial testing. Within this one-year period of time, an employer, employee, or medical review officer may request in writing that the laboratory retain the specimen for an additional period of time. If no such request is received, the laboratory may discard the specimen after one year of storage. However, when notified in writing, the laboratory shall be required to maintain any specimens under administrative or legal challenge for an indefinite period.

#### 22-9. After a Positive Test Result

If an employee has a confirmed positive test result, the Village will send the employee a letter within five business days of its receipt of notification from the Medical Review Officer (MRO) notifying the employee of his/her positive test result. The letter will outline the employee's rights and the manner in which he/she may challenge a positive test result. The employee is responsible for any costs associated with the challenge.

#### 22-10. Challenges To Test Results

- A. Within five (5) business days after receipt of a positive confirmed test result from the MRO, the Medical Review Officer shall inform the applicant/employee in writing of the employee's right to explain or contest the test results. The applicant/employee will be allowed up to five (5) business days to submit information to the Medical Review Officer explaining the test results. If the applicant's/employee's explanation is unsatisfactory to the Medical Review Officer, the applicant/employee will be notified of such within fifteen (15) days of the date the challenge was received and the MRO shall report positive test results to the Village. At that time the applicant/employee will be provided with a copy of the positive test results and the name and address of the laboratory.

Within fifteen (15) calendar days from when an employee's explanation was due, the Village of Royal Palm Beach must notify the applicant/employee in writing of their final decision. If the applicant/employee did not submit information explaining the test results, or if the Village of Royal Palm Beach deems the explanation to be unsatisfactory, the Village of Royal Palm Beach must include in their decision the consequences of such results and the options available to the employee including the right to file an administrative or legal challenge pursuant to law or the rules adopted by the Agency for Healthcare Administration. All such documentation shall be kept confidential by the Village of Royal Palm Beach and shall be retained by the Village of Royal Palm Beach for at least one year.

- B. An employee may challenge the testing procedures, test results, and/or consequential action taken by the Village of Royal Palm Beach through the grievance process. The grievance process will begin as soon as the Village of Royal Palm Beach notifies the employee in writing of the Village of Royal Palm Beach's final decision regarding the tested employee.

- C. When an employee does undertake an administrative or legal challenge to the results of a drug test, it shall be the employee's responsibility to notify the laboratory in writing of such challenge. An employee has 180 days after written notification of a positive test result to have a portion of the specimen re-tested, at the expense of the employee. After such notification, the sample shall be retained by the laboratory indefinitely until the administrative or legal challenge is settled. However, regardless of an administrative or legal challenge, all positive confirmed specimens will be retained by the laboratory for at least one year from the date of initial testing. (See Section 22-7)
- D. 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 Village will not make the transfer.
- E. In the event, an employee successfully sustains either an administrative or legal challenge to the results of a drug test the employee will be reinstated with back pay and benefits.
- F. Nothing in this drug testing policy shall be construed to eliminate or diminish any rights provided to the Village of Royal Palm Beach employees by the collective bargaining process and the resulting collective bargaining agreements thereof.

22-11. Employee Protection

- A. The supervisor recommending reasonable suspicion drug testing shall detail in writing the circumstances which formed the basis of the determination that reasonable suspicion existed to warrant testing. A copy of this documentation must be given to the employee prior to testing; however, the aforementioned documentation may be subsequently amended, any such amendments will be supplied to the employee, to add to or further explain the circumstances that led to the decision to subject the employee to drug testing. Such amendments shall be given to the employee. The documentation shall be kept confidential by the Village of Royal Palm Beach.
- B. If an employee disputes the supervisor's recommendation of reasonable suspicion, the employee must, nonetheless, submit to a blood/urinalysis test, as ordered by the Village Manager or his/her designee, while also filing a grievance in writing directed to his/her immediate supervisor on duty.
- C. All employees may, upon request, have a witness present during the testing procedure, provided that the test will not be postponed for more than 45 minutes waiting for the witness. An attempt will be made to telephone a witness advising of said pending tests, but in no instance will the 45 minute waiting rule be waived.
- D. The Village of Royal Palm Beach must place any employees who are tested for reasonable suspicion under the provisions of this policy on administrative leave with pay until a final decision is made on the tested employee by the Village of Royal Palm Beach. Upon positive test confirmation paid administrative leave will cease and the employee will be subject to discipline up to and including termination.

- E. The Village of Royal Palm Beach will not request or receive from any testing facility any information concerning the personal health, habit, or condition of the tested employee including the presence or absence of HIV antibodies in the tested employee's body fluids.
- F. The drug testing laboratory may not disclose any information concerning the health and mental condition of the tested employee.
- G. During the 180-day period after written notification of a positive test result, the employee who has provided the specimen shall be permitted by the Village of Royal Palm Beach to have a portion of the specimen retested at the employee's expense. Such re-testing must be done at another licensed and certified laboratory, as appropriate, chosen by the employee. The second laboratory must test at equal or greater for the sensitivity for the drug in question as the first laboratory. The first laboratory which performed the test for the employer shall be responsible for the transfer of the portion of the specimen to be retested, and for the integrity of the chain of custody during such transfer. If the split sample is shown to be negative, the Village of Royal Palm Beach shall reimburse the employee for all costs associated with testing the split sample, and the employee will rehire the employee to his/her previous position and the employee will be made whole for all lost wages and benefits.
- H. The Village of Royal Palm Beach will not discharge, discipline, refuse to hire, discriminate against, or require rehabilitation of an employee on the sole basis of a positive test result that has not been verified by a confirmation test, or on the basis of any prior medical history revealed to the Village pursuant to this policy.
- I. The Village of Royal Palm Beach will not discharge, discipline, or discriminate against an employee upon the employee voluntarily seeking treatment, prior to being subjected to a drug test administered in accordance with this policy provided the employee discontinues the use of drugs and/or alcohol and agrees to enter an approved treatment program.
- J. All documents and records with regard to the drug testing of an employee will be expunged from an employee's file if the employee is cleared through an administrative or legal challenge, and/or under reasonable suspicion drug testing, if the employee's test results are negative.

22-12. Reporting Use of Prescription or Non-Prescription Medications

- A. An employee or job applicant will be able to confidentially report the use of prescription or non-prescription medications, both before and after being tested, as presence of those medications in the body may affect the outcome of the test. Pursuant to Section 440.102(3), Florida Statutes, employees and job applicants have the right to consult the testing laboratory or the MRO for technical information regarding prescription or non-prescription medications.
- B. Employees must inform their Supervisor or the Human Resource Department if they are taking medicine that may affect their ability to perform their job, drive a vehicle, or operate safety sensitive equipment. Furthermore, employees may be asked to get a fitness for duty if they are taking medication which appears to be having a significant impact on

the employee's ability to perform the duties of their position.

22-13. Rehabilitation

- A. As a result of an employee voluntarily seeking treatment, or when discipline is involved pursuant to this policy requiring an employee to undergo treatment, the employee shall enter an alcohol/substance abuse program approved by the Village of Royal Palm Beach. The approved program administrator shall determine when the employee has been successfully rehabilitated. There will be no set time frame in which the program administrator will be obligated to determine whether an employee has been successfully rehabilitated.
- B. If approved by the program administrator, the Village of Royal Palm Beach shall make every effort to place a safety-sensitive position employee in a non-safety-sensitive position while the employee participates in the employee assistance program for a period not to exceed ninety (90) days. If a non-safety-sensitive position is unavailable, or if the program administrator requires in-patient treatment for the employee, the employee shall be placed on leave status without pay until successfully rehabilitated. In no case shall the leave status without pay extend for a period longer than six (6) months. If placed on leave status without pay, the employee may use any accumulated leave hours prior to being placed on leave without pay
- C. The Village of Royal Palm Beach will make every effort to ensure that the rehabilitation of the employee will be successful. Once the employee is rehabilitated, as determined by the program administrator, the employee shall be reinstated to the same or equivalent position that was held prior to such rehabilitation.
- D. If the employee fails to enter or complete the program, the employee may be subject to discipline up to and including termination.
- E. Alcohol/substance abuse which is verified by a confirmed positive test thereafter may be grounds for discipline with no further opportunity for rehabilitation.

22-14. Employee Assistance Program

The Village of Royal Palm Beach shall have a contact person as designated by the Village Manager who will be responsible for providing the names, addresses, and telephone numbers of the employee assistance program available to employees and their dependents. Information about the employee assistance program shall be given to the collective bargaining units and all employees prior to policy implementation.

22-15. Confidentiality

- A. All information, interviews, reports, statements, memoranda, and drug test results, written or otherwise, received or produced by the Village of Royal Palm Beach through this policy are confidential communications and are exempt from the provisions of Section 119.07(1), Florida Statutes, and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except in accordance with Section 440.102, Florida Statutes.

- B. The Village of Royal Palm Beach, the assigned laboratory, the Medical Review Officers (MROs), the employee assistance programs, the drug and alcohol rehabilitation programs and their respective agents who receive or have access to this information concerning drug test results shall keep all information confidential. Release of such information under any other circumstances shall be solely pursuant to a written consent form signed voluntarily by the person tested, unless such release is compelled by a hearing officer or a court of competent jurisdiction pursuant to an appeal taken under this drug testing policy, or unless deemed appropriate by professional or occupational licensing board in a related disciplinary proceeding. The consent form must contain, at a minimum:
1. The name of the person who is authorized to obtain the information;
  2. The purpose of the disclosure;
  3. The precise information to be disclosed;
  4. The duration of the consent; and
  5. The signature of the person authorizing release of the information.
- C. Information on drug test results shall not be released or used in any criminal proceedings against the employee or job applicant. Information released contrary to Section 440.102, Florida Statutes, and Chapter 38F-9 Florida Administrative Code, shall be inadmissible as evidence in any such criminal proceeding.
- D. Nothing herein shall be construed to prohibit the Village of Royal Palm Beach, an agent of the Village of Royal Palm Beach, or the laboratory conducting a drug test from having access to employee drug test information when consulting with legal counsel in connection with the actions brought under or related to this policy or when the information is relevant to its defense in a civil or administrative matter.

#### 22-16. Conviction

If you are charged or convicted of any drug related crime (sale, use or possession), you must notify the Village within twenty four (24) hours of your charge/conviction. Failure to notify the Village of such conviction is grounds for termination.

#### 22-17. Education

- A. The Village of Royal Palm Beach will maintain a current resource file of providers of employee assistance including alcohol and drug abuse programs, mental health providers, and various other persons, entities or organizations designed to assist employees with personal or behavioral problems.
- B. The Village of Royal Palm Beach must inform employees and new hires about any employee assistance programs that the Village of Royal Palm Beach may have available.
- C. The Village of Royal Palm Beach must provide a biennial education course for its employees to assist them in identifying personal and emotional problems which may result in the misuse of alcohol or drugs. This course must also include a presentation on the legal, social, physical, and emotional consequences of the misuse of alcohol or drugs.

- D. The Village of Royal Palm Beach must provide training through a biennial educational course to all supervisors who will be assigned the task of determining or certifying reasonable suspicion as defined in this policy. The primary focus of this educational course shall be to train and educate all supervisory personnel on how to determine reasonable suspicion as defined in this policy.

22-18. Conflict With Other Laws And/Or Collective Bargaining Agreement

- A. Any specific reference in this policy to Section 112.0455, Florida Statutes, and Chapter 59A-24, Florida Administrative Code, is hereby incorporated by reference only to the extent that there is not a conflict with other provisions in this policy. The specific provisions of the drug testing policy shall control over any conflict with any references to Section 112.0455, Florida Statutes, and Chapter 59A-24, Florida Administrative Code.
- B. This drug testing policy is in no way intended to diminish, waive, or supersede any constitutional or other rights not specifically mentioned in this policy that the employee may be entitled to under federal, state, or local statutes.
- C. This drug testing policy is in no way intended to diminish, waive, or supersede any rights provided to employees under a collective bargaining agreement or any rights to appeal to the Public Employee Relations Commission. The employee has also has the right to challenge the results of any drugs or alcohol tests and any discipline imposed due to the provisions of this drug testing policy in the same manner that any other Employer action can be grieved under the terms of the collective bargaining agreement.
- D. It is the intent of the parties for this policy to comply with applicable Florida Statutes and Administrative Regulations.



## CHAPTER 23: PERSONNEL FILES

### 23-1. Purpose

Personnel files are Village property, and therefore they shall be controlled by the Village. All employees shall have access to their personnel files maintained by the Human Resources Department. All items contained in the personnel files shall be available for review in accordance with Public Records Law. The files shall be reviewed in the Human Resources Department by appointment.

### 23-2. Procedures

- A. Documents regarding an employee's work performance which are placed in his/her personnel file shall be provided to the employee before or at the time the documents are placed in the file. The employee may respond, and such response shall be placed in the file.
- B. Documents that are routinely placed in the personnel file shall include, but not be limited to: performance evaluations; certificates; pre and post employment records; personnel change forms; disciplinary actions or reports; insurance and pension forms.
- C. Employees may submit job related documents to their department head for inclusion in their personnel files. Upon review, the department head shall forward the documents to the Human Resources Department that will review the file and determine whether inclusion in the personnel file is appropriate. No request shall be unreasonably denied.
- D. Employees shall have the right to receive copies of any items in their personnel files, and may be charged for items exceeding twenty (20) pages.

## CHAPTER 24: GENERAL PROVISIONS

### 24-1. Voluntary Separation of Service

An employee who voluntarily terminates service with the Village shall be obligated to provide at least two (2) weeks written notice to his/her supervisor or department head. Proper notice requirements may be waived by the department head upon approval of the Village Manager. Upon receiving notice, the Village Manager shall determine whether to pay the employee in lieu of requiring him/her to work the final two (2) week period.

### 24-2. Exiting Employment

All employees who terminate service with the Village shall contact the Human Resources Department to receive benefits information, and to return all Village property. The Department Head, Supervisor, or Human Resource Department shall collect uniforms, keys, password information, notify finance to deactivate gas cards if applicable, and notify IS to disable email, voicemail and badge/fab entry to buildings. The department head shall submit a termination personnel action form (PAF) to the Human Resources Department. Upon receipt, the Human Resources Department shall schedule and complete an exit interview with the employee when feasible.

Final checks will be not be direct deposit. The separating employee can elect to have the final check mailed to them, or come to the payroll department and pick it up.

### 24-3. Re-employment

Former Village employees who are rehired in accordance with Chapter 2, Section 2-6 (Job Postings/Employment) shall be treated as a new Village employee for purposes of receiving benefits and accrual of benefits. Employees eligible for the Florida Retirement System are subject to the terms and conditions of the plan in regards to participation and or continuation of years of service.

### 24-4. Personal Appearance/Dress Code

The citizens' impression of the Village in part depends on their contact with employees. Courtesy, appearance, body language and manner are all important in projecting a positive professional image. Employees are expected to dress and groom in a neat, clean and businesslike manner consistent with the position and work location, and demonstrate pride in the job. The following is a guideline of appropriate attire.

Administrative personnel who work in offices, must wear clothing that is businesslike in appearance, such as a suit, dress, blouse/sweater, dress shirt, Village logo shirt or slacks. Clothing is not considered business like in appearance if it is:

Casual sportswear, such as cargo pants, stirrup pants, or stretch pants

Skorts or shorts, with the exception of shorts provided by the contracted Uniform Company, summer camp counselors and Recreation Department staff as approved by the

Department Head.

Garments made of blue denim, leather, Lycra or other form-fitting material

Low Rise, low cut, hipster or hip-hugger pants, exposure of the mid-section

Exposure of boxer shorts

Sweatshirts, T-Shirts (with the exception of Village Logo items) or Halter Tops

Skirts and Culottes that are greater than 4 inches above the knee

Flip Flops or sneakers, with the exception that sneakers may be worn by Recreation staff as approved by the Department Head.

Shirts that show any part of an undergarment

Shirts that expose cleavage or the mid-section

Shirts unbuttoned more than the 2<sup>nd</sup> button from the top

See through, mesh, or clothing that is too tight

Clothing with advertising, writing, and logos, with the exception of the Village Logo or a clothing manufacturer, i.e. Nike.

Certain exceptions to these guidelines may be made for certain days or occasions at the discretion of the Village Manager. The above list is not all inclusive and may be altered or added to at any time.

#### 24-5. Uniforms

- A. When by nature of an employee's job uniform dress is required, the department shall promulgate a policy upon recommendation by the department head and approval by the Village Manager.
- B. Shoe allowance is for those employees who are required to wear specialized shoes, such as steel toe or construction type shoes. Each fiscal year, employees may buy shoes, not to exceed an amount determined and approved by the Village Manager.
- C. Absent a department policy pre-approved by the Village Manager, no such related uniform expenses, including but not limited to clothing, shoes and cleaning, shall be paid by the Village.
- D. The employee shall be required to wear such uniform unless directed otherwise by the Village Manager or Department Head. Uniforms will be worn at all times during the scheduled work day with the shirt buttoned and tucked in. Uniforms that are worn out, torn, or heavily stained should be given to the uniform company for replacement.
- E. Employees shall not wear their Village uniform after or before work hours with the exception of commuting to and from home and work.

#### 24-6. Personal Mail

Employees shall not have personal mail delivered to or in care of the Village, nor send mail out through Village postage meters.

24-7. Personal Changes

Employees are responsible for notifying their department head and or the Human Resources Department in writing regarding the following personal changes:

Mailing Address  
Home Phone Number  
Emergency Contact Information  
Name Change

Notification must occur within seven (7) calendar days of the change or within seven (7) calendar days after returning to duty from leave.

24-8. Right to Privacy

Village Employees do not have any expectation of privacy. Desks, lockers, Village vehicles, computers, equipment, phones, etc. are all subject to GPS tracking, search and inspection.

## CHAPTER 25: EMERGENCY PROCEDURES

### 25-1. Declared Emergency

If, in the sole discretion of the Village Manager or designee, it is determined that civil emergency conditions exist, including, but not limited to, riots, civil disorders, hurricane conditions, tornado, or other similar catastrophes, certain sections of the Policies and Procedures Manual along with any Collective Bargaining Agreements will be temporarily suspended by the Village Manager during the time of the declared emergency. This policy applies to all Village employees.

### 25-2. Command Structure

During the time of a declared emergency, the Village will activate the “Village Emergency Management Plan” (VEMP). The Village Manager is the authority for disaster preparedness and response and the Village Engineer has the responsibility for coordinating the entire emergency management program on behalf of the Village Manager. The VEMP utilizes the concepts of the National Incident Management System (NIMS) and the Incident Command System (ICS). The Village Manager may make changes in the level of responsibility of the command structure as needed.

Staff positions have been designated within the ICS, as well as assigned and labeled A, B, or C for purposes of work schedule and EOC operation.

A – Will report and remain at EOC during the event

B – Will be required to report to EOC when travel and safety conditions permit

C – Will be required to call EOC after the event has passed to receive direction

Employees assigned to the “A” category should realize the emergency may be several days or longer in duration, and as such, be prepared to remain in the EOC for a period of at least 72 hours. Employees are responsible for all their own personal provisions, toiletries, bedding, clothing, medication, etc. except for food and water which will be provided.

### 25-3. Emergency Work Procedures

Employees will be instructed by their Department Heads on any changes to normal operating procedures and or schedule changes. Employees should be prepared to report to work after and or during the declared emergency given the conditions are safe, feasible for travel, and before 3 p.m. Typically, safe conditions would include times when winds are below tropical storm, 45 mph or less, travel is during daylight hours, and roadways are passable. Should an employee who is instructed to report to work refuse to do so, they may be subject to disciplinary action up to and including termination.

Work shifts during a declared event may last 12 hours, however, they may be adjusted based on the needs created by the event. Employees may be assigned or designated duties other than their regularly assigned job classification duties.

25-4. Emergency Phone Procedures

Once an emergency has been declared, two phone lines will be used for information purposes. Employees are responsible for calling the emergency employee number, checking the website or Village Cable Channel to get the most up to date information regarding their employment and the state of events in the Village. General information for public use will be available on a separate phone line which will be announced at the time of the declared emergency. These lines will most likely have pre-recorded messages, therefore, personnel are directed to have alternate numbers by which to contact their direct supervisors.

25-5. Emergency Compensation

- A. All hourly, non-exempt employees will continue to get paid in accordance with FLSA for work completed and any overtime at time and one half their regular pay for all hours worked beyond 40 hours in any work. Assigned "A" group employees who report to the EOC will be paid for all hours spent at the EOC until they are relieved and able to go home. Non-exempt employees required to come in and work will be paid a rate of time and a half (OT) for all hours worked from the time the Village is closed for business and declared to be in "Emergency Operations" until the emergency is declared to be over and normal business operations resume. Employees who work overtime will be paid for the time in the next paycheck unless the supervisor is given a request from the employee to pay the hours as compensatory time. All hours for preparation of an event, during and after an event are to be tracked and properly recorded by the supervisor with the specific assignment or duties assigned to the employee.
- B. In the event of an impending or declared disaster/emergency, the Village may direct employees to not report to work for their regular duty assignments. The Village Manager will determine whether employees who are directed not to report to work are paid. During this period, employees should monitor the employee emergency phone number, the web, cable channel and other media for information regarding work status.
- C. In the event an emergency forces the premature closing of our operations whereby employees are sent home for the remainder of their work day, the Village will pay affected employees for a full day of wages. Non-essential employees who would like to stay at home and not report to work before the official closing of operations will be required to request and get approved personal leave time and will not be paid for the closing of operations for that day of work.
- D. All exempt employees during the declared emergency period of time will be paid in the following manner. All time worked will be tracked starting from the day the emergency is declared until the emergency is resolved. For every seven (7) consecutive day period, hours worked in excess of forty four (44) will be paid at the calculated hourly rate for the exempt person. When the declared emergency timeframe falls short of seven (7) consecutive days, the needed amount of days to make seven (7) shall be added in to complete the seven (7) day calculation period.

- E. Employees who are on a pre-approved personal leave, FMLA, workers compensation, disability, military, jury duty or bereavement will have that time processed in the normal manner.

ADDENDUM

VILLAGE OF ROYAL PALM BEACH

HUMAN RESOURCES POLICIES AND PROCEDURES MANUAL

FORMS ARE LOCATED AT:

[www.royalpalmbeach.com](http://www.royalpalmbeach.com), under Human Resources,  
Village Employee Information & Forms