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Town of Palm Beach

Employee Personnel Manual

[Revised]
11/02/2011

FOREWORD

If you have just joined our employee team, welcome aboard. If you are a continuing member of our team, thank you for your past and future service. The employees of the Town of Palm Beach are our organization's most valuable resource. This manual has been written to serve as the guide for the employer/employee relationship.

There are several things that are important to keep in mind about this manual:

First, it supersedes any previous manual.

Second, it contains only general information and guidelines. It is not intended to address all the possible applications of, or exceptions to, the general policies and procedures described. For that reason, if you have any questions concerning eligibility for a particular benefit or the applicability of a policy or practice to you, please ask your supervisor, department director, or the Human Resources Department.

Third, neither this manual nor any other Town document confers any contractual right, either expressed or implied, to remain in the Town's employ. Nor does it guarantee any fixed terms or conditions of your employment.

Finally, the procedures, practices, policies, and benefits described herein may be modified or discontinued at the Town's discretion, with or without notice. We will, however, provide updates to this manual, as needed, to inform you of any changes as they occur.

I have included the four statements above in part to clarify what this manual is (and is not) intended to convey and in part to protect the Town in the event of any misunderstanding. Consistent with our adopted vision and values, this document is meant to be as clear and informative as possible and, although the Town reserves the right to make changes in the future, it is our intent (as it has been our practice) to consider all such changes in an open and participatory manner.

Please read this manual carefully and retain it for future use.

I wish each of you success as together we address the challenges, seize the opportunities, and enjoy the rewards of our service in this great organization.

Sincerely,



Peter B. Elwell
Town Manager

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Chapter 1: CHARTER PROVISIONS

Section 1-1: RESPONSIBILITY FOR ADMINISTRATION

The Charter of the Town of Palm Beach vests the Town Manager with the power to appoint and remove all employees in the Town's service. The Town Manager has delegated to each department director the authority to appoint and remove employees in their departments. "Service" includes all Town employees who render services for which they receive compensation. Appointments made by or under the authority of the Town Manager will be solely on the basis of the fitness, training, and experience of such appointees for the work they are to perform.

The Town Manager may call upon the Director of Human Resources to create eligibility lists and establish a system of classification, so there will be provided a fair and impartial approach to municipal employment based upon the fitness, training, and experience of the applicant with no discrimination on account of sex, race, color, age, disability, military status, genetic information, political, or religious opinions.

This manual constitutes the official declaration of the specific practices and procedures that have been adopted by the Town. A copy of this manual will be issued by the Director of Human Resources to all employees.

Provisions of this manual may be changed, altered, or revised by administrative action of the Town Manager and, if required, by approval of the Town Council.

Section 1-2: TOWN MANAGER

The Town Manager will approve all personnel policies with such assistance of the Administrative and Personnel Committee as may prove necessary and expedient. In all cases, the Town Manager's decision on personnel policies will be final. It is the Town Manager's responsibility to carry out the mandate of the Town Charter and Code of Ordinances relative to the observance of personnel principles as set forth in this manual.

Section 1-3: DIRECTOR OF HUMAN RESOURCES

The Director of Human Resources will be responsible to the Town Manager for the proper administration of the Town's personnel policies and procedures.

Section 1-4: DEPARTMENT DIRECTORS

Department directors are defined as Appointive Administrative Officers according to the Town's Code of Ordinances Section 2-136. The department directors are expected to supervise their employees

effectively, provide leadership, and to promote a cooperative and productive work environment which motivates employees to excel. They may adopt and enforce departmental regulations not inconsistent with the Personnel Manual. Such departmental regulations will be reviewed by the Director of Human Resources to assure consistency. Department directors will report upon the efficiency of their subordinates, notify the Director of Human Resources of changes in duties of their employees in order that the classification plan will be maintained, and recommend salary increases or decreases in accordance with the provisions of the Pay Plan.

Section 1-5: TOWN COUNCIL

The Town Council, in accordance with Town Codes, will determine the budget for salaries under which all employees will be compensated.

Chapter 2: THE JOB CLASSIFICATION PLAN

Section 2-1: CONTENTS OF THE PLAN

The job classification plan is a grouping of the classes of all those positions in the Town service which are sufficiently alike in duties and responsibilities to be called by the same descriptive title, to be accorded the same pay scale, and to require substantially the same qualifications.

Written class specifications contain a description of the duties of positions in the class and a statement of the qualifications required for appointment. Other duties and responsibilities that are similar as to kind and quality may be required.

Section 2-2: MAINTENANCE OF THE PLAN

The Director of Human Resources will study the duties and responsibilities of each new position as it is created and, on the basis of this study, will place the position in the appropriate class. The Director of Human Resources will keep and maintain job descriptions for each classification.

Whenever a significant change is made in the duties and responsibilities of a position involving either the addition of new assignments or the taking away or modification of existing ones, such changes will be reported by the department to the Director of Human Resources. The Director of Human Resources will investigate such changes. If the changes are made, and if they call for a reclassification or reallocation, the position will be placed in the appropriate class.

The Director of Human Resources will check periodically the classification of positions in the Town service, and as a result, may combine existing classes or establish new ones as the needs of the service may require. Any such changes in the classification plan will be subject to the review and approval by the Town Manager.

A department director may, during the annual budget review process, submit a written request to the Director of Human Resources for a review of the reallocation or reclassification of positions under his/her supervision. This request must set forth the reasons justifying a review. The Director of Human Resources will make an investigation of the position with a view toward determining its correct classification and will report the findings in writing to the Town Manager. The decision of the Town Manager will be in writing and will be final. The Director of Human Resources will give written notice of the Town Manager's decision.

Request for review of position reallocation/reclassifications will be made to the Director of Human Resources prior to March 1 of each year, since recommendations for changes in positions will be made only on October 1, except in unusual cases.

Section 2-3: EMPLOYMENT CLASSIFICATIONS

For the purposes of this manual, the following terms are defined as:

- a. **Public Safety Employees:** All certified police officers, firefighters, and Ocean Rescue personnel*.
- b. **General Employees:** All employees not included in the employee group "Public Safety".
- c. Exempt and Non-Exempt Employees:
 - i. Exempt Employees: All full time regular employees who are exempt from overtime under the Fair Labor Standards Act (FLSA).
 - ii. Non-Exempt Employees: All full time regular employees who are eligible for overtime under the FLSA.
 1. Service/Trades employees are those employees in positions that are classified as trades, maintenance, laborer, custodial, or equipment operator (skilled or unskilled), including supervisors.
 2. Administrative employees are those employees in positions that are classified as clerical, fiscal, professional, technical, public welfare, recreation, or administrative, including supervisors.
- d. **Part Time Regular Employees:** All part time regular employees who work 30 to 35 hours per week in year round positions.
- e. **Part Time Employees:** All part time employees who work less than 30 hours per week in year round positions.
- f. **Temporary Employees:** All full time or part time employees who work in seasonal or intermittent positions, or who are hired to complete specific projects of a temporary nature.

*For purposes of this section, Ocean Rescue personnel are classified as Public Safety Employees; however, Ocean Rescue personnel are **not** members of the Police Officer or Firefighter Retirement Systems.

Section 2-3.1: Full Time Regular Employment

- a. All Full Time Regular positions must be approved by the Town Manager and included in the approved fiscal year budget.
- b. Full Time Regular positions are established year-round positions in which the normal work week is at least 37.5 hours per week.
- c. Employees in Full Time Regular positions are eligible for the benefits specified in Chapter 5 of this manual.
- d. Employees in Full Time Regular positions must become members of the Town of Palm Beach Retirement System, as required by Town ordinance.

Section 2-3.2: Part Time Employment

- a. All Part Time Regular and Part Time positions must be approved by the Town Manager and included in the approved fiscal year budget.

- b. Part Time Regular positions are established year-round positions which are scheduled to work 1,560 to 1,820 hours per year.
- c. Part Time positions are established year-round positions which are scheduled to work less than 1,560 hours per year.
- d. Employees in Part Time Regular positions are eligible for the benefits specified in Chapter 5 of this manual.
- e. Employees appointed to Part Time or Part Time Regular positions and who work 1,040 hours or more per fiscal year must become members of the Town of Palm Beach Retirement System, as required by Town ordinance.

Section 2-3.3: Temporary Employment

- a. Temporary positions are full time or part time positions requiring seasonal or intermittent work, or positions requiring the completion of specific projects of a temporary nature.
- b. Temporary positions that generally reoccur on an annual basis (seasonal) must be approved by the Town Manager and be included in the approved fiscal year budget.
- c. Employees appointed to temporary positions work for specified pre-determined periods of time, not to exceed one year, and may work an unlimited number of hours per year. Extension of temporary appointments beyond one year may be authorized by a recommendation of the department director and approval of the Town Manager.
- d. Employees appointed to temporary positions are not eligible for any employee benefits, with the following exception:
 - i. Employees appointed to temporary positions and who work more than 1,040 hours per fiscal year must become members of the Town of Palm Beach Retirement System as required by ordinance.
- e. Any Temporary position approved by the Town Manager must have:
 - i. The specified period of time of employment included on the initial Personnel Action Form, and
 - ii. Any extension to the initial specified period of time of employment approved by the Town Manager must include a memorandum explaining the justification for extension and a new Personnel Action Form.
- f. Employees appointed to temporary positions receive pay only for actual hours worked.
- g. The employment of temporary employees can be terminated without notice or cause.

Section 2-3.4: DROP Participant

- a. A DROP participant is any employee who is a member of the Town's Retirement System and who elects to retire and participate in the Deferred Retirement Option Program. (For additional information regarding the DROP plan, see Section 5-28 of this manual or refer to the Palm Beach Code of Ordinances, Chapter 82.)
- b. Participation in the DROP may not exceed a maximum of 60 months. Upon completion of

the DROP program, the DROP participant's employment with the Town ends. Any consideration for continued employment after the DROP must be approved under the provisions of Re-Employed Retiree as defined by Administrative Procedure 1-95-1 as amended, and Sections 2-3.5 and 5-29 of this manual. There is no guarantee of continued employment beyond the 60 month DROP period.

Section 2-3.5: Re-Employed Retiree

- a. A re-employed retiree is any employee who has retired under the Town's Retirement System and is re-employed under a contractual agreement with the Town of Palm Beach upon the recommendation of the department director and approval of the Town Manager in a full-time position for which he or she qualifies.
- b. Employment as a re-employed retiree is deemed "Employment At Will" which allows either party, retiree/employee or the Town, to terminate this employment without cause and requiring only a two (2) week written notice of termination. (See Section 5-29 of this manual for additional information regarding re-employment of Town retirees, or refer to Administrative Procedure 1-95-1 as amended.)

Chapter 3: IMPLEMENTATION OF PAY PLAN

Section 3-1: SPECIAL PAY ADJUSTMENTS

Due to the circumstances of particular operations and specific policies, it is necessary to make certain adjustments in the pay for specialized activities.

Section 3-1.1: Dual Classifications

When a Non-Exempt Service/Trades employee is designated to work in a dual classification, he/she will receive the rate in the lower classification to which the employee's service entitled him/her. The employee will also receive a 5% increase or the minimum pay for the higher rated occupation, whichever is the greater, while performing work in the higher classification.

Section 3-1.2: Temporary Light Duty Assignments

Any employee placed in a temporary light duty assignment due to a physical or mental impairment will remain at their current pay status, even when the employee is assigned to a position in a higher pay grade.

Section 3-2: HOURS OF WORK

The established normal business hours for all departments will be determined by the Town Manager, and the work days of employment will be governed by department rules and regulations and/or applicable bargaining agreement. All hours worked must be reported within the pay period.

The established normal work week for most full time, Exempt and Non-Exempt Town employees will be forty (40) hours. Fire- Rescue Department "Shift" employees working 24 hour shifts will be on duty an average of fifty six (56) hours per week.

All hourly rates are based upon a 40 hour work week, including those employees who work 37.5 hours per week with the exception of Fire-Rescue Department "Shift" employees whose hourly rates are based upon a 56 hour work week.

Section 3-3: APPOINTMENT PAY RATES

Original appointments will normally be compensated at the minimum of the salary range for the classification to which the appointment is made.

The Director of Human Resources may approve appointments at a rate of 5% above the minimum pay. Starting rates greater than 5% above the minimum require the Town Manager's approval, but such increase may not exceed the midpoint of the range for the classification to which the appointment is made; with the exception of department director and Deputy Town Manager positions, which will be set by the Town Manager.

Section 3-4: PERFORMANCE EVALUATION SYSTEM

A performance evaluation system will be administered for the purpose of the periodic performance appraisal by supervisors and department directors of their subordinates. The performance evaluations will be used by department directors and the Town Manager as a basis to make constructive improvements in employee performance and professional development and for more effective personnel control. The quality of service rendered by the employee in the past will receive due consideration in such personnel matters as promotions, transfers, demotions, lay-offs, terminations, performance pay, and salary adjustments. Performance evaluations will be due prior to the completion of the trial period, one year after appointment, and each year thereafter. In addition, upon promotion, demotion, or transfer, a pro-rated pay change may be allowed per policy statement under Section 3-7.1, Promotions, of this manual. Performance evaluations will be reviewed with the employee by his/her supervisor.

Section 3-4.1: Performance Evaluation System

The Town's Performance Evaluation System is designed to reward employees based on the employee's level of job performance within the guidelines established for the system.

Covered employees who become eligible for pay increases upon completion of the required length of employment will receive a pay increase within the guidelines established for the program, as set forth in the Section 3-4.3 entitled Performance Pay Increases.

Section 3-4.2: Appeal Process for Performance Evaluation System

Employees have the right to present an appeal concerning interpretation of the performance evaluation process and/or resulting evaluation. The following method is provided to ensure rapid and fair hearing of an appeal. This process does not supercede an alternative process, if any, agreed upon within any bargaining agreement.

Section 3-4.2(a) Step One

The appeal is first discussed with the immediate supervisor no later than seven (7) calendar days after the occurrence of the action or incident (the appraisal interview).

- If the employee does not discuss the appeal with the supervisor within the seven (7) calendar days period, there is no appeal.
- The supervisor will answer the appeal within seven (7) calendar days.

- Failure of the supervisor to respond within the established time period will entitle the appealing employee to move to Step Two.

Section 3-4.2(b) Step Two

If the appeal is not resolved in Step One, the employee may, within seven (7) calendar days after receiving an answer from the immediate supervisor, forward the appeal in writing to the department director.

The department director or his/her designated representative will conduct such investigation as is deemed warranted and will provide an answer in writing to the employee within seven (7) calendar days of receiving the appeal. If further investigation is needed, additional time may be allowed by mutual agreement of the department director and the employee.

Failure of the department director to respond within the established time period will entitle the appealing employee to move to Step Three.

Section 3-4.2(c) Step Three

If the appeal is not resolved in Step Two, the employee may appeal the department director's decision in writing, within seven (7) calendar days, to the Director of Human Resources. The Director of Human Resources will reply to the complaint within fourteen (14) calendar days of receiving the written appeal.

If further investigation is needed, additional time may be allowed by mutual agreement of the Director of Human Resources and the employee.

Failure of the Director of Human Resources to respond within the time period will entitle the appealing employee to move to Step Four.

Section 3-4.2(d) Step Four

If the employee is not satisfied with the decision rendered in Step Three, the employee may appeal the decision, in writing, to the Town Manager, within seven (7) calendar days of receiving the decision. The Town Manager will either meet informally with the employee or will convene an administrative hearing within fourteen (14) days after receipt of the appeal. The Town Manager will render a final and binding decision within seven (7) calendar days following the meeting.

In the event that the Town Manager cannot meet with the employee within this period of time, the Town Manager has the right to extend these deadlines at his discretion and by notifying the employee of the need for the extension.

Section 3-4.3: Performance Pay Increases

Performance pay increases will be paid within the parameters of the Performance Pay Chart that relates performance score to pay increase (with the exception of Police Officers, Sergeants, and Fire Bargaining Unit employees that receive step increases), subject to the limitations of the budget approved by the Town Council.

Section 3-4.3(a) General Employees - (excluding employees in the Telecommunications Unit and Public Safety employees):

Employees covered under this section will be appointed at a pay grade established under Section 3-3, Appointment Pay Rates, of this manual and in accordance with the most current compensation plan. The employee will remain at this pay level for a six month trial period. If the trial period is extended, the employee will remain in this pay level until successful completion of the trial period.

After completion of the trial period, the employee's performance will be evaluated, and the employee may be eligible for a performance pay increase in accordance with the Town's Performance Evaluation System and the Performance Pay Chart. A six month performance increase is half of what the employee would have received if the evaluation period had been for an entire year.

Upon completion of the second six months of employment, the employee's performance will again be evaluated, and the employee may be eligible for a performance increase. The second six month performance increase will be half of what the employee would have received if the evaluation period had been for an entire year.

After the first year of employment, the employee will receive performance evaluations on an annual basis and will be considered for a performance increase. Performance increases will be governed by the Performance Evaluation System and Performance Pay Chart.

Section 3-4.3(b) Certified Police, Ocean Rescue Unit, Telecommunications Unit Employees, and Non-Bargaining unit Certified Fire-Rescue

Employees covered under this section will be appointed to a pay level established under Section 3-3, Appointment Pay Rates, of this manual and in accordance with the most current compensation plan. Employees will remain at this pay level for a twelve month trial period. If the trial period is extended, employees will remain at this level until successful completion of the trial period.

After completion of the trial period, the employee's performance will be evaluated, and the employee may be eligible for a performance pay increase, in accordance with the Town's Performance Evaluation System and the Performance Pay Chart (with the exception of Police Officers, Sergeants, and Fire Bargaining Unit employees that receive step increases).

After the first year of employment, employees will receive performance evaluations on an annual basis and will be considered for a performance increase. Performance increases will be limited by the Performance Evaluation System and Performance Pay Chart.

Section 3-4.3(c): Certified Fire-Rescue Employees (Bargaining Unit Supervisory and Non-Supervisory)

Fire-Rescue employees covered under a labor agreement as approved by the Town Council will follow the provisions outlined in said agreement. Certified Fire-Rescue employees not covered under a labor agreement will follow the provisions outlined in Section 3-4.3(b).

Section 3-5: REALLOCATION & RECLASSIFICATION

Reallocation or reclassification of positions to higher or lower pay ranges must follow proper procedures as outlined in Section 2-2, Maintenance of the Plan, of this manual and must be approved by the Town Manager and, when necessary, by the Town Council.

When an employee in any position, through diligent and intelligent application to his/her work, develops his/her position by the assumption of additional and progressively more difficult duties and responsibilities so that it warrants a higher classification, and this condition is confirmed by the Director of Human Resources, the Town Manager will determine whether the incumbent should be given status in a higher classification. Under these circumstances, when a position is reclassified to a higher pay range, the incumbent will normally be advanced to the minimum rate of pay for the higher range or receive an increase not to exceed 5% above the base pay he/she is currently receiving, whichever is greater. Assignment to a higher level within the pay range may be made upon approval of the Town Manager.

When a position is reallocated to a higher pay range because the job market has increased the value of the position, the incumbent's pay will stay the same except in cases where the employee's pay falls below the minimum rate of pay, in which case the incumbent will receive the minimum pay rate. Other adjustments in pay may be made upon recommendation and justification by the Director of Human Resources and approval of the Town Manager.

In cases where a position is reallocated to a lower pay range, the incumbent(s) in the position will retain the same rate of pay as they received prior to the reallocation, provided that such rate of pay does not exceed the maximum of the pay range to which the position has been reallocated. When the incumbent is receiving a salary above the maximum of the pay range, his/her salary may be reduced to the maximum of the new range or may be frozen at the present rate of pay, the status of which will be approved by the Town Manager.

Reallocation and reclassification of positions may result in a change in the normal eligibility dates for performance pay increases. The Director of Human Resources will determine when a reallocation or reclassification will effect an employee's normal eligibility date for performance pay increases.

Section 3-6.1: Starting Above Minimum Pay

(Refer also to Appointment Pay Rates, Section 3-3)

Generally, all appointments are made at the minimum pay for the classification. The Director of Human Resources has the authority to approve appointments at a starting pay of 5% above the minimum pay. Starting pay greater than 5% above the minimum pay requires approval of the Town Manager. With the exception of the Town Manager, the Deputy Town Manager, and department director positions, starting pay will not exceed the midpoint pay for that classification.

Section 3-6.2: Trainee Positions

Trainee positions are temporary positions which allow department directors to hire employees who have not yet met the certification requirements or other minimum qualifications of a position. The trainee position will exist for the period of time necessary for the individual to meet all minimum qualifications to the satisfaction of the department director, but such period will not exceed six (6) months. Once the employee in a trainee position meets that position's minimum qualifications, the trainee will become a regular employee.

Trainee positions may be established at a rate less than the prescribed established pay range for the position while the person is trained to meet the minimum qualifications required for the position. Such rate is to be approved by the department director, the Director of Human Resources, and the Town Manager.

Time spent in a Trainee position will not be included as time worked in the initial trial period. Therefore, any employee who fails to complete the initial trial period, even though such employment could exceed six months to one year, can be terminated without notice or cause and without the right to appeal said termination.

Section 3-6.3: Temporary Employees

All positions classified as temporary will be paid at an hourly rate of pay. Temporary employees will be compensated within the pay range for the classification to which their position has been allocated and will be compensated at the minimum pay rate, unless a higher rate is approved by the Director of Human Resources.

In cases where temporary employment is extended beyond six months of continuous employment, the position may be allocated to a higher pay rate within the pay range to which it has been assigned, based upon a performance evaluation and approval of the Town Manager.

Temporary employment may be terminated by the employee or Town at any time with or without notice or cause.

Section 3-7: INTER-DEPARTMENTAL AND INTRA-DEPARTMENTAL ACTIONS

Section 3-7.1: Promotions

An employee who is promoted to a position in a class which is allocated to a higher pay range will normally receive either the minimum rate of pay for the higher classification or an increase in pay not to exceed 5% above the pay he/she is receiving, whichever rate of pay is higher. Assignment to a higher pay rate within the pay range may be made upon the approval of the Town Manager. Promotions are made for a trial period of six (6) months for General Employees and one (1) year for Public Safety positions and employees in the Telecommunications Unit. Promotions will be administered in accordance with this manual and/or any labor agreement as approved by the Town Council.

In addition to the promotional pay increase, an employee may be considered for a performance pay increase if said increase would normally be due within six months of the date of promotion. This increase would be pro-rated by full months completed in the employee's evaluation period, starting with six months at 50%, and up to 11 months at 92%. In the case of bargaining unit employees with Step Plans, the performance evaluation increase will be the pro-rated amount of the difference between the steps. After the pro-rated increase has been calculated, the 5% promotional increase will be applied to that hourly rate. The employee's pay rate will then be placed in the appropriate pay step of the new position which will result in a minimum of the pro-rated increase plus the 5% promotional increase.

Evaluation Period Completed Prior to Promotion	Percent of Performance Pay Eligibility
6 Months	50%
7 Months	58%
8 Months	67%
9 Months	75%
10 Months	83%
11 Months	92%

If it has been less than six months since the employee's last performance evaluation, he/she will not be entitled to a pro-rated performance increase.

Section 3-7.2: Demotions

Section 3-7.2 (a): Demotions following a Promotion

During the trial period following a promotion, an employee failing to meet the trial period requirements relative to a promotion will be subject to one of the following:

- a. If a vacancy exists in the original position, the employee may be returned to the original position and the original pay in range prior to the promotion.
- b. If no vacancy in the original position exists, the employee may be placed in a similar vacant position in the same classification, either in the same department or a different department, at the original pay in range. Such placement will be at the discretion and approval of the department director, Director of Human Resources, and Town Manager.
- c. If no similar position is vacant, the employee will be terminated and may be placed on a re-employment register (Section 4-1.3 (b), Re-employment Register, of this manual).
- d. Demotions will be administered in accordance with this manual and/or any labor agreement as approved by the Town Council.

Section 3-7.2 (b): Demotions (not following Promotions)

At any time an employee is demoted and his/her present rate of pay is within the lower classification pay range, the current rate of pay will be maintained. If the present rate of pay is higher than the maximum pay rate in the lower classification, the employee will be allocated to the maximum rate of pay for the lower classification.

Section 3-7.3: Transfers

When an employee is transferred to a classification which is allocated to the same pay range as his/her present classification, there will be no change in the rate of pay. If the classification is at a lower pay range, the employee will be paid as set forth under the above Section, **Demotions**. Transfers will not be approved to positions in a higher pay range since such an action constitutes a promotion, which is addressed in Section 3-7.1 of this manual.

At the time of transfer, an employee will be considered for a performance pay increase if said increase would normally be due within six months of the date of transfer. This increase would be pro-rated by full months completed in the employee's evaluation period, as outlined under Section 3-7.1 of this manual.

An employee requesting a transfer to a position in another department must have completed at least one full year of service within the department from which he/she is transferring.

Section 3-7.4: Reinstatement

When an employee is reinstated within one year of separation from service and is assigned to the same department and the same classification from which the employee was separated, the employee will receive the same pay in the pay range (same Comp-Ratio) as was received at the time of separation, which will include any competitive pay increase(s) that may have been provided in the interim.

If the pay range has been lowered for the classification from which the employee was separated, then the pay will be adjusted to the nearest pay equivalent to the pay rate received at the time of separation, provided that the employee will not be allocated to a rate higher than the maximum rate for the classification to which assigned.

When an employee is reinstated to the same classification but is assigned to a position in a department other than the one from which the employee was separated, the employee may be assigned within the pay range for that classification to a rate that is equal to or lower than the rate received at the time of separation from service.

Section 3-8: OVERTIME

When it is necessary for overtime work to be performed, department directors may specifically authorize such overtime work (subject to budget limitations), but every effort should be made to reduce such overtime to an absolute minimum. Overtime pay must be in accordance with the Fair Labor Standards Act as it pertains to public employers.

Any overtime work must be documented properly on an authorized time sheet that clearly shows the entire payroll period during which the overtime was worked. All hours worked must be reported within the pay period. All overtime work must have the approval of the employee's supervisor at the time the overtime was worked, and such approval must be properly documented on the authorized time sheet. Authorized overtime work will normally be compensated at time and one-half times the hourly rate to the nearest quarter hour, unless otherwise stated in any labor agreement as approved by the Town Council.

Section 3-8.1: Positions Excluded from Overtime

All positions meeting the exemptions established by the Fair Labor Standards Act will be exempt from overtime payment. Exemptions include the classifications of executive, administrative, and professional positions. Exemption status shall be designated and noted on each position description.

Section 3-8.2: Methods of Compensation

Section 3-8.2(a): Compensatory Time:

Except in extenuating circumstances, compensatory time at time and one-half will be authorized and given in lieu of overtime pay. "Extenuating circumstances" will be determined at the discretion of the department director and may include emergency conditions or special unforeseen projects. Compensatory time off will be scheduled at the discretion of the department director, but must comply with the Fair Labor Standards Act.

Section 3-8.2(b): Payment in Lieu of Compensatory Time:

Payment in lieu of compensatory time off will normally be at time and one-half the employee's hourly rate of pay, as established by the Fair Labor Standards Act.

Section 3-8.3: Determining Overtime Hours

All overtime regarding non-exempt employees (excluding certified Police and Fire-Rescue personnel) will be based upon any hours worked over forty (40) during the work week. A work week is a specified period of seven consecutive days or 168 consecutive hours. Police employees (certified) will earn overtime based on hours worked over 160 during a 28 day work period. Firefighters will earn overtime based on hours worked over 212 during a 28 day work period.

Overtime hours earned by all non-exempt employees must be in compliance with the Fair Labor Standards Act, Town Administrative Policies, and the policies outlined in this manual.

Section 3-8.3(a): Non-Exempt Administrative Employees: (Excluding Service/Trades employees and State Certified Police and Fire-Rescue shift employees):

All nonexempt Administrative employees, including non-shift Fire-Rescue certified personnel, will receive overtime pay or compensatory time off for all hours actually worked in excess of 40 hours in a 7 day work period. Employees working a 37.5 hour week are paid for 40 hours; therefore, will receive no additional compensation for the hours worked between 37.5 and 40 hours per week. Overtime pay and compensatory time will be provided for all hours in excess of 40 hours in one week and will be compensated at a rate of one and one-half the employee's regular hourly rate for overtime hours worked. Overtime pay and compensatory time must be approved by the department director or designee, and compensatory time may be accumulated up to an amount not to exceed a maximum of 80 hours (with the exception of Recreation Department employees, as outlined below). Any overtime hours that are worked when the compensatory time balance is at the maximum of 80 hours shall be paid at a rate of one and one-half the employee's regular hourly rate for overtime hours worked. An employee shall request to use compensatory time prior to use of any other accrued leave (excluding sick). Department directors shall require employees to use accumulated compensatory time prior to

using any other type of leave (excluding sick). The Town will ensure compensatory time is used prior to the use of any other accrued leave (excluding sick). Accrued compensatory time will be paid out prior to any salary increase to include but not limited to merit, step, and/or promotional increases.

- Because of the seasonal nature of the Recreation Department and its hours of operation, Recreation Department employees may accumulate up to 120 hours of compensatory time. However, such compensatory time must be reduced to less than 40 hours prior to October 1 of each year.

When an employee covered under this section heading is on approved paid or unpaid leave, with the exclusion of approved annual, holiday and personal leave, and is relieved of all duties, such time is **not** considered hours worked for purposes of calculating overtime obligations. In other words, when an employee is out on sick, injury, compensatory, worker's compensation, Long Term Disability, bereavement, military, jury duty, or any other paid or unpaid leave, during a seven day work period cycle, this leave time will be excluded from the calculation of time worked. Authorized vacation leave, holiday leave, and personal leave will be included as time worked for purposes of calculating overtime pay.

Section 3-8.3(b): Non-Exempt Service/Trades Employees, Regular Part Time Employees, Part Time Employees, and Temporary Employees.

All nonexempt, Service/Trades employees, regular part time employees, part time employees, and temporary employees will receive overtime pay or compensatory time off for all hours actually worked in excess of 40 hours in a seven day work period. Overtime pay and compensatory time will be compensated at a rate of one and one-half the employee's regular hourly rate for hours worked overtime. Overtime pay and compensatory time must be approved by the department director or designee, and compensatory time may be accumulated up to an amount not to exceed a maximum of 80 hours. Any overtime hours that are worked when the compensatory time balance is at the maximum of 80 hours shall be paid at a rate of one and one-half the employee's regular hourly rate for overtime hours worked. An employee shall request to use compensatory time prior to use of any other accrued leave (excluding sick). Department directors shall require employees to use accumulated compensatory time prior to using any other type of leave (excluding sick). The Town will ensure compensatory time is used prior to the use of any other accrued leave (excluding sick). Accrued compensatory time will be paid out prior to any salary increase to include but not limited to merit, step, and/or promotional increases.

When an employee covered under this section heading is on approved paid leave time, with the exclusion of sick leave, such time will be considered hours worked for purposes of calculating overtime obligations.

Sanitation Bureau employees who work on a recognized Town Holiday will receive eight (8) hours holiday pay plus overtime pay (at time and one-half) for the hours actually worked.

Sanitation Bureau employees who are assigned to and work a seven day work week will have all time actually worked on Saturdays and Sundays calculated as overtime (time and one-half) regardless of the number of hours worked during the covered seven day work period.

Section 3-8.3(c): Non-Exempt Certified Police Personnel:

All nonexempt, certified police personnel will receive overtime pay or compensatory time off for all hours actually worked in excess of 160 hours in a 28 day work period. Overtime pay and compensatory time will be compensated at a rate of one and one-half the employee's regular hourly rate for hours worked overtime. Overtime pay and compensatory time must be approved by the Police Chief or designee, and compensatory time may be accumulated up to an amount not to exceed a maximum of 80 hours. Any overtime hours that are worked when the compensatory time balance is at the maximum of 80 hours shall be paid at a rate of one and one-half the employee's regular hourly rate for overtime hours worked. An employee shall request to use compensatory time prior to use of any other accrued leave (excluding sick). Department directors shall require employees to use accumulated compensatory time prior to using any other type of leave (excluding sick). The Town will ensure compensatory time is used prior to the use of any other accrued leave (excluding sick). Accrued compensatory time will be paid out prior to any salary increase to include but not limited to merit, step, and/or promotional increases.

When an employee covered under this section heading is on approved paid or unpaid leave time, with the exclusion of approved annual, holiday and personal leave, and is relieved of all duties, such time is **not** considered hours worked for purposes of calculating overtime obligations. In other words, when an employee is out on sick, injury, compensatory, worker's compensation, Long Term Disability, bereavement, military, jury duty, or any other paid or unpaid leave, during a 28 day work period cycle, this leave time will be excluded from the calculation of overtime worked. Authorized vacation leave, holiday leave, and personal leave will be included as time worked for purposes of calculating overtime pay.

Section 3-8.3(d): Non-Exempt Fire-Rescue / Shift Employees:

All nonexempt, Fire-Rescue Shift Employees will receive overtime pay or compensatory time for all hours actually worked in excess of 212 hours in a 28 day work period. In order to provide all employees with equal access to available overtime work, no employee shall be assigned overtime in excess of 212 hours in a year in accordance with the applicable bargaining agreement. Overtime pay and compensatory time will be compensated at a rate of one and one-half the employee's regular hourly rate for hours worked overtime. Overtime pay and compensatory time must be approved in advance by the Fire-Rescue Chief or designee, and compensatory time may be accumulated up to an amount not to exceed a maximum of 120 hours. Any overtime hours that are worked when the compensatory time balance is at the maximum of 120 hours shall be paid at a rate of one and one-half the employee's regular hourly rate for overtime hours worked. An employee shall request to use compensatory time prior to use of any other accrued leave (excluding sick). Department directors shall require employees to use accumulated compensatory time prior to using any other type of leave (excluding sick).

The Town will ensure compensatory time is used prior to the use of any other accrued leave (excluding sick). Accrued compensatory time will be paid out prior to any salary increase to include but not limited to merit, step, and/or promotional increases.

When an employee covered under this section heading is on approved paid or unpaid leave, with the exclusion of approved vacation leave, and personal leave, and is relieved of all duties, such time is **not** considered hours worked for purposes of calculating overtime obligations. In other words, when an employee is out on sick, injury, compensatory, worker's compensation, LTD, bereavement, military, jury duty, or any other paid or unpaid leave, during a 28 day work period cycle, this leave time will be excluded from the calculation of overtime worked. Authorized vacation leave, and personal leave will be included as time worked for purposes of calculating overtime pay.

See Section 3-8.3(a) for non-shift Fire Rescue employees.

Section 3-9: LONGEVITY COMPENSATION

On or about December 1 of each year, the Director of Finance and the Director of Human Resources, or their designees, will perform the calculation of longevity compensation.

Longevity compensation will be granted to regular full time and regular part time employees (excluding Certified Fire-Rescue Bargaining Unit Supervisory and Non-Supervisory employees effective September 17, 2011) hired prior to October 1, 2004, and upon the completion of five years of service with the Town as of December 1 at a rate of one-half ($\frac{1}{2}$) per cent for each year, and additional increments of one-half ($\frac{1}{2}$) per cent added each year thereafter, up to and including the twentieth year of service, not to exceed 10 percent of base annual rate of pay, as indicated by the following:

- a. 2 1/2% of base annual rate of pay upon the completion of five years of continuous, full time service as of December 1.
- b. Additional 1/2% of base annual rate of pay for each additional complete year of continuous, full time service.
- c. Maximum longevity compensation equal to 20 years of service, or 10% of base annual rate of pay.

For purposes of this section, base annual rate of pay for regular part-time employees is defined as the base hourly rate of pay as of December 1 multiplied by the number of hours budgeted for that position for that budget year.

Longevity compensation will be paid as a lump sum in the month of December to all eligible employees who have completed the required years of service as of December 1 of each year.

Longevity compensation is based upon total, continuous length of service with the Town and does not relate to the length of time spent in a particular classification.

Total years of continuous service as of December 1 will be used to determine the amount of longevity for which an employee is eligible. Time spent on military leave or other authorized paid leaves of absence will be used in computing total years of continuous service for longevity pay purposes.

A qualified employee must be on payroll on December 1 and have worked more than six months during the prior twelve months to be eligible to receive longevity pay for that year. A leave of absence, paid or unpaid, or time otherwise not worked or paid for, is not considered time worked when determining whether or not an employee has worked during the prior twelve months for calculating longevity.

Section 3-10: Bonus Programs

Section 3-10.1: Annual Bonus for Bargaining Unit Police Non-Supervisory and Non-Supervisory Employees

Annual bonuses will be provided to regular full-time and regular part-time employees with an official date of hire of October 1, 2004, or later. The amount of the annual bonus is based upon the employee's years of service, up to and including the twentieth year of service. Employees will become eligible for the annual bonus upon completion of five years of service as of December 1 of that year

A three tier system will be utilized to determine the amount of bonus an employee may receive. The three tier system is based upon the performance scores in this classification of employees. The tiers will be determined at the end of each fiscal year after all performance evaluations for that fiscal year have been submitted to the Human Resources Department. The top, middle, and base one-third of all scores for each classification will be determined by the Director of Human Resources and will constitute the three tiers. The amount of bonus employees receive will relate to the performance score they received for that fiscal year.

Performance scores under 3.0 will not be used in the calculation for determining the three tiers of scores. Those employees who receive a performance score lower than 3.0 will not be eligible to receive the bonus that year.

The following table illustrates the amount of annual bonus full-time employees may be eligible to receive:

Annual Bonus Chart

Performance Evaluation Level/Bonus	5 Years	10 Years	15 Years	20 Years
Top Third Bonus	\$1,500	\$3,000	\$4,500	\$6,000
Middle Third Bonus	\$1,000	\$2,000	\$3,000	\$4,000
Base				

Third Bonus	\$500	\$1,000	\$1,500	\$2,000
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The amount of annual bonus a part-time employee may be eligible to receive is one-half of the annual bonus a full-time employee with the same years of service and performance score would be eligible to receive.

The annual bonus is based upon total, continuous length of service with the Town and does not relate to the length of time spent in a particular classification. Total years of continuous service as of December 1, as well as the individual's performance score, will be used to determine the amount of the bonus for which the employee is eligible. Time spent on military leave or other authorized paid leaves of absence will be used in computing total years of continuous service for bonus pay purposes. An eligible employee must be on payroll on December 1 and have worked more than six months during the prior twelve months to be eligible to receive the annual bonus pay. A leave of absence, paid or unpaid, or time otherwise not worked or paid for, is not considered time worked when determining whether or not an employee has worked during the prior twelve months.

Annual bonus payments will be paid in a lump sum through the payroll system and will be processed during the month of December.

Section 3-10.2 Performance Bonus

The performance bonus will be provided to all full-time and regular part-time employees hired on or after October 1, 2004, excluding Bargaining Unit Police Non-Supervisory and Non-Supervisory Employees as referenced in Section 3-10.1. Effective September 17, 2011, regardless of hire date, all Certified Fire-Rescue Bargaining Unit Supervisory and Non-Supervisory employees will be provided with a performance bonus as described within the applicable bargaining agreement and mirrored in this section.

Performance bonuses shall be payable on the first work day following December 1 based on the employees' performance evaluation scores for the prior fiscal year. Only employees who have completed at least five years of service as of December 1 of that year shall be eligible for a performance bonus. Additionally, only employees who receive a performance evaluation score of 3.0 or greater will be eligible to receive a performance bonus. Employees must be on payroll on December 1 of that year to be eligible to receive the performance bonus (except for employees who are not on payroll due to unpaid family medical leave related absence).

Performance bonuses shall be awarded using a seven tier system as follows:

Tier	Percentage Range	Performance Bonus Payment
1	Top 10%	\$6,000
2	Next 10%	\$3,000
3	Next 10%	\$2,000
4	Next 10%	\$1,500
5	Next 20%	\$1,000
6	Next 20%	\$750
7	Lowest 20% (Performance Rating of at least 3.0)	\$500

The seven tier system is based upon the performance evaluation scores of all performance bonus eligible employees within their respective performance pay plan (Administrative, Public Works, and Police) or the combined non-supervisory and supervisory bargaining units within Fire Rescue for the prior fiscal year as applicable. The range of scores falling within each tier will be determined at the end of each fiscal year after all performance evaluations for that fiscal year have been submitted to the Human Resources Department. If the actual population in each tier exceeds the percentage allowable within the tier by five then the budgeted funds for that tier will be equally distributed among the actual population in that tier. The amount of performance bonus a part-time employee may be eligible to receive is one-half of the performance bonus a full-time employee with the same performance score would be eligible to receive.

Section 3-11: Other Methods of Compensation

Other methods of compensation, including but not limited to, incentive pay, recall time, task assignment, working out of range pay, mutual aid, or shift exchange, will be administered in accordance with Town and/or department policies and procedures and/or any labor agreement as approved by the Town Council.

Section 3-12: EFFECTIVE DATE FOR PAY CHANGES

The effective date for pay increases relating to promotions, reclassifications, transfers, reallocations, and other actions will be on the first day of the pay period in which the effective date of the action occurs. Any pay decreases will become effective on the date the action occurs.

Section 3-13: COMPUTATION OF FRACTIONAL PAYMENTS

Section 3-13.1: Computation of Hourly Rate

Equivalent hourly rates of pay for non-exempt employees (as defined under the Fair Labor Standards Act) will be computed by dividing the annual rate of pay for the position by 2,080 for all full time regular (excluding Firefighter shift) employees and 2,912 for all Firefighter shift employees.

Section 3-13.2: Initial Employment

Upon initial employment, non-exempt employees who work only part of a pay period will be paid on an hourly basis for the number of hours worked in the pay period.

During the first six months of employment, any hours not worked in a pay period will be deducted from non-exempt, full time and part time, regular employees' pay, except that no deduction will be made for authorized absences while conducting Town business, attending authorized conferences or training programs, or for Town authorized holidays.

Section 3-14: PAYMENT OF ACCUMULATED LEAVE

For purposes of this section, the following definitions are used:

- a. Proper notice - Required notice by an employee of a pending termination. Advance notice to the Town that an employee is terminating employment must be a minimum of two (2) weeks for all regular full time and part time positions, with the exception of department director positions and the Deputy Town Manager position, which require four weeks advance notice.
- b. Working notice - During the time period of a proper notice, all full time regular and part time regular employees, including those who have provided notice of their intent to retire from service with the Town, must work all hours of the established normal work schedule. At the discretion of the department director, vacation time may be granted to the terminating employee during this period. If sick leave is required during this period, it must be confirmed by medical certification prior to the approval of any paid sick leave. No other paid leave will be approved during the working notice.

Section 3-14.1: Separation Pay

Section 3-14.1 (a): Resignation with Proper and Working Notice:

Upon resignation of employment with proper and working notice, regular full time and part time employees will receive the following:

- a. Payment due for past employment and accumulated compensatory time, which will include any overtime worked.
- b. Payment for all accumulated vacation leave, subject to the employee having successfully completed six months of employment.
- c. Payment of sick leave:
 - i. Full Time Employees: 50% of accumulated sick leave in excess of three hundred twenty (320) hours (not to exceed 640 hours paid).

- ii. Part Time Employees: 50% of accumulated sick leave in excess of one hundred sixty hours (160) (not to exceed 320 hours paid).

Payment of sick leave is subject to employee having given proper notice (two weeks working notice for all regular full time and part time positions, with the exception of department director positions, the Assistant Town Manager position and the Deputy Town Manager position, which require four weeks advance notice). Failure to provide proper notice will result in ineligibility for all accumulated sick leave benefits.

Temporary employees are eligible for payment due only for past employment, which will include any overtime worked.

Section 3-14.1 (b): Voluntary Termination - No Proper Notice; No Working Notice:

Employees who resign without providing a proper and working notice are not eligible to receive payment of accumulated sick leave; however, they will receive the following:

- a. Payment due for past employment and accumulated compensatory time, which will include any overtime worked.
- b. Payment for all accumulated vacation leave, subject to the employee having successfully completed six months of employment.

Section 3-14.1 (c): Involuntary Termination:

Section 3-14.1 (c)1: Layoff:

The Town of Palm Beach will pay unemployment compensation to all employees who are laid off or terminated through no fault of their own (see Section 5-26, Lay off Benefits, of this manual for additional information).

In addition to unemployment compensation, employees who are laid off or terminated through no fault of their own will receive the following:

- a. Payment due for past employment and accumulated compensatory time, which will include any overtime worked.
- b. Payment for all accumulated vacation leave, subject to the employee having successfully completed six months of employment.
- c. Payment of sick leave:
- d. Full Time Regular Employees: 50% of accumulated sick leave in excess of three hundred twenty (320) hours (not to exceed 640 hours paid).
- e. Part Time Regular Employees: 50% of accumulated sick leave in excess of one hundred sixty hours (160) (not to exceed 320 hours paid).

Section 3-14.1 (c)2: Discharge:

Employees who are discharged from service by the Town of Palm Beach are not eligible for payment of accumulated sick leave; however, they will receive the following:

- a. Payment due for past employment and accumulated compensatory time, which will include any overtime worked.
- b. Payment for all accumulated vacation leave, subject to the employee having successfully completed six months of employment.

Section 3-14.1 (d): Retirement:

Upon retirement, regular full time and part time employees will receive the following:

- a. Payment due for past employment and accumulated compensatory time, which will include any overtime worked.
- b. Payment for all accumulated vacation leave.
- c. Payment of sick leave:
- d. Full Time Employees: One-half (½) of all accrued and unused sick leave, not to exceed eight hundred (800) hours paid.
- e. Part Time Employees: One-half (½) of all accrued and unused sick leave, not to exceed four hundred (400) hours paid.
- f. Retirement means qualifying and compensated for a pension upon separation from employment with the Town. Deferred retirement as a vested former member of the Retirement System for purposes of this policy will not be considered retirement, but will be considered resignation.

Refer to Section 6-5, Resignations, of this manual for additional information.

Section 3-14.1 (e): Death During Employment:

If an employee dies while employed and is a vested member of the Retirement plan the separation pay policy within Section 3-14.1(d) applies; Section 3-14(1)a applies for all non-vested employees who die during employment . All employees are provided with a retirement beneficiary form upon hire and are responsible for updating beneficiary information with the Human Resource Department as needed. Separation pay provided due to the death of an employee and in accordance within the previous mentioned sections will be provided to that named beneficiary.

Chapter 4: Recruitment & Selection

Section 4-1: FEATURES OF THE RECRUITMENT & SCREENING SYSTEM

Section 4-1.1: Non-Discrimination

In order to avoid the possibility of discrimination, no question will be phrased on any application, interview, or examination to elicit information concerning an applicant's race/ethnicity, color, religion, sex, national origin, age, marital status, veteran status, sexual orientation, genetic information, political affiliation, disability which does not preclude the performance of the essential functions of the positions, with reasonable accommodation(s) provided as necessary, or any other form of unlawful discrimination in accordance with federal, state, or local law. In order that the Town may comply with Federal/State equal opportunity record keeping and reporting requests, the Town uses a Confidential Information Form which may contain some of the above information for use for statistical purposes only. This confidential information is kept separate from the employment application and will in no way affect pre-employment selection. No discrimination will be exercised, threatened, or promised by any person in Town service in favor of or against any applicant or employee because of race/ethnicity, color, religion, sex, national origin, age, marital status, veteran status, sexual orientation, political affiliation, disability which does not preclude the performance of the essential functions of the positions, with reasonable accommodation(s) provided as necessary, or any other form of unlawful discrimination in accordance with federal, state, or local law.

Section 4-1.2: Examinations

The relative fitness of applicants for appointment to or promotion within the classification will be determined by competitive or qualifying assembled or unassembled examinations which may consist of an evaluation of the applicant's education and experience, written tests, performance tests, personal interviews, and/or such other techniques as are designed to determine the qualification of applicants to perform the work satisfactorily, unless otherwise specified by any labor agreement as approved by the Town Council. Applicants may be required to submit proof of age, citizenship, military service, educational achievement, and other qualification aspects directly related to the applied for position to determine their eligibility for an examination.

All applicants will be notified of their examination results. Examination papers will remain the property of the Town in order to secure and retain the validity of all examinations and will not be returned to the applicant.

Section 4-1.2 (a): Physical Examinations:

Every person appointed to a position in Town service as an original appointment will first receive a conditional offer of employment. Prior to final appointment to the position, each selected applicant must successfully pass a physical examination by the Town Physician. However, persons who are re-employed to a position in Town service will be required to undergo a physical examination as a condition of re-employment, unless such examination is waived by the Town Physician and Director of Human Resources. An examination may be waived by the Town Physician and the Director of Human Resources, if such examination is unnecessary due to the employee having completed an examination within the previous 12 months. Such employees may be required to submit a report from their private physician(s) to the Town Physician.

Section 4-1.2 (b): Promotion Examinations:

When a request for promotion has been approved, the department director and Director of Human Resources will determine which of the following types of examination is to be held:

- a. A **closed**, competitive examination (i.e. one restricted to Town employees), or
- b. An **open**, competitive examination (i.e., one open to Town employees and to qualified applicants from the general public).

In making this decision, the department director and Director of Human Resources will be guided by the qualification records of Town employees and/or any labor agreement as approved by the Town Council. If, on the basis of such records, it is deemed to be in the best interest of the Town to hold an open competitive examination, then such will be held.

Section 4-1.2 (c): Background Screening

Appointment to positions will not be authorized without background screening. Following a conditional offer of employment, the candidate will be required to sign release forms and provide all necessary information to assist in the background screening process. The background screening may include a driver's license check, credit check, state and/or federal criminal check, education/certification confirmation, reference checks, neighborhood checks, employment history, military history, psychological examination, drug free workplace screening, and/or voice stress analysis. Candidates must submit to and successfully pass a background screening for consideration of employment. Final employment decisions are at the discretion of the Department Director, Director of Human Resources, and Town Manager.

Section 4-1.3: Appointment Eligibility Registers

For appropriate positions, the names of properly qualified applicants will be placed, either in rank order (the individual scoring highest on the examination being placed first) on an appropriate eligibility register, or an alphabetical listing (candidates listed in alphabetical order and all candidates certified as eligible for employment). All appointments for employment will

be made from an active eligibility register. Eligibility registers will include the expiration date of that list.

Section 4-1.3 (a): Employment Register:

The names of properly qualified applicants will be placed, either in rank order (the individual scoring highest on the examination being placed first) on appropriate eligibility registers, or an alphabetical listing (where candidates listed in alphabetical order and all candidates certified as eligible for employment). Appointments will be made based on the rule of list, which means any candidate on the eligibility list may be selected for appointment.

Section 4-1.3 (b): Re-employment Register:

Regular full time and regular part time employees failing to meet the trial period requirements relative to a promotion and regular full time and regular part time employees laid off from the Town's service through no fault of their own may request to be placed on a re-employment register. Placement on the re-employment register requires the approval of the Director of Human Resources.

Candidates placed on a re-employment register will receive first consideration for any position which becomes vacant and for which they are qualified. The eligibility of candidates on the re-employment register will expire one (1) year from the date on which they were placed on the re-employment register.

Section 4-1.3 (c): Transfer Register:

In the event an employee wishes to be transferred to another Department, he/she may so notify the Director of Human Resources, providing he/she has completed at least one full year of service within the department from which he/she is transferring. The employee will then be placed on the transfer register. No employee may request a volunteer transfer within one (1) year of a previous transfer.

Section 4-1.3 (d): Promotion Register:

The names of properly qualified applicants will be placed in rank order (the individual scoring highest on the examination being placed first) on appropriate eligibility registers. Appointments will be made based on the rules established in this manual, department rules approved by the department director and the Director of Human Resources, and/or any labor agreement as approved by the Town Council, or the "rule of list", which means any candidate on the eligibility list may be selected for appointment, or the "rule of four", which means any of the top four ranked candidates on the eligibility list may be selected for appointment. Promotion registers will include the expiration date of that register.

Section 4-1.4: Rejection of Application

The Director of Human Resources may reject applications for any of the reasons listed in the following subsections; and may likewise remove an applicant from an eligibility register if he/she has already been admitted to the examination and has attained a place on the eligible register; and may take action for the individual's discharge from Town employment in the event that such individual has already received an appointment when such finding is made. The list below is not all inclusive:

- a. The applicant fails to meet one or more of the established minimum qualifications and requirements of the position.
- b. The applicant has been convicted of a crime involving conduct which has a direct relationship to the job requirements.
- c. The applicant has been discharged, or has resigned in lieu of discharge, from previous employment for misconduct, neglect of duty, or any other cause which could reflect adversely on the applicant's performance of the duties of the position sought.
- d. The applicant has falsified or made misrepresentations during the process of applying for employment, such as falsifying his/her application, practicing deception in taking employment tests, or misrepresenting material facts in order to obtain eligibility for appointment.

Section 4-2: APPOINTMENTS AND TRIAL PERIODS

All appointments to positions must be recommended by the appropriate department director via a personnel action form to the Director of Human Resources, who will then forward the personnel action form to the Town Manager for approval.

For the purposes of this manual, the following terms are defined as:

- a. **Initial Trial Period:** The trial period a newly hired employee is required to serve.
- b. **Regular Employee:** An employee who works 35 hours or more per week in a year round position and has successfully completed his/her initial trial period.
- c. **Trial Period:** The trial period a newly promoted employee is required to serve in the position to which he/she has been promoted.

All General employees as defined under Section 2-3, Employment Classification, of this manual, with the exception of Telecommunications Unit employees and department directors, are subject to a trial period of six (6) months. Telecommunications Unit employees will serve a 12 month trial period. Department Directors, including the Police Chief, Fire-Rescue Chief, and Director of Public Safety, are approved by and serve at the discretion of the Town Manager. However, all department directors will receive evaluations at the end of their first six months and 12 months of employment and annually thereafter.

All Public Safety employees as defined under Section 2-3 of this manual are subject to a trial period of twelve (12) months, with the exception of the Police Chief, Fire-Rescue Chief, and Director of Public Safety, who are approved by and serve at the discretion of the Town Manager.

During the trial period, the employee's performance is subject to close review as to his/her performance in carrying out the assignments of the position. The Director of Human Resources may, upon request of the department director, extend this trial period to a maximum of three (3) months, if it is determined necessary. The trial period will be regarded as an integral part of the examination process and will be used for closely observing the employee's work; for obtaining the most effective adjustment of the new employee to his/her position; and for rejecting any employee whose performance does not meet the required standards.

All promotions are subject to a trial period of six (6) months for General employees as defined under Section 2-3 of this manual, with the exception of Telecommunications Unit employees and department directors. Telecommunications Unit employees are subject to a promotional trial period of twelve (12) months. Department directors, including the Police Chief, Fire-Rescue Chief, and Director of Public Safety, are approved by and serve at the discretion of the Town Manager. However, all department directors will receive evaluations at the end of their first six months and 12 months of promotion and annually thereafter.

All promotions for Public Safety employees as defined under Section 2-3 of this manual, unless otherwise stipulated within a collective bargaining agreement, are subject to a trial period of twelve (12) months, with the exception of the Police Chief and Fire-Rescue Chief, who are approved by and serve at the discretion of the Town Manager. Upon completion of the trial period, a performance evaluation will be completed, and an increase based on that performance may be recommended by the department director and approved by the Town Manager.

The trial period supplements the formal examination selection methods and is the final determination of whether the person should be given regular employment status.

During the trial period, an employee is employed at will. Employees may be terminated at any time during the trial period for any reason or for no reason at all, so long as the discharge is not discriminatory in violation of federal, state, or local law. Nothing in this policy shall be construed to grant to any employee any contract of employment for any period of time.

Any employee serving an initial trial period may be released at any time without the right of appeal providing the department director submits to the Director of Human Resources a written report setting forth the reason(s) for the release. Such written report must be submitted prior to the expiration of the trial period.

Time spent in a Trainee position will not be included as time worked in the initial trial period, except for Police Trainees, whose one year initial trial period will begin the day they enter the department's FTO program. Therefore, any employee, other than Police Trainees, who fails to complete the initial trial period, even though such employment could exceed six months to one year, can be terminated without notice or cause and without the right to appeal said termination.

Appointment to regular positions for the Town of Palm Beach will not be authorized without:

- a. proper notification of vacancy submitted to the Director of Human Resources;
- b. an examination for required qualifications, which may include any of the following: written and/or performance test, psychological, personal interview, background investigation;
- c. complete physical examination by the Town's Clinic; and
- d. final approval by the Town Manager or designee.

Chapter 5: Employee Benefits and In-Service Activities

Section 5-1: EMPLOYEE REQUESTS FOR LEAVE

Requests for any type of leave must be made in writing or via a Town authorized electronic leave request and, whenever possible, be made far enough in advance to allow approval of the request. However, leave with pay may be granted when an employee, by reason of illness or other incapacity, is unable to file such request for leave in time for payment for such absence during the payroll period in which the absence occurred. See Section 5-4.1, Employee Absence Notification, for additional information regarding requests for leave.

Section 5-2: ABSENCE WITHOUT LEAVE

Any absence from duty of an employee, including any absence for a single day or part of a day, that is not authorized by a specific grant of leave of absence under the provisions of this manual, will be deemed to be an absence without leave. Any such absence without leave will be without pay and may be subject to disciplinary action.

Section 5-2.1: Voluntary Resignation

Any employee who absents himself/herself for three (3) consecutive working days (two consecutive shifts for Fire-Rescue personnel working 24 hour shifts) without authorized leave will be deemed to have resigned. Such action may be reconciled by a subsequent grant of leave if the conditions warrant. Such reconciliation must be approved by the department director and the Town Manager.

Section 5-3: VACATION LEAVE

Section 5-3.1: Exempt and Non-Exempt Full Time Employees

Each regular full time employee may be allowed vacation leave in accordance with the following, except that no employee will be entitled to vacation leave until he/she has successfully completed six months of service, after which he/she will be entitled to only that portion of vacation leave accumulated.

Accrual of vacation leave will begin on the date an employee enters the service of the Town. All vacation leave will accrue on a payroll period, with each employee entitled to vacation time as accrued.

Section 5-3.1 (a): Exempt and Non-Exempt Employees - including all General employees, Fire Rescue Division Chief, Deputy Chief, and Non-Shift positions, and Police Major and Deputy Chief positions:

Each regular full-time employee covered under this section and in a position paid for 40 hours per week will accrue vacation leave as follows: 80 hours for one through four years of service; 120 hours for five through nine years of service; 136 hours for ten through fourteen years of service; and 160 hours for 15 or more years of service. (See Vacation Leave Accrual Chart in Section 5-3.2)

Employees whose normal work day consists of seven and one-half hours will be charged eight hours vacation leave for each full day of vacation leave. In the event that a portion of a day is taken as vacation leave, the employee will be charged for the number of hours actually taken.

Section 5-3.1 (b): Exempt and Non-Exempt Employees - Certified Fire Rescue Shift Personnel -- Adjusted Vacation Leave:

Fire-Rescue Department employees who work 24 hour shifts and are on duty an average of fifty-six (56) hours per week will be subject to an adjusted vacation leave policy in lieu of holidays and will accrue vacation leave as follows: 256 hours for one through four years of service; 280 hours for five through nine years of service; 304 hours for ten through fourteen years of service; and 352 hours for fifteen or more years of service. (See Vacation Leave Accrual Chart in Section 5-3.2)

Section 5-3.1 (c): Exempt and Non-Exempt Employees - Police Officer, Police Sergeants, Police Captains, Ocean Rescue positions, Parking Control positions, and Telecommunications positions -- Adjusted Vacation Leave:

Police, Ocean Rescue, Parking Control, and Telecommunications employees (as listed above) required to work straight shifts, regardless of weekends or holidays, will be subject to an adjusted vacation leave policy in lieu of holidays and will accrue vacation leave as follows: 176 hours per year for one through four years of service; 216 hours per year for five through nine years of service; 232 hours per year for ten through fourteen years of service; and 256 hours for fifteen or more years of service. (See Vacation Leave Accrual Chart in Section 5-3.2)

Section 5-3.1 (d): Exempt and Non-Exempt - Service/Trades Employees:

Each regular full-time employee covered under this section and in a position paid for 40 hours per week will accrue vacation leave as follows: 80 hours for one through four years of service; 120 hours for five through nine years of service; 136 hours for ten through fourteen years of service; and 160 hours for 15 or more years of service. (See Vacation Leave Accrual Chart in Section 5-3.2)

Section 5-3.2: Accrued Vacation Leave

Vacation leave for accrual purposes is defined as those hours earned annually which represent vacation. For those employees earning additional vacation leave in lieu of holidays, the maximum accrual will include one year of earned holiday hours. (See Vacation Leave Accrual Charts within this section)

Once the maximum accrual of vacation leave is reached, no additional vacation leave may be earned until the amount of time accrued falls below the maximum allowed.

Any regular employee who has successfully completed at least six months of service and is separated from service will be entitled to pay for any unused portion of his/her accrued vacation leave allowance in accordance with Section 3.12 of this manual.

Section 5-3.2 (a): Exempt and Non-Exempt Employees - including all General employees, Fire Rescue Division Chief and Deputy positions, Certified Fire Rescue Non-Shift positions, and Police Major and Deputy positions

Employees in this group will accrue vacation leave as follows:

VACATION LEAVE ACCRUAL - EMPLOYEES PER SECTION 5-3.2(a)

Exempt & Non-Exempt General Employees	Years of Service 0 - 4 years	Years of Service 5 - 9 years	Years of Service 10 - 14 years	Years of Service 15 + years
Hired Prior to 10/11/06; Effective 10/1/07	80 hrs./yr. Maximum 136 hrs.	120 hrs./yr. Maximum 216 hrs.	136 hrs./yr. Maximum 248 hrs.	160 hrs./yr. Maximum 296 hrs.
Hired <u>ON OR AFTER</u> 10/11/06:	80 hrs./yr Maximum 80 hrs.	120 hrs/yr. Maximum 120 hrs.	136 hrs/yr Maximum 136 hrs.	160 hrs/yr Maximum 160 hrs.

Section 5-3.2(b): Exempt and Non-Exempt Employees - Certified Fire Rescue Shift Personnel -- Adjusted Vacation Leave::

Employees in this group will accrue vacation leave as follows:

VACATION LEAVE ACCRUAL - EMPLOYEES PER SECTION 5-3.2(b)*

Fire-Rescue Employees*	Years of Service 1 - 4 years	Years of Service 5 - 9 years	Years of Service 10 - 14 years	Years of Service 15 + years
Hired Prior to 10/11/06; Effective 10/1/07	256 hrs./yr. Maximum 318 hrs.	280 hrs./yr. Maximum 366 hrs.	304 hrs./yr. Maximum 414 hrs.	352 hrs./yr. Maximum 510 hrs.
Hired <u>ON OR AFTER</u> 10/11/2006	256 hrs./yr. Maximum 256 hrs.	280 hrs./yr. Maximum 280 hrs.	304 hrs./yr. Maximum 304 hrs.	352 hrs./yr. Maximum 352 hrs.

* *The Adjusted Vacation leave includes holiday hours earned per year.*

Section 5-3.2(c): Exempt and Non-Exempt Employees - Police Officer, Police Sergeants, Police Captains, Ocean Rescue positions, Parking Control positions, and Telecommunications positions -- Adjusted Vacation Leave:

Employees in this group will accrue vacation leave as follows:

VACATION LEAVE ACCRUAL - EMPLOYEES PER SECTION 5-3.2 (c)**

Police Dept. Employees**	Years of Service 1 - 4 years	Years of Service 5 - 9 years	Years of Service 10 - 14 years	Years of Service 15 + years
Hired Prior to 10/11/06; Effective 10/1/07	176 hrs./yr. Maximum 208 hrs.	216 hrs./yr Maximum 288 hrs.	232 hrs./yr Maximum 320 hrs.	256 hrs/yr. Maximum 368 hrs.
Hired <u>ON OR AFTER</u> 10/11/06:	176 hrs/yr. Maximum 176 hrs.	216 hrs./yr Maximum 216 hrs.	232 hrs./yr. Maximum 232 hrs.	256 hrs/yr. Maximum 256 hrs.

** *The Adjusted Vacation leave includes holiday hours earned per year.*

Section 5-3.3: Regular Part Time Employees

Each regular part time employee may be allowed vacation leave in accordance with the following, except that no employee will be entitled to vacation leave until he/she has successfully completed six months of service, after which he/she will be entitled to only that portion of vacation leave accumulated.

Accrual of vacation leave will begin on the date an employee enters the service of the Town. All vacation leave will accrue on a payroll period, with each employee entitled to vacation time as accrued. Vacation leave will be accrued on a pro-rata basis, depending upon the number of hours budgeted for that position each fiscal year.

Regular part time Police Department employees who are required to work straight shifts, regardless of weekends or holidays, will earn additional pro-rated vacation leave in lieu of holidays based on the number of holiday hours earned by a full-time regular employee.

Regular part time employees identified in the groups below will accrue vacation leave as follows:

VACATION LEAVE ACCRUAL – REGULAR PART TIME EMPLOYEES

Part-Time Employees 30 hrs/wk	Years of Service 1 - 4 years	Years of Service 5 - 9 years	Years of Service 10 - 14 years	Years of Service 15 + years
Hired Prior to 10/11/06; Effective 10/1/07	60 hrs/year Maximum 102 hrs	90 hrs/year Maximum 162 hrs	102 hrs/year Maximum 186 hrs	120 hrs/year Maximum 222 hrs
Hired <u>ON OR AFTER</u> 10/11/06	60 hrs/year Maximum 60 hrs	90 hrs/year Maximum 90 hrs	102 hrs/year Maximum 102 hrs	120 hrs/year Maximum 120 hrs

VACATION LEAVE ACCRUAL - REGULAR PART TIME POLICE DEPARTMENT EMPLOYEES REQUIRED TO WORK SHIFTS

Adjusted Vacation leave includes holiday hours earned per year.

Part-Time Employees 30 hrs/wk (adj. vaca. leave)	Years of Service 1 - 4 years	Years of Service 5 - 9 years	Years of Service 10 - 14 years	Years of Service 15 + years
Hired Prior to 10/11/06; Effective 10/1/07	132 hrs/year Maximum 246 hrs	162 hrs/year Maximum 306 hrs	174 hrs/year Maximum 330 hrs	192 hrs/year Maximum 366 hrs
Hired <u>ON OR AFTER</u> 10/11/06:	132 hrs/year Maximum 132 hrs	162 hrs/year Maximum 162 hrs	174 hrs/year Maximum 174 hrs	192 hrs/year Maximum 192 hrs

Section 5-3.4: Schedule

Vacation leave for all employees should be scheduled in weekly periods. Vacation leave for periods of less than one week will be allowed only when it does not disrupt departmental services. Schedules for vacation leave must be approved by department directors and may be limited by departmental policies.

Section 5-3.5: Non-Accrual of Leave

Vacation time will not accrue while an employee is on any leave status such as Workers Compensation, Long Term Disability, Military Leave or any Leave of Absence Without Pay. Paid leaves such as Workers Compensation paid time and Vacation/Sick Donation paid time also do not qualify for accrual of vacation leave.

Leaves of absence without pay, or time otherwise not worked or paid for, will not be considered in computing earned allowance of vacation leave if such unpaid leave exceeds more than one-half ($\frac{1}{2}$) the scheduled work time per payroll period.

Section 5-3.6: Non-Payment of Leave

Employees will not be paid vacation leave if they become injured and/or are paid Workers' Compensation if such injury or Worker's compensation payment occurred as a result of working in non-Town employment.

Vacation leave will not be paid to an employee while the employee is receiving Long Term Disability pay as described under Section 5-20 of this manual.

Section 5-3.7: Illness While on Vacation

Any regular, full-time employee who becomes ill while on approved vacation leave may use sick leave for those hours the employee was sick. Upon returning to work, the employee must file a request for sick leave and must present a doctor's certificate verifying the employee's illness. In the event the employee's illness continues for three days, the employee must contact the Town's Occupational Health Clinic (Town Clinic) on the third day of illness. The Town Nurse will determine whether or not the employee's absence is a covered event under the Town's FMLA, Section 5-7 of this manual.

Section 5-3.8: Leave Conversion

Eligible employees may convert accrued and unused vacation time to cash in a separate paycheck or to their individual ICMA-RC 457 or Roth IRA accounts.

Section 5-3.8 (a): Eligible Employees:

Eligible employees are all regular full time employees who used a minimum of 40 vacation hours between November 1 and October 31 of each year, and who have declared their intent to convert vacation time by the deadline of May 1 of each year.

Section 5-3.8 (b): Maximum Conversion:

Employees with less than 15 years of service may convert up to 80 hours of vacation time per year. Employees with 15 or more years of service may convert up to 120 hours of vacation time per year.

Vacation conversion checks will be processed each year early in November. Vacation conversion will not be considered compensation for purposes of calculating final average compensation for pensions.

Section 5-4: SICK LEAVE

Sick leave will begin to accrue as of the date an eligible employee enters the service of the Town, but may not be taken until he/she has been in the service of the Town for at least six (6) months. All sick leave will accrue on a payroll period basis, with each employee entitled to sick leave as accrued. Should any employee be absent because of illness during the first six (6) months of service, he/she must be placed on leave of absence without pay.

The maximum amount of sick leave that an employee is entitled to use per year equals the sum of: (1) any amount of employer-approved sick leave not covered under the Town's FMLA policy; (2) any amount of sick leave taken under the Town's FMLA policy (up to twelve weeks; see Section 5-7 herein); and (3) any additional amount of extended sick leave approved by the Town Manager (limited to 90 calendar days), pursuant to Section 5-8 herein. The Town is not obligated to approve the use of accumulated sick leave merely because the employee has sick leave accrued. Medical documentation for the illness or injury and timing for expected return to full duty with or without a reasonable accommodation may be required as otherwise stated herein.

The Town is entitled to terminate employment if an employee, after using the maximum amount of sick leave stated above, fails to return to work for any reason. Any remaining, unused sick leave in the employee's bank shall be paid out to the employee in the same manner as stated in Section 3-12 of this manual.

All employees who have completed six months of service will have their accrued sick leave reduced by one (1) hour for each working hour of approved absence due to illness. Employees who work seven and one-half hours per day will have their accrued sick leave reduced by eight (8) hours for each full day of approved absence due to illness. When such absence is for less than one full day, accrued sick leave will be reduced by one (1) hour for each working hour of approved absence due to illness.

For scheduled medical or dental appointments during any normal work day in which an employee would otherwise be on duty, the time will be charged to the employee's sick leave for appointments for themselves, and charged to Family Sick Leave for appointments for a spouse, child, or parent. Absences for such reasons must have the employee's supervisor's or department director's prior approval.

Section 5-4.1: Employee Absence Notification

When an employee is not able to report for work on account of injury or illness, the employee or a member of his/her household will notify the supervisor or department office by telephone or messenger as soon as it is determined that the employee will be absent from work, but no later than the start of his/her shift. Such notification must be given each day during the first five days of absence (or two consecutive shifts for Fire-Rescue personnel working 24 hour shifts). Unless the employee's supervisor or department office is so notified, no sick leave will be approved except in unusual cases.

The Town Clinic may be requested to send a nurse to call on the absent employee. If such employee is not at home when the nurse calls, no sick leave will be approved except with the approval of the Town Manager. The nurse will make a written investigation report to the Director of Human Resources and will submit a copy of the written report to the department director.

Employees need to refer to departmental procedures, if any, for specific instructions or procedures related to reporting work absences.

Section 5-4.2: Medical Authorization, Status Reporting and Return to Work

Section 5-4.2 (a): Medical Authorization:

An employee who has been absent three (3) or more days (two consecutive shifts for Fire-Rescue employees working 24 hour shifts) due to illness or non-work related injury must contact the Town's Occupational Health Clinic (Town Clinic). The Town's Occupational Health Nurse (Town Nurse) will make the determination as to whether or not the employee's absence is a covered event under the Family Medical Leave Act, as defined in Section 5-7 of this manual.

Section 5-4.2 (b): Status Reporting and Return to Work

In cases of extended absence on approved sick leave, it will be necessary for the employee to report his/her continued absence every week (unless otherwise specified by the Town Clinic) to the Town Clinic in order for the Clinic to confirm the employee's continuing illness/injury and probable date of return. The employee's supervisor or department director will keep informed regarding the employee's status by contacting the Town Clinic on a bi-weekly basis.

Section 5-4.2(c): Return to Work

Employee's returning to work after three (3) days (two shifts for Fire-Rescue employees working 24 hour shifts) must report to the Town Clinic. The Town Nurse will make a determination as to whether or not the employee's return to work should be approved. If the Town Clinic is closed at the time the employee reports for duty, the employee must contact the Town Nurse as soon as the Town Clinic is open. In addition, the employee's supervisor must report all such absences to the Town Clinic on the third day of the employee's absence (two shifts for Fire-Rescue employees working 24 hour shifts).

Employees who are absent five or more days (three shifts for Fire-Rescue employees working 24 hour shifts) must receive a medical authorization to return to work from their physician. Medical authorizations to return to work must be presented to the Town Clinic, which will make a report of the authorization and make a determination as to whether or not the employee's return to duty is approved. If the Town Clinic is closed at the time the employee reports for duty, the employee must submit the medical authorization to his/her supervisor, who will forward the authorization to the Town Clinic.

Department directors will not allow any employee out for five (5) days (two shifts for Fire-Rescue employees working 24 hour shifts) or more to return without medical authorization.

A certificate of inability to work by reason of illness or non-work related injury from a licensed Healthcare Provider, the Town Physician, or physician designated by the Town Manager, and any other such evidence of illness/injury and inability to work as deemed necessary by the department director and Town Manager may be required as evidence of the illness/injury before compensation for the period of illness/injury is allowed.

Section 5-4.3: Extended Sick Leave

Pursuant to Section 5-7, Leave Under the Family and Medical Leave Act (FMLA), eligible employees may be entitled to receive up to 12 work weeks of leave during a 12 month period of time. This leave will first be charged to the employee's sick leave bank. Upon completion of the 12 weeks of FMLA leave, and if an employee has remaining accumulated sick leave, an employee may receive up to 12 weeks of additional paid Extended Sick Leave, as recommended by the employee's department director with approval by the Town Manager, based upon the amount of sick leave available in the employee's sick leave bank.

To be eligible to receive up to 12 weeks of Extended Sick Leave, the Town Physician will review the employee's medical condition to determine that the employee is unable to return to work full-duty, with or without an accommodation.

If an employee is unable to return to work full-duty at the end of the approved Extended Sick Leave, with or without a reasonable accommodation, continued employment will be maintained on a case by case basis and will require approval of the employee's department director and the Town Manager. Continued employment will be based upon the amount of sick leave the employee has available and the medical prognosis and expected return to work full-duty and will only be approved when such vacancy does not result in undue hardship to the department or Town operations.

Employees who have no sick leave available to them may request a Leave of Absence Without Pay in accordance with Section 5-8 of this manual.

Section 5-4.4: Sick Leave Accrual

Section 5-4.4 (a): Exempt and Non-Exempt Employees (work 40 hours per week):

Regular full time, salaried employees will accrue sick leave at the rate of twelve (12) working days (96 hours) per year.

Section 5-4.4 (b) Fire-Rescue Shift Employees:

Regular full time Fire-Rescue employees who work 24 hour shifts (an average of 56 hours per week) will accrue sick time at a rate of four (4) twenty-four (24) hour days (96 hours) per year.

Section 5-4.4 (c): Part Time Employees:

Regular part time hourly employees will accrue sick leave at the rate of four (4) hours for each month of service (48 hours per year).

Section 5-4.5: Accrued Sick Leave

Sick leave may continue to accrue if not used during the year accrued, but the total accumulation will not exceed 1,600 hours (200 days) for regular full time employees and 800 hours for regular part time employees, hired prior to April 9, 2008; and will not exceed 1,040 hours (130 days) for regular full time employees and 520 hours for regular part time employees, hired on or after April 9, 2008.

For payment of accrued sick leave, see Section 3-12 of this manual.

Section 5-4.6: Non-Accrual of Leave

Sick leave will not accrue while an employee is on any leave status such as Workers' Compensation, Military Leave, Long Term Disability, or any leaves of absence without pay. Paid leaves such as workers' compensation paid time and vacation/sick donation paid time also do not qualify for accrual of sick leave.

Leaves of absence without pay, or time otherwise not worked or paid for, will not be considered in computing earned allowance of sick leave if such unpaid leave exceeds more than one-half (½) the scheduled work time per payroll period. Paid leaves such as workers' compensation paid time and vacation/sick donation paid time will not be considered in computing accrual of sick leave.

Section 5-4.7: Non-Payment of Leave

Employees will not be paid sick leave if they become injured and/or are paid Workers' Compensation if such injury or Workers' Compensation payment occurred as a result of working in non-Town employment.

Sick leave will not be paid to an employee while the employee is receiving Long Term Disability pay as defined under Section 5-20 of this manual.

Section 5-4.8: Illness in Immediate Family

Regular full time employees will be allowed to use up to forty (40) hours of sick leave (48 hours for Fire-Rescue shift employees) per calendar year for illnesses in the immediate family that require the employee's attention. Regular part time employees will be allowed to use up to twenty (20) hours of sick leave per calendar year for illnesses in the immediate family that require the employee's attention.

For planning purposes, the employee is requested to notify his/her immediate supervisor in advance, whenever possible, for any leave taken under this policy.

For purposes of this section, immediate family will be defined as spouse, child, or parent (does not include in-laws). Leave taken under this section is subject to verification procedures.

Section 5-5: WORKERS' COMPENSATION

The Town of Palm Beach maintains Workers' Compensation coverage in accordance with Chapter 440, Florida Statutes Workers' Compensation Law. Workers' compensation benefits as outlined under this law will be provided to employees for injuries or illnesses that are determined to be work related. The State of Florida Workers' Compensation Act requires employers to pay wage-replacement benefits to

employees who are out of work for more than seven calendar days. Such wage replacement benefits are equal to two-thirds of the employee's average weekly wage at the time of the injury, up to a maximum established by the Workers' Compensation Law.

Upon initial employment, all employees receive a copy of the Town's Employee Handbook for Workers' Compensation which sets forth employees' rights, responsibilities, and procedures covering Workers' compensation. Employees are responsible for becoming familiar with and understanding the handbook. Questions regarding the content of the handbook should be directed to the employee's supervisor, the Occupational Health Nurse, or the Risk Manager. Additional copies of the handbook may be obtained from these individuals.

Section 5-5.1: Eligibility

- a. All full time regular General employees, full-time Ocean Rescue Unit employees, full-time Certified Fire Rescue, and full time General and Ocean Rescue employees working within their initial trial period are eligible to receive benefits described in this section.
 - i. Employees in this category are eligible to receive compensation for a period of time not to exceed 13 weeks from the date the employee is deemed unable to work by the Town's authorized Physician due to a work related injury or illness.
 - ii. Employees in this category may be eligible to receive an additional 13 weeks of paid leave as described under sub-section 5-5.4.b of this chapter, "Extended Compensation Period."
- b. All full time regular Public Safety employees (excluding Ocean Rescue Unit and Certified Fire-Rescue Bargaining Unit employees) and full time Public Safety employees working within their initial trial period (excluding Ocean Rescue Unit and Certified Fire-Rescue Bargaining Unit employees) are eligible to receive benefits described in this section.
 - i. Employees in this category are eligible to receive compensation for a period of time not to exceed 13 weeks from the date the employee is deemed unable to work by the Town's authorized Physician due to a work related injury or illness.
 - ii. Employees in this category may be eligible to receive an additional 39 weeks of paid leave as described under sub-section 5-5.4.b of this chapter, "Extended Compensation Period".
- c. Any Part Time Regular, Part Time, or Temporary employee who sustains an injury or illness arising out of and in the course of his/her employment with the Town will receive only such pay and/or benefits as he/she may be entitled to under the provisions of the State of Florida pursuant to Florida Statute 440
- d. All volunteers are eligible to receive workers' compensation benefits as set forth by the State of Florida, pursuant to Florida Statute 440.

Section 5-5.2: Procedure

The Town of Palm Beach maintains Workers' Compensation coverage in accordance with Chapter 440, Florida Statutes Workers' Compensation Law. Workers' compensation benefits as outlined under this law will be provided to employees for injuries or illnesses that are determined to be work related.

The State of Florida Workers' Compensation Law requires employers to pay wage replacement benefits to employees who are out of work for more than seven calendar days. Such wage replacement benefits are equal to two-thirds of the employee's average weekly wage at the time of the injury, up to a maximum established by the State of Florida Workers' Compensation Law.

Upon initial employment, all employees receive a copy of the Town's Employee Handbook for Workers' Compensation which sets forth employees' rights, responsibilities, and procedures covering workers' compensation. Employees are responsible for becoming familiar with and understanding the handbook. Questions regarding the content of the handbook should be directed to the employee's supervisor, the Occupational Health Nurse, or the Risk Manager. Additional copies of the handbook may be obtained from these individuals.

Section 5-5.3: Reporting Requirements

Should an employee be injured while performing job duties, he/she must report the injury immediately to an appropriate supervisor. Supervisors are responsible for ensuring that injured employees receive appropriate medical assistance and that immediate notification is provided to the Town's Occupational Health Clinic.

The First Notice of Injury Form (DW-1) will be completed by the Town's Occupational Health Nurse within 24 hours of notification of the incident or by the end of the next normal work day. The Supervisor Investigation Report must be completed by the employee's supervisor within 24 hours of the incident, or by the end of the next business day. The original executed Supervisor Investigation Report must be submitted to the Risk Manager within 24 hours of the incident, or by the end of the next business day. Coordination of claims will be handled by the Occupational Health Nurse and the Risk Manager.

Section 5-5.4: Coordination of Leave Policies

Leave taken under this section will be charged against the employee's FMLA leave entitlement as provided under Section 5-7 of this manual.

Section 5-5.4: Payment of Compensation

- a. Initial Compensation Period: Once it is determined that a work related injury or illness has occurred to which the employee is entitled to receive Workers' Compensation benefits, the Town will provide, to each eligible employee, compensation equal to his/her full base pay for a period of time not to exceed 13 weeks from the date he/she is deemed unable to work by the Town's authorized Physician. During this 13 week period, each employee will remit to the Town's Occupational Health Nurse all payments made to him/her under the Workers'

Compensation law. The Occupational Health Nurse will then credit each employee's Workers' Compensation payments to the appropriate Risk Fund.

- b. Extended Compensation Period: Upon completion of the initial 13 weeks of leave, a General or Ocean Rescue Unit employee may receive an additional 13 weeks of full base pay (39 weeks of full base pay for Public Safety employees, excluding Ocean Rescue Unit and Certified Fire-Rescue Bargaining Unit employees). These additional weeks of compensation will be provided to the employee by charging the employee's accumulated leave (sick, vacation, personal time, floating holiday, and compensatory time) to supplement the difference between the Workers' Compensation wage replacement benefits and the employee's full base pay, with the employee receiving an amount equivalent to full base pay. During this 13 week period (39 weeks for Public Safety employees, excluding Ocean Rescue Unit and Certified Fire-Rescue Bargaining Unit employees), each employee will remit to the Town's Occupational Health Nurse all payments made to him/her under the Workers' Compensation law.

To be eligible to receive an additional 13 weeks of full base pay (39 weeks for Public Safety employees, excluding Ocean Rescue Unit and Certified Fire-Rescue Bargaining Unit employees), the Town Physician will review the employee's medical condition and records to determine whether the employee has followed his/her physician's recommendations regarding treatment. In the event the Town Physician determines that the employee has not followed the recommended treatment, the employee forfeits his/her rights to the extended benefit of additional weeks of full base pay.

If the Town Physician determines that the employee is unable to return to work full-duty and has followed the recommended treatment, the employee will be eligible to receive full base pay for an additional 13 weeks (39 weeks for Public Safety employees, excluding Ocean Rescue Unit and Certified Fire-Rescue Bargaining Unit employees).

The decision and findings of the Town Physician may be appealed through the Town's grievance resolution procedure as outlined in Chapter 8 of this manual.

- c. Donated Vacation Leave/Donated Sick Leave: Employees whose accumulated leaves (sick, vacation, personal time, floating holiday, and compensatory time) have been exhausted and who meet eligibility requirements under the Family Medical Leave Act provisions may be eligible to receive donated vacation/donated sick leave in accordance with Section 5-9, Donated Vacation Leave/Donated Sick Leave of this manual. Any donated leave may be used during the Extended Compensation Period.
- d. Exhaustion of Leave: Employees whose leaves have been exhausted and who have not received donated vacation and/or donated sick leave will not receive full base pay during the Extended Compensation Leave.
- e. Conversion to Workers' Compensation Payment Only: When the employee's accumulated leaves and/or donated vacation/donated sick leave is exhausted, or the Extended

Compensation Period has ended, whichever occurs first, full compensation will cease and the employee will be entitled to receive only Workers' Compensation pay.

In addition to the above, if at any time the Town Physician determines that the employee is able to return to work (either full time, part time, or temporary light duty), but the employee does not return to work, Extended Compensation will cease, and the employee's pay will revert to Workers' Compensation pay only.

Section 5-5.6: Accrual of Additional Leave

Neither sick leave nor vacation leave will accrue while the employee is on Workers' Compensation leave. An employee is not entitled to the accrual of additional benefits which would have occurred during this period of time.

Section 5-5.7: Gross Negligence/Violation of Policies and Procedures

If it is determined that a work related injury or illness is due to gross negligence on the part of the employee, or is caused as a result of a violation of Town and/or departmental policies and procedures, full base pay may be denied. Such determination will be made by the Town Manager upon the advice of the applicable department director and the Director of Human Resources and may be appealed through the Town's grievance resolution procedures as outlined in Section 8-3 of this manual.

Section 5-5.8: Return to Work and Termination

If a General or Ocean Rescue Unit employee is unable to return to full-duty at the end of 26 weeks (52 weeks for Public Safety employees, excluding Ocean Rescue Unit employees and Certified Fire-Rescue bargaining unit members), with or without a reasonable accommodation, continued employment and further extended leave will be at the discretion of the employee's department director and the Town Manager, taking into consideration the employee's medical prognosis, expected return to work full-duty, and the needs of the Town. No employee is guaranteed that the same position will be available upon return from leave.

Employment will terminate if the employee is unable to return to work full-duty, with or without a reasonable accommodation, after one year from the date the employee's medical leave (Workers' Compensation) began.

Termination will not end Worker's Compensation benefits as provided by Florida State Statute. In addition, the employee may be eligible to receive Long Term Disability and/or disability retirement benefits as provided by the Town. See Section 5-20 of this manual for additional information regarding these benefits.

Section 5-5.9: FMLA/ADA

Nothing in this section shall be construed so as to limit the right of any employee under the Family and Medical Leave Act or the Americans with Disabilities Act or its amendments.

Section 5-6: BEREAVEMENT LEAVE

For purposes of this section, eligible employees are full-time regular and part-time regular employees. In the case of death in an employee's immediate family, an employee who has completed six (6) months of employment may be granted leave of absence with pay for the work hours falling within a four (4) week period from the time of death. Under unusual circumstances, the window of time in which the employee may take bereavement leave may be extended beyond this four week period upon the recommendation of the employee's department director and approval of the Town Manager.

Full-time employees (excluding Fire-Rescue employees working 24-hour shifts) may take up to 24 work hours for a funeral within the State of Florida or 40 work hours for a funeral held outside the State of Florida. Fire-Rescue employees working 24-hour shifts may take one duty day (24 work hours) and two duty days (48 work hours), respectively. Part time employees may take up to 12 work hours for a funeral within the State of Florida or 20 work hours for a funeral held outside the State of Florida.

For purposes of this section, "immediate family" is defined as spouse, child, brother, sister, parent, grandparent, grandchildren, step-parent, step-child, or any relative permanently residing in the employee's household.

Upon approval of the department director, sick leave may be used by eligible full and part-time employees (those who have completed a minimum of six [6] months employment) to attend the funeral of a parent-in-law; brother-in-law; or sister-in-law. The time limits are as established above.

Section 5-7: LEAVE UNDER THE FAMILY AND MEDICAL LEAVE ACT (“FMLA”)

Pursuant to Federal regulations, the Town offers to qualified employees those benefits provided under the Family and Medical Leave Act (“FMLA”). This section outlines employee rights and their obligations under the Federal Family and Medical Leave Act as well as the Town’s FMLA policy. See Administrative Procedure No. 1-05-10, as revised, for additional information regarding FMLA leave, including Military Family Leave Entitlements and Domestic Violence Leave.

Employees may request leave under FMLA or the Town may designate a qualifying leave as FMLA in accordance with section 5-7.1 of this manual. Leave will be charged against the employee’s FMLA leave entitlement when a covered event, as outlined below, is the reason for the leave. FMLA leave may be counted when an employee is out on any of a number of the following leaves, including sick, family sick, maternity, parental, injury, workers’ compensation, and leaves of absence without pay.

The method the Town will use for determining the “12 month period” in which the 12 weeks of leave entitlement occurs will be a “rolling” 12 month period measured backward from the date an employee uses any FMLA leave. Each time an employee takes FMLA leave, the remaining leave entitlement will be the balance of the 12 weeks not used in the previous 12-months.

Section 5-7.1: Eligibility

An employee who has been employed by the Town for at least 12 months and has provided at least 1,250 hours of service during the 12 months immediately preceding the commencement of requested leave is entitled to 12 work weeks of leave during a 12 month period for any one of the following reasons:

- a. The birth of a son or daughter and to care for the newborn child (this includes any time prior to the birth of the child wherein the employee may be absent from work due to the pregnancy, including prenatal care);
- b. Adoption or foster care placement of child;
- c. To care for the employee's spouse, child, or parent (does not include in-laws) with a serious health condition;
- d. The employee’s own serious health condition that renders the employee unable to perform the essential functions of the employee’s job;
- e. A qualifying military exigency arising from the employee’s spouse, son, daughter, or parent’s active military duty or impending call or order to active duty;
- f. To care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin.

For purposes of this section, a serious health condition is an illness, injury, impairment, or physical or mental condition that involves:

- Inpatient care (an overnight stay) in a hospital, hospice, or residential medical care facility, and any period of incapacity or subsequent treatment in connection with such inpatient care; or
- Continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Section 5-7.2: Medical Certification

Employees may be required to provide medical certification via the "Certification of Health Care Provider" form (U.S. Department of Labor Form WH-380E). Submission of appropriate forms must be made within 15 calendar days, if practicable. Failure to provide adequate medical certification may result in denial of the leave until required certification is provided.

The Town may require that a *second opinion* be obtained at the Town's expense.

- a. The second opinion will not be provided by a health care provider regularly employed by the Town.
- b. In the event of conflicting opinions, the Town may pay for a third and final provider to offer a binding decision. This health care provider will be mutually agreed upon by the Town and employee.

The Town may require subsequent recertification on a reasonable basis.

Section 5-7.3: Paid/Unpaid Leave

Any approved leave taken, paid or unpaid, under section 5-7.1, will be counted against the employee's annual FMLA entitlement. An employee taking FMLA leave must use all paid leave prior to being eligible for unpaid leave as follows:

- a. Leave for the employee's own serious medical condition will first be charged to sick leave in accordance with the Town's Sick Leave policy (Section 5-4) of this manual. When sick leave is exhausted, the employee will be required to use vacation, personal, floating holiday, and/or compensatory leave to the end of the 12 week period.
- b. Leave for the serious illness of a qualifying family member will be taken in compliance with the Town's Illness in Immediate Family policy (Section 5-4.7) of this manual. When all leave

under Illness in Immediate Family is exhausted, the employee will be required to use vacation, personal, floating holiday, and/or compensatory leave to the end of the 12 week period.

- i. If all said leave is exhausted prior to the end of the 12 week period, the employee may convert sick leave to vacation leave at the conversion rate of two hours of sick leave for one hour of vacation leave. This converted vacation leave may be used to the end of the 12 week period. The employee's sick leave bank will be reduced by two hours of sick leave for each hour of vacation time credited to the employee's vacation leave bank and used by the employee for FMLA paid leave.
 - ii. Sick leave utilized under this subsection will be processed through the Human Resources Department.
- c. If all leave is exhausted prior to the end of the 12 week period, the remainder of the leave will be unpaid.
 - d. If an employee depletes all paid leave banks while on FMLA, the Town will provide only enough unpaid leave, which combined with the paid leave, totals 12 weeks. The employee may request an extended Leave of Absence without pay in accordance with Section 5-8 of this manual through the Town Manager's office.

See Section 5-9, Donated Vacation Leave/Donated Sick Leave, for further information. Additionally, information regarding FMLA and paid and unpaid leaves may be obtained from the Human Resources Department.

Section 5-7.4: Qualifying Conditions for Leave

Section 5-7.4(a): Leave for Birth or Placement of a Child:

Leave may be taken for birth or placement of a child *only within 12 months of that birth or placement:*

- a. In the case of leave for birth or placement of a child, an employee must provide *30 days advance notice* before the date on which the leave would begin. If unable to provide 30 days notice, the employee must provide such notice as is practicable.
- b. If *both spouses are employed by the Town* and both wish to take leave to care for a newly arrived child or a sick parent, their *aggregate leave is limited to 12 weeks*.
- c. If *both spouses are employed by the Town* and the leave is requested because of the illness of a child or the other spouse, each spouse is entitled to 12 weeks of leave.
- d. Leave may be taken on an intermittent or reduced schedule for the birth or adoption of a child if the arrangement is agreed to by the department director and Director of Human Resources.

For additional information, see Section 5-7.8, Maternity (Pregnancy Disability) Leave and Parental Leave.

Section 5-7.4(b): Leave for Serious Health Condition:

The U.S. Department of Labor defines a serious health condition as an illness, injury, impairment, or physical or mental condition that involves either an inpatient – an overnight stay - in a medical care facility, and any period of incapacity or subsequent treatment in connection with such inpatient care; or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Section 5-7.5: Intermittent or Reduced Schedule Leave

Intermittent leave is defined as leave taken in separate blocks of time due to a single illness or injury.

- a. If the leave is foreseeable based on planned medical treatment, the employee must provide 30 days advance notice of the need to take FMLA leave. The employee is required to make a reasonable effort to schedule the treatment so as not to unduly disrupt the operations of his/her department.
- b. The Town may require employees taking intermittent or reduced schedule leave that is foreseeable based upon planned medical treatment to temporarily transfer to an alternative position with equivalent pay and benefits that better accommodates recurring periods of absence during the time that the intermittent or reduced schedule is required.
- c. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with the Town’s normal call-in procedures as defined under Section 5-4.1, Employee Absence Notification, of this manual. Practicable is defined as the same or next business day.

Section 5-7.6: Employment and Benefits Protection

An employee who completes a period of qualified FMLA leave and who is able to return to full duty, performing the essential functions of the position with or without a reasonable accommodation, will be returned either to the same position he/she had before the leave, or to a position equivalent in pay, benefits, and other terms and conditions of employment.

Leave will not result in the loss of any previously accrued seniority or employment benefits, but neither will any benefits accrue during the leave.

Health care benefits will continue through an employee's leave.

- a. An employee on unpaid leave will be required to pay any health care premiums which were paid by the employee prior to the leave. Payment will be due on the same schedule as payments made under COBRA (on a monthly basis.)
- b. The Town is entitled to recover health coverage premiums paid for an employee who fails to return from leave, unless failure to return is a result of the continuation, recurrence, or onset of a serious health condition, or something else beyond the employee's control. This is subject to certification by the health care provider.

Section 5-7.7: Return to Work

Those employees whose FMLA leave was due to their own serious health condition must provide a return to work authorization to the Town's Occupational Health Clinic. The Town may require an employee to declare his/her intent to return to work and require the periodic reporting of his/her medical status to the Town Clinic, as determined by the Town Physician or Town Occupational Health Nurse.

Section 5-7.8: Maternity (Pregnancy Disability) Leave and Parental Leave

Maternity leave will commence at such time a pregnant employee is determined by her personal physician to be medically unable to work, and such maternity leave will terminate when the employee is determined by her physician to be medically able to return to work. Leave taken under Maternity Leave may not exceed the amount of leave provided under Section 5-7, Family Medical Leave Act. The employee is required to obtain a medical certification from the Town Physician stating that she is medically fit to perform the duties of her position before returning to work.

Within thirty (30) days after childbirth, an employee on maternity leave will provide to the Town Clinic a doctor's statement of her medical condition and expected date of returning to work, and will keep the Town Clinic informed no less than once every two (2) weeks, or as directed by the Town Clinic, as to her current medical status until such return to work.

Any regular full time or regular part time employee on maternity leave will utilize accumulated sick leave and, upon expiration of accumulated sick leave, will use accumulated vacation leave, personal leave, floating holiday, and/or compensatory time to extend payment during maternity leave. Maternity leave will comply with the provisions of Leave under the Family and Medical Leave Act (FMLA) in this chapter and will be charged against the employee's FMLA leave.

Any Town employee may request unpaid parental leave to care for their child or to help the family adjust to the presence of a newborn or adopted child. Said parental leave will comply

with the provisions of "Leave Under the FMLA" in this Chapter and will be charged against the employee's FMLA leave.

Under the parental leave policy, a pregnant employee may be allowed continued leave after the birth of the child for child care purposes without showing a medical necessity; however, said leave will be considered part of the 12 weeks of FMLA Leave. To qualify, the employee must request in writing such leave prior to beginning her maternity leave.

Section 5-7.9: Military Family Caregiver and Qualifying Exigency Leave

Pursuant to the National Defense Act (NDAA), the Town provides the following Military Caregiver Leave and Qualifying Exigency Leave Entitlements to eligible employees:

- a. Military Caregiver Leave: Provides for eligible employees who are the spouse, son, daughter, parent, or next of kin of a covered service member with a serious injury or illness up to 26 weeks of unpaid leave during a single 12 month period to care for the service member. Caregiver leave may be taken continuously, intermittently, or on a reduced schedule.
 - i. Employees requesting Military Family Caregiver leave must provide a completed *Certification for Serious Injury or Illness of Covered Service Member - -for Military Family Leave* (Form WH-385). The certification can be substituted by an invitational travel order (ITO) or an invitational travel authorization (ITA).
 - ii. A covered service member is 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.
 - iii. A serious injury or illness is one that was incurred by a service member while on active duty in the line of duty and must render the service member medically unable to perform the duties of his or her job. Aggravation or complication of an earlier injury/illness is still the same injury.
 - iv. The single 12 month period begins on the first day the employee takes leave for this reason and ends 12 months later.
 - v. During the 12-month period, caregiver leave and other forms of FMLA leave are combined for a maximum of 26 weeks. This includes serious health condition of employee or immediate family member, pregnancy, exigency leave, or care for a more than one service member.
 - vi. Spouses employed by the Town are limited to a combined total of 26 weeks during the single 12-month period for the birth, adoption, or foster care placement of a child, to care for a parent with a serious health condition, or to care for a covered family service member.
 - vii. Employees may be transferred to an alternative job if the leave is foreseeable and is for planned medical treatment.

- b. Qualifying Exigency Leave: Provides eligible employees up to 12 weeks of FMLA leave for qualifying exigencies. Qualifying exigencies arise when the employee's spouse, son or daughter (any age), or parent is on active duty, or because the covered military member has been notified of an impending federal (not state) call or order to active duty, in support of a contingency operation.
 - i. Qualifying exigencies include:
 1. Short-notice deployment of less than seven (7) days;
 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; and
 8. Any other event that the Town and the employee agree is a qualifying exigency.
 - ii. Employees requesting Military Family Caregiver leave must provide a completed Certification of Qualifying Exigency for Military Family Leave (Form WH-384) and provide a copy of the military member's active duty orders or any other type of documentation issued by the military indicating the covered military member's active duty status and dates of active duty service.

Section 5-7.10: Domestic Violence Leave

The Town offers to employees those benefits provided Florida Statutes Chapter 741 Domestic Violence. This section outlines employee rights and obligations under the Town's Domestic Violence Leave policy.

An employee who has been employed by the Town for at least three months is entitled to up to three working days of leave in any 12 month period of time if the employee or a family or household member of the employee is the victim of domestic violence. This leave applies if the employee uses the leave from work to:

- a. Seek an injunction for protection against domestic violence or an injunction for protection in cases of repeat violence, dating violence, or sexual violence;
- b. 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;
- c. 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;
- d. Make the employee's home secure from the perpetrator of the domestic violence or to seek new housing to escape the perpetrator; or
- e. 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.

Domestic violence means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member.

For purposes of this section, family or household member means spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.

Except in cases of imminent danger to the health or safety of the employee, or to the health or safety of a family or household member, an employee seeking leave from work under this section must provide to his or her employer appropriate advance notice of the leave as required by Town policy along with sufficient documentation of the act of domestic violence.

Any approved leave taken, paid or unpaid, which is covered by any of the reasons listed above, will be counted against the employee's annual FLMA leave entitlement.

Employees requesting or utilizing qualified leave under this policy are required to use their paid leave first, followed by unpaid leave, for the three day period, in accordance with Section 5-7.3 of this chapter.

Section 5-8: LEAVES OF ABSENCE WITHOUT PAY

Employees who have exhausted all accumulated leave (i.e. sick, vacation, personal, floating holiday, and compensatory time) may request an extended leave of absence without pay. Leaves of absence without pay will be approved at the sole discretion of the Town Manager before leave is taken, except in emergency situations where advance notice is impossible. In such cases, retroactive approval may be granted. Department Directors may approve a leave of absence without pay for a period not to exceed three (3) work days (two shifts for Fire-Rescue employees working 24 hour shifts) .

Leaves of absence without pay for an extended period may, in the sole discretion of the Town Manager, be granted for a period not to exceed ninety (90) calendar days. Such leave of absence must be requested in writing and recommended by the employee's department director. Upon expiration of the leave, the employee will be reinstated to the position held before the leave was granted. Failure of the employee to report promptly at the expiration of the leave will be cause for dismissal. Such leave will not be granted when it will result in undue hardship to the department or the Town.

Employees on unpaid leaves of absence will be required to continue to pay for any insurance coverage which was paid by the employee prior to the leave. The employee on such a leave of absence must contact the Human Resources Department to make arrangements to pay for this coverage.

Sick leave and vacation leave will not accrue while an employee is on leave of absence without pay, nor will vacation or sick donation paid time qualify for accrual of sick or vacation leave.

Section 5-9: DONATED VACATION LEAVE/DONATED SICK LEAVE

Town employees may voluntarily contribute a portion of their earned vacation and/or sick leave to qualified employees who continue to be absent from work due to:

- a. Continued incapacity due to their own serious medical condition and who's sick, vacation, personal, floating holiday, and compensatory time leaves have been exhausted.
- b. Continued absence from work to care for a spouse, parent, or dependent child with a serious medical condition, and the employee has exhausted all family sick, vacation, personal, floating holiday, compensatory time and sick leaves.

For purposes of this section, qualified employees are those employees who are covered under the Family Medical Leave Act (Section 5-7 of this manual).

An employee on a leave of absence for his/her own serious medical condition or the serious medical condition of a qualifying family member may utilize donated vacation and/or sick leave if all other leave is exhausted prior to the end of the approved leave of absence and if vacation and/or sick time has been donated to that employee.

An employee on a leave of absence for any reason other than his/her own serious medical condition or for the serious medical condition of a family member, may not utilize donated vacation and/or donated sick paid leave.

Covered absences beyond twelve (12) weeks within any twelve (12) consecutive months must be requested in writing, be recommended by the department director to the Town Manager, and have written approval from the Town Manager.

Employees may contribute a minimum of two (2) hours of vacation leave or four (4) hours of sick leave to a qualified employee as defined above. Vacation leave hours will be donated on an hour-for-hour basis. Sick leave hours will be donated on a basis of two (2) hours donated for one (1) hour contributed to the receiving employee.

Conversion for hours contributed will be as follows:

- a. Vacation hours will be converted from the donating employee's hourly rate to the receiving employee's hourly rate and credited to the receiving employee's vacation leave bank as vacation hours.
- b. One half of the sick hours donated will be forfeited by the donating employee. One half of the sick hours will be converted from the donating employee's hourly rate to the receiving employee's hourly rate and credited to the receiving employee's vacation leave bank as vacation hours.

Any employee donating time must forward a completed and signed form to the Human Resources Department. Detailed information can be found in Administrative Procedure "Donated Vacation Leave/Donated Sick Leave", No. 1-05-9, as revised. All requests for donated leave shall be initiated on the "Donated Vacation/Donated Sick Leave: Department Request, Initiation, and Approval" form available from Human Resources or within the Town Document Library

Section 5-10: MILITARY LEAVE

Pursuant to Federal regulations, the Town offers to qualified employees those benefits provided under Military Leave. Qualified employees are those employees who perform in the service of the uniformed services (as defined under the Uniformed Services Employment and Reemployment Rights Act (USERRA), as amended). Detailed information can be found in Administrative Procedure "Active Duty Military Leave", No. 1-04-4, as revised.

Section 5-10.1: Annual Active Duty for Training

Any regular full time or regular part time Town employee who performs in the service of the uniformed services and who must attend an "annual active duty for training" will be compensated by the Town for his/her regular pay. Such leave with pay will not exceed 240 working hours per year. Additional leaves of absence for training will be without pay. Employees must provide their supervisor with advance notice of military leave, either orally or in writing.

Section 5-10.2: Active Duty Military Leave

Any employee who is voluntarily or involuntarily called to active military service (Excluding training or determining physical fitness) will be placed on a military leave of absence as established by Administrative Procedure No. 1-04-4, as revised. Said leave will be for a period of time not to exceed five years. Upon return to full duty with the Town, within the five year time limit, the employee will be reinstated to the same position or a position of like seniority, status, and pay. The returning employee must be qualified to perform the duties of the position to which he/she returns.

Employees ordered to active military service will continue to receive full pay from the Town for the first thirty (30) days of active duty in a calendar year; and thereafter will receive supplemental pay from the Town in an amount necessary to bring their total compensation, inclusive of their military pay, to the level equal to their base pay from the Town at the time they were called to active military duty.

Employees receiving supplemental pay will not be eligible to accrue sick and vacation leave while on military leave. Sick and vacation leave balances will be maintained at the level attained at the time of the employee's entry to active duty.

Employees will be required to continue to pay for any dependent insurance coverage in effect at the time of the call to active duty, either through payroll deduction (if receiving sufficient supplemental pay) or by making payment to the Town of Palm Beach (through the Human Resources Department).

5-10.2(a) Requirement of Notice

In keeping with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), employees are required to provide advanced notice of pending service. Although the Act does not specify how much notice must be given, an employee should provide notice as far in advance as is reasonable under the circumstances. The Defense Department strongly encourages employees to provide notice at least 30 days prior to departure.

USERRA also states that notice to the employer may be either verbal or in writing. However, in order for the employee to receive military supplemental pay, employees must comply with the actions listed below:

- a. Notifying their immediate supervisor and the Human Resources Department;
- b. Provide the Human Resources Department with:
 - i. A copy of the official military orders. If orders are not available, employees can provide a signed memo from the respective military command. The letter must be on Department of Defense letterhead and it must indicate the dates and duration of deployment. Official orders must be provided once they are available.
 - ii. A recent Leave and Earning Statement (LES). The LES will be used to calculate the employee's military supplement (if applicable). Failure to provide an LES will result in unpaid military leave after the initial 30-day period has been exhausted.
- c. Making arrangements for either the direct deposit of their supplemental pay or providing the correct mailing address to have their paychecks mailed.

5-10.2 (b) Reemployment Requirements

To qualify for re-employment, the returning individual must present a certificate evidencing satisfactory military service (i.e. DD-214) and must apply for reinstatement to the Human Resources Department. Paperwork must be submitted based upon the length of service as follows:

- a. Period of service less than 30 days or for a period of any length for the purpose of a fitness examination - Employees must apply for reinstatement by the beginning of the first regularly scheduled work day that would fall eight hours after the end of that calendar day.
- b. Period of service more than 31 days up to and including 80 days - Employees must apply for reinstatement no later than 14 days (or the first business day after 14 days) after completion of military service.
- c. Period of service of 181 days or more – Employees must apply for reinstatement to the Human Resources Department within ninety calendar days after being released from

active duty. The period for applying for reinstatement may be extended for up to two years if the individual is hospitalized at the time of release from activity military duty. However, Town military pay will cease upon the employee's completion of active duty of military service.

Specific details regarding pay and benefits for employees called to active duty are available from the individual's department director or the Human Resources Department.

Section 5-11: JURY LEAVE

Any regular full time or regular part time Town employee who is summoned and reports for jury duty, as prescribed by applicable law, will be paid by the Town an amount equal to wages the employee otherwise would have earned by working a regular shift during straight time hours that day for each hour or day on which he/she reports for or performs jury duty and on which he/she otherwise would have been scheduled to work for the Town.

Section 5-12: LEGAL HOLIDAYS

Legal holidays observed by the Town of Palm Beach will be as follows:

<u>HOLIDAY</u>	<u>DATE</u>
New Year's Day	January 1
Martin Luther King Day	Third Monday in January
Presidents' Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day and the following Friday	Fourth Thursday in November and the following Friday
Christmas Eve	December 24
Christmas Day	December 25
New Year's Eve	December 31

When a holiday falls on a Saturday, the preceding Friday will be observed; if on a Sunday, the succeeding Monday will be observed, except for the Christmas and New Year's holidays, which are explained below:

- Holiday Eve and Day fall on a Friday and Saturday: the preceding Thursday and that Friday will be observed.
- Holiday Eve and Day fall on a Saturday and Sunday: the preceding Friday and following Monday will be observed.
- Holiday Eve and Day fall on a Sunday and Monday: that Monday and the following Tuesday will be observed.

Police and Fire-Rescue Employees who work shifts (including Telecommunications and Parking Enforcement Employees) will have an adjusted vacation policy in lieu of legal holidays (see Section 5-3.2(b) and (c) of this manual).

Regular Full Time Non-Exempt Service/Trades and Administrative employees who work on a recognized legal holiday will be compensated, in addition to eight (8) hours pay, by an additional one day leave of absence with pay to be taken on another day or, at the discretion of the department director, receive an extra day's pay at the regular rate.

Regular Part Time employees (excluding part time Parking Enforcement Officer employees, who have an adjusted vacation policy in lieu of legal holidays) will receive holiday pay for any hours they would normally have been scheduled to work. Regular part time employees who work on a recognized legal holiday will be compensated for actual hours worked on the holiday and, in addition, may take the equivalent number of hours as leave of absence with pay on another day or, at the discretion of the department director, receive extra pay at the regular rate for actual hours worked on the holiday.

To be eligible for a paid holiday, the employee must have worked the entire, last preceding scheduled work day before the holiday and have worked the first succeeding scheduled work day after the holiday, or be on an approved paid leave of absence, if absent on either or both of said days.

Section 5-12.1: Floating Holiday

After completion of six months of service with the Town, all regular full time employees are eligible to take up to eight hours (12 hours for Fire-Rescue personnel working a 24 hour shifts) each calendar year as a Floating Holiday. All regular part time employees are eligible to take up to four hours each calendar year as a Floating Holiday. Employees must request and receive approval to take the Floating Holiday. Floating Holiday leave must be taken within the calendar year earned or it will be forfeited.

Floating Holiday leave will not be paid upon an employee's termination of employment or retirement nor used during the required notice of termination or retirement.

Section 5-13: PERSONAL LEAVE

After completion of six months of service with the Town, all full time regular employees are eligible to take up to 24 hours (36 hours for Fire-Rescue personnel working a 24 hour shifts) each calendar year as Personal Leave. After completing six months of service with the Town, all regular part time employees are eligible to take up to 12 hours each calendar year as Personal Leave. Employees must request and receive approval to take Personal Leave. Personal Leave hours must be taken within the calendar year earned or they will be forfeited.

Personal Leave will not be paid upon an employee's termination of employment or retirement nor used during the required notice of termination or retirement.

Section 5-14: EXEMPT LEAVE

After completion of one year of service with the Town, all exempt full time employees may be granted up to 32 (thirty-two) hours (48 hours for Fire-Rescue personnel working a 24 hour shifts) of exempt leave per calendar year at the sole discretion of the department director. Exempt leave is provided to recognize those exempt employees who have worked an extensive number of extra hours throughout the year. Exempt Leave hours granted by a department director must be taken within the calendar year earned or they will be forfeited.

Exempt Leave will not be paid upon an employee's termination of employment or retirement nor used during the required notice of termination or retirement.

Section 5-15: PHYSICAL EXAMINATIONS

All employees who reach age 50 and above will be offered the opportunity to undergo medical examinations by the Town Physician at least once a year, or more often if deemed necessary by the Town Physician.

Employees whose job duties warrant an annual determination of fitness for duty will be required to undergo annual medical examinations by the Town Physician for the purpose of determining fitness for duty.

An employee may be required to undergo periodic physical examinations as deemed necessary by the Town Physician for the health and safety of said employee or other employees. When any employee's conduct or job performance indicates that the employee may be a danger to himself/herself or others, or may be unable to perform the duties of his/her position due to a medical condition, the employee will be required by the Town Physician and/or Director of Human Resources to submit to a medical examination.

If, in the opinion of the Town Physician, a correctable physical condition becomes such that an employee's health and safety on the job is endangered, the employee will be put on notice and directed by the Town Physician as to what action is necessary to alleviate the condition. The employee will be required to resolve the medical condition at his/her own expense and time. Any employee who does not make continuous progress in correcting said physical condition may be suspended without pay or discharged by his/her department director or the Town Manager.

Section 5-16: HEALTH CARE - HOSPITAL/MAJOR MEDICAL & PRESCRIPTION INSURANCE

All regular full time and regular part time employees become eligible for medical insurance the first of the month following 30 calendar days of employment. In the event of qualified dependent(s) not being added to the plan upon the effective date of insurance, or within 30 days of a qualifying event, the employee is required to wait until the annual open enrollment period to add dependent(s). The effective date of coverage for said dependent(s) will be January 1 of the following calendar year.

Premium rates are actuarially determined on a yearly basis and are subject to change. Premium costs for employees and their dependents are determined by the Town Council on an annual basis and are subject to change. Employees may refer to their Certificate of Coverage booklets, which are provided to employees during orientation, and which explains coverage and exclusions in detail.

Any premiums due by the employee are automatically deducted from the employee's paycheck each pay period. Employees who are on an unpaid leave status will be required to pay any premium fees during his/her regularly scheduled pay period in order to be eligible for continued coverage.

In addition to a comprehensive medical plan, the Town offers a prescription plan for eligible employees. Employees may purchase prescription medicines using their prescription card or they may utilize the services of the mail-away program. Prescription services are subject to change by action of the Town Council with or without notice.

Section 5-17: COBRA

Under the Consolidated Omnibus Budget & Reconciliation Act (COBRA), the Town offers eligible employees and eligible family members the opportunity for a temporary extension of health insurance (Continuation Coverage) at group rates when coverage under the plan would otherwise end due to a qualifying event. A qualifying event for the employee would be the loss of group health insurance because of termination of employment (other than gross misconduct) or a reduction in working hours.

In addition, covered dependents have the right to elect continuation if they lose coverage due to termination of the employee's employment with the Town, death of the employee, divorce or legal separation from the employee, or an employee's dependent child ceasing to qualify as a dependent.

In the event such a qualifying event would occur, the employee and each of his/her eligible dependents would be notified of the terms and conditions of COBRA. Employees may contact the Human Resources Department for questions regarding COBRA.

Section 5-18: DENTAL INSURANCE

All regular full time and regular part time employees become eligible for dental insurance the first of the month following 30 calendar days of employment. In the event of qualified dependent(s) not being added to the plan upon the effective date of insurance, or within 30 days of a qualifying event, the employee is required to wait until the annual open enrollment period to add dependent(s). The effective date of coverage for said dependent(s) will be January 1 of the following calendar year.

Premium rates are actuarially determined on a yearly basis and are subject to change. Premium costs for employees and their dependents are determined by the Town Council on an annual basis and are subject to change. Employees may refer to their Certificate of Coverage booklets, which are provided to employees during orientation, and which explains coverage and exclusions in detail.

Any premiums due by the employee are automatically deducted from the employee's paycheck each pay period. Employees who are on an unpaid leave status will be required to pay any premium fees during his/her regularly scheduled pay period in order to be eligible for continued coverage.

All dental care premiums, cost structuring, and plan benefits are subject to change based upon actions of the Town Council.

Section 5-19: FLEXIBLE SPENDING ACCOUNTS PROGRAM (FLEX PLAN)

Flexible Spending Accounts (FSAs) allow employees to set aside pretax dollars to pay for certain otherwise un-reimbursable expenses (i.e., medical, dental, vision, or child care expenses). Before the start of each plan year, during the open enrollment period, employees may elect the amount of salary reduction dollars or flexible credits they wish to allocate to an FSA. These amounts then are used to reimburse the employee for qualified expenses incurred during the plan year. Any amounts remaining in an employee's FSA at the end of the plan year is forfeited and cannot be rolled over into the next plan year. There are two types of accounts available:

- a. Health Care Flexible Spending Account
- b. Dependent Care Flexible Spending Account

Employees may choose to participate in one or both of these options, depending on their individual needs. FSAs allow the employee to save money because contributions made by the employee to the account(s) are deducted from his or her pay before Federal and Social Security taxes are calculated.

Premium Conversion Account: In addition to FSA options, a Premium Conversion Account (PCA) is utilized to allow the employee to pay any required contributions to cover premiums to the health plan with pre-tax dollars. This means the employee will not pay taxes on any health care premium payments. By paying premium contributions with pre-tax dollars instead of post-tax dollars, the employee's net take-home pay will be higher. However, the employee's social security payments at retirement may be lower.

Section 5-20: LONG TERM DISABILITY (LTD)

The Town provides to all regular full-time employees Long Term Disability (LTD) insurance fully paid by the Town under the group insurance plan. To qualify for LTD, the employee must be employed for a minimum of 180 calendar days and be suffering a disability, duty or non-duty related, which causes an absence for a total of 180 days. The employee must make application for LTD benefits on or before the

181st day of absence. Failure to file said application within the given time limit may render the employee disqualified for LTD benefits.

LTD benefits equal two-thirds of the employee's gross salary, up to \$9,000 per month, depending on the employee's gross annual salary. All payments made under LTD will be coordinated with any applicable Workers' Compensation benefits and/or retirement benefits.

Section 5-21: BASIC LIFE INSURANCE AND SUPPLEMENTAL LIFE INSURANCE

All regular full time and regular part time employees become eligible for basic life insurance and supplemental life insurance the first day of the calendar month following the date the employee completes the waiting period of thirty (30) consecutive days from date of employment. Employees may refer to their Certificate of Coverage booklets, which employees receive during orientation, and which explains coverage and exclusions in detail.

This insurance is a term basic life-insurance policy with accidental death and/or dismemberment insurance. The amount of the basic life insurance benefit for each employee is equal to his/her annual earnings, rounded to the next highest one thousand dollars, with a minimum basic life insurance of \$20,000 and a maximum basic life insurance of \$100,000. The amount of the employee's basic life insurance is based on the employee's salary as of January 1st of each calendar year. Premium costs of a basic life insurance policy in excess of \$50,000 become taxable income for the employee at the end of the calendar year, in compliance with tax laws.

Upon the death of an employee, if the total basic life insurance payment is less than \$100,000, the Town will supplement the difference between the basic life insurance amount paid and \$100,000, to assure a total life insurance payment of \$100,000 to every employee's beneficiary.

In addition, each employee is eligible to purchase supplemental life insurance at the employee's option and expense. The premium cost is determined by the employee's age and will change according to the specific age brackets. Insurance can be purchased in increments of \$10,000, up to a maximum of \$100,000. Should the employee elect to purchase supplemental life insurance, the cost will automatically be deducted from the employee's paycheck each pay period. Proof of insurability is required before the insurance is approved by the insurance company.

Dependent Life Insurance (maximum of \$50,000 for spouse; \$10,000 for each dependent child) is also available at the employee's option and expense. An employee must be covered by a minimum of \$20,000 in supplemental life insurance in order to purchase dependent insurance.

Any premiums due by the employee are automatically deducted from the employee's paycheck each pay period. Employees who are on an unpaid leave status will be required to pay any premium fees during his/her regularly scheduled pay period in order to be eligible for continued coverage.

Section 5-22: EMPLOYEE ASSISTANCE PROGRAM (EAP)

The Town of Palm Beach recognizes that an employee's personal problems, such as parent/child relationship problems, job stress, emotional problems, marital conflict, alcohol and drug addictions, financial stress, and personal/emotional problems, create difficulties on the job as well as cause hardships at home. These problems can be successfully treated if they are identified early and the individual is referred to an appropriate resource for assistance.

The Town's Employee Assistance Program is such a resource and is available to employees who work 30 or more hours per week in year round positions upon completion of six months of employment. The employee and his/her spouse and dependent children may use this service simply by making an appointment with the Town's approved EAP servicing agent, The Center for Family Services (Center). All counseling sessions are kept completely confidential.

For further information regarding the services offered under the Employee Assistance Program, contact either The Center for Family Services at 1-800-404-7960 or the Human Resources Department.

Section 5-23: CREDIT UNION

Employees of the Town of Palm Beach are eligible for membership in the Town of Palm Beach Federal Credit Union. This is an independent financial service organization which is owned and operated by its members and for their benefit. The basic philosophy is one of economic self-help through the cooperative effort of "People Helping People".

The purpose of the Credit Union is to promote thrift among its members by offering a means to save regularly and safely while earning better than average returns on their savings. From the accumulated fund of these deposits, a source of credit is made available to qualifying members at reasonable interest rates. For more information concerning the Credit Union, membership procedures, and membership fees, please contact the Credit Union.

Section 5-24: OPTIONAL 457 DEFERRED COMPENSATION PLAN

The Town of Palm Beach offers all employees the opportunity to participate in a 457 Deferred Compensation Plan. The current vendor, The International City/County Management Association - Retirement Corporation (ICMA-RC), is a non-profit corporation offering retirement and savings plans exclusively for state and local government employees. Its goal is to provide the best managed, most flexible, and easiest to administer deferred compensation programs available to public employees. This deferred compensation plan is a long term savings plan and is an IRS approved method for deferring federal income taxes on savings until retirement. Taxes are paid on both the savings and the earnings when they are withdrawn. There are several investment options within the plan that range from a conservative fund, that guarantees principal, to a growth oriented stock fund.

Information regarding this plan is available in the Human Resources Department.

Section 5-25: ICMA-RC RETIREMENT HEALTH SAVINGS PLAN (RHS)

The Town of Palm Beach offers employees in eligible groups the opportunity to participate in a health benefit savings vehicle that allows the employee to accumulate assets to pay for medical expenses for him/herself, spouse and/or dependents (e.g., health insurance and prescription expenses) in retirement on a tax-free basis. This program allows the employee to make contributions from vacation leave, accrued leave upon separation and/or retirement, and salary. RHS is similar to a retirement savings plans in that it allows investments for financial needs during retirement, including tax-deferred accumulation of earnings and, if account assets are used to pay for tax qualified medical benefits for the employee, spouse or dependents, the additional benefit of tax-free withdrawals. Enrollment is automatic for all full-time and regular part-time employees within the Executive, Laborer/Equipment Operator, Professional/Technical/Supervisory, Recreation/Public Welfare and Trades/Maintenance job families hired on or before September 30, 2009. Enrollment is automatic for all full-time and regular part-time employees hired on or after October 1, 2009, regardless of job family designation.

Information regarding this plan is available in the Human Resources Department.

Section 5-26: LAY-OFF BENEFITS

The Town of Palm Beach will pay lay-off benefits in the form of unemployment compensation to all employees who are laid off through no fault of their own. Unemployment Compensation benefits are governed by the Florida Unemployment Compensation Law, Chapter 443 of the Florida Statutes. The Director of Human Resources will investigate all unemployment claims to ensure their compliance with Florida Statutes. For more information on lay-off procedures, see Section 6-4 of this manual.

Section 5-27: PENSION BENEFITS

The Town of Palm Beach Retirement System provides for defined benefit pension plans which are administered by Boards of Trustees. There are three Boards of Trustees: one board represents General and Ocean Rescue employees; one represents certified Police Officer employees; and the third represents certified Firefighter employees. The Town's retirement system was created by Town Ordinance Number 22-85 and is administered under Chapter 112 of Florida Statutes.

The retirement system, which requires a minimum of ten years vesting to become eligible for benefits, offers employees an excellent pension after retirement from the Town of Palm Beach.

Employees who are members of the retirement system are required to make contributions to the system as a percent of their compensation, as follows:

General Employees	6.47%
Lifeguard Employees	7.21%
Police Officer Employees	6.98%
Firefighter Employees	6.82%

The Town's contributions, which are based on actuarially determined amounts, together with the members' contributions and premium tax monies, are sufficient to cover the requirements of the funding objective stated by the plan.

The pension benefits structure varies with each benefit group, i.e., General, Police, Fire, and Lifeguard, and specific details regarding the benefits are outlined in Chapter 82 of the Town's Code of Ordinances and the Summary Annual Report made available to all employees on an annual basis.

Section 5-27.1: Normal Retirement Conditions

An individual may retire upon satisfaction of each of the following requirements:

- a. The individual has filed written application for retirement with the board not less than thirty (30) days nor more than one hundred twenty (120) days prior to the date that retirement is to be effective; and
- b. The individual has met applicable age and service conditions for retirement.

The age and service conditions for normal retirement are specified in the Palm Beach Code of Ordinances, Chapter 82, Retirement System, and the Summary Annual Report.

Section 5-28: DROP PLAN

The Deferred Retirement Option Program (DROP) is a retirement option by which qualified employees can retire and have retirement pension checks paid to their tax deferred pension accounts while continuing to work for the Town.

All employees who are members of the Town of Palm Beach Retirement System are eligible to elect participation in the DROP, provided that:

- a. The employee meets normal retirement age and years of service requirements.
- b. The employee is not utilizing an early retirement option.
- c. There is no break in service to the Town between the member's last working day as an employee and the first working day as a DROP participant.

General and Lifeguard employees nearing eligibility for retirement with the Town and wanting to learn more about the DROP and how it may affect them may contact their Retirement Plan Administrator. Certified police and firefighter employees should contact the plan administrator for their respective pension plans. Detailed information about the DROP can be found in the Town of Palm Beach Code of Ordinances, Chapter 82, Sections 82-99 firefighters, 82-119 police officers and 82-139 general/lifeguard employees.

Section 5-29: RE-EMPLOYMENT OF TOWN RETIREES

This policy exists to provide for the re-employment of a retired Town of Palm Beach employee. Such re-employment may occur only when it is in the best interests of the Town and when recommended by the department director and approved by the Town Manager. All general conditions of such re-employment are set forth in Administrative Procedure number 1-95-1, as may be revised. Employees may request a copy of this procedure from their department director or the Human Resources Department.

Section 5-30: EDUCATIONAL ASSISTANCE

Only regular full time and regular part time employees are eligible to receive educational assistance. Employees on their initial trial period will not be eligible to apply for or receive reimbursement of educational expenses.

Prior to enrolling at a college, university, or other approved and accredited institution, an employee who wishes to be reimbursed for educational expenses must submit an application for educational assistance first to his/her department director for approval and then to the Human Resources Department. The application must be submitted to the Human Resources Department prior to actual enrollment in the course. The application for educational assistance must be approved and signed by the employee's department director and the Director of Human Resources. If the application is not approved by both the employee's department director and the Director of Human Resources, educational expenses will not be reimbursed.

If the course is approved by the department director and Director of Human Resources, reimbursement will be made on the following basis:

- a. Tuition reimbursement will be based on the following schedule per grade received:
 - i. Approved undergraduate degree program and all job-related courses of a non-degree program: 100% for an "A" or "B"; and 75% for a "C" for regular full time employees; and 50% for an "A" or "B"; and 37.5% for a "C" for regular part time employees. Only letter grades (not pluses [+] or minuses [-]) are considered when determining the percentage of tuition reimbursement. Pass/Fail grades will be considered to be "A" for pass and "F" for fail for reimbursement purposes.
 - ii. Approved graduate degree programs: 100% for an "A" or "B" for regular full time employees and 50% for an "A" or "B" for regular part time employees. No reimbursement will be made for grades below a "B" for graduate level courses.
- b. Reimbursement based on the above schedule for grades received will be made for the tuition of all approved non job-related and job-related elective and core courses required of an accredited, job-related degree program; and all job-related courses required of an accredited, job-related degree program (undergraduate or graduate) and all job-related courses of a non-degree program. Courses not meeting the aforementioned job related criterion will not be approved for tuition reimbursement.
- c. Maximum tuition reimbursement will be based on the higher tuition cost charged by either Palm Beach State College or Florida Atlantic University. When actual tuition costs are lower for the school attended, the lower tuition will be used for calculating the amount of tuition reimbursed.

When tuition costs are higher for the school attended, the rate reimbursed will be adjusted downward to the rate equivalent to the maximum level established in this paragraph.

- d. Reimbursement based on the above schedule for grades received will be made to cover all books, materials, and other fees required by the school relating to the course(s) taken and approved by the employee's department director and Director of Human Resources.

The above reimbursement provisions are strictly for payment of tuition, books, materials, and other fees required, and do not include reimbursement for food, mileage, or any charges not specifically required for the course(s) approved by the employee's department director and Director of Human Resources.

Upon completion of a course, a class grade card, a transcript of grades, or other official documentation from the institution must be presented to the Human Resources Department, along with a paid receipt clearly documenting the cost of the course(s) taken. If the course taken is one authorized by the department director and Director of Human Resources for reimbursement, and if the course has been completed with a grade equivalent of "C" or better ("B" or better for graduate level courses), the Human Resources Department will prepare a voucher for the Finance Department to issue a check for the amount of reimbursement as outlined under the grade schedule and maximum limits in this policy. Along with the regular tuition reimbursement application, proof of payment and grade, the employee must submit a copy of the syllabus which clearly shows the course name/number and the required texts; as well as the receipt that shows the purchase price for the required text book(s). Failure to provide proper documentation of expenses and payment receipts for all course(s) and book(s) will result in no reimbursement paid by the Town.

Any employee leaving the employment of the Town less than one full year from the latest date of receiving educational reimbursement payments or any other bonus or payment for educational expenses or for any educational or vocational accomplishment, certification, or licensing, will be required to repay to the Town the full amount of all such payments made within the previous twelve (12) calendar months.

All participating employees will sign an Education Reimbursement Application and a Statement of Understanding and Agreement concerning conditions of educational reimbursements and/or bonuses that are paid. This form and statements can be obtained from the employee's department director or the Human Resources Department.

Section 5-30.1: Developmental Job Training

Any course, seminar, or outside training deemed essential for the maintaining of standards or overall departmental efficiency which have been duly defined and authorized by the Town Manager and approved in advance by the department director and the Director of Human Resources will be sponsored 100% by the Town. Reimbursement for such courses may include:

- a. Tuition or registration fees
- b. Books and manuals
- c. Activity fees

- d. All required materials
- e. Mileage, room, and board

Where applicable, preferential shift assignments or authorized leaves for daytime course study can be accommodated. Note: Employees must have prior approval in writing and all necessary expenses outlined before they begin such study, or same may be deemed ineligible for reimbursement.

* Per Town policy, all mileage will be calculated from the employee's work site or residence to the point of destination, whichever is the shortest distance.

Section 5-31: TRAVEL/ATTENDANCE AT CONVENTIONS, CONFERENCES, AND TRAINING PROGRAMS

In accordance with Administrative Procedure Number 1-09-3, as revised, all travel by Town employees to attend conventions, conferences, or training programs must be approved in advance by the appropriate department director. The Town Manager will review requests for department director travel and training.

All authorized persons traveling on Town business shall be reimbursed in accordance with procedures. Reimbursement must be properly documented and must include receipts when required.

Section 5-31.1: Meal Allowance

Employees will be provided a per diem meal allowance while on Town travel. For purposes of this procedure, travel is defined as any trip that takes the employee outside of the Palm Beach/West Palm Beach area and requires the employee to stay overnight away from home.

When travel does not require overnight accommodation away from home, employees will be paid a lunch allowance, which will be included in the employee's paycheck following the date of attendance. Please see Procedure Number 1-09-3 for additional information.

Section 5-31.2: Transportation

Transportation must be by a usually traveled route and must be by the most economical means, keeping in mind the nature of the business, the most efficient and economical means of travel, the number of persons making the trip, and the amount of equipment or material to be transported.

When authorization for air travel is granted to individuals whose travel expenses are financed by the Town, only "Tourist Class" (Coach) tickets will be allowed.

Transportation by common carrier when traveling on official business and paid for personally by the traveler must be substantiated by a receipt.

Section 5-31.3: Incidental Expenses

Reimbursement for incidental traveling expenses may be reimbursed when receipts are attached. Incidental traveling expenses include reasonable taxi fare; tolls; parking fees; telephone expenses for official business only; convention, conference or training course registration fee (when not paid in advance).

Section 5-31.4: Miscellaneous Provisions and Regulations

Any employee whose travel is financed through expenditures of Town funds will be paid for actual expenses insofar as they conform reasonably with travel regulations contained within Administrative Procedure Number 1-09-3, as revised, and when accompanied by paid receipts, when required.

The conduct of an employee shall at all times be proper and leave a favorable impression of the Town of Palm Beach. The employee will obtain a maximum amount of training and information with the express purpose of improving the Town's administration and techniques.

Section 5-32: BENEFITS PROVIDED TO TEMPORARY EMPLOYEES

The following benefits are available to all temporary employees who work part time or full time in positions requiring seasonal or intermittent work as defined in Section 2-3.3, Temporary Employment. Temporary employees are provided only those benefits defined under this Section, 5-32.

Section 5-32.1: Retirement

Temporary employees working more than 1,040 hours per fiscal year will become members of the Town's Retirement System and will be required to make contributions as a percent of their compensation to the system per section 5-27.

Section 5-32.2: Overtime

Compensation for time worked in excess of 40 hours per week will be paid at time and one-half.

Chapter 6: PENALTIES AND TERMINATION

Section 6-1: DEMOTIONS

A demotion may be made when an employee does not perform satisfactory service in the position held. At the time of demotion, the department director must give the employee a written notice of demotion, including the reasons therefore, and must send a copy of the notice to the Director of Human Resources. A demotion may be justified when the employee does not warrant dismissal from service and gives evidence of ability to perform work in a lower classification.

An employee, for personal reasons, may request a demotion to an available position for which he/she qualifies. This demotion may be granted upon approval of the department director and Director of Human Resources.

Section 6-2: SUSPENSIONS

Suspensions are temporary separations for disciplinary purposes where the cause is not sufficiently serious for dismissal. An employee may be suspended at the discretion of his/her department director without pay for a period not to exceed thirty (30) calendar days. At the time of suspension, the department director must give the employee a written notice of suspension, including the reasons therefore, and must send a copy of the notice to the Director of Human Resources. Any suspensions which would have the effect of making the total time during which the affected employee is suspended without pay during any twelve (12) month period greater than thirty (30) days will be deemed a dismissal and subject to the provisions Section 6-3, Dismissals, of this manual.

Section 6-3: DISMISSALS

Dismissals are discharges or separations from employment made for misconduct, inefficiency, or other violations of Town policies of any regular full time or regular part time employee who has completed his/her initial trial period. A department director, with authorization from the Town Manager, may dismiss any employee in his/her department at any time; however, at the time of the dismissal, the department director must give the employee a written notice of dismissal, including the reasons therefore, and must send a copy of the notice to the Director of Human Resources. The employee so dismissed may file a complaint in compliance with the Town's Grievance Resolution Procedure (Section 8-3 of this manual). Employees discharged will be paid for all hours worked, including overtime, any compensatory time documented by the department, and accumulated vacation time earned and not used, up to the date of discharge. Accumulated sick time will not be paid.

Section 6-4: LAY-OFFS

When it is necessary to reduce the number of employees on the Town payroll because of lack of work or funds, the Town Manager will request the Director of Human Resources to make a thorough

investigation of the problem. Any analysis of proposed lay-offs will consider first the types of activities to be curtailed and the classes of positions thereby affected, and will then proceed to the selection of individual employees to be released. This selection, should it occur, will be based on job performance, unless otherwise stated by any labor agreement as approved by the Town Council. When performance factors are essentially equal, seniority will be considered. Employees who are separated from the service through no fault of their own will be placed on the Re-Employment Register, as outlined in Section 4-1.3(b) of this manual.

An employee will be given a two (2) week notice of any lay-off. When a two (2) week notice is not possible, the Town will provide two (2) weeks of pay in lieu of a two (2) week notice of lay-off.

Employees who are separated from service through no fault of their own will be paid for all hours worked, including overtime, any compensatory time documented by the department, and accumulated leave as defined under Section 3-14, Payment of Accumulated Leave.

Section 6-5: RESIGNATIONS

Any employee resigning will give sufficient advance notice of his/her intention in order to allow the Town to make proper provisions for the filling of his/her position. This is expected to be a two (2) week working notice for all employees, except department directors, and the Deputy Town Manager, who are to give a one (1) month working notice. All resignations must be in writing and submitted to the department director. The department director will forward such notice to the Director of Human Resources. (See Section 3-14, Payment of Accumulated Leave, for definition of working notice).

Should the department director decide that the employee's services are not required during the period of time of the proper notice; the employee will be compensated, including benefits, for a period not to exceed two (2) weeks, for the period of time covered by the proper notice. Said employee should be placed on administrative leave, with the payroll record so indicating. Department directors, the Deputy Town Manager, and the Assistant Town Manager are subject to Administrative Policy 1-05-4, Severance Pay Policy, as amended.

Final payment due the employee will be made on the normally scheduled pay date.

Employees who leave without giving proper notice will not be entitled to payment for accumulated sick leave as defined under Section 3-14, Payment of Accumulated Leave. Employees leaving prior to the completion of six months employment will not be entitled to accrued vacation. Employees leaving prior to the completion of their initial probationary period will not be entitled to accrued sick leave.

Any employee owing to the Town the cost of items not returned (i.e., uniforms, equipment, etc.) or repayment of advanced uniform allowance at the time of separation, will have his/her final pay applied against such cost and will be given a receipt for that amount credited.

Any employee who has received reimbursement for educational assistance within one year from his/her separation date will have his/her final pay applied against such reimbursement, and will be given a receipt for that amount credited.

Section 6-6: CAUSES FOR DISCIPLINARY ACTION, INCLUDING DISCHARGE, SUSPENSION OR DEMOTION

Examples of conduct or offenses which constitute cause for discipline, including demotion, suspension, and discharge, are listed below. This list of conduct or offenses does not include every possible offense. Other conduct or offenses may constitute cause for discipline. Departmental policy and procedure manuals may also include causes for which disciplinary action may be taken.

- a. The employee has been convicted of a felony or of a misdemeanor involving moral turpitude while in the employment of the Town of Palm Beach.
- b. The employee has willfully, wantonly, unreasonably, unnecessarily, or through culpable negligence been guilty of brutality or cruelty to a prisoner or to a person in custody, provided that the act committed was not necessarily or lawfully done in self-defense, or to protect the lives of others, or to prevent the escape of a person lawfully in custody.
- c. The employee has violated the provisions of this manual, departmental policy and procedures, the Town's Administrative Policies, the Information Systems Technology Policy, or any other approved rules and regulations of the Town of Palm Beach.
- d. The employee has engaged in conduct unbecoming of an officer or employee of the Town either on or off duty.
- e. The employee has failed to obey any proper and lawful order or directive given by a superior, or has otherwise been insubordinate.
- f. The employee has been under the influence of or used intoxicants and/or controlled substances while on duty, unless so prescribed by a physician.
- g. The employee has unauthorized possession of drugs and/or alcohol on Town property.
- h. The employee has been offensive in his/her conduct or language in public or towards the public, Town Officials, or employees, either on or off duty
- i. The employee is medically unable to perform the duties of his/her position as determined or confirmed by the Town Physician.
- j. The employee has been careless or negligent with Town property in performing his/her duties.
- k. The employee has falsified any document used with regards to the employee's application for employment, employee benefits, and/or any action affecting the employee's status or employment with the Town.
- l. The employee has used, threatened to use, or attempted to use personal or political influence, including discussing with the Mayor or any Council Member, for purposes of securing promotion, leave of absence, transfer, change of rate of pay, or character of work.
- m. The employee has induced, or has attempted to induce, an officer or employee in the service of the Town to commit an unlawful act or to act in violation of any lawful departmental or official regulation or order.
- n. The employee has misrepresented material facts in obtaining authorization to use sick leave or has abused the use of sick leave.
- o. The employee has engaged in unauthorized conduct of personal or other non-employment related business during assigned hours of work while on Town Property. The employee has engaged in the personal or other non-employment related use of any Town owned property or equipment, except as otherwise defined under Section 7-11 of this manual.

- p. The employee has stolen, or attempted to steal, property from the Town of Palm Beach, or from coworkers or customers of the Town.
- q. The employee has exhibited on-going and documented work performance that is below expectations.

Chapter 7: WORKPLACE ENVIRONMENT

Section 7-1: EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT

Equal Employment Opportunity has been and continues to be a fundamental principle at the Town of Palm Beach, where employment is based upon personal capabilities and qualifications without discrimination because of race/ethnicity, color, religion, sex, age, national origin, marital status, veteran status, sexual orientation, genetic information, political affiliation, disability which does not preclude the performance of the essential functions of the positions, with reasonable accommodation(s) provided as necessary, or any other form of unlawful discrimination in accordance with federal, state, or local law.

This policy of Equal Employment Opportunity applies to all policies and procedures related to recruitment and hiring, training, placement, promotion, transfer, demotion, layoffs, compensation, benefits, termination, and all other privileges, terms, and conditions of employment.

The Human Resources Department has overall responsibility for this policy and maintains reporting and monitoring procedures. Employees' questions or concerns should be referred to the Human Resources Department.

Each member of management is responsible for creating an atmosphere free of discrimination and harassment. Further, employees are responsible for respecting the rights of their coworkers. The Town's Equal Employment Opportunity Policy Statement is provided to all employees and is posted in all departments.

Appropriate disciplinary action will be taken against any employee violating this policy. Any employee who wishes to report an incident of discrimination or harassment may do so without fear of retaliation. Any employee who believes he or she has been subject to discrimination should follow the complaint reporting procedures described under Section 7-7 of this manual.

In addition to this policy, all employees receive, at the time of their hire, a copy of the Town's Equal Employment Opportunity Plan Statement of Policy. Additional copies can be obtained from the Human Resources Department. A copy of the Town's Equal Employment Opportunity Plan is available for viewing in the Human Resources Department, located in Town Hall, 360 South County Road, Palm Beach, Florida, during normal working hours and normal work days.

Section 7-2: STATEMENT OF FAIR TREATMENT

The Town of Palm Beach believes that all employees, applicants for employment, or ex-employees are entitled to be treated fairly and with dignity and respect. The Town also attempts to comply in every way with all applicable fair employment laws. It is the Town's desire that any non-compliance be reported immediately to a Town supervisor, department director, or to the Human Resources Department.

The Town encourages employees, applicants for employment, and ex-employees to bring questions, suggestions and complaints to the Town's attention in a timely manner. The Town will give careful consideration to each of these in a continuing effort to improve its operation and correct all complaints.

Section 7-3: EMPLOYMENT ANTI-HARASSMENT POLICY

The Town of Palm Beach expects all employees to accept certain responsibilities, adhere to acceptable business principles in matters of personal conduct, and exhibit a high degree of personal integrity at all times. This principle not only involves respect for the rights and feelings of others, but also demands that employees refrain from any behavior that might be harmful to them, their coworkers, and/or the Town, or that might be viewed unfavorably by the public at large.

The Town prohibits any form of unlawful harassment, including harassment based on race/ethnicity, color, religion, sex, age, national origin, marital status, veteran status, sexual orientation, genetic information, political affiliation, disability which does not preclude the performance of the essential functions of the positions, with reasonable accommodation(s) provided as necessary, or any other form of unlawful discrimination in accordance with federal, state, or local law. In addition, the Town prohibits any form of employee harassment. Harassment is generally defined as conduct that creates an intimidating, hostile, or offensive environment, unreasonably interfering with an individual's work performance, or adversely affecting an individual's opportunities within the workplace. Examples of harassment, whether inadvertent, in jest, or otherwise, include but are not limited to the following:

- a. Verbal harassment, including abusive derogatory comments, demeaning jokes, or slurs;
- b. Physical harassment, including assault, physical interference with normal work or movement, etc.
- c. Visual harassment, including displays of derogatory or demeaning posters, cartoons, cards, graffiti, gestures, or drawings.

Appropriate disciplinary action will be taken against any employee violating this policy.

Any employee who believes he or she has been the subject of harassment or discrimination should follow the Complaint Reporting Procedures described under Section 7-7 of this manual.

Any employee who wishes to report an incident of harassment or discrimination may do so without fear of retaliation.

Section 7-4: SEXUAL HARASSMENT POLICY

The Town expressly prohibits any form of sexual harassment. Sexual harassment is generally defined as conduct that creates an intimidating, hostile or offensive work environment, unreasonably interfering with an individual's work performance, or adversely affecting an individual's opportunities within the workplace.

Sexual harassment is further defined as:

- a. making unwelcome sexual advances or requests for sexual favors, or other verbal or physical conduct of a sexual nature, a condition of an employee's continued employment, or;
- b. making submission to or rejections of such conduct the basis for employment decisions affecting the employee: or,
- c. creating an intimidating, hostile, or offensive working environment by such conduct.

Examples of improper conduct, whether inadvertent, in jest, or otherwise, include but are not limited to the following:

- a. Verbal harassment, including abusive derogatory comments, demeaning jokes, slurs, sexual advances, obscene messages, etc.
- b. Physical harassment, including assault, physical interference with normal work or movement, etc.
- c. Visual harassment, including displays of derogatory or demeaning posters, cards, cartoons, graffiti, gestures, drawings or sexually suggestive pictures, etc.

Appropriate disciplinary action will be taken against any employee violating this policy.

Any employee who believes he or she has been the subject of harassment or discrimination should follow the Complaint Reporting Procedures described under Section 7-7 of this manual.

Any employee who wishes to report an incident of harassment or discrimination may do so without fear of retaliation.

Section 7-5: FAIR LABOR AND STANDARDS ACT POLICY

It is the Town's policy to comply with applicable state and federal wages and hour laws and regulations. Improper pay deductions specified in Title 29 of the Code of Federal Regulations 541.602(a) may not be made from the pay of employees who are exempt and subject to a salary basis test under the Fair Labor Standards Act. If any employee believes that any deduction has been made from his/her pay that is inconsistent with his/her salaried status, the employee should immediately notify his/her immediate supervisor, department director, or the Human Resources department. If a satisfactory result is not obtained, the employee may utilize the Open Door Policy described in Section 8-2 of this manual.

No supervisor has the right to require overtime work without proper compensation. All overtime work must have approval of the employee's supervisor at the time the overtime was worked, and such approval must be properly documented on the authorized time sheet. Any non-exempt, hourly employee who feels that he/she has not been paid properly or the time worked has been improperly recorded in any other manner, the employee should immediately notify his/her supervisor, department director, or the Human Resources department. If a satisfactory result is not obtained, the employee should utilize the Open Door Policy described in Section 8-2 of this manual. If the employee does not follow proper notification procedures within two (2) weeks, it will be assumed that all time has been properly recorded.

Any complaint concerning employee compensation will be resolved within a reasonable time given all the facts and circumstances. If an investigation reveals that the employee was subjected to an improper

deduction from pay, or otherwise paid improperly, the employee will be reimbursed and the Town will take whatever action it deems necessary to ensure compliance in the future.

Appropriate disciplinary action will be taken against any employee violating this policy. No retaliation will be taken against any employee who reports improper time recordation or improper pay deductions. See Section 3-8, Overtime, for additional information regarding overtime.

Section 7-6: RETALIATION POLICY

The Town of Palm Beach will not discriminate against any of its employees or applicants for employment because they have opposed any act or practice made unlawful under federal, state, or local anti-discrimination laws, or because they have made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, litigation, or hearing pertaining to federal, state, or local anti-discrimination laws.

Further, the Town of Palm Beach will not take any retaliatory personnel action against an employee because the employee has:

- a. Disclosed, or threatened to disclose, to any appropriate governmental agency, under oath, in writing, an activity, policy, or practice of the employer that is in violation of a law, rule, or regulation;
- b. Provided information to, or testified before, any appropriate governmental agency, person, or entity conducting an investigation, hearing, or inquiry into an alleged violation of a law, rule, or regulation by the employer;
- c. Objected to, or refused to participate in, any activity, policy, or practice of the employer which is in violation of a law, rule, or regulation.

Section 7-7: COMPLAINT REPORTING PROCEDURES

Any employee who believes he or she has been the subject of discrimination, harassment, or retaliation should report the alleged act immediately (within 48 hours after the alleged treatment occurs) to his or her department director, supervisor, or the Human Resources Department or the Town Manager. If a complaint involves a supervisor or manager, the complaint should be filed directly with the Director of Human Resources, unless otherwise stated by any labor agreement as approved by the Town Council. An investigation of all complaints will be undertaken immediately. After appropriate investigation by the Town, any supervisor, agent, or other employee who has been found to have discriminated against, harassed, or retaliated against another employee will be subject to appropriate discipline, depending on the circumstances, from a warning in his/her file up to and including termination. The Town endeavors to handle all such complaints in strict confidence to the extent possible. Furthermore, it is the policy of the Town to prohibit retaliation against any employee for filing a complaint or participating in an investigation.

The Town recognizes that the resolution of whether a particular action or incident constitutes a violation of this policy requires a factual determination based on all facts and circumstances. The Human Resources Department endeavors to investigate each complaint thoroughly and objectively to

determine whether there is a reasonable belief that unlawful treatment has occurred. Given the nature of this type of treatment, the Town also recognizes that false accusations of discrimination, harassment, and retaliation as defined in this policy can have serious effects on innocent employees. In the event an employee files a frivolous, malicious, or false claim, appropriate sanctions for discipline of the complainant, up to and including termination, may also result. All employees of the Town are expected to continue to act responsibly to establish a pleasant working environment free of discrimination. The Town encourages any employee to raise questions he/she may have regarding harassment, discrimination, and retaliation and discuss them with their supervisor, department director, or with the Town's Human Resources Department.

Appropriate disciplinary action will be taken against any employee violating this policy.

Section 7-8: WORKPLACE VIOLENCE

The Town of Palm Beach is concerned about the increased violence in society, which has also filtered into many workplaces throughout the United States, and has taken steps to help prevent incidents of violence from occurring at the Town. In this context, it is the policy of the Town to expressly prohibit any acts or threats of violence by any Town employee or former employee against any other employee in or about Town facilities or elsewhere at any time. The Town also will not condone any acts or threats of violence against Town employees, customers, or visitors on Town premises at any time or while they are engaged in business with or on behalf of the Town, on or off Town premises.

In keeping with the spirit and intent of this policy, and to ensure that the Town's objectives in this regard are attained, it is the commitment of the Town:

- a. To provide a safe and healthful work environment, in accordance with the Town's safety and health policies.
- b. To take prompt remedial action up to and including immediate termination against any employee who engages in any threatening behavior or acts of violence or who uses any obscene, abusive, or threatening language or gestures. Such action may include notifying the police or other law enforcement personnel and prosecuting violators of this policy to the maximum extent of the law.
- c. To take appropriate action when dealing with employees, customers, former employees, or visitors to Town facilities who engage in such behavior. Such action may include notifying the police or other law enforcement personnel and prosecuting violators of this policy to the maximum extent of the law.
- d. To establish viable security measures to ensure that Town facilities are safe and secure to the maximum extent possible and to properly handle access to company facilities by the public, off-duty employees, and former employees.

The Town's Employee Assistance Program (EAP) supports this policy. Any employee who displays a tendency to engage in violent, abusive, or threatening behavior, or who otherwise engages in behavior that the Town, in its sole discretion, deems offensive or inappropriate, will be referred to the EAP for counseling or other appropriate treatment. Such employees will also be subject to disciplinary action, up to and including discharge.

Section 7-8.1: Reporting Procedures

Any potentially dangerous situations must be reported immediately to a supervisor, department director, or the Human Resources Department. In furtherance of this policy, employees have a "duty to warn" their supervisors or human resources representatives of any suspicious workplace activity or situations or incidents that they observe or that they are aware of that involve other employees, former employees, customers, or visitors and that appear problematic. This includes, for example, threats or acts of violence, aggressive behavior, offensive acts, threatening or offensive comments or remarks, and the like. Employee reports made pursuant to this policy will be held in confidence to the maximum possible extent. The Town will not condone any form of retaliation against any employee for making a report under this policy.

Section 7-9: STATEMENT OF "DRUG-FREE WORKPLACE"

The Town of Palm Beach recognizes that alcohol and drug abuse are prevalent in society. The Town acknowledges that the workplace is not exempt from the use or abuse of such substances. Alcohol and drug abuse are harmful and a threat to employees and the public. Moreover, the illegal possession, use, sale, and distribution of controlled drugs are criminal acts that directly threaten the integrity of all employees in the Town of Palm Beach. The Town's policy is to deter this harm by adopting and maintaining a Drug-Free Workplace.

At the time of their initial hire, all employees receive, and must sign a statement of receipt for, a copy of the Town of Palm Beach Drug and Alcohol Policy. Additional copies can be obtained from appropriate supervisors or the Human Resources Department.

Drug abuse is defined as the use of any controlled substances as defined in Section 893.03, Florida Statutes, as amended from time to time, not pursuant to lawful prescription. The term drug abuse also includes the commission of any act prohibited by Chapter 893, Florida Statutes, as amended from time to time. Illegal drugs are defined as any controlled substance as defined in Section 893.03, Florida Statutes, as amended from time to time, not possessed or taken in accordance with a lawful prescription.

The use and/or being under the influence of alcohol on the job; the use and/or being under the influence of illegal drugs on the job; and drug abuse by Town employees are strictly prohibited. Administrative Procedure 1-06-5 provides a detailed description of the Town's Drug and Alcohol policy. Copies of this policy can be obtained from appropriate supervisors or the Human Resources Department.

Section 7-9.1: Rehabilitative/ Corrective Action

- a. An applicant for employment who tests positive for alcohol or illegal drugs will be considered unfit to perform the essential functions of the position the applicant seeks. Refusal to submit to such test will result in ineligibility for employment.
- b. With the exception of Public Safety employees, no employee will be discharged or disciplined on the sole basis of the employee's first positive confirmed drug test. Employees will be subject to appropriate disciplinary action for violation of Town rules, regulations, or policies. Public Safety employees may be discharged and/or disciplined for the first positive confirmed drug test result when illicit drugs, pursuant to Florida Statute 893.13, are confirmed.
- c. An employee who has tested positive for the presence of alcohol or illegal drugs must submit to counseling or other rehabilitative treatment as a condition of continued employment. Any employee who refuses to participate in treatment or fails to successfully complete such program shall be subject to discipline, up to and including termination.
- d. Any employee who has failed or refused to sign a written consent form allowing the Town to obtain information regarding the progress and successful completion of an employee assistance program or an alcohol and drug rehabilitation program shall be subject to discipline, up to and including termination.

Section 7-9.2: Drug and Alcohol Testing in Compliance with the Omnibus Transportation Employee Testing Act

The Town's Omnibus Transportation Employee Testing policy complies with Federal Law and applies to all employee drivers of commercial vehicles as defined under the law. Covered employees under this policy are subject to random drug and alcohol screening. For specifics regarding this policy, refer to Procedure No. 1-06-5, as may be revised, which is provided to all employees covered under this law. Additional copies of this procedure can be obtained from appropriate supervisors or the Human Resources Department.

Section 7-9.3 Random Drug and Alcohol Testing – Certified Fire Rescue Bargaining Unit.

The Town has the absolute right to randomly test any bargaining unit member for the existence of alcohol, illegal drugs, or other controlled substances. The selection of an employee for random testing shall be made by a valid method, such as a random number table, a computer based random number generator that is matched with employees' payroll identification numbers or other comparable identification number, or other method which is required and administered by established testing entities. The testing program will be administered by the Town Nurse.

Section 7-10: NON-SMOKING POLICY

The purpose of this policy is to protect the health of employees and the general public in Town facilities and vehicles from the hazards of environmental tobacco smoke.

The revised Florida Clean Indoor Air Act states that "it is the intent of the Legislature to discourage the designation of any area within a government building as a smoking area." Therefore, smoking will be prohibited in all Town owned or leased facilities and vehicles/equipment in order to provide a healthy work environment for all employees and the visiting public.

This policy applies to all Town employees and members of the general public. Signs will be posted to clearly communicate this policy at entrances to all Town owned or leased facilities.

Enforcement of this policy is the responsibility of each level of supervision, with ultimate responsibility being that of the persons in charge of each work area and facility. Policy interpretations will be resolved by the Director of Human Resources.

Section 7-11: NON-TOWN EMPLOYMENT

Outside, or non-Town, employment will not be permitted without prior knowledge and approval of the employee's department director and Town Manager. Such employment will be approved only as secondary and subordinate to Town employment. All requests for approval of non-Town employment must be submitted to the appropriate department director on the approved form "Request for Authorization Non-Town Employment". Employees must resubmit their requests on or near the first of every calendar year, no later than January 15. Once approved or disapproved the original form will be forwarded to the Human Resources Department .

No employee of the Town of Palm Beach will maintain any financial or other personal interest which is incompatible with the proper discharge of his/her official duties in the public interest or which would tend to impair or interfere with his/her judgment or action in the performance of official duties. Personal (as distinguished from financial) interests include any interest arising from blood or marriage relationships or close business associations. Non-Town employment will not be authorized and will not be conducted during Town working hours.

Employees will not conduct any non-Town Employment or non-Town related business while on duty.

Employees may not be paid sick leave if they become injured and/or are paid Worker's Compensation if such injury or Workers' Compensation occurred as a result of working in non-Town employment.

Only those requests for non-Town employment that satisfy the above criteria will be approved by department directors or, when applicable, by the Town Manager.

The Director of Human Resources, or his/her designee, will submit to each department director on December 1st of each year a list of employees holding non-Town employment. The list will include the names of the employees, non-Town employers, and position held. In addition to resubmitting their

forms on an annual basis as mentioned prior, employees are responsible for providing any changes during the year to their department director, who in turn will submit the revised form to Human Resources. . All records relating to non-Town employment will be maintained in the Human Resources Department.

Note that this policy does not supersede the Palm Beach County Commission on Ethics (PBCCOE) Code of Ethics. Reporting non-Town employment to the Town does not preclude ones obligation to report to the PBCCOE , including but not limited to submission of the Commission on Ethics Employee Conflict of Interest (Outside Employment) Waiver, if applicable. All inquiries regarding reporting obligations under the PBCCOE must be directed to the PBCCOE at 2633 Vista Parkway, West Palm Beach, FL 33411 or by calling (561) 233-0724.

Section 7-12: NEPOTISM POLICY

The Town of Palm Beach permits the employment of qualified relatives of employees so long as such employment does not, in the opinion of the Town, create actual or perceived conflicts of interest. For purposes of this policy, “relatives” are defined as individuals who are related by blood or marriage to the employee, including but not limited to, spouse, child, parent, sibling, grandparent, grandchild, aunt, uncle, cousin, or corresponding in-law or “step” relation. The Town will exercise sound business judgment in the placement of related employees in accordance with the following guidelines:

- a. Individuals who are related as defined above are permitted to work in the same Town facility, provided that no direct reporting or supervisory/management relationship exists. That is, no employee is permitted to work within the “chain of command” of a relative such that one relative’s work responsibilities, salary, or career progress could be influenced by the other relative.
- b. No relatives are permitted to work in the same department or in any other positions in which the Town believes an inherent conflict of interest may exist.
- c. Employees who marry while employed are treated in accordance with these guidelines. That is, if, in the opinion of the Town, a conflict or an apparent conflict arises as a result of the marriage, one of the employees will be transferred at the earliest practicable time.
- d. In addition, the Town recognizes that at times, employees and their “close friends”, “domestic partners”, or “significant others” may be assigned to positions that create a coworker or supervisor-subordinate relationship. The Town will, in its discretion, exercise sound judgment with respect to the placement of employees in these situations in order to avoid the creation of a conflict or the appearance of a conflict of interest, avoid favoritism or the appearance of favoritism, and decrease the likelihood of sexual harassment in the workplace.

This policy applies to all categories of employment, including full-time, part-time, and temporary employees. Employees are required to provide written notice of disclosure regarding their relative(s) employed by the Town by submitting the Nepotism Policy Disclosure Notice to Human Resources. The Notice is available from Human Resources or within the Town Document Library. The Director of Human Resources will forward to each department director on December 1 of each year a copy of that department’s most recent list of departmental employees who have disclosed they have a relative, as defined by this policy, currently employed by the Town. Each department will make any necessary

revisions and provide same to the Director of Human Resources. Updated lists will be provided to each department director or may be requested from Human Resources at any time.

Section 7-13: REPORTING OF ARRESTS AND NOTICES TO APPEAR

All employees will report in writing any and all felony or misdemeanor arrests, convictions, or notices to appear that occur after the date of hire within forty-eight (48) hours of the occurrence. The employee is required to provide any and all documentation related to the arrest to their immediate supervisor who will in turn provide the information to the department director. The department director will consult with the Director of Human Resources whether the arrest bears a significant relationship to the required duties performed by the employee, and will determine what disciplinary action, if any, will be taken.

Section 7-14: CODE OF ETHICS POLICY

Ethical behavior is critical to the Town's ability to achieve its mission, goals, and objectives. The community's perception of and confidence in Town employees and officials are fundamental to quality government. As public servants, Town employees are accountable for high standards of conduct, per Florida Statutes Chapter 112, "Code of Ethics for Public Officers and Employees".

The standards and examples outlined within this policy are designed to clearly guide conduct in common situations. However, special circumstances which require specific interpretation may be referred to the appropriate department director or Human Resources Department, if necessary.

Some common examples of unethical, illegal, or unsafe activity include:

- Accounting or auditing irregularities
- Bribery
- Conflicts of interest
- Creating or ignoring safety or environmental hazards
- Destroying, altering, or falsifying records
- Disclosure of confidential information
- Harassment or discrimination
- Misuse of public funds
- Use of official position for private gain or to affect a personal interest
- Theft and fraud

Ethical behavior is further defined in this manual under Section 7-1, Equal Employment Opportunity Policy Statement; Section 7-2, Statement of Fair Treatment; Section 7-3, Employment Anti-Harassment Policy; Section 7-4, Sexual Harassment Policy; Section 7-5, FLSA Policy; Section 7-6, Retaliation Policy; Section 7-7, Complaint Reporting Procedures; Section 7-8, Workplace Violence; Section 7-9, Statement of "Drug-Free Workplace;" Section 7-10, Non-Smoking Policy; Section 7-11, Non-Town Employment; Section 7-12, Nepotism Policy; and Section 7-13, Reporting of Arrests and Notices to Appear.

Note that this section does not supersede the Palm Beach County Commission on Ethics (PBCCOE) Code of Ethics. All employees are required by the PBCCOE to complete the Code of Ethics Employee Training

Video. Upon completion of the training employees must submit an Ethics Training Acknowledgement form to Human Resources. Training and forms may be found on the Town's intranet. Any reporting requirements to the PBCCOE are separate and distinct from Town reporting requirements. All inquiries regarding adherence to and/or reporting obligations under the PBCCOE must be directed to the PBCCOE at 2633 Vista Parkway, West Palm Beach, FL 33411 or by calling (561) 233-0724.

Section 7-14.1: Conflicts-of-Interest

As a general rule, employees shall not engage in or hold any direct or indirect interest in any business or transaction which may conflict with their official duties. This includes any obligations (real or perceived) which may impair their independence of judgment in the discharge of their duties. Furthermore, employees should not engage in conduct which could reasonably give rise to the appearance of wrong-doing.

Note that this section does not supersede the Palm Beach County Commission on Ethics (PBCCOE) Code of Ethics, including but not limited to any and all sections of the Code that relates to Conflict of Interest and/or the Employee Conflict of Interest (Outside Employment) Waiver. All inquiries regarding adherence to and/or reporting obligations under the PBCCOE must be directed to the PBCCOE at 2633 Vista Parkway, West Palm Beach, FL 33411 or by calling (561) 233-0724.

Section 7-14.2: Public Confidence

Employees should be impartial and dedicated to the best interests of the Town. Employees are expected to conduct themselves, both inside and outside the Town's service, so as not to cause distrust of their impartiality or of their dedication to the Town's best interests.

Employees should avoid perceived conflicts of interest, which are actions of an employee that the public may consider preferential service or a lack of neutrality in dealing with department clientele.

Section 7-14.3: Acceptance of Favors and Gratuities

In compliance with Florida Statute 112.313, Standards of Conduct, no Town employee shall solicit or accept anything of value to the recipient, including a gift, loan, reward, promise of future employment, favor, or service, based upon any understanding that the action or judgment of the employee would be thereby influenced.

Section 7-14.3 (a): Disclosure of Receipt

Should any employee receive anything of value equal to or greater than \$100 from an individual, business, or organization located in or doing business in the Town, including hardship or

educational assistance for dependents, full disclosure is required in writing to the Director of Human Resources within seven (7) calendar days. Disclosure should be provided on the Acceptance of Favors and Gratuities Disclosure form (available from Human Resources or the Town Intranet) and include a description of the item received, date of receipt, the individual, business, or organization the item was received from, and its value. The Director of Human Resources will provide an annual report of such disclosure to the Town Manager on December 1.

Employees may also be required to provide disclosure to the Palm Beach County Commission on Ethics (PBCCOE) using their form entitled Yearly Gift Disclosure (Gifts over \$100). Disclosure to the PBCCOE does not supersede disclosure to the Town, and vice versa. All inquiries regarding adherence to and/or reporting obligations under the PBCCOE must be directed to the PBCCOE at 2633 Vista Parkway, West Palm Beach, FL 33411 or by calling (561) 233-0724.

Section 7-14.4: Use of Confidential Information

Employees shall not disclose confidential information acquired by or available to them in the course of their employment with the Town or use such information for personal gain. This applies to improper disclosure within the organization as well as to the public.

Section 7-14.5: Use of Town Employment and Facilities for Private Gain

Employees may not use their time when working for the Town, or the Town's facilities, equipment, or supplies for private gain or advantage, nor may they use or attempt to use their position to secure unwarranted privileges or exemptions for themselves or others.

Employees may be allowed limited use of office equipment or hand tools during off-duty hours for non-business purposes provided it does not conflict with any Town use or represent a direct cost to the Town and is done with department director approval.

Equipment should not be taken out of Town facilities for non-Town purposes. All equipment used away from the Town work place for Town business must be authorized. Employees on 24-hour duty may use office equipment, exercise equipment, and other light equipment during their assigned recreational periods with departmental approval. Employees will not use heavy equipment for purposes unrelated to their official duties.

In general, employees may use lunch time to do personal business, make phone calls, and run errands. However, limited personal business may be conducted during normal working hours if it is approved in advance and if the time involved is made up and if it does not detract from job performance.

Section 7-14.6: Contracts

Town officers and employees cannot be involved, in any way, with any contract or sale in which they have a financial interest, per Florida Statute 112.313(7)(a). Violation of this statute can result in discipline up to and including termination from employment and/or a civil penalty not to exceed \$10,000 and/or any other punishment as outlined in Statute 112.317, Penalties.

Section 7-14.7: Responsibility

The Town believes that every employee shares in the responsibility for maintaining high standards by conducting business ethically and legally. Each employee is responsible for reporting ethical violations committed by fellow employees to a supervisor, department director, or the Human Resources Department. Any employee with questions about the appropriateness of an action should consult with their department director or the Human Resources Department.

The Town of Palm Beach is within the jurisdiction of the Palm Beach County Commission on Ethics (PBCCOE) and the Inspector General (IG). The PBCCOE accepts complaints regarding violations of the code of ethics in writing and executed on their form entitled Ethics Complaint Form and Instructions. Complaint procedures and related forms may be found on their website at www.palmbeachcountyethics.com/complaints.htm.

Employees (present and former), applicants and contract employees who report violations of law which create a substantial or specific danger to the public's health, safety, or welfare or gross waste, fraud or abuse may be designated for whistleblower protection. The complaint form and how to request whistleblower protection can be found on the Inspector General website at: pbcgov.com/OIG

Appropriate disciplinary action will be taken against any employee violating this policy. Any employee who wishes to report an unethical, illegal, or unsafe incident may do so without fear of retaliation.

Section 7-14: FAIR CREDIT REPORTING, FAIR DEBT COLLECTION, CONSUMER PROTECTION, AND THE LIKE

The Town of Palm Beach makes all efforts to comply with fair credit reporting, fair debt collection, and all consumer protection laws. Any employee or applicant for employment should report any complaints to the Human Resources Department or through the Town's Open Door Policy, as described in Section 8-2 of this manual.

Section 7-15: COLLECTION OF SOCIAL SECURITY NUMBER

The Town of Palm Beach collects the social security numbers of employees and other individuals for the following purposes:

- identification and verification;
- credit worthiness;
- billing and payments;
- data collection, reconciliation, tracking, employee benefits processing, and tax reporting;
- as a unique numeric identifier that may be used for search purposes

In compliance with Florida Statutes (2007), Section 119.071 (5), the Town notifies employees and other individuals requested to provide their Social Security numbers to state what the intended purpose is and what the information will be used for. All employees, applicants for employment, and other individuals are required to complete and have notarized an Acknowledgment of the Collection of Social Security Number, which is kept on file in the Human Resources Department.

Section 7-16: AMERICANS WITH DISABILITIES ACT AMENDMENTS ACT (ADAAA)

The Town is committed to equal employment opportunity for all job applicants and employees. Employment and career development decisions are based solely on an individual's qualifications and the ability to perform the essential functions of the job with or without reasonable accommodation. The Town makes every effort to provide reasonable accommodation for the physical or mental limitations of an employee or applicant unless such an accommodation would impose an undue hardship on The Town's ability to conduct business. If you feel that you need reasonable accommodation for a qualifying disability in order to perform the essential functions of your job, it is your obligation to let us know.

Employees with disabilities may request reasonable accommodation(s) to assist in performing the essential functions of their jobs. Requests must be submitted in writing to the Director of Human Resources. Requests should include an explanation of how the disability affects job duties and the accommodation(s) that the employee is seeking. Employees will be required to sign and submit a Reasonable Accommodation Request and an Authorization for Release of Medical Information on the appropriate approved forms. The Director of Human Resources or his/her designee will contact the requestor to engage him/her in the interactive process in order to review the request.

The Director of Human Resources or his/her designee reserves the right to request additional documentation of the condition(s) to verify that the employee has a qualifying disability under the ADAAA and the limitation(s) that disability imposes on the employee's ability to perform essential job functions.

The Director of Human Resources or his/her designee may contact the employee's department director and/or supervisor as necessary to determine the practicality of the proposed accommodation(s) and whether it would create an undue hardship. The Director of Human Resources will notify the employee of the decision on the request.

Information regarding an employee's health and medical condition is a confidential matter. The Town will take reasonable precautions to protect all information regarding an employee's medical condition and accommodation request in keeping with its obligations under the ADAAA.

Chapter 8: SUGGESTIONS AND COMPLAINTS

Section 8-1: SUGGESTIONS

The Town of Palm Beach welcomes suggestions from employees. Such suggestions may be presented to the supervisor or department director by letter, memorandum, or in person. The department directors will forward such suggestions to the appropriate authority for review and evaluation.

Section 8-1.1: Employee Suggestion Award Program

The Town of Palm Beach maintains an Employee Suggestion Award Program in order to encourage employees to submit ideas for cost reduction and increases in revenue. See Administrative Policy Number 1-09-1 for additional information.

Eligible employees may submit a written proposal on a form provided by the Human Resources Department that presents an idea that reduces Town expenditures or increases Town revenues. Forms are available on the Town's intranet and in each department, including the Human Resources Department.

Section 8-1.1(a) Eligibility:

All employees, except the Town Manager, Deputy Town Manager, Assistant Town Manager, directors, and assistant directors, are eligible to participate in the Employee Suggestion Award Program. Further, professional and supervisory employees are ineligible for an award for cost savings presented within their own area(s) of responsibility.

To be eligible for consideration, suggested ideas must directly reduce costs or directly increase revenues from sources other than Town residents or businesses.

Section 8-1.1(b): Administration:

Suggestions will be reviewed by the Director of Human Resources, who will:

- a. determine whether the suggestion is eligible for consideration;
- b. refer each eligible suggestion to the appropriate director for review; and
- c. upon receipt of the review of the suggestion by the appropriate director, convene a review committee comprised of assistant directors from each department for the purpose of recommending to the Town Manager an appropriate award.

The Town Manager, or where necessary, the Town Council, will be responsible for approval of implementation of suggestions.

Section 8-1.1(c): Awards:

Awards for suggestions which are estimated to result in direct cost savings or increased revenue to the Town shall be 10% of the net savings or increased revenue during the first year after implementation. Savings or increased revenue must be at least \$5,000 per year. Awards will not be less than \$500 nor will they be more than \$10,000.

Section 8-2: OPEN DOOR POLICY

The Town of Palm Beach maintains an open door policy. If, at any time, employees are uncomfortable in addressing any concerns through formal procedures, they may go directly to the Director of Human Resources or the Town Manager. The Town wants to provide employees with every opportunity to discuss their concerns freely.

The Town will investigate and take appropriate action with regard to bona fide, good faith complaints. Further, there will be no retaliation against any employee who, in good faith, exercises rights under this policy. If at any time an employee feels there has been retaliation, it should be reported immediately to the Director of Human Resources or the Town Manager.

Section 8-3: GRIEVANCE RESOLUTION PROCEDURE

Unless otherwise stated by any labor agreement as approved by the Town of Palm Beach, all grievances which any officer or employee in the service of the Town (excluding Administrative and Managerial Officials exempt under the rules of the Town of Palm Beach Public Employee's Relation Commission and the Florida Public Employee's Relations Commission) may have because of action affecting his/her status of employment will be handled as follows:

Section 8-3.1: Step One

Grievances regarding matters other than written reprimands, suspension, demotion, or discharge begin at Step One. The employee will present the grievance in writing within fourteen (14) calendar days subsequent to the action for which the complaint/grievance is concerning. The employee and immediate supervisor will discuss the grievance within two (2) working days. The immediate supervisor will provide the employee with a written note of the resolution within seven (7) calendar days. In instances where the immediate supervisor does not report to the department director, the employee will follow the supervisory chain of command, submitting a written grievance to each level for review within the time frame referenced in this section, prior to moving to Step Two. If not resolved at this discussion, the grievant may move on to Step Two (Section 8-3.2).

Section 8-3.2: Step Two

The employee may enter a grievance at Step Two for written reprimands or grievances not resolved in Step One by submitting to the department director the written grievance within seven (7) calendar days subsequent to the issue date of the written reprimand or the closure of Step One.

- a. In the event that the employee's immediate supervisor is his/her department director and he/she either issued the written reprimand or reviewed the matter in Step One, the employee will instead submit the written grievance to the Director of Human Resources within the same time frame referenced within this section. The Director of Human Resources will then proceed as outlined in Step Three.
- b. In the event that the employees' immediate supervisor is the Director of Human Resources and he/she either issued the written reprimand or reviewed the matter in Step One, the employee will instead submit the written grievance to the Town Manager within the same time frame referenced within this section. The Town Manager will then proceed as outlined in Step Four.

The department director or his/her designated representative will conduct an investigation as is deemed warranted and will give the employee an answer, in writing, within seven (7) calendar days. If further investigation is needed, additional time may be allowed by mutual agreement of the department director and the employee. If the grievance is not resolved at Step Two, it must be submitted to Step Three (Section 8-3.3) within seven (7) calendar days.

Section 8-3.3: Step Three

The employee may enter a written grievance at Step Three for matters not resolved at Step Two submitting their written grievance to the Director of Human Resources within seven (7) calendar days from the closure of Step Two. The Director of Human Resources will call a meeting which may include the department director, the employee, and any other person(s) involved in the complaint. The meeting will be held within fourteen (14) calendar days. If further investigation is needed, additional time may be allowed by mutual agreement of the Director of Human Resources and the employee. The Director of Human Resources will preside at the meeting and will hear the entire case to obtain all the necessary facts. The Director of Human Resources will give the employee an answer, in writing, within fourteen (14) calendar days of the meeting.

Section 8-3.4: Step Four

The employee may enter a written grievance at Step Four for matters not resolved at Step Three submitting their written grievance to the Town Manager within seven (7) calendar days from the closure of Step Two. The Town Manager will call a meeting which may include the department director, the employee, and any other person(s) involved in the complaint. The meeting will be

held within fourteen (14) calendar days. If further investigation is needed, additional time may be allowed by mutual agreement of the Town Manager and the employee. The Town Manager will preside at the meeting and will hear the entire case to obtain all the necessary facts. The Town Manager renders a final written binding decision within fourteen (14) calendar days of the meeting.

Section 8-4: COMPLAINTS INVOLVING SUSPENSIONS, DEMOTIONS, OR DISCHARGES

Any grievance involving suspension, demotion, or discharge must be submitted within fourteen (14) calendar days after the date the incident occurred. Such complaints must be submitted to the Director of Human Resources. The Director of Human Resources, under this section, will not hold a hearing nor rule on the complaint. Instead, the Director of Human Resources will forward the complaint to the Grievance Resolution Board or Administrative and Personnel Committee (whichever is selected by grieving employee) and coordinate the process between all parties involved.

The Grievance Resolution Board or Administrative Personnel Committee will conduct a hearing to investigate any complaints made to them in writing by any regular full time employee (excluding administrative officials) who is suspended, demoted or discharged. Decisions of the Grievance Resolution Board shall be final unless timely appealed by any party within fourteen (14) calendar days. Decisions of the Administrative and Personnel Committee will take the form of findings and recommendations to the Town Council. The decision of the Town Council will be final.

A summary graph of the steps in the Town Grievance Resolution Procedure follows.

See the Town of Palm Beach Code of Ordinances, Chapter 82, Article III, "Resolution of Employee Grievances" for additional information.

GRIEVANCE RESOLUTION PROCEDURE

All grievances which any officer or employee in the service of the Town of Palm Beach (excluding administrative and managerial officials exempt under P.E.R.C. rules) may have because of action affecting his/her status or employment will be handled as follows:

- A grievance for SUSPENSION, DEMOTION, or DISCHARGE must be in writing and introduced at Step 4-B within 14 calendar days.
- A grievance for a WRITTEN REPRIMAND must be in writing and presented to the Director of Human Resources within 14 calendar days. ALL OTHER GRIEVANCES will be presented orally to the immediate supervisor within 14 calendar days (Step 1).

STEP 1

Step One is followed for grievances regarding matters other than written reprimands, suspension, demotion or discharge.

- A. Employee presents in writing to immediate supervisor within 14 calendar days following concerning action.
- B. Employee and immediate supervisor discuss grievance within 2 working days.
- C. Immediate supervisor provides employee with written determination within 7 calendar days.
- D. In instances where the immediate supervisor does not report to the department director, the employee will follow the supervisory chain of command, submitting a written grievance to each level for review prior to moving to Step Two.

STEP 2

- A. Grievance **NOT** settled in Step 1 or a written reprimand: Employee may, within 7 calendar days, submit grievance in writing to department director. Refer to Section 8-3.2 in the event the employee's immediate supervisor is his/her department director.
- B. Department director or designee conducts investigation and provides written decision to employee within 7 calendar days.

STEP 3

- A. Grievance **NOT** settled in Step 2: Employee may, within 7 calendar days, submit grievance in writing to the Director of Human Resources.
- B. Investigation will be held within 14 calendar days. If additional time is needed, it may be allowed by agreement of Director of Human Resources and employee filing grievance.
- C. Director of Human Resources will give the employee an answer, in writing, within 14 calendar days from the investigation meeting.

STEP 4

- A. Grievance **NOT** settled in Step 3: Employee may, within 7 calendar days, submit a grievance in writing to the Town Manager.
- B. Investigation will be held within 14 calendar days. If additional time is needed, it may be allowed by agreement of Town Manager and employee filing grievance.
- C. Town Manager will give the employee an answer, providing a final decision in writing, within 14 calendar days from the investigation meeting.

****GRIEVANCE RESOLUTION BOARD ("BOARD")***

A Grievance concerning a suspension, demotion or discharge must be made in writing to the Director of Human Resources within 14 calendar days of the action and such request must designate review by **either** the ***Grievance Resolution Board*** **or** the ***Administrative/Personnel Committee***.

- A. The Board will be convened to investigate the complaint and all written documentation. A hearing will be called if required by the Board.
- B. Composition of the Board will be:
 - ** (1) **PEER REPRESENTATIVE**: random selection from appropriate department group.
 - *** (2) **EMPLOYER REPRESENTATIVE**: grievant selects from list provided by the Town.
 - (3) **CHAIR**: Town Manager serves as chair.
- C. Board will render its decision in writing within fifteen (15) days of hearing.
- D. Decision of Board is final unless appealed by either party to the Administrative and Personnel Committee within fifteen (15) days following the decision of the Board.

ADMINISTRATIVE/PERSONNEL COMMITTEE ("COMMITTEE")

- A. The Committee will investigate the complaint and all written documentation. A public hearing will be called by the Committee if deemed necessary.
- B. The Committee will submit its findings and recommendations to the Town Council. The decision of the Town Council will be final.

* NOTE: Employee may waive Grievance Resolution Board and proceed directly to the Administrative/Personnel Committee.

** PEER REPRESENTATIVE: An employee with 5 or more years of Town service who has volunteered (prior to the date of grievance) to serve on the board as a representative from the group in which employed: Fire-Rescue; Police; Public Works; and all other departments. The Peer Representative is selected at random by the grievant from the Employee List applicable to the employee filing the grievance.

*** EMPLOYER REPRESENTATIVE: Any Town employee identified by the Town as trained in the Grievance Resolution Procedure and having been identified on a list provided by the Town (prior to the

date of grievance) as available to serve on the Board. The Employer Representative is selected by the grievant from the list provided.