

**RESOLUTION NO. 2007-02**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF JUNO BEACH, FLORIDA, ADOPTING AN AMENDED AND RESTATED PERSONNEL MANUAL FOR THE TOWN; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the Town Council of the Town of Juno Beach has determined that it wishes to adopt an amended and restated Personnel Manual for the Town to provide clear direction on personnel related issues.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF JUNO BEACH, FLORIDA, as follows:**

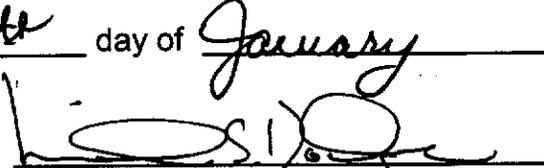
**Section 1.** The Town Council hereby adopts the amended and restated Personnel Manual for the Town of Juno Beach attached hereto as Exhibit "A" and incorporated herein by reference.

**Section 2.** All resolutions in conflict herewith, specifically including all resolutions adopting or amending prior versions of the Town Personnel Manual, are hereby repealed.

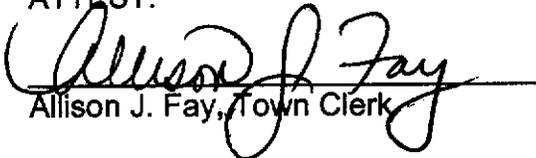
**Section 3.** Should any provision or portion of this Resolution be held by a court of competent jurisdiction to be unenforceable or invalid, such holding shall not effect the remaining provisions of this Resolution.

**Section 4.** This Resolution shall be effective immediately upon adoption.

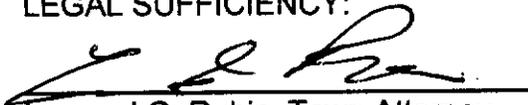
RESOLVED AND ADOPTED this 10<sup>th</sup> day of January, 2007.

  
Linda S. Hodgkins, Mayor

ATTEST:

  
Allison J. Fay, Town Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

  
Leonard G. Rubin, Town Attorney

**Article I  
Employees Generally**

- Section 1: Definitions.**
  - Section 2: Declaration of policy.**
  - Section 3: Division of positions into classified and unclassified service.**
  - Section 4: Unclassified service.**
  - Section 5: Classified service.**
  - Section 6: Town Manager covered by certain provisions of classified service.**
  - Section 7: Working conditions; employee welfare.**
  - Section 8: Standards of conduct.**
  - Section 9: Pecuniary interests prohibited.**
  - Section 10: Political activity.**
- 
- Section 1: DEFINITIONS.**

As used in all Sections of this Policy.

**Allocation** means the placing of a position in its proper class, based upon duties performed and authority and responsibilities exercised.

**Applicant** means an individual who has completed and submitted an application for employment with the Town.

**Appointment** means the act of selecting and certifying in writing the person whom is deemed best qualified for the position which is to be filled in accordance with the provisions of Article III.

**Appointment Date** means the day the employee begins work in his or her assigned classification.

**Anniversary Date** means the Appointment Date.

**Break in service** means any separation from the classified service of one scheduled work-day or more, whether by resignation, lay-off, dismissal, disability, retirement; or an absence without leave of one work-week or more when the employee is subsequently re-employed. An authorized leave without pay shall not be considered as constituting a "break in service."

**Call-out time** means authorized time worked by an employee who, after departing from his or her shift, receives orders to return to work for emergency service.

**Candidate** means an applicant or employee who is under consideration for a position.

**Certification** means endorsement as meeting required minimum standards for a vacant position.

**Class** means a group of positions which are sufficiently alike in general duties and responsibilities to warrant the use of the same title, specification and pay range.

**Class specification** means a written description of a class, consisting of a class title, a general statement of the level of work and of the distinguishing features of work, some examples of duties and the desirable qualifications for the class.

**Class title** means the official title of the class as specified in the class specifications. The term applies to all positions allocated to the class and shall be used in all personnel and administrative processes, except that other titles may be used for purposes of internal administration and in any connection not involving the official personnel or payroll processes.

**Classification plan** means the official or approved system of grouping positions into appropriate classes, consisting of an index to the class specifications, the class specifications and rules for administering the classification plan.

**Classified service** means those positions identified in the Classification & Pay Schedule.

**Compensation** means the standard rates of pay which have been established for the respective classes of work, as set forth in the compensation plan.

**Compensation plan** means the official schedule of pay approved by Council assigning one or more rates of pay to each class title.

**Continuous service** means employment without interruption, except for absences on approved leaves or absences to serve in the Armed Forces of the United States.

**Demotion** means assignment of an employee from one class to another which has a lower maximum rate of pay.

**Department** means the primary organizational unit which is under the immediate charge of a department director who reports directly to the Town Manager.

**Dismissal** means involuntary separation from Town employment.

**Eligible** means a person whose name is on an appropriate employment list and who is not ineligible for appointment for other reasons.

**Eligible list** means the ranking of Eligibles for a vacancy in order of overall qualifications.

**Employee** means an individual who is legally employed by the Town and is compensated through the Town payroll for his or her services. Independent Contractors are not included.

**Examination** means the process of testing, evaluating or investigating the fitness and qualifications of applicants and employees.

**Exempt Employee** means an employee who is designated to be salaried, earns no overtime, and serves at the will of the Town Manager pursuant to the Fair Labor Standards Act.

**Full-time** means an employee whose normal work-period consists of forty (40) hours per period and may consist of law enforcement officers whose normal work-period consists of 84 hours pursuant to the provisions of Section 207(k) of the Fair Labor Standards Act.

**Grievance** means a wrong, real or imagined, considered by an employee as grounds for complaint.

**Lay-off** means the involuntary non-disciplinary separation of an employee from a position.

**Leave** means any authorized absence during regularly scheduled working hours that has been approved by the proper authority. Leave may be authorized with or without pay. Absence without leave is considered unauthorized absence.

**Non-Exempt Employee** means an employee who is paid hourly and earns overtime pursuant to the Fair Labor Standards Act.

**Open examination** means an examination open to the public and not limited to employees in Town service.

**Overtime** means authorized time worked by a non-exempt employee in excess of scheduled work-period hours.

**Overtime pay** means compensation paid to an employee for overtime work.

**Part-time appointment** means an appointment which consists of no more than 35 hours per week.

**Part-time employee** means an individual who works any arrangement of hours weekly but no more than 35 except in unusual circumstances. Part-time employees may be eligible for pension benefits, group health, life and dental insurance, and annual leave benefits on a prorated basis only and depending on the terms of the benefit plans.

**Pay range** means the range of pay available to a class of positions.

**Pay rate** means a specific dollar amount, expressed as an annual rate, a bi-weekly rate or an hourly rate, as shown in the pay plan of the Town.

**Permanent position** means a group of duties and responsibilities requiring the employment of one person on a regular schedule throughout the year.

**Position** means any office or employment, whether occupied or vacant, full-time or part-time, consisting of duties and responsibilities assigned to one individual by competent authority.

**Probationary period** means a working test period of nine months duration (eighteen months for shift workers) during which an employee is required to demonstrate his fitness by actual performance of the duties for the class to which he is appointed.

**Promotion** means assignment of an employee from one class to another which has a higher maximum rate of pay.

**Reclassification** means the movement of an employee to a different class because of a change in duties and responsibilities.

**Regular appointment** means an appointment without time limitation, or special restrictions as to continued employment, to a permanent position authorized to be filled and made as a result of a certification as prescribed by this Policy.

**Regular employee** means an individual receiving a regular appointment in either the classified or unclassified service.

**Seasonal employee** means an employee who works for a set amount of time. Such employment shall be considered an unclassified service. A seasonal employee is only paid for the hours he or she works.

**Separation** means leaving a position by any type of action, including resignation, lay-off, dismissal, removal, disability and death.

**Suspension** means an enforced leave of absence for disciplinary purposes or pending investigation of charges made against an employee.

**Temporary appointment** means an appointment to a position authorized to be filled for a limited period and made as a result of a certification as prescribed by this Policy.

**Temporary employee** means an individual whose appointment to a temporary position falls under the rules of unclassified service. A temporary employee is only paid for the hours he or she works.

**Temporary position** means a group of duties and responsibilities requiring the temporary employment of one person on either a full-time or part-time hourly basis.

**Transfer** means the movement of an employee within or between departments, divisions or classes.

**Unclassified service** means offices and positions that are appointed by Council, including Council itself. The term also includes temporary and seasonal employees.

**Vacancy** means a position which has been newly established or which has been vacated by a previous incumbent.

**Work-day** means the scheduled number of hours an employee is required to work per day.

**Work-period** means the scheduled number of hours an employee is required to work before overtime rates are paid.

**Work-week** means the seven (7) consecutive days in each calendar week, Thursday through Wednesday.

## **Section 2:                   DECLARATION OF POLICY.**

It is the declared personnel policy of the Town that:

- (a) Employment in the Town government shall be based on merit and fitness, free of personal and political considerations.
- (b) Conditions of employment shall encourage employees to initiate and continue efficient and economical operation of Town business.
- (c) Positions with similar duties and responsibilities shall be classified and compensated on an equitable and uniform basis at the highest level consistent with the economic capability of the Town.
- (d) All personnel actions shall be based on a comprehensive evaluation of an individual's qualifications to perform duties and responsibilities of the position and meet working standards for Town employees.
- (e) The rights and interests of employees shall be respected, consistent with the interests of the Town and the public through a fair administration in accordance with the Personnel Management Resolution.
- (f) High morale shall be promoted by fair administration in accordance with the Personnel Management Resolution.
- (g) Every employee has a moral obligation and must exhibit professional conduct which is expected to comply with the spirit and intent of this merit system.

## **Section 3:                   DIVISION OF POSITIONS INTO CLASSIFIED AND UNCLASSIFIED SERVICE.**

All offices and positions in the Town government are hereby divided into the classified and unclassified service.

## **Section 4:                   UNCLASSIFIED SERVICE.**

The unclassified service shall include the following:

- (a) All elected officials and members of boards and commissions;
- (b) Persons appointed to fill vacancies in elected offices;
- (c) Officials appointed by Council;
- (d) Volunteer personnel and personnel appointed to serve without pay.
- (e) Seasonal employees; and
- (f) Temporary employees.

**Section 5: CLASSIFIED SERVICE.**

The classified service includes all positions appointed by the Town Manager which do not fall under the Unclassified Service. These positions are identified in the Classification Plan and as amended from time to time.

**Section 6: TOWN MANAGER COVERED BY CERTAIN PROVISIONS OF CLASSIFIED SERVICE.**

The Town Manager is in the Unclassified Service but shall be considered a regular employee and shall be entitled to the benefits provided in this Resolution unless amended by written agreement with the Council. All other conditions of employment shall be specified in the Town Charter or by Council.

**Section 7: WORKING CONDITIONS; EMPLOYEE WELFARE.**

The Town shall strive to promote measures directed toward more sanitary, safe and healthful working conditions, toward affording facilities for employees' recreation, security and economic advantage such as by means of group insurance, group health, etc. for the purpose of bettering the conditions and improving the morale of Town employees.

**Section 8: STANDARDS OF CONDUCT.**

It shall be the duty of all employees to maintain high standards of cooperation, efficiency and economy in their work. Any conduct which is unbecoming an employee of the Town shall be grounds for disciplinary action as provided under this resolution.

The Town does not discriminate against any person when applying for a job, on the job, or in the terms and conditions of employment because of race, color, national origin, gender, sex, religion, disability, age, marital status, family status, citizenship, sexual orientation or any other form of unlawful discrimination.

**Section 9: PECUNIARY INTERESTS PROHIBITED.**

As prescribed by Florida Statutes 112.313; Standards of conduct for public officers, employees of agencies, and local government attorneys.

**Section 10: POLITICAL ACTIVITY.**

It is the intent of Council that Town employees should not be subjected to direct or indirect political activities. Accordingly:

- (a) All officers and employees of the Town may become candidates for nomination or election to any public office, with the exception of the office of Councilmember of the Town. If an employee wishes to seek office as a Councilmember, he or she shall resign employment with the Town. If the employee's bid for office is unsuccessful he or she may then apply for any available position with the Town.
- (b) No officer or employee of the Town shall use his official authority or influence on any other officer or employee for the purpose of interfering with an election or a nomination for office or affecting the result thereof (except by casting a vote).
- (c) No officer or employee of the Town shall directly or indirectly coerce, attempt to coerce command or advise any other such officer or employee to pay, lend or contribute any part of his or her salary or compensation or anything else of value to any party, committee, organization, agency or person for political purposes.
- (d) Violations of subsections (b) and (c) hereof by officers or employees of the Town, other than Councilmembers, shall subject such officers or employees to the procedures set forth in this resolution.

**Article II**  
**Administration of Personnel Program**

**Section 11: Responsibilities of Town Manager or designee.**  
**Section 12: Delegation of authority and records maintenance.**

**Section 11: RESPONSIBILITIES OF TOWN MANAGER OR  
DESIGNEE.**

The personnel program established by this Resolution shall be administered by the Town Manager or his or her designee. The Town Manager or his or her designee:

- (a) Shall develop, maintain and apply procedures for the recruitment, compensation, promotion, training and disciplining of Town personnel and related aspects of personnel management;
- (b) Shall develop and maintain a classification and comprehensive pay plan; and
- (c) Shall develop and issue such other supplemental personnel rules as are necessary for the effective implementation of this Resolution.

**Section 12: DELEGATION OF AUTHORITY AND RECORDS  
MAINTENANCE.**

- (a) The Town Manager may delegate, in writing, to department directors the authority to promote, suspend, transfer or take any other established personnel action for employees in that particular department. This authority may not be re-delegated by department directors, and the delegation shall not change any provision of the Town Charter.
- (b) The Town Manager shall maintain an adequate record of his or her official acts under this Resolution and the employment record of every employee.
- (c) Department directors shall promptly submit data on proposed appointments, status changes or separation pertaining to the classified service at such time, in such form and with such supporting information as this Resolution prescribes or as the Town Manager deems necessary.

**Article III**  
**Recruitment, Selection and Appointment of Employees**

- Section 13: Recruitment policy.**
- Section 14: Eligibility and requirements.**
- Section 15: Applications.**
- Section 16: Background checks.**
- Section 17: Competitive examinations.**
- Section 18: Publishing notices of examinations.**
- Section 19: Physical and psychiatric examinations.**
- Section 20: Removal of names from consideration.**
- Section 21: Notification of rejection.**
- Section 22: Appointments.**
- Section 23: Nepotism.**
- Section 24: Employee development program.**

**Section 13: RECRUITMENT POLICY.**

To most effectively serve the needs of the community, it shall be the policy of the Town to carry on such recruitment programs as are necessary to seek out and secure the most qualified individuals to fill positions at all levels of Town service.

**Section 14: ELIGIBILITY AND REQUIREMENTS.**

Competition for a position in the Town Service shall be open to all applicants who meet the standard qualifications established for the class or position applied for and who are at least eighteen years of age with the following exceptions: (1) police, who must be at least nineteen years of age; and (2) temporary and seasonal employees, who must be at least sixteen years of age. No person shall in any way be favored or discriminated against because of impermissible criteria such as race, color, national origin, sex, religion, political affiliation, age, sexual orientation, citizenship, marital status, familial status, a disability which will not interfere with the adequate performance of duties with or without reasonable accommodation or any other form of unlawful discrimination. Applicants claiming Veteran's Preference pursuant to Federal Law will receive additional consideration by either adding 5 points to an established written or oral test or by receiving an interview for those positions without a formal test.

**Section 15: APPLICATIONS.**

Applications for employment shall be accepted at the Town's discretion. Unsolicited applications may not be considered for openings arising after the date the application is submitted. A candidate shall be considered for the position applied for. Each candidate for Town employment shall make application on the standard form approved by the Town Manager.

**Section 16: BACKGROUND CHECKS.**

As part of the pre-employment procedure, former supervisors, employers and references provided by candidates on the standard application form shall be checked as a precaution against obtaining undesirable employees. Reference checks made by personal or telephone contact shall be documented and made a part of the applicant's file. These reference checks shall be completed prior to an offer of employment and the information shall be made a part of the application file. All such information shall be handled as privileged information to the extent permitted by law.

In addition to reference checks, the Town may perform other background checks including but not limited to criminal backgrounds, credit histories and drug screenings. Any information received as part of such checks shall be handled as privileged information to the extent permitted by law.

**Section 17: COMPETITIVE EXAMINATIONS.**

All applicants for positions in the classified service may be subject to competitive examination. The examination shall pertain to those matters which test fairly the capacity and fitness of the candidate to perform the essential job functions of the class for which the examination is held. Examinations may be individually or in a group and may include written, oral, physical, psychological measurement or performance tests, or any combination thereof. They may take into consideration such factors as education, experience, aptitude, knowledge, character, physical ability to perform the job or other qualifications which enter into the determination of the relative ability of applicants. All selection devices, including specialized testing of applicants, must conform to applicable federal and state laws.

**Section 18: PUBLISHING NOTICES OF EXAMINATIONS.**

All examinations for positions in the classified service shall be published by posting announcements of the same on the official departmental bulletin boards and in such other places as the Town Manager deems advisable.

**Section 19: PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS.**

Appointment and continued employment in the classified service may be contingent upon the candidate or incumbent satisfactorily passing a physical examination to ensure that physical standards prescribed for the different classes of positions by the Town Manager are met. After a conditional offer of employment all required examinations may be paid for by the applicant or Town and may be given by physicians designated by the Town. The results of the examinations will be evaluated against the criteria of whether the person could perform the particular required duties without hazard to themselves or others.

Conditional offer of employment physical or psychological examinations shall be passed prior to selection for all sworn positions in the Police Department or any other position requiring a high degree of physical fitness.

Pre-employment physical examinations for other types of positions shall be passed prior to actual employment should a physical examination be required by the Town Manager. However, these examinations may be delayed until after the appointment, provided that the employment offer and appointment are made subject to satisfactorily passing the prescribed physical examination.

Physical examinations may include drug screenings pursuant to the Town's Drug-Free Workplace policy noted in Article IX of this Policy.

Employees may be required by the Town Manager to pass physical and/or psychological examinations at any time to ensure their continued fitness for duty. However, such examinations shall be limited to a determination of fitness for duty.

**Section 20:                   REMOVAL OF NAMES FROM CONSIDERATION.**

The Town Manager may remove from further consideration at any time the application of any applicant who:

- (a) Does not possess the minimum qualifications required for the position applied for;
- (b) Has established an unsatisfactory employment, criminal, or personal record as evidenced by reference checks of such a nature as to demonstrate unsuitability for employment;
- (c) Has made a false statement of any material fact or practiced deception in his application;
- (d) Is afflicted with any mental or physical disqualifying disease or defect that would prevent satisfactory performance of duties even with reasonable accommodation;
- (e) Has been convicted of crimes other than minor traffic violations;
- (f) Does not reply to a mail inquiry within five days or does not return a telephone inquiry within two days.
- (g) Fails to accept appointment within two days or to report for duty within a reasonable time prescribed in the offer;
- (h) Fails to file by the announced closing date for receiving applications unless prior to such date an extension has been publicly announced.

**Section 21:                   NOTIFICATION OF REJECTION.**

Whenever the Town Manager decides to reject an application, the applicant may be notified in writing of such rejection. Applications, whether accepted or rejected, shall remain on file and shall not be returned. Applications will be disposed of as prescribed by State regulations.

**Section 22: APPOINTMENTS.**

All vacancies in the classified service may be filled by regular appointment, promotion, transfer or demotion. Employees are appointed to positions that are regular or temporary appointments as necessary.

- (a) Regular appointment indicates that the employee is to work for the Town on a continuing basis. Every regular employee shall serve a probationary period of nine months after original appointment, except for a sworn police officer, police sergeant, communications records specialist and communications records supervisor, who shall serve an 18 month probationary period. The probationary period shall be regarded as an integral part of the evaluation process and shall be utilized for closely observing the employee's work, for obtaining the most effective adjustment of a new employee to his position and for separating any new employee whose performance does not meet the required standards.

During the probationary period, interim performance ratings shall be made on all probationary employees. The first report is due at the end of three months employment and the second is due at the end of the sixth month (sixth, twelfth, and eighteenth months for those employees serving the eighteen month probationary period).

The probationary period, applicable to both new and promoted employees, is an extension of the examining process. It enables supervisors to observe the individual employee on the job and to determine the presence or absence of various factors necessary for successful job performance which cannot be determined or measured by pre-employment examination or interview.

- (b) The status of the appointment shall not be changed from probationary to regular until a certification is made by the department director in writing to the Town Manager that the employee's services are satisfactory. An employee shall not acquire full status as a regular employee until approved by the Town Manager. If, after a period of one week following the end of the probationary period, the department director does not certify to regular appointment, the employee may be removed from the position immediately.
- (c) Temporary appointment indicates that the employee is to work for the Town for an undetermined amount of time. If the appointment of an employee is changed from temporary to regular, crediting of any leave (if eligible) becomes retroactive to the date of the original appointment, provided there has been no break in service as defined in Section 1. The pay of temporary employees shall be computed on an hourly basis and no pay shall be given for time not worked, except as otherwise provided herein. Temporary employees may be separated at any time when their services are no longer required. (The separation is not subject to the rules under Article IX.)

**Section 23: NEPOTISM.**

No spouse, significant other, children, mother, father, brother, sister, mother-in-law, father-in-law, step-child, foster child, grandparent, or legal guardian of employees, elected officials, or appointed board members shall be considered for employment. And any other blood or marriage related relatives shall not be considered for employment if directly supervised by their relative.

**Section 24: EMPLOYEE DEVELOPMENT PROGRAM.**

It shall be the responsibility of the Town Manager to foster and promote programs of training for the Town service and in-service training of employees for the purpose of improving the quality of personal services rendered to the Town and of aiding employees to equip them for advancement in the service. The Town Manager shall:

- (a) See that training is carried out as approved;
- (b) Provide assistance to department directors in developing and conducting training to meet the specific needs of their departments in the developing and utilizing other techniques for increasing employee efficiency;
- (c) Develop or provide supervisory and management training and other types of employee development programs common to all departments;
- (d) Provide assistance to department directors in establishing standards of performance and procedures for evaluating employee efficiency;
- (e) Make available information concerning requirements and training opportunities in order to guide employees in increasing their efficiency in their present positions and in preparing themselves for promotions to higher positions in the Town service; and
- (f) Keep a record of all approved training courses and programs of each employee.

**Article IV  
Classification Plan**

- Section 25:**           **General requirements for classification of positions.**  
**Section 26:**           **Town Manager to establish and maintain descriptions and specifications for classes.**  
**Section 27:**           **Position classification studies.**  
**Section 28:**           **Job descriptions and specifications.**  
**Section 29:**           **Classification and Pay Schedule.**  
**Section 30:**           **Allocation of positions; change of essential functions; new positions.**  
**Section 31:**           **Requests for reclassification.**  
**Section 32:**           **Method of filling reclassified positions.**  
**Section 33:**           **When employee to remain in reclassified position.**  
**Section 34:**           **Evidence of fitness for reclassified positions.**
- Section 25:**           **GENERAL REQUIREMENTS FOR CLASSIFICATION OF POSITIONS.**

All positions in the classified service shall be grouped into classes and each class shall include those positions sufficiently similar as to character, difficulty and responsibility that:

- (a) Descriptive Title. The same descriptive title may be used to designate each position in the class.
- (b) Experience, Etc. The same level of education, experience, knowledge, skills, ability and other qualifications may be required of incumbents.
- (c) Fitness. Similar tests of fitness may be used to select incumbents.
- (d) Range of Compensation. The same range of compensation will apply with equity under substantially the same employment conditions.

**Section 26:**           **TOWN MANAGER TO ESTABLISH AND MAINTAIN DESCRIPTIONS AND SPECIFICATIONS FOR CLASSES.**

The Town Manager shall maintain a complete set of job descriptions and specifications for all classes in the classified service. Such job descriptions and specifications shall include identification, general summary, essential job functions, knowledge, skills and abilities, education and experience, physical requirements and/or working conditions and discretionary statements. Such specifications shall be reviewed by the Town Manager periodically with a view to maintaining their accuracy. The establishment of new or revised classes, or the abolishment of existing classes, shall be at the discretion of the Town Manager.

**Section 27: POSITION CLASSIFICATION STUDIES.**

The Town Manager shall make position classification studies (which may include compensation and benefits) of individual positions or groups of positions whenever he or she deems it necessary, whenever the essential job functions or responsibilities of existing positions have undergone significant changes or whenever new positions are to be created.

**Section 28: JOB DESCRIPTIONS AND SPECIFICATIONS.**

In determining the class to which any position shall be allocated, the job descriptions and specifications of each class shall be considered as a whole. The class job description and specifications shall be descriptive and explanatory and are not restrictive. The use of a particular expression or illustration as to essential job functions, knowledge, skills, abilities, qualifications or other attributes shall not be held to exclude others not mentioned, if such others are similar in kind or quality, and shall not limit the power of supervisors to alter the detailed tasks involved in the duties of a position. Qualifications expected of all incumbents of positions, such as a valid driver's license (if the position requires driving), honesty, sobriety, courtesy and industry, shall be deemed to be implied in the qualification requirements of each class even though not specifically mentioned in the class job description and specification.

**Section 29: CLASSIFICATION AND PAY SCHEDULE.**

The Classification and Pay Schedule will include the class (position) titles and the pay ranges and will take effect every October 1<sup>st</sup> with the adoption of the annual operating budget. The Town Manager, at any time and at his or her discretion, shall determine and fix the pay of all classified positions within the range limits set forth by the Town Council in the Classification and Pay Schedule.

**Section 30: ALLOCATION OF POSITIONS; CHANGE OF ESSENTIAL FUNCTIONS; NEW POSITIONS.**

Department Directors shall notify the Town Manager promptly of each change of essential job functions, responsibilities or work assignment. Whenever a new position is established, Department Directors shall submit, in writing, a comprehensive job description and specification of such position. The Town Manager shall thereupon investigate the actual or suggested job description and shall classify the position by assigning it to the appropriate class or initiate the establishment of a new class.

**Section 31:                   REQUESTS FOR RECLASSIFICATION.**

Any employee who considers his position improperly classified shall first submit his request for reclassification to his Department Director who shall review such request as to its justification. If the Department Director finds that there is merit in the request, he or she shall immediately transmit his recommendation to the Town Manager. If the Department Director finds that the request is not justified, he shall so advise the employee of the decision and also of the employee's right to appeal under the grievance procedure set forth in Article XI.

**Section 32:                   METHOD OF FILLING RECLASSIFIED POSITIONS.**

Upon the reclassification of a position from one class to another class of the same level, a lower level or a higher level, the method of filling the position shall be determined in accordance with the rules regarding transfers, demotions or promotions, as may be appropriate.

**Section 33:                   WHEN EMPLOYEE TO REMAIN IN RECLASSIFIED POSITION.**

An employee occupying a reclassified position at the same grade level shall continue in the position if the change is in class title only, or if the change is in recognition of a gradual change in duties and the employee has been satisfactory or better in performance of the duties of the position including the new or changed duties.

**Section 34:                   EVIDENCE OF FITNESS FOR RECLASSIFIED POSITIONS.**

The Town Manager may, before recognizing an employee's right to retain a position reclassified to a higher level, require evidence of the qualifications and fitness of the incumbent, including hearings, investigations and non-competitive examinations.

**Article V  
Pay Plan**

- Section 35:** Establishment of pay plan.  
**Section 36:** Compensation in lieu of fees, commissions, etc.  
**Section 37:** Rates for full-time and part-time employment.  
**Section 38:** Studies of factors affecting salary levels.  
**Section 39:** Pay schedule for classified service.  
**Section 40:** Beginning rate for new employees.  
**Section 41:** Method for within range salary increases.  
**Section 42:** Requirement for pay increases.  
**Section 43:** Consideration for advancement; creditable employment.  
**Section 44:** Bonus increase for exceptional service generally.  
**Section 45:** Longevity-Deleted per Resolution 2007-14.  
**Section 46:** Pay rates after promotion, demotion or transfer.  
**Section 47:** Recall pay rates.  
**Section 48:** Police details beyond normal police and fire hours and functions.

**Section 35: ESTABLISHMENT OF PAY PLAN.**

The Town Council shall determine the pay plan and may amend the plan from time to time. The pay plan shall be re-examined annually by the Town Manager who shall submit recommendations for changes to Council. In making such re-examination and recommendations, the Town Manager shall include and give appropriate consideration to the following factors:

- (a) Maintenance of equitable relationships between classes based on their relative duties;
- (b) The general level of rates in the appropriate municipal labor markets for comparable work under similar working conditions; and
- (c) Current recruitment and retention experiences; and
- (d) The Town's financial position and resources.

**Section 36: COMPENSATION IN LIEU OF FEES, COMMISSIONS, ETC.**

The compensation of officers and employees, as fixed or otherwise provided for herein shall be in full payment for all official services of such officers or employees and shall be in lieu of any and all fees, commissions and other compensation which may be receivable by such officers in the performance of the duties of their offices. Such fees, commissions and compensation shall belong to the Town, shall be collected and accounted for by such officers and shall be paid over to the Town. This, however, does not preclude the granting of fringe benefits, such as overtime pay, leave, retirement, insurance, etc.

**Section 37: RATES FOR FULL-TIME AND PART-TIME EMPLOYMENT.**

The rates of pay prescribed are for full-time employment. Compensation for a work-week of less than the full-time schedule (see Article VII) shall be in proportion to the time actually worked, except as otherwise specifically provided.

**Section 38: STUDIES OF FACTORS AFFECTING SALARY LEVELS.**

The Town Manager shall make comparative studies of factors affecting the level of salary ranges. On the basis of information derived from the studies, requests for adjustments in salary ranges shall be initiated by the Town Manager and submitted to Council for approval. Such studies shall be conducted every five (5) years or sooner if the Town Manager determines a need for such a study.

**Section 39: PAY SCHEDULE FOR CLASSIFIED SERVICE.**

The pay schedule shall be established and take effect on October 1 of every fiscal year and shall be determined by the Town Manager and approved by the Town Council with the adoption of the annual operating budget. The pay schedule is a part of the Classification & Pay Schedule which includes the class (position) titles and the pay ranges.

**Section 40: BEGINNING RATE FOR NEW EMPLOYEES.**

The beginning rate for new employees will normally be the minimum rate in the established grade for his or her classification. In unusual situations, the Town Manager may approve a pay rate above the minimum rate:

- (a) Meet difficult recruiting problems or to obtain a person with markedly superior qualifications;
- (b) Correct salary inequalities or give credit for prior service;
- (c) Provide Police Officers with State Certification and at least two years of experience to begin 5% above the minimum rate; or
- (d) Recognize outstanding performance in a prior position within the Town.

**Section 41: METHOD FOR WITHIN RANGE SALARY INCREASES.**

After appointment or promotion, an employee shall be eligible for a pay increase of 2 1/2% above his or her entrance rate at the end of six months' service if approved by the Department Director and Town Manager. Upon completion of 12 months' service, an employee shall be eligible for a pay increase of 5% if approved by the Department Director and Town Manager. The date of the 12 month increase shall constitute the employee's anniversary date. Thereafter, for purposes of merit raises and increases in salary, employees shall be eligible for increase in salary as recommended by department directors and approved by the Town Manager pursuant to the Town's formal employee evaluation process.

Police Trainees shall be eligible for promotion to Police Officer and the appropriate pay range upon completion of the state certified training school.

Employees who reach the top of the pay range shall be eligible for a one-time merit bonus of up to 5% on their anniversary date pursuant to the Town's formal employee evaluation process.

**Section 42: REQUIREMENT FOR PAY INCREASES.**

For each employee to become eligible for an increase in pay not related to merit or Cost of Living Adjustments, the department directors shall submit written recommendations that the employee be granted or denied an increase in pay. If an employee's work has been properly and diligently performed, has been above average in light of the length of service in the position and has shown the improvement normally to be expected with increased periods of service and other factors considered relevant to employment, the department director or other person designated by the Town Manager shall recommend that the employee be granted an increase in pay. The Town Manager shall authorize or deny pay increases for Town employees as recommended, unless in the Town Manager's discretion the recommendation is deemed unsound.

Scheduled pay increases shall be made effective upon approval and eligibility or at the beginning of the pay period.

**Section 43: CONSIDERATION FOR ADVANCEMENT; CREDITABLE EMPLOYMENT.**

Service requirements for advancement within the pay schedule and for other purposes specified shall be based on the employee's continuous service. Some considerations are:

- (a) Leaves of absence with pay, FMLA leaves, and leaves of absence of thirty days or less without pay, shall not interrupt continuous service and are completely creditable.

- (b) Absences on leave without pay in excess of thirty days except FMLA leaves shall be deducted from total creditable service, but shall not constitute a break in continuous service.
- (c) Absences for extended service in the Armed Forces of the United States are completely creditable in computing total service.
- (d) Absences without approved leave of one work-week or more shall interrupt continuity of service and shall be deducted from total service.
- (e) Leave for injury in line of duty is completely creditable.

**Section 44:                   BONUS INCREASE FOR EXCEPTIONAL SERVICE  
  GENERALLY.**

An employee who performs the duties and responsibilities in his or her position in an outstanding manner may be considered for a bonus for exceptional service in an amount not to exceed five (5%) percent of his or her pay. The recommendation shall be written in detail to the Town Manager, showing precise justification and use of strict criteria. This increase shall be approved by Council upon the recommendation of the Town Manager. As standards for exceptional service, the following are recommended:

- (a) Exceptional service means that the employee, on his or her own initiative and by his or her own efforts and abilities, is rendering service above the level of proficiency normally expected in the class or is producing results consistently superior to that normally expected of employees in the class or a high level of professional development.
- (b) Exceptional service does not include unusual acts or results which are caused by unusual conditions beyond the control of the employee, to which he or she demonstrated a normal reaction under the circumstances.
- (c) The following are some examples of the kinds of performance which might be considered "exceptional service:"
  - (1) Developing or discovering a concept, technique, practice or procedure related to the work of the class which improves the quality of the service or results in financial savings. Developments of this character unrelated to the employee's own class or work should be recognized;
  - (2) Performing the work of his or her class at a standard consistently above that normally expected, with resulting improvement of service or financial savings;
  - (3) Consistently demonstrating ingenuity in the solution of difficult problems, with resulting improvement of service or financial savings; and
  - (4) Activity in community service or professional organizations on the employee's own time which contribute measurably to enhancing the prestige of the Town.

**Section 45: LONGEVITY-DELETED PER RESOLUTION 2007-14.**

**Section 46: PAY RATES AFTER PROMOTION, DEMOTION OR TRANSFER.**

When an employee is promoted, demoted or transferred, his or her rate of pay in the new position shall be established in accordance with the following:

- (a) Upon promotion, an employee shall receive a 5% pay increase or the minimum of his or her new pay range, whichever is greater.
- (b) Upon demotion, an employee's salary normally shall go back to the pay before the promotion. However, it shall be the responsibility of the Town Manager in each instance to determine the amount of the pay decrease, if any, upon demotion of an employee.
- (c) When an employee is transferred from a position of one class to a position of another class at the same range, he or she shall continue to be paid the same rate.

**Section 47: RECALL PAY RATES.**

Employees who are recalled to work by their supervisor after the completion of their regular work day shall receive a minimum of two hours pay at one and a half times their regular pay for each call, except when more than one call occurs during the same two hour period.

**Section 48: POLICE DETAILS BEYOND NORMAL POLICE HOURS AND FUNCTIONS.**

All members of the Police Department who are assigned for outside details approved or ordered by the Chief of Police, when such details are for a private activity and paid out of private funds, as compared to a governmental activity, shall be remunerated at the rate of pay established at the beginning of each fiscal year, as determined by the Chief of Police and approved by the Town Manager. Officers shall receive a minimum of three hours for each detail.

Police Supervisors shall receive the patrol officer's rate unless the detail specification requires a ranking officer, as determined by the Chief of Police.

**Article VI**  
**Promotions, Transfers and Demotions**

**Section 49: Promotions.**

**Section 50: Transfers.**

**Section 51: Demotions.**

**Section 49: PROMOTIONS.**

- (a) Promotions within Service. Promotions shall be from within service if possible. Qualified employees shall be considered for promotion to fill any vacant position in the classified service before outside applicants are considered.
- (b) Promotional Tests. Advancement within the service shall be through promotional tests as necessary which shall be open to all regular employees who meet the necessary requirements for the vacant position as determined by the Town Manager.
- (c) Encouragement of Employees. The Town encourages employees to develop skills, attain greater knowledge of their work and make known their qualifications for promotion to more responsible and more difficult positions.
- (d) Supervisors Not to Deny Permission to Apply for Promotion. No supervisor shall deny an employee permission to apply for a promotional opportunity in any Town office or department.
- (e) Probationary Period after Promotion. Employees shall serve a probationary period of nine months after promotional appointment or twelve months in the Police Department.
- (f) Probationary Employees Not Eligible to File for Promotional Examination. A probationary employee is not eligible to file for a promotional examination until he or she has acquired the status of a regular employee in such classification. Such regular status shall be as of the date of the official posted examination announcement. This provision may be waived by the Town Manager for unique circumstances.

**Section 50: TRANSFERS.**

- (a) Transfer of an employee from one position to another without change in range may be affected when:
  - (1) The employee meets the qualification requirements.
  - (2) It is in the best interest of the Town.
  - (3) Further training and development of an employee in another position would be beneficial to future staffing potential of the Town.
  - (4) It meets a personal need of the employee and is consistent with paragraphs (1) and (2) hereof.

- (b) Transfer of an employee from one position to another may be affected on a temporary basis because of an emergency, and the employee's range may be increased for the time during the emergency when the best interests of the Town are served.

**Section 51: DEMOTIONS.**

An employee may be demoted to a position of a lower range, for which he or she is qualified, for any of the following reasons:

- (a) When he or she would otherwise be laid off because his or her position is reclassified to a lower range; because of lack of work; because of lack of funds; or because of the return to work from authorized leave of another employee to such position in accordance with the rules on leave;
- (b) When he or she does not possess the necessary qualifications to render satisfactory service in the position he or she holds, or when removed during probation;
- (c) When he or she voluntarily requests such demotion; or
- (d) Inadequate performance.

**Article VII  
Hours of Work and Overtime**

- Section 52:** Normal work-period.
- Section 53:** Inclusion of meal periods as part of work-week.
- Section 54:** Overtime/Compensatory Time.
- Section 55:** Records.
- Section 56:** Exempt Employees.
- Section 57:** Emergency Hours.

**Section 52: NORMAL WORK-PERIOD.**

The number of hours a regular, non-exempt employee is required to be on duty each day, week or month shall, as far as practical, be uniform for all regular employees in the same class. The normal work-period for full-time regular non-exempt employees shall be 40 hours per work-week unless otherwise noted herein. The normal work-period for full-time law enforcement employees may be 84 hours in the established pay period that includes two (2) work-weeks.

The Town Manager may approve deviations from the normal work-week or work-period for an individual regular, non-exempt employee to suit the needs of the Town.

**Section 53: INCLUSION OF MEAL PERIODS AS PART OF WORK-WEEK.**

The Town Manager may authorize the inclusion of the meal period as time actually worked for shift-type positions.

**Section 54: OVERTIME/COMPENSATORY TIME.**

- (a) Overtime work shall be kept to a minimum and authorized by the Town Manager or his designee only under circumstances which call for immediate action or in special situations due to the nature of the operation or status of the activity. Except as hereinafter otherwise provided, no supervisor shall employ an individual for a work-period longer than the regularly scheduled work-period unless the employee is compensated from budgeted funds at a rate of one and one-half times the regular rate at which he or she is employed for all hours worked in excess of regularly scheduled hours.

Overtime will be paid or compensatory time granted for any work in excess of the normal work-period. Exempt employees are not entitled to either overtime or compensatory time. Compensatory time is leave time earned in lieu of being paid overtime. Therefore, it cannot be earned by exempt employees. Compensatory time is earned at 1.5 hours for every hour of overtime worked. Since

compensatory time is taken by employees who would prefer time off rather than pay for their overtime, it is restricted. Employees may not earn more than 60 hours of compensatory time in a fiscal year and any time left from the hours earned must be paid to the employee with the last payroll of the fiscal year. Employees who have earned compensatory time will be encouraged to take their time rather than receiving the end of year payout and employees who regularly take compensatory time but fail to use it may be restricted to overtime only.

- (b) Employees who are uniformed members of the Police Department, and who are certified officers, shall be considered law enforcement officers for the purpose of overtime compensation. Overtime rates for law enforcement officers generally include additional mandated wage incentives in the calculation of one and a half time their regular rate of pay.
- (c) Law enforcement officers shall be paid or compensatory time granted at overtime rates for work in excess of the established work-period pursuant to the provisions of Section 207(k) of the Fair Labor Standards Act except for Exempt employees.

**Section 55: RECORDS.**

An official record shall be maintained by the Finance Department, for all employees reflecting actual hours worked, call-out time and time in leave status by type of leave.

**Section 56: EXEMPT EMPLOYEES.**

Exempt employees may be required to work extended hours without overtime compensation. The Town Manager will take any extended hours into consideration when allowing time off for exempt employees above their Personal Leave Time.

**Section 57: EMERGENCY HOURS.**

Regular, non-exempt employees may be required to work extended hours due to emergencies such as hurricanes. The Town Manager will ensure that all employees have as much time as possible to take care of their personal needs before requiring such employees to arrive for duty. Any extended hours will be compensated pursuant to Section 54 above.

Exempt employees engaged in emergency preparations, response or recovery may be authorized by the Town Manager to receive additional recognition in the form of additional specialty pay or paid time off, at the Town Manager's discretion.

**Article VIII**  
**Leaves**

- Section 58:** Basis for granting leave; delegation of authority.  
**Section 59:** Maintenance of leave records.  
**Section 60:** Leave generally.  
**Section 61:** Accrual of Personal Leave Time.  
**Section 62:** Requests for Personal Leave Time; approval; limitations.  
**Section 63:** Computation of leave time for employees with work week changes.  
  
**Section 64:** Payment for unused Personal Leave Time.  
**Section 65:** Religious observances.  
**Section 66:** Advance Personal Leave Time.  
**Section 67:** Absence on non-work days.  
**Section 68:** Leave for injury or illness in line of duty.  
**Section 69:** Military leave.  
**Section 70:** Annual Personal Leave Time for reservists; compensation.  
**Section 71:** Compensation upon return from military leave.  
**Section 72:** Leave without pay.  
**Section 73:** Holidays.  
**Section 74:** Civil leave.  
**Section 75:** Administrative emergency leave.  
**Section 76:** Unauthorized/Unscheduled absences.  
**Section 77:** Maternity leave.  
**Section 78:** Bereavement leave.  
**Section 79:** Procedure for requesting leave.  
**Section 80:** Federal Family and Medical Leave Act (The “FMLA”)
- Section 58:** **BASIS FOR GRANTING LEAVE; DELEGATION OF AUTHORITY.**

Leave shall be granted in accordance with this Article on the basis of the work requirements of the departments and, whenever possible, the personal wishes of the employees. The Town Manager may delegate the authority to approve leave to department directors, who shall not have the power of re-delegation.

**Section 59: MAINTENANCE OF LEAVE RECORDS.**

The Finance Department shall be responsible for the maintenance of accurate leave records. Such records shall be kept on forms or in computer records prescribed by the Town Manager, who may periodically inspect them to ensure adherence to the provisions of this Resolution.

**Section 60: LEAVE GENERALLY.**

It is the policy of the Town to promote the efficiency, health and morale of employees through periodic interruption from their duties. Leave should be scheduled with due consideration to the needs of the activity, but supervisors should avoid conveying the impression that the non-use of annual leave is in itself desirable or commendable.

**Section 61: ACCRUAL OF PERSONAL LEAVE TIME.**

Full-time employees shall accrue Personal Leave Time (PLT) as follows:

- (1) From the beginning of employment to four (4) years of service employees will be credited with nineteen and one-half (19.5) days of PLT. This leave will be accrued by each employee at the rate of six hours for each bi-weekly pay period. Employees in this group must use a minimum of ten (10) days of PLT per year (80 hours). The remaining PLT (76 hours) or any part thereof as of September 30, may be paid to the employee at their rate of pay as of September 30, provided the employee has 240 hours in their leave bank. This check is to be issued with the second payroll of September.
- (2) Five (5) to nine (9) years of service employees will be credited with twenty six (26) days of PLT (208 hours). This leave will be accrued by each employee at the rate of 8 hours per bi-weekly pay period. Employees in this group must use a minimum of fifteen (15) days of PLT per year (120 hours). The remaining PLT (88 hours) or any part thereof as of September 30 may be paid to the employee at their rate of pay as of September 30, provided the employee has 240 hours in their leave bank. This check is to be issued with the second payroll of September.
- (3) Ten (10) to fifteen (15) years of service employees will be credited with twenty nine and one-quarter days (29.25) days of PLT (234 hours). This leave will be accrued by each employee at the rate of nine (9) hours per bi-weekly pay period. Employees in this group must use a minimum of twenty (20) days of PLT per year (160 hours). The remaining PLT (74 hours) or any part thereof as of September 30 may be paid to the employee at their rate of pay as of September 30, provided the employee has 240 hours in their leave bank. This check is to be issued with the second payroll of September.

- (4) Employees with more than fifteen (15) years of service will be credited with thirty-four and one-eighth (34.125) days of PLT (273). This leave will be accrued by each employee at the rate of ten and one-half (10.5) hours per bi-weekly pay period. Employees in this group must use a minimum of twenty (20) days of leave per year (160 hours). The remaining PLT (113 hours) or any part thereof as of September 30 may be paid to the employee at their rate of pay as of September 30, provided the employee has 240 hours in their leave bank. This check is to be issued with the second payroll of September.
- (5) All eligible employees are entitled to accumulate annual leave with no accumulated leave totaling more than 300 hours on September 30<sup>th</sup> of each year.

**Section 62:                   REQUESTS FOR PERSONAL LEAVE TIME; APPROVAL; LIMITATIONS.**

Requests for Personal Leave Time shall normally be submitted at least one month in advance of the proposed absence for leave of one week or more. Exceptions to this may be granted by the Town Manager for exceptional circumstances or when the time is used for illness. Exempt employees are encouraged to provide as much notice as possible for their leave requests but at no time less than the one month noted above. Approval shall be determined consistent with the desires of the employee and the work requirements of the Town.

The following rules shall apply to all requests for Personal Leave Time:

- (a) An employee shall have been employed for a continuous period of six months, before he or she is entitled to use Personal Leave Time unless an exception to this rule is authorized by the Town Manager.
- (b) Personal Leave Time granted shall not exceed the total amount accrued to an employee at the start of the bi-weekly pay period.
- (c) Unless an employee has a minimum balance of eight hours at the start of the bi-weekly pay period, he or she is not entitled to use Personal Leave Time.
- (d) Personal Leave Time shall not be granted when it is known that the employee does not expect to return to duty. Separations shall be effected as of the last day worked, except in the case of separations for disability or death.
- (e) To utilize unscheduled Personal Leave Time for illness, the employee must notify his/her supervisor prior to the beginning of the scheduled workday.

- (f) Unscheduled Personal Leave Time need not necessarily be granted. If advance Personal Leave Time has been requested and denied, unscheduled Personal Leave Time cannot be granted for the same time period unless approved by the Town Manager. If approved for a time period for which Personal Leave Time had been requested and denied, the Town Manager shall require appropriate certification verifying acceptable reasons for the need for leave or may determine that the taken leave is unauthorized pursuant to Section 76.
- (g) Employees may request payout of all accumulated Personal Leave Time up to the maximum accrual of 300 hours in connection with retirement programs or leaving employment as approved by the Town Manager.

**Section 63: COMPUTATION OF PERSONAL LEAVE TIME FOR EMPLOYEES WITH WORK WEEK CHANGES.**

Employees who change to a position with different work hours shall have their annual leave converted to an equivalent status.

**Section 64: PAYMENT FOR UNUSED PERSONAL LEAVE TIME.**

Upon separation, retirement or death, the employee or his or her estate shall be paid for the unused portion of his or her accrued Personal Leave Time, up to the maximum accrual of 300 hours and unless otherwise provided herein. Payment for any employees hired after January 1, 2007 will at the average rate of pay of the final three (3) years of service.

Under no circumstances will unused Personal Leave Time be paid for an employee who has failed to complete two full years of service unless authorized by the Town Manager.

**Section 65: RELIGIOUS OBSERVANCES.**

Absence for religious observances shall be approved by the Town Manager using available Personal Leave Time. If no Personal Leave Time is available, absence for religious observances shall be approved by the Town Manager without pay.

**Section 66: ADVANCE PERSONAL LEAVE TIME.**

- (a) Advance Personal Leave Time, not to exceed four work-weeks, may be granted by the Town Manager to regular employees after the first six months of employment in cases of serious disability or ailments when it is to the advantage of the Town to do so. This authority may not be delegated.

- (b) Requests for advance Personal Leave Time for illness shall be submitted in writing stating the circumstances and the need for such leave, the time and date when the accrued leave will be exhausted, and amount of advance leave requested, and the date to which such leave will extend.
- (c) Requests for advance Personal Leave Time shall be evaluated against the following considerations:
  - (1) The employee's past leave record;
  - (2) The nature, seriousness and extent of illness or disability;
  - (3) The probability of return to duty and prospect for continued employment;
  - (4) The probability of the employee liquidating the leave to be advanced.
- (d) Individuals who, upon separation from Town employment, are indebted for advance Personal Leave Time shall reimburse the Town, or appropriate deductions shall be made from his or her salary or any payouts due him or her.

**Section 67: ABSENCE ON NONWORK-DAYS.**

When a holiday comes during a leave of absence for which an employee receives compensation, the holiday will not be counted as part of the leave of absence.

**Section 68: LEAVE FOR INJURY OR ILLNESS IN LINE OF DUTY.**

Leave of absence shall be granted to regular employees who become incapacitated as a result of injury or occupational disease incurred through no misconduct of their own while during actual performance of duty in accordance with Workers Compensation rules regulations and policies. Every period of leave granted under this section shall be considered creditable service but shall not be charged to any other type of leave.

The employee may use Personal Leave Time and receive the difference between the workers compensation insurance payments; any other town provided insurance payments, and his regular salary, if any, for leave time due to injuries or illness in line of duty.

**Section 69: MILITARY LEAVE.**

As used in this section, "military duty" means:

- (1) Training and service performed by an inductee, enlistee or reservist, or any entrant into a temporary component of the Armed Forces of the United States;
- (2) Time spent in returning to and from such training and service, or if a rejection occurs, from the place of reporting thereof; and
- (3) Active duty training as a reservist in the Armed Forces of the United States where the call is for training only.

- (a) Any regular employee who leaves the Town service for military duty shall be placed on military leave without pay, such leave to extend through a date forty days after his release, or hospitalization continuing after release, for not more than one year.
- (b) A regular employee shall also be granted a leave of absence for the purpose of being inducted or otherwise entering military duty. If not accepted for such duty, the employee shall be reinstated in his position without loss of seniority or status and without reduction in his rate of pay. During such period, the employee shall for all purposes be considered to have rendered service and to have been compensated thereof at his regular rate of pay.
- (c) Such an employee, as mentioned in subsections (a) and (b) hereof, shall be entitled to restoration, provided he makes application thereof within forty days after the date of his release from duty under conditions other than dishonorable and is physically and mentally capable of performing the duties of the position involved.
- (d) An employee returning from military service shall normally be restored to the position which he vacated upon entering the military service. In the event that the vacated position no longer exists at the time he qualifies for return to work, such person shall be entitled to be re-employed in another existing position of the same class specification, provided such re-employment does not necessitate the laying off of another person with greater seniority.
- (f) A regular employee who leaves the service directly for military leave without pay may elect to be paid for any accrued Personal or compensatory leave as he may be entitled to if he were actually separating from the Town service. His decision shall be noted on the personnel action form affecting the leave. If the employee elects not to be paid for such leave, the accrued Personal Leave Time shall be reinstated upon return of the employee.

**Section 70:                   PERSONAL LEAVE TIME FOR RESERVISTS;  
  COMPENSATION.**

A regular employee who is a member of any reserve component of the United States Armed Forces or the National Guard will be allowed leave of absence for required training or duty without loss of pay for seventeen (17) days each year. In the event that the time of such training is optional, the time shall be designated at the discretion of the Town Manager. By loss of pay it is meant that the Town shall make up the difference of the pay received from military training and the employee's normal salary. The employee must advise his or her immediate supervisor of the annual field duty. A copy of the military orders must be included with the request for military leave.

**Section 71:                   COMPENSATION UPON RETURN FROM MILITARY LEAVE.**

If, in the opinion of the Town Manager, the military duties of an employee on military leave were closely related to his duties as a Town employee and constituted an addition to his training and experience for Town work, the employee, when returned from his military leave, may be given a pay rate not higher than that which he would have attained had he remained in continuous employment.

**Section 72:                   LEAVE WITHOUT PAY.**

The Town Manager may grant regular employees leave without pay for a period not to exceed one (1) year, subject to the following conditions:

- (a) Leave without pay may be granted only when it is in the interests of the Town to do so. The needs of the employee shall be considered when he has shown by his record to be of more than average value to the Town and when it is desirable to retain the employee even at some sacrifice.
- (b) During an employee's approved leave of absence, his position may be filled by temporary appointment, a temporary promotion or detail of another employee. At the expiration of a leave without pay, the employee has the right to, and shall be reinstated in, the position he vacated if the position still exists or, if not, to any other vacant position in the same class. If this is not possible, he shall be transferred to another position for which he qualifies and for which a vacancy exists, or normal lay-off procedures shall be used to assign the employee to a position or to determine which employee shall be separated.
- (c) Approved leave without pay shall not constitute a break in service.
- (d) Failure on the part of the employee to report promptly at the expiration of a leave without pay may be cause for dismissal.
- (e) With respect to benefits, including salary and wages, paid by the Town to any employee pursuant to the above, the Town shall be subrogated to all rights the employee may have against any person causing the amount paid by the Town.

**Section 73:                   HOLIDAYS.**

- (a) The following holidays are observed by the Town and shall be granted to all employees without charge to leave, to regular employees with pay, and to temporary and seasonal employees without pay, unless such temporary or seasonal employees are required to be on scheduled duty:

New Years Day (January 1)  
Martin Luther King Jr.'s Birthday (Third Monday in January)  
President's Birthday (third Monday of February)  
Memorial Day (last Monday of May)  
Independence Day (July 4)  
Labor Day (first Monday of September)  
Armistice/Veteran's Day (November 11)  
Thanksgiving Day (fourth Thursday of November)  
Day after Thanksgiving (fourth Friday of November)  
Christmas Day (December 25)  
Floating Holiday (to be determined by Town Manager)

- (b) It shall be the policy of the Town to ensure that all regular employees enjoy the same number of holidays each year. They will be celebrated by regular employees working a forty-hour week, Thursday through Wednesday. For these groups, when a holiday falls on a Saturday, it shall be observed on the preceding Friday. When a holiday falls on a Sunday, the following Monday shall be observed as the holiday. For regular employees on a work week of other than Thursday through Wednesday, the Town Manager shall designate the work day that shall be observed.
- (c) Part-time employees shall be paid for observed holidays which fall on days for which they would otherwise be scheduled to work, according to the number of hours for which they are scheduled to work on that day.
- (d) In order to receive pay for an observed holiday, an employee must be in a work or paid leave status either the scheduled work-day immediately preceding or following the holiday, and not have been absent without authorization either the workday before or after the holiday.
- (e) The appointment or separation of a regular employee shall not be effected on a day to be observed as a holiday, except when the employee works that day.
- (f) Shift workers shall be paid eight (8) hours of pay for holidays as noted in Section 73(a).

**Section 74: CIVIL LEAVE.**

An employee shall be given necessary time off without loss of pay when:

- (a) Performing jury duty; however, jury fees received (other than meal or travel allowances) shall be returned to the Town.
- (b) Performing emergency civilian duty in connection with national defense or disasters; or
- (c) For the purpose of voting when the polls are not open at least one hour before or after the employee's scheduled hours of work.

**Section 75: ADMINISTRATIVE EMERGENCY LEAVE.**

The Town Manager may excuse employees from duty in emergency situations for short periods of time. Examples of emergencies are extreme weather conditions, disaster such as fire, flood or other natural phenomena which prevent employees from working or reporting to work, breakdown of machines, and emergency rescue or protection work.

**Section 76: UNAUTHORIZED/UNSCHEDULED ABSENCES.**

An employee who is absent from duty without approval shall receive no pay for the duration of the absence; and be subject to dismissal or other appropriate disciplinary action.

It is recognized that there may be extenuating circumstances for unauthorized absence and due consideration shall be given each case as to the type of leave to be approved or other appropriate disciplinary action.

Failure of an employee to report for work at the expiration of an authorized leave or to receive approval for an extension of such leave shall be considered an absence without leave.

Under ordinary circumstances, unavoidable or necessary absence from duty of less than one hour or tardiness may be excused without charge to leave if such absence or tardiness can be fully justified by the employee to his supervisor's satisfaction. Otherwise, such absence shall be handled administratively by requiring additional work, or by a charge against compensatory or Personal Leave time. If the employee is tardy, the supervisor shall determine the cause of the tardiness in order to plan with the employee the corrective steps to be taken to make up for the time absent.

If any employee shall, without proper authorization, be absent from duty, whether for part or all of a working day or for a longer period, such absence may be grounds for disciplinary action or discharge. Absence without leave for a period of five duty shifts may result in automatic termination of employment and separation from Town service.

**Section 77: MATERNITY LEAVE.**

Employees who have successfully completed twelve months of employment with the Town shall be granted a leave of absence in compliance with the Family Medical Leave Act and Section 80 of this Policy. Written application for maternity leave should be filed with the Town Manager at least sixty days prior to the start of such leave. Additional leave may be granted pursuant to Section 72.

**Section 78: BEREAVEMENT LEAVE.**

Leave for death in the immediate family which includes spouse, significant other, children, mother, father, brother, sister, mother-in-law, father-in-law, step-child, foster child, grandparent, and legal guardian shall be granted for a period not to exceed three days. Such leave shall not be charged to any other type of leave. Additional leave when required shall be charged to Personal Leave Time. The Town Manager has the discretion to approve other requests as she/he may feel appropriate.

**Section 79: PROCEDURE FOR REQUESTING LEAVE.**

For all leave other than official holiday, unscheduled Personal Leave Time and administrative emergency leave and leave for death in the family, a written request indicating the kind of leave, the duration and the dates of departure and return must be approved prior to the taking of leave. The request for leave should be submitted at least 30 days prior to beginning the leave for all leave one week or longer. In the case of leave for illness, the leave request shall be completed and submitted for approval immediately upon the employee's return to duty.

Unless an absence is substantiated by a leave request approved by the Town Manager or his designee, an employee shall not be paid for any absence from scheduled work hours.

**Section 80: FEDERAL FAMILY AND MEDICAL LEAVE ACT (THE "FMLA")**

Employees who have successfully completed probation with the Town may be granted unpaid leaves of absence in compliance with the Federal Family and Medical Leave Act for up to 12 weeks of leave time. Employees must notify Department Directors verbally or in writing 30 days before a foreseeable leave. Failure to do so may be cause for a delay of leave. Approved FMLA leaves may be substituted for paid leave using the employee's accrued Personal Leave Time. The Town's response to the employee request will provide required notifications and obligations of the Town and the employee. The Town will use the "rolling" 12-month period measured backward from the date an employee uses any leave under FMLA, for granting any subsequent FMLA leave. At the end of the FMLA leave, the employee will be reinstated to the same or an equivalent position unless his or her job has been eliminated or he or she is no longer able to perform his or her job. While on leave under the FMLA, an employee will be able to retain medical insurance coverage by paying their usual contributions. If the employee does not return to work, the Town may recover premiums it paid to maintain health insurance coverage for the employee while on FMLA leave. If an extended continuous leave is not needed, the employee may be granted a reduced hour schedule or intermittent time off in accordance with the FMLA.

**Article IX**  
**Separations and Disciplinary Actions**

- Section 81: Return of records, etc., prior to payment.**
- Section 82: Final payment and adjustments.**
- Section 83: Resignation.**
- Section 84: Lay-off.**
- Section 85: Dismissal.**
- Section 86: Termination during probationary period.**
- Section 87: Removal for disability.**
- Section 88: Death.**
- Section 89: Payment of compensation to estate.**
- Section 90: Disciplinary actions.**
- Section 91: Written reprimand.**
- Section 92: Suspension without pay.**
- Section 93: Drug-Free Workplace.**

**Section 81: RETURN OF RECORDS, ETC., PRIOR TO PAYMENT.**

At the time of separation and prior to final payment, all records, assets or other items of Town property in the employee's custody shall be transferred to the department director and a certification to this effect shall be executed by the departing employee. The employee shall reimburse the Town for the cost of any town property not returned. Any amount due because of a failure to return town property shall, at the option of the town, be withheld from the employee's final compensation or the town may seek the return of the property or the cost thereof through other appropriate action.

**Section 82: FINAL PAYMENT AND ADJUSTMENTS.**

Employees who separate shall receive payment for all earned salary and earned annual leave up to the maximum of 300 hours, subject to deduction for any indebtedness pursuant to Section 66 and Section 81.

**Section 83: RESIGNATION.**

An employee may resign by submitting in writing the reasons for the resignation and the effective date to their Department Director as far in advance as possible, but a minimum of two weeks notice is expected. Failure to comply with the requirement may cause the withholding of two weeks of leave benefit payments and may be cause for denying future employment with the Town. Up to two weeks payment in lieu of notice is acceptable where the Town Manager feels it is in the best interest of all parties involved.

**Section 84: LAY-OFF.**

When a position is discontinued or abolished because of a change in duties, reorganization, lack of work or lack of funds, the department director shall submit a report to the Town Manager, together with a recommendation as to whether or not an employee should be laid off.

The Town Manager shall determine the order of lay-off of employees. Whenever it becomes necessary to increase the working forces, laid-off employees shall be recalled in the reverse order of their lay-off before any new help is hired.

Regular employees subject to lay-off shall be notified, in writing, two calendar weeks prior to the effective date, whenever possible.

Employees who are laid off shall, upon request, be placed on the open examination list for any class for which they are qualified.

**Section 85: DISMISSAL.**

The Town Manager may dismiss any employee for the good of the Town service for any of the following reasons:

- (a) Failure to meet prescribed standards of work, morality and ethics to an extent that makes an employee unsuitable for any kind of employment in the Town service;
- (b) Theft or destruction of Town property;
- (c) Incompetence, inefficiency or negligence in the performance of duties;
- (d) Insubordination that constitutes a serious breach of discipline;
- (e) Conviction of a criminal offense;
- (f) Notoriously disgraceful personal conduct;
- (g) Unauthorized absences or abuse of leave privileges;
- (h) Acceptance of any valuable consideration which was given with the expectation of influencing the employee in the performance of his duties;
- (i) Falsification of records.
- (j) Use of official position for personal advantage.
- (k) Willful violation of the provisions of law or of these rules.
- (l) Violation of written departmental rules.

The employee shall be furnished an advance written notice containing the reasons for the dismissal and his or her right to answer the charges, orally or in writing. This notice shall be furnished at least two calendar weeks prior to the proposed effective date of termination of employment during which time the employee may be retained in duty status, placed on leave or suspended with or without pay, at the discretion of the Town Manager. If the Town Manager feels the continued employment of the employee constitutes an immediate danger or threat to the Town or its employees, this notice shall be effective immediately.

If the employee fails to respond to the notice, the dismissal shall be effective on the date specified with no need for further action. Otherwise, the Town Manager shall carefully consider the reply of the employee before making a final decision, and at the earliest possible moment shall transmit to the employee a letter containing his final decision. The Town Manager shall have the discretion to settle all disputes about separations.

At the request of the employee, a hearing before the Town Manager may be requested, in writing to the Town Manager, within three days from the dismissal notice.

It is the policy of the Town not to rehire former employees who have been dismissed or who resigned while charges were pending under this section.

**Section 86:                   TERMINATION DURING PROBATIONARY PERIOD.**

- (a) At any time during the probationary period, the Town Manager may separate an employee whose performance does not meet the required standards.
- (b) Notice of the termination shall be furnished to the employee verbally and confirmed in writing including the reasons for the termination.
- (c) An employee separated during the probationary period is not entitled to advance notice or to a hearing.

**Section 87:                   REMOVAL FOR DISABILITY.**

An employee may be separated for disability when he or she cannot perform the required duties of their position or sufficient accommodations cannot be made because of physical or mental impairment pursuant to Americans with Disability Act. Action may be initiated by the employee, his or her legal representative or the Town, but in all cases such action must be supported by medical evidence acceptable to the Town Manager. The Town may require an examination at its expense and performed by a physician of its choice.

**Section 88:                   DEATH.**

Separation shall be effective as of the date of death.

**Section 89: PAYMENT OF COMPENSATION TO ESTATE.**

All compensation due in accordance with Section 82 shall be paid to the estate of the employee, except for such sums as by law must be paid to the surviving spouse.

**Section 90: DISCIPLINARY ACTIONS.**

Whenever an employee's performance, attitude, work habits or personal conduct at any time falls below a desirable level, the supervisor shall inform him/her promptly and specifically of such lapses and give counsel and assistance. If appropriate and justified, a reasonable period of time for improvement may be allowed before initiating a disciplinary action. In some instances, a specific incident may justify severe disciplinary action in and of itself. However, the action to be taken depends on the seriousness of the incident and the whole pattern of the employee's past performance and conduct.

Sections 91 and 92 outline disciplinary actions beyond oral counseling but less severe than termination. Supervisors are encouraged to utilize progressive discipline which entails less severe discipline to correct problems with more severe discipline following if the problem is not corrected.

**Section 91: WRITTEN REPRIMAND.**

In situations where an oral warning has not resulted in expected improvements, or where more severe initial action is warranted, a written reprimand shall be sent to the employee and a copy shall be placed in the employee's personnel folder.

**Section 92: SUSPENSION WITHOUT PAY.**

An employee may be suspended by his/her department director without pay for any of the reasons listed in Section 85 when alternate personnel actions are not appropriate or have already been utilized unsuccessfully. The employee shall be furnished an advance written notice (except as provided below) containing the nature of the proposed action, the reasons for the action and his or her right to answer the charges orally or in writing. This notice shall be furnished at least twenty-four hours prior to the proposed effective date of the action. If the employee fails to respond to the advance notice, the proposed action shall be effective on the date specified with no need for future action. If the employee replies, his answer shall be carefully considered before a decision is reached. A final written decision shall be furnished.

An immediate suspension may be made when the Town Manager determines that it is in the best interest of the Town. Justification for such action may include, but is not limited to, shortage of funds, unlawful use of property, insubordination, intoxication on duty or arrest for a crime.

**Section 93: DRUG-FREE WORKPLACE.**

The Town of Juno Beach has established a Drug-Free Workplace Program. This program is intended to comply with Section 440.102 of the Florida Workers' Compensation Law (Chapter 440). In adopting a Drug-Free Workplace Program it is the Town's intent to maximize levels of productivity, enhance the Town's competitive position in the marketplace, and reach a desired level of success without experiencing the costs, delays and tragedies associated with work-related accidents resulting from drug and alcohol abuse by employees.

Employees are prohibited from reporting to work or working with the presence of drugs or alcohol in his or her body, using drugs, or taking prescription medication without a prescription. Employees are also prohibited from possessing or transporting illegal drugs on or off duty. Possession of paraphernalia used in connection with the use of any drug is evidence of violation of this rule.

Drugs mean alcohol, including distilled spirits, wine, and malt beverages and intoxicating liquors, amphetamines, cannabinoids, cocaine, phencyclidine (PCP), hallucinogens, methaqualone, opiates barbiturates benzodiazepines, synthetic narcotics, designer drugs or a metabolite of any of these substances. Non-prescribed use of prescription medication is also prohibited.

As part of our policy prohibiting drug or alcohol use, drug testing will be required. An employee violates the Drug-Free Workplace Program by testing positive in a confirmed test for drugs. Refusal to cooperate in the drug testing procedure is equivalent to testing positive.

It shall be an independent violation of this policy to refuse to agree to a search of one's purse, lunch box, locker, automobile or any other container for reasonable suspicion and on reasonable terms, pursuant to the statute referred to in the first paragraph of this notice.

Employees are required to report any drug-related criminal charges brought against them, whether the result of on-duty or off-duty conduct, within five days of an incident.

Any violation of this policy will result in discipline, up to and including discharge as described above.

**Article X  
Retirement**

- Section 94: Retirement Plans.**  
**Section 95: Additional programs.**  
**Section 96: Post-Employment Insurance Programs.**

**Section 94: RETIREMENT PLANS.**

All eligible Town employees are required to participate in the State administered Florida Retirement System if hired prior to January 1, 1996 or if a sworn Police Officer hired at any time. All other regular employees are required to participate in the town's Defined Contribution Plan. The Town also offers all regular employees a voluntary deferred compensation plan created in accordance with Internal Revenue Code Section 457.

**Section 95: ADDITIONAL PROGRAMS.**

Employees shall be subject to such additional retirement programs as the Town may elect to sponsor.

Those employees participating in a Deferred Retirement Option Program (DROP) will receive any accumulated Personal Leave Time not to exceed 300 hours at the time of the effective date of their participation in the DROP. After that time, the employee will begin accumulating leave in accordance with Town policies but will not receive any payout for unused time when their time in the DROP ends.

**Section 96: POST-EMPLOYMENT INSURANCE PROGRAMS.**

Pursuant to Florida Statutes, Chapter 112.0801, Group Insurance; Participation by Retired Employees, all former personnel who have retired and their eligible dependents have the option of continuing to participate in the same health insurance coverage as is offered to active employees at a premium cost of no more than the premium cost applicable to active employees. For the retired employees and their eligible dependents, the cost of any such continued participation in any type of plan or any of the cost thereof will be paid by the retired employees.

The option to continue to participate in any such insurance coverage shall be offered on a one-time basis coinciding with the month following retirement when such insurance would typically be terminated by the Town. Any subsequent cancellation of insurance coverage by the retired employee will terminate future obligation of the Town to offer coverage of that plan.

**Article XI  
Grievance Procedure**

**Section 97: Statement of policy.**  
**Section 98: General procedure.**

**Section 97: STATEMENT OF POLICY.**

The most effective accomplishment of the work of the Town requires prompt consideration and equitable adjustment of employee grievances. It is the desire of the Town to adjust grievances informally, and both supervisors and employees are expected to make every effort to resolve problems as they arise. However, it is recognized that there will be occasional grievances which will be resolved only after a formal appeal and review. Accordingly, the following procedure is established to ensure fair and impartial review.

**Section 98: GENERAL PROCEDURE.**

The aggrieved employee shall take up his or her grievance with his or her immediate supervisor who shall take the necessary steps to adjust the complaint if it is within his or her power to do so.

**STEP 1:**

If the immediate supervisor is unable or unwilling to adjust the grievance, the grievance shall be put into writing and sent to his or her immediate supervisor within seven calendar days. The supervisor shall discuss the grievance with the employee, and attempt to adjust the problem if it is within his or her power to do so. The supervisor shall reduce his or her findings in the case to writing within five days and advise the employee of his or her decision in the case by forwarding same to the employee.

**STEP 2:**

Should the employee still be grieved, the employee shall, within seven calendar days of receipt of the immediate supervisor's decision, apply in writing to the Town Manager stating the reasons for his or her grievance including all of the pertinent facts.

**STEP 3:**

Within ten days after receiving the complaint, the Town Manager shall call a meeting which shall include the department director, the complainant, and any other person or persons involved in the complaint. The Town Manager shall preside at the meeting and hear the entire case to obtain all the facts. If the Town Manager is the complainant's immediate supervisor, or if mutually agreed upon by the Town Manager and the complainant, an unbiased designee shall conduct the meeting in lieu of the Town Manager.

The Town Manager shall make a complete report of his or her findings and render a decision to the employee and department director in writing within seven calendar days. The decision of the Town Manager shall be final.

**Article XII**  
**Group Insurance Provisions**

- Section 99:**           **Group insurance plans.**  
**Section 100:**       **Eligibility for insurance plan benefits.**  
**Section 101:**       **Insurance payments.**  
**Section 102:**       **Effective date of coverage.**  
**Section 103:**       **Discontinuance of benefit coverage.**  
**Section 104:**       **Coverage on leave of absence without pay.**

**Section 99:**           **GROUP INSURANCE PLANS.**

Hospital, medical/surgical, term life insurance plans are available for eligible Town employees and their families. Other plans may be available as approved by the Town Manager.

**Section 100:**        **ELIGIBILITY FOR INSURANCE PLAN BENEFITS.**

All probationary and regular full-time and part-time employees working 25 hours a week or more shall be eligible for insurance plan participation provided application is made for this coverage during the prescribed period of time for open enrollment. Retired employees shall be eligible for benefits according to Florida Statutes.

**Section 101:**        **INSURANCE PAYMENTS.**

The total monthly premium for participating employees shall be paid in the following manner:

- (1) The Town shall pay the entire cost of coverage for eligible employees not retired or on extended leave of absence.
- (2) The employee may purchase coverage for their eligible dependents enrolled under the dependant coverage provision of the insurance plan. The town may pay part of the costs of dependent coverage.
- (3) The participating retired employee shall pay the entire cost of the coverage that is selected.

**Section 102:**        **EFFECTIVE DATE OF BENEFIT COVERAGE.**

Newly eligible employees who elect to participate shall be covered on the first day of the month following the date of employment.

**Section 103: DISCONTINUANCE OF COVERAGE.**

Whenever a covered employee ceases employment with the Town, other than by retirement, insurance coverage shall be discontinued at the end of the last day of the month they terminated employment with the Town and thereafter shall fall under the guidelines of C.O.B.R.A.

**Section 104: COVERAGE ON LEAVE OF ABSENCE WITHOUT PAY.**

An employee may elect to continue coverage while on leave of absence without pay for not more than one year. If such election is made, the Town shall pay the premium cost for the first 30 consecutive calendar days and except as hereinafter provided, the employee shall pay the total premium cost thereafter. If the leave of absence without pay results from personal illness, the Town may provide for continuation of payment for insurance coverage for up to one year upon recommendation of the employee's department director and approval by the Town Manager.

**Article XIII  
Employee Training**

- Section 105:**           **Employee training policy.**  
**Section 106:**           **Employee education.**  
**Section 107:**           **Training on new processes.**

**Section 105:**           **EMPLOYEE TRAINING POLICY.**

The purpose of this section is to establish a Town policy for employee training and for sending Town employees to special outside courses of instruction relating to their employment with the Town when such training or instruction does not accrue credit toward a high school diploma or high school equivalency certificate, college degree or related educational certification.

- (1) Each department director shall be responsible for the provision of orientation, induction, on-the-job training and for the continuing development of each employee under his or her direction. Upon the recommendation of the department director and approval of the Town Manager, a Town employee may be sent to outside instructional courses as a means of upgrading their capabilities as a Town employee.
- (2) The criteria for evaluating a request to attend outside instructional courses shall be that the estimated value to the Town from the course is commensurate with the total cost including tuition, transportation, meals, lodging, pay and other expenses; that consideration be given to the quality of both the curriculum and the instructors involved so as to be reasonably certain that the course will be practical and usable in the Town operations; and that in the case of a prolonged course of instruction, there will be adequate coverage of the employee's normal duties during his absence.
- (3) At the time of departmental budget preparation and after consideration of the above criteria, department directors shall provide for necessary funds to finance anticipated training costs for the budget year. Maximum use shall be made of outside sources of revenue for training purposes, where the courses thus funded meet the criteria set forth above.
- (4) Employee training to improve an employee's work performance in their present position, both by means of in-service instruction and outside instructional courses, may be conducted during or after the employee's working hours. Training to prepare the employee for promotion shall be on the employee's own time unless, because of shortage of manpower or other circumstances, it is in the Town's interest to use work time.
- (5) Upon successful completion of a National or State acknowledged certification, and where the program is directly related to the employee's current job duties, an employee may receive a one-time bonus payment up to 2% of the employee's annual salary if approved by the Town Manager.

**Section 106: EMPLOYEE EDUCATION.**

The purpose of this section is to establish a Town policy for the academic education of Town employees which will benefit both the employee and the Town. This policy pertains to courses attended by Town employees that accrue credit toward a high school diploma or high school equivalency certificate, college degree, post-college graduation degree up to a Masters Degree, or related educational certification.

- (1) Upon the request of the employee, recommendation of their department director and approval of the Town Manager, a regular, full-time Town employee may participate in the education tuition reimbursement program ascribed hereafter, subject to the following requirements:
  - (i) That the course shall directly relate to a function of the Town, and contribute to the employee's greater effectiveness on the job they hold or to a job in the Town service to which they may be assigned or promoted.
  - (ii) That the employee shall satisfy the necessary prerequisites of the course for which they request tuition reimbursement, and shall receive approval of the Town Manager prior to enrolling in the course.
  - (iii) That participation in the education tuition reimbursement program shall be solely on the employee's own time.
- (2) Town employees approved for participation in the education tuition reimbursement program shall be eligible for reimbursement by the Town for tuition for up to four courses each semester or term offered by accredited educational institutions. The number of courses eligible will be at the discretion of the Town Manager. Reimbursement shall be made as follows: 100% for successful completion with a grade of "A" and 75% for successful completion with a grade of "B". There shall be no reimbursement for completion with a grade of "C" or lower. If the employee resigns or is terminated for any reason, the employee shall reimburse the Town for any educational reimbursement payments made to the employee by the Town within two years prior to the date of resignation or termination.
- (3) At the time of departmental budget preparation and after consideration of the above criteria, department directors shall provide for necessary funds to finance the anticipated education tuition reimbursement program costs for the budget year. Maximum use shall be made of outside sources of revenue for education purposes, if the courses thus funded meet the criteria set forth above.
- (4) Upon successful completion of a degree, an employee may receive a one-time bonus payment for their degree equal to 3% of the employee's annual salary for a Bachelors Degree, and 4% of the employee's annual salary for a Masters Degree.

The employee must continue working for the Town for a period of one year after receipt of bonus. If the employee resigns or is terminated for any reason prior to this period, the employee shall reimburse the Town the total amount of the bonus.

**Section 107: TRAINING ON NEW PROCESSES.**

Whenever the duties of a position are to be materially changed by the introduction of new machines or processes requiring different skills and knowledge, any regular or probationary employee affected by the change shall be given a reasonable opportunity to learn to perform the new duties and to qualify for status in any new class of position required for such work. Any employee, who, after a reasonable training period, qualifies for appointment in a different class, shall be deemed to possess the specific education and experience requirements for that class and shall be appointed thereto with the same status and seniority which he last had in his previous class. An employee who does not qualify for appointment shall be reassigned to other duties appropriate to his class or be laid off in accordance with the provision of law and those rules regarding lay off.

**Article XIV**  
**Harassment and Discrimination Awareness Policy**

**Section 108:**           **Sexual Harassment Awareness**  
**Section 109:**           **Filing a Sexual Harassment Complaint**  
**Section 110:**           **Filing other Discrimination Complaints**

**Section 108:**           **Sexual Harassment Awareness**

The Town of Juno Beach fully supports legislation to protect and safeguard the rights and opportunities of all people to seek, obtain, and hold employment without being subjected to sexual harassment or discrimination of any kind in the work-place. It is the policy of the Town of Juno Beach to provide an environment free of sexual harassment.

Sexual harassment is a violation of Title VII of the Civil Rights Act of 1964. As such, each Town of Juno Beach employee, as a condition of employment, and in accordance with the policies of the Town, commits to uphold and affirm such Harassment Policy as the Town has adopted and in so committing agrees to:

- (a) Not make unwelcome sexual advances or requests for sexual favors or other verbal or physical conduct of a sexual nature a condition of any employee's employment;
- (b) Not make employment decisions based on submission to or rejection of such conduct; and
- (c) Not create an intimidating, hostile, or offensive working environment by any such conduct.

Sexual harassment refers to behavior that is personally offensive, fails to respect the rights of others, and lowers morale and, therefore, interferes with work effectiveness. Sexual harassment may be overt or subtle. Sexual harassment can be insulting and demeaning to the recipient and cannot be tolerated in the work-place.

Sexual harassment may take different forms including:

Verbal:           Sexual innuendos, suggestive comments, joke of a sexual nature, sexual propositions, and threats.

Non-verbal:     Sexually suggestive objects or pictures, graphic commentaries, suggestive or insulting sounds, leering, whistling, obscene gestures.

Physical:       Unwanted physical contact including touching, pinching, brushing the body, and sexual assault.

All employees will be expected to comply with this policy and take appropriate measures to ensure that such conduct does not occur. It is the responsibility of each supervisor to maintain a work environment free of sexual harassment. This responsibility includes but is not limited to informing employees under his or her supervision of the Town's Sexual Harassment policy.

When a supervisor becomes knowledgeable of an incident of sexual harassment, it is the responsibility of the supervisor to inform the department director whether or not the individual subjected to the harassment wishes to seek remedial action.

Given the nature of this type of discrimination, the Town recognizes that invalid, unfounded, or false accusations of sexual harassment can have serious effects on innocent individuals. A thorough investigation of all the facts in the complaint will be done to determine the most appropriate disposition of the complaint.

Counseling and/or appropriate disciplinary action will be taken with any employee who violates this policy. In accordance with the town's policy of progressive discipline and based on the seriousness of the offense, disciplinary action may include verbal or written reprimand, suspension, or termination.

**Section 109: Filing a Sexual Harassment Complaint**

1. Any employee who believes he or she has been the subject of sexual harassment should report the alleged act immediately to his or her supervisor, department director, or the Finance Director.
2. If a complaint involves a Department Director, the complaint shall be filed directly with the Finance Director. If the complaint involves the Finance Director then it should be filed directly with the Town Manager.
3. Complaints will be investigated in a confidential and timely manner. Information concerning a complaint will not be released by the Town to third parties or to anyone within the Town who is not involved with the investigation unless required by law. The purpose of this provision is to protect the confidentiality of an employee who files a complaint, to encourage the reporting of any incidents of sexual harassment, and to protect the reputation of any employee wrongfully charged with sexual harassment.
4. Investigation of a complaint will normally include conferring with the parties involved and any named or apparent witnesses. Employees shall be guaranteed impartial and fair treatment. All employees shall be protected from coercion, intimidation, retaliation, interference, or discrimination for filing a complaint or assisting in an investigation.

5. If the investigation reveals that the complaint is valid, prompt attention and disciplinary action designed to stop the harassment immediately and to prevent its recurrence will be taken.

**Section 110: Filing Other Discrimination Complaints**

1. Any employee or applicant who believes he/she has been discriminated against when applying for a job, on the job, or in the terms and conditions of employment because of race, color, national origin, gender, sex, religion, disability, age, marital status, family status, citizenship or sexual orientation, must file a complaint through the Finance Department unless the matter involves the Finance Director in which case the complaint must be filed with the Town Manager.
2. The Finance Director will seek a solution to the complaint either through an informal or formal fact-finding investigation. The completion of the fact-finding inquiry should be handled in a confidential and timely manner. The Department Director will be officially advised as to the nature of the complaint and the fact-finding process.
3. Upon completion of the initial investigation, the Finance Director will make a determination if there is "reasonable cause" or "no cause" to believe discrimination has occurred.
4. If a determination is made that "reasonable cause" exists, then the Finance Director will determine the disciplinary action to be taken. This may include employee counseling, supervisory sensitivity training, or other disciplinary action depending on the nature of the infraction. If a determination of "no cause" is made, the Personnel Director may still recommend employee counseling or supervisory sensitivity training to improve the work environment.