

# VILLAGE OF ISLANDS *Islamorada*

## Employee Policies & Procedures





# Table of Contents

<b>SECTION 1 – GENERAL .....</b>	<b>2</b>
<b>SECTION 2 – EQUAL OPPORTUNITY .....</b>	<b>4</b>
<b>SECTION 3 – RECRUITMENT AND APPOINTMENT .....</b>	<b>8</b>
<b>SECTION 4 –CODE OF CONDUCT .....</b>	<b>11</b>
<b>SECTION 5 – CLASSIFICATION SYSTEM .....</b>	<b>14</b>
<b>SECTION 6 – COMPENSATION .....</b>	<b>16</b>
<b>SECTION 7 – ATTENDANCE .....</b>	<b>18</b>
<b>SECTION 8 – LEAVE.....</b>	<b>19</b>
<b>SECTION 9 – FAMILY MEDICAL AND LEAVE ACT .....</b>	<b>25</b>
<b>SECTION 10 – EMPLOYEE BENEFITS .....</b>	<b>28</b>
<b>SECTION 11 – EMPLOYMENT RELATIONSHIP .....</b>	<b>30</b>
<b>SECTION 12 – EMPLOYEE COMPLAINT PROCEDURE .....</b>	<b>34</b>
<b>SECTION 13 – SEPARATION FROM EMPLOYMENT .....</b>	<b>35</b>
<b>SECTION 14 – SAFETY .....</b>	<b>38</b>
<b>APPENDIX 1 – DRUG FREE WORKPLACE POLICY</b>	
<b>APPENDIX 2 – EMERGENCY PAY POLICY</b>	
<b>APPENDIX 3 – SICK LEAVE TRANSFER PROGRAM</b>	
<b>APPENDIX 4 – CLASSIFICATION AND COMPENSATION PLAN</b>	
<b>APPENDIX 5 – BONUS POLICY RESOLUTION PLACE HOLDER</b>	

## **SECTION 1 – GENERAL**

### **1.1 Authority**

Consistent with the Village Charter, the Village Council has directed the Village Manager to implement a specific personnel system to ensure uniform, fair, and effective personnel administration in compliance with federal, state and local laws. None of the provisions should be interpreted as creating a contractual relationship or giving any employee the right to be retained as an employee or to receive any benefits.

### **1.2 Nature of Employment**

It is the policy of the Village that all employees who do not have a written employment contract with the Village for a specific, fixed term of employment or are covered by a collective bargaining agreement are employed at the will of the Village for an indefinite period except as otherwise stated in the Village Charter.

- A.** Employees who do not have an individual written employment contract are employed at the will of the Village and are subject to termination at any time, for any reason, with or without cause or notice.
- B.** No Village representative is authorized to modify this policy for any employee or to enter any agreement, oral or written, that changes the at-will relationship. Management and supervisory personnel shall not make any representations to employees or applicants concerning the terms and conditions of employment with the Village that are not consistent with Village policies. No statements made in pre-hire interviews or discussions or in recruiting materials alter the at-will nature of employment or imply that discharge will occur only “for cause”.
- C.** Completion of a probationary period or conferral of permanent status does not change and employee’s status as an at-will employee or change the terms and conditions of employment.

### **1.3 Purpose**

The purpose of the Personnel Policy (the Policy) is to establish guidelines covering most personnel actions which may arise. The final interpretation and application of any of the policies and procedures shall be made by the Village Manager or his/her designee. The Policy is not applicable to elected officials or independent contractors. None of the provisions should be interpreted as creating a contractual relationship or giving any employee the right to be retained as an employee or to receive any benefits.

#### **1.4 Administration**

Department Directors are responsible for the efficient and effective performance of the employees assigned to their Department. Directors may assign supervisory responsibility to members of their Department but are ultimately responsible for the administration and enforcement of the Policy.

#### **1.5 Collective Bargaining Agreement**

Where the Policy, or Departmental operating procedures conflict with an active collective bargaining agreement, the collective bargaining agreement takes precedence.

#### **1.6 Personnel Records**

The Human Resources Manager shall keep adequate records of all persons employed, the pay and classification plan, performance reviews, and all other records required by state and federal laws.

- A. Each employee must notify their supervisor and the Human Resources Manager when they have a change of address, home contact information or emergency contact.
- B. Personnel records are subject to the Florida Public Records Act and the exemptions from disclosure of the same, as provide by state and federal law.
- C. All requests to copy or inspect personnel files are to be referred to the Human Resources Manager, who shall confer with the Village Attorney.

#### **1.7 Amendments**

This policy shall be reviewed periodically by the Village Attorney, the Human Resources Manager, and the Village Manager and, when required, updated by resolution of the Village Council. The Village has the sole discretion to modify, amend or rescind any part of these rules and regulations or any other Village-issued policy at any time, with or without notice.

#### **1.8 Departmental Policies**

Directors are encouraged to develop policies and standard operating procedures not contradictory with this policy. All previously adopted Islamorada, Village of Islands Personnel Policies and/or employee handbooks are null and repealed upon adoption of this update by the Village Council.



## **SECTION 2 – EQUAL OPPORTUNITY**

### **2.1 Equal Employment Opportunity**

The Village does not discriminate based on race, color, sex, religion, disability, national origin, ancestry, sexual orientation, familial status, age, genetics or any other protected characteristic as established by local, state or federal law. This policy of Equal Employment Opportunity (“EEO”) applies to all policies and procedures relating to recruitment and hiring, compensation, benefits, termination and all other terms and conditions of employment.

The Village expressly prohibits any form of workplace harassment based on race, color, religion, gender, sexual orientation, gender identity or expression, national origin, age, genetic information, disability, or veteran status. Improper interference with the ability of the Village’s employees to perform their job duties may result in discipline, up to and including discharge.

The Human Resources Manager is the Equal Employment Opportunity Officer for the Village and has responsibility for administering and promoting a program of equal opportunity within the Village. The Human Resources Manager will coordinate the EEO efforts of all supervisory personnel and will make recommendations, where appropriate, to correct any deficiencies found in the Village’s program.

All employees with questions or concerns about any type of discrimination in the workplace shall bring these issues to the attention of the Human Resources Manager. Employees are encouraged to raise legitimate concerns and make good faith reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination.

### **2.2 Non-Discrimination and Workplace Harassment**

Islamorada, Village of Islands has a strict policy against all types of workplace harassment, including sexual harassment and other forms of workplace harassment based upon an individual's age, sex (including pregnancy), race, national origin, disability, creed, religion, genetic information, military or veteran status, or any other status protected by federal, state or local laws. All forms of harassment of, or by, employees, vendors, visitors, customers, and clients are strictly prohibited and will not be tolerated.

#### **A. Sexual Harassment**

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment, (2) submission to, or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an

individual's work performance or creating an intimidating, hostile or offensive work environment.

While it is not possible to identify each and every act that constitutes or may constitute sexual harassment, the following are some examples of sexual harassment: (a) unwelcome requests for sexual favors; (b) lewd or derogatory comments or jokes; (c) comments regarding sexual behavior or the body of another employee; (d) sexual innuendo and other vocal activity such as catcalls or whistles; (e) obscene letters, notes, emails, invitations, photographs, cartoons, articles, or other written or pictorial materials of sexual nature; (f) repeated requests for dates after being informed that interest is unwelcome; (g) retaliating against an employee for refusing a sexual advance or reporting an incident of possible sexual harassment to Islamorada, Village of Islands or any government agency; (h) offering or providing favors or employment benefits such as promotions, favorable evaluations, favorable assigned duties or shifts, etc., in exchange for sexual favors; and (i) any unwanted physical touching or assaults, or blocking or impeding movements.

#### **B. Other Harassment**

Other workplace harassment is often verbal or physical conduct that insults or shows hostility or aversion towards an individual because of the individual's age, sex (including pregnancy), race, national origin, disability, creed, religion, genetic information, military or veteran status, or any other status protected by federal, state or local laws.

Again, while it is not possible to list all the circumstances that may constitute other forms of workplace harassment, the following are some examples of conduct that may constitute workplace harassment: (a) the use of disparaging or abusive words or phrases, slurs, negative stereotyping, or threatening, intimidating or hostile acts that relate to the above protected categories; (b) written or graphic material that insults, stereotypes or shows aversion or hostility towards an individual or group because of one of the above protected categories and that is placed on walls, bulletin boards, email, voicemail, or elsewhere on the Village's premises, or circulated in the workplace; and (c) a display of symbols, slogans, or items that are associated with hate or intolerance towards any select group.

#### **C. Bullying**

Some acts or remarks may violate Village rules even if they are not so severe that they violate federal or state discrimination laws. Because the Village is committed to providing an emotionally stable and safe workplace, it discourages verbal confrontations between employees due to an employee's reasonable belief that he or she was subjected to bullying behavior.

Bullying or Harassing conduct includes repeated behavior occurring in the course of work that impairs the ability of an employee to perform work duties, or is reasonably



perceived as being so severe and/or objectively offensive so as to have that effect. This includes, but is not necessarily limited to acts that are reasonably perceived as being humiliating, dehumanizing, hostile, intimidating, or physically aggressive.

**The legitimate and reasonable exercise of management rights should not be construed to constitute bullying or harassment. These actions may include:**

- Evaluating an employee's work performance. Though the information may be troubling and critical, conveying said information does not constitute bullying or harassment;
- Issuing directives about work duties;
- Making justifiable decisions related to recruitment, selection and other employment opportunities;
- Enforcing implemented workplace policies or collective bargaining provisions, if applicable; and
- Addressing allegations of misconduct and imposing disciplinary actions, where appropriate.

Any acts of bullying should be reported using the complaint procedure that is detailed in Section D below.

#### **D. Reporting Discrimination and Harassment**

Any employee who feels that he or she has witnessed, or been subject to, any form of discrimination or harassment is required to immediately notify their supervisor, the Human Resources Manager, or the Village Manager.

Islamorada, Village of Islands prohibits retaliation against any employee who provides information about, complains, or assists in the investigation of any complaint of harassment or discrimination.

The Village will promptly and thoroughly investigate any claim and take appropriate action where we find a claim has merit. Discipline for violation of this policy may include, but is not limited to reprimand, suspension, demotion, transfer, and discharge. If the Village determines that harassment or discrimination occurred, corrective action will be taken to effectively end the harassment. As necessary, the Village may monitor any incident of harassment or discrimination to ensure the inappropriate behavior has stopped. In all cases, the Village will follow up as necessary to ensure no retaliation occurs for making a complaint or cooperating with an investigation.

### **2.3 Workplace Violence**

Workplace violence will not be tolerated. With respect to the seriousness of this problem, the

Village has adopted a “zero tolerance” for incidents of workplace violence. Workplace violence includes, but is not limited to physical attacks, threatening violent behavior, and property damage.

## **2.4 Americans with Disabilities Act**

The Village is committed to complying with all applicable provisions of the Americans with Disabilities Act (ADA). It is the Village’s policy not to discriminate against any qualified employee or applicant because of the individual’s disability and/or record of disability. All applicants will be considered for employment, and current employees considered for continued employment, if they can perform the essential functions of the job with or without reasonable accommodation. The Village will provide reasonable accommodation as defined by the ADA provided such accommodation does not constitute an undue hardship on the Village. Employees who believe they need reasonable accommodation to perform the essential functions of their job must contact the Human Resources Manager to submit a request.

### **A. Procedure for Reviewing Accommodation Requests**

The Human Resources Manager will meet with the applicant or employee to identify and discuss the limitations resulting from the disability and the potential accommodations the employer might make. The Human Resources Manager will then meet with the Department Director to determine the feasibility and cost of implementing the needed accommodations, the impact on other employees and the impact on the Village to conduct business. Together the Human Resources Manager, with the concurrence of the Village Attorney, will determine if the requested determination is reasonable.

The Human Resources Manager will notify the employee or applicant of the determination at the earliest opportunity. If the request is denied, the employee or applicant may appeal the decision to the Village Manager.

## **2.5 Immigration Law Compliance**

The Village is committed to employing only United States Citizens and aliens who are authorized to work in the United States. The Village does not unlawfully discriminate based on citizenship or national origin. The Human Resources Manager is responsible for verifying the eligibility status of every employee once hired. To that end, each new employee must provide documentation to verify both identity and authorization to work in the United States and to complete the I-9 form. If an employee cannot provide these required documents, they may be either dismissed or suspended until the required documents are produced. Both the employee and the Village representative will sign the I-9 form certifying that the documents are valid. Information may be shared with Social Security Administration and the Department of Homeland Security from each new employee’s Form I-9 to confirm work authorization.



## **SECTION 3 – RECRUITMENT AND APPOINTMENT**

### **3.1 Advertising**

Except when the Village Manager determines it is in the best interest for the Village to fill a position without being advertised, all vacant positions will be advertised internally for one week and then listed publicly in publications and online sites determined by the Human Resources Manager to attract the best candidates. Position advertisements can be published simultaneously depending on position circumstances.

### **3.2 Applications**

Applicants shall complete a standard Village employment application form. The completed application must be submitted to the Human Resources Manager by the due date indicated in the employment ad or posting.

After a conditional offer is made and prior to the start of employment, the applicant will be required to be subject to a background check, drivers licenses check and if the position is considered life safety (lifeguards, firefighters, etc.) then the candidate will be required to submit a sample for pre-employment drug screening. Certain positions may also require a post-offer physical. Applications for certain positions may require a resume and other documentation of professional and/or educational attainment.

### **3.3 Offers**

Offers are based on an analysis of the applicant's work experience, education, and training. Other candidate characteristics, such as work ethic, emotional intelligence and attitude may be considered as well. The Village Manager has final approval of offers of employment. Applicants that submit false information, or omit information on the Village application form, resume or any other statement of qualification for a position will not be considered for employment.

If false information is found after employment has begun, the Village Manager may terminate the employee.

### **3.4 Probationary Period**

All new, regular employees must complete a six-month probationary period, during which they are evaluated by their supervisor. The Village Manager may approve one (1) ninety (90) day extension of the probationary period.

Employees completing probation will be evaluated by their supervisor and shall either enjoy continued at-will employment or be terminated. Those who continue employment may qualify for increase based on performance.

During this period, employees shall be subject to demotion, dismissal or suspension, or other disciplinary action without prior notice or the filing of specific charges.

### **3.5 Reclassification**

A reclassification generally occurs when it is determined that the duties of a position have significantly changed, or the prevailing wage needs adjustment. Reclassifications also may occur when the duties of a position have significantly increased or decreased.

An employee whose position is reclassified may receive a minimum of 3% over the salary received prior to the reclassification provided that such salary increase is in the best interests of the Village as determined by the Village Manager. A reclassification upward does not change an employee's anniversary date for pay purposes.

### **3.6 Demotion**

An employee may be demoted to a lower position or pay classification as a form of discipline for inability to perform job duties, lack of funding, or for any other reason considered by the Village Manager to be appropriate for efficient business operations.

Prior to a demotion, the employee will be given written notice of the reason for the demotion and will have the opportunity to discuss it with the Village Manager or his/her designee prior to the effective date. A demoted employee will serve a six (6) month probationary period and will have the opportunity to advance in pay within their new classification through documented performance.

Voluntary demotion due to taking a different position than originally hired for will be addressed on a case by case situation.

Upon demotion, if the employee's rate of pay in the previous position was more than the maximum rate established for the new class or position, the rate of pay shall be reduced to the maximum rate or to such intermediate level in the new pay range as may be determined by the Human Resources Manager and subject to the approval of the Village Manager. The action of demotion shall not change the anniversary date for the purpose of future salary consideration.

### **3.7 Employment of Relatives**

For the purpose of this section, "relative" refers to father, mother, son, daughter, brother, sister, spouse, cousin, nephew, niece, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandmother, grandfather, grandson, granddaughter, stepmother, stepfather, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister.

Relatives, as defined above, may not work in the same Department. No relative of the Village Manager or Village Council shall be selected to hold a position with the Village during the tenure of that manager or Councilperson. This section does not apply to appointed boards, volunteers, or temporary employees.



Employees who marry or develop a close personal relationship may continue in their current positions as long as a afore mentioned relationship, as described above is not created. If a prohibited relationship among relatives is established after employment (e.g., two employees marry), the Village may require that the employees choose which one of them transfers. In the event that no such transfer is possible, or if such a transfer is not accepted by the Village or the employees, and if neither employee will resign, the Village may terminate the employment of one of the relative-employees. In that circumstance, it shall be within the sole discretion of the Village to determine which employee to terminate.

### **3.8 Veteran's Preferences**

Veteran's Preference in hiring, promotional opportunities and layoff retention will be granted in accordance with federal and state law. Job applicants who are claiming Veteran's Preference will be given job preference in the hiring process, but not to the preclusion of more qualified non-veterans. Individuals must submit current documentation substantiating Veteran's Preference status to receive a preference. A DD-214 or comparable document which serves as a certificate of release or discharge claim must be furnished.

### **3.9 Driver's License**

Any employee who is required as a condition of employment to possess and maintain a valid Florida Driver's License must immediately notify their supervisor if the license is suspended, expires, becomes restricted or is revoked at any time during their employment. Failure to report the change in license status may result in disciplinary action up to and including termination.

If the Village requires an employee to obtain a Florida Commercial Driver's License (CDL), the Village will pay for the cost of the test and issuance of the license.

## **SECTION 4 – CODE OF CONDUCT**

### **4.1 Conduct**

Village employees are expected to demonstrate prompt, courteous, fair, and honest treatment to all citizens, customers, and fellow employees.

### **4.2 Political Activity**

No employee, official or other person shall solicit, verbally or in writing, or be in any other manner coerced in obtaining contributions of support in obtaining contributions, services or support for any political party or candidate from any employee during his/her work hours with the Village. Nothing in this policy is to be construed to restrict the right of an employee to hold membership in and support a political party, to vote his/her choice, to express opinions on all political subjects and candidates, to maintain political neutrality, to attend political meetings outside working hours or to campaign actively during off-duty hours, in all areas of political activity.

Employees participating in a political campaign may not wear a Village uniform or apparel with a Village logo. Use of Village vehicles, equipment or other property while campaigning is strictly prohibited.

Any Village employee who wishes to accept appointment to a political office or seek election to a Village office, except those employees who are exempt pursuant to 99.012 Florida Statutes, must resign from Village employment upon indicating such intention by formal declaration or other evidence of candidacy.

### **4.3 Pecuniary Interest**

As stewards of public trust, all Village employees must use the authority and resources of the Village, entrusted to them by the public, to further the public interest and not for any personal gain or financial benefit. Village employees shall not accept benefits of any sort, under any circumstances, which are intended to influence a pending or future decision.

### **4.4 Conflicting Employment/Contractual Relationships**

Secondary employment or contractual relationships are permitted to the extent that they do not constitute a conflict of interest and do not interfere with the employee's job performance with the Village. Any employee wishing to accept outside employment must understand that Village employment is primary, and the employee must make arrangements with the outside employer to be relieved from duty if called for service by the Village.

Employees sustaining injuries while engaged in outside employment are ineligible to receive benefits from the Village's Workers' Compensation plan.

Village employees are not to use facilities, vehicles, equipment, or any other property for outside employment.

Village employees who participate in deciding, approving, recommending, or preparing purchase or procurement requests, or influence the content of any specifications or standards, may not work for any person or entity attempting to engage in or engaging in contractual services with the Village.

Village employees shall not directly or indirectly procure or substantially participate in the procurement of contractual services for the Village from any business entity when a relative (as defined in Section 112.312(21), Florida Statutes) is an officer, partner, director, or owner in said business.

#### **4.5 Dress and Appearance**

Dress and good personal grooming and hygiene standards are a key principle of the business image of the Village. Department Directors for employees requiring uniforms shall establish standards in accord with this principle. All others, primarily office employees, shall report to work well-groomed in clean and appropriate attire. If a supervisor believes an employee is not properly groomed or wearing appropriate attire, the employee may be sent home to change clothes using vacation leave or personal time.

#### **4.6 Workplace Decorum**

Employees' offices should be neat and clean with no objects situated in a manner that may obstruct or create a hazard in walkways and may cause possible injury. Open flames such as burning candles are prohibited in Village offices.

Displays showing sexually explicit images, gore, profanity, discrimination, and other displays that could reasonably be deemed to be offensive shall not be displayed.

#### **4.7 Employee Use of Office Equipment**

Office equipment has been installed solely for promoting the business interest of the Village. Employees shall have no expectation of privacy in any information contained on all office equipment. Employees are prohibited from using the Internet or email system to send or receive any improper communication, including but not limited to personal messages, inappropriate comments or jokes, cartoons or any other communications which are derogatory, obscene, or offensive. Persons not employed by the Village are prohibited from using any Village office equipment for any purpose.

Occasional use of Village equipment and/or bandwidth for browsing the internet are permissible only for short periods of time to view news sites or other sites of personal interest. Such activity shall not interfere with the employee's duties. All internet activity and use on Village equipment is monitored. Connection to chat rooms, instant messaging, personal online shopping, personal

social media, and sites that show sexually explicit images, gore, profanity, discrimination, and other sites that could reasonably be deemed to be offensive are prohibited on Village equipment and networks.

#### **4.8 Compliance with Public Records Act**

The Public Records Act, codified in Chapter 119, Florida Statutes, entitles any individual access to Village public records. Public records are defined as [1] materials made or received by the Village [2] in connection with official Village business and used to [3] perpetuate, communicate or formalize knowledge of some type.

Examples of materials include papers, electronic files, photographs, videos, text messages, and audio. If these materials are made or received by Village employees, have a connection to Village business, and were intended to communicate or formalize knowledge, any person may inspect or receive a copy of these materials.

Village employees are required to store public records in their control in a manner such that they can be accessed. This may include the creation of a filing system (physical and digital). As such, **Village employees must not destroy public records unless it is done so in accordance with law.**

The Village will not provide public records to requestors if they are exempt and/or confidential, as defined by law. Examples of exempt records include the Social Security numbers of all current and former Village personnel, direct deposit records identifying banking institutions and account numbers, discrimination complaints and investigations (this exemption is temporary), and contact information of public safety employees, their spouses and/or children. Because the number of exemptions is voluminous, employees must contact a supervisor if they are unsure whether a record falls under an exemption.

Florida law provides that a “knowing” violation of the Public Records Act is a criminal offense. All other violations are noncriminal, but punishable by fines. A violation of this policy may subject employees to discipline up to and including termination.



## **SECTION 5 - CLASSIFICATION SYSTEM**

### **5.1 Policy and Procedures**

It is the policy of Islamorada, Village of Islands to classify employees as regular or temporary, as full-time or part-time, and as exempt or non-exempt.

The Human Resources Manager is responsible for classifying employees as follows:

- A. A regular employee is an individual that has been hired to a full-time, exempt or non-exempt position with the Village that is not temporary.**
- B. A temporary employee is an individual hired to either a part-time or full-time position with a specified, limited duration. Temporary positions generally last less than six months. Temporary employees are not eligible for Village benefits.**
- C. A full-time employee is an individual hired to a position that requires at least forty (40) hours per week. A full-time employee is either exempt or non-exempt and receives Village benefits, with the exception of non-exempt Fire Rescue employees.**
- D. A part-time employee is an individual who works less than thirty (30) hours per week. Part-time employees may be seasonal and/or work fluctuating schedules. Part-time employees do not receive Village medical benefits.**
- E. A non-exempt employee generally is subject to the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA) and is typically paid on an hourly basis.**
- F. An exempt employee is exempt from the FLSA and is not entitled to overtime payments. Exempt employees are typically paid on a salary basis and include those in administrative, executive, and professional positions. The salary will be a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work the exempt employee performs.**

Subject to exceptions listed below, an exempt employee must receive the full salary for any workweek in which the employee performs any work, regardless of the number of days or hours worked. Exempt employees do not need to be paid for any workweek in which they perform no work.

Exceptions: unless state law requires otherwise, an exempt employee's salary can be reduced for the following reasons:

- Full-day absences for personal reasons;
- Full-day absences for sickness or disability;
- Full-day disciplinary suspensions for infractions of the Policy;
- FMLA absences;
- To offset amounts received as payment for jury and witness fees or military pay;
- The first or last week of employment in the event the employee works less than a full week; or,
- Any full workweek in which the employee does not perform any work.

However, an exempt employee's leave bank may be deducted when such employee is absent for reasons justifying the use of accrued vacation or sick leave in accordance with this Policy.

If an employee believes that an improper deduction has been made to their salary, the employee should immediately report this information to their direct supervisor. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, the employee will be reimbursed for any improper deduction made.

## **5.2 Change in Position**

A change of position requires a Personnel Action Form (PAF) signed by the Department Head and the Village Manager. If the position change is considered a lateral move, only a PAF will be processed. If the position change is considered a promotion, the employee will receive an offer letter signed by the Village Manager.

A full-time employee whose position becomes part-time or who transfers into a part-time position will be paid out any unused vacation hours accrued or may use the hours prior to beginning employment in the part-time position.

## **5.3 New Positions**

The Budget enumerates all authorized budgeted positions for appointment by the Village Council or Village Manager. The Village Manager may add or delete positions provided that any additions shall not increase the Village's total budgeted funds.

## **5.4 Job Descriptions**

Every regular position will have a job description that includes job title, a description of the duties and responsibilities, and a statement of qualifications needed to fill the position. Each position will be assigned a grade on the classification plan by the Village Manager. Job descriptions are developed and periodically reviewed by the Department Director and approved by the Village Manager. Employees may be, and often are, assigned duties not listed on the job description as needed by the Department Director.

## **5.5 Compensation of Employees Working out of Classification**

The Village Manager may authorize an employee to take on the additional duties of a position in a higher classification than the position currently held by the employee. In cases where the interim or temporary assignment lasts beyond 160 hours (one month) worked, the employee will be eligible for a temporary five (5%) increase in pay for the duration of the assignment.

## **SECTION 6 – COMPENSATION**

### **6.1 Compensation Policy**

The Pay Classification Plan (the Plan) shall be reviewed from time to time by the Village Manager. Each position in the Plan is assigned to a pay grade and salary range. The specific rate of compensation for each employee will be within the salary range to which the employee's position is assigned. Adjustments in employee compensation, including performance evaluation increases, must be approved by the Village Manager.

### **6.2 Starting Rate**

The advertised hiring range for vacant positions will be the minimum and the midpoint of the position classification. Newly hired employees may earn a salary above the minimum in the position grade; however, may not exceed the mid-point without approval of the Village Manager.

### **6.3 Performance Evaluations**

Every Department Director shall be responsible for regular performance evaluations for each employee within the Department. Directors may delegate the evaluation responsibility to Assistant Directors and/or supervisors of employees for whom they have managerial responsibility. All evaluations will be written on forms provided by the Human Resources Manager and shall become a part of every employee's personnel file.

The evaluation process will allow for employee feedback and must be signed by the employee, the supervisor conducting the evaluation (where applicable), the Department Director and the Village Manager.

Employee evaluations will be conducted as follows:

Probationary – Shortly following the completion of an employee's probationary period. The evaluation will recommend continuation of employment, continuation of employment on a probationary status, or release from employment.

Mid-Year – Every employee will be evaluated in March at the midpoint of the Village fiscal year. Mid-year evaluations are to be completed by the last business day of March unless the Village Manager grants an extension.

End of Year - End of year evaluations will be conducted in September and are due by the last business day of the month unless the Village Manager grants an extension. End of year evaluations will be used to determine merit-based bonus or increase, if funding for such is included in the approved budget. Any increase shall become effective on the first day of the first full pay period in the fiscal year. Probationary employees will not receive any evaluation other than probationary, and those elevated to continued employment following the Mid-Year evaluation will not be eligible for a merit-based bonus following their first End of Year evaluation.

#### **6.4 Overtime Work**

Overtime hours worked by non-exempt employees are compensated in compliance with the FLSA. For purposes of calculating overtime, time worked includes jury duty, call back hours, court time on behalf of the Village, mandatory off-duty training, meetings or education for which the Village requires attendance, detail hours and on-duty labor negotiations. All other hours are not considered time worked. Working overtime without the prior authorization of the Department Director, or his/her designee, is strictly prohibited. Directors or his/her designee must approve time sheets for all employees within their Department prior to payroll processing. Directors may temporarily assign the review of time sheets to a designee when necessitated by leave.

#### **6.5 Pay Period**

Village employees are paid bi-weekly. The workweek begins Sunday at 12:00 a.m. and ends Saturday at 11:59 p.m. All time worked by Village employees shall be recorded on time sheets provided by the Village. Time sheets must reflect hours worked and time off taken under any circumstances. Intentional falsification of time records will result in termination.

#### **6.6 Emergency Pay**

Village employees shall be paid during emergency in accordance to Resolution 06-07-56. See Appendix 2.



## **SECTION 7 – ATTENDANCE**

Regular attendance and punctuality are very important responsibilities of Village employees. Except for scheduled and/or authorized time off or unavoidable absences, every employee is expected to be present and on time for work. Any employee who is going to be absent or more than 30 minutes late for work (other than unavoidable circumstances such as family emergency) shall notify their immediate supervisor. An employee who is absent three (3) consecutive days without authorized leave is considered resigned.

The workweek for full time employees is 40 hours. Hours of work for Fire Department personnel are governed by the FLSA and the collective bargaining agreement. Department Directors are authorized to establish flexible work schedules that do not interfere with the efficient business operations of the Village and/or improve the efficient business operations of the Village.

Non-Exempt - Hourly, non-exempt employees are not to work more than 40 hours per week except when directed by their Department Director or his/her designee. A minimum 30-minute, unpaid meal break is recommended for all non-exempt employees but not required. Non-exempt employees that choose to work a full day without taking a meal break on a regular basis shall gain approval of their schedule from their Department Director.

Exempt – Exempt employees are generally expected to work Monday through Friday from 8 a.m. to 5 p.m. unless an alternative schedule is approved by their Department Director or the Village Manager. Exempt employees are encouraged to take a minimum 30 to 60-minute lunch break but are not required to do so. Exempt employees will likely have to work additional hours on nights and weekends to meet the requirements of their position.

Employees are not to work from home without prior approval of the Village Manager. The granting of work from home will be limited and considered on a case by case basis.

Employees who report for work without proper equipment or attire or who are otherwise unfit for duty as determined by their supervisor may not be permitted to work.

Brief rest periods are authorized for employees as needed.

Breastfeeding mothers are provided a reasonable break time to express breast milk for her nursing child for up to one (1) year after the child's birth. For non-exempt employees, this break time is unpaid, but employee may elect to use their paid rest periods. Employees must schedule any break time to express breast milk with their supervisor. Upon notice, the employee's Department Head or the Human Resources Department will provide the employee with a private area for the purpose of expressing breast milk.

## **SECTION 8 – LEAVE**

### **8.1 Holidays**

Full time employees are compensated for eleven (11) holidays as indicated below. Some departments will be required to work on Holidays in order to keep services open. The employees that work on the actual Holiday and not the observed Holiday will qualify for Holiday pay. Holiday pay cannot be converted into compensatory time.

The Village Hall is closed on the following Holidays:

1. New Year's Day – January 1
2. Martin Luther King's Birthday – Third Monday in January
3. President's Day – Third Monday in February
4. Memorial Day – Last Monday in May
5. Independence Day – July 4
6. Labor Day – First Monday in September
7. Veteran's Day – November 11
8. Thanksgiving – Fourth Thursday in November
9. Day after Thanksgiving
10. Christmas Eve – December 24
11. Christmas Day – December 25

Holidays occurring on a Saturday are observed on the preceding Friday. Holidays falling on a Sunday shall be observed on the following Monday.

### **8.2 Vacation Leave**

Each full-time regular employee will accrue vacation leave from the first day of employment at the following rate:

- 0 - 3 years – Twelve (12) days per year.
- 3 - 5 years – Thirteen (13) days per year.
- 5 - 10 years – Fourteen (14) days per year.
- 10 - 15 years – Fifteen (15) days per year.

Vacation leave time shall be scheduled and charged to the employee for the actual time away from work. When a Holiday falls on the day before, the day after or during an employee's requested annual leave, it will not be charged against the employee's annual leave balance.

Department Directors are required to discuss employee leave requests with their employees in advance to ensure that efficient business operations of the Village are not disrupted. Leave may be taken following approval by the Department Director and may only be used as earned.

Annual leave may be accumulated up to a maximum of 192 hours. Any hours accumulated more than 192 hours must be used by December 31<sup>st</sup> or the hours accumulated in excess of 192 hours

will be forfeited. The Village Manager may allow roll over of annual leave above 192 hours prior to December 31<sup>st</sup> due to operational necessities of the Village and in conjunction with an agreement to reduce the vacation balance below 192 hours prior to the following September 30<sup>th</sup>.

Accumulated vacation leave will be paid to employees who are resigning, retiring, or being laid off in good standing with the Village. Leave will be paid out at the employee's current rate of pay. Terminated employees may be denied vacation balance payout as determined by the Village Manager.

Non-exempt Fire Rescue employee leave accruals and payouts will be in accordance with the collective bargaining agreement.

Vacation leave balance payout will be made to an employee's beneficiary as indicated on the Village life insurance policy in the event of their death.

### **8.3 Sick Leave**

Each regular full-time employee shall accrue eight (8) hours sick leave for each full month worked. Sick leave is accrued from the beginning of employment and shall not be used in advance of being earned, unless an exception has been approved by the Village Manager.

Employees shall notify their supervisor of the need to take sick leave as far in advance of their appointed time to begin work as possible. Employees who are absent for three (3) consecutive workdays or one (1) tour of duty for Fire Department personnel may be required by their immediate supervisor and/or Department Director to produce a medical certificate signed by a physician indicating the reason the employee was unable to perform their duties. Evidence of abuse of sick leave constitutes grounds for disciplinary action up to and including dismissal.

Employees hired prior to September 30, 2018 who are resigning, retiring, or being laid off in good standing from the Village shall be paid for all of their sick leave at half of the employee's hourly rate.

Employees with an effective date of hire as a full-time employee on October 1, 2018 or after will not receive payout of accrued sick leave balance.

Pursuant to Resolution 9-11-103, a sick leave transfer program is available if an employee falls ill and exhausts their sick and vacation leave. A copy of this program can be found in Appendix 3.

Sick leave balance payout will be paid in full and made to an employee's beneficiary as indicated on the Village life insurance policy in the event of their death.

### **8.4 Bereavement Leave**

Employees wishing to take time off to attend a funeral or memorial service of an immediate family member shall notify his/her immediate supervisor at the earliest opportunity. The Village Manager

may expand the definition of immediate family upon request of the employee. A maximum of three (3) work days of paid bereavement leave will be provided to regular full-time employees per incident.

## **8.5 Military Leave**

Any employee who presents official orders requiring attendance for a period of training as a member of the United States Armed Forces Reserve, the Florida National Guard or the State of Florida Reserve may be entitled to Military Leave with pay for a period not to exceed 240 working hours annually. An employee called to military active duty other than for training will be granted a leave of absence and receive full pay for the first 30 days of active military service.

An employee receiving 240 working hours training period pay or receiving 30 days' pay for active duty shall receive their regular pay irrespective of, the amount received from Federal or State Government. After 240 working hours of Military Leave have been used in a calendar year or 30 days for active service, any additional Military Leave will be on a Leave without pay basis.

It is the responsibility of every employee that is a member of the United States Armed Forces Reserve or the Florida National Guard to discuss their Reserve or National Guard status and, to the best of their knowledge, scheduled training dates with their supervisor and/or Department Director.

If an employee is called to active duty, the employee is protected under the Uniformed Services Employment and Reemployment Rights Act (USERRA). The USERRA was enacted to ensure that members of the uniformed services are entitled to return to their civilian employment upon completion of their service. They should be reinstated with the seniority, status, and rate of pay they would have obtained had they remained continuously employed by their civilian employer. The law also protects individuals from discrimination in hiring, promotion, and retention on the basis of present and future membership in the armed services.

A 5-year limit (with some exceptions) is imposed on the cumulative length of time a person may serve in the military and remain eligible for reemployment rights with the pre-service employer; this does not include scheduled drills and applies to per employer

While the employee is on active duty and away from Islamorada employment, there is potential for the employee to purchase service credit from the Florida Retirement System upon returning to active employment with Islamorada.

The employee is responsible for the employee portion of the medical insurance premium while deployed. If the employee opts out of coverage due to the life qualifying event, the employee will be able to opt back into medical benefits upon returning to active employment with Islamorada.



## **8.6 Personal Leave**

All full-time employees are granted eight (8) hours of personal leave for the calendar year. New full-time employees with an employment effective date after July 1<sup>st</sup> of any year receive fifty percent (50%) of the hours stated above. Personal leave must be used by December 31<sup>st</sup> or is forfeited.

## **8.7 Jury Duty**

An employee who is legally summoned to serve on a jury shall be permitted absence with pay. If excused and/or released, the employee shall report to work. If selected to sit on a jury, the employee will be paid but shall remit any pay received for jury duty to the Village.

## **8.8 Leave Without Pay**

A regular employee may be granted leave without pay for sickness, disability, or other sufficient reasons, which are considered in the best interests of the Village and employee. All leave without pay must be approved by the Village Manager.

Employee will be responsible for the full and total medical, dental, vision premium and supplemental insurance while on leave without pay status. If the employee is a member of the Florida Retirement System, the employee will not receive service credit or contributions for leave without pay. The employee is not covered by Islamorada's life insurance policy while on leave without pay.

Leave that is approved as Family Medical and Leave Act (FMLA) can be unpaid leave, see Section 9 for more information on FMLA policy.

## **8.9 Domestic Violence Leave**

An employee who has worked for the Village for three (3) months or longer may take up to three (3) days of paid leave to seek an injunction for protection against domestic, dating or sexual violence; obtain service from a victim services organization; make their home secure or find a new home; or to seek legal assistance related to domestic violence. The employee may use accrued leave in lieu of unpaid leave.

## **8.10 Compensatory Time**

This policy applies to all full-time employees.

### **A. Eligibility.**

- a. Non-Exempt and non-bargaining Employees. Any full-time employee may elect to receive compensatory time off in lieu of overtime pay.
  - i. An employee who earns overtime and chooses to accrue compensatory time must elect to do so in writing by indicating the amount of overtime they

wish to convert to compensatory time. Compensatory time may be earned in whole hour increments. For example, 1 hour of overtime will be converted to 1.5 hours of compensatory time.

- ii. An employee who fails to indicate their desire to convert their overtime into compensatory time will have the overtime paid out at the standard overtime rate.
  
- b. Exempt Employees. Exempt employees are not normally eligible for compensatory time; however, there may be times during the year that specific circumstances require exempt employees to work many more hours than what is customary. In these situations, the Village Manager has the authority to grant additional vacation hours to these individuals.

#### **B. Accrual of Compensatory Time.**

- a. Non-Exempt Employee. Compensatory time for non-exempt, hourly employees is awarded at the rate of one and one-half hours of time off for each hour of overtime worked, with a maximum accrual of 80 hours in a calendar year.
  - i. Once the maximum hours have been reached, an employee will no longer be able to convert their overtime to compensatory time until the following calendar year and only then if the employee's compensatory hours fall below the maximum accrual rate.
  - ii. Once time is converted, compensatory time can only be used as time off and will not be paid out in lump sum unless employee leaves employment with the Village.
  - iii. When an employee moves from a Non-Exempt position to an Exempt position, any compensatory time earned as a Non-Exempt employee will be paid out prior to the employee becoming an Exempt employee.
  - iv. Overtime hours earned for working a holiday may not be converted to compensatory time.
  - v. Employees with 192 hours of vacation or more are not eligible to accrue compensatory time.

#### **C. Use of Compensatory Time.**

- a. Non-Exempt Employee. Compensatory time off must be scheduled with supervisory approval and at a time mutually convenient to the employee and the department.

i. If an employee terminates employment or transfers to another department, the compensatory time balance will be paid at the time of separation or transfer.

ii. Such payment shall be paid at the final hourly rate.

**D. All non-exempt Fire Rescue employees, compensatory time usage and accrual limits will be in accordance with the CBA.**

## **SECTION 9 – FAMILY AND MEDICAL LEAVE ACT**

### **9.1 General**

Pursuant to the Family and Medical Leave Act of 1993 (FMLA), an employee must have a minimum of twelve (12) months service with the Village and at least 1,250 hours worked during the twelve (12) months preceding the date a request for FMLA leave is made to qualify for leave under the FMLA. Only hours worked are counted towards the 1,250-hour requirement. Paid leave of any kind does not constitute “hours worked”.

An eligible employee is entitled to a maximum of twelve (12) weeks of unpaid leave in any 12-month period due to one or more of the following reasons:

- A.** The birth of the employee’s child or placement of a child with the employee for adoption or foster care.
- B.** The medical need to care for an immediate family member (spouse, child, step-child, parent, or grandparent) with a serious health condition (defined below).
- C.** The inability of an employee to perform his/her job function because of a serious health condition.
- D.** Because of any qualifying exigency arising out of the fact that the spouse, son, daughter, or parent of the employee is a servicemember on covered active duty (or has been notified of an impending call or order to covered active duty).

Spouses employed by the Village are jointly entitled to a combined total of twelve (12) weeks of FMLA leave for the following reasons:

- A.** The birth of the employee’s child or to care for the child after birth.
- B.** The placement of a child with the employee for adoption or foster care, or to care for the child after placement.
- C.** To care for the employee’s parent with a serious health condition.
- D.** FMLA leave associated with the birth or placement of a child for adoption or foster care must be completed within twelve (12) months of the birth or placement.

The terms “child” or “step-child” include a person eighteen (18) years of age or older who is incapable of self-care because of a mental or physical disability.

### **9.2 Reduced and Intermittent Leave**

Under some circumstances, employees may take FMLA leave intermittently which means taking leave in blocks of time or reducing an employee’s regular work schedule. Such leave may be taken



whenever it is medically necessary to care for a seriously ill family member (as defined below), or because the employee is suffering from a serious health condition.

Intermittent leave for the birth or placement of a child with the employee for adoption or foster care may only be taken with the Village's prior written permission. In instances of requests for intermittent leave, the Village may elect to transfer an employee temporarily to an alternative position with equivalent pay and benefits if the employee is qualified for the position and the position better accommodates the recurring periods of leave than the employee's regular position.

### **9.3 Designation of Paid Leave as FMLA Leave**

All employees shall be required to exhaust available Personal Leave, Vacation Leave, and Sick Leave as part of the twelve (12) weeks provided by the FMLA. An employee must make a reasonable effort to schedule foreseeable FMLA leave to avoid unduly disrupting the Village's operations. The Village has the right to inquire of any employee the purpose underlying the use of FMLA for qualification purposes.

It is the Village's responsibility in most circumstances to designate leave, whether paid or unpaid, as FMLA-qualifying leave based on information provided by the employee before or during the leave period. The Village may request substantiating documentation from the employee to determine whether the employee qualifies for FMLA leave.

### **9.4 Serious Health Condition**

An employee requesting FMLA leave shall explain the reasons underlying the request in writing to the Human Resources Manager to allow the Village to determine if the leave qualifies under the FMLA. The Human Resources Manager will submit the documentation to the Village Manager for approval. The Village requires a medical certification from the employee's health care provider prior to approving the request. The Village is entitled to require, at its own expense, a second medical certification from a second medical provider. If the two certifications conflict, the Village and employee shall agree on a medical provider, at the Village's expense, whose determination shall be final. The Village may require periodic reports during FMLA leave regarding the employee's status. All required reports shall be provided within fifteen (15) days of the Village's request.

### **9.5 Continuation of Benefits**

The Village shall maintain group health insurance coverage for an employee on FMLA leave whenever such coverage was provided before such leave was taken and on the same terms as if the employee had continued to work. Any share of health plan premiums which had been paid by the employee shall continue to be paid by the employee during the leave period. All premium payments due from the employee shall be made at the beginning of each calendar month while the employee is on unpaid FMLA leave. The employee may choose not to retain coverage during FMLA leave.

If an employee who chooses not to retain coverage or who fails to make a required premium payment thus defaulting on his or her coverage, returns to work from FMLA leave, all previously existing coverage will be reinstated. The employee, however, must pay the Village all premium payments made by the Village to maintain the employee's eligibility that the employee either failed or refused to pay. If the employee does not return to work on the agreed upon date, the Village is entitled to recover all benefit premiums which the Village had to pay, including health premiums, and is entitled to take legal action to recover such payments if necessary. Such recovery will not be pursued if the employee can substantiate a continuation, recurrence or onset of a serious health condition entitling the employee to FMLA leave or other circumstances beyond the employee's control.

#### **9.6 Reinstatements**

An employee must provide the Village with a written medical certification from his/her health care provider indicating the employee's ability to return to regular duty.

#### **9.7 Unpaid FMLA leave**

An employee on unpaid status will not receive retirement service credit for any period of unpaid leave. Benefit entitlements based upon the length of service will be calculated as of the last day worked prior to the start of unpaid FMLA leave. Any items not covered by this policy will be governed by the provisions of the FMLA and its implementing regulations.

#### **9.8 Military Caregiver Leave**

An eligible employee may take unpaid leave for up to a total of 26 workweeks in a "single 12-month period" to care for a covered servicemember with a serious injury or illness, if the employee is the spouse, son, daughter, parent, or next of kin of the servicemember. This single 12-month period is measured forward from the date of the employee's first use of FMLA leave to care for a covered servicemember and ends 12 months after that date. This leave is applied on a per covered servicemember, per injury basis, except that no more than 26 workweeks of leave may be taken within any single 12-month period.

During the single 12-month period, the employee is entitled to a combined total of 26 workweeks of leave for the employee's leave to care for a covered servicemember and leave for any other FMLA qualifying reason, as listed above. Leave for any other FMLA qualifying reason is limited to 12 workweeks, even if the employee takes less than 14 workweeks of leave to care for the covered servicemember.

## **SECTION 10 – EMPLOYEE BENEFITS**

### **10.1 Health and Life Insurance**

All full-time employees are eligible for major medical, vision, and dental insurance health coverage. Employees that begin employment prior to the 1<sup>st</sup> of the month will be eligible for benefits on the 1<sup>st</sup> of the following month. For example, if you start employment July 28<sup>th</sup>, you are eligible for benefits on August 1<sup>st</sup>.

If a full-time employee elects to decline the Village offered medical insurance, the employee must provide proof of insurance by providing the Human Resources Manager a copy of the employee medical benefit card. This must be completed within the first 30 days of employment or during open enrollment.

The Village shall seek to provide health coverage at minimal cost to employees, but the cost born by the Village and cost shared by the employee will likely fluctuate annually based on available funding as determined by the Village Council.

Full-time employees are provided with life insurance in the amount of their annual salary up to a maximum of \$100,000.

### **10.2 Worker's Compensation**

As required by Florida statutes, all Village employees and volunteers are covered under Florida's workers' compensation laws. Employees sustaining work-related injuries shall notify their immediate supervisor and/or Department Director as soon as possible after the injury and not later than the end of the workday. The Department Director shall notify the Human Resource Manager as soon as possible after the accident.

### **10.3 Retirement**

The Village is a member of the Florida Retirement System and will make employer-based contributions for all regular employees hired after January 1, 2016. All participating employees are required to make contributions. Contribution rates are set by state legislature and adjusted the first day of July every year.

Employees hired for six (6) months or less, temporary or seasonal employees, do not qualify for the Florida Retirement System.

Full-time employees will also be eligible to make voluntary contributions to a deferred compensation plan.

#### **10.4 Consolidated Omnibus Budget Reconciliation Act (COBRA)**

The federal COBRA gives eligible employees and their qualified beneficiaries the opportunity to continue medical and dental insurance coverages under the Village of Islamorada's plans when a qualifying event would normally result in the loss of eligibility. Some common qualifying events are resignation, termination, divorce, legal separation, and dependent children no longer meeting eligibility requirements. COBRA allows the employee to continue coverage on the Village medical and dental plans at their own expense for up to eighteen (18) months. Additional program requirements are available from the Human Resources Manager.

#### **10.5 Training**

Village employees are encouraged to participate in training opportunities that enhance job skills and knowledge. Based on funding availability, training opportunities may include courses, seminars, and conferences.

Authorization for training is recommended by the Department Director and approved by the Village Manager. Directors are encouraged to plan and budget for staff training accordingly.

If a non-exempt employee is required to attend training sessions that results in more than forty (40) hours worked in the workweek, including the training and travel, the employee shall be paid overtime or compensatory time at 1.5 hours for each hour over 40.

## **SECTION 11 – EMPLOYMENT RELATIONSHIP**

### **11.1 Employment Contracts**

Employment contracts are subject to approval by the Village Council. The Village Manager and Village Attorney are considered Charter Officers and serve at the will and pleasure of the Village Council as employees of the Village under employment contracts.

### **11.2 Village Attorney's Staff**

The Village Attorney's staff is subject to appointment, suspension, demotion and termination at the will and pleasure of the Village Attorney and shall be supervised and evaluated by the Village Attorney.

### **11.3 All Other Employees**

All employees of the Village not covered above shall be subject to all forms of disciplinary action, including termination of their employment, at the will and pleasure of the Village Manager.

### **11.4 Discipline**

The purpose of discipline is to ensure high standards of performance and efficiency, to maintain good working relationships among employees and to provide the residents, businesses, and visitors with the highest possible level of courteous, professional customer service.

It is the duty of every employee to make conscientious efforts to work and behave in accordance with the values, service standards, rules and regulations of the Village and the Department where they work. Each employee is expected to be self-disciplined and to work hard at being the best at what they do. When an employee is not successful at meeting the requirements of the job, it is the responsibility of the supervisor and/or the Department Director to mentor, counsel, and ultimately discipline employees to correct performance problems.

### **11.5 Forms of Discipline**

The Village recognizes the following forms of discipline:

- A. Verbal Warning** – The purpose of the verbal warning is to re-establish expectations and employee goals. The verbal warning shall be documented in Memorandum for Record format and kept in the employee's personnel file maintained by the Human Resources Manager.
- B. Written Warning** – A written warning is formal documentation of an incident or violation of policy/expectations. The written warning shall be signed by the immediate supervisor or Department Director and a copy provided to the employee. A copy must

also be kept in the employee's personnel file maintained by the Human Resources Manager.

- C. Performance Improvement Plan – A Performance Improvement Plan (PIP) is a detailed description of all areas that an employee is expected to improve with specific actions the employee is to take and/or complete by dates certain and defined measurable outcomes. A PIP must be written and delivered to the employee by the Department Director or Village Manager. PIPs must be signed by the Village Manager, Department Director and employee and a copy given to the employee as well as kept in the employee's personnel file maintained by the Human Resources Manager.**
- D. Suspension – Employee's may be suspended without pay by the Village Manager.**
- E. Demotion – Reassignment of an employee to a position in a lower grade at a lower hourly rate or salary based upon their inability to perform their current duties. Demotion is an option only for employees who have demonstrated satisfactory attendance and conduct.**
- F. Termination – Separation of employment when the Village Manager believes continued employment is detrimental to the interests of the Village.**

The Village endorses a policy of progressive discipline in which it attempts to provide notice of deficient performance and an opportunity to improve. The Village does, however, retain the right to administer discipline in any manner it sees fit. Corrective action is typically warranted when an employee is not meeting standards of attendance, performance, or conduct. The Human Resources Manager shall be consulted before any formal disciplinary action is taken.

### **11.6 Appeal**

An employee may appeal any of the disciplinary actions listed above to the Village Manager within seven (7) calendar days after notice of the disciplinary action. All appeals must be in writing and set forth the reasons why the employee feels the action was not warranted.

Upon receipt of a timely appeal, the Village Manager shall schedule a meeting with the employee and the employee's supervisor and/or Department Director. The Village Manager will hear the appeal and may make further inquiries into the matter. The Village Manager shall make a final decision within three (3) business days and transmit a written copy to the employee via first class mail to the employee's address on file within three (3) business days.

Employees that are members of the union and covered by the collective bargaining agreement (CBA) shall follow the appeals procedures identified in the CBA and are not permitted to use the appeals procedure described herein.

## **11.7 Types of Offenses**

Listed below are examples of unacceptable behavior that shall lead to disciplinary action. The list is not exhaustive, and the Village reserves the right to discipline an employee up to and including termination for any reason.

- A. Quitting work or leaving an assigned work area during work hours without permission.**
- B. Excessive tardiness and/or absenteeism unless allowed by FMLA or other applicable law. Absent without approval or notification of supervisor.**
- C. Unacceptable, inefficient productivity or competency.**
- D. Reporting to work unfit for duty.**
- E. Deliberate or careless conduct endangering the safety of self and others.**
- F. Failure to report the loss or damage of Village equipment or property in their custody.**
- G. Violation of any published Village directive or policy.**
- H. Conviction of a Felony.**
- I. Use of position for personal advantage. Acceptance of a gift or service of value where the employee knew or should have known it was given in expectation of obtaining a service or favored treatment.**
- J. Deliberately damaging, misusing, destroying any Village property.**
- K. Falsification of personnel records, accident records, purchase orders, time sheets or any other record or document.**
- L. Making false claims to gain benefits.**
- M. Insubordination.**
- N. Unlawful possession of explosives or weapons at the workplace.**
- O. Instigating, leading or participating in any walkout, strike, or refusal to return to work at the scheduled time.**
- P. Possession, use, sale, attempt to sell or procure any illegal substances on or off Village property whether on or off duty.**

- Q.** Use or procurement of alcoholic beverages while on duty. Use of alcoholic beverages while operating or riding in a Village vehicle.
- R.** Discourteous, insulting, abusive or inflammatory language or conduct toward co-workers or the public.
- S.** Threatening, intimidating, or bullying a fellow employee. Instigating or participating in a fight while on duty.
- T.** Personal use of the Village's exempt tax number.
- U.** Refusal to sign an acknowledgement of receipt of disciplinary action.
- V.** Failure to possess and maintain a valid driver's license for employees required to operate a motor vehicle as part of their normal job duties as enumerated in their job description.
- W.** Loss of a license or certification required by the Village as part of the employee's job description.
- X.** Failure to report an on the job injury or accident.
- Y.** Theft, extortion, or embezzlement.
- Z.** Knowingly making false statements during an administrative investigation or hearing, and/or refusing to cooperate.
- AA.** Defamation of the Village.



## **SECTION 12 – EMPLOYEE COMPLAINT PROCEDURE**

### **12.1 Purpose**

The purpose of this policy is to assure employees that file claims pertaining to a violation of these policies as well as Departmental rules and regulations, that those claims will be considered fairly, rapidly and without reprisal. Disciplinary action is not subject to this section but may be appealed as described in Section 10.6.

### **12.2 Procedure**

**Step One:** An employee shall present his/her complaint in writing to their Department Director within five (5) business days of the incident. Department Directors shall submit complaints in writing to the Village Manager.

**Step Two:** The Director (or Manager) shall provide a written response to the complainant within three (3) business days of receiving the complaint.

**Step Three:** If the complainant is not satisfied with the response from the Department Director, he/she may ask the Village Manager to review the complaint within seven (7) business days of the response.

**Step Four:** The Village Manager shall provide a written response to the complainant within seven (7) business days of receiving the complaint. The matter will be considered closed and the associated correspondence will be maintained in the employee's personnel file.

## **SECTION 13 – SEPARATION FROM EMPLOYMENT**

### **13.1 Resignation**

An employee who terminates voluntarily may resign in good standing, provided the employee gives a minimum of two (2) weeks' notice to the Department Director. Department Directors are expected to give minimum resignation notification of at least thirty (30) days. Under appropriate circumstances the Director or the Village Manager may approve a shorter notice period.

Resignations shall be submitted in writing, signed by the employee, and provide an effective date. However, an oral resignation may be accepted under certain circumstances. The Department Director or the Village Manager will forward the resignation to the Human Resources Manager to be placed in the employee's personnel file.

### **13.2 Resignation/Layoff/Termination Fully Vested in Florida Retirement System (FRS)**

If an employee resigns and is fully vested in the Florida Retirement System (FRS) Pension Plan and has met the vesting requirements based on hire date (six-year vesting period for employees hired prior to July 1, 2011, or eight-year vesting period for employees hired July 1, 2011 or later) you may be eligible to retire immediately.

If you are in the FRS Investment Plan and have one or more years of creditable service, you are eligible to retire.

### **13.3 Resignation/Layoff/Termination Not Fully Vested in Florida Retirement System (FRS)**

Employees participating in the Florida Retirement System (FRS) Pension plan that are approaching retirement should contact an FRS representative to determine their retirement eligibility. Normal retirement eligibility is determined by your age and years of creditable service.

If you are in the FRS Pension Plan, there is a six-year vesting period for employees hired prior to July 1, 2011, and an eight-year vesting period for employees hired July 1, 2011, or later. If you are not vested in the plan, you retain ownership of that service credit, but do not qualify for a future benefit until such time that you accrue a total of six years of creditable service for employees hired prior to July 1, 2011, and an eight-year vesting period for employees hired July 1, 2011, or later (which do not have to be consecutive or with the same employer).

If you are in the FRS Investment Plan, there is a one-year vesting period. If you have less than one year in the plan, you must be re-employed with an FRS participating agency (in a benefits-earning position) within five years in order to retain ownership of the employer's contributions in your account. If you are not employed with a participating agency within five years, you will forfeit your unvested account balance.

If you are in the FRS Pension or Investment Plan, please contact the MyFRS Financial Guidance line at (866) 446-9377 for distribution/retirement options.

#### **13.4 Retirement**

Retirement is voluntary separation from the employment of the Village upon completion of a specified term of service with entitlement to benefits, then in effect from, a plan administered by the Village. An employee planning to retire shall advise the Human Resources Manager no less than six (6) weeks in advance of the retirement date.

#### **13.5 Medical**

If disability of any kind is discovered and it impairs the employee's ability to perform the essential functions of the job, or makes continuance of the job a direct threat to the safety or welfare of the employee or others, the Village may request that the employee be examined by a Village-selected physician. The following action shall be taken:

- A. An employee may be separated for disability because of a physical or mental impairment when he/she cannot perform the essential functions of the job with reasonable accommodation as determined by the Village. In all cases, the decision to separate must be supported by medical evidence acceptable to the Village Manager. The Village may require an examination at its expense and performed by a physician of its choice.
- B. If the employee cannot be accommodated to perform the essential function of his/her job, the Village may attempt to place the employee in another vacant position that the employee can perform with or without a reasonable accommodation.
- C. In accordance with the ADA, employees will be provided reasonable accommodation for qualified disabilities provided the accommodation does not cause undue hardship on the Village as determined by the Village Manager.
- E. The Village reserves the right at any time to require an evaluation of an employee to verify their fitness for duty whenever a reasonable belief based on objective evidence exists to question fitness for duty. The failure to cooperate is considered insubordination.

#### **13.6 Death**

For record keeping purposes, separation shall be effective on the date of death. All benefits due to the employee, as of the effective date of separation will be paid to the beneficiary as designated by the employee on their benefit enrollment forms. Any final wage payments will be made to the beneficiaries listed on the employees Village-provided life insurance.

### **13.7 Reduction in Force**

The Village may reduce the number of employees because of lack of funds, shortage of work, the completion of a project, or any other causes not reflective of poor performance by the employee. The duties of any employee separated by a reduction in force may be reassigned to other employees.

### **13.8 Involuntary Separation**

Involuntary separation is termination of employment initiated by the Village. Involuntarily separated employees are not eligible for rehire and will not receive pay out of leave.

### **13.9 Exit Interviews**

The Human Resources Manager will conduct an exit interview prior to a departing employee's last day of active employment.

### **13.10 Village Property**

At the time of separation and prior to receiving final monies due, all records, equipment, uniforms, keys, tools, and other items belonging to the Village in the employee's custody must be turned in to the Department Director. The Director shall acknowledge receipt of such items in writing and submit the certification to the Human Resources Manager for the former employee's personnel file. Any monies owed the Village due to an employee's failure to return Village property may be offset against the employee's final paycheck or may be collected through civil action or criminal charges.

### **13.11 Pay on Separation**

Employees who are involuntarily separated from employment with the Village, including probationary employees, are not eligible to receive payment of any accrued benefits including vacation and sick leave unless otherwise determined by the Village Manager. Any monies due the Village may be withheld from final pay at separation. Final payments will be paid in accordance with Florida State Statutes.

## **SECTION 14 – SAFETY**

### **14.1 Accident and Injury Prevention**

Emphasis on safe working conditions, practices and habits is the objective of the Village's safety program. Minimizing the number of accidents and damages involving Village employees or Village equipment and property will result in benefits to employees and the organization alike. Every member of the Village staff must recognize and accept responsibility for successful safety initiatives and participate in the development and implementation of the Village's safety program. Employees are expected to work in a manner consistent with the safety program and to report all accidents and unsafe conditions to their immediate supervisor. Safety is the responsibility of every employee and it requires constant vigilance.

Department Directors, Managers, and Supervisors are expected to provide continuing efforts to ensure adequate safety training and proper equipment handling, as well as to reduce carelessness and neglect in Village operations.

### **14.2 Accident and Injury Reporting**

All employees are responsible for immediately reporting all injuries or accidents that occur on the job to their immediate supervisor or Department Director. An accident report shall be completed by the immediate supervisor and submitted to the Human Resources Manager within twenty-four (24) hours of the incident.

Any property or equipment involved in an accident must also be reported to the employee's immediate supervisor or Department Director. In addition, every accident involving a Village-owned vehicle must be immediately reported to the law enforcement agency having authority at the accident location.

Any accident that results in property damage or severe injury to the employee, will require a post-accident drug screening.

### **14.3 Safety Equipment and Devices**

The Village will provide proper and necessary safety equipment and devices for employees engaged in work where they are required. Such equipment and devices must be used properly. Failure by an employee to use provided equipment or devices will be subject to disciplinary action.

### **14.4 Safety Committee**

The Safety Committee shall be made up of seven (7) members as follows: One employee from each of the following departments: Public Works, Fire, Parks and Recreation, Marina, Building and Planning, one member at large and the Human Resources Manager. Meetings shall take place quarterly or more frequently as needed. The duties and responsibilities of the Safety Committee are as follows:

- A. Review and discuss accident reports and discuss corrective action.**
- B. Evaluate hazards and recommendations uncovered through inspections and make recommendations to the Village Manager for corrections.**
- C. Help formulate safety rules for safe operation and recommend same to the Village Manager.**

#### **14.5 Smoking Policy**

**Smoking is prohibited in buildings and vehicles owned or leased by the Village of Islamorada.**

**APPENDIX 1**

**ISLAMORADA, VILLAGE OF ISLANDS**

**DRUG-FREE WORKPLACE**

**POLICY AND WORK RULES**

A.	Policy Statement.....	3
B.	Definitions.....	4
C.	Rules on Drugs and Alcohol.....	7
D.	Testing Pursuant to the Drug-Free Workplace Policy.....	13
E.	Drug and Alcohol Testing of Drivers And Owner-Operators.....	19
APPENDIX 1		
	Over-the-Counter and Prescription Drugs Which Could Alter or Affect the Outcome of a Drug Test.....	20
APPENDIX 2		
	Form for Reporting Use of Medication.....	21
APPENDIX 3		
	List of Drugs by Trade or Common Name.....	22
APPENDIX 4		
	Form for Reasonable Suspicion Testing .....	24
APPENDIX 5		
	Notice (form) to Insurer of Denial of Worker’s Compensation Benefits....	26
APPENDIX 6		
	Form for Ordering a Drug Test .....	27



## A. POLICY STATEMENT

Islamorada, Village of Islands (“Village”) is committed to provide a safe work environment for our employees, our guests, our community and the public. The abuse of alcohol and drugs is a national problem, which impairs the safety and health of employees, promotes crime and harms our community. In order to maintain the highest standards of morale, productivity and safety in our operations, we are instituting a drug and alcohol-free workplace Policy. With the cooperation and assistance of our employees, we will implement a program designed to provide a safe workplace environment free from drugs and alcohol use and/or abuse.

We recognize that alcohol and drug dependency require medical supervision and treatment if there is to be successful rehabilitation. Our desire and intent is to encourage any employee with drug and alcohol or drug dependency to voluntarily enter a drug or alcohol rehabilitation program. It is the responsibility of each employee to initiate and obtain assistance before any difficulties with drug or alcohol affect his or her work. Accordingly:

**EMPLOYEES OF ISLAMORADA, VILLAGE OF ISLANDS, ARE HEREBY NOTIFIED THAT IT IS A CONDITION OF EMPLOYMENT FOR EACH EMPLOYEE TO REFRAIN FROM REPORTING TO WORK OR WORKING WITH THE PRESENCE OF DRUGS OR ALCOHOL IN HIS OR HER BODY. IF AN INJURED EMPLOYEE REFUSES TO SUBMIT TO A TEST FOR DRUGS OR ALCOHOL, PURSUANT TO STATE LAW THE EMPLOYEE MAY FORFEIT ELIGIBILITY FOR MEDICAL AND INDEMNITY BENEFITS. FURTHER, IF A DRUG OR ALCOHOL IS FOUND TO BE PRESENT IN THE EMPLOYEE’S SYSTEM AT A LEVEL PRESCRIBED BY THIS POLICY, THE EMPLOYEE MAY BE TERMINATED AND FORFEITS HIS OR HER ELIGIBILITY FOR MEDICAL AND INDEMNITY BENEFITS.**

Our Policy complies with the Florida Drug-Free Workplace Program, as provided in Section 440.101, and et. seq, Florida Statutes. This Drug Free Workplace Policy and Work Rules require all employees to be free from the influence of drugs and alcohol while working or while on Village property. The use, possession, sale, distribution, or manufacture of any drugs, and/or the unauthorized possession and/or use of alcohol, while working or while on Village property is prohibited.

All “job applicants” for either safety sensitive or special-risk positions will be tested for drugs prior to beginning work. All employees will be subject to drug and alcohol testing upon reasonable suspicion, after an accident or injury, and as part of a routine fitness for duty (physical) examination.

All employees are encouraged to be aware of the effects of and to advise their supervisor when taking prescription medication which may affect their performance at work.

To ensure a workplace free from the influence of illegal drugs and alcohol abuse, the following Policy has been established. The Policy applies to all employees, supervisors and managers. Any violation of the Policy will result in discipline, up to and including termination of employment.

## B. DEFINITIONS

1.0 Alcohol: “Alcohol” means ethyl alcohol (ethanol) and includes distilled spirits, wine, malt beverages and intoxicating liquors. For purpose of this Policy, alcohol is considered to be a drug. Thus, any reference to drugs and/or drug testing includes alcohol and/or alcohol testing.

2.0 Drug: “Drug” means alcohol, including a distilled spirit, wine, a malt beverage or an intoxicating liquor; an amphetamine; a cannabinoid; cocaine; phencyclidine (PCP); a hallucinogen; methaqualone; an opiate; a barbiturate; benzodiazepines; a synthetic narcotic; a designer drug; or a metabolite of any of the substances listed in this Policy. An employee may be tested for any or all such drugs.

3.0 Job Applicant: “Job applicant” means a person who has applied for a Special-risk or safety sensitive position with the Village and has been offered employment conditioned upon successfully passing a preemployment drug test.

4.0 Employee: “Employee” means an individual who works for the Village on a full-time or part-time basis and receives salary, wages, or other compensation.

5.0 Drug Test: “Drug Test” means any chemical, biological or physical instrumental analysis administered by a laboratory certified by the United States Department of Health and Human Services (HHS) or licensed by the Agency for Health Care Administration (AHCA) for the purpose of determining the presence of a drug or its metabolites, including alcohol. Drug testing may require the collection of blood, urine, breath, saliva, or hair (if approved by the FDA) of an employee or job applicant. The “Village” has the right to use more accurate, scientifically accepted methods which may be approved in the future by the United States Food and Drug Administration (FDA) or the AHCA as such technology becomes available in a cost-effective form.

5.1 Drug Test Methodology: Specimens for drug testing will be collected,

handled, maintained and tested in accordance with the Florida Drug-Free Workplace Program. Urine will be used for the initial and confirmation tests for all drugs except alcohol. Blood will be used for the initial and confirmation tests for alcohol.

6.0 Initial Drug Test: means a sensitive, rapid, and reliable procedure to identify negative and presumptive positive specimens, using an immunoassay procedure or an equivalent, or a more accurate scientifically accepted method approved by the United States Food and Drug Administration or the Agency for Health Care Administration as such more accurate technology becomes available in cost-effective form.

7.0 Confirmation Test: means a second test of all specimens identified as positive in an Initial Drug Test in accordance with the Florida Drug-Free Workplace Programs and appropriate Florida Administrative Rules.

**8.0 Positive Confirmed Test or Confirmation Test:** “Positive confirmed test” or “confirmed test” means a second analytical procedure used to identify the presence of a specific drug or metabolite in a specimen, which test must be different in scientific principle from that of the initial test procedure and is capable of providing requisite specificity, sensitivity and quantitative accuracy, and which confirms a positive result from an initial drug test.

**9.0 Medical Review Officer:** “Medical Review Officer” (MRO) A licensed physician with the following qualifications/responsibilities:

- Knowledge of substance abuse disorders, laboratory testing procedures and chain of custody collection procedures
- Receives and reviews all positive confirmed test results
- Verifies positive, confirmed test results
- Has the necessary medical training to interpret and evaluate an employee’s positive test result in relation to the employee’s medical history or any other relevant biomedical information
- Contacts all individuals who tested positive in a confirmation of test results
- Contacts all individuals who tested positive in a confirmed test to inquire about possible medications which could have caused a positive result in accordance with Rule 38F-9.014, Florida Administrative Code

**10.0 Prescription or Non-Prescription Medication:** “Prescription or non-prescription medication” means a drug or medication obtained pursuant to a prescription as defined by Section 893.02, Florida Statutes, or a medication that is authorized pursuant to federal or state law for general distribution and use without a prescription in the treatment of human diseases, ailments, or injuries.

**11.0 Reasonable Suspicion Drug Testing:** “Reasonable suspicion drug testing” means drug testing based on a belief that an employee is using or has used drugs and/or alcohol in violation of this Policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Among other things, such facts and inferences may be based upon:

- (a) Observable phenomena while at work, such as direct observation of drug use or of the physical symptoms or manifestations or being under the influence of a drug or alcohol;
- (b) Abnormal conduct or erratic behavior while at work or a significant deterioration of work performance;
- (c) A report of drug and alcohol use, provided by a reliable and credible source;

- (d) Evidence that an individual has tampered with a drug test during his employment with the Village;
- (e) Information that an employee has caused, contributed to, or been involved in an accident while at work; or
- (f) Evidence that an employee has used, possessed, sold, solicited, or transferred drugs or alcohol while working or while on the Village's premise or while operating a vehicle, machinery, or equipment of the Village.

#### **12.0 Safety sensitive position**

Safety sensitive position means a position in which a drug or alcohol impairment constitutes an immediate and direct threat to public health or safety, such as a position that requires the employee to carry a firearm, perform life-threatening procedures, work with confidential information or documents pertaining to criminal investigations, or work with controlled substances; a position subject to Section 110.1127, Florida Statutes or a position in which a momentary lapse in attention could result in injury or death to another person.

**13.0 Special-Risk Position:** "Special-risk position" means a position that is required to be filled by a person who is certified under Chapter 633 or Chapter 943, Florida Statutes (1999), as amended.

**14.0 Specimen:** "Specimen" means a tissue or product of the human body including blood, urine, saliva, and hair that is capable of revealing the presence of alcohol and/or drugs or their metabolites as approved by the FDA or the AHCA.

**15.0 Chain of Custody:** "Chain of Custody" refers to the methodology of packing specified materials or substances for the purpose of maintaining control and accountability from initial collection to final disposition for all such materials or substances at each stage in handling, testing, and storing specimens and reporting test results.

### C. RULES ON DRUGS AND ALCOHOL

**EMPLOYEES OF ISLAMORADA, VILLAGE OF ISLANDS, ARE HEREBY NOTIFIED THAT IT IS A CONDITION OF EMPLOYMENT FOR EACH EMPLOYEE TO REFRAIN FROM REPORTING TO WORK OR WORKING WITH THE PRESENCE OF DRUGS OR ALCOHOL IN HIS OR HER BODY. IF AN INJURED EMPLOYEE REFUSES TO SUBMIT TO A TEST FOR DRUGS OR ALCOHOL, PURSUANT TO STATE LAW THE EMPLOYEE MAY FORFEIT ELIGIBILITY FOR MEDICAL AND INDEMNITY BENEFITS.**

It is not the intent of the Village to intrude into the private lives of its employees. However, the effect of drug and alcohol use, abuse and/or dependency on safety, work quality, increased medical expenses and lost productivity requires that this Policy be implemented. The following rules apply under the Village's Policy.

1.0 Pre-Employment Conditions The following pre-employment conditions are established to determine the suitability of employees to work for the Village.

- 1.1 All job applicants for a special-risk or safety sensitive positions must submit to a drug and/or alcohol test prior to starting employment in that position. Any job offer, which a job applicant may receive from the Village, is contingent upon the applicant's successfully completing the drug and/or alcohol test.
- 1.2 Any job applicant for either a special-risk or safety sensitive position who refuses to submit to drug and alcohol testing, as part of the pre-employment testing process will be refused employment.
- 1.3 Any job applicant who tests positive for drugs or alcohol will be refused employment at that time. Confidentiality will be maintained pursuant to this Policy.
- 1.4 The Village will not discriminate against an applicant for employment because of the applicant's past addiction to drugs or alcohol. It is only the current use/abuse of drugs or alcohol that will not be tolerated.

2.0 Conditions of Continuing Employment

- 2.1 The Village will provide each employee with a copy of the Village's Drug Free Workplace Policy and Work Rules. It is a condition of continuing employment for each employee to abide by the Policy and work rules. Failure to abide by either the Policy and/or work rules may result in disciplinary action, up to and including termination.

3.0 Prohibition of Possession, etc.

- 3.1 The unlawful manufacture, distribution, dispensation, possession, sale or use of any drug or non-prescribed, controlled substance and/or the unauthorized possession or

usage of alcohol by employees while working or when on any Village property is strictly prohibited.

#### 4.0 Prohibition of Drug or Alcohol Use

4.1 All employees are prohibited from being at work or on Village property with the presence of any drug or its metabolite, as set forth herein, in the employee's body. Any employee who has a confirmed positive test of a drug or its metabolite at the levels defined herein will be presumed to be under the influence of the drug and in violation of Village Policy.

#### 5.0 Requirement to Report Medication Use

- 5.1 The Village does not prohibit the use of a drug (prescribed medication) provided:
- (a) The drug is prescribed or authorized for use by an employee by a medical doctor; and
  - (b) The use of the drug at the prescribed or authorized level is consistent with the safe performance of the employee's duties; and
  - (c) The drug is used at the dosage prescribed or authorized.
- 5.2 Employees are encouraged to notify their immediate supervisor when reporting for work or during the course of a work shift if the use of any prescription or non-prescription medication may adversely affect his or her ability to satisfactorily and safely perform his normal job duties (e.g., including but not limited to drowsiness). Employees in safety sensitive or special risk positions are required to provide their supervisor with such information. A form for reporting the use of prescription or non-prescription medication is attached. Additional forms are available from the Human Resources Manager.

#### 6.0 Employee Drug and Alcohol Testing

- 6.1 Employees will be required to submit to drug and/or alcohol testing upon reasonable suspicion as defined in this Policy, during a routine fitness for duty (physical) examination, and after an on-the-job accident, or injury or any off-the-job accident and/or injury which involves or occurs on Village property. Employees who are on Village property such as parks and beaches during non-working hours for purely recreational purposes are excluded.
- 6.2 An employee who tests positive on a confirmation test will be terminated.
- 6.3 Confidentiality will be maintained at all times except to the extent necessary to comply with these policies and to the extent permitted by law.
- 6.4 Failure to submit to a drug and/or alcohol test upon reasonable suspicion will result in termination of employment.

## **7.0 Employee Drug or Alcohol Related Criminal Charges or Arrests**

- 7.1** Employees are required to notify the Administration & Finance Department of any alcohol or drug related criminal charge or arrest no later than one day after such charge has been filed. Failure to provide notice to the Administration & Finance Department may result in disciplinary action, up to and including termination.
- 7.2** The Village will take appropriate action with respect to an employee who is charged, including transfer to a non-safety sensitive or special risk position.
- 7.3** Employees are required to notify the Administration & Finance Department of any final action regarding all drug or alcohol related charges no later than five days after said final action. Final action includes but is not necessarily limited to, conviction, a plea of guilty, adjudication of guilt, a plea of nolo contendere, adjudication withheld, and acquittal or dismissal of the charges. A failure to report a drug or alcohol conviction within the applicable time periods may result in termination of the employee, unless a valid reason exists for the employee's failure to report the conviction to the Village.
- 7.4** The Village will take appropriate disciplinary action against such employee within thirty days of receiving notice of any final action. Disciplinary action may include termination of employment.

## **8.0 Employee Education and Referral Program**

- 8.1** It is the responsibility of each employee to seek assistance before drug and alcohol use or abuse leads to disciplinary problems. Employees who may require assistance with dependency and related programs are encouraged to seek assistance and information from the Administration & Finance Department.
- 8.2** Once a violation of this Policy occurs, subsequent use of a counseling or rehabilitation program on a voluntary basis will not affect the imposition of appropriate disciplinary action.
- 8.3** An employee's decision to seek assistance or referral from the Administration & Finance Director prior to any incident warranting disciplinary action will not be used as the basis for disciplinary action or in any disciplinary proceeding.
- 8.4** An employee who is experiencing problems as a result of drug and/or alcohol abuse should contact the Director of Administration & Finance for referral for treatment and/or counseling. This discussion will be kept confidential. Such employee will be subject to testing to verify recovery from substance abuse pursuant to the Policy requirements and failure to take or pass a drug and/or alcohol test will result in termination of employment. Where an employee voluntarily enters a treatment program before disciplinary action is initiated, the Village, in its sole discretion, may elect to waive follow-up drug testing. If follow-up drug testing is required, it must be conducted at least once a year for a two-year period after completion of the program. Advance notice of a follow-up testing date is strictly prohibited.

8.5 An individual's participation in an alcohol or drug treatment program will not be made part of any personnel records and will remain confidential except to the extent necessary to comply with this Policy and to the extent permitted by law. Medical and insurance records, if any, will be preserved in the same confidential manner as all other medical and insurance records. Program participation records will be maintained by the Director of Administration & Finance.

9.0 Rehabilitation Procedures

9.1 An employee in a safety sensitive position who enters a substance abuse rehabilitation program will be assigned to a position other than a safety sensitive position, or, if such a position is not available, will be placed on leave while the employee is participating in the program. The employee shall be permitted to use any accumulated leave credits before leave will be ordered without pay.

9.2 An employee in a special-risk position is subject to discharge for the first positive confirmed test results if the drug confirmed is an illicit drug under Section 893.03, Florida Statutes. A special-risk employee who is participating in a substance abuse program will not be allowed to continue to work in a safety sensitive or special-risk position, but will be assigned to a position other than a safety sensitive position or placed on leave while the employee is participating in the program. The employee shall be permitted to use any accumulated annual leave credits before leave will be ordered without pay.

9.3 Where an employee is permitted to enter into a substance abuse rehabilitation program, the Village will attempt to hold the employee's job open for as long as possible. When the employee successfully completes the said program, the Village will attempt to return the employee to his/her former position. It is recognized that under many circumstances it may not be feasible to return an employee to his/her former position (e.g., if the job involves driving). If the employee is not returned to his/her former job, the Village will utilize its best efforts to place the employee in another available position.

9.4 Upon successful completion of a drug or alcohol treatment program, an employee may be released to resume work however, the employee will be subject to drug testing on a random, periodic basis, at least once a year, for two years thereafter as a condition of continued employment.

10.0 Employee Education Information

10.1 The following "crisis information centers" will provide information regarding employee assistance programs and local alcohol and drug rehabilitation programs available to employees:

Monroe County  
Help Crisis Line, Inc.  
Telephone: (305) 296-4357  
1-800-273-4558



**Employee Assistance Program Care Center**

1205 Fourth Street  
Key West, FL 33040  
Telephone: (305) 292-6843

**Dade County**

Switchboard of Miami  
Telephone: (305) 358-4357

**10.2 Other available resources include:**

1-800-356-9996	Al-Anon
1-800-527-5344	American Council on Alcoholism
1-800-COCAINE	Cocaine Hotline
1-800-NCA-CALL	Nat'l Council on Alcoholism
1-800-662-HELP	US Dept. of Health & Human Services (Referral to Local Help)
1-800-843-4971	DHHS Center for Drug Abuse Hotline

**10.3 Employees may obtain further information regarding available drug and alcohol assistance and rehabilitation programs by contacting the Human Resources Manager.**

**11.0 Management's Responsibility**

**11.1 The Village Manager, Department Heads and Supervisors (hereafter collectively referred to as "supervisors") are responsible for implementing this Policy. It is the responsibility of supervisors to observe the behavior which could threaten the safety and well-being of employees or the public.**

**11.2 Supervisors are responsible for maintaining a safe work environment by determining each employee's fitness for duty.**

**11.3 In the event a supervisor has a reasonable suspicion that an employee may be affected by drugs or alcohol or has otherwise violated this Policy, the employee will be sent for drug testing. A form for reporting the reason(s) for drug testing is attached and should be completed as soon as practicable following the incident or observations giving rise to such reasonable suspicion.**

**11.4 In all cases when an employee is being removed from duty for drug testing, the supervisor should notify his/her superior at the earliest possible time.**

**12.0 Employees' Responsibility**

- 12.1** It is each employee's responsibility to be fit for duty when reporting for work and to inform his/her supervisor if he or she is under the influence of prescription medication which may affect job performance or safety.
- 12.2** In the event an employee observes behavior which raises a doubt as to the ability of a co-worker to work in a safe and reliable manner, the employee shall report this behavior to his/her supervisor.
- 12.3** Employees who voluntarily enter a drug or alcohol treatment and/or rehabilitation program must participate and complete the recommended treatment. Any employee who enters a drug or alcohol treatment and/or rehabilitation program will be responsible for payment for the treatment and/or programs to the extent not covered by medical insurance provided by the Village. If the employee fails to comply with the treatment and/or the program, the employee will be subject to termination.

**13.0 Employee Education**

- 13.1** Employees and supervisors will be required to participate in a drug-free awareness program on an annual basis. The program will inform employees about the following:
  - (a)** The legal, social, physical and emotional consequences of the use, misuse and/or abuse of alcohol or drugs;
  - (b)** The Village's commitment to maintain a drug-free workplace;
  - (c)** Available drug counseling, rehabilitation and employee assistance programs;
  - (d)** Assistance in identifying personal and or emotional problems which may result in the misuse of alcohol or drugs;
  - (e)** The penalties which may be imposed by the Village on employees for drug abuse violations occurring in the workplace.

**D. TESTING PURSUANT TO THE  
DRUG-FREE WORKPLACE POLICY**

1.0 **Types of Testing:** In order to maintain a drug and alcohol-free work environment and in accordance with Florida's Drug-Free Workplace Program, Section 440.101, et. seq, and applicable administrative regulation, the Village will test the for the presence of drugs and/or alcohol in the following circumstances:

1.1 **Pre-Employment:** All job applicants who have been offered a position of employment in either a safety sensitive or special-risk position must submit to a drug and/or alcohol test before beginning employment or work for the Village.

1.2 **Reasonable Suspicion :** Employees who are determined to be under reasonable suspicion of drug or alcohol use as defined by this Policy will be required to submit to a drug and/or alcohol test.

1.3 **Fitness-For-Duty:** All employees who are subject to a routine fitness for duty medical examinations must take a drug and/or alcohol test as part of their medical examination.

1.4 **Follow-Up:** All employees who have entered an employee assistant program or rehabilitation program for drug and/or alcohol abuse must take drug and/or alcohol tests on a quarterly, semi-annual or annual basis for two years after return from work. This requirement may be waived in the sole discretion of the Village in cases where an employee voluntarily enters a drug treatment program before disciplinary action has been taken.

1.5 **Post Accident or Injury:** Employees who are involved in an accident or injury to an employee occurring while at work which was caused, contributed to or involved an employee must take a drug and/or alcohol test after administration of emergency medical treatment. If it cannot be determined which employee was driving a Village vehicle at the time of an accident, then any employee who was driving the vehicle during the applicable time period will be required to submit to testing.

1.6 **Random Testing for Village Employees:** Village employees are subject to random testing as determined by the Village. Random testing shall be conducted via an unbiased selection procedure, and in accordance with drug-testing rules adopted by the Agency for Health Care Administration and the Department of Labor and Employment Security.

2.0 **Consequences of Refusing a Drug Test**

2.1 An employee who refuses to submit to a drug test will be subject to termination.

An employee who refuses to submit to a drug test following an occupational injury which requires medical treatment forfeits his eligibility for all workers' compensation medical and indemnity benefits in accordance with Florida law.

2.2 A job applicant who refuses to submit to a drug test will not be hired.

2.3 Any person or employee will be considered to have refused to submit to testing if the person or employee:

2.3.1 Did not appear at the testing site, within a reasonable time, after being directed to do so.

2.3.2 Did not provide a specimen, or provided an inadequate specimen, as required by this policy, the on-site specimen collector or applicable state and/or federal regulations.

2.3.3 Left the testing site before the completion of the test

2.3.4 Refuse to cooperate with any part of the testing process

3.0 Actions Following Positive Confirmed Test: The Village will terminate any employee who has a positive, confirmed drug test.

4.0 Reporting of Use of Medication: Employees and job applicants may confidentially report the use of prescription medication both before and after having a drug test. A form for reporting medication use is attached as Appendix 1.

5.0 Notice of Common Medications: A list of the most common medications by brand name or common name, as applicable, as well as by chemical name, which may alter or affect a drug test, are attached as Appendix 2. Employees and job applicants should review this list prior to submitting to a drug test.

6.0 Medication Information: An employee or job applicant may consult with the Village's MRO or the testing laboratory for technical information regarding prescription and non-prescription medications.

#### 7.0 Drugs to Be Tested

7.1 Drug testing may be required for any or all of the following drugs:

1. Alcohol, including distilled spirits, wine, malt beverages and intoxicating liquors
2. Amphetamines
3. Cannabinoids
4. Cocaine
5. Phencyclidine (PCP)
6. Hallucinogens
7. Methaqualone
8. Opiates
9. Barbiturates
10. Benzodiazepines
11. Synthetic narcotics (Methadone and Propoxyphene)
12. Designer Drugs
13. A metabolite of any of the substances listed herein

A list of drugs by brand names or common names is attached.

The cut-off levels for reporting positive results for both initial and confirmation drug tests are set forth below.

**7.2 Drug cut-off levels – Initial Drug Test:**

All levels equal to or exceeding the following shall be reported as positive:

Alcohol	Levels as indicated by current Florida State Statutes
Amphetamines	1,000 ng/ml
Cannabinoids (Marijuana)	50 ng/ml
Cocaine	300 ng/ml
Phencyclidine	25 ng/ml
Opiates	2000 ng/ml

**7.3 Drug Cut-Off Levels – Confirmation Drug Test: All levels equal to or exceeding the following shall be reported as positive:**

Alcohol	Levels as indicated by current Florida State Statutes
Amphetamines	500 ng/ml
Cannabinoids (Marijuana)	15 ng/ml
Cocaine	150 ng/ml
Phencyclidine	25 ng/ml
Opiates	2000 ng/ml

**8.0 Reasonable Suspicion Drug Testing**

**8.1 Employees will be required to submit to drug and/or alcohol testing when a supervisor has “reasonable suspicion” to believe that an employee is using or has used drugs or alcohol in violation of this Policy. The supervisor will document the circumstances which formed his or her determination of “reasonable suspicion” in writing as soon as practicable. While this should be done on the same day or the next working day, it must be done within three working days from the date of the determination. A form for the use by supervisor to specify the reason(s) for reasonable suspicion testing test is attached as Appendix 3. A copy of this documentation will be given to the employee upon request within seven days from the date of the supervisor’s determination of “reasonable suspicion.”**

**9.0 Confidentiality and Records Maintained**

**9.1 Confidentiality of records concerning drug testing pursuant to the Drug-Free Workplace Policy will be maintained in accordance with Florida law. All information, records, drug test results in the possession of the Village, laboratories, employee assistance programs and**

drug and alcohol rehabilitation programs will be kept confidential. No such information or records will be released unless written consent, signed by an employee or job applicant, is provided or unless disclosure of such information or records is compelled by court order. The Village may also disclose such information when relevant in any civil, disciplinary or administrative hearing. The Village will maintain records concerning drug testing separate and apart from a job applicant or employee's personnel file.

#### **10.0 Challenge of Test Results of Drug Test Under Florida Law:**

10.1 An employee or job applicant who receives a positive confirmed test result may submit information to the MRO contesting or explaining the result in writing within five (5) working days of receipt of information of a positive confirmed test result.

10.2 If the explanation or challenge of the employee or job applicant is unsatisfactory to the MRO, the MRO shall report a positive result back to the Village.

10.3 Within five (5) working days after receiving notice of a positive confirmed test result from the MRO, the Village shall inform the employee or job applicant in writing of the positive test result, the consequences of such results, and the options available to the employee or job applicant. Upon request, the Village shall provide a copy of the test result to the employee or job applicant.

10.4 Within five (5) working days after receiving notice of a positive confirmed test result from the Village, the employee or job applicant may submit information to the Village explaining or contesting the test result, and explaining why the result does not constitute a violation of the Village's Policy.

10.5 If the explanation or challenge of the employee or job applicant is unsatisfactory to the Village, the Village shall provide a written explanation (within fifteen (15) days of receipt) as to why the employee or job applicant's explanation is unsatisfactory, along with a copy of the report of positive confirmed test results. All such documentation will be kept confidential except as provided in Section 9, above and will be retained by the Village for at least one (1) year.

10.6 An employee may further challenge the result of a test in a court of competent jurisdiction or, if the drug test was administered due to a workplace injury, by filing a claim for benefits with a Judge of Compensation Claims, pursuant to Chapter 440. Florida Statutes.

10.7 If an employee or job applicant contests the drug test result, he or she will be solely responsible for notifying the laboratory and the Village in writing by certified mail and provide a copy of the written notice, by certified mail, to the Village. The notice must include reference to the chain of custody specimen identification number.

10.8 An employee or job applicant who receives a positive, confirmed test result may, at the employee's or job applicant's expense, obtain a retest of a portion of the original specimen

at another licensed and approved laboratory selected by the employee or job applicant, within one hundred eighty (180) days of the notice of the positive test result.

**11.0 Medical Review Officer's Responsibilities for Testing Under Florida Law:**

11.1 The Medical Review Officer (MRO) shall fully comply with all of the requirements set forth in Rule 38F-9.014, Florida's Administrative Code as it may from time to time be amended. The MRO shall be a licensed physician, who has knowledge of substance abuse disorders, laboratory testing procedures, chain of custody collection procedures, and medical use of prescription drugs and pharmacology and toxicology of illicit drugs.

11.2 The MRO shall review and verify drug test results prior to the transmittal of the test results, either positive or negative, to the Village. The MRO shall evaluate the drug test result(s), verify the chain of custody forms and ensure that the donor's identification number on the laboratory report and the chain or custody form accurately identifies the individual.

11.3 If the test results reported are negative, the MRO shall notify the Village of the negative test result and submit the appropriate documentation to the ACHA.

11.4 If the test results reported are positive, the MRO shall notify the employee or job applicant of a confirmed positive test result within three (3) days of receipt of the test result from the laboratory and inquire as to whether prescriptive or over-the-counter medications could have caused the positive test result. Within five (5) days after receiving written notification of the positive test result, the employee or job applicant may contest or explain the result to the MRO. If the employee or job applicant's explanation or challenge is unsatisfactory to the MRO, the MRO will report a positive test result back to the Village.

11.5 Upon contacting an employee or job applicant who has received a positive test result, the MRO shall properly identify the donor, inform the donor that the MRO is an agent of the Village whose responsibility is to make a determination on test results and report them to the Village, and inform the donor that medical information revealed during the MRO's inquiry will be kept confidential, unless the donor is in a safety sensitive position and the MRO believes that such information is related to the safety of the donor or to the employees.

11.6 Additionally, the MRO shall outline the rights and procedures for a retest of the original specimen for the donor and process any employee's or job applicant's request for retest of the original specimen within one hundred eighty (180) days of notice of the positive test result in another licensed laboratory selected by the employee or job applicant. The employee or job applicant who requests the additional test shall be required to pay for the cost of the retest, including handling and shipping expenses. The MRO shall contact the original testing laboratory to initiate the retest.

11.7 Upon receipt of information and/or documentation from the employee or job applicant, the MRO shall review any medical records provided, authorized and/or released by the individual's physician, to determine if the positive test result was caused by a legally prescribed medication. If the donor does not have prescribed medication, the MRO shall inquire about over-

the-counter medications which could have caused the positive test result. The donor shall be responsible for providing all necessary documentation (i.e., a doctor's report, signed prescription, etc.) within the five (5) day period after notification of the positive test result.

11.8 If the MRO determines that there is a legitimate medical explanation for the positive test result, the MRO shall report a negative test result to the Village. However, should the MRO feel that the legal use of the drug would endanger the individual or others, the MRO shall report that the test is negative due to a validated prescription and shall request that the individual be placed in a position which would not threaten the safety of the individual or others.

11.9 If the MRO has any question as to the accuracy or validity of a test result or has a concern regarding the scientific reliability of the sample, the MRO may request that individual provide another sample. As a safeguard to employees and job applicants, once an MRO verifies a positive test result, the MRO may change the verification of the result if the donor presents information which documents that a serious illness, injury, or other circumstances unavoidably prevented the donor from contacting the MRO within the specified time frame and if the donor presents information concerning a legitimate explanation for the positive test result.

11.10 If the MRO is unable to contact a positive-tested donor within three (3) days of receipt of the results from the laboratory, the MRO shall contact the Village and request that the Village direct the donor to contact the MRO as soon as possible. If the MRO has not been contacted by the donor within two (2) days from the request of the Village, the MRO shall verify the report as positive.

11.11 If the donor refuses to talk to the MRO regarding a positive test result, the MRO shall validate the result as a positive and annotate such refusal in the remarks section. If the donor voluntarily admits to the use of the drug in question without a proper prescription, the MRO shall advise the donor that a verified positive test result will be sent to the Village.

11.12 The MRO shall notify the Village in writing of the verified test result, either negative, positive, or unsatisfactory and appropriately file chain of custody forms to the Village and submit the proper forms to the ACHA.



**E. DRUG AND ALCOHOL TESTING OF DRIVERS  
AND OWNER-OPERATORS**

In addition to the Policies and Procedures set forth above, some employees who are connected with the operation of commercial motor vehicles are subject to drug and alcohol testing as required by the Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C. App. §§ 2714-2717 (1993), and pursuant to all applicable procedures and regulations promulgated by the Department of Transportation and the Federal Highway Administration, as well as any additional Policy adopted by the Village pursuant to those federal laws and regulations. In cases where the requirements of both federal and state drug and alcohol laws and regulations and/or the Village's Drug-Free Workplace Policy may be applicable, the requirements of federal drug and alcohol laws and regulations will control if a conflict arises between federal law and regulations and the requirements of state law or the Village's Drug-Free Workplace Policy.

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

**ALCOHOL**

All liquid medications containing ethyl alcohol (ethanol). Please read the label for alcohol content. As an example, Vick's Nyquil is 25% (50 proof) ethyl alcohol, Comtrex is 20% (40 proof), Contact Severe Cold Formula Night Strength is 25% (50 proof) and Listerine is 26.9% (54 proof).

**AMPHETAMINES**

Obetrol, Biphetamine, Desoxyn, Dexedrine, Didrex

**CANNABINIODS**

Marinol (Dronabinol, THC)

**COCAINE**

Cocaine HCl-topical solution (Roxanne)

**PHENCYCLIDINE**

Not legal by prescription.

**METHAQUALONE**

Not legal by prescription.

**OPIATES**

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

**BARBITURATES**

Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebaral, Butabarbital, Butabital, Phrenilin, Triad, etc.

BENZODIAZEPINES

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

METHADONE

Dolophine, Methadose

PROPOXYPHENE

Darvocet, Darvon N, Dolene, etc.

**APPENDIX 2**  
**ISLAMORADA, VILLAGE OF ISLANDS**

PUT NEW FORM HERE

### APPENDIX 3

#### LIST OF DRUGS BY TRADE OR COMMON NAMES

<u>DRUGS</u>	<u>TRADE OR COMMON NAMES</u>
<b><u>Narcotics</u></b>	
Opium	Dover's Powder, Paregoric, Parepectolin
Morphine	Morphine, Pectoral Syrup
Codeine	Tylenol with Codeine, Empirin Compound With Codeine, Robitussin A-C
Heroin	Diacetylmorphine, Horse, Smack
Hydromorphone	Dilaudid
Meperidine (Pethidine)	Demerol, Mepergan
Methadone	Dolophine, Methadone, Methadose
Other Narcotics	LAAM, Leritine, Numorphan, Percodan, Tussionex, Fentanyl, Darvon, Talwin, Lomotil
<b><u>Depressants</u></b>	
Chloral Hydrate	Noctec, Somnos
Barbiturates	Phenobarbital, Tuinal, Amytal, Nembutal Seconal, Lotusate
Benzodiazepines	Ativan, Azene, Clonopin, Dalmane, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxipam, Restoril
Methaqualone	Quaalude
Glutethimide	Doriden
Other Depressants	Equanil, Miltown, Noludar, Placidyl, Valmid
<b><u>Stimulants</u></b>	
Cocaine	Coke, Flake, Snow, Crack
Amphetamines	Biphetamine, Delcobese, Desoxyn, Dexedrine, Mediatric
Phenmetrazine	Preludin
Methylphenidate	Ritalin
Other Stimulants	Adipex, Bacarate, Cylert, Didrex, Lonamin, Plegine, Pre-Sale, Sanorex, Tenuate, Tepanil, Voranil
<b><u>Hallucinogens</u></b>	
LSD	Acid, Microdot
Mescaline and Peyote	Mesc, Buttons, Cactus
Amphetamine Variants	2,5-DMA, PMA, STP, MDA, MDMA, TMA, DOM, DOB.
Phencyclidine	PDP, Angel Dust, Hog
Phencyclidine Analogs	PCE, PCPy, TCP
Other Hallucinogens	Bufotenine, Ibogaine, DMT, DET, Psilocybin

**Cannabis**

Marijuana  
Tetrahydrocannabinol  
Hashish  
Hashish Oil

Pot, Acapulco Gold, Grass, Reefer, Sinsemilla, Thai Sticks  
THC  
Hash  
Hash Oil

**APPENDIX 4  
MEMORANDUM**

**To:** Village Manager  
**From:** \_\_\_\_\_  
**Date:** \_\_\_\_\_  
**Subject:** \_\_\_\_\_

**Reasonable Suspicion Report**

.....

As per the Islamorada, Village of Islands, Drug-Free Workplace Policy Section B-11.0, I am hereby requesting that \_\_\_\_\_ be tested for  
(Employee name)  
\_\_\_\_\_ Drugs and/or \_\_\_\_\_ Alcohol, as per the Reasonable Suspicion provision outlined below.

\_\_\_\_\_ 1. Observable phenomena while at work, such as direct observation of drug use or of the physical symptoms or manifestations of being under the influence of drugs or alcohol. (List signs of drug or alcohol use.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ 2. Behavioral symptoms associated with drug use or intoxication from either drugs or alcohol such as abnormal conduct, erratic behavior, or a significant deterioration in work performance. (List behavioral symptoms.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ 3. Report of drug or alcohol use provided by a credible source. (List evidence such as letters, reports, etc.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ 4. Any evidence that an individual has tampered with a drug test during his/her current employment. (List evidence.)

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\_\_\_\_\_ 5. Any evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or on Village property whether the employee is working or not, or while operating Village vehicles, machinery, or other equipment. (List evidence.)

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\_\_\_\_\_ 6. Information that an employee has caused, contributed to, or been involved in an accident while at work. (Explain.)

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\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Date

\_\_\_\_\_  
2<sup>nd</sup> Supervisor in Concurrence

\_\_\_\_\_  
Date



**APPENDIX 5  
ISLAMORADA, VILLAGE OF ISLANDS, NOTIFICATION TO WORKERS'  
COMPENSATION CARRIER OR SELF-INSURER,**

**RE: NOTICE OF DENIAL OF MEDICAL INDEMNITY BENEFITS BECAUSE OF  
AN INJURED EMPLOYEE'S POSITIVE DRUG TEST.**

**A notification similar to this one should be sent to the Village's workers' compensation carrier as soon as you receive written positive drug test results and decide to deny medical and indemnity benefits.**

Date:

Dear Worker's Compensation Carrier:

The employee listed below and who may have suffered an on-the-job injury on \_\_\_\_\_ [date of accident] has tested positive for drugs pursuant to our Islamorada, Village of Islands, Drug-Free Workplace Policy.

\_\_\_\_\_ [Employee's name]

\_\_\_\_\_ [Employee's social security no.]

The specimen/sample collected from the employee at the time of the accident was tested twice by the laboratory. In addition, the test results were verified by the Village's Medical Review Officer in order to ensure the accuracy of the test.

Pursuant to Florida Statutes § 440.102(5)(p), carriers [or self-insurers] are required to give "reasonable notice" to all affected health care providers that payment for treatment, care and attendance provided to the above-named employee after a future date certain will be denied.

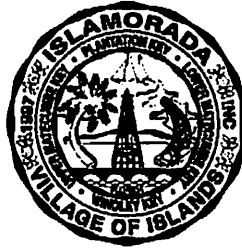
We hereby request that you immediately provide reasonable notice to all affected health care providers that the payment for treatment, care and attendance provided to the above-employee will be denied. We also request that you deny payment for any other medical or indemnity benefits to the above named employee, after you have provided the above described reasonable notice.

Please call if you need more information. Thank you for your cooperation in this matter.

Respectfully submitted,

\_\_\_\_\_  
[Village's Official]

**APPENDIX 6**



**ISLAMORADA  
VILLAGE OF ISLANDS**

Date of Appointment: \_\_\_\_\_ Time: \_\_\_\_\_  
EMPLOYEE NAME: \_\_\_\_\_ SS#: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_ Job Title: \_\_\_\_\_

The subject employee is scheduled for the following type of procedure under Islamorada, Village of Islands, Policy:

- \_\_\_\_\_ Pre-employment
- \_\_\_\_\_ Random Drug/Alcohol
- \_\_\_\_\_ Fitness For Duty Exam
- \_\_\_\_\_ Post Incident/Accident
- \_\_\_\_\_ Reasonable Suspicion

If you have any questions or need further information, please contact Human Resources at (305) 664-6448.

\_\_\_\_\_  
**Human Resources Manager**