

IMMOKALEE
WATER
&
SEWER
DISTRICT

Employee
Manual

Revised: August 17, 2016

RESOLUTION 16-10

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE IMMOKALEE WATER AND SEWER DISTRICT ADOPTING AN EMPLOYEE MANUAL AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of Commissioners of the IMMOKALEE WATER AND SEWER DISTRICT (hereinafter referred to as “the Board”) is empowered to construct, operate, and maintain a Water and Sewer System (“the System”) as described in Florida Statute Chapter 78-494, Laws of Florida, which was amended by chapters 93-366, 94-489, and 95-492, Laws of Florida, was codified, reenacted, amended, and repealed as Chapter No. 98-495, and was amended as Chapter 2005-298.

WHEREAS, the Board is authorized and empowered to make rules and regulations for its own government and proceedings; and

WHEREAS, the Board wishes to adopt an Employee Manual in order to set forth certain policies and procedures;

WHEREFORE, the following Employee Manual is hereby approved by the Board:

ABOUT THIS MANUAL

This Employee Manual (“Manual”) is expressly intended for the use of the employees Immokalee Water & Sewer District (“the District”). This Manual sets forth basic policies and guidelines for employee conduct and also contains important summary information regarding employee benefits. If District employees have specific questions regarding the benefit plans described, they should refer to the plan documents, summary plan descriptions, or contact the Executive Director or the Human Resources Department.

Unless otherwise specified, the benefits described in this Manual apply only to regular, full-time employees of the District. By contrast, the policies outlined in this Manual apply to all employees — probationary, regular full-time, regular part-time, and temporary. In all cases of interpretation of this Manual, management decisions are final. The District reserves the right to change or delete any part of this Manual at its sole discretion, without prior notice. This Manual supersedes and replaces all previously existing District Manuals or personnel policy manuals. Employees should contact the Executive Director or the Human Resource Department with questions concerning the contents of this Manual.

Nothing contained in this Manual is intended to waive any legal, equitable, or other defense available to the District to any claim, complaint, or cause of action (collectively, “Claims”) asserted by an employee or former employee against the District. To the extent that a particular law, statute, rule, or regulation does not apply to the District as a result of its size, number of employees, or otherwise, nothing in this Manual, nor any other District policies and procedures should be construed as a waiver of any corresponding defense to any Claims asserted under any such law, statute, rule, or regulation.

NOTHING CONTAINED WITHIN THIS MANUAL IS INTENDED TO CREATE A CONTRACT FOR EMPLOYMENT, EXPRESS OR IMPLIED, OR A GUARANTEE OF CONTINUED EMPLOYMENT FOR A SPECIFIC DURATION.

EMPLOYMENT AT THE DISTRICT IS AT-WILL. THE DISTRICT EXPRESSLY RESERVES THE RIGHT TO DISCHARGE AN EMPLOYEE AT ANY TIME FOR ANY REASON WHATSOEVER, WITH OR WITHOUT CAUSE, AND WITH OR WITHOUT NOTICE. NOTHING IN THIS MANUAL OR THE DISTRICT'S POLICIES, PRACTICES, OR PROCEDURES SHALL CONFER UPON THE EMPLOYEE ANY RIGHT TO CONTINUED EMPLOYMENT.

Thank you for becoming a part of the Immokalee Water & Sewer District Team!

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EQUAL EMPLOYMENT OPPORTUNITY POLICY

Equal Employment Opportunity (EEO)

The District is an equal opportunity employer. The District is committed to the spirit and letter of all applicable federal, state, and local laws and regulations pertaining to equal opportunity. To this end, the District does not discriminate against any individual with regard to race, color, religion, sex, pregnancy, national origin, age, disability, genetic information, marital status, veteran status, sexual orientation, gender identity or expression, or other characteristic protected by applicable law. This policy extends to all terms, conditions and privileges of employment, as well as the use of all District facilities.

No form of unlawful discrimination, including unlawful harassment, will be tolerated.

Consistent with its commitment to equal employment opportunity, the District has created a Civil Rights Committee that meets the first Tuesday of each month in the Boardroom. Employees who have a concern regarding equal employment opportunity should discuss their concern with their Supervisors, the Human Resources Department, and/or the Civil Rights Committee.

Disability Accommodations

The District will make reasonable accommodations for qualified applicants and individuals with known disabilities unless doing so would result in an undue hardship or cause a direct threat to the health or safety of the individual or others. This policy governs all aspects of employment including application procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions, and privileges of employment.

Employees who believe they have been subject to harassing or discriminatory conduct because of a disability must follow the reporting procedures in the Anti-Discrimination and Anti-Harassment Section. Individuals should contact the Human Resources Department with any questions or request(s) for accommodation.

Anti-Discrimination And Anti-Harassment

The District endeavors to provide every employee with a work environment free from harassment and discrimination. Harassment or discrimination in the workplace negatively impacts morale, communication, teamwork, and productivity. All District employees have a right to work in an environment free from forms of discrimination and conduct which may be considered harassing, coercive, or disruptive. Consistent with the District's respect for the rights and dignity of each employee, discrimination or harassment based on race, color, religion, sex, sexual orientation, pregnancy, national origin, age, disability, genetic information, marital status, veteran status, gender identity or expression or any other characteristic protected by applicable law, will not be tolerated.

Under this policy "harassment" means verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of any characteristic protected by law, and that:

- has the purpose or effect of creating an intimidating, hostile or offensive work environment;
- has the purpose or effect of unreasonably interfering with an individual's work performance; or
- otherwise adversely affects an individual's employment.

Harassing conduct includes, but is not limited to:

- epithets, slurs, or negative stereotyping;
- threatening, intimidating or hostile acts;
- written or graphic material that denigrates or shows hostility or aversion toward an individual or group and that is placed on walls or elsewhere on the employer's premises or circulated in the workplace;
- unwelcome propositions or sexual advances;
- sexual innuendo, derogatory remarks, obscenities, or offensive gestures;
- spoken or written abuse related to an employee's protected category; or
- unwelcome nicknames, titles, or references based on a protected category.

Every employee is responsible for assuring that no one is subjected to conduct that constitutes any form of harassment or discrimination based upon any characteristic protected by applicable law.

Reporting Procedure

An individual who believes he or she has been subjected to harassment or discrimination, or other violation of this policy, must immediately report the incident to their Supervisor, the Human Resources Department, or the Executive Director. In the event an employee complains of an elected official's conduct, the employee must report the conduct to the Executive Director.

When initially reported to a Department Supervisor, the Department Supervisor must immediately forward a written report of the complaint to the Human Resources Department for investigation and action. Where the complaint involves the Human Resources Department, the Department Supervisor shall forward the written complaint to the Executive Director, who will obtain direction and assistance from the District's legal counsel. In the event of a complaint about an elected official's conduct, the District's legal counsel will be consulted for assistance.

Investigation Procedure

Any reported complaint of harassment or discrimination will be promptly investigated. Confidentiality will be maintained throughout the investigatory process to the extent practical and appropriate under the circumstances, subject to Florida's public records laws. Employees should be aware that the District is obligated to investigate the complaints it receives under this policy. As such, the District cannot entertain requests by the reporting employee, or anyone else, that the information received be ignored, be maintained "off the record", or otherwise fail to act upon the information. Investigations will generally be conducted by the Human Resources Department, or other appropriate individual designated by the Executive Director.

At the conclusion of an investigation, the complainant and the individual complained of shall be

informed of the outcome of the investigation. Where appropriate, the individuals involved may be offered counseling through the District's Employee Assistance Program.

Prohibition Against Retaliation

The District will not retaliate against an individual who makes a report of harassment or discrimination under this policy and strictly prohibits any Supervisor or other employee from retaliating against a complainant. Retaliation is a very serious violation of this policy and must also be reported immediately. Any person found to have retaliated against an individual for reporting harassment or discrimination will be subject to appropriate disciplinary procedures, including termination.

Penalties For Violation

Individuals found to have engaged in behavior violating this policy, whether or not such behavior constitutes harassment or discrimination as defined by law, will be disciplined, up to and including immediate termination. The appropriate level of discipline will be determined by the Executive Director to ensure consistency in application of this policy. In the rare occasion where the Executive Director is found to be the violator, the District's legal counsel will consult with the Board of Commissioners in accordance with applicable laws to discuss and determine appropriate action. In addressing incidents of harassment or discrimination, the District may impose: oral or written reprimands; referral to counseling, training or education; withholding of a promotion; reassignment; temporary suspension with or without pay; reduction in compensation; limitation on contact between the harasser and the complainant; termination; any other corrective action necessary to stop the behavior complained of; or, any combination of the above.

Veterans Preference

In accordance with federal and state law, the District provides preferences in employment, retention, and promotion, to eligible veterans and certain family members and spouses of veterans.

EMPLOYMENT POLICIES AND PROCEDURES

At-Will Employment

Employment with the District is "at-will." This means employees who seek to leave the District to pursue other opportunities may submit their resignation from employment at any time. Similarly, the District may terminate the employment relationship at any time, without prior notice or cause.

Job Description and Probationary Period

Your first ninety (90) days of employment at the District are considered a probationary period, and during that period you will not be eligible for certain benefits, unless otherwise required by law. You will accrue sick time and vacation time, but you will not be entitled to use it until you are a regular employee. Holiday pay will be paid to full-time employees who are in their probationary period.

This probationary period is an opportunity to become familiar with the District, as well as for the

District to become familiar with your job performance. During this time, a new employee's work hours, skills, and general work performance will be informally evaluated. Consistent with your at-will employment status, you may resign at any time during this period and the District may terminate your employment with or without cause or prior notice. Successful completion of the probationary period does not give rise or equate to an employment contract for a specified period of time and does not guarantee continued employment. Again, all employment with the District is at-will.

A former employee who has been rehired is considered a probationary employee during his first ninety (90) days following rehire. Employees that are classified as an Operator Trainee are under a probationary period of three (3) years. If, during this period, your work does not measure up to our standards, we may terminate your employment. If the employee has not receive their operator "C" License within three (3) years, or if a trainee misses an exam due to negligence, they may be reclassified into a different position or be dismissed, unless an exception is made by the Executive Director for unusual circumstances.

If a CDL License is required for your position, it will be necessary that it be attained during the probationary period. The District pays for the health examination that is required on an annual basis.

The District may require that you be bonded. You should have and maintain bonding qualifications or you may be transferred to another position, or subject to termination.

There is a job description for each position in the District. When your duties and responsibilities are changed, your job description will be updated. Please ask your Supervisor or the Human Resource Department for a copy of your job description if you have not received one. It must be read, signed, and returned to the Human Resources Department at the beginning of your employment. Job descriptions will be reviewed periodically by the District and may be amended and updated in its sole discretion and judgment.

The job descriptions also list certain requirements in order to meet the qualifications for promotion to the next level. The Pay Scales (Schedule "A") may be updated each Fiscal Year during budget time.

Distribution & Treatment Plant Operator Promotion

In order to qualify for the promotion, the employee must meet the requirement listed in the job description. For operator's or distribution personnel, that means that they must have the actual license (issued by FDEP), and not just pass the test. Until they have met all of the requirements, they are not eligible for the promotion.

Collection Department Promotion

Since this license is not currently mandated by FDEP, employees must finish the required correspondence courses as listed in the job descriptions, pass the FWPCOA testing, as well as meet the time requirements for the classification. Once the foregoing has been satisfied, an employee will be eligible for the promotion as described in the pay scale for that year.

The length of training time for any given job is governed by the experience required for the job and your learning ability.

Immigration And Employment Eligibility

In compliance with the Immigration Reform and Control Act of 1986, the District will hire only those individuals who are authorized to work in the United States. As a condition of employment, each new employee must properly complete, sign, and date the first section of the Immigration and Naturalization Form I-9 at the time the offer of employment is accepted, but no later than the first day of employment. The employee must also provide the supporting documents within three (3) business days of the first day of employment, or as otherwise provided by law. Before commencing work, newly rehired employees must also complete the Form I-9 if the employee did not previously do so, if the prior Form I-9 is more than three (3) years old, or if the previous Form I-9 is no longer valid. Rehired employees must also complete the Form I-9 upon acceptance of the position and also have three (3) business days to provide supporting documentation. Any employee whose immigration employment eligibility status changes at any time during employment must notify the Human Resources Department immediately.

Employee Personnel Files

It is the policy of the District that personnel records will be maintained and kept in accordance with Florida Statute, Chapter 119, governing public records. Employee files are maintained by the Human Resource Department. Supervisors are provided access to personnel file information as needed.

A Supervisor considering the hire of a former employee or transfer of a current employee may be granted access to the file, or limited parts of it, in accordance with anti-discrimination laws.

Employee personnel files maintained at the District will be considered the official personnel files. It is the responsibility of each employee to assist in keeping all information in the personnel file up to date, current, and accurate by notifying the Human Resources Department immediately if there is a change in status, including but not limited to the following:

- Name and social security number
- Home address
- Home telephone number
- Number of dependents
- Beneficiary(ies)
- Change in immigration status affecting employment eligibility
- Emergency contact
- Emergency telephone number
- Driver's license status
- Additional education or certification

The District is not responsible when incorrect withholdings, wrong beneficiaries, or loss of employee benefits resulting from the failure of an employee to keep personnel records information current.

Employees are required to report any situation or incident that may affect their employment with the District or may have an impact on the image of the District, including but not limited to any alcohol and/or drug-related criminal charges, whether occurring on or off duty, to the Executive Director within three (3) days of the event.

All personnel records are the property of the District. Employees wishing to review their personnel file may schedule an appointment with the Human Resources Department. Employees may request copies of their personnel file in accordance with the District's Public Records Request Policy.

Employment Category Classifications

Full-Time, Regular Employees

An employee who has successfully completed the probationary period of employment and who works at least thirty-five (35) hours per workweek is considered a full-time employee.

If you were a full-time employee and were laid off (unrelated to performance or disciplinary issues), you will be considered a full-time, regular employee upon return to work, provided that you were not on layoff for longer than one (1) year.

If you were a full-time, regular employee and have been on an approved leave of absence, upon return, you will be considered a full-time employee, provided you return to work as agreed in the provisions of your leave.

Part-Time Employees

An employee who works less than a regular thirty-five (35) hour workweek is considered a part-time employee. If you are a part-time employee, you are not eligible for benefits described in this Manual, except as required by provision of state and federal laws.

Exempt Employees

The District has full-time employees who are Department Supervisors and who are "exempt" employees for the purposes of overtime under the Fair Labor Standards Act. Additionally, other employees may qualify for exempt status, depending on their job duties, as well as certain requirements as set forth with applicable law. Exempt employees are also not eligible for compensatory time.

Temporary Employees

From time to time, the District may hire employees for specific periods of time or for the completion of a specific project. An employee hired under these conditions will be considered a temporary employee. The job assignment, work schedule and duration of the position will be determined on an individual basis.

Summer employees, if any, are considered temporary employees.

If you are a temporary employee, you are not eligible for benefits described in this Manual,

except as required by provision of state and federal laws.

Job Postings, Promotions, And Transfers

Whenever a position becomes available, every effort will be made to fill it by promoting a qualified District employee. The District may look outside the District for potential employees as well. Previous work history and qualifications will be considered when applicants for positions are evaluated.

Transfer from one position to another, in another Department may be required or requested from time to time, depending on the business and operational needs of the District. Such transfers (up, down, or laterally) will be made with a possible adjustment in pay. Employees transferred to a new position will generally be subject to a 90-day probationary period.

Nepotism, Relatives, And Personal Relationships

For the purpose of this section, “relative” is defined as: husband, wife, domestic partner, father, mother, father-in-law, mother-in-law, son, son-in-law, daughter, daughter-in-law, uncle, aunt, nephew, niece, brother, sister, brother-in-law, sister-in-law, half-siblings, step parent, step children, step siblings, first cousins, and domestic partner relatives.

Relatives of District employees may apply and, if qualified, will be considered for employment in accordance with District Policy and Florida law. Under no circumstances will relatives be allowed to work in positions in which one relative directly or indirectly supervises another or has any decisional responsibility with respect to employment, performance reviews, work assignments, transfer, salary, promotion, or discharge of another relative. Moreover, relatives will not be permitted to work in the same work unit or crew. The District also prohibits domestic partners or members of the same household from having any supervisory or decisional authority over one another. These individuals are also prohibited from working on the same work unit or crew.

Specifically, in accordance with Florida Statute § 112.3135, no public official or employee of the District may appoint, employ, promote or advance, or advocate for the appointment, employment, promotion or advancement, in or to a position in the District, in which the public official or employee is serving or over which the official/employee exercises jurisdiction or control over any individual who is a relative of the public official or employee. Additionally, no individual may be appointed, employed, promoted, or advanced in or to a position in the District if such action has been advocated by a District official or employee, serving in or exercising jurisdiction or control over the agency, who is a relative of the individual or if such action is made by the Board of Commissioners of which a relative of the individual is a member.

If employees begin a dating relationship or become relatives, domestic partners, or members of the same household during employment, and if one party is in a supervisory position, that person is required to inform the Executive Director and the Human Resources Department of the relationship. In the District’s sole discretion, the individuals involved may be required to transfer or one may be required to separate employment to ensure compliance with this policy.

The District reserves the right to apply this policy to situations where there is a conflict or the potential for conflict because of the relationship between employees, even if there is no direct-reporting relationship or authority involved.

Open Door Policy

Immokalee Water & Sewer District is committed to open communication. The District wants to ensure that its employee's idea, suggestions, and concerns are heard by management. It is also the policy of management to attempt to resolve concerns and disputes that may arise between or among fellow employees or between employees and their supervisors. The District encourages any employees who have concerns about the workplace to bring such concerns to the attention of their supervisor or other management. This expectation applies to all employees, whether full-time or part-time, or temporary. Employees should feel free to voice ideas, suggestions, concerns, or complaints without fear of reprisal or retribution.

Search, Theft, And Audit

Property theft or misappropriation of resources of any type will not be tolerated by the District and is subject to disciplinary action, up to and including immediate termination of employment. Among the types of conduct that is prohibited under this policy are the following:

- Use of District copy machines for personal use. If you wish to use a District copier for personal use, obtain prior approval from your Supervisor.
- Use of computers. The District's computers are to be used exclusively for business purposes unless you receive permission from your Supervisor. Permission will be given for the use of personal computers during non-business hours so long as employees supply their own devices
- Taking of District property. No item purchased or supplied by the District should ever be removed from District premises without express authorization of your immediate Supervisor and the proper documentation associated with the situation. This rule applies to all District property.

Employees should not have any expectation of privacy in their use of any property owned and/or provided by the District. Further, employees should have no expectation of privacy for any property located on the workplace or used in the course of the employee's duties, regardless of ownership.

In order to ensure its ability to conduct business efficiently and effectively and to protect itself against the unauthorized use and removal of District property, the District will from time to time conduct internal investigations, including inspections, searches, and audits on District premises.

The District reserves the right to conduct a routine inspection, search or audit at any time for District property or District-related information. The District reserves the right to inspect the following items, including, but not limited to: personal property brought onto or taken from the premises; any work, rest, or storage areas; all District vehicles, desks, cabinets, lockers, computers, satchels, *etc.*, that are within the employee's possession or control. All searches of personal property shall be reasonable and tailored to the business necessity prompting the search.

A routine search or inspection may result in the discovery of personal possessions or those of others. Employees are discouraged from bringing into the workplace items of personal property they do not want revealed to management. Under certain circumstances, the District will generally attempt to obtain employee consent before conducting a search or inspection, but may not always be able to do so.

If an employee becomes aware of any theft, misuse, or unauthorized removal of District property, he/she is directed to notify the Executive Director immediately. The theft, misuse or unauthorized removal of District property is cause for immediate discipline, up to and including termination of employment.

Code Of Ethics

All District employees are required to comply with Florida's Code of Ethics for Public Officers and Employees. As such, District employees may not use their jobs to obtain any special privileges or private gain for themselves or others.

In accordance with Florida law, District employees shall not:

- engage in outside employment, which will interfere with the employee's primary job with the District or create a conflict of interest;
- accept a retainer, commission, consulting fee, or any other fee arrangement or remuneration without full, written disclosure to the Executive Director;
- initiate, either directly or indirectly (including members of the employee's immediate family), to borrow from, lend to, invest in, or engage in any substantial financial transaction with a customer, client, or supplier of the District;
- engage in outside employment during the employee's scheduled working hours at the District; or,
- use District facilities, equipment, labor, or supplies to conduct outside activity.

Violations of the Code of Ethics include, but are not limited to:

- soliciting or accepting anything of value, such as a gift, loan, reward, promise of future employment, favor, monetary gift, or service;
- misusing the employee's public position to obtain any special privilege, benefit or exemption; or,
- disclosing or using information, deemed not available to the general public, for the employee's own benefit or the benefit of others.

Any employee who engages in unethical conduct, as specified above or by Florida's Code of Ethics for Public Officers and Employees shall be subject to discipline, up to and including termination of employment. Employees are encouraged to meet with the Human Resources Department to discuss any potential ethical issues prior to engaging in conduct that may result in a violation of this policy.

Conflicts Of Interest

In keeping with the District's Code of Ethics, the basic principle of conflict of interest is that employees should avoid any activity, investment, or interest that might reflect unfavorably upon the integrity or good name of the District or in any way damage the business of the District. As such, any employee who wishes to engage in outside professional, business, or volunteer activities must be certain that the proposed activity does not:

- interfere with the employee's effective performance of his/her duties;
- make use of any of the District's proprietary or confidential information; or
- require use of District time, resources, facilities, or equipment.

An employee is required to notify the Human Resource Department if the employee, his/her spouse, or other member of his/her immediate family is engaged in a business that is similar in nature to the District or that is under contract with the District. Likewise, an employee must notify the Executive Director if a relative is employed by an organization that is under contract with the District.

Whenever there is a possible conflict of interest, it should be discussed with the Human Resources Department. Violations of this Policy will be considered grounds for termination of employment.

Confidentiality

Although the District is subject to Chapter 119 of the Florida Statutes, under no circumstances should any District employee use information that he/she learned in the course of his/her employment with the District for personal gain, personal use, or personal business. To that end, disclosing confidential information to persons not entitled to such information and/or assisting others in gaining unauthorized access to District records or information are direct violations of this policy. Any violation of this policy may result in discipline, up to and including termination of employment.

This policy is intended to alert employees to the need for discretion at all times and is not intended to inhibit normal business communications.

Employees should direct all requests for interviews and comments from members of the news media to the Executive Director or his or her designee and shall not respond to such inquiries. However, employees responsible for records retention are authorized to promptly respond to public records requests for the news media.

WORKPLACE SAFETY

Drug & Alcohol-Free Workplace

The District is committed to creating and maintaining a Drug-Free Workplace Policy pursuant to Fla. Stat. section 440.101 *et seq.* This Policy applies to applicants for employment and to all employees in all job classifications.

The District is committed to providing a safe work environment and to fostering the well-being and health of its employees. That commitment is jeopardized when an employee illegally uses drugs and alcohol on the job, comes to work under the influence, or possesses, distributes, or sells drugs and alcohol in the workplace. The following policy is adopted as set forth by section 440.102 of the Florida Drug-free Workplace Program.

- It is a violation of this policy for any employee to possess, sell, trade, or offer for sale or purchase illegal drugs or otherwise engage in the illegal use of drugs on the job.
- It is a violation of this policy for anyone to report to work under the influence of illegal drugs or alcohol.
- It is a violation of this policy for anyone to use prescription drugs illegally. (However, nothing in this policy precludes the appropriate use of legally prescribed medications provided they do not interfere with workplace safety or performance.)
- It is a violation of this policy to unlawfully manufacture, distribute, dispense, possess, or use controlled substances in the workplace.
- It is a condition of employment to abide by the Drug-Free Workplace Policy.
- Violations of this policy subject all employees to disciplinary action up to and including immediate termination.

The goal of this policy is to balance our respect for individuals with the need to maintain a safe, productive, and drug-free environment. The intent of this policy is a drug-free workplace, while sending a clear message that the illegal use of drugs or alcohol, or reporting to work under the influence, is incompatible with employment with the District.

Overview of policy

All District employees are prohibited from:

- a. Selling any drug, including alcohol or prescription drugs, whether on or off duty, unless the employee is legally entitled to sell the substance in question under the circumstances.
- b. Possessing any alcoholic beverage or unlawful drug while on duty or on District's premises at any time.
- c. Using any illegal drug, at any time. ("Illegal drugs" includes prescription drugs prescribed for someone else, or used contrary to prescribed dosages.)

- d. Using any other substance (including legal drugs, prescription drugs, alcohol, or any other substance), which runs an unnecessary risk of adversely affecting job performance. This includes use while on duty and any actual effect on job performance, which occurs or can be demonstrated. It includes the use of any substance which use creates an unnecessary risk of absenteeism, tardiness, or safety hazards.

Employees taking prescribed drugs must ensure that such use does not pose an undue risk to safety or performance. If a drug is prescribed in connection with treatment of a disability, employees are urged to advise the Human Resources Department of the use so that we can protect workplace safety and consider accommodations, where appropriate.

Definitions

As used in this policy, the following definitions will apply:

CONFIRMATION TEST, CONFIRMED TEST, or “CONFIRMED DRUG TEST” – A second analytical procedure used to identify the presence of a specific drug or metabolite in a specimen. The confirmation test must be different in scientific principle from that of the initial test procedure. The confirmation method must be capable of providing requisite specificity, sensitivity, and quantitative accuracy.

DRUG – Alcohol, including distilled spirits, wine, malt beverages, and intoxicating liquors; amphetamines; cannabinoids; cocaine; phencyclidine (PCP); opiates; hallucinogens; methaqualone; barbiturates; benzodiazepines; synthetic narcotics; designer drugs; or a metabolite of any of the substances listed herein.

DRUG TEST or TEST – Any chemical, biological, or physical instrumental analysis administered for the purpose of determining the presence or absence of a drug or its metabolites.

EMPLOYEE – Full-time or part-time employee of the District, whether introductory, regular, or temporary.

EMPLOYEE ASSISTANCE PROGRAM – An established program for employee assessment, counseling, and referral to an alcohol and drug rehabilitation program.

FOLLOW-UP DRUG TESTING – Drug testing which occurs as a follow-up to an employee entering an employee assistance program for drug related problems, or an alcohol and drug rehabilitation program. Follow-up testing must be conducted, without prior notice, on a quarterly, semi-annual, or annual basis for two (2) years thereafter.

INITIAL DRUG TEST – A sensitive, rapid, and reliable procedure to identify negative and presumptive positive specimens. All initial tests will use an immunoassay procedure or an equivalent, or will use a more accurate scientifically accepted method approved by the United States Food and Drug Administration or Agency for Health Care Administration.

JOB APPLICANT – A person who has applied for a mandatory testing position and has been offered employment conditioned upon successfully passing a drug test, and may have begun work pending the results of the drug test.

MANDATORY TESTING POSITION – A position that requires the employee to carry a firearm, perform life-threatening procedures, work with heavy or dangerous machinery, work as a safety inspector, work with children, work with detainees in the correctional system, work with confidential information or documents pertaining to criminal investigations, or work with controlled substances, or a position in which a momentary lapse in attention could result in injury or death to another person.

RANDOM DRUG TESTING – Drug testing based upon a neutral selection process of those employees occupying mandatory testing positions.

REASONABLE SUSPICION DRUG TESTING - Drug testing based on a belief that an employee is using or has used drugs in violation of the District's policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience, or as otherwise defined in sec. 440.102 of the Florida Statutes. Reasonable suspicion drug testing must be approved by Human Resources Department or the Executive Director. Such facts and inferences may be based upon:

- 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 a drug.
- Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
- A report of drug use, provided by a reliable and credible source.
- Evidence that an individual has tampered with a drug test during his or her employment.
- Information that an employee has caused, contributed to, or been involved in an accident while at work.
- Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on the employer's premises or while operating the employer's vehicle, machinery, or equipment.

If the District tests an employee for reasonable suspicion of drug or alcohol use, a management employee will transport the employee immediately to a collection site where a sample will be taken. Such employee may be placed on leave until the results of the drug test have been determined. The Supervisor(s) who observed the employee must document the employee's actions, which raised suspicion within 24 hours of the incident or before the release of the test results, whichever is earlier. A copy of this documentation shall be given to the Human Resources Department, and to the employee upon request, and the original documentation shall be kept confidential by the District and shall be retained for at least 1 year.

Circumstances When Testing Is Required

The District requires employees to submit to tests for the presence of alcohol or illegal drugs under the following circumstances:

a. Job applicant testing. Testing required of all job applicants for mandatory testing positions. If an applicant refuses to submit to a drug test or a positive confirmed drug test results, the applicant will not be hired. The District may allow a job applicant to begin work pending the results of the drug test. Any applicant with positive test results will be denied employment at that time, but may initiate another inquiry with the District after six months. Any job applicant who refuses to submit to drug testing, refuses to sign a consent form releasing the District from liability, fails to appear for testing, tampers with the test, or fails to pass the pre-employment drug test will be ineligible for hire.

b. Reasonable-suspicion testing. Testing based upon reasonable suspicion is required. Testing may be required after an accident. The District will detail in writing the circumstances which form the basis for such reasonable suspicion. A copy of this document will be given to the employee upon request and the original documentation will be kept confidential and retained for one (1) year.

c. Follow-up testing. If the employee in the course of employment enters an employee assistance program for drug-related problems, or an alcohol and drug rehabilitation program, the employee must submit to a drug test as a follow up to such program. Follow-up drug testing must be conducted on a quarterly, semi-annual, or annual basis for two (2) years thereafter. Advance notice of testing shall not be given to the employee. If an employee who is employed in a mandatory testing position enters an employee assistance program or drug rehabilitation program, the employer must assign the employee to a position other than a mandatory testing position. If a position that is not classified as mandatory testing is not available, the District may place the employee on leave while the employee is participating in the program. However, the employee shall be permitted to use any accumulated vacation or sick leave credits balances before leave may be ordered without pay.

d. Routine fitness-for-duty drug testing. Testing conducted as part of a routinely scheduled employee fitness-for-duty medical examination that is part of the District's established policy or that is scheduled routinely for all members of an employment classification group.

e. Random drug testing. Drug testing based upon a neutral selection process of those employees occupying mandatory testing positions only. Selection for random testing will be conducted as follows:

(1) Selection of employees for random testing will be a neutral selection process. The Chairman of the Board of Commissioners will use a previously established "bingo ball" process.

(2) When an employee is selected for random testing, the employee selected will not be notified of the date or time the test is scheduled to occur.

(3) Employees selected for random testing must submit to the testing site within two (2) hours of notification.

f. Post-accident. Post-accident drug and/or alcohol testing constitutes reasonable suspicion and will be undertaken on all employees if the employee is involved in an on the job accident. Tests must be done as immediately or as soon as possible after the accident.

Drugs to be Tested

The District will test for the following: ALCOHOL, AMPHETAMINES, CANNABINOIDS, COCAINE, PHENCYCLIDINE (PCP), METHAQUALONE, OPIATES, BARBITURATES, METHADONE, PROPOXYPHENE, and BENZODIAZEPINES.

Testing Procedures

- a. All specimen collection and testing for drugs will be performed in accordance with the procedure as set forth in Section 440.102(5) of the Florida Statutes. Any positive test results that the District later determines have been refuted will have affixed thereto the subsequent refutation. Test results are considered confidential medical records.
- b. An employee may confidentially report the legitimate use of prescription or non-prescription medications both before and after being tested to the testing laboratory and Medical Review Officer.
- c. Employees have the right to consult the testing laboratory for technical information regarding prescription and non-prescription medication.

Medications, Which May Alter, Or Affect the Drug Test

Some common medications may alter or affect a test result. They are listed below for your information. Due to the large number of obscure brand names and the marketing of new products, this list cannot and is not intended to be all-inclusive.

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, Ionamine, Fastin.
CANNABINOIDS	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, Guaiatuss AC, Novahistine DH, Novahistine Expectorant, Dilaudid (Hydromorphone), M-S Contin and Roxanol (morphine sulfate), Percodan, Vicodin, Tussi-organidin, etc.

BARBITURATES	Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebaral, Butabarbital, Butalbital, Phrenilin, Triad, <i>etc.</i>
BENZODIAZEPINES	Ativan, Azene, Clonopin, Dalmane, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxipam, Restoril, Centrax.
METHADONE	Dolophine, Metadose.
PROPOXYPHENE	Darvocet, Darvon N, Dolene, <i>etc.</i>

Confidentiality

All information, interviews, reports, statements, memoranda, and drug test results, written or otherwise, received or produced as a result of a drug testing program are confidential communications and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except in accordance with Chapter 440, F. S., or in determining compensability under the workers' compensation or unemployment benefit laws.

The District, laboratories, medical review officers, employee assistance programs, drug and alcohol rehabilitation programs, and their agents who receive or have access to information concerning drug test results shall keep all information confidential. Release of such information under any other circumstances shall be solely pursuant to a written consent form signed voluntarily by the person tested, unless such release is compelled by a hearing officer or a court of competent jurisdiction pursuant to an appeal, or unless deemed appropriate by a professional or occupational licensing board in a related disciplinary proceeding.

Notwithstanding the foregoing, the District and the laboratory conducting a drug test are permitted to have access to employee drug test information when consulting with legal counsel in connection with actions brought under or related to this section or when the information is relevant to the District's defense in a civil or administrative matter.

Refusal to Submit To A Drug Test

Employees who are required by this policy to take a test for the presence of drugs and/or alcohol will sign authorizations releasing the results of such tests to the District. Failure to sign such authorization will subject an employee to immediate termination. Employees who refuse to submit to a drug test shall be discharged. Job Applicants who refuse to test will not be hired. Further, if an injured worker refuses to submit to a test for drugs or alcohol, he or she forfeits his or her eligibility for all medical and indemnity benefits and may be terminated from employment or otherwise disciplined by the employer.

Refuse to submit (to an alcohol or controlled substances test) means that an employee:

- Failed to appear for any test within two (2) hours of being directed to report by the District. This includes the failure of an employee to appear for a test when called by a consortium or third-party administrator;
- Failed to remain at the testing site until the testing process is complete;
- Failed to provide a urine specimen for any drug test, or failed to provide a blood specimen for alcohol testing;
- In the case of a directly observed or monitored collection in a drug test, failed to

- permit the observation or monitoring of the employee's provision of a specimen;
- Failed to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
- Failed or declined to take a second test that the District or collector has directed the employee to take;
- Failed to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the District;
- Refused to allow collection of specimens for drug and/or alcohol testing by a treating medical facility during the course of treatment following an “accident”, or refusal to allow the District access to medical records containing the results of such tests, or any attempt by an employee to block the release of such specimens or medical records;
- Failed to cooperate with any part of the testing process (*e.g.*, refuse to empty pockets when directed by the collector, behave in a confrontational way that disrupts the collection process); or
- Is reported by the MRO as having a submitted or attempted to submit a verified adulterated, diluted, or otherwise altered or substituted specimen.

Challenging Drug Test Results

Within five (5) working days after receipt of a positive confirmed test result from the testing laboratory, the District will inform the employee in writing of such positive test results and the consequences of such results. The District shall provide to the employee, upon request, a copy of the test results.

Within five (5) working days after receiving notice of a positive confirmed test result, an employee or job applicant may submit information to the District explaining or contesting the test results, and explaining why the result should not constitute a violation of this policy. If the employee’s or job applicant’s explanation or challenge is unsatisfactory to the District, the employee will be notified by the District in writing within 15 days of the date the challenge was received and will be subject to discipline under this policy. At that time, the employee will be provided with a copy of the confirmed positive test result and the name and address of the laboratory. Any employee or job applicant may contest the drug test result pursuant to law or to rules adopted by the Agency for Health Care Administration.

All employees or job applicants must notify the laboratory of any administrative or civil action brought pursuant Florida’s Drug-Free Workplace Act.

Employees are solely responsible for all costs associated with any challenge.

Testing Location and Medical Review Officer

Coastal MRO
 Lehigh Acres
 3020 Lee BLVD. Suite 9
 Lehigh Acres, FL 33936

MRO-Michael E. Collier, M.D.

Employees may check with Human Resources as needed for any updated information.

Employee Rights

The District will not discharge, discipline or otherwise discriminate against an employee solely because the employee voluntarily sought treatment where the employee had not previously tested positive for drug use, entered an EAP, or entered a drug or alcohol rehabilitation program.

Employee Assistance Program

The District maintains an Employee Assistance Program through Employee Assistance Program Services, LLC – 239-435-0400, which provides help to employees who suffer from drug and alcohol abuse. However, it is the responsibility of each employee to seek assistance from the Employee Assistance Program before alcohol and drug problems lead to disciplinary actions. The employee's decision to seek prior assistance from the EAP program will not be used as the basis for disciplinary action and will not be used against the employee in a disciplinary proceeding. Once a violation of this policy occurs, subsequently using the EAP on a voluntary basis will not necessarily lessen disciplinary action and may, in fact, have no bearing on the determination of appropriate disciplinary action, including immediate termination.

Employees may also consult other programs such as:

- Collier Narcotics Anonymous Help-line: 888-HELP-301
- Lee Narcotics Anonymous Help-Line: 866-389-1344
- Florida Drug Treatment: 866-531-4569
- Collier Youth Resource Center- free drug testing: 239-252-0900
- Alcoholic Anonymous (Collier County): (239) 262-6535
- Alcoholic Anonymous (Lee County): 239-275-5111
- SalusCare Addiction Services – 239-275-3222

The District does not promote or recommend any specific program or organization for treatment. Other options for treatment can be located online or through various social service organizations.

Consequences of Policy Violations

Any violation of this policy may result in immediate termination of employment.

An employee or job applicant has 180 days after receiving written notification of a positive confirmed test result to have the sample retested at his/her own expense at another licensed or certified laboratory chosen by the employee or job applicant.

Health Examinations

All newly hired employees working within certain District Departments, including Department 10, 20, 30, and 50, must submit to a physical examination during their probationary period. Certain immunizations may be required for different Departments. Please contact your Supervisor and/or the Human Resources Department for more information.

Workplace Bullying

The District defines “bullying” as repeated inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment.

The purpose of this policy is to communicate to all employees, including Supervisors and Board Members, that the District will not tolerate bullying behavior. Employees found in violation of this policy will be disciplined up to and including termination.

Bullying may be intentional or unintentional. However, it must be noted that where an allegation of bullying is made, the intention of the alleged bully is irrelevant and will not be given consideration when administering discipline. The following types of behavior are examples of bullying:

- Verbal bullying: Slandering, ridiculing or maligning a person or his/her family; persistent name calling that is hurtful, insulting, or humiliating; using a person as the target of jokes; abusive and offensive remarks.
- Physical bullying: Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault; damage to a person’s work area or property.
- Gesture bullying: Nonverbal threatening gestures or glances that convey threatening messages.
- Exclusion: Socially or physically excluding or disregarding a person in work-related activities.

Employees who believe they have been subjected to bullying behavior must report the incident immediately to their Supervisor, the Human Resources Department, or the Executive Director.

Violence In The Workplace

District employees are prohibited from committing any act of workplace violence. All employees, customers, vendors, and business associates must be treated with courtesy and respect at all times. Employees are expected to refrain from conduct that may be dangerous or threatening to others.

Conduct that threatens, intimidates, or coerces another employee, customer, resident, vendor or business will not be tolerated. District resources shall not be used to threaten, stalk, or harass anyone at the workplace or outside the workplace. The District treats threats coming from an abusive personal relationship as it does other forms of violence.

Workplace violence includes, but is not limited to: any harmful physical act upon another, attempted suicide, and psychological trauma (*e.g.* threats, obscene phone calls, an intimidating presence, being followed, etc.). Examples of behaviors that are strictly prohibited include, but are not limited to:

- causing physical injury to another person;
- making threatening or intimidating remarks;
- aggressive or hostile behavior that creates a reasonable fear of injury to another

- person or subjects another individual to emotional distress;
- intentionally damaging employer property or property of another employee;
- possession of a firearm or weapon in violation of the District's policies; and
- committing acts motivated by, or related to, harassment or domestic violence.

The workplace includes any location, either permanent or temporary, where an employee performs any work-related duty. This includes, but is not limited to, the buildings and their surrounding perimeters, including the parking lots, field locations, all areas throughout the District and traveling to and from work assignments.

Indirect or direct threats of violence, incidents of actual violence and suspicious individuals or activities must be reported immediately to the Human Resources Department or Executive Director. In certain instances, the employee may need to call 911 before contacting internal staff. When reporting a threat or incident of violence, the employee should be as specific and detailed as possible. Employees should not place themselves in peril, nor should they attempt to intercede during an incident.

Employees should promptly inform the Human Resource Department of any protective or restraining order that they have obtained that lists the workplace as a protected area. Employees are encouraged to report safety concerns with regard to domestic violence. The District will not retaliate against employees making good faith reports. The District is committed to supporting victims of domestic violence by providing referrals to the District's Employee Assistance Program (EAP).

The District will promptly and thoroughly investigate all reports of threats of violence or incidents of actual violence and of suspicious individuals or activities. The District will not retaliate against employees making good faith reports of violence, threats, or suspicious individuals or activities.

Anyone found responsible for threats of or actual violence or other conduct that is in violation of this policy will be subject to prompt disciplinary action, up to and including termination of employment.

The District encourages employees to bring workplace disputes to the attention of their Supervisor or Human Resources Department before the situation escalates. The District will not discipline employees for raising such concerns.

If an employee believes that another District employee or elected official may be acting in violation of this policy, he/she must immediately report the violation to the Human Resources Department or the Executive Director.

Firearms Or Weapons

The District has a "Zero Tolerance" philosophy with regard to the possession by any employee, of any dangerous/deadly weapon on District property or job sites, (including in one's desk, District vehicle, rented or leased equipment or property, lockers, road, drainage works, or park, etc.). This includes, but is not limited to, any firearm, blunt instrument, brass knuckles, etc.).

exploding devices, or any other object that can cause bodily injury, serious bodily injury, or death. This includes items such as cutting utensils, screwdrivers, pepper spray, and other tools may be considered deadly weapons when these objects are used in a violent, offensive, or threatening manner. *Employees utilizing tools in the course of their day-to-day job duties will not be subject to this policy, unless the tool is used in a violent, offensive, or threatening manner.*

Persons possessing a “Concealed Weapons Permit” shall not be allowed to bring weapons onto District property, facilities, or worksites, *etc.* in accordance with Florida law. Employees are prohibited from carrying firearms and ammunition during and in the course of performing their duties. The only exception to this rule applies to law enforcement personnel acting on behalf of the District.

Cooperation from employees may be requested in agreeing to conduct a search of personal property such as briefcases, purses, and packages brought onto a job site or District facility. Unattended, unidentifiable containers or packages may be subject to removal if thought to be of a suspicious nature. Employees may be asked or directed to move personal property, if the employee is unwilling to agree to a search. Refusal to comply may be grounds for disciplinary action.

All illegal items may be taken into custody and be given to law enforcement authorities.

Any violation of District policy or refusal to submit to a lawful inspection for the presence of a weapon on District property may result in disciplinary action up to and including termination.

This policy is interpreted in compliance with the “Preservation and Protection of the Right to Keep and Bear Arms in Motor Vehicles Act of 2008,” Florida Statute Section 790.251, as amended from time to time.

A license to carry a concealed weapon or firearm lawfully issued under Section 790.06, Fla. Statutes, does not authorize any person to openly carry a handgun or carry a concealed weapon or firearm into any meeting of the District’s Board of Commissioners, pursuant to Florida Statute Section 790.06(12)(a) 7.

Safety And Security

The District fully complies with all applicable state and federal regulations with respect to the safety of its workforce, as well as the surrounding environment. The goal of the District is to operate in a safe and efficient manner. To this end, all employees must become familiar with and abide by the District’s safety policies. Employees should also be aware that First Aid Kits are located in each District vehicle. Employees are expected to wear appropriate safety equipment in the performance of their job duties.

Employees should always keep money and valuables secure. Employees should know the location of all alarms and fire extinguishers, and familiarize themselves with the proper procedure for using them, should the need arise. When leaving District facilities, employees ensure that all entrances are properly locked and secured. You are not allowed to enter the District property after normal working hours for any reason without the approval of a Supervisor.

If you find that a machine is not working properly or in any way appears unsafe, notify your Supervisor immediately so that repairs or adjustments may be made. Employee must use the Lock Out/Tag Out Procedures. Under no circumstances should you start or operate a machine that is unsafe, nor should you adjust or modify the safeguards provided.

Visitors are not permitted on District property without prior permission from your Supervisor, except in public meeting and access areas. No visitors are permitted in working areas without prior Supervisor approval and an authorized escort.

Employees are directed not to use the District's address for personal business. It is the employee's obligation to provide any third-parties, vendors, or delivery companies with their personal mailing address for packages, correspondence, and deliveries.

During the course of your employment, you may have access to District keys, security codes, etc. It will be a violation of this manual to provide those to any other non-authorized persons.

Smoke-Free And Tobacco-Free Workplace

The District complies with Florida's Clean Indoor Air Act. In compliance with Florida law, no person may smoke in any enclosed indoor area of the District. It is the policy of the District to provide a smoke-free and tobacco free indoor workplace in order to provide and maintain a safe and healthy work environment for all employees. The District prohibits smoking, tobacco product use, and certain related behaviors in any enclosed indoor area of the District.

"Enclosed indoor workplace" means any place where one or more persons engages in work, and which place is predominantly or totally bounded on all sides and above by physical barriers, regardless of whether such barriers consist of or include, without limitation, uncovered openings; screened or otherwise partially covered openings; or open or closed windows, жалousies, doors, or the like. A place is "predominantly" bounded by physical barriers during any time when both of the following conditions exist:

- It is more than 50 percent covered from above by a physical barrier that excludes rain; and
- More than 50 percent of the combined surface area of its sides is covered by closed physical barriers. In calculating the percentage of side surface area covered by closed physical barriers, all solid surfaces that block air flow, except railings, must be considered as closed physical barriers.

"Simulated Smoking Device" includes, but is not limited to, electronic cigarettes, electronic pipes, or other devices intended to resemble or having the appearance of a cigarette, cigar, pipe or other tobacco product.

"Smoking" means inhaling, exhaling, burning, carrying, or possessing any lighted tobacco product, including cigarettes, cigars, pipe tobacco, and any other lighted tobacco product.

"Tobacco products" include, but are not limited to, cigarettes, cigars, chewing tobacco and pipe

smoking.

Smoking, use of a simulated smoking device, or use of tobacco products in District-owned or leased enclosed indoor workplaces is NOT permitted by any individual. This applies to all such enclosed indoor workplaces and enclosed parts thereof without regard to whether work is occurring at any given time. Enclosed indoor workplaces include District owned or leased buildings, temporary structures, or other facilities that meet the definition of an enclosed indoor workplace.

To ensure a professional appearance, employees are also prohibited from smoking, using tobacco products, or using simulated smoking devices during working hours unless while on break.

Employees who witness individuals smoking, using tobacco or a simulated smoking device in an enclosed indoor workplace must request the individual immediately extinguish or remove the smoking device. If the employee is not comfortable confronting another individual about the violation, he or she should immediately seek assistance from the immediate Supervisor or the Human Resources Department.

The smoke-free workplace policy applies to:

- All areas of District buildings.
- All visitors (Board Members, customer and vendors) to the district premises.
- All contractors and consultants and/or their employees working on District premises.
- All employees, temporary employees, volunteers, and student interns.

Employees are only permitted to smoke, use tobacco, or use simulated smoking devices in designated areas and on their break or lunch periods only. Employees who smoke outside a District building are responsible for the proper disposal of the waste.

Employees are prohibited from smoking inside of District vehicles or equipment.

Employees who violate the smoking policy will be subject to disciplinary action up to and including immediate termination of employment.

Perceived Violations Policy

It is the District's policy to comply fully with the spirit and letter of all federal, state, and local laws and regulations, which apply to the District and its operations. If an employee believes that any employee of the District may be acting in violation of any such law or regulation – or in violation of a District policy – the employee has a duty to report the perceived violation, preferably in writing, to the Executive Director within 24 hours of the observation of such conduct. All inquiries pertaining to perceived violations will be handled in the strictest confidence possible

Examples of perceived violations of law include violations of child labor laws, wage-hour regulations, and unlawful discrimination or harassment.

Examples of violations of District policy include employee theft or violations of the District's Attire and Grooming Policy.

Compliance with this policy is a term and condition of continued employment with the District. If employees have any questions with regard to this duty to report perceived violations, they may contact the Executive Director. Under no circumstances will the District retaliate against an employee who reports conduct that the employee perceives to be a violation of law or policy.

Whistleblower Policy

The District protects whistleblowers from retaliation where their allegations could legitimately support claims of violations including, but not limited to, False Claims Act violations. The District will comply with all applicable Federal and State laws including, but not limited to, the False Claims Act.

A whistleblower as defined by this policy is an employee of the District who reports an activity that he/she believes to be: (1) a violation of any federal, state, or local law, rule or regulation committed by an employee, agent or independent contractor of the District which creates and presents a substantial and specific danger to the public's health, safety, or welfare; or (2) an act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, or gross neglect of duty committed by an employee, agent or independent contractor of the District. The whistleblower is protected when he or she reports this activity to one or more of the parties specified in this policy. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures; appropriate members of management are charged with these responsibilities. However, the whistleblower is responsible for providing all information, including written information, reports, emails, telephone information, *etc.* that led to the belief that a violation may have occurred.

Employees are also protected from retaliation where the employee reports activities that violate the False Claims Act including, but not limited to, billing for services not performed or for goods not delivered. If an employee has knowledge of or suspects violations of laws, rules, gross mismanagement, or fraudulent activity, the employee is to contact his/her immediate Supervisor, the Human Resources Department, or the Executive Director. For accusations involving the Executive Director, the employee is to contact the District's legal counsel. The employee must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing will be subject to discipline up to and including termination.

Whistleblower protections will be provided against retaliation and when possible confidentiality. However, the District may disclose a person's identity in order to conduct a thorough investigation and to comply with the law. The District will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments, and threats of physical harm. Any whistleblower who believes he/she is being retaliated against must contact the Human Resources Department or Executive Director immediately. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

The Human Resources Department, in conjunction with the Executive Director, will determine the required participants to conduct an investigation on a case by case basis.

Employee Responsibilities:

- Notify the Supervisor, the Human Resources Department, Executive Director, (or District's legal counsel if the accusation involves the Executive Director) of any actual or suspected violations.
- Provide all information relating to the actual or suspected violation including, but not limited to, documents, reports, and emails, within five (5) business days of the initial notification in Paragraph 1.

Department Supervisor Responsibilities:

- Notify the Human Resources Department of any actual or suspected violations.
- Create a work environment in which ethical concerns can be raised and openly discussed without fear of retaliation.

Human Resources Responsibilities:

- Review and determine appropriateness of those involved in investigation.
- Resolve the claim by notifying those involved and/or proper authorities.
- Assist employees and Supervisors in education on this policy.

WORKPLACE EXPECTATIONS

Outside Employment

District employees, including part-time and probationary employees are permitted to engage in outside work or to hold other jobs. Employees who have outside employment must advise the Human Resources Department in writing. Outside employment is considered performance of any services for an employer other than the District, before, during or after an employee's regular working hours or while the employee is out on approved leave.

Activities and conduct away from the job must not compete with, conflict, with or compromise the District's interests or adversely affect job performance and the ability to fulfil all job responsibilities. Employees are prohibited from performing any services for customers/residents on nonworking time that are normally performed by the District. The prohibition also extends to the unauthorized use of any District tools or equipment and the unauthorized use or application of any confidential information. In addition, employees are not to solicit or conduct any outside business during paid working hours.

Employees are cautioned to carefully consider the demands that additional work activity will create before accepting outside employment. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or different hours. If the District determines that an employee's outside work interferes with performance, the employee may be asked to terminate the outside employment.

Employees who have accepted outside employment may not use paid sick leave to work on the outside job. Fraudulent use of sick leave will result in disciplinary action up to and including termination.

Attendance and Punctuality

Generally, the District's administrative office is open from 8:00 a.m. until 5:00 p.m. Your particular hours of work and the scheduling of your lunch period will be determined and assigned by your Supervisor. Most employees are assigned to work a forty (40) hour workweek, although hours may vary from Department to Department. A schedule of your required times will be given to you in writing by your Supervisor and may be amended by your Supervisor from time to time. Attendance and punctuality are important factors for an employee's success within the District.

Employees are expected to be at their work station and ready to work at the beginning of their assigned daily work hours, and are expected to remain at their work station until the end of their assigned work hours, except for approved breaks and lunch. When work takes an employee away from their regular work station, they are expected to let their Supervisor know where they are going and how long they expect to be gone. It is the policy of the District to require all employees to report for work timely as scheduled and to work all scheduled hours including any mandatory overtime. Employees are required to "clock in" and "clock out" within 7 minutes of the start and end of their shift. Irregular "clocking" in or out may result in discipline, up to and including termination of employment.

Tardiness and poor attendance disrupt the flow of work and customer service. When tardiness and poor attendance become excessive it greatly impedes the ability of the District to perform and will not be tolerated.

Employees are responsible for notifying supervisors within fifteen (15) minutes of the employee's start time or as far in advance as possible whenever they are unable to report to work, know they will be late, or must leave the job early. Notification should include a reason for the absence and an indication of when the employee can be expected to report for work.

Failure to notify a Supervisor properly of any absence may result in loss of compensation during the absence and may be grounds for disciplinary action.

Failure of an employee to report to work, or make timely notification to the immediate Supervisor to obtain approval for leave will be grounds for denial of paid leave and possible disciplinary action, up to and including termination of employment.

Employees who fail to report to work or fail to call in for three (3) consecutive workdays shall be considered to have voluntarily resigned without notice. Employees must report to their Supervisor after being late or absent, give an explanation of the circumstances surrounding the tardiness or absence, and may be required to certify that they are fit to return to work. When appropriate, the Supervisor should counsel the employee on the importance of good attendance and warn that excessive tardiness or absences, regardless of the case, will lead to disciplinary action, up to and including termination of employment.

Planned or documented early departures or tardiness, pre-approved by your Supervisor, will not be counted as an early departures or tardiness under this policy.

Professionalism

In order to ensure that the District provides its customers with a good impression of its operations and services, employees are expected to conduct themselves in accordance with the following guidelines:

- Deal with customers in a courteous and respectful manner.
- Communicate pleasantly and respectfully with other employees.
- Follow up on directions and questions promptly.
- Maintain a professional and courteous relationship with the general public and the customers of the District.

Attire and Grooming

Personal appearance plays an important role in the public's perception of an employee as an individual as well as in the District as an organization. Employees who come to work dressed in a manner that is inconsistent with their Department's policy and will be sent home to change and any time missed will be considered an unexcused absence. Employees should consult their Supervisor and/or the Human Resources Department for counseling on proper and safe attire for their position. Failure to adhere to this policy may result in discipline, up to and including termination of employment.

Electronic Communication and Internet Use

This policy provides general guidance regarding Internet use by District personnel who are authorized to use District resources, subject to any supplemental policies of your Department, where applicable. This policy covers all Internet services, including but not limited to, use of the internet, e-mail, file transfer, remote computer access, news services, social networking, instant messaging, blogs, wikis, and video and other file sharing sites. The policy applies whether the Internet use is from District facilities or from remote locations.

The District provides computers, printers, and other electronic devices to many of its employees to perform their job functions. These devices are to be used for District business only. Only computer programs that are authorized by the District are to be used or installed on District computers. Outside computer services such as the Internet, e-mail, etc. are to be accessed and used only for District business. All e-mail messages and Internet information transmitted through District property is considered to be public record, unless otherwise exempted by law.

Please note that this policy shall be construed in a manner consistent with applicable federal and state laws relating to employee communications. This policy should not be construed in a manner to prohibit or interfere with employees communicating with one another regarding the terms and conditions of employment.

The following guidelines have been established for using the Internet, District-provide cell phones and e-mail in an appropriate, ethical and professional manner:

- Internet, District-provided equipment (e.g., cell phone, laptops, computers, iPads, hotspots) and services may not be used for transmitting, retrieving, or storing any communications of a defamatory, discriminatory, harassing, or pornographic nature.
- The following actions are forbidden: using disparaging, abusive, profane or offensive language; creating, viewing or displaying materials that might adversely or negatively reflect upon the District or be contrary to the District's best interests; and engaging in any illegal activities, including piracy, cracking, extortion, blackmail, copyright infringement, and unauthorized access of any computers and District-provided equipment such as cell phones, laptops, iPads, or hotspots.
- Employees may not copy, retrieve, modify, or forward copyrighted materials, except with permission or as a single copy to reference only.
- Employees must not use the system in a way that disrupts its use by others. Employees must not send or receive large files that could be saved/transferred via thumb drives. Employees are prohibited from sending or receiving files that are not related to work.

Computers

- The computers at the District are for District business only. At no time may any computer be used for other business; however, limited and incidental personal use may be permitted during breaks, provided that employees supply their own devices and otherwise comply with all other District policies.
- Computer information systems and software on District computers is the property of the District; no unauthorized copies will be made or distributed.
- No additional software will be installed on District computers without specific written authorization. Software from home is not permitted to be installed onto District computers at any time.
- All data contained within District computers belongs to the District and cannot be altered without specific written authorization.
- No data stored on District computers is to be released to any person or outside organization without specific written authorization. This includes release through data transfer, in magnetic form, on printed reports or any other media or electronic transmission as well as databases, without the specific written authorization of the Executive Director. However this shall not be construed to prevent or limit the dissemination of information in response to a public records request.
- The computer passwords and security codes assigned to employees are not to be communicated to any other employee unless specifically authorized. No passwords, security codes or computer access numbers are to be communicated to any persons or outside organization without specific written authorization.
- Employees who use computers at home for District business are to virus check any diskettes/CD's or USB drives before using them on District computers.
- No person is to disclose the names of software, databases, or systems used by the District to persons outside the District unless in response to a public records request.

E-Mail

The District has established a policy with regard to access and disclosure of electronic mail messages created, sent or received by District employees using the District's electronic mail system. The District reserves the right to change the policies set forth below at any time, as may be required by the circumstances:

- The District maintains an e-mail system. The system is provided by the District to assist in conducting District business only.
- The e-mail system is District property. Additionally, all messages composed, sent, or received on the e-mail system are and remain the property of the District. They are not the private property of any employee.
- The use of the e-mail system is reserved solely for the conducting of business at the District. It may not be used for personal business.
- The e-mail system may not be used to solicit for commercial ventures, religious, or political causes, outside organizations or other non-job-related solicitations.
- The e-mail system is not to be used to create any offensive or disruptive messages. Among those which are considered offensive are any messages which contain sexual implications, racial slurs, gender-specific comments, or any other comment that offensively addresses someone's age, sexual orientation, religious or political beliefs, pregnancy, national origin, disability, or other category protected by applicable law.
- The e-mail system shall not be used to send (upload) or receive (download) copyrighted materials, trade secrets, proprietary financial information, obscene materials, or other similar materials.
- The District reserves the right to review, audit, intercept, access, and disclose all messages created, received or sent over the District's e-mail system for any purpose. The contents of e-mail properly obtained for legitimate business purposes may be disclosed within the District without the permission of the employee.
- The confidentiality of any message should not be assumed. Even when a message is erased, it does not guarantee confidentiality. Further, the use of passwords for security does not guarantee confidentiality.
- All passwords must be disclosed to the District or they are invalid and cannot be used.
- Notwithstanding the District's right to retrieve and read any e-mail messages, such messages should be treated as confidential by other employees and accessed only by the intended recipient. Employees are not authorized to retrieve or read any e-mail messages that are not sent to them. Any exception to this policy must receive the prior approval of the Executive Director.
- Employees shall not use a password, access a file, or retrieve any stored information, unless authorized to do so. Employees should not attempt to gain access to another employee's messages without the latter's permission. All computer passwords must be provided to supervisors. No password may be used that is unknown to the District.
- Employees are prohibited from sending global messages of a personal nature and/or chain letters on District computers, without exception.

Employees may use the District's email system to discuss terms and conditions of employment or to address work-related grievances.

Any employee who violates this policy or uses the e-mail system for improper purposes shall be subject to discipline, up to and including termination of employment.

Right to Monitor

All District supplied technology and District related work records belong to the District and not the employee. The District routinely monitors use of District-supplied technology. Inappropriate or illegal use or communications may be subject to disciplinary action, up to and including termination of employment.

Telephone Usage

District telephones and voice message systems are to be used for District business only. Personal telephone calls during business hours are to be confined to those which are absolutely necessary and be kept to a minimum. Employees should not use the District's telephones, including cell phones, for personal long distance calls. Employees who are hosting or attending meetings with the Board of Commissioners, clients, vendors, or employees from another company are restricted from answering non-emergency personal cell phones. Any employee caught in the process of answering a non-emergency personal cell phone call or sending/receiving text messages during a professional business meeting while representing the District will be subject to disciplinary action, up to and including termination of employment.

District employees are required to answer all business telephone calls promptly and courteously. Employees are required to return all missed business calls promptly.

Field staff are restricted from the use of cell phones while operating heavy equipment or motor vehicles to emergency situations. Otherwise, staff should allow cellular telephone calls to go to voicemail. Work-related messages should be retrieved and returned when it is safe to do so. In the absence of an emergency, personal messages shall be retrieved and returned only after scheduled duties are complete or while the employee is on an authorized break.

Texting while driving on or off duty while driving a District vehicle is strictly prohibited. Employees are also prohibited from texting while operating District equipment.

Social Media-Acceptable Use

Below are guidelines for social media use:

- Employees shall not make statements on behalf of the District, without proper authorization, or make statements that could be construed as establishing the District's official position or policy on any particular issue.
- Employees may not post financial, confidential, sensitive or proprietary information about the District, citizens, vendors, employees, or Board Members.

- Employees may not post discriminating remarks, harassment, bullying, or threats of violence. Behavior that is not tolerated in the workplace will not be tolerated in social media.

Employees are permitted to discuss terms and conditions of employment but, when posting such information on social media sites, employees must use the following disclaimer when discussing job-related matters, “The opinions expressed on this site are my own and do not necessarily represent the views of the District.”

The District may monitor or review content on the Internet available for public consumption. Policy violations may result in discipline up to and including termination of employment.

Performance Reviews

The first day you report to work is your anniversary date. In this regard, employees will be reviewed on or near the anniversary of their employment. A review may also be conducted in the event of a promotion or change in duties and responsibilities. Otherwise, an employee is considered to be “in good standing” unless they have been the subject of disciplinary actions as previously outlined in the Standards of Conduct section or rated below the score discussed below.

Formal performance reviews will consider the following things, among others:

- Attendance, initiative, and effort;
- Knowledge of your work;
- Attitude and willingness;
- The quality and quantity of your work;
- The conditions under which you work;
- Performance in accordance with your job description.

The evaluation for each job shall relate directly to the job description for that job.

The primary reason for performance reviews is to identify your strengths and weaknesses in order to reinforce your good habits and develop ways to improve in your weaker areas.

An employee needs to receive a total average point score of 2.0 or greater on a scale of 3 points to be considered an “Employee in Good Standing”. If the employee receives less than a 2.0 score, they will need to be reevaluated in 30, 60, and 90 days. If there is not improvement to a 2.0 score at the time of the last evaluation, termination of employment will be recommended.

Supervisors and Department Supervisors will be evaluated annually via various procedures, including possible use of an anonymous questionnaire, as developed by the Evaluation Committee.

The Executive Director shall be evaluated by the direct reports on a set of anonymous questionnaires, which shall be submitted to the Board of Commissioners prior to their annual evaluation of the Executive Director.

Wage and salary increases, if any, are based on performance evaluations.

Vehicle Use Policy

Persons allowed to take vehicle home are:

- Supervisors, excluding the Administration Supervisor
- Distribution, Collection, or Maintenance personnel who are “on standby” status;
- Operator/Operator Trainee responsible for responding to the auto dialer at water plants;
- Prior to the adoption of this Manual, Distribution or Collection personnel who had achieved Tech III level or higher were allowed to take home their vehicles. This policy allows only those who attained that level *before* the prior version of the Employee Manual was adopted on October 15, 2014, to continue to have this benefit.

If you are authorized to use a District vehicle for District business, you must adhere to the following rules:

- You must be a licensed driver;
- You must maintain weekly mileage reports;
- You are responsible for following all the manufacturer-recommended maintenance schedules;
- You are responsible for paying any moving violation tickets;
- You must keep the vehicle clean at all times, and washed and vacuumed as often as necessary.
- You must not allow persons not authorized or employed by the District to operate or ride in a District vehicle.
- You must report any traffic violations you receive to the Human Resource Department.

As noted above, while driving a District vehicle, you are responsible to obey all traffic rules and regulations. Any fines or traffic violations are your personal responsibility. In addition to paying fines, you will be subject to disciplinary action as outlined in this Employee Manual, up to and including termination of employment. If you are authorized to operate a District vehicle in the course of your assigned work, or if you operate your own vehicle in performing your job, you will be considered completely responsible for any traffic incidents, fines, or traffic violations incurred. Your Supervisor will advise you on what procedures to follow in the event of a traffic incident.

If your job duties involve operation of a motor vehicle and you become uninsurable, due to traffic violations, either while working or off duty, or your license is suspended or revoked, you must notify the District. Your employment may be subject to reclassification or termination.

In addition to the foregoing, employees are specifically prohibited from using District-assigned vehicles for personal purposes including, but not limited to, transporting contraband, illegal

materials, or lawful items not directly related to the employee's work at the District. Employees are prohibited from using District vehicles for any purpose other than performing assigned tasks or as otherwise permitted by the Vehicle Use Policy or related procedures.

The District may create additional procedures relating to the foregoing Vehicle Use Policy.

Standards Of Conduct

Every employee has the duty and the responsibility to be aware of and abide by existing rules and policies. Employees also have the responsibility to perform their duties to the best of their ability and to the standards as set forth in the job description or as otherwise established.

The District supports the use of progressive discipline to address employee conduct and performance issues. However, the District retains the right to initiate disciplinary action at any level to improve and prevent a recurrence of undesirable behavior and/or performance issues.

Violations of any of these policies and procedures are considered misconduct and appropriate disciplinary procedures will be initiated. Disciplinary action may include, but is not limited to: verbal warnings, written warnings, suspensions with or without pay, and termination. Disciplinary actions are noted in the employee's personnel file.

Serious misconduct may result in immediate suspension and/or immediate termination, without notice. The appropriate disciplinary action will be determined by the Executive Director. There is no guarantee that one form of disciplinary action will necessarily precede another. The following is a partial list of examples of misconduct that may constitute cause for disciplinary action, up to and including termination of employment:

- Violation of the District's Equal Opportunity or Anti-Discrimination and Anti-Harassment policies;
- Disclosure of confidential District or employee information to unauthorized parties;
- Behavior resulting in resident, customer, vendor, or employee complaints;
- Supplying false or misleading information or falsifying any District record;
- Possession or use of weapons on or off premises while performing duties for the District;
- Immoral or indecent conduct; soliciting persons for immoral purposes;
- Loafing or sleeping on the job;
- Wasting valuable work time such as talking about the private affairs of others in a malicious manner, spreading gossip, and other unproductive behavior;
- Insubordination, including but not limited to, failing to perform job duties, refusing to obey an order or directive of a Department Supervisor, or the Executive Director;
- Disruptive conduct, including but not limited to: gambling; fighting; horseplay; coercion; intimidation or threats against District employees or residents; vulgarity; or abusive treatment to the public or fellow employees;
- Theft or unauthorized possession or removal of property or money belonging to the District, employees, or a third party;

- Making or publishing false, vicious, or malicious statements concerning a resident, customer, employee, supervisor, or other District official or District services;
- Destruction or misuse of property;
- Use of District computers, equipment, and/or software for inappropriate purposes;
- Failure to work overtime when requested;
- Excessive absenteeism or tardiness;
- Failure to remain and work at employee's designated District work station unless required to step away from the designated work station in order to perform District-related business; or,
- Any other conduct which violates a District policy or which is not in the best interest of the District.

Outlined below are the steps of the District's discipline procedure. The District reserves the right to combine or skip steps in this process depending on the facts of each situation and the nature of the offense. The level of disciplinary intervention may also vary. Some of the factors that will be considered are whether the offense is repeated despite coaching, counseling, and/or training; the employee's work record; and the impact the conduct and performance issues have on our organization.

The following outlines the District's general discipline steps. The nature of the discipline will depend on the nature of the infraction and will be determined in the District's sole discretion and judgment.

- **Verbal Warning:** A Supervisor verbally counsels an employee about an issue of concern, and a written record of the discussion is placed in the employee's file for future reference.
- **Written Warning:** Written Warnings are used for behavior or violations that a Supervisor considers serious or in situations when a Verbal Warning has not helped change unacceptable behavior. Written Warnings are placed in an employee's personnel file. Employees should recognize the serious nature of the written warning.
- **Performance Improvement Plan:** Whenever an employee has been involved in a disciplinary situation that has not been readily resolved or when he/she has demonstrated an inability to perform assigned work responsibilities efficiently, the employee may be given a final warning or placed on a Performance Improvement Plan ("PIP"). PIP status will last for a predetermined amount of time not to exceed 90 days. Within this time period, the employee must demonstrate a willingness and ability to meet and maintain the conduct and/or work requirements as specified by the Supervisor and the district. At the end of the performance improvement period, the Performance Improvement Plan may be closed or, if established goals are not met, dismissal may occur. An employee may be terminated before, during, or after a PIP, in the District's sole discretion and judgment.
- **Suspension with or without pay:** an employee may be temporarily relieved of duties as final disciplinary action or while review of an employee's conduct or

- performance is pending final disciplinary action.
- Termination: an employee may be separated from employment at any time, without prior notice or cause.

TIME OFF/LEAVES OF ABSENCE

Holidays

The District observes the following paid holidays:

- ½ day on New Year's Eve;
- New Year's Day;
- Martin Luther King, Jr. Day;
- President's Day
- Memorial Day;
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day
- The Friday following Thanksgiving Day
- ½ day on Christmas Eve
- Christmas Day.

Only full-time, regular employees are eligible for paid holidays.

If a holiday falls on a day you are not scheduled to work, i.e., Saturday or Sunday, the holiday will be celebrated in the proceeding or following work day, whichever is closer. If a holiday occurs during your scheduled vacation, you will be paid for a holiday instead of using vacation time.

To receive holiday pay, the scheduled workday before and the scheduled workday after the holiday must also be a paid day for the employee. This means that the employee must work the day before and the day after the holiday OR be on a pre-approved vacation OR be out on authorized sick leave to receive holiday pay.

Vacation Leave

Only regular full-time, regular employees are eligible for paid vacation. You are able to accrue, but not use, vacation time during your probationary period. You are not eligible for paid vacation if you are a part-time or temporary employee.

The vacation accrual rate is based on length of employment, as follows:

Length of Employment	Vacation Accrual Per Pay Period (Hours)	Total Annual (Calendar) Accrual (Hours)
Less than five (5) years	3.077	80
Five (5) years but less than ten (10) years	4.616	120

Ten (10) years but less than fifteen (15) years	6.154	160
Fifteen (15) or more years	7.69	200

Vacations cannot interfere with your Department's operation and therefore, should be submitted two (2) months ahead of the requested first day of the vacation. Any conflicts will be resolved at that time, by your Supervisor. All vacation requests are subject to review and approval and are subject to the business and operational needs of your Department and the District.

You may not receive advance vacation pay (for vacation time taken in excess of your vacation accrual balance) without written authorization from the Director.

If you are eligible for three (3) or four (4) weeks of vacation, you may take only two (2) weeks at one time unless you receive written approval from the Executive Director.

If you are on an approved leave of absence for less than thirty (30) days, your vacation accrual will not be affected. However, should the leave extend beyond thirty (30) days, vacation time will not continue to accrue.

If a District-paid holiday falls during your scheduled vacation period, you will receive the normal holiday pay and your vacation leave balance will not be deducted for that day.

Eligible employees may carry over accrued, but unused vacation from calendar year to year, up to a maximum of 240 total hours at any one time. At the end of the calendar year, any unused vacation leave in excess of 240 total hours will be forfeited.

The purpose of a vacation is to provide you with a time to rest and relax. However, employees may cash in up to forty (40) hours of vacation time, subject to review and approval by the Human Resources Department. Additional amounts require Executive Director approval.

Election Leave

All employees should be able to vote either before or after regularly assigned work hours. However, when this is not possible due to work schedules, employees will receive up to two (2) hours during the work day to vote. Time off for voting should be reported and coded appropriately on timekeeping records.

Bereavement Leave

The District offers bereavement leave to provide a time for mourning after the loss of an immediate family member. You are allowed to take off up to (5) work days with pay for this purpose. The employee's immediate Supervisor authorizes the use of bereavement leave.

Immediate family includes: spouse, domestic partner, child, step-child, mother, father, sister, brother, mother-in-law and father-in-law, brother-in-law and sister-in-law, grandparent and grandparent-in-law. Extended family includes aunts, uncle, nieces, and nephews. If additional time is needed, vacation or unpaid personal leave may be taken with Supervisor approval.

With your Supervisor's approval, you may take up to two (2) full days without pay to attend funerals of other relatives and friends.

Pay for a funeral leave will be made for actual time lost from work. If the death occurs at a time when work is not scheduled, payment will not be made. If a holiday or part of your vacation occurs on any of the days of absence, you may not receive holiday or vacation pay in addition to paid funeral leave.

An excused absence for family death may not be retroactive or postponed.

Upon request of the District, you may be required to provide documentation to support the requested or taken bereavement leave.

The Executive Director has authority to change, modify, or approve exceptions to this policy at any time with or without notice.

Jury Duty

If you are called for jury duty, you may take the necessary time off. If you have completed your probationary period, the District will reimburse you for the difference between your jury pay and your regular pay, not to exceed your normal work day.

Employees should notify their Supervisor as soon as a summons is received. A copy of the summons and proof of jury service, including dates and times, should be provided to your Supervisor as soon as possible.

Employees are expected to return to work if excused from jury duty during regular working hours, unless otherwise excused by their Supervisor.

In order to receive jury duty pay, you must present a statement of jury service and pay to your Supervisor and the Human Resources Department.

Personal Leave

Following completion of the probationary period, regular, full-time, "non-exempt" employees, are eligible to take two (2) days of paid personal leave during each fiscal year. You may use your personal leave in units of no less than one-half day at any one time, unless otherwise approved by the Executive Director and your Supervisor. You are required to request personal leave time from your Supervisor, in advance, and obtain his or her approval. During your first fiscal year, the earned personal leave time is prorated. Personal leave may not be accumulated. As such, any personal leave not used during a fiscal year will be forfeited. Further, employees are not eligible to receive payment in lieu of a personal leave day. Finally, unused personal leave days will not be payable at the time of separation of employment.

Sick Leave

To qualify for sick leave, you must be a full-time, regular employee and must have completed your probationary period. Time taken off before completion of the probationary period, will be without pay. Sick leave days will be paid at your regular straight time pay and will accrue as

follows:

- 1.85 hours on a bi-weekly basis, up to forty (40) hours a year.

Employees should advise their Supervisor, as soon as possible if they will be absent from work due to illness or a medical appointment.

Sick leave may be used for the purpose of visiting doctors, dentists, or other medical professionals. This time may also be used for tending to a serious illness suffered by a member of your immediate family, in the event the illness requires your personal time and attention. For purposes of this section, “immediate family” includes: spouse, domestic partner, child, step-child, mother, father, sister, brother, mother-in-law and father-in-law, brother-in-law and sister-in-law, grandparent, and grandparent-in-law.

Accrued, unused sick leave hours will not be payable at the time of separation of employment.

The District reserves the right to request documentation to substantiate the use of sick leave.

Excessive use of sick leave may adversely affect your performance.

If you are required to take a disability leave of absence, any accrued sick leave will begin to be paid at the time the leave commences. In the event of a disability leave of absence of up to thirty (30) days, sick leave will continue to accrue during such time period. Following such thirty (30) disability leave of absence, sick leave will not continue to accrue.

If you are on an approved personal leave of absence for less than thirty (30) days, your sick leave eligibility will not be affected; should the leave extend beyond thirty (30) calendar days, sick leave time will not continue to accrue.

In the event of an illness or injury covered by workers' compensation, this sick leave policy will not apply and workers' compensation benefits will apply. However, employees may supplement their income using sick leave to the amount of their normal pay.

Sick days may accumulate from calendar year to calendar year, up to a maximum of 240 hours, at which point no further sick leave days will accrue. If you have accumulated unused sick leave days totaling at least eighty (80) hours at the end of a calendar year, you may be paid for up to forty (40) hours at your regular base rate determined as follows:

Days Of Sick Leave Taken During Calendar Year	Amount That May Be “Cashed In” (Hours)
0	40
1	32
2	24
3	16
4	8

Thus, while employees may only accrue 240 hours of sick leave, an employees may receive cash for in excess of 240 hours (according the schedule above). Thus, for example, an employee with 280 hours of accrued unused vacation at the of the calendar year with no absences, may cash in forty (40) hours of sick leave, leaving him or her with the cap amount.

Voluntary Sick Leave Donation Program

District employees can donate sick leave hours to, and receive sick leave hours from, other employees within the District according to the procedures outlined in this section.

Requests to donate sick leave hours to another employee are strictly voluntary. Employees must not coerce or pressure another employee to donate sick leave hours. Donors do not receive compensation or favors in return for the sick leave donation. The receiving employee is not in debt to the donor in any way. Employee(s) in violation of this policy are subject to disciplinary action.

Donated sick leave hours are for absences associated with documented illnesses beginning with the sixth (6th) missed workday or partial workday, or the first day the employee has exhausted all leave hours, whichever is later. There is a five (5) day absence requirement and the Human Resources Department will review each request.

Donated leave can be used consecutively, intermittently, or in increments of a quarter hour (.25), as needed.

The District Human Resources Department and the Executive Director will investigate alleged abuse of the sick leave donation plan. If abuse is found, the participating employee(s) are not allowed to donate or receive sick leave hours and the employee(s) may be subject to disciplinary action.

Once an employee's donation has been credited to another employee, it cannot be cancelled.

An employee who separates from employment with the District with unused donated hours is not paid for the unused hours. Unused hours are credited back to the donating employee.

Transferring sick leave hours is a manual process performed by the Human Resources Department.

Donating employees must meet the following eligibility requirements in order to donate sick leave:

- Donating employee must maintain a minimum of eighty (80) hours of sick leave hours after a donation;
- Donating employee must make a donation of at least eight (8) hours; and
- Donating employee must provide a completed "Request to Donate Sick Leave Hours" form to the Human Resources Department.

Employees requesting to use sick leave donations must:

- Have used all accrued paid leave (sick, compensatory, and personal leave days);
- Have suffered a documented illness, accident or injury which requires (as certified by the treating medical professional) absence from the workplace for a minimum of five (5) consecutive days;
- Have not used more than 1,040 hours of donated sick leave hours in the preceding 12-month period;
- Not be eligible for workers' compensation disability leave benefits;
- Not be receiving workers' compensation leave benefits,
- Provide a fully completed "Request to Use Donated Sick Leave Hours" form to the Human Resources Department.
- *See* Human Resources Department Policies and Procedures relating to Sick Leave Donation.

Disability Leave Of Absence

The District may grant an unpaid leave of absence for illness, disability, or pregnancy. To request a disability leave of absence, you should submit, or have someone submit for you, a statement of ill health or disability from your medical provider to the Human Resources Department. An approved disability leave may be granted for up to ninety (90) days. If necessary, you may request extensions in thirty (30) day increments for a maximum of six (6) months. Whenever possible, you are required to give as much notice as possible of your pending need for a disability leave of absence.

In the case of pregnancy, please inform your Supervisor as soon as possible of the date you, and your medical professional, anticipate that you will begin your leave.

The job status of employees on disability leave will be protected to the extent that we will make every effort to allow them to return to their former position, or similar work if available, for which you may be qualified. Pregnancy leave will be granted in every circumstance but will not extend beyond ninety (90) days, without a physician's statement.

At the time the disability leave begins, any accrued sick leave will be paid. Vacation time previously earned (but not used) at that time will also be paid if the employee so desires. These benefits do not continue to accrue during an unpaid leave of absence exceeding thirty (30) days. This policy applies to all employees. Your group insurance booklet should be reviewed to determine your insurance coverage during a leave of absence. In this regard, you will be responsible for paying the total premiums for your coverage and that of your dependents while on leave. Short-term disability and long-term disability insurance may be used by eligible employees.

Employees who must remain away from work for more than the period of time allowed above will be considered terminated from employment. They are welcome to re-apply subject to the District's usual hiring policies.

Employees who develop an illness or physical condition, which requires medical treatment or restrictions and precautions as to their health will be required to submit a medical provider's fitness-for-duty statement. This statement must give approval that continued full-time

employment in their present position will not jeopardize their health or the safety of others, in the event they continue to work. A similar fitness-for-duty statement is required upon return from a disability leave.

Personal Leave Of Absence

Employees who require time off in addition to vacation leave may request a personal leave of absence without pay for up to a maximum of thirty (30) days. An extension may be approved in limited circumstances.

All regular, full-time employees who have completed their probationary period are eligible for an unpaid personal leave of absence. Job performance, absenteeism, District, and Department requirements will be taken into consideration before the request is approval.

While you are on any other type of unpaid leave of absence from the District, you will be responsible for paying the total premiums for your coverage and that of your dependents while on leave. Failure to do so may result in loss of coverage and possible refusal by the insurance carrier to allow your coverage to be reinstated.

If you accept any employment or go into business while on a leave of absence from the District, you will be considered to have voluntarily resigned from employment with the District as of the day you began your leave of absence.

Please contact the Human Resources Department for more information on request procedures.

Returning From A Leave Of Absence

You must notify the District at least fifteen (15) days prior to your expected return date, that you intend to return from a leave of absence. When you return, you will be placed on your regular job if such position remains and is available. If the District has had to eliminate or fill your position while you were on leave, you will be assigned to an open position for which you are properly qualified. If no such position exists, you will be separated from employment.

If you do not return from your leave of absence on the day indicated in your original application or in any approved extension, or within three (3) working days of release by your medical provider, if you have been on a disability leave of absence, you will be considered to have voluntarily resigned from employment with the District as of the day on which you began your leave of absence.

If you have been on a disability leave of absence, you will be required to submit a statement from your doctor indicating that you are fit to return to your normal duties. You will receive seniority credit for the time that you have been on disability leave of absence.

Domestic Violence Leave

Domestic Violence Leave

Eligible employees will be granted up to three (3) days of unpaid Domestic Violence Leave in any twelve (12) month period, measured forward from the first date domestic violence leave is used, according to Section 741.313, Florida Statutes, as amended from time to time. The District

shall not discriminate against an employee for exercising rights under this policy.

Domestic Violence means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member. Domestic violence shall also include any crime the underlying factual basis of which has been found by a court to include an act of domestic violence.

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

Employees may be permitted to use the leave for:

1. Seeking an injunction for protection against domestic, repeat, dating or sexual violence;
2. Obtaining medical care or mental health counseling for the employee and/or family/household member to address physical or psychological injuries resulting from the domestic violence;
3. Obtaining services from a victim-services organization as a result of the act of domestic violence;
4. Making the employee's home secure from the perpetrator of domestic violence, or to seek new housing to escape the perpetrator;
5. Seeking legal assistance or to attend and prepare for court-related proceedings arising from the act of domestic violence.

Notice

Except in cases of imminent danger to the health or safety of the employee, or to the health or safety of a family household member, an employee shall provide notice to the Human Resources Department as soon as possible after the employee learns of the need for the leave. If the leave is foreseeable, such as court dates, the employee must provide thirty (30) days' notice. The request for leave must be accompanied with sufficient documentation of the act of domestic violence, if applicable.

Eligibility

To be eligible for Domestic Violence Leave, an employee must have been employed by the District for three (3) or more months. Domestic Violence Leave shall be granted if the employee or a family or household member of the employee is the victim of domestic violence and provides sufficient notice and documentation regarding same.

An employee seeking leave under this section must, before receiving the leave, exhaust all vacation and sick leave available.

Military Leave

The District is committed to protecting the job rights of employees absent on military leave. In accordance with federal and state law it is the District's policy that no employee or prospective employee will be subjected to any form of discrimination on the basis of that person's membership. Employees who serve in any branch of the Armed Forces of the United States or the State of Florida or are engaged in military reserve service will be provided time off or other benefits in accordance with any and all applicable federal and state laws.

BENEFITS

Insurance

The District offers or provides certain benefits for regular, full-time employees, subject to certain eligibility, plan, and participation rules and requirements, including:

- Group Term Life Insurance
- Group Short Term Disability
- Group Long Term Disability
- Major Medical and Surgical Coverage
- Dependents' Health Care Coverage (supplemented by employee)
- Group Dental Plan
- Section 125 Cafeteria Plan (including Cancer, Intensive Care, *etc.*)
- Accidental Death & Dismemberment Insurance

In each case, specific provisions are set forth in the official policy or plan description. If there is any conflict between the descriptions contained in this Manual or any other publication of the District and the official policy or plan description, the language of the official policy or plan description will control. Employees are directed to read their plan documents or consult the Human Resources Department for detailed information.

Retirement Plan

The District has a retirement plan. This plan is paid for partly by the District. Employees are eligible to participate in the retirement plan beginning on the 91st day after their employment date. Please contact the Human Resources Department for additional information.

College/University Reimbursement And Continuing Education

Requests for education assistance may be made after ninety (90) days of employment to regular, full-time employees. If an employee leaves the employ of the District, any tuition, exam, or text book fees paid by the District within one (1) year prior to leaving, must be refunded to the District by the employee.

With pre-approval by your Supervisor, the District will pay tuition costs and required textbook costs for any field-related classes, or classes to improve job required skills. Tuition costs and text book costs for college courses will be limited to the State of Florida cost per credit hour for Florida residents. Degree programs approved for educational assistance must relate directly to the employee's present job and enhance the knowledge, skills, and abilities used in that job.

Elective courses that are not job-related are not eligible for assistance. Remedial courses are not eligible for assistance, unless required by the Executive Director. Other related materials are the responsibility of the employee. The employee must pass the class with a "C" or better. For graduate level courses, a passing grade of "B" or better shall be required in order to receive assistance. If the employee drops out, fails to obtain the requisite grade, or does not complete the class, all costs must be repaid to the District. Employees must take courses that will not interfere with their job responsibilities or their normal working hours. Education assistance will not be provided for mileage or other study materials. Employees taking college or university classes will not be paid for their time or travel time.

With pre-approval by your Supervisor, the District will pay tuition costs, required textbook costs, and hotel fees for field-related classes or conferences, including those for the attainment of certain professional or technical certifications or licenses (for example, attainment of a Florida water/wastewater operator license). The District will pay for one (1) test and one (1) retest only. This applies to license exams, GED, and/or related exams. If the employee drops out or does not complete the class, the costs related to the course will be deducted from their annual education budget. The employee may be paid for travel time and mileage for approved courses, conferences, and for CEU purposes.

Educational assistance will be subject to budgetary restraints. If an employee uses their entire budgeted annual education amount, another person in their Department may donate some of their available education dollars, provided they have been employees for a minimum of two years.

Employees must obtain pre-approval from the District in connection with any tuition assistance or reimbursement.

Safety Committee members may attend safety-related conferences or classes, which shall not count against their allocated education assistance.

Workers' Compensation And Light Duty

Workers' compensation insurance is provided in accordance with Florida law. Work-related accidents and injuries, no matter how minor, must be reported to the employee's Supervisor immediately. Following a work-related injury, an employee is required to return to work as soon as possible. Failure to follow the District's well-established reporting procedures will result in disciplinary action. Employees should consult their Supervisors for detailed information on the District's workers' compensation coverage and reporting procedures.

After medical attention, if the employee is released for regular or light duty, if available, as determined by the department, the employee shall obtain from the attending physician a certification that the employee can return to work, identifying any applicable restrictions. Employees shall be required to release all medical information relative to the injury to the District or its authorized agents. In addition, the employee shall be responsible for securing the necessary documentation to justify worker's compensation payments. In the case of an employee who has been released for light duty, said employee may be placed on light duty, if available and at the discretion of the Department Supervisor, in a temporary position consistent with the light

duty conditions specified by the attending physician and at the employee's normal rate of compensation, until such time that the attending physician releases the employee for regular duty.

For purposes of this policy, "light duty" is defined as a modification or adjustment in the employee's regular job duties. Such an assignment permits the employee to continue to work for a limited time by making a temporary adjustment, where possible, including (but not limited to): Temporarily transferring some or all of the non-essential functions of the employee's job to another employee on a temporary basis; or transferring the employee to another assignment on a temporary basis, if possible.

The District will only attempt to place an employee in a light duty assignment when it is expected that the employee will be able to return to his or her normal job assignment within a time period that does not adversely impact on the District's ability to have the employees essential functions properly performed. Additionally, light duty assignments are made on a case-by-case basis in light of all the circumstances and are not guaranteed. Employees assigned to light duty under this policy will continue to receive their regular rate of pay.

The District reserves the right to evaluate the status of all employees assigned to light duty or reassigned to another position under this policy at any time to determine whether and when the employee will be able to return to his or her regular job duties.

The District will regularly review the status of all employees assigned to light duty or reassigned to another position under this policy to determine whether and when the employee will be able to return to his or her regular job.

Employees may be required to submit to a medical evaluation in accordance with the Workers' Compensation process as part of this re-evaluation process.

If, at any time, the employee is not expected to be able to return to his or her regular job within a reasonable period of time, the employee will be subject to termination for inability to perform the essential functions of his or her job.

Notwithstanding any provision of this policy, the District and the employee/claimant shall retain all statutory rights under the Workers' Compensation Statute.

An employee on leave or light duty resulting from an injury or accident compensable under workers' compensation may also be eligible for reasonable accommodations or unpaid time away from work under the Americans with Disabilities Act.

Note: The District will also attempt to place pregnant employees requesting light duty in a light duty assignment consistent with any restrictions and consistent with the policy above.

Employee Assistance Program

The District has adopted an Employee Assistance Program that offers three (3) hours of free counseling each year. The contact and telephone number is: Employee Assistance Program

Services, LLC – 239-435-0400. Please also contact the Human Resources Department for additional details. The District may also refer you to the EAP for performance related issues.

COMPENSATION

Generally

The District's work week begins on Monday at 12:01 a.m. and ends on Sunday at midnight. Employees are paid every two (2) weeks on Fridays. The District encourages direct deposit for all of its employees. Any changes due to holidays or other events that may interfere with this pay schedule will be announced in advance by the Human Resources Department.

The District is required by law to make mandatory deductions from earnings. Amounts withheld may vary according to how much the employee earns, marital status, government employment regulations, and other factors. Mandatory withholdings include Medicare and social security, and any other taxes or deductions required to be withheld by state and/or federal law.

In addition to mandatory payroll deductions, the District is required by law to comply with certain court orders, liens, or wage assignments and to make payroll deductions pursuant to those orders.

The District assigns certain employees to work on a second or third shift operation. Such employees are not paid an additional amount per hour over and above the regular rate of pay for that job as a shift premium.

Governmental agencies are prohibited by state law from paying bonuses or extra compensation. The District does not pay bonuses or extra compensation.

Overtime

Generally

Department Supervisors should make every effort to maintain service level standards while keeping overtime use to a minimum. However, when overtime is worked, the District compensates employees for the overtime hours in accordance with applicable law.

Overtime Eligibility

All non-exempt employees shall be compensated for periods worked in excess of forty (40) hours worked per workweek, at a rate of one and one-half (1 and ½) times their regular straight-time rate of pay. Hours paid, but not worked, such as for vacation or sick leave, *do not* count toward hours worked for the calculation of overtime pay.

In lieu of overtime payments, the District may elect to provide Compensatory Time to the non-exempt employees as further outlined in the section below.

Employees exempt from the overtime provisions of applicable law are expected, as part of their responsibility, to work in excess of forty (40) hours per week from time to time as required by special circumstances. Exempt employees *do not* receive overtime compensation or

compensatory time off relating to hours worked.

Employees Not Eligible For Overtime

Generally, employees considered “exempt” from the minimum wage and overtime provisions of applicable law include those employees holding executive, administrative, learned professional, and outside sales positions, among others. Employees at the District who are unsure of their status as an exempt or non-exempt employee should ask their immediate Supervisor or the Human Resources Department. Exempt employees are not eligible for overtime or compensatory time off.

Prior Approval Required

All overtime work must be approved by the Department Supervisor or the Executive Director, or their designee.

Compensatory Time

Defined

In lieu of overtime compensation, a non-exempt employee may, at the employee's discretion, select to be compensated in paid time off from work in accordance with applicable law. The choice of overtime or compensatory time should be reached prior to the performance of the assigned overtime.

Accrual

Compensatory time off shall be accrued at a rate equal to one and one-half (1 and 1/2) hours of compensatory time for each hour of overtime worked. Non-exempt employees may accrue up to 60 hours of compensatory time.

While exempt employees do not earn or accrue compensatory time off or overtime, the Executive Director, in his or her sole discretion, may grant other time off to exempt employees in recognition of extraordinary efforts, such as storm events or other emergencies.

Record Keeping

Department Supervisors are responsible for keeping individual logs for each employees, which lists the date, number of hours, and reason for all Compensatory Time. Compensatory Time earned and used shall also be reported as part of the employee’s regular time sheet. Finally, employees using Compensatory Time shall complete a request for leave form and have that form submitted and approved by their Department Supervisor prior to the use of compensatory time.

When Taken

Accrued Compensatory Time may be taken by the employee at times mutually agreeable to the employee and the Department Supervisor. Generally, an employee will be able to take Compensatory Time, unless doing so would unduly disrupt the operations of the District.

Maximum Accrual

Non-employees may accrue up to 60 hours of compensatory time.

Application and Payout

The District reserves the right to pay out compensatory time, in its sole discretion and judgment, at any time. Additionally, overtime pay, instead of compensatory time, may be paid to employees in the District's sole discretion and judgment. Compensatory time will not be included in "hours worked" for purposes of calculating additional overtime (or compensatory time).

Termination of Employment

Any employee leaving the District shall be compensated for compensatory time accrued and used as of the date of separation at the employee's straight-time rate of pay.

Call Back Pay

Occasionally, you may be asked to return to work after you have left the premises for the day. If this occurs more than one (1) hour after you ended your work, you will be guaranteed a minimum of two (2) hours pay in connection with such call back time. If you work longer than two (2) hours, you will be paid for the time you actually work. Total paid time cannot exceed actual time, except for the two (2) hour minimum. You must clock in for work after hours unless it is an emergency, which requires immediate response (for example, chlorine leaks, etc.). In the case of emergency, you should note your begin and start time to ensure accurate recording of actual time worked, and advise your Supervisor as soon as possible.

Cost of Living Adjustment

The District may provide a cost of living adjustment on October 1st based on a pre-determined formula. A cost of living adjustment, if any, will impact both exempt and non-exempt employees and are subject to approval of the Board of Commissioners during the budgeting process. Wages shall not be downward adjustment based on the cost of living formula.

Hurricane Pay

Employees will be placed on "standby status" during a "Hurricane Watch" or "Hurricane Warning." During such "standby time," employees will receive their regular rate of pay for their normally scheduled work time.

The District pays double time to non-exempt employees who are called into work during a Watch. In addition, working non-exempt personnel will be paid triple time (at their regular rate) during a Warning.

"Standby" Pay

Each week, one employee in the Water Department, one licensed Water Operator, one employee in the Wastewater Collection Department, and one employee in Maintenance Department will be assigned to "standby" status. They will receive "standby" pay in the amount of \$75.00 per week, plus a minimum of one (1) hour pay if they are called out. Total paid time cannot exceed actual time, except for the one (1) hour minimum. You must clock in for work after hours unless it is an emergency, which requires immediate response.

In the event they fail to respond to a call out, they will forfeit the \$75.00. The employee on "standby" will have the right to take a District vehicle home during on "stand by" time. In the event the employee on "standby" needs additional assistance, they will call the Supervisor. The

Supervisor will assess the situation and have the authority to call in additional staff as needed. Employees who are not on standby, but who are called back, will receive a minimum of two (2) hours, or time actually worked.

Time Cards/Records

The District has an “eight minute rule.” This rule applies both to regular pay and overtime. If you are late eight (8) minutes or more, your start time will be at the next quarter of an hour (:15) increment. If you are late less than eight (8) minutes, you will have been considered to have started at your regular start time. The same rule applies to overtime. By way of example, an employee who works eight (8) minutes past the end of their shift will be credited with having worked until the next quarter of an hour (for example, if a shift end time was 8:00 p.m., but the employee worked until 8:08 p.m., he or she would be credited from time keeping purposes with working until 8:15 p.m.).

Subject to the procedures above, employees who are late for work, and as such, clock in late, will not be paid for the time in which they did not work. Excessive incidents of tardiness will be treated as a disciplinary issue.

All non-exempt employees (except Operators) are required to clock out for meal breaks and must clock in at the end of a meal break. All meal breaks must be at least thirty (30) minutes, without exception, and not exceeding one (1) hour. During meal breaks, non-employees are not permitted to perform any work. The Supervisor and employee must report this on a time card prior to submit to payroll. The time in which meal breaks are scheduled will vary among Departments, depending on business and operational needs. Please contact your Supervisor.

Non-exempt employees are entitled to paid two (2) fifteen (15) minute rest breaks each day. Normally, these rest breaks will be scheduled in mid-morning and mid-afternoon. These times will be determined by your Supervisor. Employees should not clock out during these periods.

All non-exempt employees must also clock out during absences from the workplace due to medical appointments, dental appointments, to attend to personal affairs, *etc.* Employees are required to keep their Supervisor aware of any departure and absence during the workday.

All non-exempt employees are required to clock out at the end of the workday. Employees may not continue to work after they clock out. If additional work is required, the employee must get permission from their Supervisor and must clock back in to ensure time records reflect actual time worked.

In the event an employee is unable to clock in or out, for any reason, he or should contact an appropriate Supervisor immediately. Employees who fail to clock in and out to properly and accurately reflect all hours worked shall be subject to disciplinary action.

Employees must review and sign their time cards. Their Supervisor is also required to initial each time card. Any deviations from the posted scheduled should be noted and identified for payroll. Employees are prohibited from punching in or recording hours worked for another employee.

While not required under applicable law, the District requires exempt employees to also clock in and out for record-keeping purposes. Exempt employees are not required to clock out for lunch.

Work Performed On District Holidays

Full-time, regular, non-exempt employees who work on a District holiday will receive their normal wages for the paid holiday. Additionally, they will be paid their overtime rate for hours worked on the District holiday regardless of the number of hours they work that workweek.

ENDING EMPLOYMENT WITH THE DISTRICT

Separation Of Employment

Separation of employment within an organization can occur for several different reasons.

Resignation: Although we hope your employment with us will be a mutually rewarding experience, we understand that varying circumstances cause employees to voluntarily resign employment. Resigning employees are encouraged to provide two (2) weeks' notice, preferably in writing, to facilitate a smooth transition out of the organization. Management reserves the right to relieve an employee of all duties prior to the end of the notice period. In this situation an employee will be paid through the last day actually worked. If an employee provides less notice than requested, the employer may deem the individual to be ineligible for rehire depending on the circumstances regarding the notice given.

Retirement: Employees who wish to retire are required to notify their Department Supervisor and the Human Resources Department in writing at least (1) month before planned retirement date.

Job abandonment: Employees who fail to report to work or contact their Supervisor for three (3) consecutive workdays shall be considered to have abandoned the job without notice, effective at the end of their normal shift on the third day. The Supervisor shall notify the Human Resources Department at the expiration of the third workday and initiate the paperwork to separate the employee. Employees who are separated due to job abandonment are ineligible to receive any accrued benefits for which they would otherwise be eligible, and are ineligible for rehire.

Death: In the event of the death of an employee, the last date of employment shall be the date of death. Any wages or travel expenses due through the date of death shall be payable to the wife or husband of the employee. If there is no spouse, then such amounts are paid to the child or children, provided the child or children are over the age of 18 years. If there is no child or children, then such amounts are payable to the father or mother. If there is no father or mother, such amounts shall be payable to the estate of the employee. For purposes of calculating the payment of wages due, the District shall also make payment on any accrued and unused vacation in accordance with those policies in effect on the date of death.

Termination: Employees of the District are employed on an at-will basis, and the District retains the right to terminate an employee at any time.

Post Termination Name-Clearing Meeting

All employees are entitled to a name-clearing meeting when false and stigmatizing information is placed in files, subject to the public records laws, attending their termination. Employees wishing to avail themselves of this procedure must submit a request for name-clearing meeting in writing to the Human Resources Department within ten (10) calendar days of the date of termination. Within ten (10) calendar days of receipt of same, the District will schedule a name-clearing meeting. Presiding at said meeting will be a representative of the Human Resources Department and one Department Supervisor chosen by the Executive Director. At the meeting, the terminated employee shall be permitted to present information relative to the falsity of the stigmatizing information. The District will also be permitted to present information relative to the veracity of the stigmatizing information.

In lieu of attending a name-clearing meeting, the employee may instead choose to submit a written statement regarding the falsity of the stigmatizing information that will be included in the employee's personnel file.

The name clearing meeting is not an appeal of the termination decision and former employees will generally not be reinstated. The process is designed to allow the employee to present information in the public record regarding the information forming the basis of the termination.

Reductions In Force

If it is necessary for the District to undergo a reduction in force, employment decisions regarding layoffs, demotions, *etc.*, will be based upon the business needs of the District as determined in its sole discretion.

Return Of District Property

The separating employee must return all District property at the time of separation, including but not limited to, tools, uniforms, cell phones, keys, PC and identification cards. The Human Resources Department or designee shall document the return of all property. Failure to return some items may result in deductions from the final paycheck in accordance with applicable wage and hour laws. An employee will be required to sign the Wage Deduction Authorization Agreement to deduct the costs of such items from the final paycheck.

Exit Interview

Employees resigning or retiring from employment shall contact the Human Resource Department as soon as notice is given to schedule an exit interview. The interview will be on the employee's last day of work or another day, as mutually agreed upon.

Payments Due At Separation

Employees will be paid all hours worked through the last day of employment. Accrued and unused vacation leave will be paid in the last paycheck up to a maximum of 240 hours. Employees will not receive accrued, unused sick leave upon termination.

Health Insurance Coverage After Separation From Employment

Health insurance terminates on 15th day of the month of employment, unless an employee requests immediate termination of benefits. Information for Consolidated Omnibus Budget Reconciliation Act (COBRA) continued health coverage will be provided. Employees will be required to pay their share of the dependent health and dental premiums through the end of the final month of employment.

Eligibility For Rehire

Former employees who left the District in good standing and were classified as eligible for rehire may be considered for reemployment. An application must be submitted to the Human Resources Department, and the applicant must meet all minimum qualifications and requirements of the vacant position, including any qualifying exam, when required.

Rehired employees begin benefits just as any other new employee.

An applicant or employee who is terminated for violating policy or who resigned in lieu of termination from employment due to a policy violation is generally ineligible for rehire.

Reference Inquiries

All inquiries about current or former employees or requests for verification of employment made by outside entities to the District must be referred to the Human Resources Department. The District will only provide the employee's length of employment and job title in response to any such request, unless otherwise required by law or regulation or written approval from the employee is obtained. Employees should refrain from writing letters of reference in their capacity as District employees. Employees are prohibited from using District letterhead and resources to write any letter of reference.

RECEIPT AND ACCEPTANCE OF EMPLOYEE MANUAL

I have this day received a copy of the District's Employee Manual, and I understand that I am responsible for reading the policies and practices described within it.

I AGREE TO ABIDE BY THE POLICIES AND PROCEDURES CONTAINED IN THIS EMPLOYEE MANUAL. I UNDERSTAND THAT THE POLICIES, PROCEDURES AND BENEFITS CONTAINED IN THIS MANUAL MAY BE ADDED TO, DELETED, OR CHANGED BY THE DISTRICT AT ANY TIME. I UNDERSTAND THAT NEITHER THIS MANUAL NOR ANY OTHER WRITTEN OR VERBAL COMMUNICATION BY ANY EXECUTIVE DIRECTOR OR OTHER DISTRICT OFFICIAL IS INTENDED TO IN ANY WAY CREATE A CONTRACT OF EMPLOYMENT.

I UNDERSTAND THAT MY EMPLOYMENT IS AT-WILL, WHICH PERMITS THE DISTRICT TO TERMINATE THE EMPLOYMENT RELATIONSHIP AT ANY TIME, FOR ANY REASON, WITH OR WITHOUT NOTICE. NOTHING IN THIS MANUAL IS INTENDED TO GUARANTEE EMPLOYMENT FOR A SPECIFIC DURATION.

If I have any questions regarding the content or interpretation of this Manual, I will bring them to the immediate attention of the Executive Director or the Human Resources Department.

NAME _____

DATE _____

EMPLOYEE SIGNATURE _____

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE IMMOKALEE WATER AND SEWER DISTRICT, in public meeting assembled that the following Employee Manual be adopted.

This resolution shall become effective on _____.

PASSED AND DULY ADOPTED by the Board of Commissioners of the IMMOKALEE WATER AND SEWER DISTRICT, this _____ day of _____ 2016.

BOARD OF COMMISSIONERS IMMOKALEE WATER AND SEWER DISTRICT

BY:

Joseph Brister
Chairperson

BY:

Bonnie Keen
Secretary