

TOWN OF INDIAN SHORES

PERSONNEL MANUAL



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Updated 10/12/04

INTRODUCTION

The Town of Indian Shores, Florida, welcomes you as a member of its municipal staff. As a Town employee, you are an important part of a group of professional individuals dedicated to providing the most efficient service possible for our Town's citizens, property owners and visitors.

These personnel regulations have been developed to establish a consistent and equitable basis for administering matters affecting the working environment in which the Town's staff functions. The regulations contained in this manual are administered by the Director of Finance and Personnel. Any questions you may have regarding this manual can be answered by your immediate supervisor or your Department Head. In no way should this personnel manual be construed as a contract of employment for any definite period of time between you and the Town or to vest entitlement in you to any of the benefits contained herein. Further, the Town specifically reserves the right to modify the terms and conditions of employment contained in this personnel manual at any time, with or without notice to our employees. For those of our employees represented by a union, the collective bargaining agreement shall prevail over any of the contract provisions contained in this manual. For those of our employees whose terms of employment are established by contract, such contract shall prevail over any conflicting provisions contained in this manual.

Both the Town Council and other staff personnel are pleased to have you as a member of the Town's staff and join with me in the hope that you will enjoy both your work and the new friends you will make while associated with our Town.

Mayor, Town of Indian Shores

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Amended 11-19-92
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1. **GOVERNMENT OF INDIAN SHORES
ORGANIZATION AND REGULATION**

A. General Governmental Structure:

The voting citizens of Indian Shores originally adopted the Mayor-Council form of government in 1949. Under that form of government, the Town had a nine (9) member council. However, in December of 1984, a special referendum was held which revised the Town Charter and, among other things, reduced the Council from nine (9) to seven (7) members for 1985 and then to a Council of five (5) consisting of a Mayor and four (4) Council members, beginning March, 1986.

Until March, 2000 each Council member, including the Mayor, was elected for a two (2) year term, with the Mayor and two (2) Council members being elected in March of even numbered years and two (2) Council members being elected in March of odd numbered years.

In March, 2000, the citizens of the Town approved an amendment to the Town Charter to change the terms of office for the Mayor and Council Members from two to three years, beginning for the Mayor after the March 2000 mayoral election, and for the two Council Members to be elected in March 2001, after the March 2001 election and for the two Council Members to be elected in March 2002, after the March 2002 election.

B. Committee Structure

The Town Council constitutes the governing body of the Town of Indian Shores, and has established major committees comprised of two (2) Council members and one citizen with these committees having the authority to expend up to \$2,500.00 and the Committee Chairman having the authority to expend up to \$1,000.00.

1. **Administrative and Finance Committee**

The function of the Administrative and Finance Committee consists of the following:

- (a) Review personnel and administrative policies, procedures, methods and schedules and to recommend changes to the Town Council where and when necessary.
- (b) Act as the immediate supervisor of the Town Clerk, Director of Finance and Personnel, and the Chief of Police in all matters other than discipline or discharge. Other Town supervisors will be responsible to their respective committees in all matters other than discipline or discharge.

- (c) Coordinate with other committees on non-disciplinary personnel and administrative matters requiring their attention.
- (d) Make recommendations to the Town Council concerning adjustments to salaries or benefits.
- (e) Recommend to the Town Council changes to the total number of personnel positions authorized for the Town's staff and to recommend changes to the organizational structure of the staff.
- (f) Be responsible for all budgetary or other financial matters or procedures involving the Town, or for making timely recommendations to the Town Council on such financial matters which require actions by the Town Council.
- (g) Hire full-time, part-time, or temporary employees for the Administrative Department with the advice of the Town Clerk and the Director of Finance and Personnel, except for the position of Town Clerk, in which case the committee shall make a recommendation for appointment by the Town Council.
- (h) Hire full-time, part-time, or temporary employees for the Finance and Personnel Department with the advice of the Director of Finance and Personnel, except for the position of Director of Finance and Personnel, in which case the committee shall make a recommendation for appointment by the Town Council.
- (i) Hire full-time, part-time, or temporary employees for the Police Department with the advice of the Chief of Police and the Director of Finance and Personnel, except for the position of Chief of Police, in which case the committee shall make a recommendation for appointment by the Town Council.
- (j) Assume other responsibilities as may be assigned by the Town Council.
- (k) Assume responsibility for those matters not expressly assigned or designated as being within the purview of any other established or ad hoc committee.

2. Planning, Zoning and Building Committee

The purpose of this committee is to:

- (a) Administer the provisions of all sections of the Indian Shores code pertaining to construction and land use. (See the Indian Shores Code for more detailed explanation).
- (b) Act as the immediate supervisor of the Town Building Official in matters other than discipline or discharge.
- (c) Hire full-time, part-time, or temporary employees for the Building Department with the advice of the Building Official and the Director of Finance and Personnel, except for the position of Building Official, in which case the committee shall make a recommendation for appointment by the Town Council.

3. Public Services Committee

The purpose of this committee is to:

- (a) Oversee the maintenance of Town Street and Town Hall building and grounds.
- (b) Plan beautification for street ends and review status of beaches.
- (c) Act as the immediate supervisor to the Director of Public Works in matters other than discipline or discharge.
- (d) Hire public works personnel with the advice of the Director of Public Works and the Director of Finance and Personnel, except when it is the Director of Public Works' position, in which case, the committee shall make a recommendation for appointment by the Town Council.

4. Election Committee

This committee is not considered a major committee, as it is active only at election time. At that time, its functions are to:

- (a) Have the chairman of the committee report on upcoming election information at council meetings, such as dates, qualifying data, etc.
- (b) Have the chairman be generally authorized to be present at Logic and Accuracy Tests for election equipment, present to sign official ballot testing material.

C. Department Head Identification

The Department Head identification and brief description of responsibilities are as follows, with Department Heads having authority to expend up to \$500.00, subject to monitoring by the appropriate committee chairperson:

1. Administrative Department

The Town Clerk will function as the Administrative Department Head and will be responsible for the supervision of personnel assigned to the Administrative Department. Additionally, the Town Clerk reports to the Administrative and Finance Committee and is responsible to the Town Council for implementing their respective decisions and administratively responsible to the Administrative Representative for day-to-day activities. Additionally, the Town Clerk is responsible for providing the most responsive and effective services to the public in the most efficient and effective manner possible.

2. Finance and Personnel Department.

The Director of Finance and Personnel will be the Department Head of the Finance and Personnel Department and will be responsible for the supervision of any personnel assigned to the Finance and Personnel Department. The Director of Finance and Personnel reports to the Administrative and Finance Committee and is responsible to the Town Council for the management of all matters dealing with the Town's finances. Furthermore, the Director of Finance and Personnel is responsible for implementing the Town's personnel policies. Among other matters, the Director of Finance and Personnel shall perform the following duties:

- (a) Be custodian of the Town's personnel files, excluding members and employees of the Police Department. Those files will be maintained by the Chief of Police.
- (b) Ensure that annual or other periodic evaluations of exempt and non-exempt employees are performed.
- (c) Ensure that new full-time, part-time, temporary, and exempt employees are provided copies of the Town's personnel manual and anti-harassment policy and sign acknowledgments signifying that they have received and reviewed the same.

- (d) Ensure that new committee members and new Councilmembers are provided copies of the Town's anti-harassment policy and sign acknowledgements signifying that they have received and reviewed the same.
- (e) Ensure that the Town's anti-harassment policy is prominently posted in Town Hall and
- (f) Ensure that full-time, part-time, temporary and exempt employees receive annual training regarding the Town's anti-harassment policy and the laws prohibiting discrimination and harassment.

3. Police Department.

The Chief of Police reports to the Administrative and Finance Committee and is responsible to the Town Council for the efficient and effective running of the Police Department for day-to-day activities. In this capacity, the Chief will administer, plan, and direct the functions of activities of the Police Department in the enforcement of laws and ordinances, the prevention of crime and the protection of life and property.

4. Building Department.

The Building Official is the Department Head of the Building Department. The Building Official reports to the Planning, Zoning and Building Committee and is responsible to the Town Council. The building official administers and enforces all applicable codes and ordinances of the Town pertaining to construction and land use.

5. The Public Works Department

The Director of Public Works is the Department Head of the Public works Department. The Director of Public Works reports to the Public Services Committee and is responsible to the Town Council for maintenance of all of the Town's facilities and equipment, with the exception of Police vehicles.

2. DEFINITIONS

The meanings of the terms given below are intended to be direct and definitive and are furnished for the purposes of precision and clarity.

Absence - The period of time an employee is not at work and is not paid full compensation by the Town. For exempt employees, no absence of less than a day shall result in a

deduction in pay.

Accrued Leave (or other non-working time) - The amount of leave or time remaining after the amount of leave or time taken has been subtracted from the amount of leave or time earned.

Administrator - The Town Clerk, Director of Finance and Personnel, and all Department Heads are designated as Administrators and are expected and required to work both when necessary and for whatever time is necessary in order to fulfill their assigned responsibilities. All Administrators are compensated on a salary basis and are exempt from overtime.

Appeal - The request by a permanent employee to review and/or modify an action taken by an Administrator to suspend, demote or terminate the affected employee.

Benefits - Perquisites voluntarily provided at the sole discretion of the Town to employees to enhance their well-being. Perquisites may include, but are not necessarily limited to paid holidays, vacation leave, sick leave, dental insurance, life, accident, and health insurance, a qualified retirement plan and emergency leave with pay. All benefits may be modified or withdrawn at any time at the discretion of the Town Council, with or without notice to the employees.

Bi-Weekly Period - One of twenty-six (26) periods in a year consisting of fourteen (14) consecutive calendar days (beginning at 12:01 a.m. on a Saturday morning and ending at midnight Friday) which constitutes the basis for distribution of 1/26 of an employee's annual compensation.

Calendar Day - A twenty-four (24) hour period of time beginning at 12:01 a.m. and ending at 12:00 midnight.

Compensation - The total monetary payment given an employee for services rendered. Compensation consists of the sum of salary plus, where appropriate, the cash value of the unused portion of appropriate benefits.

Compensatory Time - Effective April 16, 1986, the amount of paid time credited to any employee at the rate of one and one-half (1½) times the employee's regular rate of pay in lieu of monetary payment as result of the employee having worked overtime.

Earned Leave - The total amount of leave an employee has been awarded within a given period of time.

Exempt - All Administrators, who shall not be awarded tenure or be eligible to receive overtime, except that in the event of discharge shall be entitled to a name clearing hearing.

Full-Time Employee - Any person who is employed to work at least eighty (80) hours in any given bi-weekly period and to

whom tenure as a permanent employee will be awarded after the employee successfully completes the required probationary period.

Grievance - A formal, written complaint about an alleged unfair working condition, involving any work-related matter other than extension of probationary period, suspension, demotion, or discharge.

Holiday Time - One hour of paid leave authorized for each hour an employee is required to work on any "official paid" Town holiday. Holiday time may be compensated by time off from work rather than by monetary payment at the discretion of the Administrator or except when impractical for an employee being terminated either with or without prejudice.

Hours Worked - Time an employee is actually engaged in work on behalf of the Town for which compensation is owed. The use of holiday time, compensatory time or other types of leave shall not count as "hours worked" for purposes of computing overtime.

Immediate Family - Person having one (1) of the following relationships to the employee: spouse, child, (natural, adopted, or step), parent, sister, brother, father-in-law, mother-in-law, grandmother, grandfather, or grandchild.

Incentive Pay - Pay provided full-time police officers, in accordance with the provisions of the appropriate Florida Statutes, who complete salary incentive advanced training requirements established by the Police Minimum Standards Council of the State of Florida.

Leave - A period of authorized non-working time determined on the basis of either an accumulation at a precise rate or a specified total amount. A leave is distinguished by an absence by the fact that a leave involves both the employee's use of an explicitly authorized amount of time and his or her continued receipt of full compensation during the entire period of the leave.

Overtime - The amount of time, in excess of the normal work period, which an employee works for the Town. Hours worked will be computed on the basis of fifteen (15) minute increments or quarter of an hour and will be compensated at the rate of one and one-half (1½) times the employee's regular rate of pay for non-exempt employees only.

Part-Time Employee - A person employed by the Town to work in an authorized position, for which the normal work week is less than forty (40) hours and for which no tenure is awarded. All part-time employees are hired on an hourly basis and are "at will" and may be discharged from employment at any time.

Partial Work Day - Any regular work day or shift where a full-time employee works less than eight (8) hours.

Salary - That component of total compensation paid on a regular basis whereby an employee is paid at a given amount for all hours worked in the work week. All exempt employees are considered to be salaried and each such employee is paid bi-weekly on the basis of an annual rate- i.e., the annual salary divided by 26 bi-weekly pay periods in a year and shall not receive overtime.

Supervisory Committee - The appropriate Council Committee designated to supervise a specific department within the Town's organization. The Administrative, Finance and Police Departments will be supervised by the Administrative and Finance Committee; the Building Department will be supervised by the Planning, Zoning, and Building Committee; and the Public Works Department will be supervised by the Public Services Committee.

Tenure - Status as a permanent, full-time employee which is awarded after successful completion of the required probationary period to any person required to work at least eighty (80) hours in any given bi-weekly period in an authorized position, with the exception of all Administrators. Full-time employees who have successfully completed their probationary period are tenured employees. Administrators and part-time, full-time, and probationary employees are non-tenured employees.

Temporary Employee - An employee hired for a period of six (6) months or less to work in a Department, where no organizational vacancy exists. A temporary employee is on continuous probation, and is not considered to be a full-time employee. Temporary employees shall not be granted tenure or receive any benefits and shall be paid only for time actually worked for the Town.

Work Day/Work Shift - The period of time out of the calendar day, usually eight (8) hours for non-supervisory positions, that an employee is assigned to be present for duty and to perform the service functions for which he or she was employed. The "normal" work day is from 8:00 a.m. to 4:00 p.m. although in order to provide better "on-the-job" coverage or to perform tasks that can best be done during other than normal duty hours, the Director of Finance and Personnel may authorize variations in starting and ending hours for a limited number of selected personnel.

Working Period/ Work Week - The "normal" working period is eighty (80) hours bi-weekly for full-time Town employees with the exception of police officers. The work week for purposes of the Fair Labor Standards Act is a seven (7) calendar day period beginning at 12:01 a.m. Saturday and ending at 12 midnight Friday. For all sworn police officers, the "normal"

work period is fourteen (14) days is established with overtime owed after until hours are in excess of eighty-six (86) hours, or per agreement between the Town of Indian Shores and the organization representing the Police Collective Bargaining Unit. The work period begins at 12:01 a.m on Saturday and concludes at 12 midnight on the 14th day (Friday). For Administrators, the "normal" working period consists of whatever hours and days of the week (including weekends) are needed to accomplish the required job functions.

3. EQUAL EMPLOYMENT / ANTI-HARASSMENT POLICY

A. Equal Employment Opportunity.

It is the policy of the Town of Indian Shores to fill all vacant positions with the best qualified applicant available. Personnel will be selected on the basis of professional experience, educational background and other job related factors. Consideration of race, religion, age, sex, marital status, and/or national origin shall not be permitted or used in any unlawful manner, nor shall an employee either be favored or discriminated against because of those factors, except to the extent allowable by law. The Town further states its commitment that it and its employees will make whatever reasonable accommodations for handicapped or disabled individuals as are required by law.

B. Anti-Harassment Policy

The Town of Indian Shores will not tolerate harassment of Town employees or officials, of persons seeking employment with the Town, of persons dealing with Town employees or officials in connection with Town matters or business, or of citizens or visitors to the Town by Town employees or officials.

"Harassment" includes, but is not limited to, slurs, joke and other verbal, graphic or physical conduct relating to an individual's race, color, sex, religion, national origin, citizenship, age, or disability. "Harassment" also includes sexual advances, requests for sexual favors, offensive touching, and other verbal, graphic or physical conduct of a sexual nature.

For the purposes of this policy, the term "official" shall refer to committee members and councilmembers.

Violation of this policy will subject town employees to disciplinary action, up to and including immediate discharge. Violations of this policy by Town officials will be dealt with in accordance with applicable law.

An employee or official should immediately notify his or her supervisor or the Mayor or the Town Attorney if he or she believes that he or she is being harassed in

any way by a co-worker, a Town official or some other person; or if he or she believes that he or she has witnessed harassment by a Town employee or official.

All harassment complaints will be thoroughly investigated, and where appropriate, remedial measures and disciplinary action will be taken.

No town official or employee has the authority to suggest to any employee, official or applicant that the individual's employment, continued employment or future advancement will be affected in any way by the individual's entering into (or refusing to enter into) any form of personal relationship with the Town official. Such conduct is a direct violation of this policy. Any employee, official or applicant who believes that a Town official has acted inconsistently with this policy should immediately bring this matter to the attention of the Mayor or the Town Attorney.

If any employees, official, or applicant believes that his or her complaint regarding harassment has not been handled to his or her satisfaction, the employee, officials, or applicant should immediately contact the Vice-Mayor or any other Councilmember or the EEOC Coordinator of the Town of Indian Shores Police Department.

Employees, officials, or applicants will not be penalized in any way for reporting such improper conduct.

Employees, officials, or applicants should not assume that the Town is aware of any harassment which they believe they have experienced or witnessed. Employees, officials, or applicants are strongly encouraged to bring their complaints and concerns to the attention of the Town so that the Town can investigate and resolve them.

C. Investigation and Discipline

This section shall apply to the investigation of complaints against Town employees and officials for alleged or suspected violations of the Town's equal opportunity or Anti-harassment policies; to the discipline of Town employees for substantiated violations of the Town's Equal Opportunity or Anti-Harassment policies; and to measures to be taken by the Town in the event of substantiated violations of the Town's Equal Opportunity or Anti-Harassment policies by Town officials.

1. Non-Exempt Employees

- (a) **Full-time employees:** The disciplinary scheme

and process set forth in Section 6 of the manual shall apply to the investigation of complaints against full-time employees for alleged or suspected violations of the Town's Equal Opportunity or Anti-Harassment policies.

- (b) **Part-time, Temporary, and Probationary Employees:** Allegations or suspected violations of the Town's Equal Opportunity or Anti-Harassment policies by a part-time, temporary or probationary employee shall be conducted in accordance with the procedures set forth in Section 6 of this manual. However, the restrictions in Section 6 on the type of discipline which may be imposed do not apply to part-time, temporary or probationary employees. Nothing in this section shall be construed to alter the "at-will" status of part-time, temporary or probationary employees or to create an interest, right, or expectation of continued employment on the part of part-time, temporary, or probationary employees.
- (c) Upon becoming aware of an alleged or suspected violation of the Town's Equal Opportunity or Anti-Harassment policies by a non-exempt employee, the employee's Department Head or Administrator shall discuss the matter with the Director of Finance and Personnel who may, at his or her discretion, request that the Town Attorney conduct or assist in the investigation of the alleged or suspected violation.

2. Exempt Employees

- (a) Alleged or suspected violations of the Town's Equal Opportunity or Anti-Harassment policies by exempt employees shall be investigated by the Mayor or the Vice-Mayor, as appropriate, who shall have the authority to request that the Town Attorney conduct or assist in the investigation of the alleged or suspected violation.
- (b) The Mayor or Vice Mayor shall have the authority to take whatever temporary immediate measures as are necessary to protect the alleged victim during the course of the investigation including, but not limited to, placing the alleged victim on leave with pay; suspending the alleged violator with pay; requiring the alleged victim or alleged violator or both to perform their duties in a different way or at a

different location; assigning the alleged victim or alleged violator to different duties; or directing that the alleged victim and the alleged violator have no further interaction with each other.

- (c) All investigations of alleged or suspected violation by exempt employees of the Town's Equal Opportunity or Anti-Harassment policies shall be documented in writing, which writing shall include a summary of the allegations against the exempt employee, a summary of the investigations, a factual conclusion, and a recommended action.
- (d) If the Mayor or Vice-Mayor finds that an exempt employee has violated the Town's Equal Opportunity or Anti-Harassment policies, the Mayor or Vice-Mayor is authorized to impose appropriate remedial action, short of terminating the violator or suspending the violator without pay for a period in excess of five (5) days, without prior consent of the Town Council, including, but not limited to, verbal counseling of the violator, written warning to the violator, written reprimand of the violator without pay for a period of five (5) days or less, and ordering the violator to undergo appropriate training or counseling. The Town Council, in its discretion, may review the decision of the Mayor or Vice-Mayor, conduct a hearing on the matter, and direct that different action be taken. Alternatively, the Mayor or Vice-Mayor, at his or her option, may refer the entire matter to the Town Council for action, in which case the Mayor or Vice-Mayor shall provide the Town Council with a complete report of the investigation, including recommendations for remedial action.
- (e) Any proposed remedial action which involves termination of or a suspension without pay of greater than five days shall require the consent of the Town Council, in which case the Mayor or Vice-Mayor shall provide the Town Council with a complete report of the investigation, including recommendations for remedial action.

3. Council Members and Committee Members

Alleged or suspected violations of the Town's Equal Opportunity or Anti-Harassment policies by Council members or Committee members shall be conducted by the Mayor or Vice-Mayor, as appropriate, who shall have the authority to

request that the Town Attorney conduct or assist in the investigation of the alleged or suspected violation. If the Mayor or Vice-Mayor concludes that a violation has occurred, the investigations and findings shall be referred to the Town Council for consideration and action. This section is additional to and does not supercede other remedies for improper conduct by elected or appointed officials which may be contained in the Town Charter or Florida Statutes.

4. EMPLOYMENT

A. Recruitment and hiring of exempt employees

The Town Council has the sole authority to hire exempt employees. The Town Council shall decide the manner in which exempt employees shall be recruited and the qualifications necessary for an exempt position.

B. Recruitment of non-exempt employees

All Department Heads shall notify the Director of Finance and Personnel upon learning of a projected vacancy. The Director of Finance and Personnel will initiate procedures to attract qualified applicants. Applications will be accepted during normal working hours (8:00 a.m. until 4:00 p.m. Monday through Friday except on holidays), and each applicant will be considered for any position for which he or she is qualified. The Director of Finance and Personnel shall be responsible for maintaining a file of applications from qualified applicants. The file of applications shall be available for review by the Department Heads, Administrators, and Supervisory Committee Chairman with the exception of police officers.

C. Selection

The final selection of the person to fill each position, whether full-time, part-time, or temporary shall be made by the Supervisory Committee, with advice of the position's Department Head and the Director of Finance and Personnel.

1. In order to be considered as a candidate for employment, each applicant shall complete the following:

- (a) An application for employment;
- (b) Any tests that may be required to demonstrate the requisite skills of a position;
- (c) Interviews with the administrators responsible for hiring the applicant as

provided in Section 1 of the manual and with the Supervisory Committee;

- (d) Submission of two (2) non-relative references capable of being checked by the Director of Finance and Personnel;
- (e) Successful completion of a background investigation and if requested by the Town, polygraph test;
- (f) Disclosure of any reason the applicant may have difficulty in performing any of the essential functions of a job for which the applicant has applied.

2. A background investigation shall be performed by the Police Department and at least two (2) references checked by the Director of Finance and Personnel before the Director of Finance and Personnel recommends a candidate for hiring and schedules the candidate's interview with the supervisory committee.

3. After an offer of employment has been extended but prior to the individual being hired, job applicants shall be required to pass a medical examination. The Town may also require a drug or alcohol screening. For this medical examination, the employee will be provided with a job description describing the essential job functions of the position. The employee will then be obligated to submit to a physical examination at the Town's expense with a licensed health care provider of his or her choice. Upon completion of that examination, the candidate must submit an affidavit prepared by the health care provider performing the examination stating that the candidate is fully capable of performing all the essential functions of the job or could do so with reasonable accommodation. At the sole discretion of the Town, the Town has the option of sending an employee for a second medical examination at the Town's expense for a second opinion. The applicant is also obliged to submit an affidavit that he or she understands the health care provider's certification concerning the candidate's ability to perform the functions of the position for which he or she is applying and that the candidate knows of no information which might cause the certifying health care provider to change his or her opinion and that the candidate believes himself or herself to be capable of performing all of the essential functions of the position for which he or she is applying or could do so with reasonable accommodation.

4. Falsification of any document is grounds for discharge upon discovery of that act by the Town, regardless of when discovery occurs.

D. Hiring

Each new employee of the Town will be given an appropriate position title based upon his or her responsibilities and duties. Further, each new employee will be required to read this personnel manual (together with any changes or modifications) within thirty (30) days of the initial date of hiring. Employees' salaries are commensurate with assigned responsibilities and job performance, in accordance with the adopted salary plan for Town employees.

E. Probationary Period

1. "Part-time" and Temporary Employees

Since all part-time and temporary employees have no tenure with the Town, they may be terminated at any time, with or without cause. If such an employee is disciplined or terminated, the employee shall have the option of a "name clearing" hearing in accordance with the provisions of this personnel manual, unless the employee has been provided an adequate pre-disciplinary hearing.

2. Newly Hired

All new employees hired for full-time positions shall be in a probationary status for a minimum of twelve (12) months, during which time they can be removed at any time at the pleasure of the Town Council for any reason or for no reason. The probationary period may be extended at the sole discretion of the appropriate Administrator, for a maximum of six (6) additional months. Any such extension is not grievable. As with part-time and temporary employees, newly hired employees which are disciplined or discharged shall have the option of a "name-clearing" hearing in accordance with the provisions of this personnel manual, unless the employee has been provided an adequate pre-disciplinary hearing.

3. Newly Promoted

Personnel who are promoted will serve a probationary period of at least six (6) months in the position to which the employee was promoted. The probationary period may be extended for a maximum of six (6) additional months at the sole discretion of the appropriate Administrator and with the approval of the Town Clerk and Director

of Finance and Personnel. At the end of the probationary period, the employee will either be confirmed in the position to which he or she was promoted, demoted to their position or another available position, or terminated, at the sole discretion of the Town. Any demotion under this provision is not grievable.

4. Evaluation

Every effort will be made to evaluate all employees' performance throughout the probationary period. If an employee's performance of assigned duties is unsatisfactory, he or she may be demoted, transferred, or discharged at any time. This provision in no way changes the status of such employees as "at will" employees. Probationary employees are eligible for all appropriate benefits and allowances from the date of employment and/or promotion. Newly hired employees on probation may accrue both vacation leave and sick leave, but may not take vacation leave after having completed satisfactory performance for a minimum of six (6) consecutive months in his or her position.

5. Tenure

All full-time non-exempt employees who successfully complete the required probationary period shall be granted tenure for that position. While an exempt employee shall not receive tenure, he or she shall have the right to a name-clearing hearing in the event of discipline or discharge, unless the employee has been provided an adequate pre-disciplinary hearing.

F. Promotions

It is the Town's policy to attempt to promote qualified individuals from among those of the Town's staff having tenure whenever possible.

G. Part-time and Temporary Employees

Part-time and temporary employees are at will employees hired on an hourly basis and paid only for all hours actually worked. Temporary employees are not eligible for the benefits contained in this personnel manual. Part-time employees may be eligible for limited benefits at the discretion of the Town. With the approval of the appropriate Administrator, the Town Clerk, Director of Finance and Personnel, part-time or temporary employees may be granted a "absence without pay" up to a maximum of fifty-six (56) hours per calendar year (exclusive of any hours not worked because of approved holidays).

H. Resignation (Administrative Committee Action 11/17/92)

1. Exempt employees are required, as a condition of employment, to give Town Council a minimum of two (2) completely bi-weekly periods written advance notice of voluntary termination of employment in order that appropriate arrangements may be made for uninterrupted performance of assigned duties. If less than the required two (2) bi-weekly period advance notice is given, any accrued vacation leave may be reduced on a proportionate basis for all time short of the required bi-weekly advance notice as set forth in this manual.
2. All non-exempt employees are required, as a condition of their employment, to give his or her Department Head or Administrator a minimum of one (1) complete bi-weekly period written advance notice of voluntary termination of employment in order that appropriate arrangements may be made for uninterrupted performance of assigned duties. If less than the required one (1) bi-weekly period advance notice is given, any accrued vacation leave may be reduced on a proportionate basis for all time short of the required bi-weekly advance notice as set forth in this manual.
3. Unauthorized absence from work for a period of two (2) consecutive working days shall be considered by the Town to be the employee's voluntary resignation by the Department Head. The effective date of termination for a resignation will be either the date specified in the employee's resignation, or (if no advance notice is given) the last day the employee reported for duty or the last day of an authorized absence or leave, whichever is appropriate.
4. Nothing in this provision shall obligate the Town to maintain an employee on the payroll once an employee has given notice. Rather, the Town at its sole discretion may exercise the option of moving up the effective date of resignation by giving notice to and compensating the employee in lieu of having the employee work. The Town may, at its sole discretion, compensate the employee up to the amount of notice given if the effective date of resignation is moved forward.

I. Termination

Any employee who does not satisfactorily perform the job duties of his or her position will be terminated "with prejudice" and shall not be eligible for rehire by the Town. All employees terminated with prejudice may lose all accrued vacation leave at the sole discretion of the Town.

1. Reduction in Force

- (a) Any non-exempt employee who is terminated as a result of a reduction in force is entitled to take all accrued vacation leave, compensatory and holiday time in accordance with the provisions of this manual.
- (b) Any tenured employee with at least eighteen (18) months of service who is separated as a result of a reduction in force is entitled to a minimum of two (2) completely bi-weekly periods advance notice and twelve (12) hours of paid absence for the purpose of attending job interviews, and a separation allowance based on length of service in accordance with the following formula:

40 hours at the employee's current hourly rate X years of service = severance benefit.

For purposes of calculating years of service, the date of hire shall be the initial date. Employment for more than six months in a given year shall be counted as one year.

- 2. No employee has a right to continued employment in his or her classification or position as against a reduction in force and shall not be entitled to a hearing or to "bump" another employee to avoid a layoff, reduction in force or demotion as a part of a reduction in force.

J. Severance Pay for Exempt Employees

The Town Council shall have the absolute right to remove any exempt employee for any reason or for no reason with or without notice at any time. Any exempt employee removed by act of the Town Council shall receive all accrued vacation leave or holiday time in accordance with the provisions of this manual. Additionally, such employees shall be granted severance benefits as follows:

One week of base salary X years of service = severance benefit

For purposes of calculating years of service, the date of hire into the exempt classification shall be the initial date. Service in the exempt position for more than six months in a given year shall be counted as one year.

K. Demotion

Any employee may be demoted at any time as a result of:

1. A reduction in the authorized size of the Town's staff;
2. A reversal of an advancement or promotion while in a probationary status;
3. As part of a disciplinary action.

L. Nepotism

Two (2) or more members of an immediate family shall not be employed full-time in the same department if such employment could or would result in an employee supervising a member of his or her immediate family.

M. Evaluation

1. Non-Exempt Employees

Non-exempt employees shall be evaluated annually or at such shorter intervals as circumstances warrant on a form approved by the Town Council. An employee will be evaluated by his or her immediate supervisor, The evaluation shall be reviewed by any intermediate supervisor of the employee and individually by members of the supervising committee, all of whom may agree or disagree with the evaluation and make appropriate comments regarding the factors and criteria being evaluated as applied to the employee.

Employees shall have the right to review their completed evaluation and make appropriate written comments. The evaluation shall become part of the employee's personnel file.

2. Exempt Employees

Exempt employees shall be evaluated annually or at such shorter intervals as circumstances shall dictate on a form approved by the Town Council. A separate evaluation form will be completed by each member of the Town Council. Exempt employees shall have the right to review their completed evaluations and make appropriate written comments. The evaluations shall become part of the employee's personnel file.

N. Personnel Files

1. The Director of Finance and Personnel shall maintain personnel files on all exempt and non-exempt employees of the Town.
2. No exempt or non-exempt employee shall have the

right to place any document in an employee's personnel file, including their own personnel file, without the consent of the Director of Finance and Personnel.

3. Uninvestigated and unsubstantiated allegations and complaints regarding an exempt or non-exempt employee, including complaints or allegations by Council Members, shall not be placed in an employee's personnel file, but shall be maintained in a separate employee file.

O. Performance Standards

1. Code of Ethics

The following standards have been adopted by the Town Council of Indian Shores and are designed to assist Town staff members when uncertainty exists about the proper course of action.

2. Conflict of Interest

- (a) No Town employee shall accept any favor, gift, or service which would in any way result in, or could be reasonably construed as causing special consideration, treatment, or advantage to any person, business or activity beyond that available to every other person, or activity. Further, no Town employee shall accept any favor, gift or service if it can be reasonable inferred that the favor, gift or service was intended to influence him or her in the performance of his or her official duties as a reward for any official action.
- (b) No Town employee shall represent the Town in any matter with any person, organization, or business where either that, or any other, Town employee stands to benefit because of the employee's personal or financial interest with that person, organization, or business without the prior written consent of the Town Clerk, Director of Finance and Personnel, and Chairman of the Supervisory Committee.
- (c) Violation of either of the above two (2) sections constitutes grounds for disciplinary action, up to and including termination, and could result in suspension without compensation or benefits, demotion, or termination with prejudice from Town employment.

P. Use of Town Vehicles or Equipment

The following policies will apply to all Town employees operating a Town vehicle or other equipment:

1. Town vehicles and other equipment may be used only in the performance of official Town business required while an employee is on duty, which includes, but is not necessarily limited to, the following:
 - a. Authorized attendance at professional and/or work related meetings, conferences, classes, seminars, and other officially sanctioned functions.
 - b. Travel to and from duty assignments during working hours, or to other locations after normal duty hours where the presence of a representative of the Town is officially required or invited.
2. Employees who have been assigned Town vehicles are not permitted personal use of those vehicles. The following personal errands are allowed enroute between home and the Town Hall:
 - a. Minor retail shopping;
 - b. Personal appointments with health care providers, dentists, ophthalmologists, optometrists, osteopaths, or chiropractors, or to obtain medicine or medical supplies from a pharmacy or drug store;
 - c. Lunch breaks within a reasonable distance of Town Hall;
 - d. Other limited uses which do not violate the spirit or intent of this policy and which are specifically authorized on an individual basis.
3. No Town equipment, vehicle, or employee is authorized for use on private property without the majority of approval of the Public Services Committee.

Any Town employee violating the foregoing policies will be subject to immediate disciplinary action up to and including termination with prejudice from Town employment.

Q. Outside Employment

Any employee, regardless of whether full-time, part-time, or temporary, probationary or exempt, who intends

to work part-time for another employer or engage in a "sideline" business has the obligation to insure that such employment does not conflict with his or her Town duties. Such outside employment must be reported to employee's supervisor and, in the case of an administrator, to the employee's supervisory committee. Such work cannot be conducted during duty hours or on Town property. Any outside employment which in any way impairs or interferes with an employee's performance of duty for the Town shall result in the employee being required to cease such outside employment or resign from his or her position with the Town.

R. Political Activity

Town employees shall not take an active part in any political activity or campaign while on duty or during any period of time when an employee has been assigned to perform services at work and is receiving compensation from the Town. The prohibition against any political activity while on duty includes, but is not necessarily limited to, seeking signatures for any petition provided for by election law, acting as a poll worker, distributing election materials (including campaign literature), displaying campaign signs, emblems, or other materials advertising the candidacy of any particular person or group of persons for Indian Shores municipal office or any other political office. Nothing contained in this section shall be construed to limit or prohibit any employee from expressing his or her opinion on any candidate or issue, or from participating in any political campaign during off duty hours or break or lunch times insofar as those off-duty activities do not violate the provisions of Florida law. Any employee violating the provisions of this section shall be terminated with prejudice from the Town's service.

5. DISCIPLINE AND GRIEVANCES

A. Disciplinary Action

The following section applies to full-time, part-time, temporary and probationary employees. However, nothing herein shall be construed to alter the status of part-time, temporary or probationary employees as "at will" employees or to confer any right or interest in continued employment on part-time, temporary, or probationary employees.

When it becomes contemplated that it may be necessary to impose disciplinary action on a non-exempt employee, that disciplinary action shall be conducted in the following fashion:

1. The Department Head or appropriate Administrator shall set forth in writing and give to the affected employee a statement of the facts as known to the Department Head of appropriate Administrator which lead the Department Head of appropriate Administrator to believe that disciplinary action may be warranted.
2. A pre-disciplinary hearing shall be scheduled and conducted between the employee and the appropriate Department Head or Administrator, at which time the employee will be allowed to respond to the facts alleged in such writing.
3. Within a reasonable time upon completion of that meeting, the Department Head shall set forth in writing directed to the Director of Finance and Personnel with a copy to the employee the facts which the Department Head believes warrant discipline as well as a recommendation as to the type of discipline to be imposed. The Department Head or Administrator, upon a recommendation of any discipline, shall have the authority to suspend the employee with or without pay pending the outcome of any appeal. No employee shall be suspended without pay until an opportunity for a pre-disciplinary hearing has been made available to the employee, except that the Town shall at all times have the right to suspend an employee with pay prior to a pre-disciplinary hearing if it is in the best interest of the Town to do so.
4. If the employee desires, the employee may request within five (5) working days a meeting with the Director of Finance and Personnel to review the disciplinary action recommended. If no such appeal was sought, the recommendation of the Department Head or appropriate Administrator shall automatically become final. Where a request for review is sought, the Director of Finance and Personnel shall meet with the aggrieved employee and shall thereafter issue a statement in writing as to whether the disciplinary action is to be increased, decreased or remain the same. If the discipline is being imposed in the first instance by the Director of Finance and Personnel, the employee's appeal, if any, shall be directly to the Town Council if an appeal is otherwise allowed under this Section.
5. Should the decision of the Director of Finance and Personnel be to impose discipline less than a suspension of five (5) days, the employee shall have an opportunity to include in his or her personnel file a brief written statement as to why

he or she believes the discipline is unwarranted. Such a statement must be submitted to the Director of Finance and Personnel within five (5) working days of the date of the Director of Finance and Personnel's decision.

6. For discipline in excess of a suspension of five (5) working days up to discharge, the employee has the option of requesting a hearing before the Town Council to review the discipline in accordance with the procedures set forth herein.

B. Appeals to the Town Council

Any non-exempt employee who is suspended for more than five (5) working days or is discharged shall have the option of requesting a hearing before the Town Council within five (5) working days of the date of the decision of the Director of Finance and Personnel. The Town Council shall convene and review the discipline. During such hearing, both the Town and the employee shall be allowed to present witnesses and evidence in support of their respective positions. The Town shall proceed first. If either party desires the hearing to be recorded, it shall be that party's responsibility to provide a court reporter. Any transcript or appearance costs shall be borne by the party requesting the court reporter. Immediately following the hearing, the Town Council shall render a decision based on the evidence.

Failure to request a hearing or to appear at a hearing after it having been requested shall result in the dismissal of the employee's appeal and the decision of the Director of Finance and Personnel becoming final.

C. Other Grievances

For any action other than discipline, any non-exempt employee who has a grievance or complaint shall, within five (5) calendar days of the date of such grievance or complaint, submit it in writing to the appropriate Department Head or Administrator. The Department Head or Administrator shall respond in writing within ten (10) calendar days from receipt of the grievance or complaint, and attempt to resolve the issue in a manner satisfactory to the employee and consistent with the Town's best interest. If the employee is dissatisfied with the response or if a timely response is not received, the employee shall have the option within fifteen (15) calendar days from the date of initial submission of the grievance or complaint to the Department Head or Administrator to request an informal meeting with the Director of Finance and Personnel, and

the employee's Supervisory Committee. The decision of the Supervisory Committee, and Director of Finance and Personnel shall be final.

D. Name Clearing Hearing

A non-exempt employee shall have the right to a name clearing hearing, if disciplined or discharged, unless the employee has received an adequate hearing prior to discharge. Such hearing shall be conducted in accordance with the procedures set forth above with the exception that in a "name clearing" hearing, the hearing shall be non-adversarial and the sole purpose is to allow the employee to rebut any allegations regarding his or her discharge. For discipline of less than a suspension of five (5) days, the employee's name clearing opportunity is limited to submitting a statement in writing to be included in the employee's personnel file regarding why the employee believes the discipline to be unjustified. Such statement must be submitted within seven (7) days of the discipline.

E. Offenses

The following offenses and their classifications apply only to full-time employees. However, supervisors, administrators, department heads, supervising committees and the Town Council may, at their sole option and discretion, take the following disciplinary scheme into consideration when contemplating disciplinary action involving a non-tenure employee.

Offenses which will result in disciplinary action include, but are not necessarily limited to, those listed below. Class I offenses are those for which discipline ranging from a written warning to discharge may be issued for the first occurrence, depending on the situation. The second occurrence of a Class I offense shall result in either suspension without compensation and benefits, demotion or termination with or without prejudice. Class II offenses shall result in discipline up to and including discharge for a first offense. The Town reserves the right to increase the penalties specified for Class I Offenses depending on the circumstances of any particular situation.

1. Class I Offenses:

- (a) Failure to follow oral and/or written instructions.
- (b) Incompetency or inefficiency in the performance of assigned duties.
- (c) Unauthorized absence from work for any period of time less than two (2) consecutive days, or a total of three (3) days within any six

(6) month period.

- (d) Less than four (4) hours notice to the appropriate Department Head or Administrator of the employee's inability to report for duty/shift at the scheduled time.
- (e) Improperly attempting to influence elected Town officials, Town Clerk, Department Head or other appropriate Administrator concerning personnel matters.
- (f) Failure to report for duty at the assigned time and/or place.
- (g) Leaving assigned duty prior to scheduled release time and/or without justification.
- (h) Suspension or revocation of driver's license when it affects the employee's ability to perform his or her duties.
- (i) Conduct unbecoming a Town employee.
- (j) Malingering.
- (k) Neglecting to maintain standards of appearance on duties as specified by the appropriate Administrator.
- (l) Careless, negligent, or improper use of Town vehicles, property or equipment, including using the internet.
- (m) Conduct which endangers others or results in minor property damage of less than \$300.00.
- (n) Failure to maintain satisfactory and/or harmonious working relationships with the public, Town officials, other government officials and employees and/or other Town employees.
- (o) Creating or contributing to unsafe and/or unsanitary conditions.
- (p) Conviction of a felony, or of a misdemeanor involving moral turpitude, or pleading nolo contendere to a felony, or to a misdemeanor of moral turpitude, regardless of adjudication.
- (q) Being refused a surety bond when applied for as a condition of employment.

NOTE: Police employees' disciplinary action will be governed by departmental standards and/or any

collective bargaining agreement.

2. Class II Offenses

- (a) Reporting for duty while under the influence of intoxicants, drugs or other controlled substances and/or consuming intoxicants, drugs or other controlled substances while on duty.
- (b) Conviction of a felony, or of a misdemeanor involving moral turpitude, or pleading nolo contendere to a felony, or to a misdemeanor of moral turpitude, regardless of adjudication.
- (c) Making any false written or verbal statements.
- (d) Misappropriation or misuse of Town funds, property, equipment or employees.
- (e) Violation of any statute or rule regarding conflict of interest or participation in political activities.
- (f) Engaging in a strike, slowdown, or any other concerted activity by Chapter 447, Part II, or any other appropriate laws or ordinances.
- (g) Use of threats or unnecessary force in the performance of duties.
- (h) Disobedience of orders and/or instructions.
- (i) Abuse of sick leave.
- (j) Failure to use safety equipment or failure to comply with safety rules.
- (k) Gambling either on duty or on Town property.
- (l) Conduct which results in injuries to others and/or in property damage in excess of \$300.00.
- (m) Improper use and/or disclosure of Town records or documents.
- (n) Causing damage or destruction of equipment and property belonging to citizens, the Town, businesses or other Town employees.
- (o) Stealing or thievery.
- (p) Insubordination.
- (q) Giving or taking a bribe.

(r) Repeat violation of any Class I Offense.

3. For Class I Offenses, while the discipline remains a part of the employee's personnel file, such discipline shall not be considered for purposes of progressive discipline after three (3) years from the date of the violation. There is no time limit on the use of Class II Offenses as part of a progressive discipline policy.
4. Police Department disciplinary action will be governed by departmental standards of conduct, Police Officers Bill of Rights, Collective Bargaining Agreement and complaint review boards, if applicable.

6. DISCIPLINE - EXEMPT EMPLOYEES

This section shall apply only to exempt employees. Nothing herein shall be construed to alter the status of an exempt employee as an "at-will" employee terminable without cause, or to confer any right or interest upon an exempt employee to continued employment. Furthermore, nothing in this section shall limit the authority of the Town Council to discipline, suspend, terminate, or take any other employment action against an exempt employee.

A. Disciplinary Action

The Mayor or Vice-Mayor, as may be appropriate, shall have the authority to investigate and discipline exempt employees. The following procedures shall be followed:

1. The Mayor or Vice-Mayor shall set forth in writing and give to the affected employee a statement of the facts as known to the Mayor or Vice-Mayor which led the Mayor or Vice-Mayor to believe that disciplinary action may be warranted.
2. A pre-disciplinary hearing shall be scheduled and conducted between the employees and the Mayor or Vice-Mayor at which time the employee will be allowed to respond to the facts alleged in such writing.
3. Within a reasonable time upon completion of that meeting, the Mayor or Vice-Mayor shall set forth in writing directed to the Town Council and the employee the facts which the Mayor or Vice Mayor believes warrant discipline as well as a statement of the discipline to be imposed.
4. The Mayor or Vice-Mayor shall have the authority

to impose any level of discipline up to a suspension without pay of five (5) days or less. Alternatively, the Mayor or Vice-Mayor may refer the matter to the Town Council for action. Any greater level of discipline must be approved by the Town Council. No exempt employee shall be suspended without pay until an opportunity for a pre-disciplinary hearing has been made available to the employee, except that the Town shall, at all times, have the right to suspend an exempt employee with pay prior to a pre-disciplinary hearing if it is in the best interest of the Town to do so.

5. Within seven (7) days after receipt of a written communication from the Mayor or Vice-Mayor imposing discipline, an exempt employee may request a hearing before the Town Council to review the discipline. The Town Council shall convene and review the discipline. The Town Council's decision shall be based upon the record before it, which shall include the findings and recommendations of the Mayor or Vice-Mayor, any supporting documentation and any documents or statements which the employee desires the Town Council to consider. Immediately following the hearing, the Town Council shall render a decision based on the evidence. Failure to request a hearing or to appear at a hearing after it having been requested, shall result in the dismissal of the employee's appeal and the decision of the Mayor or Vice-Mayor shall become final.

B. Name-Clearing Hearing

An exempt employee shall have the right to a Name-Clearing hearing if disciplined or discharged, unless the employee has received an adequate hearing prior to discharge. Such hearing shall be conducted in accordance with the procedures set forth above with the exception that in a "Name-Clearing" Hearing, the hearing shall be non-adversarial and the sole purpose is to allow the employee to rebut any allegations regarding his or her discipline or discharge.

7. HOLIDAYS

- A.** The following days shall be observed as official paid holidays for all full time Town employees, except those on a leave of absence without pay, those on suspension, and those receiving Worker's Compensation benefits:

1. - New Years Day
2. - Memorial Day
3. - Independence Day
4. - Labor Day
5. - Veterans' Day
6. - Thanksgiving Day

- 7. - Day following Thanksgiving
- 8. - Christmas Day
- 9. - Two (2) "Personal Days", (Any working day in a calendar year, i.e., any day at the option of the employee and with the approval of the Department Head and Director of Finance and Personnel, other than an authorized holiday, day of accrued vacation leave, sick leave, or for personnel working shifts, scheduled non-working days).

B. When a holiday falls on a Saturday, the preceding Friday shall be observed as the holiday when a holiday falls on a Sunday, the following Monday shall be observed as the holiday.

C. Full time employees who are required to work on a holiday will be compensated at a shift premium rate of two (2) times their regular hourly rate of pay for each hour worked. Such premium rate shall not be included in an employee's regular rate of pay for purposes of computing overtime pay.

D. Full time employees shall receive eight (8) hours of pay for all official paid holidays as described in this on which the employee does not work. However, such holidays shall not be counted as "hours worked" for purposes of computing overtime pay.

8. LEAVE

A. Annual Leave

1. Part-time employees who are regularly scheduled to work more than thirty (30) hours per week shall be allowed to earn and accrue annual leave on a pro-rated basis. Annual leave shall be earned by full time Town employees on the basis of continuous length of service with the Town at the rates given below:

<u>YEARS OF COMPLETED SERVICE</u>	<u>LEAVE EARNED - HOURLY RATE PER Bi-weekly PERIOD</u>
Less than 5	4 Hours
At least 5 but less than 10	5 Hours
At least 10 but less than 15	6 Hours
At least 15 but less than 20	7 Hours
20 years and over	8 Hours

2. The Town Clerk, Director of Finance and Personnel and all other Administrators shall earn annual leave at the rate of six (6) hours per bi-weekly period, or in accordance with the appropriate rate based on length of service, whichever is greater.

3. Full time employees may not take annual leave with

pay until they have satisfactorily completed at least six (6) months of service with the Town. This restriction may be waived for cause at the sole discretion of the Director of Finance and Personnel.

4. No more than two hundred and forty (240) hours of annual leave may be carried forward from one fiscal year to the next. Any accumulation over the maximum of two hundred and forty (240) hours shall be transferred to sick leave at the end of the fiscal year. This transfer will occur on the last day of the last payroll cycle of the fiscal year. Any employee who has exhausted all of his or her sick leave shall be allowed to convert annual leave to sick leave, although such conversions shall not be allowed more than once a month.

5. Full time employees shall begin to earn and accrue annual leave on the employee's date of hire by the Town in a full time capacity. Part-time employees who are members shall begin to earn and accrue annual leave on the employee's date of hire, transfer or assignment to a position where it is contemplated by the Town in its sole discretion that the employee will be regularly scheduled to work at least thirty (30) hours per week. No annual leave shall be taken until earned.

6. No more than one hundred twenty (120) hours of annual leave may be taken within any ninety (90) consecutive day period. This may be waived at the sole discretion of the Supervisory Committee upon request for good cause shown. However, every effort shall be made by the Town to see that every employee with sufficient accumulated annual leave is afforded the opportunity to take at least eighty (80) contiguous hours of annual leave. Every employee shall be required to take at least sixty (64) hours of annual leave per year, with at least forty (40) hours being contiguous. All leaves by Administrators must be pre-approved by the Director of Finance and Personnel.

7. When an employee separates from employment with the Town other than for cause, the employee shall be paid in a lump sum for all unused annual leave, up to but not exceeding two hundred and forty (240) hours, except;
 - (a) If he or she has less than one (1) year of continuous service with the Town, he or she shall receive no payment;

(b) If he or she fails to give fourteen (14) calendar days notice in case of resignation, he or she shall lose eight (8) hours of annual leave for each day short of the fourteen (14) calendar days.

8. Annual leave shall not be taken in increments of less than four (4) consecutive hours. Annual leave shall be charged in one (1) hour increments and no fractional parts of an hour will be charged or accrued.
9. Annual leave shall not be earned by an employee during a leave of absence without pay, a suspension during which the employee does not receive full compensation, or when the employee is otherwise in a non-paid status. Notwithstanding any provision of this Personnel Manual, the Director of Finance and Personnel shall have the right to reschedule vacations to prevent interference with the operation of the Town.
10. With the exception of Section 7 above, no employee shall have the right to receive pay in lieu of leave of any type (i.e., "cash in" leave time), including, but not limited to annual, holiday and sick leave.

B. Sick Leave

1. Part-time employees who are regularly scheduled to work more than thirty (30) hours per week shall earn sick leave on a pro-rated basis. Sick leave will be earned by full time employees on the basis of continuous length of service at the following rate:

YEARS OF COMPLETED SERVICE	LEAVE EARNED AT THE RATE OF PER Bi-weekly PERIOD
Less than 15	4 hours = 13 working days per year
15 years and over	6 hours = 18 working days per year

2. The Town Clerk, Director of Finance and Personnel and all other Administrators shall earn sick leave at the rate of six hours per bi-weekly period, or in accordance with the appropriate rate base on length of service, whichever is greater.
3. Once an employee reaches the maximum threshold of eight hundred (800) hours of accrued sick leave they may carry forward one year's sick leave for potential use to allow them to remain at the 800 hours level for cash-out purposes. Any accumulated

sick leave over eight hundred (800) hours shall be forfeited without compensation for cash-out purposes.

4. Employees shall notify their Department Head of his or her designee at least four (4) hours before the start of their shift that the employee will be absent due to illness in order to qualify for sick leave. For employees working a complete shift during the hours of 8:00 a.m. to 4:00 p.m., the employee must notify the Department Head no later than 8:00 a.m. that he or she will be absent in order to qualify for sick leave.
5. At the sole discretion of the Department Head or the Director of Finance and Personnel, an employee who is absent from work and requests the non-working time be charged as sick leave, may be required to furnish a statement/certificate from a licensed health care provider concerning the employee's physical condition and capability to perform all requirements of the employee's position before the employee returns to work.
6. No employee shall accrue or earn sick leave while on Workers Compensation leave, suspension or other non-paid status. An employee shall be allowed to use sick leave to supplement Workers Compensation payments up to the employee's net salary.
7. Any time required for appointments with health care providers, dentists, ophthalmologists, and optometrists for non-job connected injuries, illnesses, check-ups or the like will be charged as sick leave.
8. An employee who does not use all of his or her accrued sick leave by the end of the twenty-sixth (26th) bi-weekly period in any fiscal year may carry forward to the next fiscal year up to eight hundred (800) hours of unused sick leave, plus one year's sick leave for potential use to allow them to remain at the 800 hours level for cash-out purposes.
9. Any employee who separates employment from the Town other than for cause and who, at the time of separation has 800 accrued hours of sick leave, will be paid for one hundred and twenty (120) hours.
10. Except as provided in Section 9, any employee who separates employment with the Town for any reason, loses, and shall not be compensated for, all unused sick leave.

C. Unpaid Leave

1. At the completion of six (6) months of employment with the Town, an employee who has exhausted all accrued annual sick leave may at the sole discretion of the Department Head and Director of Finance and Personnel be granted up to four (4) months of unpaid leave for personal or health reasons, including maternity.
2. To qualify for such leave, the employee must submit in writing to his or her Department Head a request accompanied by a statement from the employee's health care provider. An employee requesting leave shall request such leave as far as possible in advance of the anticipated beginning date of the leave.
3. If at the expiration of all of an employee's annual and sick leave and any leave granted under this Section the employee is unable to resume the duties of his or her position, the employee shall be terminated. Employee so terminated shall be placed on preferential hiring list for one year after the date of termination. A termination arising under this section shall not be appealable. Any employee hired from the preferential hiring list shall be hired as a new probationary employee.
4. A employee may return to work at any time during this period of unpaid leave except that no employee shall be allowed to return until the employee has submitted to the Department Head a health care provider's statement that the employee is able to resume the full and normal duties of the employee's position.
5. The employee must notify the Department Head three (3) days prior to returning to duty from leave under this section. If the employee's health care provider releases the employee prior to the expiration of leave granted under the section, the employee is expected to return to work immediately following the release.
6. Pregnancy shall be considered as any other temporary disability of a non-occupational nature and shall be governed by the provisions of this section.
7. Upon learning of a temporary disability of any type, including pregnancy, and receiving a confirming medical opinion documenting the employee's condition, the employee shall immediately notify the employee's Department Head and the Director of Finance and Personnel. The

Director of Finance and Personnel may require the employee to have a complete physical examination by the health care provider of his or her choice. The health care provider, after being informed of the complete scope of the employee's duties, shall render an opinion in writing as to how long the employee may remain in his or her position with no danger to the employee or the general public. Once the employee is no longer able to perform his or her duties, the Director of Finance and Personnel shall have the option of reassigning the employee to light duty if available.

8. No employee shall return to work until his or her health care provider specifies in writing that he or she is physically able to resume full and normal duties of his or her position, or would be able to do so with reasonable accommodation.
9. An employee on leave under any section of this section shall not accrue annual or sick leave while on health leave. The Town shall provide health and life insurance under the same terms as it is provided to Town employees while the employee is using annual or sick leave. Any employee on unpaid leave shall be responsible for paying all insurance premiums.
10. Except as provided in this section, the Town shall make reasonable effort to reinstate an employee returning to work after the natural birth of a child either to the same position or the most nearly equivalent position with no loss of seniority. If an employee is returning to work after any other temporary disability covered under this section, reasonable effort shall be made to reinstate that employee to the next available equivalent position.
11. Failure to return to work at the expiration of all allowable leave under this section shall be construed as abandonment of the employee's position and shall be treated as a voluntary resignation.
12. Nothing in this section shall prohibit the Town from hiring a temporary replacement for any employee out on unpaid leave. Further, nothing in this section shall prohibit the Town from permanently replacing an employee absent on unpaid leave if necessary to the efficient operation of the Town.

D. Emergency Leave

1. Every full time employee not on probation is authorized three (3) days of emergency leave with

pay per calendar year, subject to the approval of and at the sole discretion of the Director of Finance and Personnel for emergencies involving the employee's immediate family. Emergency leave may not be accrued and/or carried forward, if unused, to a subsequent calendar year and no pay shall be offered or owed in lieu of emergency leave. When emergency leave is taken, the time used will not count toward the limitation of 120 hours of annual leave per ninety (90) day period.

2. Other than as provided in this section, no other paid leave shall be provided for bereavement or other emergencies with the exception that nothing shall preclude an employee from requesting to use annual leave.
3. At the sole discretion of the Director of Finance and Personnel, the employee requesting leave under this Article may be required to submit verification of the emergency situation.

E. Military Leave

1. Any employee of the Town who is a member of one of the National Guard of the United States Armed Forces Reserve Components is authorized a maximum of seventeen (17) paid calendar days in any calendar year for the purpose of undergoing training. Any employee on military leave shall also receive all additional authorized compensation and benefits, to include accrual of vacation and sick leave. Furthermore, military leave shall not be charged against the employee's accrued vacation leave unless the employee so desires.
2. If an employee is ordered by appropriate authority to serve during an emergency, upon notification to the Town he/she shall be entitled to paid military leave not to exceed thirty (30) days. All leave after that shall be unpaid. Upon return from and satisfactory release from military leave, the employee shall be reinstated to his or her former position or the most nearly equivalent position that the employee would have occupied if he or she had never been absent for military leave. The employee shall also be granted all seniority and be placed in the same circumstances in terms of rate of pay, accrual of benefits, etc., that the employee would be receiving but for the military leave absence. The employee may be required to make up its share of pension contributions in order to receive credit for missed time.

F. Civil Duty Absence

Absences of up to five (5) days with compensation of that period less any amount received as compensation for serving as a juror or witness is authorized for all full time employees to enable them either to perform jury duty or to testify as a witness when legally required to appear in court. Any time in excess of five (5) calendar days shall be unpaid, but the employee has the option of using accrued annual leave.

G. Other Absences

Upon advance approval of the Director of Finance and Personnel, other absences with pay may be authorized if deemed in the best interests of the Town. Such absences may be for purpose of attending and/or participating in functions/activities which include, but are not necessarily limited to, the following:

1. Professional meetings, seminars, and conferences which should produce information that would enhance the efficiency and/or effectiveness of the employee's service to the Town.
2. Attendance at a professional training or educational program or course.
3. Visit other governmental organizations for coordination/information activities.
4. All absences with pay authorized by this section must have a recommendation for approval from the employee's Department Head before being submitted to the Director of Finance and Personnel. Furthermore, any such absence which involves a period of more than seven (7) working days shall require the approval of the Town Council.

H. Compensatory Time

1. At the sole discretion of the Town Council, it may elect to compensate any full time non-exempt employee through the use of compensatory time (hereafter called "comp time") at a maximum rate of one and one-half (1½) hours of comp time for each hour of overtime up to a maximum of 240 hours.
2. Comp time may be carried forward from one calendar year to the next.
3. Accrued comp time shall be converted to a monetary payment only when an employee is terminated, and only then if the Department Head determines it is not in the Town's best interest to give an employee being terminated time off for accrued

comp time in lieu of monetary payment.

4. Comp time may be taken separately in conjunction with vacation leave and/or sick leave with the approval of the Department Head and the Director of Finance and Personnel so long as the absence does not interfere with the efficient operation of the Town.
5. The Town Clerk, Director of Finance and Personnel, and all Department Heads are not eligible to earn any comp time.

I. Compulsory Absence

1. If, in the opinion of either a Department Head, the Town Clerk, or Director of Finance and Personnel, an employee is physically (or mentally) unfit to perform his or her duties satisfactorily, the employee may be required to undergo a physical examination by a licensed health care provider (or psychologist/psychiatrist) designated by the Town and have the results of that exam released to the Town. Such tests may include drug or alcohol screening. If the results of the examination indicate the employee is temporarily incapable of performing all his or her duties/job requirements in a safe and satisfactory manner, the Department Head, Town Clerk, or Director of Finance and Personnel may require the absence without pay. The employee has the right to appeal the decision to the Town Council. Any employee sent for an exam under this section shall be placed on administrative leave with pay pending this outcome.
2. A medical/psychological examination required by the Town will be performed at the Town's expense. Refusal to take the examination or to release the results shall be considered insubordination and shall be cause for disciplinary action, to include termination with prejudice.
3. The maximum authorized time for compulsory leave of absence without pay shall be eight (8) complete bi-weekly periods. Any longer time shall require the approval of the Town Council.

9. INSURANCE/RETIREMENT BENEFITS

A. Health and Life Insurance

1. At the election of any full time employee, each full time employee hired prior to January 1, 1989, shall be eligible for the option of single employee health and life insurance, single employee life insurance, or full family health and life insurance. The Town will contribute 100%

toward HMO employee coverage elected by the Town. Any full time employee desiring to forego health insurance is required to submit proof of coverage under another policy.

2. At the election of any full time employee hired after January 1, 1989, the employee shall have the option of single employee health and life insurance or single employee life insurance. Such employees may purchase full family health and life insurance coverage at the employee's expense.
3. The employees, through payroll deduction, shall be required to bear any premium costs above the maximum Town contribution as established by the Town Council. The Town may change carriers or alter or delete coverage at any time.

B. Dental Insurance

All full time employees shall be eligible for single coverage dental insurance but shall be required to pay any premium costs above the maximum Town contribution as established by the Town Council. Such employee may purchase full family dental insurance coverage at the employee's expense. The Town may change carriers or alter or delete coverage at any time.

C. Qualified Retirement Plan

For full time employees, except sworn Police Officers who are members of the Bargaining unit and who are provided with a Chapter 185 plan, a contribution will be made in the employee's name to the agency managing the Town's qualified retirement plan in an amount equal to a percentage of the employee's salary approved by the town Council. The employee is required to make a mandatory contribution from his or her basic salary.

D. Social Security

1. All employees are covered by Social Security
2. The Town shall pay the mandated employer share and withhold currently required deductions for each employee's salary.

E. Disability Insurance

All full time employees shall be eligible for disability insurance effective the first day of the month following 180 days of employment. The Town shall provide coverage and may change carriers, alter or delete coverage at any time.

10. TUITION REIMBURSEMENT POLICY

The Town has a tuition reimbursement policy for full time employees which was established to encourage employees to further their education. Complete guidelines for eligibility are listed in the Tuition Reimbursement Policy. In no event shall the Town be obligated to pay more per credit hour than the prevailing rate for in-state residents within the state university system.

11. WORKER'S COMPENSATION

- A.** An employee's employment-connected disability is the incapacitation of the employee resulting from injury or occupational disease incurred while in the actual performance of his/her duties for the Town.
- B.** All employment connected accidental injuries, whether or not incapacitating, must be reported within twelve (12) hours by the injured employee's Department Head to the Town's Worker's Compensation insurance carrier, with a copy to the Director of Finance and Personnel (Administration) for information and administrative files. Failure of an employee or Department Head to properly report an injury will result in disciplinary action.
- C.** Medical treatment for an employment connected injury is furnished by the Town. Treatment may be by a physician authorized by the Town or (if approved in advance by the insurance carrier) the employee's personal physician.
- D.** Weekly indemnity is payable to a disabled employee beginning after the first week of disability. If the disability lasts longer than two (2) weeks, the employee also will be paid for the first week of disability.
- E.** An employee will not accrue either vacation leave or sick leave during the period Worker's Compensation payments/benefits are being received.
- F.** Employees may supplement their worker's compensation benefits with accrued sick leave up to the employee's net salary.
- G.** If at the point the employee reaches maximum medical improvement, the employee is unable to resume the full and normal duties of his or her position, the employee shall be terminated. At any point during the employee's recovery, the Town may require the employee to submit a written medical physician's statement stating the full status of the employee's condition.
- H.** If necessary to ensure the smooth and efficient

operation of the Town, the Town shall have the right to hire temporary replacements to serve only while an employee is unable to work due to a workers compensation injury.

- I. Any employee released to return to work following an injury in the line of duty shall report such fact to the Town within twenty-four (24) hours of receiving such release and shall thereafter hold himself or herself ready and available to work.

12. CREDIT UNION

- A. Full time employees are eligible to join the Pinellas County Federal Credit Union.
- B. Deposits may be made through payroll deduction.

13. ORGANIZATIONAL CHANGES

A. Layoff

1. The Town Council, upon recommendation of the Town Clerk, Director of Finance and Personnel, or Department Head or on their own motion, may lay off an employee whenever deemed necessary for the following reasons:
 - a. Shortage of work required to be performed.
 - b. Shortage of budgeted funds.
 - c. Abolition of organizational position.
 - d. Significant change in the duties required and/or organizational structure.
 - e. Other related reasons that are outside the employee's control and which do not reflect discredit on the service performed by the employee.
2. The order in which layoffs occur (when compatible with the best interests of the Town and the organizational positions affected) will be:
 - a. Temporary employees.
 - b. Part-time employees.
 - c. Probationary employees.
 - e. Tenured employees.
3. In every case of a layoff, the Director of Finance and Personnel shall give written notification to each employee affected at least fifteen (15) calendar days in advance of the projected date the layoff is scheduled to be effective. The notification shall contain a statement to the effect that the layoff is for reasons that do not reflect discredit either on the employee or on the employee's performance of duties.

4. All employees who are terminated by layoff will have their names placed on the "Qualified for Employment" register for one (1) year from the date their layoff is effective, unless an employee indicates in writing that he/she is not interested in future employment with the Town. Any employee hired from the register shall be treated as a new probationary employee.
5. Order of priority for consideration for subsequent employment by the Town shall be the inverse of the order given in (2) above. Qualification for a position will be a significant consideration in hiring any employee. In no event shall any provision in this section require the Town to hire other than the most qualified applicant for any vacancy.

14. TRANSFERS

- A. A position may be filled by transferring an employee from one department or division to another, subject to the requirements of the position and the qualifications of the employee. Preference for filling a vacancy will not necessarily be given to a current or former employee over a new applicant because of seniority with the Town.
- B. An employee who is transferred to another position will be paid the salary that position is authorized for as its initial step for a new employee.
- C. Any lateral transfer between Departments must be approved by the Supervisory Committee of each Department and the Director of Finance and Personnel, and must have the concurrence of the two Department Heads concerned. The Town Council must approve any lateral transfers of an administrator.

15. PAY PLAN

A. Job Classification and Salary

The Town of Indian Shores may have a job classification plan which provides a title, salary range, and description for each authorized, full time position in the Town's organizational structure. The classification plan shall be used to:

1. Reward efficient, effective, and faithful employees for continued good or outstanding performance and service.
2. Provide equivalent salaries for similar work and responsibilities.
3. Assist in preparation of budgets and payrolls.

4. Provide a perspective or framework for reviewing all salary levels to ensure a proper balance is maintained among various departments and positions.
5. Develop an employee training program.
5. Provide an understanding of the interactive relationships that each position may have with every other position.

B. Plan Changes

The Director of Finance and Personnel is responsible for preparing recommendations concerning changes to salaries and benefits for all employees for the consideration, modification, and approval of the appropriate Supervisory Committee. The Supervisory Committee may give final approval for implementation of the plan ultimately agreed upon, based upon certification by the Director of Finance and Personnel that the plan can be supported by the affected Town budget.

C. Payday

1. Each employee will be paid bi-weekly.
2. Checks will be distributed by the Director of Finance and Personnel to the respective Department Heads.
4. If a payday falls on a holiday, the employees, when appropriate, may be paid on the workday immediately preceding the holiday.

D. Authorized Deductions from Pay

1. Federal Income Tax
2. Social Security Tax
3. Life, Accident, Health Insurance premiums
4. Dental Health Insurance premiums
5. Deferred Compensation Plan contributions
6. Pinellas County Federal Credit Union deposits
7. Other insurance premiums
8. United Way contributions
9. Qualified Retirement Plan

10. Other adjustments to correct errors

E. Hours of Work

1. The "normal" workweek for employees other than Police Officers on shift is from 8:00 a.m. to 4:00 p.m. Monday through Friday. The work week for purposes of the Fair Labor Standards Act is from 12:01 a.m. Saturday to midnight Friday.
2. The working hours for Police Department personnel will be established by the Police Chief, with a schedule furnished to the Director of Finance and Personnel. The work period in a fourteen (14) day period is in accordance with the Collective Bargaining Agreement.
3. The Director of Finance and Personnel may adjust (either temporarily or permanently) the working hours for selected personnel in order to promote efficiency and effectiveness and/or for expanded operating hours for the Town Hall.

F. Overtime

1. All full time non-exempt Town employees are paid bi-weekly on an hourly basis... (Temporary and Part-time employees are paid on the basis of hours actually worked.) Overtime is computed on a work week basis.
2. All Town employees are expected to expend however much time is necessary to perform their assigned tasks and responsibilities without regard for "clock watching."
3. When payment is made for hours expended beyond the "normal" work period, it will be at the rate of one and one-half (1½) times the employee's hourly rate.
5. Department Heads, as exempt salaried employees, may be authorized, upon approval by the Administrative and Finance Committee, payment of overtime at a rate of 1.5 their hourly rate, when such work exceeds the normal 40-hour work week, while responding to emergencies and natural or man-made disasters.

G. Call Back

In each instance where an employee is called back to work, at other than his or her regularly scheduled time, to assist in an emergency, the employee shall be paid a minimum of four (4) hours or actual hours

worked, whichever is greater.

16. TRAVEL AND PER DIEM

- A.** The Director of Finance and Personnel, and appropriate Supervisory Committee, may approve travel and per diem expenses for the purpose of an employee's attending official functions (such as those described herein) providing that:
1. There are enough funds both budgeted and remaining in the budget to cover the estimated expenditures.
 2. The period of the absence will not exceed seven (7) working days. (Accrued Vacation leave and/or Compensatory time may be taken in conjunction with attendance at the function/event.)
- B.** Attendance at functions/events lasting longer than seven (7) working days must be approved by the appropriate Supervisory Committee--provided the employee's attendance is recommended by both his/her Department Head, the Town Clerk and the Director of Finance and Personnel.
- C.** When an employee is authorized by the Director of Finance and Personnel to use his/her private vehicle to perform travel related to the accomplishment of assigned duties or attendance at approved functions/events, the currently approved travel allowance will be paid -- with mileage determined on the basis of the shortest practical route that can be traveled.
- D.** If travel is authorized by common carrier, reimbursement shall not exceed the cost of a coach ticket. (No first class travel accommodations are authorized.) Typically, travel by common carrier will not be authorized unless the fare is less expensive than the total of the estimated mileage and enroute per diem costs.
- E.** In addition to the travel allowance, reimbursement is authorized for reasonable per diem expenses. Per diem expenses shall consist of the expense of lodging for the employee only and the expense of three meals a day for the employee only, plus the payment of tolls, parking, and registration fees. The determination of the reasonableness of the per diem expenses shall be within the sole direction of the Town Council. Where an employee uses a common carrier to attend a function/event, reimbursement will also be made for reasonable taxi/bus/subway fares related to traveling between the employee's temporary lodging and the location where the function is being held.

- F.** Advance payment for per diem and travel is authorized.
- G.** Upon completion of authorized travel on official business, the employee must submit an itemized listing supported by receipts of all expenses incurred for which advance payment was made and/or for which reimbursement is claimed.
- H.** Claims for reimbursement for travel and/or per diem shall contain the following two paragraphs appended to the bottom of the claim:
- "All expenses for which advance payment was received or incurred by the undersigned as necessary expenses directly related solely to the performance of any official duties."
- "I do hereby declare all expenses listed and statements made in this claim are true and correct."
- I.** (Persons making fraudulent or false claims shall be guilty of a misdemeanor, punishable as provided by law. Such persons shall also be subject to termination with prejudice.)

EXCEPTIONS

Conflicting provisions within employment agreements and Collective Bargaining Agreements shall prevail.