

**WORKSHIOP MEETING  
BOARD OF COMMISSIONERS  
TOWN OF REDINGTON SHORES  
WEDNESDAY, OCTOBER 26, 2022 - 6:00 P.M.  
AGENDA**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**APPEARANCES AND PRESENTATIONS**

None

**OLD BUSINESS**

1. SMS Pushes
2. Parking
3. Undergrounding Update

**NEW BUSINESS**

1. Meeting Process
2. Garbage Prices
3. Miller Pipeline
4. Employee Manual
5. Credit Card Fee
6. Engagement Letter

**MISCELLANEOUS**

Regular Meeting – Wednesday, November 9, 2022 - 6:00 p.m.

Workshop Meeting – Wednesday, November 30, 2022 – 6:00 p.m.

**ADJOURNMENT**

“Persons are advised that, if they decide to appeal any decisions made at this meeting, they will need a record of the proceedings, and, for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.”

“The Town maintains a tape recorder for all public hearings. In the event that you wish to appeal a decision, the tape may or may not adequately ensure a verbatim record of the proceedings. Therefore, you may wish to provide a court reporter at your expense.”



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## Pinellas County Commission Public Participation and Decorum Rules

Adopted by the Pinellas County Board of County Commissioners July 19, 2022.

See also the summary of these rules: [Participating in a Board of County Commissioners Meeting.](#)

### I. Introduction

The Pinellas County Board of County Commissioners ("Board") values and benefits from the orderly participation of members of the public during public meetings.

Any meeting of the Board constitutes a limited public forum as defined by the United States Supreme Court, and as such all components of speech will be limited to matters of public concern in Pinellas County.

Under Florida law, the public must be afforded a reasonable opportunity to provide input on public matters before the Board for official action. The Board has the authority to reasonably regulate public input by establishing time limit restrictions on public comments, and enforcing orderly, non-disruptive conduct at public meetings. These public participation and decorum rules provide the parameters for such regulation.

In addition to appearing and speaking before the Board, members of the public may submit written comments to the Board for consideration on any item in advance of the meeting on that item in accordance with these rules.

### II. Definitions

For the purpose of these guidelines, the following definitions apply:

**"Board"** or **"County Commission"** means the Pinellas County Board of County Commissioners. **"Electronic Aid"** means any electronic device or medium (including but not limited to a phone, audio or video player, tablet, or computer) that a Speaker wishes to present publicly before the Board to aid in communicating the Speaker's message. This does not include devices or aids utilized as an accommodation under the Americans with Disabilities Act.

**"Handout"** means any written material(s) a Speaker wishes to provide to the Board in connection with their public comment.

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**"Political Candidate Campaigning"** means any statement (verbal, written, graphical, or in any other format) which involves the endorsement of any political candidate that is made for the purpose of campaigning.

**"Speaker"** means any member of the public who is presenting public comment before the Board in compliance with this policy.

**"Visual Aid"** is any non-electronic item (including signs, placards, banners, posters, maps, or models) the Speaker wishes to present publicly before the Board to aid in communicating the Speaker's message. This does not include cue cards, Speaker notes, or other materials used to help a Speaker recall information.

### III. Citizens Participation Procedures

A. The following rules and procedures will apply to citizen participation during Board meetings, including work sessions.

B. General Procedures:

1. Official Board meetings will be held in person at the location identified on the advertised meeting agenda. Virtual attendance and participation by the public via phone or other technology may be authorized at the Board's discretion as a convenience to the public. However, the Board does not guarantee against technology failures that can occur during virtual attendance. Therefore, members of the public who wish to participate or speak at a Board meeting may choose to appear at the official meeting in person to ensure that they are heard during the meeting. Alternatively, members of the public may submit their comments in advance of a public meeting via the County's designated online comment form, or by calling the Agenda Comments telephone line at 727-464-4400 or such other number as subsequently adopted, by the deadline indicated in the notice of public meeting.
2. If a fully virtual meeting of the Board is legally authorized or required, such as under a state of emergency, the details of such virtual meeting, including options for public participation, will be advertised as required by law.
3. **Anyone wishing to speak before the Board at any meeting must:**
  - a. **Prior to the start of the meeting**, register to speak by submitting a written request to the email or mailing address designated on the County's website or the notice of public meeting, by completing a comment card and submitting the card in-person to the staff at the County staff table in the front of the meeting room, or as otherwise directed in the notice of public meeting. The registration or comment card must be submitted by the deadline indicated in the notice of public meeting and must:
    - i. Indicate whether the person wishes to speak:
      1. During the "citizen comment" period; or
      2. On a posted agenda item (and include the agenda item number).
    - ii. Provide the Speaker's municipality or unincorporated area of residence, or business address;
    - iii. Indicate whether the person wishes to speak in person or, subject to availability, by virtual means such as by telephone or other virtual platform adopted by the County for use at the meeting;

*specific address or  
"St Petersburg"*

- iv. Within the timeframes established in these rules or otherwise noticed by the County, include:
  1. A copy Visual Aid or Electronic Aid the Speaker wishes to publicly present before the Board.
  2. A copy of any Handouts the Speaker wishes to share with the Board.
- b. When a Speaker's name is called, the Speaker will approach the public lectern (if in person), or unmute themselves (if virtual), and give the following information in an audible tone of voice for the minutes:
  - i. Their name;
  - ii. The municipality or unincorporated area in which they reside; and
  - iii. If requested by the Chair, information on whether the Speaker speaks for a group of persons or a third party or represents an organization. If the person represents an organization, the Speaker must also state whether the view expressed by the Speaker represents an established policy or position approved by the organization, and whether the person is being compensated by the organization.
4. If a Speaker is no longer present in the meeting room or overflow room or in virtual attendance at the time they are recognized, the Speaker forfeits the opportunity to speak and is prohibited from transferring the time to a different individual.
5. If a Speaker chooses to appear virtually by means of telephone, video conferencing, or other technology, **it is the sole responsibility of the Speaker** to ensure that they have the appropriate technology to do so on their end. If at the time they are recognized the Speaker cannot be heard by the Board due to poor telephone or internet reception, technology errors, excessive background noise or interference, issues with unmuting themselves, or other issues, the Speaker forfeits the opportunity to speak and is prohibited from transferring the time to a different individual.
6. Groups of five or more individuals who wish to express their views collectively may select one Speaker to represent the groups views to the board. The groups time is still limited to the applicable time allotment of all members of the group, or 10 minutes, whichever is shorter.

C. Visual or Electronic Aids and Handouts:

1. For public safety purposes, no signs or placards mounted on sticks, posts, poles, or similar structures will be allowed in County Commission meeting rooms.
2. Visual aids that disrupt meetings or interfere with others' ability to view or participate in the meeting are not authorized.
3. Handouts the Speaker wishes to share with the Board must be provided in advance of the meeting or presented to County staff at the Agenda Staff Table in the front of the meeting room along with the comment card before the Speaker's allotted time for public comment. A copy of any Visual Aid or Electronic Aid a Speaker wishes to publicly present before the Board must be provided in advance by the deadline indicated in the notice of public meeting, along with a written request explaining the necessity of the Visual Aid or Electronic Aid.
4. Visual Aids or Electronic Aids that require audio/video (AV) or other technological set up must be submitted at least seven (7)

days prior to meeting or by such other deadline as indicated in the notice of public meeting. The Chair may approve or deny such a request at the Chair's discretion. If use of a Visual Aid or Electronic Aid is approved:

- a. The Visual Aid or Electronic Aid must be handled by the Speaker.
- b. Electronic Aids must be properly audible or observable to all members of the Board and the public, cannot require extensive set-up, and may not be disruptive. Any set-up time will be counted as part of the Speaker's allotted time.
- c. All content must be the Speaker's own. In no event will a Speaker be authorized to display or present any visual or audio content recorded or taken from the internet, social media, television, radio, or other forms of media—including but not limited to videos, music, speech, sounds, or images—created, posted, streamed, owned, copyrighted, trademarked, or presented by any party other than the Speaker.
- d. The Chair may immediately interrupt and terminate a Speaker's speaking privilege for violation of this provision.

D. Authorized Time for Public Comment:

1. Time for public comment will be allocated as follows:
  - a. A citizen comment period may be authorized at the discretion of the Board to be held at the beginning or end of each regular Board meeting, or at such other time as may be designated by the Board.
  - b. For public comment related to specific agenda items or Board actions, time will be allotted for registered Speakers prior to the Board voting on that item.
2. The Chair or the Board has the right to limit the remarks of each Speaker to 3 minutes or less. Based upon the number of individuals signed up to speak during the public comment period, the Chair may at their discretion shorten the time available for each individual to speak to allow more Speakers to be heard.
3. The public comment period for any particular item of discussion or the citizen comment period may, at the discretion of the Board, be limited to a reasonable, set length of time, to be established prior to initiation of public comment on that topic. (For example, all public comment on Agenda Item #XX could be limited to 1 hour.) If such a time limit on public comment is established, the time may be extended for an additional reasonable time period at the discretion of the Chair.

E. Special Circumstances:

1. The Board is not required to take public comment for:
  - a. Emergency situations affecting public health, welfare, or safety if compliance with the requirements would cause an unreasonable delay in the ability of the Board to act;
  - b. Ministerial acts such as approval of minutes or ceremonial proclamations;
  - c. Meetings exempt or excepted from FS 286.011; or
  - d. Workshop meetings at which no votes will be taken.
2. The Board Chair may waive any of these procedures in their discretion.

**IV. Citizen Decorum Guidelines**

## GOVERNMENT-IN-THE-SUNSHINE-MANUAL

(notice requirements for meetings of the governing bodies of special districts); and s. 1001.372(2)(c), F.S. (school board meetings). Cf. s. 50.0211(5)(a), F.S., providing conditions under which a governmental agency may opt for Internet-only publication of agency notices with newspapers of general circulation within the jurisdiction of the agency.

Similarly, a board or commission subject to Ch. 120, F.S., the Administrative Procedure Act, must comply with the notice and publication requirements of that act. See, e.g., s. 120.525, F.S. Those requirements, however, are imposed by Ch. 120, F.S., not s. 286.011, F.S., although the notice of a board or commission meeting published pursuant to Ch. 120, F.S., also satisfies the notice requirements of s. 286.011, F.S. *Florida Parole and Probation Commission v. Baranko*, 407 So. 2d 1086 (Fla. 1st DCA 1982).

### 5. Public comment

Prior to the adoption of s. 286.0114, F.S. (2013), Florida courts had determined that s. 286.011, F.S., provides a right to attend public meetings, but does not provide a right to be heard. See *Herrin v. City of Deltona*, 121 So. 3d 1094, 1097 (Fla. 5th DCA 2013) (phrase “open to the public” as used in s. 286.011, F.S., means that “meetings must be properly noticed and reasonably accessible to the public, not that the public has the right to be heard at such meetings”). See also *Keesler v. Community Maritime Park Associates, Inc.*, 32 So. 3d 659 (Fla. 1st DCA 2010), review denied, 47 So. 3d 1289 (Fla. 2010); and *Grapski v. City of Alachua*, 31 So. 3d 193 (Fla. 1st DCA 2010), review denied, 47 So. 3d 1288 (Fla. 2010).

However, as the court observed in *Herrin*, s. 286.0114(2), F.S., now mandates that “[m]embers of the public shall be given a reasonable opportunity to be heard on a proposition before a board or commission.” The opportunity to be heard does not have to occur at the same meeting at which the board or commission takes official action if the opportunity “occurs at a meeting that is during the decisionmaking process and is within reasonable proximity in time before the meeting at which the board or commission takes the official action.” Section 286.0114(2), F.S.

The terms “proposition” or “official action” are not defined in the statute, nor is there a distinction between official action taken at a formal meeting versus an informal setting, such as a workshop. Inf. Op. to Jacquot, April 25, 2014. “In light of the purpose of the statute to allow public participation during the decisionmaking process on a proposition, it should be liberally construed to facilitate that purpose.” *Id.*

Section 286.0114(3), F.S., states that the public’s “opportunity to be heard” does not apply to:

1. An official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with the requirements would cause an unreasonable delay in the ability of the board or commission to act;
2. An official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations;
3. A meeting that is exempt from s. 286.011; or
4. A meeting during which the board or commission is acting in a quasi-judicial capacity. See AGO 17-01 (s. 286.0114, F.S., does not require that members of the public be given a reasonable opportunity to be heard at quasi-judicial code enforcement hearings held by a special magistrate pursuant to authority delegated from the county code enforcement board).

The statute does not prohibit a board or commission from “maintaining orderly conduct or proper decorum in a public meeting.” Section 286.0114(2), F.S. In addition, the opportunity to be heard is “subject to rules or policies adopted by the board or commission” as provided in s. 286.0114(4), F.S. These rules or policies are limited to those that:

A. Public participation at board meetings is intended to allow individual members of the public to address the Board on issues of public concern in Pinellas County. The Chair is responsible for maintaining a respectful environment during public participation so that public comments can be heard and considered by the Board. Therefore, the Board Chair may interrupt or terminate any individual's speaking privilege if the Speaker's comments, attire, Visual Aids, or Electronic Aids constitute a personal attack; are slanderous, defaming, disruptive, or obscene; violate any law (including but not limited to copyright and intellectual property laws); or otherwise are in violation of this policy. The following guidelines apply to any public comment at Board meetings:

1. Speakers must be respectful of the Board, other members of the public, and others' opinions, and refrain from making personal attacks;
2. No Political Candidate Campaigning, commercial advertising, solicitation, or defamation will be allowed as part of any presentation to the Board;
3. Presentations to the Board must relate to issues which are in the public interest, and which pertain to Pinellas County government activities. These priorities should be considered:
  - a. Statements of matters involving public health or safety;
  - b. Statements relating to Board actions or business;
  - c. Statements involving various County departments under the County Administrator; and
  - d. Statements directly pertaining to relevant Pinellas County government programs, projects, policies, or concerns.
4. Speakers should make their comments concise and to the point, presenting relevant information they wish the Board to consider.
5. All remarks must be addressed to the Board as a body and not to any individual member of the Board.
6. No person, other than a member of the Board and the person having the floor, may be permitted to enter into any discussion, either directly or through a member of the Board, without permission of the Chair.
7. A Speaker's time is an opportunity to direct comments to the Board; it is not a question- and-answer session.
8. Any Speaker who becomes disorderly or who fails to confine remarks to the identified subject or business at hand or who violates this policy may be given a verbal warning by the Chair. Following such a warning, the Speaker may continue, provided that they do so in accordance with this policy. If, after such a warning the Speaker fails to comply with this policy, the Speaker may be directed to end their comments. If the Speaker does not do so, they may be subject to removal from the meeting room. The Chair may bar any person failing to comply with this policy after receiving a warning from making any additional comments during the meeting, unless permission to continue, or to address the Board again, is granted by the majority of the Board members present.
9. Clapping, applauding, heckling or verbal outbursts in support of or opposition to a Speaker or their remarks is discouraged. Any such activity that becomes disruptive may result in removal from the meeting. Persons exiting the Commission Chamber or meeting room must do so quietly and in a non-disruptive manner.

"Comments"  
not questions  
or  
discussion!

## V. Public Hearing / Quasi-Judicial Procedures

A. It is the intent of these Public Participation and Decorum Rules that all

Public Hearings before the Board of County Commissioners are governed by the provisions of Section 134-14 of the Pinellas County Land Development Code. That code provides that at the conclusion of each person's presentation, any Speaker may seek the Chair's permission to ask questions of staff. Specifically:

1. At the conclusion of the presentations by the applicant and any proponents, all affected parties may seek the Chair's permission to ask questions of or seek clarification from the applicant and/or the proponents.
2. At the conclusion of the presentation by the opponents, all affected parties may seek the Chair's permission to ask questions of or seek clarification from any opponent. The applicant's closing comments will address testimony subsequent to their presentation. Continuing rebuttal of other than directly preceding testimony will not be allowed. Because such testimony has already been submitted in writing, the following guidelines are expected to be sufficient to accommodate efficient presentations:
  - a. The applicant should present his or her entire case, including rebuttal, in no more than twenty (20) minutes;
  - b. Persons who have been authorized to represent an organization with five (5) or more members or a group of five (5) or more persons may speak for up to ten (10) minutes provided that others in the organization or group will waive their time;
  - c. All other persons may speak for up to three (3) minutes each, after completing comment cards and submitting them to the staff at the Agenda Staff Table in the front of the Board Room. The Chair will call each Speaker's name upon their turn to speak.

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## GOVERNMENT-IN-THE-SUNSHINE-MANUAL

1. Provide guidelines regarding the amount of time an individual has to address the board or commission;
2. Prescribe procedures for allowing representatives of groups or factions on a proposition to address the board or commission, rather than all members of such groups or factions, at meetings in which a large number of individuals wish to be heard;
3. Prescribe procedures or forms for an individual to use in order to inform the board or commission of a desire to be heard; to indicate his or her support, opposition, or neutrality on a proposition; and to indicate his or her designation of a representative to speak for him or her or his or her group on a proposition if he or she so chooses; or
4. Designate a specified period of time for public comment.

If a board or commission adopts such rules or policies and complies with them, it is deemed to be acting in compliance with the statute. Section 286.0114(5), F.S. See *Larson v. Palm Beach County*, No. 502016CA001706 (Fla. 15th Cir. Ct. September 26, 2019), *per curiam affirmed*, 311 So. 3d 853 (Fla. 4th DCA 2021), available online in the Cases database at the open government site at [myfloridalegal.com](http://myfloridalegal.com), upholding a board procedural rule giving members of the public three minutes to speak on all items on the consent agenda versus three minutes on each regular agenda item. *And see City of Miami v. Airbnb, Inc.*, 260 So. 3d 478, 483-484 (Fla. 3d DCA 2018) (temporary injunction prohibiting city from requiring speakers at public hearings to give their names and addresses was overbroad). *Cf. Jones v. Heyman*, 888 F.2d 1328, 1333 (11th Cir. 1989) (mayor's actions in attempting to confine the speaker to the agenda item in the city commission meeting and having the speaker removed when the speaker appeared to become disruptive constituted a reasonable time, place and manner regulation and did not violate the speaker's First Amendment rights); and *Lozman v. City of Riviera Beach, Fla.*, 138 S.Ct. 1945 (2018), in which the U.S. Supreme Court held that the existence of probable cause for a speaker's arrest for failure to follow the city council's rules of procedure did not bar the speaker's First Amendment retaliation claim.

A circuit court is authorized to issue injunctions for the purpose of enforcing s. 286.0114, F.S. Section 286.0114(6), F.S. However, an action taken by a board or commission which is found to be in violation of that statute is not void as a result of the violation. Section 286.0114(8), F.S.

### 6. Restrictions on public attendance

#### a. Cameras and tape recorders

A board or commission may adopt reasonable rules and policies which ensure the orderly conduct of a public meeting and require orderly behavior on the part of those persons attending a public meeting. A board, however, may not ban the use of nondisruptive recording devices. *Pinellas County School Board v. Suncom, Inc.*, 829 So. 2d 989 (Fla. 2d DCA 2002) (school board's ban on unobtrusive videotaping invalid). *Accord* AGO 91-28. *And see* AGO 77-122 (silent nondisruptive tape recording of district meeting permissible).

The Legislature in Ch. 934, F.S., appears to implicitly recognize the public's right to silently record public meetings. AGO 91-28. Chapter 934, F.S., the Security of Communications Act, regulates the interception of oral communications. Section 934.02(2), F.S., however, defines "[o]ral communication" to specifically exclude "any public oral communication uttered at a public meeting . . ." See also *Inf. Op. to Gerstein*, July 16, 1976, stating that public officials may not complain that they are secretly being recorded during public meetings in violation of s. 934.03, F.S.

#### b. Exclusion of certain members of the public

The term "open to the public" as used in the Sunshine Law means open to all persons who choose to attend. AGO 99-53. *Cf. Ribaya v. Board of Trustees of City Pension Fund for Firefighters and Police Officers in City of Tampa*, 162 So. 3d 348, 356 (Fla. 2d DCA 2015) (although there appears to be no case law "squarely resolving" whether a wrongful exclusion of one person would

## RULES OF CONDUCT FOR PUBLIC MEETINGS

1. Except for public hearings duly designated as such by action of the Town Board, public participation at meetings of the Town Board shall be limited to the public participation segment of the agenda of regular Town Board meetings or special meetings.
2. Public comment, whether during the public segment of the Town Board meeting or during a duly designated public hearing, shall be limited to three (3) minutes per person. An individual's time may not be given or traded to other speakers or reserved for other portions of the meeting.
3. Any person wishing to speak at a public meeting during the public participation segment or during a public hearing must sign the sign-in sheet upon entering the room, when such sign-in sheet is available, indicating his or her intention to speak, which sheet shall be used by the Supervisor or the presiding officer to recognize speakers.
4. Any person wishing to speak at a public meeting during the public participation segment or during a public hearing, when a sign-in sheet is not available, shall raise his or her hand. When recognized by the Supervisor or presiding officer, the individual must stand and state his or her name and, if appropriate, group affiliation and must state the subject he or she will be addressing.
5. Comments must relate to the purpose of the public hearing or to legitimate Town business, and must be addressed to the Town Board. Attendees may not address the Town Board unless recognized by the Supervisor.
6. The Supervisor or the presiding officer shall act as timekeeper or shall designate another elected officer as timekeeper.
7. Members of the Town Board, speakers and audience members must observe proper decorum. Any statement made during the meeting or during a public hearing by the Supervisor, members of the Town Board, town officials or employees or members of the general public shall not involve personal, impertinent or slanderous attacks on individuals, regardless of whether the individual so attacked is an elected official, a town official or employee or a member of the general public.
8. The Supervisor or the presiding officer shall control the meeting. The use of profane, vulgar, inflammatory, threatening, abusive or disparaging language, or racial or ethnic slur directed at the Supervisor, members of the Town Board, town officials or employees, and members of the general public, or statements by a person attending the meeting which are not made during the public participation segment of the agenda or during a public hearing, shall not be tolerated.
9. It is inappropriate to utilize a public meeting for the purpose of making political speeches, including threats of political action, and the same will not be tolerated.
10. Discussion between speakers and attendees of the public meeting or hearing are prohibited. A speaker may disagree with or support prior speakers in comments directed to the Town Board. No person attending a meeting or public hearing shall engage in booing, handclapping or otherwise disrupt the formality of the proceedings.
11. Banners, flyers or other signs are not permitted in the meeting room. Distribution of flyers in the meeting room is also not permitted.
12. All cell phones and pagers must be turned off.
13. Attendees when leaving the board meeting before it is adjourned must leave in a quiet and orderly manner until outside the meeting room and hallway, so as not to disrupt the meeting.
14. If the Supervisor or presiding officer fails to enforce the rules set forth herein, an member of the Town Board may move to require him or her to do so, and an affirmative vote of a majority of the Town Board shall require him or her to do so. Any decision relating to enforcement of the rules set forth herein may be appealed and overturned by a vote of a majority of the Town Board members.
15. Any person who disregards the directives of the Supervisor or presiding officer in enforcing the rules or generally conducts himself or herself in a boisterous or inappropriate manner while addressing the Town Board or otherwise during a meeting disturbs the peace at a meeting will be barred from further participation and lose any balance of time remaining for his or her comment.
16. If a speaker who violates these rules refuses to step down, the Supervisor or the presiding officer may ask the individual to be removed from the meeting room and charged with disorderly conduct in accordance with the Penal Law.

Chief  
Swann

## § 30.07 RULES OF CONDUCT AT PUBLIC MEETINGS.

### (A) Intent.

(1) These rules of conduct shall apply to the City Commission meetings and all public meetings held by boards, committees, and agencies of the city. Whenever the term **COMMISSION** is used herein, it shall also apply to the city's boards, committees and agencies. Whenever the term **MAYOR** is used herein, it shall also mean the presiding officer of the board, committee or agency.

(2) The City Commission recognizes the importance of protecting the right of all citizens to express opinions on the operation of city government and encourage citizen participation in the local government process. The Commission shall not prohibit public criticism of the policies, procedures, programs or services of the Commission, or the acts or omissions of the Commission. Citizens' expressions that go beyond the role and authority of the Commission give no privilege or protection. When citizens appear before the Commission, the Commission shall recognize all rights granted citizens under the free speech amendments to the U.S. Constitution. The Commission also recognizes the necessity for conducting orderly and efficient meetings in order to complete City business in a timely manner.

### (B) General rules.

(1) Seating capacity. Due to the need to comply with seating capacity requirements of the fire code, there may be occasions when entrance by the public to the Commission Chambers or other meeting rooms shall be limited. In the event that all available seats in the Commission Chambers are filled, members of the public will be directed to areas designated by the city outside of the Chambers.

(2) Signs, placards, banners. For public safety purposes no signs or placards mounted on sticks, posts, poles or similar structures shall be allowed in Commission Chambers or meeting rooms. Other signs, placards or banners shall not disrupt meetings or interfere with the view of others in attendance at the meeting. Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.

(3) Weapons. Members of the public attending Commission meetings shall be prohibited from bringing any weapons, or objects that may be used as weapons, excluding firearms which are subject to regulation under F.S. Chapter 790, into the Commission Chambers. Persons, bags, packages, purses, briefcases and parcels entering the Commission Chambers or other meeting rooms are subject to search.

(4) Disruptions. Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing, talking in a private conversation or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.

(5) Unwelcome physical conduct. Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.

(6) Cell phones. Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.

(7) Appropriate attire. Appropriate attire, including shoes and shirts are required in the Commission Chambers and other meeting rooms at all times.

(8) Use of seats. Persons in the audience shall not place their feet on the seats in front of them.

(C) Addressing the City Commission. Members of the public may speak at public meetings at a time to be specified by the Mayor during discussion on any ordinance, resolution, motion, workshop item, discussion item, or during the period set aside for public discussion on the City Commission agenda commonly referred to as "audience to be heard," subject to the following:

(1) General requirements.

(a) Until recognized as a speaker by the Mayor, members of the public shall remain seated while the meeting is in session.

(b) Members of the public may speak only at times designated by the Mayor.

(c) Each person addressing the Commission shall proceed to the place assigned for speaking and give his or her name and address in an audible tone of voice for the record.

(d) The Mayor shall rule out of order any member of the public who shall speak without being recognized, or who shall not address the Commission from the podium or other established speaking area.

(e) Comments shall be directed to the Commission as a body and not to individual Commission members.

(f) Speakers will not bring to the podium any items other than a prepared written statement, reference materials, writing materials or objects that have been inspected by city staff or the assigned deputy.

(g) If an individual wishes to submit written information to the City Commission, he or she may give it to the City Clerk or other administrative staff at the meeting for display or distribution.

(2) Audience to be heard.

(a) Members of the public desiring to speak at a City Commission meeting during "audience to be heard" shall fill out and return to the City Clerk, in the City Commission Chambers, the appropriate form, which must include the information needed to determine the speaker's priority as provided in subsection (C)(2)(b) below, prior to the call to order of the meeting.

(b) The City Clerk will call residents and taxpayers of the city to speak first. Others desiring to speak will thereafter be called to speak, except:

1. When the person is a user of the city's water or sewer system and wishes to be heard on a matter related to the city's water and/or sewer system;

2. When such person is a city employee; or

3. When such person is serving as an authorized representative for a person who would otherwise be permitted to be heard pursuant to the priority established in this subsection.

(c) Thirty minutes or such time needed to permit ten members of the public to speak, whichever is less, shall be set aside at the beginning of each City Commission meeting for the "audience to be heard" session. The "audience to be heard" session shall be continued at the end of the Commission meeting in the event that individuals wishing to speak are not reached during the first session.

(d) During "audience to be heard," members of the public desiring to speak may speak on any city government related matter and shall limit their discussion to items not appearing on the agenda except for items not removed from the consent agenda.

(e) Each person addressing the Commission during "audience to be heard" shall limit his or her comments to three minutes.

(3) Decorum to be maintained.

(a) Order shall be maintained at each Commission meeting and the Mayor is hereby empowered to order from the room any citizen who refuses to comply with the rules and regulations outlined in this section.

(b) City Commission meetings shall be conducted in a courteous manner. Citizens and Commission members will be allowed to state their positions in an atmosphere free of slander and threats of violence. Sufficient warning may be given by the Mayor at any time during the remarks and, in the event that any individual shall violate the rules of conduct herein set forth, the Mayor may then cut off comment or debate. At the discretion of the Mayor, a time clock may be used to display the commencement of the time for speaking and a warning sound may be heard to indicate that the appropriate time has passed.

(c) It shall be unlawful for any individual to disturb or interrupt any meeting of the City Commission. Any individual who causes a disturbance of the meeting shall be warned by the Mayor or, alternatively, by a majority vote of the Commission that the conduct is interfering with or disturbing the order of the meeting and shall be given the opportunity to cease the conduct constituting an interruption or disturbance. If, after sufficient warning, the individual fails to cease the offending conduct and continues to interrupt or disturb the meeting, the individual shall be removed from the meeting by a deputy of the Broward County Sheriffs Office or his authorized agent in attendance at the meeting if so directed by the Mayor. Once removed, the individual shall be barred from further audience for the remainder of the meeting.

(d) The use of slanderous, obscene or profane language, personally abusive attacks upon any person, physical violence or the threat thereof, or other loud and boisterous behavior which disturbs or otherwise disrupts the orderly conduct of the meeting and a failure to comply with any lawful decision or order of the Mayor or of a majority of the Commission shall constitute a disturbance. Personally abusive attacks include insults, discourteous comments and defamatory statements.

✱ (e) If the audience or a part thereof becomes unruly, the Mayor is empowered to either recess or adjourn the meeting.

(D) Violations.

(1) The Broward County Sheriff's Office shall, upon request, designate a deputy to serve as Sergeant at Arms at Commission meetings. The designated deputy shall carry out the orders and instructions of the Mayor for the purpose of maintaining order and decorum of the meeting.

The Broward County Sheriff's Office shall take any and all appropriate steps within the parameters of the law to secure the Commission Chambers and provide adequate protection for the citizens and members of the City Commission.

(2) Any person violating the provisions set forth in this section may be arrested and shall be subject to the provisions of § 10.99 of the city's Code of Ordinances.

(Ord. 91-15, passed 11-27-90; Am. Ord. 2002-70, passed 9-24-02; Am. Ord. 2008-09, passed 11-27-07; Am. Ord. 2010-37, passed 6-22-10; Am. Ord. 2012-03, passed 10-11-11; Am. Ord. 2014-18, passed 2-11-14; Am. Ord. 2019-67, passed 5-28-19)

**ADMINISTRATIVE CODE  
BOARD OF COUNTY COMMISSIONERS**

**CATEGORY:**  
Administration

**CODE NUMBER:**

**AC-1-3**

**TITLE:**

Rules of Procedure

**ADOPTED:**

4/18/1990

**AMENDED:**

12/18/91; 9/2/92; 2/1/95; 3/19/97 (Effective 6/3/97); 12/02/03; 02/06/07; 8/17/10; 10/29/13

**ORIGINATING DEPARTMENT:**

County Manager

**PURPOSE/SCOPE:**

Providing for Rules of Procedure for Board Meetings, Appointments of Additional Boards and Commissions, Procedure for Adopting Ordinances, and execution of County-approved documents, among other matters.

**POLICY/PROCEDURE:**

**BE IT ORDAINED BY THE COUNTY COMMISSION OF LEE COUNTY, FLORIDA**

**SECTION I:** This Code shall be known by its short title: "Rules of Procedure"

**SECTION II:** **RULES OF PROCEDURE**

The following Rules of Procedure shall govern all meetings of the County Commission namely:

**RULE 1.01 - GOVERNING RULES**

Except as may be provided for by these rules; questions of order, the methods or organization and the conduct of business of the Commission shall be governed by Robert's Rules of Order in all cases to which they are applicable.

The General Rules of the Board are:

Courtesy to all  
Justice to all  
The rule of the majority  
The rights of the minority  
Partiality to none

**RULE 1.02 - REGULAR MEETINGS**

The County Commission shall hold regular meetings on the First and Third Tuesday of each month. These meetings shall begin at 9:30 AM. Public Hearings are to be scheduled on the First and Third Tuesday meetings. Every regular meeting will have a scheduled time frame for public discussion on pending Consent and Administrative items scheduled for that meeting. When the day fixed for any such regular meeting falls on a day designated by law or policy as a legal, national or religious holiday, such meeting may be held on the next succeeding day not a holiday or such meeting may be canceled at the discretion of the County Commission. Regular meetings may be otherwise postponed or canceled by a resolution or motion adopted at a regular meeting by a majority of the Commissioners present. Notice of the postponement or cancellation of any regular meeting shall be published in a newspaper of general circulation at least once. All regular meetings shall be held in the County Courthouse or such place as may be approved by resolution or motion adopted at a regular meeting by a majority of Commissioners present and shall be open to the public and all news media.

**RULE 1.03 - SPECIAL MEETINGS, EMERGENCY MEETINGS**

- A) A special meeting of the County Commission may be called by the Chair or by consent of the majority of the Commissioners. Whenever a special meeting is called, notice shall be given to the Clerk by County Administration. County Administration shall forthwith serve either verbal or written notice upon each Commissioner stating the date, hour and place of the meeting and the purpose for which such meeting is called. At least twenty-four hours must elapse between the time the Clerk receives notice in writing and the time the meeting is to be held. Provided, however, if a determination to hold a special meeting is reflected upon the record of any County Commission meeting, no additional notice is necessary.
- B) An emergency meeting of the County Commission may be called by the Chair or by consent of the majority of the Commissioners whenever an emergency exists which requires immediate action by the Commission. Whenever such emergency meeting is called, County Administration shall notify the Clerk and serve either verbal or written notice upon each Commissioner, stating the date, hour and place of the meeting and the purpose for which it is called. Sufficient time shall elapse between the time the Clerk receives notice to properly notify the news media.
- C) If after reasonable diligence, it was impossible to give notice to each Commissioner, such failure shall not affect the legality of the meeting if a quorum be in attendance. All special or emergency meetings shall be open to the public and shall be held and conducted in the Lee County Courthouse or other suitable County building. Minutes thereof shall be kept by the Clerk.
- D) Anything herein to the contrary notwithstanding, notice of any special or emergency meeting of the County Commission may only be waived by a majority of the Commissioners. No special or emergency meeting shall be held unless notice thereof is given in compliance with the provisions of this section or notice thereof is waived by a majority of the Commissioners. No special or emergency meeting shall be held unless notice thereof is given in compliance with the provisions of this section or notice thereof is waived by a majority of the Commissioners. Notice in compliance with the "Sunshine Law" must be given and may not be waived.



**RULE 1.04 - AGENDAS**

There shall be an official agenda for every regular meeting of the County Commissioners, which shall determine the order of business conducted at the meeting. The official Agenda shall consist of the public discussions to be heard on scheduled Consent and Administrative Action items, scheduled Public Hearings, the Public Presentation of Matters by Citizens, as applicable, Appeals, and any other item(s) as directed by the Commission. The Agenda listing will be published in a daily newspaper prior to the Tuesday meeting. The County Commission shall not take action upon any matter, proposal, or item of business which is not listed in the official Agenda, unless a majority of the entire Commission shall have first consented to the presentation thereof for consideration and action, except for emergency, or other matters presented during the Public Presentation of Matters by Citizens.

All requests to be included on the scheduled Public, Administrative, Consent and Appeals Agendas shall be submitted pursuant to Administrative Code 1-2 (AC-1-2).

Notwithstanding any prior practice, tradition or informal Board policy, Commissioners may not request nor obtain through any means, an automatic continuance of any agenda item or public hearing. All requests for continuance of an agenda item, specifically including matters previously advertised for a public hearing, require Board approval to be effective. As a result, no person is entitled to rely for any reason, upon any assurances made by County Staff, a Commissioner or Commissioner's assistant that an agenda item or public hearing will be continued. Requests for continuance will be made in writing, include an explanation of the reasons why the continuance is needed and be granted only by a majority vote of the Board in open session.

**RULE 1.05 - CHAIR PRESIDING OFFICER, DUTIES**

The Chair of the Commission shall preside at all meetings at which the Chair is present. In the absence of the Chair, the Vice Chair of the Commission shall preside. The presiding officer shall preserve strict order and decorum at all meetings of the Commission. In the absence of both the Chair and the Vice Chair, the most senior available Commissioner shall serve as the presiding officer and shall state every question coming before the Commission and announce the decision of the Commission on all matters coming before it. A majority vote of the Commissioners present shall govern and conclusively determine all questions of order not otherwise covered. The presiding officer may vote on all questions. The Clerk of the Commission shall certify all ordinances and resolutions adopted by the Commission. In the absence of the Chair or in the event of the Chair's inability to serve by reason of illness or accident, the Vice Chair shall perform the duties and functions of the Chair until the Chair's return or recovery and resumption of duty. In the absence of both the Chair and the Vice Chair, the most senior available Commissioner shall assume the duties of the Chair and Vice Chair until his or her return.

For purposes of this Rule, the term "most senior" will mean the most cumulative time in office as a Lee County Commissioner; which will include time as a Commissioner that may be separated by time out of office.

**RULE 1.06 - AUTHORITY OF THE CHAIR**

- A) May call a Commissioner to order if the Commissioner's remarks are not relevant to the subject under discussion, or for lack of decorum.

AC-1-3 (Continued)

- B) Is obligated to vote on each motion in which the Chair has no conflict of interest. No abstentions.
- C) May discuss a motion as any other Commissioner without relinquishing the Chair.
- D) May call for a reading of the motion after discussion, but before voting.
- E) In the event of a tie vote, shall rule the motion is defeated.
- F) Shall recognize Commissioners in the order of their request to speak, except the maker of the motion may be the first speaker.
- G) Is authorized to appoint Board-member committees or designate members to other committees or boards consisting of County Commissioner's, if no objection is raised. If there is objection, the Chair is obliged to call for a motion which must be seconded to determine the result by a majority vote. This motion is debatable and is amendable.
- H) May call a recess for a definite period if no objection is raised. If there is objection, the Chair is obliged to call for a motion which must be seconded to determine the result by a majority vote. This is not debatable, but is amendable as to time.
- I) May refer the subject to the next regular meeting, if no objection is raised. If there is objection the Chair is obliged to call for a motion which must be seconded to determine the result by a majority vote. This is debatable and amendable.
- J) If no motion is pending, may ask, "Is there any further business?" Hearing no response, the Chair may then state, "Since there is no further business, the meeting is "in recess" (when applicable), or "adjourned." If there is objection, the Chair is obliged to call for a motion which must be seconded to determine the result by a majority vote. This is not debatable nor amendable.

**RULE 1.07 - AUTHORITY OF THE COMMISSIONERS**

- A) Must vote on every motion in which the Commissioners have no conflict of interest. No abstentions.
- B) May, only after recognition by the Chair, introduce motions, discuss subjects and vote.
- C) May request to consider a subject informally, if no objection. If there is objection, the Commissioners are obliged to put a motion which must be seconded to determine the result by a majority vote. This is debatable, but not amendable.
- D) May appeal a decision of the Chair without a second. This is debatable if the question was debatable, is not amendable and is decided by a majority vote.
- E) May move to recess, stating a definite time. This takes a second and is decided by a majority vote. It is not debatable, but the time is amendable.
- F) May move to refer the subject to the next regular meeting. This must be seconded, decided by a majority vote, is debatable and amendable.

- G) If no motion is pending, may move to adjourn. Upon the completion of the Agenda, an adjourned meeting may be "moved" by specifying time and date before or on the date of the next regular meeting. These motions are seconded and decided by a majority vote. They are not debatable, but are amendable as to time.
- H) All Commissioners, including the Chair, may second motions.
- I) Notwithstanding any prior practice, tradition or informal Board policy, Commissioners may not request nor obtain through any means, an automatic continuance of any agenda item or public hearing. All requests for continuance of an agenda item, specifically including matters previously advertised for a public hearing, require Board approval to be effective. As a result, no person is entitled to rely, for any reason, upon any assurances made by County Staff, a Commissioner or Commissioner's assistant that an agenda item or public hearing will be continued. Requests for continuance will be made in writing, include an explanation of the reasons why the continuance is needed, and be granted only by a majority vote of the Board in open session.
- J) May, at a regular meeting, request to discuss a "Commissioner Item" seeking majority Commission approval for consideration of the matter at a later meeting as a regular agenda item. A "Commissioner Item" may include any prospective matter of public business. A "Commissioner Item" may not include:
  - i) addressing prior affirmative votes of the Commission,
  - ii) matters involving contracts upon which reliance is had, funds have been expended and the positions of Parties have changed, or performance made that cannot be practically undone,
  - iii) is financially imprudent, or
  - iv) requires approval of the Board at the same meeting when the "Commissioner Item" is raised for an expenditure of funds.

**RULE 1.08 - PARLIAMENTARIAN**

The County Attorney or designee in his or her absence, shall act as Parliamentarian, and shall advise and assist the presiding officer in matters of parliamentary law.

**RULE 1.09 - ATTORNEY**

The County Attorney or such member(s) of the office as may be designated, shall attend and be available for legal consultation to the Commission at all meetings.

**RULE 1.10 - COUNTY MANAGER**

The County Manager or designee(s) shall attend all meetings of the Commission.

**RULE 1.11 - CALL TO ORDER**

The Chair shall take the Chair at the hour appointed for the meeting, and shall call the Commission to order immediately. In the absence of both the Chair and the Vice Chair, the most senior available Commissioner shall assume the duties of the Chair until the Chair's return.

Upon the arrival of the Chair or the Vice Chair, the temporary Chair shall relinquish the Chair upon the conclusion of the business immediately before the Commission at that time.

For purposes of this Rule, the term "most senior" will mean the most cumulative time in office as a Lee County Commissioner; which will include time as a Commissioner that may be separated by time out of office.

**RULE 1.12 - QUORUM**

A majority of the whole number of Commissioners shall constitute a quorum. No ordinance, resolution or motion shall be adopted by the Commission without the affirmative vote of the majority of all Commissioners present.

**A) LACK OF QUORUM - COMPREHENSIVE PLAN HEARINGS, LAND USE ORDINANCE ADOPTION HEARINGS AND ZONING HEARINGS:**

Should no quorum attend within thirty minutes after the hour appointed for the meeting of the Commission to hear these matters, the County Attorney, or designee, shall announce that the hearing is canceled for lack of a quorum and the hearing shall be rescheduled and readvertised following the procedures set forth in Section 125.66 and Chapter 163, Florida Statutes.

**B) LACK OF QUORUM - ALL OTHER MATTERS:**

Should no quorum attend within thirty minutes after the hour appointed for the meeting of the Commission, the Chair or the Vice Chair or in their absence, the Clerk or designee may adjourn the meeting until the next day, unless by unanimous agreement of those Commissioners present, select another hour or day. The names of the Commissioners present and their action at such meeting shall be recorded in the minutes by the Clerk.

**RULE 1.13 - ORDER OF BUSINESS**

All meetings of the Commission shall be open to public attendance and participation pursuant to the rules as set out herein. Promptly at the hour set for each meeting, the Commissioners, the County Attorney, the County Manager, and the Clerk shall take their regular stations in the designated location and all the scheduled business of the Commission shall be taken up for consideration and disposition in accordance with the agenda for the meeting.

**RULE 1.14 - RULES OF DEBATE**

**A) QUESTION UNDER CONSIDERATION:**

When a motion is presented and seconded, it is under consideration and no other motion shall be received thereafter, except to adjourn, to lay on the table, to postpone, to substitute, or to amend until the question is decided. These motions shall have preference in the order in which they are mentioned and the first two shall be decided without debate. Final action upon a pending motion may be deferred until a date certain by a majority of the Commissioners present.

**B) TAKING THE FLOOR; IMPROPER PERSONAL COMMENTS TO BE AVOIDED:**

Every Commissioner desiring to speak for any purpose shall address the Chair, and upon recognition, shall confine the discussion to the question under debate avoiding personal comments towards other Commissioners, staff or members of the public, and any indecorous language.

**C) INTERRUPTION:**

A Commissioner, once recognized, shall not be interrupted when speaking, unless the Commissioner is called to order, or as otherwise provided for herein. If a Commissioner while speaking is called to order, the Commissioner assigned the floor shall cease speaking until the question of order is determined by the Chair, and if in order, the Commissioner will be permitted to proceed. Any Commissioner may appeal to the Commission as a whole from the decision of the Chair upon a question or order, when without debate, the Chair shall submit to the Commission the question, "Shall the decision of the Chair be sustained?" and the Commission will decide by a majority vote.

**D) PRIVILEGE OF CLOSING DEBATE:**

The Commissioner moving the adoption of an ordinance or resolution shall have the privilege of closing the debate by requesting the Chair call the question.

**E) ROLL CALL:**

Upon any roll call vote, there shall be no discussion by any Commissioner voting and each Commissioner shall vote either yes or no. Any Commissioner, upon voting, may give a brief statement to explain his or her vote. A Commissioner shall have the privilege of filing with the Clerk a written explanation of his or her vote. A Commissioner may abstain from voting on any matter, only in the event said Commissioner shall have a real conflict of interest, which conflict shall be made known on the record of the meeting and filed with the Supervisor of Elections pursuant to law.

**F) CONFLICT OF INTEREST:**

No Commissioner shall participate in the discussion or vote upon any matter under consideration wherein a conflict of interest exists as defined in Chapter 112, Florida Statutes, as it may be amended or renumbered from time to time. Such a conflict of interest must be made known on the record and in writing.

**G) MOTION TO RECONSIDER:**

If a motion has been either adopted or defeated during a meeting, and any Commissioner who voted on the prevailing side of the vote desires to have the vote reconsidered, such a Commissioner may make the motion to Reconsider.

This motion may only be made by a Commissioner who voted on the prevailing side. For example, if the motion was adopted, the motion to Reconsider can be made only by a Commissioner who voted in favor of the motion, or if the motion was defeated, then only by a Commissioner who voted against it. The motion to Reconsider can, however, be seconded by any Commissioner, no matter how they voted.

A motion to Reconsider can be made only on the same day on which the vote sought to be considered was taken. Once a meeting of the Commission has adjourned, the motion to reconsider is no longer available to any Commissioner.

**H) MOTION TO RESCIND**

Once a meeting is adjourned and the time has passed for a Motion to Reconsider, then at the next regular meeting with a full Board present, a Commissioner may make a motion to Rescind the Board's action(s) from the preceding meeting.

The Motion to Rescind may be made by any Commissioner regardless of how that Commissioner voted on the original motion.

The motion to Rescind will only be adopted if approved by a 2/3 ("Super Majority") affirmative vote of the entire membership of the Commission.

**I) CHANGE OF VOTE:**

Any Commissioner may change his or her vote before the next item is called for consideration, or before a recess or adjournment is called, whichever first occurs.

**RULE 1.15 - READING MINUTES**

Unless a reading of the minutes of a meeting is requested by a majority of the Commission, such minutes, when approved by the Commission and signed by the Chair and the Clerk, shall be considered approved without reading; provided, that the Clerk deliver a copy thereof to each Commissioner and to the County Attorney at least two full working days preceding the meeting. The minutes of prior meetings may be approved by a majority of the Commissioners present, and upon such approval, shall become the official minutes.

**RULE 1.16 - METHOD OF VOTING**

Upon every roll call vote if taken, the names of the Commissioners shall be called by districts, except that the District Commissioners shall be rotated after each roll call vote, so that the Commissioners who voted first on a preceding roll call shall vote last upon the next subsequent matter; provided, the District Commissioner shall call the roll, tabulate the votes, and announce the results. The vote upon any ordinance, resolution, motion or other matter may be by voice vote,

provided that the Chair or any Commissioner may ask a roll call vote to be taken upon any ordinance, resolution or motion.

**RULE 1.17 - ADDRESSING THE COMMISSION**

**A) AGENDA ITEMS**

All proceedings and the order of business at all meetings of the Commission will be conducted in accordance with the official Agenda. Any departure from the order of business set forth in the official Agenda will be made only upon majority vote of Commissioners present at the meeting. Each published Agenda for a Board meeting must include a period for public comment that must commence and conclude prior to the undertaking by the Board of any action on the Agenda; however, pursuant to Florida Statutes, Section 286.011(3), public comment on an item does not apply to:

- An official act that must be taken to deal with an emergency situation affecting the public health, safety, or welfare, if compliance with the requirements would cause an unreasonable delay in the ability of the Board or Commission to act;
- An official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations;
- A meeting that is exempt from Florida Statutes, Section 286.011; or
- A meeting during which the board or commission is acting in a quasi-judicial capacity.

Any person wishing to address the Commission on scheduled Agenda items during the times set aside for "Public Comment", and/or "Public Hearings" must complete and turn in a Commissioner "Speakers Card." Each speaker may address the Commission and will limit his /her presentation to no more than three minutes as detailed in Rule 1.18 – Addressing Commission.

**B) NON-AGENDAED**

On the Board's regularly scheduled Tuesday meetings and during the time scheduled under the Agenda section set aside for "Public Presentation of Matters by Citizens", any citizen is entitled to address the Board on any matter within the scope of the jurisdiction of the Board. Speakers wishing to address the Commission during "Public Presentation of Matters by Citizens" must fill out a Commissioner "Speakers Card" and will limit his/her presentation to no more than three minutes as detailed in Rule 1.18 – Addressing Commission.

**C) APPEALS**

Appeals of decisions of the Hearing Examiner, appeals of administrative interpretations of the Lee Plan, and other types of appeals from Administrative or lower board decisions are not "Public Hearings" for purposes of this Code, notwithstanding the description of such proceeding in the applicable ordinance as being a "Public Hearing". Such appeals instead will be heard on a separate part of the Agenda which is specifically reserved therefore and identified as such. In such appeals, the right to address the Board will be limited only to those

persons who are given such privilege pursuant to applicable ordinances or other administrative codes.

**RULE 1.18 - ADDRESSING COMMISSION, MANNER, TIME**

Each person addressing the Commission shall step up to the podium, shall clearly state his or her name in an audible tone of voice for the minutes, and unless the matter has been reviewed by the appropriate County staff personnel, shall limit his or her presentation to three minutes. All remarks shall be addressed to the Commission as a body and not to any single Commissioner thereof. No person, other than Commissioners and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Commission, without the permission of the Board. No question shall be asked of any Commissioner except through the Chair.

**RULE 1.19 - DECORUM**

Order will be preserved. No person shall, by speech or otherwise, delay or interrupt the proceedings or the peace and decorum of the Commission, or disturb any person having the floor. No person shall refuse to obey the lawful orders of the Chair or the Commission. Any person making irrelevant, impertinent or slanderous remarks or who becomes boisterous while addressing the Commission shall not be considered orderly or decorous. Any person who becomes disorderly or who fails to confine remarks to the identified subject or business at hand shall be cautioned by the Chair and given the opportunity to conclude remarks on the subject in a decorous manner and within the designated time limit. Any person failing to comply as cautioned shall not be allowed to continue speaking unless permission to continue or again address the Commission is granted by the majority vote of the Commissioners present.

Upon failure of the Chair to maintain decorum, a call for "Point of Order" by a Commissioner shall require business proceedings to cease until decorum is restored.

The Lee County Sheriff or designee shall carry out all reasonable orders and instructions given by the Chair for the purpose of maintaining order and decorum at the Commission meeting including directions to escort disruptive persons back to his or her seat, remove them from the meeting, or arrest any such individuals who violate the order and decorum of the meeting and will not promptly leave the premises voluntarily.

**RULE 1.20 - PERSONS AUTHORIZED BEYOND THE PODIUM**

No person, except County officers or their representatives shall be permitted beyond the podium or staff desks in front of the Commission without permission from the Board during the course of a meeting, and no person shall be permitted to disturb any Commissioner while on the floor during any meeting without the express permission of the Commission.

**RULE 1.21 - COMMITTEES**

The Board of County Commissioners may resolve itself into a Committee of the Whole at any regular or special meeting and select a Chair to preside over such meeting of the Committee of the Whole. The Board is further authorized to appoint standing committees which shall continue in existence until dissolved by vote of a majority of the Commissioners present at any regular meeting, or at a special or emergency meeting called for that purpose. Whenever the Commission deems it



necessary or desirable that the Commission shall be represented at meetings, conferences or other occasions involving other governmental entities, agencies, officials or groups, or non-governmental organizations, departments, agencies, or officials of the County Government, the Chair may designate a Commissioner or Commissioners, or the Chair, to represent the Commission at such meetings, conferences, or other occasions. Such representatives shall have no power to act for or on behalf of the Commission or the County, unless previously authorized by a vote of the majority of the Board. Such representative shall report to the Commission either orally or in writing with regard to such meeting, conference or other occasion.

**RULE 1.22 - ORDINANCES, RESOLUTIONS, MOTIONS, CONTRACTS AND OTHER DOCUMENTS, EXECUTION**

**A) PREPARATION OF ORDINANCES**

The County Attorney, when requested or directed, shall prepare ordinances and resolutions which shall be delivered to the Commission for consideration.

Ordinances will be introduced only by the County Attorney or designee before consideration by the Commission. Copies of all proposed ordinances shall be furnished to each Commissioner, shall be made available to all interested persons and be duly advertised.

**B) APPROVAL OF ORDINANCES BY COUNTY ATTORNEY**

All ordinances, resolutions and contract documents, before presentation to the Commission, shall have been reduced to writing and shall have been approved as to form and legality by the County Attorney. Prior to presentation, all such documents may be referred to the head of the department or division under whose jurisdiction the administration of the subject matter of the ordinance, resolution or contract would involve.

**C) WHEN ACTION TO BE TAKEN BY RESOLUTION OR ORDINANCE**

All actions of the Commission may be taken by resolution or ordinance except that any action of the Commission which provides a penalty or establishes a rule or regulation for the violation of which a penalty is imposed, must be by ordinance. Approval of purely administrative matters may be accomplished by motion duly adopted and recorded in the minutes of the meeting.

**D) NUMBERING OF RESOLUTIONS AND ORDINANCES**

All resolutions and ordinances, shall be numbered consecutively by the Clerk upon their passage.

**E) EXECUTION OF COUNTY LEGISLATION AND DOCUMENTS: ORDER OF COMMISSIONERS SIGNATORY AUTHORITY**

The Chair of the Board of County Commissioners shall on behalf of the Board and upon an affirmative vote of the Commissioners on matters coming before the Board at a regular or special (emergency) meeting, sign all orders, resolutions, ordinances, regulations, contracts, agreements, applications, settlements, leases, closing documents for assets and/or bond issuances and all other documents duly authorized by the Board. In the absence of the Chair,

the Vice Chair shall sign all such documents. In the event of the absence of both the Chair and the Vice Chair, the most senior available Commissioner shall be authorized to sign all such documents as required without further action of the Board.

For purposes of this Rule, the term "most senior" will mean the most cumulative time in office as a Lee County Commissioner; which will include time as a Commissioner that may be separated by time out of office.

**SECTION III: APPOINTMENT OF ADDITIONAL BOARDS AND COMMITTEES**

The Board of County Commissioners shall have the power to designate or create by resolution or specific direction by a majority vote of the Board, such other boards, committees or commissions as may be necessary for the administration of the affairs of the County, and shall provide the duties and powers of the officers and members of such boards or commissions.

Members of these boards shall serve without compensation unless otherwise specified by County resolution. All such boards shall be part of the County Government and shall utilize the services of County Administration and the County Attorney's Office, except in instances where outside counsel is specifically retained by the Commission to avoid conflicts of interest with the County Attorney's Office.

The length of term of appointees and methods of appointment shall be specified in the enabling legislation. Vacancies occurring in the membership of any board or commission shall be filled for the remainder of the unexpired term in the manner providing for the original appointment. Members of boards and commissions may be removed for cause by a majority vote of the Commission.

County Administration shall be responsible for maintaining an accurate and up-to-date roster of all boards, commissions, and their respective memberships, and shall advise the Commission prior to the expiration of any appointments.

**SECTION IV: ORGANIZATION AND REORGANIZATION OF THE BOARD OF COUNTY COMMISSIONERS**

Chapter 125, Florida Statutes, and the Lee County Charter (Lee County Ordinance No. 96-01, as amended), provide that the legislative and governing body of a County shall have the power to carry on County Government to the extent not inconsistent with general or special law. This power shall include, but shall not be limited to, the power to adopt its own rules and procedures, select its officers and set the time and place of its meetings.

**RULE 4.01 - ANNUAL ORGANIZATION**

The Board of County Commissioners of Lee County, Florida, shall annually, on the third Tuesday of November, organize or reorganize the officers of the Board as to designating or redesignating a Chair and Vice Chair. The Chair and Vice Chair shall serve a one (1) year term, unless the Board shall reorganize as set forth in the procedures below.

The Clerk to the Board or the Deputy Clerk to the Board shall be present and conduct the meeting until a Chair has been selected. The organization of the Board will be the first item on the Agenda for that day.

**RULE 4.02 - PROCEDURE FOR ANNUAL ORGANIZATION**

The Clerk shall call for nominations of the Chair and after a Commissioner has been recognized by the Chair, a Commissioner may place in nomination a name for the Chair. The nomination does not require a second. The Chair must call for nominations until an affirmative vote is received to close the nomination. The election of the Chair will be upon roll call, there shall be no discussion by any Commissioner voting. Members shall vote "Yes" or "No". After a new Chair is elected, the Vice Chair's election shall be held in the same manner by the newly elected Chair.

**RULE 4.03 - REORGANIZATION OF THE BOARD**

Any Commissioner may, at any regular or special called meeting of the Board, after being duly recognized by the Chair, request a reorganization of the Board. For this purpose the Commissioner, upon being recognized shall request Special Privilege. The rule governing Special Privilege does not require a second and is not debatable, however, the question of privilege is decided by the Chair. If the Chair elects to grant Special Privilege of reorganization the procedure for organization as outlined above shall proceed. If the Chair elects to deny the question of Special Privilege unless further action is taken, the ruling of the Chair is final. If any Commissioner wishes to enforce the Special Privilege Rule, he must call for the "Orders of the Day". The rule governing this motion does not require a second but does require a 2/3 negative vote not to proceed to the Orders of the Day. If the Orders of the Day motion is an affirmative, the reorganization takes place as outlined under Organizational Procedures.

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## **Procedure for Meetings**

It is the intent of the Board of County Commissioners to provide for the smooth and orderly functioning of the business of the Commission, boards and committees. As the County's procedure calls for the Chairperson to set the Rules of Procedure, the following procedures are established for all Regular, Special, Emergency and Workshop Meetings of the Board of County Commissioners and for all public meetings of all boards and committees established or appointed by the Commission. These rules may be modified as circumstances dictate.

### **Regular, Special & Emergency Meeting Times**

Regular meetings of the Commission shall commence at 9 A.M. Special meetings and Emergency meetings shall begin at the time provided in the notice. Public meetings of other boards and committees shall commence at the time determined by the Chairperson of the board or committee, or as required by Ordinance, Resolution, or law.

### **Workshop Meetings**

The purpose of a workshop meeting is to allow staff to make presentations and to allow questions by the Commission, board, or committee members. Public comment shall be allowed consistent with these Rules. Workshop meetings are noticed as Special Meetings and official action may be taken upon any of the items discussed at the workshop meeting and any of the items of official business that require immediate consideration and decision.

### **Chairman Presiding Officer Duties**

The Chairperson of the Commission, board or committee shall preside at all meetings at which the Chairperson is present. In the absence of the Chairperson, the Vice Chairperson shall preside. The presiding officer shall preserve strict order and decorum at all meetings. The maker of the motion shall repeat every motion and the Chairperson will announce the decision. A majority vote of the members present shall govern and conclusively determine all questions of order not otherwise covered. The Chairperson may vote on all

questions, the Chairperson's name being called last when a roll call is requested. In the absence of the Chairperson or in the event of the Chairperson's inability to serve by reason of illness or accident or other reason, the Vice Chairperson shall perform the duties and functions of the Chairperson until the Chairperson's resumption of duty.

## **Issues of Law or Matters of Procedure**

The County Attorney shall advise and assist the Chairperson on issues of law and matters of procedure.

## **Agenda**

There shall be an official agenda for every public meeting, which shall determine the order of business conducted at the meeting. A portion of the agenda may be designated as a consent agenda, and all items contained therein may be voted on with one motion; except that any member may withdraw an item from the consent agenda, and it shall be voted on individually. Any departure from the order of business set forth in the official agenda shall be made only upon majority vote of the members of the Commission, board or committee present at the meeting.

Additions, deletions, or corrections to the agenda may be considered by the Commission, board or committee and adopted by the passage of a single motion. This shall include items of emergency. The agenda shall be prepared by the County Manager, or his designee. There shall be provided on the agenda an opportunity for the public to address the Commission, board or committee on any item on the agenda in addition to public hearings. Any person may submit a request to add an item to an upcoming agenda, by contacting any member or the County Manager.

## **Citizen's Input**

Members of the public shall be given a reasonable opportunity to be heard on a proposition that is on the agenda before the Commission, board or committee. The opportunity to be heard need not occur at the same meeting at which official action is taken on the proposition if the opportunity occurs at a meeting that is during the decision making process and is within reasonable proximity in time before the meeting at which the official action is taken.

## **Input Process/Requirements**

- A person wishing to speak shall approach the podium when the Chairperson calls for public comment.
- The person speaking shall first state their name and address.
- All remarks shall be limited to no more than three minutes, unless the Chairperson extends the time. Remarks shall be addressed to the Commission, board or committee, as a body and not to any specific member. Representatives of groups or factions on a proposition being considered may address the Commission, board or committee, rather than all members of such groups or factions, at meetings in which a large number of individuals wish to be heard.
- Any person shall be entitled to submit written comments for consideration by the Commission, board or committee on any item on the agenda.

proposition, and may indicate his or her designation of a representative to speak for him or her or his or her group on a proposition. Written comments submitted shall be considered and entered into the record of the meeting.

## **Exemptions**

The requirements governing citizen input are not required for the following actions:

- An official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with the requirements would cause an unreasonable delay in the ability of the board or commission to act
- An official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations
- A meeting that is exempt from s. 286.011
- A meeting during which the board or commission is acting in a quasi-judicial capacity. This paragraph does not affect the right of a person to be heard as otherwise provided by law

## **Rules**

- No person, other than members of the Commission, board or committee and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Commission, board or committee, without the permission of the presiding officer. No question shall be asked a member of the Commission, board or committee except through the presiding officer.
- No person who has made remarks shall be allowed to make additional comments except with the permission of the presiding officer. The Chairperson shall close the citizen's input portion of the meeting upon the conclusion of the last speaker's comments. No additional citizen's input shall be allowed, except in specific response to questions by members of the Commission, board or committee, or if an extension of time for public comment is approved.
- Any person making slanderous remarks or who becomes boisterous while addressing the Commission, board or committee, shall be barred from making any additional comments during the meeting by the presiding officer, unless permission to continue or again address the Commission, board or committee is granted by the majority of the members present.
- Any person who becomes disruptive or interferes with the business of the Commission, board, or committee may be removed from the audience for the remainder of the meeting.

## **Quasi-judicial Hearings**

The following minimum standards shall apply to quasi-judicial proceedings of the Commission, board or committee, which may adopt additional procedures.

- Reasonable notice shall be provided in advance of the proceeding.

- The presiding Commission, board or committee shall be subject to all restrictions associated with ex-parte communications.
- At a minimum all parties to the hearing shall be entitled to the following:
  - An opportunity to call and examine witnesses, who shall be sworn.
  - An opportunity to introduce evidence;
  - An opportunity to cross examine witnesses; and
  - An opportunity to rebut evidence.
- The attorney for the presiding Commission, board or committee shall make rulings on any evidentiary issues presented.
- The presiding Commission, board or committee, or its attorney, may call and may question any witness, and shall make decisions based upon findings of fact.
- The Chairperson of the presiding Commission, board or committee, may order any person to appear at the hearing as a witness.
- A record of the hearing shall be compiled and preserved. The record must be in sufficient detail as to provide for judicial review, except that the County shall have no obligation to bear the costs to transcribe the hearing.

## **Voting**

Unless otherwise provided by law, ordinance or statute, when the Commission, board or committee has finished discussion and is ready to vote, the Chairperson shall call for the vote, and there shall be no further discussion by any member voting. Each member shall vote yes or no,, and silence shall be considered a "yes" vote. When a matter is brought up for a vote on a motion to approve it and the motion fails, the status quo ante shall be maintained, and the matter shall be considered denied. Such a vote shall not preclude a subsequent motion at the same meeting to approve the motion with modifications.

## **Roll Call**

Upon any roll call, there shall be no discussion by any member prior to voting, and each member shall vote yes or no.

## **Rules of Debate**

### **Chairperson**

The Chairperson may make or second any motion after relinquishing the Chair. The Chairperson shall not resume the Chair until after the Commission has acted upon the matter under consideration.

## **Getting the Floor**

Every member desiring to speak for any purpose shall address the Chairperson and, upon recognition, shall confine discussion to the question under debate.

## **Interruption**

A member once recognized shall not be interrupted when speaking unless it is to call that member to order. If a member while speaking is called to order, the member shall cease speaking until the question of order is determined by the Chairperson; and, if in order, the member shall be permitted to proceed. Any member may appeal to the full Commission, board or committee from the decision of the Chairperson upon a question of order, whereupon without debate the Chairperson shall submit to the Commission the question, "Shall the decision of the Chairperson be sustained?" and the matter shall be resolved by a majority vote of those present at the meeting.

## **Privilege of Closing Debate**

Any member may move to close debate and call the question on the motion being considered which shall be non-debatable. By request of a member, the members shall be polled to decide whether debate may be reopened

## **Committees**

Whenever the Chairperson deems it necessary or desirable that the Commission board or committee, shall be represented at meetings, conferences or other occasions involving other governmental entities, agencies, officials or groups, or non-governmental organizations, or departments, agencies or officials of the County government, the Chairperson may nominate a member to represent the Commission, board or committee at the meeting, conference or other occasion, with the consent of the nominated member. Such representative shall have no power to act for or on behalf of the Commission, board or committee or to make any commitment or binding obligation on behalf of the Commission or the County. Such representatives may report to the Commission board or committee with regard to such meeting, conference or other occasion.

## **Regular Meetings**

Regularly scheduled Bay County Commission meetings held at Bay County Government Complex, 840 West 11th Street, Panama City are broadcast by WKGC FM (90.7) AM (1480).





# BAY COUNTY *Florida*

## **Contact Us**

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# Town of Orchid

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## TOWN COUNCIL

### Town Meetings; Procedures

#### Date, Time and Place of Regularly Scheduled Meetings

The regular monthly meeting of the Town Council is scheduled every first Wednesday of the month at 9:00 a.m. held at the Orchid Island Beach Club.

#### Parliamentary Procedures

In 2018, the Town Council via Resolution adopted its own simplified Parliamentary Procedures for its official meetings, as follows:

#### Principles

The following parliamentary procedure established for and by the Town of Orchid is built on a foundation supported by the following four pillars:

- **Establishing order.** The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
- **Providing clarity.** Simple rules lead to wider understanding and participation, while complex rules create opacity and can foster a fear of participation in those who do not fully understand them.
- **User-friendliness.** That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process.

Enforcing the will of the majority while protecting the rights of the minority. The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision making by the body. In a democracy, it is the majority that rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, while fully participating in the process.

## Sunshine Law

The Town Council of the Town of Orchid and its Council-appointed Committees, hereinafter referred to simply as "Committees", are subject to Florida's Sunshine Law. No two members of the Council or a Committee may discuss town business outside of a properly noticed and public meeting at which there is a quorum and at which minutes are being taken. The Town Clerk is tasked with taking minutes of all meetings of the Town Council and any of its Committees, unless other arrangements are made.

## Establishing a Quorum

The starting point for a meeting is the establishment of a quorum, which is defined as the minimum number of members of the body who must be present at a meeting for business to be legally transacted. A quorum is the number of members that equals half the total body plus one. If a body has fewer than the required number of members present for a quorum, it cannot legally transact business.

Even if the body has a quorum to begin the meeting, the body can lose the quorum during the meeting when a member departs. When that occurs, the body loses its ability to transact business until and unless a quorum is reestablished. Although the Town of Orchid's Charter allows Councilmembers to teleconference into a meeting, the quorum of a meeting is established only with members who are physically present at the meeting.

Members of Committees are not permitted to teleconference into their meetings.

## The Role of the Mayor and Committee Chair

While all members of the body should know and understand the rules of these parliamentary procedures, it is the Mayor/Chair of the body who is charged with applying the rules of conduct of the meeting and who should be well versed in those rules. It is up to the Mayor/Chair to ensure order at the meeting, to keep track of proper motion-making processes and to steward the discussion of items according to the agenda. The Mayor/Chair should allow each member of the body the opportunity to participate fully.

The Mayor/Chair must also guide public participation. To facilitate the understanding of the meeting by the public, it's important for the Mayor/Chair to be mindful of the following:

1. Tell the public what the body will be doing.
2. Keep the public informed while the body is doing it.
3. When the body has acted, tell the public what the body did.

In the absence of the Mayor/Chair, it is the Vice-Mayor/Vice-Chair who takes the responsibility of running the meeting. In the absence of the Mayor and Vice-Mayor/Chair and Vice-Chair, the body selects from its members a member to run the meeting.

## Basic Format for Agenda Item Discussion

Meetings are governed by the agenda, which constitutes the roadmap for the meeting. Each agenda item should be handled by the Mayor/Chair in the following basic format:

*First*, the Mayor/Chair announces the agenda item and states the item's subject. The Mayor/Chair then explains the format that will be followed in handling the agenda item. If the item is an Ordinance or Resolution, then the next step is to ask the Town Clerk to read the title of the Ordinance or Resolution. In the case of an Ordinance, the Mayor/Chair should advise the members of the body and the public what reading (i.e. first, second, etc.) is being addressed.

*Second*, the Mayor/Chair invites the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the Mayor/Chair him/herself, a member of the body, a staff member, or an outside expert charged with providing input on the agenda item.

*Third*, the Mayor/Chair asks members of the body if they have any clarifying questions of the person or persons who reported on the item, and that person or persons should be given time to respond.

*Fourth*, if a public hearing is part of the agenda item's format, then the Mayor/Chair formally opens the public hearing for public input. If numerous members of the public indicate a desire to speak on the subject at hand, the Mayor/Chair may limit the time of public speakers to 3 minutes each per Resolution No. 2013-07. The Mayor/Chair asks each member of the public to first state his/her full name before making any comments. Members of the public should only address the Mayor/Chair; a back and forth between members of the body and the public should be avoided. Questions may be answered, but this is not required. At the conclusion of the public comments, the Mayor/Chair formally closes the public hearing. It may be necessary to continue a public hearing to another specific date, time and place; this may be handled with the guidance of the Town Attorney and the Mayor/Chair may wish to keep the public hearing open beyond the final comments for this reason.

*Fifth*, the Mayor/Chair asks members of the body and staff for any comments they may have, before calling for a motion.

*Sixth*, once a motion is made, the Mayor/Chair announces the name of the member of the body who made the motion. The Mayor/Chair may choose to make a motion him/herself if no other member makes a motion. If no motion is necessary, as may be the case with a discussion item for example, then the Mayor/Chair may invite discussion before moving to the next agenda item.

*Seventh*, the Mayor/Chair determines if any member of the body wishes to second the motion. The Mayor/Chair announces the name of the member of the body who seconded the motion. If the motion is not seconded, then the motion dies and the Mayor/Chair announces this.

*Eighth*, if the motion is made and seconded, the Mayor/Chair makes sure the motion is clear for the record.

*Ninth*, the Mayor/Chair invites discussion of the motion by the body. If there is no desired discussion, or after the discussion has ended, the Mayor/Chair announces that the body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion may proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, it may be helpful to repeat the motion.

*Tenth* it is important that the Mayor/Chair knows whether a simple majority, a unanimous vote or a roll call vote is required for the motion to be successfully carried. The Town Attorney can offer guidance.

- If the motion requires a roll call vote, then the Mayor/Chair asks the Town Clerk to proceed with a roll call vote.
- If the motion does *not* require a roll call vote, the Mayor/Chair simply asks who is in favor of the motion and then who is not.

*Eleventh*, the Mayor/Chair announces the result of the vote - whether the motion carries or is defeated- and what action the body has taken. In announcing the result, the Mayor/Chair should include the names of the members of the body, if any, who voted in the minority on the motion. This announcement might take the following form:

*"The motion carries by a vote of 3-2, with Councilmembers Smith and Jones dissenting. The motion allowing ... has passed."*

or

*"The motion carries unanimously. The motion requiring ... has passed."*

To allow flexibility due to the vastly different agenda items that can come before a body, the Mayor/Chair is given leeway to adjust the above procedure as best suits the decision-making process. For instance, it may be beneficial for some of the discussion to take place before a motion is formulated. The Mayor/Chair must use this flexibility judiciously. Meetings that are run consistently are easier for the members of the body to participate in and are more transparent to members of the public.

Quasi-judicial hearings may have to be attended to in a slightly different manner as described above. The Town's legal counsel will ensure that the correct proceedings for such a hearing are made clear to and followed by those in attendance. [See more information below.]

## Calling for a Motion

Motions are the vehicles for decision making by a body. It is best practice to have a motion before the body prior to commencing discussion of an agenda item; however, it may be favorable in some instances for the discussion to start before a motion is formulated. Either way, the Mayor/Chair usually initiates the motion in one of three ways:

1. Inviting the members of the body to make a motion, for example, "*A motion at this time would be in order,*" or "*Do I have a motion?*"
2. Suggesting a motion to the members of the body, "*A motion would be in order that we give a 10-day notice in the future for all our meetings.* "
3. Making the motion. The Mayor/Chair has every right as a member of the body to make a motion, but should normally do so only if the Mayor/Chair wishes to make a motion on an item and is convinced that no other member of the body is willing to step forward to do so at this particular time.

A motion in most cases should start with the words "move ... "

## Three Basic Motions

There are three motions that are the most common and recur often at meetings:

The basic motion: The basic motion is the one that puts forward a decision for the body's consideration. A basic motion might be: "*I move that we create a five-member committee to plan the annual fundraiser.* "

The motion to amend: If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: "*I move that we amend the motion to have a 10-member committee.*" A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

A friendly amendment is a practical parliamentary tool that is simple, informal, saves time and avoids bogging a meeting down with numerous formal motions. It works in the following way: In the discussion on a pending motion, it may appear that a change to the motion is desirable or may win support for the motion from some members. When that happens, a member who has the floor may simply say, "I want to suggest a friendly amendment to the motion." The member suggests the friendly amendment, and if the maker and the person who seconded the motion pending on the floor accept the friendly amendment, that now becomes the pending motion on the floor. If either the maker or the person who seconded rejects the proposed friendly amendment, then the proposer can formally move to amend.

The substitute motion: If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: "I move a substitute motion that we cancel the annual fundraiser this year."

If a member makes what that member calls a "motion to amend," but the Mayor/Chair determines that it is really a "substitute motion," then the Mayor/Chair's designation governs.

## Multiple Motions before the Body

There can be up to three motions on the floor at the same time. The Mayor/Chair can reject a fourth motion until the body has dealt with the three on the floor. This rule has practical value; more than three motions on the floor is confusing and unwieldy.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote proceeds first on the last motion that is made. For example, assume the first motion is a basic motion to have a five-member committee to plan the annual fundraiser. "During the discussion of this motion, a member might make a second motion to "amend the main motion to have a 10-member committee, not a five-member committee to plan the annual fundraiser. " And perhaps, during that discussion, a member makes yet a third motion as a "substitute motion that we not have an annual fundraiser this year." The proper procedure would proceed as follows:

*First*, the Mayor/Chair would deal with the third (the last) motion, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion passed, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion, and the action on the agenda item would be completed on the passage of the third motion (the substitute motion). No vote would be taken on the first or second motions.

Second, if the substitute motion failed, the Mayor/Chair would then deal with the second (now the last) motion, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend passed, the Mayor/Chair then proceeds to consider the main motion (the first motion) as amended. If the motion to amend failed, the Mayor/Chair would then proceed to consider the main motion (the first motion) in its original format, not amended.

Third, the Mayor/Chair would now deal with the first motion. The original motion would either be in its original format (five-member committee), or if amended, would be in its amended format (10-member committee). The question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

## Counting Votes

In regard to determining whether a motion passed or was defeated, these are the quick rules:

- Simple majority requires at least one vote more in favor than half of the body.
- Supermajority requires a majority plus one in favor.
- Unanimous requires all votes to be in favor.

In the event of a tie, the motion fails since an affirmative vote is required to pass any motion.

## Simple Majority and Supermajority Votes

All motions require at least a simple majority, but there are a few exceptions where the criteria for passage of a motion are more stringent. The exceptions come up when the body is taking an action which effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a supermajority to pass. Also, when selecting the millage rate for a new fiscal year, there are specific rules that dictate how high a millage rate can increase depending on the in-favor votes.

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the Mayor/Chair that it is time to move on and take action. Members of the body may use the following motions to guide or curtail debate.

**Motion to limit debate.** The most common form of this motion is to say, "I move the previous question" or "I move the question" or "I call the question". As a practical matter,



when a member makes such a motion, the Mayor/Chair can expedite matters by treating it as a "request" rather than as a formal motion. The Mayor/Chair can simply ask of the body, if any further discussion is of interest. If no one wishes to have further discussion, then the Mayor/Chair can go right to the motion for action.

However, if even one person wishes to discuss the pending motion further, then the Mayor/Chair should treat the request as a formal motion, and proceed by requesting a second and conducting a vote. The motion to limit debate requires a supermajority vote of the body. If the motion carries, the discussion ends and a vote on the open matter is taken.

Note: A motion to limit debate may include a time limit. For example: "I move we limit debate on this agenda item to 15 minutes." Even in this format, the motion to limit debate requires a two-thirds vote of the body.

**Motion to table.** This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on hold. The motion can contain a specific time in which the item can come back; "I move we table this item until our next regular meeting," "I move we table this item to the end of this meeting," "I move we table this item until the expert can be present for the discussion". It requires only a simple majority vote.

**Motion to reconsider.** After a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to consider is made and passed. A motion to reconsider requires a simple majority vote to pass, but there are two special rules that apply only to the motion to reconsider:

1. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a supermajority, allow a motion to reconsider to be made at another time.)
2. A motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body - including a member who voted in the minority on the original motion - may second the motion).

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.

## Abstention from Voting

There is a statutory requirement that the vote of all members of the Town Council and of its committees, who are present at a meeting at which an official decision, ruling, or other official act are to be taken or adopted, must be counted. No such member may abstain from voting unless there is, or appears to be, a possible conflict of interest. If such a conflict exists or appears to exist, then that member shall comply with the disclosure requirements of Florida law. If the official decision, ruling, or act occurs in the context of a quasi-judicial proceeding, a member may abstain from voting on such matter if the abstention is to assure a fair proceeding free from potential bias or prejudice. (See Chapter 286.012 Florida Statutes)

If a member of the body abstains from voting, he/ she is not counted in the total to determine the simple and/or two-third majority requirement; it is for the purposes of that particular vote as though the member is not present. He/she still counts toward the quorum for the meeting.

## Withdrawing a Motion

During debate and discussion of a motion, the maker of the motion on the floor may interrupt a speaker to withdraw his or her motion. The motion is immediately deemed withdrawn, although the Mayor/Chair may ask if another member of the body would like to make the motion again. It will require another second to proceed to debate again.

## Special Agenda Items

**Roll Call.** After a meeting is called to order by the Mayor/Chair, the Town Clerk takes a verbal roll call of all the members. Members must respond audibly to affirm their presence. The Town Clerk notes absences for the official minutes.

**Additions, Deletions, Modifications.** On the agenda of regular meetings, there is the opportunity for members of the body or staff to request the addition, deletion or modification of agenda items. Approval of requests may be handled via motion, consensus of the body or approval by the Mayor/Chair. New items ought only be discussion items and not action items, except if the item regards an emergency; discussion items may be recommended to be brought forward at the next meeting for action.

**Public Participation.** Members of the public have the opportunity early in a regular meeting to bring forward topics that they would like to speak on in front of the body that are not already on the agenda. Speakers are asked to submit a "speaker sheet" to the Town Clerk or Mayor/Chair in advance of the start of the meeting.

**Proclamations.** When the Town Council has a proclamation to attend to, the related item should be included early on the agenda (usually after the consent agenda and before council business). The Mayor invites the recipient of the proclamation to stand in front of the dais. He or the Town Clerk then reads the proclamation's body of text in its entirety to the recipient. It is preferable for the reader to stand during this reading. Once the proclamation has been read, the Mayor signs it on behalf of the Town Council, then the Town Clerk signs it to attest to the Mayor's signature. And the document is presented to the recipient.

**Swearing in of a new Councilmember/Charter Officer.** In the case of a new Councilmember or Town Manager, the Town Clerk, as an active notary public, invites him/her to stand and raise his/her right hand. She then takes the oath prescribed in the in the Town's Charter. If the new Charter Officer is the Town Clerk, then the Town Attorney takes the oath. Once the oath is complete, the Town Attorney or Town Clerk invites the new Councilmember/Charter Officer to take a seat at the dais.

**Swearing in of Witnesses.** During a quasi-judicial hearing, witnesses may need to be sworn in to tell the whole truth and nothing but the truth. The Town Clerk, as an active notary public, or the Town Attorney asks witnesses to stand for this swearing in, to raise the right hand and to repeat the oath after him/her.

**Millage Rate.** Before the millage rate for the upcoming fiscal year is determined by the Town Council, the rolled back rate must be announced. Once a millage rate is determined, then the percentage increase over the rolled back rate must be announced as well. Only then may the Resolution that sets the millage rate for the upcoming fiscal year be approved by motion and roll call vote.

## Opening, Recessing and Adjourning the Meeting

Opening, recessing, and adjourning a meeting are functions of the Mayor/Chair. The Mayor/Chair opens and closes the meeting with a tap of the gavel and a verbal acknowledgement. If a recess is necessary, then the Mayor/Chair announces the recess verbally and includes the time at which the recess will end. The Mayor/Chair reconvenes the meeting verbally at the proposed time. No motion needs to be made, but the Mayor/Chair must be mindful of the wishes of the body in conducting these actions.

## Courtesy and Decorum

These rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. This is best achieved when common courtesy and decorum are observed by all participating parties. The Mayor/Chair should always ensure that debate and

discussion of an agenda item focuses on the item and the policy in question, while also remaining open and free to all opinions. However, if a debate is too loud, too personal or too crude, the Mayor/Chair has the responsibility of intervening. If multiple members of the body are speaking at once, the Mayor/Chair should recognize one member first and then allow the second member to speak, and so on, to ensure all members have the opportunity to be heard and understood. Generally, a speaker should not be interrupted barring these few exceptions:

- Point of Privilege: Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person's ability to hear. A member may bring this to the attention at any time during a meeting without using the language "point of privilege".
- Point of Order: Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the Mayor/Chair moved on to a vote on a motion that without allowing discussion or debate. A member may bring this to the attention of the Mayor/Chair at any time during a meeting without using the language "point of order".
- Call for orders of the day. This is simply another way of saying, "return to the agenda." If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the Mayor/Chair discovers that this is the correct call, the Mayor/Chair simply reminds the body to return to the agenda item.

## Scheduling, Canceling, Rescheduling a Meeting

The Town Council of the Town of Orchid meets once monthly for a regular meeting, except in the months of July and August, when the Town Council is permitted by the Charter to forego the regular monthly meeting.

The regular monthly meetings are held on the first Wednesday of every month. The meetings are scheduled to start at 9 a.m., but a different date and time may be selected if required by law or necessitated by other circumstances.

In September, the Town Council holds two regular meetings in order to adopt the tentative and final budgets. The dates for these meetings are set as part of the Truth-in-Millage process and deviate from the regular schedule the rest of the year.

Special called meetings may be scheduled as required in addition to the regular monthly meeting. These special called meetings shall be duly advertised and shall pertain only to the matter for which the meeting was called.

Committees do not have a regular scheduled meeting, but are called to meet as required. Their meetings are all special called meetings, unless a regularly scheduled meeting is part of the committees' creation.

The Town Clerk organizes each meeting's location and shall keep members of the Town Council and its Committees abreast of upcoming meeting details such as date, time and place in order to facilitate a quorum. Meetings may be canceled if no quorum can be achieved. Cancellations shall be announced on the Town's website.

## Public Participation

In 2013, the Town Council adopted a Resolution regarding Public Input Procedures, which affords members of the public a reasonable opportunity to be heard on propositions presented for formal, official action at Town Council and other Town board and committee meetings in accordance with Section 286.0114, Florida Statutes, as follows:

1. Public Comments on Agenda Items. Agendas shall be ordered in a manner that allows public comments on agenda items at the beginning of each Town Council and other Town board and committee meeting prior to the Council, board or committee voting on a proposition that is on the agenda for formal official action, except as provided in Sections 2 and 3 of this Resolution.
2. Statutory Exceptions. As provided in Section 286.0114, Florida Statutes, public comment will not be required on the following propositions: a. Emergency items, meaning an official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with Section 286.0114, Florida Statutes, would cause an unreasonable delay in the ability of the Council, board or committee to act; b. Ministerial items, meaning an official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations. Ministerial items also include motions or questions of parliamentary procedure that do not result in a final official action of an item before the Council; c. Quasi-judicial items.
3. Public Hearing Items. Public comments on public hearing agenda items will be taken at such time the item is presented and considered by the Council, board or committee unless otherwise permitted by the Council, board or committee at the beginning of the meeting or at such time the public hearing is continued.
4. Propositions Not on the Agenda. If a proposition is considered by the Town Council or other Town board or committee at a scheduled meeting, which is not listed on the agenda, and consideration shall constitute final official council, board or committee action, then the Mayor or presiding officer will offer the public an opportunity to speak to that item before the decision is

made. However, if final official council action on the proposition will occur at a subsequent council, board or committee meeting, the Mayor or presiding officer will offer the public an opportunity to speak to that item at the meeting at which the council, board or committee takes final official action on the proposition subject to the applicable provisions of this Resolution.

5. Town Council and other Town Board or Committee Workshops. The Town Council and other Town boards and committees hold workshops to consider certain items which are not ready for official action. The public is always welcome to attend, and is welcome to provide comments regarding workshop items to the Town Councilor Town board or committee and Staff outside a meeting. Typically workshops provide the Town Council and Town boards or committees an opportunity to discuss the topic of the workshop among themselves and with Town staff. Public comment will not be heard at workshops unless authorized by majority vote of the Town Councilor Town board or committee, but public comment on workshop items will be taken at the very next regular Town Councilor Town board or committee meeting following the workshop during the public comment portion of the meeting on that item.
6. Exempt Meetings. Public comments will not be taken at meetings that are exempt from the Sunshine Law and not open to the public including, but not limited to, attorney-client executive sessions and security meetings.
7. Designated Speaker Time Periods. Unless otherwise provided by a more specific Town Councilor Town board or committee rule, public comment shall be limited to three (3) minutes per speaker. The Town Council or Town board or committee may adjust this time period by majority vote in order to ensure the meeting is conducted in an orderly and efficient manner and all persons desiring to speak are afforded a reasonable opportunity to be heard.
8. Savings Clause. The failure of the Town Council, Town board or committee, or the Mayor or presiding officer to abide by the provisions of this Resolution shall not have any adverse effect on any final official action made by a majority vote of the Town Councilor Town board or committee.
9. Speaker Forms. The Town Clerk's office is authorized to prepare forms for an individual to use in order to inform the Town Council and other Town boards and committees of a desire to be heard; to indicate the individual's support, opposition, or neutrality on a proposition; and to indicate the individual's designation of a representative to speak for him or her or his or her group on a proposition if the individual so chooses.

## Quasi-Judicial Hearings

On February 2, 2021, the Town Council adopted Resolution No. 2021-01 establishing a transparent and standard protocol for quasi-judicial hearings as follows:

The Town Council of the Town of Orchid recognizes the need to observe fundamental due process in the determination of all quasi-judicial matters. In furtherance of this obligation, the following Quasi-Judicial Procedures are to be adhered to in the conduct of such hearings.

- Swearing in of Witnesses. Any person presenting factual information to the Town Council, Board or Agency during the hearing shall be sworn in. The administration of the oath or affirmation shall be done by the Town Clerk on the record at the time the person comes to the podium or as a group before the hearing commences. If the Town Clerk is not available, the Town Attorney can administer the oath. Citizens wishing to merely express an opinion in favor or opposition to the matter at hand, and agents of the applicant (such as an attorney) merely advocating the applicant's position, need not be sworn in.
- Admissibility of Evidence. The Town Attorney, upon an objection raised or upon his or her own accord, shall determine if any evidence sought to be presented is inadmissible. This determination may be over-ruled by a majority of the Town Council or the Board or Agency upon a motion by any member thereof. Otherwise, the Mayor or Chair shall for the record receive any evidence presented and the same shall be maintained in the custody of the Town Clerk.
- Time Limitations. The traditional practices of the Mayor or Chair in presiding over the smooth conduct of the hearing, encouraging precise and relevant presentations, shall provide guidance as to limitations on the length of presentations and the redundancy of witnesses. However, as appropriate, the Town Council, Board or Agency by majority vote, may set limits on the length of presentations and the number of witnesses on a case-by-case basis.
- Competent Substantial Evidence. In deciding whether the application does or does not meet the standards, the Town Council, Board or Agency must base its decision on what is known as "competent substantial evidence". Substantial evidence is such evidence that a fact at issue can reasonably be inferred from. Competent evidence means legally sufficient evidence. Competent substantial evidence should be based in fact, be reliable and tend to prove a point such that a reasonable mind would accept it as sufficient to support the conclusion reached. Competent substantial evidence should not be speculative, hypothetical or conjecture. Instead, it must be relevant, material and within the purview of knowledge of the witness offering the evidence.
- The Applicability of the Law. Quasi-judicial proceedings involve the application of established standards, policy or laws to individual facts set forth in the application. For this reason, when deciding a quasi-judicial matter, the Town Council, Board or Agency is restrained to consider and apply the criteria set forth in the applicable Code section(s) at issue. For example, if the Town Council, Board or Agency are considering a variance, it is limited to applying

the competent substantial evidence to the factors outline in Section 82-6 of the Code or as amended.

- Due Process. A party to a Quasi-Judicial Hearing should be provided procedural due process, which consists of providing reasonable notice of the hearing; an opportunity to be heard at the hearing; present evidence at the hearing; and an opportunity to cross-examine witnesses.
- Ex-Parte Communication. At the time the Mayor or Chair opens the hearing, members of the Town Council, Board or Agency shall disclose ex-parte communications in accordance with law. An ex parte communication is any communication, oral or written, between members serving on the Town Council, Board or Agency and the public, other than those made on the record at the public hearing.
- Order of Presentation. After the Presiding Officer opens the hearing, the matter shall proceed in the following order:
  1. Presiding Officer opens hearing,
  2. Town Clerk or Town Attorney reads title of request,
  3. Councilmembers, Board Members, or Committee Members disclose ex-parte communications,
  4. Town Clerk swears in all who intend to provide testimony,
  5. Applicant makes presentation,
  6. Staff presents findings and analysis,
  7. Councilmembers, Board Members, or Committee Members ask questions of the applicant and staff,
  8. Presiding Officer opens the floor for anyone in favor of the request,
  9. Presiding Officer opens the floor for anyone opposing the request,
  10. Applicant provided opportunity to respond to issues raised by staff or public,
  11. Staff provided opportunity to summarize request if needed,
  12. Councilmember, Board Member, or Committee Member deliberation and questions,
  13. Presiding Officer calls for a motion, and
  14. Town Council, Board or Agency takes action.

Due to the evolving nature of this area of the law, these procedures shall be utilized in the conduct of hearing matters that are determined to be quasi-judicial under the laws of the State of Florida.

## General Contact Information



Telephone: (772) 581-2770  
Email: [info@townoforchid.com](mailto:info@townoforchid.com)

## Town Hall Directory

Under Florida law, email addresses are public records. If you do not want your email address to be released in response to a public records request, do not send electronic mail to this entity, the Town Administration or its officials. Instead, contact this office by phone or in writing.

## Upcoming Events

### Town Council Regular Meeting

11/10/2022 - 10:00am

### Town Council Regular Meeting

12/07/2022 - 9:00am

## Town Council Calendar

### **Guidelines for public comment at Town Board meetings**

Neither the Open Meetings Law nor any other statute provides the public with the right to speak during meetings. However, since the Town Board encourages public participation, rules and procedures must be developed that are reasonable and that treat members of the public equally. To this end, the Board has adopted the following guidelines to ensure consistency and fairness.

- Each individual wishing to make public comment shall have a total of three minutes to present their comments. At that time, the meeting Chair will ask that comment be concluded. If more time is needed, the Board requests that written comments be submitted to the Clerk, where they will be entered into the public record.
- Individuals may speak extemporaneously or read prepared comments, however, individuals reading comments on behalf of another are still limited to one three-minute comment. For example: an individual may read comments from several different people, providing the combined length does not exceed the three-minute limit.
- Letters submitted as public comment for Public Hearings will be entered into the minutes.
- Public comment is an opportunity for the Board to hear public opinion, however, the Board shall not engage in dialogue during the public comment period. The Board may, at its discretion, choose to have a Board conversation regarding issues raised during the public comment period.

## Town Administrator

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**From:** Deputy Clerk  
**Sent:** Wednesday, August 31, 2022 9:53 AM  
**To:** Town Administrator  
**Subject:** FW: Waste Connections Rate Adjustments for 2022

**From:** Ian Boyle <[ian.boyle@wasteconnections.com](mailto:ian.boyle@wasteconnections.com)>  
**Sent:** Wednesday, August 31, 2022 9:44 AM  
**To:** Deputy Clerk <[depclerk@redshoresfl.com](mailto:depclerk@redshoresfl.com)>  
**Cc:** William Krimmel <[william.krimmel@wasteconnections.com](mailto:william.krimmel@wasteconnections.com)>  
**Subject:** RE: Waste Connections Rate Adjustments for 2022

Tracy,

Hope this email finds you well. I am just following up on this email as September fast approaches. This year is going fast.

Please call or email if you have any questions.

**Ian Boyle**  
**Waste Connections of Florida, Inc**  
(813) 352-9156  
[ian.boyle@wasteconnections.com](mailto:ian.boyle@wasteconnections.com)

**From:** Ian Boyle  
**Sent:** Monday, August 1, 2022 5:03 PM  
**To:** [depclerk@redshoresfl.com](mailto:depclerk@redshoresfl.com)  
**Cc:** William Krimmel <[william.krimmel@wasteconnections.com](mailto:william.krimmel@wasteconnections.com)>  
**Subject:** Waste Connections Rate Adjustments for 2022

Tracy,

Hope this email finds you well.

Sorry for the delay in getting you this information.

I talked to Bill and our Controller, and we are looking at 2.8% increase to cover our new disposal increase on 10/1/22. This increase will occur on 10/1/23 and 10/1/24 as well. See attached for the approved County resolution for your review and your files.

As for the CPI increase, we are capped at 5%, which we will have to apply to our contract as well effective 10/1/22. Please know the current CPI is over 8%.

This would make the total rate adjustment 7.8% effective 10/1/22

Please do not hesitate to call or email if you have any questions.

Redington Shores Residential & Commercial Pricing Effective 10/1/22 to 9/30/23

Customer Name      Can Size      Quantity      Freq      10/1/22 Adjusted Pricing

Residential Accounts Commercial Site	Can Size	Quantity	Freq	10/1/22 Adjusted Pricing
Circle K	N/A	945	2SW-1Rec	\$ 17,302.95
Marker 5 Condo	3YD	1	2x	\$ 19,027.06
Friendly Tavern	2YD	1	3x	\$ 196.58
7-11 Store	6YD	1	4x	\$ 233.51
Olsen Apartments	6YD	1	3x	\$ 503.74
Portside Condo	2YD	1	2x	\$ 381.62
Shore Mariner Condo	3YD	1	3x	\$ 158.85
San Remo Condo	4YD	3	3x	\$ 288.97
Gulf Mariner	2YD	4	3x	\$ 1,056.30
Pinellas County Park	2YD	3	3x	\$ 934.03
Lighthouse Pointe	4YD	1	3x	\$ 700.52
Sunset Reef Condo	2YD	3	3x	\$ 352.10
Redington Towers #2	3YD	2	3x	\$ 700.52
Redington Towers #2	4YD	1	3x	\$ 577.95
Redington Towers #3	2YD	2	3x	\$ 352.10
Redington Towers #3	2YD	2	3x	\$ 467.02
Redington Towers #1	4YD	1	3x	\$ 467.02
Redington Towers #1	2YD	1	3x	\$ 352.10
Monterey Condo Apts	2YD	1	2x	\$ 158.85
On the Beach Condo	4YD	1	2x	\$ 158.85
The Shores Condo	2YD	1	1x	\$ 227.15
Kenney's Korner	4YD	1	3x	\$ 79.43
Sea Oats Condo	2YD	1	2x	\$ 352.10
Sea Oats Condo	4YD	2	2x	\$ 158.85
Sea Oats Condo	4YD	1	3x	\$ 704.20
Sea Oats Condo	4YD	1	3x	\$ 352.10
Anglers Cove Condo	2YD	1	3x	\$ 352.10
Anglers Cove Condo	2YD	7	4x	\$ 2,157.64
Club Redington Condo	2YD	2	4x	\$ 616.47
Tyrone John	2YD	1	3x	\$ 233.51
Tyrone John	2YD	1	1x	\$ 79.43
Beach Pizza Plus	2YD	1	1x	\$ 79.43
Tyrone John	6YD	1	3x	\$ 381.62
Siesta Motel/Corinne Bishop	4YD	1	3x	\$ 352.10
The Bayside Plaza	2YD	1	1x	\$ 79.43
La Vistana	4YD	1	3x	\$ 352.10
La Bahia Redington Shores	2YD	3	2x	\$ 476.55
	3YD	1	2x	\$ 196.58

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Las Palmas Condo Assn	2YD	1	2X	\$	158.85
Las Palmas Condo Assn	3YD	1	2X	\$	196.58
Las Flores Condo Assn.	2YD	1	2X	\$	158.85
Las Flores Condo Assn.	3YD	1	2X	\$	196.58
Las Brisas Condo Assn	2YD	1	2X	\$	158.85
Las Brisas Condo Assn	3YD	1	2X	\$	196.58
Pirates Seafood	4YD	1	2X	\$	227.15
Sea Breeze Island Grill	8YD	1	4X	\$	582.53
Mi Casa	45YD	2	1X	\$	39.71
La Vistana B	2YD	1	2X	\$	158.85
Resident	2YD	1	3X	\$	233.51
Hotel Sol	4YD	1	4X	\$	464.77
Gypsy Souls Coffee House	2YD	1	1X	\$	79.43
Town Maintenance Garage	4YD	1	1X	\$	113.58
Mike Guju	4YD	1	1X	\$	113.58
Broke N Board	2YD	1	4X	\$	296.37
Wine Knot	2YD	1	2X	\$	152.74
Coco Wood Grill Trash	4YD	1	1X	\$	227.16



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# Town of Redington Shores Personnel Policy Manual

Adopted October   2022

## **GENERAL STATEMENT OF TOWN'S EMPLOYMENT POLICY**

Excellence in government public service is attained, in part, through personnel systems that reflect merit principles and sound administrative management. It is the intent of the Redington Shores Town Commission that its Personnel Policy Manual provide firm and clear direction to its employees.

Furthermore, it is the intent of the Commission that no unlawful discrimination will exist in the application and administration of any Redington Shores policy, practice, rule or regulation.

The Town Administrator is charged with ensuring that the provisions of this Policy are implemented and made known to the employees of Redington Shores.

This Personnel Policy Manual is not and shall not be considered an employment contract with any person. Nothing herein is intended to create an employment contract between the Town and any person for the purposes of employment, promotions, or for the providing of any benefit.

The provisions contained within this Manual are and shall be considered as part of the terms and conditions of employment of all employees of the Town and should thus be adhered to by all Town employees. The Town Commission reserves the right to establish, modify, or make exceptions to these rules when necessary. Any question concerning the interpretation or application of these rules shall be referred to the Administrator for resolution.

Employment with the Town is at-will. Unless the Town has otherwise explicitly agreed by contract, either you or the Town may terminate your employment at any time, and for any or no reason. To the extent the Town's personnel forms or procedures use words such as 'provisional', 'probationary', or 'regular' employee, the use of such words shall have no interpretation which is contrary to Town employees' at-will status. The Town neither guarantees employment nor offers tenure.

Redington Shores endeavors to include a comprehensive overview of the rules and policies governing employment with the Town within this Personnel Policy Manual. However, there may from time to time be additional personnel rules, procedures or policies issued by the Commission. The Administrator or a particular Administrator may also issue additional administrative rules so long as such additional rules do not conflict with the provisions in this Manual. All such additional rules shall be in writing and constitute a part of an employee's terms of employment.

If a direct and irreconcilable conflict exists between policies and procedures included in this Manual and any current labor agreement to which the Town is a party, the terms and conditions of the labor agreement shall take precedence for employees in classifications covered by the labor agreement, whether the rights and benefits are greater or less than those provided in this Manual.

## **Equal Employment Opportunity**

It is the continuing policy of the Redington Shores Town Commission to promote the concepts of equal employment opportunity in its employment function, and to comply with all federal, state and local laws, rules and regulations pertaining to fair employment practices.

1. All employees and applicants for employment will be treated fairly with respect to all terms and conditions of employment regardless of race, color, religion, national origin, ancestry, sex, age, marital status, genetic profile, or any physical or mental disability which does not preclude the performance of the employee's essential job functions with or without reasonable accommodation(s).
2. All personnel opportunities and decisions related to employment, promotions, transfers, reclassifications, compensation, benefits, performance ratings, training courses and programs, layoffs, returns from layoff, terminations, and all other aspects of employment with the Town will be in accordance with the principles of the merit system, which afford equal opportunity by imposing only valid requirements.
3. The Redington Shores Commission reaffirms its commitment to equal employment opportunity through open and non-exclusive advertisements of job openings, promotion opportunities, as well as through all other constitutional efforts at affirmative action.
4. Employees who allege that they have been unlawfully discriminated against or treated unfairly in the application or employment process must follow the steps outlined in this Personnel Policy on Illegal Harassment or Discrimination. Non-employee applicants and applicants for temporary employment alleging unlawful discrimination must submit their complain in writing to the Town Administrator, who will conduct an investigation in accordance with the applicable portions of this Policy.



### **Civility and Customer Service**

The Town of Redington Shores holds its employees to a high standard of professional behavior. Employees of the Town are expected to be solution-oriented, team focused, and possess excellent customer service skills. Employees are expected to maintain professional decorum at all times, both on and off duty.

Town employees not only serve visitors and residents, but are customers of one another. Employees are expected to be highly self-disciplined, to respect the personal boundaries of co-workers, to discourage intrusive and overbearing behavior, and to produce quality work in a positive, productive, and mature manner. Professional courtesy among employees is of the highest value. The ethical imperative is that no single employee is of more value than another.

## **Employment Rules and Procedures**

1. In the interest of hiring “best qualified and available” candidates to meet Town employment requirements, and to avoid favoritism in hiring practices, the Town Administrator is responsible for ensuring that all interested applicants have an equal opportunity to apply for Town employment.
2. Notices of open positions will be published interdepartmentally and/or publicly according to the department’s request and concurrence of the Administrator. Notwithstanding the foregoing, where the Administrator or other official with delegated hiring authority determines that a particular candidate is fully qualified for a position (for instance where an intern or employee in acting status has been working successfully in the position for some time), that candidate may be offered the position without the need to post the position. However, to prevent undue favoritism or nepotism and ensure a diverse, well qualified work force, this exception must be used only on approval of the Administrator, and should not be regularly used in place of posting opportunities and allowing candidates to apply.
3. Applicants for Town employment apply for employment in the form and manner, including electronic application submission, as the Town designates. Applicants who make initial contact with an individual Town department or official, and applications/resumes received by other Town departments or officials, shall be directed to the Administrator to complete the standard application process.
4. Applications are accepted for announced openings during the published advertising period. If no advertising period is established, the position shall be open until filled.
5. The Town Commission is authorized to make the offer of employment to all persons selected to fill positions established by the Town Charter (Administrator, attorney, Clerk). Other vacancies shall be hired by the Administrator as provided for in Town Code § 1-20.
6. Once a position has been filled, the position is closed. Should an opening for the same position come open again within ninety days after first being filled, the Town may make an offer to the next most qualified candidate from among the original applications. Alternatively, or if the vacancy arises more than sixty days later, the position will, absent an exception approved by the Administrator, be re-advertised and new applications sought.
7. Current employees chosen for interview for other Town jobs will be allowed to interview during work hours if necessary. The Town will work with the employee to make reasonable adjustments to the employee’s schedule to permit the interview. If the interview takes place during the employee’s scheduled work hours, the time will not be paid, and employees should use available vacation leave for such purposes. All other interviews are unpaid.
8. The Administrator may establish eligibility registers for positions as required by turnover frequency or other recruitment issues. Positions that are identified by departments or the Administrator as being vacant on a regular basis or having certain recruitment needs, may have an eligibility register of qualified applicants established.

9. No employee may begin activities associated with working for the Town, including engaging in post-offer screening activities, until the candidate signs, electronically or otherwise, a conditional offer of employment. No term or condition of employment not consistent with this Policy Manual, including matters of pay, bonuses, moving expenses, or other similar matters, shall be effective unless included within a conditional offer of employment.
10. The Administrator is authorized to adopt such forms and procedures as are deemed necessary to effectively implement these employment policies and to conduct such pre-employment screening as may be either legally or administratively required, including background and reference checks and physical or psychological examinations related to job functions. For any position requiring a pre-employment, post-offer examination, it shall be job-related, and given uniformly to all candidates conditionally offered the position. Candidates must meet/satisfy any established screening requirements and any candidate who fails to do so may be denied employment. In addition to the foregoing, for any Town position requiring interaction with law enforcement personnel, records or other matters, access to secure facilities, or otherwise required to pass background standards promulgated by a regulating agency with jurisdiction over such records, personnel or facilities, employees holding such positions must be able to pass the relevant standards and their inability to do so will disqualify them from continued employment.
11. All volunteers are not Town employees for any purpose. However, pursuant to Florida Statutes § 440.02, volunteers are eligible for certain worker compensation benefits for municipal volunteers. Therefore, Town volunteers must comply with all related Town accident or injury reporting procedures.
12. Employment of persons under 18 years of age in either regular or temporary positions shall be subject to and in accordance with applicable child labor laws.
13. To ensure compliance with the Affordable Care Act, when an employee formerly eligible for health benefits leaves the Town's employ for any reason, he/she shall be ineligible for re-hire until the former employee has been separated from the Town for a minimum of thirteen (13) weeks. Additionally, except for any seasonal OPS staff, all persons employed in temporary/OPS positions who are not offered health care coverage shall not be scheduled or permitted to work more than 27 hours per week.
14. Interns.
  - a. The Town may from time to time provide internship opportunities for students to experience work in Town government that is relevant to their educational goals and objectives or personal career interests, and to non-students seeking to experience working in a Town position.
  - b. Recruitment of interns shall be conducted through the Town's regular recruiting procedures, outlined in this section, unless otherwise approved by the Administrator.

- c. Interns shall not be recruited to fill regularly authorized position vacancies or displace regular employees. Interns are considered temporary employees and are not eligible for benefits provided regular employees. Intern appointments shall not exceed 12 months.
  - d. For a student to be eligible for employment as an intern, an individual must be a student in good standing, enrolled in or on school-approved break from an accredited secondary or post-secondary school, junior college, college or university, or a vocational-technical school.
  - e. Student Interns are required to notify the employing Town department of any change in their academic or disciplinary standing at the institution.
  - f. Interns will be paid at the minimum pay rate of assigned pay grades. A departure from the minimum pay rate may be approved by the Administrator.
  - g. Persons who may be students but who wish to volunteer with the Town outside of any academic program must complete a Volunteer Service Agreement as provided by the Town Attorney.
  - h. Students who are present in the workplace and who are not performing any services for the Town, nor participating in any related academic program, are considered to be “job shadowing” and are not considered to be volunteers, or employees, of the Town. Any persons who are “job shadowing” must be approved by the Administrator in advance, must not perform any work for the Town, and must be under the supervision of an employee-mentor.
  - i. Students who are present in the workplace and who may perform work for the Town but who are not compensated shall meet the requirements of the federal Department of Labor concerning the acceptance of work by student interns. Interns who are not students must be compensated at least the prevailing minimum wage for work performed for the Town.
  - j. The Administrator is responsible for the development, coordination and promotion of intern recruitment activities and is responsible for ensuring that all interested persons have an equal opportunity to apply and be considered for internship opportunities.
  - k. Notwithstanding the foregoing, the Town may, from time to time, enter into agreements with educational institutions whereby student interns will be identified, assigned and compensated pursuant to the terms of such agreements.
15. Where staffing needs dictate, a Town employee may be allowed to be employed in more than one position, at different pay rates. Such secondary employment must meet the following criteria:

- a. Only temporary OPS, part-time positions, which are considered to be occasional or sporadic (in accordance with 29 C.F.R., Section 553.30), will be eligible.
- b. The employee's decision to work in a different capacity must be made freely and without coercion, implicit or explicit, by the employer.
- c. The rate of pay for secondary employment positions, including the overtime rate, shall be calculated pursuant to FLSA regulations regarding secondary employment.
- d. The joint position must be in a different capacity, i. e., it must not fall within the same general occupational category as the employee's primary government employment.

16. Employment of Relatives (Nepotism)

- a. Employment shall be in compliance with Florida Statutes § 112.3135 regarding "*Restriction on employment of relatives.*" Pursuant to this section, a public official may not appoint, employ, promote, or advance, or advocate for appointment, employment, promotion, or advancement, in or to a position in which the official is serving or over which the official exercises jurisdiction or control any relative of the public official. An individual may not be appointed, employed, promoted, or advanced in or to a position if such appointment, employment, promotion, or advancement has been advocated by a public official, serving in or exercising jurisdiction or control over a Town department or office, who is a relative of the individual or if such appointment, employment, promotion, or advancement is made by a Town board of which a relative of the individual is a member.
- b. Relative, for purposes of this section only, shall include father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister; but shall not include any other relatives who become related by law or marriage not specifically listed above.
- c. For purposes of this section only, public official, hereinafter referred to as "official," shall include, but not be limited to, the Administrator, Commissioners, Town Clerk, and any other managerial Town employee who is authorized to make employment-related recommendations or decisions, whether the official is elected, contracted, appointed, or employed.
- d. It is the Town's policy to prohibit an official from having direct supervision over any employee who is a relative of the official, as more fully set forth in Paragraph a. It is also the Town's policy to prohibit an official from having direct supervision over any employee to whom the official is engaged or is otherwise involved in a current romantic relationship.

- e. Direct supervision shall include any situation in which the official would be in a position to make decisions concerning the terms and conditions of the person's employment with the Town including decisions about hiring, promotion, transfer, reclassification, compensation, benefits, work assignments, performance evaluations, training courses and programs, layoffs, return from layoff, termination, and all other tangible aspects of employment.

#### 17. Disqualification and Re-Employment

- a. An employee who has been terminated from Town employment for violation of any conduct or performance rule or standard, or who resigns after being notified of the Town's intent to terminate, is ineligible for re-employment for two years from the date of such resignation or termination.
- b. An employee terminated due to a positive drug/alcohol test, a refusal to test, or other violations of the Town's drug-free workplace policy; or who voluntarily resigns within two weeks of a positive result in a test for drug use; or when an employee serves notice of resignation immediately upon notification of being selected for such test, is ineligible for re-employment for a period of two years after such termination or resignation. Additionally, a former employee who owes the Town money for drug testing or treatment which was the responsibility of the employee to pay shall be ineligible for re-employment until all funds owed are paid.
- c. An employee who voluntarily resigns without giving a two-week notice or is separated from employment for absence without leave (job abandonment) is ineligible for re-employment for a period of one year. In circumstances where the Administrator determines that a non-eligible former employee will meet a critical need of the Town which cannot be filled by normal recruitment efforts, the Administrator has the authority to waive this waiting period.

- 18. An employee's anniversary date shall be the date the employee begins employment.

## Personnel Files

1. The Town's official records of present and past employees' personnel files are maintained by the Town Clerk, which shall be the custodian of these records.
2. The Administrator is authorized to develop, revise and issue all forms related to personnel matters. Therefore, absent specific authorization from the Administrator to the contrary, Town departments may not promulgate or make use of any customized or unauthorized personnel forms, including unique leave requests, time records or employee evaluations.
3. Public Records requests for personnel files made to the Town must be transferred to the Town Clerk for a coordinated response. The Clerk shall be responsible for reviewing files to identify any information which has been designated by law as confidential or exempt from public records disclosure. The Clerk, with advice of the Town Attorney as needed, will assert any applicable public records exemptions for such records.

NOTE: Employees holding certain positions are entitled under Florida law to request that certain personally-identifying information such as home addresses, not be released by other governmental agencies which may be in possession of this information. It is the responsibility of each applicant for and employee holding such a position to make these requests to other governmental agencies.

4. The official personnel record shall contain at least the following documents regarding the employee:
  - a. The employee's initial and any subsequent employment/transfer/promotion applications; I-9 form; interview forms; oath of employment; employment contract (if applicable); acknowledgments of receipt of benefits (to include secondary employment approval forms); conditional offer forms; retirement enrollment forms (when applicable); and other related documents required by law or Town policy to be included.
  - b. The employee's performance evaluation forms and any written responses thereto;
  - c. All official personnel actions, such as promotions, transfers, and pay increases;
  - d. Official disciplinary notices and warning or counseling forms issued to the employee;
  - e. Signature forms demonstrating an employee's taking of the statutory oath and the receipt of this Policy Manual and other Town policies;
  - f. Records demonstrating attendance at Town training sessions.
  - g. Any separation surveys provided by a departing employee.

5. The personnel file may also contain the following items, at the discretion of the Administrator:
  - a. Correspondence from citizens, co-workers, etc., concerning the employee's performance of his or her job or contribution to the community (excepting documents which are found to be fraudulent, false, or which are required by law to be separately maintained);
  - b. Records regarding an employee's education or professional credentials;
  - c. Such other records as the Administrator may deem appropriate for inclusion or which are not prohibited from inclusion by law.
6. The Administrator shall also ensure that separate and secured files are also kept and maintained for current and former employees which contain medical records or medical claim records exempt under Florida Statutes § 112.08, the results of drug tests (excepting discipline notices confirming a positive result was received), medical documents provided in support of sick leave requests, reports of a healthcare provider discussing specific health conditions or status associated with a fitness-for-duty exam, medical records provided in support of a request for accommodation of a disability under the ADA, and medical records received in the course of administering a worker compensation claim.
7. Notwithstanding the foregoing, the Administrator is entitled to review medical records of applicants and current employees when he or she has the business need to do so. Such instances include reviewing an employee's defense against a disciplinary action where the employee cites a medical reason for the conduct or performance, reviewing requests for sick leave including decisions as to whether an absence is covered by any applicable leave law, reviewing requests for accommodation under the ADA or determining whether the applicant or employee presents a danger to him/herself or others due to a medical condition. The Town Attorney or other attorneys representing the Town in any employment claim or suit are also authorized to examine such records to the extent the claim or suit places the medical condition of the applicant or employee at issue.
8. In the event a Town official examines records which include information otherwise confidential or exempt from public disclosure under law, such official must exercise care and discretion so as not to further communicate any such information to Commissioners, subordinates, or an employee's co-workers unless there is a valid legal reason to do so. Town officials in doubt as to their duties in such circumstances are encouraged to seek advice from the Town Attorney.
9. The Administrator, in conjunction with the Town Clerk, is responsible for ensuring records are controlled, maintained, disposed of, and that requests for copies are processed, in accordance with the Public Records Act and the rules of the Florida Division of Archives, History and Records Management. To that end, the Town Clerk is authorized to develop such additional administrative procedures and forms so as to accomplish this responsibility.



10. While managerial personnel responsible for drafting performance evaluations may, to assist them in drafting evaluations, maintain separate notes on positive/negative conduct or performance during the evaluation period, including notes on verbal counseling events, such records are public records and, if specifically referenced in an evaluation or discipline notice, must be provided to the employee on request.
11. Personnel files are public records subject to review under Florida Statutes § 119.07, subject to any applicable exemption(s). Official employee personnel files may be reviewed at Town Hall during normal business hours. The records custodian, or designee, will assist and supervise during the review. Documents cannot be removed or rearranged within the official personnel file during review.
12. Requests concerning past or present employee personnel information should be referred to the Administrator who will respond to inquiries from agencies and the general public regarding disclosure of official personnel data.
13. In accordance with the Florida Public Records Act, copies of personnel files may be made and furnished to requesters upon payment of the statutory fees. Money collected is remitted to the Town's general fund. Employees are not charged for single copies made from their official personnel files. However, they shall be charged the established rate for additional copies. The Town Clerk is responsible for reviewing a personnel file prior to production or copying to ensure all material that is confidential or exempt from public records disclosure has been covered. If the Clerk's file is at issue, the review will be conducted by the Town Administrator.
14. Official personnel files must be retained for a length of time determined by the State of Florida Bureau of Archives and Records Management. This period is currently twenty-five (25) years following the employee's effective date of separation from Town employment. Because of the permanency of such records, the Administrator must carefully review documents to determine their necessity before requesting entry of non-mandatory records into the official personnel file. The Administrator is authorized to develop administrative procedures concerning the proper storage of, and access to, records, including medical files, of current or former employees.

## **Work Week; Hours of Work; Compensation**

1. Due to the variety of services provided by the Town to its residents, certain employees may be required to work varying days and hours. The Administrator schedules work hours that are necessary and beneficial for the efficient operation of the Town. It is the responsibility of the Administrator to manage overtime within budgetary constraints. Pursuant to 29 C.F.R. § 553.23, by accepting employment with the Town, all overtime-eligible employees agree that the Town may elect to provide compensatory time in lieu of payment of overtime work in cash pursuant to its compensatory time policies. Employees may also be required, at the discretion of the Town, to use compensatory time in lieu of vacation pay when requesting vacation time off.
2. Non-Exempt Employees
  - a. For purposes of this Policy, all employees not considered exempt will be considered non-exempt, and therefore subject to the minimum wage and maximum hour provisions of the Fair Labor Standards Act (FLSA). Non-exempt employees are eligible to earn overtime or compensatory time at one and one-half (1 ½) times their hourly rate.
  - b. Whenever a non-exempt employee becomes promoted or reclassified to an FLSA-exempt position, the employee shall have any accrued compensatory time paid to him/her at their rate of pay of the non-exempt position they held immediately prior to their promotion.
3. Exempt Employees:
  - a. For purposes of this Policy, exempt employees are expected to work whatever hours are necessary to accomplish assigned duties and responsibilities. However, it is recognized that because exempt employees are often required to work irregular and/or extended hours, it is appropriate that they be provided a certain latitude in occasionally being away from their place of work during normal work hours. It is the responsibility of the Administrator to determine if exempt employee absences are inappropriate.
  - b. Exempt employees are not eligible to be awarded compensatory time.
  - c. The final determination as to which Town positions are to be classified as Fair Labor Standards Act overtime exempt will be made by the Administrator, with appropriate advice from the Town Attorney.
4. Allocation of Work Hours, Workweek and Work Period:
  - a. The workweek starts at 12:00 a.m. on Saturday and ends at midnight the following Friday. The normal full-time work schedule includes forty (40) hours during the workweek. These hours should not be construed as either a fixed minimum or maximum. Work hours that exceed a normal workweek may be required. Except as

provided herein or as determined by the Commission or the Administrator, normal Town Hall business hours are Monday through Friday, 8:00 a.m. to 5:00 p.m.

- b. Lunch periods – Bona fide meal periods (employee is completely relieved from duty for the purpose of eating regular meals) are not work time and are unpaid. The time scheduling and length of lunch periods are coordinated between the employee and the supervisor, according to that Town operating unit's needs. (Note: There is no federal or State of Florida law requiring meal breaks in industries or offices, with the exception that minors 17 years of age or younger shall not be permitted to work for more than 4 hours continuously without at least 30 minutes for a meal period.)
- c. Break (rest periods) – Breaks (usually not more than 15 minutes each) may be permitted by supervisors when the work requirements allow them, and must be allowed for nursing mothers to express milk for up to one year after birth. Break periods are considered to be rest periods and must fall within working hours (work is performed immediately preceding and following the break period) and may not be accumulated for additional time away from work. (Note: There is no federal or State of Florida law requiring rest periods, but if they are offered, they must be counted as hours worked.)
- d. Flextime is the generic term for flexible scheduling programs – work schedules that permit flexible starting and quitting times within limits set by the Administrator. Flextime requires employees to work a standard number of hours within a given time period (usually forty (40) hours during a five-day work week). The Town Administrator has the option to authorize the use flextime if it is determined that doing so can better meet the unique needs of a given Town operational unit. However, no Town operating unit or supervisory employee may permit use of flextime until the Administrator approves a flex time use procedure which, upon approval, will be published to the employees in that unit, and which will be uniformly applied within that unit.
- e. Work-at-Home Program – Given the Town's limited number of employees, and the fact that the Town's employees directly serve residents and customers in person on a daily basis, the Town does not recognize a Town-wide work-at-home program. There may be times when certain projects could be performed by employees who are at home due to extenuating circumstances. Any such projects must be authorized by the Administrator prior to work being done. If a project is approved to be completed at home, the project must be familiar to the employee concerned and have definite parameters for measuring time necessary to perform the work. Town equipment is not to be used outside the regular workplace, unless authorized by the Administrator. All time worked at home must be reported.
- f. Medical Attention – In accordance with 29 C.F.R., § 785.43, time spent by an employee in waiting for and receiving non-elective medical attention on the premises or at the direction of the employer during the employee's normal working hours on days when he or she is working constitutes hours worked except for worker compensation visits.

- g. Furlough – Notwithstanding any other provision of these policies to the contrary, where the Commission or Administrator determines that current budgetary conditions require a reduction in the overall hours employees work in order to remain within the authorized budget, the operational hours of any one or more office, service or function of the Town may be reduced for one or more weeks, days or hours, either consecutively or sporadically. Such periods of reduction may be either by complete closure or operation with a less than full staff as deemed necessary. Employees working within such offices, services or functions will be placed on unpaid furlough during such periods, and hours spent on furlough shall not count as hours worked for any purpose. Pursuant to 29 C.F.R. § 541.710(b), the Administrator is authorized to deduct hours spent on any furlough from any employee being compensated on a salary basis if budgetary constraints require the deduction.
- h. Electronic Timekeeping – In recognition of the limitations which may be inherent in any electronic timekeeping systems the Town may now or in the future use, including limitations on the delineation of actual lunch or break schedules, non-exempt employees who are unable to enter the actual chronological times for such events shall not be subject to discipline for falsifying records. FLSA non-exempt employees must, however, ensure that their actual hours worked each day are truthfully and accurately recorded in any such system to ensure proper payment of wages due, including overtime pay.

## 5. Pay Eligibility

### a. Extra Hours

The necessity to work extra hours is made at the discretion of the Administrator. It is important that the Administrator ensure that extra hours are distributed equitably among employees in the same job class qualified to perform the work, while giving consideration to the personal wishes of employees involved. However, it is ultimately the Administrator's decision to designate who will perform the extra hours.

For overtime control purposes, overtime-eligible employees are prohibited from coming to work early and leaving late for purposes of conducting work, or working through lunch periods or bringing work home, unless specifically authorized by the Administrator in advance. The Administrator shall monitor the workplace to ensure that employees who are not scheduled to be working do not remain in the workplace. Nothing herein is intended to prevent an employee from remaining in a Town building during a meal period. However, during such period, the employee is not expected to, and is prohibited from, performing work of any kind (including answering phones or reviewing emails) for the Town.

An employee shall be required to work overtime when assigned unless excused by the Administrator. An employee who refuses to work overtime when assigned will be subject to disciplinary action for said refusal. An employee scheduled to work overtime who fails to fulfill the assignment for reported medical reasons will, at the Town's discretion, be required to substantiate the medical absence with a doctor's note or similar proof.

Overtime or compensatory time shall be documented by such paper or electronic time off request process as the Town may currently use. However, if this is not feasible, a schedule of work hours or other form of written documentation should be available to support the designation of overtime or compensatory time.

All hours worked over forty (40) in a workweek are considered overtime and are compensated by overtime pay or compensatory time as agreed or understood before the work in excess of forty (40) in a workweek is performed. Absent emergency circumstances, overtime must be approved in advance by the Administrator.

When a non-exempt employee is designated as "acting" in an open exempt position (such as acting Town Clerk or acting Town Administrator due to such official's separation), the employee shall be compensated during this acting status as an FLSA exempt employee and shall therefore not be eligible for overtime or compensatory time.

However, when a non-exempt employee is only temporarily fulfilling the duties normally associated with an exempt position (such as to cover for a vacationing Town Clerk) in addition to her/his normal duties, the employee shall continue to be paid her/his normal rate of pay, and shall be eligible for overtime and compensatory time, as may normally be applicable.

For purposes of this Policy, exempt employees are paid on a salaried basis and are expected to work the hours necessary to accomplish assigned duties and responsibilities. Paid extra hours are only to be considered under the terms of an approved performance bonus plan compliant with Florida Statutes § 215.425(3).

b. Compensatory (Comp.) Time. Time off in place of overtime is called compensatory (comp.) time.

Non-exempt employees scheduled for extra hours of work designated as comp. time are credited at the rate of one and one-half (1 ½) hours for each hour worked. Used comp. time (reflected on an employee's timecard) is deducted from the compensatory time accrual account hour for hour and does not count as hours worked.

Employees may be required to utilize compensatory time in lieu of leave time at the discretion of the Administrator.

Non-exempt employees are prohibited from accumulating comp. time balances in excess of one-hundred forty (140) hours. Such employees who perform work and are not eligible for the accumulation of additional comp time shall be compensated by regular or overtime pay as the case may be. By accepting and continuing employment with the Town, employees consent to be paid comp. time in lieu of overtime pay at the discretion of management.

Comp. time hours shall be paid out when an employee is promoted or reclassified to an FLSA-exempt position, or when an employee separates (voluntarily or involuntarily) from Town service.

An employee who has accrued compensatory time, and requests use of the time, must be permitted to use the time off within a reasonable period after making the request, if it does not unduly disrupt the operations of the agency (29 U.S.C., § 207 (O)(5)). Comp. time cannot be used in lieu of sick leave if sick leave balances are available.

#### 6. On-Call Status

An employee required to remain on-call (on Town premises or so close that he/she cannot use the time effectively for personal purposes) is considered to be working in an on-call status. On-call hours are designated as work hours for the workweek and count towards overtime. On-call hours for non-exempt employees are eligible for overtime and compensatory time.

On-call employees must always be reachable by a pre-designated means of communication and able to arrive at the work location within the time established by the Administrator or designee. As employees are compensated for on-call assignments, they must refrain from drinking alcohol, taking medications or engaging in any other conduct which would prevent being ready for duty. Further, if they are unavailable when called in, they will be subject to disciplinary action and will not be paid any on-call pay for that assigned period. On-call assignments should be distributed equitably among qualified employees, consistent with operational needs.

Exempt employees are ineligible for on-call status.

#### 7. Standby Status

Employees who are not otherwise informed that they have been scheduled to work and who are placed on standby status (instructed to be available but otherwise able to use the time effectively for personal purposes) may remain at home, or they may leave word how (cell phone, etc.) and where they can be reached, but they must do one or the other. These employees receive straight time pay (compensatory time not allowed) for hours designated as standby assignment, with maximum accruable hours of three (3) in a 24-hour period. Standby hours must be outside the scheduled (regular or modified-schedule) workday, and may not be assigned to or worked by employees who do not work their regularly-scheduled shift immediately prior to standby assignment, or who are unable to respond, due to illness. Employees who receive advanced notice of a requirement to report for duty, even where such work is to be performed outside of a regular schedule, are not eligible for standby pay. Since assigned standby hours can vary according to circumstances, the following standby pay rules shall apply:

- Less than five (5) hours of standby status is ineligible for standby pay
- One (1) hour of straight time pay for 5 up to 9 hours of standby status

- One and one-half (1.5) hours of straight pay for 9 up to 12 hours of standby status
- Two (2) hours of straight pay for 12 up to 16 hours of standby status
- Two and one half (2.5) hours straight pay for 16 up to 20 hours of standby status
- Three (3) hours of straight pay for 20 up to 24 hours of standby status

If employees on standby status are required to report for duty, they are paid for hours worked, with a minimum of two (2) hours for the first “call out” regardless of time spent responding. Thereafter, employees shall only be paid for the actual hours worked on subsequent “call outs” during the standby period. Call-out hours count as hours worked towards overtime.

Employees placed on standby assignments must always be reachable by a pre-designated means of communication and able to arrive at the work location within the time established by the Administrator. As employees are compensated for standby assignments, they must refrain from drinking, taking medications or engaging in any other conduct which would prevent being ready for duty. Further, if they are unavailable when called in, they will be subject to disciplinary action and will not be paid any standby pay for that assigned period.

Exempt employees are ineligible for standby pay.

## 8. Payroll Records

The Town’s work time records or timecards are designed to meet the record-keeping requirements of the FLSA. The Administrator is responsible for ensuring a record of work schedules for non-exempt employees is maintained.

**Exempt Employees:** Due to their exempt, salaried status, and the expectation that they are often required to work irregular and extended hours while having the latitude of occasionally being away from their workplace during normal work hours, exempt employees complete payroll records but do not have to complete a daily record of time worked. For payroll accounting purposes, such employees will need to record absences charged to employee benefit accounts (i. e., sick, vacation, holiday, etc.). Exempt employees are not required to create records of time worked unless absences are charged to their accrued leave accounts.

**Non-Exempt Employees:** All hours (paid, unpaid or charged to accrual accounts) must be recorded in the Town’s paper or electronic time and attendance system daily for the non-exempt employee’s scheduled work periods. Pay, including overtime pay, is calculated for each workweek, and paid (if overtime pay) or credited (if comp. time) to employees on the Town’s chosen weekly or bi-weekly pay period. Non-exempt employees are required to sign their time records, either physically or, where provided, via electronic means.

## 9. Compensation During Emergency

**Emergency Conditions:** When the Town Commission formally declares a state of emergency, Town employees who hold positions designated to perform essential services

during the actual emergency declaration period shall report to work when required. The Administrator may also require employees who perform essential services to work during actual or impending extreme emergency situations or conditions (weather, hazard, etc.), not declared as a “state of emergency.”

**Pay for Work During Declared Emergency:** During a declared emergency, Town offices and operations may close. Employees who are not directed to work in any capacity during such closure must not report for duty during such periods. Employees are not authorized to designate themselves as essential or to perform work of any kind for the Town during a closure of Town offices and operations, unless expressly directed to work by the Administrator.

For all employees in positions classified as FLSA exempt, such employees will receive no additional compensation for any hours worked during any declared emergency. FLSA non-exempt employees shall receive compensatory time at 1.5 times their regular hourly rate of pay for any hours worked during any declared emergency regardless of what non-emergency hours he or she may have worked during any given work week and regardless of what specific work assignment such employee is given during the emergency period.

Non-FLSA exempt employees shall not be compensated for any time off during such periods. FLSA exempt employees shall be paid their established salaries except that if they are not directed to perform any work during the entire work week, such employees shall not receive their salaries for that week.

Employees who are not compensated due to a closure during a declared emergency may, at their discretion, use any available vacation or compensatory leave to accommodate otherwise unpaid periods. Employees may not use sick leave for such periods unless they demonstrate through medical documentation to the Administrator’s satisfaction that they were medically unable to perform their duties during the period in question.

In the event a Town holiday falls on a day where the Town is closed due to an emergency condition, compensation of the holiday for employees not required to report for duty shall be as provided for in this policy with respect to holiday compensation. Employees required to work on a holiday during a declared emergency shall be entitled to take the equivalent unpaid time off with no reduction in leave balance once the declared emergency ends and the leave may be scheduled with the Administrator.

All employees with pre-approved leave requests covering the declared emergency period, regardless of leave type, are subject to having such leave cancelled and to being recalled to duty during the emergency period. The Administrator shall make every effort to accommodate pressing conditions, and ill employees, when determining which employees to call back from leave.

**Failure to Report for Duty When Assigned:** Any employee required to report for duty during an emergency condition who fails or refuses to report and/or to perform duties as directed will be subject to termination from employment. Failure to monitor on-call or



stand-by phone numbers and respond to calls will constitute a failure to report. The only exception to this policy will be for employees physically or medically unable to report or perform as ordered. For medical conditions, the Town will require after-the-fact medical verification of medical conditions, and reserves the right to require second opinion examinations. Employees claiming a physical inability to report when required are not permitted to cite a mere fear of travel during the emergency condition, or a general concern for not staying with family. Employees, particularly those designated as being critical responders during emergency conditions, have a responsibility to plan ahead for the safety and welfare of their families and the securing of their property so that they will have the ability to report when called. Only extraordinary incidents of inability to report wholly beyond the employee's ability to control will be excused. The Administrator is considered a critical responder. Other employees will see such designation in their written job descriptions.

#### 10. FLSA Compliance

It is the Town's policy to comply with applicable wage and hour laws and regulations. Accordingly, the Town intends that deductions be made from your pay only in circumstances permitted by the Fair Labor Standards Act and the U.S. Department of Labor's rules governing the salary basis for pay for exempt employees. The improper pay deductions specified in 29 C.F.R. §541.602(a) may not be made from the pay of employees subject to the salary basis test.

If you have any questions or concerns about your salaried status, or you believe that any deduction has been made from your pay that is inconsistent with your salaried status, you should immediately raise the matter with the Administrator. If you have raised a concern and it is not resolved within ten (10) business days, or if, for any reason, you are uncomfortable discussing the matter with the Administrator, you must submit your question or concern to the Mayor Commissioner or Town Attorney for review and response.

To ensure the Town understands your question or concern and is able to conduct a proper review, any such question or concern which seeks the payment of wages allegedly owed must be made in written form. Any such question or concern must, at a minimum, include the employee's name, a brief description of the facts related to the question or concern, and any prior response the employee may have been given by any Town official. The pay period(s) at issue should also be identified. If you are unable due to disability to submit your concern in writing, the Administrator will assist you in formalizing your question or concern, which you will then be asked to review and sign to ensure its accuracy.

The Town is committed to investigating and resolving all compensation disputes as promptly, but also as accurately, as possible. Consistent with the U.S. Department of Labor's policy, any question or concern will be responded to within a reasonable time given all the facts and circumstances. If a review of the matter reveals you were subjected to an improper deduction from pay, you will be reimbursed and the Town will take whatever action it deems necessary to ensure compliance with overtime rules and the salary basis test in the future.

## 11. Reclassifications and Reorganizations

Market factors, evolving priorities, evolutions in equipment and materials, employee input, grant funding, or changing organizational needs may cause a particular position classification within the Town to become subject to change. The Town continually evaluates these factors against classified positions accordingly and at times determines, where the position is not wholly eliminated, to re-classify and/or reassign one or a group of positions to better serve the needs of the Town and its citizens. Such reclassifications/reassignments can be minor or significant, and may result in enhancing one or more positions and related duties and requirements, or decreasing duties and requirements. Such reclassifications/reorganizations are solely within the discretion of the Town and no employee possesses any right or expectation to hold or keep any one position or set of duties.

## 12. Performance Pay

In addition to any general wage adjustment that the Town Commission may from time to time adopt, the Commission may by separate resolution adopt a compensation program which includes variable wage increases linked to job performance. Such program may distinguish between exempt professional and managerial classifications, and full and part time hourly compensated employees. As to hourly employees, any such program shall be based upon quantifiable measures of performance and shall be designed and administered to ensure discrimination, favoritism or inconsistent application of eligibility criteria do not occur. In addition, pursuant to Florida Statutes § 215.425(3), the Town Commission may from time to time adopt, by resolution, a performance bonus plan based on work performance which describes the performance standards and evaluation process by which such awards are to be given. Any such plan must be noticed to all employees prior to implementation. Nothing herein shall be interpreted as creating any requirement to develop or budget funds for pay for performance or bonus programs or policies, nor as creating an entitlement on the part of any employee to receive same.

### **Holidays and Benefits**

1. Paid holidays are established by the Town Commission prior to the beginning of every calendar year. If a paid holiday falls within a scheduled sick or vacation day, the holiday is not counted as a sick or vacation day.
2. In addition to its sick and vacation leave allowances, the Town strives to offer its full-time employees a comprehensive and generous array of health, life, dental, accidental death and dismemberment, and long-term disability insurance options at favorable premium and deductible levels. The Town also strives to provide employee assistance programs, and facilitates retirement benefit programs and a worker's compensation program. The Town also encourages employee wellness by striving to offer wellness and fitness membership options.
3. Due to the evolving nature of the employee benefits landscape, for details on the Town's most current benefits package and insurance options, employees and job applicants should consult with the Town's Administrator.

## Leaves of Absence

### 1. Vacation Leave

- a. Full-time employees who fill established positions earn Vacation Leave credits. For health and well-being purposes, employees are encouraged to use their vacation leave each year and the Administrator shall strive to ensure employees are given that opportunity. Scheduling preference (where such decisions become required such as traditional holiday seasonal request increases) will be made by the Administrator based upon the operational needs and efficiencies of the relevant operating unit of the Town, seniority, timing of the request, and any other factors which the Administrator deems appropriate.
- b. Vacation accrual begins on the first day of full-time employment. Vacation is accrued according to the schedule in this Policy. Vacation can be used after it is earned in no less than ½ hour increments. Accruals are tracked by the calendar year. If an employee has a vacation leave balance at the end of the employee's anniversary date, the employee may carry forward up to ten days to the next year. All other accrued but unused vacation hours will be forfeited on that date.
- c. Employees earn vacation leave according to the following:
  - (1) Date of hire through the first year's anniversary date: 0.77 hours per work week (40.04 hours of vacation annually).
  - (2) Start of the second anniversary year through the fifth year of employment anniversary date: 1.54 hours per work week (80.08 hours of vacation annually).
  - (3) Start of the sixth anniversary year through the eleventh year employment anniversary date: 2.31 hours per work week (120.12 hours of vacation annually).
  - (4) Start of the twelfth anniversary year through thirty years: 3.1 hours per work week (161.20 hours of vacation annually).
  - (5) Start of the 31<sup>st</sup> year and up: 3.85 hours per work week (200.20 hours of vacation annually).
  - (6) When hours worked and paid are less than the scheduled hours, the vacation hours accrued will be calculated on a pro-rata basis.
- d. Vacation leave for non-exempt employees (which should generally be scheduled no less than three (3) workdays in advance), regardless of whether such leave is used for actual vacation or other purposes such as court appearance, etc., will not be counted as hours worked towards overtime.

- e. Vacation leave will not be earned during an unpaid leave of absence. Each employee shall not earn paid annual vacation leave for any time worked over the standard forty-hour workweek or during periods when that employee is in an unpaid status, such as being on leave of absence without pay, on suspension without pay, or on unpaid administrative leave.
- f. Employees may not begin using vacation leave until after having worked six months. Approved vacation leave will be paid in accordance with the number of hours regularly scheduled to work that day. Employees taking less than a full workday shall be paid vacation hour for hour in no less than ½ hour increments.
- g. An employee who, upon separation from employment, has given proper notice and is in good standing with the Town, and who does not resign while presently under an investigation for misconduct, will be paid for accrued but unused vacation time, at the employee's current hourly rate.
- h. Employees are not permitted to schedule or use more than three weeks of compensatory or vacation time in advance of their planned resignation or retirement from Town employment.
- i. Employees shall forfeit all vacation payouts under this section if employment terminates because the employee:
  - (1) Has been found guilty in a court of competent jurisdiction of committing, aiding, or abetting any embezzlement or theft from the employee's employer or bribery in connection with the employment; or
  - (2) Has been terminated by reason of the employee having admitted to committing, aiding, or abetting an embezzlement or theft from his or her employer or by reason of bribery; or
  - (3) Prior to termination or retirement, is found guilty of, or adjudged by a court of competent jurisdiction to have violated any state law against strikes by public employees; or
  - (4) Was terminated for the commission of any felony with the intent to defraud the public or a public agency of the right to receive the faithful performance of his or her duty as a public officer or employee, realizes or obtains, or attempts to realize or obtain, a profit, gain, or advantage for himself or herself or for some other person through the use or attempted use of the power, rights, privileges, duties, or position of his or her public office or employment position.
  - (5) The forfeiture of leave payout pursuant to this policy is supplemental to any other forfeiture requirements related to public officers or employees provided by law.

- (6) Forfeiture shall also occur where the employee resigns from employment after having been charged by the Town or other law enforcement authority with any of the above acts but prior to having been terminated.
- j. Use of vacation leave credits cannot be authorized prior to the time they are earned and credited. Vacation leave hours are used only with approval from the Administrator.
- k. If an employee becomes sick/injured during approved vacation leave, the leave hours may be converted to sick leave only if the time record has not been processed by payroll.
- l. Sick Leave accruals cannot be used or paid out as vacation leave.
- m. Notwithstanding any provision of this Policy referring to “anniversary date” or “calendar year,” accruals of leave balances shall be governed by the Town’s adopted payroll tracking system, and may be calculated by the payroll calendar year used by that system.
- n. Deferred Retirement Option Program (DROP). An employee who elects to participate in the FRS’s DROP programs as described in Florida Statutes § 121.091(13), will be subject to the following provisions:
  - (1) Upon entering the DROP program, an employee may opt to be paid for all or any part of unused accrued vacation up to the cap amount set forth above.
  - (2) A DROP employee in the retirement/pension plan will not be eligible for payment of unused sick time entering the program, but will be eligible at full retirement from the Town (the end of the DROP period).

## 2. Sick Leave

- a. Full-time employees earn sick leave credits as of the first day of work. From the date of hire through the first year of employment anniversary date, the employee accrues sick leave at 0.77 hours per week (40.04 hours sick leave annually). From the beginning of the second year of employment forward, the employee accrues sick leave at 1.54 hours per week (80.08 hours sick leave annually). Sick leave credits earned will be prorated in the event non-exempt employees work more or less than 40 hours in a work week. Employees shall not earn sick leave credit for any time worked over the standard forty-hour workweek or during periods when the employee is in a non-paid status.
- b. An employee may not use sick leave prior to having worked for the Town for at least six months. Employees using sick leave are paid at the hourly rate in effect at the time the approved sick leave is taken.
- c. Sick leave must be taken in no less than ½ hour increments.

- d. In the discretion of the Administrator, the Town may require an employee to provide documentation from the employee's doctor confirming the employee's medical need to be absent. Such documentation may be requested where, for instance, the employee appears to have developed a pattern of using sick leave where no actual illness is apparent, or calling in sick on Mondays or Fridays, or for similar reasons. Sick leave pay may be denied to any employee who fails to provide requested medical documentation. Any medical documentation submitted by an employee to support a sick leave request will be kept in the employee's separate medical file and treated as confidential to the full extent allowed by Florida's public records laws. Sick leave use which is later proven to be false (such as using sick leave to take vacation) will subject the employee to discipline.
- e. Sick leave earned during any pay period is credited to the employee on the last day of that pay period. In the case of employment termination, it is credited on the last day the employee is on the payroll.
- f. Sick leave requests shall be submitted to the Administrator for review and approval. Use of sick leave credits cannot be authorized prior to being earned and credited, and sick leave can only be used with approval from the Administrator.
- g. Sick leave hours are charged to an employee's sick leave account. If accumulated sick leave is exhausted but the employee remains unable to report due to illness or injury, the employee may use vacation and compensatory time to cover the remainder of the absence.
- h. Sick leave is provided by the Town for an employee's personal illness, injury, or exposure to a contagious disease which could endanger other employees. For purposes of this Policy, personal illness includes complications in pregnancy, miscarriage, childbirth, and recovery from these. Sick leave may also be used during an employee's non-emergency healthcare provider (physician, dentist, etc.) appointment where such appointment could not be scheduled during non-work hours. Sick leave is not available for use due to the illness or injury of someone who is not the employee. If an employee desires time off to care for or assist someone else who is sick or injured, the employee may request vacation or comp time use. Note: Medical Attention - In accordance with 29 C.F.R., § 785.43, time spent by an employee in waiting for and receiving non-elective medical attention (with the exception of worker compensation-related visits) on the premises or at the direction of the employer during the employee's normal working hours on days when he or she is working constitutes hours worked.
- i. The employee has the responsibility of notifying the Administrator when sick leave absence is necessary. This notification should be given prior to the absence, if possible, or as soon as possible on the first day of absence. Upon request, an employee may be permitted to use sick leave credits if the following procedures are followed:
  - (1) Prior to authorizing an employee to use sick leave credits, the Administrator may require the employee to certify that the absence is for reasons outlined in this Policy.

- (2) After three (3) consecutive workdays (regardless of number of scheduled hours in any workday) of sick leave absence, the employee shall be required to provide medical documentation from her or his doctor before being authorized to use additional sick leave credits unless deemed unnecessary by the Administrator based upon facts already known which confirm the need for the sick leave use.
  - (3) Employees on extended sick leave may be required to report periodically as to their anticipated return to full duty date.
  - (4) Employees using sick leave may be required by the Town to convalesce at a specific location, such as a health care facility or at home where deemed necessary by the Administrator to prevent abuse of sick leave.
  - (5) Upon returning to work following a long-term illness or injury, an employee may be required to provide medical certification from her or his doctor showing she/he is safely able to perform the essential functions of her/his job with or without reasonable accommodation.
  - (6) An employee who refuses to comply with the above-stated requirements is not eligible to use sick leave credits. Any unapproved absence from work will be considered unauthorized and may subject the employee to disciplinary action.
- j. Light Duty. An employee who provides written documentation from her/his doctor indicating that the employee is unable to perform her/his regular job duties due to an accident, illness, or medically related reason may, with the approval of the Administrator, be placed on light duty status or assigned to perform other temporary duties which will not be prohibited by the condition during recuperation, within the following guidelines:
- (1) The employee's hourly rate of pay remains the same.
  - (2) If requested by the Town, the employee submits to a physical examination by a medical doctor (selected and paid for by the Town) prior to approval (or continuation) of the temporary status. Failure to comply could result in denial of use of further sick leave.
  - (3) The temporary light duty status may be approved by the Administrator for a period not to exceed three (3) consecutive months.
  - (4) Requests to remain in the temporary status in excess of the three-month period must be authorized by the Administrator. Such requests will only be considered under exceptional circumstances.
  - (5) Approval of temporary light duty is in the sole discretion of the Town and is conditioned upon the availability of budgeted payroll funds to pay the employee



and/or temporary workers at the same time, the disruption which may be caused to other workers in the workplace, the operational needs of the Town, and the availability of actual, bona fide light duty work to be done. The Town will not create light duty work where none actually exists.

- (6) With documentation from a doctor stating the employee may return to regular, unrestricted, full duty status, the employee will resume his/her regular position.
  - (7) When approved to return to regular, unrestricted, full duty status, failure by the employee to do so could result in termination of employment.
  - (8) Approval of temporary light duty does not signify the Town's agreement that the employee is a qualified individual with a disability under the Americans with Disabilities Act ("ADA") or the Rehabilitation Act, or abrogate any defense that the Town may have under these or similar civil rights laws.
- k. Employees who are determined to be unable to perform the essential functions of their job may request a reasonable accommodation under the ADA if such accommodation would then allow the employee to perform her or his essential job functions. Since light duty does not allow the employee to perform all of her or his essential duties, light duty is not a reasonable accommodation.
- l. Payment of Unused Sick Leave. Upon retirement, resignation or position elimination, and where an employee separates in good standing and having provided at least two weeks notice, an employee will be paid all accrued unused sick leave earned through the last day of actual work as follows:
1. Date of hire through the second anniversary of the employee's hire date: Not eligible for payout.
  2. Start of the third year of employment through the sixth anniversary of the employee's date of hire: 20% of accrued sick leave not to exceed 200 hours.
  3. Start of the seventh year of employment through the nineteenth anniversary of the employee's hire date: 30% of accrued sick leave not to exceed 240 hours.
  4. Start of the twentieth year and beyond: 40% of accrued sick leave not to exceed 400 hours.

The unused hours shall be paid at the employee's rate of pay as of the employee's retirement date.

- m. Employees shall forfeit all sick leave payouts under this subsection if employment terminates because the employee:

- (1) Has been found guilty in a court of competent jurisdiction of committing, aiding, or abetting any embezzlement or theft from the employee's employer or bribery in connection with the employment; or
  - (2) Has been terminated by reason of the employee having admitted to committing, aiding, or abetting an embezzlement or theft from his or her employer or by reason of bribery; or
  - (3) Is adjudged by a court of competent jurisdiction to have violated any state law against strikes by public employees; or
  - (4) Has been found guilty by a court of competent jurisdiction of violating any state law prohibiting strikes by public employees; or
  - (5) Was terminated for having committed any felony with the intent to defraud the public or a public agency of the right to receive the faithful performance of his or her duty as a public officer or employee, realizes or obtains, or attempts to realize or obtain, a profit, gain, or advantage for himself or herself or for some other person through the use or attempted use of the power, rights, privileges, duties, or position of his or her public office or employment position.
  - (6) The forfeiture of leave payout pursuant to this policy is supplemental to any other forfeiture requirements related to public officers or employees provided by law.
  - (7) Forfeiture shall also occur where the employee resigns from employment after having been charged by the Town or other law enforcement authority with any of the above acts but prior to having been terminated.
- n. Notwithstanding any provision of this Policy referring to "calendar year," accruals of leave balances shall be governed by the Town's adopted payroll tracking system, and may be calculated by the payroll calendar year used by that system.

### 3. Bereavement Leave

- a. Paid leave may be authorized for full time employees who have worked for the Town for at least six months who have a death in their immediate families according to the following provisions:
  - (1) Bereavement leave may be authorized (excluding holidays if scheduled to work the holiday) for up to 3 scheduled workdays.
  - (2) Bereavement leave is separate and distinct from other types of leave and is not chargeable to any accrued leave balance (i.e., sick, vacation, etc.). Bereavement leave does not count as hours worked towards overtime.

- (3) In the event a family death occurs during an employee's approved sick, vacation or compensatory time leave, the time missed due to the death may be designated as bereavement leave, if eligible. The actual leave account charged (i. e., sick, vacation, etc.) can be adjusted through a request to the Administrator.
  - (4) Bereavement leave is paid in accordance with scheduled workdays.
- b. Definition of Immediate Family. For the purpose of administering this type of leave, "Immediate Family" is defined as the following persons, as related by blood or law to the employee and/or the employee's spouse: spouse, child, step-child, foster child, grandchild, parent, step-parent, grand or great grandparent, step-grand or step-great grandparent, brother, sister, half-brother, half-sister, step-brother, step-sister, or legal guardian. The definition also includes an individual for whom the employee or the employee's spouse is the legal guardian, and any other family member of the employee or of the employee's spouse who was a full-time resident in the employee's household immediately preceding the death.
  - c. Proof of Purpose of Leave. Validation of the request is left to the discretion of the Administrator.
4. Military Leave
    - a. For purposes of interpreting this Section, the general term "Military Leave" includes both Military Leave, as provided for in subsection (1) below, and Military Call, as provided for in subsection (2) below.
      - (1) Military Leave: In accordance with Chapter 115, Florida Statutes, Town employees who are commissioned reserve officers or reserve enlisted personnel in the United States military or naval service or a member of the National Guard, shall, upon presentation of a copy of the employee's official orders, be granted military leave on all days during which the employee is ordered to active duty or inactive duty for training. Such employees shall not be required to work or use accrued personal leave on any day during which they are engaged in training under official orders. Whether continuous or intermittent, such leave with pay may not exceed 240 working hours (30 days) in any one annual period beginning January 1 and ending December 31. Administrative leaves of absence for additional or longer periods of time for assignment to duty functions of a military character, including assignments under applicable FEMA or USERRA regulations, shall be without pay unless required by federal law.
      - (2) Military Call: Town employees who are commissioned reserve officers or reserve enlisted personnel in the United States military or naval service or members of the National Guard, who are ordered to active military duty shall, upon presentation of a copy of the employee's official orders, be granted military leave beginning with the day ordered to duty and ending up to 31 days after the date of release from the military service or from hospitalization continuing after discharge. The first thirty (30) calendar

days of such leave shall be with full pay. (Note: Employees would only be compensated for scheduled workdays during this 30-day period.)

- b. Scheduled workdays for which Military Leave is taken under the rules outlined in subsections a(1) and a(2) above will be compensated as Military Leave or Military Call (as applicable) and will not count towards overtime.
  - c. Employees requesting Military Leave shall furnish the Administrator with competent orders from the appropriate military command as valid evidence of such duty status. These orders shall be kept in the employee's departmental personnel file. Since "competent orders" are not always defined or consistent, the Administrator may consult with the Town Attorney for guidance.
  - d. Any absence in excess of the limits set in subsections a(1) and a(2) above may, upon request by the employee and approval by the appropriate supervisor, be covered by accrued vacation leave or accrued comp. time. If not requested by the employee or approved by the Administrator as vacation or comp. time, such absences in excess of the limits shall be approved as military leave without pay. However, such leave shall be without loss of seniority or time in service. Should any portion of the leave be paid leave, the employee shall be entitled to accumulate all benefits granted under paid leave status.
  - e. Town employees called to active military service will not be discharged, reprimanded, or in any other way penalized because of their absence due to such service. The employee's position may be filled by another employee with substitute or temporary status. Upon separation from the military service, the employee shall be eligible to return to the former position held or a different position in the same class in the same geographic location.
  - f. Veteran's Leave: A Town employee filling a regular established position and who has been rated by the United States Department of Veterans Affairs or its predecessors to have incurred a service-connected disability and has been scheduled by the United States Department of Veterans Affairs to be examined or treated for the disability, shall be granted veteran's leave for such reexamination or treatment without loss of pay or benefits. The maximum veteran's leave authorized for this purpose shall not exceed six (6) calendar days in any one annual period beginning January 1 and ending December 31. Hours used are not counted as hours worked toward overtime.
  - g. Issues of military leave not addressed in this policy shall be resolved as provided for state employees in applicable provisions of the Florida Administrative Code, Florida Statutes, and federal law.
4. Jury Leave
- a. Whenever an employee (full-time, part-time or temporary OPS) is called for jury duty, upon presentation of the summons to his/her supervisor, the employee will be excused from scheduled workdays and will receive Jury Leave pay for hours actually performing such duty, but not exceeding their scheduled work hours. The employee will not be compensated

by the Town for Jury Leave on unscheduled workdays unless the employee requests to substitute a night or weekend shift or portion thereof immediately preceding or following jury duty. The employee keeps any jury fees received.

- b. Paid Jury Leave hours are considered as hours worked for all compensation purposes including calculating hours worked towards overtime. The Town does not reimburse an employee for meals, lodging, travel, or any other expenses incurred as a juror.
- c. Employees are required to report to work if excused from jury duty during their regular working hours. However, if their scheduled shift has been filled or they are not otherwise needed to complete the shift, they may, with supervisory approval, charge the balance of their scheduled work hours to their vacation or compensatory time leave accounts, or take the time off without pay, but only to the extent they are not able to make up regularly-scheduled hours by means of flex time assignment.
- d. An employee called to jury duty shall promptly notify his or her Administrator and provide a copy of the court summons so that arrangements may be made in advance for his or her absence from work. Where so requested by an employee's Administrator, an employee will provide the head with a statement of actual days spent on jury duty service (such as by memo or e mail) before compensation is approved. Where the Clerk of Court engages in "day prior call in" programs (where unseated jurors call a number to determine whether their presence will be needed the next day), employees who discover their presence at the courthouse will not be required the following day (but who have not yet been released from duty) shall report to work on that day unless otherwise ordered by the Court. Once an employee is released from duty, he or she shall inform the department and report to work.
- e. An employee called to jury duty while on vacation leave shall be allowed jury duty pay for that time served in court which corresponds to his or her regular workday. Such employee shall have his or her vacation leave hours restored provided satisfactory evidence of the time served on jury duty is presented to the department. In the event a holiday occurs during the period an employee is serving on jury duty, he or she shall receive holiday pay for the holiday rather than jury duty pay.
- f. Employees who have a normal work schedule outside the regular business day (night or weekend shifts) who are summoned for jury duty during the business day immediately following the scheduled shift shall, if they request, be permitted to be excused from their scheduled work shift (or portion thereof) immediately prior to the jury duty day, in order to rest or otherwise prepare for their jury service. However, such excused period shall not exceed 8 hours and, where an employee requests to be excused from work for a portion or all a scheduled shift, the employee shall not be compensated for the shift or portion thereof, not actually worked (unless vacation leave is used) but shall only be compensated for jury duty equal to the number of shift hours missed performing such duty. Notwithstanding the general requirement for employees to report to duty should they not be required to spend an entire day of jury duty service, night/weekend shift employees who serve any portion of a day for jury duty without taking time off their regular shift shall be paid for the entire shift, not to exceed the number of work hours scheduled.

## 5. Witness Leave

- a. An employee appearing as a witness for the Town in a court case or administrative proceeding within the boundaries of Pinellas County, in which the Town is a party, including depositions, post-termination proceedings, mediation or arbitration proceedings, or who is subpoenaed as a witness in a court case or administrative proceeding in which the employee's testimony is related to official Town business, is considered to be on duty during such appearance (not including travel time), even during off-duty hours. The employee must remit to the Town any witness fee received in connection with such appearance. In the event the litigation is in a forum outside Pinellas County, and the employee attends as a witness for Redington Shores, he/she shall be entitled to per diem expenses in accordance with Florida Statutes § 112.061. However, in the event the litigation is in a forum outside Pinellas County, and the employee is subpoenaed by a party other than Redington Shores, the employee may keep any reimbursement of travel expenses, and he/she shall not be entitled to reimbursement of per diem expenses from the Town.
- b. An employee who voluntarily appears at a court or administrative proceeding, as defined above, on behalf of a party litigating against the Town shall be ineligible for witness leave pay by the Town for any time spent at such proceeding and must attribute such time to appropriate available leave balances or take leave without pay.
- c. An employee who becomes a party in or is appearing as a witness in any case other than those described in Paragraph a. is considered to be off-duty and must attribute such time to appropriate available leave balances or take leave without pay. Under such circumstances, the employee is entitled to keep any witness fee received.

## 6. Leave Related to Disability

### a. Workers' Compensation

(1) An employee who suffers accidental injury arising out of work performed in the course and scope of Town employment may qualify for benefits during periods in which the employee is unable to work, as provided in the Workers Compensation Law, F.S. Chapter 440. Any employee who has suffered an injury or illness while at work is required to report that injury or illness on an appropriate Town form as soon as possible. Supervisors who are aware of such illness/injury are required to provide the appropriate form to the employee, to compel the employee to complete it, and to promptly report the incident to the Administrator.

(2) An employee receiving workers' compensation wage benefits may, at the employee's election, use available leave balances, in accordance with the relevant leave provisions in this Policy Manual to supplement those benefits. The supplemental payments plus workers' compensation benefits cannot exceed the employee's regular salary. Time

spent by an employee accessing treatment for a workers' compensation covered injury does not count as hours worked toward overtime.

- (3) An employee who is released to light duty by the workers compensation primary care provider may, at the discretion of the Administrator, be assigned to perform other than his/her regular duties during recuperation. An employee who refuses to accept a light duty assignment will be ineligible for other disability leave, may lose workers compensation benefits, and will be subject to disciplinary action for refusal to perform work assigned.
- (4) An employee who refuses to return to work after being released to unrestricted full duty by the workers' compensation primary care provider will be subject to discipline, including discharge, or may be deemed to have abandoned his/her job and resigned.
- (5) Nothing in this sub-section (a) eliminates or reduces an employee's rights under Florida law, to appeal workers' compensation decisions, nor should it be read as guaranteeing light duty work. Where no bona fide light duty work is available within the employee's assigned work unit, the employee may be required to remain out of the workplace until the employee's physician certifies she/he is able to return to full duty. While no employee will be retaliated against for having submitted a claim for benefits and will give every opportunity for employees to recover from work-related injuries, the Town reserves its right under law to terminate any employee for the inability to perform the essential functions of his or her job where the needs of the Town so require.

b. Short-Term Disability Leave/Reasonable Accommodations/Fitness for Duty Exam

- (1) All employees of the Town are expected to be able to perform the essential functions of the positions they hold. At times, a physical or mental impairment may cause an employee to become unable to perform one or more job functions. In such circumstance, it will be the responsibility of the Administrator to work with the employee to identify reasonable accommodations which will permit the employee to perform all essential job functions. This process may take more than one try depending on the specific facts of the case. Though the employee's input on accommodations should be given weight, an employee is not entitled to demand a particular accommodation if the Town wishes to provide a different accommodation, so long as the accommodation will permit the employee to perform his or her essential job functions. The Administrator, with appropriate advice from the Town Attorney, should be consulted where any questions arise over the identification of accommodations.
- (2) Where the Administrator, through appropriate medical documentation or written representations from the employee, becomes aware that an employee is unable to perform the functions of his/her job due to illness or injury, she/he will explore with the employee any workplace accommodations which may permit the employee to perform the affected job functions. In conjunction with this accommodation search, or in instances where the facts reveal that an accommodation is not possible or legally unreasonable, the Town may require the employee to submit to a fitness for duty

medical examination by a physician named and paid for by the Town. The Town's inquiry will be limited to whether the employee is able to perform job-related functions and if not, the probable duration of the disability and expected return to full duty. If the medical examination confirms that the employee is unable to perform the essential functions of his/her job with or without reasonable accommodation, the employee may request to use any short-term disability policy the employee may have obtained for up to thirty (30) calendar days. The granting of such request is at the discretion of the Administrator. NOTE: Outside of a worker compensation claim or a Town-paid fitness for duty examination, Town staff should NOT be directly communicating with healthcare providers of employees. Instead, all such communication will be made through the employee to the provider in writing.

- (3) If the Administrator approves the use of short-term disability insurance leave, then, at the outset of such leave, the Administrator will inform the employee in writing of the maximum duration of the leave and that, at the conclusion of that time period, the employee is expected to return to unrestricted full duty work, if he/she is able to perform the essential functions of the job with or without reasonable accommodation.
- (4) The granting, denying, or administration of short-term disability leave under this rule relates only to the ability to remain on the Town's payroll as an employee while accessing a short-term disability leave insurance benefits and does not constitute, and is in no way related to, any paid leave policy of the Town.
- (5) An employee authorized to be on short-term disability leave must be paid from the insurance policy first. If absence is authorized beyond those benefits, then sick leave hours are to be used next. If sick leave is exhausted, the employee may request use of any available vacation or compensatory time. If the employee uses all such leave or does not have enough leave to cover the duration of the disability leave period, the employee may request to be placed on leave without pay for the balance of the short-term disability leave period. Such period is at the sole discretion of the Administrator.
- (6) If, at the conclusion of any short-term disability leave period granted, the employee is still unable to perform the essential functions of his/her job with or without reasonable accommodation, the following options are available:
  - (A) The Administrator may require the employee to submit to another medical examination. If the examination reveals that the employee is able to perform the essential functions of the job with or without reasonable accommodation, the employee must return to work or face discharge, or be deemed to have abandoned his/her position and resigned.
  - (B) The employee may request an extension of short-term disability leave for another thirty (30) calendar day period not to exceed a total of three (3) consecutive months. The Administrator may require the employee to produce medical certification indicating that he/she remains unable to perform the essential functions of the job



during these periods. Such requests may be granted under exceptional circumstances, depending on the operational needs of the department.

(C) The Administrator may accept the employee's voluntary written resignation for reason of inability to perform assigned duties.

(D) The employee may be non-disciplinarily separated for inability to perform.

(7) While under short-term disability leave without pay, it is the employee's responsibility to pay any group health and life insurance premiums that are normally paid by the employee. Such monthly premiums must be paid by the employee prior to the effective month of coverage; otherwise, coverage may terminate.

#### 7. Domestic Violence Leave

a. Pursuant to Florida Statutes § 741.313, an employee who has been employed for 3 or more months is permitted to request up to 3 working days of paid or unpaid leave during any rolling 12-month period if the employee, or a family or household member of the employee is the victim of domestic violence, where such leave is taken to:

(1) Seek an injunction for protection against domestic violence or an injunction for protection in cases of repeat violence, dating violence, or sexual violence;

(2) Obtain medical or mental health care for the employee or family or household member to address injuries resulting from an act of domestic violence;

(3) Make the employee's home secure from the perpetrator of domestic violence or to seek new housing to escape the perpetrator; or

(4) Seek legal assistance or attend court proceedings arising from an act of domestic violence.

b. Domestic violence leave shall be coded as paid vacation or sick leave (depending on whether the reason for taking the leave is to seek medical treatment or not) to the extent the employee has sufficient balances in his or her relevant leave account. Otherwise, the leave shall be coded as no pay.

c. Except in cases of imminent danger to the health or safety of the employee or family or household member, an employee seeking domestic violence leave must provide appropriate advanced notice of the leave request, and may be required to produce sufficient documentation to support the requested leave. To the extent an employee provides personal identifying information related to a request for domestic violence leave, such information shall be maintained by the Town as confidential and exempt from public records disclosure, pursuant to Florida Statutes § 741.313(4)(c)(2).

- d. Employees who feel they are not being granted domestic violence leave should contact the Administrator to determine eligibility and obtain a suitable resolution to the matter.

#### 8. Leaves of Absence Without Pay

- a. Leaves of absence without pay will only be allowed upon depletion of applicable accrued leave balances. The exception to this would be an employee who requests a leave of absence without pay to supplement military leave.
- b. The decision to grant leaves of absence without pay is a matter of administrative discretion and must be approved by the Administrator.
- c. Leaves of absence without pay may be approved up to a maximum of three (3) months.
- d. While under a leave of absence without pay, any group health and life insurance premiums that are normally paid by the employee must continue to be paid by the employee. Applicable monthly premiums must be paid by the employee prior to the effective month of coverage; otherwise, coverage will be canceled at the beginning of the delinquent period.

#### 9. Leaves of Absence Related to Judicial Proceedings

- a. If an employee is arrested for, and/or charged with, an alleged violation of a federal or State law, county or municipal ordinance, or an order of a court, and/or becomes incarcerated for such reason, the Administrator shall investigate as necessary for the purpose of determining whether to take disciplinary action and/or whether to place the employee on judicial leave of absence pending judicial proceedings. The decision to place an employee on leave of absence is discretionary with the Administrator. Any decision to place an employee on judicial leave shall be final and not subject to appeal through any grievance process.
- b. While in some cases the Town may elect to await the outcome of judicial proceedings prior to discipline action, the Town reserves the right to make its own determination regarding the facts of the case and whether its personnel rules were violated, regardless of the outcome of any criminal proceedings.
- c. An employee not incarcerated while awaiting disposition of a charge may be permitted to work if it is determined by the Administrator that allowing the employee to work will not adversely impact Town operations or citizen good will, or jeopardize the well-being of other employees or citizens.
- d. Judicial Leave is not a right but an option which may be exercised in the sole discretion of the Town and shall be unpaid. However, an employee must use all vacation leave prior to any unpaid period. Nothing herein should be interpreted as preventing the Town from proceeding to terminate or otherwise discipline an employee at any time after a charge or arrest where the Town possesses adequate information upon which to base its decision.

## Non-Disciplinary Separations from Employment

### 1. Job Abandonment.

Any Town employee absent from his/her position of employment without approval of the Administrator for a period of two (2) consecutive workdays/shifts is considered to have resigned without notice. Leaving an after-hours message, or sending a text or email during an unauthorized absence will not constitute approval. Rather, the employee must make actual contact with the Administrator, inform that official as to why the absence is occurring (arrest, emergency medical issue, etc.), and obtain approval for the duration of the absence.

### 2. Resignation

- a. Resignation is the separation of an employee from Town employment through submission of a written or verbal notice of intent to resign. An employee's resignation shall be deemed as accepted by the Town the moment it is tendered regardless of any stated effective date, and no supervisor has the authority to reject or permit an employee to rescind a resignation without the express prior authorization of the Administrator.
- b. An employee who wants to leave Town employment in good standing must notify the Administrator at least two (2) weeks prior to leaving. The Administrator may allow the employee, under extenuating circumstances, to give less than two (2) weeks' notice and still resign in good standing. In the event the Administrator determines that it would be in the Town's best interest to deem a resignation notice an immediate resignation or shorten the resigning employee's notice, he/she may do so.
- c. Upon an employee's resignation notice, any interest in continued employment ceases.
- d. Employees who resign from Town employment without two (2) weeks' notice (unless otherwise approved by the Administrator), may not be recommended for rehire, nor be eligible for re-employment, with the Town for one (1) year following their date of termination unless approved by the Town Administrator.
- e. Town employees separating from Town employment may be requested to complete an employee separation survey to provide the Town with input the employee may have about his/her employment experience at the Town. Completion of any such survey will be voluntary and have no impact on a departing employee's benefits.
- f. An employee who takes any step to run for a Town Commission seat, including opening a campaign account for that purpose, filing qualifying paperwork with the Supervisor of Elections, or conducting a press conference or issuing a press release confirming his or her candidacy, shall be deemed to have resigned his or her position with the Town as of the close of business of the date any of these actions are first taken. Nothing herein shall be read or interpreted as preventing an employee from standing for election for any other elective public office or applying for appointment to any appointive public office.

### 3. Retirement

- a. None of the provisions of this Policy can be construed or interpreted to alter or impair the Town's retirement plan.
- b. There is no mandatory retirement age for employees of the Town unless otherwise provided by Florida Statute or a pension plan provision. Continued employment is determined by the employee's ability to perform satisfactorily in the job classification assigned.
- c. Employee assistance and retirement information is available from the Florida Retirement System (FRS) as needed. Employees are urged to contact the Administrator at least ninety (90) days in advance of the anticipated retirement date to allow time to process any retirement benefit forms required by FRS.
- d. Employees who have retired from Town employment may be re-hired by the Town in any position and under such terms and conditions as the Town may offer, consistent with policies or procedures applicable at the time of application, but subject to FRS regulations.

### 4. Death

- a. Separation is effective on the date the death occurs.
- b. All compensation due the employee at separation is paid to the beneficiary, surviving spouse, or to the estate of the employee, as determined by law or by executed forms in the employee's official personnel file. The Town will not be able to release final compensation to a surviving spouse or relative just upon request, and proof of the legal right to receive the payment (to the satisfaction of the Town Attorney), may be requested.

### 5. Layoff

- a. It is the intent of the Town Commission to provide stable employment to Town employees. However, there may be occasions which necessitate a reduction in the Town work force.
- b. A reduction of work force may be instituted in cases of bona fide budget reduction, lack of work, lack of funds, privatization of functions, program or grant discontinuation, technological replacement, or any other significant organizational change or condition of serious financial distress that may occur. When such conditions exist, the Administrator may proceed to lay off an employee or employees. To the extent a reduction in force is necessitated by the Administrator's proposed budget, layoff decisions shall be consistent with the programs, services or operations to be reduced or eliminated by such budget.
- c. A reduction in work force may be made by work site assignment and/or specific function performed and/or unique skills or qualifications held and/or by general job classification and/or by pay grade within the affected Town operating unit. Layoffs which are targeted solely at reduction of salary costs must fairly target the foregoing employee classifications

in a roughly uniform way so as not to cause the layoff of a more senior worker where a more junior employee performing the exact same duties and working at the same location is earning more.

- d. The duties previously performed by a laid-off employee may be reassigned to other employees already working in positions in appropriate job classifications.
- e. Layoff Priority
  - (1) In the event of layoff, primary consideration will be on the factors set out in Section c above. Thereafter, the order of layoff shall begin with temporary then probationary employees. The next order of layoff shall begin with the employee who has the least seniority.
  - (2) Seniority shall be determined by Town-wide continuous service. Rules of continuous service shall be observed in deciding the date of last hire for the purpose of seniority determination.
  - (3) If two or more individuals should have the same hire date for determining seniority, the employee with the most disciplinary and/or counseling notices shall be laid off first.
  - (4) In accordance with prevailing veteran laws, including Chapter 295, Florida Statutes, certain veterans and spouses of certain veterans may be eligible for preference in retention when layoffs are necessitated. The Administrator shall review layoff proposals to ensure compliance with such laws.
- f. Town employees who are scheduled for layoff shall not have “bumping rights” to other positions in the Town. However, where the Town is able to forecast a layoff in advance, the Town may establish a time period wherein employees subject to a pending layoff will be permitted to apply for other open positions. During this period, such employees shall, when being interviewed, receive preference in hiring where they are at least equally qualified with outside candidates. Nothing herein, however, is intended to require the hiring of any such employee by the Town where another candidate is clearly more qualified for the position.
- g. Employees scheduled for layoff may, if offered by the Town, elect to accept transfer to vacant Town positions for which they are qualified. Such transfer offers may be made at the discretion of the Town and must be accepted by the employee within 3 days of receipt of the written offer. The employee’s pay rate would be adjusted in accordance with prevailing Town policy for any other Town employee changing positions within the Town. Employees who accept a transfer offer under this paragraph shall not be further entitled to any reinstatement to their prior position.
- h. Employees on layoff status with no offer of transfer, may for a period of twelve (12) months from the date of layoff apply and receive preference in interviewing for any job for which they are minimally qualified.

- i. The Administrator shall ensure the Town's health plan administrator is made aware of any layoffs to ensure proper COBRA notices are provided.
- j. Reinstatement
  - (1) Laid-off employees, who have not accepted an offer of transfer to a different Town position, have priority for reinstatement, according to seniority, in jobs within their classifications at the time of separation for twelve (12) months following the effective date of layoff. Laid-off employees reinstated to those classifications within the twelve (12) month period shall have their previous dates of hire restored (including vacation and sick leave accrual rates and any unpaid sick leave balances in effect at the time of layoff). However, recalled employees may not be offered the rate of pay they had prior to their layoff, where fiscal conditions require a reduced rate for the position. At the end of the twelve (12) month period, all laid-off employees' rights associated with reinstatement are concluded. The Town offers reinstatement to laid-off employees by certified mail to the last known address. (Note: It is the laid-off employee's responsibility to keep the Town notified of any change of address, if he/she is interested in reinstatement.)
  - (2) Reinstatement is offered to laid-off employees provided they are qualified (medical certification may be required) to perform the essential duties of the job, and are in compliance with current pre-employment requirements including the Town's drug free workplace program. A laid-off employee who is temporarily unable to accept an offer of reinstatement due to medical certification may request a delay in starting work, not to exceed thirty (30) calendar days.
  - (3) The return-to-work date for a laid-off employee, who is qualified to return to work and compliant with all pre-employment requirements, is determined by the Town's requirements, but the employee must be available for work no later than two (2) weeks following notice or his/her seniority will be forfeited and he/she is no longer considered eligible for reinstatement under the layoff procedures.
  - (4) If the employee fails to report to work within three (3) business days after receipt of the certified notice or if the employee does not meet all current pre-employment requirements, his/her seniority is forfeited, and he/she is no longer considered eligible for reinstatement under the layoff procedures.
- k. Employees who are scheduled for layoff do not have the right to submit appeals or complaints regarding layoff actions, except for reasons of alleged violation of these policies and procedures governing such reduction of work force, or for alleged acts of illegal discrimination. The Administrator may elect to offer separation agreements to employees subject to layoff using available budgeted wage funds. Such agreements should be developed or reviewed by the Town Attorney prior to being offered.

1. Employees who are scheduled for layoff should contact their health insurance provider to discuss their medical coverage and other health benefits.
  - m. The Administrator shall make all reasonable efforts to provide outplacement assistance and services to laid-off employees to the extent Town resources allow.
6. Disability Separation/Reasonable Accommodation
- a. All employees of the Town are expected to be able to perform the essential functions of the positions they hold. At times, a physical or mental impairment may cause an employee to become unable to perform one or more job functions. In such circumstance, it will be the responsibility of the Administrator to work with the employee to identify reasonable accommodations which will permit the employee to perform all essential job functions.
  - b. Though the employee's input on accommodations should be given weight, an employee is not entitled to demand a particular accommodation if the department wishes to provide a different accommodation, so long as the accommodation will permit the employee to perform his or her job functions.
  - c. An employee may be terminated when he/she is unable to perform the essential functions of the job because of a physical or mental impairment, and where no reasonable accommodation has been identified or such an accommodation is rejected. Separations based on the employee's inability to perform the essential functions of the job under the provisions of this section will not be considered disciplinary terminations.
  - d. If the inability to perform the job occurs due to an on-the-job injury, the employee should be given a reasonable opportunity to reach maximum medical improvement (MMI) as stated by the Workers' Compensation doctor before being separated unless such inability has existed for more than 12 weeks in the immediate prior 12-month period. The point in time at which an employee is considered for separation for an illness or off-duty injury will be dependent upon the operational needs of the Town in conjunction with the availability of a definitive recovery prognosis. Nothing herein prohibits discharge for inability to perform duties, regardless of the source of illness or injury, where the continued non-performance of essential job functions by the employee results in a substantial hardship for the Town's operations.

## **Disciplinary Actions and Discharges**

Since employment with the Town is at-will, employees may be discharged for any or no reason. However, the Town wishes to provide employees with information on what standards will apply to their work with the Town, and information on the Town's disciplinary philosophy.

### **1. General Provisions**

- a. The level of discipline an employee will receive for a given offense varies in each case depending on the employee's past work and discipline record, seniority and the severity of the offense.
- b. Employees may be disciplined by written notice alone (with or without other conditions), suspension, probation, demotion, discharge or combinations of these for an action or failure to act which adversely affects job performance or the efficient operation of the Town or the employee's work unit. It is the intent of the Town that employees succeed within their own work units. Therefore, transferring of unsuccessful employees from one operational area to another is a disfavored practice, and will not generally be used to address employee performance or misconduct issues.
- c. In lieu of formal disciplinary action, the Town Administrator may elect to offer and enter into a last chance agreement or voluntary separation agreement with an employee. The Town Attorney shall assist in the drafting and review of any such agreements.

### **2. Performance and Conduct Rules**

While Town employees may be disciplined or discharged for any or no reason, the following are examples of performance and conduct standards employees are expected to avoid violating:

- a. Incompetency or inefficiency in the performance of assigned duties.
- b. Possession, use, sale, purchase, or attempt to sell or purchase, any illegal controlled substance, on or off duty; misuse of prescription drugs while on duty.
- c. Consumption or possession of any alcoholic beverage on duty or while operating or riding in or on Town vehicles or equipment or immediately prior to driving a Town vehicle or operating Town equipment.
- d. Reporting to work, or working with, the presence of alcohol or illegal drugs in one's body; or failure to inform supervisor of use of prescription or non-prescription medication which may affect the employee's ability to safely and effectively perform job functions, or otherwise reporting to work while either mentally or physically unfit to perform duty.
- e. Refusal to submit to drug or alcohol testing as provided for in this policy or as may be required by law; attempting to contaminate test specimens or otherwise interfering with drug or alcohol testing procedures.



- f. Insubordination including refusing to perform work when assigned, or to comply with written or verbal instructions of the supervisory force, including the use of abusive or threatening language or behavior directed toward a supervisor.
- g. Refusal to fully and truthfully cooperate in an investigation conducted by or at the direction of the Town or to testify at any hearing or proceeding when directed to do so.
- h. Interference with the work of another employee.
- i. Conducting personal business during duty hours.
- j. Unexcused absenteeism or tardiness, including failure to report to duty at any reasonable time.
- k. Political campaigning in writing, orally, or by telephone while on the job or during work hours.
- l. Carelessness or negligence in handling or control of Town property or the improper appropriation of Town property.
- m. Willful or negligent failure to follow safety rules or procedures.
- n. Discourteous, insulting, abusive, or inflammatory language or conduct toward any person, which disrupts the workplace or serves to offend any citizen, vendor or other person with whom the employee comes into contact during the performance of duties.
- o. Inability to perform the essential functions of the employee's position with or without reasonable accommodation, including the inability to maintain regular attendance.
- p. Failure to comply with ethical requirements in law or these Policies, including the acceptance of a gift under circumstances from which it could reasonably be inferred that the giver expects preferred treatment in a Town-related matter.
- q. On or off the job conduct which adversely affects the ability of the employee to perform his/her duties or the ability of another employee to perform his/her duties. This includes conduct that adversely affects the efficient operation of the Town or its work units.
- r. Lying, falsifying an official document including employment applications, medical examination forms, accident records, insurance records, leave or payroll records, purchase orders, or any other dishonesty connected with the employee's job or the operation of the Town.
- s. Unlawful or unauthorized possession, use, or threat of use, of a deadly weapon, including a firearm, ammunition, explosive device, illegal knife, or other weapon, while on duty, on Town property, or in a Town vehicle.

- t. Horseplay, fighting, unsafe conduct, or other disorderly misconduct, while on duty or on Town property.
- u. Violation of a Town rule, procedure, order or regulation, any statute or ordinance related to Town employment, or any provision of this Policy.
- v. Unlawful or improper conduct, either on or off the job, which would tend to affect the employee's relationship to his or her job, his or her fellow workers, or the Town's reputation or goodwill in the community.
- w. Engaging in discriminatory or harassing behavior of a verbal or physical nature which includes, but is not limited to, slurs, epithets, jokes, negative stereotyping, or other acts that relate to race, religion, gender, national origin, marital status, age or disability; or any display or written or graphic material such as photographs or cartoons that denigrates or shows hostility or aversion toward any individual or group because of same; as prohibited by the Town's EEO/AA Policy.
- x. Violation of Florida Statute § 447.505, prohibiting public employees from participating in any strike against a public employer.
- y. Conviction or guilt of a felony or a misdemeanor of the first or second degree as defined by Florida statutes or federal criminal law, without regard to or status of any criminal proceeding, or any violation of a county or municipal ordinance involving moral turpitude, while either on or off the job.
- z. Failure to obtain and maintain, or suspension or revocation, of a state, federal or other license/certificate required or essential to the performance of the employee's job, and failure to inform the Town of such suspension or revocation of license/certification.
- aa. The loss, suspension, or revocation of a driver's license when driving duties and/or possession of a valid driver's license are requirements for the employee's job.
- bb. Use of Town vehicles for other than Town business, or the failure to use seat belts while driving or riding in Town vehicles, or any other violation of the policies on the use of vehicles for Town business.
- cc. Failure to notify the Administrator or employee's Administrator of any criminal arrest, charge or conviction within three (3) business days of such arrest, charge or conviction.
- dd. Operating, using, or possessing tools, equipment or machines to which the employee has not been assigned, or performing other than assigned work.
- ee. Productivity or workmanship not up to required standards of performance.

- ff. Failure to properly wear a complete Town uniform as provided by the employee's department, or to display proper Town identification as required by Town rules.
- gg. Taking more than specified time for meals and rest periods.
- hh. Habitual failure to properly and timely complete record of time worked.
- ii. Knowingly making any unauthorized marks or amendments to time records of oneself or of another, or requesting or soliciting another employee to make such marks or amendments.
- jj. Failure to obtain and keep current the required authorization for outside employment.
- kk. Failure to pay just debts due, including debts to the Town, or failure to make reasonable provision for the future payment of such debts, thereby causing operational disruption to the Town or its employees or agents.
- ll. Failure to report immediately to the Administrator the loss of a Town identification card or access keys.
- mm. Knowingly permitting another person to use a Town identification or access card, or using another person's identification or access card, or altering a Town identification or access card.
- nn. Failure to keep the Administrator notified of current address and telephone number.
- oo. Unauthorized posting or removal of any matter on or from any Town website, social media site, bulletin boards or other Town property.
- pp. Provoking or instigating a fight, or actively participating in a fight during the workday, including breaks and meal periods, or at any time while on Town property.
- qq. Sleeping during work hours.
- rr. Unauthorized distribution of written or printed matter of any description on Town premises.
- ss. Failure to report to the Town Administrator or Town Clerk a request for information, or receipt of a subpoena from an attorney, law firm, or court of law in connection with Town related litigation.
- tt. Unauthorized vending, soliciting or collecting contributions at any time on Town premises.
- uu. Failure to comply with the Town's computer and internet use policies.

- vv. Disregarding job duties by loafing or neglecting work during working hours or stopping work, wasting time, or loitering, or temporarily leaving assigned work area during working hours without permission.
- ww. Failure to follow leave request procedures or giving false information to access leave.
- xx. Being absent without permission or leave.
- yy. Deliberately misusing, destroying, damaging, or causing to be destroyed or damaged, any Town property or property of a co-worker, Town contractor or citizen.
- zz. Making false claims or misrepresentations in an attempt to obtain accident benefits, workers' compensation benefits, health insurance payments, or other benefits.
- aaa. Knowingly harboring without proper treatment, a communicable disease, which may endanger the health of other employees.
- bbb. Concerted curtailment or restriction of production or interference with work in or about the Town's workstations including, but not limited to, instigating, leading or participating in any walkout, sit-down, stand-in, slowdown, sick-out, refusal to return to work at the assigned time for the scheduled shift, or participation in a strike or any concerted activity against the Town as defined in Florida Statutes.
- ccc. Threatening, intimidating, coercing or interfering with fellow employees, supervision or the public at any time, including the use of abusive, foul or obscene language.
- ddd. Failure to report a work-related accident, illness or injury to the Administrator.
- eee. Theft or misappropriation of Town funds or other assets.

### 3. Violence and Weapons

- a. Under Florida Statutes § 790.06, the carrying or possession of concealed weapons, even with a concealed carry permit, is prohibited for all Town employees while on duty, except for authorized law enforcement personnel. Under Florida Statutes § 790.053, openly carrying any firearm or electric weapon or device is illegal.
- b. Possession, use, or threat of use of weapons, including all firearms and explosive devices, is not permitted in the workplace, on Town property, or in Town vehicles, unless such possession or actions are necessary and an approved requirement of the job. Notwithstanding the foregoing, pursuant to Florida Statutes § 790.251, an employee may keep a legally owned firearm in her or his private vehicle on Town property when such firearm is lawfully possessed and locked inside or locked to that vehicle.

- c. Violence, bullying, intimidation, harassment, or the threat of violence by any employee is unacceptable behavior and will subject the employee to serious disciplinary action, including termination of employment. Bullying is defined as repeated harassment resulting in maltreatment of one employee to another. The Town will cooperate with the appropriate law enforcement agency to prosecute any person who commits violent acts against employees or Town officials, or threatens any kind of violence towards employees or Town officials.

#### 4. Drugs and Alcohol

- a. The Town has zero tolerance for abuse of alcohol and/or drugs in the workplace. The Town provides testing and treatment programs to ensure prevention of substance abuse. Employees with job classifications which are covered by Florida Department of Transportation (FDOT) regulations are subject to random drug and alcohol testing.
- b. The Administrator may use discretion in requiring drug or alcohol testing if a Town employee is injured on the job or appears impaired by alcohol or drug abuse. Although the Town has adopted a drug-free workplace policy, there must be "reasonable suspicion" that drug or alcohol abuse contributed to the accident or inability to perform.

#### 5. Name Clearing Hearings

- a. When an employee is discharged, and where the employee believes that his or her file contains stigmatizing information connected with the discharge, or where a Town official publishes information post-termination and connected with the discharge, and which information the employee believes is stigmatizing, the employee may, within ten (10) calendar days of receiving notice of the publishing of the post-termination information, request a hearing for the sole purpose of responding to the information considered to be stigmatizing.
- b. In the event such request is made, the Town will appoint a hearing officer to conduct a name-clearing hearing, and shall provide the discharged employee an opportunity to clear his/her name as related to the alleged stigmatizing information.
- c. Upon hearing from the former employee and any relevant Town witnesses, a hearing officer appointed by the Administrator may recommend to the Administrator that a demonstrably false or incomplete statement or conclusion in a file be supplemented with the former employee's side, that the Town issue a retraction or clarification of a demonstrably false or incomplete statement to the public, or some other measure requested by the former employee so as to eliminate or reduce the alleged unwarranted stigma. The hearing officer may also decide to make no recommendation if one is not warranted. The mere confirmation that the former employee had been discharged, the fulfillment of a public records request for documents related to the discharge, or the former employee's disagreement with a discharge decision, will not be proper foundations for a name-clearing hearing. Such a hearing shall not entitle the employee to any relief from discharge.

6. General Statement on Conduct and Performance Correction

- a. For corrective action taken against an employee who has violated Town policy, the range of corrective action includes a verbal warning to a formal performance improvement program (PIP) which may include an unpaid suspension from employment. Corrective action will continue until the violation or infraction is corrected.
- b. Each employee's past record, tenure, position held, and other factors will be considered on a case-by-case basis when determining how the employee's misconduct or performance problems are addressed within the correction and disciplinary realm. However, in general, the Town believes in the concept of progressive discipline. Therefore, the steps in corrective action will usually be:
  - (1) verbal counseling/warning
  - (2) written counseling/warning
  - (3) written disciplinary notice (which will find a violation has occurred and may impose a period of suspension or demotion)
  - (4) written disciplinary notice informing the employee of her or his termination.

In addition to these progressive discipline steps, the Town Administrator may also develop a performance improvement plan providing for measures which are calculated to bring the employee's conduct or performance back in line with the Town's conduct rules and required levels of job performance. An employee's failure to successfully complete a performance improvement plan may result in termination.

## **Employee Complaint Procedure**

### 1. Definitions

- a. **Complaint** - a written statement made by an employee concerning any non-disciplinary, work-related problem. The statement must state the details of the complaint, and be signed and dated by the employee.
- b. **Immediate Supervisor** - the person in the chain of command to whom an employee directly reports and under whose direct supervision the employee performs his/her job.
- c. **Regular Employee or Employee** - (for purposes of this Section) - a person employed by the Town who is not working in a temporary status.
- d. **Occurrence** - an event that caused the complaint or an incident which the employee, through the exercise of reasonable care, should have known about.

### 2. General Provisions

#### a. Purpose

The purpose of the Complaint Procedure is to establish a process for resolving employee work-related problems and grievances at the lowest administrative level possible and to ensure the fair, expeditious and orderly resolution same. The Complaint Procedure shall NOT be used to appeal evaluations or discipline, nor to address allegations of illegal harassment or discrimination. Complaints regarding such matters must be processed under the Illegal Discrimination or Harassment provisions of this Policy.

#### b. Coverage

- (1) The Employee Complaint Procedure is applicable to all regular employees.
- (2) Employees, including probationary and temporary employees, who wish to lodge a complaint concerning illegal discrimination must utilize the formal procedures established as to Illegal Discrimination and Harassment set forth in this Policy Manual.

#### c. Time Limits

- (1) The time limits set forth in this Procedure are strictly adhered to unless waived by both parties concerned or the Administrator.
- (2) Failure on the part of the Town to comply with the time limits enables the employee to proceed to the next step.
- (3) If an employee fails to comply with the time limits, his or her problem shall be deemed resolved, and any pending complaint shall be dismissed.

d. Responsibilities of the Administrator

The Administrator is responsible for ensuring that employee complaints are promptly considered and that each employee is made aware of this procedure.

e. Available Complaint Procedures. Employees have the following procedures available to them:

- (1) Opportunity to file a complaint with Administrator.
- (2) Opportunity for informal resolution of the complaint. An effort will be made within the affected Town operational unit to resolve the problem informally, with the help of Administrator as necessary.
- (3) Opportunity to bring witnesses and documentary evidence at any step in this procedure.
- (4) Opportunity to have copies of relevant records or documents provided by the records custodian when such records or documents are kept by or for the Town in the ordinary course of business.

f. Procedural Steps

The following steps are available to employees for the orderly and expeditious processing of non-disciplinary, work-related problems or complaints.

1. STEP I: Immediate Supervisor

- a. When an employee has a work-related complaint, the employee should consult with his/her immediate supervisor within ten (10) calendar days of the occurrence. Employees are encouraged to work in good faith with their respective supervisors for speedy resolutions of their problems or concerns.
- b. If a satisfactory resolution is not reached within two (2) of the supervisor's working days following the employee's initial consultation with the supervisor, the employee has two (2) additional workdays to put the problem in writing and to present it to his/her supervisor.
- c. The supervisor has two (2) working days (supervisor's working days) from the day the employee presented the written complaint to give the employee a written decision.

2. STEP II: Administrator

The Town Administrator or his/her designee will consider the complaint. Upon request, the complaining employee may explain his/her position in writing and/or in a meeting with the



Administrator or designee. After considering all the available information, including any recommendation by a designee, the Administrator will make a final determination within fifteen (15) calendar days after receipt of written submission, meeting with employee, or receipt of designee's report, whichever is last occurring.

## Illegal Discrimination or Harassment

### 1. Policy

- a. Redington Shores is committed to providing workplaces that are non-discriminatory and afford equal treatment to all. The Town will not condone or tolerate illegal discriminatory behavior. This specifically includes sexual harassment and any other type of harassment or discriminatory conduct based on race, color, national origin, religion, sex, marital status, age, citizenship or disability (protected classes).
- b. Employees shall not engage in conduct which violates this policy at any time during working hours, or on Town premises while off duty, or while off duty and interacting with fellow employees (including interactions on social media).
- c. All administrative and supervisory personnel are expected to abide by the Town's commitment to equal opportunity and treatment under the law and to ensure that this policy is fully implemented and enforced.
- d. Due to the severity of illegal discriminatory conduct, and the legal questions which are often involved in investigating such conduct, the procedures in this policy shall be used in investigating and dealing with illegal discrimination complaints.

### 2. Definitions

- a. Illegal harassment or discriminatory conduct can be any verbal or physical conduct that belittles or otherwise shows hostility or aversion toward an individual or group based upon that individual's or group's race, color, religion, gender (including sexual orientation or transgender status), national origin, marital status, age, citizenship or disability, and that for a reasonable person:
  - (5) has the effect of creating an intimidating, hostile, or offensive work environment;  
or
  - (6) has the effect of unreasonably interfering with an individual's work performance;  
or
  - (7) otherwise adversely affects an individual's terms and conditions of employment.
- b. Examples of illegal harassment include, but are not limited to, epithets, slurs, jokes, negative stereotyping, or other acts which are threatening, intimidating, or hostile in nature, that relate to a protected class, or any display of written or graphic material such as photographs or cartoons that belittles or shows hostility or aversion toward an individual or group because of the same.

- c. Sexual harassment is generally defined as abusive treatment of an employee by the employer or by a person or persons under the employer's control, which would not occur but for the person's sex, when:
  - (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
  - (2) submission to such conduct by an individual is used as the basis for employment decisions affecting the individual; or
  - (3) such conduct has the effect of unreasonably interfering with an individual's work performance or creating an intimidating or offensive work environment.
  
- d. Examples of conduct which may constitute sexual harassment may include, but are not limited to, the following:
  - (1) unwelcome sexual advances, flirtations, or propositions
  - (2) actual or implied demands for sexual favors in exchange for favorable treatment or continued employment
  - (3) unwelcome jokes or remarks of a sexually oriented nature
  - (4) verbal abuse of a sexual nature
  - (5) unwelcome commentary about an individual's body, sexual prowess, attractiveness, or sexual deficiency
  - (6) any display in the workplace of sexually suggestive objects, pictures, posters, or reading material
  - (7) a coerced sexual act or assault
  - (8) uninvited physical contact of a sexual nature such as pinching, grabbing, patting, or brushing against another person
  - (9) uninvited leering, whistling, or gestures of a sexual nature

### 3. Procedure

- a. Any employee or applicant who believes that he or she is being or has been illegally discriminated or retaliated against or harassed must file a timely written complaint with the Administrator. To the extent the Town maintains an official form for the purpose of filing a charge under this section, such form must be used and all questions therein responded to fully.

- b. If the complaint is against the Town Administrator, the employee shall report the complaint to the Mayor-Commissioner or the Town Attorney.
- c. Supervisors must not initiate investigations on their own. Rather, they are responsible for immediately bringing any allegation or concern related to potential cases of illegal discrimination or harassment to the attention of the Town Administrator (or Mayor/Town Attorney if the complaint is against the Administrator).
- d. The Administrator will be responsible for evaluating all complaints under this policy, obtaining advice of the Town Attorney as needed, and making the determination on whether an internal investigation is warranted. In cases where such an investigation is determined to be warranted, the Administrator will designate an appropriately qualified person or persons from outside the employee's operational area who shall be responsible for conducting a prompt, thorough and objective investigation.
- e. Employees questioned during the course of an investigation are obligated to cooperate in a full and honest manner. No employee shall face any form of reprisal for making a complaint or for his or her cooperation with an internal investigation. Employees who either refuse to cooperate in an internal investigation, or who intentionally give false information at any point within an investigation, shall be subject to disciplinary action.
- f. Once an internal investigation has been concluded, the Administrator will review the investigator's written report. The Administrator will determine the remedial action to be taken, if any is required. A final written report containing final findings and the actions taken will be generated at the conclusion of the investigation and review, with a copy provided to the complainant. Individuals against whom allegations were raised will likewise be entitled to receive a copy of the final report upon request.
- g. Once an investigation has been concluded, it shall be the responsibility of the Administrator (or designee of the Commission if the complaint is against the Administrator) to implement the remedial actions which have been found to be necessary and appropriate. The Administrator shall be responsible for monitoring the workplace situation, and should be contacted by the complainant or other affected parties if they at any point feel that either retaliation is taking place, or the illegal behavior is continuing.
- h. This internal complaint and investigation process does not preclude an aggrieved employee from filing a complaint with the United States Equal Employment Opportunity Commission and/or the Florida Commission on Human Relations. However, failing to first utilize this internal procedure may under the law result in the loss of important legal rights.

## Employee Ethics

1. Officer and Employee Ethics: Town officers and employees are required to conduct the affairs of the Town in an ethical manner in accordance with the Code of Ethics for Public Officers and Employees (Florida Statutes 112.311 - 112.326), including, but not limited to, the following:
  - a. Duties and obligations will be discharged in a manner that reflects credibility upon the Town. Conduct that gives the appearance that decisions and actions are motivated by personal relationships or for personal gain do not meet the standards of conduct for employees under the Policy.
  - b. In conducting the affairs of the Town, no employee shall seek or assure a favorable decision or service by any person or entity, public or private, through acceptance of gifts, loans, favors, or any other form of unethical or unlawful conduct.
  - c. Employees shall not be employed or accept employment with any business entity or agency or engage in a professional activity which might result in a conflict of interest or cause/require the employee to disclose confidential information acquired as a result of his/her official capacity with the Town. Approval of secondary employment shall be obtained from the Administrator.
  - d. No Town officer or employee shall solicit or accept anything of value to the recipient such as a gift (including Christmas gift), favor, loan, reward, promise of future employment, preferred service, benefit, or concession that would reasonably tend to improperly influence the officer or employee in the discharge of his or her official duties or give the appearance of improperly influencing the officer or employee.
  - e. No Town officer or employee shall disclose/use information not available to members of the general public and gained by reason of his or her official position for his or her personal gain or benefit or for the personal gain or benefit of any other person or business entity.
  - f. No Town officer or employee shall transact, or solicit to transact any business in his or her official capacity with any business entity of which the officer or employee, or his or her spouse or child is an officer, director, agent, or member, or in which the officer or employee or his/her spouse or child owns a financial interest, or otherwise has any material interest therein. No Town officer or employee, acting in a private capacity, shall transact or solicit to transact any business with the Town, or with any of its subdivisions or agencies.
  - g. No Town officer or employee shall have personal investments in any business which would, in the opinion of the Town, reasonably create a conflict between his or her private interests and the Town's interest.

- h. No Town officer or employee or his or her spouse or minor child shall, at any time, accept any compensation, payment or thing of value when he or she knows, or with the exercise of reasonable care, should know, that it was given to influence a vote or other action in which the officer or employee was expected to participate in his or her official capacity.
  - i. No Town officer or employee shall have or hold any employment or contractual relationship with any business entity or agency which is subject to the regulation of, or is doing business with the Town, or any part of the Town of which he or she is an officer or employee. Nor shall any Town officer or employee have or hold any employment or contractual relationship which will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties, or that would impede the full and faithful discharge of his or her public duties.
  - j. Violations of the Code of Ethics for Public Officers and Employees are violations of State law and can result in fines, removal from employment, and criminal conviction; as well as in discipline including discharge from Town employment.
2. Certain Town public officers and employees, including “Local Officers,” “Procurement Employees,” “Legislative Analysts,” and those who are required by law to file either limited financial disclosure forms (Form 1), or full financial disclosure forms (Form 6), are under more stringent requirements, especially with regard to the acceptance of gifts and honoraria. These individuals may request additional guidance as to their ethical obligations from the Town Attorney.
  3. Town employees are encouraged to seek guidance from the Administrator if there is any question whatsoever about the propriety of any contemplated action prior to such action being undertaken. A copy of the statutory Code of Ethics may be obtained online or by contacting the Town Clerk. Employees may also request, with the approval of the Administrator, a formal opinion from the Florida Commission on Ethics in Tallahassee. Such requests shall be directed to the Town Attorney, who shall formulate the request and be the point of contact with the Commission.
  4. Procedures Upon Offering of Group Gift – From time to time, including during holidays, Town crews or individual employees may receive or be offered gifts including gift certificates, baskets, tickets, food, or other items of value, from developers, vendors, contractors, lobbyists and other persons who conduct, have conducted, or seek to conduct business with Redington Shores. In such instances, such gifts or offers should be reported to the Administrator so that the gift or offer may be evaluated under the applicable ethics laws. In cases where it is determined that a gift or offer may not be accepted, the gift will be returned or offer declined. Nothing herein, however, prevents any person from presenting a gift to the Town, which gift may be accepted on behalf of the Town by the Administrator or Town Commission and used at the Town’s sole direction.

5. While Town employees may, given their positions, attend meetings and provide information, no current employee of Redington Shores may serve as a member of any Redington Shores board, commission, task force or other body, nor hold any other office of Town government, including advisory bodies. Nothing herein shall be interpreted as preventing employees from holding any office of any other governmental entity, or from serving on the board of directors of any corporation, so long as no other ethical conflict prevents such service.
6. Employees who may wish to disclose information concerning alleged violations of law or gross mismanagement, malfeasance, waste of public funds or neglect of duty by a Town agent, official or contractor must follow the Town's Whistle-Blower procedures.

## **Electronic Communication and Social Media**

1. Employees are prohibited from using Town owned devices (computers, tablets, smart phones) for personal use.
2. For those employees of the Town who have been provided with computers, tablets, or smart phones that enable them to send and receive electronic mail (email) and access the Internet to assist in the performance of their job duties, the employees are to use these systems for appropriate purposes related to their job duties.
3. The Internet may not be accessed at any time to gamble or engage in other illegal activities or to view, display, store, download, transmit, or receive any material that is fraudulent, harassing, sexually explicit, profane, obscene, defamatory, or otherwise unlawful, including offensive material concerning gender, race, color, national origin, religion, age, disability or other characteristic protected by law, regardless of intent.
4. It is the employee's responsibility to make every effort to protect the Town's technology resources available to him or her. Each employee is responsible for the use and security of assigned Town computers and passwords.
5. Town employees must adhere to the following technology use rules in order to protect the Town's technology assets and systems/data security:
  - Never write passwords down or share with another individual
  - **PASSWORDS SHOULD NEVER BE SAVED IN MEMORY!** Do not store your password on your computer
  - When leaving the desk, an employee must log out or use a password-locked screensaver to obscure the normal display the monitor. This prevents a logged-in system from being accessed by unauthorized individuals, protects you from an email being sent "from you" without your knowledge, protects the information stored on your computer, and also hides the work currently being done from passers-by
  - When not in use, keep removable storage media and paper documents containing information that should be protected from disclosure in a secure place
  - Report suspected computer security incidents such as viruses, unauthorized disclosure or inappropriate use to the Administrator or Town Clerk
  - When reviewing emails, if you do not know who the sender of the email is, or the email does not seem to be regarding legitimate Town business, to not click on any embedded links. **CLICKING ON EMBEDDED LINKS MAY ALLOW THE TOWN'S SOFTWARE AND DATA SYSTEMS TO BE HIJACKED FOR RANSOM**
6. The Town may, from time to time, elect to utilize one or more social media platforms. Town employees who are not authorized by the Administrator to use such social media platforms are not allowed to publish or comment as a representative of the Town via any



Town-established social media account. All uses of social media shall follow the same ethical standards that Town employees must otherwise follow.

7. Employees are expressly forbidden to misuse any social media access privileges in any way, including:
  - a. Using social media accounts for unlawful activities, including violations of copyright law, or for activities that are malicious or have the effect of harassing other users;
  - b. Misrepresenting the Town's programs or policies in their communications;
  - c. Publishing confidential information. Examples of confidential information may include unpublished details about projects, private customer data, protected health information, unreleased bid or financial information, private personnel information and other sensitive or classified information. Determination of confidential-natured content is the responsibility of the site topic administrator and their department director.

### **Outside Secondary Employment, Employee Private Businesses**

1. No Town employee shall work in any enterprise or business, including self-employment, accept outside employment, or render services for private interests, whether paid or unpaid, non-profit or profit, when the employment or service conflicts with the employee's official duties. Nor shall such work create an appearance of conflict or impair independent judgment or action in the performance of the duties of a Town employee.
2. Newly-hired or current employees wishing to engage in, or continue in any enterprise, business, outside employment, or to render services for private interests, paid or unpaid, non-profit or profit, must first submit to the Administrator a written request for outside employment. The Administrator will make an assessment of the request to ascertain whether the proposed nature and/or schedule of the outside employment will or likely will negatively impact the employee's Town job performance, or if the employment or activity is inconsistent, incompatible, or conflicts with the employee's duties and responsibilities, or may tend to be so. The Administrator will then either grant or deny the request. Employees who fail to file a request prior to engaging in outside employment activity may be subject to disciplinary action up to and/or including dismissal. Newly hired employees must declare and seek approval of supplemental employment or other outside business at the time of hiring.
3. The proposed employment shall not be with a business or agency subject to the regulation of, or that is doing business with, the department of the employee, except if expressly permitted by state law.
4. The proposed employment cannot require the employee to disclose or use information gained in his/her official Town position that is not available to the public.
5. Changes in secondary employment or outside business must be reported promptly to the Administrator, who will determine whether further approval is required.
6. Permission to engage in secondary employment and outside business may be denied or withdrawn at any time if the Administrator determines, in his or her sole discretion, that such activities are interfering with, or may be expected to interfere with, the employee's production, efficiency, duties or responsibilities, or when it causes discredit or is in conflict with Town interests.
7. Any outside employment or business described above is secondary to the requirements of regular Town employment. It must not interfere with or impede the availability of an employee to perform his/her duties and responsibilities. Every employee granted approval under this rule must agree to respond immediately to any call to duty by the Town whenever the Administrator determines his/her services are necessary.
8. The Administrator must be notified immediately, but no later than the employee's next scheduled working day, of injuries sustained during outside employment. Employees sustaining injuries are ineligible to receive workers compensation benefits from the Town.

Sick leave benefits are allowed based on injury or illness arising from outside employment only if the outside employment has been approved under this policy and only to the extent the employee is not eligible to be otherwise compensated for absences caused by the injury or illness.

9. No Town personnel, equipment, facilities, vehicles, or other property may be used by employees while engaged in outside employment, enterprise or business.
10. No employee shall perform work for private individuals or other governmental departments/agencies as a part of his/her Town employment except when the work is part of contract arrangements, mutual aid agreements, or interlocal agreements entered by the Town Commission.
11. No employee of Redington Shores shall have financial interests in the profits of contracts, services or other work performed by or for the Town. Nor shall a Town employee personally profit, directly or indirectly, from any contract, purchase, sale or service between the Town and any person or business. Any employee who violates this rule is guilty of misconduct and subject to immediate dismissal.

### **Employee Political Activity**

1. No person shall be appointed to, demoted, or dismissed from any Town position, or in any way favored or discriminated against with respect to employment with Redington Shores, because of political opinion or affiliations.
2. No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure for any person an appointment or advantage in appointment to a position in the service of the Town, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person, or for any other political consideration.
3. As an individual, each employee retains all rights and obligations of citizenship provided in the Constitution and laws of the State of Florida and the Constitution and laws of the United States of America. However, no employee of the Town shall:
  - a. Take any active part in a political campaign while on duty or within any period of time during which they are expected to perform services for which they receive compensation from the Town. This will include making or distributing flyers, hand cards, or other campaign or political items in the workplace; or making use of any Town equipment, service or facility in furtherance of any campaign or political purpose.
  - b. Use the authority of their position to secure support for or oppose any candidate, party or issue in an election or affect the results thereof.
  - c. Use any promise or reward or threat of loss to encourage or coerce any employee to support or contribute to any political issue, candidate or party.
  - d. Display on their person (while on duty), Town vehicles or in their workplace, any button, sign, decal or other symbol of support for any elected official, political party, issue or candidate for public office.
  - e. Appear in any print, television, radio or other form of advertisement for any elected official, political party, issue or candidate while wearing a Redington Shores uniform, or while identifying oneself as an employee of Redington Shores.

Nothing herein shall be interpreted as prohibiting a Town employee from using Town resources related to state or local referendum or initiative to the extent authorized by Florida Statute § 106.113 where that employee's duties permit or require such work, and where the Redington Shores Commission has adopted a policy or position concerning the matter.

4. An employee who takes any step to run for a Redington Shores Commission seat, including opening a campaign account for that purpose, filing qualifying paperwork with the Supervisor of Elections, or conducting a press conference or issuing a press release confirming his or her candidacy, shall be deemed to have resigned his or her position with

Redington Shores as of the close of business of the date any of these actions are first taken. Nothing herein shall be read or interpreted as preventing an employee from standing for election for any other elective public office or applying for appointment to any appointive public office.

5. An employee elected to public office other than as a Redington Shores Commissioner shall resign from Town employment if the elected position presents any conflict of interest or interference with the employee's Town job. The Administrator may grant written permission to remain in the Town job, if no such conflict or interference exists. For purposes of this section, a conflict of interest will be determined in the sole discretion of the Administrator regardless of any other determination.
6. Any person who violates any provision of this section shall be subject to disciplinary action, including discharge. However, nothing herein shall be construed to prohibit an employee's right to file a complaint of workplace discrimination or harassment, to raise a concern regarding workplace safety, to report to appropriate authorities the misuse or theft of Town assets, or to engage in casual workplace discussions on social or political topics, so long as such discussions do not, in the judgment of management, interfere with the orderly, peaceful, and efficient performance of assigned duties or with the valid exercise of authority of management. Employees having questions concerning political activities or the interpretation of this policy should consult the Administrator.

## **Professional Development**

1. The Town supports career advancement and enrichment by encouraging employees to participate in courses, seminars, and examinations for which they may qualify, the purpose of which is to reach a compatibility level between personal growth and development and improvement of Town service. Copies of all certifications, certificates of completion, continuing education units earned, or diplomas related documents will be filed in the employee's personnel file. If the educational venue is paid by Town funds, the ensuing paperwork verifying attendance and completion must be mailed or electronically transferred to the Town. Reimbursement for and time off to attend a course, seminar, or exam must be approved by the employee's supervisor before the date of the course, seminar, or examination. The attendance at a course, seminar, or examination for which the Town will be paying for registration, travel, or other expenses shall be subject to adequate funds being available in the Town budget.
2. In accordance with 29 C.F.R. § 785.27, attendance at lectures, meetings, training programs and similar activities need not be counted and, consequently, shall not be counted as working time if the following four criteria are met:
  - a. Attendance is outside of the employee's regular working hours;
  - b. Attendance is in fact voluntary;
  - c. The course, lecture, or meeting is not directly related to the employee's job; and
  - d. The employee does not perform any productive work during such attendance.
3. Attendance at training workshops/seminars is permissible during working hours with prior department approval. All employees who attend education or training classes during normal working hours are directed to mark their timecards with the appropriate code as enacted by the Town's payroll system.
4. An employee may not use any Town personnel, equipment or supplies as part of the course or program of instruction. Nor may an employee work on projects or homework, or attend a tuition-reimbursed course during assigned working hours, unless such time is covered by approved vacation or compensatory time leave, or leave without pay.

### **Town and Personal Vehicle Use**

1. When it is necessary to allow an employee to carry out assigned job duties, an employee may be required to operate and control Town-owned vehicles, or to operate a personally owned vehicle for Town business. When possessing a Town-owned vehicle for such a reason, employees may only use it during the course and scope of their assigned employment duties, and under no circumstances is the vehicle to be used for personal business or pleasure, whether during duty hours or not. However, employees may make workday deviations to use restrooms or take meal/comfort breaks.
2. An employee driving a Town vehicle, or a personal vehicle for Town business, must have in his or her possession a valid Florida driver's license with any required endorsements or classifications.
3. Town vehicles will not be used to transport anyone other than Town employees unless the person(s) to be transported are directly involved in the provision of Town-related services or otherwise involved in Town government operations.
4. In normal circumstances, Town owned vehicles are to be driven over the most direct route. Any out of Pinellas County travel must be pre-approved by the employee's director unless emergency circumstances prevent prior approval.
5. No employee shall operate a Town vehicle or personal vehicle on Town business when any physical or mental impairment causes the employee to be unable to drive. This prohibition includes, but is not limited to, circumstances in which the employee is temporarily unable to operate a vehicle safely or legally because of illness, medication or being under the influence of illegal drugs or alcohol.
6. Vehicles driven on Town business must be driven in accordance with all applicable traffic and parking laws, including applicable speed limits. Seat belts must be used by vehicle occupants at all times. Each employee shall be personally responsible for any fines or penalties incurred as a result of driving or parking violations while operating a Town vehicle.
7. Any accident involving a Town-owned vehicle which results in property damage and/or personal injury will be reported without delay to the operator's immediate supervisor, regardless of whether such accident occurs during or after regular duty hours, as well as to the law enforcement agency with jurisdiction over the accident scene.
8. The Town does not normally authorize take-home vehicles. In the event the Town may assign a Town vehicle to an employee for use to and from work, the employee shall be responsible for the personal tax liability for the value of this use. No other Town employee is authorized to take Town vehicles home. Any request for a special exception must be submitted in writing to the Administrator.

9. Town vehicles must be maintained in good working order at all times. An employee who observes an apparent safety or equipment defect regarding vehicle equipment should report it to a supervisor immediately and if the vehicle is unsafe, it shall not be driven further. Employees who have been assigned a take home vehicle shall store the vehicle in a safe, secure area at the employee's residence, keep it locked, and shall take all reasonable measures to prevent damage to the vehicle.
10. When Town vehicles are not in use, they shall be parked in a designated Town parking lot.
11. Employees are on notice that they should avoid bringing valuable personal items into Town vehicles. The Town will not be responsible for the loss or theft of any personal items from Town vehicles, and Town vehicles may be inspected or searched at any time at the Town's election.
12. Employees who are assigned a Town vehicle, or who are using their personal vehicle while on Town business, must refrain from speaking on cellular phones while driving the vehicle unless the employee makes use of a "hands-free" device. Employees not using hands-free devices must bring their vehicles to a full stop in a safe location prior to using a cellular phone. Employees shall not text or type on smart phones while driving.
13. Employees shall not smoke, vape, or use smokeless tobacco within any Town vehicle.
14. No Town employee shall order, authorize or permit any non-Town employee, including contractors and temporary workers, to operate any Town vehicle, including cars, trucks, earth-moving equipment, airplanes, all-terrain vehicles, and boats, unless same is absolutely required to respond to an extreme emergency or imminent threat to life or safety and no Town employee is available to operate the vehicle.
15. If an employee is assigned a take-home vehicle, the employee may not use the Town-owned vehicle to engage in personal business while commuting to/from work, including shopping trips, stopping at dry cleaners (other than to pick up or drop off Town uniforms), or picking up or dropping off school children.
16. By law, the Town may not be required to cover injuries or damages resulting from use of vehicles by its employees unless such use was in the course and scope of employment. Employees are therefore warned that failure to limit use of Town vehicles to such purposes may result in personal financial liability for any such damage or injury to the employee or third persons. To the extent the Administrator determines appropriate, employees being granted use of Town vehicles or being instructed to use personal vehicles to conduct Town business may be required to execute acknowledgement forms concerning issues of liability.
17. Authorization given to an employee to use a Town-owned vehicle, whether take home, daily assignment, pool or otherwise, is not and shall not be construed as being a guaranteed benefit or entitled form of compensation to the employee. Vehicles are assigned based on operational needs and budgetary limitations and the Town may remove, reassign, or decommission any of its vehicles at any time within its discretion.



## **Travel Time**

1. Ordinary home to work travel is not considered “hours worked” or compensable time. (This includes travel time to and from home for employees assigned a take-home Town vehicle.)

### 2. Exempt Employees

Travel time and/or attendance at a meeting, seminar, conference, etc. (voluntary or requested by the Town) is compensable only when it occurs during regular working hours during the regularly scheduled workweek.

### 3. Non-Exempt Employees

- a. Travel time and/or attendance at a meeting, seminar, conference, etc., which is for the Town’s benefit and at the employer’s request is compensable, regardless if it occurs within or outside regular working hours. These hours count as hours worked towards overtime.
- b. Travel time and/or attendance at a meeting, seminar, conference, etc., which is voluntary and not required by the employer, will be compensated only during regular scheduled working hours during the regularly scheduled workweek.

### **Work Attire, Uniforms**

The Administrator is authorized to adopt reasonable standards of personal dress, appearance and hygiene during working hours. Personal appearance should be evaluated based upon the type of work, the work environment, and the amount of public contact required by the job. Designated uniforms or work clothes shall be worn as required by Town policy.

1. If the Town provides an employee a uniform, the employee shall be required to wear such uniform as a condition of employment.
2. Employees required to wear uniforms shall only wear the uniforms while on duty or commuting. Wearing uniforms at any other time is strictly prohibited.
3. Uniforms are Town property and must be returned to the Town upon separation or transfer to a position which does not require use of the uniform.
4. It is the responsibility of the employee to ensure that their uniforms are properly maintained and laundered.
5. Employees may be subject to disciplinary action, up to and/or including dismissal, for violation of any of the above.

## Miscellaneous Policies

### 1. Area-Specific Rules

Though Redington Shores attempts, where possible, to maintain uniform rules generally applicable to all Town employees, unique needs in specific Town operational units may call for customized rules. Therefore, the Administrator may promulgate and implement additional rules unique to a given operational unit based upon operational needs and requirements as a supplement to this Policy Manual. Such rules, when issued, shall be applicable to employees of that unit as though they were published herein.

### 2. Expense Reimbursement

Expense reimbursement is authorized for approved travel and attendance at conferences and educational seminars. If authorized, an employee may utilize a Town-owned vehicle to travel to a conference or training. If an employee elects to travel to a conference or seminar using her or his personal vehicle, the Town will reimburse funds paid for gasoline used (based on vehicle mileage and the distance between Town Hall and the event location). However, the Town will not reimburse for any additional mileage expenses.

Employees must secure supervisory approval for all reimbursable expenses in advance of incurring those expenses. Other instances of legitimate reimbursement will be reviewed on a case-by-case basis provided the request for reimbursement is made before expenses are incurred. Documentation for all reimbursable expenses must be submitted in a timely fashion to the Treasurer for processing and appropriate budgetary assignment. Expense reimbursement shall be governed by Florida Statutes § 112.061.

### 3. Personal Cell Phone Use

An employee's cell phone records related to Town business shall be subject to access for the Town's compliance with public records laws. An employee shall not maintain an expectation of privacy for cell phone records if the employee's personal cell phone (including text messaging) is used for Town business. The employee's cell phone records shall also be subject to production in the case of disciplinary proceedings.

### 4. Town Property and Supplies

- a. Employees are expected to take proper care in the handling and use of all Town equipment and property. Employees are not to remove Town property from the premises without authorization by the Administrator with the exception of those items that have been authorized for use off the premises such as cellular phones, pagers, laptop computers, etc.

- b. Employees are not permitted to “recycle,” “scavenge” or take for personal use any used or excess supplies, tools or equipment, including construction materials and office supplies, absent a published Town policy on re-use or recycling of such materials.
- c. Upon request or separation from employment, employees shall return all Town property to the Town. By accepting employment with the Town, employees agree that the replacement cost for all property damaged, lost or not returned may be deducted from the employee’s paycheck without need to file any further legal action against the employee, except to the extent a deduction would reduce pay to an hourly rate below the prevailing minimum wage.

#### 5. Town Communications Equipment

All Town equipment, including electronic communications systems such as e mail and voice mail, is the property of the Town and is subject to monitoring at any time, with or without further notice, at the sole discretion of management. All Town employees are required to comply with the terms of the Town’s computer and internet use policies, to the extent such are adopted by the Administrator or the Town Commission.

#### 6. Address and Telephone Number

Each employee shall provide the Town with a current physical address, telephone number, and contact information. The employee shall also provide and maintain a current name and telephone number of an emergency contact. The Administrator must be informed of any change in the above-required data in a timely manner.

#### 7. Statements by Town Employees to Attorneys, Law Firms, or Others Concerning Employees or Town Business

Town employees may from time to time be requested or subpoenaed to make a statement to an investigator, an attorney, or a law firm. These statements may be concerned with an actual or contemplated legal action against the Town. Employees are not generally authorized to make representations to anyone regarding Town business. Therefore, should any employee receive either a request to make a statement or be subpoenaed regarding Town business, the employee shall discuss the matter with the Administrator and, prior to making any oral or written statements, the matter should be reviewed with the Town Attorney. Nothing herein should be interpreted as preventing an employee from speaking with his or her own legal counsel regarding personal legal matters, nor from speaking with a representative of a labor association concerning any grievance, mutual aid or concerted activity as protected by Florida Statutes § 447.301.

#### 8. Media Relations, Requests for Interviews

- a. The Town’s official positions and policies are set and communicated to the public by the elected Commissioners and, in certain circumstances such as litigation or administrative matters, the Town Administrator or Town Attorney.

- b. However, other Town employees may from time to time be asked by various media outlets to provide comments or interviews concerning the Town's policies, operations, or other such matters. To ensure that the Town's official positions on matters related to the business of the Town are communicated to the media in a consistent and informed way, any employee who receives a media request to be interviewed or to provide comments concerning Town business shall refer the matter to the Administrator, who will determine the appropriate response. Unless first authorized by the Commission or Administrator, employees shall refrain from providing comments or being interviewed regarding Town business or policy.

#### 9. Recording Workplace Communications Prohibited

Chapter 934, Florida Statutes, prohibits interception of wire or oral communications by electronic, mechanical or other device without the consent of all parties involved. Recordings related to Town business are also public records subject to being retained and inspected. Employees are therefore prohibited from recording any conversations between individuals, whether fellow employees, subordinates or citizens, with or without the permission of all parties, except as otherwise provided by law, as part of an official Town broadcast production, as may be authorized by a criminal investigation conducted by law enforcement, or as is authorized by Town policies regarding Town-owned phones, faxes, radios and computers.

#### 10. Loss of or Failure to Obtain Professional Certification or License

- a. Where an employee's position with the Town requires any specific certification, license or other credential, including driver's license, as a condition of holding that position, the employee is required to obtain and maintain the certification, license or credential, and to provide written proof thereof upon request. An employee who loses or within the provided amount of time fails to obtain the required certification, license or credential for whatever reason, including suspension, revocation, or expiration, has a responsibility to immediately report this fact to the Administrator. Failure to provide timely notice will result in discipline up to termination.
- b. Upon timely notification by an employee that he or she has lost or failed to obtain the certification, license or credential, the Administrator shall have the following options:
  - (1) Make a reasonable effort to reassign the employee, on a temporary basis, to appropriate and available responsibilities not requiring the certification, license or credential, for a reasonable timeframe up to the subsequent exam/incident follow-up and results notification date to provide continuous employment during his or her efforts to attempt to acquire or obtain reinstatement.
  - (2) Allow him or her to use any available and applicable leave during the allotted timeframe while obtaining reinstatement.
  - (3) Place him or her on a temporary administrative leave of absence without pay not to exceed the allotted timeframe.

- c. An employee who fails to have his or her certification, license or credential reinstated, or to initially obtain same within the allotted period, may apply for and be considered on a competitive basis for any vacant Town position for which he or she is qualified. If the employee is not selected or does not apply for such position prior to expiration of the allotted timeframe, then he or she shall be non-disciplinarily separated for failure to obtain or maintain a necessary job qualification.

#### 11. Searches on Town Property

- a. The Town seeks to provide a safe work environment for all its employees. To that end, the Town reserves the right whenever the Administrator has reasonable suspicion to believe an employee has brought on Town premises or work sites alcohol, illegal drugs or controlled substances, or any other illegal or prohibited item, weapon, or stolen property; or has misused Town equipment, to search Town property including, but not limited to work locations, desks, file or storage cabinets, computer files (including software, hardware, metadata, e mail, voice mail, and internet activity), lockers (locked or unlocked), Town vehicles and private vehicles parked on Town property or being used at the time of search for Town business, and all other Town equipment.
- b. On a case-by-case basis, employees may be requested to display personal property for visual inspection. Failure to comply with a search or visual inspection request from supervisory or security personnel will be grounds for discipline. Searches of an employee's personal property, such as purses or briefcases or lunch containers, will take place only in the employee's presence unless an emergency condition exists which would, if confirmed, endanger others or the employee him/herself. Employees who do not wish to subject personal items to possible inspection are strongly advised to leave such items at home.
- c. The Town will make every effort to honor the personal dignity of employees during any search but will take appropriate disciplinary action in cases where prohibited items or activities are uncovered, regardless of how such item(s) or activity has been discovered (accidentally or in the process of a search).

#### 12. Employee Arrest or Charge

Employees must inform the Administrator, either verbally or in writing and either personally or via an attorney or family member, etc., within three (3) business days of their being criminally arrested, charged or convicted of any state or federal crime, including for violation of parole or probation. Failure to do so will result in disciplinary action.

#### 13. Use of Tobacco and "e cigarettes"

Use of any e-cigarette or tobacco product is prohibited within Town owned/leased buildings, including bathrooms and doorways, except in areas specifically designated and designed for smoking. Employees desiring to use a tobacco product or e-cigarette must do so at least twenty feet from any Town facility entrance.

#### 14. Town Bulletin Boards and Common Areas

The Town may from time to time establish and ordain certain display cases, bulletin boards, or the like for the purpose of posting authorized communications to employees and/or the public. The purpose of such bulletin boards or display cases is not to create a general speech area but is instead intended to effectively and efficiently communicate information to citizens and employees. Employees are thus prohibited from posting any item not approved by the Administrator in advance and not related to Town business or Town employment. Employees are likewise prohibited from removing any posted notice or item from a Town display case or bulletin board unless authorized, and from posting, or facilitating or authorizing anyone else to post any advertisement, notice, solicitation or any other printed materials in, on or along any common area of any Town building or facility. Common areas include, but are not limited to, break rooms, entryways, doors, hallways and parking facilities.

#### 15. Communicable Diseases

The Town government desires to maintain a workplace free from preventable risks of communicable illness or disease. Therefore, all employees of the Town are required to properly treat any communicable disease which would present a danger to the health or safety of fellow employees. Employees should, in consultation with their health care providers, take appropriate precautions within the workplace to reduce any infection risks to co-workers. The Town does not seek to needlessly impose on the medical privacy of its employees and where a communicable disease or illness is adequately managed and treated, the employee need not disclose same to co-workers or the Town. However, should the employee desire the assistance of the Town in modifying working conditions to prevent risk of transmission, the Administrator should be consulted and any records generated concerning the medical condition will be treated as confidential as permitted by state and federal law.

#### 16. Inventions and Intellectual Property

Any invention, method, program, publication or other form of intellectual property which is developed by a Town employee during work hours or using Town equipment or resources, is the property of the Town. Employees are prohibited from seeking to patent, trademark, service mark, copyright or otherwise register such intellectual property without the prior authorization of the Town Commission.

#### 17. Letters of Reference

Though all employees have the right to express their personal opinions regarding another current or former co-worker, no employee below the rank of Administrator may write any letter of recommendation, commendation, etc., on Town letterhead without the express prior approval of the Administrator.

## 18. Funds Owed by Employees; Debt Collection Calls

Employees may on occasion become indebted to the Town. By accepting employment with the Town, employees acknowledge and consent to the Town's authority to retain or otherwise withhold portions of an employee's compensation to allow such funds to be recovered by the Town except to the extent the deduction would reduce regular pay to an hourly rate below the prevailing minimum wage, or as otherwise prohibited by law.

The Town does not authorize or permit the use of Town communication assets, including phones and email systems, to be used to make or receive messages related to debt collection efforts. Employees are not authorized to initiate, receive or forward such communications to any other person, and debt collectors violating this policy shall be subject to fines and penalties as provided for by federal and state debt collection practice laws.



## COMPENSATORY TIME OFF AGREEMENT

In accordance with the Fair Labor Standards Act, the Town of Redington Shores has a policy of granting employees compensatory time off in lieu of compensation for hours worked in excess of 40 hours a week, or other permissible work schedules for law enforcement, firefighting, emergency management, seasonal and other employees. A copy of this policy has been provided to me. I understand that the compensatory time will be granted at time and one-half for all hours worked in excess of 40 hours per week or other permissible work schedules. I further understand that the compensatory time may be limited, preserved, used or cashed out consistent with the provisions of that policy and applicable law and regulations of the U.S Department of Labor.

Pursuant to 29 C.F.R. § 553.23, I knowingly agree to the provisions of time off as compensation for overtime worked as a condition of my employment and consent to the use of compensatory time in accordance with the policy. I further understand that in the event any portion of the policy is interpreted to conflict with the FLSA or its regulations, that the conflicting portion shall be struck and the remainder of the policy shall continue in full force and effect.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

**ACKNOWLEDGMENT OF RECEIPT**

I acknowledge receipt of the Town of Redington Shores Employment Practices Handbook. I accept my responsibility to read and understand this handbook. I understand the topics discussed in this handbook represent the general policies of the Town of Redington Shores and that the Town may impose additional requirements, depending upon the nature of my position and the authority granted by the Town. I also acknowledge that this handbook is subject to change at any time and is not intended as an express or implied contract nor is it intended to create an entitlement to continuing employment.

Employee Name: \_\_\_\_\_ (Signature)

\_\_\_\_\_ (Print Name)

\_\_\_\_\_ (Date)

Pg 22- benefits- do we want to extend pro-rata benefits to part time employees in some manner? Eg- pro rated holiday or medicare stipend similar to elected class?

Pg 23 c.(4)- yar should be year

Pg 24 f. and pg 25 b. – do we want to allow for exceptions or a hard rule?

Pg 25 2.a – limit of accrual to 100 hrs? 200 hrs? payout at 20 or 25% of excess at year end, reducing to preset max?

Pg 25- do we want to create a mechanism for sick leave donation between employees in the event of a catastrophic illness/event?

Pg 26 h. does the commission want to allow use of sick leave for the care of dependents (those who live in same household) or care for parents during illness?

Pg 44 n. could be reasonably inferred to offend?

Pg 70-2 for uniformity, should we use IRS milage rates (I believe we currently do).

Pg 72-9 Florida statute 934- recordings public record-