

ADDITIONAL AGENDA ITEM

FLORIDA INLAND NAVIGATION DISTRICT Board of Commissioners Meeting

9:00 a.m., Saturday, December 13, 2014

**The Shores
2637 South Atlantic Ave.
Daytona Beach Shores, FL 32118-5643
Volusia County, Florida.**

**Item 20A. Proposal by Stiffen & Spellman, P.A. to Assist the District with Updating
the District's Personnel Policies and Procedures Manual.**

Stiffen & Spellman, P.A, are associates of our current attorney, Mr. Peter Breton. Mr. Breton contacted the firm on behalf of staff to assist with necessary updates to our current Personnel Policies and Procedures Manual. With the exception of a small addition involving electronic media policy (Section 16), the District's Personnel Policy Manual has NOT been updated for over 10 years.

If this item is approved, the revised document and recommendations would be scheduled for review by our Personnel Committee at the Board's January or February meeting.

(Please see attached back up pages 20A-2 thru 20A-74)

RECOMMEND: Approval of the proposal by Stiffen & Spellman, P.A, for \$3,500 plus expenses) to update the District's Personnel Policies and Procedures Manual.

SNIFFEN & SPELLMAN, P.A.

Statement of Qualifications

Presented to Florida Inland Navigation District

Sniffen & Spellman, P.A.
123 North Monroe Street
Tallahassee, Florida 32301
Phone: (850) 205-1996
Facsimile: (850) 205-3004

www.sniffenlaw.com

I. Our Mission

The Firm's mission is to provide innovative, creative and cost-effective solutions with respect to the issues facing our clients, and to be a responsive, client-centered Firm that places the interests of our clients above our own.

Our success is measured by the service we provide to and the results achieved on behalf of our clients, as well as the reputation we have established with our peers and the Judges before whom we practice. Our success is not measured by how many hours a client is billed or by the fees that are paid. In fact, since its inception the Firm has not established a minimum number of hours each lawyer is required to bill. Serving our clients' best interests in a responsive and cost-effective manner is the measuring stick by which our success is gauged.

II. What You Can Expect From Us

As our Client, you can expect our commitment to:

- Responsive, timely communications, return phone calls and return e-mails
- A client-centered relationship, where the focus is on what is best for the client
- Practical advice and recommended solutions from experienced, battle-tested lawyers and staff
- A thorough understanding of the facts and impressions of the engagement
- Seasonable updates on a regular basis and as events transpire
- Invoices that are fair, without duplication of time and effort, and devoid of "nickel and dime" charges and overhead costs

III. Summary of Qualifications and Relevant Experience

Firm Overview

Sniffen & Spellman, P.A. represents its clients in several diverse practice areas, including labor and employment law, education law, special education litigation, civil rights and constitutional litigation, commercial transactions and commercial litigation, insurance defense, insurance coverage/bad faith litigation, PIP litigation, property and casualty litigation, directors and officers liability, errors and omissions litigation, fair housing defense, premises liability defense, medical malpractice defense, negligence defense, tort defense, worker's compensation defense, construction litigation, trademark litigation, elections law, license defense, local government law, appellate matters, regulatory law, public utilities law, administrative law and administrative litigation and property taxation issues.

Capabilities in Employment Law

The Firm represents its clients in a wide variety of legal issues affecting the workplace, from straightforward litigation of employment discrimination claims to complex class action and multi-party litigation, as well as compliance issues. In the area of transactional advice, the Firm provides representation in all areas of employment discrimination, Americans With Disabilities Act and Family and Medical Leave Act compliance issues, sexual harassment, EEO policy creation and implementation, overtime and other wage and hour issues, contract negotiations, contract interpretation, non-compete agreements, occupational safety and health issues, governmental investigations, collective bargaining and union organizing, and other concerns arising from the hiring, retention and termination of employees.

The Firm defends its clients in litigation with respect to all areas of employment law, contract claims, ERISA claims and in employment tort litigation. The Firm represents its clients in federal and state court, before the Florida Public Employees Relations Commission and National Labor Relations Board, in arbitration and before other administrative tribunals.

The Firm also serves as counsel for internal investigations and provides training for its clients regarding personnel issues.

The Firm's clients include Fortune 500 companies and small businesses, as well as governmental entities. The Firm represents its clients statewide and in other areas of the country. We have also been selected as panel counsel for several EPLI and property and casualty insurance carriers.

As a value added service, we also provide a monthly electronic publication to our clients containing legal updates and other useful information, as well as informational updates regarding cases or legislation that are expected to have an immediate impact. (See, www.sniffenlaw.com "Publications").

Relevant Rankings and Recognition

We are proud of the recognition the Firm and its lawyers have received from various publications and lawyer rating services. Such recognition includes:

- "AV" Rating from Martindale-Hubbell.
- Best's Directory of Recommended Insurance Attorney Agencies (2012, 2013).
- Martindale-Hubbell Bar Register of Preeminent Lawyers (top 5% nationwide).
- Named in "The Best Lawyers in America" publication in Labor and Employment Law, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014.

- Named in *Best's* "Directories of Recommended Insurance Attorneys and Adjusters", 2012, 2013, 2014.
- Named by Florida Trend Magazine as "Legal Elite" in Labor and Employment Law (top 2% of Lawyers Practicing in Florida), 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014.
- Named to Florida Super Lawyers Magazine in the area of Labor and Employment Law (peer rated selection of top 5% of lawyers in the State), 2007, 2008, 2009, 2010, 2011, 2012, 2013.
- Rob Sniffen has been named in "The Best Lawyers in America" as 2013 and 2014 Tallahassee Employment Law - Management "Lawyer of the Year" and has twice been recognized as one of the top 100 lawyers in Florida in all practice areas by Super Lawyers Magazine. Mr. Sniffen has also been ranked in the 2011 Edition of *Chambers* Client's Guide under Labor & Employment (Band 4) Other Notable Practitioners ("He is the go-to management employment person in Tallahassee. ").

IV. Firm Attorneys

Robert J. Sniffen

Robert J. Sniffen is the founder and managing partner of the Firm. His practice encompasses all areas of labor and employment law, education law, civil litigation, insurance defense and civil rights defense. He is Board Certified by the Florida Bar as a specialist in labor and employment law. Mr. Sniffen represents employers statewide in federal and state court and before administrative tribunals, and also provides advice to employers regarding personnel and workplace issues.

Mr. Sniffen has been active in the Labor and Employment Law Section of the Florida Bar and served as its Chair from 1999-2000. He is a member of the Academy of Florida Management Attorneys (currently, as an Officer and Director), the Florida Defense Lawyers Association and the Defense Research Institute.

Mr. Sniffen has received an "AV" rating from Martindale-Hubbell and is listed in the Martindale-Hubbell Registry of Preeminent Lawyers. He is also listed in *The Best Lawyers in America* publication in labor and employment law. He has also been named to *Florida Trend* Magazine's "Legal Elite" in the area of labor and employment law (top 2% of Lawyers Practicing in Florida) and has been named by *Super Lawyers* Magazine as one of the top 100 lawyers in the State in all practice areas two times. Mr. Sniffen received his B.A. in political science from the University of Florida and his J.D. from Stetson University College of Law.

Michael P. Spellman

Michael P. Spellman is a shareholder of Sniffen & Spellman, P.A. Over the past nineteen years, Mr. Spellman's practice has focused on civil litigation, with a concentration on labor and employment law, local government, insurance defense and civil rights. Mr. Spellman's experience representing governmental entities has included civil rights lawsuits including employment discrimination and retaliation actions. Outside of litigation, Mr. Spellman has also represented public entities in collective bargaining negotiations, grievances and arbitrations.

Mr. Spellman has been active in various sections and committees of the Florida Bar including the Labor and Employment Law Section, where he served on the executive committee for nearly ten years. Mr. Spellman has received an "AV" rating from Martindale Hubbell and has been named to Florida Trend Magazines "Legal Elite" in the area of labor and employment law (top 2% of lawyers practicing in Florida) for the past several years. Mr. Spellman received his Bachelor of Arts in Political Science from the University of Florida and his Juris Doctorate with honors from Florida State University College of Law. Mr. Spellman is a member of the University of Florida Hall of Fame and was inducted into the Order of Barristers.

Lisa A. Barclay

Lisa A. Barclay is a seasoned civil litigator with over 18 years of experience litigating complex actions. Ms. Barclay's practice has included litigating general liability matters, medical negligence actions, personal injury claims, insurance defense, negligence and tort defense, premises liability, class actions and product liability cases, and has also included administrative and governmental matters. She also provides representation in matters involving labor and employment and civil rights litigation, including class action wage and hour litigation, equal employment opportunity litigation, whistleblower lawsuits and tort actions arising out of the employment relationship.

Ms. Barclay earned her law degree from Stetson University College of Law, *cum laude*, and her bachelor's degree from Florida State University, *cum laude*. While in law school, Ms. Barclay served as a law clerk for United States Magistrate Charles R. Wilson, United States District Court, Middle District of Florida, Tampa Division. She is admitted to The Florida Bar and the United States District Court for the Northern and Middle Districts of Florida.

Terry J. Harmon

Terry J. Harmon practices in the areas of labor and employment law, administrative law, eminent domain, education law, special education litigation, insurance defense, insurance coverage and bad faith litigation, license defense, worker's compensation defense and commercial litigation.

Mr. Harmon received his B.S. in Communication Studies, *cum laude*, from the Florida State University and his J.D., *cum laude*, from Stetson University College of Law. While in law school, Mr. Harmon served as an Acting Assistant District Attorney General in Knoxville, Tennessee and as a Certified Legal Intern with the Pinellas County Public Defender's Office. He was also the Magister of Phi Delta Phi's Cardozo Inn Honors chapter and the recipient of the William F. Blews Pro Bono Service Award.

Mr. Harmon's experience in employment law matters includes defending clients in employment discrimination and retaliation claims, workers' compensation retaliation litigation, ERISA litigation, wage and hour and Equal Pay Act claims, breach of contract claims and whistleblower litigation. Mr. Harmon also provides transactional advice to clients on issues ranging from employee terminations to regulatory compliance matters.

Maureen McCarthy Daughton

Maureen McCarthy Daughton practices in the areas of commercial litigation, administrative law, local government law, labor and employment law, Sunshine Law and public records litigation, public utilities law, insurance defense and civil rights litigation. She holds an AV rating with Martindale-Hubbell. Prior to joining Sniffen & Spellman, Ms. Daughton was a partner at Broad and Cassel.

Ms. Daughton is active in various professional and community organizations and received her undergraduate and law degrees from the University of Florida.

Hetal H. Desai

Hetal H. Desai practices in the areas of employment and civil rights, ethics, sunshine and public records, insurance defense, local government and land use law. Ms. Desai served as Assistant City Attorney for the City of Tallahassee for almost nine years, where she handled employment, ethics, public records, and community related litigation and issues. She served as staff counsel for various committees and boards including the Ethics Advisory Committee, Urban Design Committee, Leon-County Tallahassee Planning Commission, Board of Adjustment and Appeals, and Environmental Variance Board.

Ms. Desai graduated with Honors from Florida State University with a B.S. in Economics, and from the University of Florida College of Law, where she was on the Journal of Law and Public Policy and served in the Florida House of Representatives Intern Program in the Speaker's Office and Rules Committee. Ms. Desai served for four years as a law clerk for the Honorable James R. Wolf with the First District Court of Appeal, and has practiced in plaintiff and employer-side/ insurance defense firms in Miami and New York. She is admitted to practice in state and federal courts of Florida, New York and New Jersey; and is member of the City County and Local Government Law and Labor and Employment sections of the Florida Bar. She is active in various community groups such as Leadership Tallahassee and the Knight Creative Community Institute.

Jeffrey D. Slanker

Mr. Slanker is a graduate of Emory Law School and received his undergraduate degree from the University of Central Florida. He is a member of the Defense Research Institute and the Labor and Employment Law Section of the Florida Bar. Mr. Slanker practices in the areas of labor and employment law, civil rights litigation, insurance defense, tort and negligence defense and special education litigation.

Kenyetta M. Mullins

Kenyetta M. Mullins graduated from the University of Florida in 2006 where she received a Bachelor of Arts in Spanish, with minors in Portuguese and Latin American Studies. Prior to attending law school, Ms. Mullins taught high school Spanish in Cape Coral, Florida. While working as a teacher, Ms. Mullins received a Fulbright grant coordinated by the University of Florida.

In 2013, Ms. Mullins graduated from Florida State University College of Law, *cum laude*. While in law school, she was a member of the law school's Jessup International Moot Court Competition Team, Journal of Transnational Law and Policy, and Cuban American Bar Association. Ms. Mullins also served as an extern in the Second Judicial Circuit Court, and worked for the Florida Department of Financial Services prior to joining the Firm as a law clerk during her last year of law school.

Ms. Mullins practices in the areas of labor and employment law, civil rights litigation, insurance defense, tort and negligence defense and special education litigation.

Mark Logan, Of Counsel

Mr. Logan graduated with a degree in Finance from Emory University in 1981 and received his Juris Doctor from the University of Florida College of Law in 1984. Mark serves the firm in an Of Counsel role and practices in the areas of Administrative Law, Civil Litigation, Environmental Law, Regulatory Law, Public Utilities, Insurance Coverage Litigation and Governmental Law. Mr. Logan routinely provides insurance coverage opinion letters for the Firm's insurance industry clients.

Of Counsel Relationship With Breton, Lynch, Eubanks & Suarez-Murias, P.A., West Palm Beach, Florida

The Firm has formed an Of Counsel relationship with Breton, Lynch, Eubanks & Suarez-Murias, P.A. of West Palm Beach to assist with the representation of South Florida clients on an as needed basis, in a local counsel capacity.

V. Cost Proposal

If selected for the engagement, our Firm will bill Florida Inland Navigation District at the following reduced hourly rates:

Firm Partners and Senior Associates:	\$200 per hour
Associates	\$175 per hour
Paralegal/Law Clerk	\$70 per hour

We will also bill for incidental expenses such as overnight delivery charges, specialized legal research costs and travel costs. The Firm will not bill the client for copy charges, fax charges, postage or other incidental expenses.

With respect to the Handbook revision project, We will charge a flat rate of \$3,500 plus expenses. If, for whatever reason, the total attorney hours devoted to the project exceeds 20, the Firm will charge the District by the hour at the above reduced hourly rates.

VI. Conclusion

On behalf of the entire Firm, I want to thank you for considering our Firm for this specific engagement.

Very truly yours,

Robert J. Sniffen

**FLORIDA INLAND
NAVIGATION DISTRICT**

**PERSONNEL POLICIES
AND PROCEDURES MANUAL**

PERSONNEL POLICIES AND REGULATIONS

Florida Inland Navigation District Commissioners

WELCOME

Dear Employee:

We are pleased you have chosen a public service career with Florida Inland Navigation District. The health, safety, well-being and comfort of our citizens is determined by your work performance.

As District employees, we must constantly strive to maintain a level of excellence in providing our services in the most efficient and economical manner possible. We challenge you to approach your job to be the "best District employee".

This Manual will greatly assist you in your employment. It contains District policies, employee benefits, rules and regulations and other information you will find informative and helpful. Each employee is responsible for reviewing and understanding the Manual. After review the employee shall sign the last page of the Personnel Policy stating that he/she has read and understands the Policy. The signed statement will become a part of his/her personnel file.

Again, we welcome you as a member of the District "quality service team". May your employment be an enjoyable and a rewarding experience.

FLORIDA INLAND NAVIGATION DISTRICT COMMISSIONERS

PERSONNEL POLICIES AND REGULATIONS

Florida Inland Navigation District

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INTRODUCTION

The Board of District Commissioners is committed to the principles of equal employment opportunity as a necessary element to all phases of employment activity, including screening, recruitment, referral, selection, training, appointment, promotion, demotion and assignment of personnel, advertising, hiring, classification, discipline, lay off and termination, upgrading, transfer, leave practices, rates of pay, and fringe benefits of minorities, females and/or under-represented groups within the District's employment. This commitment will be supported by positive practical efforts to insure fair employment opportunities at all job levels.

The policy of the District Board of Commissioners has been and will continue to be one of an open door policy, under which all employees have the right, and are encouraged, to deal directly with their supervisors and other members of management on matters pertaining to working conditions. Employees of the District Board of Commissioners are important individuals and we will always strive to ensure equitable treatment.

The District Board of Commissioners feels that the working environment within the organization of the District is good. Our philosophy includes goals of maintaining a climate of excellent employee relations showing respect for the rights and dignity of employees, as well as striving for employee satisfaction through merit compensation, comprehensive benefits and job security. We continually work to treat all employees fairly and as individuals.

CHAIRMAN
FLORIDA INLAND NAVIGATION DISTRICT
BOARD OF COMMISSIONERS

SECTION 1

GENERAL PROVISIONS

1.01 PURPOSE

- A. The purpose of these Personnel Policies is to provide a general guide for the personnel administration of Florida Inland Navigation District. These policies are not all inclusive and can be changed, modified, or amended at the discretion of the District.
- B. It is the intent of these policies to assure fair treatment of all of the District employees in all aspects of personnel administration. These policies shall be carried out without regard to an employee's political affiliation, race, color, creed, national origin, religion, marital status, handicap, sexual orientation, pregnancy, age or sex and with proper regard for an employee's privacy and rights as a citizen.
- C. It is the intent of the District to have a mutually beneficial relationship with each employee. Each employee should endeavor to improve his/her performance and skills to enable the District to offer quality service to the public and provide opportunities for advancement of employees.
- D. If any section or subsection are found to be invalid by any court of competent jurisdiction, the ruling shall not affect the validity of any other section.

1.02 POSITIONS COVERED

- A. These Personnel Policies cover most employees under the jurisdiction of the District Board of Commissioners. Some positions are not covered due to their nature. Those positions are: Board of District Commissioners; Seasonal and temporary positions.
- B. Personnel employed under the provisions of government programs or grants approved by the District Board of Commissioners may be considered as non-covered positions. Methods of appointment, rights and benefits will be determined by the District Board of Commissioners, unless otherwise specified by the governmental agreement.
- C. The District Board of Commissioners may authorize the extending of benefits to other positions when it is determined to be in the best interests of the District.

1.03 ADMINISTRATION

The District Board of Commissioners or their designated employee shall be responsible for the administration and direction of the District's personnel program.

1.04 AMENDMENTS

- A. The District Board of Commissioners shall adopt policies, rules, regulations and changes as necessary for the administration of the personnel system.
- B. Amendment, changes or revisions of the Personnel Policies as approved by the District Board of Commissioners shall be distributed to all District employees.

1.05 AT WILL EMPLOYMENT POLICY

All employees serve at the pleasure of the District and no employee shall have any vested rights in his or her employment or in the practices and procedures set forth in these Personnel Policies except only by a specific written contract.

SECTION 2

DEFINITION OF TERMS

Anniversary Date - The date on which an employee begins employment and the same date in following years. This also is the date from which longevity, vacations and sick leave are computed. This not the same as the date utilized for salary increase or pay status change.

Applicant - Individual who has completed and submitted an application for employment with the District.

Appeal - An application for review of a disciplinary action submitted or instituted by an employee.

Florida Inland Navigation District - The governmental body chartered under the State of Florida.

Class - Group of positions which are sufficiently alike in essential duties and responsibilities to warrant the use of the same title, class descriptions and pay range.

Class Title - Title in the classification plan which describes the general nature of work of the position.

Classification Date - Date an employee entered, transferred, or was promoted to the current position.

Classification Plan - Official system of grouping positions into classes.

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

Compensation Plan - The official schedule of pay assigning rates of pay to each class title.

Continuous Service - Employment which is uninterrupted except for authorized leaves of absence. Employees on unpaid leave shall not accrue any District benefits.

Demotion - Assignment of an employee from one class to another which has a lower maximum rate of pay.

Dismissal - Separation from the District.

District – The Florida Inland Navigation District

Executive Director – Chief Executive Office appointed by and serving at the pleasure of the Board of Commissioners of the Florida Inland Navigation District

Exempt Status - Employees who are in a professional, administrative, or executive exempt category under the Fair Labor Standards Act and are not eligible for overtime pay.

Full Time - Position that requires an employee to work the full amount of hours scheduled (40 hours per week).

Immediate Family - Includes spouse, children, parent, grandmother, grandfather, brother, sister, grandchild of either employee or his/her spouse, legal guardian or a "step" family relationship. (This definition is for purposes of Sick Leave and Compassionate Leave only).

Insubordination - The unwillingness on the part of an employee to submit to the authority vested in supervisors, department heads, and the District Board of Commissioners as outlined in the Personnel Policies.

Job Description - Written description of a job consisting of a title, a general statement of the essential job functions and the qualifications for the job.

Layoff - Reduction of the number of employees due to the lack of work, funds or other causes.

Leave - Approved type of absence from work as provided by these policies.

May - The word "May" shall be interpreted as permissive.

Nonexempt Status – Employees who are eligible for overtime for all hours worked over 40 hours per week in accordance with the Fair Labor Standards Act

Overtime - Time worked in excess of 40 hours in any work period for those persons in a Nonexempt classification in accordance with the Fair Labor Standards Act. .

Part Time - Position that requires the employee to work fewer hours than normally designated for others. Employees serve in an Exempt status.

Pay Range - Salary which is assigned to a classification title.

Performance Evaluation - A report relative to the job performance of employees made by the supervisor.

Performance Pay Increase - Increase in employee's compensation based on job performance.

Position - Groups of duties and responsibilities assigned and budgeted requiring the full time or part time employment of one (1) person.

Promotion - Assignment of an employee from one class to another which has a higher maximum rate of pay and/or greater job responsibilities.

Regular Appointment - Appointment to a regular position authorized to be filled.

Relative - 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, half sister. (State Statue definition).

Resignation - Act of voluntarily withdrawing from District employment.

Retirement - Whenever an employee meets the conditions set forth in the Retirement Plan regulations, the employee may elect to retire and receive all benefits earned under the Plan.

Senior Management Service – Those employees who are in the Senior Management Service as defined in chapter 60L, Florida Administrative Code and Authorized by the District Board

Sexual Harassment - Unwelcome sexual advances of whatever nature, requests for sexual favors or other verbal or physical conduct of a sexual nature.

Shall/Will - These terms are interpreted as being mandatory.

Suspension - Relief from work without pay under the Personnel Policies by their department head or other supervisor authorized to enforce disciplinary action.

Temporary Employee - An employee appointed for a special project or other work of a temporary or transitory nature. All will serve in a non-covered status and meet the education and experience requirements as established by the job description for the particular position and are not eligible for benefits described in the Personnel Policies.

Trainee - Employee undergoing a training period to learn the job duties or to attain education or certification.

Transfer - Action in which the employee moves from one budgeted position to another with no resulting title change, or if a title change does take place, there is no change in the pay range.

Work Day - Scheduled number of hours an employee is required to work per day.

Work Period - Number of hours regularly scheduled to be worked during any seven (7) consecutive days.

SECTION 3

STANDARDS OF CONDUCT

3.01 GENERAL POLICY

- A. The Florida Inland Navigation District (District) has established a system of personnel management to assist in providing superior service to the community.
- B. The District advocates the concept that the quality of public service can reach maximum efficiency through a Personnel Management System based on merit principles.
- C. Employees are encouraged to develop skills and seek formal training that will enhance their personal development and add to the overall expertise of the organization.
- D. It is the policy of the District to expect compliance from employees with all Personnel Policies, state statutes and federal regulations in the performance of duties. An employee who violates any of the Personnel Policies shall be subject to disciplinary action.

3.02 EQUAL EMPLOYMENT OPPORTUNITY

- A. The Equal Employment Opportunity (EEO) policy of the District provides for the equal opportunity before and during employment with the District for all applicants and employees regardless of race, color, religion, sex, age, national origin, political affiliation, physical disability, sexual orientation, marital status, or any other categories protected by law.
- B. The District's policy of equality of opportunity applies to all levels of employment in the District and to all job classifications under the jurisdiction of the District's Board of Commissioners. In addition, it is the responsibility of each supervisor to give the District's non-discrimination policy full support through leadership and by personal example. It is the duty of each employee to help maintain a work environment which is conducive to and which reflects the District's commitment to equal employment opportunity.

3.03 AMERICANS WITH DISABILITIES ACT (ADA) POLICY

In accordance with the ADA of 1990 the District prohibits discrimination against qualified individuals on the basis of a disability. Persons with disabilities will be given full consideration for employment.

3.04 ANTI DISCRIMINATION/ANTI HARASSMENT POLICY

A. POLICY

The District is committed to maintaining a work environment free of harassment whether such harassment is based on gender, sexual preference, race, national origin, disability, religion, age or marital status. The District will not tolerate the harassment of any of its employees, supervisors, co-workers, vendors, customers or anyone else. All personnel are responsible for maintaining a workplace that is free of harassment and intimidation. The District is committed to promptly and thoroughly investigating all complaints of harassment. If after a thorough investigation it is determined that harassment has occurred, immediate and appropriate disciplinary action, up to and including discharge, will be taken to end the harassment. Appropriate follow-up steps will be taken to ensure that the harassment has stopped.

B. DEFINITION AND EXAMPLE OF SEXUAL HARASSMENT

Unwelcome sexual advances, requests for sexual favors and any other physical, verbal or visual conduct of a sexual nature constitute sexual harassment when:

1. Submission to the conduct is an explicit or implicit term or condition of employment or continued employment; or,
2. Submission to or rejection of the conduct is used as a basis for employment decisions affecting an employee, such as promotion, demotion or evaluation; or,
3. The conduct has the purpose or effect of interfering with an employee's work performance or creating an intimidating, hostile, or offensive work environment; and,
4. Sexual harassment may include, but not limited to:
 - a) unwelcome sexual propositions;
 - b) sexual innuendos;
 - c) sexually suggestive remarks;
 - d) vulgar or sexually explicit comments, gestures or conduct;
 - e) sexually oriented kidding, teasing, or practical jokes;
 - f) physical contact such as brushing against another's body, pinching or patting;

- g) the publication, to anyone, or documents (including pictures and text) in the workplace that contain any material that is of a sexual nature;
- h) using the computer to access any web site, news group, CD, floppy disk, or any other resource, that contains material that is of a sexual nature.

Sexual harassment may occur when the intended target of the conduct is not offended, but others reasonably find the conduct to be intimidating, hostile, or abusive.

C. DEFINITIONS AND EXAMPLES OF OTHER FORMS OF HARASSMENT

Unlawful harassment is verbal or physical conduct that shows hostility or aversion toward an individual because of their race, color, religion, gender, national origin, age, marital status, or disability when it:

1. Has the purpose or effect of creating an intimidating, hostile, or offensive working environment;
2. Has the purpose or effect of unreasonably interfering with an individual's work performance; or creating an intimidating, hostile or offensive environment;
3. Otherwise adversely affects an individual's employment opportunities; or,
4. Unlawful harassment includes, but is not limited to, the following:
 - a) epithets, slurs, negative stereotyping, or threatening, intimidating, or hostile acts that relate to race, color, religion, gender, national origin, age, marital status, or disability; and,
 - b) written or graphic material that shows hostility toward an individual or group because of race, color, religion, gender, national origin, age, marital status, or disability and that is placed on walls, bulletin boards, or elsewhere on the District's premises, or circulated in the workplace. This also includes acts that purports to, or are meant to be, "jokes" or "pranks", but that are hostile or demeaning, such as hate mail, threats, defaced photographs, or other such conduct.

D. PREVENTION OF HARASSMENT IN THE WORKPLACE - EMPLOYEES' RESPONSIBILITIES

All personnel are responsible for maintaining a workplace that is free of harassment and intimidation. If any person experiences or witnesses harassment in the workplace, they have an affirmative obligation to report such conduct to his/her supervisor, or the Executive Director (OHD). If, after an investigation is conducted, it is determined that the harassment has occurred, and it is determined that any employee(s) failed to fulfill their affirmative obligation to report such conduct, such a failure may be grounds for discipline.

E. COMPLAINT AND INVESTIGATION PROCEDURES

1. **Initial Complaint**

Any employee who believes he/she has been the subject of sexual or other harassment must report the alleged act **immediately** to his/her immediate supervisor, or the Executive Director (OHD). Employees are not expected to report harassment to the person they believe is harassing them.

2. **Confidentiality and Timeliness**

All complaints will be handled in a timely manner and will be held in confidence to the extent possible. Anyone involved in a complaint will be instructed not to discuss the subject outside the investigation. Personnel violating confidentiality are subject to immediate discipline.

Communications will be made to others only on a "need to know" basis. The purpose of this provision is to protect the confidentiality of the employee who files the complaint, to encourage the reporting of any incidents of harassment, and to protect the reputation of any employee wrongfully charged with harassment.

3. **Nature of Investigation**

To provide for a prompt resolution of harassment complaints, the Executive Director (OHD) shall identify one person or a team to conduct an investigation into the complaint. If the Executive Director (OHD) is involved in the harassment complaint the Chairman of the District Board shall identify one person or a team to conduct an investigation into the complaint. Investigation of a complaint will normally include conferring with the parties involved and any named or apparent witnesses. **All persons who participate in such an investigation shall be protected from coercion, intimidation, retaliation, interference or discrimination for filing a complaint or participating in an investigation.** The investigation may include taking sworn statements from all parties and reviewing any documentary evidence.

4. Conclusion of Investigation

Employees shall be given an impartial and fair determination. If, after a thorough investigation, it is determined that harassment has occurred, immediate and appropriate disciplinary action up to and including discharge will be taken to end the harassment. If, after a thorough investigation, it is determined that an intentional false charge was filed by an employee about another, immediate and appropriate disciplinary action, up to and including discharge, will be taken. The Executive Director (OHD) or his/her designee will inform the complainant of the resolution of the inquiry upon its completion. If the Executive Director is involved in the harassment complaint the Chairman of the District Board will inform the complainant. Appropriate follow-up steps will be taken to ensure that the harassment has stopped.

F. INITIAL AND ANNUAL TRAINING

New employees will receive a copy of the District's Harassment Policy and be asked to sign a confirmation form indicating they have received and reviewed the policy. During this orientation, the District will emphasize the policy and provide some program training. In addition, all employees will receive a training session on harassment on an annual basis. To evidence the employee's attendance, a log of those attending the class will be maintained and a certificate of completion will be placed in their file to evidence the completion of the training.

3.05 CONFLICT OF INTEREST

- A. Employees who may be in a position to influence actions and decisions regarding the District's administration shall refrain from relationships which may adversely affect the exercise of their independent judgment in dealing with suppliers.
- B. An outside personal or business economic relationship which affords present or future financial benefits to an employee, his/her family, or individuals with whom he/she has business or financial ties may be a conflict of interest requiring evaluation by the Executive Director (OHD) and/or District Board of Commissioners.
- C. An employee having an outside personal economic relationship under the conditions specified above shall file a sworn statement to this effect with the Executive Director (OHD) or District Board of Commissioners.

- D. If the employee is in doubt as to whether a conflict of interest exists, it is that employee's responsibility to seek clarification from the Executive Director (OHD).
- E. The Executive Director (OHD) and/or District Board of Commissioners shall determine whether a relationship could cause a potential conflict of interest in accordance with, but not limited to, Chapter 112.313 of the Florida Statutes entitled "Public Employees - Code of Ethics".
- F. Employee acceptance of loans, advances, gifts, gratuities, favors or entertainment from a supplier, bidder or other party doing business with the District is improper.
- G. It is improper for any employee to use his/her position with the District to obtain or attempt to obtain any special preferences, privileges or exemptions for himself/herself or for others.
- H. No employee shall disclose confidential information gained by reason of his/her official position, nor shall the employee use such information for personal gain or benefit.

3.06 POLITICAL ACTIVITY

- A. District employees shall not use their official authority or influence for the purpose of interfering with an election or a nomination for office, for influencing another person's vote, or affecting the result thereof.
- B. No employee, official, or other person shall solicit orally, by letter or be in any other manner concerned in obtaining any assessments, contributions, or services for any political party from any employee during their hours of duty, service or work with the District.
- C. Nothing herein contained shall be construed to restrict the right of the employee to hold membership in and support a political party, to vote as they choose, to express opinions on all political subjects and candidates, to maintain political neutrality, to attend political meetings after working hours, or to campaign actively during off-duty hours in all areas of political activity.
- D. Any employee who qualifies as a candidate or accepts appointment to the District Board of Commissioners must resign from District employment immediately upon qualifying or accepting such appointment or as otherwise provided by State Statutes dealing with elections.

3.07 EMPLOYMENT OF RELATIVES

The District will not permit, in accordance with Florida Statute 122.3135, the employment of a relative in positions in which either family member would be supervised by or supervising, influenced by or influencing the activities or employment conditions of the other. This criterion will also apply when assigning, transferring or promoting an employee. Any employee currently employed by the District in a position which would be in violation of this provision is hereby exempted. (Refer to the definition of "Relative" in Section 2).

3.08 OUTSIDE EMPLOYMENT

- A. Employees are discouraged but **not** restricted from engaging in other employment during their off-duty hours. However, District employment shall be considered the primary employment. No employee may engage in outside employment which would interfere with the interest of the District as defined under Section 3.04.
- B. Employees of the District shall not engage in any employment activity or enterprise which has been or may be determined to be inconsistent, incompatible, or in conflict with their duties, functions or responsibilities of their department.
- C. No employee(s) shall hold any other position in governmental or private employment or as an independent contractor when such other position may have the effect of reducing the efficiency or productivity of such employment in the District's service or generally interfere with the work of the District. Employees holding other positions cannot solicit or advertise or take calls concerning their other employment during employment hours at the District.
- D. Employees sustaining injuries while engaged in outside employment are ineligible to receive benefits under the District's Workers' Compensation as a result of disability resulting from the outside employment.
- E. Equipment, facilities, vehicles or property of the District shall not be used by employees for outside employment.
- F. An employee wishing to engage in any outside employment or business association shall first obtain written approval from his/her department head on an official form. Failure to comply with this policy may result in disciplinary action.
- G. Final approval of outside employment is subject to review and approval by the Executive Director (OHD). It is further understood that approval may be canceled at any time by the Executive Director (OHD) upon written notice to the employee.

3.09 SOLICITATION AND DISTRIBUTION

- A. Employee contributions to charitable organizations are voluntary. Coercion of an employee to make contributions will not be permitted.
- B. Employees are prohibited from conducting or promoting private business for gain during duty hours or within any District building.
- C. Employees are prohibited from soliciting any other District employee on behalf of any organization, including labor unions, labor organization or employee organizations during the working hours of any employee who is involved in the solicitation.
- D. Distribution of literature for District sanctioned programs such as charitable organizations or recreational activities is not restricted by this policy.

3.10 USE OF DISTRICT PROPERTY

Employees shall not use District property, equipment or vehicles except in the performance of official duty, nor permit their use by an unauthorized person, either on or off duty. Some employees will be allowed to use vehicles to and from work by permission of the Executive Director (OHD).

SECTION 4

EMPLOYMENT POLICIES

4.01 APPOINTING AUTHORITY

- A. The District Board of Commissioners has the authority of appointment and removal of the Executive Director (OHD) and Assistant Executive Director.
- B. The Executive Director (OHD) has the authority of appointment and removal of all other positions.

4.02 POSITION CONTROL

All positions in the District are established and maintained through a personnel budget each fiscal year. The establishment of new or additional positions can be authorized by the District Board of Commissioners subject to adequate justification on need and availability of funds.

4.03 TYPES OF APPOINTMENTS

- A. **Full Time** - Employees who work full time (40 hours a week).
- B. **Seasonal** - Employees appointed in the same manner and subject to the same procedure as regular employees except that they will be laid off at the close of the season for which they were appointed.
- C. **Regularly Scheduled Part Time** – Work periods of less than forty (40) hours per week.
- D. **Temporary** - Positions (whether part-time, full-time or hourly) that are anticipated for special projects, grants or programs and one of an unspecified, but limited duration.
- E. **Trainee** - Employees who do not meet the minimum qualification of the position. The length of training is at the discretion of the District.

4.04 APPLICATION PROCEDURES

- A. The Executive Director (OHD) will select the best qualified applicant. The Executive Director (OHD) has the authority for making the decision as to which applicant will be hired after considering all job related factors in the hiring process.
- B. All job offers will be made by the Executive Director (OHD) as the designated representative of the District Board of Commissioners.
- C. When a vacancy has been filled, the remaining Employment Applications become inactive after one year.
- D. As part of the pre-employment procedure, the District may conduct a background check which includes references provided by applicants or reference sources.

4.05 PROCESSING OF APPLICATIONS

- A. The Executive Director (OHD) or his designee will review and consider all applications for employment filed. The Executive Director (OHD) may approve or disapprove applicants for employment taking into consideration the requirements of the position to be filled, the applicant and his/her qualifications and the interests of the District.
- B. Applications for employment will be maintained in a centralized location to be designated by the Executive Director (OHD).
- C. The Executive Director (OHD) may reject an application which indicates that the applicant does not possess one or more of the requirements as specified in the announcement and job description.
- D. After a job offer and before **final** processing, an applicant must:
 - 1. Pass a physical examination performed and evaluated by the District's designated physician.
 - 2. Take a drug screening test as part of their physical examination.
 - 3. Present a valid Social Security card.
 - 4. Present proof of:
 - a. Education, if required by the position
 - b. Date of birth
 - c. Citizenship or resident alien status.

- d. Separation from the Armed Forces, if appropriate
- 5. Be subject to a background investigation, if required by the position, prior to our offer of employment being made.
- 6. Present a valid Florida Driver's License or Commercial Drivers License, where required by the position.

4.06 HOURS OF WORK

- A. The Executive Director (OHD) shall establish hours of work in accordance with the needs of the District and the public.
- B. Lunch period will be scheduled at the discretion of the Executive Director (OHD).

4.07 OVERTIME AND COMPENSATORY TIME

- A. Employees will be required to work beyond their predetermined hours when requested. Non-exempt employees who work in excess of forty (40) hours per week shall receive time and one-half their regular rate of pay for all hours worked in excess of forty (40) hours per week.
- B. Non-exempt employees may not work more than forty (40) hours per week without authorization from a supervisor.
- C. Positions designated as Exempt are not subject to overtime provisions of the FLSA. Exempt employees are expected to work outside of and in excess of their normal working hours.
- D. Sick leave, funeral leave, jury duty, holidays, vacation, annual military leave, and any other absence from work while on pay status will not be counted as time worked for overtime computations.
- E. All overtime must have the prior approval of the Executive Director (OHD).

4.08 ATTENDANCE

- A. Employees are expected to report for duty at the scheduled time.
- B. Unreported absence of three consecutive work days may be considered as an abandonment of the position and termination of employment.

4.09 PERFORMANCE EVALUATIONS

Performance evaluation is a process whereby the employee and his/her supervisor assess the degree to which job-related skills have been demonstrated. While review and evaluation of performance is ongoing and such things as defining and communicating job requirements, providing frequent and accurate feedback and monitoring performance occur on a day-to-day basis, the formal review provides a comprehensive documentation of all aspects of an employee's performance over a defined period of time.

The initial performance evaluation for new employees occurs after the first six months. Thereafter, performance evaluations are conducted annually based on the fiscal year of the District.

At the beginning of each evaluation period, the supervisor and the employee shall jointly decide on work performance levels to be achieved by the employee. A copy of the agreed upon work performance levels will be maintained by the employee, the supervisor and a copy shall be kept in the employee's personnel file.

At the end of the evaluation period, a written evaluation will be completed and signed by the supervisor using an evaluation form which will be provided to the employee in advance of the evaluation. The employee will receive a copy of the evaluation as completed by the supervisor and may add written comments. The employee will sign the evaluation indicating that he/she has read it and has received a copy of it. The supervisor will sign the employee's comments indicating that he/she has read them.

The evaluation and the employee's comments will become a permanent part of the employee's personnel record.

4.10 EMPLOYEE TRAINING

The District may establish and develop educational and training programs for employees. The purpose of such programs is to increase operational efficiency and to assist employees in preparing themselves for positions of increasing difficulty and responsibility.

4.11 DRUG AND/OR ALCOHOL USE/CONSUMPTION

- A. The sale, use, manufacture, distribution, acceptance, possession or being under the influence of alcohol or controlled substance (per Florida Law; e.g. heroin, LSD, barbiturates, amphetamines, marijuana, cocaine, etc.) on District compensated work time, on District property, or in/on any District building, facility, or equipment may result in disciplinary action, up to and including termination.
- B. If it is determined, or there is reasonable belief or less than probable cause, but more than mere suspicion that, as a result of drug and/or alcohol use/consumption, the employee's work performance, work habits, etc. begin to

decline, or there is a concern for the safety of the employee, other employees, or the public at large; or, the employee, upon reporting to work or while at work appears to be under the influence of alcohol or a controlled substance (as previously defined), one or more of the following may occur:

1. The affected employee will immediately be relieved of duty.
2. The affected employee shall be sent to the District's choice of physician for a medical examination and/or appropriate drug screening.
3. The affected employee may be placed on paid leave or leave without pay until such time as other action is determined to be in the best interest of the District or;
4. The affected employee may be subject to disciplinary action, up to and including termination

- C. The affected employee may receive supervisory counseling and may be encouraged/required to participate in treatment program as a condition of continued employment.
-

SECTION 5

HOLIDAYS

5.01 DAYS OBSERVED

- A. The following and any other days which the District Board of Commissioners may declare are District holidays. They shall be granted with pay to all eligible employees:

1.	New Year's Day	January 1
2.	Martin Luther King, Jr.'s Birthday	January 17 (Varies)
3.	Memorial Day	Last Monday in May
4.	Independence Day	July 4
5.	Labor Day	First Monday in September
6.	Veteran's Day	November 11
7.	Thanksgiving Day	Fourth Thursday in November
8.	Friday after Thanksgiving	Fourth Friday in November
9.	Christmas Day	December 25
10.	Personal Day	Employee's Birthday *

** The employee shall take the personal holiday on a date that is mutually acceptable to the employee and the Executive Director (OHD).*

- B. For employees working a forty (40) hour work week, when a holiday falls on a Saturday, the preceding Friday shall be observed as the official holiday for that year. When a holiday falls on a Sunday, the following Monday shall be observed as the official holiday.
- C. The Executive Director (OHD) will determine when the District will be closed in observance of a holiday.
- D. Holidays will not be counted as time worked for overtime computations.

5.02 ELIGIBILITY FOR HOLIDAY PAY

- A. All full time regular employees assigned to a forty (40) hour work week will receive 1 day off with pay for each of the holidays earned (see 5.03 for work on holiday).
- B. Part-time, Seasonal or temporary employees are not eligible for holiday pay.

- C. An employee must be on "active pay status" (see definition) on the regularly scheduled working day immediately prior to a holiday and the regularly scheduled working day immediately following a holiday in order to qualify for the holiday time.

5.03 HOLIDAY ON WORK DAY

Employees assigned to a forty (40) hour work week who work on the observed holiday will be paid the overtime rate of time and one-half.

5.04 HOLIDAY ON LEAVE DAY

- A. For employees on a forty (40) hour work week, holidays which occur during annual leave shall be charged to holiday leave and not to annual leave.
 - B. When a holiday falls within a period of leave of absence without pay, the employee shall not be paid for the holiday.
 - C. For employees on a forty (40) hour work week, if a holiday falls on the employee's normal day off, the employee will receive regular pay for the holiday.
-

SECTION 6

ANNUAL LEAVE (VACATION)

6.01 ELIGIBILITY AND RATE OF ACCRUAL

A. 40 HOUR EMPLOYEES

Each regular full-time employee who is scheduled to work a forty (40) hour work week will accrue annual leave (vacation) with pay on the following basis:

<u>CONTINUOUS EMPLOYMENT</u>	<u>ANNUAL LEAVE</u>
1 - 4 years	13 hours/month
5 - 9 years	15.166 hours/month
10 years and over	17.333 hours/month

- B. Employees begin earning annual leave time on their date of employment.
- C. Annual leave is computed on the employment anniversary date for each employee. Annual leave will accrue during the year on a prorated basis.
- D. Annual leave may be used after 90 days of continuous employment with the approval of the Executive Director (OHD).
- E. Annual leave will accrue only when an employee is on an active pay status.

6.02 PART TIME EMPLOYEES

Part time employees working more than 20 hours per week earn annual leave at an accrual rate equal to the proportion of hours worked to full time (40 hours). For example, a part time employee working 30 hours per week would earn $\frac{3}{4}$ the annual leave depicted in the appropriate category above as compared to a full time employee in the same category.

6.03 CHARGING LEAVE

- A. Annual leave will be charged in hourly increments of no less than one half hour.
- B. For forty (40) hour employees, holidays which occur during the period selected for annual leave shall be charged against holiday leave and not to annual leave.

For the purposes of determining overtime payments, vacation hours shall not be counted as time worked.

6.04 REQUEST FOR LEAVE

- A. Annual leave may be taken only after approval by the Executive Director (OHD) or his designee. Supervisors will arrange vacation schedules and re-allocate duties on such a basis as to cause minimum interference with normal functions and operations of the District.
- B. Each employee may carry forward a maximum of 240 hours of annual leave that he/she has earned. Any annual leave in excess of the 240 hours will be cancelled and the employee shall have the option to either:
 - 1. Be paid in cash for half ($\frac{1}{2}$) of all such cancelled hours at the employee's regular hourly rate of pay; or
 - 2. Convert all such cancelled hours to sick leave credits to be added to the employee's accrual of unused sick leave credits.

6.05 SENIOR MANAGEMENT SERVICE

Senior Management Service employees shall be credited with 240 hours annual leave on each anniversary date of appointment to the Senior Management Service. Senior Management Service employees should make every effort to ensure that earned leave is used on a current yearly basis in order to experience proper rest and relaxation. By following this practice, Senior Management Service employees will not normally accrue annual leave in excess of that earned each year. In unusual circumstances, however, a Senior Management Service employee may be unable to use annual leave on a current basis and in such cases, a Senior Management Service employee may accrue annual leave credits in excess of the maximum of 480 hours. However, when a Senior Management Service employee's annual leave credits earned are in excess of 480 hours on each anniversary date of appointment to the Senior Management Service all such accrued annual leave in excess of 480 hours shall be cancelled and the employee shall have the option to:

Convert all such cancelled hours to sick leave credits to be added to the employee's accrual of unused sick leave credits.

6.06 USE

Annual leave may be granted for the following purposes:

- A. Vacation.
- B. Absences for transacting personal business which cannot be conducted during off-duty hours.
- C. Religious holidays other than those designated by the District as official holidays.
- D. For uncovered portions of absences due to medical reasons once sick leave has been exhausted.
- E. For uncovered portions of absences due to death of a person other than a member of the employee's immediate family.
- F. Any scheduled absence from work not covered by other types of leave provisions established by these policies.

6.07 PAYMENT FOR UNUSED ANNUAL LEAVE

- A. When termination occurs employees will be compensated for annual leave accumulated for the nearest whole month employed at the current straight time hourly rate.
- B. Employees having less than six (6) months of service will not be paid for any accumulated annual leave time.
- C. The employee's official separation date shall be the last day of active employment and shall not be extended due to payment for unused annual leave.
- D. In the following situations, payment shall be made for unused annual leave.
 - 1. Layoff.
 - 2. Retirement.

3. Death payment shall be made to the spouse or family as provided in Florida Statutes, Chapter 232.15.
 4. Upon positive termination, an employee will be paid for their accrued annual leave, up to a maximum accrued credits of 240 hours for Exempt and Nonexempt employees.
-

SECTION 7

SICK LEAVE

7.01 ELIGIBILITY AND RATE OF ACCRUAL (EXEMPT AND NONEXEMPT)

- A. Each employee will accrue paid sick leave on the following basis:

WORK WEEK

40 hours

MONTHLY SICK LEAVE

4 hours

(This amount is not credited for the first partial month of employment if it is less than fifteen (15) days.)

- B. Seasonal, temporary or part time employees will not accrue sick leave.
- C. Sick leave may be taken as earned.
- D. Sick leave will not be granted in advance of accrual.
- E. Sick leave will not be considered as time worked for overtime computation.
- F. Sick leave will continue to accrue during periods of absence when the employee is on an active pay status.
- G. Abuse of sick leave or the sick leave policies will be grounds for the department head initiating disciplinary action against the employee.

7.02 CHARGING LEAVE

- A. Sick leave will be charged in hourly increments of no less than one hour.
- B. Should a holiday occur during sick leave, the holiday shall be charged to holiday leave.

7.03 REQUEST FOR LEAVE

- A. To receive compensation while absent on sick leave, the employee shall notify his/her immediate supervisor or department head prior to the scheduled reporting time, giving the reason for the absence in accordance with department regulations. This provision may be waived by the supervisor if the employee submits evidence that it was impossible to give such notification.
- B. The supervisor shall determine to his/her satisfaction that the employee is actually too ill to be expected to work. Unless the supervisor can determine that fact from his or her observation or in another way, the supervisor can initiate the following steps:
 - 1. Require the employee to certify that the absence was for reasons which are allowed within this policy.
 - 2. After three (3) consecutive days of sick leave the supervisor may request a certificate to verify the illness of the employee on sick leave.
- C. After ten (10) consecutive days of absence the employee could be required to submit to the District a medical certification from the attending physician before any additional sick leave is used by the employee. If the employee continues to be absent, the supervisor may require further medical certification for each thirty (30) consecutive days of absence, unless the supervisor determines that the employee is hospitalized and unable to return to work. Any medical certification from the physician must state that the employee is unable to perform the assigned duties if sick leave is to be authorized by the supervisor.
- D. If any of the medical certifications are not acceptable, the supervisor may require the employee to submit to a medical examination by a physician authorized by the District, at the District's expense.
 - 1. If the employee is determined to be fit for work, the supervisor shall not approve further use of sick leave.
 - 2. If the employee's health is determined as unfit for work, the employee shall be allowed to use his/her accrued sick leave until the sick leave has been exhausted or until the employee is able to return to work, whichever comes first.
 - 3. If the employee is unable to return to work after all sick leave has been used, the employee will be allowed to use any accrued annual leave before being placed on leave of absence without pay.

- E. The department head may request a doctor's certificate prior to any employee's return to work from sick leave.
- F. An employee who refuses to comply with these policies will not be eligible to use accrued sick leave and will be subject to disciplinary action.

7.04 USE

Sick leave may be granted for the following purposes:

- A. Personal injury, pregnancy or illness of the employee.
- B. Paternity Leave
- C. Medical, dental, optical or chiropractic examination or treatment when it is not possible to arrange the appointment for off-duty hours.
- D. Exposure to contagious disease which would endanger others as determined by a physician.
- D. Illness of a member of the employee's immediate family which requires the personal care and attention of the employee. (see definition of immediate family in Section 2).
- E. Up to four (4) days sick leave for personal reasons, other than the employee's sickness or disability.

7.05 ACCRUED LEAVE

Up to 480 hours of sick leave may be accumulated by an employee. All hours accumulated in excess of this cap will be lost by September 30th of each year.

7.06 UNUSED SICK LEAVE

When an employee separates in good standing from the District after five years or more of creditable service, he or she may be paid 25% of unused sick days, not to exceed 240.0 hours.. When an employee separates in good standing after ten years of service, he or she may be paid 25% of the unused sick days not to exceed 480.0 hours.

7.07 SENIOR MANAGEMENT SERVICE

Senior Management Service employees shall be credited with 120 hours of sick leave on each anniversary day of appointment to the Senior Management Service. Up to 480 hours of sick leave may be accumulated by a Senior Management Service employee, however, all hours accumulated in excess of this cap will be lost by employees if not used by each anniversary date of the employees appointment to Senior Management Service.

SECTION 8

MISCELLANEOUS LEAVES

8.01 COMPASSIONATE LEAVE

- A. All regular full time employees shall be granted compassionate leave upon approval of the department head in the event of death in the immediate family. (See definition of immediate family, Section 2).

SCHEDULED WORK WEEK

40 hour work week

**MAXIMUM FUNERAL LEAVE PER
INCIDENT**

3 consecutive work days

- B. The employee may be required to provide the supervisor with proof of death in the immediate family before compensation is approved.
- C. If additional time off is necessary to attend a funeral of a member of the immediate family, annual leave or sick leave can be used.
- D. If the employee wishes to attend the funeral of someone outside his/her immediate family, annual leave or leave without pay may be granted by the department head.

8.02 COURT LEAVE

- A. Regular full-time employees attending court as a witness on behalf of the District for jury duty during their normal working hours shall receive pay at their regular rate for the hours they attend court. This time shall be charged as leave with pay.
- B. Employees who become plaintiffs or defendants in personal litigation are not eligible for Court Leave with pay. Annual Leave or Leave Without Pay may be granted by the Executive Director (OHD).
- C. Employees who attend court for only a portion of a regularly scheduled work day are expected to report to their supervisor when excused or released by the court.
- D. Employees required to attend court as a witness on behalf of the District and who are on a scheduled vacation may be allowed to take additional leave with pay for that court time.

- E. Employees required to attend court as a witness on behalf of the District during his/her off-duty hours or day off shall receive up to eight (8) hours of straight time pay for the hours served.
- F. Employees scheduled on a forty (40) hour work week required to attend court as a witness for the District during his/her authorized holiday will receive pay for the holiday in addition to the pay received for the time spent in court.
- G. Time spent in court is the actual time required to report, as scheduled in writing on the subpoena, until released by the judge or other officer of the court.
- H. All court attendance must be verified before an employee is compensated.

8.03 CONFERENCE LEAVE

An employee may be granted leave with pay to attend professional and technical institutes, conferences, or other meetings which contribute to the effectiveness of the employee's service. All such leave and travel expenses will be subject to the approval of the Executive Director (OHD).

8.04 MILITARY LEAVE

- A. A regular full-time employee who is a member of the United States Armed Forces Reserve or Florida National Guard shall, upon presentation of a copy of the employee's official orders or appropriate military certification, be entitled to leave without loss of pay, time or efficiency rating during periods in which the employee is engaged in annual field training or other active duty.
- B. Such leave with pay shall not exceed 17 calendar days in any calendar year for annual training.
- C. An employee who is a member of the Military Reserve who has been called to active military service (as defined in F.S. 115.08) shall receive the first 30 days of leave with full pay.
- D. A copy of the official orders or appropriate military certification shall be filed in the employee's personnel file.
- E. The employee's request must be given to the Executive Director (OHD) or designee at least ten (10) days in advance of the scheduled date of departure for leave.
- F. Any regular full-time employee who is a member of an Armed Forces Reserve Unit

or the National Guard shall be excused from work without pay to attend evening or week-end military training if the scheduled training conflicts with the employee's work schedule. Evidence of membership in the applicable organization shall be provided to the Executive Director (OHD)

- G. Any regular full-time employee who is a member of an Armed Forces Reserve Unit or the National Guard and who is ordered to active duty to fulfill his/her primary or emergency military obligation, will be granted a military leave of absence without pay for the period of time of the service.
- H. Any regular full-time employee who enlists or is inducted into the armed services for active duty, shall be granted a military leave of absence without pay for the initial period of enlistment. All monies due the employee shall be paid at the time of his/her leaving the District's employment to enter active military service.
- I. Upon termination from active military service, an employee who wishes to return to the District's employment shall contact the Executive Director (OHD) or his designee in writing within ninety (90) days from the date of military discharge.
- J. An employee shall not be considered for reinstatement by the District if he/she received a dishonorable discharge or voluntarily re-enlisted in the military service beyond his/her initial military obligation. An employee requesting reinstatement with the District shall submit to a medical examination similar to the one utilized for applicants for employment.
- K. An employee returning to the District's employment will start a salary that he/she would have received, including all adjustments, had the employee remained continuously in the service of the District instead of entering the armed services.
- L. If the position vacated by an employee who entered the military service was reclassified or re-titled during his/her period of military service, the employee will be entitled to be reinstated in the new or revised position, unless the employee is not capable of satisfactorily performing the essential functions of the position. If the former position has been abolished or if he/she is incapable of satisfactorily performing the duties, the employee shall be entitled to reinstatement in a position as nearly comparable as possible in salary and duties to the position he/she vacated, providing that a vacancy exists.

8.05 EDUCATIONAL LEAVE

Reimbursement of educational expenses for tuition for an employee who is attending a State College or University for career related purposes must be approved by the Executive Director (OHD), and may be paid only if the employee completes the course with a passing grade.

8.06 LEAVE WITHOUT PAY

- A. The decision to grant a leave without pay (leave of absence) for up to 90 days will be at the discretion of the Executive Director (OHD).
- B. The following provisions apply to leave without pay:
 - 1. An employee granted a leave of absence must keep the District informed of his/her current activity and current address.
 - 2. An employee who obtains either part time or full time employment elsewhere while on an authorized leave of absence is required to notify the District in writing within 3 days of accepting such employment.
 - 3. Failure to comply with all of the policy requirements will result in the employee being dropped from leave of absence status, in which case he/she must return to duty or be discharged.
 - 4. Any employee granted a leave of absence shall contact the District at least 2 weeks prior to the expiration of the leave in order to facilitate the reinstatement process.
 - 5. Failure to return to work at the expiration of the leave shall be considered as a resignation.
 - 6. Sick leave, annual leave or holiday leave will **not** be earned by an employee for the time that the employee is on leave without pay.
- C. An authorized leave without pay shall not constitute a break in service, but the time will not be credited toward retirement.
- D. Employees wishing to continue their insurance coverage must pay the full premiums associated with such coverage.
- E. When the employee returns from the leave of absence the District will return the employee to their former position or similar position.

8.07 WORKERS' COMPENSATION LEAVE

- A. Payment of Workers' Compensation Benefits to employees who sustain a work related injury or illness as defined by law, will be compensated in accordance with the Florida Workers' Compensation Law.

8.08 MATERNITY LEAVE

- A. Federal guidelines on discrimination because of sex provide that absence due to maternity related reasons be considered and treated as a temporary disability. Disability caused or contributed to by pregnancy, miscarriage, abortion, childbirth and recovery there-from is, for all job-related purposes, temporary disability. The sick leave plan shall be applied to disability due to pregnancy or childbirth on the same terms and conditions as it is applied to other temporary disabilities.
- B. Maternity leave is a period of approved absence for incapacitation related to pregnancy and confinement. Maternity leave may be charged to sick leave or to any combination of sick leave, annual leave and leave of absence without pay.
- C. The time when a pregnant woman should return to work will be determined on an individual basis and will generally depend on the physical nature of the work, the needs of the District and the results of professional medical guidance. Under normal circumstances the maternity leave period would be a maximum of 90 days.
- D. An employee will be allowed to continue working so long as the conditions of the pregnancy do not adversely impair her work performance or health as determined by the District with physician and employee input.
- E. The employee returning from maternity leave will be treated as other employees returning from leave without pay in Section 8.06.

8.09 FAMILY LEAVE

- A. In accordance with the Family and Medical Leave Act of 1993, regular full-time and part-time employees who have put in at least one (1) year of employment with the Board and have worked at least 1,250 hours during the past twelve (12) months are eligible for Family Leave.
- B. Eligible employees may use twelve (12) work weeks of unpaid leave time during any twelve (12) month period for birth or adoption, in order to care for the spouse, child or parent with a serious medical condition, or the worker to deal with his or her own serious medical condition that prevents performance in the employee's current position
- C. A serious medical condition is defined as illness, injury or impairment, physical or mental condition that involves in-patient care in a hospital, hospice or residential medical care facility or requires continuing medical treatment.
- D. For continuing medical conditions, the employee is entitled to the twelve (12) work weeks of leave in each year of employment. For birth and adoption the leave

option expires one year after the event.

- E. All eligible employees will be allowed to return to the District's employment to the same job or an equivalent position with equivalent benefits and pay.
- F. Previously accrued benefits will not be forfeited. No new benefits or seniority will accrue during the Family Leave period.
- G. The employee will be required to use his/her accrued vacation, sick or personal leave until it is exhausted, making up the balance of the twelve (12) week period with unpaid leave.
- H. If the employee requesting leave desires to continue his/her health insurance coverage and benefits, the employee will be responsible for submitting payment of the employee's share of the premiums, co-payments, deductibles, and other out-of-pocket costs during periods of unpaid leave. During periods of paid leave the District shall continue to deduct these costs from the employee's paychecks as it would normally do.
- I. Leave taken under this law is not a COBRA qualifying event because it mandates that health benefits continue.
- J. If the employee does not return to work after the twelve (12) week Family Leave, he/she shall be considered to have resigned his/her employment and shall be entitled to elect up to eighteen (18) months of continued health care coverage under COBRA. Under COBRA, however, the employee will be required to bear the full cost of insurance coverage.
- K. If the employee fails to return to the job after the leave, the District will recover health premiums paid on behalf of the employee during the unpaid leave, unless the failure to return is attributable to the continuation of the medical condition or for reasons beyond the employee's control.
- L. The District may require, in the case of birth or adoption of a child, that the twelve (12) weeks of leave time be taken all at once.
- M. Intermittent leave or leave on a reduced schedule may be taken by employees when medically necessary to care for themselves or sick children, spouses or parents. In this event, the District may require the employee to transfer temporarily to an equivalent alternate position that has the same pay and benefits but might better accommodate planned absences.
- N. The employee must furnish the District or designee a physician's certificate of the existence of the serious medical condition of the employee, spouse, parent or child prior to the leave being granted. The District, if it is not satisfied with the certification, may require at the District's expense, a second opinion. A third

opinion may also be requested, at the District's expense, if the first two conflict. The third opinion is binding on both parties.

- O. A thirty (30) day notice of intention to take Family Leave is required when the precipitating event is foreseeable such as birth, adoption, or planned medical treatment.

8.10 UNPAID MEDICAL LEAVE

- A. Approval for unpaid medical leave is required when an employee's absence due to non-job related illness or injury does not qualify for leave under 8.09 exceeds three working days after all personal/sick leave and vacation leave have been used. Medical leave not to exceed six months duration may be granted at the discretion of the Executive Director (OHD). Medical leave with reinstatement is subject to the needs of the District.
 - B. A request for medical leave should be made in writing to the Executive Director (OHD) and should include a statement from the employee's physician indicating the nature of the medical condition and the probable date for return to work. Health insurance will continue to be provided for the employee by the District up to six months with the employee continuing to pay his/her normal contribution. Beyond six months, the employee may convert to an individual policy at his/her own expense. Upon return to work, the employee must have a written statement from the physician giving clearance for the employee to return to work on a specific date. In extraordinary circumstances, an extension of Medical Leave may be granted by the Executive Director (OHD) with the approval of the District Board.
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SECTION 9

SEPARATIONS

9.01 DISCHARGE/DISMISSAL

- A. All employees serve at the will of the District and can be terminated at any time with or without cause, for any reason at any time at the discretion of the Executive Director (OHD).
- B. The Executive Director's (OHD's) discretion to terminate an employee is not subject to any appeal within the District's Organization.

9.02 ELIMINATION OF POSITION

The District may from time to time choose or be required to eliminate a position because of budgetary constraints, reorganization, or other circumstances.

Subject to availability of funds and approval by the District Board, an employee whose position is being eliminated will be given notice and/or separation pay as follows:

Exempt Employees – three (3) weeks' notice or two (2) weeks' pay

Non-Exempt Employees – two (2) weeks' notice or one (1) week's pay

Senior Management Services – four (4) weeks' notice or three (3) weeks' pay

9.03 RESIGNATION

- A. An employee voluntarily leaves the employment of the District.
- B. An employee wishing to resign in good standing shall file with the District a written resignation, stating the date and reason for leaving. The notice must be given two (2) weeks prior to the date of separation. Failure to comply with this provision may be cause of denying the employee re-employment.
- C. Unauthorized absence from work for a period of three (3) consecutive days may be considered a resignation.

9.04 RETIREMENT

- A. A procedure whereby an employee is separated from the District service.
- B. Retirement regulations and benefits will conform with the provisions of the Florida Retirement System in Effect.

9.05 EXIT INTERVIEW

- A. It is the desire of the District to determine why employees leave the District Service. An exit interview program may be established and administered to determine the causes of and possible solutions for turnover within the workforce.
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SECTION 10

SAFETY

10.01 ACCIDENT PREVENTION

District supervisors are responsible for a successful safety program, and will participate in the development, implementation and improvement of this program. Supervisors must have a continuing concern with all possible safety and operational economies.

Inadequate safety training, improper equipment handling and neglect can increase costs, cause accidents and reduce productivity. Safety performance and adherence to safety rules will be considered in the employee's performance evaluation.

10.02 ACCIDENT REPORTING

- A. Employees will be advised by their supervisor of their responsibility to immediately report to their supervisor all injuries or damage to property that occur on the job. Delay in reporting injury can cause complication of the injury and delayed recovery. Failure to report an injury or accident within the specified period of time to the District will be cause for disciplinary action.
- B. Accident reports must be submitted by the injured employee's supervisor within 24 hours after the date of the accident or the report of the injury or damage to property. If the accident occurs over a holiday or weekend, the accident report should then be submitted within 24 hours from the time the work period starts after the weekend or holiday. This applies to industrial accidents and first aid injuries, as well as to injuries resulting from vehicular accidents involving District vehicles. A vehicular accident report will be submitted. If an employee is injured, a report of injury to employee will also be required.
- C. In the case of vehicular accidents, the appropriate law enforcement agency shall be notified immediately.

10.03 WORKER'S COMPENSATION

Payment of Workers' Compensation to employees who sustain a work related illness or injury as defined by Florida Workers Compensation Law will be governed by the Florida State Workers' Compensation Law.

SECTION 11

EMPLOYEE GRIEVANCE PROCEDURE

11.01 PURPOSE

This grievance procedure is established to provide full opportunity to District employees to bring to the attention of management complaints, grievances or situations that the employee feels need either adjustment or information. It is the intent and desire of the District to adjust complaints or grievances informally and both supervisors and employees are expected to make every effort to resolve problems as they arise. However, it is recognized that there will be grievances which will be resolved only after discussion and review. The submission of a grievance by an employee shall in no way adversely affect the employee or his/her employment with the District. Discharge/Dismissals are not subject to the grievance procedure.

11.02 DEFINITION OF A GRIEVANCE

- A. A grievance is a complaint, view or opinion pertaining to employment conditions, to relationships between employees and supervisors or to relationships with other employees.
- B. Only regular full time employees are eligible to file grievances under this procedure.
- C. Grievances are unacceptable if filed by one employee for another or for groups of employees.

11.03 PROCEDURE

STEP 1

The aggrieved employee shall, within five (5) working days of the incident, discuss and explain his/her complaint or grievance orally with the immediate supervisor. The immediate supervisor may call higher level supervision into the discussion in an effort to achieve a prompt satisfactory adjustment.

The immediate supervisor will make a decision and notify the employee within two (2) working days after the discussion with the employee.

STEP 2

If the aggrieved employee feels that the matter has not been settled or adjusted to his/her satisfaction by his/her immediate supervisor, the employee may submit the matter in writing to the Executive Director (OHD) or the District's Personnel Committee within three (3) working days after the Step 1 answer was given.

The Executive Director (OHD) or the District's Personnel Committee will schedule a meeting with the employee within five (5) working days after receipt of the grievance. If the matter is not resolved at this meeting the Executive Director (OHD) or the District's Personnel Committee shall give a written answer within three (3) working days after the scheduled meeting.

STEP 3

If the grievance is not resolved to the employee's satisfaction by the decision of the Executive Director (OHD) or the District's Personnel Committee, the employee may appeal to the Full Board within three (3) working days after receiving the written findings of the Executive Director (OHD) or the District's Personnel Committee.

The Full Board shall schedule a meeting with the concerned employee and the Executive Director (OHD) and others at its discretion, within ten (10) working days and render a decision in writing within five (5) working days of the meeting.

STEP 4

The final decision of the District in this grievance procedure shall be final and binding on the parties.

11.04 GENERAL PROVISIONS

- A. The time limits of this grievance procedure may be extended by the Executive Director (OHD) due to illness, vacations, business trips, emergencies, or other reasons. If an extension is required, the employee will be notified. Similarly, if the employee requires an extension to submit or advance a grievance or appeal a decision the employee shall notify the Executive Director (OHD). He/she shall determine if an extension is warranted and/or authorized under the circumstances.
- B. Under this grievance procedure the employee and the Executive Director (OHD) or District have the opportunity to call witnesses at the Step Two and Step Three levels.

- C. Any grievance shall be considered settled at the completion of any step, unless it is appealed within the time limits set forth.
 - D. It is the intent of these Rules that the majority of grievances will be settled in the first or second step.
 - E. In some cases, steps in the grievance procedure may be waived at the discretion of the department head to allow more severe matters to progress more rapidly.
 - F. Employees may grieve without fear of retribution.
 - G. The time limits as set forth in this grievance procedure for the Executive Director's response shall remain the same for all employees regardless of the work week or scheduled hours per week.
 - H. If the response time limits fall on the employee's day off, the reply by the department head or the Executive Director shall be given to the employee on his/her next scheduled workday.
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SECTION 12

MISCELLANEOUS RULES AND BENEFITS

12.01 VEHICLES

Some employees, because of the nature of their work, may be issued and are responsible for a vehicle which may be driven to and from work and lunch, and to conduct official business. Such vehicle shall not be used for personal pleasure or private business. The purpose of this policy is to enable the employee in question to respond to emergency conditions promptly. Abuse of this policy may result in a withdrawal of the vehicle and appropriate disciplinary action.

12.02 RETIREMENT PLAN

The District provides a pension plan for all qualified employees to guarantee a monthly life income after their retirement. Details of the plan are maintained in the District's office.

12.03 UNEMPLOYMENT COMPENSATION

The District is registered with the State of Florida Bureau of Unemployment Compensation. Terminated employees who file a claim and are determined qualified under the Florida Unemployment Compensation Law may be eligible to receive unemployment compensation benefits.

12.04 INSURANCE BENEFITS

Hospitalization and medical insurance are available for all eligible employees. Details are available upon request from the District's office or another designated office.

12.05 DEDUCTIONS

Federal Withholding and Social Security are deducted from pay checks in accordance with law. Any other deductions, including group insurance, United Way and recognized charities are made only by written request of the employee.

SECTION 13

POSITION CLASSIFICATION PLAN

13.01 PURPOSE

The Position Classification Plan provides a systematic arrangement and inventory of District positions. The plan groups the various positions into classes indicative of the range of duties, responsibilities and level of work performed. The class titles standardize the meaning, allocation and usage of the plan based upon similarity of work and duties performed.

13.02 USES

The Classification Plan will be used to:

- A. Standardize salary ranges to be paid for the various classes of work.
- B. Establish lines of promotion and career ladders.
- C. Assist in developing employee training programs.
- D. Provide uniform job terminology.

13.03 CONTENT

The Classification Plan consists of:

- A. A grouping of positions into classes on the basis of approximately equal difficulty and responsibility, which require the same general qualifications and which can be equitably compensated within the same pay grade.
- B. A class title, indicative of the work of the class, which shall be used on all personnel, accounting, budget and related official records.
- C. Written job descriptions for each approved classification containing the general description of the work and essential job functions found in the class. Included are requirements of the class, setting forth the knowledge, abilities and skills required for performance of the work and the training and experience needed for the job.

13.04 ADMINISTRATION AND MAINTENANCE

- A. The Executive Director (OHD) is charged with the maintenance of the Classification Plan so that it will reflect the duties performed by each employee and the class to which each position is allocated.
- B. It should be the responsibility of the Executive Director (OHD) to have the nature of the positions examined as they are created, to have them allocated to an existing class or to create new classes.
- C. The Executive Director (OHD) would institute changes in the Classification Plan as are made necessary by changes in the duties and responsibilities of existing positions or by a change or reorganization of the District departments.
- D. The Executive Director (OHD) will maintain the plan and recommend appropriate changes in position allocations or in the Classification Plan.

13.05 ALLOCATION OF POSITIONS

- A. Whenever a new position is established or duties of an old position changed, the Executive Director (OHD) shall prepare and submit a comprehensive position description describing the proposed duties of the position.
- B. The Executive Director (OHD) shall study or have a study conducted to analyze the duties of a position, assign the position to an existing class or establish a new class. A Fair Labor Standards Act classification will also be established.

13.06 POSITION REVIEWS

- A. The Executive Director (OHD) is charged with the responsibility of having position reviews made of positions where needed.
- B. Position information will be gained through completion of a Job Description Questionnaire by the incumbent or by the supervisor of the position (if the position is vacant) and may include an on-site study of the position. A personal interview may be conducted to clarify areas of work and to gain additional information.

13.07 RECLASSIFICATION

- A. When a position is officially assigned more difficult and significant additional responsibilities and duties so that it appears that the position warrants reallocation to a higher pay grade, a study may be made of the duties and responsibilities of the position.

- B. If it is determined that the position should be reallocated to a higher level classification, the District may require that the incumbent undergo a job related test depending on the conditions of the reclassification and the nature of the position to be reclassified.
 - C. Should the employee fail the job related test or for some other valid reason is not selected to fill the vacancy, the employee shall remain in his/her current position.
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SECTION 14

SALARY SCHEDULES

14.01 PURPOSE

The Salary Schedules are directly related to the Classification Plan and provide the basis of compensation for District's employees. The Salary Plan is constructed to reflect the following:

- A. Relative difficulty and responsibility existing among the various classes of work within positions of the District.
- B. Prevailing rates of pay for similar types of work in the labor market where the District recruits for employees.
- C. Availability of applicants to fill positions.
- D. Economic conditions in the area.
- E. Financial policies and philosophy of the District.

14.02 USES

The Salary Schedules are used to place new employees at a salary level, to reward employees for job performance, to develop incentives for employees and to improve their productivity and quality of work. They are also used to attract and retain high caliber staff.

14.03 CONTENT

The Salary Schedules consist of salary ranges and a minimum and maximum compensation attached to the ranges.

14.04 AMENDMENT AND MAINTENANCE

Amendments to the Salary Schedules should be considered when changes in the availability of labor supply, competitive rates of pay, the Board's financial condition and policies or other pertinent economic considerations warrant such action.

14.05 HIRING RATE

- A. The minimum salary established for a position is considered the normal hiring rate for new employees.
- B. A Executive Director (OHD) who has been given authority by the District to fill a position could request that the prospective employee be hired at up to 10% above the minimum hiring rate, if the grant or program budget allows for this.
- C. The Executive Director (OHD) should document the reasons in writing and submit the request to the Board or designee.
- D. The Executive Director (OHD) or designee should analyze the request taking into account the impact on salaries of other District employees in the same department, pay grade, pay rate and job classification as well as other factors regarding pay.

14.06 PERFORMANCE SALARY INCREASES

- A. Salary increases may be provided by the District Board. Performance salary increases are not automatic, but are to be earned based upon job performance. Evidence of the satisfactory service or above must be reflected in the employee's formal performance evaluation prior to approval of a pay increase, in accordance with established procedures.
- B. Supervisors are responsible for accurate and prompt submission of employee performance evaluation reports, in accordance with established procedures.
- C. Employees will be eligible for consideration for performance salary increases annually until the maximum salary for the pay grade is reached. Specific dates and amounts provided for performance pay consideration may be established by the Board each fiscal year depending on the availability of funds for salary increases.

14.07 PROMOTION AND RECLASSIFICATION**A. Salary Increase Upon Promotion**

1. An employee shall be promoted when the employee is moved from a position in one class to a position in a different class having a higher pay grade, or if the employee's position is reclassified from one class to a different class having a higher pay grade.

2. An employee being promoted will receive either an increase in salary to the minimum of the new pay grade or five percent (5%), whichever is greater.
3. The promoted employee will receive a new anniversary date for classification purposes to reflect the date of the promotional increase. The employee will be eligible for consideration for a salary increase one year from the date of the new classification date.

B. Reclassification (upgrade)

A reclassification or upgrade is the reclassifying and advancement of an employee from one classification to another in a higher pay grade. A reclassified employee shall receive the same increase in pay as shown under 14.07A.

1. Adjustments to Salary Schedules

In instances where the overall Salary Schedules are adjusted or where the pay ranges of total classes are adjusted, the method of implementation will be established by the Board.

2. Reduction in Grade

A reduction in grade is the assignment of an employee to a position in a job classification with a lower pay grade than his/her current position. An employee who is reduced in grade will have his/her salary determined on an individual basis by the Board or designee.

14.08 ANNIVERSARY DATES

There are two types of Anniversary Dates considered by the Board to establish employment longevity and salary increases.

A. Employment Anniversary Date

The date on which the employee begins employment with the District and the same date in the following years. This is also the date from which longevity, vacations and sick leave are computed. (This date is not the same as the one utilized for salary increases or pay status change).

B. Classification Date

The date an employee entered, transferred or was promoted to the current position. This is the date from which length of service with the District in a classification is computed for determination of order of layoff and eligibility for performance increases.

SECTION 15

RECORDS AND REPORTS

15.01 RESPONSIBILITY

The Executive Director (OHD) or designated employee is responsible for establishing and maintaining personnel records for all District employees.

15.02 RECORDS

- A. All personnel records and all other records and materials relating to the administration of the Personnel Management System shall be considered the property of the District. The Executive Director (OHD) will decide issues relating to the use, maintenance and disposition of such records and material, and as to whether or not any information contained therein may be disclosed, in accordance with prevailing laws.
- B. Employees should be aware of the importance of keeping their personnel records current. This means notifying the department head of any change of telephone number, change of beneficiary, number of dependents, marriage or any change not previously reported. This is the responsibility of the employee and failure to comply may result in a loss of employee benefits.
- C. The Executive Director (OHD) should be informed of any special training courses completed by an employee. Copies of diplomas or certificates should be forwarded to the District or designee to become a permanent addition to the employee's personnel file.

15.03 RECORDS RETENTION AND DISPOSITION

The District will keep personnel information and other records in accordance with applicable State statutes concerning records retention.

SECTION 16

INTERNET POLICY

16.01 PURPOSE

Provide an efficient, cost effective, secure and standardized procedure for District officials and employees to access the Internet.

16.02 POLICY

The resources available to the District employees from Internet services and e-mail will be used to further the goals and objectives of the District. The Executive Director (OHD) or designee will have the responsibility and authority to approve the posting of information on behalf of the District on the Internet to meet the following goals and objectives:

A. **BUSINESS DEVELOPMENT**

The District's presence in the World Wide Web will provide information to current and potential residents that will favorably market the District for the purposes of business development.

B. **POLICY DEVELOPMENT AND DECISION MAKING**

The use of the Internet e-mail and other news services will provide employees with electronic access to research material, technical and professional information. This immediate access to information, ranging from local to international, will allow more informed decision-making.

C. **CONSERVATION EFFORTS**

The use of the Internet for data gathering and research can reduce the consumption of paper and fossil fuels and reduce traffic congestion, by allowing employees to gather information electronically.

D. **SERVICE DELIVERY**

The District's infrastructure and access to the Internet will be used to provide service of highest quality to others, provide efficient, cost effective communications, and promote and facilitate innovation in providing services and information to the Community.

16.03 AUTHORIZED USE

This policy applies to use of the Internet utilizing the District authorized ID thereby covering the employee's representation of the District. In general, the District employees have an obligation to use their access to the Internet in a responsible and informed way, conforming to network etiquette, customers and courtesies, and representing the District in a positive manner. Use of the Internet by the District employees constitutes acknowledgment of this policy. Employees are further required to sign a copy of this policy prior to Internet access and comply with provisions included in this policy, as well as those in other policies that relate to the topics included.

Prohibited use of the Internet includes, but is not limited to, the following:

- ▶ Threats
- ▶ Harassment
- ▶ Slander
- ▶ Defamation
- ▶ Obscene or suggestive images or offensive graphical images
- ▶ Political endorsement
- ▶ Commercial activities
- ▶ Using non-business software including games or entertainment software
- ▶ Activities resulting in, or relating to, personal gain or for profit enterprise.

A. PERFORMANCE OF JOB RESPONSIBILITIES

Employees should use the Internet to accomplish job responsibilities more effectively and for business and work-related communication only. Examples of job related responsibilities are: accessing external databases, searching online public access information, disseminating documents to individuals or groups, participating in electronic mail discussion groups of job related topics, and gaining access to software user support information.

B. PROFESSIONAL DEVELOPMENT

The Internet may be used to pursue professional and career development goals. Examples of appropriate use include: communicating with members of work-related professional organizations, collaborating on articles and other writing, reviewing information on professional or career development topics.

C. PRIVACY AND CONFIDENTIAL INFORMATION

Employees shall keep their password confidential, changing passwords when necessary, to ensure confidentiality. Employees must discontinue their Internet connection when leaving their PC. Employees will have no expectation of privacy in both sending and receiving electronic messages and information on the Internet. Employees on the Internet will respect the privacy of other users and will not intentionally seek information on, obtain copies of, or modify files, other data or passwords belonging to other users, or represent themselves as another user. Internet e-mail is not necessarily a secure communication network, and privileged information sent via the Internet could potentially be read by others. Employees must follow the District's policies and procedures regarding the distribution of confidential District information.

D. COPYRIGHT LAWS

Employees must comply with copyright and licensing laws for materials, software, and other media. In addition, employees should obtain appropriate approval prior to making information available via Internet services or e-mail.

E. SECURITY

Employees are prohibited from developing programs that harass other users or infiltrate a computer or computing system or that damage or alter software components of a computer or computing system. Employees aware of security breaches or problems are required to notify the Executive Director (OHD) immediately.

F. LAWFULNESS

Transmitting any material in violation of any US, State or local laws, ordinances, regulations or policies is prohibited. This policy prohibits unlawful or inappropriate communications, including but not limited to sexually, racially, or ethnically offensive comments, jokes, slurs, disparagement of, or threats to others.

G. VIRUS PROTECTION

The District shall ensure virus protection is installed on all employees' PCs who have Internet access. Employees shall at all times maintain active virus detection software in their PCS. All downloaded files regardless of the source shall be virus scanned and any suspicious e-mail shall be deleted from the PC without opening the file(s).

H. MISUSE OF E-MAIL SERVICE

Employees shall not distribute chain letters or "junk" mails (any unsolicited mail of a business, personal or commercial nature, additionally known as "Spam") or engage in "Ponzi" or "pyramid" schemes.

16.04 VIOLATION OF THE POLICY

Violation of this Policy may result in termination of access to the Internet, and may also result in disciplinary or legal action up to and including termination of employment, and/or criminal or civil penalties or other legal action against the employee.

PERSONNEL POLICIES AND PROCEDURES

Florida Inland Navigation District Board of Commissioners

PERSONNEL POLICY SIGNATURE FORM

I, the undersigned, hereby acknowledge that I have received, read, and understand the Personnel Policies and Regulations of the Florida Inland Navigation District. I also acknowledge that I have had an opportunity to ask questions on any or all of these Personnel Policies and Regulations and understand that the District can, at its sole discretion, modify, change, add, or delete anything in these Personnel Policies and Regulations. Furthermore, I understand that I am an "At Will" employee and serve at the will of the District. I also agree and understand that I am to adhere and obey these policies set forth and adopted by the District Board of Commissioner of Jupiter, Florida on _____, 2009.

Employee's Signature

Date

Printed Name

RESOLUTION NO. 2012-05

**A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF FLORIDA INLAND NAVIGATION DISTRICT, DELEGATING
CERTAIN AUTHORITIES TO THE EXECUTIVE DIRECTOR
(OR, IN HIS/HER ABSENCE, THE ASSISTANT EXECUTIVE DIRECTOR)**

WHEREAS, the Board of Commissioners of the Florida Inland Navigation District (the "Board") is the administrative and policy making body of the Florida Inland Navigation District (the "District") pursuant to s.374.983 and 374.984, F.S.; and

WHEREAS, the Board has determined that the delegation of certain routine administrative functions to the District's Executive Director will facilitate more effective and efficient administrative operations.

NOW, THEREFORE, be it resolved by the Board of Commissioners of the Florida Inland Navigation District:

Section 1. The Board hereby delegates certain routine administrative functions to the District's Executive Director as described in the attached revised Exhibit "A" (the "Delegation").

Section 2. The Executive Director will report to the Board monthly on the Delegations that he/she approves.

Section 3. In the event that the Executive Director is on vacation or is otherwise absent from the office for a period of five (5) or more consecutive business days, the administrative functions described in the attached Exhibit "A" are delegated by the Board to the Assistant Executive Director until the earlier of: the return of the Executive Director or the Board taking further action.

Section 4. This Delegation will be reviewed annually by the Board in conjunction with the development and approval of the annual District budget.

Section 5. This Resolution shall become effective upon adoption.

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Upon motion by Commissioner Sansom and seconded by Secretary Blow, the Board approved the Resolution as follows:

S. Norman Bray	Yeah
J. Carl Blow	Yeah
Jon Netts	Yeah
Nancy Freeman	Yeah
Jerry H. Sansom	Yeah
Bruce D. Barkett	Yeah
Gail Kavanagh	Yeah
Donald J. Cuzzo	Yeah
Donn R. Colee, Jr.	Yeah
Tyler Chappell	Yeah
Spencer T. Crowley	Yeah

The Chair thereupon declared the resolution duly passed and adopted this 15th day of September, 2012.

**FLORIDA INLAND NAVIGATION
DISTRICT**

By: 
Donn Colee, Jr., Chair

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: 

Peter Breton
Attorney for Florida Inland
Navigation District

EXHIBIT "A"**FLORIDA INLAND NAVIGATION DISTRICT
BOARD OF COMMISSIONERS DELEGATIONS OF AUTHORITY
TO THE EXECUTIVE DIRECTOR****Agreements**

Execute Agreements for projects approved by the Board such as but not limited to the following:

- 1) Assistance Program Agreements
- 2) Assistance Program Agreement Modifications
- 3) Construction, Engineering, or Environmental Services Agreements

Leases

Execute lease agreements on District properties for the following uses:

- 1) Storage of equipment or construction material/supplies
- 2) Placing 1,000 cyds. or less of dredged material on the site in accordance with the District's standard use agreement
- 3) Removing 20,000 cyds. or less of dredged material from a site for public purposes
- 4) Leases approved by the Board or the Land Acquisition and Management Committee.
- 5) Leases with minor non-substantive amendments that have been reviewed and approved by the District's general counsel and which have been previously approved by the Board or the Land Acquisition and Management Committee.

Financial Issues

- 1) Approve expenditures of \$3,000.00 or less for administration purposes
- 2) Approve expenditures of \$10,000.00 or less for land acquisition and management and dredging related services
- 3) Execute financial reports to the State that have been approved by the Board or that provide financial information from a Board-approved financial audit
- 4) Execute resolutions for the purchase of certificates of deposit with state approved and qualified banks and institutions.
- 5) Authorize the designation of fund balance categories for the financial statements.

Bids

- 1) Reject bids for projects where there was only one bidder and/or the bid(s) was 25% above the construction estimate
- 2) Award bids of \$10,000.00 or less

Permit Issues

- 1) Sign permit applications for Board-approved construction projects on District properties
- 2) Issue Letters of No Objection to permitting agencies when neighboring projects affect District properties

Travel

- 1) Authorize travel and make decisions about the most economical method of travel in accordance with s.112.061, F.S. for staff and commissioners.

Other

Execute the following:

- 1) Emergency contracts of \$20,000.00 or less
- 2) Contracts of all types meeting the above referenced dollar thresholds
- 3) Equipment leases
- 4) Approve contract change orders totaling up to ten (10) per cent of the initially executed contract value with the concurrence of the Chair
- 5) Approve change orders exceeding ten (10) per cent of the initially executed contract value but not more than 20% of the initially executed contract value if there is a finding by the Engineer, the District's Executive Director and the District's Chair that a delay in approving the change order will result in significant negative financial, environmental, or health safety and welfare impacts that could be avoided by a prompt approval