

**Broward Metropolitan  
Planning Organization (MPO)**

**Personnel Manual**

**December 2016**

## WELCOME

Dear Broward MPO Employee:

Welcome to the Broward Metropolitan Planning Organization ("Broward MPO"). I am happy that you have chosen to become a member of our team and join us in our mission to influence the expenditure of federal and state funds to provide a regional transportation system that ensures the safe and efficient mobility of people and goods, optimizes transit opportunities, and enhances our community's environmental and economic well-being.

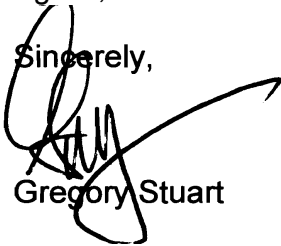
The purpose of this Personnel Manual is to advise you of the policies and benefits which help us to function effectively as an organization and which guide your employment. Please read this Manual very carefully and keep it on file for future reference.

Employment with the Broward MPO is on an ***employment-at-will*** basis. You have the right to terminate your employment at any time, with or without cause, and the MPO has the same right.

The information contained within the Manual is intended to inform employees on topics and subjects that affect and pertain to their employment. It is not intended to address all situations and circumstances that could arise during employment. If you have any questions, concerns, or complaints regarding your employment, please make them known to your supervisor, department head or the Human Resources Department so that those issues can be addressed.

Again, welcome to the Broward MPO.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gregory Stuart', with a long, sweeping horizontal stroke extending to the right.

Gregory Stuart

Executive Director

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## **SECTION 1: ADMINISTRATION OF THE POLICIES**

### **1.1 Authority**

The authority to establish policies is granted to the Executive Director by directive of the MPO Board.

### **1.2 Purpose**

The purpose of the Personnel Manual is to document the terms and benefits of employment with the Broward MPO to be accomplished in a consistent manner.

### **1.3 Applicability**

These personnel rules and policies are applicable to all employees of the Broward MPO. If any policy herein is in conflict with an Employment contract between the MPO and the MPO employee, the contract will take precedent. It shall not apply to non-employees, such as MPO Board members, advisory committee members or individuals retained or employed by the Broward MPO in a contractual or vendor arrangement. However, the Rules of Work and Travel Policy shall apply to all employees, the Executive Director, board members, advisory committee members, interns and Temporary employees. The term “MPO” and “organization” shall be used interchangeably with Broward MPO in this document. This document is not to be construed as creating a contract or expectation of employment for a definite term and an employee is free to terminate employment at any time, with or without notice for any reason, and the MPO retains the same right.

### **1.4 Implementation**

The responsibility for implementing the provisions of this Manual is hereby vested in the Executive Director, who shall report directly to the Board of Directors, or his or her designee, except as specifically designated within the rules. Policy direction is the responsibility of the MPO. Supervisory personnel will be responsible for implementation at their respective levels.

### **1.5 Amendments**

The Executive Director may amend or modify these Policies at any time with or without prior notice.

### **1.6 Procedural Rules and Related Policies**

The Executive Director may, at any time, develop procedural rules and other personnel policies. Based on the circumstances, the Executive Director may waive the requirements of a policy or procedure.

## **SECTION 2: EMPLOYMENT**

### **2.1 At-Will Employment Status**

All MPO employees are employed at-will, meaning that either the MPO or the employee may terminate the employment relationship at any time for any reason, with or without cause. Moreover, this Personnel Manual for MPO employees is not intended to create either an expressed or implied contract for employment.

### **2.2 Disclaimer Statement**

This Manual is only intended to be used as a reference guide during your employment with the MPO. It is the employee's responsibility to become familiar with and to follow the MPO's policies and procedures and to contact your supervisor, Human Resources staff, or the Executive Director if you are uncertain about any information contained in this Manual.

Recognition of these rights and prerogatives is a term and condition of employment and continued employment. To the extent that there is a conflict between this Manual and any previous handbooks, procedures, policies or rules, this Manual controls. It is further understood that this "at will" employment relationship may not be changed by any written document or by conduct unless such change is specifically acknowledged in writing by an authorized executive of the MPO.

### **2.3 Equal Employment Opportunity**

It is the policy of the MPO to promote and assure equal employment opportunity for all current and prospective employees without regard to race, color, age, sex, national origin, religion, marital status, sexual orientation, disability or other legally protected class. This policy governs all matters related to recruitment, advertising, and initial selection of employment. It shall also apply to all other aspects of employment, including, but not limited to, aspects of compensation, promotion, demotion, transfer, lay-offs, terminations, leave of absence, and training opportunities.

### **2.4 Loyalty**

MPO employees are expected to be loyal to the MPO and not take positions, whether publicly or privately, that would be detrimental to the MPO or its interests.

### **2.5 Restriction on Employment of Relatives**

#### **A. Scope**

It is the policy of the Broward MPO to assure that all appointments and promotions by the MPO are made solely on an objective evaluation of ability, merit and/or fitness and are conducted in a non-discriminatory manner without regard to other factors, such as familial status. This policy applies to all MPO applicants for regular, temporary and part-time employment and present employees.

## B. Authority

The MPO's policy regarding the restriction on employment of relatives is based upon Section 112.3135 of the Florida Statutes which prohibits appointment, employment, promotion or advancement, of specified relatives by any public official who is vested with or delegated the authority to appoint, employ, promote or advance, or is in a position to recommend an individual for appointment, employment, promotion or advancement.

## C. MPO Policy

The employment of relatives at certain levels of the MPO or in positions where one might have influence over the other's status or job security is regarded as a potential violation of this policy. No family member (i.e., spouse, child, parent, brother, sister, aunt, uncle, niece, nephew, first cousin, son/daughter-in-law, brother/sister-in-law, mother/father-in-law, step father/mother, step son/daughter, step brother/sister, half brother/sister) of a MPO employee or elected official shall be employed by the MPO in a position in which they are directly supervised by a family member. No person shall be employed as an employee in the same department as a member of his or her family. Any employee who falls within the scope of this section by their relationship with another employee after they were hired is exempt from the provisions of this section provided the Executive Director reviews the circumstance and determines that no conflict exists. The Executive Director may waive the provision of this section in the case of unforeseen and unusual circumstances that is in the best interest of the MPO. This section applies to all natural, adoptive, or step relationships.

### **2.6 Agreements and Contracts**

Employees shall not enter into agreements or contracts on behalf of the MPO without the authorization of the Executive Director.

### **2.7 Salary**

Salary for MPO employees shall be set by the Executive Director. Periodic salary reviews and adjustments are at the sole discretion of the Executive Director. Salary is subject to funding being appropriated by the MPO Board within the MPO's budget(s).

### **2.8 Work Hours**

The Executive Director shall establish a work week consisting of forty (40) hours per week, excluding meal times. MPO employees are generally expected to be at work during the regularly established work week for their respective positions (which may vary depending on position, assignment and/or work location). However, MPO employees that are exempt from coverage under the Fair Labor Standards Act are expected to work as many hours in a given week as are necessary to complete that employee's assigned duties and responsibilities, regardless of the specific work hours assigned to that position by the Executive Director.



## **2.9 Performance Evaluation**

Performance evaluations are a part of the procedure to determine various personnel actions, including, but not limited to, the following: salary increase or decreases, promotions, demotions, transfers, separations or other personnel status changes.

The immediate supervisor shall complete a performance evaluation form approved by the Executive Director. The supervisor shall meet with the employee to review and discuss the evaluation and provide the employee the opportunity to comment and ask questions. At the conclusion of the meeting, the employee shall be given the opportunity to write any comments in the space provided and to sign the form. The employee's signature signifies that the evaluation has been discussed with him, and does not necessarily indicate that the employee agrees with the evaluation.

Employees will meet with their immediate supervisor at least once a year to develop objectives and performance standards using criteria specific to the employee's position. Objectives must relate directly to the goals of the employee's assigned duties which are aligned to the MPO's strategic priorities.

Supervisors have the primary responsibility for conducting employee evaluations. Employees who performed their duties under more than one supervisor during the rating period should be evaluated by the supervisor for whom the employee worked during the majority of the rating period. The supervisor preparing the evaluation should consult any other supervisor for whom the employee worked during the rating period in order to determine the most appropriate rating for one or all categories outlined in the performance evaluation. Each supervisor should sign the evaluation form.

The performance evaluation will rate each employee's performance of the duties of his/her position and the objectives and performance standards developed by the employee and supervisor, as well as competency in defined categories set in the performance evaluation.

## **2.10 Employment Process**

Vacant positions within the MPO may be advertised and filled as determined by the Executive Director. Individuals seeking a position with the MPO shall accurately complete an employment application and furnish job-related information relevant to the requirements of the position or vacancy for which they are applying. Employment applications may only be accepted via online submission unless disabled applicants require an accommodation.

Applicants must complete all requirements established by the MPO for employment, which includes but is not limited to an oral interview, a comprehensive background investigation and drug screening, a pre-employment physical examination, references review and educational/employment experience verification.

Each job description contains minimum qualifications, which must be met by an applicant in order to be considered for the specific position. The selection to fill open positions shall be based on the most qualified applicant. The MPO shall ensure compliance with Veterans' Preference laws.

The MPO may disqualify applicants from further consideration, at any time, if the applicant does not possess the minimum job qualifications; has made false statements or practiced deception in the application; or fails to cooperate (to any extent) with the MPO.

### **2.11 Outside Employment**

An employee may engage in outside employment (including self-employment) with the approval of the Executive Director and with the understanding that the employee's primary duty, obligation and responsibility is to the MPO. Outside employment shall not be permitted when the Executive Director determines that such outside employment would result in a conflict of interest, interfere with the employee's MPO work schedule, or otherwise be a conflict with the employee's employment with the MPO.

An employee must report all injuries sustained during any outside employment to the employee's supervisor at the MPO prior to the employee's next scheduled workday at the MPO. Employees who sustain injuries while they are engaged in outside employment are ineligible to receive benefits under the MPO Workers' Compensation coverage. An employee's failure to report an injury sustained during outside employment shall be grounds for corrective action.

Work for an outside employer may not be performed on duty.

### **2.12 Immigration Control and I-9 Form**

Each new employee must provide documentation to verify both identity and authorization to work in this country and to complete the I-9 form. If an employee cannot provide these required documents, they may be either dismissed or suspended until the required documents are produced. Both the employee and an MPO representative will sign the I-9 form certifying that the documents are valid. Information may be shared with Social Security Administration and the Department of Homeland Security from each new employee's Form I-9 to confirm work authorization.

### **2.13 Equal Employment Opportunity (EEO) Officer**

A member of the MPO staff shall serve as the MPO's EEO Officer, as designated by the Executive Director. The EEO Officer shall report directly to the Executive Director and is charged with implementing the MPO's EEO Policy, including receiving discrimination complaints, conducting investigations, as well as ensuring the MPO's compliance with federal and state laws.

The EEO Officer will also: 1) ensure that employees are adequately trained in EEO laws 2) supervise the EEO-related activities of investigators; and 3) ensure that EEO policies are prominently posted or otherwise provided to employees in accordance with the law.

### **2.14 Veteran's Preference**

For eligible positions, the MPO will provide preference in hiring, promotional opportunities and layoff retention to eligible military veterans in accordance with Section 295.07, Florida Statutes, and applicable regulations.

Employees and applicants must submit current documentation substantiating Veterans' Preference status to receive a preference. A DD-214 or comparable document which serves as a certificate of release or discharge claim must be furnished. If an employee or applicant wishes to appeal any decision, he/she may file a complaint with the Florida Department of Veterans' Affairs, 9500 Bay Pines Blvd., Room 214, St. Petersburg, Fl. 33708, within 60 days after receiving notice of the decision.

## **2.15 Categories of Employment**

This policy applies to all MPO full-time, part-time, temporary employees, as well as interns.

- (a) Full-time employee means an employee who is regularly scheduled to work a 40 hour workweek.
- (b) Part-time employee means an employee who is regularly scheduled to work 30 hours or less hours per week.
- (c) Temporary employee means an employee hired for a specified project or time frame. The scheduled work week can range from 20 to 40 hours per week.
- (d) Intern means an unpaid volunteer or a paid temporary employee hired to work in order to gain supervised practical experience.

## **2.16 Exempt/Non-Exempt**

The Fair Labor Standards Act (FLSA) divides employees into two categories, exempt and non-exempt. Employees will be advised of their classification.

- (a) Employees are classified as exempt if their salary exceeds the federal mandated threshold, as may be amended from time to time, and their job duties meet the "duties test" under the FLSA such that they are exempt from the overtime provisions of the FLSA. Exempt employees' salaries are calculated on an annual basis.
- (b) Non-exempt employees are classified as such if their salary is less than the federal mandated threshold, as may be amended from time to time, irrespective of whether their job duties meet or fail the "duties test" under the FLSA. Non-exempt employees are will be paid on an hourly basis and are eligible for overtime pay.

## **SECTION 3: RULES OF WORK**

### **3.1 Work Attire**

MPO employees should dress in a professional manner consistent with good hygiene, safety and good taste. Employees whose jobs require them to come in contact with vendors, government officials or the public are expected to wear apparel consistent with that worn by persons dealing with the public in similar capacities. The MPO follows a business casual dress code Monday – Thursday unless circumstances dictate otherwise. Casual dress is permissible Friday, but must be governed by good personal judgment based on the individual employee’s duties for the day.

### **3.2 Attendance and Tardiness**

Regular attendance and punctuality by employees are considered essential ingredients in the continuing success of the MPO. Therefore, in order to insure fair, impartial, equitable and consistent treatment for all employees, the MPO has instituted this attendance and tardiness policy. It is intended to reduce absenteeism and tardiness and thereby decrease unnecessary costs, increase efficiency and contribute to higher standards of quality in MPO customer service.

Employees are expected and required to be in attendance and prepared to work at their scheduled starting time and designated work locations during their assigned hours. Employees are also expected to remain at work for the entire work period excluding rest and meal periods. Late arrival, early departure, and other personal absences are disruptive and should be avoided.

An employee who is not at work when required or during scheduled hours shall be considered unexcused, unless such absence is approved by the Executive Director or designee. Any unexcused absence is cause for discipline, up to and including termination. An employee who is absent without authorization for more than three (3) consecutive working days shall automatically be deemed to have resigned his or her position with the MPO without notice and shall forfeit his or her rights to any benefit.

The MPO recognizes that some absences may be unavoidable due to bona fide sickness or emergencies beyond the control of the employee, and the MPO has made reasonable provision for such occasions in this policy.

In cases of excessive tardiness, absences, failure to report to work as scheduled or abuse of leave policies, it may be necessary to correct such problems by counseling and other disciplinary action up to and including termination.

In the event an employee cannot report to work as scheduled or assigned, the employee must so notify his or her supervisor as early as possible but no later than one (1) hour before the start of his or her shift. It is the responsibility of the employee to make the call. Supervisors shall not accept calls from an employee’s friends, family or co-workers unless an employee is physically unable to make the call, in which case such condition shall be medically documented.

In all cases of an employee’s absence or tardiness, the employee shall provide management personnel with the truthful reason for the absence or tardiness and, if applicable, the probable duration of absence. If the duration of the absence cannot be readily ascertained, the absent employee will be required to call his or her supervisor daily to report on the status of his or her absence.

Supervisory personnel have the ultimate responsibility for monitoring employee attendance and managing absenteeism and tardiness through appropriate action. The supervisor's attitude and actions towards absenteeism and tardiness will directly affect the attitudes of employees regarding regular and timely attendance. Accordingly, supervisors should set appropriate examples and should be vigilant in enforcing this policy.

### **3.3. Professional Development**

MPO employees are encouraged to participate in professional development activities of their respective disciplines. Payment or reimbursement for attendance of conferences, seminars, executive education, degree education, and the like shall require the prior written approval of the Executive Director.

### **3.4 Travel**

#### **A. General Information**

The Broward MPO travel policy applies to all MPO employees and interns traveling on official business paid for by the Broward MPO.

Employees and interns traveling on official business for the Broward MPO are expected to use reasonably priced lodging accommodations and are required to use economy or tourist class air travel fares. Under no circumstances are travelers on Broward MPO business permitted to accept gratuitous upgrades to first class if the situation would conflict with the Code of Conduct Policy.

Pre-planning by management to obtain advance registration discount rates and minimizing the number of staff who will attend the same training session will contribute toward cost control.

Travel, whether by public transportation, privately owned automobile or a for-hire conveyance, shall be over the most direct, practical route. Any deviations from a direct route must be explained on the voucher and approved by the Executive Director or designee.

#### **B. Travel and Training Guidelines**

All travel covered by this policy must be for the direct benefit of the Broward MPO. All employees and interns are required to attend applicable training sessions offered during normal business hours and adhere to all travel and rules of conduct policies. Employees whose travel expense will be reimbursed by an outside agency must so indicate on the appropriate FDOT Travel Form.

#### **C. Travel Authorization**

Travel during work hours for employees at the MPO's expense (except the Executive Director) must be authorized in advance of travel by appropriate MPO personnel. The Executive Director shall provide the MPO Board an annual travel report of his/her travel and a summary of the purpose/value to the MPO. Specific expenses and/or conditions of travel must be pre-authorized by the designated official as described below:

- Car rental.
- Training to maintain professional certification or license, i.e., Continuing Professionals Education (CPE).
- Travel to meetings for positions held in a professional organization.
- Technical training necessary to complete the job assignment.
- General training for job performance enhancement.

In an emergency situation when the employee cannot obtain prior written authorization, verbal approval will be obtained, and travel documents shall be completed immediately upon the employee's return to work.

#### D. Pre and Post-Travel Accountability

Although travel costs have been included in the Broward MPO budget, employees shall obtain written approval to travel, attend meetings, etc., before making any commitment to pay registration fees, to purchase a transportation ticket or to incur any other cost. Each official or employee shall complete a FDOT Travel Form (Form 300-000-01; Page One) for estimated individual expenses and submit it to the appropriate authorizing official. A meeting program or brochure shall be attached to the travel authorization request. In no event shall a travel form be submitted for approval unless funds to pay the proposed travel are available in the applicable UPWP Task.

When the travel form has been approved and funds certified as available, the employee or intern is then authorized to be absent from work, to incur expense and to be reimbursed, (but not in excess of travel request form), and to initiate invoices to prepay room deposits, registration or tuition fees, and tickets on common carriers.

Within seven (7) business days of completing travel the employee will submit the FDOT Travel Form (DFS-C1-500). Receipts for hotels, public transportation, convention registration fees, car rental, tolls, and similar items must be attached to the appropriate reimbursement form. All items for which a receipt cannot or was not obtained must be explained in writing. Any item without a receipt, other than straight per diem for meals at the U.S. General Services Administration (GSA) Tier 1 rates, is subject to denial. Miscellaneous expenses must be itemized. Completed forms should be submitted to the Executive Director or the Board Chairman or Vice Chairman as the authorizing official.

S/he should review the forms before approving and obtain explanation on any questionable item. If costs exceed the amount of expense authorized by the appropriate official, and the traveler requests reimbursement for the additional amount, the authorizing official should provide a complete explanation and a recommendation to the Executive Director, or designee,. All forms must be submitted to the Executive Director, or designee, within ten (10) working days of completing travel.

The Executive Director, or his/her designee, will review the expenses for acceptability. If additional information is needed for approval, the form shall be returned to the traveler for  
 “EOE M/F/D/V; Drug-Free Workplace”

revision.

E. Transportation

Travelers are expected to use the travel mode that is most advantageous to the MPO. This would include using bus or airport van service to and from terminals or extended parking at terminals versus use of a common carrier. The traveler is permitted mileage from point of departure (home or work location) whichever one is the shorter distance.

F. Private Vehicles

Whenever travel is by a privately owned vehicle, the traveler shall be entitled to a mileage allowance at the prevailing Internal Revenue Service (IRS) rate. Where two or more authorized persons travel in one private vehicle, only the person supplying the vehicle shall receive transportation reimbursement. For travel outside the MPO boundary, mileage shall be allowed per the IRS Mileage Rate. Vicinity mileage necessary for the conduct of official business is allowable, but must be shown as a separate item on the expense voucher. Employees deviating from the most direct route will have to bear the extra cost. By order of the Governor, no employee will drive a vehicle without first fastening his/her seat belt and ensure that the other occupants also comply.

If you receive a traffic citation while operating any car, rental or personal, while engaging in MPO business, you must report it to the Deputy Director or the Executive Director within twenty-four (24) hours. The Deputy Director or the Executive Director will notify a designee, who will inform the insurance carrier. In order to protect the organization's insurability, employees must report any accidents to the police immediately. Insurance coverage relates only to business use of personal or rental cars. Employees will be held responsible for any damages resulting from negligence, including but not limited to talking on cell phones and running red lights. Not report a traffic citation shall be grounds for dismissal.

G. Taxicabs

Reimbursement for taxicabs to and from airports, train stations, etc., will be made only when receipts are provided.

H. Car Rentals

Prior approval must be received from the appropriate official if the traveler must rent a car. Car rentals must be mid-size or smaller. Any upgrades must be paid by the traveler and will not be reimbursed by the MPO. Individuals on MPO business who rent vehicles shall purchase rental insurance.

I. Airline

Airline reservations may be acquired if approved by the appropriate official and should be made with at least a 14 day advance purchase for better pricing. The Administrative Assistant or the traveler may book the reservations. If the traveler books the reservations, reimbursement will not be made until after the travel has been completed. Air travelers shall attach their boarding passes and ticket stub to the appropriate reimbursement form for final accountability.

J. Reimbursable Local Travel

Travelers within the MPO service area (Broward County) shall not be reimbursed for lodging unless extenuating circumstances exist and then only when justifiable cause is documented in writing and pre-approved by the Executive Director. Mileage shall be based on the shorter distance from one's home or the MPO offices. Employees must complete the FDOT Travel Form (Form 300-000-01; Page Two A) to be reimbursed for local travel mileage. Reimbursement shall be at the prevailing IRS rate if the expense is reimbursable to FDOT.

K. Lodging

Expenses may vary in different areas traveled to, but all expenditures must be reasonable. The approving official is responsible for the reasonableness of amounts authorized. Any excessive charges will be subject to denial at the Executive Director's discretion.

Reimbursement for tips for transportation and lodging (i.e. bellman, housekeeping and taxi) shall be limited to \$5 per day per instance.

When traveling in the State of Florida, the advance check should be made payable to the hotel, motel, lodge, etc., to ensure exemption of sales tax. When lodging is not paid in advance, the traveler must seek exemption from tax on hotel room rentals. All travelers will be provided a Tax Exempt Certificate. If the hotel does not honor the tax exemption, please indicate on your travel form that the certificate was presented to the hotel but was denied. Sales tax reimbursement may be denied to the employee if exemption was available.

L. Meals and Tips

Employees who engage in daily, routine travel are not reimbursed for meals. Reimbursement for meals and tips without receipts is based on GSA Tier 1 guidelines that follow F.S. 112.061. Alcoholic beverages are not reimbursable. Same day travel by employees or interns allows reimbursement for reasonable meal expenses. There are also time guidelines for meal allowances, that is, travel must start or finish by certain times for a meal allowance; a traveler is not allowed to be reimbursed on a per diem basis for same day travel. Current rates and time guidelines are based on GSA Tier 1 guidelines that follow F.S. 112.061.

A daily per diem rate based on GSA Tier 1 guidelines that follow F.S. 112.061, in lieu of the meals and tips may be authorized by the Executive Director provided that the per diem rate per day does not exceed the amount permitted for meals and tips. If breakfast, lunch or dinner is provided by the airline, hotel, seminar, etc., then the daily per diem rate will not be an option.



When meal cost exceeds the allowed maximum meal allowance the difference may be supplemented with local funds. The decision to do so will be made on a case by case basis by the Executive Director, or designee, with the approval of the Executive Director and is subject to the availability of funds.

If meals are provided, such as those included as part of hotel registration, by an airline or as part of a seminar, it should be noted on the reimbursement form as meals furnished. No one shall be reimbursed for any meal, lodging or other expense included in a fee paid by the MPO.

#### M. Other

Registration fees for functions related to Broward MPO business may be reimbursed when an employee is expected to attend due to the nature of the position.

Telephone calls and telegrams related to official business and paid for by the traveler may be claimed on the reimbursement voucher. The traveler must explain toll calls shown on the hotel bill including the location, parties and purpose. One five-minute personal call home per day is reimbursable. No other personal calls are reimbursable.

Out-of-state travel by personal or rental vehicle, in excess of 1,000 miles for the round trip, requires prior written approval by the Executive Director. Approval to use a personal or rented vehicle provides the traveler(s) a substitute for an airline ticket; therefore, "en-route" expenses other than gasoline/vehicle expense will not be reimbursed, and mileage cost beyond the cost of economy or coach airfare will not be reimbursed. Travel time in excess of the most advantageous mode of travel to the Broward MPO will be chargeable as personal time off to the employee(s).

Unallowable expenses include dry cleaning, laundry, toiletries, newspapers, movies, etc.

### **3.5 Personal Property**

The MPO shall not be responsible for the personal property of MPO employees.

### **3.6 Reporting Contact Changes**

MPO employees shall notify the Executive Director of changes of home address, home and cellular telephone numbers immediately upon such changes occurring.

### **3.7 Conflicting Outside Employment or Enterprise**

MPO employees shall not engage in any outside employment or enterprise without the prior written approval of the Executive Director. Such approval is at the sole discretion of the Executive Director, and if given, may be withdrawn at any time with or without cause.

### **3.8 Political Participation**

While on duty, MPO employees shall refrain from all political activities which undermine public confidence in professional administrators.

### **3.9 Financial Disclosure**

MPO employees shall comply with financial disclosure as provided in Florida Statute(s) when and where applicable.

### **3.10 Gifts**

MPO employees shall not accept gifts, either monetary or non-monetary, as consideration for the performance of their duties or that are intended to influence them in the performance of their duties.

Gifts accepted in camaraderie, such as event tickets, sports outings, etc., shall be reported to the extent required by law.

Food gifts received at MPO Buildings given at holiday times or other times shall be shared with all those working within the MPO Office.

### **3.11 Discounts**

MPO employees shall not solicit discounts for goods or services as a result of their position with the MPO other than those discounts that are available to the general public. In addition, MPO employees shall not accept discounts for goods or services as consideration of the performance of their duties or that are intended to influence them in the performance of their duties.

### **3.12 Fundraising**

MPO Employees shall not raise funds for any purpose from those who have contracts with the MPO, or others as a result of their position with the MPO.

### **3.13 Disclosure of Information**

MPO employees shall not furnish or use MPO information that is not available to the general public for personal advantage.

This does not limit, hinder or prevent disclosure of such information in performing official duties by those employees specifically charged with such responsibilities or so designated.

### **3.14. Solicitations**

The MPO may limit solicitation in the office by any organization or individuals, whether or not members of our staff, unless prior approval is given by the Executive Director. The MPO recognizes that employees have interests in events and organizations outside the workplace. Employees may not solicit or distribute literature related to these activities during working hours. The MPO bulletin boards are for displaying insurance information and other organization data. Posting written solicitations is restricted.

### **3.15. Media**

All inquiries should be directed to the Executive Director, or designee. If unavailable, take the party's name, affiliation and phone number and assure him/her that the call will be returned as

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soon as possible.

### **3.16 Communications**

The organization is responsible for transportation planning and prioritizing in Broward County. The organization interfaces with the Federal Transit Administration; the Federal Highway Administration; the Florida Department of Transportation; many federal, state and local representatives; and the residents of the aforementioned counties. Effective communications is necessary for the organization to be successful in its mission.

### **3.17 Conduct Unbecoming of MPO Employees**

MPO employees shall refrain from conduct that is unbecoming of their association with the MPO. Such conduct includes, but is not limited to, conduct that would damage the reputation of the MPO or be detrimental to the interests of the MPO.

### **3.18 Drugs and Alcohol**

MPO employees are prohibited from using or being under the influence of alcohol and non-prescription drugs during their regular working hours.

The use of prescription drugs by Employees shall be limited to the named individual, the prescribed dosage, and the strict observance of all precautions on the container's label.

### **3.19 Drug Free WorkPlace**

#### **A. Policy**

It is the MPO's intent to maintain a "drug free" workplace pursuant to Fla. Stat. Ann. § 112.0455. The MPO prohibits the consumption, possession, manufacture, distribution, dispensing or being under the influence of alcoholic beverages or controlled substances, as described in Florida Statute Chapter 893, during working hours.

The purposes of this policy are as follows:

- (a) To establish and maintain a safe, healthy working environment for all employees;
- (b) To ensure the reputation of the MPO and its employees as good, responsible citizens worthy of the responsibilities entrusted to them;
- (c) To reduce the incidence of accidental injury; and
- (d) To provide assistance in rehabilitating any employee who seeks the MPO's help in overcoming an addiction to, dependence upon, or problem with alcohol or drugs.

Any employee who feels that he or she has developed an addiction to, dependence upon, or problem with alcohol or drugs, legal or illegal, is encouraged to seek assistance. Assistance may be sought by asking for a personal appointment with the Executive Director. The employee will be referred to an appropriate treatment organization. Rehabilitation and the cost thereof is the

responsibility of the employee. Any employee seeking medical attention for alcoholism or drug addiction may use any accrued Paid Time Off for rehabilitation. The employee must provide certification that he or she is continuously enrolled and actively participating in a treatment program. Upon successful completion of treatment, the employee will be returned to active status without reduction in pay.

Any employee suffering from an alcohol or drug problem who rejects treatment or who leave a treatment program prior to being properly discharged will be immediately terminated. No employee will be eligible for an assistance program more than once. Any subsequent abuse of alcohol or illegal use of controlled substances will result in the immediate termination of the employee. Controlled substances are defined by regulation 21 CFR 1308.11 through 1308.15.

Any employee believed to be under the influence of alcohol, illegal drugs, or controlled substances on the basis of reasonable suspicion will be suspended from work and be required to submit to a drug/alcohol screening and evaluation. If the screening reveals positive results, the employee will be referred to an appropriate facility for treatment. The costs of such treatment shall be borne by the employee. A positive drug/alcohol screening result is considered a major infraction of MPO regulations. Refusal to submit to a drug/alcohol screening will result in dismissal.

No alcoholic beverages, illegal drugs, or controlled substances will be used while on the job. Violation will result in immediate termination of employment. Possession of illegal drugs or unlawful possession of controlled substances will also result in immediate termination of employment.

The illegal use of a controlled substance or possession of illegal drugs while off-duty will result in disciplinary action up to and including termination. The illegal sale, trade or delivery of controlled substances by an employee to another person is cause for termination and referral to law enforcement authorities. The “occasional” or “recreational” use of controlled substances will not be excused.

Applicants for employment may be required to submit to a pre-employment drug screen to detect possible current illegal use of controlled substances. Applicants whose examinations indicate current illegal use of controlled substances will not be hired.

In addition, it is the MPO’s desire to improve worker compensation cost control, increase productivity and safety, decrease absenteeism, decrease health care costs, and increase overall employee morale. The MPO is also a Drug and Alcohol Free Workplace pursuant to Chapter 440, Florida Statutes. As part of the Drug and Alcohol Free Workplace program, the MPO will reserve the right to require employees to submit to a drug and alcohol test when reasonable suspicion exists to believe that the employee may be using and/or abusing controlled substances, narcotic drugs or alcohol.

All current and/or future employees must notify the MPO in writing of his/her conviction for violating a criminal drug statute occurring in the workplace no later than five (5) calendar days after that conviction.

### **3.20 Firearms and Weapons**

#### **A. General**

With the exception of sworn law enforcement officers, MPO employees while on official work duty for the MPO, are prohibited from possessing, and/or carrying firearms or weapons on their persons, concealed or otherwise, unless authorized by the Executive Director. A threat to use a weapon or possession thereof, including any type of firearm, is not permitted in the workplace including an MPO vehicle, at any time.

#### **B. Definition**

For purposes of this section the following definitions shall apply:

- (a) Official work duty shall mean the period which includes the time the employee enters the work area at the beginning of the work period to the time the employee leaves the work area at the end of the work period.
- (b) Weapons and firearms shall mean all objects capable of being used to kill or inflict bodily harm when used for such purpose including, but not limited to any firearm, gun, pistol, rifle, sword, flammable agent, explosive device, or electric weapon. This definition includes any unsheathed knife that is used in a threatening manner or in any manner other than for official work duty.

#### **C. Employee Responsibility**

Any employee who becomes aware of another employee possessing an unauthorized weapon at the workplace should notify a supervisor immediately. The supervisor should contact the Executive Director or the local Police Department, where appropriate. The local Police Department should determine the proper response to the situation and advise the supervisor and the Executive Director of the appropriate action. Unauthorized possession of a firearm or weapon by an employee on duty is an offense of the most serious nature and will result in disciplinary action, up to and including termination of employment.

### **3.21 Smoking**

Smoking is not allowed inside the Broward MPO or near the front or side entrance of the MPO building. Smoking is permitted at the designated area on the MPO property. Employees who violate this policy will be subject to disciplinary action, up to and including dismissal.

### **3.22 Criminal Background Check and Driving History**

The MPO reserves the right to perform or cause to have performed a criminal background check and a driving history investigation of any MPO employee at any time.

### **3.23 Criminal Arrest or Conviction**

MPO employees shall immediately notify the Executive Director of their arrest or conviction of a criminal offense, whether a felony or misdemeanor.

### **3.24 Communication Devices**

Communications devices, to include but not limited to computers, cell phones, Blackberrys or the like, that are assigned to MPO Employees are for the primary use of MPO business and de minimis personal use, and such devices shall not be used for outside employment or enterprise. Personal use is defined as all use which is not for the business of the MPO.

Employees should be aware that the record of telephone calls made on their communication devices may constitute public records if those calls concern official MPO business pursuant to the Florida Public Records Act. If a public records request is submitted for an employee's phone records, the employee should assist the MPO in identifying calls that were made in connection with official MPO business so that those records may be produced in response to the request.

### **3.25 Electronic Mail**

E-mail is a system of communication whereby written messages are electronically transmitted from one computer station to other computer stations. MPO personnel shall use the e-mail system primarily for work-related purposes. The MPO reserves the right to review and monitor employee e-mail to insure compliance with this policy. Employees found in violation of this policy shall be subject to disciplinary action.

### **3.26 Internet Use**

#### **A. Policy**

Use of the internet on MPO computers on MPO time for non-MPO business should be kept to a minimum. Employees are further required to comply with the provisions set forth below:

#### **1. 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, and gaining access to software user support information.

#### **2. 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, reviewing information on professional or career development topics.

#### **3. Privacy and Confidential Information**

Internet accounts are to be accessed only by the authorized user of the account. Confidentiality of passwords and user accounts must be protected. Employees must discontinue their Internet connection when leaving their PC. Individual users can be held accountable for use of an internet account by others. 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.

4. Copyright Laws

Employees must comply with copyright, licensing, contract, local, state, and federal licensing laws for materials, software and other media. In addition, employees should obtain appropriate approval prior to making information available via Internet services.

5. 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.

6. Lawfulness

Transmitting any material in violation of any U.S., State or local law, ordinance, regulation or policy 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.

B. Prohibited Uses of the Internet

- (a) Illegal Activities
- (b) Threats
- (c) Harassment
- (d) Slander
- (e) Defamation
- (f) Obscene, pornographic or suggestive images or offensive graphical images
- (g) Political endorsements
- (h) Commercial activities
- (i) Using non-business software including games or entertainment software
- (j) Downloading and installing programs without proper authorization
- (k) Activities resulting in, or relating to, personal gain or for profit enterprise
- (l) Using internet resources for personal use (for example MYSPACE, FACEBOOK, CRAIGSLIST, TWITTER AND ONLINE CHATTING)

C. Right to Monitor

The MPO reserves the right to monitor Internet communication and activity at any time, without prior notice, and to access and examine information in an employee's computer at any time to

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ensure that system is being used in accordance with these policies. Employees are hereby notified that their individual online or Internet activities may be automatically logged by a network surveillance system and later reviewed by authorized MPO personnel for compliance review purposes.

#### D. Violation of Policy

Violations 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 employees.

### **3.27 MPO Equipment**

Circumstances will be reviewed on a case-by-case event if MPO equipment is lost, damaged or stolen to determine if the employee will be held liable for its replacement or repair. If equipment is lost, damaged or stolen due to negligence or intentional destruction the employee will be held liable up to an amount which equals the applicable insurance coverage deductible or the equipment value, whichever is less.

### **3.28 Computer Software**

The Broward MPO purchases and licenses certain computer software for business purposes, does not own the copyright to the software and follows the authorized use. Employees shall not load any software not purchased by the Broward MPO on their computers. This includes downloading files from the Internet such as screen savers, games, music, etc. The screen saver password must be enabled at all time and set to less than thirty (30) minutes. Employees should not share their user ID's or their passwords but this must be provided to IT Coordinator upon request. Employees must contact IT Coordinator if they need to move their computers. Employees who violate this policy will be subject to disciplinary action, up to and including dismissal.

### **3.29 Compliance with Law**

MPO employees are expected to comply with any and all federal, state and local law while on and off duty. If any provision herein conflicts with any federal, state and/or local law, the conflicting policy provision shall be superseded by such law.

### **3.30 Compliance with and Enforcement of Policies of the MPO**

MPO employees shall comply with and enforce any and all policies of the MPO while on and off duty. If any policy of the MPO conflicts with any federal, state and/or local law, the conflicting policy provision shall be superseded by such law.

### **3.31 Discipline**

The Executive Director may discipline MPO employees for such reasons to include, but not limited to, violation of established policies, violation of law, failure to perform duties, failure to follow directives, damage to MPO property. Discipline may include, but not be limited to, counseling, written reprimand, suspension without pay, and termination of employment.



### **3.32 Americans with Disabilities Act of 1990**

The MPO is committed to complying with all applicable provisions of the Americans with Disabilities Act (the “ADA”). It is the MPO’s policy not to discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of such individual's disability. Consistent with this policy of non-discrimination, the MPO will provide reasonable accommodations to a qualified individual with a disability, as defined in the ADA, who has made the MPO aware of his or her disability if it is not obvious, provided such accommodation does not constitute an undue hardship to the MPO. The MPO is also committed to not discriminating against any person who is related to or associated with a person with a disability. This policy is neither exhaustive nor exclusive. The MPO will take all other actions necessary, to ensure equal opportunity for persons with disabilities in accordance with the ADA and all other applicable federal, state, and local laws.

Where an employee or applicant has requested a reasonable accommodation consistent with this Manual or law and is denied, an appeal may be made pursuant to the Complaint Procedure, outlined in Section 3.33.(E). The employee or applicant must proceed directly to Step 3 of the process, whereupon the Executive Director (or the Executive Director’s designee) shall meet with the employee or applicant, and any pertinent employees to evaluate the eligibility or reasonableness of the request.

Any employee or job applicant who has questions regarding this policy or believes that he/she has been discriminated against based on a disability may notify the ADA Coordinator or his/her designee. All such inquiries or complaints will be treated as confidential, and will only be disclosed on a need-to-know basis.

### **3.33 Discrimination and Harassment**

#### **A. Generally**

It is the policy of the MPO that all employees enjoy a work environment free from discrimination and/or harassment. Discrimination and harassment are forms of misconduct which undermine the integrity of the employment relationship, lower morale, and interfere with work effectiveness. This directive applies equally to any discrimination or harassment based on race, gender, national origin, religion, age, disability, marital status, or any other legally protected status. Discrimination and harassment are illegal and will not be tolerated.

It is expected that all employees act responsibly in fulfilling the MPO’s commitment to working in an environment totally free of discrimination and/or harassment. To that end, it is also expected that employees will prudently avail themselves of the mechanisms provided by this directive. To the extent any provision of this directive is inconsistent with any other MPO personnel policy or directive, the provisions of this directive will control with respect to claims of discrimination and/or harassment.

It is the responsibility of all supervisors to insure that discrimination and/or harassment does not take place. At a minimum, supervisors are required to immediately correct any problems that may arise. Supervisors are responsible for maintaining a work environment that is free from discrimination and/or harassment, as well as any other conduct which creates a hostile work environment for any individual.

The MPO recognizes that invalid, unfounded or false accusations of discrimination and/or harassment can have serious effects on innocent individuals. Therefore, the MPO shall thoroughly, and as confidentially as possible, investigate any and all complaints of discrimination and/or harassment to determine the most appropriate disposition.

Harassment and discrimination participants fall into three categories: the alleged offender, the alleged victim and any witnesses. Any of the three can be found in violation of this directive. Violation of this directive includes participating in discriminatory and/or harassing practices, permitting subordinate employees to engage in such practices, filing false charges or malicious complaints, or retaliating against employees who report instances of discrimination and/or harassment. This directive constitutes a "*zero tolerance*" policy. Appropriate disciplinary action *shall* be taken against any and all individuals who violate this directive. In accordance with the MPO's existing progressive discipline policy, any violation of this policy shall constitute an offense for which disciplinary action may include immediate termination from employment.

#### B. Unlawful Harassment-Generally

MPO employees shall not commit acts of sexual or other unlawful harassment and shall not create, or cause to be created, a hostile work environment in the performance of their work for the MPO.

The MPO does not and will not tolerate harassment of MPO employees. The term "harassment" includes but is not limited to, slurs, jokes, and other verbal, graphic, or physical conduct relating to an individual's race, color, sex, religion, national origin, citizenship, age, or disability. "Harassment" also includes sexual advances, requests for sexual favors, unwelcome or offensive touching, unnecessary comments as to another's sexual preferences or behavior, and other verbal, graphic, written (e.g., e-mails or text messages) or physical conduct of a sexual nature.

No employee should be subjected to derogatory verbal or nonverbal references regarding his or her race, gender, national origin, religion, age, disability, or any other legally protected status. No employee, male or female, should be subjected to unsolicited, offensive and unwelcome sexual overtures or conduct (verbal or physical). Such conduct, whether committed by supervisors or non-supervisory personnel, is specifically prohibited by state and federal law, as well as by this directive.

#### C. Sexual Harassment

Sexual harassment refers to unwelcome behavior of a sexual nature that is personally offensive, deliberate and repeated. It includes sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Such harassment may be verbal, nonverbal or physical, and is illegal when:

- (a) Submission to such conduct is made implicitly either a term or condition of employment;
- (b) Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting the individual; and/or

- (c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers to behavior which is not welcome, which is personally offensive, which debilitates morale, and which interferes with work effectiveness. Some behavior that may be acceptable in social settings is not appropriate in the work place and is considered insulting and demeaning to the victim. In addition, no one should imply, joke about, or threaten that an applicant or individual's employment, assignment, compensation, advancement, career development or any other term or condition of employment is subject to submission or acquiescence to sexual harassment.

Acts of sexual or other unlawful harassment or that give rise to a hostile work environment shall be immediately reported to his/her immediate supervisor, the Human Resources staff or Executive Director by anyone who has knowledge of such activities. Complaints of harassment will be investigated promptly and in as confidential a manner as permitted by law.

Any MPO employee bringing a complaint of harassment or assisting in the investigation of such a complaint will not be adversely affected in terms and conditions of employment. Nor shall any employee take any action against a complainant that is intended to discourage the complaint. Retaliation by any MPO employee against the complainant could result in disciplinary action, up to, and including, termination.

#### D. Harassment/Bullying

Some acts or remarks may violate this Manual even if they are not so severe that they violate federal or state discrimination laws.

Harassing/Bullying conduct includes repeated behavior occurring in the course of work that impairs the ability of an employee to perform work duties, or is reasonably perceived as being so severe and/or objectively offensive so as to have that effect. This includes, but is not necessarily limited to acts that are reasonably perceived as being humiliating, dehumanizing, hostile, intimidating, or physically aggressive. These acts may be identified by the following behavior directed at an employee or group of employees:

- (a) Yelling, screaming and/or using a very aggressive tone.
- (b) Use of derogatory remarks, insults and epithets.
- (c) Publicly displaying offensive material.
- (d) Ignoring, isolating or segregating an employee.
- (e) Sabotaging or undermining work performance.
- (f) Making or publishing any false or malicious statement, which is not directly related to the employee's responsibilities and is intended to, or is likely to (regardless of intent), negatively impact the professional standing, emotional well-being, or reputation of the person or persons being discussed.

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

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

Any acts of harassing/bullying should be reported using the procedure for reporting harassment that is detailed below.

E. Violence in the Workplace

Acts or threats of physical violence, including intimidation and/or coercion, that involve the MPO or that occur on MPO property will not be tolerated. This prohibition against threats and acts of violence applies to all persons employed by or otherwise involved in MPO operations.

All reports of threats or acts of violence should be made verbally or in writing to a supervisor, Human Resources staff, the Deputy Director or Executive Director.

F. Complaint Procedure

The following procedures should be followed when an employee thinks he or she is the victim of discrimination and/or harassment:

(a) Step One

Anyone who believes that he or she may have been subjected to discrimination and/or harassment should, whenever reasonably possible, first inform the offending party that such behavior is offensive and will not be tolerated.

(b) Step Two

An employee who believes that he or she is the victim of sexual harassment or that he/she is being unreasonably interfered with by such conduct is ***required*** to ***promptly report*** the conduct to his/her immediate supervisor, to the Human Resources staff, or the Executive Director, without fear of reprisal. Promptly means within five (5) business days of the event giving rise to the employee's complaint.

(c) Step Three

The employee may file a formal, written complaint with his/her immediate supervisor, the Human Resources staff or Executive Director. A form for the filing of such complaints, which should be used in all but the *most* exceptional circumstances, is available in the Human Resources staff.

If the supervisor is the offending party, the employee may file the written complaint directly with that person's supervisor, the Human Resources staff, or the Executive Director. In instances where the allegation of discrimination or harassment is leveled at the Human Resources staff, the complaint should be submitted directly to the Executive Director in a sealed envelope.

(d) Step Four

If an employee notifies a supervisor of such a problem, the supervisor shall notify the Human Resources staff, or the Executive Director immediately and in writing of the situation, and shall provide a copy of the complaint form submitted by the employee. The supervisor shall notify the Human Resources staff as soon as he or she is made aware of such a situation.

G. Investigation of Complaints

Complaints will be investigated in as confidential and timely a manner as possible and in accordance with the Public Records Law, 119.07, Florida Statutes. Information concerning an active complaint will not be released by the MPO to third parties or to anyone within the MPO who is not directly involved in the investigation, except as may otherwise be required by law or by a court of competent jurisdiction. The purpose of this provision is to protect the confidentiality of an employee who files a complaint, to encourage the reporting of all instances, and to protect the reputation of any employee charged with discrimination and/or harassment. All participants involved in an investigation are expected to maintain their involvement in or discussion of the investigation confidential, except insofar as disclosure is required in obtaining or being represented by legal counsel. The failure to abide by this confidentiality requirement constitutes a violation of this directive.

Disciplinary action taken as a result of discrimination or harassment will become part of the personnel file of the offending employee and is subject to disclosure pursuant to Public Records Law.

The investigation of a complaint will normally include conferring with the parties involved and any named or apparent witnesses. Tape recorded statements may be taken of any or all of the individuals involved. All employees will be guaranteed fair and impartial treatment, and shall be protected from coercion, intimidation, interference or discrimination for filing a complaint or participating in an investigation.

A determination will be made as to whether a complaint is sustained, not sustained or unsubstantiated. A complaint is sustained when there is sufficient evidence presented to reasonably establish that the allegations or charges made are true. A complaint is not sustained

when there is sufficient evidence presented to reasonably determine that the allegations or charges made are not true. Finally, a complaint is unsubstantiated when there is insufficient evidence presented to reasonably determine whether the allegations or charges are true or false.

If a complaint is sustained, the offender will be subject to disciplinary action which may include termination from employment. Any supervisor is under a continuing duty to take immediate remedial action to stop or prevent discrimination and/or harassment. If the supervisor fails to take such action, and the misconduct was known, or should have been known, to him or her, the supervisor in question shall be terminated from employment.

Even if the investigation fails to disclose the existence of any discrimination or harassment, the MPO reserves the right to nonetheless take action. Such action may include counseling, a reminder of the MPO's directive, or a written warning. Additional mandatory training will be provided if, in the MPO's discretion, such training is necessary.

#### H. Follow Up

Once an investigation has been concluded, the MPO will continue to monitor the employees involved in discrimination or harassment complaints to ensure that no future incidents of discrimination or harassment occur.

#### I. Retaliation

The Policy prohibits retaliation against employees who bring complaints of discrimination and/or harassment or who assist in investigating such complaints. Any employee bringing a complaint of discrimination or harassment or assisting in the investigation will not be adversely affected in terms and conditions of employment. Nor shall any employee take any action against a complainant that is intended to discourage the complaint. Retaliation by any employee against the complainant could result in disciplinary action, up to, and including, termination.

### **3.34 Compliance with the Public Records Law**

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

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

An employee who receives a verbal or written request for public records must promptly respond based on the circumstances. For the inspection of records, this may entail compiling the requested records and providing an inspection site (i.e., a room). For copies, this will entail making legible photocopies or providing said records in electronic form.

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

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If the request requires employees to spend more than 15 minutes to respond, a reasonable service charge may be imposed based on actual costs (e.g., if it takes a Human Resources staff member five (5) hours to compile a records request, the requestor may be charged 5 hours x the employee's hourly rate). A deposit may be required before resources are expended. For copies of standard papers, a cost of 15 cents a page may be imposed. Copying other materials (e.g., large maps, videos) may require the imposition of additional costs as determined by the Executive Director.

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

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

### **3.35 Payroll**

The payroll period is biweekly, although each week stands alone for compensation purposes. The official workweek extends from 12:00 a.m. on Sunday through 11:59 p.m. on the following Saturday.

Employee pay represents the full amount of earnings each pay period, minus the appropriate required federal deductions, such as federal withholding (income tax), social security, and Medicare taxes. The MPO deposits this deducted amount with the U.S. Treasury for credit on employee income tax calculations at the end of the year. Employees are responsible for completing a W-4 form properly and updating it when necessary. The MPO will provide Form W-2 showing total earnings for the year and the amount of taxes that have been withheld. Employees eligible to carry MPO benefits will have payments for these items deducted from their pay based on the completed benefit enrollment form.

The MPO takes every precaution to avoid errors in pay. However, if an error does occur inadvertently, the employee should inform his/her supervisor who will contact payroll and determine whether an adjustment is appropriate. If the paycheck contains an error, an adjustment will be made as soon as feasible.

### **3.36 Timekeeping for Non-Exempt Employees**

Non-exempt employees' time will be recorded at the commencement and conclusion of their workday, as well as at the commencement and conclusion of their meal breaks.

Non-exempt employees are not permitted to perform any work at home or while off-duty unless approved in advance in writing by their supervisor or the Executive Director. If approved, the employees must submit an accurate written record of all time worked within two (2) days of performing the work.

Non-exempt employees are required to accurately certify their time and attendance through reviewing and signing a MPO-provided timesheet. Alteration, falsification or tampering with time and attendance records will result in corrective action, up to and including termination from employment.

Non-exempt employees are compensated as follows: (i) an hourly rate of at least the statutory minimum wage for all hours worked up to 40 hours per work week; and (ii) one and one-half (1½) times the employee's regular pay rate for all hours worked over 40 hours per work week, which is overtime pay. Paid leave shall not be counted toward hours worked when computing overtime pay in a workweek.

It is the MPO's policy to keep overtime work to a minimum and supervisors are responsible for planning and scheduling work assignments and projects so that they can be performed within the non-exempt employees' regularly scheduled hours. All overtime work must be approved in advance by the Executive Director or his designee. If an employee works overtime hours that are not approved, the employee will be paid for those hours but the employee may be subject to corrective action.

On occasion, non-exempt employees may be expected to work overtime when needed to meet the needs of the MPO. The MPO will provide as much advance notice as practicable for overtime work.

### **3.37 Timekeeping for Exempt Employee**

Exempt employees' time is not recorded at the commencement and conclusion of their workday or meal break unless otherwise directed by the supervisor, but punctuality must nevertheless be observed.

### **3.38 Breaks**

- (a) *Rest breaks.* The MPO permits employees to take reasonable paid rest periods during the workday as permitted by the employee's work duties and as approved by their supervisor. An individual rest period shall not exceed 15 minutes in length.

Non-exempt employees are not required to record their rest periods. However, employees are expected to be punctual in starting and ending their breaks and may be subject to corrective action for tardiness. Employees on rest breaks may not interfere with other employees who are continuing to work.

- (b) *Meal breaks.* The MPO provides non-exempt full-time employees with an unpaid meal period. The duration of the meal break is dependent on the work schedule of the employee.



Non-exempt employees' meal break will be recorded at the start and upon returning to work. Non-exempt employees are not permitted to perform work during their meal break.

- (c) *Nursing breaks.* The MPO supports breastfeeding mothers by providing reasonable break time for an employee to express breast milk for her nursing child for up to one (1) year after the child's birth. For non-exempt employees, this break time is unpaid. However, non-exempt employees may elect to use their paid rest periods for the purpose of expressing breast milk. Non-exempt employees must schedule any break time to express breast milk with their supervisor. Upon notice, the employee's supervisor will provide the employee with a private area for the purpose of expressing breast milk.

### **3.39 Deductions from Compensation of Salaried, Exempt Employees**

The MPO prohibits any improper deductions from the compensation of any exempt employee. A salaried exempt employee will regularly receive his or her full compensation, less applicable wage-related taxes and other deductions authorized by the employee or required by law, subject to the limited exceptions set forth below.

A salaried exempt employee's compensation will not be subject to reduction based on variations in the quality or quantity of the work performed by that employee, subject to the limited exceptions set forth below. A salaried exempt employee will receive his or her full salary for any week in which the employee performs any work, without regard to the number of days or hours worked, but will not be paid for any workweek in which he or she performs no work. No deductions will be made from any salaried exempt employee's compensation for absences occasioned by the MPO or by the operating requirements of the MPO's business. If the employee is ready, willing and able to work, deductions will not be made for time when work is not available.

The prohibition against deductions from the pay of a salaried exempt employee is subject to the following exceptions:

- (a) Deductions from pay may be made for absences of one or more full days if the deduction is made in accordance with the MPO's PTO policy or practice of providing compensation for loss of salary occasioned by such absences. Deductions from pay may also be made before the employee has qualified under the plan, policy or practice, and after the employee has exhausted the PTO allowance there under.
- (b) No deductions from pay will be made for absences occasioned by jury duty, attendance as a witness, or temporary military leave. An offset of any amounts received by an employee as jury fees, witness fees, or military pay for a particular week against the salary due for that week may be made.
- (c) Deductions from pay may be made for penalties imposed in good faith against an employee for violation or infractions of safety rules of major significance (i.e., those rules relating to the prevention of serious danger in the workplace or to other employees), if the MPO concludes in good faith after its investigation that the employee committed such violation.
- (d) Deductions from pay may be made for unpaid disciplinary suspensions of one or more full days for violation of workplace conduct rules which are reflected in the MPO's written policies applicable to all employees (including, but not limited to, violation of the MPO's "EOE M/F/D/V; Drug-Free Workplace")

Equal Employment Opportunity, Americans With Disabilities Act, Harassment-Free Workplace, and/or Drug-Free Workplace policies), if the MPO concludes after its investigation that the employee committed such a violation.

- (e) Employees in their first or last weeks of employment may not be paid their full salary, but instead will be paid a proportionate part of the employee's salary for the time actually worked.
- (f) Employees may not be paid their full salary for weeks in which they take unpaid leave under the MPO's Family and Medical Leave policy and instead, will be paid a proportionate part of their salary for time actually worked.
- (g) If a salaried, exempt employee believes that an unauthorized or improper deduction has been made from his or her salary or the salary of anyone he or she supervises, the employee should notify the MPO immediately by bringing the matter to the attention of the Human Resources staff.

The MPO is committed in good faith to comply with the FLSA at all times. If the MPO concludes that the deduction was unauthorized or improper, the employee will be promptly reimbursed for any amount(s) incorrectly deducted. The MPO prohibits and will not tolerate retaliation against any employee who raises any concern under this policy.

### **3.40 Social Media**

The MPO's social media policy governs the use of social media by MPO personnel, including providing prohibitions and restrictions on such use. This policy applies to all communication on social networks including, but not limited to posts, pictures, video, audio, podcasts, blogs, non-native applications on social networks, e-mail, files, RSS feeds, and personal websites that transact MPO business, news services, chat rooms, etc.

The MPO does not prohibit employees from creating, obtaining or using personal social network accounts. Nevertheless, an employee's entitlement to use social media is not without limits. Inappropriate online communication that includes discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and is prohibited.

Though employees may interact with other employees or individuals who work on behalf of the MPO, communication cannot be viewed as malicious, obscene, and threatening or intimidating, or that might constitute harassment or bullying. Examples of such conduct might include communication meant to intentionally harm someone's reputation or conduct that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or MPO policy.

Furthermore, employees are prohibited from doing the following using personal social network accounts:

- (a) using MPO computers to access social media without prior written authorization from their supervisor.

- (b) using personal electronic devices to access social media during working hours without prior authorization from their supervisor.
- (c) Engaging in political activity or private business interests during working hours.
- (d) Suggesting either directly or indirectly that the MPO endorses a commercial product or service, unless approved by the Executive Director.
- (e) Displaying MPO logos, uniforms or any similar identifying symbols without prior written authorization from the Executive Director.
- (f) Posting, transmitting, discussing or otherwise disseminating information to which they have unique access by virtue of their employment.
- (g) Speaking on behalf of the MPO unless they have prior written authorization from the Executive Director.
- (h) Posting, transmitting, discussing or disseminating confidential or proprietary information.

Any employee who is aware of an online posting on a social media page by a MPO employee that violates any provisions of this policy shall notify his or her supervisor immediately.

Employees should not have a reasonable expectation of privacy when using social networks on MPO devices because the information may not be secure and is viewed and shared by third parties. Nevertheless, the MPO will comply with all applicable state and federal laws as pertains to electronic monitoring of employee communications.

## **SECTION 4: BENEFITS**

### **4.1 Holidays**

The MPO Board approves holidays and determines when they will be observed. At the present time the organization will observe the following holidays:

The days listed below are designated as official Broward MPO holidays:

New Year's Day  
Martin Luther King Day  
Presidents Day  
Memorial Day  
Independence Day  
Labor Day  
Veterans Day  
Thanksgiving Day  
Day After Thanksgiving  
Christmas Eve Day (half day; holiday will commence at 1:00 p.m.)  
Christmas Day  
Three Personal Holidays (Note – personal holidays will be subject to the accrual cap set forth in Section 5.1 herein)

If one of the above holidays falls on a Saturday, it shall be observed on the preceding Friday. If one of the above holidays falls on a Sunday, it shall be observed on the following Monday. If Christmas Eve Day falls on a Friday, it shall be observed on that day and the corresponding Christmas Day holiday shall be observed on the following Monday.

### **4.2 Medical Insurance**

The MPO will pay a portion of coverage for the employee and dependent coverage. The percentage paid by the MPO is evaluated annually and is subject to change.

The Health Insurance Portability and Accountability Act of 1996 requires that employees be notified on how medical information about them is collected, how that information may be disclosed and how they can get access to this information. Confidentiality is a top priority for the MPO. We are committed to maintaining the highest level of confidentiality with all of the information we receive from our employees. The MPO requires that the administrator of the MPO's health plan meet HIPAA security standards for all information, including that which is transmitted or maintained electronically.

The MPO respects the privacy of personal information and understands the importance of keeping this information confidential and secure. The MPO protects the confidentiality of the personal information we receive following Federal and State laws. Our practices apply to current and former employees and complies with the “Protected Health Information” (PHI) HIPAA disclosure requirements. The term “Protected Health Information” (PHI) includes all individually identifiable health information transmitted or maintained by the Plan, regardless of form (oral, written, electronic). The MPO is committed to maintaining compliance with HIPAA regulations and all related provisions of federal and state law, as it may be amended from time to time, shall apply.

The MPO’s Health Plan is required by law to take reasonable steps to ensure the privacy of the personally identifiable health information of employees, retirees, and dependents covered by the MPO’s group health plan, and to provide information about:

- the Plan’s duties, uses and disclosures with respect to Protected Health Information (PHI);
- privacy rights with respect to PHI;
- the right to file a complaint with the Plan and the Secretary of the U.S. Department of Health and Human Services; and
- the person or office to contact for further information about the Plan’s privacy practices.

#### **4.3 Disability Insurance**

The MPO will provide to each MPO employee, at the MPO’s expense, long-term disability insurance in an amount equal to the MPO employee’s salary, to the extent permitted by law, during any disability which the Employee may incur. Where a waiting period is provided within a policy, the MPO employee may use accrued Paid Time Off (see section 5.1) during the waiting period.

#### **4.4 Life Insurance**

The MPO will provide to each MPO employee, at the MPO’s expense, life insurance equal to their base annual earnings. The value of employer provided group term life up to \$50,000 is excluded from an employee’s income. The value of coverage exceeding \$50,000 must be included in an employee’s income and is subject to social security and Medicare taxes, but is not subject to federal income tax withholding. The employee must pay the federal income tax owed with his or her personal income tax return. Included in the Group life Insurance is an Accidental Death and Dismemberment policy. The Broward MPO pays the total cost of this benefit.

#### **4.5 Continuation of Group Health Insurance Coverage**

Employees and their dependents (“qualifying beneficiary”) who would otherwise lose insurance coverage in any MPO’s sponsored group health plan because of a “qualifying event” are eligible for continuation coverage under the MPO’s group policy pursuant to the Florida Health Insurance Coverage Continuation Act (“Mini-COBRA”). Mini-COBRA applies to employers employing fewer than 20 eligible employees.

The law provides continuation coverage equal to the coverage applicable to active employees for a limited time period. However, under the law, employees must pay the full premium amount plus an administrative fee (which may be up to 115% of the group rate).

“Qualified beneficiary” includes:

- (a) A covered employee, except if the employee is terminated for gross misconduct;
- (b) The spouse of the covered employee;
- (c) The dependent child of the covered employee.

“Qualifying events” include the following:

- (a) A covered employee’s termination of employment for any reason other than gross misconduct;
- (b) A covered employee’s hours are reduced to fewer than the number of hours required for coverage under the plans;
- (c) A covered employee’s death;
- (d) A covered employee’s legal separation or divorce from their spouse;
- (e) A covered employee becomes entitled to Medicare; or
- (f) A covered dependent child ceases to qualify as dependent under the terms of the plan.

If either the employee or their dependent children elect to continue coverage through the MPO’s Group Insurance Plan, the continuation coverage will be identical to the coverage provided all other employees and dependents covered by the plans for whom a qualifying event has not occurred. No evidence of insurability will be required in order to continue coverage.

The maximum continuation period for a qualified beneficiary is 18 months, except in the event of total disability; in which case, up to 29 months can be granted.

Continuation coverage will be terminated before the end of the maximum period of continuation coverage and cannot be reinstated for any covered person if the following occur:

- (a) Payment for the coverage is not received on a timely basis;
- (b) The maximum continuation period ends;
- (c) They become covered by another group plan through employment;
- (d) They become entitled to Medicare benefits; or
- (e) The MPO ceases to provide the coverage for any employee.

The qualified beneficiary must give written notice to the insurance carrier within 63 days after the occurrence of a qualifying event.

The insurer, not the MPO, is responsible for complying with the laws notice requirements.

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Concerned employees and retirees should contact the Executive Director or designee for additional detailed information concerning cost, election, conversion and notice provisions. Continuation of benefit provisions are subject to changes in state or federal law.

#### **4.6 Pension Plan**

Employees are members of the Florida Retirement System (FRS) pension plan. For plan benefits employees are directed to review the information available on the FRS web site or to contact the FRS Pension Plan Administrator. Should FRS be amended to authorize mandatory or permissive employee contributions, the MPO intends to require and/or permit its employees to make such contributions to the FRS pension plan.

#### **4.7. Employee Assistance Program**

The MPO does not offer an employee assistance program at this time.

#### **4.8 Professional Organizations**

The MPO will pay the cost of membership in professional organizations if that membership is necessary to achieve MPO tasks and goals, at the discretion of the Executive Director.

#### **4.9 Workers' Compensation**

All MPO employees are covered under Workers' Compensation. Such coverage begins immediately upon employment. All injuries, no matter how minor they appear, must be reported to the employee's immediate supervisor.

If an on-the-job injury requires medical treatment, it must be reported immediately to the Executive Director, or designee, who will complete the necessary paperwork to be submitted to the designated insurance company who will process it with the State Bureau of Workers' Compensation.

If the work related injury requires the employee to miss work for an extended period of time, Workers Compensation benefits are available to the affected employee. Florida Statute 440.12(1) provides that no Workers' Compensation payments are allowed for the first seven (7) days of a disability claim; however, if the injury results in disability of more than twenty-one (21) days, compensation shall be allowed from the commencement of the disability. Florida Statute 440.12(2) defines the claim benefit available.

Employees do not earn PTO while on Workers' Compensation. In addition, payroll deductions are not allowed while on Workers' Compensation. Employees should make arrangements to pay for benefits normally provided through payroll deductions or these benefits may be lost (health insurance, etc.).

Employees returning to work from an industrial disability must present written evidence from their physician which gives the medical diagnosis of the industrial disability and certifies their ability to resume their duties.

## SECTION 5: LEAVES OF ABSENCE

### 5.1 Paid Time Off (PTO)

Regular full-time and regular part-time employees earn Paid Time Off (“PTO”). Temporary employees, contract employees, interns and part-time employees are not eligible to earn personal leave. PTO is intended for vacations, illnesses other than those covered by long-term disability and other needs.

PTO leave shall be accrued on an hourly basis per bi-weekly pay period based on the number of years in the FRS without a break in service. The following accrual rates apply:

<u>Continuous and Credible Service</u>	<u>Paid Time Off per Bi-Weekly Pay Period</u>
Up to five (5) years	Eight (8) hours
Five (5) years to ten (10) years	Nine (9) hours
Over ten (10) years	Ten (10) hours

PTO off is earned based on hours worked, as leave must be fully earned and posted to the employee’s account before it can be taken. Thus, employees cannot take leave in the same pay period in which the leave is earned.

- 1) MPO Employees may use credited PTO for any purpose (i.e., vacation, hospitalization, illness, family emergency, personal business, etc.). Employees may take only that amount of leave that has been credited to them. Use of un-credited personal time off will not be authorized even though the leave would have posted by the end of the pay period. Leave will be accrued per pay period.
- 2) MPO employees shall notify the Executive Director of their absence due to illness within the first 30 minutes of the scheduled work day.
- 3) MPO employees who have been absent for an extended period of time due to illness may be required to present correspondence from a physician stating that they are able to return to work and under what conditions/limitations, if any.
- 4) Precedence in choosing a vacation period should be governed normally by job seniority but must be at a period approved by the Executive Director in keeping with the needs of the Broward MPO.
- 5) The Deputy Director is requested to notify the Executive Director at least four (4) weeks in advance of his/her intended vacation period so that vacations (five or more working days) may be coordinated to ensure the efficient operation of the Broward MPO. Other employees shall notify the Deputy Director or the Executive Director at least three (3) weeks in advance and must be coordinated to ensure the efficient operation of the Broward MPO. All PTO must be approved in



advance by the Executive Director or Deputy Director except in the case of emergencies.

- 6) Normally vacation is limited to no more than two (2) consecutive weeks. Special approval of the Executive Director is needed for PTO that will exceed two (2) consecutive weeks and must be coordinated to ensure the efficient operation of the Broward MPO.
- 7) Holidays occurring while an employee is on PTO are to be counted as holidays, not personal leave.
- 8) Employees retiring from the Broward MPO shall be paid for his/her credited leave that has accrued up to their last day of employment up to a cap of 480 hours.
- 10) Inclement weather conditions, fires or power failures that result in the employee being late or absent from work will result in use of PTO unless the entire office is closed or opening late. When the office is officially closed due to emergency conditions, the time off from scheduled work will be paid without requiring the use of PTO.
- 11) Religious Holidays may be observed by employees if the PTO is approved by the Executive Director.
- 12) In case of death of an employee, payment for unused personal time off up to a cap of 480 hours shall be made to the employee's beneficiary, estate or as provided by law.
- 13) It shall be the Office Manager's responsibility to keep accurate and up-to-date personal leave records on each employee. Annotations for personal leave used must also be made by the employee on their timesheets.
- 14) The accrual cap for PTO is 480 hours. Once an employee accrues 480 hours of PTO, he/she shall not accrue any additional PTO. An employee who reaches this accrual cap will only begin to accrue additional PTO if his/her use of PTO takes his/her PTO balance below 480 hours.

Employees who terminate prior to completing six (6) months will not be paid for any accrued personal time off. An employee does not accrue personal time off for any period in which said employee is on any unpaid status.

## **5.2 Jury Duty**

MPO employees called for jury duty shall notify the Executive Director of same, and shall be paid their regular earnings while serving on jury duty.

### 5.3 Family and Medical Leave

The MPO recognizes that a MPO employee may need to be absent from work for family and/or medical reasons. Although the MPO does not employ the requisite number of employees (i.e., 50 employees) necessary for its employees to be entitled to protected leave under the federal Family and Medical Leave Act (FMLA), the MPO intends to grant unpaid leaves in accordance with the requirements of applicable state and federal laws including FMLA in effect at the time the leave is granted.

#### A. Eligibility

To be eligible for a leave of absence under the FMLA, a MPO employee must:

- (a) have been employed by the MPO for at least 12 months; and
- (b) have worked at least 1,250 hours in the previous 12 months.

Only hours actually worked are counted towards the 1,250-hour requirement. Paid leave of any kind does not constitute “hours worked.”

#### B. Reasons for Taking Leave

A MPO employee may request FMLA leave for any of the following reasons:

- (a) to care for your child after birth, or after a child is placed with you for adoption or foster care within the 12 months following birth or placement;
- (b) to care for your spouse, son or daughter, or parent, who has a serious health condition; or
- (c) for your own serious health condition which makes you unable to perform your job duties.
- (d) because of any qualifying exigency arising out of the fact that the spouse, son, daughter, or parent of the employee is a servicemember on covered active duty (or has been notified of an impending call or order to covered active duty).
- (e) to care for a covered servicemember with a serious injury or illness, if the employee is the spouse, son, daughter, parent, or next of kin of the servicemember.

#### C. Serious Health Condition

“Serious health condition” is defined by law and includes, but is not limited to:

- (a) Any period of incapacitation or treatment connected with inpatient care i.e., an overnight stay in a hospital, hospice or residential medical care facility, and any period of incapacitation or subsequent treatment in connection with such inpatient care;
- (b) “Continuing treatment” by a healthcare provider, which includes a period of  
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incapacitation (i.e., inability to work, attend school or perform other regular daily activities of four or more consecutive calendar days); or

- (c) Any period of incapacitation due to pregnancy or for prenatal care.

Conditions such as the common cold, the flu, ear aches, upset stomachs, minor ulcers, muscle strains or soreness, headaches other than migraines, routine dental or orthodontia problems, periodontal disease, etc., are examples of conditions which generally do not satisfy the definition of “serious health condition” absent additional medical complications.

#### D. Length of Leave Allowed

Except for military caregiver leave, the maximum time a MPO employee is allowed to take leave, if eligible, is 12 workweeks in a 12-month period. The MPO will use a “rolling” 12-month period measured backward from the date the Employee begins a leave to determine how much leave time is available to such Employee, unless another calculation is required by law.

The maximum time an employee may take to care for a covered servicemember with a serious injury or illness, if the employee is the spouse, son, daughter, parent, or next of kin of the servicemember, is up to a total of 26 workweeks in a 12-month period. This leave is applied on a per covered servicemember, per injury basis, except that no more than 26 workweeks of leave may be taken within any single 12-month period.

Under some circumstances, MPO employees may take family/medical leave intermittently, which means taking leave in blocks of time, or by reducing their normal weekly or daily work schedule. For purposes of record keeping, FMLA leave requests shall be for a period of not less than one (1) hour increments, and additional increments shall be in not less than one (1) hour.

#### E. Medical Certification

The MPO requires medical certification if a MPO employee requests leave because of his/her own or a family member’s serious medical condition. The MPO may also require a second or third medical opinion regarding the Employee’s own serious health condition at the MPO’s expense.

#### F. Military Qualifying Exigency Certification

The employee must provide a certification that includes a copy of the covered military member’s active duty orders or other documentation of a call to active duty status and dates of service. The MPO may verify the basis for the qualifying exigency.

#### G. Job Benefits and Protection

During an approved leave under this section, a MPO employee must continue to pay his/her portion of any premium payments for medical, vision, dental, life and long-term disability insurance for his/herself or his/her dependents on the same terms as if the Employee had continued working. If a MPO employee does not return to work from a leave allowed by this policy, such MPO employee will be required to repay to the MPO the premium amounts that the MPO paid

during the MPO employee's leave and the MPO is entitled to take legal action to recover such payments if necessary.

#### H. Reinstatement

Under most circumstances, upon submitting an acceptable healthcare provider release to return to work from family/medical leave, a MPO employee will be reinstated to the same job, or to an equivalent job with equivalent pay, benefits and other employment terms and conditions. However, a MPO employee has no greater right to continued employment or reinstatement than if the MPO employee had been continuously employed. For example, employment may be terminated in conjunction with layoff or job elimination during a leave the same as if the MPO employee was not on a leave.

Leave granted under any of the reasons provided by state and federal law will be counted as family/medical leave and will be considered part of the 12 workweek leave entitlement.

A MPO employee taking leave under this section shall notify the Executive Director at least two weeks prior to the end of such leave of his/her availability to return to work. A MPO employee's failure to return from a leave or to contact the Executive Director on the scheduled date of return may be considered an employee-initiated termination.

#### I. Pay Status During Leave

Leave under the FMLA is unpaid. MPO employees shall be required to exhaust available accrued paid leave as part of the 12 weeks provided by the FMLA. The MPO has the right to inquire of any MPO employee the purpose underlying use of paid leave in order to determine if the leave is being used for an FMLA qualifying purpose. A MPO employee must make a reasonable effort to schedule foreseeable FMLA leave so as to avoid unduly disrupting the MPO's operations. Any leave taken under a disability plan (whether present or future) for an FMLA qualifying reason shall also be counted against the MPO employee's 12-week entitlement under the FMLA. It is the MPO's responsibility in most circumstances to designate leave, whether paid or unpaid, as FMLA-qualifying leave based on information provided by the Employee before or during the leave period. Consequently, the MPO Executive Director, or designee, may request substantiating documentation from the Employee in order to determine whether the employee qualifies for FMLA leave. Under limited circumstances, the MPO may designate paid leave as FMLA leave shortly after an Employee's return to work.

#### J. Requesting Family and Medical Leave

MPO employees should contact the Executive Director as soon as they become aware of the need for family/medical leave.

The following procedure will apply when requests for family/medical leave are made:

- a. If the event necessitating the leave becomes known to the Employee more than 30 calendar days before the need for leave, the MPO employee must provide notice as soon as they learn of the need for leave, and the leave request must be submitted in writing at least 30 days before the time the leave is needed.

If the need for leave is not foreseeable, the MPO employee must provide as much

advance notice as possible, with a written notice no later than five working days after learning of the need for leave.

If the leave is needed for a planned medical treatment or supervision, the MPO employee must make a reasonable effort to schedule the treatment or supervision to avoid disruption to the MPO's operations, subject to the approval of the healthcare provider of the individual requiring the treatment or supervision.

Failure to provide reasonable notice when need for leave is foreseeable may result in the denial of leave for a reasonable period.

- b. If the leave is needed to care for a sick child, spouse, or parent, or if leave is needed because of your serious health condition, the Employee must return a completed certification of Health Care Provider form within 15 calendar days. If a completed form is not returned within 15 days, then the leave will be denied.
- c. In cases where both spouses are employed by the MPO and the leave requested is for the birth, adoption or foster care of a child, the MPO will not grant more than 12 workweeks total of family/medical leave.

The MPO may require recertification from the healthcare provider in certain circumstances.

The MPO will require certification by the MPO employee's healthcare provider that the MPO employee is fit to return to their job. Failure by the MPO employee to provide certification by the healthcare provider of the Employee's fitness to return to work will result in the Employee's being denied reinstatement until such time as the certification is obtained.

The MPO will review the request for approval. Decisions will take into account staffing, seasonal deadlines, economic conditions, scheduling, as well as other operational considerations.

#### K. Additional Military Leave Entitlement (Injured Servicemember Leave)

In addition to the basic FMLA leave entitlement discussed above, an eligible employee who is the spouse, son, daughter, parent or next of kin of a covered servicemember is entitled to take up to 26 weeks of leave during a single 12 month period to care for the servicemember with a serious injury or illness. Leave to care for a servicemember shall only be available during a single 12 month period and, when combined with other FMLA-qualifying leave, may not exceed 26 weeks during the single 12 month period. The single 12 month period begins on the first day an eligible employee takes leave to care for the injured servicemember.

A "covered servicemember" means a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is on the temporary retired list, for a serious injury or illness as defined in the FMLA regulations.

#### **5.4 Leave for Victims of Domestic Violence**

An employee who is a victim of domestic violence or has a family or household member who is a victim of domestic violence may take up to three working days of paid leave time within a 12-month period. Family or household member is defined as spouses, former spouses, persons "EOE M/F/D/V; Drug-Free Workplace"

related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married.

Employees may use the leave time to:

- (a) seek an injunction for protection against domestic violence or an injunction for the protection in cases of repeat violence, dating violence, or sexual violence;
- (b) obtain medical care and/or medical health counseling for the employee, a family member, or household member to address physical or psychological injuries resulting from domestic violence;
- (c) obtain services from a victim-services organization, including, but not limited to, a domestic violence shelter or program or a rape crisis center as a result of the act of domestic violence; and/or
- (d) make the employee's home secure from the perpetrator or seek new housing or escape the perpetrator.

## **5.5 Military Leave**

Leave for active military service or for active state duty (“Active Military Leave”) shall be granted in accordance with Chapter 115, Florida Statutes, and the Uniformed Services Employment and Reemployment Rights Act (the “USERRA”). Active military service as used herein shall signify active duty with any branch of the Florida defense force or federal service in training or on active duty with any branch of the Armed Forces or Reservists of the Armed Forces, the Florida National Guard, the Coast Guard of the United States, or other services as provided in Sections 115.08, 115.09 and 115.14, Florida Statutes.

MPO employees who are ordered to active military service shall be granted leave beginning with the date they are ordered to active military service, and ending on the date they are required under the USERRA to apply for re-employment.

Active Military Leave shall be with full pay and benefits for the first thirty (30) calendar days. The

MPO shall continue to provide all health insurance and other existing benefits to employees on Active Military Leave as required by the USERRA.

An eligible employee who is a commissioned reserve officer or reserve enlisted personnel in the United States military or naval service or member of the National Guard is entitled to leaves of absence from his/her respective duties, without loss of pay, for up to 240 working hours in a calendar year in accordance with section 115.07, Florida Statutes. Any absence for training purposes in excess of 240 working hours shall be charged to appropriate accrued paid leave, or to leave without pay if an employee has no such leave accumulated.

## **5.6 Bereavement Leave**

Employees who experience a death of an immediate family member may, upon request, be granted

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up to four (4) consecutive working days of leave with pay. The employee's immediate family shall be defined as the employee's spouse, father, mother, step-parents, natural, step and adopted children, brother, sister, father-in-law, mother-in-law, grandparents, brother-in-law and sister-in-law, and grandparents-in-law.

The four days of bereavement leave must be taken consecutively and the employee must attend the funeral (or equivalent event) of the deceased family member to be eligible for bereavement leave. If an employee needs time in excess of four days, he or she may use accrued PTO with the approval of the supervisor. The MPO reserves the right to request all pertinent information including deceased relative's name, relationship of the employee to the deceased, the name and address of the funeral home, and the date of the funeral.

**BROWARD MPO**

**ACKNOWLEDGEMENT/RECEIPT OF PERSONNEL POLICY MANUAL**

I have this day received a copy of the BROWARD MPO Personnel Manual and I understand that I am responsible for reading the policies and practices described within. I understand that this Personnel Manual replaces any and all prior policies and practices of the MPO.

I agree to abide by the policies and procedures contained therein. I understand that the policies and benefits contained in this Policy Manual may be added to, deleted, or changed by the BROWARD MPO at any time. I understand that neither this Personnel Manual nor any other written or verbal communication by a management representative is intended to in any way create a contract of employment, and that this Policy Manual is for informational purposes only. I also understand that the MPO abides by employment-at-will, which permits the MPO or the employee to terminate the employment relationship at any time, for any reason, with or without notice. The MPO will not modify their policy of employment-at-will in any case.

I understand that I am responsible for reading and following these procedures.

If I have any questions regarding the content or interpretation of this Personnel Manual, I will bring them to the attention of my supervisor or the Executive Director.

NAME (Print)\_\_\_\_\_

DATE\_\_\_\_\_

EMPLOYEE SIGNATURE\_\_\_\_\_