

# Ocean City-Wright Fire Control District

## POLICY MANUAL



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Fourth Edition  
2018

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**POLICY NUMBER OCW 1.1**

**CREATION AND DISTRICT BOUNDARIES**

REFERENCE: Ch. 99-478, Laws of Florida  
ADOPTING RESOLUTION: 2017-02  
POLICY HISTORY: Adopted March, 1993;  
Amended and re-adopted March, 2017

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1. CREATION AND NAME OF FIRE DISTRICT. This Fire District was created by the Florida Legislature, under Chapter 78-570 of the Laws of Florida. The District shall be a public municipal corporation for the public benefit, with perpetual existence. The District shall be known as the Ocean City-Wright Fire Control District, in which name it may sue and be sued, lease, own, possess and convey real and personal property by purchase or gift or otherwise, in order to carry out the purposes of the law under which the District was created. The Fire District Charter was codified and reenacted by the Florida Legislature in 1999 under Chapter 99-478, Laws of Florida.
2. DISTRICT BOUNDARIES. The service boundaries of the District shall be those as originally established by state law and as amended from time to time.

**POLICY NUMBER OCW 1.2**

**BOARD OF FIRE COMMISSIONERS**

REFERENCE: Ch. 99-478 §5, Laws of Florida and §191.005, Florida Statutes  
ADOPTING RESOLUTION: 2017- 02  
POLICY HISTORY: Adopted March 1993  
Amended September 2008; December 2008; November 2009; Amended and re-adopted March, 2017

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1. MEMBERSHIP. The District Board shall be composed of five commissioners, who each shall be qualified electors residing in the District.
2. TERM OF OFFICE. District Board Members shall be elected during the general election in November for terms of four (4) years. Each Commissioner shall hold office until his successor has qualified, unless such Commissioner ceases to be qualified to act or is removed for cause. Nothing in this section is intended to affect the current terms of commissioners on the date of the adoption of this policy.
3. ELECTION. The District Board Members shall be elected at large within the District. The candidates shall qualify for the office in the same manner as is provided for other general County officers. The election for Members of the District Board of Fire Commissioners shall be held during the general elections in November.
4. ORGANIZATION OF THE BOARD. The District Board of Commissioners shall organize annually in January, and shall be electing from their number a Chairman, Vice-Chairman and a Secretary/Treasurer. If a vacancy should occur in the Chairmanship, the District Board shall proceed to elect a Chairman at the next ensuing regular or special meeting of the Board. At the organizational meeting, the Fire Chief shall act as Chairman until the organization is completed.
5. BONDING. Each member of the District Board of Commissioners shall, within thirty (30) days of assuming office, execute to the Governor for the benefit of the District, a good and sufficient surety bond in the sum of Five Thousand (\$5,000.00) Dollars with a qualified corporate surety conditioned on the Commissioner faithfully performing the duties of his or her office, and to account for all funds to come into his/her hands as such Commissioner. All premiums for such surety bonds shall be paid from the funds of the District.
6. MEETING ATTENDANCE: In fulfillment of their public duties as an elected member of the District Board of Commissioners, each member is expected to attend all regularly scheduled meetings of the District Board of Commissioners unless excused from

attendance. For the purposes of this policy and §191.005, *Florida Statutes*, a Commissioner's absence from a regularly scheduled meeting is excused if it is due to:

- a) Personal injury or illness of the Commissioner; or,
- b) The birth, death, marriage, injury or serious illness of a member of the Commissioner's immediate family, which for purposes of this policy shall include spouse, children (including step-children and adopted children), brother(s), sister(s), parents, grandparents, and in-laws.

Additionally, the District Board of Fire Commissioners shall be vested with the authority to determine, based upon a vote of a majority plus one (1) of the entire Commission, on a case by case bases, any other request of a member of the District Board of Commissioners for excusal from meeting attendance. All other absences of a member of the District Board of Commissioners from regularly scheduled Commission meetings shall be considered unexcused.

It shall be the responsibility of any Commissioner who knows in advance, that he/she will be absent from a regularly scheduled meeting, to notify the Fire Chief or his designee prior to the meeting of the basis for the absence if it is to be excused. If the absence is caused by an unanticipated event, then it shall be the responsibility of the Commissioner who is absent from a regularly scheduled meeting to announce for the public record, at the next regularly scheduled Commission meeting following the absence, the basis for the absence if it is to be excused.

**POLICY NUMBER OCW 1.3**

**POWERS AND DUTIES OF THE BOARD AND ITS OFFICERS**

REFERENCE: Ch. 99-478, §5, 6 & 8, Laws of Florida, §§191.006(5)  
and 191.008, *Florida Statutes*

ADOPTING RESOLUTION: 2017- 02

POLICY HISTORY: Adopted March 1993;  
Amended and re-adopted March 2017

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1. The Board of Commissioners shall have authority to:
  - a) Acquire by gifts, lease or purchase, a fire station and station site, and such fire-fighting equipment and other equipment and supplies as deemed necessary for the protection of the District, and to make and enter contracts with firms, individuals or corporations relating to the purposes of the District.
  - b) Make reciprocal agreements with the officials of fire departments in adjacent or neighboring areas, to provide mutual assistance in fire-fighting and fire protection.
  - c) Adopt rules and procedures not inconsistent with any portion of this policy, as it may deem necessary in the transaction of its business, and in carrying out the provisions of the District's Charter, Florida law and this policy, and may promulgate and enforce reasonable fire regulations by resolution.
  - d) No contract shall be made for a period in excess of twenty (20) years.
  
2. The officers of the Board of Commissioners shall have the following duties and responsibilities;
  - a) Chairman: The Chairman will preside over all Fire Commissioner meetings, appoint board members to serve on committees, as required, represent the Fire District at other governmental meetings and oversee the preparation of the monthly board meeting agenda.
  - b) Vice-Chairman: The Vice-Chairman will assume all the duties of the Chairman in his/her absence and serve as the Chairman of the facility/equipment committee.
  - c) Secretary-Treasurer: The Secretary-Treasurer shall be responsible for all the board's correspondence, keeping all financial records of the District and sign payroll and accounts payable checks. He/She will serve as the Chairman of the

finance/personnel committee.

3. No member of the Board of Commissioners may hold the position of “Chairman” for more than two (2) consecutive years.

**POLICY NUMBER OCW 1.4**

**BOARD MEETINGS**

REFERENCE: Ch. 99-478 §5, Laws of Florida; Ch. 286, *Florida Statutes*;  
§§189.069(2)(a), 191.006(5); and 189.417, *Florida Statutes*  
ADOPTING RESOLUTION: 2017- 02  
POLICY HISTORY: Adopted March, 1993  
Revised December 5, 2013;  
Amended and re-adopted March 2017

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1. MEETING DATE, TIME, AND PLACE. The District Board of Commissioners (“Board”) shall establish in January of each year, during their organizational session, the meeting date, time and place for all regular meetings during that year. A public notice of such information shall be published in a newspaper of general circulation within Okaloosa County, Florida within ten (10) days following the organizational meeting. The meeting schedule shall be filed annually with the Okaloosa Board of County Commissioners.
2. QUORUM. A majority of the Board membership shall constitute a quorum at any meeting of the Board.
3. MEETING AGENDAS. Agendas for Board Meetings shall be posted on a designated public notice board at the main fire station of the District, at least seven (7) days prior to any regular meeting of the Board, and shall further be posted on the District’s official website in compliance with the requirements of §189.069(2)(a), *Florida Statutes*.
4. MINUTES OF MEETINGS. The Secretary of the Board shall be responsible for insuring that Minutes are taken during all regular and/or special meetings of the Board and that such Minutes are promptly transcribed following any such meeting and made available to the public. All such Minutes shall be kept on permanent file in the offices of the District.
5. APPEALS. If any person decides to appeal any decision made by the Board with respect to any matter considered at a meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.
6. APPEARANCES BEFORE THE BOARD.
  - a) Right to be Heard. Members of the public shall be given a reasonable opportunity to be heard on each agenda item at a Board meeting except as provided below. The right does not apply to:

- i. An official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with the requirements would cause an unreasonable delay in the ability of the Board to act;
  - ii. An official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations;
  - iii. A meeting that is exempt from §286.011, *Florida Statutes*; or
  - iv. A meeting during which the Board is acting in a quasi-judicial capacity. This paragraph does not affect the right of a person to be heard as otherwise provided by law.
- b) *Addressing the Board by Written Request.* Any person or group wishing to address the Board, shall file with the Fire Chief, at least eight (8) days before the meeting at which the appearance is desired, a written request asking to be placed on the agenda and giving the following information:
- i. Name and address of person or group requesting appearance;
  - ii. Name of persons or organizations represented;
  - iii. Subject matter to be discussed.

Specific questions to be answered or specific action to be desired by the Board. Board Members will receive a copy of the request with their agenda, prior to the Board Meeting. The Fire Chief shall be responsible for notifying, in writing, any person or group making such a request, informing them of the date of the meeting, and the place and time on the agenda assigned to them. In the event that the agenda for the next meeting is crowded, the Board Chairman may, at his discretion, place the request for hearing at the following meeting.

- c) *Time Limits for Presentations.* An individual appearing before the Board shall be allotted three (3) minutes to make their presentation if speaking on their own behalf and five (5) minutes to make their presentation if speaking on behalf of a group or organization.
7. **EMERGENCY OR SPECIAL MEETINGS.** Special Meetings of the District Board of Commissioners can be called by the Chairperson, or by the Fire Chief when requested by a majority of the Board, or by majority of the Board itself. Actions at Special Meetings, including Emergency Meetings, have the same force and effect as actions at Regular Meetings. Public notice of any meeting other than a Regular Meeting, or any recessed or reconvened meeting of the Board, shall be published at least seven (7) days prior to such meeting in a newspaper of general circulation in Okaloosa County, Florida, unless a bonafide emergency situation exists, in which case a meeting to deal with the emergency may be held with reasonable notice. In such an event, the Board will notify the news media that an Emergency Meeting has been scheduled, giving the time, place and an invitation to attend the meeting.
8. **PARLIAMENTARY PROCEDURE.** All meetings of the District Board of Commissioners shall be conducted in accordance with the procedures of Roberts Rules of Order.

**POLICY NUMBER OCW 1.5**

**FIRE DISTRICT SAFETY**

REFERENCE: Ch. 99-478, §6(5) Laws of Florida  
ADOPTING RESOLUTION: 2017- 02  
POLICY HISTORY: Adopted March, 2017

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1. The Board of Fire Commissioners declare that the primary purpose of the Fire District is to prevent both the loss of life and property. It is the responsibility of every fire department member to perform their duties in a safe and professional manner. Accordingly, the Board expects every employee to be properly trained and equipped to perform their duties.
2. The Board recognizes the inherent hazardous nature of the firefighting profession and it is the policy of this Board to provide the best possible training and equipment to District employees within reasonable budgetary limits. Members of the fire department are encouraged to bring any unsafe condition to the attention of the Fire Chief, who will work with the Board to eliminate any unsafe conditions to the maximum practical extent possible.
3. Safety will be stressed during all training and during the conduct of any emergency operations.
4. In accordance with §633.522, *Florida Statutes*, the District shall at all times have a Workplace Safety Committee whose membership shall include an equal number of representatives of management and fire-fighting employees of the District. The Fire Chief, in coordination with the Workplace Safety Committee, shall develop and publish a District Safety Manual to implement an employer integrated safety and health program.

**POLICY NUMBER OCW 1.6**

**POLICY ADOPTION GUIDELINES**

REFERENCE: Ch. 99-478, §6(5), Laws of Florida and §191.006, *Florida Statutes*  
ADOPTING RESOLUTION: 2017-02  
POLICY HISTORY: Adopted March, 1993  
Amended February 2, 2017;  
Re-adopted March 2017

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1. **GENERAL POWER TO ADOPT POLICIES.** The District Board of Commissioners shall have the authority to adopt those policies not inconsistent with Florida law, as it may deem necessary in the transaction of its business, and in carrying out the provisions of the District’s enacting law.
2. **PROCEDURES FOR POLICY ADOPTION, REPEAL OR AMENDMENT.** All policies shall be adopted, repealed or amended by Resolution of the Fire District Board of Commissioners following the procedures as established under the provisions of this policy.
3. **PUBLIC NOTICE OF PROPOSED POLICY ADOPTION.** Prior to the adoption, amendment, or repeal of any District policy, notice shall be given to the public and to the members of the District Board of Commissioners stating the intended action, and setting forth a short and plain explanation of the purpose and effect of the proposed policy. Such Notice shall be by posting at the main fire station of the District in the area provided for public notices at least seven (7) days prior to the Board Meeting in which such action is intended to be taken. The proposed action shall also be properly published on the Meeting agenda.
4. **FORM OF DISTRICT POLICIES.** All policies adopted by the District Board of Commissioners shall be prepared in the following form:
  - a) provide a policy number;
  - b) provide the title of the policy;
  - c) provide a reference to the Board Resolution under which the policy it is adopted;
  - d) if a policy is implementing or interpreting a law, reference to that law shall be made; and,
  - e) a brief history of the policy’s adoption, amendment or repeal shall be stated.

**STANDARD OPERATING PROCEDURES.** The Fire Chief of the District shall have the authority to develop, implement and enforce Standard Operating Procedures (“S.O.P.’s”) to implement Board policies and the provisions the of the District’s Charter under Ch. 99-478, Laws of Florida. Such S.O.P.’s shall be consistent with the Board policy and/or Charter provision being implemented.

**POLICY NUMBER OCW 1.7**

**CODE OF ETHICS**

REFERENCE: Ch. 99-478, §6(5), Laws of Florida,  
Ch. 112, *Florida Statutes*;  
Attorney General’s Opinion 074-169

ADOPTING RESOLUTION: 2017- 02

POLICY HISTORY: Adopted March, 1993;  
Amended and re-adopted March, 2017

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1. CODE OF ETHICS OF BOARD MEMBERS. The members of the Board of Commissioners of the District shall comply fully with all ethical standards and requirements of Chapter 112, *Florida Statutes*. These requirements include but are not limited to, the submission of annual financial disclosure forms to the Supervisor of Elections, compliance with voting conflict requirements of the law, and adherence to the provisions controlling solicitation or acceptance of gifts.
2. CODE OF ETHICS OF FIRE CHIEF. The Fire Chief of the Ocean City-Wright Fire Control District shall be required to submit the annual financial disclosure form to the local Supervisor of Elections as required under Ch. 112, *Florida Statutes*.
3. PROHIBITION OF PERSONAL GAIN FOR NON-DISTRICT PURPOSES. Employees of the District are prohibited from using District property, equipment, facilities or regular work hours excluding “down time”, for purposes other than the direct and faithful fulfillment of their employment obligations with the District without the express permission of the District Board of Commissioners or its designee. Violation of this provision constitutes misconduct in office, and may result in the termination of employment.

**POLICY NUMBER OCW 1.8**

**SMOKING AND USE OF TOBACCO PRODUCTS**

REFERENCE: Ch. 99-478, §6(5), Laws of Florida; Ch. 386, Part II, *Florida Statutes* (Florida; Clean Indoor Air Act) and §69A-62.024, Florida Administrative Code

ADOPTING RESOLUTION: 2017- 02

POLICY HISTORY: Adopted August, 1993; Revised December 2016; Re-adopted March 2017

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1. **GENERAL PROHIBITION.** In accordance with the provisions of the Florida Clean Indoor Air Act and Section 69A-62.024.FAC, smoking (possession of lighted tobacco products, including cigarettes, cigars, pipe tobacco, or any other lighted tobacco product) or the use of tobacco products, shall be prohibited in all firefighters places of employment which includes all buildings or other areas owned, operated, occupied or used by the Fire District on a routine basis.
2. **USE OF TOBACCO PRODUCTS.** Smoking and/or the use of any tobacco product (including smokeless or non-lighted tobacco products) is prohibited in all Ocean City-Wright Fire Control District buildings, facilities and other areas owned, operated, occupied or used by the Fire District on a routine basis. Additionally, smoking and/or the use of tobacco products is prohibited in all Ocean City-Wright Fire Control District fire apparatus vehicles.
3. **TOBACCO DEFINED.** For the purposes of this policy, “tobacco” is defined to include products that include or are derived from tobacco and are intended or expected for human use or consumption, including but not limited to, any lighted or unlighted cigarette, cigar, pipe, bidi cigarette, clove cigarette, and any other smoking product, and electronic nicotine delivery device or “vape”, and spit tobacco, also known as smokeless, dip, chew and snuff, in any form.
4. **NOTICE.** The Fire Chief shall cause signs to be posted in or on all Fire District owned buildings and other facilities that smoking or use of tobacco products is prohibited in the facility or on the property.

**POLICY NUMBER OCW 1.9**

**MUTUAL AID**

REFERENCE: Ch. 99-478, §6(5), Laws of Florida; 191.006(5), Florida Statutes  
ADOPTING RESOLUTION: 2017- 02  
POLICY HISTORY: Adopted March 2017

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1. It is the policy of the Ocean City-Wright Fire Control District to provide emergency assistance to other community fire departments/districts or agencies regardless of the existence of a mutual aid agreement with this District.
2. The Fire Chief or his designee(s) may dispatch fire equipment and/or personnel to neighboring communities, including State and Federal requests, to assist in saving life or property providing that:
  - a) Emergency assistance is requested by a recognized governmental official or agency; and,
  - b) Personnel and equipment are available to assist without jeopardizing fire protection within the District.

## **POLICY NUMBER OCW 1.10**

### **DISPLAY OF THE FLAG OF THE UNITED STATES OF AMERICA**

REFERENCE: Ch. 99-478, §6(5), Laws of Florida  
ADOPTING RESOLUTION: 2017- 02  
POLICY HISTORY: Adopted March 2017

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1. The flag of the United States of America shall be displayed at each District fire station as follows:
  - a) The flag to be used at each fire station shall be made of nylon, acrylic or other suitable all-weather material and shall be at least 3' x 5' in size.
  - b) The flag will be flown 365 days a year, on a 24 hour basis. The flag will be under lights during all hours of darkness.
  - c) The station Officer In Charge (OIC) will observe the flag on a daily basis to insure that it is properly flag staffed and is in serviceable condition. Unserviceable flags will be taken down and replaced with a new flag. Replacement flags are on hand at the District's administrative office.
  - d) The flag may be lowered and secured inside each fire station during severe weather storms. It will be raised again as soon as the weather has cleared.
  - e) The flag may be flown at half-staff at the direction of authorized federal or state government officials. The flag will be taken back to full flag staff, when the proclamation period has ended.

## **POLICY NUMBER OCW 1.11**

### **PUBLIC RECORDS**

REFERENCE: Ch. 99-478, Laws of Florida, §191.006, Florida Statutes, and Ch. 119, *Florida Statutes*

ADOPTING RESOLUTION: 2017-02

POLICY HISTORY: Adopted March 2017

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#### **1. PURPOSE**

The Ocean City Wright Fire Control District ("District") fully embraces the letter and spirit of the Florida Public Records Law, Chapter 119, *Florida Statutes*, governing the public's right to access records held by the District. In support of the public's right to access such records, the District hereby establishes the following public records policy. The guidelines developed below are set forth to inform and guide District staff in the implementation of the Public Records Law and provide uniformity in providing access and charging fees for inspection and copies of public records.

#### **2. SCOPE**

This policy outlines legal requirements, responsibilities, and describes procedures for providing access to public records. This policy applies to all activities which involve public records requests. This process complements the requirements of the Public Records law and other District policies.

#### **3. GENERAL LEGAL REQUIREMENTS**

- a) Public records ("records") held by the District, and its officers and employees, shall be available, in any form and format used by the District, to all persons for inspection or copying under the supervision of the Fire Chief or his designee during the District's normal business hours, Monday through Friday 8:00 a.m. until 4:00 p.m. A request to inspect or copy public records can be denied only under the authority of a specific statutory exemption. If a public record contains both exempt and non-exempt information, that which is exempt must be redacted and the remainder of the record provided to the requester. § 119.01(d), *Florida Statutes*
- b) Copies of public records will be made available to the public in the format requested providing the District stores or maintains the records in the requested

format. Fees to be charged for providing access to public records must be in accordance with § 119.07(4), *Florida Statutes*, as explained below. If the nature or volume of records requested to be inspected or copied is such as to require extensive use of District technology resources or extensive clerical or supervisory assistance by District employees, or both, a special service charge will be imposed. This charge must be reasonable and be based on the actual costs incurred for such extensive use of technology resources or the actual labor costs of the employees providing such assistance, or both.

#### **4. RESPONSIBILITIES**

The Fire Chief or his designee must be notified immediately when any District official or employee receives a request to inspect or copy public records. The Fire Chief or his designee, will promptly respond to the request. The Fire Chief or his designee will act as the conduit for the release of all public records and facilitate payment for any fees or charges. When the request is only to inspect records, the Fire Chief or his designee will facilitate the public inspection of said records.

#### **5. PUBLIC RECORDS REQUESTS**

- a) Requests for records may be made in writing, by electronic mail, telephone, fax, letter, or in person. The requesters do not have to identify themselves or state the reason they desire the records. As a general rule, the public records law does not require that a request for public records be in writing or in person, although individuals may wish to make their request in writing to ensure they have an accurate record of what they requested.
- b) District officials and employees, who receive a request to inspect or copy public records, must submit such requests to Fire Chief, at (850) 862-1185 or email [chief@ocwfgd.org](mailto:chief@ocwfgd.org) and [admin@ocwfgd.org](mailto:admin@ocwfgd.org).
- c) Requests for records must be accepted and records made accessible for inspection or duplication during normal business hours.
- d) Inspection and examination must be allowed as soon as reasonably possible after receiving the records request.
- e) A request to inspect or copy the District's public records cannot be denied because of a lack of specifics in the request. If a request to inspect or copy public records is vague, the requester can be asked to clarify the request.
- f) The Public Records Act does not contain a specific time limit for compliance with public records requests, however, the only delay in producing records permitted under Chapter 119, Florida Statutes, "is the reasonable time allowed to retrieve the record, to review the record for exempt information, and redact

those portions of the record which are exempt." Many factors determine the "reasonable" period of time in which the requested information can be provided: the nature of the request, the time involved in collecting and generating the requested information, the scope and volume of the material involved, the general accessibility of the records, the personnel required to process the request and the information resources necessary to collect or generate the requested information.

- g) If it is determined that a record or part of a record is exempt from inspection and copying, and the request is then denied, the basis for the denial, including the statutory citation to the exemption, must be communicated to the requester.
- h) All past due fees for records compiled for a previous request for the District's public records must be paid before complying with the requester's subsequent request(s).

## 6. PUBLIC RECORDS FEES AND CHARGES

- a) The following fees and charges are designed to ensure that the District is consistent in its application of the law and District rules, which allow the recovery of duplication costs and a special service charge for the extensive use of District resources in complying with requests to inspect or copy the District's public records. A service charge for the extensive use of District resources will be imposed if a request to inspect or copy public records takes more than 30 minutes to locate, review and/or redact exempt information, and copy the requested public records.

### (1) **Duplication Costs** – Duplication costs shall be charged as follows:

- (a) Paper copies – Paper copies up to 8 ½ x 14 inches (letter and legal) must be provided at a cost of 15¢ per one-sided copy and 20¢ per double-sided copy. The cost of providing a certified copy of a record shall be \$1.00 per page.
- (b) Actual Cost of Duplication – For all other copies – larger size paper, audio tape, video tape, CD, DVD, thumb drive, etc. – the cost to the requester will be no more than the actual cost of the materials used to duplicate the record.
- (c) Requesters Making Their Own Copies – A requester making his/her own copies or providing copying materials cannot generally be charged for the cost of making the copies. However, a service charge may be imposed if supervision of those making their own copies requires an extensive use of the District's resources.
- (d) Requester provided media – The District will not accept Compact

Discs (CD), Digital Video Discs (DVD) or thumb drives due to concerns relating to contracting computer viruses.

- (e) Electronic Files – Electronic files sent via email to a requester will be provided at no charge.
- (2) **Extensive Use Charges** – A special service charge for the extensive use of District resources will be applied in compliance with the following guidelines. Costs are billed in quarter hour increments.
- (a) Labor Costs – When more than thirty (30) minutes of clerical and/or supervisory time is spent in response to a request to inspect or copy the District's public records, a special service charge will be applied, which is based on the hourly rate of the lowest paid employee(s) capable of performing tasks associated with the request. If the employee is not paid hourly, then the hourly cost will be the annual salary of the employee divided by 2,080 (52 weeks times 40 hours per week).
  - (b) Technology Resource Costs – Technology resources include use of personal computers, microfiche readers, or other office machinery. A special service charge shall be collected if the time reasonably required to produce or display the record is over thirty (30) minutes.
- (3) **Shipping** – U.S. postage or other shipping costs incurred in the delivery of records shall be included in the costs charged to the requester. Such charges will be waived if the requester provides a postage-paid envelope or other means of shipping.
- (4) **Fee Collection and Processing-**
- (a) When all allowable fees and charges applicable to a particular records request can be calculated in advance, and those fees and charges total more than \$25.00, the fees and charges must be collected in advance. If fees and charges are to be collected in advance, an invoice detailing all fees and charges must be provided to the requester.
  - (b) When actual allowable fees and cost(s) cannot be calculated in advance, a written estimate of all fees and cost(s) must be given to the requester and one-half of the estimated cost(s) must be collected in advance. If the requester accepts the estimate and prepays half of the estimated cost(s); the District will proceed with the request and furnish the records upon receipt of the balance due.

- (c) No sales tax is currently charged on public records fees.
- (d) The District accepts checks or money orders, made payable to the Ocean City Wright Fire Control District. Payments may be made in person at the Main Fire Station, 2 Racetrack Rd NE, Fort Walton Beach, FL 32547, or mailed.

**(5) Public Records Exemptions**

- (a) The District is responsible for protecting information defined as confidential or as otherwise exempt from public inspection or copying under the Public Records Law. Questions regarding public record exemptions and application should be directed to the Fire Chief or his designee.
- (b) Confidential and/or exempt information must be deleted or redacted from records prior to inspection, examination, or distribution of copies of the nonexempt portions. Charges for the use of District resources to redact the confidential and/or exempt information may be levied according to the above guidelines.

## **POLICY NUMBER OCW 2.1**

### **RULES FOR PURCHASING**

REFERENCE: Ch. 99-478, §6(5), Laws of Florida; §191.006(5), *Florida Statutes*

ADOPTING RESOLUTION: 2017- 02; 2018-01

POLICY HISTORY: Adopted March 1993; Amended March 1995; June 2007; June 2008; December 2008; January 2015; September 2015; Amended and re-adopted March 2017; Amended January 2018

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1. **REQUIREMENT FOR REQUESTING BIDS.** Except as otherwise provided by this policy, bids shall be requested from three (3) or more sources for any authorized purchase or contract for services exceeding fifteen thousand dollars (\$15,000.00).
  - a) Formal Invitations to Bid (ITB) or Request for Proposal (RFP) shall be requested from three (3) or more sources for any authorized purchase of any item or group of similar items or contract for services exceeding fifteen thousand dollars (\$15,000.00) unless exempted by this Policy. All ITB or RFP awards require District Board of Commissioner approval when the amount exceeds \$15,000.00.
  - b) Informal Request for Quotations (RFQ) shall be requested in writing from three (3) or more sources for any authorized purchase of any item or group of similar items or contract for services from \$10,000.00 to \$14,999.99 unless otherwise exempted by this Policy.
  - c) When the District is seeking to construct or improve a public building, structure, or other public construction works, this subsection expressly allows contracts for construction management services, design/build contracts, continuation contracts based on unit prices, and any other contract arrangement with a private sector contractor permitted by District resolution, or by state law. The selection of a service provider will be pursuant to the process provided by § 287.055, *Florida Statutes*.
  - d) No purchase orders shall be split in order to avoid compliance with the above policies.
  - e) The following notice shall be included in all solicitations for bids or proposals: “Failure to file a protest within the time prescribed in § 120.57(3), *Florida Statutes*, shall constitute a waiver of proceedings under Chapter 120, *Florida Statutes*.”
2. **STANDARDS AND SPECIFICATIONS FOR BIDS,** Before making any purchase or contracting for services which shall exceed the dollar amount requiring bids as established

herein, the Fire Chief of the Ocean City-Wright Fire Control District, or their designee, insofar as possible, shall propose and develop standards and specifications for the commodities to be purchased or the services to be contracted. It shall be the responsibility of the Fire Chief to see that the purchase or contract conforms to those standards and specifications and that the maximum value is being received for any District money expended.

3. RECEIPT AND OPENING OF BIDS. All bids shall be received, publicly opened and tabulated at a designated time and place by a committee consisting of not less than three (3) persons named by the Chairperson of the District Board of Commissioners.

a) In acceptance of responses to invitations to bid (ITB), the District Board of Commissioners may award contracts on the basis of the lowest and best bid from a responsive and responsible bidder which meets specifications with consideration being given to the specific quality of the product, conformity to the specifications, suitability to District needs, delivery terms, and service and past performance of the vendor. For identical, qualified bids, the recommendation shall be made for a local vendor or, if there is none, by casting lots. Samples of products may be requested when practical.

b) In acceptance of responses to requests for proposals (RFP), the District Board of Commissioners may award contracts to one or more responsive, responsible proposers in accordance with the selection criteria published in the request for proposal and reserves the right to further negotiate contract terms with selected vendor(s). The District Board of Commissioners shall reserve the right to reject any and all proposals and may waive any minor irregularity or technicality in proposals received that in its judgment will be in the best interest of the District.

c) Bid and proposal tabulations with recommendations for awards will be posted for review by interested parties at Station No. 1, indicating the date of posting and will remain posted for a period of three (3) business days. This notice will include the language in (1)(e) above.

4. REJECTING BIDS. The District Board of Commissioners shall have the authority to reject any or all bids and to request new bids and may waive any minor irregularity or technicality in bids received that in its judgment will be in the best interest of the District. In acceptance of bids, the District Board of Commissioners shall accept the lowest and/or best bid considering, in such evaluation, the best interest of the District.

5. EXCEPTIONS FROM BIDS.

a) The requirement for requesting bids from three (3) or more sources is hereby waived for:

(1) The purchase of professional or educational services, printed instructional materials, computer software, films, videotapes, disc or tape recordings, or

similar instructional or training audio-visual materials and for other such materials when they are purchased directly from the producer or publisher, the owner of the copyright, an exclusive agent within the state of Florida, a governmental agency, or a recognized educational association or institution.

- (2) Professional services, including, but not limited to, attorneys, auditors, management consultants, architects, engineers and land surveyors. Services of architects, engineers and land surveyors shall be selected and negotiated according to §287.055, *Florida Statutes*.
  - (3) The items to be purchased are selected from a state approved vendor, based upon the state price list.
  - (4) The items to be purchased and selected from a vendor who has a contract with another state or local governmental agency which was procured by a competitive bid process and which contract or bid contains an express provision allowing a tag-on bid.
  - (5) The purchase of mechanical repair and/or maintenance services on fire engines or fire apparatus vehicles.
  - (6) The purchase of commodities, parts or contractual services when the District Board of Commissioners determines, based on written documentation, that the commodities, parts or contractual services being sought are available only from a single source, or if a determination is made, by the District Board of Commissioners, that the commodities, parts or services being sought, in order to insure compatibility with the commodities, parts or contractual services currently being used by the District, are not available through any other distributor or manufacturer and therefore are available only from a single source.
  - (7) The items to be purchased are selected from a Federal Government General Services Administration (“GSA”) approved vendor, based upon the GSA price list.
- b) The requirement for requesting bids and making purchases as set forth in Section 1 hereof is waived when the following conditions have been met:
- (1) Bids have been requested in the manner prescribed by this rule and;
  - (2) The District Board of Commissioners has made a finding that no valid or acceptable firm bid has been received within the prescribed time.

6. EMERGENCY BID PROCEDURES.

- a) Emergency bids, if approved by the Chairperson of the District Board of Commissioners, may be requested by telephone or in writing and returned as the emergency requires.
- b) Competitive price quotations shall be sought from three (3) or more potential sources. Telephone quotations shall be filed in the office of the Fire Chief in written form no later than five (5) working days after receipt of verbal quotations.
- c) All emergency bids shall be tabulated and presented to the Chairperson of the District Board of Commissioners who may approve the award of the bid to the lowest and/or best bidder.
- d) The Fire Chief shall submit the bid tabulation and bid award to the District Board of Commissioners at its next regularly scheduled meeting for action. Official minutes of the Board shall show the nature of the emergency and why the regular bid procedure as prescribed herein, would have caused a delay which would have been contrary to the best interest of the Fire District.

7. PURCHASE ORDERS.

- a) All purchases to be paid for by the Fire District may not be made until a Purchase Order has been properly signed by the Fire Chief.
- b) No purchase or obligation to buy is to be made without first securing such a purchase order. Exceptions to the requirement for the issuance of a purchase order shall be for the payment of utility bills and professional services.
- c) The Fire Chief, with the approval of the District Board of Commissioners shall have the authority to establish open purchase orders on an annual basis for the ongoing frequent purchase of supplies or services falling below the minimum dollar amount requiring bids when such purchase orders are found by the District Board of Commissioners to increase the efficiency of the day to day operations of the District and are also found to be in the best interest of the District.

8. NOTICE FOR BIDS. It shall be the responsibility of the Fire Chief, or their designee, to prepare a written notice of taking bids and cause the same to be published in a newspaper located in Okaloosa County, Florida, once a week for at least two (2) consecutive weeks prior to receiving bids, with the last such publication being made no later than seven (7) days prior to the date established for receiving bids and/or alternatively implement an on-line electronic bidding procedure consistent with the same notice timeframes set forth herein.

## POLICY NUMBER OCW 3.1

### INVENTORY AND SURPLUS PROPERTY DISPOSAL

REFERENCE: Ch. 99-478 §6(5), Laws of Florida; §191.006(5), *Florida Statutes* and Ch. 274, *Florida Statutes*  
ADOPTING RESOLUTION: 2017- 02  
POLICY HISTORY: Adopted March, 1993; amended May, 2010;  
Amended and re-adopted March 2017

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1. INVENTORY SYSTEM. An Inventory system shall be maintained by the District which will assure control of District properties. The system shall include a method for marking, when practicable, all equipment and properties of the District.
2. PROPERTY CUSTODIAN. The Fire Chief shall be the designated custodian of facilities, equipment and properties of the District. He shall be responsible for the maintenance, safekeeping, proper use and disposal of the properties.
3. ANNUAL INVENTORY. The Fire Chief shall insure that an annual physical inventory of District properties is taken and the date thereof entered on the Inventory records in compliance with requirements of the state Auditor General.
4. PROPERTY VALUE AND DISPOSAL.
  - a) Equipment and other tangible personal properties of a non-consumable nature, acquired by the District which have a value in excess of \$1,000.00, and a life expectancy of more than one year, will be entered into the District inventory system. Such items, when no longer functional in support of the District's operations, or which are obsolete or uneconomical or inefficient to continue in use, will be disposed of by approval of the Board upon recommendation of the Fire Chief. Such disposition shall be in accordance with Florida laws pertaining to disposal of properties. An on-line auction service may be used in the process to dispose of surplus equipment and other tangible personal property.
  - b) Equipment and other tangible personal properties of a non-consumable nature, acquired by the District with a value of less than \$1,000.00, and a normal life expectancy of less than one year, will not be entered into the District inventory system. These items, when no longer functional or economically repairable, will be stripped of any useable parts and disposed of by junking, upon approval of the Board.
  - c) Equipment and other tangible personal properties of the non-consumable nature, donated to the District for the specific, designated purpose of cannibalization in

support of training programs will not be entered into the District inventory system. These items will be cannibalized and any remaining unusable parts will be junked.

5. TIRE DISPOSAL. When tires on any District vehicle or other District equipment are determined by the Fire Chief to be non-functional, or the continued use of which would be inefficient and unsafe, and are therefore replaced, the used tires shall be left for disposal with the tire vendor who provides the new tires.
6. PROPERTY TO BE EXCHANGED. When any property of the District is to be exchanged with a Vendor in the course of acquisition of new property, such exchange must first be approved by the Board and such equipment shall be removed from inventory.

## POLICY NUMBER OCW 3.2

### SURPLUS REAL PROPERTY DISPOSAL

REFERENCE: Ch. 99478 §6(5) and (7), Laws of Florida and  
§§191.006(5) and (7), Florida Statutes

ADOPTING RESOLUTION: 2017- 02

POLICY HISTORY: Adopted March, 2016;  
Re-adopted March 2017

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1. DISTRICT SURPLUS REAL PROPERTY: The Fire Chief may, from time to time, recommend to the Board of Fire Commissioners the disposal of District real property which is unneeded for immediate or foreseeable future use by the Board of Fire Commissioners. The Fire Chief shall submit a report and recommendation to the Board of Fire Commissioners for review and determination whether the parcel is unneeded for the immediate and future use by the District and should be declared surplus. No property shall be considered as unneeded for the immediate and future use by the District if the District has any existing or projected use for the property.
2. DISPOSITION PROCEDURES: Upon the Board of Fire Commissioners determining the parcel to be surplus real property, the Fire Chief shall proceed with the procedures set forth below to dispose of such surplus real property:
  - a) The Fire Chief shall secure one independent appraisal of the property by an appraiser qualified to conduct appraisals within the State of Florida by general law.
  - b) Any District real property declared to be surplus by the Board of Fire Commissioners may be disposed of in a manner as determined by the Board of Fire Commissioners to be in the best interest of the District in order to maximize the amount received over a reasonable period of time, including but not limited to, exchange, sealed bid, auction, and/or negotiated/brokered sale.
  - c) Once a contract for sale has been negotiated to the satisfaction of the Fire Chief and proposed purchaser, the Fire Chief shall cause said contract to be submitted to the Board of Fire Commissioners for its review and approval.
3. CONTRACT FOR SALE; BOARD REVIEW AND APPROVAL: The Board of Fire Commissioners shall review any proposed contract for sale and make a determination as to whether said contract is approved or disapproved.
  - a) Approval shall be made based upon consideration of best price and other relevant factors found to be in the best interest of the District, in the exclusive discretion of

the Board of Fire Commissioners. The Board of Fire Commissioners shall approve by Resolution the contract for sale of any land of the District. At any time before the Board of Fire Commissioners approves any contract for sale, the Board of Fire Commissioners reserves the right to reject all offers, proposals or negotiated contracts for sale of surplus real property.

- b) Once the Board of Fire Commissioners approves a contract for sale of surplus real property, the subject property may then be sold according to the terms of said contract. The Board of Fire Commissioners, by Resolution, shall authorize the Board Chairman to convey title in and to such property to the purchaser thereof and to execute a proper conveyance thereof.

- 4. ADMINISTRATIVE PROCEDURES: The Board of Fire Commissioners shall have the authority to establish any administrative procedures necessary to carry out the intent of this policy.

**POLICY NUMBER OCW 4.1**

**EMPLOYMENT OF RELATIVES**

REFERENCE: Ch. 99-478, §6(5), Laws of Florida; and §191.006(5),  
*Florida Statutes*  
ADOPTING RESOLUTION: 2017- 02  
POLICY HISTORY: Adopted March, 1993;  
Amended and re-adopted March 2017

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1. **EMPLOYMENT OF RELATIVES.** The Fire Chief shall not recommend for employment, any of the following relatives of his/hers or any other employee of the District: father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother or half-sister, Any such individual employed by the District on the date of the adoption of this rule shall be grandfathered in for such employment purposes.

**POLICY NUMBER OCW 4.2**

**PAID TIME OFF (PTO) AND OTHER LEAVE**

REFERENCE: Ch. 99-478, Laws of Florida and §191.006(5), Florida Statutes  
ADOPTING RESOLUTION: 2017-02  
POLICY HISTORY: Adopted March 2017

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1. Paid Time Off (PTO) and other forms of leave shall be earned and accrued by the District’s administrative personnel as follows:

a) **PAID TIME OFF (PTO)**

Paid Time Off (PTO) will be accumulated each pay period as follows:

|                           |  |
|---------------------------|--|
| <b>DEPUTY FIRE CHIEF:</b> | Weekly Employee- 11 Hours Max 600 Hours<br>Shift Employee – 13 hours Max 600 |
| <b>DIVISION CHIEF:</b>    | Weekly Employee- 8 Hours Max 500 Hours<br>Shift Employee – 13 hours Max 500  |
| <b>BATTALION CHIEF:</b>   | Weekly Employee- 8 hours Max 500 Hours<br>Shift Employee – 13 hours Max 500  |
| <b>ADMINISTRATION:</b>    | Weekly Employee- 8 Hours Max 500 Hours                                       |

Any unused PTO, up to the maximum, will be paid upon resignation, retirement, disability or death.

b) **SICK LEAVE**

As of October 1, 2014, Sick Leave is no longer accumulated. However, any unused Sick Leave balance may be used until exhausted. Payment for any unused Sick Leave, up to the maximum accrual, will be made only upon resignation, retirement, disability or death. Sick Leave maximum accrual balances are:

|                           |           |
|---------------------------|-----------|
| <b>DEPUTY FIRE CHIEF:</b> | 700 Hours |
| <b>DIVISION CHIEF:</b>    | 600 Hours |
| <b>BATTALION CHIEF:</b>   | 600 Hours |
| <b>ADMINISTRATION:</b>    | 500 Hours |

c) **COMPASSIONATE LEAVE**

Administrative personnel shall receive five (5) days of Compassionate Leave for a family member death. This period of Compassionate Leave may be extended at the discretion of the Fire Chief.

## POLICY NUMBER OCW 4.3

### FAMILY AND MEDICAL LEAVE

REFERENCE: 29 CFR Part 825, Ch. 99-478, Laws of Florida and §191.006(5), *Florida Statutes*  
ADOPTING RESOLUTION: 2017-02  
POLICY HISTORY: Adopted March 2017

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#### 1. Family and Medical Leave

- a) In accordance with the Family Medical Leave Act (FMLA), this policy outlines the conditions under which an employee may request time off for a limited period of time for certain family and medical reasons.
- b) The following definitions apply to the terms used in this Family and Medical Leave policy:
  - (1) *Child* – Except as otherwise noted in this policy, “child” means a biological, adopted or foster child; a stepchild; a legal ward; or a child of a person standing in loco parentis (in the place of a parent) and who is either under the age of eighteen (18) or, if older than the age of eighteen (18), is incapable of self-care because of a mental or physical disability.
  - (2) *Covered Active Duty* – the term “covered active duty” means:
    - (a) In the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country.
    - (b) In the case of a member of the reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty.
  - (3) *Covered Service Member* – the term “covered service member” means:
    - (a) 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 otherwise on the temporary disability retired list, for a serious injury of illness; or
    - (b) A veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces

(including a member of the National Guard or Reserves) at any time during the period of five (5) years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

- (4) *Intermittent Leave* – “Intermittent leave” is leave taken in separate blocks of time.
- (5) *Next of Kin* – The “next of kin” of a military service member means the nearest blood relative other than the service member’s spouse, parent or child, in the following order of priority (unless the service member has specifically designated in writing another blood relative as his nearest blood relative for purposes of military caregiver): (1) blood relatives who have been granted legal custody of the service member, (2) brothers and sisters, (3) grandparents, (4) aunts and uncles and (5) first cousins.
- (6) *Parent* – Parent means a biological, adoptive, step or foster parent, or any other individual who stood in loco parentis (in the place of a parent) to the employee when the employee was a child. Parent does not include parents “in-law.”
- (7) *Qualifying Exigency* – the term “qualifying exigency” means:
  - (a) To address any issue that arises from the fact that the military member is notified of an impending call or order to covered active duty seven (7) or less calendar days prior to the date of deployment. Leave taken for this purpose can be used for a period of seven (7) calendar days beginning on the date the military member is notified of an impending call or order to covered active duty.
  - (b) To attend any official ceremony, program, or event sponsored by the military that is related to the covered active duty or call to covered active duty status of the military member.
  - (c) To attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the covered active duty or call to covered active duty status of the military member.
  - (d) To arrange for alternative childcare for a child of the military member when the covered active duty or call to covered active duty status of the military member necessitates a change in the existing childcare arrangement.

- (e) To provide childcare for a child of the military member on an urgent, immediate need basis (but not on a routine, regular, or everyday basis) when the need to provide such care arises from the covered active duty or call to covered active duty status of the military member.
- (f) To enroll in or transfer to a new school or day care facility a child of the military member when enrollment or transfer is necessitated by the covered active duty or call to covered active duty status of the military member.
- (g) To attend meetings with staff at a school or a daycare facility, such as meetings with school officials regarding disciplinary measures, parent-teacher conferences, or meetings with school counselors, for a child of the military member, when such meetings are necessary due to circumstances arising from the covered active duty or call to covered active duty status of the military member.
- (h) To make or update financial or legal arrangements to address the military member's absence while on covered active duty or call to covered active duty status, such as preparing and executing financial and healthcare powers of attorney, transferring bank account signature authority, enrolling in the Defense Enrollment Eligibility Reporting System (DEERS), obtaining military identification cards, or preparing or updating a will or living trust.
- (i) To act as the military member's representative before a federal, state, or local agency for purposes of obtaining, arranging, or appealing military service benefits while the military member is on covered active duty or call to covered active duty status, and for a period of ninety (90) days following the termination of the military member's covered active duty status.
- (j) To attend counseling provided by someone other than a health care provider, for oneself, for the military member, or for the child of the military member, who is either under age eighteen (18), or age eighteen (18) or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence, provided that the need for counseling arises from the covered active duty or call to covered active duty status of the military member.
- (k) To spend time with the military member who is on short-term, temporary, Rest and Recuperation leave during the period of deployment. Leave taken for this purpose can be used for a period of fifteen (15) calendar days beginning on the date the military member commences each instance of Rest and Recuperation leave.

- (l) To attend arrival ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of ninety (90) days following the termination of the military member's covered active duty status.
- (m) To address issues that arise from the death of the military member while on covered active duty status, such as meeting and recovering the body of the military member, making funeral arrangements, and attending funeral services.
- (n) To arrange for alternative care for a parent of the military member when the parent is incapable of self-care and the covered active duty or call to covered active duty status of the military member necessitates a change in the existing care arrangement for the parent.
- (o) To provide care for a parent of the military member on an urgent, immediate need basis (but not on a routine, regular, or everyday basis) when the parent is incapable of self-care and the need to provide such care arises from the covered active duty or call to covered active duty status of the military member.
- (p) To admit to or transfer to a care facility a parent of the military member when admittance or transfer is necessitated by the covered active duty or call to covered active duty status of the military member.
- (q) To attend meetings with staff at a care facility, such as meetings with hospice or social service providers for a parent of the military member, when such meetings are necessary due to circumstances arising from the covered active duty or call to covered active duty status of the military member but not for routine or regular meetings.
- (r) To address other events which arise out of the military member's covered active duty or call to covered active duty status provided that the District and employee agree that such leave shall qualify as an exigency, and agree to both the timing and duration of such leave.
- (8) *Reduced Work Schedule Leave* – “Reduced work schedule leave” is a leave schedule that reduces an employee’s usual number of hours per workweek or hours per work day.
- (9) *Serious Health Condition* - A "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves either: (1) inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential

medical care facility, including any period of incapacity (i.e., the inability to work, attend school or perform other regular daily activities), or any subsequent treatment in connection with the inpatient care; or (2) continuing treatment by health care provider, as defined by the FMLA and the pertinent regulations.

(10) *Serious injury or illness:*

- (a) In the case of a current member of the Armed Forces, a “serious injury or illness” means an injury or illness incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in line of duty on active duty in the Armed Forces) that may render the member medically unfit to perform the duties of the member’s office, grade, rank, or rating.
- (b) In the case of a covered veteran who was a member of the Armed Forces, a “serious injury or illness” means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran and is: (i) a continuation of a serious injury or illness that was incurred while the veteran was a member of the Armed Forces; (ii) a physical or mental condition for which the veteran has received a Service-Related Disability Rating from the Dept. of Veterans Affairs; (iii) a physical or mental condition that substantially impairs the covered veteran’s ability to secure or follow a gainful occupation; (iv) an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Dept. of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.
- c) Employees who have worked for the District for at least twelve (12) months (which need not be consecutive) and at least 1,250 hours during the preceding twelve (12) months may:
  - (1) Take up to twelve (12) weeks of unpaid leave (60 days) in a twelve (12) month period for any one, or a combination of, the following reasons:
    - (a) The birth of the employee’s child or to care for the newborn child.
    - (b) The placement of a child with the employee for adoption or foster care or to care for the newly placed child.

- (c) To care for the employee's spouse, child or parent (but not in-law) with a serious health condition.
- (d) The employee's own serious health condition renders the employee incapable of performing one or more of the essential functions of his or her position.
- (e) Due to a qualifying exigency arising out of the fact that the employee's spouse, child (of any age) or parent is a regular, retired or reservist member of the military on active duty deployed to a foreign country or has been notified of an impending call or order to such active duty.
- (f) Take up to twenty-six (26) weeks of unpaid leave in a single twelve (12) month period in order to care for the employee's spouse, child (of any age), parent or next of kin who is either:
  - (g) A military service member (including a member of the National Guard or reserves) who is undergoing medical treatment, recuperation, or therapy, or who is in outpatient status, or who is otherwise on the temporary disability retired list, for a serious injury or illness.
  - (h) A veteran military service member who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a military service member (including a member of the National Guard or Reserves) at any time during the period of five (5) years preceding the date on which the veteran undergoes medical treatment, recuperation, or therapy.
- d) The District will apply the following calculation method of an employee's twelve (12) month period FMLA entitlement period:
  - (1) For leave taken for any reason listed in section 3(A), the twelve (12) month period in which an eligible employee may take twelve (12) workweeks of unpaid leave will be measured forward from the date the employee first took FMLA leave.
  - (2) For leave taken for any reason listed in section 3(B), the twelve (12) month period for calculating leave needed to care for a military service member begins when the employee first begins taking leave and expires twelve (12) months after that date. Leave under section 3(B) may not exceed twenty-six (26) weeks in any single twelve

(12) month period when combined with other FMLA-qualifying leave under any section of this policy.

e) The following limitations apply to FMLA leave taken under this policy:

- (1) Leave taken to care for a newborn or newly placed child expires twelve (12) months from the date of the child's birth or placement.
- (2) If both spouses are employed by the District, their combined leave shall not exceed twelve (12) weeks in a twelve (12) month period if leave is taken to care for a newborn child or newly placed child, or to care for an employee's parent with a serious health condition.
- (3) If both spouses are employed by the District, their combined leave shall not exceed twenty-six (26) weeks of leave during the single twelve (12) month period described in section 4(B) if leave is taken to care for a newborn child or newly placed child, or to care for an employee's parent with a serious health condition, or to care for a service member with a serious injury or illness.

f) The following section addresses intermittent leave and reduced work schedule leave:

- (1) Leave taken due to an employee's own serious health condition, to care for an employee's spouse, child or parent with a serious health condition, or to care for a newborn or for a newly placed child may be taken all at once, or where medically necessary, intermittently or on a reduced work schedule.
- (2) In the case of leave taken due to a qualifying exigency, leave may be taken intermittently or on a reduced work schedule basis.
- (3) If an employee takes leave intermittently or on a reduced work schedule basis, the employee must, when requested, attempt to schedule the leave so as not to unduly disrupt the District's operations.
- (4) When an employee takes intermittent or reduced work schedule leave for foreseeable planned medical treatment, the District may temporarily transfer the employee to an alternative position with equivalent pay and benefits for which the employee is qualified and which better accommodates recurring periods of leave.

g) The following section addresses employee notice and the procedure for requesting FMLA leave:

- (1) An employee should request FMLA leave in writing and submit it to the District for approval.

- (2) When leave is foreseeable for childbirth, placement of child or planned medical treatment for the employee's or family member's serious health condition, the employee must provide the District with at least thirty (30) days advance notice, or as much notice as possible.
  - (3) When the need for leave is not foreseeable, the employee must provide the District with notice as soon as practicable.
  - (4) Upon obtaining a requisite amount of information to determine whether the employee's request for leave is FMLA qualifying, the District will notify the employee within five (5) business days of whether leave will be designated as FMLA leave.
  - (5) If an employee requesting to use paid leave for an FMLA qualifying reason fails to sufficiently explain the reason for the request, the District may require the employee to answer questions designed to determine whether the leave is potentially FMLA qualifying. If the District determines that the request for leave is FMLA qualifying, the District may designate the leave as FMLA leave and will provide the employee with the designation notice at that time.
- h) The following section addresses documentation and certification the District may request from an employee to support a request for leave:
- (1) When leave is taken to care for a family member, the District may require the employee to provide documentation or statement of family relationship (e.g., birth certificate or court document).
  - (2) An employee may be required to submit medical certification from a health care provider to support a request for FMLA leave for the employee's or a family member's serious health condition.
  - (3) Should the District have reason to doubt the employee's initial certification, the District may: 1) with the employee's permission, have a designated health care provider contact the employee's health care provider in an effort to clarify or authenticate the initial certification; and/or 2) require the employee to obtain a second opinion by an independent-designated provider at the District's expense. If the initial and second certifications differ, the District may, at its own expense, require the employee to obtain a third, final and binding certification from a jointly selected health care provider.
  - (4) During FMLA leave, the District may request that the employee provide re-certification of a serious health condition at intervals in accordance with the

FMLA. In addition, during FMLA leave, the employee must provide the District with periodic reports regarding the employee's status and intent to return to work. If the employee's anticipated return to work date changes and it becomes necessary for the employee to take more or less leave than originally anticipated, the employee must provide the District with reasonable notice of the employee's changed circumstances and new return to work date. If the employee gives the District notice of the employee's intent not to return to work, the employee will be considered to have voluntarily resigned.

- (5) Before the employee returns to work from FMLA leave for the employee's own serious health condition, the employee may be required to submit a fitness for duty certification from the employee's health care provider, with respect to the condition for which the leave was taken, stating that the employee is able to resume work.
  - (6) In regards to an employee who requests leave due to a qualifying exigency arising out of covered active duty or a call to covered active duty status, the District may require the employee to submit a copy of the employee's active duty orders or other documentation.
  - (7) In regards to an employee who requests leave due to any other qualifying exigency other than covered active duty status, the District may require the employee to submit: (1) a signed description of the facts supporting the need for leave, as well as any supporting documentation; (2) the date on which the qualifying exigency commenced; (3) the dates the employee will be absent; (4) in the case of intermittent leave or reduced work schedule basis, an estimate of the frequency and duration of the exigency; (5) if the exigency involves meeting with a third party, appropriate contact information and a description of the purpose for the meeting; (6) if the exigency involves rest and recuperation, a copy of the military member's orders or other documentation indicating the member has been granted such leave and the dates of the member's leave; and (7) if the exigency involves caring for a covered service member with a serious injury or illness, the District may require the employee to obtain a certification from an authorized health care provider of the service member.
- i) During leave, an eligible employee is entitled to continued group health plan coverage as if the employee had continued to work on a normal schedule.
    - (1) During leaves of absence under this policy, the District will continue to pay its portion of the health insurance premiums and maintain the employee's coverage under the health plan in the same manner as if the employee had been continuously employed during the entire leave period.

- (2) If the employee does not return to work after the expiration of the leave, the employee will be required to reimburse the District for all health insurance premiums during the FMLA leave as permitted by law, unless the employee does not return due to a serious health condition which prevents the employee from performing his job or circumstances beyond the control of the employee. To avoid required reimbursement, appropriate certification from a health care provider may be required if the employee does not return to work because of a serious health condition
  
- j) During leave, an employee will not accrue any additional employment benefits, such as vacation, sick, personal and annual leave, as well as disability and pension benefits. This section does not include continued group health plan coverage.
  
- k) For unpaid leave under this policy, the District will require employees to substitute any accrued paid leave, including vacation, sick, personal, and annual leave that the employee may have. Alternatively stated, the employee's FMLA leave under this policy will run concurrently with the use of any accrued paid leave. In addition, the employee's FMLA leave will also run concurrently with leave taken due to short term disability or workers' compensation. The employee will be notified of the designation when the leave begins or when the employer determines that the leave is FMLA qualifying.
  
- l) Employees (not including "key employees") who return to work from FMLA leave of absence within or on the business day following the expiration of the leave are entitled to return to their job or an equivalent position with equivalent benefits, pay and other terms and conditions of employment.
  - (1) An exemption exists for "key employees," who are salaried employees who are among the top 10% of highest paid by the District within seventy-five (75) miles of the facility at which the employee is employed. Year-to-date earnings are used to make this determination.
  
  - (2) An eligible key employee may be lawfully denied reinstatement of employment after leave is taken if: (1) such denial is necessary to prevent substantial and grievous economic injury to District operations; and (2) the District provided written notice to the key employee, via personal service or certified mail, of its intent to deny restoration upon determining that such an injury would occur. At the conclusion of the leave period, a key employee may request reinstatement despite previously receiving notice that substantial and grievous economic injury will result if the employee is reinstated. The District shall re-determine whether such an injury will occur

and provide written notice to the key employee via personal service or certified mail of its decision.

- m) Employees who fail to provide information to, or otherwise cooperate with, the District in administering this policy, or who provide intentionally untruthful information as to the facts upon which the FMLA leave was granted, may have their leave delayed and/or be subject to discipline up to and including discharge as permitted by law.

**POLICY NUMBER OCW 4.4**

**DRUG FREE WORKPLACE AND ALCOHOL POLICY**

REFERENCE: Ch. 99-478, Laws of Florida, §§ 191.006(5), 440.101  
and 440.102, *Florida Statutes*  
ADOPTING RESOLUTION: 2017-02  
POLICY HISTORY: Adopted March, 2017

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**1. INTENT**

The District's Drug-Free Workplace Policy is aimed at ensuring zero tolerance to illegal drugs at all times and its alcohol-free policy to zero tolerance under circumstances that affect or might affect the safety and wellbeing of employees, citizens and others, or the effective operation of District business. This policy is consistent with Florida State and Federal Laws including, where otherwise applicable, §§ 440.101 and 440.102, *Florida Statutes*, the regulations of the Florida Agency for Health Care Administration set forth in Chapter 59A 24 of the Florida Administrative Code, and the Federal Drug-Free Workplace Act of 1988.

**2. DEFINITIONS**

- a) Mandatory Testing Position. Mandatory testing position shall mean a job assignment that requires the employee to:
- (1) Work closely with an employee who carries a firearm;
  - (2) Perform life-threatening procedures;
  - (3) Work with heavy or dangerous machinery;
  - (4) Work as a safety inspector;
  - (5) Work with children;
  - (6) Work with confidential information or documents pertaining to criminal investigations;
  - (7) Work with controlled substances;
  - (8) Undergo an employee security background check pursuant to § 110.1127, *Florida Statutes*;
  - (9) Perform job assignments in which a momentary lapse in attention could result in injury or death to another person; or,

(10) Perform safety-sensitive job duties and responsibilities.

- b) Special Risk Position. Special risk position shall mean a position that is required to be filled by a person who is certified under Chapter 633, *Florida Statutes* (Fire Prevention and Control).

### **3. PROHIBITIONS**

- a) Illegal Controlled Substances. The District prohibits the use, distribution, possession, manufacture, cultivation, sale or attempt to sell or distribute illegal controlled substances at any time whether on or off duty and whether on or off District property. Illegal controlled substances are defined by applicable State and federal laws.
- b) Alcohol Abuse. Employees of the District are prohibited from using or possessing alcohol while on duty; while on District premises; while driving a District vehicle; while operating a piece of District equipment; or while being transported in District vehicles at any time. In addition, employees are prohibited from reporting to work under the influence of alcohol and from otherwise using alcohol in a manner at any time which adversely affects the business interests of the District.

### **4. LEGAL USE OF PRESCRIPTION AND NON-PRESCRIPTION DRUGS**

The legal use of prescription and non-prescription drugs is often necessary for specific, recognized and accepted medical purposes. Unless used in accordance with a valid prescription from a medical professional or in accordance with accepted over the counter uses, the District prohibits the use, distribution, possession, manufacture, cultivation, sale or attempt to sell or distribute prescription and non-prescription drugs. In addition, such drugs can and often do have a direct impact on the vigilance, judgment and/or coordination of the employee and adversely affect the employee's job performance and the employee's ability to work in a safe and efficient manner. This is particularly true in safety-sensitive assignments such as those involving the operation of motor vehicles and other moving equipment, for example. Accordingly, employees are required to advise his or her supervisor if he or she is taking prescription or non-prescription drugs which have the potential to adversely impact the employee's job performance or the employee's ability to work in a safe and efficient manner. Upon being notified, the District will evaluate the impact, if any, the drug has on safe and efficient job performance.

### **5. DRUG AND ALCOHOL TESTING**

- a) Job Applicant Testing. Applicants for employment in special-risk, safety-sensitive, and/or mandatory testing positions will be subject to pre-employment drug testing as a prerequisite to employment with the District.
- b) Routine Fitness-for-Duty Testing. Employees will be subject to drug testing as part of any routine fitness-for-duty medical examinations required by the District.
- c) Follow-up Testing. Employees who enter into an employee assistance program or any

similar rehabilitation program will be subject to drug and alcohol testing as a follow-up to such program. Follow-up testing will be conducted without advanced notice and at least once per year for a period of no less than two years.

d) Reasonable Suspicion Testing. Employees will be subject to drug and alcohol testing whenever reasonable suspicion exists to believe an employee is using drugs or alcohol in violation of this policy or otherwise engaging in conduct in violation of this policy. Reasonable suspicion shall be based on specific, objective and articulable facts and reasonable inferences drawn from those facts in light of experience. In making this determination, relevant factors may include, but are not limited to:

- (1) Observable phenomena, such as direct observation of drug use or of physical symptoms or manifestation of being under the influence of a drug or alcohol;
- (2) Abnormal conduct, erratic behavior or a significant unexplained deterioration in work performance;
- (3) A report of drug use, provided by a reliable and credible source;
- (4) Evidence that an individual has tampered with a drug test during his or her employment with the District;
- (5) Information that an employee has caused, contributed to, or been involved in an accident while at work;
- (6) Evidence that an employee has negligently or recklessly operated a vehicle, equipment or machinery while at work;
- (7) Evidence that an employee has used, possessed, manufactured, cultivated, sold, solicited, or transferred drugs;
- (8) Frequent absences from work without a satisfactory explanation;
- (9) Supervisors who determine that reasonable suspicion exists to require an employee to submit to a drug and/or alcohol test are required to promptly document in writing the circumstances which formed the basis of the determination that reasonable suspicion existed to warrant the testing. This documentation will be kept by the District for one year.

e) Post –Accident Testing

- (1) Mandatory Testing, Safety-Sensitive, and Special Risk Positions: Employees who hold mandatory testing, safety-sensitive or special risk positions will be subject to drug and alcohol testing if he or she is involved in an accident on the job and the accident results in personal injury requiring

medical attention.

- (2) All Other Positions: All other employees will be subject to drug and alcohol testing when he or she is involved in an equipment or vehicular work-related accident, or in any unsafe or negligent maintenance or operation of the District's equipment or vehicles, which results in personal injury requiring medical attention, where in the opinion of the District, the employee was at fault or his or her conduct contributed to the accident.

- f) Other Lawful Testing. The District reserves the right to conduct any other type of lawful drug or alcohol testing.

## **6. DRUGS TESTED FOR AND COMMON MEDICATIONS THAT MAY AFFECT TEST RESULTS**

- a) Drugs Tested For. Employees will be subject to drug testing for the detection of the following illegal drugs/drug groups, as well as others that may from time to time be declared illegal by state or federal law:
  - (1) Alcohol (including a distilled spirit, wine, malt beverage or other intoxicating liquor)
  - (2) Amphetamines
  - (3) Barbiturates
  - (4) Benzodiazepines
  - (5) Cannabinoids (marijuana)
  - (6) Cocaine (coke, crack, etc.)
  - (7) Ecstasy/MDMA
  - (8) Hallucinogens (peyote, LSD, K2/spice)
  - (9) Methadone
  - (10) Methaqualone (crystal meth)
  - (11) Opiates (heroin, morphine, codeine)
  - (12) Opium
  - (13) Phencyclidine (PCP)
  - (14) Propoxyphene
  - (15) Any other hallucinogen, synthetic narcotic, designer drug or a metabolite of any of the substances listed above
- b) Common Medications Which Could Alter or Affect Test Results. Certain prescription and non-prescription medications may alter or affect a drug or alcohol test. Employees

and applicants that are subject to testing are obligated to report any prescription or non-prescription medication which could alter or affect test results to the independent Medical Review Officer (“MRO”), as defined by § 440.102, *Florida Statutes*.

- c) **Medical Marijuana Policy.** Per the Drug Free Workplace Act of 1988 as written in § 112.0455(5)(a), marijuana (cannabis) is identified as a “drug” and a controlled substance as listed in Schedule I of the Drug Enforcement Agency’s drug schedules. District employees are to refrain from using marijuana or drugs while employed with the District. Employees who actively use marijuana while employed with the District may also lose any protections as currently provided under the Americans with Disabilities Act.
- d) Employees and applicants subject to testing have the right to confidentially consult with the MRO for additional or technical information regarding medications which may alter or affect test results. The most common medications which may alter or affect a test include, but are not limited to:

| <b>Drug</b>     | <b>Medication Which May Alter or Affect Test</b>   |
|-----------------|--|
| Alcohol         | Liquid medications containing ethyl alcohol (ethanol). For example, many cough syrups, Vicks Nyquil, Comtrex, Listerine contain alcohol  |
| Cannabinoids    | Marinol (Dronabinol, Tetrahydrocannabinol (THC))   |
| Amphetamines    | Obetrol, Biphentamine, Desoxyn, Dexedrine, Didrex, Ionamine, Fastine   |
| Cocaine         | Cocaine HCl topical solution (Roxanne)   |
| Phencyclidine   | Not legal by prescription  |
| Methaqualone    | Not legal by prescription  |
| Opiates         | Paregoric, Parepectolin, Donnagel PC, Morphine, Pectoral Syrup, Tylenol with Codeine, Empirin with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guiatus AC, Novahistine DH, Novahistine Expectorant, Dilaudid (hydromorphone), M-S Contin and Roxanol (morphine sulfate), Percodan, Vicodin, Tussi-organidin, etc. |
| Barbiturates    | Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebaral, Butabarbital, Butalbital, Phenrinin, Triad, etc.  |
| Benzodiazepines | Activan, Azene, Clonopin, Dalmane, Diazepam, Halcion, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Paxipam, Restoril, Centrax  |
| Methadone       | Dolphine, Metadose   |
| Propoxyphene    | Davocet, Darvon N, Dolene, etc.  |

## **7. TEST RESULTS**

- a) The following procedures will be followed if an employee or job applicant has a confirmed positive test result:
- (1) An employee or applicant who receives a positive confirmed test result may contest or explain the result to the MRO identified above within five working days. If the MRO determines that there is a legitimate medical explanation for the positive test result, based on the medical judgment of the MRO and accepted standards of practice, the MRO shall report a negative test result to the employer.
  - (2) If the MRO determines that the employee's explanation is unsatisfactory, the MRO will report the positive test to the District. If an employee or applicant seeks to contest the laboratory result, it is his or her responsibility to contact the laboratory to advice of any administrative or civil proceeding challenging the results and to request that the test sample be preserved by the laboratory.
  - (3) Within 180 days of receiving written notification of a positive test result, an employee or applicant may, at his or her expense, have the positive sample retested at a different laboratory licensed and approved by the Agency for Health Care Administration.
  - (4) Within five working days after receipt of a positive confirmed test result from the MRO, the District will inform the employee or applicant in writing of the test result, the consequences of the test result and any action that the District may elect to take. Within five working days after receiving notice of a positive confirmed test result from the District, the employee or job applicant may submit information to the District explaining or contesting the test result and explaining why the test result does not constitute a violation of this policy. If the District determines that the explanation is unsatisfactory, the District will, upon request, provide a copy of the test result to the employee or applicant along with a written reason as to why the explanation was deemed unsatisfactory.

## **8. CONSEQUENCES OF A POSITIVE CONFIRMED TEST RESULT, REFUSAL TO SUBMIT TO TESTING, TAMPERING WITH A TEST, OR VIOLATION OF THIS POLICY**

- a) An employee who has a positive confirmed test, who refuses to submit to a test, who tampers with a test, or who otherwise violates the District's Drug-Free and Alcohol Policy is subject to immediate termination, may forfeit eligibility for workers' compensation medical and indemnity benefits and may forfeit entitlement to unemployment compensation. A job applicant who has a positive confirmed test, who refuses to submit to a test or who tampers with a test will be ineligible for employment.

**9. REPORTING AND CONVICTION OF ALLEGED CRIMES INVOLVING DRUGS OR ALCOHOL**

- a) All employees must report to their supervisor any arrest, indictment or conviction of a drug or alcohol related violation or alleged violation of law not later than the next work day after they become aware of it. Failure to so report may result in immediate termination.
- b) Upon conviction of a crime involving illegal drugs, the employee will be immediately terminated.
- c) Without regard to prosecution or conviction by appropriate governmental entities, the District may, at its option, conduct its own independent investigation to determine whether or not there has been a violation of the District's drug and/or alcohol policy. If, in the opinion of the District, it believes a violation has occurred, it will take whatever disciplinary action it deems appropriate regardless of the ultimate outcome of any criminal case that may be brought against the employee.

**10. EMPLOYEE ASSISTANCE PROGRAM**

- a) The District has an Employee Assistance Program (EAP) with one of its missions being to assist employees who voluntarily self-report drug or alcohol related problems which have not yet adversely affected their job or District operations and where the employee reports the matter prior to being asked to take a drug or alcohol test and prior to being found in violation of this policy. The District may also require any employee in violation of this policy, whether he voluntarily reports his problem or not, to participate in the EAP or other medical and rehabilitative assistance programs as a condition for continued employment.
- b) Employees with drug or alcohol related problems who wish to seek voluntary assistance through the EAP may contact one of the following EAP providers (or any other similar provider):
  - (1) District EAP Provider  
Soundside Wellness Consultants  
205 Shell Ave. Fort Walton Beach, FL 850-226-8585  
351 N. Ferdon Blvd. Crestview, FL 850-689-7844  
www.soundsidewellness.com
  - (2) Other Helpful Numbers
    - (a) Drug/Alcohol Abuse Help line: 1-800-362-2644
    - (b) Drug/Alcohol Abuse 24-hour Crisis Line: 1-800-283-2600
    - (c) Alcoholics Anonymous: 1-800-252-6465
    - (d) Drug Abuse Alcoholism & Cocaine: 1-800-333-4444

- c) Employees Who Voluntarily Ask for Help. Employees with drug or alcohol related problems who wish assistance through the EAP may contact the EAP Provider on a confidential basis. If the employee has a satisfactory performance record, the District may grant the employee an unpaid leave of absence for a period determined by the District to participate in a District approved treatment or rehabilitative program. The employee will be responsible for all expenses resulting from the treatment or program to the extent they are not covered by insurance.
- d) Other Employees. In the event the District discovers a violation of this drug or alcohol policy, or if the District otherwise discovers an alcohol-related problem that adversely affects or may adversely affect the employee's performance or the District business, the District may proceed to discipline the employee up to and including discharge or, at the District's option, require the employee to undergo approved medical or rehabilitative assistance. The employee will be responsible for all expenses resulting from the treatment or rehabilitation to the extent they are not covered by insurance. In the event the District requires the employee to participate in the Employee Assistance Program, the EAP provider will keep the District fully advised with respect to the employee's participation and progress.
- e) Return to Work. Employees who are granted a leave of absence to seek treatment in a rehabilitation program must successfully complete all EAP, medical and other rehabilitative requirements established by the District for them within a reasonable amount of time, in order to be considered for return to work. The District, in its sole discretion, will determine whether the employee will be given service credit for any unpaid leave under this policy, subject to applicable law.
- f) Re-Testing. Employees allowed to return to work after participating in a drug or alcohol rehabilitation program shall be subject to re-testing any time without notice and must submit to such test as and when directed by the District.
- g) Mandatory Testing, Safety-Sensitive, and Special Risk Positions. Employees who hold mandatory testing, safety-sensitive or special risk positions shall not be permitted to remain in such positions while undergoing drug or alcohol rehabilitation.

## **11. REPORTING VIOLATIONS OF THIS POLICY**

- a) Reporting Violations. Recognizing the threat to public safety, it is the obligation of every employee of the District to report violations of the District's drug and alcohol abuse policies. Failure to report may subject employees to discipline up to and including discharge.
- b) Any employee who in good faith, based upon reasonable suspicion or observation, reports an alleged violation of these policies, or any supervisory or managerial employee who investigates or take action in good faith based on reasonable suspicion

or observation shall not be harassed, retaliated against, or discriminated against in any manner for making reports, participating in the investigation or because of any reasonable action he takes as a result of the investigation.

- c) Bad Faith Claims. Any knowingly false reporting of a violation of the policies set forth herein shall subject the employee to immediate termination.

## **12. CONFIDENTIALITY**

- a) Absent written consent, all information, interviews, reports, statements, memoranda, and drug test results, written or otherwise, received or produced as a result of the District's drug testing program are confidential and exempt from the provisions of Chapter 119, *Florida Statutes* (Public Records Law) and may not be used or disclosed except as otherwise provided by § 440.102, *Florida Statutes*, or other applicable law.

## **13. EMPLOYER PROTECTION**

- a) An employee or job applicant that receives a positive confirmed test result shall not, by virtue of the result alone, be deemed to have a handicap or disability as defined by federal, state or local discrimination laws.
- b) An employee who is discharged for a confirmed positive test result shall be deemed to have been discharged for cause.

**POLICY NUMBER OCW 4.5**

**RESIDENCY REQUIREMENT**

REFERENCE: Ch. 99-478, Laws of Florida and §191.006(5), Florida Statutes  
ADOPTING RESOLUTION: 2017-02  
POLICY HISTORY: Adopted May 2004  
Revised September 2008  
Amended and re-adopted March 2017

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1. **DEFINITION:** For purposes of this residency requirement policy, Chief Officer is defined as an individual holding the rank of Fire Chief or Deputy Chief of Operations which positions are not included within the Union bargaining unit.
2. **CHIEF OFFICERS:** Chief Officers of the Fire District are responsible for the management and oversight of the fire district's budget and day-to-day operations. Day-to-day operations may require the response of these officers when they are off duty.
3. **RESIDENCY:** Chief Officers of the Fire District shall reside no further than twelve (12) driving miles outside of the boundaries of the Fire District as described in the District's charter. Those individuals that are newly appointed to a chief's rank shall have six (6) months from date of appointment to take up physical residence in accordance with this policy.

**POLICY NUMBER OCW 4.6**

**PERFORMANCE EVALUATION FOR FIRE CHIEF**

REFERENCE: Ch. 99-478, Laws of Florida and §191.006(5),  
Florida Statues  
ADOPTING RESOLUTION: 2018-04  
POLICY HISTORY: Adopted September 2018

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1. Performance Evaluation of Fire Chief. The Chairman of the Board of Fire Commissioners shall conduct, on an annual basis, a verbal performance review of the Fire Chief based upon the criteria listed below as well as the overall performance of job duties. The review will be completed by October of each year during the continued employment of the Fire Chief. It is the duty of the Fire Chief to contact the Board Chairman to establish a time and place for the annual evaluation. The Fire Chief shall be evaluated on the following:
  - A. The Ability to cooperate with the Board of Fire Commissioners, community citizens and leaders, peer organizations, neighboring towns and the county.
  - B. Ability to effectively communicate.
  - C. Ability to effectively lead employees and volunteers.
  - D. Practice good work habits as an example to employees.
  - E. Maintain full and efficient utilization of all facilities and services.
  - F. Display the management skills necessary to maximize the fire services made available to the patrons and minimize the cost to the taxpayers.

## POLICY NUMBER OCW 5.1

### COST RECOVERY FEES

REFERENCE: Ch. 99-478, Laws of Florida, § 6(11) and §9 and § 191.006(5), *Florida Statutes*  
ADOPTING RESOLUTION: 2017- 02  
POLICY HISTORY: Adopted July 9, 1996;  
Amended and re-adopted March 2017

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1. A POLICY of the Ocean-City Wright Fire Control District providing for a cost recovery fee for fire suppression and vehicle accidents.
2. DEFINITIONS as used in this policy shall have the following meanings:
  - a) FIRE APPARATUS: The emergency vehicles and equipment of the Fire District used for fire suppression and rescue.
  - b) FIRE CHIEF: Means the Fire Chief of the Ocean City-Wright Fire Control District or his designated representative.
  - c) FIRE DISTRICT: The Ocean City-Wright Fire Control District.
  - d) FEE: Means the assessment of a monetary charge as authorized by Chapter 99-478, Laws of Florida, §6(11) and §9 in accordance with this Rule.
  - e) LADDER TRUCK: A self-supporting, turntable mounted, power operated ladder of two or more sections permanently attached to a self-propelled automotive fire apparatus and designed to provide an egress route from an elevated position to the ground or to provide an elevated master stream.
  - f) FIRE ENGINE: Any piece of fire apparatus with a permanently mounted fire pump capable of pumping 500 gallons per minute, a water tank capable of holding 500 gallons and a hose body that meets or exceeds the requirements of NFPA 1901.
  - g) RESCUE TRUCK: Any piece of fire apparatus carrying rescue, extrication and/or medical equipment and used to render emergency medical services or rescue to endangered persons(s).
  - h) FIREFIGHTERS: Any person, paid or volunteer, who is a member of the organized Fire District.
  - i) TANKER TRUCK: Any piece of fire apparatus designed primarily for transporting water to fire emergency scenes to be applied by other apparatus or pumping equipment.

- j) SALVAGE: Salvage work consists of those methods and operating procedures allied to firefighting that aid in reducing fire, water and smoke damage during and after fires.
  - k) OVERHAUL: Overhaul is the practice of searching a fire scene to detect hidden fires or sparks which may rekindle, to detect and safeguard signs of arson and to place the structure, its contents and the fire area in as safe a condition as possible.
  - l) EXTRICATION: The process and procedure used to free or release an individual(s) from entrapment.
3. FEE SCHEDULE. The Cost Recovery fee schedule shall be that, as adopted by Resolution, of the District Board of Fire Commissioners to be collected consistent with the District Charter and this Rule as may be amended from time to time by the Board.
4. APPLICABILITY OF FEES. The cost recovery fees under this Rule shall be assessed in those incidents when:
- a) The Fire District renders services within the jurisdiction of the District or at response locations outside of the District performing extinguishment, salvage and/or overhaul at a fire scene; and/or;
  - b) The Fire District renders emergency medical services or extrication at the scene of a motor vehicle accident within the jurisdiction of the District or any response locations outside of the District.
5. BILLING AND COLLECTION OF FEES.
- a) The Fire District shall only bill for those services rendered by its own Firefighters and/or apparatus.
  - b) NO other Fire District or Municipality shall bill for services rendered within the geographical boundaries of the Ocean City-Wright Fire Control District except when the emergency situation is primarily controlled by fire apparatus and firefighters from another jurisdiction.
  - c) In the collection of fees under this rule, the administration of the Fire District shall assist insured owners of structures and/or vehicles to which emergency services are provided, by filing appropriate claims for fee payments directly with the insurance company providing the owner with coverage for such fire district responses. In the event of a covered claim the fee collected shall be limited to the benefits available under the owner's insurance policy. It shall be the responsibility of the owner to prove the Fire District with the required insurance claims information.

- d) All billing will reflect charges to the nearest one quarter of an hour.

## POLICY NUMBER OCW 6.1

### **EQUITY POLICY: PROHIBITING DISCRIMINATION AND HARASSMENT**

REFERENCE: Ch. 99-478, §6(5), Laws of Florida and §191.006(5),  
*Florida Statutes*  
ADOPTING RESOLUTION: 2017- 02  
POLICY HISTORY: Adopted March, 2017

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#### 1. Discrimination Prohibited.

- a) The Ocean City Wright Fire Control District adheres to a policy of prohibiting discrimination in employment. The District strives to provide equal opportunity for all and to identify and overcome potential barriers to recruitment, employment, training, or promotional opportunities for its staff and applicants. Violations of this policy will not be tolerated.
- b) No qualified applicant, employee, or person with whom the District contracts for services will be denied access, employment, training, promotion, professional benefits or advantages on the basis of race, color, national or ethnic origin, sex, age, religious beliefs, marital status, genetic information, pregnancy or disability.

This applies to recruitment, employment, transfer and reassignment, layoffs, promotions, compensations, and other terms and conditions of employment. A disability exists when an individual:

- (1) has a physical or mental impairment which substantially limits one or more of the individual's major life activities;
  - (2) has a record of such an impairment;
  - (3) is regarded as having such an impairment.
- c) All employees are expected to work with other employees, and to supervise or to be supervised in their work by other employees without regard for race, color, national or ethnic origin, sex, age, religious beliefs, marital status, pregnancy or disability.
  - d) A substantiated violation of policy prohibiting discrimination by an employee shall subject such employee to disciplinary action, and may be cause for termination, subject to applicable procedural requirements.
  - e) The Fire Chief shall designate an individual to serve as the District Equity Officer for information in matters pertaining to this policy. The name, address, and phone number of the District Equity Officer shall appear on all notices of this policy.

- f) The District shall, at each work site, provide “Policies of Non-Discrimination – Harassment” on a bulletin board which is available to employees, applicants, and the public. The notice shall also be included in District publications.

2. Harassment Prohibited.

- a) Harassment concerning an individual’s race, color, national or ethnic origin, sex, age, religious beliefs, genetic information marital status, pregnancy or disability is a form of misconduct which undermines the integrity of the employment relationship. The District shall make an effort to assure employees are protected from such harassment. Employees and persons with whom the District contracts for services shall not engage in any conduct which unreasonably interferes with the following:

- (1) an individual’s responsibilities, performance, or orderly process of work;
- (2) an individual’s freedom from intimidating, coercive, abrasive, hostile, or offensive working environment.

Violation of this policy will not be tolerated.

- b) Adverse remarks or epithets and other forms of harassment concerning an individual’s race, color, national or ethnic origin, sex, age, religious beliefs, marital status, pregnancy or disability are strictly prohibited. A disability exists when an individual has any of the following:

- (1) a physical or mental impairment which substantially limits one or more of the individual’s major life activities;
- (2) a record of such an impairment;
- (3) is regarded as having such an impairment.

- c) Sexual harassment by an employee or person with whom the District contracts for services toward another individual while under the jurisdiction of the District is strictly prohibited. Sexual harassment includes unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when the following occurs:

- (1) submission to such conduct is made either explicitly or implicitly as a term or condition of an individual’s employment;
- (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals;
- (3) such conduct has the purpose or effect of unreasonable interference with an individual’s work performance or creating an intimidating, hostile, or offensive working environment.

- d) Any conduct of a sexual nature directed at an employee by another employee is strictly prohibited. Sexually harassing conduct may include, but is not limited to,

commentary about an individual's body, sexually degrading words to describe an individual, offensive comments, off-color language or jokes, innuendos, and sexually suggestive objects, books, magazines, photographs, cartoons or pictures.

- e) Any person in a position with authority to act upon a complainant, who fails to report to the appropriate official or investigate a reported violation of this policy, shall be subject to appropriate disciplinary action.
- f) A substantiated violation of policy prohibiting harassment by an employee shall subject such employee to appropriate disciplinary action, and may be cause for termination, subject to applicable procedural requirements.
- g) The Fire Chief, or his designee, shall be responsible for disseminating the Equity Policy to vendors.

3. Reporting Violations of Equity Policies Prohibiting Discrimination and Harassment.

- a) Violations should be promptly reported. The District ensures prompt investigation and appropriate action. Confidentiality consistent with the District's legal obligation will be respected. Violations must be reported by filing an Equity Complaint [(d) below] or Formal Equity Complaint [(e) below]. Violations must be reported within forty-five (45) calendar days of the date the complainant knew or should have known of the event(s) giving rise to the alleged violation.
- b) Any form of retaliation against any individual involved in an investigation of alleged violation(s) of this Equity Policy or other Board policies, including but not limited to, complainants, charged parties, and witnesses, is strictly prohibited. Other than cases of (c) below, filing a report alleging violations will not reflect upon the complainant's status nor will it affect future employment, evaluation, or work assignment. Complaints of retaliation are to be filed via the process set forth in (a) above.
- c) A substantiated case of a false claim in which the complainant in bad faith, willfully or intentionally wrongly accused another, shall result in disciplinary action, and may be cause for termination as willful misconduct. Complaints of false claims are reported as listed in (a) above.
- d) Equity Complaint - An applicant or employee may request (verbally or in writing) the opportunity to discuss an alleged violation with their Battalion Chief unless that individual is the subject of the complaint. In that case, the complaint should be filed with the District Equity Officer. The name, address, and phone number of the District Equity Officer shall appear on all notices of this policy. Other persons acceptable to both parties may be included in the discussions.

- e) Formal Equity Complaint - A written allegation officially made by an applicant or District employee stating there has been action or inaction on the basis of race, color, national or ethnic origin, sex, age, religious beliefs, marital status, pregnancy or disability which constitutes discrimination or harassment and which was committed at the work location or under work conditions, circumstances, situations or otherwise within the District's scope of responsibility. The individual filing the complaint shall be referred to as the Complainant. The individual(s) charged with and/or having responsibility for the alleged action or inaction shall be referred to as the Respondent. The procedures for filing a formal complaint relative to discrimination or harassment are outlined below:

(1) Step I:

- (a) Grievances must be documented, in writing, on the "Formal Equity Complaint" form, and delivered to the individual who the Fire Chief designates to serve as the District Equity Officer for information in matters pertaining to this policy, within forty-five (45) calendar days of the date the Complainant knew or should have known of the event(s) giving rise to the alleged violation. If the Formal Equity Complaint involves the District Equity Officer designated by the Fire Chief, the Complainant may file his or her grievance with the Fire Chief along with a written statement addressing the conflict and the Fire Chief shall designate a new District Equity Officer to conduct the investigatory procedures set forth below.
- (b) The District Equity Officer shall have twenty (20) calendar days to investigate. The investigation may appropriately be expanded to include other acts whenever violations appear to exist based on information received during the investigation. Additionally, the period of investigation will cover as much time as necessary to obtain sufficient evidence to make a finding on the merits, or if the alleged violation could constitute a continuing violation or a pattern or practice of discrimination, and/or in order to determine the extent of a violation and fashion appropriate remedial relief. Within fifteen (15) calendar days of the close of the investigation, the District Equity Officer shall inform the Complainant, in writing, of the disposition, using the prescribed "Formal Equity Complaint" form. If the investigation results in finding the Equity Policy has been violated and disciplinary action is appropriate the District Equity Officer shall within fifteen (15) calendar days of the close of the investigation inform the Fire Chief and the Respondent of the findings and shall recommend to the Fire Chief appropriate disciplinary action.

The time periods in this sub-section (b) may be extended at the discretion of the District Equity Officer should an extension be necessary in order to ensure a full, fair and complete investigation. The District Equity Officer shall give notice to the parties if such an extension is deemed necessary. In determining whether alleged conduct constitutes harassment or

discrimination, the totality of the circumstances, the nature of the conduct, and the context in which the alleged conduct occurred will be investigated.

Pending the investigation, the District Equity Officer may consider recommending that the Fire Chief temporarily reassign the Complainant or the Respondent.

(2) Step II:

- (a) The Complainant and/or Respondent may file a written appeal to the Deputy Fire Chief for Administration (“Deputy Chief”) within ten (10) calendar days of receipt of the disposition from Step I. If the Deputy Chief is the Respondent, then a written appeal may be filed to a different executive officer designated by the Fire Chief.
- (b) Upon receipt of the written appeal(s) the Deputy Chief shall have ten (10) calendar days in which to hold a conference with the Complainant and/or with the Respondent for the purpose of hearing the appeal(s).
- (c) If a determination of reasonable cause is made, the Deputy Chief will seek to conciliate the complaint with the Complainant and the Respondent. With agreement of all participants, the Deputy Chief will close the issue.
- (d) Within fifteen (15) calendar days of such conferences, the Deputy Chief shall inform the Complainant and/or Respondent, in writing, of the disposition of the appeal(s). Except as set forth in sub-section (3) below, the decision of the Deputy Chief shall be final.
- (e) The time limits in sub-sections (b) and (d) may be extended at the discretion of the Deputy Chief should an extension be necessary. The Deputy Chief shall give notice to the parties if such an extension is deemed necessary.

(3) Final Appeals:

- (a) In the event the Deputy Chief determines the Respondent violated this Equity Policy and suspension or dismissal of the Respondent is appropriate, the Deputy Chief shall make a recommendation to that effect, in writing, to the Fire Chief within twenty (20) calendar days of receipt of the District Equity Officer’s determination in Step I, above, or within fifteen (15) calendar days of the conference under Step II, above, whichever is later. The Deputy Chief shall copy the Respondent with such recommendation. The Respondent will have fifteen (15) calendar days from receipt of the Deputy Chief’s recommendation to file, in writing, an appeal of the Deputy Chief’s decision with the Fire Chief.

- (b) Upon receipt of the written appeal(s) the Fire Chief shall have ten (10) calendar days in which to hold a conference with the Respondent for the purpose of hearing the appeal(s).
- (c) Within fifteen (15) calendar days of such conferences, the Fire Chief shall inform the Respondent, in writing, of the disposition of the appeal(s). The decision of the Fire Chief shall be final.
- (d) The time limits in sub-sections (b) and (c) may be extended at the discretion of the Fire Chief should an extension be necessary. The Fire Chief shall give notice to the parties if such an extension is deemed necessary.

**NOTE: Election of Remedies**

The doctrine of election of remedies shall apply to complaints filed pursuant to this policy. Should a Complainant elect to pursue an alternative remedy available to him/her, including the filing of a complaint, appeal of preceding pursuant to a collective bargaining agreement, or to any other administrative proceeding allowed by law, the filing of any such complaint, appeal or proceeding shall operate as a waiver of the Complainant's right to file a complaint and avail himself/herself of the procedures available under this policy. Should a complaint be filed pursuant to an alternative remedy and subsequent to the filing of a complaint under this policy, but before proceedings under this policy have been completed, the filing of any such complaint nonetheless will act as a waiver, and proceedings pursuant to the policy shall be terminated.

The doctrine of election of remedies shall also apply to appeals filed by persons against whom a complaint has been filed. The filing of an appeal pursuant to an alternative remedy by a person against whom a complaint has been filed, including the filing of a complaint under a collective bargaining agreement, or the institution of any other administrative proceeding allowed by law, shall operate as a waiver of the right to appeal the decision pursuant to this policy.

The filing of a complaint under this policy shall not affect a Complainant's right to file a timely charge of discrimination pursuant to an appropriate federal or state statute, including the filing of a timely charge with the Florida Commission on Human Relations or Equal Employment Opportunity Commission.

**Laws Implemented:**

Title VII of the Civil Rights Act of 1964 - as amended - prohibits discrimination in employment on the basis of race, color, religion, sex, or national origin.

Age Discrimination in Employment Act of 1967 (ADEA) - as amended - prohibits discrimination of the basis of age with respect to individuals who are at least 40.

Section 504 of the Rehabilitation Act of 1973 - prohibits discrimination against the handicapped.

Americans with Disabilities Act of 1990 (ADA) and the ADA Amendments Act of 2008 (ADAAA) - prohibits discrimination against individuals with disabilities in employment, public service, public accommodations, and telecommunications.

Pregnancy Discrimination Act (PDA) – is an amendment to Title VII of the Civil right Act of 1964. Prohibits discrimination on the basis of pregnancy, childbirth, or related medical conditions.

Florida Civil Rights Act of 1992 - as amended - prohibits discrimination in employment on the basis of race, color, religion, sex, disability, pregnancy, age, handicap, marital status or national origin.

Civil Rights Acts of 1866 and 1871 – as amended - prohibits discrimination based on race or to deprive a person or class of their federal rights to due process and equal protection.

The Equal Pay Act – as amended- prohibits sex discrimination in pay

Genetic Information Nondiscrimination Act – prohibits discrimination based on genetic information