

**ADMINISTRATIVE RULE 3
HUMAN RESOURCES**

EFFECTIVE DATE: January 19, 2006

SCOPE:

This Administrative Rule shall apply to all officers, managers, employees, or agents of the Authority and Members of the Governing Board.

AUTHORITY:

Authority for the establishment of this Administrative Rule is as follows:

Part II, Chapter 343, Florida Statutes

RULE 3: HUMAN RESOURCES

Section 3.1. Establishment and Scope of Human Resources Rule. The Governing Board has established this Rule 3 as the “Human Resources Rule” of the Authority to govern the management, hiring, promotion and conduct of all officers and employees of the Authority, except to the extent that the same with respect to a specific officer or employee is subject to the terms of a duly authorized collective bargaining agreement that expressly conflicts with this Rule 3.

Section 3.2. Definitions. In addition to the other terms defined in these Administrative Rules, the following terms shall have the following meanings.

3.2.1. “Collective Bargaining Unit” means those employees of the Authority represented by an “Employee Representative” or “Union” in a bargaining unit defined by the Florida Public Employees Relations Commission.

3.2.2. “Exempt Employees” means employees and personnel employed in executive, administrative, professional, outside sales, certain computer related capacities and any other category of employee exempted from the minimum wage and/or overtime requirements of the “Fair Labor Standards Act” and/or the “Florida Minimum Wage Amendment.”

3.2.3. “Non-Exempt Employees” means all employees and personnel other than Exempt Employees.

3.2.4. “Employee Manual” means the policy set forth by the Chief Executive Officer and ratified by the Governing Board establishing the governance of employment by the Authority and Employee conduct in the work place.

Section 3.3. Management.

3.3.1. Authority of Chief Executive Officer. The Chief Executive Officer is authorized to establish such policies pertaining to the hiring, promotion, management and conduct of all officers and employees of the Authority as are consistent with these Administrative Rules and any policies or directives of the Governing Board established by official action. The Employee Manual and any Amendment or modification thereto, established by the Chief Executive Officer shall be ratified by the Governing Board.

3.3.2. Managerial Positions. The Chief Executive Officer may establish new managerial positions, subject to the review and approval by the Governing Board and delegate to such managers, pursuant to the Administrative Rules, such authority and responsibility, as he or she deems necessary to carry out the day-to-day management of the Authority. The Chief Executive Officer shall have authority to have such persons, as he/she deems appropriate and qualified for existing managerial positions.

3.3.3. Compensation. Employees of the Authority, other than employees within a Collective Bargaining Unit, shall be compensated under the "Pay Plan" established by the Governing Board in conjunction with any applicable law. Employees in a Collective Bargaining Unit will be compensated pursuant to a "Collective Bargaining Agreement" between the Authority and the Employee Representative or Union.

3.3.4. Hours of Work. The Chief Executive Officer shall establish the time and duration of working hours as required by workload and production flow, customer service needs, the efficient management of human resources, and any applicable law. All Non-Exempt Employees shall complete an individual time record showing daily hours worked. Exempt Employees are not required to fill out hourly time records but must account for daily attendance. Exempt Employees will not receive overtime compensation.

3.3.5. Family and Medical Leave. The Authority will grant up to 12 weeks of family and medical leave during any 12-month period to eligible employees, in accordance with the Family and Medical Leave Act of 1993. The leave may be paid, unpaid or a combination of paid and unpaid, depending on the circumstances.

Section 3.4. Hiring, Retention and Promotion.

3.4.1. Hiring; Equal Opportunity. The Authority shall provide equal opportunity in employment to all employees and applicants for employment. The hiring process will be governed by the Federal Equal Employment Opportunity Act, Florida State Statutes and other applicable provisions of general law.

3.4.2. Introductory Period. All new employees of the Authority will serve an introductory period of 120 calendar days ("Introductory Period").

3.4.3. Promotion. The Authority shall offer employees promotions to higher-level positions when deemed appropriate by the Chief Executive Officer. The Chief Executive Officer may, in his or her reasonable discretion, first consider current employees with the necessary qualifications and skills to fill vacancies above the entry level before considering

outside candidates to fill such positions. Promoted employees will be subject to the Introductory Period in their new positions.

3.4.4. Termination. The Chief Executive Officer may terminate employment because of an employee's resignation, discharge, retirement, the expiration of an employment contract, a permanent reduction in the workforce, violation of these Administrative Rules or the policies of the Chief Executive Officer, or any other reason not prohibited by law. Except as expressly provided, to the contrary, in a written employment agreement or Collective Bargaining Agreement, all employment with the Authority is at will, and employees are free to resign at any time and for any reason, and the Authority reserves the right to terminate employment at any time and for any reason.

Section 3.5. Conduct.

3.5.1 Attendance and Punctuality. Employees shall report for work punctually and shall work all scheduled hours and any required overtime. Unauthorized or excessive absences or tardiness will result in disciplinary action, up to and including termination. Employees who are absent for three (3) consecutive days without giving proper notice to the Authority will be deemed to have resigned from employment.

3.5.2. Property, Equipment and Facilities. Authority property, equipment and facilities including, without limitation, automobiles are made available for use in the accomplishment of Authority business only. Any employee found to be engaged in the use of Authority property, equipment and facilities including, without limitation, automobiles for anything other than official business will be subjected to disciplinary action, up to and including termination.

3.5.3 Travel. All business travel must be approved in advance and in accordance with the Administrative Rules. Expenses for approved travel will be paid or reimbursed when properly documented by the employee. Employees traveling on Authority business are representatives of the Authority and are expected to maintain a high level of professionalism and to follow all applicable policies and rules.

3.5.4. Drug Free Workplace. All Authority property including without limitation, offices, garages, terminals, busses and other facilities are considered drug free workplaces. The illegal use (including being under the influence of an unlawful drug or alcohol while on the job), sale, manufacture, distribution or possession of narcotics, drugs or controlled substances, while on the job or on any Authority property, by any employee, is sufficient grounds for immediate termination.

The Authority shall comply with the applicable requirements of the U.S. Department of Transportation Procedures for Transportation Workplace Drug Testing Programs and the Federal Transit Administration (FTA) Prevention of Prohibited Drug Use in Transit Operations as well as the FTA Prevention of Alcohol Misuse in Transit Operations.

3.5.5. Solicitation. Solicitation by an Authority employee of another Authority employee during working hours is prohibited. Distribution of literature not related to such

employee's scope of services to the Authority, by an Authority employee, during working hours in areas where the actual work of the Authority is performed is prohibited.

3.5.6. Productive Work Environment. The Authority shall at all times promote a productive work environment that is free from harassing or disruptive activity. No form of harassment will be tolerated, including harassment for any of the following reasons: race, national origin, religion, disability, pregnancy, age, military status or sex. Any employee, supervisor, or manager who is found to have engaged in any harassing behavior will be subject to appropriate disciplinary action, up to and including immediate termination.

3.5.7. Grievance Procedures. The Chief Executive Officer shall establish a proper forum to be available to employees for use in dispute resolution. The Chief Executive Officer shall also establish a grievance policy, which shall deal with employee issues in a fair and just manner giving all parties the opportunity to be heard. The grievance policy shall be included in the Employee Manual and provided to all employees. A grievance may involve any difference between an employee and the Authority that involves the meaning, interpretation or application of Authority policies. Only employees that have satisfactorily completed their introductory period are entitled to use the grievance policy or procedure. Performance evaluations or appraisals, including "COLA" or "Merit" pay increases, are excluded from consideration under the grievance policy or procedure, unless the evaluation or appraisal results in an employee's termination from employment.

3.5.8. Disciplinary Procedures. The Chief Executive Officer shall establish disciplinary standards in accordance with applicable provisions of general law and due process. The Authority reserves the right to administer discipline consistent with the employment-at-will doctrine of the State of Florida and to proceed directly to immediate termination for misconduct or performance deficiency, without prior disciplinary steps, when appropriate.