

**TOWN OF CALLAHAN, FLORIDA  
ORDINANCE NO.: 2023-O02**

**AN ORDINANCE OF THE TOWN OF CALLAHAN, FLORIDA TO AMEND CHAPTER 40 OF THE TOWN OF CALLAHAN CODE BY AMENDING ITS DECLARATION OF POLICY AND PURPOSE; REMOVING AUTHORITY TO WITHHOLD SALARIES; CLARIFYING AND REVISING CUSTODIAN OF SUMS; CLARIFYING AND REVISING SICK LEAVE; CLARIFYING AND REVISING PERSONAL LEAVE ; REVISING BEREAVEMENT LEAVE; REVISING JURY DUTY; CLARIFYING MISCELLANEOUS LEAVE; CLARIFYING VACATIONS; REVISING PAID HOLIDAYS; CLARIFYING AND REVISING APPLICABILITY; CLARIFYING AND REVISING STATEMENT OF DRUG AND ALCOHOL POLICY; CLARIFYING PURPOSE; CLARIFYING AND REVISING TESTING, NOTIFICATION AND CONSEQUENCES OF POSITIVE TEST RESULTS; ADDING EQUAL OPPORTUNITY; ADDING AMERICANS DISABILITIES ACT; ADDING HARASSMENT FREE WORKPLACE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS the Town Council of the Town of Callahan finds that revising, updating, and clarifying as set forth below certain parts of Chapter 40, Personnel Policies, of the Town's Code will benefit the health, safety, and welfare of the Town of Callahan;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CALLAHAN, FLORIDA:

**Section 1. Section 40-1 of the code of the Town of Callahan is hereby amended as follows:** Declaration of policy and purpose. It is hereby declared to be the policy and purpose of the Town of Callahan, Florida, to extend effective as of January 1, 1956, to the employees and officials thereof, not excluded by law nor excepted herein, the benefits of the system of old age and survivors insurance as authorized by the Federal Social Security Act and amendments thereto, and by Chapter 650, Florida Statutes, as amended; and to cover by such plan all services which constitute employment as defined in F.S. § 650.02, performed in the employ of said Town by employees and officials thereof, except service of emergency nature, service in all elective positions and service on a fee basis.

This chapter contains the Town of Callahan's Employee Policies and Procedures. The Town of Callahan has prepared these Employee Policies & Procedures to acquaint you with The Town of Callahan's employment policies and procedures. These policies and procedures were developed to ensure a positive, productive, and caring workplace. These policies and procedures supersede all previously issued manuals and contrary policy statements and memos. If you have any questions concerning your employment not addressed in this document, please ask your supervisor. All employees of the Town of Callahan are responsible for reading these employee Policies and Procedures, including any revisions or amendments adopted by The Town of Callahan. Each employee must sign a copy of the Policies and Procedures, with a statement that he or she has reviewed the Policies and Procedures, received a copy of the same, and fully understands its content. A signed copy of the Employee Policies and Procedures must be given to the Town Clerk to be included in the employee's personnel file. The Town of Callahan has sole discretion to modify, amend, or rescind any part of the Employee Policies and Procedures at any time without notice.

**Section 2. Section 40-4 of the code of the Town of Callahan is hereby amended as follows:**

~~Withholdings from salaries, wages or other compensation of employees and officials for the purpose provided in § 40-1 hereof are hereby authorized to be made and shall be made in the amounts and at such times as may be required by applicable state or federal laws or regulations and shall be paid over to the state agency designated by said laws or regulations to receive such amounts.~~

**Section 3. Section 40-8 of the code of the Town of Callahan is hereby amended as follows:**

The Treasurer of the Town is hereby designated the custodian of all sums withheld from the compensation of officers and employees and of the appropriated funds for the contribution of the Town, and the ~~Clerk of said Town~~ Town Clerk of the Town of Callahan is hereby made the withholding and reporting agent and charged with the duty of maintaining personnel records for the purposes of this article.

**Section 4. Section 40-9 of the code of the Town of Callahan is hereby amended as follows:**

A. Each employee of the Town shall accrue weekly sick leave days up to a maximum of 96 hours per year. [Amended 6-20-2005 by Ord. No. 6-O-2005; 1-22-2019 by Ord. No. 2018-O06]

B. Unused sick leave shall be carried forward and accrued from year to year.

C. Sick leave shall be taken only for the injury or illness of oneself, spouse, dependent or other close relative residing in the employee's household.

D. Pregnancy, for the purpose of this article, shall be deemed an illness, and the employee may elect to take sick leave for any such days missed.

E. ~~If unable to report for duty due to injury or illness, the employee shall notify his or her immediate supervisor, department chief or department commissioner at the earliest possible time, but not later than his or her reporting time. must contact his or her supervisor, or the mayor if the supervisor is unavailable, at least (30) minutes in advance of the employee's start time or end time or as reasonably feasible. If an employee fails to provide prior notice as provided by this paragraph, the absence will be considered an unauthorized absence. Employees with a record of more than three unauthorized absences will be subject to corrective action, up to and including termination from employment. The only exception to this policy is a verifiable emergency which prevents an employee from providing prior notice.~~

F. After three (3) consecutive days of absence, a doctor's slip ~~may~~will be required

G. Any work missed which is compensated by workman's compensation shall not be deducted from the employee's accrued sick leave. Loss of Worker's Compensation benefits: If an employee is injured in the scope of his or her employment and drug tests or other medical evidence indicates the presence of illegal drugs or alcohol in the employee's body at the time of the accident, the employee may be required to forfeit any medical benefits available under the Florida Workers Compensation Statute (section 440.101 Florida Statutes). This penalty is in addition to any other to any other penalties that might apply either under this policy or applicable law.

H. The Town of Callahan provides "Eligible" employees with leave for specified family medical reasons with leave for serious personal health conditions, for the birth or adoption of a child, to care for your spouse, child, or parent or other specific circumstances in accordance with the Family and Medical Leave Act of 1993 and applicable regulation, as amended. An eligible employee may take up to 12 work weeks unpaid FMLA leave during a 12-month period for one or more for the following reasons:

1. The birth of a son or daughter, and to care for employee's newborn child; an employee may not take FLMA leave for the birth if 12 months have passed since birth.
2. The placement with the employee of a son or daughter for adoption or foster care; an employee may not take FLMA leave for the adoption or foster care if 12 months have passed since the adoption or foster care.
3. To care for employee's immediate family member, defined by law being Spouse, Child, Parent of the employee, if such person has a serious health condition.
4. Because of any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent is a military member on covered active duty or call covered active-duty status.

I. Employees will not receive any payment for unused sick leave upon the end of their employment by the Town, regardless of the reason for the end of employment. [Added 7-3- 1995 by Ord. No. 1-O-1995; amended 6-20-2005 by Ord. No. 6-O-2005]

**Section 5. Section 40-10 of the code of the Town of Callahan is hereby amended as follows:**

- A. Sixteen hours per year of sick leave may be taken for personal reasons. [Amended 6-20- 2005 by Ord. No. 6-O-2005; 1-22-2019 by Ord. No. 2018-O06]

B. Personal leave must be applied for at least two days in advance.

C. All personal leave must be approved in advance by the employee's immediate supervisor, ~~department chief or department commissioner~~ or the mayor.

**Section 6. Section 40-11 of the code of the Town of Callahan is hereby amended as follows:**

~~Up to three days' leave may be granted to an employee by the employee's immediate supervisor, department chief or department commissioner due to the death of the employee's spouse, dependent, mother, father, brother or sister unless otherwise approved by the mayor. The last day off shall be the day following the funeral unless otherwise approved by the mayor. One day of leave may be granted for extended family. All leave for out of Town deaths will require proof of death at the discretion of the mayor.~~ An employee's immediate supervisor or the mayor may approve an employee's request for up to (4) days of leave with pay due to the death of immediate family member. The employee's immediate family member is defined to include the employee's spouse, father, mother, natural step and adopted children, brother, sister, father-in-law, mother-in-law, grandparents-in-law, and grandchildren. The four workdays of bereavement must be taken consecutively.

**Section 7. Section 40-12 of the code of the Town of Callahan is hereby amended as follows:**

~~An employee who is selected for and/or serves on a jury shall be compensated for the difference between what he/she receives as jury duty pay (excluding expenses for jury duty) and his or her regular daily pay. Said employee will submit verification of such service and moneys received to his or her department commissioner for reimbursement of the pay differential. A full-time employee who is summoned to Jury Duty by a court of competent jurisdiction shall be granted time off with pay provided the employee provides a copy of the summons to his or her supervisor at least five (5) workdays prior to the commencement of service as a juror. Any employee who is released from Jury Duty with a half day or more of regularly scheduled work time remaining shall report to work as soon as possible. Proof of time served on Jury shall be required.~~

**Section 8. Section 40-13 of the code of the Town of Callahan is hereby amended as follows:**

An employee's absence from work may be ~~granted~~ approved by that employee's ~~department commissioner~~ immediate supervisor or the mayor when it is deemed beneficial to the Town of Callahan, Florida, and the employee.

**Section 9. Section 40-14 of the code of the Town of Callahan is hereby amended as follows:**

A. Vacation time will be accrued weekly at the rate of 80 hours per year. No vacation time may be taken during the first six months of employment. [Amended 1-22-2019 by Ord. No. 2018-006]

B. After five years' continuous employment, vacation time will be accrued weekly at the rate of 120 hours per year. [Amended 1-22-2019 by Ord. No. 2018-006]

C. After 10 years' continuous service, vacation time will be accrued weekly at the rate of 160 hours per year. [Amended 1-22-2019 by Ord. No. 2018-006]

D. After 20 years' continuous service, vacation time will be accrued weekly at the rate of 240 hours per year. [Amended 1-22-2019 by Ord. No. 2018-006]

E. All vacation time must be applied for at least 30 days prior to its starting date and must be approved by the employee's immediate supervisor or ~~department chief and department commissioner~~ and/or the mayor.

F. Each eligible employee will be required to take a vacation which will, insofar as practicable, be granted at the time most desired by the employee. The department commissioner reserves the right to rearrange vacation schedules for good cause.

G. Employees may draw up to 1/2 of accrued vacation hours per year while continuing to work, with the approval of the employee's department head. Under no circumstances will any employee draw more than 1/2 of accrued vacation hours in one year while continuing to work. [Amended 6-20-2005 by Ord. No. 6-O-2005; 1-22-2019 by Ord. No. 2018-006]

~~H. An employee may elect to draw his or her vacation for time lost due to illness or injury.~~

I. An employee may not carry over more than 160 hours of accrued vacation past December 31 of any year. [Added 6-1-1987 by Ord. No. 3-O-1987; amended 7-3-1995 by Ord. No. 1-O-1995; 6-20-2005 by Ord. No. 6-O-2005; 1-22-2019 by Ord. No. 2018-006]

J. An employee shall not be allowed to take more than fifteen (15) consecutive days of vacation unless approved by the Mayor or Town Council President. [Added 6-1-1987 by Ord. No. 3-O-1987; amended 7-3-1995 by Ord. No. 1-O-1995]

K. Upon retirement or termination of employment, an employee may either take his or her accrued vacation days or be paid as lump sum by the Town at his or her regular rate of pay for all accrued vacation days; provided, however, that the total number of vacation days for which an employee may be compensated may not exceed 30 days. In the event that the termination of employment is due to the death of the employee, any benefits hereunder shall be paid to his or her estate. [Added 7-3-1995 by Ord. No. 1-O-1995]

**Section 10. Section 40-15 of the code of the Town of Callahan is hereby amended as follows:**

A. The following days shall be paid holidays for all full-time employees:

- New Year's Day
- Birthday of Martin Luther King, Jr.
- Washington's Birthday
- Good Friday
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Eve
- Christmas Day

B. If a paid holiday falls on a Saturday, the holiday shall be observed on the preceding Friday for purposes of Town administration. If a paid holiday falls on a Sunday, the holiday shall be observed on the following Monday for purposes of Town administration.

C. Any employee who is required to work on a paid holiday shall be compensated by multiplying his or her average daily pay times 1 ½. Overtime for call outs and weekends will be paid at 1 ½ times the pay rate.

**Section 11. Section 40-16 of the code of the Town of Callahan is hereby amended as follows:**

A. All sick leave and vacation time will accrue only during days actually worked, paid holidays, sick leave, and paid vacation time.

B. This article applies in full only to full-time employees of the Town.

C. "Full-time" employees are those that qualify as full-time under applicable law or whose average scheduled hours are ~~30~~37.50 or more hours per week. [Amended 1-22-2019 by Ord. No. 2018-006]

D. ~~(Reserved)1~~

Punctuality and regular attendance are essential to the proper operations of the Town of Callahan. Employees are expected to be at work on all scheduled workdays, during all scheduled work hours, and report to work on time.

E. ~~(Reserved)2~~

Sick leave may only be taken on days that the employee is sick. Vacation time cannot be used in lieu of sick time. Sick time cannot be used in lieu of vacation time. You must request time off for vacation 30 days in advance and it must be approved by your supervisor or the mayor. The mayor may authorize deviations from the requirements in this paragraph.

F. ~~(Reserved)3~~

All employees are responsible for clocking in and out at the start of each day, and at the end of each day, and for any breaks throughout the day.

**G. (Reserved)4**

Categories of Employment

1. Full-time: An employee who is regularly scheduled to work 37.5 – 40 hours during a work week.
2. Part-time: An employee who is regularly scheduled to work 37.5 or less hours per week.
3. Temporary: An employee hired for a specific project or time frame. The scheduled work week can range from 20-40 hours per week.
4. Seasonal: An employee hired either full-time or part-time during one or more defined seasons.
5. Part-time, temporary, and seasonal employees do not qualify for benefits.

**Section 12. Section 40-18 of the code of the Town of Callahan is hereby amended as follows:**

- A. ~~It is the policy of the Town to maintain a work environment that is free from the influence of alcohol and/or illegal controlled substances.~~ The Town of Callahan believes that the abuse of alcohol or illegal drugs endangers the health and safety of the abusers and all others around them. It leads to decreased productivity, high turnover, and decreased morale. Therefore, The Town of Callahan is committed to creating and maintaining a drug-free workspace.
- B. ~~Employee applicants for regular positions and temporary positions will be subject to a preemployment drug test and shall be disqualified for employment with the Town for six months if they test positive for an illegal controlled substance.~~ Offers of employment for certain categories of positions may be conditioned on the applicant taking and passing a screening test for evidence of improper drug use and the presence of alcohol. Applicants for such positions may be required to voluntarily submit to a test at a laboratory chosen by The Town of Callahan and sign an agreement releasing The Town of Callahan from liability in connection with the test. If an applicant for such a position tests positive or refuses to undergo testing, that applicant will not be employed by The Town of Callahan and may not reapply for at least 180 days.
- C. Employees on duty or on Town property shall not use or be under the influence of alcohol and/or illegal controlled substances; shall not purchase or possess alcohol and/or illegal controlled substances; shall not sell, facilitate the sale of, or otherwise provide alcohol and/or illegal controlled substances to any person; shall not manufacture alcohol and/or illegal controlled substances; and shall not in any manner have their ability to work impaired as a result of the use of alcohol and/or illegal controlled substances. Violations of this policy shall be grounds for disciplinary action, up to and including dismissal.
- D. ~~All employees will be subject to an annual drug test as a periodic monitoring tool,~~

~~because impaired performance increases risk to life or catastrophic loss of public or private property, and the need to protect their well being.~~

D. The Town is committed to providing reasonable accommodation to those employees who voluntarily participate in a rehabilitation program or whose drug and/or alcohol problem classifies them as handicapped under federal law.

E. An employee who voluntarily participates in a rehabilitation program or who is deemed handicapped due to his use of alcohol and/or drugs may be retained and allowed to seek rehabilitation if the Town determines the employee's continued employment would not cause a direct threat to property or safety or erode public confidence in the function of the Town.

F. When an employee is injured, disabled or dies from an accident arising out of and in the course of his employment, and the injury, disability, or death is occasioned primarily by the intoxication of the employee by alcohol or an illegal controlled substance or a narcotic drug, barbiturate or other stimulants not prescribed by a physician, the employee may not be eligible for workers' compensation benefits.

**Section 13. Section 40-19 of the code of the Town of Callahan is hereby amended as follows:**

~~The Town~~ Town of Callahan is committed to the protection of its citizens and to the maintenance of a safe, healthy, and productive work environment for its employees and to the observation of all applicable State and Federal Safety requirements. Consequently, the Town will not tolerate any condition which increases the potential for accidents, substandard performance, or harm to people or property. Employees should immediately notify a supervisor or the mayor of circumstances which are hazardous or pose an increased risk of accidents.

**Section 14. Section 40-24 of the code of the Town of Callahan is hereby amended as follows:**

A. The alcohol test will test for the blood alcohol level. A blood alcohol level of .08 or above is considered a positive test result for an on-duty employee. In some cases, however, taking into consideration the employee's job and on-the-job behavior, a lower level of alcohol may be deemed unacceptable. [Amended 7-6-2009 by Ord. No. 2009-07]

B. Drug test.

(1) The drug test will test for the presence of various controlled substances at or above the minimum levels for a positive test established by the State of Florida pursuant to the Florida Drug-Free Workplace Act (as of March 2010, codified at F.S. § 112.0455 with minimum levels promulgated by the Agency for Health Care Administration published in Chapter 59A-24.006, Florida Administrative Code), including, but not limited to: [Amended 4-5-2010 by Ord. No. 2010-06]

(a) Amphetamines.



- (b) Cocaine or cocaine metabolite.
- (c) Cannabis or cannabinoids.
- (d) Opiates.
- (e) Phencyclidine.
- (f) Barbiturates.
- (g) Benzodiazepines.
- (h) Methaqualone.
- (i) Methadone.
- (j) Propoxyphene.

(2) Evidence of any illegal controlled substance at or above the minimum State HRS levels is considered a positive test result.

C. Preemployment testing.

A. (1) Applicants. The Mayor, upon identifying the top applicant, will call the applicant and schedule a qualified job offer interview. The applicant should be instructed that his interview may take up to two hours. This interview will include a qualified offer of employment and, depending on the category of the position, ~~the drug test. A qualified offer of employment is notice to an applicant that he/she is the top candidate for a vacancy and that upon successful completion of a drug test, the employment offer will be confirmed.~~ may be conditioned on the applicant taking and passing a screening test for evidence of improper drug use and the presence of alcohol. When an offer of employment is conditioned on such testing, applicants may be required to voluntarily submit to a test at a laboratory chosen by The Town of Callahan and sign an agreement releasing The Town of Callahan from liability in connection with the test. Any applicant who tests positive or refuses to undergo testing will not be employed by The Town of Callahan and may not reapply for at least 180 days.

(2) The cost of the drug test will be paid by the Town.

(3) Drug test results will be submitted by the testing facility to the Mayor.

(4) ~~Applicants receiving positive test results, confirmed by a second test using a different methodology, will not be eligible for employment with the Town for six months following the date the positive test was administered.~~ who tests positive or refuses to undergo testing will not be employed by The Town of Callahan and may not reapply for at least 180 days.

(5) The Mayor shall notify the applicant in writing of his disqualification due to failure to pass the drug test.

D. During employment testing.

(1) The authorization and consent for alcohol/drug test form must be completed by the supervisor and signed by the employee prior to test

administration. Sections A and B of the alcohol/drug test reasonable suspicion form must be completed as soon as possible.

(2) Employees suspected of being under the influence of alcohol are to be taken to the Nassau County Sheriff's Office for testing.

(3) Employees suspected of being under the influence of an illegal controlled substance are to be taken to a testing facility approved by the Town.

(4) An employee may be tested for both alcohol and drug use.

(5) An employee who has not successfully completed an initial probationary period and who has a confirmed positive test result for alcohol and/or drugs, shall be dismissed.

(6) An employee who has obtained permanent status in any position, and who has a confirmed positive test result for alcohol and/or drugs, shall be subject to disciplinary action up to and including dismissal. Conditions which may warrant consideration being given to the retention of a permanent employee with positive test results may include, but not be limited to, nature of job, length of service, quality of job performance, professionally documented degree of alcohol/drug dependency, cooperation with treatment program.

~~(7) Each employee shall be required to undergo an annual drug/alcohol test at no cost to the employee. The dates of the annual physical will be determined by the Town and will be made known to the employee at least 48 hours in advance. An employee who refuses or fails to take such a test as directed will be terminated. An employee who tests positive shall be subject to the disciplinary action set forth in this policy.~~

**Section 15. Section 40-30 of the code of the Town of Callahan is hereby to add as follows:**

40-30 Equal Employment Opportunity

The Town of Callahan is committed to promoting and assuring equal opportunity for all current and prospective employees. It is The Town of Callahan's policy not to discriminate against any employee or applicant based on his or race, color, age, sex, national origin, religion, material status, sexual orientation, disability, genetic information, or any other legally recognized status entitled to protection under local, state, or federal anti-discrimination laws.

**Section 16. Section 40-24 of the code of the Town of Callahan is hereby to add as follows:**

40-31 Americans Disabilities Act

The Town of Callahan is committed to complying with all applicable provisions of the Americans Disabilities Act (ADAA)

**Section 17. Section 40-24 of the code of the Town of Callahan is hereby to add as follows:**

40-32 Harassment Free Workplace

The Town of Callahan believes that all employees should be treated with dignity and respect and be able to work in an environment unlawful of harassment. To this end, The Town of Callahan prohibits and will not tolerate harassment based on his or race, color, age, sex, national origin, religion, material status, sexual orientation, disability, genetic information, or any other legally recognized status entitled to protection under local, state, or federal anti-discrimination laws.

Section 18. Any and all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 19. Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.


Section 20. This Ordinance shall become effective October 1<sup>st</sup>, 2023.

ADOPTED THIS 5<sup>TH</sup> OF SEPTEMBER, 2023.

TOWN OF CALLAHAN, FLORIDA

  
Ken Bass, Town Council President

ATTEST:

  
Shawna Gugliuzza, Town Clerk

APPROVED:

  
Randy Knagge, Mayor

Date of First Reading: August 7, 2023  
Date of Final Passage: September 05, 2023