

AGENDA

Call to Order

Roll Call

New Business

1. Public Comments will be Taken at Each Item
2. *Review and Approval of the October 11, 2023 Meeting Minutes (Calandra Barraco)
3. *Review and Approve the TIGER Project Data Collection Scope of Services (Don Scott)
4. +Review and Comment on the Updated MPO/LeeTran Transit Planning Interlocal Agreement (Don Scott)
5. *Review and Approve Updates to the MPO Personnel Manual (Don Scott)
6. Information on Transportation Legislation for this Session (Don Scott)
7. Overview of the November 17, 2023 MPO Board Agenda (Don Scott)

Other Business

8. Public Comments on Items Not on the Agenda
9. Announcements
10. Information/Distribution Items

Adjournment

* Action Items + May Require Action

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**METROPOLITAN PLANNING ORGANIZATION BOARD
EXECUTIVE COMMITTEE**

1:30 p.m., October 11, 2023

Cape Coral Public Works Building
815 Nicholas Parkway E., Cape Coral, FL
Green Room/A200



Meeting Minutes

The meeting was called to order at 1:30 p.m. by MPO Board Vice-Chair/Cape Coral Mayor John Gunter. The Pledge of Allegiance was recited.

The roll was called by MPO staff. There was a quorum. Those MEC members in attendance included City of Cape Coral Mayor John Gunter; City of Sanibel Mayor Richard Johnson; City of Fort Myers Councilmember Fred Burson; City of Bonita Springs Councilmember Laura Carr and Deputy Mayor Fred Forbes; and Town of Fort Myers Beach Councilmember John R. King. Others in attendance included MPO Legal Counsel Derek Rooney; City of Cape Coral Police Department Officer; Laura Dodd with the City of Cape Coral; Wayne Gaither with FDOT; and MPO staff Don Scott and Calandra Barraco. The Pledge of Allegiance was recited.

New Business

Agenda Item #1 - Public Comments Taken at Each Item

Vice-Chair Gunter noted public comments would be taken at each agenda item.

Agenda Item #2 - *Review and Approval of the August 9, 2023 Meeting Minutes

Councilmember John King made the motion to approve the August 9, 2023 Meeting Minutes. Councilmember Fred Burson seconded the motion. There were no objections, and the motion passed unanimously.

Agenda Item #3 - *Review and Approve Changes to MPO Human Resources Documents/Procedures

Mr. Don Scott presented this agenda item for the review and approval of the changes to the MPO Human Resources (HR) Documents/Procedures that were attached to the agenda packet and [posted to the MPO website](#). Mr. Scott noted the last cost of living adjustment was done in June of 2022. He also noted that this his salary was adjusted back in February as part of his contract. He said this agenda item was to update job descriptions and adjust the pay ranges. He provided a Power Point presentation that can be viewed at the following link: [Human Resources](#). He asked if there were any questions. Vice-Chair Gunter commented on the MPO Comparison salary slide, asked how many total employees, and asked if Mr. Scott had a recommendation. Mr. Scott noted there were four total employees and suggested an adjustment of Ms. Barraco's salary to the survey base rate of \$56,810 and then provide a cost of living adjustment of five percent for employees. Councilmember Laura Carr commented on the method to compare, data reflected, and the reasonable request of five percent for a cost of living adjustment. Vice-Chair Gunter asked about the last cost of living adjustment. Mr. Scott replied it was done in June of 2022, and the recent average cost of living adjustments in the local area were 5.29%. Vice-Chair Gunter commented on the MPO current salaries and the request to add the five percent increase to existing salaries. Mr. Scott said that was correct. Councilmember Carr noted there should also be an adjustment made to ensure everyone is at least at the base rate. Mayor Richard Johnson asked if any of the MPO staff were below the base rate. Mr. Scott replied yes, and Councilmember Carr noted that Ms. Barraco was below the base rate. Vice-Chair Gunter clarified that only Ms. Barraco was below the minimum. Mr. Scott replied yes. Vice-Chair Gunter further clarified that the five percent cost of living adjustment would be provided to each MPO staff member and Ms. Barraco's salary would also be adjusted to the base rate. Mr. Scott

replied yes, that Ms. Barraco's salary would be brought up to the base rate and then a cost of living adjustment would be applied to each staff member. Vice-Chair Gunter asked for a motion.

Deputy Mayor Fred Forbes made the motion to raise Ms. Barraco's salary to the base rate and then apply a five percent cost of living adjustment for each MPO employee. Councilmember Fred Burson seconded the motion.

Mayor Johnson noted he agrees with the five to five and a half percent increase as it was consistent with what Sanibel had just done. Mr. Scott said Sanibel data had also been pulled and reviewed. Vice-Chair Gunter asked if a roll call vote was needed. Mr. Scott replied no. Vice-Chair Gunter called the vote.

There were no objections, and the motion passed unanimously.

Agenda Item #4 - Presentation on the SR 78 Corridor Vision & Action Plan

Mr. Scott presented this agenda item on the SR 78 Corridor Vision and Action Plan. He reviewed the Power Point presentation that was attached to the agenda packet and [posted to the MPO website](#). Mr. Scott asked about the timeline. Ms. Laura Dodd replied FY 2025. Mr. Wayne Gaither agreed. Vice-Chair Gunter noted the PD&E study had been moved up due to a contribution of five million in funding from Cape Coral. The committee briefly discussed prior plans to extend Hancock through the vacant shopping lot to Old 41, study done, lanes added to Pondella, new development of vacant shopping center, involvement of Commissioner Hamman in the redevelopment of the area, old plan for on street parking and two through lanes, and modeling.

Agenda Item #5 - Information on the Proposed 2045 LRTP Amendments to Address Appropriations, Local Funding Commitments, and the Moving Florida Forward Program

Mr. Scott presented this agenda item on the Proposed 2045 Long Range Transportation Plan (LRTP) Amendments to Address Appropriations, Local Funding Commitments, and the Moving Florida Forward Program. He provided a PowerPoint presentation that can be viewed at the following link: [LRTP Amendments](#). Mr. Scott noted he would update the SR 78 PD&E amount to five million. Vice-Chair Gunter asked if there was any discussion or public comment. There was no discussion and no members of the public present. Mr. Scott noted this would come back to the MPO Board as a draft. He said it was added to the MEC agenda to discuss Burnt Store for Commissioner Ruane as he would not be at the MPO Board meeting.

Agenda Item #6 - Update on the 2050 LRTP Revenue Discussions

Mr. Scott presented this agenda item as an update on the 2050 Long Range Transportation Plan (LRTP) Revenue discussions. He provided a PowerPoint presentation that can be viewed at the following link: [Revenues](#). Vice-Chair Gunter asked if there was any public comment. There was none. He asked if there was any committee discussion. There was none.

Agenda Item #7 - Overview of the October 20, 2023 MPO Board Agenda

Mr. Scott presented this agenda item as an overview of the October 20, 2023 MPO Board Meeting Agenda. He reviewed the meeting topics including review and approval of the Safe Streets for All Safety Action Plan scope, adoption of the 2024 Highway Safety Targets, approval of the SUN Trail Priorities, review of the FDOT Draft Tentative Work Program for FY 2025 through FY 2029, and review of the proposed 2045 Long Range Transportation Plan Amendments. Mr. Gaither said the work program was expected to be released on Friday and explained the new process of standardization of the work programs through central office. Mr. Scott noted that any adjustments

needed to the LRTP could be made, and it would come back in November for final approval. Mr. Scott also mentioned the SR 31 public hearing that was included in the information and distribution items.

Other Business

Agenda Item #8- Public Comments on Items Not on the Agenda

There were no public comments on items not on the agenda.

Agenda Item #9 – Announcements

Mr. Scott mentioned the MPO Board meeting was scheduled for October 20, 2023.

Agenda Item #10 - Information/Distribution Items

The information and distribution items included the notice for the SR 31 public hearing. Vice-Chair Gunter asked for an update on the Del Prado North extension to I-75. Mr. Gaither said he would provide information on the managed lanes study and present a report at the MPO Board meeting. Deputy Mayor Forbes noted that the Lee County MPO does not want to be merged with the Collier MPO and action should be taken. Mr. Scott said both MPO Boards have made that clear and action would be up to the members. Vice-Chair Gunter asked about legislation. Mr. Scott provided the example of Pinellas, Pasco, and Hillsborough. Deputy Mayor Forbes noted that the study should present both positive and negative aspects. Vice-Chair Gunter said he could incorporate a recommendation to oppose the Lee and Collier merger into the upcoming delegation and also individual members could reach out to their delegates. Deputy Mayor Forbes also asked about the Old Route 41 project timeline. Mr. Scott said the design is scheduled for FY 2027 and construction is further out. Mayor Johnson commented on FDOT's continued work on repairing and rebuilding the Sanibel causeway and eagerness to wrap up the project by the end of the year. Mr. Scott asked if permanent repairs would be completed by year end. Mayor Johnson replied yes, that was still the schedule although the causeway islands were not included. He also noted that Sanibel and Captiva were open for business. Mayor Gunter said he had just been out to Tween Waters. He asked for a motion to adjourn.

Mayor Johnson made the motion to adjourn the meeting. Councilmember King seconded the motion. There were no objections, and the motion passed unanimously.

The meeting was adjourned at 2:18 p.m.

An audio recording of the meeting can be accessed here: [MEC October 11, 2023](#)

* Action Items + May Require Action

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REVIEW AND APPROVE THE TIGER PROJECT DATA COLLECTION SCOPE OF SERVICES

RECOMMENDED ACTION: Review and approve the **attached** TIGER performance data collection scope of services.

The MPO is required to collect performance measure data over a five-year period as part of the performance data collection and reporting requirements that came with the TIGER grant requirements back when it was awarded in 2013. The baseline data was collected in 2015, just prior to construction starting. The collection of bicycle pedestrian counts, crash data analysis and transit ridership are required to be collected each year whereas the survey data collection is required to be collected for two times during that five-year period (this was also collected for the baseline prior to construction). This is the final data collection and reporting that is required as part of this grant agreement.

The scope of work for this year's data collection is attached for review and approval. The locations identified to collect the counts are illustrated on the exhibits and are consistent with the data locations done in the past.

**Scope of Work
Lee County
Metropolitan Planning Organization**

**Tiger Grant Performance
Measure Data Collection**

The Lee County Metropolitan Planning Organization will use one of its General Planning Consultant's to conduct project. The Consultant will collect pedestrian and bicycle count data along with travel surveys at the locations previously collected as part of the baseline study that was done in 2015 and as part of the follow up study that was done in 2019, 2020, 2021 and 2022.

The following scope of professional services ("scope") describes the specific tasks, deliverables, milestones, project schedule, and project budget required to perform this work. The MPO has identified Don Scott as the Project Manager and main point-of-contact for this project.

TASK 1: KICKOFF PHONE CALL

The CONSULTANT will schedule and conduct a project kick-off phone call with MPO upon the issuance of a Notice to Proceed by the MPO. The CONSULTANT may also present and discuss a list of data/resources that may need to be provided by MPO. The staff from the MPO and the CONSULTANT will decide on how the data/resources will be collected and set an appropriate timeline for completing the effort. Other decisions about the format of the deliverables and the form of the final report will be determined at that time.

TASK 2 – BICYCLE AND PEDESTRIAN DATA COLLECTION

The CONSULTANT will collect pedestrian and bicycle counts at 27 locations shown in Exhibit A. The counts will be collected on a typical weekday (Tuesday, Wednesday, or Thursday) from 8 AM to 7 PM. In addition, the data will also be collected on a weekend day (Saturday) from 9 AM to 8 PM.

TASK 3 – TRAVEL SURVEYS

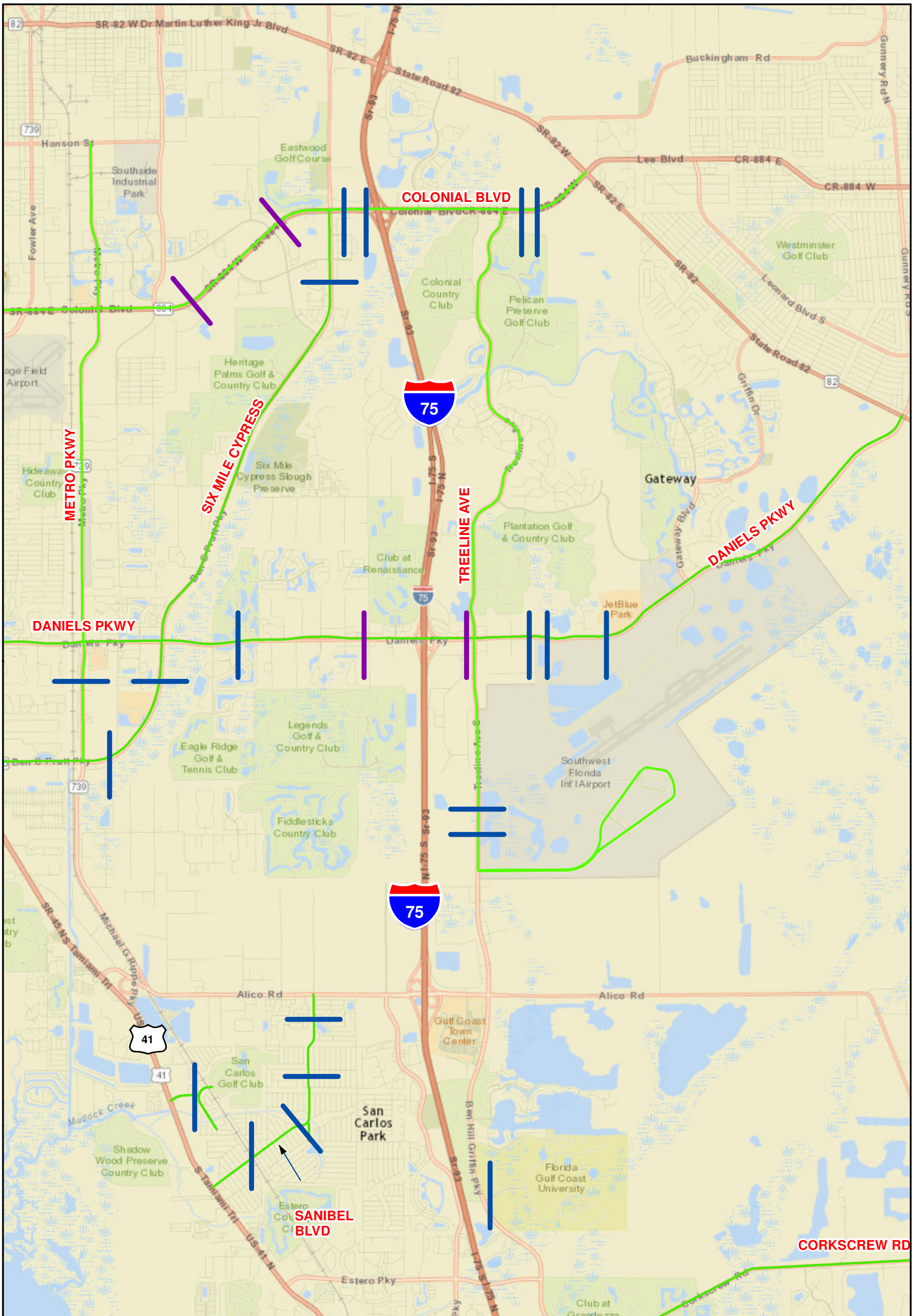
The CONSULTANT will conduct travel surveys at 21 locations shown in Exhibit B. The purpose of the travel survey is to determine the trip purpose (work, recreation, shopping, exercise, school, or other) and trip length. A copy of the Survey Form that was used before is shown in Exhibit C.

TASK 4 – DELIVERABLES

The CONSULTANT will compile the results of each of the technical work tasks into a concise report that includes narratives, graphs, tables and drawings. The draft report will be submitted electronically in Word for staff review, comment and the addition of the other required performance measures (transit ridership and crash data analysis).

SCHEDULE AND BUDGET

The CONSULTANT will perform all of the tasks identified upon receipt of Notice to Proceed.



TIGER V GRANT PROJECT

BICYCLE-PEDESTRIAN COUNT LOCATION MAP

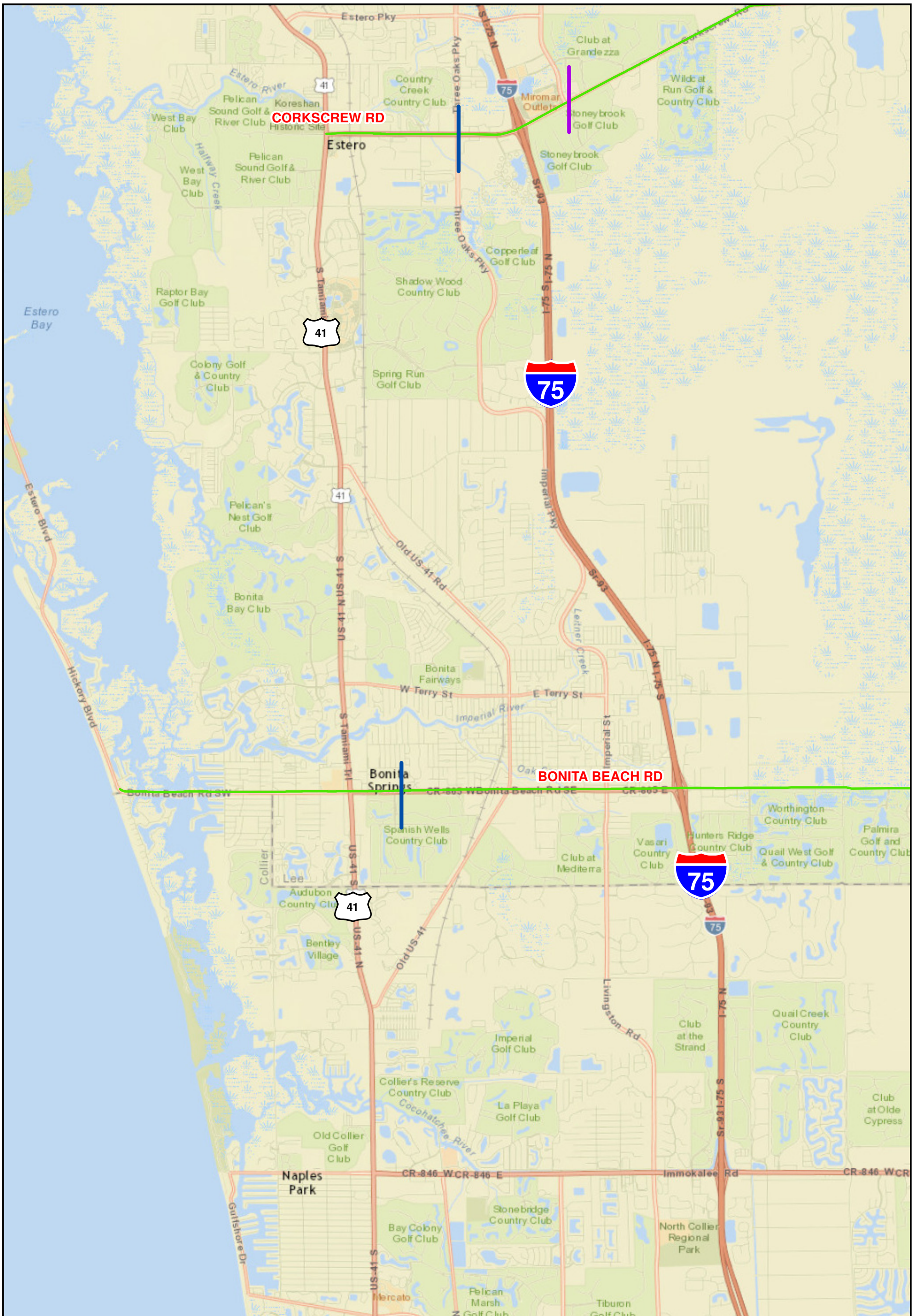
- ONE CAMERA LOCATION
- TWO CAMERA LOCATION

EXHIBIT A

PAGE 1 OF 2



0 0.3 0.6 1.2 Miles



TIGER V GRANT PROJECT

BICYCLE-PEDESTRIAN COUNT LOCATION MAP

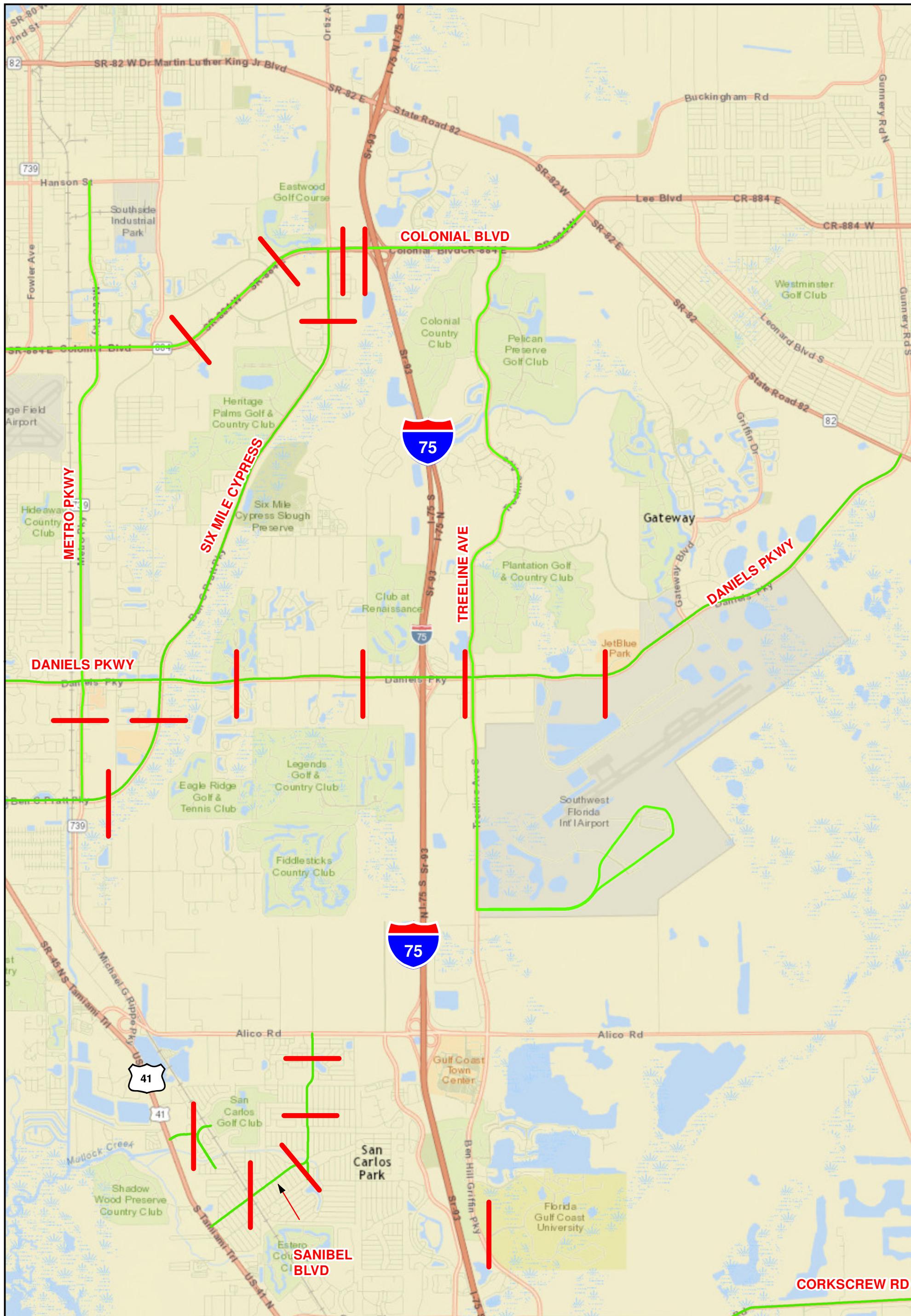
- ONE CAMERA LOCATION
- TWO CAMERA LOCATION

EXHIBIT A

PAGE 2 OF 2



0 0.3 0.6 1.2 Miles

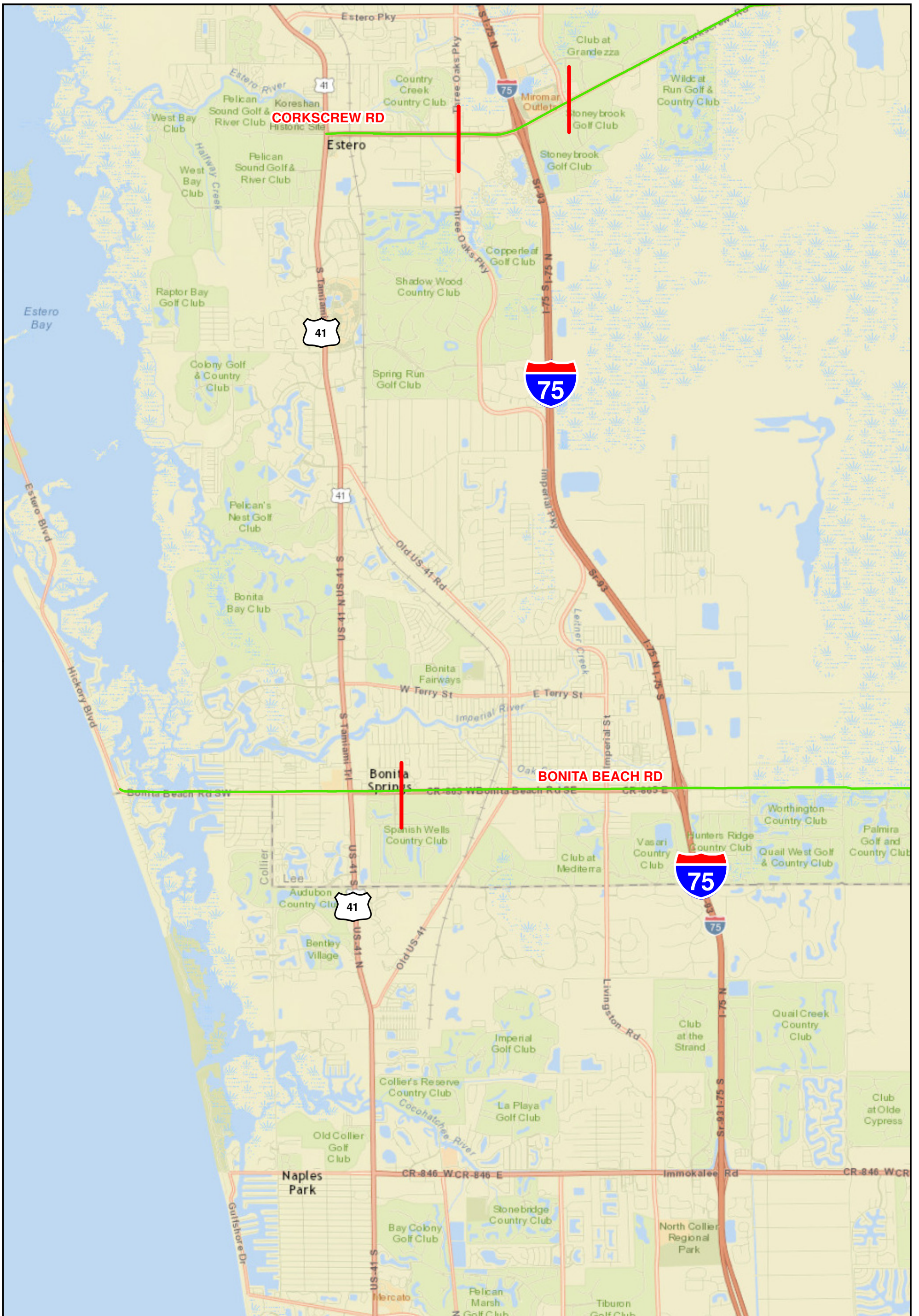


TIGER V GRANT PROJECT
BICYCLE-PEDESTRIAN COUNT LOCATION MAP

— SURVEY LOCATION
EXHIBIT B

PAGE 1 OF 2

0 0.3 0.6 1.2 Miles



TIGER V GRANT PROJECT

BICYCLE-PEDESTRIAN SURVEY LOCATION MAP

— SURVEY LOCATION

EXHIBIT B

PAGE 2 OF 2



0 0.3 0.6 1.2 Miles

EXHIBIT C

BICYCLE/PEDESTRIAN SURVEY

Location: _____

Date: _____ Time: _____

Survey: _____

Weather: _____

Pedestrian(s) & how many _____

Bicyclist(s) & how many _____

_____ Male _____ Female

“Excuse me, but may I ask you five questions for a survey and it will only take two minutes? I’m with _____ and we want to learn more about bicycle/pedestrian trip purposes within this area.”

1. What best describes the purpose of this trip?

_____ Exercising _____ Work commute _____ School _____ Recreation

_____ Shopping/Running Errands _____ Personal business (medical, visiting friends, etc.)

_____ Other

2. What is the total length of this trip (start to finish)? (complete one or more of the following)

Distance: _____ miles

And/or

Start landmark/nearest intersection _____

End landmark/nearest intersection _____

3. Will any part of this current trip be taken on public transit?

_____ Yes _____ No

4. What is your home zip code?

Home zip code: _____

5. Age range of bicyclist/pedestrian?

Under 12 years _____ 55-74 years _____

13-17 years _____ >75 years _____

18-34 years _____

REVIEW THE UPDATED LEE MPO/LEETRAN TRANSIT PLANNING INTERLOCAL AGREEMENT

RECOMMENDED ACTION: Review and comment on the updated Lee MPO and LeeTran Transit Planning Interlocal Agreement (**attached**).

The Lee MPO and Lee County have had an Interlocal Agreement that identified the transit planning coordination that takes place between the two agencies for the last fifteen or so years. The agreement is being changed to address the changes in the way that the transit planning funds are suballocated to the MPO and then used by LeeTran for transit planning activities. In the past, the MPO has had separate agreements with FDOT for the expenditure of FTA 5305 funding that has now been converted over and combined with FHWA planning funds that the MPO receives (the last 5305 agreement and funding was expended by the MPO back in March of 2023). The funding amounts are identified each year as Consolidated Planning Grant (CPG) funding and those changes have been made in the attached agreement.

**INTERLOCAL AGREEMENT FOR SERVICES
BY AND BETWEEN LEE COUNTY TRANSIT AND THE
LEE COUNTY METROPOLITAN PLANNING ORGANIZATION**

THIS INTERLOCAL AGREEMENT, made and entered this _____ day of _____, by and between Lee County, a political subdivision and charter county of the State of Florida, herein after referred to as “County”, acting by and through its Board of County Commissioners, the governing body thereof, and the Lee County Metropolitan Planning Organization, an intergovernmental transportation planning agency, hereinafter referred to as the “MPO” acting by and through its Board, the governing body thereof; collectively the Parties hereto.

RECITALS

WHEREAS, both the County and the MPO are duly empowered pursuant to Florida Statutes, in particular, Section 163.01, to enter into Interlocal Agreements for the sharing of certain governmental powers and obligations; and

WHEREAS, the County owns and operates a mass transit system known as “LeeTran” which provides bus service in Lee County, Florida; and

WHEREAS, the MPO is the designated recipient of Metropolitan and Statewide Planning funds under ~~49 USC §5303~~ which are sub-allocated by the Florida Department of Transportation to the MPO by formula to provide funding to support cooperative, continuous and comprehensive transit planning and for making transportation investment decisions; and

WHEREAS, the MPO entered into a ~~Multi-Year Joint Participation~~ biennial MPO Planning Agreement with the Florida Department of Transportation ~~on November 29, 2012~~, to undertake ~~FTA Section 5303 funded~~ tasks in the MPO’s Unified Planning Work Program (UPWP) that includes transit planning tasks in support of the County’s Transit program; and

WHEREAS, the MPO works collaboratively with the County to undertake various planning tasks which are necessary to enhance the integration and connectivity of the transit system across modes and promote efficient transit system management and operation; and

WHEREAS, the County and the MPO find that entering into this Interlocal Agreement serves a public purpose and is to the public’s benefit;

NOW, THEREFORE, in consideration of the above recitations and the mutual covenants herein set forth, the Parties hereto mutually agree as follows:

1. RECITALS

All of the above RECITALS are hereby adopted by the Parties as being true and accurate to the best of their knowledge, and as if set out further at length in this Agreement.

2. PURPOSE

2.0 The purpose of this Interlocal Agreement is to define the terms and conditions by which the parties utilize ~~FTA Section 5303~~ MPO Planning funds sub-allocated to the MPO and outline the coordination and responsibilities by which the Parties will undertake transit planning activities and for the development of transit services.

2.1 The Parties agree that the above named Parties will enter into this Interlocal Agreement. This Interlocal Agreement shall be binding only upon the Parties that execute this Interlocal Agreement. No Party that executes this Interlocal Agreement shall be bound by its terms to any third party who has not entered into this Interlocal Agreement.

3. TRANSIT PLANNING AND THE EXPENDITURE OF ~~FTA SECTION 5303~~ MPO PLANNING FUNDS

3.0 Beginning with the signature of this agreement, the County may use up to 80% of the MPO Consolidated Planning Grant (CPG) Funding that equals the 5305 allocation provided by FTA each year ~~section 5303 funds~~ to undertake the planning activities identified in the Unified Planning Work Program, as amended, in support of the transit program. The remainder of the CPG funds will be used by the MPO to undertake transit related studies initiated by MPO consistent with the tasks identified in the MPO's Unified Planning Work Program.

3.1 The MPO agrees to pay the County for the costs incurred to carry out the professional planning services identified in the Unified Planning Work Program and which may be funded through the CPG funding ~~49 USC §5303~~ Metropolitan and Statewide Planning.

3.2 The Lee MPO will work with LeeTran to mutually develop the transit tasks in the Unified Planning Work Program which will be reviewed and approved by the MPO Committees and the MPO Board.

3.3 The County shall invoice the MPO for payments on a ~~quarterly~~ monthly basis for the completed activities as identified in the Unified Planning Work Program along with a progress report identifying what has been completed.

~~3.4 The Lee MPO will submit annual applications for the FTA Section 5303 grant funds and will include the expenditure of these funds in the MPO's yearly audit.~~

4. COORDINATION AND RESPONSIBILITIES OF LEETRAN AND THE LEE MPO

4.1 LeeTran shall participate in the MPO transportation planning process by appointing a member to the Technical Advisory Committee (TAC), the Bicycle Pedestrian Coordinating Committee (BPCC) and the Traffic Management and Operations Committee (TMOC) as well as providing staff representation ~~and~~ the Local Coordinating Board (LCB). In addition, LeeTran staff should also attend the Citizen's Advisory Committee and the MPO Board meetings to help address transit related items. LeeTran shall also attend and participate in the MPO's annual state certifications with FDOT and the MPO's quadrennial certifications with FHWA and FTA. ~~The Lee MPO staff shall participate and coordinate with LeeTran's Transit Authority.~~

4.2 The Lee MPO and LeeTran shall actively engage each other during the development of the Transit Development Plan, the Long Range Transportation plan and other transportation related studies. Final documents resulting from these studies including but not limited to the Major and Minor Updates of the Transit Development Plan, Comprehensive Operations Analysis, Park and Ride Studies, Bus Rapid Transit Studies, Transit Demand Studies, Bus Pullout Study, Bus Queue Study and Bus Fare Studies that affect transit service shall be presented to the MPO committees and the MPO Board.

4.3 LeeTran should make all efforts to help the MPO meet its Public Involvement Plan requirements when it comes to developing the Transit Development Plan, the Long Range Transportation Plan and other coordinated studies.

4.4 The Transit Element of the MPO's LRTP is the accepted twenty year planning document and vision for transit needs in Lee County. The Cost Feasible Transit Plan for the first two 5 year blocks shall be developed consistent with the 10 year Transit Development Plan. MPO shall actively engage LeeTran staff in the development of the Needs Plan, Cost Feasible Plan and the development of the cost estimates for the Transit Element.

5.0 SCOPE OF SERVICES

5.1 Under this Interlocal Agreement the County will partner with the MPO to undertake professional and technical planning services.

5.2 These professional and technical planning services are identified in the Unified Planning Work Program that is developed bi-annually and adopted by the Lee County MPO Board.

6.0 MONITORING AND AUDITS

All cost records and accounts shall be subject to audit by representatives of either the County or the MPO at their election, during normal work hours and upon reasonable notice. Said records and accounts shall be made available at the respective Party's offices at a location in Lee County, Florida.

7.0 LIABILITY

Parties agree that by execution of the Agreement, no Party will be deemed to have waived its statutory defense of sovereign immunity, or increased its limits of liability as provided for in Section 768.28, Florida Statutes, as may be revised or amended from time to time.

8.0 TERM

This Interlocal Agreement will remain in full force and effect for a term of three (3) years from the date of signing. The County and the MPO, upon mutual agreement, may renew this Interlocal Agreement for an additional three (3) year period on the same basis as set forth herein.

9.0 UNDERSTANDING

This Interlocal Agreement constitutes the entire understanding between the Parties, and any previous Agreements whether written or oral, shall be superseded by the Interlocal Agreement.

10.0 MODIFICATIONS AND DISPUTE RESOLUTION

10.1 All modifications to the Interlocal Agreement must be in writing, signed by both Parties with the same formality as that contained therein.

10.2 Any disputes arising from this Interlocal Agreement which cannot be resolved by the Parties may be settled through arbitration of the disputed matters by following the procedures as set forth in Section 44.104, Florida Statutes, or the Parties may utilize any other legal remedies available to either Party with respect to the disputed matters.

11.0 BREACH OF AGREEMENT AND TERMINATION

Either Party may terminate this Interlocal Agreement for a breach of the material terms of this Agreement which remains uncured after reasonable notice, not to exceed sixty (60) days.

12.0 NOTICE

All notices or demands are deemed to have been given or made when delivered in person or delivered by certified or registered mail, return receipt requested, postage prepaid, United States mail and addressed to the respective Parties as follows:

Lee County: LeeTran Director
Lee County Transit
3401 Metro parkway
~~6035 Landing View Road~~
Fort Myers, Florida 339071

MPO: MPO Executive Director
Lee County Metropolitan Planning Organization
P O Box 150045
Cape Coral, Florida 33915-0045

The address to which any notice or demand may be given to either party may be changed in writing.

13. SEVERABILITY

If any provision of this Interlocal Agreement is held invalid, the remainder of the Interlocal Agreement shall not be affected thereby and all other parts of this Interlocal Agreement shall nevertheless be in full force and effect.

13.0 FILING

This Interlocal Agreement and any subsequent amendments hereto shall be filed with the Lee County Clerk of the Circuit Court, Minutes Department.

IN WITNESS WHEREOF, the Parties hereto have caused these presents to be executed by their duly authorized officers and their official seals hereto affixed, the date and year first above written.

LEE COUNTY METROPOLITAN PLANNING ORGANIZATION (MPO)

Attest: _____

By: _____
MPO Executive Director

By: _____
MPO Chair

APPROVED AS TO FORM:

By: _____
~~Office of County~~ MPO Attorney

LEE COUNTY BOARD OF COUNTY COMMISSIONERS

ATTEST:
Kevin C. Karnes, Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Deputy Clerk

BY: _____
Chair

APPROVED AS TO FORM

BY: _____
Office of the County Attorney

REVIEW AND APPROVE THE UPDATED PERSONNEL MANUAL

RECOMMENDED ACTION: Review and approve the updated personnel manual (**attached**).

The MPO personnel manual has been updated to reflect consistency with current MPO policies and procedures as well as updating travel reimbursement requirements and matching the personal vehicle mileage reimbursement rate to the prevailing IRS/GSA rate. Staff will go through the various changes for the Committee's consideration.



Lee County Metropolitan Planning Organization's

Personnel Manual

Revised: November 8, 2023
815 Nicholas Parkway E
P.O. Box 150045
Cape Coral, Florida 33915-0045
239-244-2220
Fax: 239-790-2695

Lee County Metropolitan Planning Organization (MPO)

Personnel Manual

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SECTION 1: ADMINISTRATION OF THE POLICIES

1.1 Authority

1.2 Purpose

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

1.3 Applicability

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

1.4 Implementation

The responsibility for implementing the provisions of this Manual is hereby vested in the Director, who shall report directly to the Board, or their designee, except as specifically designated within the rules. Policy direction is the responsibility of the MPO Board.

1.5 Amendments

Amendments to these procedures will be reviewed and approved by the MPO Executive Committee on an as-needed basis.

SECTION 2: EMPLOYMENT

2.1 At-Will Employment Status

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

2.2 Disclaimer Statement

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

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

2.3 Equal Employment Opportunity

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

2.4 Loyalty

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

2.5 Restriction on Employment of Relatives

A. Scope

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

B. Authority

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

C. MPO Policy

The employment of relatives at certain levels of the MPO or in positions where one might have influence over the other’s status or job security is regarded as a potential violation of this policy. No family member (i.e., spouse, child, parent, brother, sister, aunt, uncle, niece, nephew, first cousin, son/daughter-in-law, brother/sister-in-law, mother/father-in-law, stepfather/mother, stepson/daughter, stepbrother/sister, half-brother/sister) of an MPO employee or elected official shall be employed by the MPO in a position in which they are directly supervised by a family member. No person shall be employed as an employee

in the same department as a member of their family. Any employee who falls within the scope of this section by their relationship with another employee after they were hired is exempt from the provisions of this section provided the Director and MPO Board reviews the circumstance and determines that no conflict exists.

The Board may waive the provision of this section in the case of unforeseen and unusual circumstances that is in the best interest of the MPO. This section applies to all natural, adoptive, or step relationships.

2.6 Agreements and Contracts

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

2.7 Salary

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

2.8 Work Hours

The Director shall establish a work week consisting of forty (40) hours per week, excluding mealtimes. MPO employees are generally expected to be at work during the regularly established work week for their respective positions (which may vary depending on position, assignment and/or work location). However, MPO employees that are exempt from coverage under the Fair Labor Standards Act are expected to work as many hours in a given week as are necessary to complete that employee's assigned duties and responsibilities, regardless of the specific work hours assigned to that position by the Director. Attached in appendix A, is the Work Week Hours Form, to be completed and signed by each employee. This form will be approved by the Director and will be placed in the employee's personnel file.

SECTION 3: RULES OF WORK

3.1 Work Attire

MPO employees should dress in a professional manner consistent with good hygiene, safety, and good taste. Employees whose jobs require them to come in contact with vendors, government officials or the public are expected to wear apparel consistent with that worn by persons dealing with the public in similar capacities. The MPO follows a ***business casual dress code*** Monday – Friday unless circumstances dictate otherwise.

3.2 Attendance and Tardiness

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

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

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

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

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

In the event an employee cannot report to work as scheduled or assigned, the employee must so notify their supervisor as early as possible but no later than 30 minutes before the start of their scheduled workday. It is the responsibility of the employee to make the call. Supervisors shall not accept calls from an employee's friends, family, or co-workers unless an employee is physically unable to make the call, in which case such condition shall be medically documented.

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

3.3. Professional Development

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

3.4 Travel

A. General Information

The Lee County MPO travel policy applies to all MPO employees and interns traveling on official business paid for by the Lee County MPO and the travel expenses will be paid or reimbursed in accordance with applicable Florida Statutes and the policies of the MPO.

Employees and interns traveling on official business for the Lee County MPO are expected to use reasonably priced lodging accommodations with every effort being made to use a DEP designated Green Lodging hotel (or one under application for designation and they can be found at <https://floridadep.gov/osi/green-lodging>) and are required to use economy or tourist class air travel fares. Travelers must indicate on the Travel Form, No. 300-000-01 when a Green lodging hotel is used. If a traveler does not use a Green Lodging hotel, or one under application for designation, then justification explaining the reasons another facility was used must be included on the travel form. Justification should consider cost, location, and other applicable factors. Under no circumstances are travelers on Lee County MPO business permitted to accept gratuitous upgrades to first class if the situation would conflict with the Code of Conduct Policy.

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

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

B. Travel and Training Guidelines

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

C. Travel Authorization

Travel during work hours for employees at the MPO's expense (except the Director) must be authorized in advance of travel by the MPO Director. The Director's overnight travel shall be approved by the Chair or Treasurer of the MPO. Specific expenses and/or conditions of travel must be pre-authorized by the designated official as described below:

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

- General training for job performance enhancement.

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

D. Pre and Post-Travel Accountability

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

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

Receipts for hotels, public transportation, convention registration fees, car rental, tolls, and similar items must be attached to the appropriate reimbursement form. All items for which a receipt cannot or was not obtained must be explained in writing. Any item without a receipt, other than straight per diem for meals at the FDOT rates, is subject to denial. Miscellaneous expenses must be itemized. Completed forms should be submitted to the Director or the Board Chairman, Vice Chairman, or Treasurer as the authorizing official.

They should review the forms before approving and obtain explanation on any questionable item. If costs exceed the amount of expense authorized by the appropriate official, and the traveler requests reimbursement for the additional amount, the authorizing official should provide a complete explanation and a recommendation to the Director or designee. All forms must be submitted to the Director or designee, within three (3) working days of completing travel. The Director, or their designee, will review the expenses for acceptability. If additional information is needed for approval, the form shall be returned to the traveler for revision.

E. Transportation

Travelers are expected to use the travel mode that is most advantageous to the MPO. This would include using bus or airport van service to and from terminals or extended parking at terminals versus use of a common carrier. The traveler is permitted mileage from point of departure (home or work location) whichever one is the shorter distance. If the employee must use a cell phone while driving on MPO Business, they must stop safely, secure the vehicle, and then make or take the call. There are **NO** exceptions, including hands-free phones. This applies to everyone: employees and volunteers.

F. Private Vehicles

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

G. Taxicabs

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

H. Car Rentals

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

I. Airline

Airline reservations may be acquired if approved by the appropriate official and should be made with at least a 14 day advance purchase for better pricing. Air travelers shall attach their boarding passes and ticket stub to the appropriate reimbursement form for final accountability.

J. Reimbursable Local Travel

Travelers within a distance of eighty miles shall not be reimbursed for lodging unless extenuating circumstances exist and then only when justifiable cause is documented in writing and pre-approved by the Director. Employees must complete the FDOT Travel Form (Form 300-000-01; Page Two A) to be reimbursed for local travel mileage. Reimbursement for local travel mileage shall be at the prevailing IRS/GSA rate.

K. Lodging

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

When traveling in the State of Florida, the reservation should be made with a Purchase Order Form in advance to the hotel, motel, lodge, etc., to ensure exemption of sales tax. When lodging is not paid in advance, the traveler must seek exemption from tax on hotel room rentals. All travelers will be provided a Tax Exempt Certificate. If the hotel does not honor the tax exemption, please indicate on your travel

form that the certificate was presented to the hotel but was denied. Sales tax reimbursement may be denied to the employee if exemption was available.

L. Meals

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

A daily per diem rate based on FDOT guidelines that follow F.S. 112.061, in lieu of the meals and tips may be authorized by the Director provided that the per diem rate per day does not exceed the amount permitted for meals and tips. If breakfast, lunch, or dinner is provided by the airline, hotel, seminar, etc., then the daily per diem rate will not be an option. If meals are provided, such as those included as part of hotel registration, by an airline or as part of a seminar, it should be noted on the reimbursement form as meals furnished. No one shall be reimbursed for any meal, lodging or other expense included in a fee paid by the MPO.

M. Other

Registration fees for functions related to Lee County MPO business may be reimbursed when an employee is expected to attend due to the nature of the position. Any travel over eighty miles by personal or rental vehicle requires prior written approval by the Director. Approval to use a personal or rented vehicle provides the traveler(s) a substitute for an airline ticket; therefore, en route expenses other than gasoline/vehicle expense will not be reimbursed, and mileage cost beyond the cost of economy or coach airfare will not be reimbursed. Travel time in excess of the most advantageous mode of travel to the Lee County MPO will be chargeable as personal time off to the employee(s).

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

3.5 Personal Property

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

3.6 Reporting Contact Changes

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

3.7 Conflicting Outside Employment or Enterprise

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

3.8 Political Participation

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

3.9 Financial Disclosure

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

3.10 Gifts

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

3.11 Discounts

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

3.12 Fundraising

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

3.13 Disclosure of Information

MPO employees shall not furnish or use MPO information that is not available to the general public for personal advantage. This does not limit, hinder, or prevent disclosure of such information in performing official duties by those employees specifically charged with such responsibilities or so designated.

3.14. Solicitations

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

displaying MPO business information and other organization data. Posting written solicitations is restricted.

3.15. Media

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

3.16 Communications

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

3.17 Conduct Unbecoming of MPO Employees

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

3.18 Drugs and Alcohol

MPO employees are prohibited from using or being under the influence of alcohol and nonprescription drugs during their regular working hours. The use of prescription drugs by Employees shall be limited to the named individual, the prescribed dosage, and the strict observance of all precautions on the container's label.

3.19 Drug Free Workplace

A. Policy

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

The purposes of this policy are as follows:

- (a) To establish and maintain a safe, healthy working environment for all employees;
- (b) To ensure the reputation of the MPO and its employees as good, responsible citizens worthy of the responsibilities entrusted to them;
- (c) To reduce the incidence of accidental injury; and

(d) To provide assistance in rehabilitating any employee who seeks the MPO's help in overcoming an addiction to, dependence upon, or problem with alcohol or drugs.

Any employee, who feels that they have developed an addiction to, dependence upon, or problem with alcohol or drugs, legal or illegal, is encouraged to seek assistance. Rehabilitation and the cost thereof is the responsibility of the employee. Any employee seeking medical attention for alcoholism or drug addiction may use any accrued Paid Time Off for rehabilitation. The employee must provide certification that they are continuously enrolled and actively participating in a treatment program. Upon successful completion of treatment, the employee will be returned to active status without reduction in pay.

Any employee suffering from an alcohol or drug problem who rejects treatment or who leaves a treatment program prior to being properly discharged will be immediately terminated. No employee will be eligible for an assistance program more than once. Any subsequent abuse of alcohol or illegal use of controlled substances will result in the immediate termination of the employee. Controlled substances are defined by regulation 21 CFR 1308.11 through 1308.15. Any employee believed to be under the influence of alcohol, illegal drugs, or controlled substances on the basis of reasonable suspicion will be suspended from work and be required to submit to a drug/alcohol screening and evaluation. If the screening reveals positive results, the employee shall seek an appropriate facility for treatment. The costs of such treatment shall be borne by the employee. A positive drug/alcohol screening result is considered a major infraction of MPO regulations. Refusal to submit to a drug/alcohol screening will result in dismissal.

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

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

Applicants for employment will be required to submit to a pre-employment drug screen to detect possible current illegal use of controlled substances. Applicants whose examinations indicate current illegal use of controlled substances will not be hired. In addition, it is the MPO's desire to improve worker compensation cost control, increase productivity and safety, decrease absenteeism, decrease health care costs, and increase overall employee morale. The MPO is also a Drug and Alcohol Free Workplace pursuant to Chapter 440, Florida Statutes. As part of the Drug and Alcohol Free Workplace program, the MPO will reserve the right to require employees to submit to a drug and alcohol test when reasonable suspicion exists to believe that the employee may be using and/or abusing controlled substances, narcotic drugs, or alcohol.

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

3.20 Firearms and Weapons

A. General

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

B. Definition

For purposes of this section the following definitions shall apply:

(a) Official work duty shall mean the period which includes the time the employee enters the work area at the beginning of the work period to the time the employee leaves the work area at the end of the work period.

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

C. Employee Responsibility

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

3.21 Smoking

Smoking is not allowed inside the Lee County MPO office and is only permitted at the designated areas of our lease space. Employees who violate this policy will be subject to disciplinary action, up to and including dismissal.

3.22 Criminal Background Check and Driving History

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

3.23 Criminal Arrest or Conviction

MPO employees shall immediately notify the Director of their arrest or conviction of a criminal offense, whether a felony or misdemeanor no later than five (5) calendar days after that arrest or conviction.

3.24 Communication Devices

Communications devices, to include but not limited to computers, tablets, or the like, that are assigned to MPO Employees are for the primary use of MPO business and de minimis personal use, and such devices shall not be used for outside employment or enterprise. Personal use is defined as all use which is not for the business of the MPO. If an MPO employee wishes to use their personal computing devices for conducting MPO business, they must understand their responsibilities for using personally-owned devices and be aware of restrictions on use for those who are eligible for overtime pay. In order to receive approval for use of personal/mobile computing devices, employees must follow the guidelines below:

1. The MPO is not responsible for the personal property of MPO employees or any related fees/costs associated with usage.
2. The employee must sign the document titled "Request to Use Personally Owned Computer or Mobile Computing Device" (Appendix B). This document can be attained from the MPO Director or designee. The document covers employee responsibilities for using personal devices, including restrictions on use for employees who are eligible for overtime pay.
3. The MPO Director must approve the "Request to Use Personally Owned Computer or Mobile Computing Device" document via signature.

3.25 Electronic Mail

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

3.26 Internet Use

A. Policy

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

1. Performance of Job Responsibilities

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

2. Professional Development

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

3. Privacy and Confidential Information

Internet accounts are to be accessed only by the authorized user of the account. Confidentiality of passwords and user accounts must be protected. Employees must discontinue their Internet connection when leaving their PC. Individual users can be held accountable for use of an internet account by others. Employees will have no expectation of privacy in both sending and receiving electronic messages and information on the Internet. Employees on the Internet will respect the privacy of other users and will not intentionally seek information on, obtain copies of, or modify files, other data or passwords belonging to other users, or represent themselves as another user.

4. Copyright Laws

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

5. Security

Employees are prohibited from developing programs that harass other users or infiltrate a computer or computing system or that damage or alter software components of a computer or computing system.

6. Lawfulness

Transmitting any material in violation of any U.S., State or local law, ordinance, regulation, or policy is prohibited. This policy prohibits unlawful or inappropriate communications, including but not limited to sexually, racially, or ethnically offensive comments, jokes, slurs, disparagement of, or threats to others.

B. Prohibited Uses of the Internet

(a) Illegal Activities

(b) Threats

(c) Harassment

(d) Slander

(e) Defamation

(f) Obscene, pornographic, or suggestive images or offensive graphical images

(g) Political endorsements

- (h) Commercial activities
- (i) Using non-business software including games or entertainment software
- (j) Downloading and installing programs without proper authorization
- (k) Activities resulting in, or relating to, personal gain or for profit enterprise
- (l) Using internet resources for personal use (for example INSTAGRAM, FACEBOOK/META, SNAPCHAT, X, and OTHER SOCIAL MEDIA AND ONLINE CHATTING NETWORKS)

C. Right to Monitor

The MPO reserves the right to monitor Internet communication and activity at any time, without prior notice, and to access and examine information in an employee's computer at any time to ensure that system is being used in accordance with these policies. Employees are hereby notified that their individual online or Internet activities may be automatically logged by a network surveillance system and later reviewed by authorized MPO personnel for compliance review purposes.

D. Violation of Policy

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

3.27 MPO Equipment

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

3.28 Computer Software

The Lee County MPO purchases and licenses certain computer software for business purposes, does not own the copyright to the software, and follows the authorized use. Employees shall not load any software not purchased by the Lee MPO onto their computers. This includes downloading files from the Internet such as screen savers, games, music, etc. The screen saver password must be enabled at all times and set to less than thirty (30) minutes. Employees should not share their user ID's or their passwords.

3.29 Compliance with Law

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

3.30 Compliance with and Enforcement of Policies of the MPO

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

3.31 Discipline

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

First Offense: MPO Director will speak with the employee about this issue raised and notify them of the situation at hand. This will be documented in writing by the Director and placed in the employee's personnel file.

Second Offense: MPO Director will hold a formal conference with the employee to address the situation at hand. This meeting will require formal written documentation to be signed by the employee and MPO Director with the consequences of the actions taken included in the documentation. Once the documentation is signed by both parties it shall be filed in the employee's personnel file.

Third Offense: The MPO Director will set a formal hearing with the MPO Chairman or designee and the employee to discuss options of administrative leave without pay or termination.

3.32 Americans with Disabilities Act of 1990

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

Any employee or job applicant who has questions regarding this policy or believes that they have been discriminated against based on a disability may notify the ADA contact. All such inquiries or complaints will be treated as confidential and will only be disclosed on a need-to-know basis.

3.33 Discrimination and Harassment

A. Generally

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

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

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

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

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

B. Unlawful Harassment-Generally

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

The MPO does not and will not tolerate harassment of MPO employees. The term "harassment" includes but is not limited to, slurs, jokes, and other verbal, graphic, or physical conduct relating to an individual's race, color, sex, religion, national origin, citizenship, age, or disability. "Harassment" also includes sexual

advances, requests for sexual favors, unwelcome or offensive touching, unnecessary comments as to another's sexual preferences or behavior, and other verbal, graphic, written (e.g., e-mails or text messages) or physical conduct of a sexual nature.

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

C. Sexual Harassment

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

- (a) Submission to such conduct is made implicitly either a term or condition of employment;
- (b) Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting the individual; and/or
- (c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

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

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

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

D. Complaint Procedure

The following procedures should be followed when an employee thinks they are the victim of discrimination and/or harassment:

(a) Step One

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

(b) Step Two

An employee who believes that they are the victim of sexual harassment or that they are being unreasonably interfered with by such conduct is required to promptly report the conduct to the Director, without fear of reprisal. "Promptly" means within five (5) business days of the event giving rise to the employee's complaint.

(c) Step Three

The employee may file a formal, written complaint to the Director.

If the Director is the offending party, the employee may file the written complaint directly with the Board Chair.

(d) Step Four

If an employee notifies the Director of such a problem, the Director shall notify and shall provide a copy of the complaint form submitted by the employee to the MPO Attorney and MPO Designee.

E. Investigation of Complaints

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

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

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

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

If a complaint is sustained, the offender will be subject to disciplinary action which may include termination from employment. Any supervisor is under a continuing duty to take immediate

Remedial action to stop or prevent discrimination and/or harassment. If the supervisor fails to take such action, and the misconduct was known, or should have been known, to them, the supervisor in question shall be terminated from employment. Even if the investigation fails to disclose the existence of any discrimination or harassment, the MPO reserves the right to nonetheless take action. Such action may include counseling, a reminder of the MPO's directive, or a written warning. Additional mandatory training will be provided if, in the MPO's discretion, such training is necessary.

F. Follow Up

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

G. Retaliation

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

SECTION 4: BENEFITS

MPO Employee benefits are active 30 days after start date of employment.

4.1 Holidays

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

The days listed below are designated as official Lee County MPO holidays:

New Year's Day

Martin Luther King Day

Presidents Day

Memorial Day

Independence Day

Labor Day

Veterans Day

Thanksgiving Day

Day After Thanksgiving

Christmas Eve Day (half day; holiday will commence at 1:00 p.m.)

Christmas Day

If one of the above holidays falls on a weekend, the observed MPO day off will match what the county has scheduled off for that holiday.

4.2 Medical Insurance

The MPO will pay 100% of coverage for the employee and 70% coverage towards dependent coverage. The percentage paid by the MPO is evaluated annually and is subject to change.

4.3 Disability Insurance

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

4.4 Life Insurance

The MPO will provide to each MPO employee, at the MPO's expense, Group term life insurance of \$50,000, or an amount that is eligible for that employee. Included in the Group life Insurance is an Accidental Death and Dismemberment policy. The Lee County MPO pays the total cost of this benefit.

4.5 Continuation of Group Health Insurance Coverage

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

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

“Qualified beneficiary” includes:

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

“Qualifying events” include the following:

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

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

The maximum continuation period for a qualified beneficiary is 18 months, except in the event of total disability; in which case, up to 29 months can be granted. Continuation coverage will be terminated before the end of the maximum period of continuation coverage and cannot be reinstated for any covered person if the following occur:

- (a) Payment for the coverage is not received on a timely basis;
- (b) The maximum continuation period ends;

- (c) They become covered by another group plan through employment;
- (d) They become entitled to Medicare benefits; or
- (e) The MPO ceases to provide the coverage for any employee.

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

The insurer, not the MPO, is responsible for complying with the laws notice requirements. Concerned employees and retirees should contact the Executive Director or designee for additional detailed information concerning cost, election, conversion, and notice provisions.

Continuation of benefit provisions are subject to changes in state or federal law.

4.6 Pension Plan

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

4.7. Employee Assistance Program

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

4.8 Professional Organizations

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

4.9 Workers' Compensation

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

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

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

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

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

SECTION 5: LEAVES OF ABSENCE

5.1 Paid Time Off (PTO)

Regular full-time and regular part-time employees (24-39 hours/week) earn Paid Time Off ("PTO"). Temporary employees, contract employees, interns and part-time (under 24 hours/week) employees are not eligible to earn personal leave. PTO is intended for vacations, illnesses other than those covered by long-term disability and other needs. PTO leave shall be accrued on an hourly basis per bi-weekly pay period based on the number of years in the FRS without a break in service. The following accrual rates apply:

Continuous and Credible Service Paid Time Off per Bi-Weekly Pay Period

<u>Years of Credible FRS Service</u>	<u>Full-Time Employees</u>	<u>Part-Time Employees (24-39 hours/week)</u>
Up to five (5) years	8 hours	4 hours
Five (5) years to 10 years	9 hours	4.5 hours
Over 10 years	10 hours	5 hours

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

1) MPO Employees may use credited PTO for any purpose (i.e., vacation, hospitalization, illness, family emergency, personal business, etc.). Employees may take only that amount of leave that has been credited to them. Use of uncredited personal time off will not be authorized even though the leave would have posted by the end of the pay period. Leave will be accrued per pay period.

2) MPO employees shall notify the Director of their absence due to illness within the first 30 minutes of the scheduled workday.

3) MPO employees who have been absent for an extended period of time due to illness may be required to present correspondence from a physician stating that they are able to return to work and under what conditions/limitations, if any.

4) Precedence in choosing a vacation period shall be approved by the Director in keeping with the needs of the Lee County MPO.

5) Normally vacation is limited to no more than two (2) consecutive weeks. Special approval by the Director is needed for PTO that will exceed two (2) consecutive weeks and must be coordinated to ensure the efficient operation of the Lee County MPO.

6) Holidays occurring while an employee is on PTO are to be counted as holidays, not personal leave.

8) Employees may accrue up to 480 hours of PTO. Accrual of more than 480 hours of PTO for an employee in a calendar year shall be reset to 480 hours at the end of the calendar year. Employees retiring from the Lee County MPO shall be paid for their credited leave that has accrued up to their last day of employment up to a cap of 200 hours.

10) Inclement weather conditions, fires or power failures that result in the employee being late or absent from work will result in use of PTO unless the entire office is closed or opening late. When the office is officially closed due to emergency conditions, the time off from scheduled work will be paid without requiring the use of PTO.

11) Religious Holidays may be observed by employees if the PTO is approved by the Director.

12) In case of death of an employee, payment for unused personal time off up to a cap of 200 hours shall be made to the employee's beneficiary, estate, or as provided by law.

13) It shall be the MPO Designees responsibility to keep accurate and up-to-date personal leave records on each employee.

Employees who terminate prior to completing six (6) months will not be paid for any accrued personal time off. An employee does not accrue personal time off for any period in which said employee is on any unpaid status. Employees start to accrue PTO after the first 30 days of employment.

5.2 Jury Duty

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

5.3 Family and Medical Leave

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

A. Eligibility

To be eligible for a leave of absence under the FMLA, an MPO employee must: (a) have been employed by the MPO for at least 12 months; and (b) have worked at least 1,250 hours in the previous 12 months.

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

B. Reasons for Taking Leave

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

- (a) to care for your child after birth or after a child is placed with you for adoption or foster care within the 12 months following birth or placement;
- (b) to care for your spouse, son or daughter, or parent, who has a serious health condition; or
- (c) for your own serious health condition which makes you unable to perform your job duties.

C. Serious Health Condition

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

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

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

D. Length of Leave Allowed

The maximum time an MPO employee is allowed to take leave, if eligible, is 12 workweeks in a 12-month period. The MPO will use a “rolling” 12-month period measured backward from the date the Employee begins a leave to determine how much leave time is available to such Employee unless another calculation is required by law. Under some circumstances, MPO employees may take family/medical leave intermittently, which means taking leave in blocks of time, or by reducing their normal weekly or daily work schedule. For purposes of record keeping, FMLA leave requests shall be for a period of not less than one (1) hour increments, and additional increments shall be in not less than one (1) hour.

E. Medical Certification

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

F. Job Benefits and Protection

During an approved leave under this section, an MPO employee must continue to pay their portion of any premium payments for medical, vision, dental, life and long-term disability insurance for themselves or their dependents on the same terms as if the Employee had continued working. If an MPO employee does not return to work from a leave allowed by this policy, such MPO employee will be required to repay to the MPO the premium amounts that the MPO paid during the MPO employee's leave and the MPO is entitled to take legal action to recover such payments if necessary.

G. Reinstatement

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

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

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

H. Pay Status During Leave

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

for FMLA leave. Under limited circumstances, the MPO may designate paid leave as FMLA leave shortly after an Employee's return to work.

I. Requesting Family and Medical Leave

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

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

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

If the need for leave is not foreseeable, the MPO employee must provide as much advance notice as possible, with a written notice no later than five working days after learning of the need for leave.

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

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

(b) If the leave is needed to care for a sick child, spouse, or parent, or if leave is needed because of your serious health condition, the Employee must return a completed certification of Health Care Provider form within 15 calendar days. If a completed form is not returned within 15 days, then the leave will be denied.

(c) In cases where both spouses are employed by the MPO and the leave requested is for the birth, adoption, or foster care of a child, the MPO will not grant more than 12 workweeks total of family/medical leave.

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

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

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

J. Additional Military Leave Entitlement (Injured Service member Leave)

In addition to the basic FMLA leave entitlement discussed above, an eligible employee who is the spouse, son, daughter, parent or next of kin of a covered service member is entitled to take up to 26 weeks of

leave during a single 12 month period to care for the service member with a serious injury or illness. Leave to care for a service member shall only be available during a single 12 month period and, when combined with other FMLA-qualifying leave, may not exceed 26 weeks during the single 12 month period. The single 12 month period begins on the first day an eligible employee takes leave to care for the injured service member.

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

5.4 Leave for Victims of Domestic Violence

An employee who is a victim of domestic violence or has a family or household member who is a victim of domestic violence may take up to three (3) working days of paid leave time within a 12- month period. Family or household member is defined as spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married.

Employees may use the leave time to:

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

5.5 Military Leave

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

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

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

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

An eligible employee who is a commissioned reserve officer or reserve enlisted personnel in the United States military or naval service or member of the National Guard is entitled to leaves of absence from their respective duties, without loss of pay, for the first seventeen (17) working days of that training period in a calendar year in accordance with section 115.07, Florida Statutes. Any absence for training purposes in excess of seventeen (17) working days shall be charged to appropriate accrued paid leave, or to leave without pay if an employee has no such leave accumulated.

COMMITTED EMPLOYEE WORK WEEK HOURS

(Appendix A)

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

Employee Name: _____

Committed work hours (Hours may be changed as needed with Director Approval):

	Start Time	Lunch	End Time	Total Hours
Monday		<input type="checkbox"/> 30 mins <input type="checkbox"/> 60 mins		
Tuesday		<input type="checkbox"/> 30 mins <input type="checkbox"/> 60 mins		
Wednesday		<input type="checkbox"/> 30 mins <input type="checkbox"/> 60 mins		
Thursday		<input type="checkbox"/> 30 mins <input type="checkbox"/> 60 mins		
Friday		<input type="checkbox"/> 30 mins <input type="checkbox"/> 60 mins		
Total Week Hours				

By signing below, I am acknowledging that I agree to the above Work Week Hours. If I am not able to meet these times then I will notify the MPO Director by phone within the first 30 minutes of my scheduled workday, failure to do so will result in disciplinary action.

Employee Signature

Date

Director Approval

Date

REQUEST TO USE PERSONALLY OWNED COMPUTER OR MOBILE COMPUTING DEVICE

Acknowledgment of Security Use and Responsibilities
(Appendix B)

The purpose of this document is to request to use a personally owned computer or mobile computing device (referred to as “device”) to conduct MPO related business and the inherent responsibilities associated with such use.

By requesting to use my personally owned device to conduct MPO related business, I acknowledge and understand the following provisions:

1. The MPO is not responsible for protecting, replacing, or repairing my device.
2. The MPO is not responsible for any fees associated with use of personal device without prior MPO Director approval.
3. I will ensure that my device is properly protected, using anti-virus software with the latest updates and definitions, including real time protection, if available. The MPO is **NOT** responsible for supplying anti-virus software.
4. I will ensure that data exchanged with the MPO does not contain viruses or malware.
5. I will ensure that the latest operating system updates are applied to my device, including all applicable security patches.
6. I will ensure that all MPO documents or other MPO business information stored or maintained on the device will be copied to an MPO system or service to meet public records requirements.
7. I will not store any MPO confidential or exempt information on my device.
8. All devices connected to the MPO network and systems and used for business purposes will be subject to audit and inspection in the event of an MPO investigation or public records request.
9. If my device is lost or stolen, I will immediately report it to the MPO Director or designee.
10. If my employment is terminated with the MPO, or I choose to transfer the ownership of my device temporarily or permanently, or it is reported lost or stolen, I agree to authorize the MPO to remove all of the MPO related software, data, e-mail, or any other MPO related information from my device.
11. I will comply with state and federal regulations, both existing and future, relating to information technology security and not use this access in any improper or unauthorized manner. Failure to comply may lead to disciplinary action up to and including termination of employment or termination of contracts.

12. If I am eligible to receive overtime pay, I will not use my device to conduct any MPO business, including review of MPO electronic mail, except during my scheduled work hours, unless I have obtained prior written permission from my supervisor. I understand that any violation of this requirement may result in disciplinary action, including dismissal from my employment with the MPO.

I have read and understand the provisions listed above and acknowledge my acceptance by signing below.

Employee Signature

Director Approval

Employee Name Printed

Director Name Printed

Date Signed

Date Approved

LEE COUNTY MPO
ACKNOWLEDGEMENT/RECEIPT OF PERSONNEL POLICY MANUAL

(Appendix C)

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

I agree to abide by the policies and procedures contained therein. I understand that the policies and benefits contained in this Policy Manual may be added to, deleted, or changed by the Lee County MPO at any time. I understand that neither this Personnel Manual nor any other written or verbal communication by a management representative is intended to in any way create a contract of employment, and that this Policy Manual is for informational purposes only.

I also understand that the MPO abides by employment-at-will, which permits the MPO or the employee to terminate the employment relationship at any time, for any reason, with or without notice. The MPO will not modify their policy of employment-at-will in any case.

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

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

Employee Signature

Date

Employee Name Printed

**INFORMATION ON TRANSPORTATION RELATED
LEGISLATION THIS SESSION**

DISCUSSION ITEM:

Staff will provide an early look at some of the transportation related items that are being pursued by Legislators this session.

OVERVIEW OF THE NOVEMBER 17TH MPO BOARD MEETING AGENDA

DISCUSSION ITEM:

The MPO staff will provide an overview of the November 17th MPO Board meeting agenda.