

Greater Naples Fire Rescue District

Greater Naples Fire Rescue District Policy Manual

MISSION

The Mission of the Greater Naples Fire Rescue District is to protect life and property by providing emergency response services and education for residents, businesses, and visitors of our community.

Vision:

Increase response effectiveness

Enhance professionalism and operational efficiencies

Use taxpayer dollars responsibly

Values:

Professionalism, Integrity and Compassion



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CODE OF ETHICS

As an employee of the Greater Naples Fire Rescue District, my fundamental duty is to serve the community; to safeguard and preserve life and property against the elements of fire and disaster; and maintain a proficiency in the art and science of fire engineering.

I will uphold the standards of my profession, continually search for new and improved methods, and share my knowledge and skills with my contemporaries and successors.

I will not allow personal feelings, nor danger to self, deter me from my responsibilities as an employee.

I will at all times, respect the property and rights of all men and women, the laws of my community and my country, and the chosen way of life of my fellow citizens.

I recognize my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the fire service. I will never use my official position to obtain advantages or favors for myself, my friends, or family.

I will constantly strive to achieve the objectives and ideals, dedicating myself to my chosen profession in support of—saving of life, fire prevention, and fire suppression.

As an employee of the Greater Naples Fire Rescue District, I accept this self-imposed and self-enforced obligation as my responsibility.

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Chapter 1 - Fire Service Role and Authority

Standard Operating Policies and Procedures

100.1 PURPOSE AND SCOPE

The Greater Naples Fire Rescue Districts' Policies and Procedures Manuals have been promulgated to assure delivery of District goals set forth in the Mission Statement. As such, it has been approved by the Fire Chief, who shall have the right, subject to review by the Fire Commission, to issue, amend, revoke, or make special exception to these manuals.

These manuals sets forth official policies and procedures for the guidance of all employees, and is intended to address duties and responsibilities in a general manner.

The manuals follow an organized numerical format. Appropriate Table of Content revisions will accompany future alterations of this manual. Quick reference to a particular section's Table of Contents will provide subject location as well as the most recent date of section alteration(s)The contents of this GAP Manual are purposely stated in a broad format. Interpretation and application by District employees should bear in mind the District's goals as set forth in the mission statement.

100.2 POLICY

1. The Policies and Procedures Manuals, revisions or amendments to these Manuals, as well as new or revised policies and/or procedures will be issued to employees. It shall be the responsibility of all District employees to thoroughly familiarize themselves with the Manuals, and District work rules and regulations, and to confirm with and abide by them. In the event of improper action, or breach of discipline, it will be presumed that each District employee was familiar with the requirement of the Manuals and District work rules and regulations.
2. Policies and procedures will be issued as needed, to modify or promulgate District policy. These orders will be retained until modified, terminated, or retired by the District.
3. A review of District Policies will be conducted each "odd" calendar year. A review of District Standard Operating Procedures will be conducted each "even" calendar year.

Fire Service Authority

101.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the legal authority of the Greater Naples Fire Rescue District and the individual employees pursuant to Florida and local law (Art. VIII, § 2, Fla. Const.; § 125.01, Fla. Stat.).

101.2 POLICY

It is the policy of the Greater Naples Fire Rescue District to limit its employees to only exercise the authority granted to them by law.

While the Greater Naples Fire Rescue District recognizes the authority of employees granted to them, employees are encouraged to use sound discretion in the exercise of their authority, and this district does not tolerate abuse of authority.

101.3 ORGANIZATIONAL POWERS

This district is authorized by Florida and local law to perform fire suppression and related services including, but not limited to:

- (a) Fire prevention and fire code enforcement.
- (b) Fire suppression services.
- (c) Fire cause and origin investigation.
- (d) Emergency Medical Services (EMS).

101.4 FIREFIGHTER POWERS

Firefighters are sworn or appointed of this Fire District and are authorized to exercise the following authority pursuant to applicable Florida and local law:

- (a) Participate in a wide range of emergency and rescue activities, including EMS, extrication and heavy rescue
- (b) Perform fire suppression duties, including the suppression of structural, aircraft, marine, wildland and other types of fires
- (c) Investigate the cause and origin of fires
- (d) Collect and preserve evidence when a fire is of a suspicious origin
- (e) Perform specialty services, including hazardous materials response, technical rescue, water rescue and additional services as authorized by the Fire Chief.
- (f) Provide fire code enforcement inspection and plan review services
- (g) Provide public education and fire prevention activities and services

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101.5 CONSTITUTIONAL REQUIREMENTS

When exercising their authority, employees shall observe and comply with every person's clearly established rights under the United States and Florida Constitutions.

101.6 SUPERVISORY AUTHORITY

Any chief officer may relieve a employee under his/her command from duty when, in his/her judgment, an offense committed is sufficiently serious to warrant immediate action. A report of such action shall be made immediately through the appropriate channels to the Fire Chief, followed by written documentation of the charges, in accordance with Fire District procedures and Florida law (§ 112.82, Fla. Stat.). All such processes shall comply with established rules, regulations and applicable collective bargaining agreements.

Chapter 2 - Organization and Administration

Disclosure of Financial Interests

200.1 PURPOSE AND SCOPE

The purpose of this policy is to provide a uniform method for complying with the state law requirements for filing a statement of financial interests (Form 1) (§ 112.3145, Fla. Stat.; Rule 34-8.202, F.A.C.).

200.2 POLICY

It is the policy of the Greater Naples Fire Rescue District to comply with state requirements regarding disclosure of financial interests.

200.3 DISTRICT RESPONSIBILITIES

The Fire Chief should designate a person to be the statement of financial interests filing officer for the District, who shall be responsible for administering the statement filings, including ensuring timely compliance for filing with the County Supervisor of Elections and maintaining a list of all district members who are required to file a statement (Form 1). Certain financial interests must be disclosed, which may include investments, interests in real property, income and business interests (§ 112.3145, Fla. Stat.; Rule 34-8.202, F.A.C.).

Solicitation of Funds

201.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that fundraising activities associated with the District are consistent with its mission, values and legal status. This policy applies to all fundraising activities involving the District or the use of the District name, insignias, equipment or facilities.

201.1.1 DEFINITIONS

Definitions related to this policy include:

Fundraising - The collection of money through donations, sales or event programming for the purpose of charitable donation or organizational budget enhancement.

201.2 POLICY

It shall be the policy of this district that all fundraising activities involving on-duty members or use of district equipment for the financial benefit of the District must be authorized by the Fire Chief or the authorized designee prior to initiating solicitations.

Authorized fundraising activities should not indicate or imply that a donation will influence services provided by the District. Members engaged in fundraising activities are expected to act ethically regarding the solicitation of funds, the interaction with donors or potential donors and the maintenance of fundraising records.

Members are prohibited from soliciting any goods or services from local businesses, groups or individuals for the purpose of providing incentives, prizes or giveaways to attendees of district-sponsored or hosted events, or to events when members attend as representatives of the District.

201.3 GUIDELINES

Fundraising activities or events involving the District should incorporate:

- (a) Compliance with applicable federal, state and local laws and regulations, including the Solicitation of Contributions Act (§ 496.401, Fla. Stat. et seq.).
- (b) Compliance with district and governing-body policies.
- (c) A benefit to the District that is consistent with the District mission.
- (d) An accurate description of the purpose for which funds are requested.
- (e) A limitation on the frequency of solicitations to avoid placing undue pressure on donors.
- (f) Identification of the individual soliciting funds as a volunteer, a member of this district or a hired solicitor.
- (g) An admonishment that encourages donors to seek independent advice if there is reason to believe that a proposed gift might significantly affect the donor's financial position, taxable income or relationship with other family members.

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- (h) The assurance that donor requests to limit the frequency of contacts, to prohibit solicitation by telephone or other technology, and to reduce or cease sending printed or electronically transmitted material concerning the District will be honored.
- (i) Respect of donors' privacy and a commitment that the District will not sell donors' names and contact information.

Commercial or corporate sponsorship of fundraising activities or events may be allowed provided that it has been preapproved by the Fire Chief or the authorized designee.

201.4 DISTRICT-SPONSORED EVENTS

The following also apply to district-sponsored fundraising events:

- (a) Fundraising events should be clearly identified by a sign indicating the name, product, service, price and purpose of the event.
- (b) At least one member should be present during the entire event.
- (c) Individuals participating in the event should be briefed and supervised to ensure their activities are consistent with this policy.
- (d) Individuals participating in the event should not be compensated by a commission or a percentage of the amount collected.
- (e) Funds raised should be deposited no later than the next business day.
- (f) All donors should receive a receipt for the amount of their donation. In efforts involving a less formal "drop" collection, receipts need not be issued unless requested.
- (g) Fundraising activities should not delay emergency response or otherwise compromise the mission of the organization.
- (h) Fundraising that takes place on public-owned or private property will be done with the knowledge and approval of the property custodian or owner.
- (i) Fundraising that occurs on public ways or near roadways will be coordinated with the responsible law enforcement agency for the protection of pedestrians, motorists and event participants. Proper safety apparel shall be worn when in roadways or traffic areas.

201.5 FUNDRAISING ON BEHALF OF OTHERS

Fundraising for the benefit of a nonprofit charitable third party (e.g., blood drive, burn victims, surviving families) having no direct affiliation with the District is permissible provided that the fundraising standards and event prerequisites listed above are followed.

Any materials associated with a third-party fundraising activity shall be approved by the Fire Chief or the authorized designee prior to the activity. In addition, there should be a written agreement between the District and the organizers of the activity that includes:

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- (a) Written verification that the event is for a charitable purpose.
- (b) Assignment of responsibility to the organizers for all direct costs incurred for the event.
- (c) Assignment of responsibility to the organizers for the collection and reporting of any applicable taxes.
- (d) Written instructions regarding the maintenance of funds raised on behalf of others. The funds shall be maintained in a separate fund and not commingled with other district funds.

The District reserves the right to require additional conditions including, but not limited to, evidence of insurance coverage or appropriate indemnification.

Chapter 3 - General Operations

Capital Asset Tracking and Depreciation

300.1 PURPOSE AND SCOPE

To provide a guideline that will support the tracking and depreciation of capital assets (also known as fixed assets). The District will abide by applicable Florida Statutes and Department of Financial Services' rules related to the tracking and recording of capital assets.

300.2 BACKGROUND

Changes made to Chapter 69I-73, Florida Administrative Code (F.A.C.), which became effective October 1, 2020, increased the threshold for recording tangible property from \$1,000 to \$5,000. The District uses the same threshold, now \$5,000, for capitalization of assets and implemented the change on a prospective basis.

Rule 69I-73.002, F.A.C., requires that all property with a value or cost of \$5,000 or more and a projected useful life of 1 year or more to be recorded in the District's financial system as property for inventory purposes. "Cost" is used if the property is purchased and represents the purchase price of the property item and "value" is used if the property is donated and represents the worth or acquisition value of the property item at the date of donation. In addition, attractive items with a value or cost less than \$5,000 shall be recorded in the local government's financial system as property for inventory purposes.

In complying with the revised rules, the District will remove all items with an original cost of less than \$5,000 from the capital asset/recorded property listing, which creates an "accounting loss".

300.3 POLICY

It is the policy of the District to track and record for financial statement purposes all purchased items with a cost value of \$5,000 or more. It is the intention that the Board approve the removal of all items from the District's capital asset listing that have an original cost of less than \$5,000 and are fully depreciated; and, approve the automatic subsequent removal of the remaining items that have an original cost of less than \$5,000 as they become fully depreciated. This policy does not apply retroactively to those items that were owned by the District at the time of the adoption of this Policy and the District will continue to depreciate such items that have an original cost of less than \$5,000 that were removed from the capital asset/recorded property list over their remaining useful lives.

Greater Naples Fire Rescue District Procurement Policy

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Article 1. Intent and Purpose

The Board of Fire Commissioners adopts this Policy with the intention to:

- The maximize the purchasing value of public funds,
- maintain the integrity of the procurement process,
- promote accountability, ethics, impartiality, professionalism, service, and transparency,
- provide public confidence in the procedures used in public procurement,
- obtain in a cost-effective and timely manner the materials, services, and construction required to serve the residents of the District, and
- comply with the requirements of Florida laws and statutes as they may be amended from time to time.

The Board may waive any requirement in this policy where allowed by law.

Article 2. Authority of the Fire Chief

The Fire Chief is authorized to approve purchases of goods and services for invoices up to and including \$25,000. **The Board of Fire Commissioners must approve all purchases for invoices for any annual expenditure above \$25,000 regardless of whether formal competition is or is not required under Article 3 below.**

The Fire Chief or his or her designee may deviate from this policy when an emergency exists which requires expedited purchase of goods or services. The Fire Chief shall report any emergency purchase to the Board of Commissioners at its next regularly scheduled meeting.

The Fire Chief is authorized and directed to adopt a procurement handbook providing procedures and guidance to District staff implementing the District’s procurement program.

Article 3. Competitive Procurement Thresholds

The following chart summarizes the District’s purchasing categories for goods or services and the requirements for each category are described below.

Category 1 Purchase Order No Competition	Category 2 Good faith effort to obtain 3 quotes	Category 3 Formal competitive procurement required
< \$1,000	\$1,000 - \$50,000	> \$50,000

3.1 Category 1: No Competition Required

Category 1 purchases may occur without informal or formal competition by issuing a purchase order. The purchaser must make every effort to obtain the best price. The purchase order must be initiated by the section or division with a document describing the item or service to be purchased and the amount. The purchase must be approved by the Finance Director or his or her designee, who will confirm that the District has adequate funds for the purchase.

3.2 Category 2: Informal Competition

Category 2 purchases may occur by obtaining written quotes from qualified vendors. The purchaser must make a good-faith effort to obtain at least 3 competitive quotes (including all "no quote" responses) and may select the quote that best meets the District's needs. Category 2 purchases must be initiated by the section or division with a document describing the item or service to be purchased, the quotes obtained, and the reason for selecting the preferred quote. The purchase must be approved by the Finance Director or his or her designee, who will confirm that the District has adequate funds for the purchase. The Finance Director will prepare a monthly report describing all Category 1 and 2 purchases.

3.3 Category 3: Formal Competition

For all Category 3 purchases, the District will conduct a formal competitive solicitation process which may include competitive sealed bids, competitive proposals or competitive selection and negotiation. To promote delivery of quality goods and services the District will record and consider the past performance of vendors in the award of contracts.

3.4 Category 4: Professional Services

The District follows the procedures set forth in section 255.055, Florida Statutes to procure professional services defined in that statute as well as other professional services described below.

Professional Services as defined in the Consultant's Competitive Negotiation Act (CCNA). The District is governed by and follows section 287.055, Florida Statutes, the Consultants Competitive Negotiation Act, as it may be amended from time to time for acquiring the services of architects, professional engineers, landscape architects, or registered surveyors and mappers.

Other Professional Services. The District also follows the qualifications-based procurement method described in subsections 287.055 (3),(4), and (5), Florida Statutes to procure other services including but not limited to: audit and accounting services; consultants for planning, management, technology, or scientific services; and financial services including rating and underwriting, financial advisor, and investment services.

Article 4. Exceptions to Competitive Procurement

The following goods and services are not subject to competitive-solicitation requirements. This section is consistent with section 287.057(3), Florida Statutes and includes any applicable items or provisions of that statute as it may be amended from time to time.

4.1 Emergencies

As provided in section 287.087(3)(a), Florida Statutes, items the Fire Chief determines in writing are needed to address an immediate danger to the public health, safety, or welfare or other substantial loss that requires emergency action are exempt from competitive procurement. After the Fire Chief provides a written determination that the procurement is needed because of an emergency, the District may proceed with the procurement necessitated by the immediate danger, without receiving competitive sealed bids, competitive sealed proposals, or competitive sealed replies. However, the emergency procurement will be made by obtaining pricing information from at least two prospective vendors, which must be retained in the contract file, unless the District determines in writing that the time required to obtain pricing information will increase the immediate danger to the public health, safety, or welfare or other substantial loss to the District. In an emergency, the District may alter the procedures required in section 255.0525 concerning notice and advertising in any manner that is reasonable under the emergency circumstances.

4.2 Repair or maintenance of an existing public facility

Subsection 255.20(1)(c)5., Florida Statutes exempts repairs or maintenance that do not include new construction or a substantial addition, extension, or upgrade. Additions, extensions, or upgrades are considered substantial if the estimated cost exceeds \$300,000 for construction or \$75,000 for electrical work and is more than 20 percent of the total cost of the repair or maintenance project. Repair and maintenance projects and any related additions, extensions, or upgrades may not be divided into multiple projects for the purpose of evading the requirements of this subsection.

4.3 Exempt services and commodities.

The District follows the exemptions listed in section 287.057(3)(e), Florida Statutes as it may be amended from time to time including the following commodities and contractual services which are not subject to competitive procurement requirements.

- a. Artistic services.
- b. Lectures by individuals.
- c. Legal services, including attorney, paralegal, expert witness, appraisal, or mediator services.
- d. Health services involving examination, diagnosis, treatment, prevention, medical consultation, or administration.
- e. Services or commodities provided by governmental entities.
- f. Other services and commodities listed in section 287.057(3)(e), Florida Statutes.

4.4 Purchases from agreements with other districts, cities, or counties

Section 189.053, Florida Statutes authorizes the District to purchase commodities and contractual services, other than services the acquisition of which is governed by section 287.055, (the Consultant's Competitive Negotiation Act) from the purchasing agreements of other special districts, municipalities, or counties which have been procured pursuant to competitive bid, requests for proposals, requests for qualifications, competitive selection, or competitive negotiations, and which are otherwise in compliance with general law if the purchasing of the other special district, municipality, or county was procured by a process that would have met the procurement requirements of the purchasing special district. This process is sometimes referred to as a piggyback process.

4.5 Sole Source Procurement

In order to include a sole source specification in any procurement, the District staff must document in a memorandum retained in the project file that:

1. The District, has considered all available alternative materials and systems, and has determined that the specification of a sole material or system is justifiable based upon its cost or interchangeability; and
2. For construction projects, the architect or engineer of record has recommended the sole source specification.

If the procurement requires approval of the Board of Commissioners, the board must approve the memorandum at the same time as it approves the procurement. This process meets the requirements of section 255.04, Florida Statutes.

Article 5. Other Procurement Matters

5.1 Owner Direct Purchasing

Florida law allows government entities to make certain tax-free purchases for public works projects under section 212.08(6) Florida Statutes and Rule 12A-1.094, Florida Administrative Code (F.A.C.). Purchasing commodities directly enables the District to save the cost of sales tax on certain tangible personal property needed for projects. Owner-Direct Purchases will be governed by the following:

- a. Requirements of Florida law.** All requirements of Rule 12A-1.094, F.A.C. and section 212.08(6), Florida Statutes must be met.
- b. Direct Purchase Order.** The District will issue its purchase order directly to the vendor supplying the materials or tangible personal property the Contractor will use and will provide the vendor with a copy of the District's Florida Consumer's Certification of Exemption. The District will issue to the vendor and to the Contractor a Certificate of Entitlement using the form provided in Rule 12A-1.094 (4)(c)4, F.A.C.
- c. Inspection by Contractor and Direct Invoice to District.** Upon delivery, the contractor shall inspect the materials or tangible personal property, and if it approves

them, Contractor shall provide a written statement from the Contractor's Project Manager to the District's Project Manager certifying that Contractor approves the materials or tangible personal property. The District will attach this certification to the invoice and the District will pay the invoiced amount directly to the vendor.

- d. Title.** The District will take title to the materials or tangible personal property at the time of purchase or delivery by the vendor and will retain title to all materials or tangible personal property it purchases. The District may require Contractor to obtain and manage warranties on the materials or tangible personal property in its contract with Contractor.
- e. Risk of Loss.** The District will assume the risk of loss for the direct purchase materials or tangible personal property upon delivery. The District may do this by being named as an additional insured on the Contractors Builder's Risk insurance policy, which shall continue to cover the direct purchase of materials. Alternatively, the District may purchase and maintain other insurance sufficient to protect against any loss of, or damage to owner-purchased materials. Responsibilities for care and safeguarding of the materials or tangible personal property and property insurance will be set forth in the contract with the Contractor.

5.2 Design-Build Services

The District follows the requirements in section 287.055(9), Florida Statutes for procurement of design-build services and adopts the definitions in subsection 287.055(2), Florida Statutes that apply to the procurement process to hire a design-builder. Section 287.055(9)(c), Florida Statutes requires special districts to adopt rules governing the award of design-build contracts. This policy contains the District's rules.

The process begins by engaging a design-criteria professional to prepare a design-criteria package (See subsection 287.055(9)(b)).

For a fixed-price design-build contract, the District may award a contract based on a competitive proposal selection process as described in 287.055(9) or may follow the qualifications-based selection process described in subsections 287.055(3)-(5).

The District will award a progressive design-build contract based on qualifications only following the process provided in subsections 287.055(3)-(5), Florida Statutes. The progressive design-builder will, after competitive negotiations, establish a guaranteed maximum price and guaranteed completion date.

5.3 Construction Management at Risk (CMAR)

The District may award a contract to a construction manager at risk or "CMAR." Subsection 255.20(1), Florida Statutes expressly allows contracts for construction management services, design/build contracts, continuation contracts based on unit prices, and any other contract arrangement with a private sector contractor permitted by any applicable municipal or county ordinance, by district resolution, or by state law. Subsection 255.30(1)(d) 3. provides that if

the project is subject to competitive negotiations, the contract must be awarded in accordance with section 287.055 (the Consultant's Competitive Negotiation Act).

5.4 Changes to Solicitations and the District's Reserved Rights

In connection with any procurement, including the receipt and review of bids, proposals, or replies and contract award, the District reserves to itself (at its sole discretion) all rights available to it under applicable law, including without limitation, the right to:

- Modify the specifications of a procurement or the procurement schedule by posting an addendum on the District's website.
- Cancel, suspend, withdraw, or terminate a solicitation, or the procurement process in whole or in part, at any time before the execution of a contract without incurring any obligations or liabilities.
- Waive or allow corrections to non-material deficiencies, informalities, and irregularities in a response and accept the response which is, in the District's judgment, in the District's best interest.
- Seek or obtain, from any source, information that has the potential to improve the understanding and review of responses.
- Conduct an independent investigation of any information, including prior experience, included in a response by contacting project references, accessing public information, conducting background checks, contacting independent parties, or any other means to determine that bidder's ability to perform is satisfactory.
- Request additional information from a respondent during the District's review of the response to determine respondent's capability to perform the work.
- Reject responses containing exceptions, additions, qualifications, or conditions not called for in the solicitation or otherwise not acceptable to the District.
- Reject responses where evidence submitted, or investigation and evaluation indicate an inability for the respondent to perform.
- Reject responses from respondents who are not responsive and responsible or if the District determines that it would not be in its best interest to make an award to that respondent.

5.5 Purchasing Card Program and Sales Tax Exemption

The Finance Director shall establish and manage a purchasing card program to provide specific employees with the ability to transact small purchases under \$5,000. When making purchases that are tax exempt, it is the responsibility of the purchaser/cardholder to provide the vendor with the appropriate tax exemption information when the card is presented for payment. If the vendor refuses to grant the tax exemption at the time of sale, the cardholder is authorized to continue the purchase and shall notify the Finance Director for assistance in getting the tax removed from the purchase.

5.6 Payment of Invoices

The Finance Director has the authority to establish and maintain procedures that:

- authorize minor payment variances between purchase orders and invoices where warranted. The authority to pay such variances must not exceed 5% of the purchase order amount, or \$1,000 dollars, whichever is less; and
- authorize the payment of freight and delivery charges that are not specifically identified on the purchase order.

5.7 Unauthorized Purchases

No District officer or employee may purchase any goods or services except as allowed under this Policy.

Article 6. Notice and Protest of District Procurement Decisions

6.1 Notices of Procurement Decisions

The District will post on its website notices of its decisions regarding award of contracts pursuant to formal solicitations.

District staff shall include the following statement in the notice: "Failure to file a protest within the time prescribed in the District's Procurement Policy adopted by its Board of Commissioners, or failure to post the bond or other security required by the District's Procurement Policy within the time allowed for filing a bond shall constitute a waiver of proceedings."

6.2 Notice of Protest and Formal Written Protest

By submitting a response to a District solicitation, respondents agree to the process for filing a protest set forth in this policy. No time will be added to the time limits provided below for service by mail.

- a. Protest of terms, conditions, or specifications of a solicitation

With respect to a protest of the terms, conditions, and specifications contained in a solicitation, including any provisions governing the methods for ranking bids, proposals, or replies, awarding contracts, reserving rights of further negotiation, or modifying or amending any contract, the notice of protest must be filed in writing within 72 hours after the posting of the solicitation. The formal written protest must be filed within 10 days after the date the notice of protest is filed.

- b. Protest of the District's decision or intended decision

Any person who is adversely affected by the District's decision or intended decision shall file with the District a notice of protest in writing within 72 hours after the posting of the notice of

decision or intended decision. The formal written protest must be filed within 10 days after the date the notice of protest is filed.

6.3 Contents of Formal Written Protest

The formal written protest must be printed or typewritten, and must contain:

- 1) The name and address of the person or firm filing the protest and an explanation of how the person or firm is adversely affected;
- 2) A statement of how and when the competitive solicitation, or notice of District decision or intended decision was received;
- 3) A statement of all disputed issues of material fact, and if there are none, a statement so indicating;
- 4) A concise statement of the ultimate facts alleged, as well as the rules or statutes which entitle the protestor to relief;
- 5) A demand for relief; and
- 6) Any other information material to the protest.

6.4 Filing

All notice of protests and formal written protests must be filed with the District by certified mail return receipt at the following address:

Greater Naples Fire Rescue District
14575 Collier Blvd., Naples, FL 34119
Attention: Public Records Custodian

A notice of protest or formal written protest is not timely filed unless received by the District within the prescribed time limit. Failure to file a notice of protest, if required, or a formal written protest within the time prescribed in this policy will constitute a waiver of all claims.

6.5 Protest Bond

Any person who files an action protesting a decision or intended decision of the District, shall at the time of filing the formal written protest provide a bond payable to the District, in an amount equal to 1% of the total base bid plus any alternate bids, or \$10,000, whichever is less. Failure to post the bond at the time of filing the written protest will constitute a waiver of a person's right to challenge the District's action. This requirement is consistent with the requirements for challenging a decision of a state agency or water management district set forth in section 287.042(2)(c), Florida Statutes.

6.6 Stay of Procurement

Upon receipt of a formal written protest that has been timely filed, the District will stay the bid solicitation or contract award process until the subject of the protest is resolved by final action by the Board of Commissioners, unless the Fire Chief, with the concurrence of the Board, sets forth in writing particular facts and circumstances that require the continuation of the contract

solicitation process through award without delay in order to avoid an immediate and serious threat or loss to the public health, safety, property, or welfare. The District will provide notice that a contract solicitation has been stayed either electronic mail or U.S. mail to all respondents.

6.7 Resolution of Formal Written Protest

The Fire Chief, or his or her designee, will consider and investigate all written protests in a timely manner. The District will provide an opportunity for the protestor to meet with the Fire Chief, or his or her designee, to resolve the protest by mutual agreement within seven (7) days, excluding Saturday, Sunday, and holidays, of receipt of a formal written protest. The District may grant extensions of time to conduct this meeting for good cause shown.

If the subject of a protest is not resolved pursuant to this meeting, the Fire Chief will state in writing that there was no resolution. The Fire Chief will make a recommendation to the Board of Commissioners, and the Board of Commissioners will then make a final decision to either uphold the recommendation, reject the recommendation, and send it back for further action, reject all proposals, or do something other than what the Fire Chief has recommended.

Article 7. Definitions

As used in this policy and in District solicitations the following definitions apply.

Bid means a firm price offer to provide specified goods or services. Bids are opened publicly and a responsive and responsible bidder is selected based on price alone.

Request for Qualifications (RFQ) means a solicitation requesting information from respondents to determine whether they have sufficient experience to be able to perform the work requested. An RFQ solicits information about a respondent's past performance on projects similar to the services needed.

Request for Proposal (RFP) means a solicitation requesting a proposed plan to perform a specific project. An RFP may also request information about a respondent's past performance on similar projects to evaluate the respondent's capability to perform.

Respondent means a person, firm, or business including a contractor or consultant offering to provide goods or services to a government owner in response to a solicitation.

Response means a bid, statement of qualifications, proposal, or reply submitted to a government owner in response to a solicitation.

Responsive bid, proposal, or reply means one that contains all information requested and conforms in all material respects to the requirements provided in the solicitation.

Responsible respondent means one that meets the minimum qualifications described in the solicitation and has the capability in all respects to fully perform the contract requirements and the integrity and reliability that will assure good faith performance.

Solicitation means a notice and request to prospective suppliers to provide goods or services and may be in the form of an Invitation to Bid, Request for Qualifications, or Request for Proposals.

Article 8. Repeal of Prior and Conflicting Policies

All resolutions and policies or parts of resolutions and policies in conflict with this policy are hereby repealed.

Meeting Room Usage by Outside Organizations

302.1 PURPOSE AND SCOPE

To identify terms and conditions for utilization of Fire District Meeting Rooms by outside Organizations.

302.2 POLICY

The Greater Naples Fire Rescue District (GNFD) recognizes that an organization can request to utilize meeting rooms to promote, distribute, or conduct classes, seminars, and training. The District recognizes that meeting rooms can be available to host or conduct training, programs, classes or public meetings.

302.2.1 DEFINITIONS

The following terms shall serve as definitions specifically outlined within this policy.

For Profit Organization - an organization or company to gain a business profit.

Non-Profit Organization - an organization recognized as a non-profit by the IRS or a Government agency.

Meeting Room - considered any one of the three public meeting rooms located at the following locations: Each request is considered on a case by case basis.

1. *Station 73 - 14575 Collier Blvd Naples, FL 34119*
2. *Station 71 - 100 13th Street SW Naples, FL 34117*
3. *Station 20 - 4798 Davis Blvd Naples, FL 34104*

302.2.2 RULES

No Smoking inside any building or on the grounds, no alcohol or any other illegal substance. Organizations shall be limited to use of District facilities no more than 12 times per year.

No meeting room shall be rented to an individual.

Within the policy is the approval, use, and fees associated with utilizing the facility once the request is approved.

Submit an Application with the following information:

- (a) Name, Date, Address, and Phone Number of the person requesting the facility.
- (b) Number of participants.
- (c) Purpose and usage of the facility.
- (d) Dates and times that the facility is requested (e.g., Monday-Friday 1500-1700 hours)
- (e) If a business; provide proof of business ownership (e.g., website, flyer)

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- (f) Request two facilities of preference by priority (e.g., Station 73-choice 1; Station 71-choice 2)
- (g) Provide proof of Liability Insurance of \$300,000 naming GNFD as a Certificate Holder.
- (h) The organization will abide by the Code of Conduct of the Greater Naples Fire Rescue District.
- (i) Sign a written agreement provided by the District agreeing to all terms outlined within this policy.
- (j) All costs associated with utilizing the facility must be paid in-full prior to facility utilization.

Payments must be paid to the District at least seven days prior to utilizing the facility. A meeting room reservation will not be guaranteed until all fees are paid.

302.2.3 FOR PROFIT ORGANIZATION FEES SCHEDULE

- (a) \$25.00 per hour (Minimum Two hours)
- (b) \$500 Security Deposit shall be provided with initial payment. (Deduction may be for damage, if facility not returned equal to or better than when occupied, and any hours beyond contracted hours). (For every 15 minutes or a portion thereof \$50. Example: One hour equals \$200) All damage beyond the security deposit will be assessed to the organization.
- (c) Groups greater than 50 persons shall have a trained crowd manager on site. {Provide certification of Crowd Manager or use GNFD Crowd Manager at \$100 per hour.)

302.2.4 NON-PROFIT ORGANIZATION FEES SCHEDULE

- (a) \$00.00 per hour
- (b) A \$10.00 per hour charge for utilities may be charged for more than two scheduled dates or more than four hours of use.
- (c) A fee of \$100 for carpet cleaning may be charged for a group that schedules 6 events in a year.
- (d) \$100 Security Deposit shall be provided with initial payment. (Deduction may be for damage, if facility not returned equal to or better than when occupied, and any hours beyond contracted hours. (For every 15 minutes or a portion thereof \$10.00 Example: One hour over scheduled time equals \$40) All damage beyond the security deposit will be assessed to the organization.
- (e) Groups greater than 50 persons shall have a trained crowd manager on site. (Provide certification of Crowd Manager or use GNFD Crowd Manager at \$100 per hour.)

Disclaimer:

The District reserves the right to collect payment from the requestor either in monetary form or receipt of the following acceptable methods of payment (e.g., free student for courses being offered, free text books, or educational materials, other donation).

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302.2.5 REFUND

For a refund of the hourly rate a request shall be made seven days prior to the event. A refund of the hourly rate is forfeited for no shows or failure to cancel seven days prior.

For two or more no show events, the group will be canceled and forfeit security deposit.

Security Deposit will be refunded less any damage, cleaning or charges for extra time using facility.

Disclaimer:

The District reserves the right to refund deposits made by the organization securing the facility under extenuating circumstances. These circumstances shall be defined by the Fire Chief or Designee.

302.2.6 MOVEMENT

If the District cannot comply with the original request for a specific agreed upon facility, the District reserves the right to move the "event" to another one of the five listed meeting rooms. The District will make every effort to notify the requestor in a timely manner.

The requester shall not be moved with less than 24 hours of notice.

Disclaimer:

In the event of a Declared Emergency need of the Fire District the request for use may be canceled by the by the Fire District and all funds will be reimbursed.

302.2.7 CONTACT INFORMATION

Contact Greater Naples Fire Rescue Administrative Headquarters at (239) 348-7540 for additional information.

State of Emergency Declaration

303.1 PURPOSE AND SCOPE

To identify District parameters for declaring a State of Emergency, thereby activating authorities and resources that are unavailable in non-emergencies.

303.2 POLICY

The determination of whether circumstances justify or require a declaration of an emergency will be contingent upon the State of Florida or Federal Government issuance of a State of Emergency.

State and Federal identified State of Emergency declarations include any type of emergency or natural disaster, which can be construed broadly to include man made or natural disasters, disease epidemics and other public health emergencies and matters of civil unrest for example.

Upon notification of a declared State or Federal emergency, issued by the governor or president, the Fire Chief or designee with consultation of the Board Chairman, is duly authorized to issue a Greater Naples Fire Rescue State of Emergency declaration.

The declaration will be in the form of a District Resolution and will address the effective date, conditions giving rise to the emergency, and may also identify District rules and regulations that are waived or suspended during the emergency.

A local emergency shall be deemed to have commenced when the Board Chairman (or designee) authorizes a Resolution of Declaration that the District is in a state of local emergency. The Resolution/Declaration will be presented by the Fire Chief (or designee) to the Chairman of the Board of Fire Commissioners for immediate authorization. In the event that Chairman is not immediately available the Resolution/Declaration shall be presented in succession to the following Board members; Vice Chairman, Treasurer, any available Board member. It shall be sent via electronic communications at the time of issuance and will subsequently be ratified at the next regular Board of Fire Commissioners meeting.

Immediately following such declaration, the Fire Chief (or designee) shall inform the membership in as timely a manner as possible by written communication that a state of emergency is in effect. The state of emergency shall continue in effect until rescinded in writing by the Board Chairman, filed with the Fire Chief.

Letters of No Objection

304.1 PURPOSE AND SCOPE

The purpose of this policy is to provide authority to execute a Letter of No Objection when it is received by the Greater Naples Fire Rescue District ("District") in accordance with Collier County Policies and Procedures on the Closing and Vacation of Road Right-of-Way (Collier County Resolution 2013-166, as amended).

304.2 POLICY

It is the policy of the District that the Fire Chief, or his or her designee, has the authority to evaluate a request for and execute a Letter of No Objection related to the vacation of an existing, unimproved platted road rights-of-way or easement that has been granted to Collier County.

304.3 PROCEDURES

Upon receipt of a request for a Letter of No Objection, the Fire Chief, or his or her designee, shall evaluate to ensure that the request is solely related to the vacation of an existing, unimproved platted road rights-of-way or easement granted to Collier County. If the request meets this requirement, then the Fire Chief, or his or her designee, may execute a Letter of No Objection that states that the District has no objection to the vacation of the existing, unimproved platted road rights-of-way granted to Collier County. In addition, the Letter of No Objection must include a statement that the vacation does not eliminate or diminish any provision of the Florida Fire Prevention Code, including but not limited to, required access, egress, apparatus turnaround, and all development and construction must comply with applicable requirements.

304.4 PROHIBITIONS

Any request to release or waive any easement or right granted to the District must be approved by the Board of Fire Commissioners.

Chapter 4 - Equipment and Technology

Use of District-Owned and Personal Property

400.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the care and maintenance of district property entrusted to district employees and the return of district property upon separation from employment or affiliation with the District. This policy also provides guidelines for employees to claim damage to or loss of personal property used in an occupational capacity.

400.2 POLICY

It is the policy of the Greater Naples Fire Rescue District to issue equipment to employees for the purpose of performing their assigned duties. Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and request for replacement of all district property issued or entrusted to their care. A employee's intentional or negligent abuse or misuse of district property may lead to discipline, including, but not limited to, the cost of repair or replacement of the property, and up to and including termination of employment.

400.3 PROCEDURE

The following procedures shall be in effect regarding district property issued to employees:

- (a) Employees shall promptly report via the chain of command any loss, damage or unserviceable condition of district-issued property or equipment assigned for employee use. Employees shall immediately complete the Damage/Loss Form located on the District's website portal. All completed Damage/Loss forms shall be forwarded to the Finance Section for recording and insurance processing.
- (b) Any damage/loss occurring in conjunction with an injury or accident will require completion of the Employee's Report of Injury, Employee's Report of Property Damage and/or the Employee's Report of Vehicle Accident. The forms can be found on the District's website portal. The completed form(s) should be turned into the Human Resources department for processing.
- (c) The use of damaged or unserviceable district property should be discontinued as soon as practicable and a supervisor notified so that the item may be replaced.
- (d) No employee should attempt to repair damaged or unserviceable district property without supervisory approval.
- (e) Use of district property should be limited to official purposes in the capacity for which it was designed. Except when otherwise directed and/or required by circumstances, district property shall only be used by the employee to whom it was assigned.
- (f) District property should not be discarded, sold, traded, donated, destroyed or otherwise disposed of without supervisory approval.

400.3.1 SURRENDERING DISTRICT PROPERTY UPON SEPARATION

Employees who separate from the District shall return all district property, regardless of its condition. The following guidelines should apply:

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- (a) All assigned district property, including keys, identification cards, electronic devices and system access cards, shall be returned to the District no later than the employee's departure date or as directed by the Fire Chief or the authorized designee.
- (b) A employee who fails to return all district property in his/her possession may be required to reimburse the District for the value of the property or may be subject to legal action brought by the District.

400.4 FILING CLAIMS FOR PERSONAL PROPERTY

Employees are responsible for exercising reasonable care and caution to avoid damage to or loss of personal property while on-duty. However, consistent with collective bargaining agreements and District and district rules, personal property that is lost or damaged during the proper performance of a employee's job duties may be replaced or the cost reimbursed by the District or District when such loss or damage is not the result of intentional or negligent abuse or misuse by the employee. The District is not responsible for the lost, stolen, or broken personal items that may be brought to work or carried by the employee.

Any claim for the replacement or cost reimbursement for damage to or loss of a employee's personal property must be submitted on the proper claim form to the employee's immediate supervisor.

The supervisor is responsible for reviewing the claim to assess whether the lost or damaged property was reasonably required for the proper performance of the employee's job duties. The supervisor will make a determination as to whether reasonable care was taken to prevent loss or damage and whether proper procedures were followed just prior to the occurrence of the loss or damage. A supervisor may direct an employee to submit additional details in a separate written report, if needed.

If approved, the supervisor will forward the claim and related reports to the Section Chief, who will determine the appropriate reimbursement value of the property and will forward the claim for payment to the proper entity.

400.4.1 COVERED PERSONAL PROPERTY

Property that is necessary in the performance of the employee's job duties or has been specifically stipulated by a collective bargaining agreement should be considered a covered item. The age and condition of the damaged or lost property should be considered when determining replacement or reimbursement value. The employee must demonstrate that the damaged or lost property is directly related to the proper performance of the employee's duties.

400.4.2 EXCLUDED PERSONAL PROPERTY ITEMS

Employees are discouraged from wearing expensive jewelry or watches or bringing personal property items to the workplace that may be damaged, lost or stolen. Personal property that is not eligible for replacement or reimbursement includes:

- (a) Any personal property that is lost or damaged directly or indirectly due to negligence of the employee.

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- (b) Personal computers, communication devices, cell phones, MP3 players, GPS devices or any other electronic devices that the employee voluntarily brings to the workplace and that are not required by the District for the performance of the employee's duties.
- (c) Any personal property used in place of district-issued property, unless required by the District.
- (d) Any jewelry, with the exception of watches, which should not exceed a \$100 reimbursement.

400.4.3 PERSONAL VEHICLES

The District will not provide vehicle insurance coverage for employees who use their personal vehicles for district business. All employees must rely on their personal vehicle insurance carrier for replacement or cost reimbursement of damage to or loss of a personal vehicle. Employees using a personal vehicle for district business shall have the minimum evidence of financial responsibility required for that vehicle (§ 316.646, Fla. Stat.).

400.4.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any district function, regardless of jurisdiction, shall report it as provided below:

- (a) A verbal report should be made to the employee's immediate supervisor as soon as practicable.
- (b) A written report should be submitted before the employee goes off-duty or within the time frame directed by the supervisor to whom the verbal report was made.

400.4.5 DAMAGE BY PERSON OF ANOTHER AGENCY

If employees of another jurisdiction cause damage to real or personal property belonging to the District, it shall be the responsibility of the employee present or the employees responsible for the property to make a verbal report to his/her immediate supervisor as soon as practicable. The employee shall submit a written report before going off-duty or as otherwise directed by the supervisor.

All reports should be completed immediately after the incident or as soon as practicable if extenuating circumstances delay the employee's ability to complete the report.

All reports, including the supervisor's written report, shall promptly be forwarded to the appropriate Section Chief.

Personal Communication Devices

401.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the District or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs) and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games and accessing sites or services on the Internet.

401.2 POLICY

The Greater Naples Fire Rescue District allows employees to utilize district-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the District, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair employee safety. Additionally, employees are advised and cautioned that the use of a personally owned PCD either on-duty or off-duty for business-related purposes may subject the employee and the employee's PCD records to civil or criminal discovery or disclosure under applicable provisions of the Florida Public Records Act (§ 119.01, Fla. Stat. et seq.).

Employees who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory staff.

401.3 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to emails, texts or anything published, shared, transmitted or maintained through file-sharing software or any Internet site that is accessed, transmitted, received or reviewed on any PCD issued by the District and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities.

The District reserves the right to access, audit and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the District, including any district-issued PCD or personally owned PCD that has been used to conduct district-related business. This includes records of all keystrokes or Web-browsing history made on the PCD. The fact that access to a database, service or website requires a username or password will not create an expectation of privacy if it is accessed through district PCDs or networks.

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401.4 DISTRICT-ISSUED PCD

Depending on an employee's assignment and the needs of the position, the District may, at its discretion, issue or fund a PCD for the employee's use to facilitate on-duty performance. District-issued or funded PCDs may not be used for personal business either on- or off-duty unless authorized by the Fire Chief or the authorized designee. Such devices and the associated telephone number, if any, shall remain the sole property of the District and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Unless an employee is expressly authorized by the Fire Chief or the authorized designee for off-duty use of the PCD, the PCD will either be secured in the workplace at the completion of duty or will be turned off when leaving the workplace.

401.5 PERSONALLY OWNED PCD

Employees may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

- (a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.
- (b) The District accepts no responsibility for loss of or damage to a personally owned PCD.
- (c) The PCD and any associated services shall be purchased, used and maintained solely at the employee's expense.
- (d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). Employees will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any district business-related communication.
- (e) The device shall not be utilized to record or disclose any district business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment or appointment with the District, without the express authorization of the Fire Chief or the authorized designee.
- (f) Use of a personally owned PCD while at work or for work-related business constitutes consent for the District to access the PCD to inspect and copy data to meet the needs of the District, which may include litigation, Florida Public Records Act retention and release obligations and internal investigations. If the PCD is carried on-duty, employees will provide the District with the telephone number of the device.
- (g) All work-related documents, emails, photographs, recordings or other public records created or received on an employee's personally owned PCD should be transferred to the district no later than the end of the employee's shift and deleted from the employee's PCD as soon as reasonably practicable.

Except with prior express authorization from their supervisors, employees are not obligated or required to carry, access, monitor or respond to electronic communications using a

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personally owned PCD while off-duty. If an employee is in an authorized status that allows for appropriate compensation consistent with policy or existing collective bargaining agreements, or if the employee has prior express authorization from his/her supervisor, the employee may engage in district business-related communications. Should employees engage in such approved off-duty communications or work, Employees entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Employees who independently document off-duty district-related business activities in any manner shall promptly provide the District with a copy of such records to ensure accurate record keeping.

401.6 USE OF PCD

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct district business:

- (a) A PCD shall not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.
- (b) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Employees shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.
- (c) Employees may use a PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid or in lieu of regular radio communications.
- (d) Employees are prohibited from taking pictures, audio or video recordings or making copies of any such picture or recording media unless it is directly related to official district business. Disclosure of any such information to any third party through any means, without the express authorization of the Fire Chief or the authorized designee, may result in discipline.
- (e) Employees will not access social networking sites for any purpose that is not official district business.
- (f) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any employee having knowledge of such conduct shall promptly notify a supervisor.

401.7 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that employees under their command are provided appropriate training on the use of PCDs consistent with this policy.
- (b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if an employee is observed or reported to be improperly using a PCD.

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1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
2. Before conducting any administrative search of a employee's personally owned device, supervisors should consult with the Fire Chief or the authorized designee.

401.8 OFFICIAL USE

Employees are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, employees shall conduct sensitive or private communications on a land-based or other district communications network.

401.9 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Firefighters operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location if it is necessary to use the texting features of a device (§ 316.305, Fla. Stat.).

Except in an emergency, employees who are operating vehicles that are not equipped with lights and siren shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use. Hands-free use should be restricted to business-related calls or calls of an urgent nature (§ 316.305, Fla. Stat.).

Use of District Vehicles

402.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the procedures for the off-duty use of district take-home vehicles. The use of take-home vehicles is an essential component of the district's recall program, which ensures resources are available in the event of an emergency or critical incident. To facilitate faster response to recalls or for other legitimate district needs, employees may be allowed to take district vehicles home. These vehicles provide the means to respond directly to an incident without first diverting to a fire station to retrieve a vehicle and/or needed equipment.

402.1.1 DEFINITIONS

Definitions related to this policy include:

Emergency recall - An employee's assignment requires immediate response during off-duty hours to other than the employee's normal work location to handle an emergency action.

Investigative recall - An employee's assignment requires timely response during off-duty hours to other than the employee's normal work location to handle a fire investigation.

Take-home vehicle - A vehicle owned by the District that is authorized for commuting between work and home and/or off-duty use. District vehicles secured at a location other than the employee's assigned work location for the purpose of shortening an employee's commute shall also be considered take-home vehicles.

402.2 POLICY

The District provides vehicles for official business use and may assign take-home vehicles based on its determination of operational efficiency, the economic impact to the District, emergency and investigative recall, and other considerations.

402.3 PROCEDURE

District employees authorized to use take-home vehicles must adhere to the following guidelines:

- (a) Vehicles shall only be used for official business and, when approved, for commuting to allow employees to respond to district-related business and recall to duty outside their regular work hours.
- (b) Employees authorized to use take-home vehicles are to monitor the radio whenever they are operating the vehicle. They are to make appropriate notification or take appropriate action on any fire-related matter that may come to their attention via the radio or through personal observation.
- (c) District employees are prohibited from driving district vehicles any time their driving ability may be impaired by prescription or non-prescription drugs or alcoholic beverages.
- (d) Employees operating district-owned vehicles shall not permit persons other than district employees or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as a passenger in their vehicle.

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- (e) District take-home vehicles are to be left at a fire facility during vacations or other periods of leave in excess of seven days unless approved by the Fire Chief or the authorized designee.
- (f) District employees shall not relinquish control of, nor allow any person to operate, district vehicles if that person is not an employee of the District, except in the case of an emergency where the employee is unable to drive him/herself.
- (g) Personnel are responsible for loss of District issued or personal property left in the vehicle.

402.3.1 ASSIGNED VEHICLE AGREEMENT

Employees who have been assigned a take-home vehicle may use the vehicle to commute to their workplace and for district-related business. Employees are authorized to live within Collier and Lee County. The employee must be approved for an assigned vehicle by the Fire Chief and shall sign an agreement that includes the following criteria:

- (a) Except as may be provided by a collective bargaining agreement, time spent during normal commuting is not compensable.
- (b) District-owned vehicles shall not be used for personal errands or other personal business unless approved by a supervisor for exceptional circumstances.
- (c) The District should provide necessary care and maintenance supplies.
- (d) Vehicles shall be locked when not attended.
- (e) All district identification, portable radios, and equipment should be secured.

Employees are cautioned that under Internal Revenue Service (IRS) rules, personal use of a district-owned vehicle may create an income tax liability to the employee. Questions regarding IRS rules should be directed to the employee's tax adviser.

The assignment of vehicles is at the discretion of the Fire Chief. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

402.3.2 VEHICLES SUBJECT TO INSPECTION

All district-owned vehicles are subject to inspection and/or search at any time by a supervisor. No employee assigned to or operating such a vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

402.3.3 ACCESSORIES AND/OR MODIFICATIONS

No modifications, additions, or deletions of any equipment or accessories shall be made to district vehicles without written permission from the designated vehicle manager.

402.3.4 TOLL ROAD USAGE

Employees on official business or responding to an emergency or incident on toll roads, while on-duty, are exempt from paying the toll (§ 338.155, Fla. Stat.).

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Use of District Vehicles

All employees passing through a toll facility during a response to an emergency without a SunPass shall draft a memo to the Fire Chief or the authorized designee as soon as practicable explaining the circumstances.

All employees operating a take-home vehicle off-duty on a toll road shall pay all appropriate toll charges.

Information Technology Use

403.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of district information technology resources, including computers, electronic devices, hardware, software and systems.

403.1.1 DEFINITIONS

Definitions related to this policy include:

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the Greater Naples Fire Rescue District that are provided for official use by its employees. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the District or district funding.

Hardware - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones (including cellular and satellite), pagers, modems or any other tangible computer device generally understood to comprise hardware.

Software - Includes, but is not limited to, all computer programs, systems and applications, including shareware. This does not include files created by the individual user.

Temporary file, permanent file or file - Any electronic document, information or data residing or located, in whole or in part, on the system, including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs or videos.

403.2 POLICY

Greater Naples Fire Rescue District employees shall use information technology resources, including computers, software and systems, that are issued or maintained by the District in a professional manner and in accordance with this policy.

403.3 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to emails, texts or anything published, shared, transmitted or maintained through file-sharing software or any Internet site that is accessed, transmitted, received or reviewed on any district technology system.

The District reserves the right to access, audit and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the District, including the district email system, computer network or any information placed into storage on any district system or device. This includes records of all keystrokes or Web-browsing history made at any district computer or over any district network. The fact that access to a database, service or website requires a username or password will not create an expectation of privacy if it is accessed through district computers, electronic devices or networks.

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403.4 RESTRICTED USE

Employees shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Employees shall immediately report unauthorized access or use of computers, devices, software or systems by another employee to their supervisor or Fire Chief.

Employees shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

403.4.1 SOFTWARE

Employees shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes, in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, employees shall not install any unlicensed or unauthorized software on any district computer. Employees shall not install personal copies of any software on any district computer.

No employee shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the District while on district premises, computer systems or electronic devices. Such unauthorized use of software exposes the District and involved employees to severe civil and criminal penalties.

Introduction of software by employees should only occur as a part of the automated maintenance or update process of district- or District-approved or installed programs by the original manufacturer, producer or developer of the software. Any other introduction of software requires prior authorization from IT staff.

403.4.2 HARDWARE

Access to technology resources provided by or through the District shall be strictly limited to district-related activities. Data stored on or available through district computer systems shall only be accessed by authorized employees who are engaged in an approved district-related project or program or who otherwise have a legitimate district-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

403.4.3 INTERNET USE

Internet access provided by or through the District shall be strictly limited to district-related activities. Internet sites containing information that is not appropriate or applicable to district use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, gambling, chat rooms, and similar or related Internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of an employee's assignment.

Downloaded information from the Internet shall be limited to messages, mail and data files.

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403.4.4 OFF-DUTY USE

Employees shall only use technological resources related to their job while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email or any other off-the-clock work-related activities. This also applies to personally owned devices that are used to access district resources.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

403.5 PROTECTION OF SYSTEMS AND FILES

All employees have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the computer system.

Employees shall ensure district computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information and other individual security data, protocols and procedures are confidential information and are not to be shared. Password length, format, structure and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

It is prohibited for an employee to allow an unauthorized user to access the computer system at any time or for any reason. Employees shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the Internet) to a supervisor.

403.6 INSPECTION AND REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the District involving one of its employees or a employee's duties, an alleged or suspected violation of any district policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the district computer system when requested by a supervisor or during the course of regular duties that require such information.

Photography and Electronic Imaging

404.1 PURPOSE AND SCOPE

The purpose of this policy is to authorize district employees to utilize photography and electronic imaging to document non-incidents and incidents while also protecting the privacy of citizens and ensuring district compliance with the mandates of the Health Insurance Portability and Accountability Act (HIPAA) and the Florida Information Protection Act (FIPA). Records management and HIPAA restrictions are covered in detail under separate sections in this Policy Manual.

This policy establishes legal ownership of all photographs and electronic images collected by district employees; establishes the parameters for the types of incidents, subjects and activities that may be photographed or electronically imaged; and establishes restrictions on the use of such photographs and electronic images.

404.2 POLICY

It is the policy of the Greater Naples Fire Rescue District to authorize employees to utilize photography and electronic imaging to document incidents and district activities that are subject to compliance with specific regulations, conditions, restrictions and guidelines.

The use of photography or electronic imaging of medical patients, injured victims or other people who are medically evaluated or treated by district employees must also comply with the requirements of HIPAA and FIPA.

The Greater Naples Fire Rescue District shall respect the privacy rights established in the state and federal constitutions. District employees will take the necessary precautions to protect the privacy of citizens and ensure the proper protocols are taken to ensure confidentiality in the dissemination and storage of photographic and electronic imaging.

404.3 OWNERSHIP AND COMMERCIAL USE OF PHOTOGRAPHS AND ELECTRONIC IMAGES

All photographs and electronic images taken by district employees while on-duty or acting in an official capacity are the sole property of the District and may not be sold, transferred for commercial use, bartered or otherwise distributed for profit by any employee of the District without the express prior approval of the Fire Chief (17 USC § 201). District employees will only disseminate photographic and electronic imaging for the purposes of District business.

404.4 AUTHORIZED USE OF PHOTOGRAPHY AND ELECTRONIC IMAGING

404.4.1 NON-INCIDENT EVENTS

Photography and electronic imaging may be utilized by district employees for non-incident events, including:

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- (a) Documentation of district training events, exercises, lectures, classes or activities, and all fire academy-related activities.
- (b) Documentation of internal district events and activities, such as promotional ceremonies, employee recognition or award presentations, meetings, seminars, workshops and other activities involving district employees.
- (c) Documentation of public events, such as safety seminars, fire station open house events, Fire and Life Safety Section education events and activities, school safety presentations and club or service organization events.
- (d) Documentation of all district vehicles, apparatus, tools and equipment, facilities and other district-owned property.
- (e) Creation and maintenance of a photo/image bank depicting all district employees.
- (f) Documentation of all buildings, structures, facilities, infrastructure components, landmarks and recreational areas within the district's jurisdiction for later use in disaster mitigation, recovery and cost-recovery efforts.
- (g) Documentation of any condition, activity or event related to the district's code enforcement responsibilities.
- (h) Documentation of inspections, code compliance activities or any other activity of Fire and Life Safety Section.
- (i) Unless prohibited elsewhere in this policy, documentation of any district activity for future use in training.
- (j) For any other purpose authorized by the Fire Chief, Battalion Chief or any Section Chief.

404.4.2 INCIDENT-RELATED EVENTS

Photography and electronic imaging may be utilized by district employees at incident scenes, including:

- (a) Documentation of the conditions on arrival and during suppression activities at any fire incident.
- (b) Documentation of fire, smoke, water, structural collapse or any other damage or conditions resulting from any fire or fire-related event.
- (c) Documentation of people at the scene of a fire or a fire-related incident for the purpose of future investigation.
- (d) Documentation of anything of evidentiary value found at a fire or incident scene where any type of investigation may be initiated.
- (e) Documentation of the location, position, trauma, injuries or any other factor of investigative interest related to deceased victims at a fire or fire-related incident or other incidents.
- (f) Documentation of the condition of vehicles, apparatus, bicycles or other items involved in collisions, accidents, entrapments or other rescue or medical events.
- (g) Documentation of the extrication of trapped individuals in any rescue situation.

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- (h) Documentation of the cause, location, extent, severity and nature of traumatic injuries of patients at the scene. These images may be transferred to the receiving physician, nurse or other authorized representative who assumes medical care for the patient.
- (i) Documentation of all aspects of any incident involving hazardous materials.
- (j) Documentation of severe weather events, including any damage, injuries or fatalities caused by such events.
- (k) Documentation of any other event, situation or activity as deemed appropriate and necessary by the Incident Commander of any event.

404.5 PROHIBITED USE OF PHOTOGRAPHY OR ELECTRONIC IMAGING

District employees are prohibited from using photography or electronic imaging except as permitted in this policy.

Prohibited use of photography or electronic imaging shall include, but is not limited to:

- (a) Photographs and/or electronic images may not be taken, transmitted or used in violation of any HIPAA regulation.
- (b) Photographs and/or electronic images may not be taken, transmitted or used for personal purposes.
- (c) Unless requested by the receiving hospital or controlling medical authority or deemed necessary for the future treatment of the patient, no photographs or electronic images should be taken inside a private residence during a non-traumatic medical aid incident.
- (d) Unless requested by the receiving hospital or controlling medical authority or deemed necessary for the treatment of the patient, no photographs or electronic images should be taken of a patient under 18 years of age during a medical aid response.
- (e) Unless requested by the receiving hospital or controlling medical authority or deemed necessary for the future treatment of the patient, no photographs or electronic images depicting patient genitalia or the exposed breasts of female patients should be taken by district employees.
- (f) Unless requested by the receiving hospital or controlling medical authority or deemed necessary for the future treatment of the patient, no photograph or electronic image should be taken of a patient being treated by district employees if the person expresses or indicates that he/she does not wish to be photographed. In the event that the need arises to take a photograph or electronic image of a medical patient against the patient's wishes, the medical need for taking the image will be explained to the patient with a witness present. Details regarding the need for the photograph or electronic image, the explanation provided to the patient and the identity of the witness present shall be included in a patient care report and/or incident report for the response.

Non-Official Use of District Property

405.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance on the non-official use of district property. District property includes, but is not limited to, all portable pumps, chain saws, rescue saws, generators, fire hoses, hose adapters, suction hoses, ladders, rescue equipment, small tools or any power driven tools.

405.2 POLICY

The personal use of district property is not authorized. No equipment shall be loaned or used by an employee for any purpose other than official district business without the express prior approval of a Section Manager.

Requests from water companies or other agencies for hose adapters or other equipment should be forwarded to the appropriate Section Manager for consideration.

Failure to comply with District policy may result in disciplinary action taken against the District employee.

Chapter 5 - Records Management

Public Records

500.1 PURPOSE AND SCOPE

The Greater Naples Fire Rescue District ("District") is committed to complying with all statutory requirements related to the public's right to access records under Florida law.

500.2 POLICY

In accordance with Chapter 119, Florida Statutes ("F.S."), all District records, with the exception of exempt or confidential and exempt records, shall be open for personal inspection and copying by any person. This policy affirms the public's right to access District records and sets forth a consistent process for responding to public records requests. This policy also facilitates accessibility of information to the public and establishes fees to be assessed by the District to cover the costs of responding to public records requests.

500.3 BACKGROUND

The Public Records Act, Chapter 119, F.S., addresses the right to access, inspect, and copy existing public records. As defined in Section 119.011, F.S., public records means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business.

All records kept by the District are public unless they are exempt by law from disclosure. Some examples of documents exempted from public records requests include, but are not limited to, trade secrets; proprietary confidential business information; security system information and plans; building plans, blueprints, schematic drawings, and diagrams of government buildings and facilities; and social security numbers. Section 119.071, F.S., contains a list of general exemptions from inspection or copying of public records.

The Public Records Act does not require the District to analyze or create new records to accommodate a request for information. In addition, the District is required to provide a copy of the requested public record in the medium requested if it is maintained in that medium, it is generally not required to reformat its records to meet a requestor's particular needs. The District is also not obligated to provide records on a continuing or going-forward basis to a requestor.

500.4 RECORDS CUSTODIAN

The District's Records Custodian is its Chief of Staff or subsequently titled position that has been assigned the duty of Records Custodian in its job description. The Records Custodian is charged with the responsibility of ensuring that the District's public records program meets the requirements of the Public Records Act. Requests for public records can be made via the District's website at <https://www.greaternaplesfire.org/public-records-request/>.

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500.5 SUBMITTAL OF PUBLIC RECORDS REQUESTS

Section 119.07, F.S., states that "every person who has custody of a public record shall permit the record to be inspected and copied by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public records."

A public records request may be made to any District employee. However, a request made to the Records Custodian will ensure that the request is handled appropriately. Public records requests can be submitted directly to the Records Custodian at 14575 Collier Boulevard, Naples, FL 34119, 239-348-7540 or via website at <https://www.greaternaplesfire.org/public-records-request/>.

A public records request does not have to be submitted in writing and a requestor does not have to provide his/her identity or the reason for the public records request. This information is not required to make a request for public records.

No specific language is required to make a request for public records. However, the requestor must identify the records requested with sufficient clarity to allow the District to identify, retrieve, and review the records. If it is not clear what records are being requested, the District will contact the requestor for clarification, and will assist the requestor with the request by informing the requestor of the manner in which the office keeps its public records.

The District cannot deny a public records request because the request is too broad or lacks specificity. Therefore, in the absence of a statutory exemption, the District must produce the records requested regardless of the number of documents involved.

When a public records request is received for emails or other records relating to a Board member or District employee, the Board member or District employee may be notified that such request was received. This notice will not unreasonably delay responding to the public records request.

500.6 RESPONDING TO REQUESTS

The Records Custodian must acknowledge requests to inspect or copy records promptly, and respond to such requests in good faith, which includes making reasonable efforts to determine from other officers or employees within the District whether such records exist and, if so, the location at which the record can be accessed.

- (a) Acknowledgement. Upon receipt of a public records request, the District employee will forward the request to the Records Custodian within one (1) business day. Thereafter, the Records Custodian will acknowledge receipt to the requestor within one (1) business day.
- (b) Response Time. Public records must be made available for inspection promptly and within the "reasonable time" it takes to retrieve the record, review the record to determine if it contains any exempt information, and redact those portions of the record that are exempt. The length of time it takes the District to provide records varies somewhat depending upon the volume and nature of the request, but the District is committed to providing requested records as quickly and efficiently as possible.
- (c) Reasonable Conditions. The District is authorized to produce public records for inspection and copying under reasonable conditions. Reasonable conditions are

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those conditions that allow the Records Custodian to protect public records from alteration, damage, or destruction, and to ensure that the right to view the public records is not restricted or circumvented.

- (d) Business Hours. Public records are to be available for inspection and copying during normal business hours, Monday through Friday, 8:00 a.m. to 5:00 p.m., with the exception of holidays or office closures.
- (e) Denial or Redaction of Records. If the District asserts that an exemption applies to all or part of a public records request, it may redact that portion of the public record and produce the remainder for inspection and copying. The requestor must either be notified of the redaction, or the redaction shall be plainly visible. If a public records request is redacted or denied, the District must provide a reason for the redaction or denial in writing, which includes a citation to the statutory authority for the redaction or denial. Section 119.071, F.S., contains a list of general exemptions from inspection or copying of public records. Requests for documents that may contain exempt information may be delayed until the records can be reviewed for compliance with Chapter 119, F.S., and redacted as necessary.

500.7 COPYING AND MAILING COSTS

The District is authorized by Section 119.07(4), F.S., to charge a fee for copying public records.

The District's fee schedule is as follows:

Copies	Fee (per page)
Single-sided copies, up to 8 ½ by 14	\$0.15
Double-sided copies, up to 8 ½ by 14	\$0.20
Larger-size copies, maps, blueprints, duplicate audio tape (cassette), CD of electronic or audio public records; DVD of electronic or audio public records; reprints of color photographs	Actual cost of duplication
Certified Copies	\$1.00, in addition to cost of duplication
Postage and Packing	Actual cost
Staff time in excess of 15 minutes	Hourly rate of staff compiling request

The District accepts payment in the form of cash, certified check, or money order, which shall be paid prior to the delivery of any materials. Certified checks or money orders shall be made payable to Greater Naples Fire Rescue District.

For large public records requests (those requiring more than \$50 in copy charges), the Records Custodian will require an advance deposit prior to beginning retrieval.

A special service charge will be imposed if the nature or volume of public records requested requires extensive use of information technology or resources and/or extensive clerical or supervisory assistance by District staff. A special service charge will be warranted if the nature or volume of the public records request requires more than fifteen (15) minutes of District resources.

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The rate charged for clerical or supervisory assistance will be based on the lowest paid full-time personnel capable of processing the request.

When all allowable fees/charges applicable to a large public records request can be calculated in advance, they will be calculated and provided to the requestor before investing significant resources in completing the request. If the requestor accepts the cost estimate and pays the fee, the public records request will be filled.

When actual costs and extensive use fees cannot be immediately determined due to the nature of the request, an estimated cost for producing the records will be provided to the requestor along with an explanation that the actual cost may vary but will not exceed the original estimate by more than 25%. If the requestor accepts the cost estimate, and pays the estimated fee, the public records request will be filled. If the actual cost to produce the records is more than the estimate, the requestor will be required to pay the additional cost, not to exceed 25% of the estimate. If the actual cost is less than the estimate, the requestor will receive a refund of the difference.

No sales tax is charged for a public records request.

Patient Medical Records and Security

501.1 PURPOSE AND SCOPE

The Greater Naples Fire Rescue District ("District") is committed to complying with all regulatory requirements, including assuring that the District employees receive educational information related to the regulatory requirements of the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), the Health Information Technology for Economic and Clinical Health Act ("HITECH Act"), and the Florida Information Protection Act of 2014 ("FIPA"). All District employees will complete HIPAA training including information about District Privacy and Information Security programs.

501.2 POLICY

The District is committed to complying with all regulatory requirements, including assuring that the District employees receive educational information related to the regulatory requirements of HIPAA, the HITECH Act, and FIPA. All District employees will complete HIPAA training including information about District Privacy and Information Security programs. It is also the policy of the District to allow members to complete a pre-authorization for the release of their PHI to a family member or other specific individual in the event the member becomes injured or ill on-duty.

501.3 BACKGROUND

HIPAA required the Secretary of the U.S. Department of Health and Human Services ("HHS") to develop regulations protecting the privacy and security of certain health information. To fulfill this requirement, HHS published what are commonly known as the:

- (a) HIPAA Privacy Rule;
- (b) HIPAA Security Standards;
- (c) HIPAA Breach Notification Rule; and
- (d) HIPAA Enforcement Rule.

The HIPAA Privacy Rule, or Standards for Privacy of Individually Identifiable Health Information, establishes national standards for the protection of certain health information and will be discussed below.

The HIPAA Security Standards (as discussed separately) for the protection of electronic protected health information (the HIPAA Security Rule) establish a national set of security standards for protecting certain health information that is held or transferred in electronic form. The HIPAA Security Rule operationalizes the protections contained in the HIPAA Privacy Rule by addressing the technical and non-technical safeguards that organizations called "covered entities" must put in place to secure individuals' "electronic protected health information" ("e-PHI").

The HIPAA Breach Notification Rule requires HIPAA covered entities and their business associates to provide notification following a breach of unsecured protected health information.

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The HIPAA Enforcement Rule grants authority to the HHS' Office for Civil Rights for enforcing the HIPAA Privacy and Security Rules. OCR's enforcement activities have obtained significant results that have improved the privacy practices of covered entities, such as DISTRICT. The corrective actions and civil money penalties obtained by OCR from covered entities have resulted in systemic change that has improved the privacy protection of health information for all individuals they serve.

In addition to HIPAA, Florida has implemented a state counterpart to HIPAA, which is known as FIPA. FIPA modifies certain parts of HIPAA.

501.4 QUESTIONS REGARDING HIPAA

Under the HIPAA Rules, the District is required to appoint a Privacy Officer and a Security Officer.

These appointed employees are knowledgeable in HIPAA and FIPA and can answer your questions. The District has made the following appointments:

HIPAA Privacy Officer

Human Resources Director - 14575 Collier Boulevard, Naples, FL 34119, 239-348-7540

HIPAA Security Officer

IT Manager - 14575 Collier Boulevard, Naples, FL 34119, 239-348-7540

Chapter 6 - Personnel

Discriminatory Harassment

600.1 PURPOSE AND SCOPE

To eliminate any form of discrimination or harassment in the employee's work environment, whether on District property, under District control, or under the control of any District vendor or affiliate.

600.2 POLICY

The Greater Naples Fire Rescue District (GNFD) shall prohibit discrimination and harassment from all personnel at every level of employment, applicants for employment with the District, and third-parties (such as customer representatives or vendors) doing business with the District. This policy applies regardless of race, color, sex, sexual orientation or gender identity, national origin, religion, age, disability pregnancy, veteran status, marital status or any other characteristic of the individuals protected by applicable law.

600.3 DEFINITIONS

"Sexual Harassment": Sexual harassment is one form of discriminatory harassment. Sexual harassment includes unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual or gender-biased nature when:

1. The harasser states or implies that giving into or rejecting such conduct will affect another individual's employment.
2. Such conduct unreasonably interferes with another individual's work performance or creates an intimidating, hostile or offensive work environment.

"Prohibited Conduct": It is impossible to identify all of the conduct which could be interrupted as sexual harassment. However, the following are examples of different types of conduct that might be considered sexual harassment in violation of this policy:

1. Threatening to make, or actually making job decisions such as discharge, promotion, demotion, pay raises, or reassignment if sexual favors are not granted.
2. Requesting sexual favors in exchange for favorable or preferential treatment
3. Unwelcome and/or repeated flirtations
4. Sexually offensive comments, jokes, innuendoes, and use of other sexually oriented language, either in person, in writing, or through e-mail, voice mail, etc.
5. Sexually offensive gestures.
6. The display of sexually suggestive pictures or objects.
7. Explicit, degrading or unwelcome verbal comments about an individual or his/her appearance.
8. Gender or sex-based pranks or horseplay.
9. Making gender or sex-based stereotypes.

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"Discrimination or Harassment": Generally discrimination or harassment prohibited under this policy is not limited to sexual harassment. Various laws prohibit the harassment of, or discrimination against, employees based on race, color, sex, sexual orientation or gender identity, national origin, religion, age, disability, pregnancy, veteran status, or marital status. Conduct will be considered to be "based on" a protected or other characteristic, if it is directed to that characteristic.

For example, conduct is based on sex if it is directed to one sex or the other, regardless of whether the conduct is sexual in nature. It is therefore a violation of this policy to mock, disparage, or denigrate a particular sex (or race, or any other protected characteristic).

The District subscribes to the purpose and requirements of those laws, and will strictly comply with them. The District is committed to equal opportunity and does not discriminate against applicants or employees based on race, color, sex, sexual orientation or gender identity, national origin, religion, age, disability, pregnancy, veteran status, marital status, or any other characteristic protected by applicable law.

In addition, it is also the District's policy that certain types of behavior, which do not rise to the level of illegal harassment or discrimination, can also be counterproductive. Therefore, the District will not tolerate any conduct or behavior that interferes with the reasonable expectations of the District employees to a workplace that is free from rude, offensive, intolerant, or otherwise inappropriate conduct.

Statements or actions that ridicule or are critical of an individual because of his or her race, color, sex, sexual orientation or gender identity, national origin, religion, age, disability, pregnancy, veteran status, marital status, or any other characteristic protected by applicable laws or offensive. Such offensive conduct can create an intimidating, hostile work environment, and may unreasonably interfere with an individual's work performance. Accordingly, such offensive conduct is prohibited.

"Discriminatory Conduct": It is not possible to compile a complete list of other discriminatory conduct; however, the following is a list of some common examples of what may constitute such discriminatory harassment. This list is not all inclusive, but includes:

1. Using epithets or slurs
2. Mocking, ridiculing or mimicking another's culture, accent, appearance, color or customs
3. Threatening, intimidating or engaging in hostile or offensive acts that focus on an individual's race, color, gender, age, religion, national origin, disability, veteran status, marital status, or any other characteristics protected by law
4. Offensive jokes or pranks
5. Posting offensive material on walls, bulletin boards, or elsewhere on the District's real or personal property including District vehicles and equipment, storage lockers, etc.
6. Circulating or communicating offensive material in the workplace, by written or verbal (e-mail, voicemail, etc.) means or otherwise.

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Discriminatory Harassment

600.4 SUMMARY

- A. Discriminatory harassment is not acceptable and will not be tolerated. All employees are expected to comply with District policies, and to demonstrate, sensitivity to and respect for other employees without exception.
- B. It is a violation of this policy to engage in behavior prohibited by this policy regardless of the "consent" of any employee involved in the conduct. All conduct prohibited by this policy is to be kept away from the workplace.
- C. Any employee found to have violated this policy will be disciplined in accordance with District disciplinary policies and procedures.
- D. The District requires the prompt reporting of all incidents of discriminatory harassment.
 - 1. The employee shall inform the harasser(s) that his or her behavior, actions, and/or comments are offensive and request that he/she,they cease immediately. If any employee is uncomfortable or feels it would be unreasonable or otherwise inappropriate for him or her to confront the alleged harasser, then reporting may be brought to the attention of any Command Staff Officer or the Human Resources Branch.
 - 2. Any employee or applicant who believes that he or she has been the subject of discriminatory harassment, believes that he or she has been treated in an unlawful discriminatory manner, or who witnesses potential discrimination or harassment, must report the incident immediately to any Command Officer or the Human Resources Branch.
 - 3. Any employee may at any time discuss his or her concerns with the District's Employee Assistance Program (EAP) provider. However, this activity is not a substitute for reporting the alleged violation(s).
 - 4. All employee who fail to properly notify the District and/or who do not provide prompt, sufficient, and detailed communication regarding complaints of discrimination or harassment are hereby notified that such actions may adversely affect the District's ability to effectively investigate any such claims.
- E. Any employee of the District who receives a report of or who becomes aware of discriminatory harassment must contact the Fire Chief within 24 hours.
- F. All reports of discrimination or harassment will be promptly, fully and fairly investigated by the Fire Chief or by an agent or designee identified by the Fire Chief.
- G. All complaints will be kept confidential to the maximum extent possible within the guidelines of the public records law, and consistent with the District's commitment to conduct a full and fair investigation. The District expressly reserves the right to make such disclosures that are required by law, or are determined to be necessary to the investigation of the report or in response to inquiries by outside agencies.
- H. As soon as the investigation is concluded and an evaluation made of the results of the investigation, appropriate action will be taken. If it is concluded that discrimination or harassment in violation of this policy has occurred, appropriate corrective and disciplinary actions will be taken immediately to rectify the situation. The type of action to be taken depends on, among other things, the kind and degree of harassment,

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Discriminatory Harassment

the employment status and level or responsibility of the offending individual, any past finding of inappropriate conduct, and the extent of the offending individual's cooperation in the investigation.

- I. Disciplinary action may be imposed on employees who during the investigation are found to have not reported information about a harassment or discrimination situation are not forthright and truthful, or cooperative in providing information to District personnel during an investigation, or who report or file a false claim or incident.
- J. Retaliation against an individual for reporting discrimination or harassment or cooperating in the investigation of such a report is considered a serious offense which undermines the integrity of this policy. Therefore, any form of retaliation against an individual for making a report of harassment or for assisting in the investigation of such a report is strictly prohibited.
- K. Reports of alleged retaliation should be made promptly, and should be made in the same manner as reports of discriminatory harassment. Those reports will be investigated and resolved in the same manner as reports of discrimination or harassment. If it is concluded that retaliation has occurred, appropriate action will be taken to immediately correct the situation.
- L. Discrimination, harassment or retaliation are serious breaches of the District's policy any may be a violation of federal and state law(s). As a result, reports of such alleged violations are extremely serious matters that could have a very damaging effect on an accused individual's professional and personal reputation, career and personal life. Therefore, reports should not be made lightly, used to address complaints for something other than violation of this policy, or made to achieve some purpose other than the eradication of violations of this policy.

Conduct and Behavior

601.1 PURPOSE AND SCOPE

The purpose of this policy is to provide requirements, guidelines, and prohibitions to prevent activities or behaviors that may lead to disciplinary actions or dismissal.

601.2 POLICY

It is the policy of the Greater Naples Fire Rescue District that its employees strive to attain the highest professional standard of conduct and discharge their duties in a courteous and professional manner.

All employees are required to comply with federal and state laws, rules adopted by the Division of State Fire Marshal and with workplace safety and health standards, rules, policies, procedures, and the District's rules, regulations, policies, guidelines, and procedures. Any violation of principles or adverse behavior demonstrated will be looked upon as unprofessional. Such behavior may discredit the good work of the Greater Naples Fire Rescue District and its employees, and will reflect poorly on the District. Any breach of this policy will be grounds for disciplinary actions. Any violations of this policy will be documented, with appropriate follow-up action taken. Employees must not take personal advantage of any situation and/or opportunity that arises. It is the responsibility of each District employee to abide by this Code of Conduct. In addition, employees must comply with all requirements of Chapter 112, Part III, Florida Statutes, the Code of Ethics for Public Officers and Employees.

601.3 PROFESSIONAL CONDUCT

All employees are governed by the ordinary and reasonable rules of behavior observed by law-abiding and self-respecting citizens, and must conduct themselves at all times in such manner as to reflect favorably on the District. Conduct unbecoming of an employee includes that which discredits the District or the person as an employee of the District or which impairs the operation or efficiency of the District or its employees.

Employees must conduct themselves in a manner that does not impair the good order and discipline of the District. Employees must not, while on-duty, indulge in hazing or bullying; offensive, obscene, or uncivil language; verbal or physical altercations or threats thereof; or conduct which might cause injury to another person.

Employees must not be in possession of or consume non-prescribed, or non-ordered in the case of medical marijuana, illegal substances or alcoholic beverages while on duty or subject to call.

Employees must follow prescribed direction regarding dress code and personal protective equipment. Employees must only procure equipment through appropriate channels. Employees are prohibited from defacing any property. Employees must only transit via approved roadways and not stray into restricted areas.

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Greater Naples Fire Rescue District Policy Manual

Conduct and Behavior

Employees must demonstrate proper consideration for other agencies capabilities and operating practices.

Employees of the District are required to be familiar with the expected standard of behavior, both on- and off-duty.

601.4 INTERACTION WITH THE PUBLIC

In the performance of their duties, employees must be courteous to the public and tactful. They must control their tempers, exercise reasonable patience and discretion, and not engage in any argumentative discussions even when provoked.

In the performance of their duties, employees are prohibited from using coarse, violent, profane, or insolent language or gestures, and must not express prejudice or discrimination. Employees must keep the value of life and the welfare of the victim constantly in mind and remain cognizant of cultural issues including race, religion, gender, and nationality.

601.5 COURTESY TO EMPLOYEES

Employees must be courteous and respectful in their relations with all employees of the District. Employees are prohibited from using coarse, violent, profane, or insolent language or gestures, and must not express prejudice or discrimination.

601.6 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful, is prohibited.

601.7 CONFORMANCE TO LAWS

Employees must obey all laws of the United States and of any state and local jurisdiction in which the employee is present, including laws regarding weapons and firearms, the handling of sensitive information, and medical care and handling of patients and/or deceased. Employees must follow Agency having jurisdiction and federal and state laws or regulations regarding taking and showing pictures of victims or structures.

601.8 DEROGATORY OR MALICIOUS STATEMENTS

Employees are prohibited from being a party to any malicious gossip, report, or activity that would tend to disrupt District morale or bring discredit to the District or any employee thereof. Employee questions concerning District policy, activities, officers and/or safety issues must be submitted by official written communication to the employee's immediate supervisor.

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Conduct and Behavior

601.9 POLITICAL ACTIVITY

Employees are prohibited from engaging in political activities of any kind while on-duty. Employees are also prohibited from engaging in any political activity off-duty while wearing any uniform items or equipment that could identify them as employees of the District.

601.10 SEXUAL ACTIVITY

Employees are prohibited from engaging in any sexual activity while on-duty. This includes use of any electronic device to communicate or receive messages, photos or any other content of a sexual or provocative nature.

601.11 ILLEGAL GAMBLING

Employees are prohibited from engaging or participating in any form of illegal gambling at any time while on-duty. This includes accessing gaming websites from computers or any electronic device, whether District-issued or owned by the employee.

601.12 GIFTS AND GRATUITIES

Employees are prohibited from soliciting or accepting any gift, including money, tangible or intangible personal property, or any service, gratuity, favor, entertainment, hospitality, loan, promise, or any other thing of value from any person, business or organization that is doing business with, or seeking to do business with, the District or to promote cooperation.

If it may reasonably be inferred that the person, business or organization seeks to influence the actions of an employee or seeks to affect the performance of an employee while on-duty, the incident must be immediately reported to the next level supervisor.

601.13 OFFERS OF DONATIONS AND GIFTS OF THE HEART

Employees who are approached with monetary donations following major disasters must direct the person or entity to the Administration and Finance Section for instruction on proper ways to donate.

Employees are prohibited from accepting any monetary donation from the public at any time. If a citizen offers a gift of a non-monetary nature, such as food or product, the gift must be placed in an area of the station or office to be shared by all employees.

Employees must not consider a gift of the heart as a personal present at any time.

601.14 ABUSE OF POSITION

Employees are prohibited from using their official positions, official identification cards, or badges to avoid the consequences of illegal acts or for other non-work-related personal gain. Employees are prohibited from lending to another person their identification cards or badges, or permitting their identification cards or badges to be photographed or reproduced without the approval of the Fire Chief.

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Conduct and Behavior

Employees are prohibited from authorizing the use of their names, photographs, or official titles that identify them as District employees (e.g., in connection with testimonials or advertisements of any commodity or commercial enterprise) without the approval of the Fire Chief.

Employees are prohibited from removing property from an operational work site as a souvenir.

601.15 PUBLIC STATEMENTS AND APPEARANCES

Employees are prohibited from addressing public gatherings, appearing on radio or television, preparing any articles for publication, acting as correspondents to a newspaper or periodical, or releasing or divulging investigative information or information on any other matter of the District while presenting themselves or in any way identifying themselves as representing the District, without the approval of the Fire Chief.

Notwithstanding, in an effort to provide employees the ability to attend District related meetings conducted within the District while on-duty, the following applies to facilitate such activities.

1. Units may be assigned to attend meetings at the direction of the Section Manager or authority of the Fire Chief.
2. Employees are generally permitted to voluntarily attend public/special meetings while on-duty with the express permission of the appropriate Section Manager. Non-approved attendance will not be permitted. Such meetings include:
 - A. Commission meetings
 - B. Pension Board meetings
 - C. Union meetings
 - D. Other public/special meetings as approved by the appropriate Section Manager
3. Attendance of emergency response apparatus is generally limited to one in-zone unit that must remain in-service at all times. Any exception will be at the direction of the Battalion Chief or authority of the Fire Chief. Responses to emergency incident must not be modified or otherwise delayed.
4. Zone coverage must be maintained. In the event a more distant unit is approved to attend, the affected in-zone unit must be relocated.
5. Shift and uniform day personnel attending such meetings while on duty are required to wear Class B uniforms (Union meetings, Class C).
6. Civilian employees attending such meetings while working are required to wear their currently assigned work uniform.
7. Company officers and supervisors must monitor their radio at all times. All other crew members must silence their radios.

Outside Employment

602.1 PURPOSE

The purpose of this policy is to establish guidelines to be followed by any Greater Naples Fire Rescue District members considering outside employment.

602.2 POLICY

It is the policy of the Greater Naples Fire Rescue District to allow members to engage in employment other than with the District provided that such outside employment is not in conflict with his/her duties and the duties, functions and responsibilities of the District.

Members shall not represent the District while performing employment outside the District.

602.3 PROHIBITED OUTSIDE EMPLOYMENT

Prohibited outside employment may include:

- (a) Involves the member's use of district time, facilities, equipment or supplies, or the use of the district badge, uniform, prestige or influence for private gain or advantage.
- (b) Involves the member's receipt or acceptance of any money or other consideration from anyone other than this district for the performance of an act which the member, if not performing such act, would be required or expected to render in the regular course of employment or as a part of the member's duties as a member of this district.
- (c) Involves the performance of an act in other than the member's capacity as a member of this district that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other member of this district.
- (d) Involves time demands that would render performance of the member's duties for the District less efficient.
- (e) Involves time demands that would affect the member's regular work shift or ability to respond to emergencies or mandated overtime.
- (f) Involves employment with an individual or organization that does business with the District.
- (g) Would otherwise compromise the ability of the District to conduct its business in an efficient manner.
- (h) Outside employment within the District that would give the appearance of impropriety or otherwise appear inconsistent, incompatible or in conflict with the member's employment with the District.

602.4 PROHIBITED USE OF DISTRICT RESOURCES

Members are prohibited from using any district equipment or resources in the course of or for the benefit of any outside employment.

Nepotism, Employment and Business with Family Members

603.1 PURPOSE AND SCOPE

To establish an employment policy to ensure those District employees' private relationships do not conflict with their public obligation to act objectively and with integrity. It is the District's objective to prevent an employee from becoming involved in a situation which could result in a conflict or give the appearance of a conflict.

603.2 POLICY

It is the policy of the District to prohibit actual or perspective conflicts of interest based on family or romantic relationships between members of the same household.

The public officials and Fire Chief may not appoint, employ, promote, or advance, or advocate for appointment, employment, promotion, or advancement, in or to a position in the agency in which the official or Fire Chief is serving or over which the official or Fire Chief exercises jurisdiction or control any individual who is a relative of the public official or Fire Chief.

Employees may not permanently supervise a member of their family. Casual supervision of an immediate family member is permissible during unscheduled events such as training, general informational meetings and the response to emergency incidents. In addition, individuals may not supervise or participate in the processes (meetings or discussions) of review and decision-making on any matter concerning retention, promotion, tenure, salary, or discipline of members of their immediate family.

Employees who become involved in one of the foregoing circumstances have an obligation to advise the District about the potential conflict. Every effort will be made to resolve the conflict without loss of employment; however the District reserves the right to transfer one or both employees, to discharge one or both employees or to demote one or both employees to resolve the conflict.

Employees who fail to advise the District of the existence of a potential conflict shall be subject to disciplinary action.

A public official or employee of the District shall not influence, or attempt to influence the awarding of a District contract to a related person. No public official or employee shall be responsible for managing a District contract with a related person.

For the purposes of this policy, District employees' family members encompass the following: husband, wife, domestic partner, daughter, son, foster children, daughter-in-law, son-in-law, step-daughter, step-son, mother, father, mother-in-law, father-in-law, step-mother, step-father, sister, brother, sister-in-law, brother-in-law, step-sister, step-brother, grandmother, grandfather, granddaughter, grandson, aunt, uncle, niece, nephew, and first cousin.

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Nepotism, Employment and Business with Family Members

This policy does not apply to persons serving the District in a volunteer capacity who provide emergency medical, firefighting, or other services. Such persons may receive, without losing their volunteer status, reimbursements for the costs of any training they get relating to the provision of volunteer and payment for any incidental expenses relating to those services that they provide.

Social Media

604.1 PURPOSE AND SCOPE

The District appreciates that social media can be a rewarding way for employees to share information about themselves, and to interact with people in the community and around the world. District employees serve the public, and potentially are subject to public scrutiny of their on and off-duty conduct. As a result, use of social media carries with it risks and responsibilities of which employees must be aware, especially for those employees that are employed in a supervisory or managerial capacity, although these risks applies to all employees. The participation and conduct of employees participating in social media and networking sites is of paramount importance to the District.

604.1.1 DEFINITIONS

Social Media is generally considered as various forms of discussion and information sharing technologies including social networks, blogs, video and photo sharing, podcasts, wikis, message boards and online forums. include, but are not limited to: Google and Yahoo Groups, My Space, Facebook, You Tube, Flickr, Twitter, LinkedIn, Instagram, Snapchat, Tiktok and communications on blogs, bulletin boards, wikis, chat room and on-line journals; file-sharing including, but not limited to, Dropbox, Airdrop, or Google Drive; items posted in comment sections to storied published on-line by traditional media outlets such as newspapers; television stations and networking sites.

604.2 POLICY

The District recognizes that its employees may choose to participate in social media. To the extent District employees choose to communicate on these sites, such participation for personal application is not recommended while on duty.

District employees participating in social media are to assume that information posted/commented on these sites will become public information, and therefore should use these site responsibly. Employees who participate in social media communications and attribute personal statements, digital images, opinions, and beliefs to the District carry the responsibility of being held accountable for their actions whether on duty or off duty.

All photographs containing individually identifiable patient information or patient pictures covered by Federal Health Insurance Portability and Accountability Act (HIPAA) and the Florida Information Protection Act (FIPA) privacy laws must be protected in the same manner as patient care reports and documentation. This type of digital imaging should be avoided, and under no circumstances be transferred or reproduced in any matter.

Employees are not permitted to utilize any official District logos, patches, or digital images to create a social media site for any purpose unless specifically authorized by the Fire Chief. Any "on-scene" images taken by an employee in the course and scope of employment may not be used, printed, copied, scanned, e-mail, posted, shared, reproduced, or distributed in any manner without the consent of the Fire Chief or designee.

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Social Media

604.2.1 GENERAL PROVISIONS

This policy sets forth the District's expectations on employee social media usage.

1. Employees are solely responsible for their comments and what they post on social media. Remember that many postings/comments can be viewed worldwide and are archived "forever," meaning that they cannot be deleted once posted, or are archived even if deleted and that seemingly "private" posts/comments can easily be shared with a wide audience via a single contact in your closed network. It is also easy to capture short lived messages (like Snapchat) and rebroadcast them in a more permanent format despite the originator's intent.
2. Unless communications via social media are part of an employee's regular job duties, employees are not to represent themselves as spokespeople for the District. Similarly, if posting/commenting about the District or its policies or services, employees whose job duties do not include social media communications must make clear that they are speaking in a personal capacity, rather than in an official capacity, and that their views do not represent those of the District or of other District employees. Employees may not post or comment on something about the District, or about District employees that they know to be false. Employees should direct any media inquiries to the Fire Chief's office for response.
3. In general, while employees have the right to post/comment freely on social media about matters of public concern—issues or events of political, social, or other importance to our community—the comments must not be unduly disruptive to the District's operations or interfere with the employee's job duties.
4. Whether a post/comment is on a matter of public concern or not, employees must always be courteous when interacting on social media with citizens and fellow employees. The District's policies on discriminatory remarks, unlawful harassment, and threats of violence all apply to employee posts/comments on social media.
5. Posting of any material that may constitute harassment, hate speech, or libel associated with the District or using ethnic slurs, profanity, and personal insults to other District employees on social media is not permitted. Posting of digital images that violate HIPAA and FIPA privacy and patient/victim privacy rights, or jeopardize a Fire Investigation are prohibited. Employees posting such material will be held responsible for their actions.
6. Employees are not prohibited from using social media to communicate with each other about pay and working conditions. However, employees must avoid posting or commenting on material about work that reasonably could be construed as malicious, obscene, or threatening, or that might constitute harassment or bullying. An example of prohibited conduct would be offensive or obscene posts deliberately intended to harm a co-worker's reputation, or the use of racial, ethnic, or gender slurs to refer to other employees or District officials. Do not engage in conduct online that would be prohibited in the workplace.
7. Employees may not evade these guidelines by posting anonymously or under a screen name.

Smoke and Tobacco Free Workplace

605.1 PURPOSE AND SCOPE

To provide for the implementation of a smoke and tobacco free workplace.

It is the practice of the District to comply with all federal, state and local ordinances regarding smoking of tobacco products in the workplace. This practice is made pursuant to the mandates of the Florida Clean Indoor Air Act.

It is the desire of the District to promote a healthy environment for workers and the public and to reduce insurance and other costs related to health problems and illnesses which may be caused by or exacerbated by exposure to tobacco.

605.2 POLICY

It is the policy of the District to provide a safe and healthful work environment. Smoking or use of tobacco products or electronic smoking devices is prohibited in any District facility or on any District campus. This policy shall apply equally to employees. At no time shall any employee use tobacco products while on duty or in any District workplace.

Smoking or use of tobacco products is prohibited in all District vehicles.

Smoking is prohibited to all visitors or members of the public at all times in all public places, at all public meetings and in all enclosed areas within any District facility.

All responsible parties shall take immediate action with respect to any reported violations occurring within District buildings and to take any actions and follow any procedures that are necessary and proper to cause any violations to cease, including disciplinary, legal and/or administrative remedies.

The District shall post signs in all District facilities and campuses indicating that smoking and the use of tobacco products is prohibited pursuant to the Florida Clean Indoor Air Act.

The Fire Chief or designee shall strictly enforce this prohibition administratively on behalf of the District.

All violations shall also be considered a violation of District policy and the Florida Clean Indoor Air Act, Florida Statutes, and will be subject to disciplinary action.

605.3 DEFINITIONS

The following terms shall have the meanings indicated:

District Facility: Any building or any portion of any building owned by or leased to the District and used for governmental purposes.

District Vehicle: Any vehicle owned, leased or operated by the District and used for governmental purposes.

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Smoke and Tobacco Free Workplace

Public Place: The term shall mean all enclosed, indoor areas used by the general public in any District building, all external dining areas, and all areas located within 30 feet of an entrance of any District building. The term "public place" does not include areas which are not used by the general public.

Smoking: Possession of a lighted tobacco product or electronic vapor device.

Tobacco or Tobacco Products: Tobacco of any kind, including the use of the smokeless, "spit" tobacco, electronic cigarettes, cigars, cigarettes, pipes or any other smoking material or device

Anti-Retaliation

606.1 PURPOSE AND SCOPE

This policy prohibits retaliation against employees who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of employees pursuant to the Florida Whistle-blower's Act (§ 112.3187, Fla. Stat. et seq.). and as subsequently amended.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

This policy is intended to supplement and not limit employees' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of an employee pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance, or collective bargaining agreement.

606.2 POLICY

The Greater Naples Fire Rescue District has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation employees who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

606.3 RETALIATION PROHIBITED

No employee may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including, but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.

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Anti-Retaliation

- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

606.4 COMPLAINTS OF RETALIATION

Any employee who feels he/she has been retaliated against in violation of this policy should promptly report the matter to the Human Resources Director, or if the employee feels he/she has been retaliated against by an employee in Human Resources, then such violation should be reported to the Fire Chief.

Employees shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Employee shall not report or state an intention to report information or an allegation knowing it to be false or with willful or reckless disregard for the truth or falsity of the information, or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting employee is known, thereby allowing investigators to obtain additional information from the reporting employee. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting employee's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the employee is part of the investigative process.

606.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that employees under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

- (a) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
- (b) Monitoring the work environment to ensure that any employee making a complaint is not subjected to further retaliation.
- (c) Periodically following up with the complainant to ensure that retaliation is not continuing.
- (d) Not interfering with or denying the right of an employee to make any complaint.
- (e) Taking reasonable steps to accommodate requests for assignment or schedule changes made by an employee who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

606.6 HUMAN RESOURCES DIRECTOR RESPONSIBILITIES

The responsibilities of the Human Resources Director include, but are not limited to:

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Anti-Retaliation

- (a) Ensuring complaints of retaliation are investigated as provided in the Employee Handbook or collective bargaining agreement, whichever is applicable.
- (b) Receiving all complaints in a fair and impartial manner.
- (c) Documenting the complaint and any steps taken to resolve the problem.
- (d) Acknowledging receipt of the complaint, notifying the Fire Chief via the chain of command, and explaining to the employee how the complaint will be handled.

606.7 COMMAND STAFF RESPONSIBILITIES

The Fire Chief should communicate to all supervisors the prohibition against retaliation. If the complaint involves the Human Resources Division, the Fire Chief's responsibilities shall be pursuant to Section 1042.6, and the Fire Chief may delegate such responsibilities.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including, but not limited to:

- (a) Communicating to all employees the prohibition against retaliation.
- (b) Reviewing complaint investigations in a timely manner.
- (c) Taking steps toward remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
- (d) Communicating the outcome to the complainant in timely manner.

606.8 WHISTLE-BLOWING

The Florida Whistle-blower's Act prohibits adverse action against employees for disclosing certain information of a specified nature (§ 112.3187, Fla. Stat.).

Employees who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Human Resources Director or the Fire Chief as provided for in Section 1042.4, for investigation pursuant to the Employee Handbook or collective bargaining agreement.


606.9 RECORDS RETENTION AND RELEASE

The Public Records Custodian shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

606.10 TRAINING

This policy should be reviewed with each new employee.

All employees should receive periodic refresher training on the requirements of this policy.

	GREATER NAPLES FIRE RESCUE DISTRICT POLICY	
	SOP# 607 POST EMPLOYMENT HEALTH BENEFIT	
Section:	Page(s):	
Approved Date: December 11, 2024	Revised:	

Purpose:

The purpose of this policy is to establish a District-wide viable post-employment benefit to employees for their career service and commitment to the District.

Definitions:

N/A

Policy:

The District will contract with National Public Pension Fund Association (NPPFA) (or successor company) for the administration of a Section 115 Trust . This Section 115 Trust will replace the Nationwide Retirement Solutions Post Employment Health Plan (PEHP).

District-funded annual contribution amounts shall be set by the Board of Commissioners annually during the budgetary process. Initial annual crediting for the PEHP was set at \$5,000 per year, up to a maximum of \$50,000, per employee. This will continue until such time a new funding plan is adopted by the Board of Fire Commissioners through the budgeting process.

Annual District contributions will be credited to qualified employee accounts in January of each District fiscal year beginning January 2026. Employees promoted or appointed to an eligible Chief Officer position will begin receiving contributions the next following January. Employees will qualify for the Section 115 Trust contribution based on years in service or promotion or appointment as defined below:

- Executive Chief Officers or Executive staff (Fire Chief, Deputy Chief, Assistant Chief, Division Chief, Chief of Staff, Director(s), etc.) will be credited beginning the January following their date of promotion or appointment.
- Civilian Administrative Employees will be credited during active employment years 10 through 19.
- Union, or collective bargaining unit employees hired before July 1, 2012 will be credited during active employment years 15 through 24.

- Union, or collective bargaining unit employees hired after July 1, 2012 will be credited during active employment years 20 through 29.

EMPLOYEES INDIVIDUAL SECTION 115 TRUST

Employees will be given the option to deposit funds into the Section 115 Trust on a tax deferred basis. Once the District funds are deposited into an employee's Section 115 Trust, such funds are non-revocable by the District. The employee will make individual elections as to how the funds are invested, and all gains or losses are solely the employee's responsibility.

The implementation of this Policy revokes any previously established post-employment health insurance policies.

The East Naples Fire Control and Rescue District vested Post-Employment Health Plan (ENFCRD-PEHP) employees who choose to freeze accrued benefits as stated in Policy 2007-08, East Naples Fire Rescue District, Retirees Insurance Benefits Policy and are listed on Attachment A are exempt from the District contribution to this plan; however, are eligible for employee contributions.

ATTACHMENT A

ENFCRD-PEHP Eligibility List

Drug-Free Workplace

608.1 STATEMENT

The Greater Naples Fire Rescue District ("District") is committed to maintaining a drug and alcohol free workplace in order to ensure a safe, healthy, secure, and productive work environment. It is imperative that the District take every step possible to ensure all employees and the public that it provides a drug and alcohol free workplace. This Policy is designed to be a fair, even-handed tool towards accomplishing that objective. The District must take reasonable precautions to ensure that its employees are not under the influence of drugs or alcohol while performing their duties. The effects of employee drug and alcohol abuse in an organization can increase absenteeism, tardiness, accidents, health care costs, and workers' compensation rates while also lowering productivity. In addition, these problems demoralize and jeopardize the safety of other employees and the public. This Policy attempts to deter drug and alcohol abuse through education, testing, required rehabilitation for abusers, and, if necessary, disciplinary action, for those employees who wish to continue working for the District. Management will not tolerate violations of this Policy. Violators of this Policy will be subject to disciplinary action up to and including discharge from employment, as well as penalties under federal and state law if applicable. This Policy implements and is consistent with Sections 440.101, and 440.102, Florida Statutes, as amended.

608.2 POLICY

The purpose of this Policy is to:

- Provide notice of the District's alcohol and drug free workplace policy;
 - Establish a Drug-Free Workplace Program for purposes of Sections 440.101 and 440.102, Florida Statutes, including but not limited to the types of drug testing, drugs to be tested, drug testing procedures, laboratory standards, and reporting of results;
 - Provide for disciplinary action for a violation of the Policy;
 - Provide an Employee Assistance Program;
 - Ensure confidentiality regarding documents produced through the drug testing program;
 - Establish special provisions applicable to employees who hold commercial driver's licenses;
- and
- Apply this Policy to all employees of the District, and all job applicants for special risk and mandatory testing positions, who must comply in good faith with this Policy as a condition of their employment.

608.3 SCOPE

This Policy applies to all District employees, and job applicants for special risk or mandatory testing positions.

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608.4 NOTICE

The District shall give all employees and job applicants for special risk or mandatory testing positions a copy of this Policy (see, Attachment A, Acknowledgement of Receipt and Understanding Form). The District shall also include a notice of drug testing on vacancy announcements for positions for which drug testing is required. Notice of this Policy shall also be posted in appropriate and conspicuous locations on the District's premises, and copies of this Policy are available for inspection by District employees or job applicants during regular business hours at the District's Administration Headquarters [14575 Collier Blvd, Naples, FL 34119].

608.5 REFERENCES

This Policy is enacted pursuant to Sections 440.101 and 440.102, Florida Statutes; Chapter 59A-24, Florida Administrative Code; 41 U.S.C. Section 81; 41 U.S.C. Section 702; FDA Schedules 1- IV, and 21 U.S.C.A. Section 802, as amended.

608.6 DEFINITIONS

The following terms are as defined in Section 440.102(1), Florida Statutes, as may be amended, and have the following meanings for purposes of this Policy:

- A. "Applicant" or "job applicant" means a person who has applied for a special risk or mandatory testing position.
- B. "Chain of custody" is the methodology of tracking specified materials or substances for the purpose of maintaining control and accountability from initial collection to final disposition for all such materials or substances and providing for accountability at each stage in handling, testing, and storing specimens and reporting test results.
- C. "Confirmation test," "confirmed test," or "confirmed drug test" means a second analytical procedure used to identify the presence of a specific drug or metabolite in a specimen, which test must be different in scientific principle from that of the initial test procedure and must be capable of providing requisite specificity, sensitivity, and quantitative accuracy.
- D. "Controlled substance" is defined in Title 41 U.S.C.A. Section 702, Drug-Free Workplace Requirements for Federal grant recipients, as those drugs listed in FDA Schedules I-IV, 21 U.S.C.A. Section 812, or any other substance defined as a "controlled substance" by federal, state, or local authorities. See, Attachment B, Drug Classifications for Which Testing Will Occur, for those substances tested for in the District's drug testing program.
- E. "District" means the Greater Naples Fire Rescue District.
- F. "Drug" means alcohol, including a distilled spirit, wine, a malt beverage, or an intoxicating liquor; an amphetamine; a cannabinoid; cocaine; phencyclidine; a hallucinogen; methaqualone; an opiate; a barbiturate; a benzodiazepine; a synthetic narcotic; a designer drug; or a metabolite of any of the substances listed in this paragraph. The District may test an individual for any or all of such drugs.

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G. "Drug rehabilitation program" means a service provider as defined in Section 397.311, Florida Statutes, which provides confidential, timely, and expert identification, assessment, and resolution of employee drug abuse.

H. "Drug test" or "test" means any chemical, biological, or physical instrumental analysis administered, by a laboratory certified by the United States Department of Health and Human Services or licensed by the Agency for Health Care Administration, for the purpose of determining the presence or absence of a drug or its metabolites.

I. "Employee" means any person who works for salary, wages, or other remuneration for the District.

J. "Employee Assistance Program" or "EAP" means an established program capable of providing expert assessment of employee personal concerns; confidential and timely identification services with regard to employee drug abuse; referrals of employees for appropriate diagnosis, treatment, and assistance; and follow-up services for employees who participate in the program or require monitoring after returning to work. If, in addition to the above activities, an Employee Assistance Program provides diagnostic and treatment services, these services shall in all cases be provided by service providers as that term is defined in Section 397.311, Florida Statutes.

K. "Employer" means a person or entity that employs a person and that is covered by the Workers' Compensation Law. The District is an employer.

L. "Follow-up drug testing" means drug testing that is required by the District if an employee, in the course of employment, enters an EAP for drug-related problems or a drug rehabilitation program, as a follow-up to such program, unless the employee voluntarily entered the program. In cases where the employee voluntarily entered the program, the District has the option not to require follow-up testing. If follow-up testing is required, it must be conducted at least once per year for a two-year period following completion of the program. Advance notice of a follow-up drug testing date must not be given to the employee to be tested.

M. "Initial drug test" means a sensitive, rapid, and reliable procedure to identify negative and presumptive positive specimens, using an immunoassay procedure or equivalent, or a more accurate scientifically accepted method approved by the United States Food and Drug Administration or the Agency for Health Care Administration as such more accurate technology becomes available in a cost-effective form.

N. "Mandatory testing position" means a job assignment that requires the employee to carry a firearm, work closely with an employee who carries a firearm, perform life-threatening procedures, work with heavy or dangerous machinery, work as a safety inspector, work with children, work with detainees in the correctional system, work with confidential information or documents pertaining to criminal investigations, work with controlled substances, or a job assignment that requires an employee security background check, pursuant to Section 110.1127, Florida Statutes, or a job assignment in which a momentary lapse in attention could result in injury or death to another person.

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O. "Medical Review Officer" or "MRO" means a licensed physician, employed with or contracted with the District, who has knowledge of substance abuse disorders, laboratory testing procedures, and chain of custody collection procedures; who verifies positive, confirmed test results; and who has the necessary medical training to interpret and evaluate an employee's or applicant's positive test result in relation to the employee's medical history or any other relevant biomedical information.

P. "Prescription or nonprescription medication" means a drug or medication obtained pursuant to a prescription as that term is defined in Section 893.02, Florida Statutes, or a medication that is authorized pursuant to federal or state law for general distribution and use without a prescription in the treatment of human diseases, ailments, or injuries.

Q. "Reasonable suspicion drug testing" means drug testing based on a belief that an employee is using or has used drugs in violation of the Policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Among other things, such facts and inferences may be based upon:

1. Observable phenomena while at work, such as direct observation of drug use or of the physical symptoms or manifestations of being under the influence of a drug.
2. Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
3. A report of drug use provided by a reliable and credible source.
4. Evidence that an individual has tampered with a drug test during his or her employment with the District.
5. Information that an employee has caused, contributed to, or been involved in an accident while at work.
6. Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on the District's property or while operating a District vehicle, machinery, or equipment.

R. "Special risk position" means a position that is required to be filled by a person who is certified under Chapter 633 or Chapter 943, Florida Statutes.

S. "Specimen" or "sample" means tissue, hair, or a product of the human body capable of revealing the presence of drugs or their metabolites, as approved by the United States Food and Drug Administration or the Agency for Health Care Administration.

608.7 DISTRICT POLICY AND DRUG-FREE WORKPLACE PROGRAM

A Prohibitions. It is a condition of District employment for an employee to refrain from consuming, manufacturing, distributing, dispensing, processing, or otherwise possessing or being under the influence of a drug while conducting District business. This includes, but is not limited to:

- Reporting to work or working with the presence of unlawful drugs in an employee's body;

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- The use of alcohol while on duty, while on District property, or while operating District vehicles or equipment or being transported in District vehicles;
- The use of alcohol within four (4) hours of reporting to work for duty; or having an alcohol concentration of .04 or greater before, during, or immediately after having performed employment duties for the District;
- Unlawfully possessing, manufacturing, distributing, dispensing, selling, or using drugs or a controlled substance on District property, while in or operating a District vehicle or equipment, or while otherwise conducting District business;
- Misuse or illegal use of prescription or nonprescription medication(s) that can or does impair an employee to the point that he/she is unable to perform his/her assigned job duties; and/or
- Use of legally prescribed or over the counter medication(s) where such use impairs the ability of the employee to safely and properly perform work or operate equipment, machinery, or vehicles.

B. Violations of Policy. Any violation of this Policy is a serious matter. Any employee who violates this Policy will be subject to disciplinary action, up to and including discharge from employment. Any job applicant who violates this Policy will not be considered for employment.

C. Inspections of Property. The District reserves the right to inspect all parts and aspects of its property for illegal drugs, alcohol, or other contraband. All employees and visitors may be asked to cooperate in inspections on District property, including work areas and public property (such as personnel lockers, desks, bedrooms, District-issued gear, equipment, and other areas not considered personal or private) that might conceal illegal drugs, alcohol, or other contraband.

D. Legal Use of Medications; Medical Marijuana Prohibited. Nothing in this Policy precludes the appropriate use of legally prescribed medications in accordance with the instructions of a health care provider, or over the counter medications, where such use does not impair the ability of the employee to safely and properly perform work or operate equipment, machinery, or vehicles. However, Section 440.102, Florida Statutes, prohibits the use of cannabinoids (marijuana), including medical marijuana. Additionally, marijuana is listed as a federally prohibited Class I substance pursuant to the Controlled Substance Act, found in Title 21 of the 41 Page United States Code. Therefore, marijuana use, medical or otherwise, is prohibited under this Policy.

E. Drug-Free Workplace Program Liaison. The Human Resource Manager is the District's liaison for the purpose of overseeing the drug testing program ("Drug-Free Workplace Program Liaison"). The Drug-Free Workplace Program Liaison shall be charged with implementing the drug testing program as well as compiling and storing all relevant documentation. The Drug-Free Workplace Program Liaison shall also serve as an information source to all employees and job applicants with questions about the program. Employees and job applicants have the right to be fully informed of all aspects of the program including, but not limited to, the testing procedure and scientific process involved, the drugs specifically tested for, the effect of nonprescription and prescription medication on the test, and the avenues of contesting a test result. The Drug-Free Workplace Program Liaison shall be a source for such information.

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F. Conviction of Crimes Involving Drugs. Employees who are convicted of, plead guilty to (including a plea of nolo contendere or no contest), or are sentenced for a crime involving illegal drugs must report the conviction, plea, or sentence to the District within five (5) business days. If an employee who is convicted of, pleads guilty to (including a plea of nolo contendere or no contest), or is sentenced for a crime involving illegal drugs performs work directly relating to the District's contracts or grants with a state or federal government, the District will report such conviction, plea, or sentence to the appropriate agency within ten (10) business days after it receives notice.

G. Drug-Free Awareness Program. The District will maintain an ongoing Drug-Free Awareness Program, informing employees of the dangers of alcohol and drug abuse in the workplace; reminding employees of the District's Drug-Free Workplace Program; providing information to employees about the District's Employee Assistance Program and other sources of drug counseling and rehabilitation available to employees; and notifying employees of the penalties for drug violations occurring in the workplace. See, Attachment E, Employee Assistance Programs and Local Drug/Alcohol Rehabilitation Programs.

H. Types of Testing. The District shall conduct the following types of drug testing:

1. Special Risk and Mandatory Testing Positions

a. A job applicant selected for a special risk or mandatory testing position is subject to drug testing in accordance with this Policy.

2. Reasonable Suspicion Testing.

a. An employee may be subject to reasonable suspicion drug testing based on a belief that the employee is using or has used drugs in violation of the Policy. This belief must be drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Among other things, such facts and inferences may be based upon:

i. Observable phenomena while at work, such as direct observation of drug use or the physical symptoms or manifestations of being under the influence of a drug.

ii. Abnormal conduct or erratic behavior while at work or a significant deterioration in behavior or work performance.

iii. A report of drug use provided by a reliable and credible source.

iv. Evidence that an individual has tampered with a drug test during his employment with the District.

v. Information that an employee has caused, contributed to, or been involved in an accident while at work.

vi. Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on District property or while operating a District vehicle, machinery, or equipment.

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b. The District will initiate reasonable suspicion drug testing upon the recommendation of a supervisor, in consultation with the Drug-Free Workplace Program Liaison and/or Fire Chief, as necessary. Anyone who suspects that an employee is under the influence of alcohol or drugs should contact the employee's immediate supervisor or the suspected employee's immediate supervisor. An observer may be requested to complete Section A of Attachment F, Reasonable Suspicion Confidential Observation Form, or may alternatively use Section A of Attachment F to provide the initial report to the supervisor.

c. The recommending supervisor shall promptly detail in writing the circumstance(s) that formed the basis for the reasonable suspicion, using Attachment F, Reasonable Suspicion Confidential Observation Form. To accomplish this requirement, the recommending supervisor may either request that the observer complete Section A of Attachment F, or may complete it him/herself. In any event, the recommending supervisor must check the appropriate box as to whether reasonable suspicion has or has not been established, and must sign in the designated location in Section A of Attachment F. The documentation must then be provided by the supervisor to the Drug Free Workplace Program Liaison. A copy of this documentation shall be given to the employee upon request and the original documentation shall be kept in a confidential file maintained by the Drug-Free Workplace Program Liaison for at least one (1) year. Such documentation is exempt from the provisions of Section 119.07(1), Florida Statutes.

d. Employees required to be tested shall not be allowed to drive themselves to the testing site or home.

e. To ensure the safety of the employee and the public, an employee who is requested to submit to a reasonable suspicion drug test and who submits to the drug test may, at the discretion of the Fire Chief, be placed on administrative leave with pay pending receipt of the initial confirmed test results. Additional administrative leave with pay is at the discretion of the Fire Chief.

f. Supervisors will be trained on the identification of circumstances and indicators that may create reasonable suspicion that an employee is using or under the influence of alcohol or drugs.

3. Post-Accident Testing. An employee may be subject to post-accident testing following a personal injury event resulting in a worker's compensation report of injury. Post-accident testing may also be conducted based on information that an employee has caused or contributed to an accident or injury while at work. Employees subject to drug testing as a result of an accident or injury who wish to challenge the results of any drug test may do so in accordance with Section 1218.8 of this Policy as well as Chapter 440, Florida Statutes.

4. Routine Fitness-for-Duty Testing. The District will require an employee to submit to a drug test if the test is conducted as part of a routinely scheduled employee fitness-for-duty medical

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examination, or that is scheduled routinely for all employees within an employment classification or group.

608.8 DRUG TESTING PROCEDURES

A. Substances that will be Tested.

1. The District's drug testing program detects the presence of the following drugs: alcohol (including distilled spirits, wine, malt beverages, and intoxicating liquors); amphetamines; cannabinoids; cocaine; hallucinogens; phencyclidine ("PCP"); methaqualone; opiates; barbiturates; benzodiazepines; synthetic narcotics (methadone and propoxyphene); designer drugs; or a metabolite of any of the substances listed herein. See, Attachment B, Drug Classifications for Which Testing Will Occur.
2. Both before and after a drug test, an employee or job applicant shall have an opportunity to report the use of prescription or non-prescription drugs they have taken. Additionally, employees and job applicants have the right to consult with the Medical Review Officer for technical information and assistance regarding prescription and nonprescription medications.
3. See Attachment C, Common Medications Which May Alter or Affect Drug Testing and Medical Review Officer Notification, for a listing of over-the-counter and prescription drugs which could alter or affect a test result. Attachment C is not intended to be an all-inclusive listing due to the large number of obscure brand names and constant marketing of new products.
4. Reporting of prescription and non-prescription drugs may also be reported on Attachment C.

B. Specimen Collection.

1. The District expects the laboratory to adhere to the following procedures, as provided in Section 440.102(5), Florida Statutes:
 - a. Specimens for testing will only be taken or collected by the following persons: a physician; a physician's assistant; a registered professional nurse; a licensed practical nurse; a nurse practitioner or a certified paramedic who is present at the scene of an accident for the purpose of rendering emergency medical services or treatment; or a qualified person employed by a licensed laboratory.
 - b. A specimen shall be collected with due regard to the privacy of the employee or job applicant providing the sample and in a manner reasonably calculated to prevent substitution or contamination of the specimen.
 - c. Specimen collection shall be documented and the documentation procedures shall include:
 - Labeling the specimen containers so as to reasonably preclude erroneous identification of test results.

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- Providing a form (Attachment C) for the employee or job applicant being tested to document any information he/she considers relevant to the test, including identification of currently or recently used prescription or nonprescription medication or other relevant medical information. Any information provided shall be considered in interpreting any positive confirmed results. Any information provided shall be confidential.

d. The individual collecting the specimen for testing and the laboratory conducting the test(s) shall use appropriate chain-of-custody procedures to ensure proper record keeping, handling, labeling, and identification of all specimens to be tested.

e. For current employees, any drug test conducted or requested by the District may occur before, during, or immediately after the regular work period of the employee but shall be deemed to be performed during work time for the purpose of determining compensation and benefits for the employee.

f. If an initial drug test is negative, the District may, in its sole discretion, seek a confirmation test. Such testing is authorized to be conducted only once and must be requested no more than seven (7) working days from the time the original negative test result was reported to the District by the Medical Review Officer.

g. The District pays the costs of:

- Initial and confirmation drug tests required of employees and job applicants;
and
- Follow up testing as may be required.

h. An employee or job applicant shall pay the costs of any additional drug tests not required by the District.

C. Drug Testing Standards for Laboratories.

1. The District shall not use a laboratory to analyze initial or confirmation drug specimens unless:

a. The laboratory is appropriately designated by the U.S. Department of Health and Human Services or the Agency for Health Care Administration;

b. The laboratory has a written procedure to ensure chain of custody;

c. The laboratory follows proper quality control procedures and complies with Section 440.102(9), Florida Statutes, which includes but is not limited to:

i. The use of internal quality controls including use of samples of known concentrations that are used to check the performance and calibration of testing equipment and periodic use of blind samples for overall accuracy;

ii. An internal review and certification process for drug test results conducted by a person qualified to perform that function in the testing laboratory;

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iii. The implementation of security measures by the testing laboratory to preclude contamination or adulteration of specimens and drug test results; and

iv. Submitting a monthly report to the Agency for Health Care Administration with statistical information regarding the testing of employees and job applicants selected for employment.

D. Recording of Positive Results. The District expects its testing laboratory to submit a written report to the District identifying all positive confirmed samples by specimen number within seven (7) days after receipt of the specimen. With regard to each such sample, the report will contain, at a minimum, the following information:

1. The name and address of the laboratory that performed the test;
2. The specimen number of the person providing the specimen;
3. The result of the test;
4. A list of the drugs for which the analysis was conducted;
5. The types of tests conducted on the specimen along with the minimum cutoff levels of each test; and
6. Whether any medication identified as being taken by the employee or job applicant could have caused a positive test result.

E. Medical Review Officer. An employee or job applicant may contact the Medical Review Officer at the drug testing laboratory to ask questions regarding technical information and assistance regarding prescription and nonprescription medications, and interpretation of drug test results. The Medical Review Officer will be listed on the chain of custody form.

608.9 RESULTS

A. Negative Test Results. If an initial drug test is negative, the District may, in its sole discretion, conduct confirmation drug tests.

B. Positive Results. Positive test results shall be handled in accordance with Section 440.102(5), Florida Statutes. With respect to a positive drug test, the following shall apply:

1. If an initial test is deemed positive, then a portion of the same specimen shall automatically be subjected to a confirmation test. A positive result on an initial test shall not be reported by the Medical Review Officer to the District unless followed by a positive test result on a confirmation test.
2. The District will not discharge, discipline, or request or require rehabilitation of an employee or refuse to hire a job applicant on the basis of a positive test result that has not been verified by a confirmation test by the same laboratory and by the Medical Review Officer.
3. Within five (5) working days after the District receives notice of a positive confirmed test result from the Medical Review Officer, the District will inform the employee or job applicant

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in writing of such positive test results, the consequences of such results, and the options available to the individual who tested positive. The District will provide to individuals tested, upon request, a copy of the test results.

4. Within five (5) working days after receiving notice of a positive confirmed test result from the District, the employee or job applicant may submit information in writing to the District explaining or contesting the test results and why the test results do not constitute a violation of this Policy or should not result in a decision not to hire.

5. If the employee's or job applicant's explanation of a positive test result is unsatisfactory to the District, a written explanation as to why the explanation is unsatisfactory, along with the positive results, shall be provided to that individual by the District. All such documentation shall be kept confidential and shall be retained by the District for at least one (1) year.

6. Every specimen that produces a positive, confirmed test result shall be preserved by the licensed or certified laboratory that conducted the confirmation test for a period of at least two hundred ten (210) days after the result of the test was mailed or otherwise delivered to the Medical Review Officer. However, if an employee or job applicant undertakes a legal challenge to the test result, the employee or job applicant shall notify the laboratory and the sample shall be retained by the laboratory until the case or administrative appeal is settled.

7. If an employee or job applicant has tested positive, such individual shall have one hundred eighty (180) days to have a portion of the specimen retested at the employee's or job applicant's expense, at another laboratory appropriately designated by the Department of Health or the Agency for Health Care Administration chosen by the employee or job applicant. This second laboratory must test at equal or greater sensitivity for the drug as the first laboratory and test in accordance with the criteria prescribed in Section 440.102, Florida Statutes. Employees and job applicants may receive information on available laboratories from the Drug-Free Workplace Program Liaison. The first laboratory that performed the test for the employer is responsible for the transfer of the portion of the specimen to be retested, and for the integrity of the chain of custody during such transfer.

8. If an employee initiates procedures for having a portion of a positive specimen retested, that employee shall not be subjected to the consequences of a positive test until such time as positive test results are returned from the retest. However, the employee may still be placed on leave pursuant to 1218.10 of this Policy.

9. If an initial drug test of an employee or job applicant is confirmed as positive, the Medical Review Officer shall provide technical assistance to the District and to the employee or job applicant for the purpose of interpreting the test result to determine whether the result could have been caused by prescription or nonprescription medication taken by the employee or job applicant.

10. If a job applicant produces a positive confirmed drug test result, the District shall not be required to hold the position vacant while the job applicant pursues administrative action.

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11. An employee or job applicant whose drug test result is confirmed as positive shall not, by virtue of the result alone, be deemed to have a "handicap" or "disability" as defined under federal, state, or local handicap and disability discrimination laws.

12. If a retest produces a negative result, the Fire Chief will determine what action, if any, will be taken by the District.

608.10 DISCIPLINARY MEASURES

A. General. Employees who test positive for drugs and/or alcohol or who otherwise violate this Policy will be subject to appropriate disciplinary action, up to and including termination from employment, based upon this Policy and other applicable District policies. Depending on circumstances, an employee's return to work, reinstatement, and/or continued employment may be conditioned on the employee's successful participation in and/or completion of any and all evaluations, counseling, treatment, and rehabilitation programs, passing of return-to-duty and follow-up testing, or other appropriate conditions as determined by the District.

B. Voluntary Treatment. The District shall not discharge, discipline, or discriminate against an employee solely upon the employee voluntarily seeking treatment for any drug-related problems if the employee has not previously tested positive for drug use or has entered an EAP for drug-related problems or has entered an alcohol or drug rehabilitation program.

C. Prior Medical History. The District shall not discharge, discipline, or discriminate against an employee or refuse to hire a job applicant on the basis of any prior medical history revealed to the District pursuant to this Policy.

D. Refusal to Participate in Drug Testing. The District may take the following action based on a refusal to take a drug test:

1. A current employee will be discharged from employment.
2. An injured employee who refuses to participate in a drug and/or alcohol test will be discharged from employment and forfeits eligibility for medical and indemnity benefits provided by the state workers' compensation statute.
3. The District may refuse to hire a job applicant based on his or her refusal to take a drug test.

E. First Confirmed Positive Results. Except as provided in Paragraphs F and G, below, the District will not discharge or discipline an employee on the sole basis of the employee's first positive confirmed drug test when the District has first given the employee an opportunity to participate in, at the employee's own expense or pursuant to coverage under a health insurance plan, an Employee Assistance Program or an alcohol and drug rehabilitation program, unless:

1. The employee has either refused to participate in the Employee Assistance Program or has failed to successfully complete such program, as evidenced by withdrawal from the program before its completion or a report from the program indicating unsatisfactory compliance, or by a positive test results on a confirmation test after completion of the program; or

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2. The employee has failed or refused to sign a written consent form (Attachment D, Written Consent to Provide Information on Status of Assistance and/or Rehabilitation Program) allowing the District to obtain information regarding the progress and successful completion of an employee assistance program or an alcohol and drug rehabilitation program; or
3. The employee has caused or contributed to an injury or illness while at work to himself/herself or another person, or has caused damage to a District vehicle, property, or equipment.

F. Second Positive Test Results. Any employee who, for a second time, tests positive for a substance listed in Section 1218. 7 of this Policy shall be subject to disciplinary action up to and including discharge from employment. The Fire Chief may also require the employee to successfully complete an EAP or drug/alcohol rehabilitation program or impose any other appropriate condition(s), in his/her discretion.

G. Additional Grounds for Discipline or Discharge. The District has the flexibility to consider all aspects of employment before making any employment decision, based upon circumstances, evidence, previous practices, workplace safety, and an employee's employment record. Depending upon circumstances, an employee's return to work, reinstatement, and/or continued employment may be conditioned upon the employee's successful participation in and/or completion of any and all evaluations, counseling, treatments, and rehabilitation programs, passing of return-to-duty and follow-up alcohol and drug tests, or other appropriate conditions as determined by the District. The District may discipline or discharge an employee on another basis when the discipline or discharge is based upon a concurrent factor other than the employee's positive drug test. In addition, when drugs or alcohol are found in an injured employee's system at a level prohibited by state statutes and rules, the employee forfeits eligibility for medical and indemnity benefits that are usually available through the state worker's compensation system to care for injured workers. Finally, the District reserves the right to take disciplinary actions against any employee for drug and/or alcohol offenses that negatively affect the District's reputation or operational effectiveness.

H. Reassignment of Employees in Special Risk or Mandatory Testing Positions. If an employee in a special risk or mandatory testing position, as defined herein and by Section 440.102, Florida Statutes, enters an EAP or drug rehabilitation program, the District will reassign the employee to a non-safety-sensitive position, or if another appropriate position is unavailable, will place the employee on leave status while the employee is participating in the program. The employee is required to use his or her available leave balances, in accordance with District Policy or Contractual Agreements, prior to placement on leave without pay. Participation in a treatment program does not insulate an employee from the imposition of discipline for violations of this Policy or other District policies.

I. Successful Completion of Program. Upon successful completion of an EAP or an alcohol or drug rehabilitation program, the employee shall be reinstated to the same or equivalent position.

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608.11 EMPLOYEE ASSISTANCE PROGRAM

Part of the District's employee benefit package includes an EAP. The service provided by the EAP is a comprehensive program that helps employees resolve personal problems, such as drug and alcohol abuse, that may adversely affect their work performance, conduct, health, and wellbeing. EAP addresses problems in the quickest, least restrictive, and most convenient manner while protecting client confidentiality. To obtain additional information about the District's EAP or to gain access to the services provided by the EAP, employees should be referred to the Human Resource Department. Employees may contact the Human Resource Manager for more information on the District EAP or they may also contact the EAP provider directly. See, Attachment E, Employee Assistance Programs and Local Drug/Alcohol Rehabilitation Programs.

- A. If an employee is unable to participate in outpatient rehabilitation, the employee may be placed on leave status while participating in an EAP or an alcohol or drug rehabilitation program. Prior to the employee being placed on leave without pay, the employee is required to use any accrued paid leave.
- B. Prior to the employee's successful completion of the EAP, the District may reassign the employee to another position.
- C. Upon successful completion of the EAP, an employee shall be reinstated to the same or equivalent position. Successful completion of an EAP shall be determined by the standards dictated by the program itself.
- D. An employee required to enter an EAP or rehabilitation program who refuses to participate in the program or who does not successfully complete the program may be subject to disciplinary action, up to and including discharge from employment, at the Fire Chief's discretion.
- E. An employee required to enter an EAP or rehabilitation program is required to complete the Written Consent to Provide Information form, Attachment D. This form allows the District to obtain information regarding progress towards successful completion of the program.
- F. The District must require any employee who tested positive and completed rehabilitation to participate in follow-up testing for a period of two (2) years following completion of the program.

608.12 CONFIDENTIALITY

- A. Except as otherwise provided by law, all information, interviews, reports, statements, memoranda, and drug test results, written or otherwise, received or produced through this drug testing program are confidential and exempt from Florida's public information laws (Section 119.07(1), Florida Statutes, and Section 24(a), Article I of the State Constitution), and may not be used or received into evidence, obtained in discovery, or disclosed in any public or private proceedings except as permitted by Section 440.102, Florida Statutes.
- B. Information may be released by way of written consent signed voluntarily by the individual tested, according to the criteria contained in Section 440.102(8)(b), Florida Statutes, or where such

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release is compelled by an administrative law judge, a court of competent jurisdiction pursuant to an appeal taken under this Policy, or where deemed appropriate by a professional or occupational licensing board in a related disciplinary proceeding.

C. Nothing in this Policy shall prohibit the District, an agent of the District, or a laboratory conducting a drug test from having access to employee drug test information or using such information when consulting with legal counsel in connection with actions brought under or related to this section or when the information is relevant to its defense in a civil or administrative matter.

608.13 MISCELLANEOUS PROVISIONS

A. No physician-patient relationship is created between an employee or job applicant and the District or any person performing or evaluating a drug test, solely by the establishment, implementation, or administration of a drug testing program.

B. Nothing in this Policy shall be construed to prevent an employer from establishing reasonable work rules related to employee possession, use, sale, or solicitation of drugs, including convictions for drug-related offenses, and taking action based upon a violation of any of those rules.

C. This Policy does not act retroactively, and does not abrogate the right of the District under state law to conduct drug tests or implement employee drug testing programs.

D. If an employee or job applicant refuses to submit to a drug test, the District is not barred from discharging or disciplining the employee or refusing to hire the job applicant.

E. This Policy shall not prohibit the District from conducting medical screening or other tests required, permitted, or not disallowed by any statute, rule, or regulation for the purpose of monitoring exposure of employees to toxic or other unhealthy substances in the workplace or in the performance of job responsibilities. Such screening or testing is limited to the specific substances expressly identified in the applicable statute, rule, or regulation, unless prior written consent of the employee is obtained for other tests. Such screening or testing need not be in compliance with the rules adopted by the Agency for Health Care Administration under Chapter 440, Florida Statutes.

F. No cause of action shall arise in favor of any person based upon the failure of an employer to establish a program or policy for drug testing.

608.14 ATTACHMENTS

[ATTACHMENT A - GNFD Acknowledgement of Receipt and Understanding Form.pdf](#)

[ATTACHMENT B - Drug Classifications for Which Testing will Occur.pdf](#)

[ATTACHMENT C - Common Medications Which May Alter or Effect Drug Testing.pdf](#)

[ATTACHMENT D - Written Consent To Provide Information.pdf](#)

[ATTACHMENT E - Employee Assistance Programs and Local Drug and Alcohol Rehabilitation Programs.pdf](#)

[ATTACHMENT F - Reasonable Suspicion Confidential Observation Form.pdf](#)

Firefighter Cancer Benefits

609.1 PURPOSE AND SCOPE

On July 1, 2019, Section 112.1816, Florida Statutes ("F.S."), became effective. It provides that eligible firefighters who are diagnosed with certain cancers may receive certain benefits as an alternative to pursuing workers' compensation benefits.

The purpose of this policy is for the Greater Naples Fire Rescue District ("District") to outline and define the eligibility requirements and benefits to which firefighters are entitled pursuant to Section 112.1816, F.S. This policy also outlines the procedures to be followed for a firefighter to claim eligibility and obtain such benefits.

609.2 DEFINITIONS

(a) "Cancer" or "covered cancer" shall mean as that term is defined in Section 112.1816(1) (a), F.S., as:

1. Bladder cancer.
2. Brain cancer.
3. Breast cancer.
4. Cervical cancer.
5. Colon cancer.
6. Esophageal cancer.
7. Invasive skin cancer.
8. Kidney cancer.
9. Large intestinal cancer.
10. Lung cancer.
11. Malignant melanoma.
12. Mesothelioma.
13. Multiple myeloma.
14. Non-Hodgkin's lymphoma.
15. Oral cavity and pharynx cancer.
16. Ovarian cancer.
17. Prostate cancer.
18. Rectal cancer.
19. Stomach cancer.
20. Testicular cancer.
21. Thyroid cancer.

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- (b) The term “cancer” or “covered cancer” does not include pre-cancerous or pre-malignant cells. “Invasive skin cancer” does not include Basal Cell Carcinoma or Squamous Cell Carcinoma, which are the most common diagnosis of skin cancer but are deemed benign and non-melanoma as they are slow growing and non-invasive.
- (c) “Eligible firefighter” shall mean a firefighter who meets the requirements provided in Section 1220.3, Eligibility for Coverage of this policy.
- (d) “Firefighter” shall mean as that term is defined in Section 112.1816(1)(b), F.S., as an individual employed as a full-time firefighter within the fire department or public safety department of an employer whose primary responsibilities are the prevention and extinguishing of fires; the protection of life and property; and the enforcement of municipal, county, and state fire prevention codes and laws pertaining to the prevention and control of fires.
- (e) “Pre-cancerous cells” or “pre-malignant cells” shall mean abnormal cells that could turn into cancerous cells, but which by themselves are not invasive and are not cancer.
- (f) “Terminates employment” or “termination of employment” shall mean any termination of a firefighter’s employment with the District which occurs for any reason, including but not limited to a firefighter’s voluntary resignation, dismissal for cause, disability, or retirement.

609.3 ELIGIBILITY FOR COVERAGE

- (a) Eligibility Requirements. In order to be eligible for benefits pursuant to this policy and as provided in Section 112.1816(2), F.S., as an alternative to workers’ compensation benefits under chapter 440, F.S., a firefighter must meet the following requirements:
 - 1. The firefighter has received a diagnosis of cancer after July 1, 2019.
 - 2. The firefighter must not be pursuing or receiving workers’ compensation benefits under chapter 440, F.S., for such diagnosis of cancer.
 - 3. The firefighter must be employed full-time as a firefighter with the District as of July 1, 2019.
 - 4. The firefighter has been employed by the District for at least 5 continuous years.
 - 5. The firefighter has not used tobacco products for at least the preceding 5 years.
 - 6. The firefighter has not been employed in any other position in the preceding 5 years which is proven to create a higher risk for any cancer.
 - 7. Solely for the purpose of providing the benefits outlined in Sections IV.A.2 and IV.B. of this policy, if the firefighter has terminated his or her employment after July 1, 2019, the firefighter must have elected to continue coverage in the District’s Group Health Plan, either via retirement or COBRA, and must not have been subsequently employed as a firefighter following that date.
- (b) Medical Release of PHI
 - 1. In order to confirm a diagnosis of cancer, the District will request the firefighter’s medical records directly from the physician making the initial diagnosis. The firefighter must provide to the District a signed release of personal health

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information (“PHI”) from the physician who provided the initial diagnosis of cancer. Paperwork provided to the District directly from the firefighter will not be solely relied upon to confirm the diagnosis of cancer.

2. The District may request and/or require additional PHI from other physicians treating the diagnosis of cancer if circumstances related to the provision of benefits under Section 112.1816, F.S., and this policy so require.
 3. Standard PHI forms are provided as procedure to this policy.
- (c) Affidavit Concerning Employment. In order to determine a firefighter’s eligibility under Section 112.1816, F.S., and this policy, a firefighter must submit to the District a signed and notarized affidavit that states the following information:
1. The firefighter has been employed by the District for at least 5 continuous years.
 2. The firefighter has not used tobacco products for at least the preceding 5 years.
 3. The firefighter has not been employed in any other position outside of the District in the preceding 5 years which is proven to create a higher risk for any cancer.
 4. If the firefighter has terminated his or her employment after July 1, 2019, the firefighter has not been subsequently employed as a firefighter following that date.
 5. The firefighter understands that he or she is providing this information under penalty of perjury.
 6. A standard Affidavit form is provided as Exhibit “B” to this policy.

609.4 BENEFITS

An eligible firefighter is entitled to receive the following benefits as an alternative to pursuing workers’ compensation benefits under chapter 440, F.S.:

- (a) Deductible, Copayment, or Coinsurance Cost Reimbursement.
1. Pursuant to Section 112.1816(2)(a), F.S., an eligible firefighter is entitled to cancer treatment covered within the District’s Group Health Plan. Balance billing and non-covered cancer treatment (including investigative or experimental treatment) are not reimbursable.
 2. Pursuant to Section 112.1816(2)(a), F.S., an eligible firefighter is entitled to the District’s timely reimbursement of any annual out-of-pocket deductible, copayment, or coinsurance costs incurred due to the treatment of cancer. Only deductibles, copayments, and coinsurance costs under the annual out-of-pocket limits for the District’s Group Health Plan are reimbursable. See, Summary of Benefits and Costs and/or the District’s Summary Plan Document for maximum out-of-pocket limits.
 - (a) The eligible firefighter must provide the District with an Explanation of Benefits (“EOB”) from the District’s Group Health Plan provider which provides the Current Procedural Terminology (“CPT”) code and treatment date of service. EOBs are generally available from the District’s Group Health Plan provider within 30 to 60 days following the date of service.

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- (b) The EOB is required for the District's timely reimbursement of any annual out-of-pocket deductible, copayment, or coinsurance costs incurred due to the treatment of cancer. General receipts or bank charges presented as proof of payment will not be solely relied upon to determine reimbursements but may be provided in support of the corresponding EOB.
 3. If the firefighter elects to continue coverage in the District's Group Health Plan (either via retirement or COBRA), this benefit must be made available by the District to the firefighter for 10 years following the date on which the firefighter terminates employment so long as the firefighter otherwise met the criteria specified in Section 112.1816(2), F.S. when he or she terminated employment and was not subsequently employed as a firefighter following that date.
- (b) One-Time Cash Payout.
 1. Pursuant to Section 112.1816(2)(b), F.S., an eligible firefighter is entitled to a one-time cash payout of \$25,000, upon the firefighter's initial diagnosis of cancer. Firefighters who retired prior to July 1, 2019 are not eligible for this benefit. The one-time cash lump sum benefit is allowed only for the initial diagnosis of one of the enumerated cancers. This cash lump sum benefit is not provided or allowed for subsequent new diagnosis, or reoccurrence of the same diagnosis that was formerly in remission. The cash lump sum benefit is not owed more than once regardless of how many diagnoses of cancer or body parts affected. The one-time lump sum shall be a taxable benefit that is excluded from W-2 earnings.
 2. If the firefighter elects to continue coverage in the District's Group Health Plan (either via retirement or COBRA), this benefit must be made available by the District to the firefighter for 10 years following the date on which the firefighter terminates employment so long as the firefighter otherwise met the criteria specified in Section 112.1816(2), F.S. when he or she terminated employment and was not subsequently employed as a firefighter following that date.
- (c) Retirement Plan and Death Benefits.
 1. Pursuant to Section 112.1816(3)(a), F.S., if the firefighter participates in a District-sponsored retirement plan, the plan must consider the firefighter totally and permanently disabled in the line of duty if he or she meets the plan's definition of totally and permanently disabled due to the diagnosis of cancer or circumstances that arise out of the treatment of cancer. Pursuant to Section 112.1816(4)(a), F.S., if the firefighter participated in a District-sponsored retirement plan, the retirement plan must consider the firefighter to have died in the line of duty if he or she dies as a result of cancer or circumstances that arise out of the treatment of cancer.
 2. Pursuant to Section 112.1816(3)(b), F.S., if the firefighter does not participate in an employer-sponsored retirement plan, the District must provide a disability retirement plan that provides the firefighter with at least 42% of his or her annual salary, at no cost to the firefighter, until the firefighter's death, as coverage for total and permanent disabilities attributable to the diagnosis of cancer which

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arise out of the treatment of cancer. Pursuant to Section 112.1816(4)(b), F.S., if the firefighter did not participate in an employer-sponsored retirement plan, the District must provide a death benefit to the firefighter's beneficiary, at no cost to the firefighter or his beneficiary, totaling at least 42% of the firefighter's most recent annual salary for at least 10 years following the firefighter's death as a result of cancer or circumstances that arise out of the treatment of cancer.

3. Pursuant to Section 112.1816(4)(c), F.S., firefighters who die as a result of cancer or circumstances that arise out of the treatment of cancer are considered to have died in the manner as described in Section 112.191(2)(a), F.S., and all the benefits arising out of such death are available to the deceased firefighter's beneficiary.
4. Pursuant to Section 112.1816(5), F.S., the costs associated with these retirement plan and death benefits, including the contributions necessary to fund the increased actuarial costs, will be solely borne by the District. The District also may not increase employee contributions required to participate in a retirement plan or system to fund the costs associated with these enhanced retirement and death benefits.

609.5 EFFECTIVE DATE AND AVAILABILITY OF BENEFITS

The One-Time Cash Payout benefit provided pursuant to Section 112.1816(2)(b), F.S., and Section IV.B. this policy is available to eligible firefighters upon a diagnosis of cancer made on or after July 1, 2019. Part-time or volunteer firefighters are not eligible for benefits pursuant to this policy or Section 112.1816, F.S. This policy shall provide guidance for the application of the provisions of Section 112.1816, F.S., and may be amended from time to time.

Benevolent Notifications and Special Recognitions

610.1 PURPOSE AND SCOPE

To establish a process to communicate significant employee relations events to the membership and those affected.

610.2 POLICY

It is the policy of the Greater Naples Fire Rescue District to communicate significant employee relations events to the membership and those affected.

610.2.1 BIRTH OR DEATH EVENT

Any member who is made aware of the birth or death of a member's family shall report any available information to a Command Staff officer. The Command Staff shall make every effort to gather as much information as possible and forward it to the Human Resources (HR) Specialist. The HR Specialist will take the following actions:

- Confirm accuracy of information and gather additional details if necessary
- Immediately notify the Fire Chief's office
- Determine applicability of "immediate family" as defined in Handbook
- Notify all Chief Officers & Directors via group email
- Facilitate the delivery of flowers or gift to the appropriate party on behalf of the District

The Fire Chief's office will coordinate the following:

- Publish details to the membership
- Mail a card or appropriate correspondence on behalf of office, District, etc.

610.2.2 ILLNESSES, SURGERIES, EXTENDED ABSENCES

Any member who is made aware of a situation resulting in extended absences of an employee due to illnesses, hospitalizations, etc. or to care for an "immediate family" member shall report any available information to a Command Staff officer. The Command Staff shall make every effort to gather as much information as possible and forward it to the Human Resources (HR) Specialist. The HR Specialist will take the following actions:

- Confirm accuracy of information and gather additional details if necessary
- Immediately notify the Fire Chief's office (Executive Assistant)
- Determine applicability of "immediate family" as defined in Handbook

The Fire Chief's office will coordinate the following at his discretion:

- Publish details to the membership

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- Mail a card or appropriate correspondence on behalf of office, District, etc.
- If appropriate, facilitate the delivery of flowers (via HR Specialist) to the appropriate party on behalf of the District

610.2.3 MISC. EVENTS AND MILESTONES

Any member who is made aware of miscellaneous events such as birthdays, marriage, congratulatory, thank you acknowledgments that may warrant recognition from the District shall provide available information to the Fire Chiefs office (Executive Assistant). The Fire Chief's Executive Assistant will take the following actions:

- Confirm accuracy of information and gather additional details if necessary
- Immediately notify the Fire Chief

The Fire Chief's office will coordinate the following at his discretion:

- Publish details to the membership
- Mail a card or appropriate correspondence on behalf of office, District, etc.

610.2.4 CERTIFICATES

District Certificates intended for special recognition shall be produced by the Section specific Administrative Assistant (special events, thank you, etc.)


- District Certificates shall be routed to the Fire Chief's office for review, approval and signature

District Certificates originating and presented by the Fire Chief shall be produced by an Administrative Assistant assigned. (individual/unit citations, citizen recognition, heroism, etc.)

610.2.5 SERVICE AWARDS

The HR Specialist will track years in service for all personnel and coordinate the following:

- Create certificates/order plaques or appropriate awards
- Notify appropriate Administrative Assistant for inclusion on board meeting agenda
- Obtain service pins from Chief Officer in charge of uniforms
- Signed certificates, plaques, service pins, etc. shall be forwarded to the Administrative Assistant assigned.
- Notify individuals receiving recognition
- Announce to membership

	GREATER NAPLES FIRE RESCUE DISTRICT Policy	
	Policy# 611 State of Emergency Within District- Employee Scheduling and Compensation	
Section: All	Page: 3	
Approved Date: 6/12/2024	Revised Date:	

611.1 Purpose:

This policy is crucial in establishing the levels of compensation for our dedicated regular and part-time employees. It outlines the procedures for those who are released from work, retained, or called back to perform District work during the threat or occurrence of a hurricane, severe storm, civil disaster, or other emergency conditions affecting the Greater Naples Fire Rescue District.

If a disaster impacts another jurisdiction and requires an unusual and/or extended deployment of District assets or personnel to assist in the control or mitigation of the event, refer to Policy #614 Disaster Declaration Outside District – Employee Scheduling and Compensation.

611.2 Policy:

The provisions of this Policy shall become effective immediately following the declaration of a State of Emergency by the Board Chairman. They are designed to take precedence over all other personnel rules and regulations, policies and collective bargaining agreements of the District in the matter of pay, compensation and leave. This Policy applies for the entire duration of the declared state of emergency, as determined by the Board Chairman.

Designation of Employees to establish Pay and Compensation – In a manner to be determined by the Fire Chief (or designee), all employees (regardless of full- or part-time, exempt or non-exempt) will be classified into one of the following three categories:

- A. Essential Mandatory Personnel: The assistance of these employees is considered essential to the District’s ability to function and provide public services in the event of a state of emergency.
- B. Essential Personnel: Depending on circumstances and needs, the assistance of these employees may be required in the event of a state of emergency.
- C. Non-Essential Personnel: The assistance of these employees is normally not required during a state of emergency.

Employees classified as Category “A” (Essential Mandatory Personnel) are expected to report for work at the beginning of their assigned shift, work their entire shift, and be prepared to work any overtime hours as may be required under emergency conditions.

Category “A” employees may also be required to work on unscheduled days or hours and should be prepared to perform outside their normal scope of duties. Category “A” employees may be required to remain at a designated facility during some portion of the emergency event.

Employees who are classified as Category “B” (Essential Personnel) employees should be prepared to report to work and should be prepared to work any overtime hours if required to do so. Category “B” employees may also be required to report for work on unscheduled days or hours and should be prepared to perform tasks outside their normal scope of duties.

Employees classified as Category “C” (Non-Essential Personnel) may be released from their normal work duties and scheduled as circumstances dictate, subject to the following procedures.

- The employee is to remain in periodic contact with their supervisor or other designated representative in accordance with District procedures
- Be available to call back assignments as directed
- Be prepared to work any overtime hours that may be required in advance of, or following an emergency event

The District retains the right to change an employee’s designation (as “A,” “B,” or “C”) at any time based on the type of emergency and the level or stage of response that is deemed appropriate by District management to address the emergency.

Duty to Work – An employee directed to work during a declared emergency and fails to do so is subject to being disciplined, up to and including termination. In addition to any disciplinary action, the employee shall forfeit any compensation payable under this policy except compensation for hours actually worked.

Employee Compensation – Any employee classified as either “A” (Essential/Mandatory) or “B” (Essential) who is exempt from the overtime provisions of the Fair Labor Standards Act will be compensated at a rate of 1 ½ times the employee's current Hourly Rate as defined in the Employee Handbook or Collective Bargaining Agreement (CBA) for all hours worked outside of the normal workday. The Fire Chief is to be compensated in accordance with this policy. Notwithstanding, this policy does not supersede a conflicting provision in the Fire Chief’s contract.

Standby and Callback Pay—No employee is entitled to or shall receive standby pay or callback pay during a local emergency.

Record Keeping—All employees are responsible for keeping accurate time logs/records for hours worked during a declared state of emergency. Submitting a request for compensation for time worked when the employee did not actually work during a period of local emergency is grounds for termination of employment.

Handling of Leave Requests during Declared Emergency:

Collective Bargaining Employees - Leave requests approved prior to a declared emergency will be honored or new requests for leave shall be handled in accordance with the current CBA.

Non-Collective Bargaining Employees - For employees not covered by the CBA, such requests will be granted if, in the opinion of the Fire Chief the employee's absence will not adversely affect the District's ability to effectively respond to the emergency; however, previously approved leave may be canceled based upon an overriding organizational need to have the employee report for duty to fulfill their job responsibilities during an emergency. New requests for leave may be denied. Any off-duty employee who anticipated being unavailable to respond to a call back assignment associated with an emergency has the responsibility to discuss their plans with their Section Manager and request to be relieved from callback responsibilities for the duration of the anticipated duration of the emergency. The Section Manager will evaluate the employee's reasons for the request to be relieved of possible callback responsibilities and notify the employee of the decision as soon as possible. All employees who request sick leave immediately prior to, during, or in recovery from a declared emergency may be required by the Fire Chief to submit appropriate medical documentation to verify their sick leave request. An employee on a previously approved leave that was not revoked before the specified emergency time period is not eligible for administrative leave with pay or any other form of special compensation that may be made available under the provisions of this Policy.

Holiday Pay- If the declared emergency time period should encompass a District-recognized holiday, an employee is eligible to receive any applicable holiday pay or benefit they are due in addition to any special compensation that is to be paid under the conditions that may be made available under the provisions of this Policy.

Suspension of other Compensation Rules—During periods of declared emergencies, the provisions of this Policy supersede all other provisions for scheduling and compensation outlined in other District regulations or addressed explicitly in the current Collective Bargaining Agreement regarding emergency declarations.

Recognition of Time-in-Service Awards

612.1 PURPOSE AND SCOPE

To establish time-in-service recognition benchmarks with the District for honorable service.

612.2 POLICY

The Board of Commissioners wishes to establish and reward employees that have completed time-in-service benchmarks with honorable service. Employees will generally be presented the award by their section chief during their regular working hours.

The Board of Commissioners will have an agenda item for recognitions and awards at their scheduled monthly meeting, whereas the Board and the Fire Chief can recognize the employee's accomplishment.

- (a) Five years completed service certificate and twenty-five-dollar gift card.
- (b) Ten years completed service certificate and fifty-dollar gift card.
- (c) Fifteen years completed service certificate and seventy-five-dollar gift card.
- (d) Twenty years completed service plaque and hundred-dollar gift card.
- (e) Twenty-five years completed service plaque and hundred-dollar gift card
- (f) Thirty years completed service award (deemed appropriate by Fire Chief).

Although these are the generally recognized rewards for time-in-service, the Fire Chief or designee may alter, change, or add to any employee award their office deems appropriate.

Veteran's Preference Policy

613.1 PURPOSE AND SCOPE

In compliance with Chapter 295, Florida Statutes, the Fire District is committed to providing preference to U.S. veterans and spouses of veterans in hiring, promotion, and retention for all qualified positions as prescribed by law. Each position that qualifies for Veterans' Preference will be identified in the job announcement or advertisement.

613.2 POLICY

It is the policy of the Greater Naples Fire Rescue District to comply with Chapter 295, Florida Statutes, by providing preference to U.S. veterans and spouses of veterans in hiring, promotion, and retention for all qualified positions as prescribed by law.

613.2.1 ELIGIBILITY FOR VETERANS' PREFERENCE:

Veterans' Preference is extended to those individuals who fall under the following categories pursuant to §295.07, Florida Statutes:

- (a) Disabled veterans who have served on active duty in any branch of the Armed Forces and who presently have an existing service-connected disability which is compensable under public laws administered by the Department of Veterans' Affairs ("DVA") or are receiving compensation, disability retirement benefits, or pension by reason of public laws administered by the DVA and the Department of Defense ("DOD").
- (b) The spouse of a veteran:
 - (a) Who has a total and permanent service-connected disability and who, because of this disability, cannot qualify for employment; or
 - (b) Who is missing in action, captured in the line of duty by a hostile force, or detained or interned in the line of duty by a foreign government or power.
- (c) A veteran of any war who has served on active duty for one day or more during a wartime period as defined in Section 1.01(14), Florida Statutes, excluding active duty for training, and who was discharged "honorably" from the Armed Forces of the United States of America; or who has been awarded a campaign or expeditionary medal.
- (d) The unmarried widow or widower of a veteran who died of a service-connected disability.
- (e) The mother, father, legal guardian, or unmarried widow or widower of a service member who died as a result of military service under combat-related conditions as verified by the U.S. Department of Defense.
- (f) A veteran as defined by in Section 1.01(14), Florida Statutes: the term 'Veteran' means a person who served in the active military, naval, or air service and who was discharged under honorable conditions.
- (g) A current member of any reserve component of the U.S. Armed Forces or the Florida National Guard.

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Veteran's Preference Policy

613.2.2 REQUIRED DOCUMENTATION FOR VETERANS' PREFERENCE

When claiming Veterans' Preference, an individual must so indicate on his or her application, and certain documentation is required as detailed below.

The supporting documents for claiming Veterans' Preference may be scanned or uploaded as an attachment to a job application when using the District's online application process; submitted in person by an applicant or a representative designated by the applicant; or mailed to the Fire District, 14575 Collier Blvd. Naples, FL 34119. Documents that arrive after a job posting's closing date will not be considered for preference eligibility unless postmarked on or before the job posting's closing date. Do not submit originals as documents may not be returned. Copies should be marked to show the job posting number and the classification for which you are claiming preference.

Veteran

- Form DD-214 (member 4); or
- Military discharge papers or equivalent certification from the DVA listing:
 - military status,
 - dates of service,
 - discharge type and campaign and expeditionary medals awarded

Disabled Veterans

- Form DD-214 (member 4); or
- Military discharge papers or equivalent certification from the DVA listing:
 - military status,
 - dates of service,
 - discharge type and
 - campaign and expeditionary medals awarded documents from the DOD or the DVA certifying to the existence of a compensable service disability dated within the year

Spouse of Disabled Veteran, Missing in Action, Captured or Forcibly Detained

- Form DD-214 (member 4); or
- Military discharge papers or equivalent certification from the DVA listing:
 - military status,
 - dates of service and
 - discharge type
- Certification from the DVA that the veteran is totally and permanently disabled,
- Evidence of marriage to the veteran and a statement that he/she is still married to him/her when applying for employment,

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- Proof that the disabled veteran cannot qualify for employment because of the service-connected disability
- A document from the DVA certifying that the person on active duty is listed as:
 - missing in action,
 - captured in the line of duty, or
 - forcibly detained/interned in the line of duty by a foreign government or power

Unremarried Widow or Widower of Veteran who died of service-connected disability

- Document from the DOD or DVA certifying the service-connected death of the veteran
- Evidence of marriage and a statement that the widow or widower has not remarried

Mother, father, legal guardian or unremarried spouse of veteran who died as a result of military service under combat related conditions

- Document from the DOD or DVA certifying the service-connected death of the veteran while on duty
- Evidence of marriage and a statement that the widow or widower has not remarried
- Veteran's birth certificate, adoption papers or other proper court document as evidence of parentage.
- The legal guardian shall show the proper court documents establishing the legal authority for the guardian

Current member of any reserve component of the US Armed Forces or The Florida National Guard

- Document from their Commanding Officer or military human resources department stating the dates of their military service to establish that they are currently active

613.2.3 AWARD OF VETERANS' PREFERENCE POINTS

For positions for which the Fire District utilizes an examination to determine an eligible applicant's qualifications for entrance into employment, the eligible applicant must first reach a passing score on the examination. If a passing score is reached, Veterans Preference points shall be added to the earned rating of an eligible applicant as follows, pursuant to §295.08, Florida Statutes [if the examination has a total of 100 possible points, the points below are added to the score; if the examination has more or less than 100 points, the percentages below will be used]:

- Disabled veterans: 15 points/percent
- The spouse of a veteran with a total and permanent service-connected disability, missing in action, captured in the line of duty by a hostile force, or detailed or interned in the line of duty by a foreign government or power: 10 points/percent
- A veteran of any war who has served at least one day during that wartime period or who has been awarded a campaign or expeditionary medal: 10 points/percent

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- The unremarried widow or widower of a veteran who died of a service-connected disability: 10 points/percent
- The mother, father, legal guardian, or unmarried widow or widower of a service member who died as a result of military service under combat-related conditions: 10 points/percent
- A veteran as defined in Section 1.01(14), Florida Statutes: 5 points/percent
- A current member of any reserve component of the U.S. Armed Forces or the Florida National Guard: 5 points/percent

613.2.4 APPLICATION OF VETERANS' PREFERENCE WHEN EXAMINATION NOT USED


When an examination is not used as part of the hiring process, and the eligible individual possesses the minimum qualifications for the position, Veterans' Preference must first be given to a disabled veteran and second preference shall be given to eligible individuals in the other categories.

613.2.5 VETERANS' PREFERENCE IN PROMOTION

In order to qualify for Veterans' Preference in promotion, an eligible employee must have had a break in employment with the Fire District and been deployed, and be reinstated or reemployed with the District. Such individual shall be awarded preference in promotion in accordance with Chapter 295, Florida Statutes.

Eligible employees may receive Veterans' Preference in each promotion decision only until the Veteran receives the first promotion. An employee is eligible for Veterans' Preference in the first promotion subsequent to reinstatement or reemployment after each qualified military service deployment.

At the time of reinstatement or reemployment the employee should provide to the Fire District a DD-214 Form or comparable documents showing that the employee was issued orders for active duty under Title 10 of the U.S. Code and honorably discharged from service. If the deployment was for less than six (6) months, and a DD-214 Form was not issued, the employee should obtain comparable documentation, such as a letter from his or her commanding officer.

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	Policy# 614 Disaster Declaration Outside District- Employee Scheduling and Compensation	
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Approved Date: 6/12/2024	Revised Date:	

614.1 Purpose:

To establish the compensation levels for our full-time and part-time employees, who play a crucial role when deployed to assist in controlling, managing, or mitigating a declared disaster that impacts a jurisdiction outside the boundaries of the District.

This Policy pertains to the deployment and compensation of District personnel following a disaster outside the boundaries of the District. If a disaster impacts the District, refer to Policy #611, State of Emergency Within District—Employee Scheduling and Compensation.

614.2 Policy:

Authority and Duration of Emergency Pay – The provisions of this Policy shall become effective immediately following a declaration of a disaster by the Fire Chief to support a formal request for personnel or equipment from the State of Florida or the Federal Government (“Disaster Declaration”).

Upon issuance of a disaster declaration by the State of Florida Department of Emergency Management (“FDEM”) or the Federal Emergency Management Agency (“FEMA”), the Fire Chief may issue a Disaster Declaration. The Disaster Declaration shall be based upon the facts from information provided by the FDEM or the FEMA. Before making a Disaster Declaration, the Fire Chief shall attempt to consult with individual Board of Fire Commissioners members, if available, with recognition that the authority to issue a Disaster Declaration is delegated solely to the Fire Chief. Such Disaster Declaration shall be made in writing, and a copy shall be provided to the Board of Fire Commissioners.

Upon a request by FDEM or FEMA for personnel or equipment to assist in the control or mitigation of the event with the disaster outside the District’s boundaries, the Fire Chief will determine the employees and equipment would be deployed under an FDEM or FEMA Mission Order. Before accepting a Mission Order that includes the deployment of the Fire Chief, written approval will be required from the Chair of the Board of Fire Commissioners. Compensation will be in accordance with the provisions of the Policy.

Upon issuance of the FDEM or FEMA Mission Order, such identified employees and equipment will be deployed.

The provisions of this Policy shall apply to the entire period during which the District has resources deployed under a Mission Order. When all resources have returned to the District and all applicable personnel and equipment rehabilitation time has elapsed, the Disaster Declaration shall be rescinded, or upon the Board of Fire Commissioners rescinding the Disaster Declaration, whichever is earlier.

Deployed exempt and non-exempt employees shall be compensated at 1 ½ times the employee's current Hourly Rate as defined in the Employee Handbook or the Collective Bargaining Agreement for all hours worked outside their normally scheduled hours. When District employees have been deployed on a Mission Order to support the State of Florida through the State Emergency Response Plan ("SERP"), such deployed employees shall be compensated as provided above, beginning at mobilization time and continuing continuously until demobilized from the District. Notwithstanding, exempt employees' assigned work assignments and conditions while deployed will dictate if this provision is applicable as determined by the Fire Chief or if the Fire Chief requests to be deployed on a Mission Order, by the Chair of the Board of Fire Commissioners and will be evaluated on a case-by-case basis determined by the Activity Logs (ICS 214) submitted.

Duty to Work—An employee who is directed to work during a declared emergency outside of the District and agrees to do so but fails to do so is subject to discipline, up to and including termination. In addition to any disciplinary action, the employee shall forfeit any compensation payable under this Policy except compensation for hours worked.

Examples of Compensation Calculations

- An employee who is non-exempt from the overtime provisions of the Fair Labor Standards Act ("FLSA") will be compensated as follows:

If missioned and deployed in support of the State of Florida under a Mission Order in accordance with the SERP, the employee will be compensated from the employee's departure time from a District facility and continue continuously until the employee is demobilized from a District facility.

An employee who is exempt from the overtime provisions of the FLSA will be compensated as follows: If missioned and deployed in support of the State of Florida under the SERP, the employee will be compensated based on work assignments and conditions as determined by the Activity Logs (ICS 214) submitted as approved by the Fire Chief, or if the Fire Chief is deployed, by the Chair of the Board of Fire Commissioners.

Record Keeping – All employees are responsible for keeping accurate time logs/records for hours worked during a declared disaster outside the District. These logs/records shall be submitted for review by the Fire Chief or designee for verification and approval, or if the Fire Chief is deployed, by the Chair of the Board of Fire Commissioners. The hours worked will be submitted for payment upon approval and authorization by the Fire Chief or designee, or if the Fire Chief is deployed, by the Chair of the Board of Fire Commissioners. Submitting a request for compensation for time worked when the employee did not work is grounds for termination of employment.


Fair Labor Standards Act (FLSA)- This Policy is drafted and adopted with the intent and understanding that it complies with the rules, regulations, and case law regarding overtime payments to executive or managerial employees of state and local government agencies. In no case is this Policy drafted with the intent to circumvent the executive or managerial exemptions granted to these positions under current rules and regulations of the United States Department of Labor. Furthermore, this policy will not be utilized to make null and void the exempt status of otherwise salaried employees related to the FLSA.

Handling of Leave Requests during Declared Emergency – If an employee is deployed in support of another jurisdiction, all leave requests will be canceled during the time of deployment.

Handling of Leave Requests during Declared Emergency – If an employee volunteered for a deployment and has been deployed in accordance with a Mission Order, all leave requests (swaps included) will be canceled during the time of deployment. It will be the responsibility of the deploying employee to notify the originally scheduled employee.

Holiday Pay- If the declared emergency time period should encompass a District-recognized holiday, an employee is eligible to receive any applicable holiday pay or benefit they are due in addition to any special compensation to be paid under the conditions that may be made available under the provisions of this Policy.

Suspension of other Compensation Rules - These provisions take precedence over all other personnel rules and regulations, policies, and collective bargaining agreements of the District regarding pay, compensation, and leave. During a Declared Disaster, the provisions of this Policy supersede all other provisions for scheduling and compensation set forth in other District regulations or addressed explicitly in the current Collective Bargaining Agreement about emergency declarations for those employees who are deployed on a Mission Order.

	GREATER NAPLES FIRE RESCUE DISTRICT POLICY	
	Policy# 615 RETIREE HEALTH COVERAGE	
Section:	Page(s):	
Approved Date: December 11, 2024	Revised:	

Purpose:

The purpose of this policy is to provide a post-retirement group health insurance benefit option for eligible retirees of the Greater Naples Fire Rescue District (GNFD).

Definitions:

Retirement date shall be defined as the retiree’s termination of employment date. For the purposes of this policy, participants of DROP will reach their retirement date upon termination of employment.

Policy:

Qualified retirees can enroll in post-retirement group health insurance if they meet eligibility requirements and pay premiums on time.

A. Benefit Plan Design

The Retiree Health Coverage plan is designed to provide retirees with health and prescription coverage. The Retiree Health Coverage Summary (Attachment A) provides a high-level overview of the current benefit plan design and premiums.

1. Enrollment is limited to employee-only coverage; spouse and dependent coverage is not available through this program.
2. Health Reimbursement Account (HRA) is not included in this program.
3. The retiree health plan qualifies as employer-sponsored under the Florida Firefighter Cancer Insurance Line of Duty Cancer Benefit.
4. Retirees may participate for up to ten (10) years following their retirement date but not past their Medicare eligibility date (typically age 65).
5. Participation is voluntary and can be canceled by the retiree at any time.

B. Eligibility

To qualify for post-retirement group health insurance, employees must meet all the following eligibility requirements:

1. Reached or exceeds their Normal Retirement Date, as defined by the retirement program enrolled on the date of their retirement

2. Have been an employee of GNFD for a minimum of five (5) full years prior to retirement.
3. Notified human resources in writing at least three (3) months before their planned retirement date.
4. Have participated in the GNFD health benefit plan for active employees for at least two (2) consecutive years immediately before the retirement date.
5. Be a full-time employee on the retirement date.
6. Submit the completed Retiree Health Coverage Enrollment Form (Attachment B) to human resources before the date of retirement.
7. Must not work in the fire industry post-retirement.
8. Must not be covered under any other health plan post-retirement.

C. Billing

GNFD does not subsidize or contribute to post-retirement group health insurance. The qualifying retiree is responsible for the total cost of the benefit. The Retiree Health Coverage Summary lists the coverage premium. Benefit premiums are subject to change at any time and are generally adjusted annually.

The benefit premium must be paid monthly and received no later than the 15th of the month before the start of the benefit period. Monthly premiums must be submitted via electronic payment.

D. Enrollment

Retirees who enroll in Retiree Health Coverage must meet all eligibility requirements and submit a completed Retiree Health Coverage Enrollment Form to human resources before their retirement date.

Retirees who do not submit a completed Retiree Health Coverage Enrollment Form before their retirement date will have waived coverage.

A retiree that waives participation in the post-retirement group health insurance benefit, cannot enroll at a later date. Similarly, if a retiree chooses to drop coverage or allow payment to lapse, cannot re-enroll at a later date.

E. Effective Date

The effective date of retiree health coverage is the first of the month following retirement.

F. Terminating Coverage

Eligible retirees may participate in the Retiree Health Coverage plan for a period of up to ten (10) years after retirement.

Retiree coverage ends on the last day of the month that any of the following occurs:

- the full contribution payment is not received within 15 days of the due date
- retiree becomes Medicare-eligible
- has participated in the plan for the maximum period of ten (10) years
- Retiree instructs human resources in writing to cancel coverage.

G. Retiree Responsibility

The retiree is responsible for paying benefit premiums timely and notifying the human resources department in writing of any changes that affect communications or benefit eligibility, including but not limited to:

- address, email or telephone changes,
- coverage under another health plan,
- changes to bank account and/or payment method,
- becomes Medicare eligibility.

H. ENFCRD Retiree Health Insurance Benefit (only)

The following applies to recipients of the ENFCRD Retiree Health Insurance Benefit only.

1. After their approved service credits are exhausted, the retiree is eligible to transfer to the GNFD Retiree Health Coverage plan.
2. To transfer to the GNFD Retiree Health Coverage plan, the retiree must submit a completed Retiree Health Coverage Enrollment Form to human resources before all service credits are exhausted and coverage under the ENFCRD Retiree Health Insurance Benefit has ended.
3. Retiree that does not submit a completed Retiree Health Coverage Enrollment Form in the time provided will have waived coverage.
4. The retiree must not work in the fire industry post-retirement and cannot be covered under any other health plan.
5. The combined period covered under the ENFCRD Retiree Health Insurance Benefit Plan and the GNFD Retiree Health Coverage cannot exceed ten (10) years.
6. The first payment is due prior to the transfer of coverage.
7. All sections of the policy described herein apply.

Rights:

GNFD reserves the right to change, modify, alter, or eliminate this policy at any time.

Insurance benefit carrier and/or plan design are subject to change at the full discretion of GNFD.

Attachments

Attachment A: Retiree Health Coverage Summary

Attachment B: Retiree Health Coverage Enrollment Form (in progress)

Attachment A

Retiree Health Coverage Summary

Key Medical Benefits	United Healthcare Choice Plus DU4H-M2	
	In-Network	Out of Network ¹
Deductible (per plan year)		
Individual	\$2,500	\$6,000
Out-of-Pocket Maximum (per plan year)		
Individual	\$5,000	\$12,000
Covered Services		
Office Visits (physician / specialist) ²	Ded. + 20%	Ded. + 40%
Virtual Visits	\$0	Ded. + 40%
Lab ⁴	Ded. + 20% or 50%	Ded. + 40%
X-Ray and Diagnostics ⁴	Ded. + 20% or 50%	Ded. + 40%
Major Diagnostics (CT, PET, MRI, etc.) ³	Ded. + 20%	Ded. + 40%
Urgent Care Facility	Ded. + 20%	Ded. + 40%
Emergency Room	Ded. + 20%	Ded. + 40%
Outpatient / Inpatient Hospital Stay	Ded. + 20%	Ded. + 40%
Prescription Drugs (Tier 1 / Tier 2 / Tier3 / Tier4)		
Deductible	\$0	\$0
Retail Pharmacy (30-day supply)	\$10/\$45/\$80/\$125	Copay + Balance
Mail Order (90-day supply)	\$25/\$112.50/\$200/\$312.50	Not Covered

Coinsurance percentages and copay amounts shown in the above chart represent what the member is responsible for paying. See the plan documents for full details.

1. If you use an out-of-network provider, you will be responsible for any charges above the maximum allowed amount.
2. Routine Preventive Care is covered at 100%; \$0 Copay.
3. Must use a Designated Network Provider for 20% to apply.
4. This is a non-HRA plan.

COST OF BENEFITS

Key Medical Benefits	United Healthcare Choice Plus DU4H-M2 ⁴
	Individual Coverage

Chapter 7 - Board of Fire Commissioners

Commissioner Pay and Benefits

700.1 PURPOSE AND SCOPE

To establish a policy which sets forth guidelines for associated pay and benefits of the Greater Naples Fire Rescue District Board of Fire Commissioners.

700.2 POLICY

Elected officials of the Greater Naples Fire Rescue District are eligible for the following pay benefits.

- (a) Salary
 - A. Pursuant to Section 191.005 (4), Florida Statutes, each member of the Board is paid a maximum of \$500.00 per month for his or her services to the District. Pay is issued the first pay period of each month.
- (b) Benefits
 - A. Retirement
 - (a) Participation in the Florida Retirement System (FRS), unless deemed ineligible by FRS.
 - (b) A Commissioner ineligible to participate in the FRS System will be enrolled in a Nationwide 401 (A) plan, at the same contribution rates as FRS.
 - B. Medical and Ancillary Insurance Coverage
 - (a) Medical, Dental, and Vision insurances are packaged and available during the annual open enrollment period. Premiums are paid by the District. Monthly Commissioner contribution rates apply, if applicable.
 - C. Group Basic Life and Accidental Death and Dismemberment (AD&D) Insurance
 - (a) Insurance is provided by the District in the amount of \$20,000. Basic Life and AD&D insurance coverage amounts are reduced by age per policy.
 - D. Additional Voluntary Services Available
 - (a) Flexible Spending Account - Payroll deducted, may be used for medical, dental or vision (IRS 125 plan). Expenses must be substantiated via claim form and receipts. May also be used toward Dependent Care.
 - (b) Aflac: Supplemental Insurances - Payroll deducted.
 - (c) Nationwide 457 Deferred Compensation Retirement Plan - Payroll deducted, pre-tax.
 - (d) Voluntary Life Insurance is also available through payroll deduction for one's self, spouse and dependents.

Commissioner Board Meeting Attendance and Payment

701.1 PURPOSE AND SCOPE

To establish a policy which sets forth guidelines for attendance to Board meetings and associated payment of the Greater Naples Fire Rescue District Commissioners.

701.2 POLICY

Pursuant to Section 191.005(4), Florida Statutes, each member of the Board is paid a maximum of \$500.00 per month for his or her services to the District, regardless of whether a Commissioner attends or fails to attend scheduled Board meetings and has a valid excuse for absence.

Annually during the December Board meeting the Board shall set the Commissioner monthly pay rate to commence on January 1 for the following calendar year.

Section 191.005(5), Florida Statutes, provide that if a Fire Commissioner has three (3) consecutive unexcused absences from regularly scheduled Board meetings, the Board shall remove said Commissioner from office. Section 191.005(5) also provides that the Board must adopt policies defining excused and unexcused absences.

Pursuant to Section 191.005(5), Florida Statutes, the Board hereby determines that excused absences may include, but not limited to the following:

- A. Medical reasons
- B. Family emergency
- C. Death in a family
- D. Unavoidable absences such as unanticipated travel delays and similar events

In addition, the Board stipulates to be counted as "In-Attendance" a commissioner must be physically present at the meeting. Participating via telephone/electronic means, etc. shall not constitute being "In-Attendance".

As of the effective date of this Policy, Commissioners may miss up to a maximum of three (3) Board meetings during a calendar year (January through December) and will be paid accordingly for those three (3) missed meetings, whether excused or unexcused. "Board Meeting" to be defined as any Greater Naples Fire Rescue District advertised meeting requiring a quorum to conduct voting business. Multiple Board Meetings held on the same day shall count as one meeting for the purposes of this policy. Workshops and focus group meetings are excluded from the attendance requirement.

For example, if a Commissioner misses three (3) Board meetings, with or without an excuse during the calendar year, said Commissioner will be paid for those three (3) missed meetings. If a Commissioner misses a fourth Board meeting during the calendar year, said Commissioner will not be paid for the month during which he or she missed the fourth (and subsequently missed) meeting(s).

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Once a Commissioner exceeds the three allowable annual absences, the Commissioner will be responsible for his or her monthly healthcare premium for the month(s) involving the fourth and subsequent absences.

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702.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the Rules of Procedure Policy shall govern the conduct of all meetings of the Board of Fire Commissioners and their interaction with District personnel.

702.2 POLICY

It shall be the policy of the Greater Naples Fire Rescue District to conduct all meetings utilizing the Board of Fire Commissioners Rules of Procedure.

702.2.1 GOVERNING RULES

Except as otherwise required by law of these rules, the conduct of Board business, questions of order and methods of organization shall be governed by the most available edition of Robert's Rules of Order Revised all cases in which they are applicable.

702.2.2 BOARD MEETINGS

(a) Types and Frequency

1. Regular monthly meetings shall be held on the second Tuesday of each month, unless a different date is approved by the Board. Notice of regular monthly meetings shall be provided in accordance with Section 189.417, Florida Statutes, as amended.
 - (a) Special meetings may be called by the Chair as necessary for the purpose of considering specific matters, or matters upon which action is required before the next regular meeting. Notice of special meetings shall be provided in accordance with Section 189.417, Florida Statutes, as amended.
 - (b) Emergency Meetings may be called by the Chair as necessary, with reasonable notice. Any action taken at an emergency meeting must be subsequently ratified by the Board as a regular or special meeting.
 - (c) Workshops may be conducted for informational purposes as deemed necessary by the Chair or a majority of the Board. Notice of Workshops shall be provided in accordance with Section 189.417, Florida Statutes, as amended. No formal action or votes may be taken at a workshop; therefore a quorum of the Board need not be present.
2. Meetings Open to Public: All meetings of the Board shall be open to the public in accordance with the Sunshine Law, Section 286.011, Florida Statutes, except for those meetings that are exempt from the Sunshine Law.
3. Exempt Meetings: Florida law provides that certain meetings of governmental bodies are exempt from the Sunshine Law and may be held in private, as long as specific statutory procedures are followed. These exempt meetings include;

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executive sessions to discuss collective bargaining matters in accordance with Section 447.605(1), Florida Statutes; meetings regarding risk management claims pursuant to Section 768.28(15)(c), Florida

Statutes, and meetings to discuss matters of pending or threatening litigation pursuant to Section 286.011(8), Florida Statutes. The Board shall follow all statutory requirements for exempt meetings.

4. **Seating Capacity:** Due to the need to comply with seating capacity requirements of the Fire Code, there may be occasions when entrance by the public to the meeting room shall be limited by the maximum room or building capacity, as determined by the Fire Marshal.
5. **Accessibility:** All meetings of the Board will be conducted in a public accessible building.

702.2.3 QUORUM

- (a) **Quorum:** A majority of the entire Board shall constitute a quorum. A quorum shall be determined based on the number of Commissioners who are physically present in the meeting room. In extraordinary circumstances, a Commissioner may participate in a meeting by telephone or a video teleconference, but shall not be counted for the purpose of determining a quorum, but shall be considered to be present and able to participate for other purposes, including voting. No resolution, policy, or motion shall be adopted by the Board without the affirmative vote of the majority of the members present, or if required by the Florida Statutes, an extraordinary majority vote of the members present.
- (b) **Remaining in the Meeting Room:** During Board meetings, Commissioners shall remain in the meeting room at all times unless an emergency or illness should occur. Commissioners present in the meeting room shall not absent themselves for a particular item.
- (c) **Conflict of Interest:** Any member of the Board who announces a conflict of interest on a particular matter pursuant to Section 112.3143 or Section 286.012, Florida Statutes, and decides to refrain from voting or otherwise participating in the proceedings related to that matter, shall be deemed present for the purpose of constituting a quorum.
- (d) **Loss of Quorum:** In the event that a Commissioner is required to depart a Board meeting prior to adjournment, and the departure causes a loss of quorum, no further official action, other than adjournment, may be taken until or unless a quorum is restored.
- (e) **No Quorum:** Should no quorum attend within 30 minutes after the hour appointed for the meeting of the Board, or upon a meeting have commenced with a quorum, which quorum never shall have been lost, the Chair or the Vice-Chair, or in their absence, another Commissioner, in order of seniority, shall adjourn the meeting. The names of the members present and their action as such meeting shall be recorded in the minutes.

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702.2.4 PRESIDING OFFICER

- (a) Chair: The Presiding Officer is the Chair of the Board. The Chair presides at all meetings of the Board. The Chair's responsibility shall include, but not be limited to:
1. Opening meetings at the appointed time and calling the meeting order, having ascertained that a quorum is present.
 2. Announcing the business to come before the Board, in accordance with the prescribed order of business.
 3. Recognizing all Commissioners, the Fire Chief, District staff, attorneys, consultants, and members of the public, who seek the floor under the correct procedure.
 4. Limiting the duration of public comment, discussion of agenda items, and debate.
 5. Preserving decorum and order, and in case of disturbance or disorderly conduct in the meeting room, may cause the same to be cleared and cause a disruptive individual, including any member of the Board or District staff, to be removed.
 6. Calling to order any member of the Board who violates any of these procedures and, when appropriate, deciding questions of order, subject to a majority vote on a motion to appeal.
 7. Expediting business in every way compatible with the interests of Commissioners and the public.
 8. Retaining gavel for motions. The Chairman may make a motion and participate in debate without relinquishing the gavel.
 9. Declaring the meeting adjourned when the Board so votes, or at any time in the event of an emergency affecting the safety of those present.
- (b) Vice-Chair: The Vice Chair's responsibility shall include, but not be limited to:
1. In the absence of the Chair or in the event of the Chair's inability to serve by reason of illness or accident, the Vice-Chair shall perform the duties and functions of the Chair until the Chair's return and resumption of duty.
- (c) Secretary: The Secretary's responsibility shall include, but not be limited to:
1. Review Board Meeting Minutes and District Reports for completeness and accuracy.
 2. Serve as the second point of contact for reviewing and signing District checks.
 3. In the absence of the Chair and Vice-Chair, or in the event of the Chair and Vice Chair's inability to serve by reason of illness or accident, the Secretary shall perform the duties and functions of the Chair until either the Chair or Vice Chair's return and resumption of duty.
- (d) Treasurer: The Treasurer's responsibility shall include, but not be limited to:

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1. Review all budgets, checks, and financial reports, and report the District's financial position to the Board.
2. Serve as the first point of contact for reviewing and signing District checks.
3. In the absence of the Chair, Vice-Chair, and Secretary, or in the event of the Chair, Vice-Chair and Secretary's inability to serve by reason of illness or accident, the Treasurer shall perform the duties and functions of the Chair until the Chair, Vice-Chair or Secretary's return and resumption of duty.

702.2.5 ORDER OF BUSINESS

- (a) Official Agenda: There shall be an official agenda for every meeting of the Board, which shall determine the order of business conducted at the meeting. All proceedings and the order of business at all meetings of the Board shall be conducted in accordance with the official agenda. Any Commissioner may place an item on the official agenda by communicating the item to the Chair or staff member responsible for preparing an agenda prior to the day of the meeting. Any Commissioner may add an item to the agenda on the day of the meeting with the consent of a majority of the Commissioners present.
- (b) Agenda Format, Availability, Supporting Information: The agenda shall be prepared in the appropriate form approved by the Board.
 1. Regular Board Meeting - A copy of the agenda and all supporting information shall be made available to the Commissioners on or before the Monday before the regularly scheduled monthly meeting. In the event supporting information is not available, the agenda item shall be removed from the agenda and considered at a later meeting.
 2. Special Meetings, Workshops, Exempt Meetings - The agenda shall be prepared in an appropriate format for the focus of the special meetings. A copy of the agenda and supporting information shall be made available to the Commissioners as far in advance as practical.
 3. Emergency Meetings - An agenda shall be prepared in an appropriate format stating the reason for the Emergency Meeting with copies and supporting information distributed just before the beginning of the meeting.
- (c) Agenda Format for Regular Meetings: The agenda format for a regular Board meeting shall be in substantially the form as set forth below:
 1. Pledge of Allegiance and Invocation
 2. Line of Duty Deaths/ Moment of Silence
 3. Approval, Additions, Deletions to Agenda
 4. Approval of Minutes
 5. Consent Agenda
 6. Awards and Recognition vii. Fire Chief's Report
 7. IAFF Local Report

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8. Old Business
 9. New Business
 10. Signature of Board Approved Items
 11. Adjournment
- (d) Consent Agenda: Items placed on the Consent Agenda are considered to be routine in nature and do not deviate from past Board direction or policy. Any Commissioner may withdraw an item from the Consent Agenda for individual discussion and consideration prior the motion to approve. Once withdrawn from the Consent Agenda, the item shall be voted on individually.
- (e) Public Hearings: Public Hearings shall be held as required to receive public comments on matters of special importance or as required by law. At the discretion of the Chair, public comments may be limited in duration and taken on a first request basis. Public testimony will be limited to three (3) minutes per person, unless the Board adopts a motion extending time.
- (f) Discussion of Items by Commissioners: On the portion of the agenda designated as "Comments by Commissioners, "no assignments shall be given to the Fire Chief or District staff without the express approval of the majority of the Board. The Board shall take no policy action without an agenda item unless such is accomplished through a super-majority vote of the Board, and then only in the event of emergency circumstances. At the discretion of the Chair, the discussion may be limited in duration.
- (g) Departure from Old Business: Any departure from the order of business set forth in the official agenda shall be made only upon the majority vote of the members of the Board present at the meetings.
- (h) Additions, Deletions, or Corrections to Agenda: Additions, deletions, or corrections to the agenda may be considered by the Board and adopted by the passage of a single motion. Non-agenda matters shall be confined to items that are informational only.
- (i) Announcing the Agenda: The Chair shall announce each item on the agenda. The Fire Chief or designee shall then present the item to the Board.

702.2.6 PARLIAMENTARIAN

The attorney for the Board or Board member designated by the Chair shall act as a parliamentarian and shall advise and assist the Chair in matters of parliamentarian law. In the absence of a Rule of Procedure as provided by these Rules, the parliamentarian shall refer to the most current available edition of Robert's Rules of Order Revised on all rulings.

702.2.7 RULES OF DEBATE

- (a) Decorum
1. Every Commissioner desiring to speak should address the Chair, and upon said recognition by the Chair, should confine the discussion to the question under debate, avoiding all personalities and indecorous language.

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2. Commissioners shall refrain from attacking another Commissioner's motives, speaking adversely on a prior motion not pending, speaking while the Chair or another Board member is speaking, and disturbing the Board.
 3. A Commissioner, once recognized, should not be interrupted when speaking unless said Commissioner is being called to order. The Commissioner should then cease speaking until the question of order is determined, without debate, by the Chair. If in order, said Commissioner shall be at liberty to proceed.
 4. A Commissioner shall be deemed to have yielded the floor when he or she has finished speaking. A Commissioner may claim the floor only when recognized by the Chair.
- (b) Motions
1. A motion and a second to the motion must proceed any action on the agenda matter unless there are speakers to be heard on the agenda matter.
 2. All motions shall be made and seconded before the debate.
 3. When a motion is presented and seconded, it is under consideration and no other motion shall be received thereafter, except to adjourn, to lay on the table, to postpone, to substitute, or to amend until the question is decided. These motions shall have preference in the order in which they are mentioned.
 4. Any Commissioner may move to close debate, and call the question on the motion being considered. A successful vote on the motion to close the debate will end discussion of the item. The Commissioner moving the adoption of a resolution or motion shall have the privilege of closing debate.
 5. If the Chair wishes to put forth or second a motion, he or she shall not be required to relinquish the Chair to the Vice-Chair.
 6. The following motions are not debatable; to adjourn, to lay on the table, to take from the table, or to call the question.
- (c) Motion to Amend: An amendment to a motion must be germane, that is, it must relate to the substance of the main motion. An amendment may not introduce an independent question, and an amendment may not serve as the equivalent of rejecting the original motion. A Commissioner may amend the main motion in either of the following two methods:
1. By consent of the Commissioners. The Chair, or another Commissioner through the Chair, may ask for certain changes to be made to the main motion. If there are no objections from the maker of the motion, the motion shall stand as amended.
 2. Formal Amendment. An amendment may be presented formally by moving to amend the motion in some way. If it is in the form of a formal motion to amend, a second shall be required and discussion shall follow on the amendment. If an amendment passes, the main motion shall be the motion as amended. If it fails, the motion shall be the motion as it was before the amendment was presented.

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702.2.8 VOTING

- (a) Voice Vote: Unless otherwise directed by the Chair, all votes shall be taken by voice.
- (b) Tabulating the Vote: The Chair shall tabulate the votes and announce the results. Upon any roll call, there shall be no discussion by any Commissioner prior to voting, and each Commissioner shall vote "aye" or "nay."
- (c) Vote: Every Commissioner who is in the meeting room when the question was put forth must give his or her vote, unless the Commissioner has publicly stated he or she is abstaining from voting due to a conflict of interest pursuant to Sections 112.3143 or 286.012, Florida Statutes. If any Commissioner declines to vote "aye" or "nay" by voice, his or her silence shall be counted as an "aye" vote.
- (d) Absent for Vote: Changing Vote: Any Commissioner momentarily absent for a vote on a particular item may record his or her vote, and any Commissioner may change his or her vote before the next item is called for consideration, or before a recess or adjournment is called, whichever occurs first, but not thereafter, with the consent of all the Commissioners who voted thereon.
- (e) Voting Conflict: No Commissioner shall vote on a matter when the Commissioner has a voting conflict of interest as specified in Section 112.3143 or 286.011, Florida Statutes. A Commissioner shall file with the Board "Form 88 Memorandum of Voting Conflict" prior to the meeting in which consideration of the matter will take place. The Memorandum shall describe the nature of the conflict. The Memorandum shall be received by the Chair and incorporated into the meeting minutes as an exhibit. A Commissioner abstaining from voting due to a conflict shall announce the conflict prior to discussion on the matter. If disclosure has not been made prior to the meeting, or if any conflict is unknown prior to the meeting, the Commissioner shall file a Memorandum with the Board within fifteen (15) days following that Board meeting. The Memorandum shall be received by the Board and incorporated into the meeting minutes as an exhibit.
- (f) Majority Vote: Extraordinary Majority Vote; Tie Vote: The passage of any motion, policy, or resolution shall require the affirmative vote of at least the majority of the members of the Board who are present and eligible to vote. If an extraordinary majority vote is required by the Florida Statutes, this shall require the affirmative vote of an extraordinary majority (two-thirds of the members voting) of the members of the Board who are present and eligible to vote. In the case of a tie in votes on any proposal, the proposal fails.

702.2.9 CITIZEN INPUT: ADDRESSING THE BOARD OF FIRE COMMISSIONERS

- (a) Citizen Input: The Board recognizes the importance of protecting the right of all citizens to express their opinions on the operation of District government and encourages citizen's participation in the local government process. The Board also recognizes the necessity for conducting orderly and efficient meetings in order to complete District business in a timely manner.
- (b) Decorum:

Greater Naples Fire Rescue District

Greater Naples Fire Rescue District Policy Manual

Board of Fire Commissioners Rules of Procedure

1. Order must be preserved.No persons shall by speech or otherwise, delay or interrupt the proceedings of the peace of the Board, or disturb any person having the floor. No person shall refuse to obey the orders of the Chair of the Board. Any person who becomes disorderly or who fails to confine remarks to the identified subject or business at hand shall be cautioned by the Chair and given the opportunity to conclude remarks on the subject in a decorous manner and within the designated time limit. Any person failing to comply as cautioned shall be barred from making any additional comments during the meeting by the Chair, unless permission to continue or again address the Board is granted by the majority of the Board members present.
2. If the Chair or the Board declares an individual out of order, he or she will be requested to relinquish the floor. If the person does not do so, he or she is subject to removal from the meeting room and may be arrested by the Sheriff in accordance with Section 810.08(1), Florida Statutes.
3. Any person, including any member of the Board or District staff, who becomes disruptive or interferes with the orderly business of the Board, may be removed from the meeting room for the remainder of the meeting.

702.2.10 ORGANIZATION AND PROCEDURE

- (a) The Board of Fire Commissioners as the Policy-Making Body: The Board of Commissioners serves as the policy-making body of the District. The Board is also the District's legislative body as that term is used in section 447.203(10), Florida Statutes, with respect to collective bargaining matters.
- (b) The Fire Chief as the Chief Executive Officer: The Fire Chief Serves as the Chief Executive Officer of the District, and is responsible to the Board for directing the day-to-day operations of the District. The Fire Chief is also the Chief Executive Officer of the District as that term is used in section 447.203(9), Florida Statutes, for the purpose of representing the District in collective bargaining matters.
- (c) Chain of Command and Commissioners' Communication with district Employees: The Board recognizes the importance of the chain of command in carrying out the District's mission and policies. The Board also recognizes that receiving clear and accurate information from staff is essential to the ability of the Commissioners to carry out their duties and responsibilities. As a matter of procedure, Commissioners will not order or direct District employees to perform any duty or task or otherwise interfere with the District's chain of command. Requests for information concerning District operations, procedures, or policies shall normally be directed to the Fire Chief or an appropriate senior staff member. However, Commissioners may communicate directly with employees concerning any matter related to the District and may request information concerning the District from an employee as long as such request does not impede District operations.

Greater Naples Fire Rescue
District Policy Manual
Greater Naples Fire Rescue District Policy Manual

Attachments

Greater Naples Fire Rescue District Policy Manual

Greater Naples Fire Rescue District Policy Manual

ATTACHMENT C - Common Medications Which May Alter or Effect Drug Testing.pdf

ATTACHMENT C
GREATER NAPLES FIRE RESCUE DISTRICT
COMMON MEDICATIONS WHICH MAY ALTER OR AFFECT DRUG TESTING

These over the counter and prescription drugs could alter or affect drug testing results. Due to the large number of obscure brand names and constant marketing of new products, this list, as follows, is not intended to be all inclusive. It will remain the employee's or job applicant's responsibility to be aware of the potential impact on drug testing that any medication that he/she may be taking may have on drug testing results. Below medications are listed by brand name or common/generic name with the type of drug for which they may alter test results.

Alcohol	All liquid medications containing ethyl alcohol (ethanol). Please read the label for alcohol content. For example, Vick's NyQuil is 25% (50 proof) ethyl alcohol, Comtrex is 20% (40 proof); Contact Severe Cold Formula Night Strength is 25% (50 proof) and Listerine is 26.9% (54 proof).
Amphetamines	Obetrol, Biphedamine, Desoxyn, Dexedrine, Didrex, Ionamine, Fastin.
Cannabinoids	Marinol (Dronabinol, THC).
Cocaine	Cocaine HCl topical solution (Roxanne).
Phencyclidine	Not legal by prescription.
Methaqualone	Not legal by prescription.
Opiates	Paregoric, Parepectolin, Donnagel PG, Morphine, Tylenol with Codeine, Empirin with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guaiatuss AC, Novahistine DH, Novahistine Expectorant, Dilaudid (Hydromorphone), M-S Contrin and Roxanol (morphine sulfate), Percodan, Vicodin, Tussi-Organidin, etc.
Barbiturates	Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Espic, Butisol, Mebaral, Butabarbital, Butalbital, Phrenilin, Triad, etc.
Benzodiazepines	Ativan, Azene, Clonopin, Dalmane, Diazepam, Librium, Xanax, Serax, Tranzene, Valium, Verstran, Halcion, Paxipam, Restoril, Centrax.
Methadone	Dolophine, Methadose.
Propoxyphene	Darvocet, Darvon N, Dalene, etc.

CONFIDENTIAL MEDICAL INFORMATION

In the space provided below, please list any prescription or nonprescription medication(s) you believe may affect the results of your drug test:

My signature below indicates any information I have provided above is a complete list of medication(s) I am currently taking or have recently taken that I believe may affect the drug test results.

I UNDERSTAND THAT I MAY PRESENT THIS FORM TO THE PERSON TAKING THE SPECIMEN AT THE TIME THE SPECIMEN IS TAKEN.

Printed Name of Employee or Job Applicant

Signature of Employee or Job Applicant

Date

**ATTACHMENT D - Written Consent
To Provide Information.pdf**

ATTACHMENT D

**WRITTEN CONSENT TO PROVIDE INFORMATION
ON STATUS OF ASSISTANCE AND/OR REHABILITATION PROGRAM**

I hereby voluntarily consent to and therefore request any physician, medical practitioner, hospital, clinic, employee assistance program, or other health and/or counseling facility to release to the Greater Naples Fire Rescue District ("District") all medical records, progress notes, diagnosis, test results, and any and all additional information in its possession concerning my drug test results, treatment and/or rehabilitation program.

My voluntary consent for you to provide this information is valid until thirty (30) calendar days after the date I am released from your care and/or complete rehabilitation, whichever is later. The District's representatives authorized to receive this information are:

- J. Nolan Sapp, Fire Chief
- Christian Tobin, Deputy Chief
- Sal D'Angelo, Deputy Chief
- Janice Monteagudo, Human Resource Manager

14575 Collier Blvd, Naples, FL, 34119 / 239.348.7540

I understand that I may request and receive a copy of this authorization.

I agree that a photocopy of this authorization shall be as valid as the original copy.

Printed Name of Employee Authorizing Release of Information

Signature of Employee Authorizing Release of Information

Date

**ATTACHMENT F - Reasonable Suspicion
Confidential Observation Form.pdf**

ATTACHMENT F

**GREATER NAPLES FIRE RESCUE DISTRICT
REASONABLE SUSPICION CONFIDENTIAL OBSERVATION FORM**

This form is to be completed when an incident has occurred that provides reasonable suspicion that an employee is under the influence of drugs or alcohol. The observer and/or supervisor should note all pertinent behavior and physical signs and symptoms that lead you to reasonable belief that the employee has recently used or is under the influence of a prohibited substance. Mark each applicable item on this form and any additional facts or circumstances that you have noted. If you are an observer, please submit the form to your supervisor or the employee's supervisor. If you are a supervisor, please submit the form to the Drug-Free Workplace Program Liaison. The form will be kept in a confidential file.

SECTION A

General Information

Employee Name: _____
Job Title: _____
Department: _____
Date of Observation: .. _____
Time of Observation: .. _____
Location of Observation: _ _____

Suspicion Types:	Check your response to the following 5 questions:
<input type="checkbox"/> Alcohol	1. Is the employee sick or injured? <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> Unknown
<input type="checkbox"/> Controlled Substance	2. Is the employee diabetic? <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> Unknown
	3. Is the employee epileptic? <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> Unknown
	4. Is the employee aware of any condition that may affect his/her ability to do his/her job? <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> Unknown
	5. Is the employee taking any prescribed or non-prescribed medication? <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> Unknown
	If yes, list: _____

Nature of the Incident/Cause for Suspicion - <i>Check all appropriate items</i>	
	Observed/reported possession or use of a prohibited substance
	Apparent drug or alcohol intoxication
	Observed abnormal or erratic behavior
	Arrest or conviction for drug related offense
	Evidence of tampering with a previous drug test
	Other (e.g., flagrant violation of safety regulations; serious misconduct; fighting or argumentative/abusive language; refusal of supervisory instruction; unauthorized absence from the job – specify)

Unusual Behavior - <i>Check all appropriate items:</i>	
	Verbal abusiveness
	Physical abusiveness
	Extreme aggressiveness or agitation
	Withdrawal, depression, mood changes, or unresponsiveness
	Inappropriate verbal response to questioning or instructions
	Other erratic or inappropriate behavior (e.g., hallucinations, disorientation, excessive euphoria, confusion – specify)

Observations of Physical Signs or Symptoms - <i>Check all appropriate items:</i>	
	Possessing, dispensing, using a controlled substance
	Slurred or incoherent speech
	Unsteady gait or other loss of physical control, poor coordination - stumbling, staggering
	Lethargic/slow movement
	Dilated or constricted pupils or unusual eye movement
	Bloodshot or watery eyes
	Glazed or glassy eyes
	Extreme fatigue or sleeping on the job
	Excessive sweating or clamminess to the skin
	Flushed or very pale face
	Loss of inhibitions with no apparent reason (yelling, screaming, cursing, assaultive, overly friendly)

Observations of Physical Signs or Symptoms - Check all appropriate items:	
<input type="checkbox"/>	Highly excited or nervous
<input type="checkbox"/>	Nausea or vomiting
<input type="checkbox"/>	Dry mouth (frequent swallowing/lip wetting)
<input type="checkbox"/>	Dizziness or fainting
<input type="checkbox"/>	Shaking hands or body tremors/twitching
<input type="checkbox"/>	Irregular or difficult breathing
<input type="checkbox"/>	Dilated or constricted pupils or unusual eye movement
<input type="checkbox"/>	Runny sores or sores around nostrils
<input type="checkbox"/>	Inappropriate wearing of sunglasses
<input type="checkbox"/>	Puncture marks or "tracks"
<input type="checkbox"/>	Odor of alcohol beverage on breath
<input type="checkbox"/>	Body odor of alcohol beverage
<input type="checkbox"/>	Odor of marijuana on person or in room
<input type="checkbox"/>	Trembling or uncoordinated movement of hands
<input type="checkbox"/>	Other (specify) _____
<input type="checkbox"/>	_____
<input type="checkbox"/>	_____

Written Summary - *If known, how is the employee's behavior different from that previously observed? Has another employee observed the employee's behavior? If yes, please list the other observer(s)' name(s). Be specific and describe any other observations about behaviors or actions not listed above.*

To the best of my knowledge, this report represents the appearance, behavior, and/or conduct of the above-named employee, observed by me and upon which I base my decision to refer the person for further assessment and/or referral.

Signature of Observer

Date

- Reasonable suspicion established** - Reasonable suspicion has been established. I have reviewed the above checklist and have confirmed the information, and agree that the employee is exhibiting reasonable suspicion of impairment due to drug and/or alcohol use.

- Reasonable suspicion not established** - Reasonable suspicion has not been established. I have reviewed the above checklist and have not confirmed the information. Furthermore, I do not agree that the employee is exhibiting reasonable suspicion of impairment due to drug and/or alcohol use.

Signature of Supervisor

Date

DO NOT MAKE COPIES OF THIS FORM. THE ORIGINAL WILL BE KEPT IN A CONFIDENTIAL FOLDER BY THE DRUG FREE WORKPLACE PROGRAM LIAISON.

J. Nolan Sapp, Fire Chief

**ATTACHMENT B - Drug Classifications
for Which Testing will Occur.pdf**

ATTACHMENT B

GREATER NAPLES FIRE RESCUE DISTRICT DRUG CLASSIFICATIONS FOR WHICH TESTING WILL OCCUR

Initial Test: The District shall use the following cutoff levels when first screening specimens to determine whether they are positive or negative for these drugs or metabolites. Levels on initially screened urine specimens that are equal to or exceed the following cutoff levels shall be reported as positive and submitted for confirmation testing:

Amphetamines	1,000 ng/mL
Cannabinoids	50 ng/mL
Cocaine	300 ng/mL
Phencyclidine	25 ng/mL
Methaqualone	300 ng/mL
Opiates	2,000 ng/mL
Barbiturates	300 ng/mL
Benzodiazepines	300 ng/mL
Methadone	300 ng/mL
Propoxyphene	300 ng/mL

Alcohol testing shall be by urine sample and the initially screened specimen shall be considered (presumptively) positive and submitted for confirmation testing if the level is equal to or exceeds .04 g/dL. An equivalent or more accurate method may be selected by the District.

Levels on confirmation testing for blood specimens that are equal to or exceed the following shall be reported as positive. This confirmation testing shall be considered as meeting standards under gas chromatography if the following blood levels are exceeded:

		Trade Names or Common Names
Alcohol	.04 g/dL	Liquor, Beer, Wine, Booze
Amphetamines	500 ng/mL	Biphematine, Desoxyn,
Cannabinoids	15 ng/mL	DexedrineMarijuana, Pot, Grass
Cocaine	150 ng/mL	Coke, Flake Snow,
Phencyclidine	25 ng/mL	CrackPCP, Angel Dust
Methaqualone	150 ng/mL	Quaalude
Opiates	2,000 ng/mL	Morphine, Tylenol-Codeine
Barbiturates	150 ng/mL	Phenobarbital, Amytal,
Benzodiazepines	150 ng/mL	NembutalLibrium, Valium,
Methadone	150 ng/mL	Halcion, RestorilMethadone-
Propoxyphene	150 ng/mL	Polpine, Methadose Darvocet, Darvon-N, Dalene

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ATTACHMENT E - Employee Assistance Programs and Local Drug and Alcohol Rehabilitation Programs.pdf

ATTACHMENT E

GREATER NAPLES FIRE RESCUE DISTRICT EMPLOYEE ASSISTANCE PROGRAMS AND LOCAL DRUG/ALCOHOL REHABILITATION PROGRAMS

- A. EAP and rehabilitation programs can be found by contacting the District's healthcare provider.
- B. Other Helplines

National Assistance

CSAP Workplace Helpline

(800) WORKPLACE (967-5752)

The Center for Substance Abuse Prevention's toll-free workplace helpline service operates from 9am - 8pm. It provides assistance to managers and union leaders on the development and implementation of comprehensive drug-free workplace programs.

National Clearinghouse for Alcohol and Drug Information

(800) 729-6686

This toll-free service has information available on all aspects of substance abuse, from prevention materials and videos to specific program guidelines and resources within your state. Many publications offered are free from the Clearinghouse.

Drug Information Hotline

(800) 662-4357

Spanish

(800) 662-9832

AIDS Treatment Information Service

(800) 448-0440

Al-Anon/Alateen Family Groups

(800) 356-9996

Alateen

(212) 302-7240

Alcoholics Anonymous

(800) 252-6465

American Council on Alcoholism Helpline

(800) 527-5344

800 Cocaine (Information and Referral Hotline)

(800) COCAINE (262-2463)

MADD (Mothers Against Drunk Driving)

(214) 744-6233

Nar-Anon Family Group Headquarters

(310) 547-5800

Narcotics Anonymous

(818) 773-9999

National Council on Alcoholism and Drug Dependency

(800) NCACALL (622-2255)

Partnership for a Drug-Free America

(212) 922-1560

State Assistance

Drug/Alcohol Abuse Helpline (24 Hours)	(800) 362-2644
Drug Abuse Alcoholism & Cocaine	(800) 333-4444
Drug/Alcohol Abuse & Information (24 Hour Emergency Service)	(850) 487-2930
Drug/Alcohol Abuse (24 Hour Crisis Line & Treatment)	(800) 283-2600
Florida AIDS Hotline	(800) 352-2437

For information regarding drug testing standards, certification, procedures, laboratory, qualification of Medical Review Officers, and collection sites, please call:

Agency for Health Care Administration **(850) 487-3109**

For information and questions regarding the State of Florida's Workers' Compensation Drug-Free Workplace Program, please call:

Division of Workers' Compensation, Customer Service Center **(850) 413-1601**

For information and questions regarding Unemployment Compensation Hearings, please call:

Division of Unemployment Compensation, Bureau of Appeals **(850) 921-3511**

For a listing of Employee Assistance Programs and Drug Rehabilitation Programs in your area, you may:

- **Check local listings in your telephone directory**
- **Contact your County Health Department**
- **Call your local Chamber of Commerce**
- **Obtain a Directory of Programs from the Florida Alcohol and Drug Abuse Association, Inc. For prices, call (850) 878-2196.**

Post Employee Health Plan - Attachment A.pdf

Hire Date	Transition date	Last	First	Completed Years and months in service as of 9/30/2015	Total accrual Per policy 2007-08
2/16/1982	9/30/2015	Gomez	Andrew	33 YEARS, 7 MONTHS	16y 10m
3/3/1986	9/30/2015	Wilroy	Clay	29 YEARS, 6 MONTHS	14y 9m
12/1/1986	9/30/2015	Bogert	Eugene	28 YEARS, 9 MONTHS	14y 5m
9/1/1987	9/30/2015	Douglass	William	28 YEARS, 0 MONTHS	14y
8/14/1989	9/30/2015	Ogden	Christopher	26 YEARS, 1 MONTHS	13y 1m
2/19/1990	9/30/2015	Riley	Steven	25 YEARS, 7 MONTHS	12y 10m
6/3/1991	9/30/2015	Zafiriz	Harry	24 YEARS, 3 MONTHS	12y 2m
6/3/1991	9/30/2015	Crato	Joseph	24 YEARS, 3 MONTHS	12y 2m
6/3/1991	9/30/2015	Hunt	Sean	24 YEARS, 3 MONTHS	12y 2m
6/3/1991	9/30/2015	Melheim	Charles	24 YEARS, 3 MONTHS	12y 2m
6/3/1991	9/30/2015	Packard	Bill	24 YEARS, 3 MONTHS	12y 2m
6/3/1991	9/30/2015	Taylor	John	24 YEARS, 3 MONTHS	12y 2m
8/11/1997	9/30/2015	Arroyo	Emanuel	18 YEARS, 1 MONTHS	9y 1m
1/4/1999	9/30/2015	Reeve	Michael	16 YEARS, 8 MONTHS	8y 4m
6/5/2000	9/30/2015	Hogan	Scott	15 YEARS, 3 MONTHS	7y 8m
1/7/2002	9/30/2015	Jenks	Charles	13 YEARS, 8 MONTHS	6y 10m
5/20/2002	9/30/2015	Bowers	Alan	13 YEARS, 4 MONTHS	6y 8m
5/20/2002	9/30/2015	Nixon	Matthew	13 YEARS, 4 MONTHS	6y 8m
5/20/2002	9/30/2015	Sanchez	Andrew	13 YEARS, 4 MONTHS	6y 8m
2/18/2003	9/30/2015	Palermo	Anthony	12 YEARS, 7 MONTHS	6y 4m
4/25/2005	9/30/2015	Morales	Manuel	10 YEARS, 5 MONTHS	5y 3m
		Hanson removed	per agreement		
4/11/2006	9/30/2015	Quinn	Brian	9 YEARS, 5 MONTHS	4y 9m
9/18/2006	9/30/2015	Thiqpen	Stephen	9 YEARS, 0 MONTHS	4y 6m
9/17/1987	9/30/2015	Serna	Yolanda	28 YEARS, 0 MONTHS	14y
11/27/2006	9/30/2015	Packard	Michele	8 YEARS, 10 MONTHS	4y 5m
5/18/2009	9/30/2015	Mcintyre	Dianne	6 YEARS, 4 MONTHS	3y 2m
10/1/2009	9/30/2015	Spowls	Brad	6 YEARS	3y

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ATTACHMENT A - GNFD Acknowledgement of Receipt and Understanding Form.pdf

ATTACHMENT A
GREATER NAPLES FIRE RESCUE DISTRICT
ACKNOWLEDGEMENT OF RECEIPT AND UNDERSTANDING FORM

I hereby acknowledge that I have received a copy of the District's Drug-Free Workplace Policy. This Policy sets forth rules, regulations, and procedures regarding drug and alcohol use by District employees and job applicants.

I understand the Policy is intended to comply with the Drug-Free Workplace Program requirements set forth in Sections 440.101 and 440.102, Florida Statutes, and the regulations promulgated thereunder by the State of Florida, Division of Workers' Compensation, and all other applicable federal, state, and local laws and regulations.

I understand that it is my responsibility to read the Policy and question my supervisor regarding any aspect of the Policy that I do not understand. I further understand that compliance with the Policy is a condition of employment with the District.

I understand that the Policy constitutes statements of policy only, and are not to be interpreted as a contract of employment between the District and me (employee). I also understand that the District reserves the right to change, modify, or delete any portion of the Policy at any time.

Printed Name of Employee

Signature of Employee

Date

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