

SPACE COAST TRANSPORTATION PLANNING ORGANIZATION

POLICIES AND PROCEDURES

Originally Adopted December 9, 2010



Revised as of May 16, 2024

Space Coast Transportation Planning Organization

Policies and Procedures

The Space Coast Transportation Planning Organization (TPO), created by Federal Law, reviews and administers all policies and procedures applicable for State and Federal transportation funding to be received by the County under Florida Statute 339.175. The management of the TPO must be administered in such a manner as to accomplish the requirements set forth in F.S. 339.175. The Space Coast TPO has developed these Policies and Procedures to formalize the policies and operations of the TPO and to document the procedures followed in its daily operations and production of required work products.

Policies require approval by the TPO Governing Board. Policies formalize specific processes and reflect the general goals and directives of the Space Coast TPO. The authority to issue and/or revise Policies is reserved to the Space Coast Governing Board.

Procedures require approval by the TPO Executive Director. Procedures document the activities necessary to accomplish the goals and directives of policies and to formally document how specific work products are to be produced. Procedures are less formal than policies and mainly deal with the administration of the TPO. The authority to issue and/or revise Procedures is reserved to the Space Coast TPO Executive Director.

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The following table reflects the record of adoption and amendments or updates that are processed.

POLICY	ADOPTED	AMENDED	RESOLUTION	ACTION
Policies & Procedures PLC-1, PLC-2, PLC-3, PLC-4, and PLC-5	12/9/2010			Establish governance for SCTPO to operate as an independent agency
PLC-2 Personnel		10/13/2011		Clarifications to define eligibility requirements for benefits, language defining “normal” work hours for full-time regular and full-time hourly employees
PLC-1 Agency Organization and Operation		12/8/2011		Adjustment to properly reflect the composition of voting members of the Governing Board and the TAC; FDOT role on governing board updated to be consistent with provisions of FS 339.175(4) change from non-voting representative to non-voting advisor to insure a TPO/MPO is not unduly influenced by their primary project funding partner. FDOT’S role on the Technical Advisory was also changed to be consistent. The Town of Grant-Valkaria was added to the Technical Advisory Committee with one voting member representative.
PLC-2 Personnel		12/8/2011		Amended to incorporate the policy changes as approved by the Board on November 10, 2011 as part of the CODY study evaluating the TPO’s Compensation and Pay Plan
PLC-1 Agency Organization and Operation		4/11/2013	13-35	Changed annual election of officers from the first meeting of the calendar year to December. Update methods utilized for Notice of Meetings and Workshops to correspond to and be consistent with the adopted Public Participation Plan
PLC-4 Travel		4/11/2013	13-35	Changed reimbursement rate per mile from the adopted State of Florida rate to the General Services Administration (GSA) approved rate for privately owned vehicles. The TPO is a Federally funded agency and using the Federal reimbursement rate is appropriate.

POLICY	ADOPTED	AMENDED	RESOLUTION	ACTION
PLC-6 Social Media	4/11/2013			Establish user guidelines for the structure, access, and liability aspects of providing information and responses on social media sites.
PLC-1 Agency Organization and Operation		4/10/2014	14-16	Updated legal and statutory references including MAP-21, clarify TPO Board membership and represented agencies, added language to include the Bicycle, Pedestrian and Trails Advisory Committee (BPTAC), and clarify language for the Transportation Disadvantaged Local Coordinating Board (TDLCB)
PLC-2 Personnel		4/10/2014	14-16	Clarified language to be consistent with Brevard County where appropriate, to include Code of Conduct, Employee Benefits, Emergency and Military Leave, Leave of Absence Without Pay, Worker's Compensation and Family Medical Leave Act
PLC-3 Budget and Finance		4/10/2014	14-16	Defined SAP, county's financial software package and updated audit requirements and appropriate legal references
PLC-4 Travel		4/10/2014	14-16	Clarified language regarding use of privately owned vehicles and other minor travel requirements related to notifications
PLC-7 Conflict of Interest		4/10/2014	14-17	Provides references to State Statutes and clarification for appropriate and inappropriate behavior for all TPO Board and Committee members and staff
PLC-6 Social Media		12/1/2014		Reviewed by Communications Specialist and found to be consistent with current policies
PLC-1 Agency Organization and Operation		2/12/2015	15-16	Add clarifying language on voting responsibility of appointed committee members and add new language allowing CAC committee member appointments to anyone living within the boundary of Brevard County
PLC-4 Travel		2/12/2015	15-16	Add new and clarifying language for submittal of travel requests and reimbursements
PLC-3 Budget and Finance, Section VI, Audit		10/13/2016	17-05	Updated references to current statutes including 2 CFR 200, Part F, Audit

POLICY	ADOPTED	AMENDED	RESOLUTION	ACTION
PLC-1 Agency Organization and Operation		12/14/2017	18-09	Updated legal and statutory references to FAST Act. Revised BPTAC Committee membership to include alternates. Updated COOP.
PLC-2-Personnel Rules and Regulations		12/14/2017	18-09	Updated Sections 3, 9 and 21 to reflect use of position applications hosted by County HR, use of staff task sheets and revised Cell Phone Stipend rate. Added Section 22, Safe Harbor.
PLC-3 Budget and Finance		12/14/2017	18-09	Revised UPWP Revisions now referred to as Modifications and updated statutory references to reflect 2 CFR 200
PLC-4 Travel		12/14/2017	18-09	Added option of authorizing Vehicle Stipends to those positions where justified.
PLC-5 Title VI and Related Non-discrimination		12/14/2017	18-09	Updated Title VI Coordinator to reflect new TPO Staff Communications Specialist
PLC-6 Social Media and PLC-7 Conflict of Interest		12/14/2017	18-09	Updated definitions and references
PLC-8 TDLCB		12/13/2018	19-11	Removed Section 3.6, TDLCB Committee from PLC-1 and created separate policy, PLC-8 to address the organization and operations of the TDLCB.
PLC-1 Agency Organization and Operation		07/9/2020	21-02	Added CFX representation; added use of virtual meetings
PLC-2-Personnel Rules and Regulations		07/9/2020	21-02	Added mentoring and telecommuting
PLC-3 Budget and Finance		07/9/2020	21-02	Added procurement of goods and services using request for bid and proposal options; clarified thresholds for purchasing of supplies
PLC-8 TDLCB		02/11/2021	21-14	Added representative from local Veterans Service Office
PLC-1 Agency Organization and Operation		07/13/2023	24-02	Updated Governing Board Officer terms and adding Agency Clerk
PLC-8 TDLCB		07/13/2023	24-02	Address membership and clarify TDLCB operations.

POLICY	ADOPTED	AMENDED	RESOLUTION	ACTION
PLC-1 Agency Organization and Operation		05/16/2024	24-16	Clarifying language on TAC eligibility, no elected officials and increase membership by 2 to include Housing and Human Services and Office of Tourism representatives.

Policy PLC-1: Agency Organization and Operation

Definitions.

SECTION 1.0	INTRODUCTORY INFORMATION
SECTION 2.0	MEMBERSHIP; GOVERNING BOARD
SECTION 3.0	COMMITTEES
SECTION 4.0	TPO POLICY MAKING PROCEDURES
SECTION 5.0	CONTINUING OF OPERATIONS PLAN

SECTION 1.0 INTRODUCTORY INFORMATION

1.1 DEFINITIONS. Except as the context shall affirmatively dictate to the contrary, the following terms in all policies in these Policies and Procedures shall be defined to mean:

“BOCC” means the Brevard County Board of County Commissioners.

“BPTAC” means the Bicycle, Pedestrian and Trails Advisory Committee, as described in these policies.

“CAC” means the Citizens’ Advisory Committee, as described in these policies.

“CPA” means a Florida licensed certified public accountant.

“DBE” means Disadvantage Business Enterprise.

“FDOT” means the Florida Department of Transportation.

“FHWA” means the Federal Highway Administration.

“F.S.” means Florida Statutes, as amended from time to time. When citing to the Florida statutes, the term “s.” means section.

“FTA” means the Federal Transit Administration.

“Gift” means that which is accepted by a donee or by another on the donee’s behalf, or that which is paid or given to another for or on behalf of a donee, directly, indirectly, or in trust for the donee’s benefit or by any other means, for which equal or greater consideration is not given within 90 days, including:

- i. Real property;
- ii. The use of real property;
- iii. Tangible or intangible personal property as defined in s. 192.001(11)(b), F.S.;
- iv. The use of tangible or intangible personal property;
- v. A preferential rate or terms on a debt, loan, goods, or services, which rate is below the customary rate and is not either a government rate available to all other similarly situated government employees or officials or a rate which is available to similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex or national origin;
- vi. Forgiveness of indebtedness;
- vii. Transportation, other than that provided to a Public Officer or employee by an agency in relation to officially approved government business, lodging, or parking;
- viii. Food or beverage;
- ix. Membership dues;
- x. Entrance fees, admission fees or tickets to events, performances, or facilities;
- xi. Plants, flowers, or floral arrangements;

- xii. Services provided by person pursuant to a professional license or certificate;
- xiii. Other personal services for which a fee is normally charged by the person providing the services; or
- xiv. Any other similar service or thing having an attributable value not already provided for in this section. s. 112.312(12)(a), F.S.

As used in this definition, the term “consideration” does not include a promise to pay or otherwise provide something of value unless the promise is in writing and enforceable through the courts. See s. 112.312(12)(d), F.S.

A “Gift” does not include:

- i. Salary, benefits, services, fees, commissions, gifts, or expenses associated primarily with the donee’s employment, business, or service as an officer or director of a corporation or organization;
- ii. Except as provided in Section 112.31485, Florida Statutes, contributions or expenditures reported pursuant to Chapter 106, contributions or expenditures pursuant to federal law, campaign-related personal services provided without compensation by individuals volunteering their time, or any other contribution or expenditure by a political party or affiliated part committee;
- iii. An honorarium or an expense related to an honorarium event paid to a person or the person’s spouse;
- iv. An award, plaque, certificate, or similar personalized item given in recognition of the donee’s public, civic, charitable, or professional service;
- v. An honorary membership in a service or fraternal organization presented merely as a courtesy by such organization;
- vi. The use of a public facility or public property, made available by a governmental agency, for a public purpose;
- vii. Transportation provided to a Public Officer or employee by an agency in relation to officially approved governmental business;
- viii. Gifts provided directly or indirectly by a state, regional, or national organization which promotes the exchange of ideas between, or the professional development of, governmental officials or employees, and whose membership is primarily composed of elected or appointed public officials or staff, to member of that organization or officials or staff of a governmental agency that is a member of that organization. s. 112.312(12)(b), F.S.

“Interlocal Agreement” means Restated Interlocal Agreement for the Creation of the Transportation Planning Organization was executed on July 15, 2014 and recorded in Official Records Book 7166, Page 2144 Public Records of Brevard County.

“LEP” means Limited English Proficiency.

“Lobbyist” means any natural person who, for compensation, seeks, or sought during the preceding 12 months, to influence the governmental decision making of any Public Officer required by Florida Law to make a full financial disclosure or an SCTPO Staff Member who is a Procurement Employee, or whose agency ~~or~~ seeks, or sought during the preceding 12 months, to encourage the passage, defeat, or modification of any proposal or recommendation by the SCTPO Public Officer required by Florida Law to make a full financial disclosure or an SCTPO Staff Member who is a Procurement Employee or whose agency. See s. 112.3148(2)(b)1., F.S.

“PAS” means the Brevard County Personnel Action System.

- “Procurement Employee” means any Space Coast TPO Staff Member who has participated in the preceding 12 months through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, or auditing or in any other advisory capacity in the procurement of contractual services or commodities as defined in s. 287.012, F.S., if the cost of such services or commodities exceeds or is expected to exceed \$10,000 in any fiscal year. See s. 112.3148(2)(e), F.S.
- “Public Officer” includes, excerpt as otherwise specifically defined in a specific section hereof, includes any person elected or appointed to hold office in any agency, including any person serving on an advisory body.
- “Rendered”. See "Rendition."
- “Rendition” means the issuance of a written order, including approval, approval with conditions, or denial of a determination by the Space Coast TPO governing Board, a Space Coast TPO committee, or the Space Coast TPO Executive Director, or other SCTPO administrative official, effective upon the date of signing by the authorized SCTPO official of such order or final letter of determination and its filing in the records of the SCTPO Governing Board, committee, Executive Director, or other administrative official, as appropriate.
- “Personnel System” means the rules and procedures set forth in PLC-2 of these Policies and Procedures.
- “Public Record” is defined as set forth in Section 119.011, Florida Statutes.
- “SAP” means the Brevard County financial software Systems, Applications and Products.
- “SCTPO” or “Space Coast TPO” means the Space Coast Transportation Planning Organization.
- “Special Private Gain or Loss” means an economic benefit or harm that would inure to the officer, his or her relative, business associate, or principal, unless the measure affects a class that includes the officer, his or her relative, business associate, or principal, in which case, at least the following factors must be considered when determining whether a special private gain or loss exists:
- (a) The size of the class affected by the vote.
 - (b) The nature of the interests involved.
 - (c) The degree to which the interests of all members of the class are affected by the vote.
 - (d) The degree to which the officer, his or her relative, business associate, or principal receives a greater benefit or harm when compared to other members of the class. The degree to which there is uncertainty at the time of the vote as to whether there would be any economic benefit or harm to the Public Officer, the Public Officer’s Relative, business associate, or principal and, if so, the nature or degree of the economic benefit or harm must also be considered.
- “TAC” means the Technical Advisory Committee, as described in these policies.
- “TIP” means the Transportation Improvement Plan adopted and amended from time to time as provided in Section 339.175(8), Florida Statutes, and 23 C.F.R. ss. 450.326 through 450.332.
- “TDLCB” means the Transportation Disadvantaged Local Coordinating Board, as described in these policies.
- “UPWP” means the Unified Planning Work Program adopted and amended from time to time as provided in Section 339.175(9), Florida Statutes, and 23 C.F.R. s. 450.308.

1.2 HISTORY OF POLICIES. Policy PLC-1 was previously Rules 35G-1.003, 35G-1.004, 35G-1.005, 35G-1.009, 35G-2.001, 35G-2.002, 35G-2.003, 35G-3.001, 35G-3.002, 35G-3.003, 35G-3.004, 35G-3.005, 35G-3.006, 5G-1.002, 35G-1.006, 35G-1.007, 35G-1.008, and 35G-1.011.

1.3 PURPOSE. The Space Coast Transportation Planning Organization (TPO) was created for the purpose of implementing 23 United States Code Section 134 and 49 United States Code Section 5303 and Section 339.175, Florida Statutes. The Space Coast TPO is charged with managing a continuing, cooperative, and comprehensive transportation planning process that results in the development of plans and programs which are consistent, to maximum extent feasible, with the approved local government comprehensive plans of the units of local government the boundaries of which are within the metropolitan areas of the Space Coast TPO. This policy establishes who the Space Coast TPO is, and how it will operate to fulfill the requirements of Section 339.175, Florida Statutes.

1.4 SPACE COAST TRANSPORTATION PLANNING ORGANIZATION MEMBERSHIP. The Space Coast Transportation Planning Organization, which may be hereinafter referred to as “SCTPO”, is created pursuant to an Interlocal Agreement under Chapter 163, Florida Statutes. The parties to the Interlocal Agreement are: Brevard County, the City of Cape Canaveral, the City of Cocoa, the City of Cocoa Beach, the Town of Indialantic, the City of Indian Harbour Beach, the City of Melbourne, the Town of Melbourne Beach, the City of Palm Bay, the City of Rockledge, the City of Satellite Beach, the City of Titusville, the City of West Melbourne, the Canaveral Port Authority, and the FDOT, representing the office of the Governor. The Restated Interlocal Agreement for the Creation of the Transportation Planning Organization was executed on July 15, 2014 and recorded in Official Records Book 7166, Page 2144 Public Records of Brevard County, Florida. The SCTPO will operate pursuant to the Restated Interlocal Agreement, as amended or revised and restated from time to time. The SCTPO was created to work in cooperation with the Florida Metropolitan Transportation Planning Organization Advisory Council (“MPOAC”), the FDOT, the FHWA, and the FTA.

1.5 AGENCY POWERS. Powers of the agency are as set forth in Section 339.175(6) F.S., and the Restated Interlocal Agreement creating the SCTPO, as amended or replaced, and include but are not limited to:

- Development of long-range transportation;
- Annual updating of the TIP;
- Annual development of a UPWP;
- Preparation of a congestion management system;
- Assisting the FDOT in mapping planning boundaries, access management, the functional classification of roads, and data collection;
- Execution of agreements and certifications necessary to comply with U.S. or Federal law;
- Representing all jurisdictional areas within the area designated as the SCTPO in the formulation of transportation plans and programs required by 23 U.S.C. Section 134 and Section 339.175, F.S.
- Employment of staff;
- Engaging in intergovernmental coordination;
- Entering into contracts and owning, selling, operating, maintaining, or leasing personal or real property;
- Accepting funds, grants, bequests, Gifts, and assistance from local and state governmental entities and other sources;
- Promulgation of policies to effectuate its powers, responsibilities, and obligations; and
- Performance of such other powers as provided by Federal law.

SECTION 2.0 MEMBERSHIP; GOVERNING BOARD

2.1 GOVERNING BOARD MEMBERSHIP. The Governing Board of the SCTPO is comprised of nineteen (19) voting members. The names of the member local governmental entities and the voting apportionment of the governing board shall be as follows:

Brevard County Board of County Commissioners	5 representatives ¹
Canaveral Port Authority	1 representative
City of Cocoa	1 representative
North Beaches Coalition	1 shared representative ²
South Beaches Coalition	1 shared representative ³
City of Melbourne	3 representatives ⁴
City of Palm Bay	3 representatives
City of Rockledge	1 representative
City of Titusville	2 representatives
City of West Melbourne	1 representative

In addition, pursuant to Section 339,175, Florida Statutes, the FDOT is entitled to appoint a non-voting advisor.⁵

For the Cities of Satellite Beach and Indian Harbour Beach, and the Towns of Indialantic and Melbourne Beach, these municipalities have created a coalition, hereby known as the “South Beaches Coalition” which has been allocated one (1) vote on the SCTPO Governing Board. The voting delegate shall be alternated among the four (4) municipalities as provided in their Interlocal Agreement recorded on December 12, 2013 and recorded in Official Records book 7029, Page 2904, Public Records of Brevard County, Florida. This Agreement will expire on December 31, 2024, however, upon agreement by all parties of the South Beaches Coalition may be amended from time to time.

¹ Brevard County through its Board of County Commissioners represents the Space Coast Area Transit (“SCAT”), a major area transit provider, the Titusville-Cocoa Airport District and the District’s Airport Authority, and the Valkaria Airport. Additionally, Brevard County will serve as a representative of the Central Florida Expressway Authority, an agency that operates a major mode of transportation. §348.751 *et seq.*, Florida Statutes. One County Commission member appointed by the Chair of the Brevard County Board of County Commissioners serves on the Governing Board of the Central Florida Expressway Authority. §348.753(3) *et seq.*, Florida Statutes.

² The North Beaches Coalition is a consortium of the City of Cape Canaveral and the City of Cocoa Beach which municipalities have a member on the SCTPO governing board alternating between the two municipalities pursuant to Section 339.175(3)(a) and (4)(b), Florida Statutes.

³ The South Beaches Coalition is a consortium of the City of Indian Harbour Beach, the City of Satellite Beach, the Town of Indialantic, and the Town of Melbourne Beach, which municipalities have a member on the SCTPO governing board alternating between the four municipalities pursuant to Section 339.175(3)(a) and (4)(b), Florida Statutes.

⁴ One of the Melbourne City Council Members is also a member of the City of Melbourne Airport Authority and represents that body on the SCTPO.

⁵ The representative of the FDOT is not a member of the SCTPO governing board but serves as a non-voting advisor to the SCTPO. See §339.175(4)(a), Florida Statutes.

For the Cities of Cape Canaveral and Cocoa Beach, these municipalities have created a coalition hereby known as the “North Beaches Coalition” which has been allocated one (1) vote on the TPO Governing Board. The voting delegate shall be alternated between the two (2) municipalities as provided in their Interlocal Agreement recorded on March 7, 2013 in Official Records Book 6819, Page 912, and Public Records of Brevard County, Florida. This Agreement will expire on December 31, 2022, however, upon agreement by all parties of the North Beaches Coalition may be amended from time to time.

The Melbourne International Airport and the City of Melbourne Airport Authority is under the jurisdiction of the City of Melbourne. Therefore, one of the three City of Melbourne representatives shall also be an appointed member on the Melbourne Airport Authority Board, thus allowing for the Melbourne International Airport to have representation on the SCTPO Governing Board.

The non-voting advisor of the Governing Board is the FDOT District V Secretary or said individual's designee. The non-voting advisor may attend and participate fully in governing board meetings but shall not have a vote, shall not be a member of the governing board and shall adhere to the rules as set forth in Florida Statute 339.175(4)(a).

All persons appointed to serve as a voting board member shall be appointed by the entity the person represents except for the shared representatives of the North Beaches Coalition and the South Beaches Coalitions where their representative is established by each Coalition’s Interlocal Agreement. Membership on the SCTPO Governing Board shall automatically terminate on a member leaving elective office or by a majority vote of the total membership of the governing body represented by the member. A vacancy shall be filled only by an appointment by the original appointing entity.

2.2 VOTING REPRESENTATIVES. All voting representatives shall be elected officials of general purpose local governments, except the SCTPO includes, as part of its apportioned voting membership, an official of an agency that operates or administers a major mode of transportation. This entity is the Canaveral Port Authority. All individuals acting as a representative of the governing board of the county, a municipality, or authority shall first be selected by said governing board. All members appointed to the SCTPO Board are required to register a vote on all issues presented, except in the event that there is, or appears to be, a voting conflict of interest as provided in Section 112.3143, Florida Statutes,⁶ or as specified in Section 286.012, Florida Statutes.⁷ Abstentions are not permitted, except as provided by law. Votes should be consistent with the public interest.

⁶ Section 112.3143(3)(a), Florida Statutes, provides that “[n]o county, municipal, or other local public officer shall vote in an official capacity upon any measure which would inure to his or her special private gain or loss; which he or she knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained, other than an agency as defined in s. 112.312(2); or which he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer.”

⁷ Section 286.012, Florida statutes, provides that “286.012 Voting requirement at meetings of governmental bodies.—A member of a state, county, or municipal governmental board, commission, or agency who is present at a meeting of any such body at which an official decision, ruling, or other official act is to be taken or adopted may not abstain from voting in regard to any such decision, ruling, or act; and a vote shall be recorded or counted for each such member present, unless, with respect to any such member, there is, or appears to be, a possible conflict of interest under s. 112.311, s. 112.313, s. 112.3143, or additional or more stringent standards of conduct, if any, adopted pursuant to s. 112.326. If there is, or appears to be, a possible conflict under s. 112.311, s. 112.313, or s. 112.3143, the member shall comply with the disclosure requirements of s. 112.3143. If the only conflict or possible conflict is one arising from the additional or more stringent standards adopted pursuant to s. 112.326,

2.3 ALTERNATE VOTING MEMBERSHIP. With the exception of the Board of County Commissioners, every governmental entity appointing a regular voting delegate to serve on the Governing Board may also designate an alternate voting delegate to serve when its appointed regular voting delegate is absent from a meeting of the Governing Board. The alternate member may participate in debate and vote in the same manner as the absent regular member had the absent regular member been present at the TPO Governing Board meeting. The appointed alternate member must be an elected official serving the same governmental entity or a general-purpose local government with jurisdiction within all or part of the area that the regular member serves. If both the appointed and alternate member attend the same meeting, only the appointed member may participate in debate and vote on items.

2.4 OFFICERS.

(A) The SCTPO Governing Board shall at its last meeting of the calendar year, or as maybe convent to the Governing Board, elect a Chair, a Vice Chair, and a Secretary as its officers. The Chair, Vice Chair, and Secretary shall serve for a period of one (1) year, starting on January 1st of each year until December 31st, or until a successor is elected, whichever event occurs later in time. The Chair, Vice Chair, and Secretary shall be a member of the Governing Board of the SCTPO. Prior to being eligible to serve as Chair, a candidate for said position must have served on the TPO Governing Board as a voting delegate for at least one non-calendar year. Commencing January 1, 2024, no person shall serve more than two consecutive complete or partial terms as Chair. Service as Chair prior to January 1, 2024, shall not be counted as service of a partial or complete term.

(B) Chair; Vice- Chair: The Chair of the SCTPO shall call and preside at all meetings of the SCTPO Governing Board. The Chair is authorized to execute on behalf of the SCTPO Governing Board all documents which have been approved by the SCTPO Governing Board or to execute said documents subject to ratification by the SCTPO Governing Board. The Vice Chair shall serve as Chair in the absence of the Chair. The Secretary shall serve as Chair in the absence of the Chair and Vice Chair. In the absence of the Chair, Vice- Chair and Secretary, the Board may appoint for that particular meeting any official SCTPO Governing Board member in attendance to chair the meeting.

(C) Minutes: The Agency Clerk, or Agency Clerk's designee shall maintain the minutes and other records of the SCTPO as provided herein. The minutes shall accurately reflect the proceedings of the SCTPO Governing Board.

(D) Quorum: At least ten (10) of the voting members of the Governing Board of the SCTPO must be present for the SCTPO Governing Board to conduct business.

2.4.1 AGENCY CLERK.

(A) The Executive Director shall appoint a designated member of the TPO staff to serve, *ex officio*, as the Agency Clerk. Alternatively, the Executive Director may appoint the executive director to serve, *ex officio*, as the agency clerk. The duties and responsibilities of the agency clerk shall be to: maintain the official seal of the agency; index and file agency resolutions, orders, operating procedures, and official agency records; send notices of workshops and meetings; transcribe minutes of the Governing Board and committee and subcommittee meetings and workshops; maintain and be the custodian of agency files and records, except as may be otherwise provided by these policies and procedures; make certifications of true copies and actions; attest to the signatures of TPO officers; and perform such other duties as determined by the executive director. See §339.175(2)(e), F.S.

the member shall comply with any disclosure requirements adopted pursuant to s. 112.326. If the official decision, ruling, or act occurs in the context of a quasi-judicial proceeding, a member may abstain from voting on such matter if the abstention is to assure a fair proceeding free from potential bias or prejudice."

(B) Upon completion of the preparation of an agenda for a meeting of the Governing Board, or any committee or subcommittee, the agency clerk shall make available the agenda for the meeting for distribution on request by any interested person who pays the reasonable cost as set from time to time for a copy of said agenda; to any person named in said agenda; and to any class of individuals to whom intended action is directed.

(C) The agency clerk shall give written notice of said meeting by all applicable members and the general public prior to any meeting or workshop of the Governing Board, the Executive Committee, or any other committee of the TPO. In addition, the agency clerk shall prepare and make available a copy of said notice or the agenda package: for distribution on request to any interested person who pays the reasonable cost, as set from time to time, for a copy of said notice; to any person named in said notice; to members of the applicable board or committee; and to any class of individuals to whom action is directed. Meeting notices should be advertised on the TPO web-site at least seven (7) days prior to any non-emergency meeting. All notices to members shall be sent to the official address of the member delegate and alternate delegate at such current address on file with the agency clerk. Agenda packages may be sent via e-mail.

(D) The agency clerk shall be responsible for coordinating responses for all public records.

(E) The agency clerk, or a person having custody of public records, may designate another officer or employee of the TPO to permit the inspection and copying of public records, but the agency clerk or other person having custody of a public record, must disclose the identity of the designee to the person requesting to inspect or copy public records. Accord, §119.07(1)(b), F.S.

(F) Photographing public records shall be done under the supervision of the agency clerk, who may adopt and enforce reasonable rules governing the photographing of such records. Photographing of public records shall be done in the room where the public records are kept. If, in the judgment of the agency clerk, this is impossible or impracticable, photographing shall be done in another room or place, as nearly adjacent as possible to the room where the public records are kept, to be determined by the agency clerk. Where provision of another room or place for photographing is required, the expense of providing the same shall be paid by the person desiring to photograph the public record as provided by law. Accord, §119.07(3)(c) and (d), F.S.

(G) If the furnishing of a public record can be accomplished with little or no effort or cost to the TPO, the agency clerk is authorized to waive the collection of a fee for copying and providing the public record.

(H) The TPO shall prominently post the contact information for the agency's agency clerk and custodian of public records in the TPA's primary administrative building in which public records are routinely created, sent, received, maintained, and requested and on the agency's website. The signage shall advise anyone requesting a public record to advise the agency clerk as custodian of public records of any request for a public record. See §119.12(2), F.S.

2.5. PROCEDURE.

(A) If certain actions are not covered by this policy, the most recent edition of Roberts Rules of Order as revised shall be used to govern proceedings of the SCTPO Governing Board.

(B) Continuance and Deferrals.

(1) The Governing Board may continue or defer a scheduled public hearing to a date and time certain without further notice; provided, that the date and time of the continuance or deferral is announced at the originally scheduled hearing. Notice in compliance with Florida's Government-in-the-Sunshine Law, s. 286.011, Florida Statutes, must be given prior to the continued public hearing date, and notice must be promptly posted in a conspicuous location on the SCTPO's internet web-site of the date and time to which the public hearing has been continued.

(2) If a quorum physically present at the advertised public hearing location is not obtained at the time of the advertised public hearing, the SCTPO Executive Director, or said Director's designee, may publicly announce the continuance of the public hearing without further notice; provided, that the location, date and time of the continuance or deferral is announced at the originally scheduled hearing. In addition, notice in compliance with Florida's Government-in-the-Sunshine Law, s. 286.011, Florida Statutes, must be given prior to the continued public hearing date, and notice must be promptly posted in a conspicuous location on the SCTPO's internet web-site of the location, date, and time to which the public hearing has been continued.

(C) Rescheduled meeting dates. Prior to the advertised public hearing, if the SCTPO Executive Director, or the director's designee, determines that a quorum physically present at the meeting site cannot be obtained, the SCTPO Executive Director, the director's designee, may direct that the meeting will be continued until a specific date and time certain. Prior to the continued meeting, notice must be posted in a conspicuous location at the entrance to the meeting room where the meeting was scheduled to take place of the date and time to which the meeting was continued, and prior to the meeting, notice must be conspicuously posted on the SCTPO's internet web-site.

(D) Reliance on information presented by applicant. The SCTPO and its departments, boards, and agencies, shall have the right to rely on the accuracy of statements, documents, and all other information presented to them on any matter.

(E) Documents submitted at any public hearing. The public is hereby advised that any document, paper, letter, map, book, tape, photograph, film, sound recording, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, submitted at or before a public hearing as a part of said public hearing or with relation to any agenda item, is hereby declared to be a Public Record, and is automatically made a part of the record of the hearing at which it was submitted. The *original* public record may not be returned to the person submitting the document, and all public hearing participants are hereby so advised.

2.6 GOVERNING BOARD AND TPO ORGANIZATION. The authority and responsibility of the SCTPO and the Governing Board is to manage a continuing, cooperative, and comprehensive transportation planning process that results in the development of plans and programs which are consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government the boundaries of which are within the metropolitan areas of the SCTPO. The Governing Board of the SCTPO shall be the forum for cooperative decision making by officials of the affected governmental entities in the development of the plans and programs required by Title 23, United States Code, Section 134, as amended by the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240, Dec. 18, 1991, 105 Stat. 1914); the Transportation Equity Act for the Twenty-first Century (Public Law 105-178, June 9, 1998, 112 Stat. 107); Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Public Law 109-59, Aug. 10, 2005, 119 Stat. 1839; Moving Ahead for Progress in the 21st Century Act (MAP-21), Public Law 112-141, July 6, 2012, 126 Stat. 500, and Fixing America's Surface Transportation Act (FAST Act), Public Law 114-94, December 4, 2015, 49 United States Code Sections 5303-5307, 23 Code of Federal Regulations 450.306 and 450.310, and Section 339.175, Florida Statutes, all as amended from time to time.

(1) Public Records. Unless exempt or confidential as provided by Federal or Florida law or regulation, all public records of the SCTPO are open for inspection and examination at the office of the Space Coast Transportation Planning Organization, 2725 Judge Fran Jamieson Way, Melbourne, Florida between the hours of 8:00 a.m. and 4:30 p.m. during regular business days.

(2) Public Access. Unless otherwise permitted by Florida law, all Governing Board meetings, workshops and proceedings shall be open to the public.

(3) SCTPO Seal. The Space Coast Transportation Planning Organization hereby adopts an official seal as shown. The seal may be affixed to all of the formal documents of the organization as the official seal of the Space Coast Transportation Planning Organization.

See Exemplar of Here



(4) Notice of Meetings and Workshops. Except in the case of emergency meetings or workshops, the Space Coast Transportation Planning Organization, shall give at least seven (7) days public notice of any meeting or workshop at which policy making decisions will be made, by posting an announcement about the meeting on the SCTPO's internet web-site and in accordance with the SCTPO's adopted Public Participation Plan. In addition, the SCTPO shall prepare and make available a courtesy notice: to any interested person who has requested to be noticed; to representatives of any person named in said notice; and to any class of individuals to whom action is directed at the meeting or workshop being noticed. As referenced above, a courtesy notice is a notice which is not required by law or these rules to be sent but which is sent as an accommodation or courtesy. Failure to send or to receive a courtesy notice shall not be a basis for invalidating a meeting or workshop of the SCTPO or its committees.

The notice of such meeting or workshop shall provide:

- (a) The date, time, and place of the event.
- (b) A brief description of the purpose of the event.
- (c) A brief list of any items on which action may be taken at the event.
- (d) The address and phone number where interested persons may obtain further information regarding the meeting or a copy of the agenda.
- (e) A statement that any citizen may be heard on any agenda item or may submit a written statement before or at the meeting with regard to any agenda item.
- (f) As provided in Section 286.0105, Florida Statutes, language relating to the responsibility for obtaining a verbatim recording of proceedings if a person decides to appeal any decision made by the agency.
- (g) Contact information for persons with disabilities needing special accommodations to participate in the proceeding in accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes.

(5) Agenda.

- (a) At least seven (7) days prior to a non-emergency meeting or workshop, the SCTPO shall prepare and make available on the SCTPO's website an agenda for the SCTPO Governing Board, and any of its committees. In addition the SCTPO shall provide a copy of the agenda upon request to any person.
- (b) The agenda shall list the items in the order they are to be considered; provided, however, that for good cause stated in the record by the person who is designated to preside at the event, items may be considered out of their listed order.
- (c) The agenda shall be specific as to items to be considered. All matters involving the exercise of agency discretion and policy making shall be listed on the agenda. The agenda shall include a disclaimer as required pursuant to Section 286.0105, Florida Statutes. Except for items needing emergency consideration, after publication of an agenda, any items added to an agenda as "old business," "new business," "other business," "other matters which

may come before the agency," or similar terms, shall be for consideration of solely ministerial or internal-administrative matters, which do not affect the interests of the public generally.

- (d) Any person desiring to have an item placed on the agenda of a meeting of the SCTPO Governing Board, or a committee, shall request in writing that the item be considered at the next regularly scheduled meeting of the SCTPO Governing Board, or a committee; provided, however, that such a request must be received at least twenty-one (21) days in advance of said regularly scheduled meeting. Written requests for placing an item on the agenda must describe and summarize the item and shall be mailed or delivered to: SCTPO Executive Director, Space Coast Transportation Planning Organization, 2725 Judge Fran Jamieson Way, Bldg. B-105, Melbourne, Florida, 32940. Requests may be e-mailed to the SCTPO Executive Director at the Executive Director's official SCTPO e-mail address, which shall be posted on the SCTPO internet web-site.
- (e) A copy of the agenda package, including supporting documents which are a part of the agenda package distributed prior to a meeting, shall be made available for download from the SCTPO official website, www.spacecoasttpo.com, or by contacting by phone, email or by appearing in person at the Space Coast Transportation Planning Organization, 2725 Judge Fran Jamieson Way, Melbourne, Florida. If a person decides to appeal any decision made by the agency with regard to any matter considered at such meeting or hearing, said person may need a record of the proceedings, and that, for such purpose, said person may at said person's expense will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based F. S. 286.0105.

(6) Emergency Meetings. The SCTPO Governing Board, or a committee thereof, may hold an emergency meeting, for the purpose of acting upon matters in the judgment of the Governing Board requiring and necessitating immediate action prior to the next meeting of the Governing Board. The form of notice shall be as set forth in Section 4 above, except that notice need not be given at least seven (7) days before the meeting. The agenda and notice of the meeting shall be posted conspicuously on the SCTPO web-site, if operative, at the earliest reasonable time possible.

(7) Virtual Meetings. The SCTPO Governing Board, or a committee thereof, may hold meetings virtually using communications media technologies during certain declared state of emergencies. In a state of emergency, where the law permits these technologies may be used in lieu of in person meetings. During this time, meetings will be publicly noticed, and public comment will be available. Further instruction providing greater detail will be provided on a case by case basis at the time. Virtual meeting outreach tools and public access shall follow the latest adopted Public Participation Plan.

Section 3.0 COMMITTEES

3.1 ADVISORY COMMITTEES. The SCTPO Governing Board is supported by four (4) advisory committees. These advisory committees are the Executive Committee, Technical Advisory Committee, Citizens' Advisory Committee, and Bicycle Pedestrian and Trails Advisory Committee. Each of these advisory committees fulfills a definable role in the transportation planning process to be undertaken within Brevard County.

3.2 EXECUTIVE COMMITTEE.

(A) The SCTPO Executive Committee is generally advisory in nature, although the Committee may exercise certain authority delegated to it by the Governing Board. The SCTPO Executive Committee may propose policies, concepts, and procedures for consideration by the SCTPO Governing Board that will: more efficiently and effectively improve transportation in Brevard County; expedite project completion; address transportation funding needs; maintain an effective transportation planning process; reduce transportation demand; or provide for a strategic plan. The SCTPO Executive Committee may also place items on the agenda of the governing board for discussion, consideration, and approval as it determines to be in the interest of the SCTPO.

(B) Membership. The membership of the SCTPO Executive Committee shall include the Chair, Vice- Chair, and Secretary of the SCTPO.

(1) Expanded Membership. At any time the Governing Board of the SCTPO may expand the membership of the Executive Committee by adding up to two (2) additional at-large members. The approval of a motion to expand the Executive committee membership must be adopted by a majority vote of the members of the governing board present and voting at the meeting at which the question of an expanded Executive Committee has been noticed for governing board consideration. The at-large Executive Committee members must be members of the SCTPO Governing Board who shall be selected by a majority vote of the members of the Governing Board present and voting at the meeting at which the expanded executive Committee members are to be elected, which meeting has been publicly noticed.

(2) Contracted Membership. At any time the Governing Board of the SCTPO may elect to contract the expanded membership of the SCTPO Executive Committee; provided, that the Executive Committee shall at all times consist of the Chair, Vice- Chair, and Secretary of the SCTPO.

(3) There shall be no alternate members of the Executive Committee.

(C) Voting Representatives: The SCTPO Chair, Vice Chair, Secretary, and two at large members appointed to the SCTPO Executive Committee by the SCTPO Board shall be considered the voting representatives. All members appointed to the SCTPO Executive Committee are required to register a vote on all issues presented, except in the event that there is, or appears to be, a voting conflict of interest as provided in Section 112.3143, Florida Statutes,⁸ or as specified in Section 286.012, Florida Statutes.⁹ Abstentions are not permitted, except as provided by law. Votes should be consistent with the public interest.

(D) Term of at-large members. At-large member(s) of an expanded Executive Committee shall be elected by the SCTPO Governing Board and shall serve until the time of the annual election of officers of the SCTPO, at which time the members of the Governing Board shall determine by majority vote of those voting who shall serve for the following year as at-large member(s) of the Executive Committee. At-large members may succeed themselves for successive terms on the Executive Committee and shall ordinarily serve for a term of one year until December 31st, or until a successor is elected, whichever event shall occur later in time.

(E) Officers. The Executive Committee Chair and Vice Chair shall be the Chair and Vice Chair, respectively, of the SCTPO Governing Board.

The Chair of the Executive Committee shall from time to time call and preside at all meetings of the Executive Committee. The Chair is authorized to execute on behalf of the Executive Committee all documents which have been approved by the Executive Committee or to execute said documents subject

⁸ Section 112.3143(3)(a), Florida Statutes. See Note 6, *supra*, for text of statute.

⁹ Section 286.012, Florida Statutes. See Note 7, *supra*, for text of statute.

to ratification by the Governing Board or Executive Committee, as appropriate. The Vice Chair shall serve as chair in the absence of the Chair.

(F) Minutes. SCTPO staff shall maintain the minutes and other records of the Executive Committee. The minutes shall accurately summarize the proceedings of the Executive Committee.

(G) Quorum. At least a majority of the voting members of the SCTPO Executive Committee must be present for the Executive Committee to conduct business. Voting on all issues shall require that any motion be adopted by a majority of those Executive Committee members present and voting.

(H) Procedures.

(1) Roberts Rules of Order as revised (most recent edition) shall be used to govern proceedings of the Executive Committee. Procedures for the Executive Committee shall follow those described in the Space Coast TPO Governing Board Section of Policy PLC-1, Section 2.5(F)(1), (2), (4), (5), (6) and (7).

(2) Continuance and Deferrals.

(a) The Executive Committee may continue or defer a scheduled public hearing to a date and time certain without further notice; provided, that the date and time of the continuance or deferral is announced at the originally scheduled hearing. Notice in compliance with Florida's Government-in-the-Sunshine Law, s. 286.011, Florida Statutes, must be given prior to the continued public hearing date, and notice must be promptly posted in a conspicuous location on the SCTPO's internet web-site of the date and time to which the public hearing has been continued.

(b) If a quorum physically present at the advertised public hearing location is not obtained at the time of the advertised public hearing, the SCTPO Executive Director, or said Director's designee, may publicly announce the continuance of the public hearing without further notice; provided, that the location, date and time of the continuance or deferral is announced at the originally scheduled hearing. In addition, notice in compliance with Florida's Government-in-the-Sunshine Law, s. 286.011, Florida Statutes, must be given prior to the continued public hearing date, and notice must be promptly posted in a conspicuous location on the SCTPO's internet web-site of the location, date, and time to which the public hearing has been continued.

(3) Rescheduled meeting dates. Prior to the advertised public hearing, if the SCTPO Executive Director, or the director's designee, determines that a quorum physically present at the meeting site cannot be obtained, the SCTPO Executive Director, the director's designee, may direct that the meeting will be continued until a specific date and time certain. Prior to the continued meeting, notice must be posted in a conspicuous location at the entrance to the meeting room where the meeting was scheduled to take place of the date and time to which the meeting was continued, and prior to the meeting, notice must be conspicuously posted on the SCTPO's internet web-site.

(4) Reliance on information presented by applicant. The SCTPO and its departments, boards, and agencies, shall have the right to rely on the accuracy of statements, documents, and all other information presented to them on any matter.

(5) Documents submitted at any public hearing. The public is hereby advised that any document, paper, letter, map, book, tape, photograph, film, sound recording, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, submitted at or before a public hearing as a part of said public hearing or with relation to any agenda item, is hereby declared to be a Public Record, and is automatically made a part of the record of the hearing at which it was submitted. The *original* public record may not be returned to the person submitting the document, and all public hearing participants are hereby so advised.

3.3 TECHNICAL ADVISORY COMMITTEE (TAC).

(A) The responsibility of the Technical Advisory Committee is that of reviewing the work progress and evaluating the technical acceptability of the planned studies and recommendations of the

SCTPO. The Technical Advisory Committee provides the SCTPO with supporting technical information required to assist the SCTPO Governing Board in its policy making decisions. In addition, the TAC identifies projects to be in the Long Range Transportation Plan (LRTP) or Transportation Improvement Program (TIP) as deserving classification as a school safety concern. Pursuant to Section 339.175(6)(d), Florida Statutes, the membership of the TAC must include, whenever possible, planners; engineers; representatives of local aviation authorities, port authorities, and public transit authorities or representatives of aviation departments, seaport departments, and public transit departments of municipal or county governments, as applicable; the Brevard County School District Superintendent of Schools or the Superintendent's designee; and other appropriate representatives of affected local governments, such as managerial officials or technical support staff.

(B) Membership.

(1) The Technical Advisory Committee consists of twenty-eight (28) voting members and one non-voting advisor. Fourteen (14) of these voting members shall be municipal representatives. Municipalities with populations over twenty-five hundred (2,500) persons shall be represented, and those under twenty-five hundred (2,500) may be represented on the Technical Advisory Committee as voting members.

(2) One representative from each of the following municipalities shall serve on the TAC: Cape Canaveral, Cocoa, Cocoa Beach, Grant-Valkaria, Indian Harbour Beach, Malabar, Melbourne, Melbourne Beach, Palm Bay, Rockledge, Satellite Beach, Titusville, and West Melbourne. The other voting members of the Technical Advisory Committee shall be a representative from each of the following: Space Coast Area Transit, Brevard County Office of Emergency Management, Brevard County Public Works Department, VPSI (Van Pool Services, Inc.), Brevard County Planning and Development Department, Brevard County Housing and Human Services Department, Brevard County Office of Tourism, Canaveral Port Authority, Melbourne International Airport Authority, Titusville-Cocoa (TICO) Airport Authority, Brevard County School District Superintendent's Office, St. Johns River Water Management District, Space Florida Authority and Valkaria Airport staff.

(3) The non-voting advisor to the Technical Advisory Committee shall be the FDOT District V, Space Coast TPO Liaison or said individual's designee. The non-voting advisor may attend and participate fully in technical advisory committee meetings but shall not have a vote, shall not be considered a member of the technical advisory committee and shall adhere to the provisions as set forth in Section 339.175(6)(d), Florida Statutes.

(C) Voting Representatives. No individual shall be eligible to vote on the Technical Advisory Committee until the municipality, office, department, division, association, system, authority or board that nominates said representative certifies in writing to the SCTPO Executive Director such individual is authorized to vote as the representative of the certifying entity, and the SCTPO has appointed said individual to the Technical Advisory Committee. All members appointed to the Technical Advisory Committee are required to register a vote on all issues presented, except in the event that there is, or appears to be, a voting conflict of interest as provided in Section 112.3143, Florida Statutes,¹⁰ or as specified in Section 286.012, Florida Statutes.¹¹ Abstentions are not permitted, except as provided by law. Votes should be consistent with the public interest.

(D) Alternate Voting Representatives. In addition, each municipality, office, department, division, association, system, authority or board that nominates a representative to the Technical Advisory Committee may also designate, and the SCTPO Governing Board may appoint, one (1) alternate representative for each member. The alternate will be considered a voting member at a meeting of the

¹⁰ Section 112.3143(3)(a), Florida Statutes. See Note 6, *supra*, for text of statute

¹¹ Section 286.012, Florida Statutes. . See Note 7, *supra*, for text of statute.

Technical Advisory Committee in the event that the voting representative who the alternate acts as an alternate for is absent from a meeting. All appointed alternate members who are attending a meeting as a sitting member on the Technical Advisory Committee are required to register a vote on all issues presented, except in the event that there is, or appears to be, a voting conflict of interest as provided in Section 112.3143, Florida Statutes,¹² or as specified in Section 286.012, Florida Statutes.¹³ Abstentions are not permitted, except as provided by law. Votes should be consistent with the public interest. If both the appointed and alternate member attend the same meeting, only the appointed member may participate in debate and vote on items.

(E) Appointment to the TAC. Each agency, organization or unit of government shall nominate and the SCTPO Governing Board may appoint an individual and alternate to represent such agency, organization or unit of government on the Technical Advisory Committee. Members shall be employed by or be contracted by the respective nominating agency and shall not be an elected official of any local council or commission. To be eligible to serve on the TAC once appointed, said individuals must at all times maintain the standards for being eligible for appointment. If the agency, organization, or unit of government does not nominate a representative or an alternate representative within sixty (60) days after notice from the SCTPO Governing Board of a vacancy, the SCTPO Governing Board may, but shall not be obligated to, appoint said representative or alternate representative without nomination by the agency, organization, or unit of government. Pursuant to Section 339.175(6)(d), Florida Statutes, all TAC Members serve at the pleasure of the SCTPO Governing Board or the SCTPO Governing Board entity which nominated the individual for appointment to the TAC. Without limiting the rights of the SCTPO Governing Board to otherwise remove a Member from the TAC, the SCTPO Governing Board may remove any individual from the Technical Advisory Committee; if such individual is absent from three (3) or more consecutive Technical Advisory Committee meetings in any one (1) calendar year.

(F) Officers. The Technical Advisory Committee shall elect a Chair and Vice Chair of the Technical Advisory Committee at its last regularly scheduled meeting in each calendar year. The Chair and Vice Chair shall serve for a period of one (1) year, starting on January 1st of each year until December 31st, or until a successor is elected, whichever event shall occur later in time. The Chair and Vice Chair shall at all times be members of the Technical Advisory Committee.

(1) Chair; Vice- Chair. The Chair of the Technical Advisory Committee shall call and preside at all meetings of the Technical Advisory Committee. The Chair is authorized to execute on behalf of the Technical Advisory Committee all documents which have been approved by the Technical Advisory Committee or to execute said documents subject to ratification by the Technical Advisory Committee. The Vice Chair shall serve as Chair in the absence of the Chair. In the absence of the Chair and Vice- Chair, the Committee may appoint for that particular meeting any official TAC member in attendance to chair the meeting.

(2) Minutes. SCTPO staff shall maintain the minutes and other records of the Technical Advisory Committee. The minutes shall accurately summarize the proceedings of the Technical Advisory Committee.

(3) Quorum. At least ten (10) voting members of the Technical Advisory Committee must be present for the Technical Advisory Committee to conduct business.

(G) Procedures.

(1) Procedures for the TAC shall follow those described in the Space Coast TPO Governing Board Section of Policy PLC-1, Section 2.5(F)(1), (2), (4), (5), (6) and (7). If certain actions are

¹² Section 112.3143(3)(a), Florida Statutes. See Note 6, *supra*, for text of statute.

¹³ Section 286.012, Florida Statutes. See Note 7, *supra*, for text of statute.

not covered by these policies, Roberts Rules of Order, newly revised recent edition, shall be used to govern proceedings of the Technical Advisory Committee.

(2) Continuance and Deferrals.

a. The TAC may continue or defer a scheduled public hearing to a date and time certain without further notice; provided, that the date and time of the continuance or deferral is announced at the originally scheduled hearing. Notice in compliance with Florida's Government-in-the-Sunshine Law, s. 286.011, Florida Statutes, must be given prior to the continued public hearing date, and notice must be promptly posted in a conspicuous location on the SCTPO's internet web-site of the date and time to which the public hearing has been continued.

b. If a quorum physically present at the advertised public hearing location is not obtained at the time of the advertised public hearing, the SCTPO Executive Director, or said Director's designee, may publicly announce the continuance of the public hearing without further notice; provided, that the location, date and time of the continuance or deferral is announced at the originally scheduled hearing. In addition, notice in compliance with Florida's Government-in-the-Sunshine Law, s. 286.011, Florida Statutes, must be given prior to the continued public hearing date, and notice must be promptly posted in a conspicuous location on the SCTPO's internet web-site of the location, date, and time to which the public hearing has been continued.

(3) Rescheduled meeting dates. Prior to the advertised public hearing, if the SCTPO Executive Director, or the director's designee, determines that a quorum physically present at the meeting site cannot be obtained, the SCTPO Executive Director, the director's designee, may direct that the meeting will be continued until a specific date and time certain. Prior to the continued meeting, notice must be posted in a conspicuous location at the entrance to the meeting room where the meeting was scheduled to take place of the date and time to which the meeting was continued, and prior to the meeting, notice must be conspicuously posted on the SCTPO's internet web-site.

(4) Reliance on information presented by applicant. The SCTPO and its departments, boards, and agencies, shall have the right to rely on the accuracy of statements, documents, and all other information presented to them on any matter.

(5) Documents submitted at any public hearing. The public is hereby advised that any document, paper, letter, map, book, tape, photograph, film, sound recording, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, submitted at or before a public hearing as a part of said public hearing or with relation to any agenda item, is hereby declared to be a Public Record, and is automatically made a part of the record of the hearing at which it was submitted. The *original* public record may not be returned to the person submitting the document, and all public hearing participants are hereby so advised.

3.4 CITIZENS ADVISORY COMMITTEE (CAC).

(A) The function of the Citizens' Advisory Committee (CAC) is to conduct public information programs on the activity of the SCTPO, to provide citizens' views of the findings and recommendations to the SCTPO Governing Board, and to provide comment and recommendations to the SCTPO Governing Board on SCTPO plans referred to the Committee, including but not limited to the Long Range Transportation Plan, TIP, and the UPWP.

(B) Eligibility: Any person residing within the Space Coast TPO's geographic boundary is eligible for regular or alternate membership on the CAC, unless that person holds an elective office or a non-elective office or position in any unit of state or local government, or is employed by the agency nominating the individual for service on the CAC. Pursuant to Section 339.175, Florida Statutes, the membership on the CAC must reflect a broad cross-section of local residents with an interest in the development of an efficient, safe, and cost-effective transportation system. Minorities, the elderly, and

the handicapped must be adequately represented. To be eligible to continue to serve on the CAC once appointed, said appointees must at all times maintain the standards for being eligible for appointment.

(C) Appointment to the CAC. The Citizens Advisory Committee shall be comprised of twenty-four (24) voting members. Members and alternates are nominated as set forth in this sub-section by a county commissioner or the governmental agency that they represent. Upon nomination by a county commissioner or a governmental agency, the SCTPO Governing Board shall consider said nominee for appointment to the CAC. Consideration shall be in accordance with s. 760.80(3), Florida Statutes.¹⁴ Each of the five (5) Brevard Board of County Commissioner's serving on the SCTPO shall nominate, and the SCTPO may appoint two (2) representatives to serve on the Citizens' Advisory Committee. The Canaveral Port Authority shall nominate, and the SCTPO Governing Board may appoint, one (1) representative to serve on the Citizens' Advisory Committee. Each City or Town council/commission member serving on the SCTPO Governing Board shall nominate, and the SCTPO Governing Board will consider for appointment one (1) representative to serve on the Citizens' Advisory Committee. The South Beaches Coalition (representing Indialantic, Indian Harbour Beach, Melbourne Beach and Satellite Beach) shall nominate, and the SCTPO Governing Board may appoint one (1) shared representative to serve on the Citizens' Advisory Committee. The North Beaches Coalition (representing Cape Canaveral and Cocoa Beach) shall nominate, and the SCTPO Governing Board may appoint one (1) shared representative to serve on the Citizens' Advisory Committee.

(D) Term of Service. Pursuant to Section 339.175(6)(e), Florida Statutes, all CAC Members, and alternate Members, serve at the pleasure of the SCTPO Governing Board or the SCTPO Governing Board entity, or County Commissioner, which nominated the individual for appointment to the CAC. If the agency, organization, or unit of government, or county commissioner, does not nominate a representative, or an alternate representative, within sixty (60) days after notice of a vacancy from the SCTPO Governing Board, the SCTPO Governing Board may, but shall not be obligated to, appoint said

¹⁴ Section 760.80(3), Florida Statutes, provides that “[i]n appointing members to any statutorily created decisionmaking or regulatory board, commission, council, or committee of the state, the appointing authority should select, from among the best-qualified persons, those persons whose appointment would ensure that the membership of the board, commission, council, or committee accurately reflects the proportion that each group of minority persons specified in subsection (2) represents in the population of the state as a whole or, in the case of a local board, commission, council, or committee, in the population of the area represented by the board, commission, council, or committee, as determined pursuant to the most recent federal decennial census, unless the law regulating such appointment requires otherwise, or persons of the underrepresented minority group cannot be recruited.”

As utilized in the foregoing statute, a “minority person” means:

(a) An African American; that is, a person having origins in any of the racial groups of the African Diaspora.

(b) A Hispanic American; that is, a person of Spanish or Portuguese culture with origins in Spain, Portugal, Mexico, South America, Central America, or the Caribbean, regardless of race.

(c) An Asian American; that is, a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands, including the Hawaiian Islands prior to 1778.

(d) A Native American; that is, a person who has origins in any of the Indian Tribes of North America prior to 1835.

(e) An American woman.

See §760.80(2), Fla.Stat.

representative, or alternate representative, without nomination by the agency, organization, or unit of government, or county commissioner. In addition, the SCTPO Governing Board, or each SCTPO entity, or county commissioner, nominating a board member may remove their representative or alternate from the Citizens' Advisory Committee, if such individual is absent from three (3) or more consecutive Citizens' Advisory Committee meetings in any one (1) calendar year, among other reasons.

(E) Voting Representatives. No individual shall be eligible to vote on the Citizens Advisory Committee until the municipality, port commission, or county commissioner that nominates said representative certifies in writing to the SCTPO Executive Director that such individual is authorized to vote as the representative of the certifying entity, and the SCTPO has appointed said individual to the Citizens Advisory Committee. All members appointed to the Citizens Advisory Committee are required to register a vote on all issues presented, except in the event that there is, or appears to be, a voting conflict of interest as provided in Section 112.3143, Florida Statutes,¹⁵ or as specified in Section 286.012, Florida Statutes.¹⁶ Abstentions are not permitted, except as provided by law. Votes should be consistent with the public interest.

(F) Alternate Voting Representatives. In addition, each County Commissioner, the Canaveral Port Authority, and each City or Town council/commission member serving on the SCTPO Governing Board may nominate, and the SCTPO may appoint one (1) alternate for each representative appointed. The South Beaches Coalition (representing Indianalantic, Indian Harbour Beach, Melbourne Beach, and Satellite Beach) may nominate, and the SCTPO may appoint one (1) shared alternate representative. The North Beaches Coalition (representing the cities of Cocoa Beach and Cape Canaveral) may nominate, and the SCTPO Governing Board may appoint one (1) shared alternate representative. Alternate representatives will be considered a voting member at a meeting of the Citizens' Advisory Committee in the event that the appointed representative who the alternate represents is absent from a meeting. All alternate voting members to the Citizens Advisory Committee are required to register a vote on all issues presented, except in the event that there is, or appears to be, a voting conflict of interest as provided in Section 112.3143, Florida Statutes,¹⁷ or as specified in Section 286.012, Florida Statutes.¹⁸ Abstentions are not permitted, except as provided by law. Votes should be consistent with the public interest. If both the appointed and alternate member attend the same meeting, only the appointed member may participate in debate and vote on items.

(G) Officers. The Citizens' Advisory Committee shall elect a Chair and Vice Chair of the Citizens' Advisory Committee at its last regularly scheduled meeting in each calendar year, or as soon thereafter as may be convenient to the CAC. The Chair and Vice Chair shall serve for a period of one (1) year, starting on January 1st of each year and ending on December 31st, or until a successor is elected, whichever event shall occur later in time. The Chair and Vice Chair shall be members of the Citizens' Advisory Committee.

(1) Chair; Vice-Chair. The Chair of the Citizens' Advisory Committee shall call and preside at all meetings of the Citizens' Advisory Committee. The Chair is authorized to execute on behalf of the Citizens' Advisory Committee all documents which have been approved by the Citizens' Advisory Committee or to execute said documents subject to ratification by the Citizens' Advisory Committee. The Vice Chair shall serve as chair in the absence of the Chair. In the absence of the Chair and Vice-Chair, the

¹⁵ Section 112.3143(3)(a), Florida Statutes. See Note 6, *supra*, for text of statute.

¹⁶ Section 286.012, Florida Statutes. See Note 7, *supra*, for text of statute

¹⁷ Section 112.3143(3)(a), Florida Statutes. See Note 6, *supra*, for text of statute.

¹⁸ Section 286.012, Florida Statutes. See Note 7, *supra*, for text of statute

Committee may appoint for that particular meeting any official CAC member in attendance to chair the meeting.

(2) **Minutes.** SCTPO staff shall maintain the minutes and other records of the Citizens' Advisory Committee. The minutes shall accurately reflect the proceedings of the Citizens' Advisory Committee.

(3) **Quorum.** At least ten (10) of the voting members of the Citizens' Advisory Committee must be present for the Citizens' Advisory Committee to conduct business.

(H) Procedures.

(1) Procedures for the CAC shall follow those described in the Space Coast TPO Governing Board Section of Policy PLC-1, Section 2.5(F)(1), (2), (4), (5), (6) and (7). If certain actions are not covered by these policies, Roberts Rules of Order as revised shall be used to govern proceedings of the Citizens' Advisory Committee.

(2) Continuance and Deferrals.

(a) The CAC may continue or defer a scheduled public hearing to a date and time certain without further notice; provided, that the date and time of the continuance or deferral is announced at the originally scheduled hearing. Notice in compliance with Florida's Government-in-the-Sunshine Law, s. 286.011, Florida Statutes, must be given prior to the continued public hearing date, and notice must be promptly posted in a conspicuous location on the SCTPO's internet web-site of the date and time to which the public hearing has been continued.

(b) If a quorum physically present at the advertised public hearing location is not obtained at the time of the advertised public hearing, the SCTPO Executive Director, or said Director's designee, may publicly announce the continuance of the public hearing without further notice; provided, that the location, date and time of the continuance or deferral is announced at the originally scheduled hearing. In addition, notice in compliance with Florida's Government-in-the-Sunshine Law, s. 286.011, Florida Statutes, must be given prior to the continued public hearing date, and notice must be promptly posted in a conspicuous location on the SCTPO's internet web-site of the location, date, and time to which the public hearing has been continued.

(3) Rescheduled meeting dates. Prior to the advertised public hearing, if the SCTPO Executive Director, or the director's designee, determines that a quorum physically present at the meeting site cannot be obtained, the SCTPO Executive Director, the director's designee, may direct that the meeting will be continued until a specific date and time certain. Prior to the continued meeting, notice must be posted in a conspicuous location at the entrance to the meeting room where the meeting was scheduled to take place of the date and time to which the meeting was continued, and prior to the meeting, notice must be conspicuously posted on the SCTPO's internet web-site.

(4) Reliance on information presented by applicant. The SCTPO and its departments, boards, and agencies, shall have the right to rely on the accuracy of statements, documents, and all other information presented to them on any matter.

(5) Documents submitted at any public hearing. The public is hereby advised that any document, paper, letter, map, book, tape, photograph, film, sound recording, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, submitted at or before a public hearing as a part of said public hearing or with relation to any agenda item, is hereby declared to be a Public Record, and is automatically made a part of the record of the hearing at which it was submitted. The *original* public record may not be returned to the person submitting the document, and all public hearing participants are hereby so advised.

3.5 BICYCLE PEDESTRIAN AND TRAILS ADVISORY COMMITTEE (BPTAC).

(A) The Bicycle Pedestrian and Trails Advisory Committee shall review and provide direction and recommendations to the TPO Board on projects and activities related to bicycle, pedestrian and trails facilities.

(B) Membership. The membership of the SCTPO Bicycle, Pedestrian and Trails Advisory Committee is open to all interested citizens, or representatives of special interest groups, who reside in Brevard County. The committee shall consist of up to nineteen (19) members that may represent such agencies as local law enforcement, educators, engineers, local governments, bicycle retailers, equestrians, cyclists, hikers, environmentalists and interested citizens.

(C) Appointments.

(1) Any interested individual may submit a formal letter of interest to the SCTPO Executive Director expressing their interest and requesting appointment to the Bicycle, Pedestrian and Trails Advisory Committee. The SCTPO Executive Director will have the responsibility of ensuring such requests for appointment are included on the TPO's agenda.

(2) In the event an agency, organization or unit of local government wishes to nominate a representative to the Bicycle, Pedestrian and Trails Advisory Committee, they shall submit a formal written request to SCTPO Executive Director requesting such appointment of an individual to represent their agency, organization or unit of local government. The SCTPO Executive Director will have the responsibility of ensuring such requests for appointment are included on the TPO's agenda. All nominees representing any unit of local government, shall reside within the jurisdictional boundaries of that unit of local government. The total number of members appointed to the Bicycle, Pedestrian and Trails Advisory Committee from specific agencies, organizations, and units of local government shall be limited to a maximum of fifteen (15), thus allowing for at least four (4) members of the committee to be interested citizens.

(3) If there are no vacancies on the committee at the time a request for appointment is received, a review of the membership will be conducted by SCTPO staff. Membership will be reviewed and will identify if any one agency, organization or unit of local government has multiple (more than one) representation on the Committee. If such multiple representation is identified, the agency, organization or unit of local government with the multiple representation shall be contacted by SCTPO staff and advised that one of their seats must be vacated. If two or more agencies, organizations or units of local government have multiple representation, the determination of which agency, organization or unit of local government that will be requested to vacate a seat on the Committee will be determined by a majority vote of the Bicycle, Pedestrian and Trails Advisory Committee.

(4) Multiple individuals representing any one agency, organization or unit of local government may still attend all meetings and provide public comment, but shall only have the number of votes based upon the total number of officially appointed members.

If there are no vacancies available even after a review of membership, requests will be kept on file by SCTPO staff for not more than 365 days. If a vacancy occurs on the Bicycle, Pedestrian, and Trails Advisory Committee during the aforementioned period, the individual, agency, organization or unit of local government will be notified of if any openings that arise, and an inquiry will be made to determine if there is still interest in serving as a voting member.

No individual shall be eligible to vote on the Bicycle, Pedestrian and Trails Advisory Committee until the appointment of that individual is approved by the Space Coast TPO Governing Board.

(D) Voting Representatives. No individual shall be eligible to vote on the Bicycle Pedestrian Trails Advisory Committee until the appointing municipality, agency or citizen volunteer certifies in writing to the SCTPO Executive Director that they have been duly authorized to vote as the representative of the nominating entity or person, and the SCTPO has appointed said individual to the Bicycle Pedestrian Trails Advisory Committee. All appointed members are required to register a vote on all issues presented, except

in the event that there is, or appears to be, a voting conflict of interest as provided in Section 112.3143, Florida Statutes,¹⁹ or as specified in Section 286.012, Florida Statutes.²⁰ Abstentions are not permitted, except as provided by law. Votes should be consistent with the public interest.

(E) Alternate Voting Representatives.

(1) In addition, each member that is representing a municipality as staff or as nominated by a governmental agency may also have one (1) alternate representative as appointed by the represented agency. Citizen Representatives will not be permitted an alternate. If both the appointed and alternate member attend the same meeting, only the appointed member may participate in debate and vote on items. Further clarification of a governmental agency representative and a citizen representative is provided below.

(2) Alternate representatives on the Board shall vote, participate for the purpose of forming a quorum, make or second motions, and otherwise act as a member of the Bicycle, Pedestrian and Trails Advisory Committee, only in the absence of the representative that the alternate has been appointed to serve in place of; provided, however, that alternate representatives may always attend committee meetings and participate in debate.

(3) Definition of Representation. The Bicycle, Pedestrian and Trails Advisory Committee is made up of both governmental agency Representatives and Citizen Representatives. They are defined as follows:

(a) Municipality Representative – technical staff that has an appointment letter from a supervisor or governmental agency’s governing. (*i.e.* public works employee, transit provider employee, *etc.*)

(b) Citizen Representative – a member of the community that wishes to serve on the Bicycle, Pedestrian and Trails Advisory Committee as a special interest group, bicyclist, hiker, walker, equestrian, bicycle retailer, *etc.* They are not serving as a representative of a governmental agency’s technical staff.

(F) Attendance.

(1) It shall be the responsibility of the designated Space Coast TPO staff member to monitor and notify appointing agencies, organizations, unit of local government or individuals by phone, email, or written communication of any member who is absent for three (3) or more consecutive meetings within a twelve (12) calendar month period.

(2) Members of the Bicycle, Pedestrian, and Trails Advisory Committee serve at the pleasure of the SCTPO Governing Board. Additionally, the SCTPO Governing Board may remove any individual from the Bicycle, Pedestrian and Trails Advisory Committee, if such individual is absent from three (3) or more consecutive meetings within any twelve (12) calendar month period. At the first meeting of each calendar year an attendance record for the Bicycle, Pedestrian and Trails Advisory Committee members from the previous year will be provided to the full SCTPO Governing Board for review. The SCTPO may choose at that time, or any other time, to remove from the Bicycle, Pedestrian and Trails Advisory Committee member(s) who have not met the attendance requirement.

(3) Notices of vacancies on the Bicycle, Pedestrian and Trails Advisory Committee shall follow the guidelines for filling such vacancies as identified in the SCTPO’s adopted Public Participation Plan.

(G) Officers. A Chair and Vice- Chair for the Bicycle, Pedestrian and Trails Advisory Committee shall be elected by a majority of the committee members voting at the Committee’s last regularly scheduled meeting each calendar year, or if said meeting is not held for any reason, then at the next

¹⁹ Section 112.3143(3)(a), Florida Statutes.

²⁰ Section 286.012, Florida Statutes. See Note 7, *supra*, for text of the statute.

meeting of the committee. The Chair and Vice- Chair shall serve for a period of one (1) year, starting on January 1st of each year until December 31st, or until a successor is elected, whichever event shall occur later in time. The Chair and Vice- Chair shall at all times be members of the Bicycle, Pedestrian and Trails Advisory Committee.

(H) Chair; Vice- Chair. The Chair shall call and preside over all meetings of the Bicycle, Pedestrian and Trails Advisory Committee. The Chair is authorized to execute on behalf of the Committee all documents which have been approved by the Bicycle, Pedestrian and Trails Advisory Committee or to execute said documents subject to ratification by the Committee. The Chair shall coordinate with SCTPO staff on topics for agendas and assist with meeting decorum. The Vice- Chair shall serve as chair in the absence of the Chair. In the absence of the Chair and Vice- Chair, the Committee may appoint for that particular meeting any official BPTAC member in attendance to chair the meeting.

(I) Minutes. Designated SCTPO staff shall be responsible for recording and transcribing Bicycle, Pedestrian and Trails Advisory Committee meeting minutes. Said minutes shall accurately reflect the proceedings of the Committee.

(J) Quorum. At least seven (7) voting members of the Bicycle Pedestrian Trails Advisory Committee must be physically present for the committee to have a quorum and conduct business.

(K) Procedures.

(1) Procedures for the BPTAC shall follow those described in the Space Coast TPO Governing Board Section of Policy PLC-1, section 2.5(F)(1), (2), (4), (5), (6) and (7). If certain actions are not covered by these policies, Roberts Rules of Order, newly revised, most recent edition, shall be used to govern proceedings of the BPTAC Committee.

(2) Continuance and Deferrals.

(a) The BPTAC may continue or defer a scheduled public hearing to a date and time certain without further notice; provided, that the date and time of the continuance or deferral is announced at the originally scheduled hearing. Notice in compliance with Florida's Government-in-the-Sunshine Law, s. 286.011, Florida Statutes, must be given prior to the continued public hearing date, and notice must be promptly posted in a conspicuous location on the SCTPO's internet web-site of the date and time to which the public hearing has been continued.

(b) If a quorum physically present at the advertised public hearing location is not obtained at the time of the advertised public hearing, the SCTPO Executive Director, or said Director's designee, may publicly announce the continuance of the public hearing without further notice; provided, that the location, date and time of the continuance or deferral is announced at the originally scheduled hearing. In addition, notice in compliance with Florida's Government-in-the-Sunshine Law, s. 286.011, Florida Statutes, must be given prior to the continued public hearing date, and notice must be promptly posted in a conspicuous location on the SCTPO's internet web-site of the location, date, and time to which the public hearing has been continued.

(3) Rescheduled meeting dates. Prior to the advertised public hearing, if the SCTPO Executive Director, or the director's designee, determines that a quorum physically present at the meeting site cannot be obtained, the SCTPO Executive Director, the director's designee, may direct that the meeting will be continued until a specific date and time certain. Prior to the continued meeting, notice must be posted in a conspicuous location at the entrance to the meeting room where the meeting was scheduled to take place of the date and time to which the meeting was continued, and prior to the meeting, notice must be conspicuously posted on the SCTPO's internet web-site.

(4) Reliance on information presented by applicant. The SCTPO and its departments, boards, and agencies, shall have the right to rely on the accuracy of statements, documents, and all other information presented to them on any matter.

(5) Documents submitted at any public hearing. The public is hereby advised that any document, paper, letter, map, book, tape, photograph, film, sound recording, data processing

software, or other material, regardless of the physical form, characteristics, or means of transmission, submitted at or before a public hearing as a part of said public hearing or with relation to any agenda item, is hereby declared to be a Public Record, and is automatically made a part of the record of the hearing at which it was submitted. The *original* public record may not be returned to the person submitting the document, and all public hearing participants are hereby so advised.

SECTION 4.0 TPO POLICY MAKING PROCEDURES

(A) General Provisions. Policy making proceedings are initiated by the SCTPO Governing Board on its own initiative or on the petition of a person having a substantial interest in an agency policy. Identification of SCTPO policies that must adhere to this Section are identified with the prefix “PLC”. Other policies that the SCTPO may adopt without the “PLC” designation are not subject to this procedure.

(B) Notice of Policy Making Proceedings. Except as provided in Section F, Emergency Policy Making Procedures, prior notice of adoption, amendment or repeal of a policy shall be given by the SCTPO as follows:

(1) The SCTPO shall give at least seven (7) days public notice of any hearing on the adoption, amendment or repeal of a policy posted on the SCTPO website.

(2) The SCTPO will specifically give at least seven (7) days notice of any such hearing or proceeding to:

- (a) any person named in the proposed policy;
- (b) all persons who have specifically requested notice of the SCTPO policy proceedings at least seven (7) days prior to such notification; and
- (c) other classes of persons designated by the SCTPO or to whom the intended action is directed.

(C) Content of Notice.

(1) The notice shall conform to the following content requirements including: a short and plain explanation of the purpose and effect of the proposed policy, amendment to a policy, or repeal of a policy; a brief summary of the proposed policy; the date, time, and place of the public hearing to consider the policy or policy revision; a notice that the public is invited to attend the public hearing or submit written comment and where and when said comment must be submitted; and the information described in the Space Coast TPO Governing Board Section of Policy PLC-1, section 2.5(F)(1), (2), (4), (5), (6) and (7). The notice shall also state the location where the text of the proposed policy can be obtained, whenever such text is not included in the public notice. The notice shall advise that persons may attend the adoption public hearing and be heard, or may submit written comments before or at the public hearing.

(2) The SCTPO may hold a meeting to adopt an emergency policy or to amend or repeal, on an emergency basis, a policy for the purpose of acting upon matters of immediate danger to the public health, safety and welfare.

(3) Whenever an emergency policy, policy amendment, or repeal of a policy is scheduled to be considered, SCTPO staff shall post a notice of the meeting with the date, place and purpose of the meeting on the TPO website. The notice shall also set forth the specific facts and reasons for finding an immediate danger to the public health, safety, or welfare and its reasons for concluding that the procedure used is fair under the circumstances.

(D) Policy Making Proceedings – Hearing

(1) If the policy does not relate to the organization, practice, policy, or procedure of the agency, the SCTPO Governing Board shall determine, upon request by any person who demonstrates by petition or otherwise that such person is substantially affected or substantially interested in the policy

of the SCTPO, a public hearing for presentation of evidence, oral argument, or oral statement; provided, however, that the SCTPO reserves the authority to impose reasonable conditions and limitations at such public hearing to avoid duplication, irrelevant comments, unnecessary delay or disruption of the proceeding. Written statements may be submitted to the SCTPO Governing Board relevant to such policy by any person.

(2) If the SCTPO does not hold a public hearing and materially modifies or alters a proposed policy after notice, the SCTPO will provide all persons who have alleged and demonstrated that they are substantially affected or that they have a substantial interest in the policy, the opportunity to present evidence in argument on all issues of the modified, proposed policy.

(3) A public hearing will be held when the SCTPO Governing Board receives and acts upon a petition from a person who has demonstrated that he is substantially affected or has a substantial interest in the policy. Denial of a public hearing to any person, who alleges to be substantially affected or alleges a substantial interest, shall be in writing and state the reasons for the denial.

(4) If a public proceeding is to be held, the SCTPO Governing Board will prepare an agenda that provides affected persons with sufficient time to present comment, evidence, argument, oral statement, or other information. If items or materials are officially recognized by the SCTPO Governing Board during a public proceeding on a policy, these items or materials will be part of the record, and all persons who have demonstrated that they are substantially affected or substantially interested in the policy shall be given a reasonable opportunity to examine and offer comments and rebuttal.

(5) The cost of preparing the transcript and having the proceedings recorded shall be paid by the requesting party.

(6) The record of the proceedings shall include the notice and agenda, all written statements, petitions, requests, and all evidence presented to the SCTPO regardless of whether a public hearing is requested.

SECTION 5.0 CONTINUING OF OPERATIONS PLAN

(A) Purpose. The FHWA strongly encourages every MPO/TPO to prepare a Continuation of Operations Plan (COOP). The purpose of the COOP is to address how the TPO and its transportation planning process would resume functions and operations in the event of a catastrophic natural or man-made disaster event, as well as the TPO's role in aiding post-disaster recovery efforts. In particular, the COOP provides guidance on how and where the TPO would meet, personnel and chain-of-command issues, records/equipment recovery and storage, and other issues.

(B) Activation of Policy, Continuing of Operations Plan. Through cooperation with the Brevard County Emergency Management Office, the SCTPO Chair (or next designee as indicated in Figure 2 of Order of Succession) shall consult with the SCTPO Executive Director or said Director's designee and the SCTPO General Counsel to discuss if it is necessary to activate this COOP to perform mission critical functions and activities related to the operations of the SCTPO. Factors to be considered in activating this COOP shall be evaluated in respect to the type of event that has occurred. After consultation and reviewing the type of event that has occurred, the SCTPO Chair (or next designee as indicated in Figure 2, Order of Succession) shall have sole responsibility for activating this Section 5.0 of Policy PLC-1. Activation shall be documented and signed by the SCTPO member and SCTPO Executive Director or designee.

(C) Alerting and Activating Employees. Alerting employees to the status of the event and its impact shall be initiated by the SCTPO Executive Director. The following activation tree shall be used to notify and activate employees:

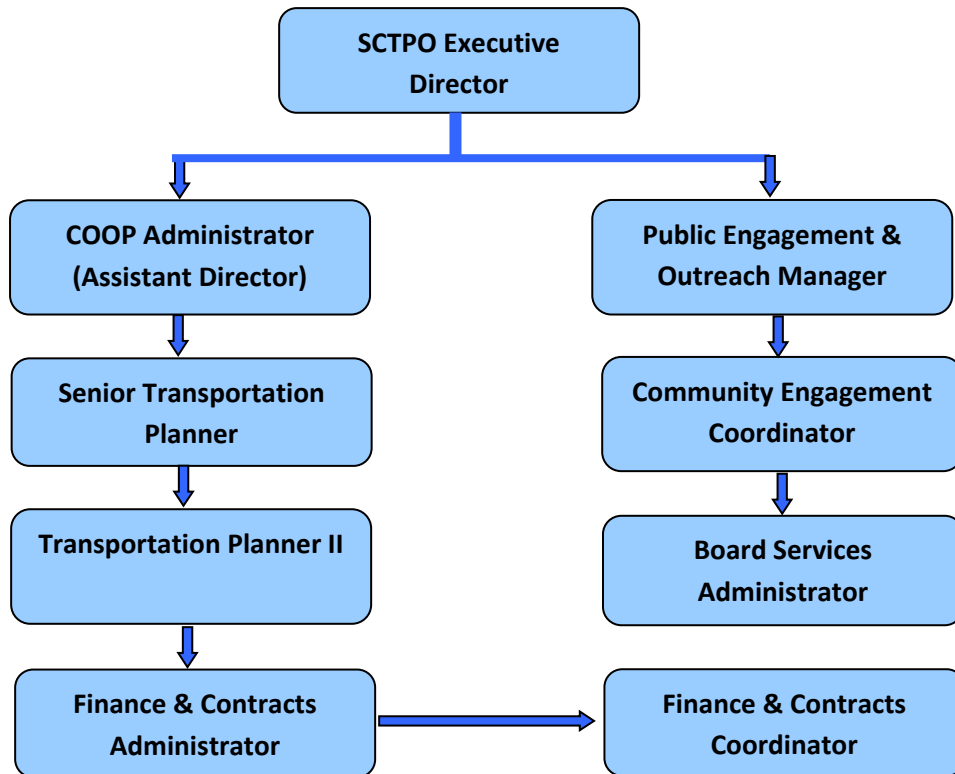


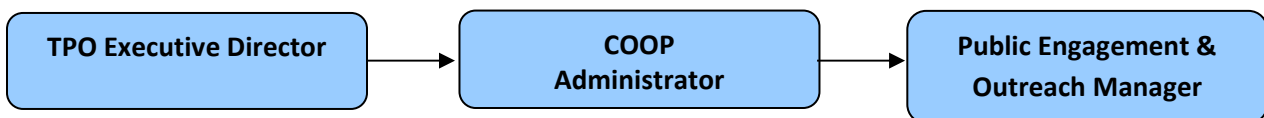
Figure 1, Activation Tree

A staff contact directory listing home phone, cell phone, e-mail address and other contact information shall be maintained by the COOP Administrator. All employees shall be provided a copy of the contact directory.

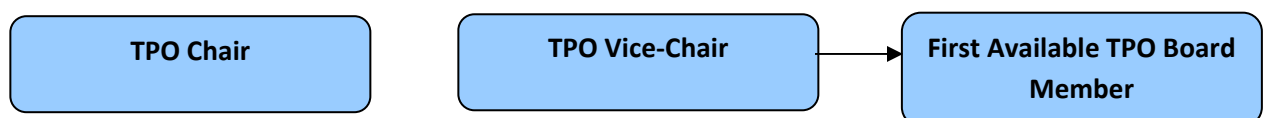
(D) Order of Succession. An emergency chain-of-command tree, reflected in Figure 2, shows the emergency chain-of-command that will be utilized when this COOP has been activated. The essential functions and necessary steps to re-establish agency operations shall be the main priority. The chain of command shall also be used to delegate authority.

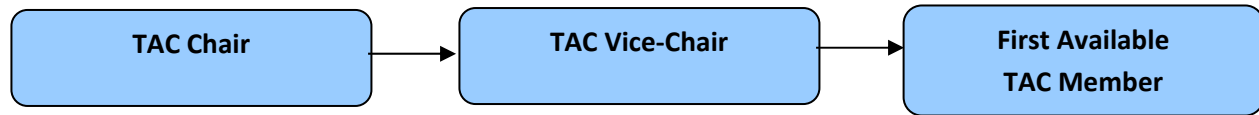
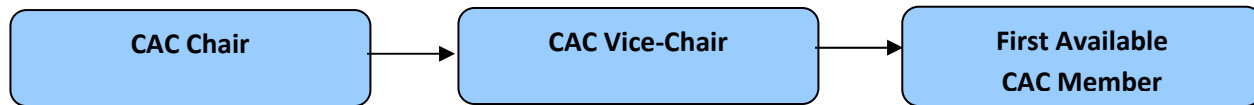
Succession is triggered by the absence or incapacitation of the persons holding the previous position. Succession should occur immediately upon notification.

TPO Staff Chain of Command



TPO Board Chain of Command



TAC Chain of Command**CAC Chain of Command****Figure 2, Emergency Chain of Command**

(E) Delegation of Authority. For staff-related and administrative/internal concerns, the SCTPO Executive Director shall take the lead in providing instructions and direction. In the event of Executive Director's his/her absence or incapacitation, the next designee (as listed in Figure 2) shall perform the essential functions. For external concerns, particularly those normally requiring action by the SCTPO Board, the SCTPO Board Chair shall serve as the lead person, and in the event that the Chair is unavailable or incapacitated, then the next designee as indicated in Figure 2 shall be given the responsibility of ensuring that mission-essential functions are performed. For other concerns, the delegation of authority shall follow the Chain of Command as listed in Figure 2 in respect to the type of activity needing action.

(F) Re-Location Notification. The SCTPO will work with Brevard County Office of Emergency Management staff and the Emergency Operations Center to secure temporary re-location space which will include communications support, if the SCTPO offices are not available or unsafe to occupy. Once critical communications have been re-established, the SCTPO's administrative staff person should notify the SCTPO's transportation partners (primarily other Brevard County local governments and FDOT) of the SCTPO's new location and contact information. Notification should occur by every means available, including phone, email, mail, fax, and through the SCTPO's website. The SCTPO's administrative staff person shall maintain electronic and hard copies of complete contact information for the SCTPO's transportation partner agencies for use in post-event communication.

(G) Remote/Telecommute Notification. There may be emergency situations that require limited to no travel and staff may be authorized to work from home. The Executive Director in consultation with the TPO Chair may authorize remote work.

(H) Identification and Prioritization of Mission-Essential Functions. The following products and activities associated with their development have been identified as essential to the mission of the SCTPO of providing a continuing, cooperative and coordinated transportation planning program for the Brevard SCTPO urbanized area.

(1) Unified Planning Work Program (UPWP). Following the provisions set forth in 23 U.S.C. §134 and 49 U.S.C §5303, as amended by the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240, Dec. 18, 1991, 105 Stat. 1914); the Transportation Equity Act for the Twenty-first Century (Public Law 105-178, June 9, 1998, 112 Stat. 107); Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Public Law 109-59, Aug. 10, 2005, 119 Stat. 1839; Moving Ahead for Progress in the 21st Century Act (MAP-21), Public Law 112-141, July 6, 2012, 126 Stat. 500, and Fixing America's Surface Transportation Act (FAST Act), Public Law 114-94, December 4, 2015, 23 C.F.R. 450, 23 C.F.R. 500 and Section 339.175(9), Florida Statutes, all as amended from time to time, the SCTPO is required to bi-annually develop and adopt an UPWP. The UPWP documents the programming of FHWA and the FTA planning and research funds to be used in the upcoming fiscal year(s)

by the SCTPO. In the event that this COOP is activated during the time when the draft or final UPWP is due, then approval shall follow the process described under Section 5.0 H.(5) 'Approval of Mission Essential Functions'.

(2) Transportation Improvement Program. Following the provisions set forth in 23 U.S.C. §134(j), as amended by the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240, Dec. 18, 1991, 105 Stat. 1914); the Transportation Equity Act for the Twenty-first Century (Public Law 105-178, June 9, 1998, 112 Stat. 107); Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)), Public Law 109-59, Aug. 10, 2005, 119 Stat. 1839; Moving Ahead for Progress in the 21st Century Act (MAP-21), Public Law 112-141, July 6, 2012, 126 Stat. 500, and Fixing America's Surface Transportation Act (FAST Act), Public Law 114-94, December 4, 2015, 23 C.F.R. 450 and Section 339.175(8), Florida Statutes, all as amended from time to time, the SCTPO is required to develop and adopt a five -year plan for projects that will be implemented using State or Federal transportation funds. This plan is known as the Transportation Improvement Program (TIP) and includes at least five (5) years of projects and strategies. In the event that this COOP is activated when the TIP or a TIP amendment must be approved, the approval of this document shall follow the process described under Section 5.0(H)(5) 'Approval of Mission Essential Functions'.

(3) Project Priorities. In accordance with Section 339.175(8), Florida Statutes, as amended from time to time, the SCTPO is required to annually develop and adopt a list of Project Priorities for submittal to the FDOT for funding consideration. In the event that this COOP is activated when the Project Priorities must be approved, the approval of the Project Priorities shall follow the process described under the section 5.0(H)(5) 'Approval of Mission Essential Functions'.

(4) Long Range Transportation Plan. Following the provisions set forth in 23 U.S.C. §134(l) and 49 U.S.C. §5303, as amended by the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240, Dec. 18, 1991, 105 Stat. 1914); the Transportation Equity Act for the Twenty-first Century (Public Law 105-178, June 9, 1998, 112 Stat. 107); Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)), Public Law 109-59, Aug. 10, 2005, 119 Stat. 1839; Moving Ahead for Progress in the 21st Century Act (MAP-21), Public Law 112-141, July 6, 2012, 126 Stat. 500, and Fixing America's Surface Transportation Act (FAST Act), Public Law 114-94, December 4, 2015, 23 C.F.R. 450, 23 C.F.R. 500 and Section 339.175(7), Florida Statutes, all as amended from time to time, the SCTPO is required to develop and adopt a Long Range Transportation Plan (LRTP). The LRTP shall address at least a 20-year planning horizon and should include long-range and short-range strategies and actions to support the development of an integrated intermodal transportation system that facilitates the safe and efficient movement of people and goods. In the event that this COOP is activated when the Long Range Plan must be approved or amended, then the approval of the LRTP shall follow the process described under the section 5.0(H)(5) 'Approval of Mission Essential Functions'.

(5) Approval of Mission Essential Functions. As described above, the mission-essential functions have been identified as the UPWP, TIP, Project Priorities, and the LRTP. The process for seeking approval of these products shall follow all applicable procedures when the SCTPO is operating under normal circumstances. In the event, however, that this COOP policy has been activated, the following process shall be followed in seeking approval of the mission essential functions.

First, the SCTPO Executive Director shall request a deferment for approval of an item, if appropriate. A deferral would be requested based upon the type of event that has occurred, the specific mission-essential function needing action and the projection on when the full SCTPO Board would be able to meet again. The SCTPO Executive Director shall confer with the SCTPO Chair (or first available member listed under the Order of Succession) and the General Counsel on requesting a deferral. If a deferral is not appropriate, then the SCTPO Executive Director shall make every attempt to convene as many SCTPO Governing Board members as possible, including general counsel, in one physical location, or through

teleconferencing or other means to approve any necessary actions required for mission essential functions. Any actions taken under these circumstances shall be presented to the full SCTPO Governing Board at the earliest possible time. At that time, the SCTPO Governing Board would be offered the opportunity to comment and either endorse the decision that was made or request changes, if appropriate.

(I) Other Essential Functions. If any other document or function is required of the SCTPO in order to be consistent with the provisions of Fixing America's Surface Transportation Act (FAST Act), then the SCTPO Chair, in coordination with the SCTPO Executive Director and general counsel, shall be authorized to submit information, reports or documents on behalf of the SCTPO that are deemed essential by the FHWA and/or the FDOT. However, if any recommended action is considered of significant importance by either the SCTPO Chair, SCTPO Executive Director or general counsel, then the process listed above under Section 5.0(H)(5), Approval of Mission Essential Functions, must be followed in seeking approval.

(J) Alternate Facilities.

(a) The SCTPO should work with staff from the Brevard County Office of Emergency Management (OEM) and the Emergency Operations Center (EOC) to secure and re-locate to alternate facilities. The OEM/EOC already has procedures in place to secure alternate facilities and have identified these facilities. The EOC also has a web-enabled resource management system for requesting resources. By County ordinance, the EOC would become the County seat after a disaster event. It is also possible that much of the SCTPO's typical daily work could be accomplished by staff working from their homes, if feasible.

(b) Regarding meetings of the SCTPO Governing Board and its advisory committees, it is important to understand that every member of the SCTPO Board and TAC (and the CAC, in many cases) represents a local government. For this reason, in a disaster event, their first priority will be to their local government, not to the SCTPO. Accordingly, the SCTPO and its advisory committees may not be able to meet for some time after a disaster event, even if the SCTPO staff office is functioning normally.

(c) Meetings of the Governing Board and its Committee's may also conduct meetings and business virtually, when the law permits. Virtual meetings using communications media technologies may be employed. Virtual meetings shall follow outreach tools and methods as described in latest adopted Public Participation Plan. Further details shall be provided on a case by case basis at the time of such an incident occurring.

(K) Vital Records and Databases.

(1) Backup Procedure. All staff computers shall be backed up on a monthly basis to an external hard drive attached to each computer. All major office records, project files, vital database information, and common files are stored on a file server with RAID mirrored hard drives to protect from a single drive failure. This file server is backed up weekly to a backup file server that also has RAID mirrored hard drives. Every three months the latest server files shall be copied to an external hard drive that is stored off site. These methods and systems ensure that vital records and databases will remain intact should a disaster event occur.

(2) Website and Web Applications.

(a) Online Traffic Count System- Is housed, maintained and backed up by the hosting consultant. Raw traffic count data stored locally is part of the regularly scheduled backup routine.

(b) Online Interactive TIP- Is housed maintained and backed up by the hosting consultant. TIP Data stored locally is part of the regularly scheduled backup routine.

(c) SCTPO's Website – The web server is located out of state. The web host provides daily backups of the SCTPO's website. There is a local copy of the website on SCTPO staff's computer which is backed up according to the backup procedure.

(3) Inventory and Support.

(a) Inventory- All hardware and software is tracked by SCTPO Staff in a database and in the Insurance Inventory Report. The database gives a list of all computers in the office, programs installed, product codes, purchase date, IP address, and model number. The Insurance Inventory Report provides photo documentation of all hardware and lists the cost of all the hardware and software.

(b) Support- Support to hardware and software is provided to the SCTPO in coordination with the SCTPO's Service Level Agreement with Brevard County's Information Technology Department.

(L) COOP Updating and Maintenance. As part of the SCTPO's UPWP, there shall be an activity to include the annual maintenance and updating efforts regarding the COOP. The SCTPO staff shall review the COOP to assess the need for any refinements or adjustments necessary to ensure that the procedures/actions identified within this policy can be carried out. The SCTPO Executive Director shall designate a SCTPO staff member as the COOP Administrator. It will be the responsibility of the COOP Administrator to update and maintain the COOP, as necessary.

POLICY: PLC-2 Personnel Rules and Regulations

- SECTION 1.0 SCOPE OF AUTHORITY AND RESPONSIBILITY
- SECTION 2.0 POSITION VACANCIES
- SECTION 3.0 RECRUITMENT, APPLICATIONS, CERTIFICATION & SELECTION
- SECTION 4.0 SPECIAL EMPLOYMENT SITUATIONS
- SECTION 5.0 PROBATIONARY PERIOD
- SECTION 6.0 PERSONNEL ACTIONS
- SECTION 7.0 CODE OF CONDUCT
- SECTION 8.0 EMPLOYEE BENEFITS
- SECTION 9.0 ATTENDANCES AND ABSENCES
- SECTION 10.0 WORKER'S COMPENSATION
- SECTION 11.0 ABOLISHMENT OF POSITIONS AND REDUCTION IN FORCE
- SECTION 12.0 FORMS OF DISCIPLINARY ACTION
- SECTION 13.0 LETTERS OF RECOMMENDATION
- SECTION 14.0 NON-DISCRIMINATION
- SECTION 15.0 ALCOHOL & DRUG TESTING
- SECTION 16.0 AIDS POLICY
- SECTION 17.0 HARASSMENT
- SECTION 18.0 SOLICITATION
- SECTION 19.0 FAMILY MEDICAL LEAVE (FML)
- SECTION 20.0 EDUCATION REIMBURSEMENT
- SECTION 21.0 CELLULAR PHONE STIPENDS
- SECTION 22.0 EXEMPT EMPLOYEE SAFE HARBOR POLICY
- SECTION 23.0 TELECOMMUTING

SECTION 1.0 SCOPE OF AUTHORITY AND RESPONSIBILITY

1.1 GENERAL AUTHORITY.

In accordance with Florida Statutes Section 339.175(6)(g); Florida Statutes Section 163.01(4); and Local Funding Agreements Mission Statement PLC-1, Section 5.0(H)(5), there shall be a Personnel System which shall provide for an equitable and effective system of operating procedures designed to ensure uniform, fair, and effective personnel administration.

1.2 THE SCTPO EXECUTIVE DIRECTOR.

(A) The SCTPO Executive Director, under the general policy direction of the Space Coast Transportation Planning Organization Board and within its adopted guidelines, has the authority to perform the highest level leadership, managerial and administrative functions related to the Space Coast Transportation Planning Organization. The SCTPO Executive Director is responsible for the general administration of the Space Coast Transportation Planning Organization Personnel System.

(B) The SCTPO Executive Director shall adhere to rules, regulations, and general operating procedures which are consistent with and in compliance with applicable State, Federal, and Local Laws and which generally provide for those elements associated with sound personnel administration. Such rules, regulations, and procedures shall provide for but not be limited to:

(1) A Classification and Pay Plan which encompasses and addresses all positions as authorized by the Space Coast Transportation Planning Organization SPACE COAST TRANSPORTATION PLANNING ORGANIZATION Board.

(2) Methods for determining the fitness and merit of candidates for appointment, promotion, and retention.

(3) Policies and procedures regulating reduction in workforce and disciplinary actions.

(4) Rules, regulations, and provisions regarding personal leave and other types of absences.

(5) Policies and procedures relating to permanent, provisional, temporary, and contractual employees.

(6) Coordination of in-service training programs.

(7) The policies and procedures regarding employee grievances and disciplinary hearings.

(8) Pay for Performance Evaluation System which encompasses and addresses performance reviews, merit increases, one time payments and corrective actions.

(9) Other procedures, practices, and interpretations of policy necessary for the administration of the Space Coast Transportation Planning Organization's Personnel System.

(10) Coordination of the Space Coast Transportation Planning Organization's Equal Opportunity Employment/Affirmative Action, Workers' Compensation, and Safety programs.

(11) Establishment and maintenance of a centralized personnel records system for all Space Coast Transportation Planning Organization employees.

1.3 PERSONNEL RECORDS.

(A) It is the responsibility of each employee to notify said employee's supervisor whenever any changes are to be made to said employee's personnel record file. Those changes include but are not limited to change of name, address, phone number, e-mail address, beneficiary, training or coursework completed, and for providing copies of all related diplomas, certificates, and similar documents.

(B) Staff members are responsible for ensuring that all such information as described above is forwarded to the SCTPO Executive Director or the Executive Director's designee for personnel file inclusion.

(C) Pursuant to the provision of the Florida Public Records Act, the personnel records are considered to be Public Records open for inspection by any person provided that such inspection is conducted in the physical presence of the custodian or designee during SCTPO regular operating hours. In addition, personnel records are subject to copying and provided to any requestor. The custodian of the Space Coast Transportation Planning Organization's personnel records is the SCTPO Executive Director or the Executive Director's designee.

(D) Under no circumstances will any personnel records be removed from the storage area without the express authorization of the custodian, or alternate custodian, of the records. Under no circumstances will any personnel file documents be removed from the record, nor will any document be altered in any manner, except at the direction of the SCTPO Governing Board, the SCTPO Executive Director, or an employee's supervisor.

(E) Certain aspects of the personnel files are exempt from public inspection, and/or are confidential, as identified in Florida Statutes Chapter 119, or in other provisions of Florida Statutes or Federal law.

(F) Certain other personnel-related records and documents of a medical nature such as employment-related medical records, workers' compensation medical information, and employee medical insurance records may not be open for inspection pursuant to the Florida Public Records Act. *See, e.g.,* §119.071(4)(b)1; §440.102(8); §760.50, Florida Statutes; *see also* 42 U.S.C §12112; Federal Health Insurance Portability Act of 1996, Pub.L. 104-191, Aug. 21, 1996, 110 Stat. 1936.

(G) Medical and personal information generally considered to be of a confidential nature will be handled by management and administrative staff on a "need to know" basis within the SCTPO.

1.4 APPLICABILITY.

These personnel rules and regulations apply equally and are applicable to all employees of the Space Coast Transportation Planning Organization and the SCTPO Executive Director. If any areas are in direct conflict with the contract for the position of SCTPO Executive Director, the contract shall prevail for the SCTPO Executive Director position. It shall not apply to non-employees such as board members, advisory committee members or individuals retained or employed by the Space Coast Transportation Planning Organization in a contractual or vendor arrangement. However, Section 7.0 Code of Conduct, PLC-2, shall apply to all employees, the SCTPO Executive Director, board members, advisory committee members, interns and temporary employees.

SECTION 2.0 POSITION VACANCIES

2.1 EQUAL EMPLOYMENT OPPORTUNITY.

(A) In order to provide equal employment and advancement opportunities to all individuals, employment decisions at the Space Coast Transportation Planning Organization will be based on merit, qualifications, and abilities. The Space Coast Transportation Planning Organization does not discriminate in employment opportunities or practices on the basis of race, color, religion, sex, national origin, age, disability, or any other characteristic protected by law, except as may be permitted by law.

(B) The Space Coast Transportation Planning Organization will comply with the Americans with Disabilities Act of 1990, Public Law 101-336, July 26, 1990, 104 Stat. 327, as amended. Reasonable accommodations will be made for qualified individuals with known disabilities unless doing so would result in an undue hardship. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

(C) Any employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of their immediate supervisor or the SCTPO Executive Director. Employees may raise concerns and make reports without the fear of reprisal.

(D) Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

2.2 VACANCIES IN THE CLASSIFICATION AND PAY PLAN.

(A) Position vacancies in the classified service are those vacant positions which are embraced under the Space Coast Transportation Planning Organization Personnel System and are positions considered to be regular established positions as specified in the Space Coast Transportation Planning Organization "Classification and Pay Plan." The SCTPO Executive Director shall have the authority to create new positions and class descriptions as may be necessary to perform the functions of the SCTPO.

(B) The Classification Pay Plan does not include temporary positions, non-regular part-time positions, interns, board members, committee members, the SCTPO General Counsel retained or employed by the Space Coast Transportation Planning Organization, or the SCTPO Executive Director. The Classification Pay Plan does not include positions associated with contractual agreements or vendor agreements. Vacancies shall be filled in accordance with existing Federal, State, and Local laws as applicable.

2.3 APPLICANTS.

Unsolicited resumes received when there are no advertised job vacancies will not be treated as "applicants," and the resumes will not be retained or considered. Job "Applications" are defined as resumes and/or actual Space Coast Transportation Planning Organization job application forms completed for a specific vacancy during the recruitment, application, certification, and selection process as defined in Section 3.0.

SECTION 3.0 RECRUITMENT, APPLICATIONS, CERTIFICATION, AND SELECTION

3.1 RECRUITMENT.

(A) The initial step of the recruitment process is the submission of a "Personnel Requisition" form approved by the SCTPO Executive Director and sent to Brevard County's Human Resources Department. The Personnel Requisition form used shall be provided by Brevard County's Office of Human Resources. The SCTPO Executive Director, or the Executive Director's designee, shall coordinate with Office of Human Resources so that a job posting/advertisement can be generated accordingly.

(B) All advertising will be coordinated between the SCTPO Executive Director, or the Executive Director's designee, and Brevard County Office of Human Resources staff. The content of all such advertising will be based upon the essential minimum qualifications of the vacant position in addition to specific "preferences" indicated on the "Personnel Requisition" form. All preference statements are subject to consistency with all applicable laws and with sound personnel administration practices.

The source, duration, and extent of all advertising are contingent upon fund availability and budgetary constraints.

(C) Upon completion of the recruitment process, the Executive Director, or the Executive Director's designee, shall arrange for the selection of qualified applicants to be interviewed.

(D) At the direction of the SCTPO Governing Board, the Executive Director's position shall not be subject to this Section 3.0.

3.2 APPLICATIONS.

(A) In order for an applicant to be considered for an interview for a vacant position, each applicant shall complete an application utilizing Brevard County Board of County Commissioners Human Resources Employment Opportunities EASY program. The application must be submitted within the time limit noted on the Brevard County Human Resources Employment Opportunities Job Posting the Space Coast TPO shall utilize the resources and services provided by the Brevard County Office of Human Resources for the application process.

(B) Persons with disabilities shall be reasonably accommodated provided that notification for said accommodation is made within the time limit described above.

(C) It is the responsibility of the individual applying for a position vacancy to ensure that all information requested is submitted and correct. It is also the responsibility of said individual to ensure that all documentation needed to establish the attainment of essential minimum qualifications is provided along with the standard employment application form.

(D) All information requested on the standard employment application must be completed.

(E) Applications will only be accepted in response to specifically announced position vacancies posted on the Brevard County Human Resources Job Opening Listings. Applicants interested in applying for more than one vacancy must complete a separate employment application for each position available. Applications are valid for one position vacancy and will not be reactivated for other position vacancies at a later date.

3.3 CERTIFICATION.

(A) All appointments to position vacancies will be made solely on the assessment of the applicant's work experience, training, education, and other pertinent information, as reflected on their employment application. All documented information will be considered in relation to the

“essential minimum qualifications” associated with the position vacancy. All applicants found to meet the “essential minimum qualifications” will be certified as eligible for consideration for that position vacancy.

(B) The Space Coast Transportation Planning Organization relies upon the accuracy of information in the employment application and resume, as well as the accuracy of other data presented throughout the hiring process and employment. Any known misrepresentations, falsifications, or material omissions in any of this information or data may result in exclusion of the individual from further consideration for employment with the Space Coast Transportation Planning Organization or, if the person has been hired, immediate termination of employment.

(C) In rare instances, due to the nature of special job requirements, it may be necessary to consider applicants who meet most but not all of the minimum qualifications associated with a specific vacancy. Cases such as this are normally applicable to degree requirements, special certifications, and/or specialized experience. If consideration of this applicant is in the best interests of the Space Coast Transportation Planning Organization, and if no other qualified applicants are available, a provisional eligibility certification may be obtained, and the applicant may be appointed as a Trainee. This provisional eligibility certification must be approved by the SCTPO Executive Director. Provisional eligibility certification is not to be considered as a waiver of the requirement that the applicant must meet the essential minimum qualifications. The SCTPO Executive Director shall determine a reasonable time limit in which the applicant must attain the lacking element required for routine certification. Failure to do so will result in dismissal or other action deemed necessary.

(D) Eligibility certifications shall not be deemed final until all certification criteria such as the drug screening, driver’s license check, background check, and other similar screening criteria, have been completed.

(E) For positions that require special, technical, or professional requirements, evidence of a satisfactory nature must be submitted in addition to the application. Examples of such evidence include degrees, certificates, licenses and other documents to support contentions of education, training, and/or experience.

(F) In compliance with the Immigration Reform and Control Act of 1986, Public Law 99-603, Nov. 6, 1986, 100 Stat. 3359, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility.

3.4 SELECTION.

(A) Once the SCTPO Executive Director makes an appointment decision, the Executive Director shall advise the Assistant Director or other designee.

(B) No offers of employment shall be made to any applicants until all pre-employment processing has been completed. To ensure that no misinterpretations or misunderstandings occur regarding formal offers of employment, SCTPO Staff are strongly advised not to engage in this activity.

(C) Appointments.

(1) New appointments (initial hires) shall normally be made at the minimum of the appropriate position classification range. However, in cases where an individual’s skills, knowledge, and ability exceed those normally associated with entry level, it is possible to make the initial appointment above the minimum for the position classification range. No offers of employment to applicants shall be made, or are valid, until all pre-employment processing has been completed.

(2) Budgetary constraints must be considered, and offers must have the approval of the SCTPO Executive Director prior to committing to a new appointment above the

minimum level of a pay grade. The SCTPO Executive Director shall have the authority to approve, beginning salaries up to the mid-point range established for the position pay grade based upon selected candidate's level of experience and qualifications and contingent upon sufficient funding being available. Any appointment above the mid-point of the pay grade must be approved by the SCTPO Governing Board and proof that sufficient funding is available.

(D) Employees shall be evaluated at the end of their probationary period for retention purposes and to generate a reclassification from probationary to regular full-time status.

SECTION 4.0 SPECIAL EMPLOYMENT SITUATIONS

4.1 SPECIAL PREFERENCE. In certain situations, special preference will be afforded individuals seeking employment with the Space Coast Transportation Planning Organization. Examples of such preference include preference related to voluntary or mandatory Equal Employment Opportunity/Affirmative Action goals.

4.2 EMPLOYMENT OF RELATIVES.

(A) State Law (F.S. 112.3135) provides for certain restrictions pertaining to employment or promotion of relatives of “public officials.”

(1) A “public official” includes an employee of the Space Coast Transportation Planning Organization in whom is vested or delegated the authority to appoint, employ, promote, or advance individuals or to recommend individuals for appointment, employment, promotion, or advancement in connection with employment by Space Coast Transportation Planning Organization.

(2) A “relative” means an individual who is related to the public official as father, mother, son, daughter, brother, sister, aunt, uncle, first cousin, grandson, granddaughter, niece, nephew, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister.

(B) A public official may not appoint, employ, promote, advance, or advocate for employment promotion or advancement in or to a position in the Space Coast Transportation Planning Organization in which said public official exercises jurisdiction or control of any individual who is a relative of said public official.

(C) An individual may not be appointed, employed, promoted, or advanced in or to a position in the Space Coast Transportation Planning Organization if such appointment, employment promotion, or advancement has been advocated by a public official serving in or exercising jurisdiction or control who is a relative of the individual.

(D) The Space Coast Transportation Planning Organization may prescribe regulations authorizing temporary employment, in the event of an emergency as defined in F.S. 252.34(3), of individuals whose employment would be otherwise prohibited by this policy.

SECTION 5.0 PROBATIONARY PERIOD

5.1 PROBATIONARY PERIOD.

(A) When a certified employee is accepted for an established full-time position with the Space Coast Transportation Planning Organization, it is with the understanding that the first 270 days of employment will be a probationary period during which time the certified employee will not be classified as a regular full time employee. An evaluation will be completed by the appropriate immediate supervisor, and reviewed with the employee to determine, if they will be retained and classified as a regular, permanent employee.

(B) Any employee terminated prior to the end of their probationary period shall not be entitled to appeal the termination or to receive compensation for any accrued annual, sick or compensatory time leave.

5.2 UNEMPLOYMENT PROBATIONARY PERIOD.

(A) When a certified employee is accepted for an established full-time position with the Space Coast Transportation Planning Organization, it is with the understanding that the first ninety (90) days of employment from the date of hire will be a probationary period for the purpose of Florida "Unemployment Compensation Law" (F.S. 443.131 (3)(a)(2)).

(B) If the Space Coast Transportation Planning Organization discharges an employee for unsatisfactory work performance during the ninety (90) day "Unemployment Probationary Period," the Space Coast Transportation Planning Organization's unemployment account will not be charged for any unemployment benefits that employee might be determined eligible for in the future.

(C) The employee shall acknowledge understanding of the provision of this Section 5.2 in writing within seven (7) days of the employee's initial date of employment.

SECTION 6.0 PERSONNEL ACTIONS

6.1 GENERAL.

(A) During the normal course of employment, a number of personnel-related actions are likely to occur. All actions shall be reported by way of the completion of a "Change in Status" through the use of the County's Personnel Action System (PAS). No change in an employee's status shall be considered officially "approved" without the final approval of the SCTPO Executive Director or appropriate designee. Section 6.1 does not apply to the Executive Director.

(B) PROMOTIONS.

(1) A promotion occurs when an employee applies for and is selected to fill a position vacancy which is in a different position classification code and at a higher pay rate than the employee's current position classification code and pay rate.

(2) The promoted employee may receive a salary increase to at least the minimum rate of the new pay range contingent upon sufficient funding being available. An amount higher than minimum may be considered if the individual's experience, skills, or qualifications merit a higher than minimum rate adjustment.

(3) The effective date of an employee's promotion becomes the employee's new "Date of Classification." The employee is then eligible for merit consideration at one (1) year intervals from that date.

(C) RECLASSIFICATION.

(1) A reclassification action generally occurs when there has been a significant change in a position's functions, duties, and responsibilities, without a corresponding change in position code as above. These changes must be of a permanent nature and not merely a result of a temporary need. (Example: reclassification from a receptionist to a staff assistant). A reclassification action does not necessarily trigger a corresponding change in position pay code, because position pay code changes are a product of a job of "comparable worth" and "prevailing wage" analysis.

(2) A reclassification action does not trigger a change in the incumbent's "Date of Classification." If a reclassification occurs to a position which is vacant, and if that position is filled by promotion of an employee from a lower pay classification code, then the action is deemed to be a promotion. The effective date of the promotion shall become the employee's new "Date of Classification." (See Section 6.1(A)).

(3) Reclassification requests are normally considered during the budgetary process. However, requests of this nature may be initiated by the employee at other times, as appropriate. Requests of this nature are to be submitted in writing to the SCTPO Executive Director for approval and will become effective in accordance with existing rules.

(4) When a position is reclassified to a higher class, adjustments to salary are to be handled in the same manner as a Promotion. When a reclassification results in assignment to a lower class, adjustment will be made in accordance with the rules for a voluntary or involuntary Demotion.

(D) REGRADE.

(1) A regrade action generally occurs whenever it is determined that a particular position's "comparable worth" based upon prevailing wage standards is in need of adjustment. (Example: The pay classification code for all staff assistants is raised due to a shortage in the market).

(2) A regrade is normally indicative of significant changes of an "increased" nature that occur in a position's duties, functions, and responsibilities. It is also possible that a "decrease" in duties, functions, and responsibilities will warrant regrade consideration. Regrade

actions are reflective of the position's worth, not the incumbent's worth. A regrade action does not trigger a change in the incumbent's "Date of Classification."

(3) If a regrade action occurs to a position which is vacant, and if that position is filled by promotion of an employee from a lower pay grade, then the action is deemed to be a promotion. The effective date of the promotion shall become the employee's new "Date of Classification." (See Section 6.1(A)).

(4) Regrade requests are normally considered during the budgetary process. However, requests of this nature may be initiated by employees at other times, as appropriate. Requests of this nature are to be submitted in writing to the Executive Director.

(E) TRANSFERS. Employees transferred to a position in the same classification or to a different position with the same pay grade are not entitled to a salary adjustment. Employees transferred to another position in a lower classification or grade shall be handled in accordance with the rule established for a voluntary or involuntary Demotion.

(F) TRAINEE APPOINTMENTS. If an applicant for a position does not meet the minimum qualifications for a position, but is otherwise qualified for the position, a provisional eligibility certification may be obtained, and the applicant may be appointed as a Trainee. In such cases, the employee may be hired at a rate of up to 15% below the minimum salary until the minimum qualifications have been satisfied.

(G) SPECIAL ASSIGNMENT. An individual may be given a special assignment(s), usually for a specified and/or limited period of time, which encompasses duties and responsibilities of a different, advanced, and or supervisory nature. This type of assignment is of a temporary nature and does not constitute a promotion. A pay supplement may or may not be given for the period of time of the assignment and may be unilaterally rescinded as approved by the SCTPO Executive Director.

(H) DEMOTION.

(1) A demotion is an action involving the movement of an employee from a position in one pay classification code to a position in another pay classification code at a lower pay rate.

(2) Voluntary.

(a) A demotion will be considered to be voluntary only when such consideration is initiated by the employee at the employee's own request, and such request is submitted in writing. Requests for voluntary demotion shall be considered only in situations whereby an actual position vacancy exists in the lower pay classification rate. The employee requesting voluntary demotion must meet all minimum qualifications associated with the position in question. Approval for such requests rests with the SCTPO Executive Director and is based upon the competitive selection process normally associated with position vacancies.

(b) Once a voluntary demotion becomes effective, there shall be no appeal, since the action was voluntary and not as a result of disciplinary action.

(c) Every effort shall be made to ensure that upon appointment of an employee as a result of a voluntary demotion that said employee is placed in the lower pay classification code so that such placement is as close as possible to the employee's current rate of pay. However, the revised pay level may not exceed the maximum rate of the lower pay range. In some cases (i.e. - budgetary constraints) the aforementioned placement may not be possible. In such cases, the employee requesting the voluntary demotion must be apprised of exactly where in the pay range placement is possible and acknowledge, in writing, agreement with such placement.

(3) Involuntary.

(a) A demotion of an involuntary nature is generally associated with a disciplinary action or as a result of consistent poor performance in the execution of regular job duties. Other involuntary demotions may be as a result of medical reasons based upon a physician's written findings. Such medical determination shall be kept in the strictest confidence in accordance with existing law.

(b) Involuntary demotions will normally result in a reduction in pay of the employee involved. However, the action shall be determined by such variables as position availability and budgetary considerations. Demoted employees shall be subject to a new "Date of Classification" which shall be based upon the effective date of the demotion action.

(I) RESIGNATION.

(1) A resignation is a voluntary action initiated by an employee intended to terminate the employer-employee relationship between said employee and the Space Coast Transportation Planning Organization.

(2) Resignations shall be submitted in writing providing for an effective date. The original notification shall be forwarded to the SCTPO Executive Director along with the appropriate action entered in the County's Personnel Actions System (PAS) prior to the effective date of the resignation. It is the Employee's responsibility to ensure that all Space Coast Transportation Planning Organization property is returned. Any monies owed the SCTPO due to an employee's failure to return property may be offset against the employee's final paycheck or may be collected through civil action or criminal charges.

(3) Employees who decide to resign shall provide proper notice in order to be considered a separation in good standing. Proper notice is considered to be at least ten (10) working days prior to the final work day. Notices of less than ten (10) working days may adversely affect monies due for accrued annual personal leave. (See "Benefits" Section 8.0).

(4) A resignation shall be effective on the date set forth in the resignation. If no date is set forth, the resignation shall be effective ten (10) working days after the date the resignation is tendered. A resignation is irrevocable after it is tendered.

(J) JOB ABANDONMENT. Absence from work for the equivalent of three (3) consecutive days without proper notice or approval by the TPO Executive Director shall be considered as job abandonment, and the employee shall be subject to immediate dismissal. Actions of this nature shall be reported through the County's Personnel Action System (PAS) under the categories "Other Job Abandonment", "Dismissal" or as appropriately identified in the PAS system.

(K) RETIREMENT. All full-time regular or part time regular employees regularly scheduled to work 30 or more hours per week are eligible for the Florida Retirement System (FRS). FRS operates pursuant to Chapter 121, Florida Statutes.

(L) DISMISSAL. Generally, a dismissal is an action initiated by the employer intended to terminate the employer-employee relationship between the Space Coast Transportation Planning Organization and a specific employee. An employment offer is not intended to represent an employment contract, either expressed or implied. The SCTPO retains all "employment-at-will" rights and can terminate the employment relationship at any time for any legal reason without prior notice. A dismissal action initiated by the SCTPO during the probationary period of employment may be accomplished with or without cause and without prior notice.

(M) LEAVES OF ABSENCE.

(1) From time to time, situations may arise that warrant consideration of placing an employee on a "Leave of Absence." Generally, actions of this nature are rare and must involve unusual or extenuating circumstances. Leaves of Absence may be accomplished with or without pay depending on the situation.

(2) WITHOUT PAY – Consideration for Leaves of Absence without pay is contingent upon reason, exhaustion of all other accrued leave as appropriate, and ultimate approval of the SCTPO Executive Director.

(3) Under no circumstances will a Leave of Absence without pay be granted which exceeds ninety (90) calendar days and without extreme circumstances being involved or unless the situation meets the criteria for extended Leave of Absence without pay as prescribed by Federal, State, or Local law applicable to the Space Coast Transportation Planning Organization. Refer to sections 9.1 (I), 9.6 and Section 19 for additional information.

(N) SUSPENSIONS. Generally a suspension is an action resulting from a disciplinary action initiated by the SCTPO Executive Director against a specific employee for a specific cause. Suspensions are considered to be a severe form of disciplinary action and may be accomplished with or without pay depending on the situation.

(O) MERIT INCREASE.

(1) General.

(a) The Space Coast Transportation Planning Organization’s pay plan consists of a salary minimum/maximum range per position with a performance based system for pay progression. Performance reviews are generally conducted annually, and should follow the guidelines established in the adopted Pay for Performance manual.

(b) Progression within the range is based upon performance and such movement is not to be considered automatic. Direct supervisors are responsible for conducting performance appraisals on their subordinates in an impartial, objective manner that shall be substantiated by cited examples of performance. The purpose of conducting performance appraisals is to assess an employee’s overall performance for the entire rating period to provide a basis to determine merit pay progression.

(2) Special.

(a) Special performance evaluations may be conducted at any time during the year to support and document significant aspects or changes in an employee’s performance of job duties. Reviews of this nature will normally be reflective of either meritorious performance or adverse performance. Special performance evaluations require prior approval of the SCTPO Executive Director or the Executive Director’s designee. As is the case with routine performance reviews, special performance evaluations must be discussed with the employee, documented on the appropriate form, and forwarded to the TPO staff member responsible for recording and holding personnel files.

(b) An overall “Successful” rating is necessary whenever an employee is given a special performance review with the intent of triggering a base salary rate increase other than at the time of the established performance review date.

(3) Performance Reviews – In general, performance reviews shall be accomplished for all regular full-time and regular part-time employees on an annual basis. Requests to extend an employee’s performance review date beyond an annual occurrence shall be permitted only- upon written mutual agreement between the employee being rated, and the SCTPO Executive Director, outlining the specific reason(s) for the extension and the date of the agreed upon subsequent performance review. (Normally this extension should not exceed six (6) months). This mutual agreement must be submitted to the SCTPO Executive Director, or the Executive Director’s designee, no later than the date of classification. If mutual agreement cannot be attained as specified above, then the performance review must be accomplished as scheduled previously.

SECTION 7.0 CODE OF CONDUCT

7.1 PURPOSE AND INTENT.

(A) This code of conduct establishes policies regarding conflicts of interest which may result from soliciting or accepting Gifts, gratuities, or unauthorized compensation; the appropriateness of outside employment; the use of one's position; personal contractual relationships; using or giving information for gain; or procuring and delivering contractual services for work; and related or associated matters. The Space Coast Transportation Planning Organization Code of Conduct Policy applies to all SCTPO employees. All SCTPO employees should seek to avoid even the appearance of improprieties to maintain public confidence in the Space Coast Transportation Planning Organization.

(B) All Space Coast Transportation Planning Organization employees shall pledge to subscribe to the following values to advance the interests of the customers and citizens the SCTPO serves, to foster good working relationships with colleagues, and to contribute to professional development. Each employee shall perform the duties of their position to the best of their abilities and the standards set forth in their job description or otherwise established and when needed, request additional instruction.

(C) To ensure that quality service and environment is provided to customers, the public, and ourselves, SCTPO staff pledge to subscribe to each and all of the following values:

- To be reliable, consistent, and dependable professionals.
- To recognize the importance of our work to the community.
- To be committed and loyal to both our work and our families.
- To impart a friendly attitude, which impels all SCTPO employees us to listen and treat others with respect, consideration, and courtesy.
- To be accountable for our collective actions and consequences by being results-oriented.
- Being open-minded and team-oriented, which improves flexibility and effectiveness.
- To acknowledge the importance of remaining current in SCTPO employee knowledge and use of tools.
- To be honest, which attribute is an integral component of SCTPO work ethic.
- To have professional integrity, which gains the SCTPO respect from all.
- To provide superior service to our community.

All employees are expected to honor and adhere to the ethical obligations inherent in public service.

(C) Article II, Section 8 of the Florida Constitution states, "a public office (or position) is a public trust." As stewards of the public trust, all Space Coast Transportation Planning Organization employees must use the powers and resources of the Space Coast Transportation Planning Organization entrusted to them by the public to further the public interest and not for any personal gain or financial benefit. Therefore, the Space Coast Transportation Planning Organization employees:

(1) Shall not accept benefits of any sort under any circumstances which could be inferred by a reasonable observer that the benefit was intended to influence a pending or future decision of such employee;

(2) Shall not engage in outside employment or financial transactions of any kind with any person, entity, firm, or corporation doing business with the Space Coast Transportation Planning Organization when such transactions constitute a conflict of interest; and

(3) Should seek guidance for their own protection by submitting the details of questionable situations, in writing, to the SCTPO Executive Director before engaging in such questionable activity.

(D) Many issues pertaining to conflicts of interest may require a legal opinion in that such issues are broadly addressed by provisions of the State Constitution, State Statutes, and/or Rules and decisions of the Florida Commission on Ethics. The Executive Director, or TPO legal counsel, shall be responsible for rendering a final determination regarding all issues pertaining to conflicts of interest.

(E) Ethical violations, as described above, shall be considered as cause for disciplinary action up to and including dismissal from employment with the Space Coast Transportation Planning Organization.

7.2 CONFLICTS IN EMPLOYMENT/CONTRACTUAL RELATIONSHIP.

(A) Secondary employment or contractual relationships are permitted to the extent that such employment or contractual relationships do not constitute a conflict of interest and do not interfere with the employee's job performance with the Space Coast Transportation Planning Organization.

(B) The Space Coast Transportation Planning Organization employees who participate in deciding, approving, recommending or preparing purchase or procurement requests, or influence the content of any specification or procurement standard, or render advice in the procurement or purchase of a contractual service, may not work for a person or entity attempting to engage in or engaging in contractual services with the Space Coast Transportation Planning Organization.

(C) The Space Coast Transportation Planning Organization employees acting in their official capacities, shall not directly or indirectly procure or substantially participate in the procurement of contractual services for the Space Coast Transportation Planning Organization from any business entity when a relative is an officer, partner, director, or owner or when such employee, spouse, or child has a material interest. (Note: The term "relative" for the purpose of this section is defined in Section 112.32 F.S.)

7.3 CONFLICT OF INTEREST REGARDING CONTRACTED SPACE COAST TRANSPORTATION PLANNING ORGANIZATION WORK AND/OR PURCHASE OF PROPERTY, MATERIALS, OR SUPPLIES.

(A) The Space Coast Transportation Planning Organization employees shall not bid on or have a material interest in any entity, firm, company, or corporation, bidding on:

- (1) The furnishing of any materials, supplies, or services to be used in the work of the Space Coast Transportation Planning Organization;
- (2) A contract for the construction of any Space Coast Transportation Planning Organization facility; or
- (3) The sale of any property to the SCTPO or the purchase of any property from the SCTPO, unless said property is offered to the general public at auction or by competitive bid.

(B) Prohibited Interests: Neither the Space Coast Transportation Planning Organization nor any of its contractors or their subcontractors shall enter into any contract or arrangement in connection with a project, or any property included or planned to be included in a project, in which any member, officer, or employee of the Space Coast Transportation Planning Organization during his or her tenure or for two (2) years thereafter has any interest, direct or indirect.

(C) The term "material interest" for the purpose of this section is defined in s. 112.312(15), F.S.

7.4 DISCLOSURE OF INFORMATION. Space Coast Transportation Planning Organization employees shall not use for personal advantage to themselves or others, or furnish information which was obtained as a result of employment to anyone, which is not available to the general public. This does not limit, hinder, or prevent disclosure of such information in performing official duties by those employees specifically charged with such responsibilities or so designated.

7.5 SOLICITATION/ACCEPTANCE OF GIFTS, GRATUITIES, BENEFITS, OR THINGS OF VALUE.

(A) Employees shall not solicit or accept anything of value to the recipient, including a Gift, loan, reward, promise of future employment, favor or service, based upon any understanding that the votes, official action, or judgment of the employee would be influenced thereby, either directly or indirectly, from any person or entity doing business with the Space Coast Transportation Planning Organization that could be construed or presumed to constitute unauthorized compensation.

(B) No employee, or said employee's spouse or minor child, shall, at any time, accept any compensation, payment, or thing of value when such employee knows or with the exercise of reasonable care should know that it was given to influence a vote or other action in which the employee was expected to participate in said employee's official capacity.

(C) A non-monetary Gift, including meals or entertainment, when offered gratuitously and carrying a total value of less than twenty-five dollars (\$25.00) may be accepted if the employee can ensure that it was not offered to influence said employee's judgment, action or vote. It is the employee's responsibility to avoid the appearance of a conflict of interest, and discretion should be used in accepting Gifts valued under the amount stated above. If there is any doubt about the intent of the person giving the Gift or its value is \$25.00 or greater, then the employee must decline to accept it.

(D) Chapter 112, Part III, Florida Statutes, prohibits government employees and Public Officers from knowingly accepting Gifts, directly or indirectly, from a Lobbyist if he or she knows or reasonably believes that the Gift has a value in excess of \$100.

(E) Should the SCTPO management be unable to determine whether an improper solicitation or Gift has been accepted by an employee or Public Officers, they may contact the Florida Commission on Ethics for a ruling.

(F) It is the responsibility of employees who are uncertain about accepting Gifts to seek guidance as specified in Section 7.1 of these policies.

(G) Space Coast Transportation Planning Organization employees wishing to qualify for, run for, and/or hold elective office, should submit notification and details of same, in writing, to the SCTPO Executive Director at least thirty (30) days prior to opening an account for campaign purposes. Employees in this situation are strongly encouraged to seek private legal counsel to ensure that such activity is consistent with the provisions of Florida Statutes. . In such situations, employees may be required to take a Leave of Absence for the duration of the campaign.

7.6 PERSONAL APPEARANCE. Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the business image that the Space Coast Transportation Planning Organization presents to the public. During business hours, employees are expected to present a clean and neat appearance and to dress according to the requirements of their positions. SCTPO employees should consult their supervisor, or the SCTPO Executive Director, if the employee has questions as to what constitutes appropriate attire.

7.7 USE OF SPACE COAST TRANSPORTATION PLANNING ORGANIZATION EQUIPMENT/PROPERTY.

(A) The personal use of Space Coast Transportation Planning Organization owned equipment, materials, tools, supplies, and other property is prohibited. SCTPO assets are to be maintained for SCTPO business-related purposes. Any use of resources for charity or community purposes must be approved in advance by an employee's supervisor. Any use of resources for political activity or personal financial gain is prohibited. Employees shall not perform any non-work activities during working hours or use Space Coast Transportation Planning Organization equipment, personnel or facilities for private gain, either monetary or other.

(B) Space Coast TPO employees shall limit personal activities during working hours. This includes but is not limited to personal use of copiers, phones, and computers, access to the internet or other personal activities during SCTPO work hours. Although certainly insignificant when taken individually, personal activities during work hours or use of SCTPO materials or property amount to a significant cost cumulatively.

(C) Anyone found to have used resources inappropriately will be subject to appropriate disciplinary action, up to and including termination.

7.8 PERSONAL MAIL/DELIVERIES/CALLS/VISITORS.

(A) The Space Coast Transportation Planning Organization prohibits its employees from receiving mail or deliveries of a personal nature at the property occupied, owned, or leased by the SCTPO. All employees should advise correspondents, businesses, and others, that personal mail is to be delivered to their home address and not to their place of work.

(B) No employee shall use Space Coast Transportation Planning Organization stationery or postage for personal business.

(C) The receiving and making of personal phone calls and the receiving of personal visitors on Space Coast Transportation Planning Organization time is strongly discouraged. The extent to which these are permitted is at the discretion of the SCTPO Executive Director, but should not disrupt the work environment. Employees may be required to reimburse the Space Coast Transportation Planning Organization for any charges resulting from their personal use of the telephone.

(D) To ensure effective telephone communications, employees should always use the approved greeting and speak in a courteous and professional manner. Please confirm information received from the caller and hang up only after the caller has done so.

7.9 COOPERATION WITH JOB-RELATED INVESTIGATIONS. It is a condition of Space Coast Transportation Planning Organization employment that employees are required to cooperate with respect to any job-related hearing, inquiry, or investigation.

7.10 INDICTMENTS OR FILING OF AN INFORMATION AGAINST AN EMPLOYEE.

(A) Employees shall be responsible for immediately notifying their supervisor whenever information has been filed by a prosecuting official against them for any offense or violation of law (including traffic violations while on SCTPO business), or who have been indicted by a grand jury or when an information has been filed against the employee.

(B) Employees under indictment or who are the subject of an information for any offense or violation of law shall have such situation reviewed by the Executive Director to determine if it is in the best interests of the Space Coast Transportation Planning Organization and the work program of the department to:

- (1) Retain the affected employee in said employee's regular position.
- (2) Assign the affected employee to other duties until such time as the charge(s) are disposed of by trial, acquittal, dismissal, conviction, or other judicial action.
- (3) Suspend or terminate the affected employee.

7.11 INCARCERATION. It is the sole responsibility of the affected employee to notify said employee's supervisor, no later than the first scheduled work day following the incident of the fact that the employee has been incarcerated. Employees who have been incarcerated may be permitted to request available leave as appropriate and/or be subject to action such as described above.

7.12 COMPUTER E-MAIL USAGE, INTERNET, VOICEMAIL AND CELLPHONES.

(A) Computers, computer files, the e-mail system, Internet access, pagers, cell phones and software furnished to employees are Space Coast Transportation Planning Organization property intended for business use. Employees should back up their computer files on a regular basis. The use of e-mail or Internet access for any non-business purpose is strongly discouraged. To ensure compliance with this policy, computer and e-mail usage will be monitored, including but not limited to e-mail, internet use, website history, call and text message history and history of materials, data and files downloaded or uploaded. Employees have no reasonable expectation of privacy with respect to any computer hardware, software, electronic mail, text or instant message, voicemail or other computer or electronic means of communication or storage, whether or not employees have private access or an entry code into the computer or voicemail system, or Space Coast Transportation Planning Organization-issued cell phone. Employees have no right to privacy in any matter, whether personal or business-related, stored in, created, received or sent through the Space Coast Transportation Planning Organization's email, internet, computer or voicemail systems or Space Coast Transportation Planning Organization-issued cell phones..

(B) All SCTPO employees should use the e-mail system in a lawful and ethical manner for business-related purposes only, in compliance with Federal and State law and the policies and procedures of Space Coast Transportation Planning Organization. All employees are expected to conduct themselves in a manner that reflects respect for the rights of others and protects the integrity of data, equipment, software licenses and other contractual agreements governing technological resources.

(C) Transmission of copyrighted software or other copyrighted materials, and the transmission, receipt or storage of abusive, harassing, obscene, libelous or slanderous materials, is prohibited. The Space Coast Transportation Planning Organization strives to maintain a workplace free of harassment and sensitive to the diversity of its employees. Therefore, the Space Coast Transportation Planning Organization prohibits the use of computers and the e-mail system in ways that are disruptive, offensive to others, or harmful to morale. For example, the display or transmission of sexually explicit images, messages, and cartoons is not allowed. Other misuse includes but is not limited to ethnic slurs, racial comments, or jokes. E-mail may not be used to solicit others for commercial ventures, religious or political causes, donations to outside organizations, or other non-business matters.

(D) The e-mail system is the property of the Space Coast Transportation Planning Organization as are all e-mail messages communicated through the system. Access to the e-mail system is a privilege, not a right. Users should respect the communications of others by not accessing ("eavesdropping") or altering them without authorization. However, messages sent by e-mail should not be considered private. They should all be considered public property. Management will, in the normal course of maintenance and review of the system operations, monitor, intercept, read and disclose any and all e-mail messages. Management reserves the right to delete or remove any and all non-business related materials to preserve the integrity of and space on all electronic equipment. Management reserves the right to review the use of e-mails for breaches of security, violations of SCTPO policy, or violations of employees' duties and responsibilities. Use of passwords,

encryption or PIN number's does not ensure confidentiality and may be overridden by Space Coast Transportation Planning Organization management.

(E) Any e-mail sent or received by employees may be considered a Public Record and is open for public inspection and copying, much in the same manner as all documents, papers, letters and other materials used officially by state agencies. If an e-mail message falls within the definition of a Public Record, it is subject to the policy on Public Records and Records Management, Section 21.0, PLC-2 and PLC-6, and may not be deleted except as provided for in the state record retention schedule.

(F) Use of the e-mail system for commercial purposes or personal profit is prohibited. Distribution of unwanted e-mail or other messages or use of any scheme (broadcast messages, chain letters, junk mail, and "spamming") that may cause excessive network traffic or computing loads is prohibited. The e-mail system shall not be used to endorse, promote, lobby, or raise money for any political candidate or political organization.

(G) Violations of the policies and procedures of the SCTPO, or of federal or state law may subject the violator to penalties, including criminal prosecution. The Space Coast Transportation Planning Organization reserves the right to suspend or rescind the access of any user found to have violated these policies or applicable laws and to take appropriate disciplinary action. Use of the e-mail system is governed by this policy of the Personnel System, and federal and state law.

7.13 COMPUTER SOFTWARE. The Space Coast Transportation Planning Organization purchases and licenses the use of computer software for business purposes and does not own the copyright to this software or its related documentation. Unless authorized by the software developer, the Space Coast Transportation Planning Organization does not have the right to reproduce such software for use on more than one computer. Employees may only use software on local area networks or on multiple machines according to the software license agreement. The Space Coast Transportation Planning Organization prohibits the illegal duplication of software and its related documentation. Employees shall not load any software not purchased by the Space Coast Transportation Planning Organization on any SCTPO -owned computer without permission. This is not intended to prohibit the use of data files supplied by consultants hired by the Space Coast Transportation Planning Organization. All computer disks shall be scanned for viruses before loading on any of the SCTPO's organization's computers.

7.14 TELEPHONE AND CELLPHONE USE. During work time, employees should limit the use of their personal cell phones for calls and text messages in the same way they must limit other non-work related conduct. Employees that have excessive telephone or cell usage for personal calls or text messages will be subject to corrective action, up to and including termination.

7.15 SMOKING. In keeping with the Space Coast Transportation Planning Organization's intent to provide a healthy and safe work environment and consistent with s. 386.201 *et seq.*, Florida Statutes, the "Florida Clean Indoor Air Act", smoking shall be strictly prohibited throughout the entire work place environment. This policy applies equally to all employees and visitors.

7.16 VIOLENCE IN THE WORKPLACE NOT PERMITTED.

(A) Definitions. Acts or threats of physical violence, including intimidation, harassment and/or coercion that involve or affect the Space Coast Transportation Planning Organization, or that occur on its property, is not permitted. This prohibition against threats and

acts of violence applies to all persons employed by or otherwise involved in Space Coast Transportation Planning Organization operations. Specific examples of conduct that may constitute threats or acts of violence under this policy include, but are not limited to, the following:

(1) Verbal Harassment: Verbal threats toward persons or property, the use of vulgar or profane language toward others, disparaging or derogatory comments or slurs, verbal intimidation, exaggerated criticism, name calling or belittling behavior.

(2) Physical Harassment: Acts of physical harm directed towards an individual such as hitting, pushing, kicking, holding, impeding or blocking the movement of another person or using, threatening or implying the use of any offensive weapon or any article or object that could be used as such.

(3) Visual Harassment: Derogatory or offensive posters, cartoons, publications, drawings, images, pictures or items.

(4) Property Damage: The intentional destruction or threat of destruction of SCTPO property or another employee's property.

(B) Reporting of Violence. Any employee who becomes aware of an incident of violent behavior, whether the incident is committed by another employee or an external individual such as a customer, vendor or citizen must report it to the Executive Director or designee. In the cases of critical incidents in which serious threats or injury occurs with internal or external customers, call 911 immediately to obtain emergency responders.

(C) Retaliation Protection. Employees who are aware of a workplace violence incident, threat of violence, or an incident that is about to take place, have an obligation to report that information to a supervisor or the Executive Director. Any employee who acts in good faith in reporting threats or acts of violence under this policy will not be subjected to harassment or retaliation as a result of such a report. Any retaliation or harassment must be reported immediately to the Executive Director or designee. An investigation will be conducted and completed in a prompt manner. Immediate action will be taken.

(D) Weapon at the Workplace. Possession, use, or threat to use a deadly weapon, including but not limited to all firearms and explosive devices, by an employee is forbidden on SCTPO owned, leased or rented property. Employees who carry a concealed firearm, or other weapon, for a lawful purpose within the interior of their private vehicle, must have the weapon securely encased or otherwise not readily accessible for immediate use.

(1) The following items are prohibited on SCTPO property (including parking areas): all types of firearms (except as noted in subsection 2 below), switchblade or other knives, dangerous chemicals, explosives including blasting caps, chains, brass knuckles, or other items carried or used for the purpose of injuring or intimidating others.

(2) This policy is not intended to prohibit an employee from possessing any legally owned firearm if the firearm is locked inside a private motor vehicle in a parking lot and when the employee is lawfully in such areas.

(E) Restraining Orders and Injunction. Cases of employees involved in personal disputes with internal or external individuals at times can escalate to the point where the issuance of injunctions, restraining orders, and other Court Orders are sought. In order to maintain the safest possible work environment, employees should include their work locations upon the issuance of any restricting Court Order. Employees are encouraged to inform the Executive Director as well as their supervisor immediately in these cases and provide a copy to their supervisor. Even in the case where an employee has not yet secured a Court Order, but has reason to fear for his/her personal safety, reporting of these concerns is of great importance.

(F) Consequences for Violence. Engaging in such conduct may result criminal charges and, in any case shall be cause for disciplinary action up to and including dismissal.

SECTION 8.0 EMPLOYEE BENEFITS

8.1 GENERAL.

(A) An employee's benefits entitlement is contingent upon the employee's status as a full-time permanent, part-time permanent, or part-time temporary position, as specified in the "Authorized Positions" section of the Space Coast Transportation Planning Organization's "Classification and Pay Plan" document. Employees who meet the criteria of the aforementioned categorization are eligible for benefits entitlement as follows:

(B) A "full-time permanent employee" is defined as working 35 hours or more a week in a fully budgeted position. Persons in this position are eligible to accrue annual leave and sick leave, are entitled to full benefits such as health insurance, dental insurance, vision insurance, life insurance for themselves and their dependents at group rates, and life, Long Term Disability (LTD) and long term care insurance also available at group rates, and participation in the Florida Retirement System (FRS), direct deposit of compensation, and deferred compensation program.

(C) A "part-time permanent employee" is defined as working less than 30 hours a week, and shall accrue annual leave, sick leave, and holidays on a pro-rata basis. They are also eligible for participation in the Florida Retirement System (FRS). They are not eligible for any insurance coverage or programs.

(D) A "part-time temporary employee" is defined as working less than 30 hours a week for up to 180 days. They are eligible for FRS benefits as statutorily mandated. They are not eligible for any insurance coverage or programs.

(E) Exceptions:

(1) The SCTPO Executive Director shall be entitled to benefits as covered under the Executive Director's employment contract. Items not addressed specifically under the contract will be the same as listed in the Personnel Rules and Regulations of the Space Coast Transportation Planning Organization as for other employees.

(2) Temporary employees fulfilling a regular full-time or regular part-time position as listed in the "Authorized Positions" for a temporary time frame will receive only those benefits specified in their offer letter.

8.2 HOLIDAYS.

(A) The SCTPO Governing Board approves holidays and determines when they will be observed. Unusual instances will be handled by the SCTPO Executive Director after conferring with the TPO Chair.

(B) The days listed below are designated as official Space Coast Transportation Planning Organization holidays:

First Day of January	New Year's Day
Third Monday in January	Martin Luther King's Birthday
Last Monday in May	Memorial Day
Fourth day of July	Independence Day
First Monday in September	Labor Day
The Eleventh Day in November	Veterans Day
That Thursday in November proclaimed as	Thanksgiving Day
The Day following Thanksgiving Day	Thanksgiving Holiday
The 24th Day of December	Christmas Eve
The twenty-fifth day of December	Christmas Day
Floating Employee Holiday*	Any approved workday

*Floating Employee Holiday, granted to employees who have 180 calendar days of unbroken service with the TPO. The date is subject to approval of the Executive Director and shall be taken in increments of not less than eight (8) hours.

(C) If holidays fall on Saturday, they will be observed on the preceding Friday. If holidays fall on Sunday, they will be observed on the following Monday.

(D) Temporary employees, contractual employees, interns, and part-time employees that are not considered regular full-time or part-time employees will not be paid for official Space Coast Transportation Planning Organization holidays. Full-time regular and part-time regular employees will be paid for official Space Coast Transportation Planning Organization holidays. Part-time regular employees will be paid proportionately depending on hours worked as compared to full-time regular employees.

8.3 ANNUAL/SICK LEAVE.

(A) The SCTPO uses an annual/sick leave award and accumulation schedule identical to that of Brevard County. In the event of any inconsistency between the SCTPO policy on the accumulation, use and pay for earned annual and sick leave and those utilized by the Brevard County Board of County Commissioners, the policy of the Brevard County Board of County Commissioners shall prevail.

(B) ANNUAL LEAVE. All employees in full-time permanent positions are eligible to earn annual leave. An employee may accumulate annual leave, but cannot carry over more than 240 hours at the end of any calendar year including December accruals.

(1) Full-time permanent employees earn annual leave or vacation time as follows:

<u>Years of Permanent Service</u>	<u>Hours Per Pay Period (24/year)</u>	<u>Work days Per Year</u>
1 thru 5	4	12
6 thru 10	5	15
11 thru 15	6	18
16 thru 19	7	21
20 and over	8	24

(2) Part-time permanent employees earn annual leave based on the actual number of paid hours for the pay period and include actual hours worked, paid absence hours and paid holiday hours, but no hours that are paid at an overtime rate. The following rules apply:

(a) Bi-weekly leave accruals shall be based on the part-time permanent employee's number of hours worked each pay period, not to exceed full-time leave accrual amounts.

(b) Leave shall accrue over 26 pay periods in any 365 day time period. The formula to be applied for each bi-weekly period shall be: (number of actual hours worked + paid absence hours + paid holiday hours) / (80 hours x fulltime leave accrual hours based on years of service).

(3) New employees shall begin to earn annual leave as of the first full pay period of employment.

(4) Annual leave is not credited until the last calendar day of the pay period for which it is earned and may not be used until after it is credited. Note: Annual leave is accrued twice per month (24 pay periods) for full-time employees, so there are two pay periods per year where there is no annual leave accrual.

(5) Part-time temporary employees do not earn annual leave accruals.

(C) USE OF ANNUAL LEAVE.

(1) SCTPO employees may use their annual leave as earned for such things as vacations, personal business, or childcare. SCTPO employees may use their annual leave for absences for sickness if they have used all of their sick leave. However, all requests for annual leave must be approved in advance by the employee's supervisor. Unauthorized leave or failure to obtain prior approval can be cause for denial of pay for annual leave.

(2) The SCTPO Executive Director reserves the right to deny an annual leave request if the absence would interfere with the work schedule, or causes an inconvenience to the SCTPO.

(3) For any full-time permanent or part-time permanent employees, the minimum unit of annual leave that may be used on any given day is one-quarter hour.

(4) Annual leave may not be used until after the completion of 180 calendar days of permanent service except as a continuation of authorized sick leave substantiated by a physician's statement or if pre-approved by the SCTPO Executive Director.

(D) LEAVE IN EXCESS OF MAXIMUM CARRYOVER.

(1) It is not the SCTPO's policy to pay for vacation time if it is not taken, except when an employee separates from employment in good standing as described below. However, if the SCTPO has prevented an employee from taking leave in excess of the maximum to be carried over at the end of the calendar year, the SCTPO Executive Director may authorize the employee to be paid for the excess annual leave.

(2) An exception to this policy is for employees who submit written notice of their intention to enter the Florida Retirement System (FRS) Deferred Retirement Option Program (DROP) during the two year period prior to their entering the DROP program, or who submit written notice of their retirement during the two year period prior to their retirement date. These employees will be allowed to continue to accrue annual leave in excess of the limits outlined above, up to the FRS maximum accrual limit of 500 hours.

(E) ANNUAL LEAVE UPON TERMINATION.

(1) If a SCTPO employee leaves in good standing, they shall be paid for any unused annual leave. This pay will appear in the employee's final pay check. Employees forfeit their right to terminal leave pay if they fail to give ten (10) working days notice, or are discharged for cause.

(2) An employee who has given their 2 weeks notice may request to use their annual leave for those 2 weeks with the authorization of the SCTPO Executive Director or the Executive Director's designee as long as it does not disrupt the operation of the office.

(F) SICK LEAVE

(1) All Full-time permanent positions are eligible to earn sick leave credits. Sick leave as earned may be carried forward and accumulated with no limit. Full-time permanent employees earn sick leave as follows:

Year of Permanent Service	Hours Per Pay Period (24/Year)	Work days Per Year
1 thru 10	4	12
11 and over	5	15

(2) Part-time permanent employees earn sick leave based on the actual number of paid hours worked for the pay period, including actual hours worked, paid absence hours, and paid holiday hours. Part-time permanent employees do not earn sick leave credit for hours that are paid at an overtime rate. The following rules apply:

(a) Bi-weekly leave accruals shall be based on the part-time employee's number of hours worked each pay period, not to exceed full-time leave accrual amounts.

(b) Leave shall accrue over 26 pay periods. The formula to be applied for each bi-weekly period shall be: (number of actual hours worked + paid absence hours + paid holiday hours) / (80 hours x fulltime leave accrual hours based on years of service).

(3) New employees shall begin to earn sick leave as of the first full pay period of employment. Sick leave is not credited until the last calendar day of the pay period for which it is earned and may not be used until after it is credited. Sick leave is accrued twice per month (24 pay periods) so there are two pay periods per year where there is no sick leave accrual.

(4) Part-time temporary employees do not earn sick leave.

(G) USE OF SICK LEAVE.

(1) Employees may use their sick leave as earned for personal illness or disability, doctor and dentist appointments, or officially approved professional counseling. It may also be used as a continuation of approved emergency leave (not to exceed 4 days) due to the death or critical illness of a member of the employee's immediate family. Sick leave pay is not available for baby-sitting or child care, vacation, personal business, or similar purposes. However, sick leave may be used if the illness or injury of a member of the employee's "immediate family", if the member of the "immediate family" requires personal care and attention by the employee. For this purpose, the term "immediate family" means only members of an employee's household and natural or adopted children of non-custodial parents or an employee's non-household parents. In the case of non-household immediate family members, a maximum of forty (40) hours of sick leave may be utilized in any 365 day period.

(2) For any full-time permanent or part-time permanent employee, the minimum unit of sick leave that may be used on any given day is one-quarter hour.

(3) During an employee's first six months of permanent service, the employee they may not use their sick leave, unless the need has been verified by a physician's statement.

(H) DONATIONS TO SICK LEAVE. An employee may donate leave to a needy employee within with the SCTPO organization or within the Brevard County Board of County Commissioner's eligible employee program. Leave may be donated from an employee's annual leave on a *pro rata* basis as set forth using the formula in sub-section (I); or from an employee's sick leave on an hour for hour basis. Donations may be made under the following conditions: the employee has not abused sick leave in the past; the illness is documented; all sick and annual leave is exhausted; and only the specific amount of sick leave time which is needed may be donated.

(I) "TRADE BACK" SICK LEAVE FOR PRO RATED ANNUAL LEAVE. Full time permanent employee's on the first pay period of January may "Trade Back" up to eighty (80) hours of sick leave for additional annual leave on a *pro rata* basis as long as the employee keeps a minimum of two hundred (200) hours of sick leave on an employee's sick leave balance as follows.

<u>Sick Leave</u>	<u>Annual Leave</u>
1 hour	.5 hour

(J) NOTIFICATION AND PROOF OF ILLNESS.

(1) If an employee must take sick leave, it is the employee's responsibility to notify their supervisor as early as possible on the first day of absence, and each day thereafter, unless instructed to do otherwise. At the option of the SCTPO Executive Director, a doctor's statement or other proof of illness or injury may be required. Failure to give proper notification or to provide proof of illness may be cause for denial of sick leave compensation. An employee may be required to furnish a doctor's statement attesting to the employee's recovery when they return to work.

(2) Sick leave may be restricted when use of sick leave is for an extended period of time or appears to be abused. During sick leave restriction, an employee may be required to furnish competent proof of the necessity of such absence and/or may, at the SCTPO's expense, be required to be examined by a designated physician or nurse practitioner designated through the Brevard County's Board of County Commissioners Health Plan program. If an employee fails to provide competent proof when requested, or fails to submit to an examination when requested, the employee may be charged leave without pay and may be disciplined.

(K) SICK LEAVE INCENTIVE.

(1) If an employee does not use any sick leave during any twelve (12) consecutive month period except for one's own hospitalization or for physician's appointments that are pre-approved by their supervisor at least one (1) week in advance, the employee will be awarded an additional eight (8) hours of annual leave above and over that annual leave which would otherwise be accrued pursuant to the Personnel System regulations. It is the employee's responsibility to notify their supervisor within 60 days of becoming eligible to receive this award. The award if one is a part-time permanent employee is on a *pro rata* basis using the formula set forth in sub-section (I). Probationary employees and employees taking a leave of absence during the period are not eligible for the incentive.

(2) Each individual employee is responsible for monitoring and keeping track of their own leave absences to see if they qualify for this program.

(3) Sick leave is a privilege and not an automatic right. Abuse or making false claims for sick leave is cause for disciplinary action, including dismissal. Employees, who properly resign, are laid off, or otherwise separate in good standing after completing their first 270 calendar days of service are eligible to receive pay for twenty percent (20%) of any unused sick credits not to exceed a total of 230 hours of pay. Employees who resign, or are otherwise separated in good standing and are vested under the Florida Retirement System shall be paid thirty percent (30%) of any unused sick leave, not to exceed 346 hours of pay. For employees hired on or before October 1, 2011, employees who meet the requirements for retirement under the Florida Retirement System and retire from SCTPO service in good standing shall receive pay for fifty percent (50%) of their unused sick leave balance. For employees hired after October 1, 2011, *pro rata* who meet the requirements for retirement under the Florida Retirement System and who retire from the SCTPO in good standing, shall receive compensation for thirty percent (30%) of their unused sick leave balance.

(L) HOLIDAYS. Holidays occurring while an employee is on Space Coast Transportation Planning Organization personal leave are to be counted as holidays, not annual leave. In case of death of an employee or permanent long term disability, payment for unused annual/sick leave shall be made to the employee or to the employee's beneficiary, estate, or as provided by law. It shall be the SCTPO Executive Director's designee's responsibility to keep accurate and up-to-date annual/sick leave records on each employee. Annotations for annual/sick leave used must be made by the employee's immediate supervisor, or the Executive Director, on every employee's respective payroll timesheet as the time is used.

(M) MENTORING. Mentoring programs can provide not only a great benefit for the mentee, but also benefit those doing the mentoring and can contribute to an employee's professional growth. Employees that have been employed with the SCTPO for at least one full calendar year, are full time, and have a satisfactory score on latest performance evaluation may participate in a mentoring program within Brevard County. Employees participating in this program shall receive up to one (1) hour of paid administrative leave per week, not to exceed five (5) hours per calendar month. Alternatively, a participant may use up to five (5) hours administrative leave for a single session on a monthly basis instead of one (1) hour each week.

Program participants will not be eligible for mileage reimbursement. Subject to the approval of the SCTPO Executive Director, additional administrative leave may be granted for travel time related to the employee's participation in the mentoring program. Interested employee's shall coordinate with their direct supervisor and must receive written approval to participate in such a program.

8.4 GROUP HEALTH PLAN. The Space Coast Transportation Planning Organization may purchase, for its employees (as further defined herein), and participate in the Brevard County's employee benefits programs on the same basis that Brevard County offers such benefits to the employees and retirees of the Board of County Commissioners. Such benefits currently include health insurance plan(s), health reimbursement accounts (HRA's), health flex spending accounts, wellness programs, employee assistance program (EAP), pharmacy plan, dental insurance plan, vision plan, life insurance, supplemental life insurance, long term disability insurance, short term disability insurance, and any other similar available benefits. Employee benefits programs which Brevard County may offer will change from time to time. Benefits can be withdrawn at any time that Brevard County similarly withdraws such benefits for employees of the Board of County Commissioners. If programs are added or removed, SCTPO employees will be advised when changes are contemplated at the same time Brevard County employees are advised. The terms of such participation in the group health plan shall be as set forth in a separate Agreement called the Group Health Plan Agreement. All full-time permanent employees of the SCTPO are eligible to participate. Part-time permanent, and part-time temporary, employees who work less than 30 hours per week are not eligible for benefits offered under the Group Health Plan Agreement.

8.5 INSURANCE. The SCTPO may purchase on behalf of its employees and participate in the automobile, general liability and workers compensation insurance programs purchased by Brevard County for the benefit and protection of its officers and employees. Any SCTPO employee, while acting in the course and scope of said employee's employment for the SCTPO, shall be considered covered under such plans to the same extent and under the same conditions as a Brevard County employee.

SECTION 9.0 ATTENDANCES AND ABSENCES

9.1 GENERAL.

(A) To maintain a safe and productive work environment, the Space Coast Transportation Planning Organization expects employees to be reliable and punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and of the Space Coast Transportation Planning Organization.

(B) Employees shall not be absent from work without authorized permission. Absences in excess of 24 consecutive hours without a satisfactory explanation shall be considered a reason for dismissal.

(C) The SCTPO Executive Director will hold staff responsible in accounting for their daily whereabouts and activities.

(D) In case of emergency, an employee is required to notify the office or said employee's supervisor promptly, giving the reason for absence and expected time of return to work. The circumstances involved should be taken into account in relation to prompt notification and approval.

(E) Employees are required to be on time, properly attired, and equipped to perform their duties at the appointed starting time of their work day. Reporting to work after the appointed start time is defined as being "tardy."

(F) If an employee is tardy for any reason, said employee is expected to notify said employee's supervisor prior to the employee's appointed start time.

(G) Excessive tardiness is defined as more than twelve (12) occurrences within any 365 calendar day period with consideration given to severity and possible medical reasons.

(H) The SCTPO Executive Director, or the Executive Director's designee, shall be required to document tardiness on timesheets.

(I) Automatic discharge will be effected if an employee has been absent for three (3) or more consecutive days without proper notification to the SCTPO or said employee's supervisor. This will be construed as "Job Abandonment."

(J) From time to time, situations may arise that warrant consideration of placing an employee on a "leave without pay" status. Requests of this nature are viewed to be the exception and not the rule and shall only be considered after thorough review of the circumstances and attendance record of the employee. Consideration for "leave without pay" status is contingent upon an acceptable reason, exhaustion of all other accrued leave, and ultimate approval of the SCTPO Executive Director the approval process specified by the County's Personnel Action System (PAS). Under no circumstances will a "leave without pay" status be granted that exceeds ninety (90) calendar days without extreme circumstances being involved. Refer to Sections 6.1(J) and 9.6 for additional information pertaining to this subject.

9.2 JURY DUTY. All SCTPO employees in a permanent position called upon to serve as a juror, shall receive regular pay for the time they are absent from their regular work schedule. In addition, the employee may keep any fees received from the court for jury service. Employees must present a copy of their jury summons to their supervisor to be eligible for pay. When released from jury duty during work hours, employees shall return to work, unless otherwise instructed by their supervisor.

9.3 COURT APPEARANCES. An employee, who is summoned to appear as a witness in any action in connection with the employee's job, or concerning a town, city, county, district, state, or

federal government, shall be granted leave with pay upon presentation of any summons. Court appearances for civil actions not involving public bodies will not receive leave with pay; however, personal leave time may be requested.

9.4 MEETINGS AND CONFERENCES. An employee may request, and will be paid regular time, to attend job-related conferences or and/or training seminars that are budgeted by the SCTPO for and considered in the best interest of the employee's service to the Space Coast Transportation Planning Organization. These requests must be approved by the SCTPO Executive Director, or the Executive Director's designee, in advance. An employee requesting to attend unbudgeted job-related conferences or meetings may request time off from said employee's job with pay but conference fees and *per diem* will be at the employee's own expense. Requests for unpaid absences must be approved by the SCTPO Executive Director.

9.5 EMERGENCY LEAVE.

(A) If the event of a death or critical illness of a member of an employee's, or an employee's spouse's, immediate family, an employee may be granted emergency leave upon request, in accordance with the following guidelines. – "Immediate family", as that term is used in this Section 9.5 includes only members of an employee's household and natural or adopted children of non-custodial parents or an employee's or spouse's non-household parents, brothers, or sisters.

(B) Employees whose workday normally consists of shifts of twelve (12) hours or less may be granted up to (3) working days paid emergency leave. In the case of the death of the employee's spouse, parent, grandparent or child up to five (5) days emergency leave may be granted or five (5) calendar days to attend to the immediate family member's critical illness.

(C) Use of emergency leave or sick leave for emergency leave purposes is not a matter of right. An appointing authority may deny leave or grant less than the maximums.

9.6 PERSONAL ABSENCES. In cases of absences without pay (other than that leave taken as Family Medical Leave as discussed in Section 19) in excess of thirty (30) days, the Space Coast Transportation Planning Organization does not provide paid health or life insurance coverage during the period of absence, nor does the employee earn any vacation or sick leave. Upon return to work from this status, the employee will begin earning personal leave along with the appropriate insurance coverage. Employees in an absence without pay status are responsible for making prearrangement with the SCTPO Executive Director to provide insurance coverage during the absence. Employees will be notified of their rights to this coverage under Consolidated Omnibus Budget Reconciliation Act of 1985, Public Law 99-272, 100 Stat. 82, as amended from time to time (COBRA) or the Florida Health Insurance Coverage Continuation Act, s. 627.6692, Florida Statutes, as amended from time to time, all as applicable.

9.7 MILITARY LEAVE AND VETERAN'S PREFERENCE.

(A) **Military Reserve and National Guard Training Leave.** In accordance with s. 115.07, F.S., employees on all days during which they are engaged in training ordered under the provisions of the United States military or naval training regulations will be granted up to 240 working hours in any one annual period. A copy of the employee's military orders should be attached to the appropriate timesheet. Other military leave will be granted to employees in compliance with current State and Federal laws. See Uniformed Service Employment and Reemployment Rights Act, 38 USC §§4301-4335; Chapter 115, F.S.

(1) An employee's right to military leave for recurring military Reserve or National Guard training shall be governed by s. 115.07, F.S. Such employees shall not be required to work or use accrued leave on any day during which they are engaged in training or under official

orders. Likewise, such employees shall not suffer loss of pay up to 240 hours, time, seniority, promotional status, retirement pay, or efficiency rating. s. 115.12, F.S.

(2) It is the employee's responsibility to provide a copy of all official orders to the employee's supervisor immediately upon receipt of same. A copy of the order must be forwarded to SCTPO Executive Director, or the Executive Director's designee, for inclusion in the employee's personnel file.

(B) Active Military Service Leave. Whether continuous or intermittent, an employee ordered to active military service shall be granted leave with pay. Such leave with pay shall not exceed thirty (30) calendar days in any one (1) annual period beginning on July 1 and ending on June 30 of the following year. Since it is possible that such leave can, in unusual circumstances, be ordered for periods in excess of thirty (30) calendar days, an employee may request to use accrued personal leave for any active military service time in excess of 30 calendar days in an amount necessary to bring the employee's total salary, inclusive of his or her base military pay, to the level the employee earned at the time called to active duty. If the employee does not request to use personal leave, the excess working days shall be approved as leave without pay. However, the employee shall not suffer any loss of time or efficiency rating.

(C) Florida National Guard Service Leave. An employee who is a member of the Florida National Guard shall be granted military leave during periods in which the employee is ordered to active State service by the Governor of Florida pursuant to Chapter 250, F.S. As provided in ss. 115.14 and 250.48, F.S., such leave without loss of pay shall not exceed thirty (30) calendar days at any one (1) time. As provided in s. 115.14, F.S., the Space Coast Transportation Planning Organization may supplement the military pay of employees who are reservists called to active duty in an amount necessary to bring their total salary, inclusive of their base military pay, to the level gained at the SCTPO at the time they were called to active duty.

(D) Veteran's Preference. Preference in hiring, promotional opportunities and layoff retention shall be given to veterans in accordance with the provisions of Chapter 295, Florida Statutes. If the selection process is based on a numerically based formula, veteran preference eligible employees who passed the initial screening shall receive an augmented score. If the selection process is not based on a numerical based formula, special consideration shall be given in accordance with law.

(1) Employees must submit current documentation substantiating Veterans' Preference status to receive a preference. A DD-214 or comparable document which serves as a certificate of release or discharge claim must be furnished. If an employee wishes to be appeal any decision, he/she may file a complaint with the Florida Department of Veterans' Affairs.

9.8 BREAKS IN SERVICE.

(A) Termination of employment for more than seven (7) calendar days for any reason shall be considered a break in service and will not be counted in determining an employee's total length of service. In computing total length of service, part-time work shall be counted as the percentage of part-time work in relation to normal full-time work for the position and classification in question at the time work was performed.

(B) Paid personal leave absences shall be counted in computing the total length of service.

(C) Temporary leaves of absences may be counted toward the total length of service provided the absences do not exceed thirty (30) days. Except as provided in Section 9.7, PLC-2, unpaid leaves of absence which exceed thirty (30) days shall be considered breaks in service, and time after the thirtieth (30th) day will not be counted in computing total length of service. Except as provided in Section 9.7, PLC-2, the first thirty (30) days of a temporary leave of absence may be counted as service, no benefits shall accrue during an unpaid leave of absence.

9.9 PAY DAY. The Space Coast Transportation Planning Organization “work week” is from Saturday through Friday. Employees are paid bi-weekly on every other Friday. There are twenty-six (26) pay periods in each year. In compliance with Section 215.85(4)(b), Florida Statutes, upon written approval by an employee, all payrolls after an employee’s first payroll shall be made by direct deposit. The number of direct deposits per employee shall be limited to three. In the event that a regularly scheduled pay day falls on a legal holiday when banks are closed, employees will receive pay on the last day of work before the regularly scheduled pay day.

9.10 ADMINISTRATIVE CORRECTIONS. The Space Coast Transportation Planning Organization will take all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday. In the unlikely event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of the appropriate staff member so that corrections can be made as quickly as possible.

9.11 PAY ADVANCES. It is the policy of Space Coast Transportation Planning Organization not to make advancements on employee pay.

9.12 HOURS WORKED.

(A) The Space Coast Transportation Planning Organization offices are open from 8:00 a.m. to 4:30 p.m., Monday through Friday, excluding approved holidays. It is imperative that sufficient coverage of the office is maintained at all times during the regular office hours. The normal work schedule for all full time regular and full time hourly employees is at least 35.0 hours per full work week of five (5) working days; provided, that all regular, full time hourly employees usually will work at least 7.0 hours a day (exclusive of time off for meals) to be classified as full time employees.

(B) An employee that has been designated as “exempt” is not entitled to overtime or the accrual of compensation hours, regardless of the number of hours worked over and above said employee’s normal work week. Exempt employees shall be authorized to “flex” such hours. However, this does not mean that exempt employees cannot be required to use accrued leave to supplement pay for partial or whole day absences for personal, vacation, or illness reasons.

(C) In general, “hours worked” includes all time an employee is:

- (1) Required to be on duty or in a prescribed work area for the employer; and
- (2) Any and all time during which the employee is suffered or “permitted” to

work for the employer.

(D) All full-time permanent employees, whether exempt or non-exempt, are provided with one meal period of thirty (30) minutes in length each work day. All full-time permanent employees shall be entitled to two (2) fifteen (15) minute breaks, one in the morning period and one in the afternoon.

(E) Responsibility for monitoring work hours begins at the supervisory level. Precautions will be taken to see that the employees are knowledgeable of the Fair Labor Standards Act of 1938, as amended, 29 USC §201 *et seq.* and its effect on the day-to-day work hours. If an employee remains in the work area assisting a citizen, taking a business phone call, or assisting another employee with business, that time will be considered to be work time and will be compensated. There is no such concept as voluntary overtime.

(F) Education of employees in this matter is the responsibility of the supervisor. Failure to adhere to supervisory direction may cause the employee to be subject to disciplinary action.

(G) Any deviations from the standard hours worked must be approved by the SCTPO Executive Director. The SCTPO Executive Director shall have the authority to adjust regular scheduled office hours for unusual circumstances on a temporary basis (*i.e.* - SCTPO furloughs, building closures, and staff workshops) or for emergency situations as identified in section 9.16. The office shall return to the regular hours as identified in this Section 9.12 as soon as appropriate. Any changes in work hours for unusual circumstances shall not entitle employees to overtime pay.

(H) Breastfeeding mothers will be provided a reasonable break time to express breast milk for her nursing child for up to one (1) year after the child's birth, unless such break will cause an undue hardship. For non-exempt employees, this break time is unpaid but employee may elect to use their two (2) fifteen (15) minute break periods. Employees must schedule any break time to express breast milk with their supervisor. The employee will be provided with a private area for the purpose of expressing breast milk.

9.13 COMPENSATORY TIME.

(A) In those unavoidable circumstances when an employee is required to complete a task or attend a function that runs beyond their normal work schedule, they shall be compensated in either compensatory time, for non-salaried staff, or flex time for salaried staff.

(B) All full-time permanent non-salaried employees who are required to work in excess of the total hours normally worked within the week, shall accrue compensatory compensation time, in lieu of cash payment for overtime at a rate of 1 and one-half times the amount of hours worked over their standard work hours. Supervisors or the SCTPO Executive Director must authorize all compensatory time work in advance. The maximum accumulation of compensatory time may not exceed eighty (80) hours and must be used in the calendar year that it was earned. Compensatory time hours are not to be carried forward so must be used or paid out.

(C) For the purposes of computing compensatory time, jury duty, annual leave, sick leave, emergency leave, and holidays, are counted as hours worked; provided, that the employee completes the regular workweek.

(D) Each staff member's supervisor shall be responsible to monitor their employees work schedule to see that they are not routinely working excessive hours over their assigned duties.

9.14 FLEXTIME.

(A) Employees occupying certain managerial, administrative and professional salaried positions are exempt from the overtime provisions of the Fair Labor Standards Act of 1938, as amended, 29 USC §201 *et seq.*, and do not normally receive overtime pay. However, a salaried employee may be granted flex-time compensation under special circumstances, such as attending meetings outside their normal working hours.

(B) Flextime is a method whereby some deviation may be permitted within the same work week. For example: an employee works a 35 hour standard work week from Monday through Friday but for some reason needs to leave work two (2) hours early on Friday and does not have an adequate amount of appropriate accrued leave to cover the absence. The Executive Director, or the Executive Director's designee, may wish to accommodate the employee by utilizing the flextime concept as long as it can be done within the same pay period. In this example, the Executive Director, or the Executive Director's designee, may allow that employee to work two (2) hours overtime or two (2) hours prior to the normal starting or quitting time during that same pay period. It is emphasized that the decision to allow flextime is solely at the discretion of the Executive Director, or the Executive Director's designee, and is not to be construed as an employee "right." Care is to be taken that the concept of flextime is to be applied fairly and with consideration given to a smooth, uninterrupted work flow.

9.15 EMPLOYEE PAYROLL.

(A) All attendance and absence hours worked by each employee shall be kept on a bi-weekly payroll sheet. The individual employee shall be responsible for turning in their payroll sheet for entry into the SAP, the County's accounting based software system, on designated payroll dates. Failure to do so could result in delay of pay.

(B) Payroll sheets should be kept on a daily basis. Failure to keep payroll sheets up to date may result in disciplinary action. Employees are responsible for correct and accurate notations on payroll sheets, which reflect hours worked, personal leave absences, tardiness, and other factors consistent with these rules. Payroll sheet records shall be maintained for at least three (3) years time from the generation of the payroll sheet record.

9.16 EMERGENCY CLOSINGS. At times, emergencies such as severe weather, fires, or power failures, can disrupt operations of the SCTPO. In extreme cases, these circumstances may require the closing of the work facility. When operations are officially closed due to emergency conditions, the time off from scheduled work will be paid without requiring use of accrued leave. However, employees already on sick leave, vacation or planned accrued leave, prior to the emergency closing shall be charged their accrued leave. Employees in essential operations may be asked to work on a day when operations are officially closed. In these circumstances, employees who work will receive regular pay.

9.17 DECLARED EMERGENCY CONDITIONS.

(A) Emergency conditions causing the grant of administrative leave declared by the Brevard County Manager will usually, but not always, be a condition in which the Executive Director will approve the issuance of administrative leave. When an emergency condition has been declared by the Executive Director where all SCTPO employees performing non-essential functions on a countywide basis are granted paid administrative leave by the Executive Director to return to home because of the emergency conditions, those employees required to work during the emergency conditions shall, in lieu of any paid administrative leave which may be authorized, receive compensatory time for all normally scheduled hours worked in which non-essential employees are granted paid administrative leave and in addition be paid as follows:

(B) Non-exempt (hourly, overtime eligible) employees shall be paid at a rate of time and one-half for all hours worked during the declared emergency conditions and for all hours worked outside their normal work hours responding as part of recovery efforts for the emergency after the declared emergency conditions have been lifted.

(C) Exempt employees (salaried), excluding the Executive Director, shall receive in addition to their regular salary, straight time pay plus half time compensatory time for all hours worked outside normal work hours during the declared emergency conditions and for all hours worked outside their normal work hours responding as part of recovery efforts for the emergency after the declared emergency conditions have been lifted.

(D) When non-exempt (hourly) and exempt (salaried) employees, excluding the Executive Director, are required to be on duty during declared emergency conditions, sleep time shall be included as hours worked. The Executive Director may receive compensatory time for hours worked outside their normal work hours during the declared emergency condition.

(E) Temporary employees shall not be eligible to receive paid administrative leave during a declared emergency. In the event a temporary is required to work during the declared emergency they shall be paid time and one-half for working the emergency event.

(F) Employees who are required to attend mandatory meetings or training sessions on their normal day off shall be paid for the actual hours worked (mandatory meeting or training session) with a minimum guarantee of three hours straight time pay.

(G) Employees who have been scheduled to work on their normal day off and report to work and is told he/she is not needed for the day will be paid a minimum guarantee of three hours straight time pay.

(H) All hours eligible for state or federal reimbursement (e.g., FEMA) will be coded according to accepted Finance standards. These emergency pay provisions apply irrespective of whether a reimbursement request is granted.

SECTION 10.0 WORKERS' COMPENSATION

10.1 WORKERS' COMPENSATION.

(A) Space Coast Transportation Planning Organization employees disabled as a result of an injury arising out of and in the course of employment, compensable under the provisions of Florida's workers' compensation law, Chapter 440, Florida Statutes, shall continue to be entitled to be provided life insurance and group medical insurance coverage as included as part of the Space Coast TPO's participation in the Brevard County Board of County Commissioners Group Health Plan program. Employees who are on workers' compensation leave shall not earn annual or sick leave benefits when such leave extends thirty (30) calendar days or longer.

(B) Employees may elect to use accrued sick, compensatory or annual leave for the second (2nd) through seventh (7th) days of the injury or illness. Employees receiving 66 2/3 percent of their wage benefits in conformance with the workers' compensation law are authorized to utilize accrued sick, compensatory, or annual leave in an amount necessary to receive a combined payment with worker's compensation benefits equal to 100% of the salary received prior to the occurrence of the disability. Under no circumstances shall any combination of workers' compensation and leave benefits exceed 100% of the employee's salary.

(C) Space Coast Transportation Planning Organization employees are covered by workers' compensation insurance. The Space Coast Transportation Planning Organization reserves the right to determine from the attending physician's report when payment to employees may be terminated. All employees injured on the job must be drug screened when they arrive at their medical appointment as required by the Brevard County administered Managed Care and Workers' Compensation Drug-Free Workplace Program.

(D) An employee shall immediately report any injury to said employee's supervisor or person in charge. There shall be a Notice of Injury (DWC-1) and Accident/Injury Investigation Report Form filed with the SCTPO Executive Director, or the Executive Director's designee, by 2:00 p.m. of the next work day. This should be part of the supervisor's administrative duties, and there should be no excuse for not submitting said reports.

(E) An employee does not earn accrued benefits (*i.e.*, personal leave) while on workers' compensation, unless such workers' compensation benefit is being supplemented with accrued leave, at which time prorated leave would be earned. In addition, the law prohibits payroll deductions, so employees should make arrangements to pay for benefits normally provided through payroll deductions or these benefits may be lost (*i.e.*, insurance, wage garnishment, and other similar types of deductions).

SECTION 11.0 ABOLISHMENT OF POSITIONS AND REDUCTIONS IN WORK FORCE

11.1 GENERAL.

(A) Positions may be abolished when they are no longer needed or as business conditions change. Positions may also be abolished or reduced for economic reasons when there is not a sufficient appropriation in the budget.

(B) Employees who have been dismissed as a result of a position being abolished, or a reduction in force, shall be considered as eligible for the following special considerations:

(1) Upon the effective date of termination, the employee will be paid for accrued personal leave, including any floating holidays on the books.

(2) All employer paid insurance coverage will cease as of the last day of the month during which the actual termination occurred. Employees will have the option to continue coverage in accordance with then existing Consolidated Omnibus Budget Reconciliation Act of 1985, Public Law 99-272, 100 Stat. 82 (COBRA) Law, or Florida Health Insurance Coverage Continuation Act, s. 627.6692, Florida Statutes, all as applicable.

(3) All monies owed by Space Coast Transportation Planning Organization for tuition reimbursement shall be waived.

SECTION 12.0 FORMS OF DISCIPLINARY ACTION

12.1 GENERAL.

- (A) Disciplinary action may include:
- (1) Reprimand given orally or in writing;
 - (2) Suspension;
 - (3) Demotion;
 - (4) Reduction in compensation without change of classification or grade but not below the entrance rate for the classification; or
 - (5) Dismissal
- (B) All of the above listed forms of disciplinary action (except for oral reprimand) must be reduced to written format on a "Disciplinary Action Record" form.

12.2 JUST CAUSE.

(A) The appointing authority (SCTPO Executive Director/Supervisor) may initiate disciplinary action against an employee with at least 270 calendar days' full time employment, only for just cause. Just cause consists of but is not limited to:

- (i) The employee has been convicted of an act that violates the criminal laws of the U.S. or any state or has been convicted of a felony or of a misdemeanor involving moral turpitude;
- (ii) The employee has willfully, wantonly, unreasonably, unnecessarily or through culpable negligence been guilty of brutality or cruelty to a person, provided the act committed was not necessarily done in self defense or to protect the lives of others;
- (iii) The employee has violated any of the principles of the merit system of these rules (*i.e.*, consistently poor evaluations of job performance of "Unsatisfactory" or "Needs Improvement");
- (iv) The employee has willfully violated any lawful official regulation, order or policy or failed to obey proper direction made and given by the Executive Director or the employee's Supervisor;
- (v) The employee has possessed, consumed, or is under the influence of alcoholic beverages or controlled substance (as described in F.S. 893) while on duty;
- (vi) The employee has been guilty of insubordination or of disgraceful conduct;
- (vii) The employee is offensive in said employee's conduct or language in public or toward the public, officials, or employees;
- (viii) The employee is responsible for an intentional act or course of conduct violating duties or obligations of said employee's position;
- (ix) The employee is careless or negligent with the monies or other property of the Space Coast Transportation Planning Organization; The employee has misappropriated or misused equipment, tools, funds, machines, etc.
- (x) The employee has failed to pay or make reasonable provisions for future payment of said employee's debts to such an extent that such failure becomes detrimental to the reputation of the Space Coast Transportation Planning Organization service or the employee's ability to satisfactorily perform the duties of his/her position;
- (xi) The employee has used or threatened to use, or attempted to use, personal or political influence in securing promotion, leave of absence, transfer, change in pay rate, or character of work;
- (xii) The employee has induced or has attempted to induce an employee of the Space Coast Transportation Planning Organization to commit an unlawful act or to act in violation of any lawful departmental or official regulations or orders;

(xiii) The employee has taken for personal use from any person any fee, Gift, or other valuable thing in the course of said employee's or in connection with it, when such Gift or other valuable thing is given in the hope or expectation of receiving a favor or better treatment than that afforded other persons;

(xiv) The employee has engaged in outside activities on work time or has used the Space Coast Transportation Planning Organization property for personal gain;

(xv) The employee has failed to maintain a satisfactory attendance record. Proper use of personal leave shall not constitute grounds for any disciplinary action;

(xvi) The employee has violated a safety rule which resulted in or had the potential to damage the Space Coast Transportation Planning Organization property, vehicles or equipment, or result in an injury to a the Space Coast Transportation Planning Organization employee, other persons, or their property;

(xvii) The employee has refused to submit to alcohol/drug testing on the standards outlined in Section 15 of these rules;

(xviii) The employee was hired as a "provisional employee" and did not complete the provisional elements in the time allotted;

(xix) The employee has falsified SCTPO records, such as employment applications, accident records, work records, time sheets or any other report or record;

(xx) The employee has possessed, distributed, sold, transferred, or used dangerous or unauthorized materials, such as explosives or firearms, in the workplace or anywhere on SCTPO owned or leased property; or

(xxi) Unsatisfactory performance.

(xxii) The employee has knowingly making false statements during an administrative investigation or hearing, and/or refused to cooperate.

(xxiii) The employee has failed to report a personal injury or accident in which the employee was involved while on the job, pursuant to the Worker's Compensation policy.

(xxiv) The employee has engaged in concerted curtailment or restriction of production or interference with work in or about the SCTPO's property, including, but not limited to, instigating, leading or participating in any walkout, strike, sitdown, slowdown or refusal to return to work at the scheduled time for the scheduled shift.

(B) Appeal of a grievance by an employee may not of itself be used as grounds for disciplinary action.

12.3 DISCIPLINARY HEARINGS.

(A) Whenever the SCTPO Executive Director/Supervisor issues a "Disciplinary Action Record," a copy of the record must be furnished to the employee involved and to the personnel records keeper. The "Disciplinary Action Record" must outline the alleged offense(s), the dates involved, citation of the personnel rules that have been violated, all pertinent details, and the proposed disciplinary action to be taken. Said charges are restricted to actions occurring within two (2) years prior to the date of the "Disciplinary Action Record", except for charges involving criminal violations which can be considered as applicable.

(B) Regular employees with 270 calendar days or more of continuous full time employment who receive "Disciplinary Action Records," shall have the opportunity for a pre- or post-disciplinary hearing before the Space Coast Transportation Planning Organization. The SCTPO Executive Director shall serve as the Space Coast Transportation Planning Organization "Hearing Officer" in all cases except for cases in which a conflict of interest is apparent. Should the SCTPO Executive Director not be able to serve as "Hearing Officer" due to conflict of interest, another "Hearing Officer" will be appointed by the SCTPO Governing Board. Employees with less than 270

calendar days of continuous full time employment shall not be entitled to a disciplinary hearing. The purpose of this hearing is a review to determine if there is just cause for the disciplinary action. Employees and supervisors will be allowed to present witnesses and other documentation during the hearing to support their respective positions.

(C) Immediately upon receipt of a "Disciplinary Action Record" against an employee, the employee shall be notified by registered or certified mail, or by hand delivery, that said employee will be afforded an opportunity for a disciplinary hearing before a hearing officer.

(D) Within five (5) working days from receipt of the notification of the disciplinary action, it shall be the employee's duty and responsibility to notify the SCTPO Executive Director of said employee's intention to request, or to waive the right to a disciplinary hearing. The disciplined employee may waive hand delivery of registered/certified mail, and appear at the SCTPO staff offices and sign a receipt for proper notification of a request for a hearing. Failure to notify the SCTPO Executive Director within five (5) working days shall be construed as a waiver of any further right to a disciplinary hearing, and the action of the appointing authority shall be sustained.

(E) Upon receipt of the request for a disciplinary hearing from the employee, the SCTPO Executive Director shall set a hearing date and immediately notify the disciplined employee by registered or certified mail, hand delivery, or in person. Supervisory personnel shall also be notified.

(F) Depending on the outcome of the aforementioned hearing, employees may request a further appeal to the SCTPO Executive Committee; provided, that the employee has attained nine (9) months of service with the Space Coast Transportation Planning Organization and is no longer considered to be on probationary status.

(G) The SCTPO Executive Director does not have the right to appeal disciplinary actions as part of management.

12.4 CAUSES FOR IMMEDIATE SUSPENSION OR DISMISSAL.

(A) If the retention of the employee would result in any of the following extraordinary situations, an appointing authority (Executive Director/Supervisor) may immediately suspend an employee without pay or dismiss an employee pending a hearing date. The following are considered extraordinary situations:

(1) The retention of the employee would result in damage to the Space Coast Transportation Planning Organization property;

(2) The retention of the employee would be injurious to the employee himself/herself;

(3) The retention of the employee would be injurious to fellow employees;

(4) The retention of the employee would be injurious to the general public; or

(5) The retention of the employee would be detrimental to the interests of the Space Coast Transportation Planning Organization.

(B) Any of the following situations may be utilized and are examples of the type of criteria to be utilized to immediately suspend or dismiss any employee:

(1) Intoxication on the job;

(2) Possession of and/or use of alcohol, a controlled substance, or illegal narcotics while on duty;

(3) Possession of and/or use of a weapon while on duty or on SCTPO property at any time;

(4) Commission of an act, which constitutes a felony offense or a misdemeanor involving moral turpitude under the criminal laws of the U.S or the State of Florida;

(5) Brutality or cruelty to an employee or to the general public while on duty;

or

(6) The employee has been absent for three (3) or more consecutive work days without notification or permission (also referred to as a voluntary quit or job abandonment).

(C) In any of the above situations, a Disciplinary Action Record of the charges shall be furnished to the employee and the personnel records keeper within twenty-four (24) hours after commencement of suspension or dismissal. Employees will have the opportunity for a post-disciplinary hearing in accordance with the provisions of Section 12.3.

12.5 CAUSES FOR SUSPENSIONS/DISMISSAL DUE TO VIOLATION OF STATE LAW.

When an employee has been suspended or dismissed as a result of committing an act which constitutes a felony offense or a misdemeanor involving moral turpitude under the criminal laws of the State of Florida, and criminal charges are pending against said employee, and it is considered by the appointing authority (SCTPO Executive Director) that the retention of the employee would result in damage to the Space Coast Transportation Planning Organization, and would be injurious to the employee himself/herself, to a fellow employee, or to the general public, or would be detrimental to the interests of the Space Coast Transportation Planning Organization or its government partners, then said employee may request the SCTPO Executive Director to postpone the scheduled disciplinary hearing until such criminal charges have been disposed of. Only if the employee is acquitted of all charges by the court, by final disposition, or all charges are dismissed, except when the dismissal is part of a plea arrangement or PTI Program, may he/she have the right of reinstatement to the same or similar position, without loss of pay or benefits.

SECTION 13.0 LETTERS OF RECOMMENDATION

13.1 GENERAL.

(A) It is the policy of the Space Coast Transportation Planning Organization not to issue “letters of recommendation” in the name of the Space Coast Transportation Planning Organization to any employee terminating employment with the Space Coast Transportation Planning Organization who is leaving on good terms.

(B) All inquiries from external sources are to be referred to appropriate SCTPO staff member responsible for personnel records.

(C) The Space Coast Transportation Planning Organization will respond in writing only to those reference check inquiries that are submitted in writing. Responses to such inquiries will confirm only dates of employment, wage rates, and position(s) held. Inquiries over the phone may also be conducted but should also only confirm dates of employment, wage rates, and positions held.

(D) Any exceptions to this policy shall only be by, and at the discretion, of the SCTPO Executive Director, and shall be letters of “reference,” not “recommendation.” Section 768.095, Florida Statutes provides that an employer who discloses information about a former or current employee to a prospective employer of the former or current employee upon request of the prospective employer or of the former or current employee is immune from civil liability for such disclosure or its consequences, unless it is shown by clear and convincing evidence that the information disclosed by the former or current employer was knowingly false or violated any civil right of the former or current employee protected under chapter 760, Florida Statutes.

(E) This policy and procedure does not prohibit personal letters of “reference” written on non- SCTPO letter head and not signed as an official of the Space Coast Transportation Planning Organization. However, these should not be for staff under an employee’s direct line of supervision.

SECTION 14.0 NON-DISCRIMINATION

14.1 GENERAL.

(A) The Space Coast Transportation Planning Organization recognizes that no person in the United States shall, on the basis of race, color, national origin, sex, age, disability, religion, or any protected status, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in employment or promotion. Regarding non-discrimination policy, the Title VI Coordinator shall be the contact person to coordinate efforts to comply with these regulations.

(B) Any employee shall have the right to address their concerns either verbally or in writing to the Title VI Coordinator whenever he or she has reason to believe that the intent of this policy has been violated.

(C) Any report of discrimination shall be promptly forwarded to the SCTPO Executive Director. The complainant may elect to have the complaint and its disposition handled in accordance with the provisions outlined in Section 17.1(G)

(D) The SCTPO will investigate reports of discrimination promptly and take prompt remedial action based on the circumstances to address any violation of this policy, including corrective action against any employee, which may include a warning, suspension or termination from employment.

(E) The SCTPO prohibits and will not tolerate retaliation against employees who in good faith bring discriminatory conduct to its attention. There will be no retaliation for reporting discrimination or for cooperating in the investigation of the report. An employee responsible for retaliatory conduct will be subject to corrective action, up to and including termination from employment. If an employee believes that he or she is being retaliated against in violation of this policy, the employee is encouraged to report the retaliation by using the same procedures discussed above for reporting discrimination.

SECTION 15.0 ALCOHOL/DRUG TESTING

15.1 PURPOSE.

(A) It is the purpose of this policy to establish and proclaim the Space Coast Transportation Planning Organization intent to maintain a “DRUG FREE” workplace as described in 440.101-440.102, F.S., and Chapter 59A-24, Florida Administrative Code. In so doing, the Space Coast Transportation Planning Organization’s general operating procedures prohibit the consumption, possession, or being under the influence of alcoholic beverages or controlled substances, as described in Chapter 893, F.S., while on duty. In addition, it is the desire of the Space Coast Transportation Planning Organization to improve worker compensation cost control, increase productivity and safety, decrease absenteeism, decrease health care costs, and increase overall employee morale.

(B) Alcohol/controlled substances (drugs) shall be defined as including distilled spirits, wine, malt beverages, intoxicating liquors, amphetamines, cannabinoids, cocaine, phencyclidine (PCP), hallucinogens, methaqualone, opiates, barbiturates, benzodiazepines, synthetic narcotics, designer drugs, or a metabolite of any of these substances or other drug described in Chapter 893, F.S., as amended from time to time. It does not include any prescription drug or medication taken as directed by a licensed medical doctor’s orders, except for medical marijuana..

(C) All current and/or potential future employees must abide by this policy and understand that it is a condition of employment to refrain from taking drugs. Employees who refuse to submit to a test for alcohol/drugs for any cause as specified in this section will be terminated and forfeit eligibility for medical and indemnity benefits in cases of work-related incidents. Refusal to submit to alcohol/drug testing may also result in forfeiture of unemployment and worker compensation benefits.

(D) All current and/or potential future employees must notify the Space Coast Transportation Planning Organization in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five (5) calendar days after that conviction. As required by federal grants, notification in writing of such conviction will be forwarded to the FTA and to every project officer on whose project activity the convicted employee was working.

15.2 CAUSES FOR TESTING.

(A) In keeping with the philosophy of implementing a “DRUG FREE” workplace program, alcohol/drug testing shall be conducted in each of the following situations:

(1) Post Accident or Injury. All employees are subject to drug and/or alcohol testing after a work-related vehicular accident, and after an accident or injury which causes injury to the employee or to any other person or damage to any property. All employees injured on the job must be drug screened when they arrive at their medical appointment as required by our Managed Care and Workers’ Compensation Drug-Free Workplace Program.

(2) Follow-Up Drug Testing. As a condition of continued employment, all employees who were referred to the Employee Assistance Program or who enrolled in a drug or alcohol abuse program shall take follow-up drug and/or alcohol tests on a quarterly, semi-annual or annual basis for two (2) years after the referral or enrollment. This testing is only applicable to those employees who report their abuse prior to being asked to take a test.

(3) Reasonable Suspicion Testing. Employees will be required to submit to drug and/or alcohol testing there is reasonable suspicion of substance abuse. “Reasonable suspicion” drug testing is based on a belief that an employee is using or has used drugs in violation of the employer’s policy which belief is 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 phenomenon while at work such as direct observation of alcohol/drug use or of the physical symptoms or manifestations of being under the influence of alcohol/drugs;

(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, which has been independently corroborated;

(4) Evidence that an individual has tampered with a drug test during their employment with the SCTPO;

(5) Information that an employee has caused, contributed to, or been involved in an accident/incident while at work applying the standard of reasonable suspicion; or

(6) Evidence that indicates the employee has used, possessed, sold, solicited, or transferred alcohol/drugs while working or while on the employer's premises, or while operating any employer vehicle, machinery, or equipment.

(B) Reasonable suspicion alcohol/drug testing shall not be required except upon the recommendation of a supervisor who is at least one level of supervision higher than the immediate supervisor of the employee. Any employee involved in an accident with injuries shall be sent for drug testing. All facts supporting a reasonable suspicion drug testing must be promptly (within 24 hours) reduced to written format. The original will be kept confidential and maintained for one (1) year. A copy will be given to the employee upon request.

15.3 PROCEDURES FOR TESTING.

(A) The taking or collection of a specimen to be tested shall be coordinated through the Brevard County Office of Human Resources. Necessary credentials for drug testing are as follows:

(1) Licensed physician or physician assistant;

(2) Registered professional nurse, licensed practical nurse, or nurse practitioner;

(3) Certified paramedic present at the scene of an accident for purposes of rendering emergency medical service or treatment; or

(4) Qualified person employed by a licensed laboratory.

(B) Brevard County Human Resources Department shall be responsible for submission of specimen to a licensed laboratory for testing and for receiving the results of a drug test. Urine shall be used for the initial and confirmation tests for all drugs except alcohol. Blood will be used for the initial and confirmation tests for alcohol. All testing result levels equal to or exceeding the Federal and/or State levels of positive results shall be reported as positive. All such test results shall be automatically subjected to confirmation testing.

15.4 CHALLENGING TEST RESULTS.

(A) It is the responsibility of the employee and/or applicant who wishes to "challenge" test results to do so by initiating the following procedure:

(1) All test results are mailed/delivered by the testing laboratory to the Human Resources which shall provide a copy to the SCTPO Executive Director.

(2) Drug testing information is confidential and cannot be released to the public, except as provided by s. 440.102(8), Florida Statutes.

(3) Employees and/or applicants shall be contacted and verbally informed by the Brevard County Office of Human Resources representative or the Executive Director of positive (confirmed) test results. At least three (3) attempts will be made to contact the employee or applicant.

(4) Within five (5) SCTPO working days after receipt of a positive confirmed test result from the Space Coast Transportation Planning Organization will inform the employee or applicant in writing of the positive test result, the consequences of such results, and the options (*i.e.*, contacting the testing laboratory, filing a written explanation with the Human Resources representative, etc.) available to them.

(5) Within five (5) SCTPO working days after receiving this notice, the employee or applicant may submit information to the employer explaining or contesting the result and explaining why it does not constitute a violation of the employer's policy.

(B) The SCTPO Executive Director shall, upon request of the employee and/or applicant, furnish a copy of the test results to the employee and/or applicant.

(C) It is the responsibility of the employee and/or applicant to notify the testing laboratory of intent to challenge a test result. The employee and/or applicant shall be permitted to have a portion of the specimen retested at the employee's own expense at another laboratory licensed and approved by a Federal or Florida State agency. This independent test must be of equal or greater sensitivity for the drug in question. This information shall be considered confidential and shall be retained by the Space Coast Transportation Planning Organization for one (1) year.

15.5 CONSEQUENCES OF CONFIRMED POSITIVE TEST RESULTS.

(A) Applicants for mandatory testing positions, after a conditional offer of employment with the Space Coast Transportation Planning Organization, shall be required to submit to a pre-employment physical examination to include mandatory alcohol/drug testing. Applicants who test positive (after confirmation) shall not be employed by the Space Coast Transportation Planning Organization.

(B) Any current employee of the Space Coast Transportation Planning Organization must submit to the physical and/or alcohol/drug testing requirement for those reasons outlined in Section 15.2 (Causes for Testing) and Section 15.1. Failure to do so will result in termination of employment and forfeiture of workers' compensation and/or unemployment compensation benefits.

(C) If a current employee tests positive (confirmed), the employee shall immediately be placed on personal leave. If all accrued leave becomes exhausted, the employee shall be placed on a medical leave of absence without pay.

(D) Employees who have been confirmed as testing positive, and who have been referred to a treatment program and who refuse said referral, shall be terminated from employment. Employees who accept treatment must understand that they are required to successfully complete such treatment. Failure to do so will result in termination from employment.

(E) Employees who accept treatment and successfully complete said treatment will be required to furnish proof of such successful completion to the SCTPO Executive Director. This proof shall be reviewed by Brevard County Office of Human Resources in conjunction with retesting before the employee can be reinstated to on-duty work status.

(F) Employees in this situation are subject to random retesting for illegal drugs for a period not to exceed two (2) years from the date of successful completion of the treatment program to ensure continued and complete recovery. If, during the course of this two (2) year period, the employee tests positive, the employee will be terminated from employment.

(G) Employees shall use personal leave while participating in an alcohol/drug rehabilitation program. If all accrued leave becomes exhausted, the employee shall be placed on a medical leave of absence without pay.

15.6 VOLUNTARY REQUEST FOR TREATMENT.

(A) Employees seeking voluntary treatment for alcohol/drug problems who have not previously tested positive for drug use, who entered an Employee Assistance Program for drug-related problems, or entered an alcohol or drug rehabilitation program, may do so without consequence of disciplinary action or discharge, assuming that they have not been involved in any other aspect of behavior or employment covered under Section 15.2.

(B) Employees in this category shall be required to use any and all accrued personal leave to cover absences during treatment. Once accrued leave is exhausted, they shall be placed on a medical leave of absence without pay for the appropriate period of time to be determined as outlined in this Section 15.

(C) It is to be understood that these employees are expected to successfully complete the treatment program; furnishing proof of successful completion to the SCTPO Executive Director, and that return to employment is contingent upon medical certification of fitness for duty and random testing for illegal drugs for a period not to exceed two (2) years.

SECTION 16.0 AIDS POLICY

16.1 GENERAL.

(A) It is the policy of the Space Coast Transportation Planning Organization that employees with acquired immune deficiency syndrome (“AIDS”), ARC, or human immunodeficiency virus (“HIV”) shall not be excluded from attending to their customary employment as long as such employees are able to perform the essential requirements of the job, with or without a reasonable accommodation, and as long as said employment does not create a substantial risk of harm to the employee or to others.

(B) Any person with AIDS, ARC, or HIV shall have every protection made available to handicapped persons under Section 504, Public Law No. 93-112, Sept. 26, 1973, 87 Stat. 355 of the Rehabilitation Act of 1973, 29 U.S.C. §§701, 794, and 794a, and s. 760.50(2), Florida Statutes.

(C) No person may require an individual to take an HIV-related test as a condition of hiring, promotion, or continued employment, unless the absence of HIV infection is a bona fide occupational qualification for the job.

SECTION 17.0 HARASSMENT

17.1 GENERAL.

(A) It is the policy of the Space Coast Transportation Planning Organization that all employees should be able to enjoy a work atmosphere free from any and all forms of discrimination or harassment, including but not limited to race, national origin, age, disability, sexual harassment, and religion. Harassment of employees by other persons (such as vendors, clients, contractors or subcontractors, or other similar categories of individuals working with the SCTPO) will not be tolerated and should be reported as provided in sub-section 17.1(G).

(B) There shall be no retaliation taken against any employee who reports harassment or who participates in an investigation. Anyone who violates this will be subject to disciplinary action.

(C) Harassment infringes on an employee's right to a comfortable work environment and is a form of misconduct that undermines the integrity of the employment relationship. No employee (male or female) should be subjected to unsolicited and unwelcome overtures or conduct, either verbal or physical, from supervisors or coworkers.

(D) Harassment refers to conduct that is offensive to the individual, harms morale, and interferes with the effectiveness of operations. Such conduct is prohibited and includes offensive sexual flirtations, advances, patting, pinching, touching, leering, obscene gestures or propositions, verbal abuse of a sexual nature, explicit or degrading verbal comments about another individual or his or her appearance, race, national origin, age, disability, the telling of sexual jokes, the display of sexually suggestive pictures or objects, or any offensive or abusive physical conduct.

(E) Other impermissible conduct includes the taking of any personnel actions on the basis of an employee's submission to or refusal of sexual overtures or reporting of other harassing behavior. No employee should so much as imply that an individual's "cooperation" will have any effect on the individual's employment, compensation, advancement, career development, or any other condition of employment.

(F) The Space Coast Transportation Planning Organization will take immediate disciplinary action against any employee engaging in harassment. Such action may include, depending on the circumstances, suspension, demotion, or discharge.

(G) Allegations of harassment involving any employee of the Space Coast Transportation Planning Organization shall be processed and handled in accordance with the following procedure.

(1) INFORMAL PROCEDURE: The complainant may elect to have the complaint and its disposition handled according to the following procedure:

STEP 1 - The individual alleging harassment will report the incident to the SCTPO Executive Director and will be interviewed to discuss the allegations. If allegations are made to any other person, the matter must be directed immediately to the SCTPO Executive Director by that other person. In the absence of the SCTPO Executive Director or in the event the SCTPO Executive Director is the alleged harasser, the incident shall be reported to the SCTPO Chair. In such event that the Executive Director is the alleged harasser, the steps set forth below in this informal procedure will be accomplished by the SCTPO Chair.

STEP 2 - The SCTPO Executive Director shall make the accused aware of the specific nature of the complaint, interview the accused, and interview any other persons the accused may suggest to obtain additional information of the facts surrounding the complaint.

STEP 3 - The SCTPO Executive Director will inquire of the complainant and the accused as to any mutual resolution of the problem, which may be acceptable between the parties at that point. If the parties agree upon an acceptable resolution of the complaint, the matter shall be closed.

STEP 4 - If the parties do not agree on an acceptable resolution of the problem, the complainant shall be advised that further processing of the complaint will require that the complainant file a written complaint and the following formal procedure will be used.

(2) FORMAL PROCEDURE:

STEP 1 - Any employee who believes that he or she is or has been the subject of harassment or any employee who is aware of harassment against a fellow employee and who is unable to reach agreement concerning the resolution of the problem through the informal procedure or who does not elect to utilize the informal procedure may file a written complaint with the SCTPO Executive Director. In the absence of the, SCTPO Executive Director or in the event the SCTPO Executive Director is the alleged harasser, the incident shall be reported to the SCTPO Executive Committee. In such event that the Executive Director is the alleged harasser, the step set forth below will be accomplished by the Executive Committee. Upon receipt of the written complaint, the SCTPO Executive Director shall interview the complainant for the purpose of obtaining any additional facts that may be needed to supplement the complaint.

STEP 2 - Within two (2) working days after receiving the signed written statement, the alleged harasser will be interviewed by the, SCTPO Executive Director be given a copy of the signed written statement, and informed of the seriousness of the allegations. The SCTPO Executive Director will review with the alleged harasser the Space Coast Transportation Planning Organization policy and indicate that a formal charge of harassment has been made. The alleged harasser will then have the opportunity to refute the allegations by responding verbally and in a written statement, if he or she has not already done so as part of the informal procedure.

STEP 3 - The SCTPO Executive Director will meet with the alleged harasser's Supervisor, and a designated witness to discuss the seriousness of the allegations. If the evidence warrants, the alleged harasser will be disciplined according to the procedures as outlined in the Personnel Rules and Regulations with all due opportunity afforded through the Disciplinary Hearing and Appeal process.

STEP 4 - If the allegations prove not to constitute harassment, the alleged harasser will be advised of the decision in writing.

(H) An employee who is found to have knowingly filed a false harassment complaint will be subject not only to disciplinary action by the Space Coast Transportation Planning Organization up to and including discharge, but may also be held personally liable for his or her misconduct through civil action by the injured employee and may be criminally prosecuted under Florida Statutes.

(I) Should it be confirmed that the allegations of harassment are valid; the employee found to have harassed another employee will be subject to any of the disciplinary steps up to and including dismissal.

SECTION 18.0 SOLICITATION

18.1 PURPOSE.

(A) In an effort to assure a productive and harmonious work environment, persons not employed by the Space Coast Transportation Planning Organization may not solicit or distribute literature in the workplace at any time for any purpose.

(B) The Space Coast Transportation Planning Organization recognizes that employees may have interests in events and organizations outside the workplace. However, employees may not solicit or distribute literature concerning these activities during work hours. Examples of impermissible forms of solicitation include:

- The collection of money, goods, or Gifts for religious or political groups
- The sale of goods, services, or subscriptions outside the scope of official SCTPO business
- The circulation of petitions
- The distribution of literature not approved by the employer
- The solicitation of memberships, fees, or dues

(C) In addition, the posting of written solicitations on company bulleting boards is restricted. These bulletin boards display important information, and employees should consult them frequently for:

- Affirmative Action Statements
- Employee Announcements
- SCTPO_Announcements
- Workers' Compensation Insurance Information
- State Disability Insurance/Unemployment
- Insurance Information

If employees have a message of interest to the workplace, they may submit it for approval. The SCTPO Executive Director will post all approved messages.

SECTION 19.0 FAMILY/MEDICAL LEAVE

19.1 PURPOSE.

(A) Eligible employees who have worked for the SCTPO for at least 12 months and have worked at least 1,250 hours during the past year shall be able to request up to twelve (12) work weeks of job protected un-paid leave during any 12 month period, per year for the following reasons:

- (1) The birth of the employee's son or daughter in order to care for the son or daughter; *
- (2) Placement of a son or daughter with the employee for adoption or foster care and to care for the newly placed child within one year of placement.* (Includes pre-placement necessity);
- (3) In order to care for the employee's spouse, son, daughter, or parent, if the employee's spouse, son, daughter, or parent has a serious health condition. Leave may be taken intermittently or on a reduced leave schedule when medically necessary, subject to proper certification;
- (4) Employee has a serious health condition that makes them unable to perform the functions of their position. Leave may be taken intermittently or on a reduced leave schedule when medically necessary, subject to proper certification;
- (5) Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty"; or
- (6) Twenty-six (26) work weeks of leave during a single 12 month period to care for a covered service member with a serious injury or illness if the eligible employee is the service member's spouse, son, daughter, parent, or next of kin (military caregiver leave).

* The employee's entitlement to leave for the birth, adoption or foster care placement of a child expires at the end of the 12-month period after the child's birth or placement with the employee. Interpretation and definition of "son and daughter" makes clear, an uncle who is caring for his young niece and nephew when their single parent has been called to active military duty may exercise his right to family leave. Likewise, a grandmother who assumes responsibility for her sick grandchild when her own child is debilitated will be able to seek family and medical leave from her employer. An employee who intends to share in the parenting of a child with his or her same sex partner will be able to exercise the right to Family Medical Leave Act, 29 USC §§2601-2654, (FMLA) leave to bond with that child.

(B) Up to twenty-six (26) weeks of Military Caregiver Leave in a 12 month period is available to employees who need time off to care for a spouse, child, parent or next of kin of a covered military service member. This single 12-month period is measured forward from the date of the employee's first use of FMLA leave to care for a covered service member and ends 12 months after that date. This leave is applied on a per covered service member, per injury basis, except that no more than 26 workweeks of leave may be taken within any single 12-month period.

(C) When you return from this leave you have the right to be returned to the job position you held when you went on leave or be placed in an equivalent position with equivalent pay, benefits and other terms and conditions of employment. A full time permanent employee's health insurance will be maintained at SCTPO expense for insurance periods which fall within periods of FMLA protected leave.

(D) If the leave is due to your own serious health condition or that of an eligible family member, and the departure is foreseeable based on planned medical treatment you must:

(1) Make a reasonable effort to schedule the treatment so as not to unduly disrupt work operations;

(2) Provide your appointing authority with thirty (30) calendar days notice or, if treatment is to begin in less than thirty (30) days, provide as much notice as is practicable; and

(3) Provide certification of the health care provider stating the date on which the serious health condition commenced, the probable duration of the condition and the appropriate medical facts with the knowledge of the health care provider regarding the condition.

(E) If the leave is to be taken for the birth or placement of a child, the employee must provide the Executive Director with thirty (30) calendar days notice or, if the circumstances of the birth or placement requires leave to begin in less than thirty (30) days, the employee must provide as much notice as is practicable. This type of leave may not be taken intermittently or on a reduced leave schedule, unless the employee and appointing authority agree otherwise or unless certified as medically necessary.

(F) For more details on employee's rights and responsibilities please see full Family Medical Leave Act, 29 USC §§2601-2654.

SECTION 20.0 EDUCATION REIMBURSEMENT

20.1 PURPOSE.

(A) Objective. The objective of this provision is to improve the level of service and encourage continued education of its personnel, the Space Coast Transportation Planning Organization hereby establishes a tuition reimbursement program.

(B) The SCTPO Executive Director is authorized to approve tuition reimbursement requests under the following eligibility guidelines:

(1) Participant Eligibility - Eligible participants must be full time, permanent employees with a satisfactory job performance record over the past twelve (12) months with the SCTPO.

(2) Reimbursable Coursework - Coursework must be directly related to the duties of an employee's current position or must directly enhance the knowledge, skills, and abilities relating to official duties which an employee performs. Educational facilities must be institutions that are accredited and recognized by the U.S. Department of Education and listed in the Database of Accredited Post Secondary Institutions and Programs.

(3) Availability of Funds - Funding for tuition reimbursement will be achieved through an allocation of a portion of the SCTPO training budget. If a commitment of all allocated funds occurs prior to the end of the fiscal year, no additional requests shall be approved until additional funds are allocated.

(4) Reimbursement Schedule - Reimbursement will be made at the completion of the approved course in accordance with the following schedule:

Letter Grade	Percentage Reimbursed
A	100%
B	90%
C	75%
D or below	None
Pass (When used by school)	100%
Fail (in lieu of a letter grade)	None

(5) Maximum Annual Reimbursement - Tuition reimbursement shall be limited to a maximum of \$3,000.00 per fiscal year per employee.

(6) Limitation on Reimbursement - Employees entitled to educational benefits under the programs or legislation (*i.e.*: benefits, scholarships, grants, and similar types of tuition or book compensation) shall not be approved for tuition reimbursement until such benefits have been expended.

(a) Employees receiving assistance from another source separate and apart from the SCTPO will be reimbursed only in proportion to the total amount of tuition paid by the employee and not reimbursed from another source. No employee will receive tuition reimbursement greater than actual expenditures paid by the employee.

(b) Reimbursement shall be made for tuition and student lab fee costs only, and shall not include student activity fees, books, materials, travel, parking fees, or any other expenses.

(c) Reimbursement will not be made unless the receipt for tuition payment and final grades are submitted no later than ninety (90) days following completion of the course(s) for which reimbursement is being requested.

(7) Service Obligation - Employees receiving tuition reimbursement must agree to remain in the employ of the SCTPO for at least two (2) years following course completion.

Employees who separate from employment for any reason other than disability or reduction in force, within the two (2) year period shall reimburse the SCTPO for tuition benefits applicable to courses completed during the affected period. Reimbursement shall be in an amount proportionate to the two (2) year period of employment not completed, rounded to the nearest month.

SECTION 21.0 CELLULAR PHONE STIPENDS

21.1 PURPOSE.

The purpose of this provision to establish uniform practices for use of cellular telephones for the Space Coast Transportation Planning Organization (SCTPO). In the course of carrying out job responsibilities, there may be a need for work related communications while away from the office or primary work location. This policy applies to any device that makes or receives phone calls, leaves or receives voicemail messages, sends text messages, surfs the Internet, or downloads, and allows for the reading of and responding to e-mail.

(A) **DEFINITIONS AND REFERENCES.** As used in this Section 21.0, the term “cellular phone” or “cellular telephone”, unless the context affirmatively demonstrates to the contrary, means a long range, portable electronic device used for mobile communication which is connected to a cellular network of base stations. Cellular phone includes basic phones, smart phones and personal digital assistants (PDAs).

(B) **RESPONSIBILITY.** The SCTPO Executive Director shall be responsible for the approval of cellular telephone stipends to staff.

(1) Unless utilizing hands-free or Bluetooth devices, an individual who receives a SCTPO cell phone stipend is prohibited from using a cell phone or similar device while driving, whether the business conducted is personal or SCTPO related. This prohibition includes receiving or placing calls, text messaging, surfing the Internet, receiving or responding to e-mail, checking for phone messages, using push to talk, or any other purpose. Employees are required to stop the vehicle in a safe manner and location so that a cell phone or similar device may safely be used.

(2) Employees are advised that by receipt of a SCTPO cellular telephone or other electronic device or receipt of a stipend for said cellular telephone or electronic device, all bills, invoices for service, or other documents, e-mails, voicemail messages, or texts relating to service, or information relating to or from whom calls are made, as well as the duration of a call, are likely classified as a Public Record pursuant to Florida law. Therefore, such information is open to the public and to the SCTPO, unless classified as exempt or confidential under federal or Florida law, and it is illegal to destroy such documents, e-mails, voicemail messages, or texts relating to service, or information relating to calls, without permission of the SCTPO Executive Director.

(C) **STIPENDS.**

(1) A monthly stipend may be authorized by the SCTPO Executive Director to a SCTPO staff member. Positions authorized for cellular phone usage are determined by the following: Safety requirements indicate having a cellular phone is an integral part of performing duties of job description; More than 50% of work is conducted in the field or away from desk phone; Required to be contacted on a regular basis while outside of the office; Required to be on-call; or Critical decision maker.

(2) An employee receiving a cell phone stipend shall be responsible for choosing and paying for all cellular phone equipment and services. The SCTPO shall be responsible only for the stipend when authorized.

(3) The following positions are eligible for the cellular phone monthly stipend:

- (a) SCTPO Executive Director; and
- (b) SCTPO staff as authorized by the SCTPO Executive Director.

(4) The monthly stipend is taxable income; therefore, the individual will be taxed according to the regulations of the IRS code.

(5) Stipend Rates.

(a) The SCTPO monthly stipend payment rate is \$40.00. This stipend is intended for the individual that requires a data plan in order to access SCTPO data, email, or applications required for their specific duties and works outside the office more than fifty percent (50%) of the time, or requires access to these services during both business and non-business hours.

(b) The TPO Executive Director may authorize a different stipend for SCTPO staff (lower or higher) in special circumstances, on a case by case basis.

(c) The TPO Governing Board may authorize a different stipend for the SCTPO Executive Director (lower or higher) in special circumstances.

(d) Stipend rates will be reviewed periodically to ensure consistency with current market rates.

(D) Cell Phone Stipend Procedures.

(1) SCTPO individuals who are eligible for a cell phone stipend will be required to place their request through the Space Coast TPO Executive Director.

(2) When an individual has been authorized a stipend, such payment will be made to the individual in the form of a payroll stipend.

(3) Because cell phone service is a contractual agreement between the cell phone service provider and the individual, the SCTPO does not recommend or prefer any particular vendor. The choice of service providers is strictly up to the individual.

(4) Any stipend agreement will be immediately cancelled, and payroll payments immediately terminated, whenever an individual receiving a cell phone stipend terminates employment with the SCTPO. Additionally, such stipend will also be cancelled if an employee changes job positions. In such case of a change in job positions, a new request must be approved by the SCTPO Executive Director to establish the continued business need for a cell phone.

(5) Bills for exceptional usage or special services required may be submitted once approved by the SCTPO Executive Director. An example would be when an individual who is already receiving a cellular stipend of \$40, travels out of town to a conference. If during the conference, an issue critical to the SCTPO operations occurs, and the employee must use the cellular phone extensively to respond to the situation, the employee will most likely incur costs exceeding the \$40 in business usage time for that month. The employee should submit copies of the employee's bill within not more than thirty (30) days of receipt of the bill for reimbursement of related charges.

(6) All costs related to the purchase and usage of cell phones is the responsibility of the individual.

SECTION 22.0 EXEMPT EMPLOYEE SAFE HARBOR POLICY

22.1 PURPOSE

(A) Employees classified as exempt employees will receive a salary which is intended to compensate them for all hours they may work. This salary will be established at the time of hire or when the employee becomes classified as exempt. The salary will be a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work the exempt employee performs.

(B) To qualify for exemption, employees generally must be paid at not less than the salary threshold set by federal rule on a salary basis. Being paid on a “salary basis” means an employee regularly receives a predetermined amount of compensation each pay period on a weekly, or less frequent, basis.

(C) Subject to exceptions listed below, an exempt employee must receive the full salary for any workweek in which the employee performs any work, regardless of the number of days or hours worked. Exempt employees do not need to be paid for any workweek in which they perform no work.

(D) Exceptions: unless state law requires otherwise, an exempt employee’s salary can be reduced for the following reasons:

- (1) Full-day absences for personal reasons;
- (2) Full-day absences for sickness or disability;
- (3) Full-day disciplinary suspensions for infractions of the Manual;
- (4) FMLA absences;
- (5) To offset amounts received as payment for jury and witness fees or military pay;
- (6) The first or last week of employment if the employee works less than a full week;
or,
- (7) Any full workweek in which the employee does not perform any work.

However, an exempt employee’s leave bank may be deducted when such employee is absent for reasons justifying the use of accrued vacation or sick leave in accordance with these Personnel Rules.

(E) If an employee believes that an improper deduction has been made to their salary, the employee should immediately report this information to their direct supervisor. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, the employee will be reimbursed for any improper deduction made.

SECTION 23.0 TELECOMMUTING

23.1 PURPOSE

(A) Telecommuting is a form of work schedule and location that may be beneficial for some TPO staff positions. Telecommuting allows staff to work from a location other than the main office when it is reasonable and practical to do so and when operational needs will not be adversely affected. The telecommuting program may also be implemented with the Continuing of Operations Plan (COOP) of the SCTPO policy PLC-1, Agency Organization and Operation, Section 5.0 has been activated.

(B) Eligibility. Each position of the SCTPO may be evaluated by its immediate supervisor in coordination with the Executive Director to determine if job duties and functions would be able to be performed at the same level remotely as if in the office environment.

Telecommuting is not an employee right, and shall be considered a benefit to those positions that are approved. It should be understood that some position job functions are not suitable for telecommuting. In general, positions requiring face-to-face interaction with citizens and office personnel are not suitable for telecommuting arrangements. The supervisor and employee, however, must make efforts to identify what can be done remotely.

Employees that are candidates for telecommuting arrangements must:

- i. Have worked at the SCTPO for at least one year;
- ii. Possess good time-management and organizational skills;
- iii. Be self-motivated, self-reliant, and disciplined; and
- iv. Received at least a Satisfactory rating on most recent performance evaluation

(C) Procedure. Employees interested in requesting consideration for telecommuting shall follow SCTPO Procedure PR-20-07, Telecommuting. Employees shall submit their request on the SCTPO Telecommuting Request Form and if approved, shall enter into and sign the SCTPO Telecommuting Agreement. Both the Request Form and Agreement are part of Procedure PR 20-07 and may be amended or updated from time to time by the SCTPO Executive Director.

(D) Term. Any telecommuting agreement may be terminated at any time by either management or the employee.

(E) Emergencies. The telecommute program may be implemented during emergency situations in order to keep SCTPO functions operational. During emergency situations, formal telecommuting procedures such as submitting a telecommuting request form and execution of a formal agreement may be suspended by the Executive Director.

(F) Ad Hoc Telecommuting. Telecommuting may also be done on an "Ad Hoc" basis when coordinated and approved with immediate supervisor. These types of telecommuting arrangements are conducted on a case by case basis and are not considered a formal, regular arrangement.

Policy: PLC-3: Budget & Finance

SECTION 1.0	PURPOSE
SECTION 2.0	BUDGET
SECTION 3.0	PURCHASING
SECTION 4.0	PROCUREMENT
SECTION 5.0	PAYROLL AND CHECK DISTRIBUTION
SECTION 6.0	TANGIBLE PROPERTY/ASSETS
SECTION 7.0	SCTPO EXECUTIVE DIRECTOR APPROVAL AUTHORITY
SECTION 8.0	AUDIT

SECTION 1.0 PURPOSE AND SCOPE

The purpose and scope of PLC-3 is to provide a financial document for the expenditure of the Space Coast Transportation Planning Organization grant funds and the establishment of an internal Operating budget to process the handling of the SCTPO funds and vendor payments. The budget and finance policy has been divided into six sections:

Section 2.0	Budget
Section 3.0	Purchasing
Section 4.0	Procurement
Section 5.0	Payroll
Section 6.0	Tangible Property/Assets
Section 7.0	SCTPO Executive Director Approval Authority
Section 8.0	Audit

SECTION 2.0 BUDGET

(A) General Policies.

(1) The Space Coast Transportation Planning Organization Governing Board shall have total review, approval and adoption authority of the SCTPO's UPWP and operating budgets.

(2) The SCTPO Governing Board shall have full control over the use, programming and expenditure of SCTPO funds.

(3) SCTPO staff shall enter the adopted operating budget into the County's SAP system using established Brevard County BOCC guidelines.

(4) The SCTPO shall not be required to submit or prepare additional budgetary reports or forms requested by the Brevard County Board of County Commissioners except for those deemed necessary to maintain proper SCTPO funding levels.

(B) Budget and Financial Procedure.

(1) Budgets.

(a) Unified Planning Work Program (UPWP). The UPWP shall be developed and approved by the SCTPO bi-annually. The fiscal year of the UPWP shall be from July 1st to June 30th. SCTPO staff shall be tasked to provide a UPWP budget document bi-annually that will detail the expenditure of the departments grant funds by tasks, and submit it for approval by the SCTPO Governing Board. A draft UPWP should be submitted to the Governing Board for review normally by March 15th. A final UPWP should be approved by May 15th.

(b) Operating Budget (County SAP system). The SCTPO Operating Budget shall be developed and approved by the SCTPO annually. The fiscal year of the Operating Budget shall be from October 1st to September 30th. SCTPO staff shall prepare a detailed expenditure and revenue budget (operating budget) that is compatible with the County's format and can be maintained in the County's SAP system. A draft operating budget shall be submitted for review by July 30th of each year. A final operating budget should be approved by September 20th of each year.

(2) Amendments/Revisions.

(a) Unified Planning Work Program (UPWP).

1. Modifications: Modifications to the UPWP do not change the FHWA or FTA approved budget and do not change the scope of the funded work task(s). Modifications do not require SCTPO Governing Board approval and shall be processed by SCTPO staff with approval by the SCTPO Executive Director. The SCTPO the FDOT District Liaison, and FHWA will be advised in writing of any revisions made to the UPWP.

2. Amendments. Changes to the approved UPWP in which the scope of work task(s) is added to or deleted are considered amendments. Any change in the total grant funding shall also be considered an amendment. All amendments must be approved by the SCTPO Governing Board and by the FHWA.

(b) Operating Budget - Budget Change Request (BCR). Any changes to the SCTPO operating budget within the County's SAP system, shall be processed through a Budget Change Request. All BCR's shall be approved by the SCTPO Executive Director with the exception that if the change is a result of a UPWP amendment, the SCTPO Governing Board shall approve the BCR when approving the UPWP amendment. This shall be the only action needed in order for the County Budget office to process the request. The Board of County Commissioners shall have no authority over approving changes to the SCTPO operating budget.

(3) Reports and Monitoring.

(a) SCTPO staff shall monitor the approved budgets, and prepare invoicing to the State so that reimbursement is made back to the Brevard County Board of County Commissioners (BOCC).

(b) SCTPO staff shall monitor the budget to ensure that funding levels are maintained and will file any necessary paperwork to release future funding.

(c) SCTPO staff shall ensure that purchase orders are prepared and invoicing for payment to the vendors are made.

(d) SCTPO staff shall monitor and review the annual cost allocation plans prepared by the County. Indirect costs shall utilize a uniform approach adhering to Uniform Guidance, 2 CFR 200.

(e) SCTPO staff shall prepare quarterly reports of the SCTPO operating budget summarizing expenditures and revenues. The summary report shall be included in the SCTPOs agenda packages.

(d) SCTPO staff shall prepare an annual report that summarizes total grant expenditures and revenues, funds expended by UPWP tasks and any remaining balances.

SECTION 3.0 PURCHASING

(A) Purpose and Scope. The purpose and scope of this section is to specify requirements for the establishment, use, accountability, legal liability and control of Procurements and Purchasing Cards.

(B) Micro-Purchases. The purchase of supplies or services that support day to day operations of the SCTPO shall follow thresholds as set forth in CFR §200.67. Micro-purchase thresholds are set by the Federal Acquisition Regulation at 48 CFR Subpart 2.1. Currently, purchases may be made up to \$3,000, however, this may be adjusted periodically for inflation. Micro purchases are for the acquisition of routine office supplies, office equipment, maintenance, licenses, operations, etc. and may be authorized by the Space Coast TPO Executive Director or designee with approval authority within the Brevard County SAP financial system.

(C) General Purchases more than Micro Purchase Threshold and less than \$10,000.

(1) Purchases required for the day to day general operating needs of the office such as routine office supplies, minor office equipment and/or office furniture costing more than the Micro Purchase Threshold but less than \$10,000 (per item) may be authorized by the Space Coast TPO Executive Director.

(2) If an item is not considered a micro-purchase, it shall be supported by at least 3 price quotes, except in the case where the item is considered to be a sole source.

(3) To qualify as a sole source, vendor documentation must be shown of attempts to locate the item by searching the web, or other reasonable method, and confirming that they are the only vendors meeting the precise description of the item to be purchased.

(4) Once authorization is obtained, and bids have been reviewed, these purchases may be made with the use of the office purchasing card (see procedures for use of the purchasing card).

(D) General Purchases over \$10,000 and less than \$25,000.

(1) General operating materials for the office that exceed \$10,000 and are less than \$25,000, must be approved by the Space Coast TPO Governing Board.

(2) Upon receiving authorization, a purchase order shall be created and sent to the vendor for the purchase of said item. A vendor must be able to provide a current W-9 form, to establish them as a qualified vendor.

(3) These purchases shall be made based upon the best price found, supported by at least 3 price quotes, unless the item is considered to be a sole source item.

(4) To qualify as a sole source vendor documentation must be shown of attempts to locate the item by searching the web, or other reasonable method, and confirming that they are the only vendors meeting the precise description of the item to be purchased

(5) Upon receipt of the vendor's invoice, the TPO staff shall process and submit to Finance for payment within 5 workdays from receipt of the invoice.

(6) The Space Coast TPO shall follow Local Government Prompt Payment Act, s. 218.70 *et seq.*, F.S. regarding payment to vendors. All payment for goods and services, other than construction service, is due no later than 45 days from the date of receipt of the invoice, or as otherwise provided in the Local Government Prompt Payment Act.

(E) Capital Purchases.

(1) A capital purchase shall be defined as office equipment and/or office furniture in excess of \$5,000 per item. Capital purchases shall need the review and approval of the Space Coast TPO, and the FHWA. Capital purchases may be included as part of the UPWP. Once a UPWP is approved and adopted, no further approval shall be needed as such item is considered approved as part of the UPWP adoption process.

(2) Following approval by the Space Coast TPO Governing Board, and FHWA, these items will be considered to be authorized for purchase.

(3) Items to be purchased shall be researched and selection made based upon the best price found, supported by at least three (3) price quotes, except in the case where the item is considered to be a sole source item.

(4) To qualify as sole source vendor documentation must be shown of attempts to locate the item by searching the web, or other reasonable method, and confirming that they are the only vendors meeting the precise description of the item to be purchased.

(5) A capital purchase may be made with the office credit card up to \$10,000. If the purchase amount is over \$10,000, a "purchase order" must be used. The purchase order will then be sent to the vendor to order the item. A vendor must be able to provide a W-9 form, to establish them as a qualified vendor.

(6) Upon receipt of the vendor's invoice, the SCTPO staff shall process and submit the invoice to the Brevard County Finance Department for payment within five (5) SCTPO workdays from receipt of the invoice.

(7) The Space Coast TPO shall follow the Local Government Prompt Payment Act, s. 218.70 *et seq.*, F.S. regarding payment to vendors. All payment for goods and services, other than construction service, is due no later than 45 days from the date of receipt of the invoice, or as otherwise provided in the Local Government Prompt Payment Act.

(F) Processing of Payments to Vendors. It shall be the Space Coast TPO's policy to adhere to the Local Government Prompt Payment Act, s. 218.70 *et seq.* for payment of invoices to vendors either by use of the office credit card or by payment of an invoice generated by a purchase order. Payments shall always be made in a timely manner, no more than 45 days following receipt of an invoice, or as otherwise provided in the Local Government Prompt Payment Act.

(G) Purchasing Card.

(1) The SCTPO Executive Director shall be responsible for determining the need to assign a SCTPO staff member a purchasing card.

(2) SCTPO staff shall be authorized a purchase limit of \$1,500 for a single item. The Executive Director shall have the authority to adjust this purchase limit up or down based upon need but shall not authorize any limit above \$4,999 for a single item, unless pre-approval has been obtained as a capital purchase.

(3) Including the exemptions stated in these Policies and Procedures, the Space Coast TPO shall abide by the following Brevard County Board of County Commissioner's orders.

- a. AO-41 Purchasing Cards policy
- b. BCC-25 Procurement
- c. AO-36 Blanket Purchase Orders
- d. AO-33 Prompt Payment of Invoices

SECTION 4.0 PROCUREMENT

(A) Purpose. The purpose of this section is to establish procedures for the procurement of goods and services that may require Request for Quotes or Request for Services.

(B) Request for Quotes. There may be some instances in which a service may be selected utilizing a Request for Quotes. The process shall follow §200.320 (c), procurement by sealed bids. A formal RFQ package shall be developed that describes in detail how interested vendors may submit quotes. Award of such services shall be to the lowest bidder that has submitted in compliance with requirements of the RFQ package and adhered to process in §200.320 (c).

(C) Request for Proposals. CFR §200.320 (d), Procurement by Competitive Proposals. Services procured under this approach may use a combination of price and technical approach to providing services requested in the Request for Proposal Package or by technical approach only. Procurement of General Planning Consultants shall adhere to this procedure.

SECTION 5.0 PAYROLL AND CHECK DISTRIBUTION

(A) Purpose. The purpose of this section is to standardize the collection of payroll information for entry into the SAP payroll system, and for the distribution of payroll checks/remuneration statements to ensure that there is accountability in the delivery process.

(B) Definitions and References.

(1) Excluding item IV of Brevard County Board of County Commissioner's Policy AO-17- Salary Advances, the Space Coast Transportation Planning Organization (SCTPO) shall abide by the Brevard County Board of County Commissioner's orders AO-17 Distribution of Paychecks/Remuneration Statements.

(2) SCTPO staff shall be required to submit a completed payroll sheet for entry into the County's SAP payroll system based on the County's payroll processing schedule. Failure of the employee to submit a completed payroll sheet for processing may result in a delay of payment to the employee.

(3) With the exception of the payroll sheet for the Executive Director, the SCTPO Executive Director and Direct Supervisor's, shall be solely responsible for reviewing and signing SCTPO staff's payroll sheets prior to authorization for payment. The SCTPO Executive Director's payroll shall be reviewed and approved by use of regular or electronic signature, or e-mail communication received from the SCTPO Chair, or the Chair's designee, who is a member of the SCTPO Governing Board, prior to authorization for payment.

(4) The SCTPO Executive Director and Direct Supervisor's shall be responsible for ensuring that staff is in compliance with this procedure.

SECTION 6.0 TANGIBLE PROPERTY/ASSETS

(A) Purpose. The purpose of this section is to provide a documented inventory of the Space Coast Transportation Planning Organization's (SCTPO) property obtained through the expenditure of SCTPO grant funds.

(B) Definitions and References.

(1) The SCTPO Governing Board shall approve the expenditure of all capital purchases of \$5,000 or more.

(2) SCTPO property shall be determined as all materials purchased through the expenditure of SCTPO grant funds for the operation of the SCTPO office.

(3) All property obtained through the expenditure of SCTPO grant funds shall be considered and are the personal property of the SCTPO.

(4) Expenditure of SCTPO grant funds for office supplies, bicycle safety program trailers and materials, and upgrades/or replacement of computer hardware and software that are included as part of the SCTPO's UPWP shall be considered authorized with the adoption of the UPWP budget. Such purchases may be approved by the SCTPO Executive Director.

(5) The SCTPO shall continue to use the Brevard County Board of County Commissioners Asset Management department to monitor the removal and disposal of SCTPO property, but at no time shall this property be considered the property of the Brevard County Board of County Commissioners. Any funds obtained from the sale of said property shall be given back to the SCTPO.

(6) The SCTPO shall have autonomy to purchase its materials as deemed necessary for the proper function of the SCTPO, and shall at all times make

- purchases with the authorization of the SCTPO Governing Board or Executive Director as appropriate.
- (C) Tangible Property Procedure.
- (1) A detailed description of any capital purchases to be made shall be included in the UPWP and operating budgets, and shall be submitted for approval by the SCTPO Board.
 - (2) The SCTPO Executive Director shall have the authority to sign off and approve the purchase of day to day operating expenses as defined in PLC-3, Section 3.0(B)(1), Purchasing.
 - (3) The SCTPO shall maintain an inventory list for physical review once a year.

SECTION 7.0 SCTPO EXECUTIVE DIRECTOR APPROVAL AUTHORITY

(A) Purpose. The Space Coast Transportation Planning Organization is required to execute governmental documents related to administrative operations. In the interest of efficiency this policy is being established to allow the SCTPO to delegate the administrative functions of executing progress reports, fiscal tracking, reimbursement requests and general operating contracts for services to the Space Coast SCTPO Executive Director.

(B) Types of Documents.

(1) Fiscal. The SCTPO, which is funded by Federal and State grants, submits invoices and progress reports on a regular basis for reimbursement of expenses incurred by the SCTPO. The SCTPO Executive Director shall be authorized to approve all forms and fiscal documents related to the administration of these grants.

(2) Personnel. The SCTPO Executive Director shall maintain appropriate staff to support and carryout the work products of the SCTPO. The SCTPO Executive Director shall be authorized to approve all forms and administrative documents related to maintaining the SCTPO staff.

(3) Contracts.

(a) Joint Participation Agreements (JPA's). All JPA's shall be approved by the SCTPO Governing Board. In the event that a JPA requires minor, non-material modification, after the SCTPO Governing Board has approved the original, the SCTPO Executive Director shall be authorized to approve amendments that do not significantly alter the intent or scope of the original JPA. The most common JPA's entered into by the Space Coast TPO are for the FHWA Grant, the FTA grant and other financial related grants or authorization of funds such as the Long Range Transportation Plan or FDOT Supplemental Funds. The SCTPO shall be notified of any significant changes made to approved JPA's at their next scheduled meeting.

(b) Operating Contracts. The SCTPO outsources services to both enhance productivity and to provide services that cannot be performed by staff. These contracts typically include printing services, copier contracts and other contracts necessary to perform the day to day operations of the SCTPO office. The SCTPO Executive Director shall be authorized to approve and execute all of these types of contracts.

(c) Special Service Contracts. The SCTPO Governing Board shall approve the selection of vendors and contracts for special services that include General Planning Consultants, Legal Services, or other service contracts of significance to the SCTPO. The SCTPO Executive Director shall be authorized to approve minor changes to these contracts as long as they do not change the scope or intent of the original contract and is authorized to approve minor budget changes and work orders as necessary.

(C) Emergency Circumstances. Emergency situations may arise from time to time that require immediate action and may not be postponed until the next scheduled SCTPO Board meeting. This policy addresses two types of emergency situations:

(1) Time Deadlines. Due to unforeseen circumstances, time constraints may dictate action on an item prior to the next SCTPO meeting. Under such circumstances, the SCTPO Executive Director shall confer with the SCTPO Chair, or in the Chair's absence or unavailability, the Vice-Chair on appropriate action to be taken. If the Chair or Vice-Chair is not available, the SCTPO Executive Director, using the Director's best judgment and in keeping with established SCTPO policies, shall be granted authority to make said decision. The SCTPO Executive Director shall report on the item at the next scheduled SCTPO meeting. This authority is limited to operational situations only, and under no circumstances is the SCTPO Executive Director authorized to approve any item that is related to establishing a policy or making a statement of position for the SCTPO Governing Board without prior approval from the SCTPO Governing Board.

(2) Natural/Man-made Disasters. The SCTPO Executive Director shall be granted authorization to execute general governmental documents that are in the best interest of the SCTPO in the event of a natural or man-made disaster. The procedures followed under this type of emergency shall adhere to the guidelines established in the Space Coast TPO's Continuing of Operations Plan (COOP).

(D) Effective Date; Revocation. This policy shall become effective upon adoption by the SCTPO Governing Board. The Space Coast TPO Governing Board may revoke this policy and the delegation of authority to the Space Coast TPO Executive Director at any time.

SECTION 8.0 AUDIT

(A) SCTPO staff shall ensure that yearly audits are completed and available to the public for review. All audits shall be conducted pursuant to 31 U.S.C. §§7501-7507, Uniform Guidance, 2 CFR 200 Subpart F, Audit Requirements and s. 215.97, F.S. Audit reports shall be submitted to the FDOT within nine (9) months from the close of the fiscal year being audited. The SCTPO shall follow the requirements provided below and the guidelines established in FDOT Administrative Manual relating to audit requirements, whichever is most recent.

(B) Requirements.

(1) Federal Requirements.

(a) If the SCTPO expends \$750,000 or more of federal financial assistance in a fiscal year, it shall have a single audit conducted by an independent CPA for that year in accordance with Uniform Guidance, 2 CFR 200 Subpart F, Audit Requirements.

(b) If the SCTPO expends less than \$750,000 in federal financial assistance during its fiscal year, a federal financial audit is not required except as noted in Uniform Guidance, 2 CFR 200 Subpart F, Audit Requirements, Section 200.501 (d). However, this does not prohibit a pass-through entity from charging Federal awards for the cost of limited scope audits to monitor its sub-recipients in accordance with 2 CFR 200 Subpart F, Audit Requirements, Section 200.503 provided the sub-recipient does not have a single audit. In this case, limited scope audits can only include agreed-upon procedures and engagements conducted in accordance with either the AICPA's generally accepted auditing standards or attestation standards, that are paid for and arranged by a pass-through entity and address one or more of the following compliance requirements: activities allowed or unallowed; allowable costs/cost principles; eligibility; matching, level of effort, earmarking; and, reporting. If the single audit requested does not meet the exemptions listed above, then the cost must be paid from non-federal funds

(2) State Requirements.

(a) If the SCTPO expends \$750,000 or more of state financial assistance in a fiscal year, the SCTPO will undertake a single audit conducted by an independent CPA for that year. *See* Subsection 215.97, F.S. and Chapter 10.550, Rules of the Florida Auditor General.

(b) If the SCTPO expends less than \$750,000 in state financial assistance during its fiscal year, an audit is not required; however, if the SCTPO elects to conduct such an audit, the cost must be paid from non-state funds.

(C) Sufficiency of Federal Audits.

(1) The state single audit required by Florida law is in addition to any audit pursuant of federal requirements required by Uniform Guidance, 2 CFR 200 Subpart F and other federal laws and regulations. However, to the extent that the federal single audit provides the TPO with information it needs to carry out its responsibilities under Florida law, the TPO shall rely upon and use that information. *See* s. 215.97(8)(j), F.S.

(2) According to the Auditor General 's rules, auditors employed by the SCTPO to perform state or federal single audits should be aware that there are statutory differences between federal and state single audit requirements as to what is to be audited and in the way similar terms are defined. Auditors are required to preserve these distinctions. *See* s. 10.551(5), Rules of the Fla. Auditor General.

(3) The single audit be performed by an independent auditor in accordance with generally accepted government auditing standards, as required by federal and state government requirements. *See* 31 U.S.C. §7502(c) and s. 215.97(8)(f), F.S.

(4) SCTPO single audits, regardless of whether they are federally or state required and undertaken shall accomplish the following requirements:

(a) Determine whether the SCTPO's financial statements are presented fairly in all material respects in conformity with generally accepted accounting principles;

(b) Determine whether state financial assistance shown on the schedule of Expenditures of Federal Awards and State Financial Assistance and/or the schedule of expenditures of federal awards are presented fairly in all material respects in relation to the SCTPO's financial statements taken as a whole;

(c) Obtain an understanding of the SCTPO's internal financial controls, assess risk, and perform tests of control;

(d) Determine whether the SCTPO has complied with applicable state and/or federal laws, rules, regulations and contracts and/or agreements; and

(e) Determine whether the SCTPO has internal controls in place to provide reasonable assurance of compliance with the provisions of laws and rules pertaining to financial assistance 31 U.S.C. 7502(e)(3) and s. 215.97(8)(i).

(5) The federal audit must cover the operations of the entire non-federal entity, or at the discretion of the non-federal entity, be a series of audits of those specific departments and/or units that expended federal funds during the fiscal year. See Uniform Guidance, 2 CFR 200 Subpart F.

(D) Submission of Single Audit Documentation.

(1) The auditor shall deliver a copy of the audit report to each member of the SCTPO Governing Board. According to the Rules of the Auditor General, the SCTPO has thirty (30) days after delivery to file a written statement of explanation or rebuttal of any deficiencies identified in the report and management letter, including corrective action to be taken. See Rule 10.558(1), Rules of the Fla. Auditor General.

(2) The TPO has 45 days after delivery (but no later than 9 months after the fiscal year) to submit the report along with explanations, rebuttals, and corrective actions to the Auditor General and the Department's District office. The Auditor General requires two (2) copies. See Rule 10.558(3), Rules of the Fla. Auditor General.

(3) The due date for delivery to FHWA is slightly different from delivery date to the SCTPO Governing Board. The SCTPO or FDOT District Liaison must submit a copy of the audit to FHWA within the earlier of thirty (30) days after receipt or nine (9) months after the end of the audit period, unless a longer period is agreed to in advance by the cognizant or oversight agency for audit). [2 CFR 200 Subpart F, Audit Requirements, Section 200.512]

(4) The SCTPO's report package should include several items. Pursuant to s. 215.97(10), F.S., Rule 10.557(3) and (4) of the Rules of the Florida Auditor General, and 2 CFR 200.512(c), the following must be included in the CPA's report package:

- (a) TPO financial statements;
- (b) Schedule of Expenditures of Federal Awards and State Financial Assistance;
- (c) Independent Auditor's Report;
- (d) Management Letter (i.e. - a statement of the auditor's comments and recommendations. See Rule 10.557(3)(g), Rules of the Florida Auditor General;
- (e) TPO's responses/rebuttals and any corrective actions;
- (f) Follow up correspondence to any previous corrective actions; and
- (g) Other information as the Florida Auditor General determines necessary

(E) Audit Review Checklist.

(1) The FDOT TPO Liaison reviews the audit following Procedure No. 450-010-001-i, Single Audit Procedure. Documentation that the review has occurred shall be recorded on Checklist for Reviewing Single Audit Reports.

(2) If the recipient does not conduct or submit a single audit, the Department Program Manager must document good faith efforts requesting the recipient to comply.

(3) Audit findings and questioned costs identified in the audit report shall be indicated on the automated checklist. The FDOT Program Manager shall document efforts made to resolve single audit findings and questioned costs within six (6) months.

(F) Retention of Records. Project records shall be retained and available for at least three (3) years from the date the single audit report is issued. Records related to unresolved single audit findings, appeals, or litigation shall be retained and made available for single audit purposes until the action is completed or the dispute is resolved. Audit working papers and reports should be readily available upon request. See 2 CFR 200.517(a).

Policy PLC-4: Travel Policy & Procedures

SECTION 1.0 TRAVEL POLICY AND DEFINITIONS

SECTION 2.0 TRANSPORTATIONS REQUIREMENTS AND REIMBURSEMENTS

SECTION 1.0 TRAVEL POLICY AND DEFINITIONS

1.1 TRAVEL POLICY.

(A) Objective. The objective of this policy is to prescribe SCTPO Board policy for the reimbursement of authorized traveler's expenses incurred during the performance of their official duties.

(B) References. Section 112.061, Florida Statutes – Per diem and traveling expenses of Public Officers, employees, and authorized persons.

(C) Directives.

(1) The Space Coast Transportation Planning Organization (SCTPO) Executive Director shall authorize all class C travel made by SCTPO staff and shall ensure that all travel is for the business, and purposes of the SCTPO. The SCTPO Chair shall authorize all class C travel made by SCTPO members and the Executive Director.

(2) The Space Coast Transportation Planning Organization Governing Board members, Executive Director, and SCTPO staff Travel A & B must be approved by the SCTPO Governing Board. In the event travel is of an emergency nature or when travel must be authorized on short notice to the SCTPO, any authorization may be made by the SCTPO Chair and/ or Vice-Chair. The SCTPO Executive Director shall ensure that all travel is for the business and purposes of the SCTPO.

(3) Travel reimbursement for the SCTPO shall be in accordance with Section 112.061, Florida Statutes.

(4) All SCTPO staff and Board members shall advise the SCTPO Executive Director, or the Executive Director's designee, of all anticipated travel plans by providing supporting documentation, if available, so costs and arrangements for the travel may be included in the UPWP and budget process.

(5) Adoption by the Space Coast Transportation Planning Organization (SCTPO) Governing Board of the UPWP and the Annual Operating Budget shall authorize said trips for payment of registration, hotels, and airline costs.

(6) SCTPO staff class C and approved class A & B travel reimbursements shall be signed and approved by the SCTPO Executive Director.

(7) SCTPO Executive Director and SCTPO member travel reimbursements shall be signed and approved by the SCTPO Chair or the Executive Director's designee.

(D) Purpose and Scope. The purpose and scope of PLC-4 is to ~~to~~ implement Space Coast Transportation Planning Organization Governing Board Policy PLC-4 and provide instructions for the reimbursement of expenses for authorized travel on SCTPO business.

1.2 DEFINITIONS AND REFERENCES. As used in PLC-4, the following terms and reference shall apply:

“Class A Travel” means continuous travel of twenty-four (24) hours or more away from headquarters.

“Class B Travel” means continuous travel of less than twenty-four (24) hours which requires overnight absence from official headquarters.

“Class C Travel” means short or day trips where the traveler is not away from his official headquarters overnight.

“Common Carrier” means commercial airlines, train, bus, or rental cars of an established rental firm.

“Official Headquarters” means Viera, Florida, which is the city or town in which the individual’s office is located. In the event a person is located in the field, the official headquarters is the city or town designated by the agency nearest to the area where the majority of the official business is conducted.

Section 112.061, Florida Statutes. This provision provides for –traveling expenses of Public Officers, employees, and authorized persons of the SCTPO.

“Traveler” is a term that includes the Space Coast Transportation Planning Organization (SCTPO) Executive Director, staff employee, or SCTPO Board member, authorized to travel on official SCTPO business.

SECTION 2.0 TRANSPORTATION REQUIREMENTS AND REIMBURSEMENTS

2.1 TRANSPORTATION REQUIREMENTS. Travel shall be required to be accomplished by routes of travel and modes of travel as set forth herein.

(A) Mode Determination. The most economical and efficient mode of travel shall be used for each trip. The type of travel (conference, meeting, training, or other type of travel), which shall determine the mode, include the nature of business, value of time of the traveler, cost of transportation or subsistence required for the number of travelers, and the amount of equipment or material to be transported.

(B) Routes of Travel. All travel must be by a usually traveled route. Any extra costs incurred by a traveler using an indirect route for said traveler’s own convenience shall be the responsibility of the traveler.

2.2 ALLOWABLE METHODS.

(A) Common Carrier. Airplane tickets for authorized travel shall be obtained for the traveler following research to determine the lowest cost carrier based on coach class seating. Any traveler insisting on a higher class seating will be required to pay for the difference in cost. Tickets may be purchased through the use of an authorized office credit card.

(B) Travel by Motor Vehicle.

(1) Rental Vehicle.

(a) Request by any traveler for use of a rental vehicle shall be authorized for travel ONLY when it is demonstrated that there is a reasonable need for the traveler to have the use of a vehicle.

(b) Rental vehicles shall be used when a demonstrated cost savings compared to use of a privately owned vehicle or use of local transportation provider is demonstrated. Demonstrated savings as used in this provision shall include the cost of the rental, parking your vehicle at the rental facility, mileage, gas, and rate of pay of the driver/traveler.

(c) When possible the traveler is encouraged to pick up and return their rental vehicle during their normal work schedule. When a rental vehicle requires the traveler

to go beyond their normal work schedule to pick up and return the vehicle, the traveler is encouraged to flex their work schedule to reimburse themselves for their travel time.

(2) **Privately Owned Vehicles.** Privately owned vehicles may be utilized for official business, if authorized by the responsible supervisor. However if the privately owned vehicle is more expensive to use, including fuel costs, than using a rental vehicle, including fuel costs, reimbursement will be at the rental car rate plus estimated fuel costs. It is recommended that privately owned vehicles carry a business travel insurance addendum on their personal vehicle policy.

2.3 SUBSISTENCE APPROVAL.

(A) Class A and B travel approved by the SCTPO Governing Board as part of the UPWP and/or annual operating budget process does not require subsequent SCTPO Governing Board approval. Class A and B travel, for SCTPO staff, the Executive Director and SCTPO Governing Board members not approved by the Space Coast TPO Governing Board as part of the UPWP and/or annual operating budget process must be approved by the SCTPO Governing Board prior to travel. In the event travel is of an emergency nature or due to short notice to the SCTPO, authorization may be made by the SCTPO Chair or Vice- Chair or the Executive Director.

(B) The traveler shall advise, in writing or by email, the designated SCTPO staff member of their desire or business need to attend a function so that arrangements for the travel may be made in advance of the travel dates to take advantage of any special rates. A completed Advance Travel Request form with written supporting justification (completed by the traveler) shall be provided for review and approval.

(C) Class A and B travel approved as part of the UPWP and/or annual operating budget process requires Space Coast TPO Governing Board approval if the travel exceeds the original Board approved amount by 20%.

(D) Pre-registration and registration for Class C travel up to \$500 per traveler for SCTPO staff shall be approved by the SCTPO Executive Director and must be approved as part of an Advance Travel request prior to the traveler attending the event.

(E) Pre-registration and registration for Class C travel over \$500 per traveler for SCTPO staff shall be approved by the SCTPO Chair, or the Chair's designee, who is a member of the SCTPO Governing Board and must be approved as part of an Advance Travel request prior to the traveler attending the event. Pre-registration and registration for Class C travel for the SCTPO Executive Director and SCTPO Governing Board members shall be approved by the SCTPO Chair or the Vice Chair.

(F) A summary of Class A, B and C travel expenses may be provided to the SCTPO Governing Board for their review as part of the regular agenda package on an annual or other agreed upon schedule.

2.4 ELIGIBILITY CRITERIA. Class A and B travel shall include any assignment on official business away from the traveler's official headquarters when it is considered reasonable and necessary to stay overnight and for which travel expenses are approved. The time, for purposes of reimbursement, is calculated as follows:

(1) The travel day for Class A travel shall be a calendar day beginning at midnight and consisting of four 6-hour quarters.

(2) The travel for Class B travel is based on 6-hour cycles beginning at the hour of departure and ending at the hour of return.

2.5 RATES OF REIMBURSEMENT.

(A) Class A and B travelers, when traveling within or outside the State to conduct official business shall receive the following reimbursement. Actual expenses for lodging at a single occupancy rate to be substantiated by paid bills and an amount not to exceed the following rates for authorized meals:

- (1) Breakfast - \$6.00 is authorized when a traveler is on travel status prior to 6:00 am and extending beyond 8:00 am.
- (2) Lunch - \$11.00 is authorized when a traveler is on travel status prior to 12:00 noon and extending beyond 2:00 pm.
- (3) Dinner - \$19.00 is authorized when a traveler is on travel status prior to 6:00 pm and extending beyond 8:00 pm.

(B) Class C Traveler Meals.

(1) Meals for Class C travelers may be reimbursable at authorized rates specified when the meal is integrally associated with the Class C travel requirement and is clearly considered to be a public purpose. Class C Meals consumed within the boundaries of Brevard County will not routinely be eligible for reimbursement, unless the employee is restricted in meal options and incurs an involuntary financial hardship.

(2) Travel Expense Reports, which include Class C meals, must have authorization from the SCTPO Executive Director, and in the case of the SCTPO Executive Director or SCTPO Governing Board members, Class C travel will require authorization by the SCTPO Chair. Class C travel is then entered into the SAP system (the County's accounting software) and submitted to the Brevard County Finance Department for processing.

(3) Class C meals are subject to Federal and employment taxes and shall be reported on the employee's W-2 form as taxable income. An individual who claims Class C meals within the scope of their official duties and the travel is not related to a registration does not need to complete a Travel Request.

(C) The SCTPO Executive Director will be responsible for ensuring that all employees comply with this procedure.

2.6 ADVANCE PAYMENTS.

(A) If advance payment for a registration fee or lodging expenses is required, all pertinent information (*i.e.*, required payment date, name and address for submittal of advance payment and room rate) shall be inserted in the Travel Request Form, and supporting documentation provided, including a copy of the hotel confirmation.

(B) All requests for advance payments must be received by the designated SCTPO staff member within twenty (20) working days prior to when the warrant (check) is required. The designated SCTPO staff member shall ensure that all advance payment requests are received within twenty (20) working days prior to when the warrant (check) is required. The appropriate SCTPO staff member in charge of processing travel shall ensure that all advance payment requests are received by the Brevard County Finance Department within fifteen (15) working days prior to when the warrant (check) is required.

(C) If the Travel Request is not submitted in time to take advantage of any early registration discounts, the late registration amount will be paid, unless the Department/Office indicates on the Travel Request that the vendor will accept the lower amount.

(D) It is the responsibility of the individual and the SCTPO to obtain a refund (from agents, airlines, or other vendor or supplier of services or conference holder) for all pre-payments and advances for airline, registration, and similar types of charges, if the trip is canceled. All refunds must be forwarded to the Brevard County Finance Department after receipt.

(E) If an advance payment is granted, the traveler must submit the Travel Expense Report to the SCTPO staff member in charge of processing travel within ten (10) working days of the return date.

(F) Purchasing Card. Individuals are required to have an approved Travel Request prior to using a SCTPO purchasing card for travel expenses (registration, lodging, airline, rental car, and similar types of expenses). Authorization to purchase meals during Class A & B travel must have prior approval of the SCTPO Executive Director or SCTPO Chair. Meals during Class C travel should not be placed on the purchasing card.

2.7 TRAVELERS EXPENSE REIMBURSEMENT REQUIREMENTS.

(A) All requests for reimbursement of traveling expenses must be itemized on the SCTPO Travel Expense form. Class A and B travel reimbursement requests must also be submitted on a separate SCTPO Travel Expense form (*i.e.*, *i.e.* class A and B travel may not be comingled with Class C travel on any report). All Class A and B travel must be pre-approved by the SCTPO Executive Director, TPO Governing Board or Executive Committee. This form must accompany invoices submitted to the State for travel reimbursement.

(B) All SCTPO Travel Expense forms shall be approved by the SCTPO Executive Director except in the case of the SCTPO Executive Director and Governing Board members, which must be approved by the SCTPO Chair, or the Chair's designee who is a member of the SCTPO Governing Board. All requests for reimbursement shall be submitted to the assigned SCTPO staff member who shall submit said paperwork to the Brevard County Finance Department with required supporting documentation to include mapquest or google miles, information about the program attended, and receipts. The authorizing signature cannot be a subordinate of the traveler. Approved forms of authorizing signatures include original signatures in blue or black ink or electronic signatures, emails, or stamps that have supporting documentation of approval for their use.

(C) Travel authorized by the Space Coast Transportation Planning Organization (SCTPO) Governing Board may not be rejected for any items that are determined by the Brevard County Finance department to be ineligible in accordance with this procedure.

(D) Specific instructions for completion of a SCTPO Travel Expense form for reimbursement consideration is provided as follows:

(1) Mileage for Privately-Owned Vehicle - Allowable mileage.

(a) Only the mileage determined to be for official SCTPO business is eligible for reimbursement. Travelers shall receive the same rate per mile as established and published on the U.S. General Services Administration internet site at www.gsa.gov/fttr for privately owned vehicles.

(b) When an authorized person is required to report to an initial work location other than their official work location, mileage is allowed only in an amount equal to the difference between the distance from residence to initial work site and the distance from residence to the official work location. If the distance to initial work location is less than the official distance traveled to authorized persons' official work location, then no mileage is allowed.

(c) Mileage for travel to a residence from the last work location other than the official work location is allowed only in an amount equal to the difference between the distance from the last work location to residence and the distance from official work location to residence. If the distance from the last work location is less than the distance ordinarily traveled, then no reimbursement for mileage is allowable.

(d) Those employees working on an emergency basis or special work assignment, as defined and approved by the SCTPO Executive Director, shall be allowed mileage reimbursement when traveling from their residence to an assigned work location and when returning to their residence after completion of assignment.

(e) An entry shall be listed for each point of origin to point of destination. Travelers shall indicate the city of origin/destination. Only complete words may be used when listing the city and destination, and the name of the event or conference. Under NO circumstances shall abbreviations or ACRONYMS be used. The traveler is to use as many spaces as needed to be able to completely write out the name of the event and destination.

(f) If a traveler decides to use what is considered to be an unreasonable cost for hotel parking (valet), the use of a rental car instead of available ground transportation, or in the event that the hotel nightly fee is higher than \$150, the traveler must provide written justification explaining why they should be reimbursed the additional expense, or they may choose to pay the additional costs at their own expense and not seek reimbursement for the additional costs. Approval of excess expenses is at the discretion of the SCTPO based on a justification that the additional expense is in the public interest or otherwise reasonable.

(g) The specific purpose of every entry shall be stated.

(h) If reimbursement is claimed for meals or per diem, the time of departure and return shall be shown.

(2) In-County Mileage. Mileage must be determined by use of MapQuest or Google and must be the most direct route. Mileage claimed shall be shown in the "Map Mileage Claimed" column. Any mileage traveled in addition to map mileage for an entry shall be shown in the "Vicinity Mileage Claimed" column. The Traveler shall include a copy of the method they used to determine their mileage. The traveler shall ensure that total individual miles, and the total miles reported for reimbursement, are not rounded up.

(3) Out-of-County Mileage.

(a) Mileage must be determined by use of MapQuest or Google and must be the most direct route. Mileage traveled shall be shown in the "Map Mileage Claimed" column. Any mileage traveled in the vicinity of the out-of-County destination shall be shown in the "Vicinity Mileage Claimed" column. The traveler must include a copy of the method they used to determine their mileage. The traveler shall ensure that the individual miles, and the total miles reported for reimbursement, are not rounded up.

(b) The SCTPO Staff, the SCTPO Executive Director, and SCTPO Governing Board members must sign the certification statement on all SCTPO Travel Expense forms. The authorizing signature cannot be a subordinate of the traveler. SCTPO Travel Expense forms must be typed or completed in blue or black ink and legible.

(4) Incidental Expenses.

(a) The following expenses shall be authorized for reimbursement when incurred while on travel status and are required for the approved travel:

1. Taxi and ferry fares
2. Tolls
3. Storage and parking fees
4. Official communications
5. Convention registration fees
6. Shuttle service

(b) The amount and type of incidental expenses shall be listed on the report under the "Incidental Expenses" column. A substantiated paid receipt for each expense must accompany the report for reimbursement.

(E) Vehicle Stipend. The SCTPO Executive Director may authorize a monthly vehicle stipend in lieu of completing travel expense reports, to employees whose job duties and responsibilities consistently require high levels of travel due to the nature of their position. Vehicle Stipends will be reviewed on an annual basis and adhere to requirements of s. 112.061 (7)(f), F.S.

(F) Class A and B Expenses.

(1) The time of departure and time of return must be shown for all travel.
 (2) If the travel is complimentary, the abbreviation "Comp" shall be inserted in the "Map Mileage Claimed" column.

(3) The traveler shall ensure that the individual miles, the total miles reported, the calculated mileage costs, and the total costs for reimbursement are not rounded up.

(4) If a private vehicle was used, the mileage must be shown on the report as specified for mileage for a privately owned automobile.

(5) If single occupancy lodging and meals are claimed, the amounts claimed shall be itemized in the "Meals, Lodging" column. Itemized receipts for lodging (including expenses paid in advance) must accompany each report for any Class A or B travel reimbursement.

(G) Fraudulent Claims.

(1) Any traveler requesting reimbursement for false or fraudulent travel expenses is subject to legal prosecution and/or discipline in accordance with the Space Coast Transportation Planning Organization (SCTPO) Personnel Policies and Procedures.

(2) All travelers requesting reimbursement shall certify that the statement of travel expenses is true and correct and incurred in the conduct of SCTPO Board business and for a public purpose authorized by law.

(3) Travel and/or reimbursement for the following is not authorized:

(a) Any meals or lodging included in a convention registration fee;
 (b) Transportation or mileage when gratuitously transported or when transported by another traveler who is entitled to mileage or transportation;

(c) Expenses incurred using an indirect route for convenience of the traveler;

(d) Travel for the purpose of job placement activities;

(e) Expenses for tips;

(f) Travel Requests submitted after the fact will be submitted to the SCTPO Board for approval; and

(g) Hotel Accommodations not authorized by the SCTPO Board or SCTPO Executive Director.

(H) Hotel. The hotel name and daily rate along with a copy of the confirmation will be submitted in advance on the Brevard County Travel Request Form, BCC-8, for pre-approval by the SCTPO Executive Director. Hotel accommodations for the SCTPO Executive Director and SCTPO Governing Board members must be signed by the SCTPO Chair. Only hotel rates that are considered reasonable for the locale will be approved.

(I) Rental Cars. Rental car requests, including car size, will be submitted in advance on the Brevard County Travel Request Form, BCC-8, for pre-approval by the SCTPO Executive Director. Requests for the SCTPO Executive Director's and SCTPO Governing Board member's rental car fees must be signed and approved by the SCTPO Chair.

Rental car size will be dependent on the number of travelers utilizing the vehicle as follows:

(1) Fewer than three (3) travelers - compact car;

(2) Fewer than five (5) travelers - mid-size car; or

(3) Five (5) or more travelers – van.

Policy PLC-5: Title VI and Related Nondiscrimination

- SECTION 1.0 PURPOSE
- SECTION 2.0 TITLE VI PLAN
- SECTION 3.0 COMPLAINT RESOLUTION
- SECTION 4.0 LIMITED ENGLISH PROFICIENCY PLAN (LEPP)
- SECTION 5.0 DISADVANTAGE BUSINESS ENTERPRISE (DBE)

SECTION 1.0 PURPOSE

(A) The Space Coast Transportation Planning Organization assures that no person shall, on the grounds of race, color, national origin, gender, age, disability or income status, as provided by Title VI of the Civil Rights Act of 1964, 42 USC §2000d *et seq.*, and the Civil Rights Restoration Act of 1987 (P.L. 100-259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination or retaliation under any program or activity.

(B) More specifically, the Space Coast TPO further assures that every effort will be made to ensure nondiscrimination in all of its programs, policies and activities, whether those programs and activities are federally funded or not.

(C) The Executive Director shall appoint an individual to serve as the Title VI Coordinator. The Title VI Coordinator is responsible for initiating and monitoring Title VI activities, preparing required reports and other Space Coast TPO related responsibilities, as required.

(D) This policy (PLC-05) has been developed in four sections:

- (1) Section 2.0 Title VI Plan
- (2) Section 3.0 Complaint Resolution
- (3) Section 4.0 Limited English Proficiency Plan (LEPP)
- (4) Section 5.0 Disadvantaged Business Enterprise (DBE)

SECTION 2.0 TITLE VI PLAN

2.1 SPACE COAST TRANSPORTATION PLANNING ORGANIZATION TITLE VI PLAN.

(A) The Space Coast Transportation Planning Organization (TPO) has a goal not to discriminate against any person with respect to a TPO program, activity or service. The purpose of this document is to outline the TPO's plan for addressing the Federal non-discrimination requirements under Title VI and other related regulations and statutes.

The general objective of the Plan is to ensure full and fair participation by all potentially affected individuals, groups and communities in the transportation decision-making process.

(B) Authorities.

(1) Title VI of the Civil Rights Act of 1964, 42 USC §2000d *et seq.*, and related statutes require Federal agencies to ensure that no person is excluded from participation in, denied the benefit of, or subjected to discrimination under any program or activity receiving Federal financial assistance on the basis of race, color, national origin, income, gender, age, or disability.

(2) The National Environmental Policy Act of 1969 (NEPA), 42 USC §4321 *et seq.*, stresses the importance of providing for “all Americans safe, healthful, productive and anesthetically pleasing surroundings” and provides a requirement for taking a “systematic, interdisciplinary approach” to aid in considering environmental and community factors in decision making.

(3) The Civil Rights Restoration Act of 1987 (Public Law 100-259) further expanded Title VI to include all programs and activities of Federal-aid recipients, sub-recipients and contractors whether those programs and activities are federally funded or not.

(4) Executive Order 12898, signed by President Clinton on February 11, 1994, directed every Federal agency to make Environmental Justice part of its mission by identifying and addressing all programs, policies and activities that affect human health or the environment so as to identify and avoid disproportionately high and adverse effects on minority populations and low-income populations.

(5) In April 1997, the U. S. Department of Transportation issued an Order on Environmental Justice (DOT Order 5610.2), which summarized and expanded upon the requirements of Executive Order 12898 to include all policies, programs and other activities that are undertaken, funded or approved by the FHWA, the FTA or other U.S. Department of Transportation components.

(6) In December 1997, the FHWA issued the FHWA Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (DOT Order 6640.23), which mandated the FHWA and all its subsidiaries to implement the principles of Executive Order 12898 and U. S. DOT Order 5610.2 into all of its programs, policies and activities.

(7) On October 7, 1999, the FHWA and the FTA issued a memorandum with the subject: ACTION: Implementing Title VI Requirements in Metropolitan and Statewide Planning. This memorandum provides information for planning officials to understand that environmental justice is equally important during the planning stages as it is during the project development states.

2.2 TITLE VI /NON-DISCRIMINATION DELEGATION: ORGANIZATION AND STAFFING.

(A) The Space Coast Transportation Planning Organization Executive Director is responsible for ensuring the implementation of the TPO’s Title VI Program. The Title VI Coordinator, on behalf of the Executive Director, is responsible for the overall management and day-to-day administration of the Title VI program, plan and assurances. The Title VI Coordinator serves under the direct supervision of the Executive Director.

Georganna Gillette, SCTPO Executive Director
2725 Judge Fran Jamieson Way
Building B-105
Viera, FL 32940
Phone: 321-690-6890
FAX: 321-690-6827
E-mail: georganna.gillette@brevardfl.gov

Title VI Coordinator

Abby Hemenway, Public Involvement Officer
2725 Judge Fran Jamieson Way
Building B-105
Viera, FL 32940
Phone: 321-690-6890
FAX: 321-690-6827
E-mail: abby.hemenway@brevardfl.gov

(B) GENERAL RESPONSIBILITIES OF THE TITLE VI COORDINATOR. The Title VI Coordinator is responsible for implementing, monitoring and ensuring the TPO’s compliance with Title VI regulations. The Title VI Coordinator will:

- (1) Identify, investigate and eliminate discrimination when found to exist;
- (2) Ensure that any complaint be resolved as outlined in TPO Policy: PLC-5, Section

II: Complaint Resolution;

- (3) Review the TPO Complaint Resolution policy, as scheduled or when necessary, and make adjustment(s)/revision(s), as needed;
- (4) Collect and maintain statistical data (*i.e.* - race, color, gender, language) of participants in Space Coast TPO programs (including affected citizens and impacted communities);
- (5) Meet with other Space Coast TPO staff, as needed, to train, monitor and discuss progress, implementation and compliance issues;
- (6) Periodically review the Space Coast TPO's Title VI Plan to assess if administrative procedures are effective, staffing is appropriate and adequate resources are available to ensure compliance;
- (7) Assure consultants under contract to the Space Coast TPO are in compliance with Title VI;
- (8) Review important Title VI-related issues with the Space Coast TPO Executive Director, as needed;-
- (9) Work with appropriate staff and assure communications and public participation strategies provide adequate participation from impacted Title VI protected groups; and
- (10) Address language needs, as appropriate.

2.3 TITLE VI PROGRAM ADMINISTRATION; GENERAL RESPONSIBILITIES.

(A) **Complaints.** Any individual or group wishing to file a complaint regarding any policy, procedure or action of the Space Coast TPO or any of its advisory committees for any reason, including, but not limited to, the belief that any policy, procedure or action has negatively impacted or caused undue burden to a specific minority group, disabled individual(s), lower-income population, or the traditionally underserved or a belief that he or she, or any specific class of persons, has been subjected to discrimination or retaliation prohibited by Title VI of the Civil Rights Act of 1964, as amended, or any other Federal or State law that individual or group may exercise their right to file a complaint with the TPO, as outlined in TPO Policy: PLC-5, Section 3.0 Complaint Resolution.

(B) **Data.** Demographic data will be used to develop public outreach efforts and program evaluation. The data will be reviewed regularly to ensure sufficiency of the data in meeting the requirements of the Title VI program administration.

(C) **Title VI Program Review.** The TPO's Title VI Program reviews will be performed annually by the Title VI Coordinator to assure compliance with Title VI. In addition, the Title VI Coordinator will review agency operational guidelines and publications, including those for consultants and other sub-recipients of FDOT's federal funds to ensure compliance with Title VI provisions, as appropriate. The Title VI Plan will be reviewed annually, or as appropriate, to assure compliance with any changes (in policies, regulations, procedures, *etc.*).

(D) **Training Programs.** The TPO will work with FHWA, FTA, and FDOT to have training available to provide Space Coast TPO staff with comprehensive information on Title VI provisions, application to program operations, and identification of Title VI issues and resolution of complaints.

(E) **Public Dissemination of Information Related to the Title VI Program.** The Title VI Coordinator will disseminate Title VI Program information to Space Coast TPO employees and consultants. This information will be posted on the TPO website for access by the public, and will be available in other languages, when required.

SECTION 3.0 COMPLAINT RESOLUTION POLICY

3.1 PURPOSE.

(A) Any individual or group wishing to file a complaint regarding any policy, procedure or action of the Space Coast TPO, or any of its advisory committees, including, but not limited to, the Technical Advisory Committee (TAC), Citizens Advisory Committee (CAC), or Bicycle, Pedestrian & Trails Advisory Committee (BPTAC), for any reason including, but not limited to, the belief that any policy, procedure or action has negatively impacted or caused undue burden to a specific minority group, disabled individual(s), lower-income population, or the traditionally underserved or a belief that he or she, or any specific class of persons, has been subjected to discrimination or retaliation prohibited by Title VI of the Civil Rights Act of 1964, as amended, or any other Federal or State law, shall:

(1) Submit a written statement (complaint) with the Space Coast TPO at its offices located at:

Space Coast Transportation Planning Organization
2725 Judge Fran Jamieson Way
Building B, Room 105
Viera, FL 32940
(Phone: 321-690-6890)
(Fax: 321-690-6827)

(2) The statement shall include, at a minimum, the following:

(a) The name, address and phone number of the person(s) filing the complaint (the Complainant). Multiple individuals submitting a complaint as a group are strongly encouraged, but not required, to appoint a single person to represent the group throughout the Informal Resolution process;

(b) A statement describing as fully as possible the procedure, policy or action taken by the TPO or Advisory Committee, the date the action occurred and the relief being sought;

(c) The names of any witnesses to the action or copies of any supporting documentation; and

(d) Signature of the complainant(s).

(3) In cases where the complainant is unable or incapable of providing a written statement, a verbal complaint may be made to the SCTPO by calling 321-690-6890. If necessary, SCTPO staff will assist the complainant in converting verbal complaints to writing. All complaints must, however, be signed by the complainant or the complainant's representative.

(4) Any complaint of discrimination or retaliation prohibited by Title VI of the Civil Rights Act of 1964, as amended, and related statutes, shall be forwarded to the FDOT's District Five Title VI Coordinator within five (5) calendar days for processing in accordance with approved State procedures (See Exhibit A). For all other complaints, Space Coast TPO staff will notify the complainant of receipt of the complaint and within fourteen (14) SCTPO business days of receiving the complaint, shall initiate the following Space Coast TPO Complaint Resolution process:

3.2 INFORMAL RESOLUTION.

The TPO Executive Director and/or Chair of the advisory committee named in the complaint will meet with the complainant to review the complaint and the relief being sought. The meeting may be in person at a location convenient to all parties, or via teleconference, as agreed upon by all parties. Within fourteen (14) days of the meeting, or such other time as may be reasonable under the circumstances, the Executive Director, or advisory committee Chair, shall provide a written decision regarding the grievance to the Complainant. If the decision of the Executive Director or the advisory committee Chair is not appealed by the Complainant, the decision shall be deemed as final, subject to approval of the Space Coast TPO

Governing Board. If the complainant does not appeal the decision, the complainant's position on the decision shall be deemed as being in support thereof.

3.3 EXECUTIVE COMMITTEE HEARING.

(A) If the complainant is not satisfied with the decision of the Executive Director, or advisory committee Chair, the Complainant may, within ten (10) calendar days of the Rendition of the decision, submit a written request to the Space Coast TPO office for a formal hearing with the Space Coast TPO Executive Committee.

(B) The Space Coast TPO Executive Committee shall conduct a *de novo* hearing on the complaint within forty-five (45) calendar days of the receipt of the request to appeal the Executive Director's decision. The complainant and the complainant's legal counsel, if retained, shall have the right to present their case to the Space Coast TPO Executive Committee, including witnesses and documents in support of the complaint. Likewise, the Executive Director or the Director's designee, and any retained legal counsel shall have the right to present witnesses, testimony and documents in defense of the Space Coast TPO's challenged position. The Space Coast TPO Executive Committee may during the course of the hearing question the parties and witnesses. The hearing will be audio taped and open to the public. At its discretion, the Space Coast TPO Executive Committee may adopt such other rules of procedure as may allow the Committee to provide a fair and adequate hearing on the complaint. The complainant is advised to obtain a verbatim transcript at the complainant's of the Space Coast TPO Executive Committee hearing in the event that the complainant desires to appeal the decision of the Space Coast TPO Executive Committee.

(C) Within thirty (30) days of the close of the Space Coast TPO Executive Committee hearing, or such other time as may be required under the circumstances, the Space Coast TPO Executive Committee shall render a decision based upon a majority vote of those voting, which shall be final, unless appealed by the complainant to the full TPO Governing Board. Any appeal to the Space Coast TPO Governing Board shall be filed in the Space Coast TPO office within twenty (20) days of the Rendition of the Space Coast TPO Executive Committee's decision. The Space Coast TPO Executive Committee's decision shall be in the form of a recommendation to the full Space Coast TPO Governing Board to uphold, rescind or modify the act or omission which is the basis of the grievance or propose any other appropriate resolution.

3.4 SPACE COAST TPO GOVERNING BORD HEARING.

(A) Any complainant dissatisfied with the decision of the Space Coast TPO Executive Committee shall file a written notice of appeal with the Space Coast TPO Governing Board within twenty (20) days of the date of the date of rendition of the Space Coast TPO Executive Committee's decision. The Space Coast TPO Governing Board shall meet to hear the appeal, within sixty (60) days of the date the appeal is filed in the Space Coast TPO office. The Space Coast TPO Governing Board will not conduct a new evidentiary hearing on the appeal but shall instead review the record presented to the Space Coast TPO Executive Committee. The complainant shall be permitted an opportunity to address the Space Coast TPO Governing Board as to why the complainant believes the Space Coast TPO Executive Committee's decision was in error. Similarly, the Executive Director, and/or advisory committee Chair, shall be permitted to address the Space Coast TPO Governing Board.

(B) The Space Coast TPO Governing Board in Rendering its decision shall review all the documents in evidence including the Executive Director or advisory committee Chair's decision, the Space Coast TPO Executive Committee's decision, and the tapes or transcript of the Space Coast TPO Executive Committee's hearing. A written decision shall be issued within sixty (60) days of the appeal hearing date. The Space Coast TPO Governing Board shall uphold, rescind, or modify the decision of the Space Coast TPO Executive Committee in whole or in part and may order any resolution within its power and authority.

(C) Nothing in this complaint procedure will prevent an interested party, dissatisfied with the complaint resolution, from submitting the same complaint to the FHWA, FTA, or FDOT for investigation under State or Federal regulations, as may be appropriate to the nature of the complaint.

EXHIBIT A

FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) TPO DISCRIMINATION COMPLAINT PROCEDURE

1. Any person who believes that he or she, or any specific class of persons, has been subjected to discrimination or retaliation prohibited by the Title VI of the Civil Rights Act of 1964, and other related state and federal authorities, may file a written complaint. All written complaints received by the Space Coast Transportation Planning Organization shall be referred immediately by the SCTPO to the FDOT's District Five Title VI Coordinator for processing in accordance with approved State procedures.

2. Verbal and non-written complaints received by the SCTPO shall be resolved informally by SCTPO staff. If the issue has not been satisfactorily resolved through informal means, or if at any time the person(s) request(s) to file a formal written complaint, the SCTPO staff shall refer the Complainant to the FDOT's District Five Title VI Coordinator for processing in accordance with approved State procedures.

3. The SCTPO staff will advise the FDOT's District Five Title VI Coordinator within five (5) calendar days of receipt of the allegations. The following information will be included in every notification to the FDOT's District Title VI Coordinator:

- (a) Name, address, and phone number of the Complainant.
- (b) Name(s) and address (es) of Respondent.
- (c) Basis of complaint (i.e., race, color, national origin, sex, age, disability, religion, familial status or retaliation).
- (d) Date of alleged discriminatory act(s).
- (e) Date of complaint received by the SCTPO.
- (f) A statement of the complaint.
- (g) Other agencies (state, local or Federal) where the complaint has been filed.
- (h) An explanation of the actions the SCTPO has taken or proposed to resolve the allegation(s) raised in the complaint.

4. Within ten (10) calendar days, the SCTPO staff will acknowledge receipt of the allegation(s), inform the Complainant of action taken or proposed action to process the allegation(s), and advise the Complainant of other avenues of redress available, such as the FDOT's Equal Opportunity Office (EOO).

5. Within sixty (60) calendar days, the SCTPO staff will conduct and complete a review of the verbal or non-written allegation(s) and based on the information obtained, will Render a recommendation for action in a report of findings to the SCTPO Executive Director and Chair.

6. Within ninety (90) calendar days of the verbal or non-written allegation(s) receipt, the SCTPO Executive Director will notify the Complainant in writing of the final decision reached, including the proposed disposition of the matter.

The notification will advise the Complainant of said complainant's right to file a formal complaint with the FDOT's EOO, if they are dissatisfied with the final decision rendered by the recipient. The SCTPO Executive Director will also provide the FDOT's District Title VI Coordinator with a copy of this decision and summary of findings.

7. The SCTPO Staff will maintain a log of all verbal and non-written complaints received by the recipient. The log will include the following information:

- a. Name of Complainant.
- b. Name of Respondent.
- c. Basis of Complaint (i.e., race, color, national origin, sex, age, disability, religion, familial status or retaliation)
- d. Date verbal or non-written complaint was received by the recipient.
- e. Date recipient notified the FDOT's District Title VI Coordinator of the verbal or non-written complaint.
- f. Explanation of the actions the recipient has taken or proposed to resolve the issue raised in the complaint.

SECTION 4.0 LIMITED ENGLISH PROFICIENCY PLAN (LEPP)

4.1 POLICY STATEMENT.

It is the Space Coast Transportation Planning Organization's policy to provide meaningful access to all its programs and services to all individuals, including those who are limited in English proficiency.

4.2 OVERVIEW.

(A) Most individuals living in the United States read, write, speak and understand English. There are many individuals, however, for whom English is not their primary language. The 2010 census shows that 26 million individuals speak Spanish and almost seven (7) million individuals speak an Asian or Pacific Island language at home. If these individuals have a limited ability to read, write, speak, or understand English, they are of limited English proficiency, or "LEP." Language for LEP individuals can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by federally funded programs and activities.

(B) As a recipient of federal funding, the Space Coast TPO is committed to taking reasonable efforts to assure that individuals are not excluded from participating in programs simply because they face challenges communicating in English.

(C) The purpose of this Limited English Proficiency (LEP) Plan is to establish the steps that the Space Coast TPO will take to provide language assistance for LEP persons seeking meaningful access to Space Coast TPO programs. The production of multilingual publications and documents and/or interpretation at meetings/events will be provided to the degree that funding permits and based on current laws and regulations. As available, educational material (*i.e.*, safety brochures) provided free-of-charge from various entities (*i.e.*, National Highway Traffic Safety Administration) will be ordered and distributed at Space Coast TPO public participation events.

4.3 DETERMINING THE NEED.

(A) As a recipient of federal funding, the Space Coast TPO must take reasonable steps to ensure meaningful access to the information and services it provides. Following guidance from the U. S. Department of Transportation, a review of four (4) factors serve as the developmental foundation of this LEP.

(B) The number or proportion of LEP persons eligible in the service area or likely to encounter a Space Coast TPO program, activity or service. According to the 2010 Census, ten percent (10%) of the Brevard County population does not speak English "very well".

LANGUAGE SPOKEN AT HOME

(US Census 2008-2012 American Community Survey)

	NUMBER	PERCENT
Only English	465,547	90.0%
Spanish	28,967	5.6%
Other Indo-European ²	15,001	2.9%
Asian Language ³	6,207	1.2%
Other	1,552	0.3%
Total Population Age 5+	517,274	100.00%

(C) The frequency with which LEP individuals come into contact with a Space Coast TPO program is important information to determine the effectiveness with which the Space Coast TPO

achieves access to LEP persons. The Space Coast TPO maintains records of public meetings and phone inquiries in order to assess the frequency with which staff has possibly been in contact with LEP persons. Space Coast TPO staff has no record of receiving a request for an interpreter, nor has there been any request for translated Space Coast TPO documents.

(D) The nature and importance of the program, activity or service provided by the Space Coast TPO to the LEP population is also important information to determine the effectiveness with which the Space Coast TPO achieves access to LEP persons.

(1) The Space Coast TPO does not provide any transportation services as a general matter. It is responsible for the federal transportation funding that reaches our communities and ensuring that there is public participation in how that funding is spent.

(2) The Transportation Disadvantaged Local Coordinating Board (TDLCB) is an independent Board, supported and appointments made by the Space Coast TPO Governing Board. A Space Coast TPO Governing Board Member serves as the Chair of the TDLCB. The purpose of the TDLCB is to evaluate service levels, safety and other issues of transit operations provided by Space Coast Area Transit serving the elderly, people with disabilities, or otherwise disadvantaged citizens, such as those with low income.

(3) Outreach programs, particularly in the area of bicycle and pedestrian safety education, include the distribution of educational material. When available, copies of brochures, coloring books, and similar documents, in other languages (generally in Spanish, if available) are secured and distributed at events which are held throughout Brevard County.

(4) Citizen involvement with the Space Coast TPO and/or its Committees is voluntary. The Space Coast TPO does provide opportunities for the public to comment on the use of Federal funds; specifically, during open comment periods and/or public meetings for: the bi-annual UPWP, a five-year (developed annually) Transportation Improvement Program, and the Long Range Transportation Plan (LRTP). It is recognized that the impacts of transportation projects have an impact on all residents, so efforts are made to encourage an understanding of the process and promote opportunities to comment.

(E) The resources available to the Space Coast TPO and overall costs to provide LEP assistance are as set forth herein.

(1) Translation of all Space Coast TPO plans and materials is not possible due to cost restrictions. Further, the LEP population in the County is not of a significant proportion to warrant such expenses.

(2) Space Coast TPO Website: A free service, provided by Google, provides the ability to translate the information provided on our website. A user may choose from up to 30 languages, including: Chinese Simplified, Chinese Traditional, Thai, Japanese, Italian, Spanish and Russian. The translation service is available by clicking the link at the top right side of each page of the Space Coast TPO website.

(3) Outreach Materials – Spanish and any other available language outreach materials from organizations such as Federal, State and local agencies will be utilized, whenever possible. Current Space Coast TPO-produced materials will not be translated at this time.

(4) Brevard County's Office of Human Resources maintains a database of language interpreters/translators.

(F) After analyzing the four factors, the Space Coast TPO developed the LEP Plan, as outlined below:

LEP IMPLEMENTATION PLAN
LANGUAGE ASSISTANCE MEASURES

(1) The Space Coast TPO has not received inquiries in a language other than English. Should someone call for assistance, staff should take the name and contact information of the person and work with available services, as outlined below.

(2) As of May, 2010, the Space Coast TPO has identified two (2) Brevard County employees who have volunteered their translation services:

Spanish: Ms. Miriam Fuentes, Natural Resources Secretary

Brevard County Natural Resources Management Office

Telephone: 321-633-2058

Email: Miriam.Fuentes@brevardcounty.us

German: Ms. Marina Nebel, Licensing Regulation and Enforcement Investigator

Brevard County Planning and Development: Contractor Licensing and Regulations Section

Telephone: 321-633-2058

Email: Marina.Nebel@brevardcounty.us

(3) Effective April of 2014 Brevard County's Office of Human Resources maintains a list of personnel who have volunteered to do language translation which is available to use as well. Additionally, the Brevard County Sheriff's Department utilizes a translation service that is available 24 hours a day, and it has worked well for them. Initial contacts have been made, and should the need arise for a language other than Spanish and German, the Space Coast TPO will pursue this avenue. The name of the company is Language Line Services, Inc. located at One Lower Ragsdale Drive; Bldg. 2; Monterey, CA 93940; www.LanguageLine.com.

4.4 MONITORING AND UPDATING THE LEP PLAN.

(A) This plan is designed to be flexible and is one that can be updated easily. Updates will examine all Plan components, including:

(1) How to identify persons who may need language assistance.

(2) Examine past records from past meetings and events for requests for language assistance in order to anticipate possible need for assistance at upcoming meetings (tracking system).

(3) Review to determine staff training needs.

(B) The Space Coast TPO will post the LEP Plan on its website at www.spacecoasttpo.com

(C) Any person, including social service, non-profit, and law enforcement agencies and other community partners with internet access will be able to access the Plan. Printed copies will be made available, as requested.

(D) Any questions or comments regarding this Plan should be directed to:

Space Coast Transportation Planning Organization

2725 Judge Fran Jamieson Way

Building B-105

Viera, FL 32940

Telephone: 321-690-6890

FAX: 321-690-6827

e-mail: tpostaff@spacecoasttpo.com

SECTION 5.0 DISADVANTAGED BUSINESS ENTERPRISE (DBE)

5.1 PURPOSE.

The purpose of the DBE program is to comply with 49 CFR part 26 when expending U. S. Department of Transportation FHWA funds.

5.2 GENERAL PROCEDURES.

(A) The Space Coast TPO has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U. S. Department of Transportation (DOT), 49 CFR Part 26. The Space Coast TPO has received Federal financial assistance from the U. S. Department of Transportation, and as a condition of receiving this assistance, the Space Coast TPO has signed an assurance that it will comply with 49 CFR Part 26.

(B) The FDOT Disadvantaged Business Enterprise Program Plan and the FDOT Methodology for Determining DBE Goal (49 CFR part 26.45), as adopted and amended from time to time, shall be the umbrella under which the Space Coast TPO will function in the award of applicable contracts incurring the expenditure of federal transportation funds. The FDOT DBE program, is hereby included and made a part of this policy. Please follow the link: <http://www.fdot.gov/equalopportunity/divisions.shtm> for the latest FDOT program document.

(C) It is the policy of the TPO to ensure that DBEs, as defined in 49 CFR part 26, have an equal opportunity to receive and participate in USDOT-assisted contracts. It is also the TPO's policy:

(1) To ensure nondiscrimination in the award and administration of DOT- assisted contracts.

(2) To create a level playing field on which DBEs can compete fairly for DOT- assisted contracts.

(3) To ensure that the DBE Program is narrowly tailored in accordance with applicable law.

(4) To ensure that only firms that fully meet 49 CFR part 26 eligibility standards are permitted to participate as DBEs;

(5) To help remove barriers to the participation of DBEs in US DOT-assisted contracts; and,

(6) To assist the development of firms so that they can compete successfully in the market place outside the DBE Program.

(D) The appropriate Space Coast TPO staff shall act as the DBE liaison with FDOT to provide all appropriate materials and assistance necessary for the FDOT to carryout the provisions of the DBE program on behalf of the Space Coast TPO.

Policy PLC-6: Social Media

1.0 OBJECTIVE.

(A) The creation of social media network sites provides an ability to communicate and transmit information in a timely manner. The purpose of this policy shall be to establish guidelines for Space Coast TPO staff, Space Coast TPO Board members, the TAC/CAC Committee, and all other subcommittee's to follow in the use of these sites.

(B) This policy applies to any and all "social media" sites through which communications are made for and about the Space Coast TPO. It does not apply to personal social media accounts held by individual Space Coast TPO staff, Space Coast TPO Board members, the TAC/CAC Committee, and all other subcommittees. Personal communications shall at all times be respectful of the communities that the communicator serves and the Space Coast TPO. Information provided on a communicator's personal social media site may be viewed by the full Space Coast TPO Governing Board, and depending upon the nature of the communication may be considered to be a Public Record. Communications could also be, depending upon the content of the communication, libelous or defamatory subjecting the communicator to civil liability.

(C) Any Space Coast TPO staff, Space Coast TPO Governing Board member, TAC/CAC Committee, or any other subcommittee found in violation of this policy may be subject to disciplinary action to include termination of position or appointment.

2.0 DEFINITIONS.

(A) Definitions. The following terms when used in this Policy PLC-6 shall be defined to mean as follows, unless the context clearly indicates to the contrary:

(1) "Administrator" means the person appointed or designated by the SCTPO Governing of the Executive Director to have custody and control over any SCTPO official Social Media Site.

(2) "Blog" means a type of website usually maintained by an individual who posts regular entries such as social activities, comments on topics, hosting of videos or graphics.

(3) "Social Media Site" means websites that provide exchange of information in digital words, sounds, videos, and pictures to other users of the website through blogs, social networking, or wiki.

(4) "Social Networking Sites" means a website where users can join to interact and connect with other users and organizations.

(5) "Trade Secret" is defined in s. 812.081, F.S.

(B) References. References in support of this policy include but are not limited to:

(1) Chapter 119, Florida Statute;

(2) Attorney General Opinion 2009-19, Records, municipal Facebook page;

(3) Davison v. Loudoun County Board of Supervisors, Case No. 1:16cv932(JCC/ID) (E.D. Va. Memo. Of decision July 25, 2017); and

(4) State v. City of Clearwater, 863 So.2d 149 (Fla. 2003).

3.0 DIRECTIVES.

(A) The Space Coast Transportation Planning Organization (SCTPO) website www.spacecoasttpo.com shall be the official and predominant internet presence.

(B) All activities on SCTPO authorized social media sites shall restrict Space Coast TPO staff, Space Coast TPO Board members, TAC/CAC Committee members, or any other subcommittee and from engaging in an exchange of information on items that will be brought before them for official action because of possible Government in the Sunshine laws.

(C) Social media sites, such as Facebook and Twitter, that have been specifically approved by either the Executive Director or the SCTPO Governing Board for SCTPO official business, shall be considered authorized for the purposes of communicating Space Coast TPO project information and/or program updates. Need to expand these sites shall be reviewed on an annual basis by the Executive Director. It is prohibited for any Space Coast TPO staff, Space Coast TPO Governing Board member, TAC/CAC Committee, or any other subcommittee or committee members, to use a SCTPO authorized media site for personal use.

(D) The Space Coast TPO Executive Director, or the Executive Director's designee, shall have authority to remove or restrict any or all material posted on a SCTPO Social Media Site that is in violation of SCTPO policy. All information removed shall be digitally retained, stored and timely disposed of in the manner required to meet the requirements of applicable Public Records laws and to comply with Public Record retention schedules set by the Florida Secretary of State, regardless of whether a post is removed from a SCTPO Social Media Site.

(E) Postings on social media sites should not disclose any information that is confidential or exempt from the Public Records laws or federal law, or which is proprietary to the Space Coast TPO or to any third party or that is a Trade Secret pursuant to s. 815.04(3), F.S., that has disclosed information to the TPO.

(F) If Space Coast TPO staff, Space Coast TPO Governing Board members, the TAC/CAC Committees, or any other subcommittees, comment on any aspect of the organization's business, they must clearly identify themselves as an employee or as an official of the SCTPO (including their position), and include a disclaimer that the views expressed are theirs and theirs alone.

(G) At no time shall Space Coast TPO staff, Space Coast TPO Governing Board members, the TAC/CAC Committee, or any other subcommittees or committee members, give the impression that they are speaking on the behalf of the SCTPO, any board member, or third party affiliates.

(H) All postings shall adhere to all rules regarding copyright, privacy, fair use, financial disclosure, and any other applicable laws.

(I) The Space Coast TPO reserves the right to limit the subjects to which Space Coast TPO staff, Space Coast TPO Governing Board members, TAC/CAC Committees, and all other subcommittees or committee members, may respond.

(J) The Space Coast TPO further reserves the right to block or take down any posting which does not meet proper etiquette such as the use of expletives and defamatory comments.

(K) At no time shall the Space Coast TPO's logo or name be used when expressing any commentary or opinions.

4.0 ADMINISTRATOR.

(A) The Space Coast TPO Executive Director, or the Executive Director's designee, shall review and forward to the full SCTPO Governing Board a request for authorization to use a SCTPO Social Media Site and assign an Administrator. An Administrator must be assigned for each SCTPO Social Media Site (e.g. - if the Executive Director authorizes use of a SCTPO Social Media Site for the Feet Not Fuel program an administrator must be designated).

(B) Before the creation of a SCTPO Social Media Site the assigned Administrator must complete and submit a Space Coast TPO Social Media Registration form. A form must be prepared for

each social media site and given to the Executive Director, or the Executive Director's designee. The Executive Director, or the Executive Director's designee, shall keep a record of the forms and must be notified promptly of any change in the Administrator, password, account information, or removal/deactivation of the site.

(C) The assigned Administrator of the SCTPO Social Media Site is responsible for the administration, updating and monitoring of the site. The Administrator shall not reveal an account password or allow another to post content on their site. All materials posted must comply with Space Coast TPO Policy PLC-2: Personnel Rules and Regulations; Section 7 Code of Conduct; Sub-Section 7.12 COMPUTER AND EMAIL USEAGE.

(D) Profile/usernames must clearly identify the name of the agency/office/program.

(E) E-mail addresses used for the account set up must be a SCTPO issued email address. No personal e-mail address may be registered with an account.

(F) SCTPO Social Media Sites must also clearly indicate that the content posted or submitted for posting is subject to public disclosure under Florida's Public Records laws.

(G) Only the Executive Director, or the Executive Director's designee, may authorize use of the Space Coast TPO Logo on any SCTPO Social Media Site.

(H) No copyrighted material shall be shared, posted, or uploaded on any SCTPO Social Media Site authorized under this Policy unless the Space Coast TPO has an active, legitimate license for such purpose or consent of the author.

5.0 RECORDS.

(A) It shall be the responsibility of the Administrator to retain, store, and dispose of all content made or received relating to Space Coast TPO business, to ensure compliance with Chapter 119, Florida Statutes AGO 2009-19, and other materials referenced herein. In particular the Administrator shall keep a record of all posts, direct messages, tweets, re-tweets, responses, comments made on a Social Media Site, or replies made by the Administrator. The Administrator must configure the account settings or use a service which either delivers the content to a SCTPO email mailbox or to a database (*e.g.* - Tweetback.com), as provided by the procedures established.

(B) To engage public participation, the Administrator shall set any privacy settings on the Social Media Site so the content on the site is as open to as many members of the general public as possible. No user shall be denied from viewing (*i.e.* - being a fan, follower or similar) the site.

(C) Material posted on the SCTPO Social Media Sites and all responses to a user of those sites shall be factual, accurate, and in compliance with all Space Coast TPO policies and procedures. The Administrator for the site shall seek assistance before offering advise, support or comment on any topic that falls outside the Administrator's duties or responsibilities.

Policy PLC-7: Conflict of Interest

1.0 OBJECTIVES.

(A) The purpose of this policy shall be to establish the public's trust and confidence in the ability of the Space Coast Transportation Planning Organization and its affiliated committees and employees to discharge their public duties without regard to personal and special private gain, personal favoritism, and avoiding even the appearance or perception of impropriety. It is essential that any persons referenced in this policy avoid any and all situations that represent conflicts between their personal interests and public duties. Furthermore it is incumbent upon them to refrain from taking any official action with reference to such situations, and to inform their appointing authority of any actual, potential, or apparent conflicts of interest or ethical violation.

(B) Perceived or real conflicts of interest may affect a member's or alternate's ability to vote or otherwise take action to move an issue forward when it comes before the Space Coast TPO Board, Executive Committee, Technical Advisory, Citizen Advisory, Bicycle Pedestrian Trails Advisory, and Transportation Disadvantaged committees.

(C) It shall be understood that this policy shall apply equally to all persons serving on the Space Coast TPO Governing Board, Technical Advisory Committee, Citizen Advisory Committee, Bicycle Pedestrian Trails Advisory Committee, and Transportation Disadvantaged Committee, or any appointment to a review or study committee or task force or is employed either through a contract or on paid salary with the Space Coast Transportation Planning Organization.

(D) At all times parties referenced in this policy shall maintain the highest standards of personal integrity, truthfulness, and fairness in carrying out their duties. Anyone found to be in violation of this policy may be subject to disciplinary action to include termination of appointment or staff position.

1.1 DEFINITIONS AND REFERENCES.

(A) Definitions. As used in this Policy PLC-7, the following terms shall be defined as set forth below, unless the context shall affirmatively indicate to the contrary:

(1) "Alternate Member" means an individual chosen to serve as a backup appointment to the primary Member that was appointed by local elected office or by local agency, council or commission to represent the residents of their jurisdiction on the Space Coast TPO Governing Board, Technical Advisory Committee, Citizen Advisory Committee, Bicycle Pedestrian Trails Advisory Committee or Transportation Disadvantaged Committee, or any appointment to a SCTPO committee or study review board.

(2) "Conflict" or "Conflict of Interest" as defined in s. 112.312(8), F.S., "means any situation in which regard for a private interest tends to lead to disregard of a public duty or interest."

(3) "Corruptly" means done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of a public servant which is inconsistent with the proper performance of his or her public duties. s. 112.312(9), F.S.

(4) "Gift". See PLC-1, Section 1.1.

(5) "Indirect" or "indirect interest" means an interest in which legal title is held by another as trustee or other representative capacity, but the equitable or beneficial interest is held by the person required to file under this part. A "representative capacity" means the actual physical attendance on behalf of a client in an agency proceeding, the writing of letters or filing of documents on behalf of a

client, and personal communications made with the officers or employees of any agency on behalf of a client. ss. 112.312(13) and (22), F.S.

(6) "Member" means an individual nominated as the primary appointment through local elected office or by local agency, council or commission to represent the residents of their jurisdiction on the Space Coast TPO Governing Board, Technical Advisory Committee, Citizen Advisory Committee, Bicycle Pedestrian Trails Advisory Committee or Transportation Disadvantaged Committee, or any appointment to a SCTPO committee or study review board.

(7) "Public Officer" includes any person who is a Member or an Alternate Member, elected or appointed to hold a voting delegate's position, or that of an Alternate Member, on the SCTPO Governing Board or on an SCTPO advisory committee or other body.

(8) "Special Committee Designate" means a person designated by the Space Coast TPO Governing Board or the Executive Director, for membership of a request for proposals consultant selection review panel or a study group or review committee designated by the SCTPO for consultant selection, review of project studies or other specified projects.

(9) "Space Coast TPO Staff Member" means either a contracted or salaried member of the Space Coast TPO support staff hired to perform those duties set forth in their job description to carry out the required functions of the organization.

(B) References. References in support of this policy include but are not limited to:

- (1) The Code of Ethics for Public Officers and Employees, Part III, Chapter 112, Florida Statutes;
- (2) Section 286.011 and 286.0113, Florida Statutes (the Government-in-the-Sunshine Act"); and
- (3) Brevard County Policy BCC-03.

1.2 DIRECTIVES.

(A) Conflicts of Interest. Any conflict of interest between personal interests and official responsibilities are to be resolved by consciously avoiding potential conflicts of interest and when the conflict of interest occurs with regard to any matter on which a Member of any SCTPO board is called upon to vote by publicly disclosing the basis of the voting conflict of interest, decisions can be reviewed or made by others.

(B) Stated conflicts shall be incorporated into the minutes and become a Public Record upon filing. See s. 112.3143(3)(a) and (4)(b), F.S. When a conflict of interest exists, it shall be declared by the Member with a conflict upon opening of discussion of a matter by the SCTPO. Pursuant to Sections 286.012 and 112.3143, Florida Statutes, when the SCTPO Governing Board, or SCTPO committee Members or Alternate Members, Special Committee Designates, or Space Coast TPO Staff members serving on a SCTPO board, have a voting conflict of interest or when the member ascertains that there appears to be a possible voting conflict of interest pursuant to Sections 112.311, 112.313, or 112.3143, Florida Statutes, the Member shall abstain from voting on the issue with which the member has or there is a possible voting or other conflict of interest. See s. 286.012, F.S.

(C) Such individual shall, prior to the vote being taken, publicly state to the assembly the nature of the officer's interest in the matter from which the Member is abstaining from voting. Any member of the TPO Governing Board, SCTPO committee, sub-committee, specially designated committee, or Space Coast TPO Staff Member, who has a voting conflict of interest on a matter is required to file within 15 days after the vote occurs with the Agency Secretary the appropriate Conflict of Interest Form as promulgated by the Florida Commission on Ethics. See s. 112.3143(3)(a) and (4)(b), F.S. The disclosure form shall be attached to the minutes of the meeting at which the vote abstained from was taken.

(D) Prohibited Conduct; Misuse of Public Office or Employment. As provided by Section 112.313(6), Florida Statutes, a Public Officer or Space Coast TPO Staff Member shall not Corruptly use or

attempt to use said individual's official position or any property or resource of the SCTPO which may be within said individual's trust, or perform said individual's official duties to secure a special privilege, benefit, or exemption for said individual or others. In addition, all Public Officers or Space Coast TPO Staff Members are expected to scrupulously adhere to the Code of Ethics for Public Officers and Employees, Part III, Chapter 112, Florida Statutes.

(E) Outside Employment. No outside employment shall be permitted except as provided under the Space Coast TPO policies. Space Coast TPO Staff Members must receive written approval from their supervisor or the Executive Director prior to engaging in outside employment. Under no circumstances shall a Space Coast TPO Staff Member accept outside employment or render other than official services to a private interest where Space Coast TPO time, equipment, or material is to be used, or where a real or apparent conflict of interest with one's official or public duties is possible.

(F) Financial Interest. These restrictions are not intended to preclude the opportunity for Space Coast TPO Staff Members to acquire and maintain private financial interests. However, private financial interests should be examined in terms of potential conflicts of interest these interests may pose. In the event a real or apparent conflict of interest exists, the Space Coast TPO Staff Member shall contact said Space Coast TPO Staff Member's superior to resolve the conflict or potential conflict.

(G) Solicitation and Acceptance of Compensation, Payment, or things of value.

(1) As provided in Section 112.313(2), Florida Statutes, no Space Coast TPO Staff Member, or Public Officer shall solicit or accept anything of value to the recipient, including a Gift, loan, reward, promise of future employment, favor or service based upon any understanding that their vote, official action or judgment would be influenced thereby.

(2) As provided in Section 112.313(4), Florida Statutes, no Space Coast TPO Staff Member, Member, Alternate Member, or Special Committee Designate, or their spouse or minor child, shall accept any compensation, payment, or thing of value that with the exercise of reasonable care, the Space Coast TPO Staff Member, Member, Alternate Member, or Special Committee Designate, should know, that it was given to influence a vote or other action in which the Space Coast TPO Staff Member or Public Officer was expected to participate in said individual's official capacity.

2.0 ACCEPTANCE OF GIFTS.

(A) As used in this Section 1.4 relating to the acceptance of a Gift, the following terms shall be defined to mean:

(1) "Gift". See PLC-1, Section 1.1.

(2) "Immediate family" means any parent, spouse, child or sibling. See s. 112.3148(2)(a), F.S.;

(3) "Lobbyist". See PLC-1, Section 1.1.

(4) "Procurement Employee". See Section 1.1, PLC-1.

(5) "Reporting individual" means any individual, including a candidate upon qualifying, who is required by law, pursuant to s. 8, Art. II of the State Constitution or s. 112.3145, to file full or limited public disclosure of his or her financial interests or any individual who has been elected to, but has yet to officially assume the responsibilities of, public office. For purposes of implementing this section, the "agency" of a reporting individual who is not an officer or employee in public service is the agency to which the candidate seeks election, or in the case of an individual elected to but yet to formally take office, the agency in which the individual has been elected to serve. s. 112.3148(2)(d), F.S.

(6) "Vendor" means a business entity doing business directly with an agency, such as renting, leasing, or selling any realty, goods, or services. s. 112.3148(2)(f), F.S.

(B) As provided in Section 112.3148(3), Florida Statutes, a Reporting Individual or Space Coast TPO Procurement Employee, is prohibited from soliciting any Gift from a Vendor doing business with the SCTPO or a Lobbyist (of the partner, firm, employer, or principal of such lobbyist) who lobbies the SCTPO,

where such Gift is for the personal benefit of the Reporting individual or Procurement Employee, another Reporting Individual or Procurement Employee, or any member of the immediate family of either of the foregoing.

(C) As provided in Section 112.3148(4), Florida Statutes, and except as otherwise specifically permitted by Florida law, a Reporting Individual or a SCTPO procurement employee or any other person on behalf of the aforementioned is prohibited from knowingly accepting, directly or Indirectly, a Gift from a Vendor doing business with the SCTPO, or a Lobbyist who lobbies the SCTPO, directly or Indirectly on behalf of the partner, firm, employer, or principal of a Lobbyist, if he or she knows or reasonably believes that the Gift has a value in excess of \$100; however, such a Gift may be accepted by such person on behalf of a governmental entity or a charitable organization. If the Gift is accepted on behalf of a governmental entity or charitable organization, the person receiving the Gift shall not maintain custody of the Gift for any period of time beyond that reasonably necessary to arrange for the transfer of custody and ownership of the Gift. Notwithstanding the foregoing, a Reporting Individual may accept a Gift having a value in excess of \$100 from an entity of the legislative or judicial branch, a department or commission of the executive branch, a water management district created pursuant to s. 373.069, F.S., the South Florida Regional Transportation Authority, a county, a municipality, an airport authority, or a school board, if a public purpose can be shown for the gift; and the Reporting Individual who is an officer of the Space TPO supported by a direct-support organization specifically authorized by law to support such governmental entity may accept such a Gift from such direct-support organization. s. 112.3148(5)(b), F.S.

(D) A non-monetary Gift, including meals or entertainment, when offered gratuitously and carrying a total value of less than twenty-five dollars (\$25.00) may be accepted if the Space Coast TPO employee can ensure that it was not offered to influence said employee's judgment, action or vote. It is the employee's responsibility to avoid the appearance of conflict of interest and discretion should be used in accepting Gifts valued under the amount stated above. If there is any doubt about the intent of the person giving the Gift or its value is \$25.00 or greater, then the employee must decline to accept it.

(E)(1) As provided in s. 112.3148(7), F.S., the value of a Gift provided to a Reporting Individual or Procurement Employee shall be determined using actual cost to the donor, less taxes and gratuities, except as otherwise provided in this subsection, and, with respect to personal services provided by the donor, the reasonable and customary charge regularly charged for such service in the community in which the service is provided shall be used. If additional expenses are required as a condition precedent to eligibility of the donor to purchase or provide a gift and such expenses are primarily for the benefit of the donor or are of a charitable nature, such expenses shall not be included in determining the value of the gift.

(2) Compensation provided by the donee to the donor, if provided within 90 days after receipt of the Gift, shall be deducted from the value of the gift in determining the value of the Gift.

(3) If the actual Gift value attributable to individual participants at an event cannot be determined, the total costs shall be prorated among all invited persons, whether or not they are Reporting Individuals or Procurement Employees.

(4) Transportation shall be valued on a round-trip basis unless only one-way transportation is provided. Round-trip transportation expenses shall be considered a single Gift. Transportation provided in a private conveyance shall be given the same value as transportation provided in a comparable commercial conveyance.

(5) Lodging provided on consecutive days shall be considered a single Gift. Lodging in a private residence shall be valued at the per diem rate provided in s. 112.061(6)(a)1., F.S., less the meal allowance rate provided in s. 112.061(6)(b), F.S.

(6) Food and beverages which are not consumed at a single sitting or meal and which are provided on the same calendar day shall be considered a single Gift, and the total value of all food and beverages provided on that date shall be considered the value of the Gift. Food and beverage consumed

at a single sitting or meal shall be considered a single Gift, and the value of the food and beverage provided at that sitting or meal shall be considered the value of the Gift.

(7) Membership dues paid to the same organization during any 12-month period shall be considered a single Gift.

(8) Entrance fees, admission fees, or tickets shall be valued on the face value of the ticket or fee, or on a daily or per event basis, whichever is greater.

(9) Except as otherwise specified in this section, a Gift shall be valued on a per occurrence basis.

(10) The value of a Gift provided to several individuals may be attributed on a *pro rata* basis among all of the individuals. If the gift is food, beverage, entertainment, or similar items, provided at a function for more than 10 people, the value of the Gift to each individual shall be the total value of the items provided divided by the number of persons invited to the function, unless the items are purchased on a per person basis, in which case the value of the Gift to each person is the per person cost.

(11) The value of a Gift of an admission ticket shall not include that portion of the cost which represents a charitable contribution, if the Gift is provided by the charitable organization.

(F) The Space Coast TPO shall make a reasonable effort to communicate sections of this policy relating to Gifts to local, county or state Vendors. Such communication shall at a minimum include notification of these provisions on the Space Coast TPO website.

2.1 TIPS AND GRATUITIES. As provided in Section 112.313(4), Florida Statutes, a tip or gratuity can be considered to be unauthorized compensation. Consequently, no Space Coast TPO Board Member, Alternate Member, Special Committee Designate, or SCTPO Staff Member, shall accept any tip or gratuity. Employee classifications for which the acceptance of tips and gratuities are permitted may be designated by the Executive Director and shall only include positions with duties of a personal nature where tipping is traditional.

3.0 ETHICS TRAINING.

(A) Public Officers, and Space Coast TPO Staff Members, as public servants, are considered stewards of the public trust and should aspire to the highest level of integrity and character. Public Officers and Space Coast TPO Staff Members shall be informed of their ethical responsibilities at the start of their public service (or during employee orientation in the case of Space Coast TPO Staff Members) and receive updates and training materials on ethics issues throughout the span of their public service.

(B) Space Coast TPO Staff Members shall receive periodic ethics training. This shall include at a minimum four (4) hours of ethics training annually that addresses, at a minimum, Article II, Section 8 of the Florida Constitution; Part III, Chapter 112, Part III, Florida Statutes (the Code of Ethics for Public Officers and Employees); the Public Records (Chapter 119, Florida Statutes); and Government-in the Sunshine public meetings laws (Chapter 286, Florida Statutes) of this state. This requirement may be satisfied by completion of a continuing legal education class or other continuing professional education class, seminar, ongoing Employee Development Program, or other presentation if the required subjects are covered.

4.0 ADMINISTRATION.

(A) As used in this Section 1.7, the following terms shall be defined as follows:

(1) "Agency" means any state, regional, county, local, or municipal government entity of this state, whether executive, judicial, or legislative; any department, division, bureau, commission, authority, or political subdivision of this state therein; any public school, community college, or state university; or any special district as defined in s. 189.012, F.S.

(2) “Principal by Whom Retained” means an individual or entity, other than an Agency, that for compensation, salary, pay, consideration, or similar thing of value, has permitted or directed another to act for the individual or entity, and includes, but is not limited to, one’s client, employer, or the parent, subsidiary, or sibling organization of one’s client or employer.

(3) “Relative” means any father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law.

(4) “Special Private Gain or Loss”. See PLC-1, Section 1.1.

(B) As provided by Section 112.3143(3), Florida Statutes, no SCTPO Governing Board Member, Alternate Member, or other appointed Public Officer, shall vote in an official capacity upon any measure:

(1) which would inure to his or her Special Private Gain or Loss;

(2) which he or she knows would inure to the Special Private Gain or Loss of any Principal by Whom he or she is Retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained, other than an agency; or

(3) which he or she knows would inure to the Special Private Gain or Loss of a Relative or business associate of the Public Officer.

(C) Appointed Official.

(1) As provided by Section 112.3143(4), Florida Statutes, unless the Member has first disclosed the nature of his or her interest in the matter, no appointed Space Coast TPO committee Member, Alternate Member, Special Committee Designate, or Space Coast TPO Staff Members, serving on a board, shall participate in any matter which:

(a) would inure to the officer’s Special Private Gain or Loss; the officer knows would inure to the Special Private Gain or Loss of any Principal by Whom he or she is Retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained; or

(b) he or she knows would inure to the Special Private Gain or Loss of a Relative or business associate of the Public Officer, without first disclosing the nature of his or her interest in the matter.

(2) The term “participate” means any attempt to influence the decision by oral or written communication, whether made by the Member, Alternate Member, Special Committee Designate, or Space Coast TPO Staff Member. Prior to participating, the appointed Space Coast TPO Member, Alternate Member, Special Committee Designate, or Space Coast TPO Staff Member, serving on a board, shall file with the person responsible for recording in the minutes of the meeting, a memorandum of a conflict of interest on a form promulgated by the Florida Commission on Ethics. Any such memorandum shall become a Public Record upon filing, shall immediately be provided to the other individuals serving on the board, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.

Policy PLC-8: Transportation Disadvantaged Local Coordinating Board (TDLCB)

1.0 TRANSPORTATION DISADVANTAGED LOCAL COORDINATING BOARD (TDLCB).

(A) The Space Coast Transportation Planning Organization (SCTPO), in accordance with Chapter 427, Florida Statutes, hereby establishes the TDLCB. The general purpose and duties of the TDLCB are to:

- (1) Review and approve the coordinated community transportation disadvantaged service plan, including the Memorandum of Agreement between the Transportation Disadvantaged Commission and the Community Transportation Coordinator, prior to submittal to the Commission;
- (2) Evaluate services provided in meeting the approved plan;
- (3) In cooperation with the community transportation coordinator, review and provide recommendations to the Commission for the Transportation Disadvantaged (hereinafter called "the Commission") on funding applications affecting the transportation disadvantaged;
- (4) Assist the community transportation coordinator in establishing eligibility guidelines and priorities with regard to the recipients of non-sponsored transportation disadvantaged services that are purchased with Transportation Disadvantaged Trust Fund moneys.
- (5) Review the coordination strategies of service provision to the transportation disadvantaged in the designated service area;
- (6) Evaluate multi-county or regional transportation opportunities; and
- (7) Work cooperatively with local workforce development boards established in chapter 445 to provide assistance in the development of innovative transportation services for participants in the welfare transition program.

(B) Membership. The membership of the TDLCB, organizational structure, and specific responsibilities shall consist of the members as designated and in accordance with the rule 41-2.012, Florida Administrative Code and Section 427.0157, Florida Statute.

(1) The following agencies or groups shall be represented on the board as voting members:

- (a) An elected official appointed by the TPO (The TPO shall appoint an elected official as the Chair);
- (b) A local representative of the Florida Department of Transportation;
- (c) A local representative of the Florida Department of Children and Family Services;
- (d) A local representative of the public education community which could include, but not limited to, a representative of the Brevard County District School Board, School Board Transportation Office, or Headstart Program in areas if the School District is responsible;
- (e) A local representative of the Florida Division of Vocational Rehabilitation, or the Division of Blind Services, representing the Department of Education;
- (f) A person recommended by the local Veterans Service Office representing the veterans of the county;
- (g) A person who is recognized by the Florida Association for Community Action (President), representing the economically disadvantaged in the county;
- (h) A person over the age of sixty representing the elderly in Brevard County;
- (i) A person with a disability representing the disabled in Brevard County;
- (j) Two citizen advocate representatives in Brevard County; one who must be a person who uses the transportation service(s) of the system as their primary means of transportation;

- (k) A local representative for children at risk;
- (l) The chairperson, or said chairperson's designee, of the local mass transit or public transit system's board;
- (m) A local representative of the Florida Department of Elderly Affairs;
- (n) An experienced representative of the local private for profit transportation industry. If such representative is not available, a local private non-profit representative will be appointed, except where said representative is also the Community Transportation Coordinator;
- (o) A local representative of the Florida Agency for Health Care Administration;
- (p) A local representative of the Agency for Persons with Disabilities;
- (q) A representative of the Regional Workforce Development Board established in Chapter 445, Florida Statutes;
- (r) A representative of the local medical community, which may include, but not be limited to, kidney dialysis centers, long term care facilities, assisted living facilities, hospitals, local health department, or other home and community based services; and

(2) Alternate Members.

(a) Alternate representatives on the board shall vote, participate for the purpose of forming a quorum, make or second motions, and otherwise act as a member of the TDLCB, only in the absence of the representative that the alternate has been appointed to serve in place of; provided, however, that alternate representatives may always attend board meetings and participate in debate. All appointed alternate members who are attending a meeting as a sitting member on the TDLCB are required to register a vote on all issues presented, except in the event that there is, or appears to be, a voting conflict of interest as provided in section 112.3143, Florida Statutes, or as specified in section 286.012, Florida Statutes. Abstentions are not permitted, except as provided by law. Votes should be consistent with the public interest. If both the appointed and alternate member attend the same meeting, only the appointed member may vote on items.

(b) All members of the TDLCB may have their appointing agency or organization designate, in writing, an alternate who may vote only in the absence of that member. All members not representing an agency or organization may have an alternate, who may vote only in the absence of the member, appointed for them by Space Coast Area Transit.

(3) Technical Advisors. Upon majority vote of the quorum of the coordinating board, technical advisors may be approved for the purpose of providing the coordinating board with technical advice as necessary. The technical advisors shall not be considered as members of the board and shall not be permitted to vote.

(4) Non-Voting Members. Additional non-voting advisers may be appointed by the SCTPO.

(C) Appointment of Chair. An active member of the Space Coast TPO Governing Board shall be elected each year by the Governing Board to serve as the official Chair for all TDLCB meetings. If for any reason the appointed chair's is unable to fulfill said chair's term the SCTPO Governing Board will select a replacement.

(D) Appointment to the TDLCB. The SCTPO shall appoint the non-agency members of the Coordinating Board. In making appointments, the SCTPO shall consider membership and alternate membership nominations made by the Transportation Disadvantaged Local Coordinating Board Nominating Committee. The Transportation Disadvantaged Local Coordinating Board Nominating Committee shall not have jurisdiction to recommend membership and alternate membership appointments for agency positions to the TDLCB. Except for the chair's, the members and alternate members of the board shall be appointed for three (3) year staggered terms. The chair's shall serve until replaced by the SCTPO. No employee of the Community Transportation Coordinator shall serve as a voting

member of the Coordinating Board. However, an elected official serving as chair of the Coordinating Board, or other governmental employees that are not employed for the purpose of making provisions for transportation, shall not be precluded from serving as voting members of the Coordinating Board.

(E) Termination of Membership. Any non-agency members of the board may resign at any time by notice in writing to the chairperson. Unless otherwise specified in such notice, such resignation shall take effect upon receipt thereof by the chairperson. Each member of the Board is expected to demonstrate interest in the board's activities through attendance of the scheduled meetings. The SCTPO shall review, and consider rescinding the appointment of any voting non-agency member of the board who fails to attend three (3) consecutive meetings. The staff of the TDLCB shall contact department supervisors of all members representing an agency who fail to attend three (3) consecutive meetings to discuss possible termination of an appointment or appointment of a new representative.

(F) TDLCB Nominating Committee. The committee shall consist of three (3) members, the TDLCB Chair, one (1) Space Coast Area Transit staff member, and one (1) SCTPO staff member. This committee will select new or replacement members for vacancies from eligible applicants within the county for non-agency mandated positions.

(G) Duties of the TDLCB.

(1) The board shall hold an organizational meeting each year for the purpose of electing a vice-chair. The vice-chair shall be elected by a majority vote of the members of the board voting at the organizational meeting. The vice-chair shall serve a term of one year starting with the next meeting after the election, or until a successor shall be elected, whichever event shall occur later in time. In the event of the chair absence, the vice-chair shall assume the duties of the chair and conduct the meeting. In the event of the absence of vice-chair, the TDLCB members will select a member to temporarily assume the duties of the vice-chair and conduct the meeting.

(2) The Board shall meet at least quarterly as required by section 427.0157, Florida Statutes, and shall perform the following duties as specified in rule 41-2, Florida Administrative Code:

(a) Maintain official meeting minutes, including an attendance roster, reflecting official actions and provide a copy of same to the Transportation Disadvantaged Commission and the Chair of the SCTPO;

(b) Annually, provide the Transportation Disadvantaged Commission and the SCTPO with an evaluation of the community transportation coordinator's performance in general and relative to Transportation Disadvantaged Commission and local standards as referenced in rule 44-2.006, F.A.C., and the performance results of the most recent Transportation Disadvantaged Service Plan. As part of the coordinator's performance, the Board shall also set an annual percentage goal increase for the number of trips provided within the system for ridership on public transit, where applicable.

(c) Annual public hearing. The board shall hold a minimum of one public hearing annually for the purpose of receiving input on unmet needs or any other services that relate to the local transportation system in Brevard County;

(d) Review and approve the Memorandum of Agreement between the Community Transportation Coordinator and the Commission for Transportation Disadvantaged, including the Coordinated Community Transportation Disadvantaged Service Plan;

(e) On a continuing basis, evaluate services provided under the designated service plan. Annually, prior to the Coordinator's annual evaluation, provide the SCTPO with an evaluation of the Coordinator's performance in general and relative to the Commission for Transportation Disadvantaged standards and the completion of the annual service plan.

(f) In cooperation with the Community Transportation Coordinator, review and provide recommendations to the Commission for Transportation Disadvantaged and the SCTPO on all applications for local government, state or federal funds relating to transportation of the

transportation disadvantaged in the designated service area to ensure that any expenditures within the designated service area are provided in the most cost effective and efficient manner;

(g) Review coordination strategies for service provision to the transportation disadvantaged in the designated service area to seek innovative ways to improve cost effectiveness, efficiency, safety, working hours and types of service in an effort to increase ridership. Such strategies should also encourage multi-county and regional transportation service agreements between area Community Transportation Coordinators and consolidation of adjacent designated service areas when it is appropriate and cost effective to do so;

(h) Appoint a grievance subcommittee to process and investigate complaints from agencies, users, potential users of the system and the Community Transportation Coordinator, and make recommendations to the TDLCB for improvement of service. The Coordinating Board shall establish procedures to provide regular opportunities for issues to be brought before such subcommittee and to resolve them in a timely manner;

(i) In coordination with the Community Transportation Coordinator, jointly develop applications for funds that may become available;

(j) Consolidate the annual budget estimates of local, district, state, agency, and federal government transportation disadvantaged funds and forward said information to the Commission for Transportation Disadvantaged no later than September 15 for reporting purposes. A copy of the consolidated report shall be provided to the Space SCTPO for planning purposes;

(k) Assist SCTPO in preparing a Transportation Disadvantaged Element in their Transportation Improvement Program (TIP); and

(l) Review and approve the Coordinated Transportation Development Plan for consistency with approved minimum guidelines and the goals and objectives of the Coordinating Board.

(H) Grievance Subcommittee. The grievance subcommittee shall be comprised of five (5) voting members of the Transportation Disadvantaged Local Coordinating Board. The term of service on the grievance subcommittee shall be for a period of time beginning on January 1st and ending on December 31st of each year, or until new committee members are appointed, whichever event shall occur later in time. Members are eligible for reappointment by the Coordinating Board. The officers of the subcommittee shall be the chair and the vice chair, who shall be designated by the Coordinating Board. The chair of the subcommittee shall call and preside at all meetings of the subcommittee. The vice-chair shall serve as chair in the absence of the chair. At least three (3) of the voting members of the subcommittee must be present for the subcommittee to conduct business.

(I) Coordinating board procedures.

(1) A majority of the total filled memberships of the TDLCB shall constitute a quorum. No official action shall be taken without a quorum. No motion shall be adopted by the TDLCB, except upon the affirmative vote of a simple majority of the voting members attending the meeting. Roberts Rules of Order, as revised, latest edition, shall be used to govern proceedings of the TDLCB and its subcommittees.

(2) Continuance and Deferrals.

(a) The TDLCB may continue or defer a scheduled public hearing to a date and time certain without further notice; provided, that the date and time of the continuance or deferral is announced at the originally scheduled hearing. Notice in compliance with Florida's Government-in-the-Sunshine Law, section 286.011, Florida Statutes, must be given prior to the continued public hearing date, and notice must be promptly posted in a conspicuous location on the SCTPO's internet web-site of the date and time to which the public hearing has been continued.

(b) If a quorum physically present at the advertised public hearing location is not obtained at the time of the advertised public hearing, the TDLCB, or said chair's designee, may publicly announce the continuance of the public hearing without further notice; provided, that the

location, date and time of the continuance or deferral is announced at the originally scheduled hearing. In addition, notice in compliance with Florida's Government-in-the-Sunshine Law, section 286.011, Florida Statutes, must be given prior to the continued public hearing date, and notice must be promptly posted in a conspicuous location on the SCTPO's internet web-site of the location, date, and time to which the public hearing has been continued.

(3) *Rescheduled meeting dates.* Prior to the advertised public hearing, if the TLDCB chair, or the chair's designee, determines that a quorum physically present at the meeting site cannot be obtained, the TLDCB chair, the chair's designee, may direct that the meeting will be continued until a specific date and time certain. Prior to the continued meeting, notice must be posted in a conspicuous location at the entrance to the meeting room where the meeting was scheduled to take place of the date and time to which the meeting was continued, and prior to the meeting, notice must be conspicuously posted on the SCTPO's internet web-site.

(4) *Emergency meetings.* The TLDCB may hold an emergency meeting, for the purpose of acting upon matters in the judgement of the TLDCB requiring and necessitating immediate action prior to the next meeting of the TLDCB. The form of notice shall be as set forth in Section 4 above, except that notice need not be given at least seven (7) days before the meeting. The agenda and notice of the meeting shall be posted conspicuously on the SCTPO web-site, if operative, at the earliest reasonable time possible.

(5) *Virtual meetings.* The TLDCB, or a committee thereof, may hold meetings virtually using communications media technologies during certain declared state of emergencies. In a state of emergency, where the law permits these technologies may be used in lieu of in person meetings. During this time, meetings will be publicly noticed, and public comment will be available. Further instruction providing greater detail will be provided on a case by case basis at the time. Virtual meeting outreach tools and public access shall follow the latest adopted public participation plan.

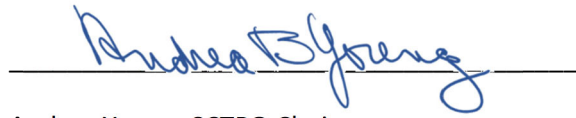
(6) *Reliance on information presented by applicant.* The SCTPO and its departments, boards, and agencies, shall have the right to rely on the accuracy of statements, documents, and all other information presented to them on any matter.

(7) *Documents submitted at any public hearing.* The public is hereby advised that any document, paper, letter, map, book, tape, photograph, film, sound recording, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, submitted at or before a public hearing as a part of said public hearing or with relation to any agenda item, is hereby declared to be a Public Record, and is automatically made a part of the record of the hearing at which it was submitted. The *original* public record may not be returned to the person submitting the document, and all public hearing participants are hereby so advised.

(J) *Staff.* The Space Coast Area Transit shall provide the Board with sufficient staff support and resources to enable the Board to fulfill its responsibilities as set forth in section 427.0157, Florida Statutes. These responsibilities include providing sufficient staff to manage and oversee the operations of the board and assist in the scheduling of meetings, preparing meeting agenda packets, and minutes, including an attendance roster and other necessary administrative duties.

(K) *Communication.* The TPO authorizes the board to communicate directly with other agencies and entities as necessary to carry out its duties and responsibilities in accordance with rule 41 - 2 Florida Administrative Code.

The undersigned hereby certifies that she is the Vice-Chair of the Space Coast Transportation Planning Organization Governing Board and that the foregoing is a full, true, and correct copy of the policies of the Transportation Disadvantage Local Coordinating Board as adopted by the Space Coast Transportation Planning Organization Governing Board for the Transportation Disadvantaged Local Coordinating Board, the 13th day of July, 2023.



Andrea Young, SCTPO Chair