

DESOTO COUNTY BOARD OF COUNTY COMMISSIONERS

**PERSONNEL RULES AND REGULATIONS**

Effective August 2009

This manual sets forth policies which concern all County employees. The County reserves the right to revise or rescind any of these policies at any time and for any reason, with or without notice. These policies do not constitute a contract and they should not be construed as granting any contractual or property rights to the matters set forth in this manual. All employment with the County is "at will," such that employees are free to voluntarily sever their employment with the County at any time and for any or no reason while the County retains the right to terminate employment at any time and for any or no reason.

PERSONNEL RULES AND REGULATIONS  
AUGUST 2009

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## **SECTION 1 – INTRODUCTION, PURPOSE, SCOPE AND DEFINITIONS**

### **1.1 Introduction**

These personnel rules and regulations are provided to guide employees with respect to their employment with County. The County reserves the unilateral right to revise, rescind or supplement any of the provisions of these policies at any time and for any reason or to take any action which the County deems necessary. No oral or written modifications may be made to these rules and regulations unless approved by the Board. Employees may not rely upon any representation that conflicts with these policies absent the employee's verification that the representation has been approved by the County Administrator or the Board.

Nothing set forth in these policies should be interpreted as creating an employment contract or as establishing property rights with respect to any of its provisions. Employees serve at the will and pleasure of the County and may be dismissed from their employment at any time and for any reason.

### **1.2 Purpose**

The County's employees are one of its most valuable resources. Every employee may expect a positive working environment consistent with the requirements of these rules and regulations. By the same token, every employee is responsible for providing efficient, effective and courteous service to the County's residents, citizens and visitors.

The purpose of these rules and regulations is to provide guidance concerning personnel matters in a manner serving the best interests of the County's residents, citizens, visitors and employees. These guidelines do not reflect every conceivable situation that may arise, but those that will most often be encountered. Situations not covered by these policies will be handled as warranted by the circumstances.

### **1.3 Interpretation**

The interpretation of these rules and regulations is the responsibility of the County Administrator, with guidance from the Board and/or the County's human resources staff where appropriate. The County Administrator's interpretation of these policies shall be final and not subject to review.

#### 1.4 Applicability

The provisions of these rules and regulations are applicable to all County employees unless otherwise provided by a specific rule or a conflicting provision of an individual employee agreement which has been duly approved by the Board.

These rules and regulations are effective upon approval by the Board. They supersede all personnel rules and regulations and any other personnel policies or directives promulgated prior to these policies.

#### 1.5 Definitions

The following definitions shall apply to personnel rules and regulations:

Appointment	The selection of an applicant to fill a vacant position.
At Will Employment	Employment which may be terminated at any time and for any or no reason and which does not create an enforceable expectancy of continued employment or a property right in any aspect of employment.
Board	The Board of County Commissioners of Desoto County, Florida.
Class	A specific group of positions which are so similar in duties and responsibilities that they justify common treatment in selection, compensation, and other employment processes and the same descriptive title may be used to designate all positions in the same class regardless of the department in which they are located.
Classification Plan	A document which formally describes the concepts, rules and regulations, and class specifications utilized in the classification and reclassification of County positions.
Compensatory Time	Paid time off in lieu of overtime compensation for non-exempt employees.
Continuous Employment	Employment which is uninterrupted except for authorized leave of absences or suspensions.

Conviction	Situation where employee is adjudicated guilty of a crime, pleads guilty to a crime or where adjudication is withheld by a court but sentence is imposed (even if sentence is suspended).
County Administrator	Person appointed by the Board to be responsible for the administration of all County departments and for the proper administration of all affairs within the jurisdiction of the Board.
Department Director	Employee with the responsibility for the operations of a County department.
Employee	An individual employed by the Board of County Commissioners of Desoto County, Florida.
Exempt Employee	An employee classified as exempt in accordance with the Fair Labor Standards Act and who is ineligible for overtime compensation.
Flex Time	Paid time off for exempt employees who have provided extra services to the County over and above their normal job duties.
Immediate Family	For purposes of bereavement leave, immediate family shall include the employee's spouse, and the parents, grandparents, brothers, sisters, children and grandchildren of either the employee or the spouse.
Insubordination	The unwillingness or refusal to perform assigned work or deliberate failure to comply with written or verbal instructions from a proper supervisory authority, or disrespectful, insolent or abusive language or action toward a supervisor.
Layoff	Non-disciplinary termination of employment due to shortage of work, lack of funds, abolishment of positions or changes within the organization.
May	The term "may" shall be interpreted as permissive.

Non-exempt Employee	An employee classified as non-exempt in accordance with the Fair Labor Standards Act and who is eligible for overtime compensation.
Pay Grade	A grouping of classes for compensation purposes based on responsibility, difficulty and relative worth of the work as determined by consideration of all the factors bearing upon the proper payment and compensation for such services.
Pay Plan	A document which formally describes the procedures and the pay schedule for compensating employees for work performed.
Pay Schedule	An official table of rates and complete salary ranges for occupational classes in the County service.
Position Description	A written statement of the typical duties, responsibilities and qualification requirements of all jobs included in the same class.
Reclassification	The changing of a position description due to change in the duties and responsibilities of the position.
Recruitment Requisition Form (P-46)	A personnel form originated by a department authorizing the personnel department to recruit or promote a qualified applicant to fill a vacant budgeted position.
Regular Employee	An employee who has successfully completed his or her initial probationary period.
Shall	The term “shall” will be interpreted as mandatory.
Temporary Employee	An employee appointed for a special project or other work of a temporary or transitory nature.
Volunteer	Any person performing services for the County without receiving compensation or benefits for such services. Volunteers must comply with the conduct rules of these policies, but are not eligible for any compensation or benefits set forth in these policies.

## SECTION 2 – CLASSIFICATION AND PAY PLAN

### 2.1 Classification Plan

The County will maintain a classification plan applicable to all regular positions. The Human Resources Department, with direction from the County Administrator as necessary, will be primarily responsible for administration of the plan. In administering the plan, the Human Resources Department may conduct studies, review and revise position descriptions, develop forms and procedures and take other necessary and appropriate steps.

The Human Resources Department shall periodically review each position or class of positions as to the work performed by the position or class, the level of difficulty, the degree of responsibility and the appropriate wage or salary to ensure that the classification plan remains current and uniform. When circumstances dictate, the Human Resources Department should recommend to the Board, with the concurrence of the County Administrator, additions, deletions, changes and reclassifications to the plan.

The Human Resources Department shall also be responsible for maintaining a record of those positions within the classification plan that are authorized to be filled.

### 2.2 Content of the Classification Plan

The classification plan will consist of all positions approved by the Board, job descriptions for all positions approved by the Board the wage or salary allocation or range for each position as approved by the Board.

### 2.3 Use of the Classification Plan

The uses of the classification plan include, but are not limited to, providing guidance in recruiting, determining lines and opportunities for advancement, developing employee training programs, determining competitive wage and salary ranges, and providing uniform job terminology for use by the Board, employees and public as necessary.

### 2.4 Position Titles and Descriptions

- A. The official title of each position as reflected in the classification plan shall be the title used for administrative purposes such as payroll, budget, financial and recordkeeping.

- B. Each position shall have a written description consisting of a statement describing the nature of the work, the essential duties and functions of the job, and the required knowledge, skills, training, abilities, experience and qualifications for the position.
- C. Position descriptions are intended to be representative of the positions in the class and to provide illustrations of the responsibilities and duties of the position. Position descriptions should not be interpreted as restricting a supervisor from assigning other pertinent duties to an employee.

## 2.5 Classification of New Positions

- A. Department of Directors shall promptly notify the Human Resources Department of the need for new positions and allow sufficient time for a review and recommendation concerning the request. To the extent feasible, actions that may result in the establishment of new positions will be processed as part of the normal budget cycle.
- B. Department Directors proposing a new position shall provide the Human Resources Department with a description of the duties, responsibilities, skills, knowledge, abilities, qualifications and other information necessary to properly classify the position.
- C. Following the Human Resources Department's review of the request for a new position together with any other pertinent information, the County Administrator, if he or she determines it to be in the County's best interests, may recommend that the Board approve an appropriate amendment to the classification plan.

## 2.6 Pay Plan

- A. A Pay Plan directly related to the Classification Plan shall be established and maintained by the County. The County Administrator, with the assistance of the Human Resources Department, shall be responsible for the day-to-day operation of the pay plan. The Pay Plan will be updated as necessary to, among other things, comply with approved Cost of Living increases, revised pay studies, budget amendments or any other circumstances which require revision.
- B. Absent an exception approved by the County Administrator, initial salaries will be within the ranges provided for by the Pay Plan. Salary adjustments shall be made as directed by the County Administrator. Absent an exception approved by the County Administrator, strict adherence to pay scale minimum and maximum amounts is required.

## 2.7 Pay Upon Promotion or Demotion

- A. Absent an exception approved by the County Administrator, a promoted employee will receive a salary increase to at least the minimum rate of the position to which the promotion is made. If the employee's training, experience or other qualifications are substantially above those required for the position; a starting salary may be granted above the minimum rates, subject to the approval of the County Administrator, provided the increase does not exceed the maximum rate for the position to which the promotion is made.
- B. Absent an exception approved by the County Administrator, a demoted employee will receive a decrease in salary to the range of the position to which the employee is demoted.

## 2.8 Overtime Compensation and Compensatory Time Off in Lieu of Overtime Compensation for Non-exempt Employees

- A. Employees may be required to work overtime if the County determines it is necessary to meet the demands of the job being performed. Employees who refuse to work overtime are subject to disciplinary action.
- B. Non-exempt employees who work overtime will be paid overtime compensation in accordance with applicable law. The County may require or the employee may request that compensatory time off be given in lieu of paying overtime compensation. In situations where the County will require the use of compensatory time off in lieu of overtime compensation, the Department Director, with the assistance of the Human Resources Department, shall first require that the employee exercise an acknowledgment documenting the employee's understanding that they he or she will receive compensatory time instead of overtime compensation.
- C. Compensatory time off will be paid at the same rate as overtime compensation (i.e., a rate of one and one-half hours of compensatory time for each hour of overtime worked).
  - 1. Requests for compensatory time must be submitted electronically or in writing on a standard Application for Leave Form and must be approved in advance by the Department Director.
  - 2. Approved compensatory time must be used within a reasonable period from the date the compensatory time was earned.
  - 3. The Administrative Services Department, with the assistance of the Department Directors, shall maintain complete and accurate records of compensatory time earned, available and used.

4. Employees will only be allowed to accrue compensatory time up to a maximum of 240 hours, unless the employee occupies a public safety or emergency response position, in which case the employee may accrue up to a maximum of 480 hours.

## 2.9 Flex Time Off for Exempt Employees

- A. Exempt employees are not eligible for overtime compensation or compensatory time off. Exempt employees are eligible to receive Flex Time on an hour-for-hour basis when they accumulate in excess of the normal 40 hours required by their job duties. Time submitted is approved by either the Department Director or County Administrator. Non-exempt employees are not eligible for Flex Time.
- B. Normal job duties are defined as those duties that would normally fall under the responsibility of the applicable position. For example, if a position requires that an exempt employee regularly attend Board meetings held after hours as part of his or her normal duties, these hours would not be eligible for Flex Time. Only in instances where an exempt employee needs to work beyond that employee's normal work hours or schedule on a special project of unusual magnitude or to reduce a back log of accumulated work to meet certain unexpected deadlines will these hours be considered for the incentive of Flex Time accumulation. In the event of a question, the County Administrator will be responsible for making any determination as to the applicability of the hours worked and the eligibility of these hours to be considered for Flex Time. In situations relating to the County Administrator, it will be the responsibility of the Chairman of the Board of County Commissioners.
- C. When an employee seeks to accumulate Flex Time, it will be submitted weekly via the existing Employee Time Tracking system. It is the Supervisor's responsibility to review and reject the Flex Time request if the request is not outside of normal duties for the position. It will be the responsibility of each department to maintain a current record of Flex Time leave balances for all its employees.
- D. Exempt employees will only be allowed to accrue Flex Time up to a maximum of sixty hours (60) of unused Flex Time. Flex Time is considered an incentive but not a part of compensation and is forfeited upon termination.
- E. It will be the responsibility of each Department Director to approve leave for employees using the Flex Time hours, based on the operational needs of the department.

## 2.10 Call Back Pay

Non-exempt employees who have completed their regularly-scheduled workday and who are called back to work shall receive either (1) two hours call back pay at their applicable straight time rate, or (2) pay for the actual time they spend working when called back; whichever is greater

## 2.11 Standby Pay

Employees placed on twenty-four hour standby after normal duty hours shall earn one hour pay at the straight time rate for every day they are on standby, plus pay for all hours actually worked. Employees on standby are not entitled to call back pay.

## 2.12 Emergency Duty Assignments

- A. If civil emergency conditions are declared by the Board, employees may be assigned to any duties to fulfill the mission of the County. Conditions constituting civil disorders include, but are not limited to, hurricane conditions, flooding, or similar catastrophes. No employee may be assigned to duties of a different classification for a period in excess of thirty (30) calendar days without approval of the County Administrator. Approval shall be granted only in exceptional cases.
- B. Whenever the Board finds it necessary to close County offices due to an emergency situation, Board employees will be paid for the normal work hours that the offices are closed and the time will be considered “productive time.” In addition, those employees that work during times when the Board has closed County offices, will be paid for the actual number of hours they work during the times offices have been closed by the Board.

## 2.13 Pay Upon Termination of Employment

- A. Employees (other than Department and Division Directors with an individual employment agreement providing otherwise) who voluntarily resign, retire or who are laid off for lack of work or funding, will be paid for any unused annual leave earned by them prior to the date of their separation, provided that all County equipment and uniforms are returned to the County and the employee is not otherwise indebted to the County. Employees who are involuntarily terminated (except for layoffs as referenced above) will not be paid for any accrued annual leave earned, and such accrued leave will be considered forfeited upon termination. Department and Division Directors, with the prior approval of the County Administrator, may authorize an exception to this policy and permit payout of accrued annual leave when an employee is involuntarily dismissed, where the Director and Administrator deem it appropriate under the circumstances.

- B. Employees whose employment with the County is terminated for any reason, whether voluntarily or involuntarily, will not be paid for any unused sick leave. Such unused sick leave is forfeited upon termination.
- C. Employees whose employment with the County is terminated will be paid for any unused compensatory time off.
- D. Employees whose employment with the County is terminated for any reason, whether voluntarily or involuntarily, will not be paid for any unused Flex Time. Such unused Flex Time is forfeited upon termination.
- E. Subject to any limitations imposed by applicable law, final pay may be withheld until all County property issued to the employee has been returned or accounted for to the satisfaction of the Department Director.

**SECTION 3 – RECRUITMENT, SELECTION, APPOINTMENT,  
PROMOTION AND TRANSFER**

3.1 Recruitment

- A. Whenever the need to fill a vacancy exists or is anticipated, the Department Director shall notify the Human Resources Department. Department Directors will endeavor to advise the Human Resources Department of anticipated vacancies with sufficient advance notice to allow for an orderly recruitment and selection process.
- B. The Human Resources Department is primarily responsible for recruiting efforts to fill current or projected vacancies. In all areas of recruiting, selection and appointment, whether for initial, promotion, demotion or transfer appointments, the Human Resources Department must ensure full compliance with the County's Equal Employment Opportunity policy.
- C. The Human Resources Department will pursue recruitment efforts with the goal of obtaining applications and/or bids from the most qualified candidates available. As determined by the Human Resources Director, these recruitment efforts may include, but is not limited to, posting notices on County bulletin boards, on the County's website, in local newspapers, on internet jobsites, to community organizations and by any other appropriate means. Both current employees and external candidates should be afforded the opportunity to apply for open positions.
- D. Notices of vacancies shall state the procedures for applying, the application deadline, the title, wage or salary range, whether the position is full-time or part-time, the minimum qualifications, the basic job responsibilities and any other pertinent information. All announcements must also state that the County is an equal employment opportunity and veterans' preference employer.

3.2 Applications and Selection

- A. All applicants for employment with the County shall file an application in the form prescribed by the Human Resources Department.
- B. Following expiration of the time period for receipt of applications, the Department Director and the Human Resources Department shall review the applications and establish an appropriate selection process, which may include

oral interviews, properly-validated examinations, or any other method of selecting the most qualified applicant.

- C. The Human Resources Director shall be responsible for ensuring compliance with all equal employment opportunity laws and veterans' preference laws throughout each stage of the selection process.
- D. Selection decisions for employees below the level of Department Director will be made by the County Administrator, based upon a recommendation from the Department Director and the Human Resources Director.
- E. Selection of Department Directors will be made by the County Administrator.
- F. All new employees may be required to undergo a medical examination or inquiry in accordance with applicable law.
- G. The County may also require employees to submit to a background check.

### 3.3 Promotions and Transfers

- A. Current employees who are otherwise qualified for a vacant position may apply for the position by submitting an application. A current employee's work record, performance and disciplinary history with the County are relevant factors that may be considered in determining whether to promote the employee. However, nothing in these rules shall require that the County promote an internal candidate in favor of a more qualified external candidate.
- B. A current employee may request, or the County Administrator may require, a transfer to another vacant position of the same or similar classification or pay grade for which he or she is qualified. Final decisions granting or denying transfer requests will be made by the County Administrator, after consultation with the Human Resources Director and the Department Directors involved. The decision to grant or deny a transfer request is not subject to the grievance process. Transfers will generally not result in a change in pay.

### 3.4 Probationary Appointment

- A. All newly-hired employees are subject to a 180 calendar day initial probationary period, with the exception of 56-hour employees who are subject to a one-year initial probationary period. Employees disciplined or discharged from their employment due to the failure to perform during their probationary period to the satisfaction of their supervisor are not entitled to file a grievance under these rules

to contest the dismissal, nor are they entitled to be paid for any accrued, but unused leave.

- B. An employee promoted or transferred to a new position shall serve a probationary period of ninety calendar days, during which time the employee's supervisor will evaluate the employee's performance. If, in the opinion of the supervisor, the employee does not satisfactorily perform his or her job during the probationary period, he or she will be removed from the position. Every effort will be made to return the employee to their prior position or a comparable one to the extent a vacancy to be filled exists. If a vacancy to be filled does not exist, the employee may be discharged.
- C. Probationary periods under these rules and regulations may be extended by a supervisor, with the approval of the Department Director and with notice to the Human Resources Department.
- D. In accordance with its "at will" employment policy, the County reserves the right to discipline and/or discharge an employee during or after the probationary period at any time, with or without notice, and for any reason or no reason, in accordance with applicable law.

### 3.5 Temporary Appointments

Temporary appointments may be made for short-term, seasonal or emergency employment or on an "as needed" basis. Temporary appointments may be terminated at any time and for any or no reason. Temporary employees are not entitled to any employment benefits (paid holidays, leave, etc.). Workplace conduct rules, however, apply equally to temporary employees. Temporary employees are not entitled to file grievances concerning employee benefits, discipline, discharge or the elimination of their assignment.

**SECTION 4 – EQUAL EMPLOYMENT OPPORTUNITY AND PROHIBITION OF  
UNLAWFUL HARASSMENT AND RETALIATION**

4.1 Equal Employment Opportunity Policy

The County is an Equal Opportunity Employer. It is the policy of the County to administer its employment practices without regard to race, color, creed, religion, national origin, ethnicity, age, gender, pregnancy, marital status, veteran status or disability. This policy applies to all employment practices and personnel actions including, but not limited to, recruitment, screening, selection, hiring, training and development, determinations of pay and benefits, evaluation, scheduling, job assignments, promotion, transfer, demotion, layoff, discipline and dismissal.

The County complies with all applicable federal, state and local laws mandating equal employment opportunity practices and prohibiting impermissible discrimination. The County will not tolerate any discrimination based upon an individual's race, color, creed, religion, national origin, ethnicity, age, gender, pregnancy, marital status, veteran status or disability.

4.2 Reasonable Accommodation of Disabilities

In accordance with applicable law, the County will provide reasonable accommodations upon request to otherwise qualified individuals with a legally-cognizable disability, to the extent that the reasonable accommodation does not constitute an undue hardship to the County or pose a direct threat of substantial harm to the health or safety of the individual or anyone else. Individuals who believe they need a reasonable accommodation should submit a request to the Director of Human Resources. The County reserves the right to request medical or other supporting documentation to the extent permitted by applicable law.

4.3 Prohibition of Unlawful Harassment

- A. The County is committed to maintaining a work environment free of harassment based upon race, color, creed, religion, national origin, ethnicity, age, sex (including gender), pregnancy, marital status, veteran status or disability. The County will not tolerate the inappropriate harassment of any of its employees or any other individual who does business with the County. It is the affirmative responsibility of all personnel for maintaining a workplace that is free from harassment and intimidation.

The County is committed to promptly and thoroughly investigating all complaints of harassment as set forth in this policy. If, after a thorough investigation, it is determined that inappropriate harassment has occurred in violation of this policy, immediate and appropriate disciplinary action, up to potential discharge, will be taken to promptly end the harassment. Appropriate follow-up steps will also be

taken where necessary to ensure that the harassment ceases and does not re-occur.

B. Definitions and Examples

1. Sexual Harassment

Improper harassment includes harassment on the basis of one's sex. Prohibited forms of sexual harassment includes, but is not limited to, offensive sexual advances, requests for sexual favors, and any other potentially-hostile or offensive physical, verbal or visual conduct of a sexual nature such as:

- i. Unwelcome sexual propositions;
- ii. Sexual innuendo;
- iii. Sexually suggestive remarks;
- iv. Vulgar or sexually explicit comments, gestures, noises or conduct;
- v. Sexually oriented kidding, teasing or practical jokes; and
- vi. Physical contact of a sexual nature such as brushing against another's body, pinching, grabbing, rubbing, hugging, poking or patting.
- vii. The publication, to anyone, of documents, objects, text, pictures, or graphics in the workplace that contains material that is of a sexual nature.
- viii. Using the computer to access any content that contains material of a sexual nature.

Sexual harassment may occur even when the intended target of the conduct is not offended because others may find the conduct to be intimidating, hostile, or offensive. The County's policy prohibits this type of conduct whether or not the intended target finds the conduct to be unwelcome.

2. Other Forms of Prohibited Improper Harassment

In addition to inappropriate sexual harassment, the County also prohibits harassment on the basis of race, color, creed, religion, national origin, ethnicity, age, gender, pregnancy, marital status, veteran status or disability. Any verbal or physical conduct of an offensive or harassing nature and which is based upon or directed toward any individual based upon any of these characteristics will not be tolerated. Such prohibited conduct includes, but is not limited to:

- i. Derogatory, critical, offensive or uncomplimentary jokes, comments, displays, posters, other written materials based upon another's race, color, creed, religion, national origin, ethnicity, age, gender, pregnancy, marital status, veteran status or disability.
- ii. Any physical conduct taken against another individual because of his or her race, color, creed, religion, national origin, ethnicity, age, gender, pregnancy, marital status, veteran status or disability.
- iii. Teasing or making fun of another individual's ethnicity, accent, cultural or religious beliefs or practices, mental or physical disabilities or medical limitations and other similar characteristics.

#### 4.4 Complaint Procedure

- A. All personnel are responsible for ensuring compliance with this Equal Employment Opportunity and Prohibition of Unlawful Harassment and Retaliation policy and maintaining a workplace that is free of impermissible discrimination, harassment and retaliation. Any employee who experiences or witnesses impermissible discrimination, harassment or retaliation has an affirmative obligation to report it to either his or her supervisor, his or her Department Director, the Director of Human Resources or the County Administrator. Employees who witness impermissible discrimination, harassment or retaliation and fail to report it are subject to disciplinary action, up to and including dismissal.
- B. Employees are not expected to report complaints to the person they believe is harassing them or discriminating or retaliating against them. However, in such cases, employees are expected to report the harassment to another employee identified above.
- C. Upon receiving a complaint of impermissible discrimination, harassment or retaliation, the supervisor or Department Director must immediately notify the Director of Human Resources and the County Administrator. The Director of Human Resources or his or her designee will promptly investigate the allegation and take any action deemed appropriate based upon the results of the investigation. Investigation of a complaint will normally include conferring with the parties involved and any named or apparent witnesses. The investigation may also entail reviewing pertinent documents, e-mail communications, pictures and/or any other relevant physical evidence. The Director of Human Resources should take steps to immediately stop any offending conduct while the investigation is ongoing. All investigations will be conducted in a fair and impartial manner. Any employee found to have violated the County's Equal

Employment Opportunity and Prohibition of Unlawful Harassment and Retaliation policy will be subject to disciplinary action, up to and including dismissal. The County may also require remedial training concerning the County's policies and procedures relating to prohibited discrimination, harassment and retaliation, and any other measure determined to be necessary for the effective enforcement of this policy.

- D. Anyone involved in a complaint or investigation will be instructed not to discuss the subject outside the investigation. Personnel violating confidentiality are subject to immediate discipline.
- E. Any individual who files a complaint under this policy or who participates in an investigation will be protected from coercion, intimidation, retaliation, interference or discrimination for filing a complaint or participating in an investigation. An employee who believes he or she has been subjected to retaliation on the basis of having filed a complaint or having participated in an investigation, must immediately report it pursuant to the complaint process outlined above. Any employee determined to have retaliated against another individual in violation of this policy will be subject to disciplinary action, up to and including dismissal.

#### 4.5 Training and Awareness

Supervisors and Department Directors, together with the Director of Human Resources, are responsible for ensuring that their employees are properly informed of the County's policies concerning prohibited discrimination, harassment and retaliation. Additionally, all supervisors are responsible for taking the following steps to prevent impermissible discrimination, harassment and retaliation:

- A. Assure that all subordinates and new hires have received and reviewed a copy of the County's Equal Employment Opportunity and Prohibition of Unlawful Harassment and Retaliation policy.
- B. Discuss the County's Equal Employment Opportunity and Prohibition of Unlawful Harassment and Retaliation policy with employees to ensure that all employees are aware of their obligations and the County's expectations under the policy.
- C. Inform all employee of the complaint process set forth above, including the right to bypass the offending staff member.

## SECTION 5 – ATTENDANCE, HOURS OF WORK AND TIMEKEEPING

### 5.1 Timekeeping

Non-exempt employees must accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. They must also record the beginning and ending time of any departure from work for personal reasons. Overtime work must always be approved before it is performed.

Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.

Employees must review their time records to certify the accuracy of all time recorded. If corrections or modifications are made to the time record, both the employee and the supervisor must verify the accuracy of the changes by submitting/approving the time record.

### 5.2 Hours of Work

Supervisors will be responsible for establishing the work schedules for their subordinate employees. Non-exempt employees will be paid for all hours actually worked, including overtime compensation (or compensatory time off) where applicable. Except where a deduction is otherwise provided or permitted by applicable law, exempt employees will generally be paid their full salary for weeks in which they work or are on an approved paid leave pursuant to the provisions of these rules. Exempt, salaried employees are required to work their full schedules unless time off is approved in advance by their supervisor.

### 5.3 Prohibition on Improper Deductions from Salary of Exempt Employees

It is the County's policy to comply with all applicable wage and hour laws and regulations. In accordance with this policy, the County prohibits deductions from the salary of exempt employees except where otherwise specifically permitted by law.

Exempt employees who believe that an improper deduction has been made to his or her salary must immediately report it to the Director of Human Resources. Reports of improper deductions will be promptly investigated and, if it is determined that an improper deduction was made, the deduction will be reimbursed.

#### 5.4 Breaks

Except where otherwise directed by a supervisor, employees will generally be permitted to take one fifteen minute break in the morning and one fifteen minute break in the afternoon. Employees do not need to clock out during their breaks. However, break time may not be used by the employee to report to work late or leave early and employees may not combine break times to take one longer break.

## **SECTION 6 – GENERAL TERMS AND CONDITIONS OF EMPLOYMENT**

### **6.1 Outside Employment and Activities**

- A. Employment with the County is considered each employee's primary place of employment and responsibility. No County employee shall engage in or accept private employment, enterprise or other activity or render services for any other interests, whether paid or unpaid, when such employment or service would conflict with the proper discharge of the employee's official duties, would tend to impair his or her independence of judgment or action in the performance of duties as a County employee or would otherwise give an appearance of conflict or impropriety.
- B. Prior to accepting outside employment, employees are required to notify and obtain advanced approval from their Department Directors. In requesting approval, employees must advise the Department Director of the name and location of the outside employer, the type of business they are engaged in, the type of duties you will perform, and the number of days and hours you expect to work. Failure to advise the County and gain approval for outside employment is grounds for disciplinary action. Permission for outside employment will not be unreasonably withheld by the County, so long as it does not interfere or have the potential to interfere with the County's operations and interests. If approved, permission to engage in outside employment may be revoked at any time if the Department Director determines that the outside employment is inconsistent with this policy.
- C. During any hours for which the employee is required to or scheduled to work for the County, an employee may not accept or be compensated for work performed on behalf of any other employer or individual. No County personnel, facilities, vehicles or other County property may be used by employees while engaged in outside employment or activities.

### **6.2 Conflicts of Interest**

- A. No County employees shall accept, or agree to accept, either directly or indirectly, any favor, gift, loan, fee, service or other item of value, in any form whatsoever, from any organization or individual if it is intended or gives the appearance of rewarding or influencing the employee carrying out his/her appointed duties.

- B. No County employee shall grant, in the discharge of his/her appointed duties, any improper favor, service or item of value to any organization or individual if it is intended to give or gives the appearance of rewarding or influencing said organization or individual.
- C. No County employee shall transact any business in an official capacity with any business entity of which he/she is an officer, director, agent or member, or in which he/she owns a controlling interest, unless approved by the County Administrator when in the best interest of the County.
- D. No County employee shall have personal investments in any enterprise which will create substantial conflict between his/her private interest and the public interest.
- E. This rule is not intended to prevent an employee from accepting an award or recognition for meritorious or outstanding achievement for community or government service.
- F. Final determination of any such conflict or prohibition shall rest with the County Administrator.

### 6.3 Political Activities

- A. The provisions of this rule apply to all County employees. This section shall not apply to members of the County Commission or any other elected County official or to members of any County Board or Commission.
- B. No person shall be appointed to, demoted or dismissed from any position or in any way favored or discriminated against with respect to employment because of his/her political opinions or affiliations.
- C. No County employee shall use his/her official authority or influence for the purpose of interfering with an election or a nomination to office or influencing another persons vote or affecting the result thereof.
- D. No County employee or official shall solicit, orally or by letter, or be in any other manner concerned in obtaining any assessments, contributions or services for any political party or candidate, from any employee during the working time or the working time of the employee being solicited.
- E. Any County employee who wishes to accept or seek election or appointment to County Commissioner shall resign effective immediately from County employment upon indicating such intention by formal declaration or other evidence of candidacy, in accordance with applicable law.

#### 6.4 Solicitation and Distribution

Employees are prohibited from soliciting for any cause or organization on their working time or during the working time of the employee being solicited. Employees may not distribute literature on County property during working time, or in working areas at any time. This section shall not be construed to prohibit the distribution of literature in areas not specifically devoted to the performance of employees' official duties. Working time does not include authorized off-duty time, such as mealtimes. Employees shall not place on or remove any material from any official bulletin boards without prior approval of the County Administrator or Department Director.

#### 6.5 Employment of Relatives

- A. In accordance with Florida law, no official or employee shall appoint, initially employ, promote, or advance, or advocate for appointment, employment, promotion, or advancement, in or to a position with the County in which the official or employee is serving or over which the official or employee exercises jurisdiction or control any individual who is a relative of the employee. An individual may not be appointed, initially employed, promoted, or advanced in or to a position with the County if such appointment, initial employment, promotion, or advancement has been advocated by an appointing official, serving in or exercising jurisdiction or control over the organizational unit, who is a relative of the individual.
- B. Relative is defined for the purposes of this section as: Father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, 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 or half-sister.
- C. Any individual appointed, initially employed, promoted, or advanced in violation of this section is not entitled to pay; and money may not be paid to an individual so appointed, employed, promoted or advanced.
- D. Under no circumstances will an individual be appointed, initially employed, promoted or transferred to any position in a department where a relative of the individual has direct supervision, jurisdiction or control over the position.
- E. Should two County employees marry or become relatives within the definition of this section and become subject to the provisions of subsection (D), one employee shall be assigned to another organizational unit if an opening at or below the employee's class exists, or the employee may resign from employment with the County, unless otherwise approved by the County Administrator.

- F. Application for employment submitted by relatives of current County employees, or for transfer by a current County employee to the same organizational unit as his/her relative, must receive prior approval from the County Administrator to ensure that no conflict will exist. The intent of this regulation is to restrict the employment of relatives within the County and prohibit preferential treatment or favoritism that such relationships may cause.

#### 6.6 Use of County Property

- A. An employee who has been provided County property or equipment such as tools, vehicles, materials, uniforms, etc., is expected to exercise reasonable care in the use and preservation of such equipment and to observe all safety precautions while carrying out the assigned work.
- B. County property shall be used exclusively for the benefit of the County and in accordance with the directives of the supervisors, Department Directors and County Administrators. Personal or other non-County use of County vehicles, materials, supplies, tools or other County property is not permitted. Violations may result in discharge, prosecution, or other disciplinary action.
- C. All operators of County vehicles and equipment must hold a valid and appropriate Florida license. Employees are required to inform their supervisors of any change of status in their license. Suspension or revocation of an employee's license may necessitate the demotion or discharge of an employee assigned to the operation of County vehicles or equipment.

#### 6.7 Computer Usage and Internet Policy

- A. The County's computers, network, and related equipment and services should at all times be utilized only for activities which are consistent with the County business.
- B. Employees are prohibited from accessing, transmitting, downloading, uploading and viewing offensive material on County computers, equipment, or network, or through the County's internet access. Examples of offensive materials include, but is not limited to, sexually, culturally or racially offensive materials; obscene, vulgar or profane materials (including sexually-explicit materials); inflammatory or abusive materials; and unlawful materials. If, while utilizing County computers or Internet access, an employee encounters unsolicited materials which may violate this policy (such as "pop-up" advertisements or unsolicited e-mail communications), the employee is obligated to report the incident to his or her supervisor.

- C. County computers and internet access shall not be utilized for unlawful purposes including, but not limited to, copyright infringement, libel, slander, fraud, plagiarism, forgery, impersonation, computer tampering, spreading of computer viruses, and harassment.
- D. County computers and internet access shall not be utilized for any of the following activities:
- Commercial activities
  - Religious causes
  - Solicitations of any kind
  - Political activities
  - Activities not directly related to assigned responsibilities
  - Downloading files or software without approval from the County
  - Activities which are disruptive of the County's mission or the performance of any employee's assigned responsibilities
- E. All electronic information transmitted, received, accessed or contained on County computers or through the County's internet access is the property of the County. The County shall have the right to view and monitor all internet and computer usage conducted using County computer equipment and/or the County's internet access, including e-mail communications, text and instant messaging. Documents generated in our computers will be saved and a record may be created to record the computer usage even where the user attempts to delete it. E-mail and internet usage, as well as all other computer records, will be inspected by management from time to time to ensure they are being used consistent with this policy. Employees do not have any expectation of privacy with respect to any of this information. Employees who utilize County computers or internet access shall be deemed to consent to this policy.
- F. All employees are responsible for complying with the terms of this policy. Employees who fail to abide by the terms of this policy are subject to disciplinary action, up to and including dismissal from employment.
- G. The County recognizes employees may send and receive limited amounts of personal e-mail to or from their County-supplied computer. So long as such use does not violate the prohibitions discussed above, limited use which does not interfere with the employee's performance of their duties will not, standing alone, give rise to discipline.

## 6.8 Safety

All Department Directors and supervisors must recognize their responsibility to participate in a successful safety program and to provide their employees with adequate safety training and education, under the general direction of the County Administrator. The development of safe and healthful working conditions, practices, habits and thinking are the principal objectives of a good safety program. County employees are required to comply with all safety standards, rules and directives established by their departments or otherwise applicable to the duties of their positions. Employees with questions concerning the safe performance of their jobs should immediately discuss those questions or any concerns with their supervisor. All employees are responsible for immediately reporting to their supervisor any hazardous working conditions observed or encountered, as well as any accidents or injuries. Injured employees should seek immediate medical attention, and supervisors are obligated to enforce this policy.

## 6.9 Workplace Violence

The County is committed to preventing workplace violence and to maintaining a safe work environment. All employees should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, violence, “horseplay,” or other conduct that may be dangerous to others. Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited from the premises of the County, except as otherwise specifically authorized by law.

Conduct that threatens, intimidates, or coerces another employee, official, citizen, resident, or a member of the public at any time, including off-duty periods, will not be tolerated. All acts of violence, or threats or suspicions of violence, are grounds for immediate dismissal. Employees should report such conduct as soon as possible to your immediate supervisor, the Human Resources Department or any other member of management.

## 6.10 Evaluations

Supervisors should endeavor to regularly complete evaluations on their subordinate employees as directed by the Human Resources Department, Department Director and/or County Administrator. Evaluations should be conducted in the manner prescribed by the Human Resources Department and on forms prescribed by that Department. The failure to evaluate subordinate employees is subject to disciplinary action.

Employees who have not been formally evaluated in over one year, should advise his or her supervisor and request an evaluation. If the supervisor does not thereafter provide an evaluation within a reasonable period of time, the employee should advise the Human Resources Department.

#### 6.11 Tuition Reimbursement

- A. Employees requesting education reimbursement for job-related courses must submit their application thirty days prior to registration for their course. All applications must be submitted on an “application for Tuition Reimbursement Program” form. The County will limit tuition reimbursement to six hours per semester of college credit or two seminars or other educational programs per year. Employees must work for the County an average of thirty hours per week and have worked at least twelve months. The County will not pay for courses for a newly hired employee who is on probation. The employee’s latest evaluation must be rated as “meets standards” or “exceeds standards.” Employees must submit a copy of their grades within forty-five days of completion of their course. Requests must have Department Director approval. Internet courses will be considered on a case-by-case basis and reimbursement must be approved by the County Administrator. Classroom attendance is encouraged.
- B. The County will reimburse one hundred percent of the tuition, books and fees for any course or training that is required by the County. Upon completion of the course, all books or course material will become property of the County.
- C. Upon the prior approval of the County Administrator, the County will reimburse up to one hundred percent of the tuition only for any employee who voluntarily takes a course which is related to his or her job and who attains a “C” grade or better or a certificate of completion in the approved course.

#### 6.12 Personal Appearance and Dress Codes

- A. The purpose of this policy is to establish standards for appropriate workplace dress and personal appearance and to set the expectation that employees will dress and groom themselves appropriately for their required duties and responsibilities.
- B. Acceptable personal appearance is an ongoing requirement of employment with the County. Radical departures from conventional dress or personal grooming and hygiene standards, unless otherwise recognized for legitimate reasons, are not permitted.

- C. Office workers and employees who have regular contact with the public are expected to dress in a manner that is normally acceptable in a business environment. Employees generally should not wear jeans, athletic clothing, shorts, T-shirts, novelty buttons, flip flops, halter tops, baseball hats, and similar items of casual attire that do not present a businesslike appearance. Attire which is reasonably perceived as sexually suggestive or revealing is not permissible. Hair should be clean, combed, and neatly trimmed or arranged. Shaggy, unkempt hair is not permissible, regardless of length. Facial hair should be neatly kept.
- D. Employees who do not regularly meet the public should follow basic requirements of safety, comfort, and hygiene, but should still be as neat and businesslike as working conditions permit.
- E. Certain employees may be required to meet special grooming, hygiene, and dress standards. Departments with an appropriate business need may require employees in certain positions to wear uniforms.
- F. At their discretion, departments may allow employees to dress in a more casual fashion on designated occasions or workdays than is normally required. On these occasions, employees are still expected to present a neat appearance and are not permitted to wear clothing that is inappropriate for the workplace.
- G. Any employee who does not meet these standards will be required to take steps to comply, which may include leaving the workplace to change clothes. Nonexempt employees will not be compensated for any work time missed because of failure to comply with this policy. Violations also may result in disciplinary action.
- H. Each department may develop appropriate and reasonable dress code and personal appearance rules generally consistent with these standards to apply to its employees. If a Department Director adopts dress code and/or personal appearance rules, the dress code and personal appearance rules must be in writing and provided to employees. In the absence of separate dress code and personal appearance rules, employees are expected to comply with the standards established by this policy, and Directors and supervisors shall be responsible for compliance with these standards.
- I. Any disputes concerning this policy shall be referred to the Human Resources Department, which will be responsible for determining if an employee's dress and appearance are appropriate, reasonable and in compliance with County policy.

## SECTION 7 – LEAVE

### 7.1 Holidays

- A. All full-time and part-time County employees, filling established regular positions are entitled to the following thirteen paid holidays annually:

New Year's Day	January 1
MLK Jr. Holiday	Third Monday in January
Presidents Day	Third Monday in February
Good Friday	Friday before Easter
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day After Thanksgiving	Friday
Christmas Eve	December 24
Christmas Day	December 25

- B. Holidays falling on a Saturday will be observed on the preceding Friday. Those falling on a Sunday will be observed on the following Monday. When Christmas holidays fall on the weekend, the County Administrator will designate the days to be observed. All holiday hours will be counted as non-productive time when computing employee overtime.
- C. Unless on authorized annual or sick leave, an employee must work the day before and the day after a designated holiday to be eligible for holiday pay. Employees who are on approved paid leave at the time a holiday occurs shall not have the holiday charged against accrued leave balances.
- D. Employees on leave without pay, or an unpaid leave of absence, shall not be eligible for holiday pay for any holidays occurring while in such unpaid status.
- E. When, in the opinion of the Department Director, it becomes necessary to require employees to work on an official holiday, such employee shall receive holiday pay in addition to their regular straight-time rate for time actually worked. An employee who is scheduled to work on a holiday, and who fails to report for such work shall lose holiday pay for the number of hours he or she would otherwise have worked and will be subject to disciplinary action.
- F. Employees scheduled on a forty hour work week who are eligible for holiday pay will be compensated at their regular straight-time rate on the basis of eight hours per holiday.

- G. Employees scheduled on a fifty-six hour work week who are eligible for holiday pay will be compensated at their regular straight time rate on the basis of eleven hours twelve minutes (11.2) per holiday.
- H. Part-time employees receive holiday pay on a pro rata basis of their normal work schedule at their regular straight time rate. If required to work on a holiday, part-time employees shall receive holiday pay plus pay for their actual hours worked.
- I. Temporary employees shall not be entitled to holiday pay.

## 7.2 Annual Leave

### A. Eligibility and Use

1. All full-time and regular part-time employees shall be entitled to earn annual leave with pay in accordance with the terms of this policy. Part-time employees accrue annual leave on a pro rata basis based upon their normal work schedule. Temporary employees are not entitled to annual leave benefits. For Public Safety (56 hr) individuals only, annual leave and compensatory time hours used will be considered productive time when computing employee overtime.
2. Annual leave may not be taken while on probation or during an employee's initial 180 days of employment unless approved in advance by the Department Director or County Administrator.
3. Requests to use annual leave must be approved at least twenty-four hours in advance by the Department Director. Employees should endeavor to request the use of annual leave as far in advance as possible. The Department Director may deny use of annual leave if advance notice has not been received or when such absence would interfere with the work schedule. The Department Director shall make provisions, annually, for scheduling vacation leave in such a way that it will not impair the efficient operation of the department.
4. Department Directors may, upon reasonable notice, require an employee to schedule and use any part of his or her accrued annual leave.
5. Annual leave will be used in a minimum of fifteen minute increments.
6. Annual leave may not be utilized in advance of it being earned.
7. Holidays occurring while an employee is on annual leave shall not be charged against the employee's annual leave balance.

### B. Accrual of Annual Leave

1. For non-exempt employees, annual leave will be accrued and posted to the employee's leave account weekly. For exempt employees, annual leave will be posted on the employee's hire and subsequent anniversary dates.
2. Annual leave will not accrue whenever an employee is on an unpaid leave of absence.
3. Non-exempt employees who are scheduled to work a forty hour per week schedule receive annual leave as follows:

<u>YEARS OF CONTINUOUS EMPLOYMENT</u>	<u>ANNUAL</u>
1 year (through 12 months)	5 days (40 hours)
2 – 5 years (13 – 60 months)	10 days (80 hours)
6 – 10 years (61 – 120 months)	13 days (104 hours)
11 – 15 years (121 – 180 months)	15 days (120 hours)
16 – 19 years (181 – 228 months)	17 days (136 hours)
20 years and over	20 days (160 hours)

4. Non-exempt employees who are scheduled to work a fifty-six hour per week schedule receive annual leave as follows:

<u>YEARS OF CONTINUOUS EMPLOYMENT</u>	<u>ANNUAL</u>
1 year (through 12 months)	72 hours (3 shifts)
2 – 5 years (13 – 60 months)	120 hours (5 shifts)
6 – 10 years (61 – 120 months)	144 hours (7 shifts)
11 – 15 years (121 – 180 months)	168 hours (7 shifts)
16 – 19 years (181 – 228 months)	192 hours (8 shifts)
20 years and over	216 hours (9 shifts)

5. Exempt employees receive annual leave as follows:

<u>YEARS OF CONTINUOUS EMPLOYMENT</u>	<u>ANNUAL</u>
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1 year (through 12 months)	7 days (56 hours)
2 – 5 years (13 – 60 months)	10 days (80 hours)
6 – 10 years (61 – 120 months)	15 days (120 hours)
11 years and over	20 days (160 hours)

C. Accumulation of Annual Leave

1. It is the intent of these rules that employees utilize their annual leave each year during the period in which it was earned. Employees carrying excess annual leave should be afforded the opportunity to use the excess leave.
2. Maximum accumulation of leave time for employees is:
  - i. Employees Working a 40 Hour Per Week Schedule. An employee may accrue annual leave credits in excess of the maximum of two hundred hours. However, annual leave credits earned in excess of two hundred hours must be used during that fiscal year or they will be forfeited at the close of business on September 30 each year.
  - ii. Employees Working a 56 Hour Per Week Schedule. An employee may accrue annual leave credits in excess of the maximum of two hundred eighty hours. However, annual leave credits earned in excess of two hundred eighty hours must be used during that fiscal year or forfeited at the close of business on September 30 each year.
  - iii. Department Directors and Contract Employees. Department Directors and contract employees may accrue annual leave credits in excess of the maximum of two-hundred and forty hours. However, annual leave credits earned in excess of the two-hundred and forty hours must be used as of the day prior to the employee's next anniversary date or they will be forfeited at the close of business on the day prior to the anniversary date.
  - iv. On an individual basis, based on extenuating circumstances, the County Administrator may grant a sixty-day extension for taking leave after the end of the fiscal year.
  - v. Payment in lieu of annual leave is not ordinarily provided to employees. In extenuating circumstances and where both the Department Director and the County Administrator determine it to be in the best interests of the County, limited payment in lieu of

using annual leave may be provided to an employee. The employee should submit such requests in writing for approval to the Department Director, who shall forward it to the County Administrator if he or she agrees with the request.

### 7.3 Sick Leave

#### A. Eligibility and Use of Sick Leave

1. All regular and probationary employees shall be entitled to earn and accrue sick leave with pay from the date of hire. Part-time employees accrue sick leave on a pro rata basis based upon their normal work schedule. Temporary employees are not eligible to accrue paid sick leave. For all employees, sick leave hours used are considered non-productive time when computing employee overtime.
2. Sick leave may not be taken during the initial 180 days after hiring or during any probationary period without approval of the Department Director.
3. The employee shall have the responsibility of notifying his or her supervisor promptly at the beginning of any illness that requires absence from work.
4. Sick leave will be used in a minimum of fifteen minute increments.
5. Sick leave may be granted for the following purposes:
  - a. Personal illness or injury.
  - b. Appointments with medical, dental or other recognized practitioners for consultation or treatment of the employee.
  - c. Illness in the employee's immediate family.
  - d. Medical conditions arising out of pregnancy, childbirth and recovery therefore shall be treated as other temporary, non-job connected disabilities in terms of eligibility for sick leave, annual leave or leave of absence.
6. Sick leave may not be authorized or used for the following purposes:
  - a. Vacation, personal business or in place of annual leave.
  - b. Day care for employee's children or housekeeping services.

B. Accrual of Sick Leave

1. Sick leave for regular employees shall be accrued from date of hire based on the following annual rates:  

40 Hour Per Week Employees	104 Hours
56 Hour Per Week Employees	120 Hours
2. Sick leave shall be accrued whenever employees are on paid status or paid leave. Sick leave shall not be accrued during any time an employee is on unpaid status or unpaid leave.
3. Employees may accrue an unlimited number of sick leave hours.

C. Notification and Proof of Illness

1. The employee or his/her representative shall be responsible for notifying the supervisor by the shift start time on each day of absence. Failure to provide timely notice may be cause for denial of sick leave pay for the period of time.
2. The Department Director, in consultation with the Human Resources Department, is responsible for determining whether sick leave is properly authorized and used in accordance with these rules.
3. The Department Director may require proof and supporting documentation of the need for sick leave.
4. Use of sick leave for false claims of illness, injury or falsification of proof to justify illegal payment of sick leave shall be cause for denial of sick leave pay and/or disciplinary action, including dismissal.

D. Sick Leave Sharing

1. Employees who have extended illness and have exhausted all sick leave and annual leave may be eligible for sick leave sharing.
2. Sick leave may only be shared with another County employee for his or her personal illness.
3. With the approval of the County Administrator, employees may transfer up to an annual maximum of thirty-two hours of sick leave to the designated employee's account, provided the employee receiving the time has no sick or vacation leave in their account.

4. No more than two hundred hours may be transferred to one individual employee in any one calendar year.
5. The employee donating sick leave time must retain a minimum of two hundred forty hours in their own account, after the transfer is made.
6. Request to transfer sick leave must be accomplished on the Leave Authorization form and approved by the County Administrator.
7. Request to transfer sick leave must be completed and received by the Finance Director in a timely manner to be transferred to the designated employee.

#### 7.4 Family and Medical Leave Act (“FMLA”)

##### A. Eligibility and Reasons

Employees who have worked for the County for at least twelve months, and for at least 1,250 hours during the preceding twelve months, may:

1. Take up to twelve weeks of unpaid leave in a twelve month period for the following reasons:
  - i. The birth of the employee’s child and to care for the newborn child;
  - ii. The placement of a child with the employee for adoption or foster care;
  - iii. In order to care for the employee's spouse, child or parent who has a serious health condition;
  - iv. Because of a serious health condition which renders the employee unable to perform the essential functions of the employee's position.
  - v. Because of a qualifying exigency (as defined below) arising out of the fact that the employee’s spouse, child (of any age) or parent is a retired or reservist member of the military on active duty or has been notified of an impending call or order to active duty in support of a contingency operation. Leave under this subsection is not available for an employee whose family member is on active duty as a member of the Regular Armed Forces.

2. Take up to twenty-six weeks of unpaid leave in a single twelve month period in order to care for the employee's spouse, child (of any age), parent or next of kin who is a military service member who is undergoing medical treatment, recuperation, or therapy, or who is in outpatient status, or who is otherwise on the temporary disability retired list, for a serious injury or illness incurred in the line of duty while on active duty in the Armed Forces.

B. Definitions

The following definitions apply for purposes of this FMLA policy:

1. **Serious Health Condition** -- A "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves either: (1) inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity (i.e., the inability to work, attend school or perform other regular daily activities), or any subsequent treatment in connection with the inpatient care; or (2) continuing treatment by health care provider, as defined by the FMLA and the pertinent regulations.
2. **Serious injury or illness** – A “serious injury or illness” means an injury or illness incurred by a military servicemember in the line of duty on active duty that may render the servicemember medically unfit to perform the duties of his or her office, grade, rank or rating.
3. **Child** – Except as otherwise noted in this policy, “child” means a biological, adopted or foster child; a stepchild; a legal ward; or a child of a person standing in loco parentis (in the place of a parent) and who is either under the age of eighteen (18) or, if older than the age of eighteen (18), is incapable of self care because of a mental or physical disability.
4. **Parent** – Parent means a biological, adoptive, step or foster parent, or any other individual who stood in loco parentis (in the place of a parent) to the employee when the employee was a child. Parent does not include parents “in law.”
5. **Next of Kin** – The “next of kin” of a military servicemember means the nearest blood relative other than the servicemember's spouse, parent or child, in the following order of priority (unless the servicemember has specifically designated in writing another blood relative as his nearest blood relative for purposes of military caregiver): (1) blood relatives who have been granted legal custody

of the servicemember, (2) brothers and sisters, (3) grandparents, (4) aunts and uncles and (5) first cousins.

6. Qualifying exigency –A “qualifying exigency” includes leave taken for any of the following reasons : (1) to address any issue resulting from an impending call to active duty deployment on less than seven days’ notice, (2) to attend military events and related activities (such as a military ceremony, briefing, family support program, etc.), (3) to make arrangements relating to childcare and school activities, (4) to make financial and legal arrangements, (5) to attend counseling, (6) to spend time with a covered military member who is on a short-term, temporary rest and recuperation leave during the period of deployment, (7) to attend post-deployment activities (such as a military ceremony, event, reintegration briefing, etc.), and (8) any other exigency agreed upon by the County and employee.

C. Measuring the Twelve Month Period and Counting FMLA Leave

- A. For leave taken for any of the reasons listed in Section 7.4(A)(1), the twelve month period in which eligible employees may take twelve weeks of leave will be calculated using a “rolling” twelve month period measured backward from the date an employee uses any FMLA leave. At any time when a need for FMLA leave arises, the amount of FMLA that an employee would be entitled to use is measured by counting how much FMLA leave the employee has used during the prior twelve months. If during that prior twelve month period the employee has already used 12 weeks of FMLA leave, the leave is exhausted. If the employee has not used twelve weeks of FMLA leave during the prior twelve month period, he or she is entitled to the balance of the twelve weeks that has not been used.
- B. For leave taken for the reason listed in Section 7.4(A)(2), the single twelve month period for calculating leave needed to care for a military servicemember begins when the employee first starts taking leave for that reason and ends twelve months after that date. Leave under Section 7.4(A)(2) may not exceed twenty-six weeks in any single twelve month period when combined with other FMLA-qualifying leave under any section of this policy.
- C. For leave taken for the birth of a child or placement of a child for adoption or foster care, the entitlement to leave under this policy expires twelve months from the date of the child’s birth or placement.

- D. If both spouses work for the County, the combined leave shall not exceed twelve weeks in a twelve month period if the leave is taken for the birth of the employee's child, or to care for the child after birth, for the placement of a child with the employee for adoption or foster care, or to care for the employee's parent with a serious health condition.
- E. If both spouses work for the County, the combined leave shall not exceed twenty-six weeks of leave during the single twelve month period described in section 7.4(C)(2) above if the leave is taken for the birth of the employee's child, or to care for the child after birth, for the placement of a child with the employee for adoption or foster care, to care for the employee's parent with a serious health condition, or to care for a servicemember with a serious injury or illness.
- F. To the extent allowed by law, in the event an absence is for a reason covered by this policy, the County reserves the right to count it as FMLA leave whether the employee has requested FMLA leave or not. Leaves covered by workers' compensation and/or a disability plan will also be counted as FMLA leave to the extent the leave qualifies under this policy.

D. Intermittent Leave or Leave on a Reduced Schedule Basis

- A. In the case of leave based upon a serious health condition or a servicemember's serious injury or illness, leave may be taken intermittently or on a reduced schedule basis, but only if such leave is medically necessary and the medical need can be best accommodated by intermittent leave or a reduced schedule. If intermittent leave or leave on a reduced hours basis is required for planned medical treatment, the employee is required to make reasonable efforts to schedule the treatment so as not to unduly disrupt the County's operations.
- B. In the case of leave for the birth or placement of a child in adoption or foster care, intermittent leave or working a reduced schedule is not permitted.
- C. In the case of leave based upon a qualifying exigency, leave may be taken intermittently or on a reduced schedule basis.
- D. If intermittent leave or leave on a reduced hours leave is required or provided, the County may, in its sole discretion, temporarily transfer the employee to another position for which the employee

is qualified with equivalent pay and benefits that better accommodates that type of leave.

E. Employee Notice and Certification Requirements

- A. For leave that is foreseeable, the employee must provide the County with at least thirty (30) days' notice. If the need for leave is not foreseeable, the employee is required to provide the County with as much notice as is practicable once the need for leave becomes known. Requests for leave should be on approved forms which are available from the human resources department.
- B. The County will require that leave based upon a serious health condition, or a servicemember's serious injury or illness, be supported by a medical certification from a health care provider. In accordance with applicable regulations, the County may request, at the County's expense, a second opinion from a health care provider of the County's choice (as well as a third opinion if the second opinion conflicts with the first opinion). The County will require that medical certification be submitted showing that a request for intermittent leave or leave on a reduced schedule basis is medically necessary.
- C. The County may require subsequent medical recertification of an ongoing condition from the employee's health care provider every six months in conjunction with an absence, or more often to the extent permitted by applicable law.
- D. The County will require that leave based upon a qualifying exigency also be supported by a certification and supporting documentation, including a copy of the military member's active duty orders or other similar documentation.
- E. Certification forms to be completed under this section are available from the human resources department. If an employee's certification or recertification is deemed by the County to be incomplete, the County will notify the employee of the deficiency and the employee will be provided seven (7) days to cure the deficiency. A failure to complete the certification may result in the denial of leave for the period of time until the completed certification is submitted.
- F. During leaves under this policy, the employee must periodically report on their medical status and intent to return to work. Upon taking such leave, the employee will be advised of the reporting requirements.

- G. For leave taken because of the employee's own serious health condition, the employee is required to furnish a medical certification from his or her health care provider advising that the employee is able to safely resume performing the essential functions of his or her position before the employee will be allowed to return to work.

F. Health Insurance Premiums

- A. During leaves of absence under this policy, the County will continue to pay its portion of the health insurance premiums and maintain the employee's coverage under the health plan in the same manner as if the employee had been continuously employed during the entire leave period, provided the employee continues to pay his or her share of the premiums.
- B. Should the employee fail to continue to pay his or her share of the premium, notices of proposed insurance cancellation and the opportunity to pay the premium as required by the FMLA will be provided before the cancellation.
- C. The employee will be advised in advance of any changes in premiums so that he or she will have ample opportunity to make arrangements to continue to pay his or her share of the premiums during the FMLA leave.

G. Accrual

During any period of FMLA leave where the employee is receiving pay, accrual of employment benefits, such as vacation pay, medical leave, seniority, etc., shall continue in the same manner and to the same extent as the employee would ordinarily accrue benefits while on other paid leaves. During any period of FMLA leave where the employee is not receiving pay, the employee will not be entitled to accrue employment benefits except to the extent that they would be permitted to accrue such benefits while on other unpaid leaves.

Pension benefits will be determined in accordance with applicable regulations, but employees will be required to make the pension contributions required, if any, under any County-sponsored Section 457 plan elected by them. Employment benefits to which an employee was already entitled on the day on which the FMLA leave of absence begins will not be lost because of such leave, except for those paid leave days substituted for unpaid leave taken under this policy as described below. Upon return from FMLA leave, employees are entitled to any changes in benefit plans not dependent upon seniority or accrual during the leave period.

Employees will not be disqualified from bonuses based upon attendance or safety for which they qualified prior to leave because of the taking of FMLA leave.

H. Substitution of Accrued Paid Leave

- A. For unpaid leaves under this policy, the County will require employees to substitute any accrued paid leave (including vacation, sick, personal leave, etc.) that he or she may have. This means that the employee's FMLA leave under this policy will run concurrently with the use of any accrued paid leave. The employee will be notified of the designation when the leave begins.
- B. Where the leave is not unpaid but the employee is not receiving his or her full pay (such as when on workers' compensation leave or leave under a disability plan), accrued paid leave may be used to supplement the employee's pay to bring him or her up to their full salary, to the extent that both the County and the employee agree.

I. Job Restoration Upon Return from FMLA Leave

With the exception of certain key employees, employees who return to work from FMLA leave of absence within or on the business day following the expiration of the leave are entitled to return to their job or an equivalent position with equivalent benefits, pay and other terms and conditions of employment. Designation of key employee status and whether such status will affect the employee's right to reinstatement will be made at the time the employee requests leave, or at the commencement of leave, whichever is earlier, or as soon as practicable thereafter if such determination cannot be made at that time.

J. Failure to Cooperate

Employees who fail to provide information to, or otherwise cooperate with, the County in administering this policy, may have their leave delayed and/or be subject to discipline up to and including discharge as permitted by law.

7.5 Unpaid Leave of Absence

When determined by the County Administrator to be in the County's best interests, an employee may be granted an unpaid leave of absence upon request. Employees will generally be required to exhaust all accrued, unused paid leave prior to requesting an unpaid leave of absence.

Employees on unpaid leave status shall not accrue annual or sick leave, will not be entitled to holiday pay and will generally not accrue other employment benefits. Except as provided by law, unpaid leave cannot be granted to exceed twenty-nine work days.

## 7.6 Administrative Leave

When determined by the County Administrator to be in the County's best interests, an employee may be granted administrative leave with or without pay to attend professional and technical conferences, conventions or other such meetings.

## 7.7 Time Off to Vote

With the approval of the Department Director, employees who are ordinarily scheduled to work during the entire period that voting polls are open may be granted adequate time off with pay in which to vote.

## 7.8 Jury Duty or Court Appearances

- A. An employee who is summoned for jury duty or subpoenaed as a witness when personal litigation is not involved, shall be granted a leave of absence with pay, upon presentation of a summons or subpoena. Any fees received for jury duty shall be retained by the employee. The employee shall not be eligible for reimbursement for any meals, lodging, travel or other expenses incurred while serving as a witness.
- B. Employees who are required to attend court as a witness or party due to personal litigation or criminal charges are not entitled to leave, unless approved by the Department Director or County Administrator. Any leave approved by the Department Director or County Administrator will be without pay or the County may require that the employee utilize accrued, unused annual, sick or other leave.
- C. Employees who attend Court for only a portion of a regularly scheduled work day must report to their supervisor and return to work after being excused or released by the court, unless excused from doing so by his or her supervisor.

## 7.9 Military Leave

### A. Reserve and National Guard Training

. Members of the United States Armed Forces Reserves or the National Guard who are required or ordered to engage in reserve training, whether on active or inactive duty, shall be granted leave with pay for up to 240 working hours in any one annual period or as designated under F.S. 115.07. Absences for reserve training in excess of the 240 working hours in any one annual period or as designated under F.S. 115.07 shall be without pay, unless the employee voluntarily elects to utilize accrued, unused annual leave.

B. Ordered to Active Military Service

Members of the United States Armed Forces Reserves or the National Guard who are ordered to active military service shall be granted leave with pay for up to 30 calendar days. Leave for active military service in excess of 30 days will be granted without pay, unless the employee voluntarily elects to utilize accrued, unused annual leave. Members of the Florida National Guard activated to state active military service by the governor's executive order shall be granted leave with pay for the length of the executive order. Upon discharge from active military service, the employee is entitled to reinstatement to his or her prior position to the extent required by applicable federal or state law.

7.10 Bereavement Leave

- A. In the event of a death in an employee's immediate family, the employee will be granted up to three days off with pay (or one shift in the case of a 56 hour per week employee). With prior approval from the Department Director, an employee may be permitted to utilize up to an additional forty hours of the employee's accrued, unused sick leave (or 56 hours in the case of a 56 hour per week employee). With prior approval from the Department Director and in exceptional circumstances, an employee may permitted to utilize additional accrued, unused annual leave.
- B. Each employee requesting and receiving paid bereavement leave may be required to furnish documentation supporting the need for the leave.
- D. Upon request and with the prior approval of the Department Director, leave to attend funerals for those other than an immediate family may be granted and, if granted, will be charged against the employee's accrued, unused annual or sick leave.

7.11 Domestic Violence-Related Leave

- A. Eligible employees are entitled to up to three working days of unpaid leave in a 12-month period for domestic violence-related reasons. In calculating the 12-month period under this policy, the County uses the rolling, backward-looking method calculated in the same manner described above in the County's FMLA policy.
- B. To be eligible for leave under this policy, the employee must have been employed by the County for at least three months.

- C. Leave may be taken under the terms of this policy if the employee or a family or household member of the employee is a victim of domestic violence and the leave is necessary to:
1. Seek an injunction for protection against domestic violence or an injunction for protection in cases of repeat violence, dating violence or sexual violence;
  2. Obtain medical care or mental health counseling, or both, for the employee or a family or household member to address physical or psychological injuries resulting from the act of domestic violence;
  3. Obtain services from a victim-services organization including, but not limited to, a domestic violence shelter or program or a rape crisis center as result of the act of domestic violence;
  4. Make the employee's home secure from the perpetrator of the domestic violence or to seek new housing to escape the perpetrator; or
  5. Seek legal assistance in addressing issues arising from the act of domestic violence or to attend and prepare for court related proceedings arising from the act of domestic violence.
- D. Prior to receiving leave under this policy, the employee must exhaust any available paid leave.
- E. Except in cases of imminent danger to the health or safety of the employee or a family or household member, advance notice of the need for leave and supporting documentation is required. Where advance notice is required, the employee is required to provide notice to the County as soon as the need for leave becomes known. Where advance notice is not required due to the imminent danger to the health or safety of the employee or a family or household member, the employee must inform the County that the leave was taken pursuant to this policy as soon as he or she returns to work and provide supporting documentation.
- F. All information relating to leave under this policy shall be considered confidential and will not be disclosed to any other individuals unless required for legitimate business or otherwise compelled by law.
- G. Leave taken or requested under this policy will not result in any adverse action against the employee. Employees who believe they have been subjected to retaliation as a result of leave taken or requested under this policy must initiate a complaint in the same manner as required by the County's Equal Employment Opportunity and Prohibition of Unlawful Harassment and Retaliation policy.

## **SECTION 8 – SEPARATION FROM EMPLOYMENT**

### 8.1 Types of Separations

Separations from County employment shall be designated as one of the following types:

- A. Resignation
- B. Retirement
- C. Layoff
- C. Dismissal
- D. Inability to perform the essential functions of the job
- E. Disability or Death

### 8.2 Resignation

Employees who elect to voluntarily resign are requested to provide two weeks of advance notice. Employees who do not provide advance notice may not be eligible for rehire.

### 8.3 Retirement

All regular full-time and permanent part-time employees are members of the Florida Retirement System with funds contributed by the County. Retirement Law is subject to change and the above benefits revised accordingly, as mandated by the State Legislature.

Notwithstanding any other provision of these policies, Department Directors who retire under the provisions of the Florida Retirement System will be paid all accrued, unused annual leave and fifty percent of their accrued, unused sick leave up to a maximum of two hundred hours.

### 8.4 Layoff

- A. The County Administrator may lay off any County employee whenever such action becomes necessary by reason of shortage of funds, lack of work, the abolition of a position, a material change in duties or organization or other appropriate reasons.
- B. Unless the County Administrator determines otherwise in the best interest of the County, layoffs of temporary, part-time, and probationary employees will generally be effected prior to the layoff of full-time regular employees.

- C. In determining the employees subject to layoff, the County Administrator will generally consider the employees' relative performance, the needs of the position, the employees' relative qualifications and skills, prior work history and disciplinary history, seniority and any other factor determined to be appropriate by the County Administrator. No single factor shall be dispositive.
- D. Employees scheduled to be laid off shall be notified in writing at least five working days prior to the effective date of their layoff.
- E. Notwithstanding any other provision of these policies, regular full-time and part-time employees who are subject to layoff shall receive one hundred percent of their accrued, unused annual leave pay at the time of layoff.

#### 8.5 Dismissal

Dismissals shall be handled in accordance with Section 9.

#### 8.6 Inability to Perform Essential Functions

Employees who are no longer able to perform the essential functions of their position, with reasonable accommodation, or who lose a required license or other required qualification, may be separated from their employment. Prior to separating for this reason, the supervisor and Department Director must consult with the Human Resources Department.

## SECTION 9 – DISCIPLINE AND DISCHARGE

### 9.1 General Policy

- A. It is the goal of the County that effective supervision and employee relations will avoid most difficulties which otherwise might necessitate discipline of employees. However, when disciplinary action becomes necessary, the County recognizes the fact that each situation differs in many respects from others that may be similar in some ways. Thus, the County retains the right to treat each incident on an individual basis without creating a precedence for other cases which may arise in the future as to a particular employee or group of employees and to determine the appropriate discipline in every matter on a case by case basis.
- B. It is management's responsibility, from the County Administrator down to the first level supervisor, to ensure these Personnel Rules and Regulations are observed by all employees. Supervisors should consult with the Human Resources Department when considering the implementation of discipline. When an employee is unable or unwilling to comply with established standards of performance or conduct, it is incumbent upon management to take corrective action. Employees should be made aware of the seriousness of violating regulations or taking actions which require disciplinary measures.
- C. The provisions set forth in this Section are intended as a guideline for management and employees. Nothing contained herein is intended to create, nor does it create, an enforceable expectation of continued employment, nor are these provisions to be construed as creating a property right of continued employment. Employment with the County is considered "at will" employment which may be terminated at any time and for any reason.
- D. Any disciplinary action, whether verbal or written, shall be documented and remain part of the employee's personnel file.

### 9.2 Forms of Discipline

- A. While the County reserves the right to utilize any form of discipline, in any order, the County will generally utilize the following forms of discipline by itself or in any combination: oral counseling, written reprimand, suspension without pay, demotion, probation, and dismissal. Dismissals may only be imposed with the approval of the County Administrator.
- B. Employees may also be placed on administrative leave, with or without pay, pending an investigation or a final determination as to whether to impose disciplinary action.

### 9.3 Illustrative List of Offenses Which May Lead to Disciplinary Action

- A. The conduct listed below provide illustrations of the type of conduct that will ordinarily lead to disciplinary action. The disciplinary penalty utilized shall be discretionary with the supervisor, Department Director and/or County Administrator. Nothing in these policies shall be construed to limit disciplinary action to the illustrative offenses enumerated below. Discipline may be imposed for any reason deemed to be in the County's best interests.

#### Conduct Warranting Discipline

1. Quitting work, wasting time, loitering or leaving assigned work area during working hours without permission.
2. Taking more than allowable times for meal or rest periods.
3. Unacceptable, inefficient productivity or competency.
4. Sleeping on the job unless authorized to do so.
5. Reporting to work or working while unfit for duty, either mentally or physically, unless the condition is a legally recognized disability in which case the matter will be dealt with in accordance with applicable law.
6. Violating a safety rule or practice.
7. Engaging in horseplay, scuffling, wrestling, throwing things, malicious mischief, distracting the work of others, catcalls, or other disorderly conduct.
8. Failure to report the loss of County equipment or other County property entrusted in the employee's custody.
9. Failure to keep the County and department notified of the employee's current proper address and telephone number.
10. Gambling, lottery or engaging in any other game of chance in any fashion that brings disrepute upon the County.
11. Violation of County or departmental policies, rules, standard, orders, operating procedures or regulations.
12. Unexcused tardiness or absence.

13. Failure to report an on-the-job accident or personal injury.
14. Not wearing required safety clothing or equipment.
15. Conviction of a criminal offense.
16. Excessive tardiness and/or absenteeism which disrupts departmental operation regardless of the reason.
17. Abuse of leave privileges.
18. Use of official position for personal advantage.
19. Deliberately or negligently misusing, destroying, losing or damaging any County property or property of an employee.
20. Falsification of personnel, County, or Departmental records, including employment applications, accident records, work records, purchase orders, time sheets, or any other report, record, or document.
21. Making false claims or intentional misrepresentation in an attempt to obtain sickness or accident benefits, workers' compensation, or any other benefit.
22. Insubordination or the refusal to perform work assigned, or to comply with written or verbal instructions of a supervisor.
23. Use or possession or display of fire arms, explosives, or weapons on or in County property unless authorized.
24. Removal of County property or any other employee's property from County locations without proper authorization, theft of County property or any employee's property.
25. Failure to return at the end of an authorized leave of absence.
26. Concerted curtailment, restriction of production, or interference with work in or about the County's work stations including, but not limited to, instigating, leading, or participating in any walkout, strike, sit down, stand-in, slowdown, or refusal to return to work at the scheduled time for the scheduled shift.
27. Absent without permission or leave (AWOL).

28. Acceptance of a gift, service, or anything of value in the performance of duty or under any other circumstances where the employee knew or should have known it was given with an expectancy of obtaining a service or favored treatment.
29. Possession, use, sale, attempt to sell, or procure illegal controlled substances at any time whether on or off County property or whether on or off duty; and possession, use, sale or attempt to sell or procure alcoholic beverages while on duty, on County property, or while operating or riding in or on County equipment.
30. Refusal to fully and truthfully cooperate in an investigation conducted by or at the direction of the County.
31. On or off the job conduct which adversely affects the ability of the employee to perform his duties and/or adversely affects the efficient operation of the County government or any department, division, or area of County government.
32. Discourteous, insulting, abusive, or inflammatory language or conduct toward the public or co-workers.
33. Improper racial or sexual comments, harassment or acts directed to any County employee or the general public.
34. Threatening, intimidating, coercing, or interfering with fellow employees or supervision at any time.
35. Provoking or instigating a fight or fighting while on duty.
36. Unauthorized personal use of the exempt tax number for any reason.
37. Accepting a bribe or gratuity, committing an illegal act or accepting a gratuity for performing the normal duties as a County employee.
38. Failure to report in writing an offer of a bribe or gratuity to permit an illegal act.
39. Communicating or imparting confidential information either in writing or verbally to any unauthorized person.
40. Refusal to sign an acknowledgment of disciplinary action.
41. Failure to possess and maintain a current and valid state motor vehicle operator's license, if driving a vehicle is required by the County as an essential part of the employee's job.

42. Failure to report a DUI or DWI when the employee drives a vehicle as a part of their normal job.
43. Loss of a license or certification required by the County, the State or other governmental entity to perform the job for which the employee is assigned.

#### 9.4 Criminal Charges

- a. In the event an employee is charged with any crime, the County Administrator, at his or her option, may elect to take disciplinary action based upon the employee's conduct underlying the arrest or the Administrator may elect to wait until resolution of the criminal charges prior to deciding whether to proceed with disciplinary action.
- b. If the County Administrator elects to wait until the resolution of the criminal charges prior to deciding upon disciplinary action, the employee may be placed on unpaid leave, with no expectation of back pay being paid regardless of whether disciplinary action is imposed or not.
- c. If the County Administrator elects to wait until the resolution of the criminal charges prior to deciding upon disciplinary action, the Administrator shall not be bound by the outcome of the criminal action but may take it into consideration.
- D. Employees arrested or cited for any crime other than parking or speeding offenses are obligated to report it to his or her supervisor no later than their next scheduled shift.

## **SECTION 10 – GRIEVANCE PROCEDURE**

### 10.1 Grievances

Any regular, full-time or part-time employee may present a grievance concerning an alleged violation of these personnel rules and regulations or a complaint regarding working conditions and disciplinary actions in accordance with this policy. Probationary and temporary employees are not entitled to submit a grievance under this policy, but may request a meeting with the County Administrator or their Department Director to discuss any employment issues.

### 10.2 Complaint Procedure

- A. When an employee files a complaint, the following successive steps are to be taken. The number of days indicated at each level should be considered as the maximum number of working days, unless provided otherwise, and every effort should be made to expedite the process. However, when mutually agreed upon in writing, the time limits given may be extended.
- B. At any step in the Complaint Procedure, the Human Resources Director may be called upon to give advice, interpret rules or to assist in any way in resolving the complaint. If a complaint is appealed to “Step 2,” the Department Director will provide a copy of the complaint to the Human Resources Director.
- C. Step 1
  1. The employee may file a verbal or written complaint with his/her immediate supervisor within five working days of the incident giving rise to the complaint.
  2. Upon being informed of the complaint, the immediate supervisor shall make appropriate inquiries and take necessary actions to resolve the problem or provide the employee with a response within five working days.
- D. Step 2
  1. If the complaint cannot be resolved on an informal basis between the employee and his supervisor at Step 1, the employee may pursue his complaint to Step 2 by submitting it to the Department Director in writing on the appropriate form, within five working days of receiving the response to Step 1.
  2. Any complaint so filed shall refer to the provision or provisions alleged to have been violated and shall adequately set forth the facts pertaining to the alleged violation, the action, remedy or adjustment requested and shall include the signature of the employee.

3. The Department Director shall investigate the complaint and, within five working days, either resolve the complaint or provide a written response. The Department Director shall note the resolution on the complaint form and provide a copy to the Human Resources Director.

E. Step 3

1. In the event a mutually satisfactory solution cannot be reached between the employee and the Department Director, the employee may, within five working days of receiving the Department Director's decision, present his or her complaint to the County Administrator for review. This appeal must be accompanied by the original complaint and all responses to the complaint.
2. Upon receipt of the employee's appeal, the County Administrator shall consider all facts relevant to the complaint and within thirty working days shall notify all parties to the complaint of the decision. The County Administrator's decision shall be final and binding on all parties. No appeal, judicial or administrative, may be taken with respect to the Administrator's final decision.

**EMPLOYEE ACKNOWLEDGMENT OF RECEIPT OF  
PERSONNEL RULES AND AWARENESS OF PERTINENT POLICIES**

Employee's Name: \_\_\_\_\_

I have received a copy of these personnel rules and regulations and understand that it is my obligation to read, understand and comply with the policies, procedures and benefits set forth in these policies and any revisions made to it. I understand that nothing contained in these policies constitutes a contract of employment. I understand that I am employed on at "at-will" basis and that my employment may be terminated at anytime and for any reason or no reason and with or without notice. I also understand any other arrangements, agreements or understandings regarding the terms of employment which conflict with these policies (except individual employment agreements with Department Directors as approved by the Board) are hereby canceled and superseded and that no amendment or exception to this statement is valid unless in writing and signed by the County Administrator.

\_\_\_\_\_  
Employee Initials

I agree to submit to testing to determine the presence or absence of alcohol or illegal controlled substances in my body under whatever legal policies or procedures the County has in effect on the subject at the time testing is required and in accordance with applicable law.

\_\_\_\_\_  
Employee Initials

I certify that all information given on the employment application, related employment papers and in oral interviews is true and correct. I understand that falsification of any information so given or incomplete information requested but not provided by me will subject me to immediate dismissal. I agree to a post-offer physical examination, if requested. If I am hired, I will conform to the rules and regulations of the County.

\_\_\_\_\_  
Employee Initials

I further understand that the County has the right to modify, rescind or supplement any of these policies, procedures and benefits at any time.

\_\_\_\_\_  
Employee Initials

Signature: \_\_\_\_\_ Date: \_\_\_\_\_