

**HOLMES COUNTY, FLORIDA
BOARD OF COUNTY
COMMISSIONERS**

**EMPLOYEE POLICY AND
PROCEDURE MANUAL**

Approved

June 26, 2018

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SECTION 1
GENERAL PROVISIONS*

1.01 PURPOSE

The purpose of this Employee Policy and Procedure Manual (hereafter referred to as "Manual" or "Rules") is to establish procedures which will serve as a guide to administrative actions covering most personnel actions which will arise. The final interpretation and application of these Rules shall be made by the Holmes County Board of Commissioners (hereinafter "Board") or its designee. The Board reserves the right to amend, alter, modify, delete and add to these Rules as it deems appropriate to serve the best interest of the residents and citizens of Holmes County, Florida.

1.02 POSITIONS COVERED

- A. Unless a specific Section or Subsection provides otherwise, the provisions of these Rules shall be applicable to all employees in County service except:
1. Elected officials.
 2. Persons hired as independent contractors on a contractual, fee, or retainer basis.
 3. Persons employed under the provisions of government programs or grants unless they are classified as regular full-time or regular part-time employees by the County.

Provided, however, the sections or subsections with an asterisk (*) beside them apply to all employees.

- B. Employees employed as Department Heads are classified as "at will" employees and:

Shall be supervised, subject to disciplinary action and evaluated by the County Administrator/Coordinator, but shall only be subject to termination by a majority vote of the Board. Department Heads shall serve in their position and as County employees at the will and pleasure of the Board; provided, such employees continuously employed by the County before **May 27, 2008**, shall serve in their position at the will and pleasure of the Board, but shall not be terminated from employment by the County without just cause. Termination of such Department Head employees shall be subject to Section 12.

- C. The County Administrator/Coordinator shall be employed as a County employee at the will and pleasure of the Board, subject to any provisions set forth in the Employment Agreement between the Board and the County Administrator/Coordinator.

1.03 ADMINISTRATION

- A. General Administration: The County Administrator/Coordinator or a delegated administrative officer shall be responsible for the administration and technical direction of the County Personnel Management System.
- B. Department Heads are responsible for the efficient and effective operation and the direct supervision of the employees assigned to their department or area of responsibility and for the proper and effective administration and enforcement of these Rules. These duties may be delegated by the Department Head, but the ultimate responsibility shall remain with the Department Head. Such responsibilities include, but are not limited:
 - 1. To administer, interpret and enforce these Rules, regulations and approved departmental standard operating procedures and to recommend modifications.
 - 2. To recruit, supervise, direct, discipline the workforce of the County subject to these Rules and any applicable collective bargaining agreement (hereinafter "CBA").
 - 3. To provide initial orientation of employees to include familiarization with departmental or area policies, rules and regulations, benefits, working conditions, etc.
 - 4. To provide and/or coordinate employee training programs.
 - 5. To foster and develop programs for the improvement of employee relations, morale and effectiveness.

1.04 OVERALL EMPLOYMENT POLICY

The overall employment policy of the County shall include:

- A. There shall be no illegal discrimination in employment, employment opportunities or job actions on the basis of race, color, religion, age, sex, national origin, legally-recognized disability, or marital status unless one or more of the above constitute a bona fide occupational qualification within

the meaning of the law. No job applicant or present employee will be illegally discriminated against or given preference because of any of the above characteristics, unless otherwise required by law.

- B. Persons with known legally-recognized disabilities will be given full consideration for employment and opportunities for advancement in all departments and divisions. The County will offer to such persons reasonable accommodation with respect to the essential functions of the job, provided the person is otherwise qualified to perform the job, and provided further such accommodation does not create undue hardship on County operations.
- C. The County will take affirmative recruitment actions to expand employment opportunities for groups that are underutilized in the County workforce, but not in any way which violates applicable law.

1.05 COLLECTIVE BARGAINING AGREEMENT

Where these Rules or departmental rules and regulations are in conflict with the express terms of the CBA, the terms of the CBA shall take precedence.

1.06 AMENDMENTS

Amendments to this Manual shall be promulgated by the County Administrator/Coordinator and subject to the approval of the Board. Copies will be distributed to all departments and employees.

1.07 DEPARTMENT POLICIES

- A. Departmental policies and standard operating procedures will be in writing and submitted to and reviewed by the County Administrator/Coordinator for approval.
- B. Departmental policies and standard operating procedures approved by the County Administrator/Coordinator will serve as supplements to these Policies. In the event of conflict, the Manual shall prevail unless the departmental rule has been specifically approved as an exception by the County Administrator/Coordinator.
- C. Approved changes in departmental policies and standard operating procedures shall be distributed to the affected employees after approval.

- D. All job descriptions will be filed in the office of the County Administrator/Coordinator. When any job description is changed all changes will be sent to that office.

1.08 PRIOR MEMOS, POLICIES AND REGULATIONS

All prior memos, policies, procedures and regulations inconsistent with this Manual are null and void.

SECTION 2 **DEFINITION OF TERMS**

Active Pay Status - When an employee is working, on authorized paid leave, paid holidays or other time where pay is being credited to employee.

ADA - Americans with Disabilities Act

Anniversary Date - The date an employee begins employment and the same date in following years. It determines the employee's County seniority and is the date upon which entitlement to fringe benefits is based unless a specific benefit provides otherwise. The anniversary date may be changed in accordance with these Rules.

At-Will Employee - Employees who serve in their position and as employees at the pleasure of the Board or County Administrator/Coordinator and who may be disciplined up to and including termination by the County Administrator/Coordinator for any reason subject only to applicable law.

Board - The Holmes County Board of Commissioners.

Calendar Year - For the purposes of recording leave, such as emergency, personal, military and all other leaves that have a calendar year limitation, the dates used for reporting W-2 wages for employees shall be considered the calendar year.

Classification Seniority (also referred to as job or position seniority) - The length of time an employee has been continuously employed in his current position classification. Classification seniority will be lost or changed upon the loss of seniority under Section 9.02, the permanent transfer, promotion, demotion or reassignment to or from one job classification to another.

Collective Bargaining Agreement (also referred to as "CBA") - An agreement between an employee organization and the Board negotiated and ratified as required by the Public Employees Relations Act.

Confidential Employee - An employee exempt from coverage of the Public Employee Relations Act

Continuous Service - Employment which is uninterrupted except for authorized leaves of absence.

County Seniority - The total time an employee has continuously worked for the County without loss of seniority under Section 9.

Demotion - Permanent reassignment of an employee to a lower level job classification for a disciplinary reason.

Department Head – An employee in the position of a Department Head, or other employee assigned the overall responsibility for the operation of a recognized department or area of County operation.

Departmental Seniority - The length of time an employee has been continuously employed in a department.

Dismissal or Termination - Involuntary separation from County employment.

DOL – Department of Labor

DOT – Department of Transportation

Driving Position - A position where the employee drives or may be required to drive a County vehicle or his own vehicle in the performance of his duties.

Employee -

- A. Regular full-time employee is any employee who is non-probationary who is assigned a regular schedule of at least a minimum of thirty-two (32) hours, per week, and is classified as a regular full-time employee by the County.
- B. Regular part-time employee is any part-time employee who works a regular schedule of less than thirty-two (32) hours per week.
- C. A probationary employee is any full-time or part time employee who has not completed the Initial Evaluation/Probationary Period.
- D. Temporary employee is any employee that is not classified as a regular full-time, regular part time or probationary employee, such as an on-call, seasonal or a part-time employee who does not work a regular schedule.

Exempt Employee - An employee exempt from the minimum wage or overtime under the Fair Labor Standards Act and paid a salary.

FCRA - The Florida Civil Rights Act.

Flex Time – Policy of the Board allowing County employees an opportunity to vary their work schedules, while allowing their department to continue to provide services to citizens and other County departments in an efficient manner.

FLSA - The Fair Labor Standards Act.

FMLA - Family Medical Leave Act.

He/His/Him/Her - Are generic and used for reference purposes only to signal reference to both males and females.

Immediate Family - Includes spouse, son, daughter, mother, father, grandparent, brother, sister, grandchild, father-in-law, mother-in-law, aunt, uncle or any relative that is domiciled in the employee's household. "Immediate Family" shall also include a legal guardian or other person who cared for the employee since childhood such that the person stood in the place of the employee's father or mother (this definition is for purposes of Funeral Leave, and Employment of Relatives); provided such definition shall not apply to FMLA leave under Section 19.

Insubordination - The refusal to perform work when and as assigned, failure to obey a direct legal order and/or any other act or acts of disrespect or disregard of proper managerial authority.

Job Description - A written description of some but not all of the duties and responsibilities of a job.

Managerial Employee - An employee exempt from coverage of the Public Employee Relations Act.

May - The word "may" shall be interpreted as permissive.

Performance Evaluation (also referred to as "PE") - A written report of an employee's job performance.

Personnel - Personnel which is part of the Department of Administrative Services.

Probationary Period - The first six (6) calendar months, or any extension thereof, of continuous employment with the County as a full-time or part-time employee. After successful completion of the Initial Evaluation/Probationary Period, the employee will be classified as a regular full-time or part-time employee.

Promotion - Permanent assignment of an employee to a higher level job classification.

Reclassification - Movement of a job classification from one pay grade to another based on changes in the job duties, responsibilities, job market and/or other work related factors.

Reemployment - The hiring of a person who formerly worked for the County. Persons rehired shall be new employees for all purposes.

Resignation - Act of voluntarily withdrawing from County employment.

Seniority – Years of continuous service as a full time or regular part time employee of the County.

Shall or Will - The word “shall” or “will” will be interpreted as mandatory.

Transfer - The permanent or temporary reassignment of an employee from one position to another.

Work Day - The scheduled number of hours an employee is required to work per day.

Work Week or Work Period - The number of hours regularly scheduled to be worked during a seven (7) consecutive days or other work period allowed by the Fair Labor Standards Act and adopted by the Board for an employee or group of employees.

Working Time - Working time shall be all time the employee performs actual work for the County.

SECTION 3
STANDARDS OF CONDUCT*

3.01 GENERAL POLICY

- A. The County has established a system of personnel management to assist in providing superior service to the community.
- B. The County advocates the concept that the quality of public service can reach maximum efficiency through a Personnel Management System based on merit of principles.
- C. Employees are encouraged to develop skills and seek formal training that will enhance their personal development and add to the overall expertise of the organization.
- D. The County Administrator/Coordinator retains all rights not expressly limited by applicable law, including but not limited to the following:
 - 1. To determine the organizational structure of the County.
 - 2. To determine the purpose of each of its departments.
 - 3. To exercise control and discretion over the organization and efficiency of operations.
 - 4. To set standards for services to be offered to the public.
 - 5. To manage and direct the employees of the County and to determine the number of personnel to be employed.
 - 6. To hire, examine, classify, promote, train, transfer, assign, schedule, evaluate and retain employees.
 - 7. To suspend, demote, dismiss or take any other disciplinary action against employees. Notwithstanding the removal/termination of any Department Head shall be subject to Board approval.
 - 8. To increase, reduce, change, modify or alter the composition and size of the work force, including the right to relieve employees from duties because of lack of work, lack of funds or other reasons.

9. To determine the location, methods, means and personnel by which operations are to be conducted including the right to contract and sub- contract existing and future work.
10. To establish, change or modify the number, types and grades of positions or employees assigned to an organization, unit, department, division or project.
11. To establish, change or modify duties, tasks, responsibilities or requirements within job descriptions in the interest of efficiency, economy, technological change or operating requirements.
12. To require employees to have periodic medical examinations, which may include psychological, drug and controlled substance testing, etc., at the County's expense.
13. To discontinue the conduct of any operation, function or service, in whole or in part.
14. To transfer its operations, functions or services from or to, either in whole or in part, any of its departments or other divisions.
15. To establish and change personnel policies or working rules and regulations.
16. To alter or vary past practices and otherwise to take such measures as the County may determine to be necessary to the orderly and efficient operation of its various operations, functions and services.

E. Standard of Professionalism

All persons employed by the County of Holmes must remain constantly aware of their responsibilities to the public and of the fact that they are representatives of the County. It is expected that employees' conduct and appearance will be commensurate with the positions they hold.

Employees should recognize that as public employees they are often held to a higher standard of performance and scrutiny and should act accordingly. Furthermore, County employees should recognize that their first duty is to perform the job to the best of their ability and job performance is the primary responsibility of each person. Employees shall treat co-workers, the public and others with respect and courtesy.

- F. It is the policy of the County to expect compliance from employees with all policies in this MANUAL, state statutes, and federal regulations in the performance of duties. An employee who violates any of the above-referenced provisions shall be subject to disciplinary action.

3.02 SEXUAL AND OTHER ILLEGAL OR IMPROPER MISCONDUCT AND HARASSMENT POLICY, INCLUDING SEXUAL MISCONDUCT

The purpose of this policy is to make all employees of the County aware that it is the policy of the County that sexual, racial or other forms of illegal or improper harassment and misconduct will not be tolerated.

- A. Statement of Policy:

Sexual harassment is included among the prohibitions of Title VII of the Civil Rights Act of 1964, which prohibits sex discrimination in employment, and is prohibited by the County. The County also prohibits sexual misconduct which causes any type of personal, physical or mental injury.

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, or other verbal or physical acts of sex based nature, where submission to such conduct is made a term or condition of employment, or an employment decision is based on an individual's acceptance or rejection of such conduct, or such conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive working environment. Sexual harassment involves not only members of the opposite sex but also of the same sex.

Other forms of harassment in addition to sexual harassment are illegal (such as racial harassment) and/or are improper and will not be tolerated. Such harassment involves unwelcome language or actions involving race, religion, national origin, age, marital status or disability.

Sexual as well as other illegal or improper harassment of our employees by other employees or by persons who are not employed by but do business with the County will not be tolerated.

In addition, the County will not allow any retaliation against any employee who raises a concern about improper or illegal harassment or participates in an investigation involving improper or illegal harassment and tells the truth to the best of his knowledge and belief.

- B. Examples of Prohibited Sexually Related Conduct

The County considers the following conduct to be examples of conduct, which violates its prohibition of sexual harassment or sexual misconduct.

1. Unwelcome physical assaults or touching of a sexual nature, including:
 - a. Sexual abuse, rape, sexual battery, molestation, or attempts to commit such acts.
 - b. Intentional physical contact which is sexual in nature such as touching, pinching, kissing, groping, fondling, patting, grabbing, rubbing, hugging, or poking another employee's body.
2. Unwelcome sexual advances, propositions, and other sexual comments, such as sexually oriented gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experience directed at or made in the presence of an employee who has indicated in any way that such conduct in his or her presence is unwelcome.
3. Job actions related to sexual matters such as:
 - a. Preferential treatment for submitting to sexual activity, including soliciting or attempting to solicit an employee to engage in sexual activity for compensation or reward.
 - b. Threatening to, or actually making an employee's job more difficult, or taking away any benefit or privilege to entice an employee to submit sexually.
4. Display of sexually related material, such as:
 - a. Pictures, posters, computer screensavers, calendars, graffiti, objects, promotional material, reading or other material of a sexually suggestive or sexually demeaning nature is not permitted in the workplace.
 - b. Reading or otherwise publicizing in the work environment materials that are sexually revealing, pornographic, or sexually demeaning.

The above examples are not to be considered a comprehensive list of prohibited conduct, but set forth examples of the types of conduct that are prohibited.

C. Examples of Other Illegal or Improper Harassment

Derogatory, critical or uncomplimentary jokes, comments, displays, posters, other written materials as well as actions based on age, race, religion, national origin, marital status, or disability are often unwelcome and hurtful to others and can be illegal. Such actions have no place in the work environment at the County and will not be tolerated.

The above examples are not to be considered a comprehensive list of prohibited conduct, but set forth examples of the types of conduct which is prohibited.

D. Making Complaints of Sexual or Other Illegal or Improper Harassment or Retaliation.

1. Anyone who has suffered sexual or other illegal or improper harassment or retaliation or who has observed such conduct should report it to his immediate supervisor, his Department Head, Personnel or Director of Administrative Services, County Coordinator, or any member of the Board.
2. All complaints will be investigated expeditiously. Upon completion, and a determination that a complaint is valid, the County will take appropriate remedial action, including discipline up to termination of employment. If the complaint is found to be without merit, no disciplinary action will be taken against the employee against whom the complaint was made.

E. Bad Faith Claims of Sexual or Illegal or Improper Harassment or Sexual Misconduct.

Bad faith claims of sexual or other illegal or improper harassment or sexual misconduct are claims made when the person making the claims knows the claim is false but makes it anyway. Persons who make bad faith claims under this subsection will be subjected to disciplinary action up to and including termination.

3.03 CONFLICT OF INTEREST

- A. Employees who may be in a position to influence actions and decisions regarding the County's administration shall refrain from relationships which may adversely affect the exercise of their independent judgment in dealing with suppliers.

- B. An outside personal economic relationship which affords present or future financial benefits to an employee, his family, or individuals with whom he has business or financial ties may be a conflict of interest requiring evaluation by the County.
- C. An employee having an outside personal economic relationship under the conditions specified above shall file a disclosure statement with the County.
- D. Employees shall not accept anything of value, including a gift, loan, reward, promise of future employment, favors or service that:
 - 1. Would cause a reasonably prudent person to be influenced in the discharge of official duties; or
 - 2. Is based upon any understanding that the judgment of the employee in carrying out his employment responsibilities would be influenced thereby. For reference, see Florida Statutes, Section 112.313(2).
- E. Traditional Christmas gifts or birthday gifts such as candy or similar items of a nominal cost are not considered a conflict of interest by the County.
- F. If the employee is in doubt as to whether a conflict of interest exists, it is that employee's responsibility to seek clarification in writing from his or her Department Head. If questions persist, the Department Head shall consult with the County Administrator/Coordinator's Office.
- G. An employee shall not use his position with the County to obtain or attempt to obtain any special preferences, favors, privileges or exemptions for himself or for any other person.
- H. No employee shall disclose confidential information gained by reason of his official position with the County except in and as a part of his normal duties as a County employee; nor shall such employee use such confidential information not available to the public for personal gain or benefit.
- I. An employee shall not use his employment with the County to attempt to persuade any person, including, but not limited to, citizens, residents or guests, to make contributions to any cause, unless that cause has been specifically approved by the County Administrator/Coordinator or Board.
- J. No officer or employee of the County shall have any financial interests in the profits of any contract, service or other work performed by the County; or shall personally profit directly or indirectly from any contract, purchase,

sale or service between the County and any person or company; or personally or as an agent provide any surety bail, or bond required by law. No officer or employee shall accept any free or preferred services, benefits, or concessions from any person or company. Any official or employee who violates the provisions of this rule shall be considered guilty of misconduct in County service.

3.04 POLITICAL ACTIVITY

- A. Employees shall not wear or display political clothing, badges, buttons or stickers when on duty, when wearing a County insignia, riding in or on County equipment or when in a County uniform.
- B. Employees shall comply with all state and local laws involving political activity.

3.05 EMPLOYMENT OF RELATIVES

Subject to applicable law, the County does not automatically prohibit members of the same family from working for the County. Each situation involving employment of a relative must be reviewed on its own individual merits. As a general guideline, however, employees should know that the County will not allow the employment of relatives in any situation where a conflict of interest exists or where there is a substantial likelihood that a conflict of interest will arise, such as a relative working under the direct supervision of another, one relative being responsible for the performance evaluation of another, one relative being directly involved in job actions with regard to another, one employee being in possession of confidential information about another employee. It is the obligation of all affected employees to immediately advise their Department Head if a change in his situation occurs or is anticipated that will result in his becoming related to another employee so the effect, if any, of the relationship on County operations may be fully explored and appropriate action taken.

3.06 OUTSIDE EMPLOYMENT

- A. Employees are discouraged but not restricted from engaging in other employment during their off-duty hours. Employment with the County shall be considered the primary employment.
- B. Employees sustaining injuries while engaged in outside employment are required to notify their Department Head of the injury immediately and are ineligible to receive benefits under the County's Workers' Compensation as a result of disability resulting from the outside employment.

- C. Equipment, facilities, vehicles or property of the County shall not be used by employees for outside employment unless specifically approved by the County Administrator/Coordinator. Employees engaging in outside employment shall refrain from wearing County uniforms or insignia on other jobs. (Extra duty details for public safety departments are excluded from this provision).
- D. An employee wishing to engage in any outside employment or business association shall first obtain written approval by submitting an official request form to his/her Department Head. Failure to comply with this policy may result in disciplinary action.
- E. Final approval of all requests for outside employment are subject to review and approval by the County Coordinator/Administrator. It is further understood that approval may be cancelled at any time by the County Administrator/Coordinator.

3.07 SOLICITATION AND DISTRIBUTION

- A. Generally: The solicitation of support by various organizations is prohibited on work time. Although many of these groups are worthy organizations, the rules in this Section will best protect the private lives of our employees and the County's desire to obtain the full benefit of everyone's productivity.
- B. Employees: The distribution of literature or material during working time or in working areas is prohibited. Additionally, employees are not to solicit for any groups or organizations during their own working time or the working time of any employee solicited.

3.08 USE OF COUNTY'S PROPERTY

Employees shall not use the County's property, equipment or vehicles except in the performance of official duty, nor shall they permit its use by an unauthorized person, either on or off duty, except as authorized by the County in writing.

3.09 UNIFORMS, DRESS AND APPEARANCE

- A. Employees supplied uniforms by the County, or expected to wear uniforms in the performance of their job, shall report in a clean full uniform on each day worked. Uniforms must also be worn in the manner prescribed by the Department Head. Failure to comply may result in the employee being sent

home for the day without pay. Repetition of such conduct shall subject the employee to further discipline.

- B. Employees are expected to report to work in clean clothes.
- C. Employees are expected to observe normal and reasonable standards of personal hygiene and to present a professional appearance at all times. Failure to do so may result in the employee being sent home to correct the situation or for the day without pay. Repetition of such conduct shall subject the employee to further discipline.

D. UNIFORM ALLOWANCE

1. Road and Bridge Department Uniforms

- A. The approved Road and Bridge Department uniform consists of a shirt and pants as provided by a County approved uniform vendor. In situations where a Road and Bridge Department employee wears an approved uniform and leases that uniform from a County approved vendor, that employee will receive a maximum of five dollars (\$5.00) [two dollars and fifty cents (\$2.50) for pants, and two dollars and fifty cents (\$2.50) for shirts] per week for a uniform allowance. The uniform allowance will be paid to the individual employee on a bi-weekly basis. In situations where a Road and Bridge Department employee purchases a uniform from a County approved vendor, that employee will receive a maximum of ten dollars (\$10.00) [five dollars (\$5.00) for pants and five dollars (\$5.00) for shirts] in a twelve month period for a uniform allowance.
- B. Road and Bridge Department employees who perform any work upon any public road or upon the right-of-way of any public road shall be required to also wear a County approved safety vest during the commission of any such work. The County shall provide safety vests to the Road and Bridge Department employees for such purposes at a cost to the County of no more than fifteen dollars (\$15.00) per safety vest. Road and Bridge Department employees shall be responsible for the replacement cost of any safety vest that is lost or destroyed while the vest is in their care or custody. However, employees will not be responsible for replacing a safety vest that is destroyed or made unwearable by the normal wear and tear associated with using such a vest for County approved purposes.

2. Emergency Medical Services Uniforms

- A. Emergency Medical Services Department employees who wear an approved uniform will receive five dollars (\$5.00) per week for a uniform allowance. The uniform allowance for individual EMS employees will be pooled together and added to the EMS budget. The EMS Director may then expend the employees' uniform budget as he/she deems appropriate to meet the needs of the Department. The EMS Department uniform shall consist of a shirt, and long pants and/or a jumpsuit and black shoes/boots, as dictated and approved by the EMS Director and shall be provided by a County approved vendor or a vendor otherwise approved by the EMS Director. The EMS Director shall dictate what type, style and pattern of clothing shall be worn which serves to present the most professional image of the EMS Department.
- B. EMS uniforms damaged while the employee is acting in the performance of his/her duties may be replaced or repaired (whichever is the least cost of the two) at the County's discretion, provided the damage is not the result of the employee's own negligence. Such claim for loss must be supported with reasonable proof of damages.

3.10 PERSONAL BUSINESS, LIFE AND DEBTS

- A. Employees of the County are prohibited from conducting or promoting private business for gain while on duty or during scheduled working hours of any of the employees involved or within any County building.
- B. Employees shall handle their personal life, including their financial obligations, in such a manner that it will not interfere with the efficient operation of County business or the performance of their own job responsibilities.

3.11 RELEASE OF INFORMATION

- A. Employees shall at all times be courteous, friendly and helpful to those members of the public who seek information.
- B. Unless release of information of County records, including those concerning personnel records or the operations of County business, is a normal part of their duties, or unless under subpoena, employees will not release and if

asked will courteously decline to release County records or to reveal information pertaining to personnel and other County business and shall direct such inquiries to their Department Head who shall in turn immediately notify the designated County employee tasked with processing all public records requests.

- C. Managerial, confidential and supervisory employees are cautioned that subjects under discussion or consideration among County staff often change in content and meaning before becoming an accomplished fact. Discussions of said subjects with anyone other than County employees or officials with a need to know before final decisions or disposition often cause misunderstandings and confusion resulting in waste of time and money. Such discussions should be avoided.

3.12 BULLETIN BOARDS

- A. There shall be an official County bulletin board in each building. Announcements of special events, changes in policies, transfer/promotional opportunities and all job postings will go through the County Administrator/Coordinator and other items relating to official County business will be posted there. No other information is to be posted on such bulletin boards.
- B. It is the responsibility of the employee to check bulletin boards daily for important announcements and notices.

3.13 SMOKING

Pursuant to Florida Statute 386.201, known as the "Florida Clean Air Act," all government buildings are designated as smoke-free and the designation of any area within a government building as a smoking area is prohibited. Smoking is prohibited in County vehicles.

3.14 NETWORK COMPUTING POLICY

Holmes County is responsible for securing its network and computing systems in a reasonable and economically feasible degree against unauthorized access or abuse, while making them accessible for legitimate users. The responsibility includes informing users of expected standards of conduct.

The purpose of this policy is to define guidelines for the use and security of the Holmes County computing systems.

A. General Computing Policy

1. Each computer assigned to a user belongs to the County, as does all information on it.
2. Once a user receives a user ID to be used to access the network and computer systems on the network, they are solely responsible for all actions taken while using that user ID.
3. All employee user ID and password information shall be maintained by each employee's respective Department Head for use in emergency or other situations whereby an employee is unavailable and the County needs access to the employee's computer.
4. All users must have a password. Users are responsible for the security of their passwords. Sharing an individual password is prohibited, other than with a Department Head or immediate supervisor. In the event a password is shared with any unauthorized person, the user will be responsible for the actions of that other person using his/her password.
5. After use and prior to leaving a computer terminal unattended, the user shall log off.

B. Network Security.

1. Use of system and or networks in attempts to gain unauthorized access to remote systems is prohibited.
2. Decryption of system or user passwords is prohibited.
3. The willful introduction of computer "viruses" or other disruptive/destructive programs into the organization network is prohibited.
4. Deletion, examination, copying, or modification of files or data belonging to other users without their prior consent is prohibited.
5. Any unauthorized, deliberate action that damages or disrupts a computing system, alters its normal performance, or causes it to malfunction is a violation regardless of system location or time duration.

C. Electronic Mail Policy

1. All messages created, sent and retrieved are the property of the County and are subject to be reviewed, copied and dissemination by the County at any time.
2. Forgery or attempted forgery of electronic mail messages is prohibited.
3. Subject to paragraph C (1) above, any attempt to read, delete, copy or modify the electronic mail of others without their prior consent is prohibited.
4. Any attempt to send harassing, obscene or other threatening email to another user is prohibited.
5. With regard to email and the Florida Public Records Law, the following applies:
 - a. Any information made or received pursuant to County business is public record, regardless of its means of transmission.
 - b. Retention requirements are based, not on the media on which the information is recorded, but on the content of the message.
 - c. The Department of State has established a retention period for certain public records to allow those records to be retained only until they are obsolete, superseded or their administrative value is lost. These messages are referred to as "OSA".
 - d. OSA mail may be deleted once it has been received and read. E-mail that does not qualify as OSA should be retained according to the retention requirement of the type of record that it is. Archiving is an acceptable mean of retaining e-mail messages.
 - e. Everyone is responsible for managing e-mail.
 - f. There is no expectation of privacy for any employee's email or other information on a County computer.

- g. Email is for use for County business and not for “chit chat”. Sending and receiving email not related to County business is prohibited.
- h. Employees are to advise members of their family not to email the employee on County equipment while the employee is at work except in the case of an emergency or to respond to an email from an employee consistent with subsection “g” above.

D. Internet Code of Conduct

The Internet provides a valuable communications vehicle. Holmes County provides Internet access to its employees to facilitate service to its citizens. The following code of conduct governs employee usage of the Internet resources available through the County’s access.

Employees who use the Internet must be aware that it is against the County Policy to:

1. Access the Internet using another employee’s user ID and password.
2. Attempt to access resources to which the employee has not been given authorized access.
3. Download copyrighted software that is not registered to the County.
4. Use abusive, profane or offensive language in Internet communications.
5. Accessing pornographic or sexually oriented web sites is prohibited. Forwarding, sending, or printing those kind of materials on County equipment or while on County property is also prohibited. Inappropriate sites may include those featuring topics of racist or sexual discrimination and/or graphic (gruesome) physicality.
6. The information technology specialist has the authorization and ability to monitor individual computer uses and sites accessed and does so on a random basis.

Since Internet usage is susceptible to abuse, the County Coordinator will conduct audits of Internet activity at random dates and times.

E. Maintenance Requests

1. All problems with computer equipment shall be reported at the time of occurrence to the Information Technology Specialist.
2. The Information Technology Specialist and the appropriate Department head will determine any questions regarding the urgency of the repair request.
3. The Information Technology Specialist will not be responsible for support on unauthorized software or extraneous programs on individual computers.

F. Computer Software Installation

1. The Information Technology Specialist or designee and appropriate Department Head must approve all software installations.
2. No application will be installed on any computer by anyone other than the Information Technology Specialist or designee with Department Head approval.
3. No personally owned software applications will be put on any computer without prior permission from the County Coordinator. Any requests to do so must be submitted in writing to the County Coordinator along with a valid copy of the software license.
4. Non-authorized installations of software should be removed immediately.
5. Under no circumstances shall any duplicate of non-purchased software be used on Holmes County computers.

G. Inspections and Violations of Network Computing Policy

1. The computers, which are the property of Holmes County, FL, shall have routine periodic inspections by supervisors and/or the County Coordinator. Employees should be aware of all files contained in these computers are subject to review by personnel conducting said inspections.

2. The computers will be inspected for routine care and maintenance purposes, as well as to insure the integrity of the software loaded in them.
3. Violations of any aspect of this policy may result in disciplinary action against the offending employee.

3.15 E-MAIL AND MAILBOX MAINTENANCE POLICY

- A. Users should take note that the information generated on e-mail is a public record subject to public inspection and is not normally confidential, unless specifically cited by statute. Section 119.011(1), F.S., defines public records as:

all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristic, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by an agency.

- B. "Florida Statute Section 119.011(1) also provides that public documents, which includes all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristic, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by an agency. These are subject to disclosure upon proper request.
- C. Employees who are not assigned the specific task of review and response to public records requests shall immediately forward any such request to their Department Head to ensure timely compliance with appropriate law. Said employee shall not handle such requests personally unless that is part of their job.

When a non-employee makes a public records request it shall be immediately forwarded to the designated County employee tasked with processing all public records requests to insure timely compliance with applicable law.

3.16 FIREARMS/WEAPONS AND ZERO TOLERANCE OF VIOLENCE IN THE WORKPLACE

- A. Purpose

To ensure orderly operations and provide the best possible work environment, the County has a Zero Tolerance Policy towards threats of or actual violence in the workplace.

B. Weapons Policy

1. Subject to the exceptions set forth under paragraph (C) below, employees are prohibited from using, possessing on their person, in their personal vehicles, lockers or elsewhere on County property or in or on County equipment, a firearm, weapon, destructive device or ammunition as follows:
 - a. When on duty.
 - b. When in a County uniform or wearing any clothing or equipment identifying the employee as an employee of the County at any time (except as lawfully allowed in a private conveyance when the employee is off duty and is traveling to and from work).
 - c. When riding in, on or operating a County vehicle or County equipment at any time (except as lawfully allowed while riding in or on a public conveyance off duty in accordance with applicable law).
 - d. When engaging in business for the County or representing the County at any time.
 - e. When attending a County or department sponsored function as an employee of the County, whether or not on County property.
 - f. In any County building, office or other enclosed facility where County business is or may be conducted (such as the Courthouse, Commissioner's Board room) at any time.
 - g. When such use or possession is contrary to applicable law.
2. Employees shall not use, possess on their person, in their personal vehicles, lockers or elsewhere on County property or in or on County equipment, any explosives or destructive devices at any time.

C. Exceptions

This Policy shall not apply to:

1. Sworn police officers who carry a firearm, weapon, ammunition or explosives as part of their job that would otherwise be in violation of this Policy but for applicable law.
2. Employees who have received written authorization signed by the County Administrator/Coordinator when deemed necessary for a specific event or period for the safety and/or welfare of County employees, citizens, residents and guests.
3. Off-duty employees who are on County property (e.g., County roads, parking lots and parks) who lawfully have on their person, or in a private vehicle, a firearm, or ammunition, where such possession is not restricted by paragraph (B) (1) (a-g) above, provided the firearm, or ammunition is out of sight and the firearm or weapon is securely encased in accordance with applicable law.
4. On duty employees who have a firearm and ammunition in their personal vehicle where such possession is not prohibited by paragraph (B) (1) (b- g), provided the firearm or ammunition is out of sight and the firearm is securely encased in accordance with applicable law.

D. Application

1. “At any time” under this Policy means whether the employee is on or off duty and whether the employee is being paid.
2. A “firearm” is as defined in Florida Statute § 790.001(6).
3. A “weapon” includes any dirk, metallic knuckles, slingshot, billy club, tear gas gun, chemical or biological weapon or device, electrical weapon or device, machine gun, short barreled shotgun, short barreled rifle, remote stun gun, as defined in Florida Statute § 790.001(13), and any kind of knife except a common pocket knife with a blade not longer than three (3) inches.
4. An “explosive” is as defined in Florida Statute § 790.001(5).
5. A “destructive device” is as defined in Florida Statute § 790.001(4).

6. Employees who violate this Policy shall be subject to immediate termination.
7. All Department Heads, Directors and Supervisors are responsible to enforce this Policy.
8. The County Administrator/Coordinator shall be responsible to resolve all disputes under this Policy and to take disciplinary action against employees who violate this Policy.

E. Reference

Florida Statute § 790.001 is available from the County Administrator/Coordinator.

F. Reporting and Enforcement

1. Any employee, who believes he has been threatened with violence or has knowledge of any threats of violence in the workplace or other violation of this Section, must report it to their immediate Supervisor or Department Head promptly. If unable or unwilling to report it to such individuals, the employee should report it to the County Administrator/Coordinator.
2. All threats of violence or other violations of this Section will be investigated and, if substantiated, will be grounds for immediate termination.

SECTION 4
TYPES AND TERMS OF EMPLOYMENT

4.01 BASIS OF EMPLOYMENT*

Employees are employed by the County as either regular full-time, regular part-time, seasonal or temporary.

4.02 PARTICIPATION IN BENEFITS

All regular full-time employees and regular part-time employees are eligible to participate in County benefits. Other employees do not participate in employee benefit plans unless a particular plan so provides or unless required by law.

4.03 TERM OF EMPLOYMENT

Regular full-time and regular part-time employees will continue as employees unless they are terminated, laid off, retire, or otherwise leave County employment as provided for in these Rules.

4.04 PROBATIONARY EMPLOYEES

- A. All regular full-time, regular part-time and part time employees, upon being hired, shall serve an initial evaluation/probationary period of one hundred and eighty (180) days. Any accumulated paid time off during the initial evaluation/probationary period may not be used until the initial evaluation/probationary period is over unless specifically approved by the County Administrator/Coordinator. Said initial evaluation/probationary period may be extended by their Department Head for up to an additional ninety (90) days with the approval of the County Administrator/Coordinator.
- B. When an employee is initially hired in a position which has a formal training program or requires certification or licensing, the initial evaluation/probationary period shall be as set forth in paragraph A, the period of a training program, or successful certification or licensing, whichever is longer.
- C. A probationary employee, during their initial evaluation/probationary period (or any extension thereof), may be terminated at any time, with or without cause.

4.05 PROMOTIONAL PROBATION

- A. An employee promoted to a higher level job classification shall serve an initial evaluation/probationary period of up to one hundred eighty (180) days except where a license or certification is a prerequisite to holding a job, the initial evaluation/probationary period may continue until the license or certification is successfully obtained. During the initial evaluation/probationary period, the employee shall serve in the position to which the employee was promoted at the will and pleasure of the Department Head. They may use accrued leave time.

- B. During the initial evaluation/probationary period, if the Department Head and County Administrator/Coordinator decides to remove the employee from the promoted position, but determines the employee has otherwise performed satisfactorily: (1) if the job from which the employee was promoted has not been filled, the employee will be returned to his former position; or (2) if the job from which the employee was promoted has been filled, the employee will be terminated but will be given preferential treatment for six (6) months for other employment within the County from the date of the employee's removal for any vacancy in the County for which the County Administrator/Coordinator considers the employee to be qualified to perform all the duties.

4.06 LOYALTY OATH

To the extent allowed by law, applicants and employees shall be required to sign a loyalty oath(s) as a condition of employment or continued employment.

SECTION 5

HIRING PROCEDURES

5.01 VACANCIES

All persons inquiring about employment should be directed to the County Administrator/Coordinator where they will be required to complete the standard application form.

5.02 BASIS FOR SELECTION

- A. Employment with the County shall be based on skills, experience, training, education, ability, physical and mental ability to do the available work and other factors that are related to the performance of the job in question.
- B. As part of the pre-employment procedure, former supervisors, employers and references provided by candidates shall be checked by the Department Head as a precaution against obtaining undesirable employees.
- C. When an applicant is selected to be hired they may be subject to a FDLE criminal history record check, Sexual Offenders Hot-Lines check, verification of a valid driver's license, and a driving record satisfactory to the County when driving is or may be part of their job responsibilities. Employment will be contingent upon satisfactory results which will be documented. The County reserves the right to reject any applicant for any reason or no reason subject only to applicable law.

5.03 TESTING

At its option and expense, the County may use valid physical, written or oral examinations and performance tests to assist it in the selection process.

5.04 DRUG TESTING

The County shall require submission to and successful passing of a drug test as a condition for consideration for employment or employment with the County, unless the law specifically provides otherwise.

5.05 DISABILITY AND MEDICAL EXAMINATIONS

- A. At the option of the County, applicants shall be required to take a medical examination after they have been offered employment.

- B. Employees may be required to take a medical and/or psychological examination at any time by the County for reasons connected with their job (e.g., an accident on the job).
- C. Applicants and employees who are directed to take a medical examination under paragraphs A or B above and who refuse to do so will be automatically terminated.

5.06 JOB OPPORTUNITIES FOR NON-EMPLOYEES

- A. All vacancies will be posted on County bulletin boards under Section 8.01. All advertisements and notices shall contain the title of the position, the essential functions of the job, the minimum qualifications for the job, and the date beyond which applications will no longer be received, contain the phrase "Holmes County is an Equal Opportunity Employer," and shall state that all applications or inquiries shall be directed to the County Administrator/Coordinator.
- B. All applications for employment shall be on a form provided by the County Administrator/Coordinator.

5.07 RETIREES RETURNING TO WORK

- A. An employee who has previously separated from employment with the County because of Retirement, as is defined herein in Section 6.03, is eligible to return to employment with the County only after a certain period of time has elapsed since the employee's Retirement went into effect, pursuant to applicable Florida law.
- B. Retired returning employees are in no way guaranteed their old positions or any other positions and must apply for all employment openings in the same manner as any other individual seeking employment.
- C. The provisions of Section 5.02, as contained herein, regarding the basis for selection for County employment shall be applicable to a retired returning employee in the same manner as any other individual seeking employment.
- D. All retired returning employees who have been rehired by the County shall be treated as new employees for salary, pay scale and seniority purposes. A retired returning employee will then be moved up the pay, salary and seniority scales based upon the amount of time employed by the County since the retired returning employee's rehire after retirement.

SECTION 6
TYPES OF SEPARATIONS*

6.01 TYPES OF SEPARATIONS

Separations and/or terminations from positions in the County service are designated as one of the following types. Personnel forms shall show the reason for the separation, and the last day worked. The effective date of the separation shall be the last day on which the employee is present for duty.

- A. Resignation
- B. Retirement
- C. Disabled
- D. Death
- E. Reduction in Force (layoff)
- F. Dismissal
- G. End of temporary hire

6.02 RESIGNATION

- A. An employee wishing to leave the County in good standing shall file with his Department Head a written resignation, stating the date and reasons for his resignation. Such notice must be given at least two weeks prior to the date of separation for the employee to be considered for reemployment; provided, a Department Head, with County Administrator/Coordinator approval, may exempt an employee who has given less than the required notice if, in the Department Head's judgment, exceptional circumstances warrant such an exemption.
- B. Unauthorized absences or absences determined to be unexcused for a period of three (3) consecutive days or more shall be treated as a resignation without notice and the employee will be automatically terminated.

6.03 RETIREMENT

Retirement is voluntary separation from the employment of the County under the Florida Retirement Plan.

6.04 DEATH

Separation shall be effective as of the date of death. All compensation and benefits due to the employee as of the effective date of separation shall be paid to the beneficiary, surviving spouse, or to the estate of the employee as determined by law or by executed forms in the employee's personnel folder.

6.05 REDUCTION IN FORCE (LAYOFF)

Reductions in force shall be in accordance with Section 9.

6.06 DISABILITY

When an employee is determined to have a legally recognized disability which impairs his ability to perform the essential functions of the job, which he still cannot perform with reasonable accommodation and without undue hardship to the County, the County Administrator/Coordinator may take whatever action he deems in the best interests of the County, including termination of employment.

6.07 DISMISSAL OR DISCHARGE

Subject to Section 1.02, regular full-time and part-time employees are subject to dismissal from County employment pursuant to Section 11.

6.08 RETURN OF PROPERTY AND FINANCIAL OBLIGATIONS

- A. At the time of separation from employment, the employee shall return all records, books, assets, uniforms, keys, tools, current County computer user ID and password information, and other items of County property to his Department Head. Failure to return same in usable condition shall result in the maximum deduction allowed by law from the employee's final paycheck. Any balance due over and above the amount deducted from the employee's paycheck may be collected by the County through appropriate legal action.
- B. All outstanding voluntary debts to the County incurred by the employee, such as the cost of non-compensatory training, shortages or advance of leave or expense accounts, and other standing debts due to the County will be deducted from the employee's final paycheck.
- C. All deductions under paragraphs A and B above shall be subject to the applicable state and federal law.

SECTION 7
TRANSFERS AND WORK OUT OF CLASSIFICATION

7.01 TEMPORARY TRANSFERS/WORK OUT OF CLASSIFICATION

- A. When a non-exempt employee has been assigned for two (2) weeks or more to a position in a higher pay grade where a base pay has not been established by the County, the employee shall have a rate increase of three percent (3%) retroactive to the first day of the transfer above the employee's current base pay. When the employee is reassigned to his original position, he shall be at the rate of pay he would have achieved if no transfer had occurred.
- B. When a non-exempt employee has been assigned for two (2) weeks or more to a position in a higher pay grade where a base pay rate has been established by the County, the employee shall receive the higher wage rate of the job classification they are working in. When the employee is reassigned to his original position, he shall be at the rate of pay he would have achieved if no transfer had occurred.
- C. When a non-exempt employee temporarily works in a lower paid job classification, he shall receive the rate of pay for his regular job classification.
- D. A routine assumption of duties that is for less than two (2) weeks or more and that occurs in the absence of another employee on vacation or with a short-term illness is not a transfer and does not affect salary.

7.02 PERMANENT TRANSFERS

- A. An employee may be permanently transferred from one job classification or department to another job classification or department:
 - 1. At the employee's request if, in the opinion of the County Administrator/Coordinator, it is in the County's best interest; or
 - 2. By the County Administrator/Coordinator for operational or efficiency reasons; or
 - 3. In all cases involving more than one (1) department, both Department Heads must agree to the transfer, unless in a particular case, the County Administrator/Coordinator decides otherwise.

- B. When an employee is permanently transferred:
1. If to a position in the same pay grade, his rate of pay will remain the same.
 2. If to a position in a lower pay grade the employee's pay will be reduced by 5% per pay grade but never lower than the base of the pay grade into which he is transferred. Transfer to a position in a lower pay grade, the employee's pay will go to the bottom of the range for the pay grade and to which the employee is transferred and then be adjusted upward to give the employee credit for years of continuous service just as if he had been in that job instead of the job from which he was transferred.
 3. The employee may receive up to \$.25 per certificate [with a maximum of three (3) certificates] above the base of the pay grade for certifications and experience, in the opinion of the County Administrator/Coordinator, that will benefit the department into which the employee is transferred.
 4. When an employee is transferred to a higher paygrade, refer to Section 8.07.
 5. If an employee transfers to a higher paygrade and returns to a lower pay grade within the Initial Evaluation/Probationary Period of their promotion, that employee's rate of pay will be that which they received prior to the promotion.

7.03 RECLASSIFICATION

- A. Purpose – The most common type is the reclassification of an entire class of jobs. Reclassification can also take place when the work performed on a particular job changes substantially over a period of time, due to new technology or a change in the department's focus, by design or evolution.
- B. Request for Reclassification – Reclassification can be initiated through independent, outside review or at the request of the individual or the supervisor, if accompanied by written supporting documentation. This documentation should be sufficient to support a reclassification, e.g., actual job duties and tasks.
- C. Approval – Implementation of a requested reclassification of an individual or individuals to another job title within the existing Pay Plan requires authorization of the County Administrator/Coordinator. If the reclassification

is for an entire class of jobs, it requires an amendment to the pay approved by the Board.

- D. Effect on Pay – When a reclassification occurs, the employee is placed in the new pay grade, but not below, his current rate of pay.

SECTION 8
JOB OPPORTUNITIES - PROMOTIONS/DEMOTIONS

8.01 NOTICE OF JOB VACANCY (OR POSTING)

All vacancies will be evaluated prior to posting in house on bulletin boards by the County Coordinator. Posting will be for a minimum of three (3) working days. Posted vacancies may also be advertised outside the County when deemed appropriate by the County Administrator/Coordinator.

8.02 APPLICATION

Employees who wish to be considered for the vacancy must apply by completing a new application and turning it into the County Administrator/Coordinator during the posting period. While selection is being made, the Department Head may utilize any employee or other person he wishes to perform the work.

8.03 POOL OF QUALIFIED APPLICANTS

The head of the department in which the vacancy exists, in conjunction with the County Administrator/Coordinator, will determine which of the employees, if any, who bid the job and outside applicants, when applicable, meet the minimum qualifications for the job. If no applicants are considered to meet the minimum qualifications for the job, the County Administrator/Coordinator may fill the position in any manner they wish.

Due to the fact that the Road Department has no department heads, the vacancies shall be determined by the Commissioner in that District in conjunction with the County Administrator/Coordinator.

8.04 INTERVIEW

All employee applicants determined by the Department Head and County Administrator/Coordinator to meet the minimum qualifications for the job will be interviewed. Outside applicants whom the County Administrator/Coordinator determines appear to be better qualified than employee applicants will also be interviewed.

8.05 NO SUFFICIENTLY QUALIFIED APPLICANTS

If, after completing the interview and evaluation, the Department Head determines that none of the applicants are sufficiently well qualified for the job, the County Administrator/Coordinator may fill the position in any manner he wishes.

8.06 BASIS OF SELECTION

- A. When the posting is restricted to County employees, in determining whom to promote from among qualified employee applicants, if any, the Department Head shall consider:
 - 1. Qualifications and ability to perform the job.
 - 2. The employee's past work related experience with the County and elsewhere.
 - 3. The employee's past performance record with the County.

When factors 1, 2 and 3 are relatively equal in the opinion of the County, time of continuous service in the Department and with the County, in that order, will be given preference.

- B. When the posting is not restricted to County employees, the Department Head will consider factors 1, 2 and 3 for employees and factor 1, plus the outside applicant's references and past work-related experience and performance with other employees. When, in the opinion of the Department Head, all factors are considered relatively equal among all qualified applicants, County employees will be given preference, and as among them, time of continuous service with the Department and the County, in that order, will be given preference.
- C. Probationary employees must complete their initial evaluation/probationary period before becoming eligible for in-house transfers and/or promotions, unless otherwise approved by the County Administrator/Coordinator or Commission.

8.07 PROMOTION

Normally, an employee promoted to a position having a higher pay grade shall be paid the base of the pay grade. At no time can it be a reduction of pay. Any deviation from the above requires documentation and justification by the Department Head and approval by the County Administrator/Coordinator.

8.08 DEMOTION

- A. Employees who are demoted shall have their wages reduced. They shall be paid the entry level of the pay grade into which they are demoted.

- B. Employees who are demoted due to reduction of force will be paid the base pay grade plus any longevity they have obtained.

SECTION 9
SENIORITY LAYOFF AND RECALL

9.01 ACCRUAL

County, departmental and job classification seniority shall continue to accrue during all types of compensable leave approved by the County. Approved leaves of absences of ninety (90) or more consecutive work days without pay shall not count towards the accrual of classification seniority unless the law requires otherwise.

9.02 LOSS OF SENIORITY

An employee shall lose his seniority and be terminated from employment as the result of any one of the following:

- A. Discharge.
- B. Retirement.
- C. Voluntary resignation.
- D. Layoff exceeding one (1) year.
- E. Failure to report to the Department Head the intention to return to work within three (3) calendar days of receipt of a recall notice.
- F. Failure to report from military leave within the time limits prescribed by law or any other leave unless an extension has been approved in advance by management.

9.03 LAYOFF SELECTION

In the event the County decides to lay off employees within a department, the County will first lay off those employees employed on a part-time, temporary, casual or probationary basis. If further layoffs are necessary, selection among regular full-time, regular part-time and part-time employees shall be based upon:

- A. Ability to perform all of the work available.
- B. Special skills essential to the performance of the available work.
- C. Job performance as reflected by the performance evaluations for the past three years or the most recent evaluations available.

D. Classification seniority.

When, in the opinion of the Department Head, factors A, B and C are relatively equal among employees, factor D shall be determinative.

9.04 PERMANENT LAYOFFS

In some cases, the County may utilize a layoff under circumstances where there is no reasonable expectancy to return to work. Such layoffs will be designated permanent and the employees laid off shall not be eligible for recall.

9.05 RECALL

Except for employees laid off pursuant to Section 9.04, above, regular full-time employees who are recalled by the County within twelve (12) months shall have their County service, departmental, and job classification seniority restored; however, they will not be given credit for the period of the layoff nor shall they receive wages or benefits during the period of the layoff.

9.06 DECISIONS FINAL

Decisions made pursuant to this Section shall be final and shall not be subject to the provisions of Sections 12 and 13, herein.

SECTION 10
ATTENDANCE/TARDINESS

10.01 PRESENT AND ON TIME

All employees are required to report for duty at the scheduled time and remain there until the scheduled leaving time. Each Department Head shall be responsible for the attendance and timeliness of all persons within his/her department.

10.02 CALL-IN

- A. Employees are required to call in to their supervisor or Department Head at the earliest possible time and not later than fifteen (15) minutes before they are scheduled to report to work when they are going to be absent or late. (Check with your Supervisor or Department Head for specific instructions that pertain to your department.) Failure to call in before the employee's shift begins will subject the employee to discipline, unless the Department Head is satisfied that the failure to call in was for a reason beyond the employee's control.

- B. It is the County's preferred policy that employees who know they are going to use paid time off for a particular day or shift not call-in but instead shall submit a leave slip requesting such time off to their supervisor or Department Head at least one (1) week prior to the planned leave.

10.03 VERIFICATION

The Department Head may require an employee to establish to his/her satisfaction that an absence or tardiness was for a legitimate reason. Such proof, in the case of sickness or injury, may include the presentation of a medical doctor's excuse from a doctor acceptable to the County.

10.04 CONTINUING ABSENCE

In the case of a continuing absence, in situations where an employee has not submitted a leave request prior to the absence, the employee must call in each day unless otherwise instructed by his Department Head or supervisor.

10.05 PERSON TO CALL

Call-ins are to be directed to the employee's immediate supervisor; however, in the event the immediate supervisor is not available, the employee must speak with another supervisor, Department Head or his/her designee.

10.06 UNREPORTED ABSENCES OF THREE DAYS

- A. If an employee is unable to report for work for any reason, he must notify the supervisor or Department Head at the earliest possible time and not later than 15 minutes before the regular reporting time. Violation of this policy and repeated or unjustified absenteeism or lateness is cause for disciplinary action.

- B. Unreported absences of three (3) work days shall be considered as a resignation. An employee may be reinstated under such circumstances only after showing of extraordinary mitigating circumstances, at the sole discretion of the County Administrator/Coordinator.

SECTION 11
DISCIPLINARY ACTION

11.01 GENERAL STATEMENT

It is the hope 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.

11.02 FORMS OF DISCIPLINE AND REMOVAL

- A. The County recognizes the following types of discipline and all original documentation shall be sent to the County Coordinator and will be maintained in the employee's permanent personnel file:
 - 1. Written counseling.
 - 2. Written reprimands.
 - 3. Suspension without pay.
 - 4. Demotion.
 - 5. Combination of the above.
 - 6. Termination of employment.
- B. A Department Head and/or the County Administrator/Coordinator may also combine an initial evaluation/probationary period not to exceed six (6) months with all forms of discipline except termination
- C. Written counseling shall remain in an employee's personnel file for one year unless the employee receives the same or greater discipline during the applicable period.
- D. Written reprimands shall remain in an employee's personnel file for four years unless the employee received the same or greater discipline during the applicable period.

- E. All other disciplinary actions shall remain a permanent part of the employee's personnel file in the Finance Department. It is the responsibility of the employee to ensure removal of all disciplinary forms from their personnel file in a timely manner. Such requests shall be in written form and shall be a request from the Department Head. Disciplinary files shall remain permanent upon termination or other separation from the County.
- F. The Department Head, or his designee, will consult with the County Administrator/Coordinator in deciding appropriate disciplinary action greater than a written reprimand. However, the Department Head may suspend employees temporarily with pay to the next regular work day of the County (Monday through Friday) if the Department Head deems it is operationally necessary. The Department Head shall then immediately consult with the County Administrator/Coordinator, and together they will decide whether to continue to temporarily suspend the employee with or without pay pending completion of an investigation and a final decision as to the appropriate disciplinary action, if any. If it is ultimately determined that no disciplinary action or disciplinary action less than suspension without pay for a period of the temporary suspension without pay is appropriate, the employee will be reimbursed wages lost less periods he was unable or unwilling to work and whatever he earned or could have earned through due diligence while on temporary suspension without pay.

11.03 BASIS FOR DISCIPLINARY ACTION

- A. Written admonishments and reprimands for regular full-time and part-time employees may be given for any reason listed in Section 11.05, Group I or Group II, or for any other just cause.
- B. Subject to Sections 1.02(B), 4.05(A) and 11.04, regular full-time and part-time employees who have completed their initial evaluation/probationary period may be suspended without pay, demoted or terminated for any reason listed in Section 11.05, below, or for any other just cause.
- C. All other employees serve at the will and pleasure of the County Administrator/Coordinator and may be subject to discipline, up to and including termination, as he/she deems appropriate subject only to applicable law. Notwithstanding Department Heads serve at the will and pleasure of the Board and may be subject to discipline, up to and including termination, as the Board deems appropriate subject only to applicable law.

11.04 NOTICE OF DISCIPLINARY ACTION AND TEMPORARY SUSPENSIONS

- A. In all cases of written admonishment or reprimand, probation, temporary suspension with or without pay, demotion, any combination of same, or termination, the employee will be notified in writing of the action taken and the original of such notice shall be retained by the Finance Department at the Clerk's office in the employee's personnel file. Copies may be maintained by the Departments.
- B. All employees, including regular full-time and part-time employees, may be temporarily suspended with or without pay by the County Administrator/Coordinator pending any investigation that may lead to formal disciplinary action; provided, a temporary suspension without pay will be removed from the employee's personnel file if the employee is exonerated. Such removed documents shall be retained by the County Administrator/Coordinator in a separate file.

11.05 TYPES OF OFFENSES

- A. There are two (2) groups of example offenses for which employees may be disciplined up to and including termination and the guidelines for recommended penalties for those examples of unacceptable conduct are set forth below; however, the principles concerning application of discipline to these sample offenses or others as set forth in Section 11.01 above paragraph B, below, shall apply. Nothing herein shall be construed to limit disciplinary action to the sample offenses enumerated below and suspension without pay, demotion or termination may be for any just cause as determined by the County Administrator/Coordinator.
- B. This section provides recommended but not mandatory penalties to apply to the specific example offenses listed here; however, the penalty utilized shall be discretionary with management in all matters of discipline and nothing herein shall require that a particular form of discipline be utilized in any case prior to the utilization of another form of discipline.

GROUP 1 OFFENSES

First Offense - Written admonishment or written reprimand

Second Offense - Up to ten (10) days suspension without pay

Third Offense - Up to and including termination

The second and third offense does not need to be a repetitive offense but any offense listed.

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 published County or departmental policies, rules, standards, orders, operating procedures or regulations.
12. Unexcused tardiness or absence.
13. Failure to report an on-the-job accident or personal injury.
14. Violation of the Standards of Conduct in Section 3.
15. Not wearing required safety clothing or equipment, to include seat belts and safety vests when required by law.
16. Removal of County property or any other employee's property from County locations without proper authorization.
17. Smoking in County vehicles or equipment.

18. Traffic violations committed while operating County vehicles (e.g. speeding tickets, unsafe operation).

GROUP II OFFENSES

First Offense - Up to and including termination

Second Offense - Termination

1. Conviction or pleading nolo contendere to a felony or non-felony criminal offense.
2. Subject to applicable law excessive tardiness and/or absenteeism which disrupts departmental operation regardless of the reason.
3. Abuse of leave privileges.
4. Use of official position for personal advantage.
5. Deliberately or negligently misusing, destroying, losing or damaging any County property or property of an employee.
6. 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.
7. Making false claims or intentional misrepresentation in an attempt to obtain sickness or accident benefits, workers' compensation, or any other benefit.
8. Insubordination or the refusal to perform work assigned, or to comply with written or verbal instructions of a supervisor.
9. Use or possession or display of firearms, explosives, or weapons on or in County property in violation of Section 3.16, herein.
10. Theft of County property or any employee's property.
11. Failure to return at the end of an authorized leave of absence.
12. 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 do work at the scheduled time for the scheduled shift.
13. Absent without permission or leave (AWOL).

14. Except as allowed under Section 3.03, herein, 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 obtaining a service or favored treatment.
15. 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.
16. Refusal to fully and truthfully cooperate in an investigation conducted by or at the direction of the County.
17. 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.
18. Discourteous, insulting, abusive, or inflammatory language or conduct toward the public or co-workers.
19. Improper racial or sexual comments, harassment or acts directed to any County employee or the general public.
20. Threatening, intimidating, coercing, or interfering with fellow employees or supervision at any time.
21. Provoking or instigating a fight or fighting while on duty.
22. Accepting a bribe or gratuity, committing an illegal act or accepting a gratuity for performing the normal duties as a County employee.
23. Failure to report in writing an offer of a bribe or gratuity to commit an illegal act.
24. Communicating or imparting confidential information either in writing or verbally to any unauthorized person.
25. Refusal to sign an acknowledgment of disciplinary action.
26. 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 a part of the employee's job.

27. Failure to report a DUI or DWI when the employee drives a vehicle as a part of their normal job.
28. 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.
29. Use of County computers to access pornographic or otherwise inappropriate web sites and/or forwarding, sending or printing that kind of information using County equipment or while on County property.
30. Use of County computers to conduct personal shopping, view social media sites, access personal dating services, or conduct any other personal and non-County business.

The above list does not include all of the reasons for which an employee may be subject to disciplinary action, but as stated earlier, is intended to provide examples of inappropriate conduct.

11.06 SUSPENSION PENDING RESOLUTION OF CRIMINAL CHARGES

- A. In the event an employee is charged with any crime, the employee may be suspended with or without pay at the discretion of the County Administrator/Coordinator.
- B. The County Administrator/Coordinator may elect to wait until the criminal proceeding, or a particular phase thereof is concluded before considering disciplinary action. In such a case, the County Administrator/Coordinator may take the resolution of the criminal proceeding, or phase thereof, under consideration but shall not be bound thereby and shall make his determination as to the facts and the appropriate disciplinary action, if any.
- C. Under paragraph B above, the County Administrator/Coordinator will not consider anything less than a finding by a judge or jury, whichever is applicable, of not guilty as relevant to the issue of whether the employee did not engage in the conduct in question.
- D. If an employee charged with a crime is found not guilty by a judge or jury, and the County Administrator/Coordinator determines no disciplinary action is warranted, the employee will be reinstated with back pay less amounts earned, unemployment compensation and periods of time the employee was unavailable to work or did not make every reasonable effort to find work.

SECTION 12
GRIEVANCE PROCEDURE FOR SERIOUS DISCIPLINARY ACTIONS

12.01 WRITTEN WARNINGS AND PROBATION

Appeals of written admonishments and written warnings shall be contained in Section 13, herein.

12.02 TEMPORARY SUSPENSIONS WITHOUT PAY

Before an employee is temporarily suspended without pay pursuant to Section 11.04 or Section 12.03(A)(2) below, providing the employee is at work or reports to work as directed, the Department Head and/or the County Administrator/Coordinator will explain the reason for the temporary suspension and give the employee the opportunity to explain his position.

12.03 SUSPENSIONS WITHOUT PAY, DEMOTION AND TERMINATION

- A. Pre-Disciplinary Procedure. When a Department Head and/or the County Administrator/Coordinator is considering suspension without pay, other than temporarily, demotion or termination of a regular full-time or regular part-time employee who has completed his initial evaluation/probationary period:
1. The employee shall be given written notice of the reason such disciplinary action is being considered, the names of the witnesses, a summary of the information on which the Department Head relies and an opportunity to present his position either verbally or in writing to the Department Head before the decision is made. Notice shall be complete upon either personally handing it to the employee or mailing it to the employee's address as contained in the County personnel file.
 2. The Department Head, with the approval of the County Administrator/Coordinator, may suspend the employee without pay immediately pending the ultimate decision, provided the employee shall be given an opportunity to explain his position before the temporary suspension without pay.
 3. If after considering all of the evidence before him, the Department Head and/or County Administrator/Coordinator decides to suspend the employee without pay, demote or terminate, he shall notify the

employee in writing of the decision and the reasons therefore, and the employee of his right to a due process hearing under Section 12.03(B) below.

B. Appeal Procedure.

1. A regular full-time or regular part-time employee who has successfully completed his initial evaluation/probationary period who is suspended without pay (other than temporarily), demoted or terminated who wishes to appeal must appeal in writing to the County Administrator/Coordinator, or his designee, within ten (10) working days after notice of his suspension without pay, demotion or termination.
2. Upon receipt of a timely appeal, the County Administrator/Coordinator shall arrange a hearing at which the Department Head shall be required to establish just cause as set forth in Section 11.05 by a preponderance of the evidence.
3. Not less than seven (7) calendar days prior to the hearing, to the extent not already provided under paragraph (A)(1) above, the Department Head and the employee will provide each other with a list of witnesses, except rebuttal witnesses, a brief summary of their anticipated testimony, and a list of all documents, except rebuttal documents, upon which the Department Head intends to rely.
4. The employee shall be entitled to be represented by counsel of his choice at his expense and shall have the right to present evidence, examine and cross-examine witnesses and state his position orally or in writing.
5. Proceedings shall be recorded by tape, video or other recorder or by court reporter.
6. The County Administrator/Coordinator shall consider the evidence before him and make Findings of Fact and Conclusions of Law, which shall be final and binding on all concerned.

12.04 ALTERNATIVE PROCEDURE

At his option, in the case of possible suspension without pay (other than temporary), demotion or termination of a regular full time or part-time employee, the County Administrator/Coordinator may elect to provide the employee with full due process before any disciplinary action is taken, in which event:

- A. The employee shall be given written notice of the reason such disciplinary action is being considered, the names of the witnesses, a summary of the information on which the County Administrator/Coordinator relies and an opportunity to present his position either verbally or in writing to the County Coordinator before the decision is made. Notice shall be complete upon either personally handing it to the employee or mailing it to the employee's address as contained in the County personnel file.
- B. The Department Head or the County Administrator/Coordinator when a Department Head is involved may suspend the employee without pay immediately pending the ultimate decision, provided the employee shall be given an opportunity to explain his position before the temporary suspension without pay.
- C. The provisions of Sections 12.03(B)(3) - (6) shall apply.

12.05 GENERAL PROVISIONS

The time limits set forth, above, may be extended upon written request for reasons considered appropriate by the County Administrator/Coordinator. Failure of an employee to file an appeal in a timely fashion, unless an extension has been granted in advance, will constitute an automatic abandonment of the employee's appeal.

12.06 DELEGATION OF AUTHORITY

At his option, the County Administrator/Coordinator may delegate another Department Head, an attorney or an arbitrator to hold the hearing and make the final decision or hold the hearing and make recommended findings of fact and conclusions of law, in which event the County Administrator/Coordinator shall be bound by the recommended findings of fact as long as they are supported by evidence in the record, but not the conclusions of law. The County shall bear the costs of any substitute for the County Administrator/Coordinator which he/she so delegates.

SECTION 13
EMPLOYEE GRIEVANCE PROCEDURE - WRITTEN ADMONISHMENTS AND
WARNINGS AND NONDISCIPLINARY MATTERS

13.01 PURPOSE

It is the purpose of this grievance procedure to assure employees that their non-disciplinary problems and complaints arising under this MANUAL, written admonishments and warnings will be considered fairly, rapidly and without reprisal. It is expected that the procedures set forth below will encourage employees to discuss with their supervisors matters pertaining to conditions of employment as they affect individual employees. In addition, free discussion between employees and supervisors will lead to better understanding of practices, policies, and procedures which affect employees. This will serve to identify and eliminate conditions which may cause misunderstandings and grievances.

13.02 DEFINITION OF A GRIEVANCE

A grievance is a complaint about the misapplication or misinterpretation of these Rules or applicable departmental rules and regulations, written counseling and written warnings.

13.03 PROCEDURE

- A. Step One: An employee shall present his complaint to his immediate supervisor within three (3) working days from the time of occurrence of the grievance. The supervisor shall attempt to resolve the grievance within five (5) working days after the complaint is made to him.
- B. Step Two: If the employee has not received an answer from the immediate supervisor within five (5) working days after the complaint is made, or if the employee feels the answer received is not satisfactory, he will put in writing the facts and circumstances of the problem and present the written statement to his Department Head within five (5) working days after the supervisor's deadline in Step One. Assistance will be provided by the Administrative Assistant if requested, including for those employees who cannot read or write or have a language problem. The Department Head will investigate the grievance and meet with the employee to discuss the grievance within five (5) working days. The Department Head will notify the employee of his decision within five (5) days following the meeting date.
- C. Step Three: If the employee has not received an answer from the Department Head within five (5) working days, or if the employee feels the

answer received is not satisfactory, he will put in writing the facts and circumstances of the problem and present the written statement to the County Administrator/Coordinator, or his designee, within five (5) working days after the Department Head's deadline in Step Two. Assistance will be provided by the Administrative Assistant if requested, including for those employees who cannot read or write or have a language problem. The County Administrator/Coordinator, or his designee, will investigate the grievance and meet with the employee to discuss the grievance within five (5) working days. The County Administrator/Coordinator, or his designee, will notify the employee of his decision within five (5) working days following the meeting date.

SECTION 14
HOURS OF WORK AND OVERTIME

14.01 HOURS OF WORK

- A. The County shall establish the hours of work in accordance with the operational needs of the County.
- B. The Department Heads, the County Administrator/Coordinator and the Board of County Commissioners shall schedule the work as necessary to provide full service, but should attempt to avoid overtime work except where operationally necessary.
- C. All regular full-time employees are required to take a scheduled lunch break of not less than one-half (1/2) hour, but not more than one (1) full hour, each day. The lunch break shall be scheduled between the third (3rd) and sixth (6th) hour of the employee's work day, when possible. Employees are expected to take their lunch break at the same time each day, whenever possible.
- D. If an employee works in a department or building alone, that employee should post a note, during their lunch break, informing the public of the employee's estimated time of return to work after their lunch break. No employee should continue to work through a lunch break simply because that employee is the only person in a particular department or office.
- E. Employees are required to take two (2) paid breaks per work day. The paid breaks are to be taken as follows: one (1) break before the employee's lunch break and one (1) break after the employee's lunch break. Said paid breaks are not to exceed fifteen (15) minutes each, and must be authorized and approved by their respective Department Head or supervisor.

14.02 REGULAR WORK WEEK OR PERIOD

Or as otherwise provided by a CBA:

- A. The regular work week for regular full-time employees shall be at least thirty two (32) hours in a seven (7) day period. The County Administrator/Coordinator may establish the basic work schedule and hours of work best suited to meet the needs of the departments and the County to provide proper service to the community. Nothing in these rules shall be

construed as a guarantee or limitation of the number of hours to be worked per week.

- B. The basic work schedule shall be from Monday through Friday of each week. When the County Administrator/Coordinator deems it necessary, work schedules may be established other than the basic Monday through Friday schedule.
- C. Lunch and break periods are scheduled at the discretion of the Department Head or his/her designee.

14.03 OVERTIME

- A. Non-exempt employees shall be paid at a rate of one and one-half (1½) their regular hourly rate after forty (40) hours in a seven (7) day work period.
- B. There shall not be any duplication of overtime or premium pay.
- C. Only employees in non-exempt positions are eligible for paid overtime.

14.036 FLEX TIME

- A. **PURPOSE:** To provide County employees an opportunity to vary their work schedules, while allowing their department to continue to provide services to citizens and other County departments in an efficient manner.
- B. **SCOPE:** Holmes County Board of County Commissioners' full-time employees (hourly employees whose work week consists of at least 32 hours).
- C. **POLICY:** Full-time County employees may vary their work schedules upon approval of the department head. The department head will be responsible for maintaining work schedules in order to staff the department with the necessary personnel to operate efficiently during normal office hours.
- D. **PROCEDURES:**
 - 1. Employees who desire to work a flex time schedule must obtain approval from their department head. Specific procedures for approval of a flex time schedule will be established by the department head. Employees must work together with the department head to ensure that business objectives are reached with the current staff. Employees are expected to be at work as required.

2. There are three (3) types of flex time options available to County employees. Department heads, in conjunction with the County Administrator/Coordinator, shall establish which flextime option(s) are best for each individual department and employee.
 - a. Flextime One: An employee must work 40 hours per week (or less depending on the employee's position, but at least 32 hours) and be present on a daily basis during "core time periods" (e.g. from 10:00am to 3:00pm).
 - i. Employees may adjust their starting and/or quitting times under the flextime one policy for each work day.
 - ii. Under flextime one, all employees of a department must be on the job during a "core time period" each work day. The department head will establish "core time periods" for operations which cover the normal work week.
 - b. Flextime Two: "Core-time periods" do not apply and an employee must work 40 hours per week (or less depending on the employee's position, but at least 32 hours), and may, for example:
 - i. Vary start and end times on a weekly, or even daily, basis;
 - ii. Occasionally work extra hours one day to make up for shorter hours worked another day.
 - c. Flextime Three: Employees work full time hours in less than the traditional 5-day workweek by increasing daily hours worked.
 - i. For example, an employee may work 4-10 hour days instead of 5-8 hour days.
 - ii. Whether an employee of a certain department is eligible for flextime three is in the sole discretion of the department head in conjunction with the County Administrator/Coordinator.
3. For non-exempt employees, hours may not be carried over to another week. Each employee must work a full 40 hour week (or less depending on the employee's position, but at least 32 hours)

during the County's standard workweek cycle of Thursday through the following Wednesday.

4. Exempt employees may carry time over within a pay period or work cycle.
5. Overtime eligibility will not be affected.
6. Leave accrual will not be affected.
7. All flex time schedules must address how the lunch period will be handled. A lunch period must be taken.
8. Flextime schedules may not be possible for some individuals or some departments due to factors such as size of the department or the nature of work performed. Determination of the use of flextime for individual departments will be made by the department head in conjunction with the County Administrator/Coordinator. Such determination will be final.
9. Abuse of flextime scheduling, at the sole discretion and determination of the County Administrator/Coordinator, will result in an employee becoming non-eligible to use flextime scheduling in their work hours.

14.04 ASSIGNMENT AND WORKING OVERTIME

- A. Overtime will be authorized or directed only when it is in the interest of the County and is the most practicable and economical way of meeting workloads or deadlines. Employees are to work only overtime as authorized but must report all hours worked to insure compliance with the FLSA regardless of whether the work is authorized or not.
- B. Employees are required to work overtime when assigned unless excused by their supervisor. An employee desiring to be excused from overtime work assignments shall submit a request to the immediate supervisor who shall rule on the request.

14.05 HOURS COUNTED

Full hours of absence due to paid conference/training time will be counted as hours worked for the purpose of determining eligibility for overtime. No other time except actual hours worked shall be counted.

14.06 CALL BACKS

When a non-exempt regular full-time, employee who has worked his regular shift or more, is released to go home, leaves the County premises, and is called back to work from home, the employee shall be paid his normal hourly rate for three (3) hours or for the actual hours worked, whichever is greater.

14.07 ON CALL

Non-exempt employees who are required to carry a County issued cell phone and are specifically assigned "on call" duty for a specific period of time must respond to the call in person or by telephone as soon as possible but not later than fifteen (15) minutes after the call is made. The employee shall respond to the location at which the employee is told to report as soon as possible in accordance with Departmental Policy.

14.08 SALARIED EXEMPT EMPLOYEES

Salaried employees exempt from the FLSA are paid a weekly salary for all hours worked; provided:

- A. Except as provided under the Family and Medical Leave Act, exempt employees' pay will be reduced or such employees placed on leave without pay for absences for personal reasons or because of illness or injury of less than one work day when accrued leave is not used by an employee because of one of the following:
 - 1. Permission for the leave's use has not been sought, or has been sought and denied;
 - 2. Accrued leave has been exhausted; or
 - 3. The employee chooses to use leave without pay.
- B. For absences of a day or more in full day increments, the exempt employee shall be required to substitute appropriate paid leave if available, or to take leave without pay.
- C. Deductions from the pay of an exempt employee for absences due to a budget-required furlough shall not disqualify the employee from being paid "on a salary basis" *except* in the workweek in which the furlough occurs and for which the employee's pay is accordingly reduced.

- D. In situations where an exempt employee takes Family and Medical Leave on a reduced or intermittent leave schedule, the exempt employee's salary may be adjusted in accordance with the statute, the Department of Labor's regulations, and the County's FMLA policy.

- E. Partial work week absences for time spent by an exempt employee as a witness under subpoena with a legal compulsion to appear shall generally be paid as administrative leave with pay. For employees engaged in personal litigation or as an expert, such activities will be considered an absence for personal reasons and shall be governed by the guaranteed salary provisions previously described. No compensation will be paid for any work week in which the exempt employee performs no work that entire week. Substitution of accrued paid leave to make up the difference between the witness fees or per diem and the exempt employee's full salary is permissible upon request.

SECTION 15
HOLIDAYS

15.01 DAYS OBSERVED

A. The following, and any other days which the County may declare, are official holidays. They shall be granted with pay to all eligible employees:

1.	New Year's Day	January 1
2.	Martin Luther King, Jr.'s Birthday	Day observed
3.	Good Friday	Friday before Easter Sun.
4.	Memorial Day	Last Monday in May
5.	Independence Day	July 4
6.	Labor Day	First Monday in September
7.	Veteran's Day	November 11
8.	Thanksgiving Day	Fourth Thurs. in November
9.	Friday after Thanksgiving	Fourth Friday in November
10.	Christmas Eve	December 24
11.	Christmas Day	December 25
12.	Employee's Personal Day	Must be used before Oct 1 st or day is lost

B. The County may declare other holidays as appropriate.

C. When a holiday falls on a Saturday, the preceding Friday shall be observed as the official holiday for that year. When a holiday falls on a Sunday, the following Monday shall be observed as the Official holiday.

15.02 ELIGIBILITY FOR HOLIDAY PAY

A. To be eligible for holiday pay, the employee must be a non-exempt regular full-time or regular part-time and must work his scheduled work day or shift immediately preceding and after the holiday unless the absence is approved or excused by the Department Head and the employee is on active pay status the calendar day the holiday is observed.

B. When the employee is scheduled to work on a holiday, and his absence is not excused, the employee will not receive holiday pay.

C. The rate of pay for regular full time, employees who are required to work on holidays will be their regular pay for the holiday plus overtime pay for the hours worked on that day.

- D. All other employees are not eligible for holiday pay.

15.03 HOLIDAY ON WORK DAY

- A. Regular full time and part time, non-exempt employees who are scheduled to work on the observed holiday will be paid the rate of one and one-half (1 ½) time their normal rate of pay.
- B. Regular full time and part time, non-exempt employees who are scheduled to work on the day observed as a holiday and call in sick will forfeit overtime pay and will be charged with paid time off leave.
- C. Exempt employees who may be required to work on an observed holiday are not entitled to overtime pay.

15.04 HOLIDAY ON LEAVE DAY

- A. Holidays which occur during annual leave shall be charged to holiday leave and not to annual leave.
- B. When a holiday falls within a period of leave of absence without pay, the employee shall not be paid for the holiday.
- C. If a holiday falls on the employee's normal day off, the employee will receive regular pay for the holiday, provided he meets the eligibility requirements of Section 15.02.

SECTION 16
PAID TIME OFF (PTO)

16.01 ELIGIBILITY FOR PTO

- A. Effective June 26, 2008, Regular full-time employees will be allowed to earn and accrue paid time off pro-rated based upon the number of hours worked.
- B. Temporary, seasonal and on-call employees will not be eligible for PTO.
- C. Regular Part-time employees that work a fixed schedule will be allowed to earn PTO in relation to the number of hours worked per week.
- D. New employees who have not completed their initial six (6) month evaluation/probationary period will earn and accrue Paid Time Off in accordance with this policy, but will not be eligible to use accumulated leave until their initial evaluation/probationary period is satisfactorily completed, unless otherwise approved by the County Administrator/Coordinator or provisions within this policy.
- E. Promoted, demoted or transferred employees will retain all PTO privileges and accrued balances in prior position and/or department. Employees transferring from other Agencies of Holmes County, including, but not limited to, the Clerk of the Circuit Court, Holmes County Sheriff's Department, may be allowed to transfer one half (½) of their PTO balance or equivalent, with the approval of the County Coordinator.
- F. Accrual Rate of PTO
 - 1. Regular, full-time employees (non-EMS) will earn and accrue PTO immediately upon employment as follows:

40 hours per week: Regular Employees & Department Heads	40 hrs per wk	40 hrs per wk	Department Heads (7/29/08)
Continuous Employment	Biweekly Accrual	Annual Amount	Bi-weekly/Annual
Date of Hire – End of 3 rd Year	5.54	144	7.38/192
Start of 4 th Year – End of 6 th Year	7.38	192	8.00/208
Start of 7 th Year – End of 9 th Year	8.00	208	8.62/224
Start of 10 th Year – End of 15 th Year	8.62	224	9.23/240
Start of 16 th Year and Over	9.23	240	10.0/260

2. Regular, full-time EMS employees will earn and accrue PTO immediately upon employment as follows:

Continuous Employment	Biweekly Accrual	Annual Amount
Date of Hire – End of 3 rd Year	6.92	180
Start of 4 th Year – End of 6 th Year	9.19	239
Start of 7 th Year – End of 9 th Year	9.96	259
Start of 10 th Year – End of 15 th Year	10.69	278
Start of 16 th Year and Over	11.50	299

3. When employee has had a break in employment, Paid Time Off accrual will be handled as outlined in the Reinstatement Policy.
4. Paid Time Off will not be earned by an employee during an unpaid leave of absence or when an employee has been placed in a non-pay status (i.e., suspension).

16.02 USE OF PTO HOURS

Paid Time Off (PTO) is an employee benefit which combines traditional vacation and sick leave programs into one plan with two components. This type of program provides both employees and the County a flexible method of scheduling time off with pay. Because of this, PTO time may be used at the employee’s discretion, provided that approvals are obtained for this leave as stated in this policy. Since PTO hours will replace traditional sick and vacation time, access is unrestricted provided the employee has been employed for 180 consecutive days and has supervisor approval or has otherwise received permission from the County Administrator/Coordinator to use PTO time within the 180 day period. Employees may be granted up to two (2) days of PTO use after 90 days of employment for their own personal illness with the approval of their Department Head and/or the County Administrator/Coordinator. Any additional PTO usage prior to six (6) months of employment will require approval by the County Administrator/Coordinator. PTO may be used for items including, but not limited to:

- A. Vacation
- B. Sick Leave
- C. Absence for transaction of personal business which cannot be conducted during off-duty hours.

- D. Religious holidays other than those designated by the Board of County Commissioners.
- E. Supplement income for time loss due to work related personal illness, injury, or disability where statutory workers' compensation payments are being received. In no instance shall this combination exceed one hundred percent (100%) of the employee's regular base rate.
- F. Maternity or paternity leave purposes.
- G. Supplement income for time loss due to disability not work related, where employee is receiving disability insurance benefits/payments. In no instance shall this combination exceed one hundred percent (100%) of the employee's regular rate of pay.
- H. Absences from work not covered by other types of leave provisions established by the Board of County Commissioners' policies.

16.03 REQUEST FOR PAID TIME OFF

- A. Requests for PTO leave should be submitted in writing on the "Leave Request Form" by employees to their Department Head, via the employee's direct supervisor for approval, at least one (1) week prior to requested leave when possible.
- B. Departments may establish a departmental policy for operational needs which may be more restrictive or provide exceptions to the one (1) week requirement, above.
- C. Paid Time Off requests will be granted at the sole discretion of the department manager or Department Head; however, reasonable effort will be made to accommodate employees. Employees are responsible for maintaining a sufficient balance of PTO to cover vacations, illness, etc. If an adequate balance of PTO is not available to cover the employee's requested time off, the employee's request for time off may be denied.
- D. When PTO leave is being used for an employee's own personal illness, or the illness of a family member, employees shall notify their immediate supervisor or Department Head as soon as the employee knows that they will be unable to work. Notice must be given no later than the first day of absence and preferably before the starting time for employee's scheduled shift. Employees failing to notify and report to the department within three (3) consecutive work days will be considered as having resigned (quit without notice) and employment will be terminated. Any absence not

properly reported by employee, less than three (3) consecutive work days can be grounds for disciplinary action, in accordance with County policy.

- E. A doctor's statement as proof of illness may be required by a department manager or Department Head if leave extends beyond three (3) consecutive work days or at any other time that a supervisor has reason to believe that the employee is abusing Paid Time Off. A false claim of illness, injury, or disability will be cause for dismissal.
- F. Paid Time Off may be used only as accrued, and will not be allowed in advance of leave being earned or accrued.
- G. Paid Time Off will be charged at a minimum of one-half (1/2) hour.

16.04 ABUSE OF PAID TIME OFF LEAVE

- A. Excessive unscheduled use of Paid Time Off will be grounds for disciplinary action. When an employee's absences are such that the County has reasonable grounds to believe that an abuse exists, the employee will be notified in writing, by their Department Head and/or the County Administrator/Coordinator, of the suspected abuse, and thereafter may be required, regardless of the duration of the absence, to submit a satisfactory doctor's certificate or affidavit indicating the specific nature of the disability and its expected duration to the employee's Department Head and/or the County Administrator/Coordinator before such absence may be charged against the employee's accumulated PTO balance. Reasonable grounds of abuse include a pattern of numerous one-day absences throughout the year, particularly if leave is always taken on Mondays or Fridays; frequency of absences; low/zero accumulated PTO balance; and other patterns of abuse.
- B. Further disciplinary action, up to and including termination, may be taken by the County Administrator/Coordinator when an employee's attendance continues to be unsatisfactory.
- C. Abuses in leave will be included on the employee's annual performance evaluation.
- D. The following policy shall be used by the County as a guideline for disciplining an employee for abuses of the PTO policy or absenteeism/tardiness without sufficient accrued PTO to cover said instances:

Step 1. The first violation in a rolling twelve month period:

The employee shall receive a written warning that the employee has: (1) abused the PTO policy; (2) has failed to report to work and or did not complete the entire work shift and did not have an appropriate accrued balance of PTO/Leave to cover said shift; or (3) that PTO/Leave was taken without properly requesting said leave pursuant to this Employee Manual or Union Contract.

Step 2. The second violation in a rolling twelve month period:

The employee shall be suspended, without pay, for the employee's standard work week. The employee shall also receive another warning that the next violation will result in more severe disciplinary action up to and including termination.

* Note: It is understood that an employee's "standard" work week varies from department to department. The intention of this section is that the employee will be suspended for the employee's standard work week without pay, regardless of the length in terms of hours of the employee's normal work week.

Step 3. The third violation in a rolling twelve month period: The employee is subject to termination.

- E. It is expressly understood that the aforementioned discipline policy shall NOT be applied in "protected" situations and said situations shall not be considered violations of this Employee Manual or Union Contract with respect to the exhaustion or abuse of PTO.

Examples of "protected" situations include, but are not limited to:

1. Certain absences due to job related injury and/ or illness;
2. Documented and qualifying FMLA serious illness to the employee or in the employee's family;
3. Approved time off such as legal holidays/vacations;
4. Certain protected hospitalizations;
5. Military Leave;
6. Jury Duty;

- 7. Certain situations protected by the Americans with Disabilities Act;
 - 8. Other approved statutory leave.
- F. The twelve (12) month time period as set forth herein shall be "rolling" in nature. Thus, for any PTO violation set forth herein, the County shall look back a total of twelve (12) months from the date of the violation and determine how many violations an employee has incurred.
 - G. This policy shall in no way limit the Holmes County Board of County Commissioners' ability to take any further or additional disciplinary action as may be appropriate under the circumstances and in accord with this Employee Manual and the Union Contract. This includes, but is not limited to, disciplining, including terminating, an employee for habitual or repeated offenses or abuse of the PTO policy outside of the scope or time frames set forth herein.

16.05 CARRY-OVER AND CASH PAYMENT OF PAID TIME OFF

- A. It is the intent of this policy that all employees take their Paid Time Off annually for the period in which it has been earned.
- B. The maximum amount of Paid Time Off which can be carried forward from one (1) calendar year (ending December 31st of each year) to the next is as follows; however, no employee, regardless of length of service or number of scheduled hours may cash out more than 720 hours upon termination of employment. (This includes leave used during the last 30 days, or at any time, to prolong a retirement/termination date).

Years of Continuous Employment	Total Hours - 40
Date of Hire to End of 3 rd Year	300
Start of 4 th Year to End of 6 th Year	480
Start of 7 th Year to End of 9 th Year	560
Start of 10 th Year to End of 15 th Year	680
Start of 16 th Year and Over	720

- C. An employee may request cash payment for portions of accrued PTO once annually, in January, from the County in accordance with the provisions of this policy.
- D. Employees with a PTO balance over 240 hours will be eligible to receive eighty percent (80%) reimbursement of accrued PTO over the 240 hours,

up to 80 hours annually, at their rate of pay at the time of the cash-out. Compensation shall be contingent upon budgetary restrictions and may be terminated by the Board of County Commissioners through the budget process.

16.06 PAYMENT OF UNUSED PAID TIME OFF UPON SEPARATION OF EMPLOYMENT

- A. Employees who voluntarily resign or are separated from employment in good standing will receive payment for 80% of their accrued and unused Paid Time Off at the time of separation. Employees who are eligible for and retire from Holmes County will receive 100% of their accrued and unused Paid Time Off at the time of their retirement. (For employees in the DROP program, please see additional provisions listed in the DROP policy). Employees dismissed for misconduct will not receive the accrued time, unless specifically recommended by the department manager and approved by the County Administrator/Coordinator.
- B. Employees placed on layoff status will receive 100% pay for accrued Paid Time Off up to time of the layoff.
- C. New employees who have not completed their initial six (6) month Initial Evaluation Period will not be eligible for payment of leave, upon separation, unless specifically approved by the County Administrator/Coordinator.

16.07 RIGHT TO CONTRIBUTE PAID TIME OFF HOURS

- A. In the event that an employee's own, or immediate family as defined on Page 7 herein, illness or physical incapacity should continue beyond a point where his/her Paid Time Off has been exhausted, or short/long term disability does not apply, other employees may contribute accumulated PTO to said employee with the appropriate approvals.
- B. Employee contributions must be done in multiples of at least (1) hour per employee. The donation of time must be completed on the appropriate donation of time form and approved by both the Department Head and the County Administrator/Coordinator or designee.

SECTION 17
MISCELLANEOUS LEAVES

17.01 FUNERAL LEAVE

- A. All regular full-time employees shall be granted up to 30 consecutive hours of funeral leave upon approval of their supervisor and Department Head in the event of the death of an immediate family member or relative as defined on Page 7, herein. Also the employee shall be granted up to 10 consecutive hours of funeral leave upon approval of the supervisor and Department Head in the event of the death of the employee's son-in-law, daughter-in-law, brother-in-law, or sister-in-law.
- B. Funeral leave shall not be charged to the employee's PTO, but as administrative leave time granted by the County.
- C. The employee may be required to provide proof of death in the immediate family to their Department Head and/or the County Administrator/Coordinator before compensation is approved.
- D. If additional time off is necessary to attend a funeral of a member of the immediate family, PTO may be used.
- E. If the employee wishes to attend the funeral of someone outside his/her immediate family, PTO may be granted by the supervisor and approved by the Department Head.

17.02 COURT/WITNESS LEAVE

- A. Regular employees attending court for jury duty during their normal working hours shall receive pay at their regular rate for those hours providing any jury duty fees received by the employee for appearing is signed over to the County by the employee.
- B. All regular employees subpoenaed to attend court on behalf of the County are eligible for leave with pay providing any witness fees received by the employee for appearing is signed over to the County by the employee.
- C. Those employees who become plaintiffs or defendants in personal litigation or who testify or appear on behalf of parties and other persons except the County are not eligible for leave with pay unless they request and are approved for Paid Time Off.

- D. Employees who attend court for only a portion of a regularly scheduled work day are expected to report to their supervisor when excused or released by the court.
- E. Employees required to attend court as a witness on behalf of the County or other governmental agency and who are on a scheduled vacation shall be allowed to take additional leave with pay for that court time.
- F. Employees required to attend court as a witness on behalf of the County or other governmental agency during his/her off-duty hours or day off shall receive pay for the hours served at time and a half.
- G. Employees required to attend court as a witness for the County or other governmental agency during his/her authorized holiday will receive pay for the holiday in addition to the pay received for the time spent in court.
- H. All court attendance must be verified before an employee is compensated.
- I. Any time spent in court as a criminal defendant shall not be compensated. Time spent serving sentence imposed as a result of conviction for a crime shall not be compensated.

17.3 CONFERENCE LEAVE

An employee may be granted leave with pay to attend professional and technical institutes, conferences, or other meetings which the County Administrator/Coordinator determines will contribute to the effectiveness of the employee's service. All such leave and travel expenses will be submitted to the County for review and prior approval.

17.035 ADMINISTRATIVE LEAVE

In limited situations, the County may grant employees Administrative Leave (Excused Absence Leave).

- A. Administrative Leave is an authorized absence from duty without loss of pay or charge to Paid Time Off or any other type of leave.
- B. Only employees scheduled to work and who have appeared for work during times when Administrative Leave is granted shall receive the benefit of such leave.

17.04 MILITARY

Pursuant to section 115.07 of the Florida Statutes, public employees in Florida who also serve as reserve personnel in the United States military or National Guard are entitled to 240 hours paid leave from work, per year, to engage in military training. Under this provision, the military leave will not result in a loss of PTO leave, time, or efficiency rating and the employee must be paid their full and regular rate for up to 240 working hours.

17.05 EDUCATIONAL COURSES AND REIMBURSEMENT

- A. All employees required to be licensed or otherwise certified as a condition of employment are responsible for attending and satisfactorily completing all training necessary to maintain any licenses or certifications.
- B. Voluntary enrollment in college courses by the employee for the employee's own benefit (even though such education may be of benefit to the County), shall not be eligible for leave with pay, although expenses may be reimbursed as specified below.
- C. Requirements for an employee to become eligible to receive reimbursement for educational expenses are as follows:
 - 1. Provided budgeted funds are available.
 - 2. Full-time for more than one (1) year and executes an Education Agreement.
 - 3. Educational training is at the post high school, college and adult education level. Correspondence courses are not covered.
 - 4. One course per quarter, semester, or course length, unless additional courses are approved by the County Coordinator.
 - 5. The County Administrator/Coordinator determines the course will be beneficial to the employee's opportunities for advancement within the County.
 - 6. Application must be filed before the budget is finalized for the next fiscal year.
 - 7. There will be no duplication of payments for the same courses. If the course is reimbursable under any other plan, program, or scholarship, then the provisions of the County's education tuition refund plan do not apply.

8. Tuition refunds shall not include costs for books or special training materials which may be retained by the employee.
 9. Initial approval will be subject to withdrawal once the class schedule is known, if the Department Head determines the schedule is inconsistent with efficient operations.
 10. Employees whose educational requests are approved will be reimbursed at the current state university tuition rate per credit hour for a maximum of nine (9) credit hours per semester, by approval of the County Administrator/Coordinator provided:
 - a. The employee provides satisfactory evidence that he successfully completed the course with a "C", or better, or a "Pass" if it is a "Pass-Fail" course.
 - b. The employee provides a receipt showing payment which is satisfactory to the County.
 - c. The yearly maximum benefit for tuition reimbursement shall be \$750.00 per calendar year.
- D. A copy of all successfully completed courses must be submitted to the Finance Department for placement in the employee's personnel file.
- E. In the event of discharge, resignation or retirement before the completion of two (2) years of employment from the date of the course(s) completion, the employee shall reimburse the County for all monies paid for said schooling.
- F. The County will attempt to rearrange work schedules for classes if it does not interrupt the normal work flow.

17.06 RAIN DAY LEAVE POLICY

Homes County recognizes that there are times that inclement weather makes it impractical to attempt to do road maintenance activities. However, the public expects the County to be good stewards of the tax payer's money. In order to provide consistent guidance to Road Foremen, the following rain day policy is adopted (April 8, 2008).

- A. For outdoor road crews there shall be a yearly limit set aside of forty (40) hours per calendar year. This time is for paid time off during inclement weather and shall be taken at the discretion of the District Foreman who is

responsible for tracking the time, only upon express approval of the County Administrator/Coordinator. It can be taken in increments of one (1) to ten (10) hours. Once the rain day allotment is used for an employee, they must either remain at work or take their personal PTO if they leave.

B. Guidelines for Foremen:

1. Prior to any release of work crews, each Road Foreman will check with surrounding Districts to see if they need any assistance in their area and also notify the County Administrator/Coordinator.
2. If a paid rain day(s) is/are used within a pay week, forty (40) hours of work time excluding the rain day must be accrued before overtime will be accrued.
3. If practical, the District Foreman will keep a minimum staff on hand if school buses are still running their routes.
4. Crews are subject to emergency recall if they are using a rain day. If recalled, a minimum of three (3) hours will be accrued which will be added back to their rain day balance unless the time exceeds ten (10) hours for the day, in which case if hours go over forty (40), time can be counted for overtime.
5. Time will not be allocated after 2:00 p.m. for a rain day and any employee leaving work following this time **must** take their personal PTO time

17.07 WORKERS COMPENSATION

- A. An employee who sustains a job related injury or any eligible compensable illness resulting in a temporary disability will be paid compensation in accordance with the Florida Workers' Compensation Law, supplemented as specified below. Basically, the Compensation Law provides for payment of casually related and medically necessary expenses and a lost wage compensation equal to two-thirds of the wage being earned at the time of the injury. An individual is eligible for lost wages compensation after seven (7) calendar days of not being able to work.
- B. All accidents must be reported immediately to the supervisor. An accident report must be completed and turned in to the Administrative Assistant for all job-related accidents, regardless of the extent of the injury. The Notice of Injury Form (DFS-F2-DWC-1) must be obtained from the Administrative Assistant and should be completed by the employee or his/her supervisor

as soon as possible following the accident. The accident must be reported to the insurance carrier within 24 hours of the County's actual knowledge of the injury. All claims except first aid cases must be reported within 24 hours after the employers' knowledge of an industrial injury or disease. If the accident occurs during the weekend, you must report first thing on Monday morning. Late filing fines are charged to the County by the State. Failure to timely report to the Administrative Assistant will result in disciplinary action.

- C. Initial medical treatment for a job-related injury will be done at the facility designated by the County, unless the injury obviously requires emergency treatment, then initial medical treatment for a job-related injury will be done by the County EMS Department dispatched by 911.
- D. Written doctors' reports will be turned in to Administrative Services and maintained in the Workers' Compensation file. A written report must be on file if an employee has been instructed not to work by a doctor. An employee visiting a doctor under Workers' Compensation should obtain a "Physician's Report for Patient on Workers' Compensation" Form from his/her supervisor and have the doctor complete it. The employee should then return this form to their supervisor so his/her condition may be monitored.
- E. After the first seven (7) days an employee will no longer receive regular pay, however, employees may use PTO to supplement the amount received from workers' compensation as set forth in this manual, provided the total compensation does not exceed the employee's full, regular pay. To the extent allowed by law, Family Medical Leave Act (FMLA) leave will run concurrently with Worker's Compensation leave.
- F. When an employee is off work for more than seven (7) calendar days, he/she must elect one of the following options (on a pay status form):
 - 1. Employee will receive his regular pay until his accumulated but unused PTO leave is exhausted, provided he signs his workers' compensation check to the County; or
 - 2. Employee receives workers' compensation check only.
- G. When the employee returns to work, any final adjustments to his/her pay will be made in the next scheduled payroll. If an employee elects not to use accrued PTO leave, or if PTO leave is exhausted, only normal Workers' Compensation benefits will be paid.

- H. Employees with injuries covered under Workers' Compensation should monitor the time span between treatments. There is a statute of limitations that states that all rights for compensation, remedial treatment or rehabilitative services shall be barred unless a petition is filed with the Division of Workers' Compensation within two years after the date of injury or within one year after the date of the last payment of compensation or furnishing of remedial treatment care or attends. If the claim is not made within this time period, the employee will be responsible for payment.
- I. Light duty assignments are made at the discretion of the County. Employees assigned light duty are required to work as and when assigned.
- J. Employees receiving Workers' Compensation checks will not accrue PTO leave except as otherwise required by law.

17.08 BLOOD DONATIONS

Subject to prior approval of their immediate supervisor, employees will be allowed up to one (1) hour, to donate blood, with no charge to PTO leave. Employees may be given this time off to either donate blood for a County blood drive on site where they work or to donate at another advertised blood drive anywhere in the community.

17.09 GENERAL LEAVE WITHOUT PAY

- A. Amount. Except as required by applicable law, the decision to grant a leave without pay (leave of absence) is a matter of administrative discretion. It shall be the responsibility of each Department Head to weigh each case on its own merits. Leave without pay for more than three (3) consecutive scheduled work days must be approved by the County Administrator/Coordinator.
- B. Extension. Employees on leave shall report for duty at the end of the leave unless they have obtained a written extension from their Department Head or the County Administrator/Coordinator or have been notified not to return.
- C. Return to Work. An employee who is on approved non-medical or non-FMLA leave without pay for less than ten (10) working days shall be returned to his former position. When the approved leave is more than ten (10), but less than sixty (60) working days, the employee shall be returned to his former position or another position for which, in the opinion of the Department Head and/or the County Administrator/Coordinator, the employee is qualified to perform all of the duties if one is vacant otherwise

the employee shall be terminated. Return to work from medical and FMLA leave is covered in Section 19, herein.

- D. Anniversary Date, County and Classification Seniority. Employees returning from an approved non-medical or non-FMLA unpaid leave of thirty (30) working days or less shall retain their anniversary date, County, departmental and classification seniority dates. Employees returning from longer approved unpaid leave will not lose seniority or time of continuous service for benefit calculation but the time they are out beyond thirty (30) days will not be counted.
- E. Other Employment. Employees on approved leave without pay of any kind, including unpaid medical leave, shall not accept employment elsewhere without the written permission of the County Administrator/Coordinator.
- F. Accrual of Medical and Vacation Leave. No PTO leave will accrue while on any unpaid leave.

17.10 EFFECT OF LEAVES ON INSURANCE COVERAGE

- A. Compensable Leave. The County shall continue the employee's Health Insurance during compensable leave of absence provided the employee pays his/her share of the premium.
- B. Workers Compensation. The County shall continue the employee's group life and Health Insurance during an unpaid leave of absence due to a valid workers' compensation injury or illness, provided the employee pays his share of the premium. If the employee's claim is later determined by law to be invalid, the employee shall reimburse the County for all premiums paid in his behalf during the injury. Failure to repay the County such premium upon demand or under terms agreeable to the County will result in termination of employment, and loss of accumulated PTO leave to the extent necessary to cover the reimbursement. To the extent not fully reimbursed, the County may collect the premiums by any means allowed by law.
- C. Other Non-Compensable Leave. If an employee is on an approved unpaid leave of any type other than FMLA leave, he/she shall be responsible to pay the full premium for group life and Health Insurance beginning the month in which the leave began. The employee shall be entitled to continue coverage for the period of the leave provided he pays the premiums subject to any restrictions imposed by the insurance carrier.

SECTION 18
SAFETY – WORKPLACE SAFETY COMMITTEES MANDATED

18.01 SAFETY.

- A. THE COUNTY IS COMMITTED TO PROVIDING A SAFE, HEALTHFUL AND PRODUCTIVE WORK ENVIRONMENT TO ALL EMPLOYEES. WE BELIEVE THAT OUR PEOPLE ARE OUR MOST VALUABLE RESOURCE. YOUR SAFETY, THE SAFETY OF YOUR CO-WORKERS, AND THE CITIZENS OF OUR COMMUNITY ARE A FIRST PRIORITY.
- B. Safety Committee. The County shall have an Employee Safety Committee, made up of employees from the various areas where County employees work. The Committee meets quarterly and on an as needed basis to discuss and evaluate workplace safety issues and to recommend to the County Administrator/Coordinator resolution of identified safety problems and preventive measures to avoid potential safety problems.
- C. Employee Safety Awards. The County may institute an Employee Safety Award Program. Safety awards may be made either to groups or to individuals and will normally be made in recognition of praiseworthy and outstanding safety performance.
- D. All Department Heads, road foremen and supervisors are to take all reasonable steps to ensure that County employees work in an environment free from hazards and dangerous conditions which they observe or which, with the exercise of reasonable diligence, they should have observed. They also are responsible to enforce all County, departmental, state, local and federal laws relating to safety applicable to their area of responsibility and to report to the County Administrator/Coordinator any safety concern a reasonable person would or should consider significant.
- E. All employees are required to abide by all applicable County, departmental, state, local and federal safety laws and regulations applicable to their area of responsibility.
- F. All employees should report immediately to their supervisor, Department Head, the Administrative Assistant and/or the County Administrator/Coordinator any condition, equipment or practice they consider to be unsafe.
- G. If an employee is required to wear safety equipment and clothing as a requirement of their job, the equipment and clothing shall be provided by the County at no expense to the employee. Replacement equipment and

clothing shall be supplied when necessary with supervisor approval and those items being replaced will be returned to the County if available. Employees shall reimburse the County for such equipment that is lost or must be replaced because of damage due to the employee's negligence. Failure of the employee to wear safety equipment and clothing may result in disciplinary action up to and including termination and could result in reduction of workers' compensation benefits under Florida law. It is the responsibility of each Department Head/supervisor to insure that all employees required to wear safety equipment/or clothing are supplied with that equipment and have access to all necessary safety equipment. All clothing and equipment shall be returned to the County upon termination or transfer when applicable. Damaged or non-reusable equipment as well as reusable equipment shall be accounted for.

- H. When employees are operating or are passengers in County vehicles, the employees shall utilize any and all safety measures within said vehicles, including headlights, turn signals and safety belts.

SECTION 19
FAMILY AND MEDICAL LEAVE ACT*

THE FOLLOWING INFORMATION IS INTENDED TO BE A GENERAL GUIDE TO FMLA LEAVE. THE FAMILY AND MEDICAL LEAVE ACT OF 1993, AND AMENDED IN 2008, IS DETAILED AND LENGTHY, AND ALL PROVISIONS THEREIN SHALL APPLY TO HOLMES COUNTY EMPLOYEES. PLEASE CONTACT COUNTY ADMINISTRATION AND COUNTY FINANCE DEPARTMENT FOR MORE DETAILED INFORMATION ON FMLA LEAVE.

19.01 ELIGIBILITY AND REASONS

Employees who have worked for the County for at least twelve (12) months and at least 1,250 hours during the preceding twelve (12) months may take up to twelve (12) weeks of unpaid leave in a twelve (12) month period for the following reasons:

- A. The birth of a son/daughter of an employee and to care for the child;
- B. The placement of a son or daughter with an employee for adoption or foster care (entitlement to leave for birth, placement for adoption or foster care of a son or daughter expires twelve (12) months from the date of the birth or placement of a child)*
- C. In order to care for the employee's spouse, son, daughter or parent who has a serious health condition;
- D. A serious health condition which renders the employee unable to perform the functions of the employee's position.
- E. 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.
- F. Take up to twenty-six (26) weeks of unpaid leave in a single twelve (12) 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.

*Son or daughter under this Section means a biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is: (a) under 18 years of age; or (b) 18 years of age or older and incapable of self-care because of a mental or physical disability.

19.02 SERIOUS HEALTH CONDITION

A "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves either: (1) in-patient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity (for purposes of this policy defined to mean the inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery there from), or any subsequent treatment in connection with in-patient care; or (2) continuing treatment by health care provider.

19.03 UTILIZATION OF LEAVE

Employees with extended illness are strongly encouraged to utilize the provisions of the FMLA in order to assure continued benefits and allow the County a degree of certainty when seeking to fill temporary vacancies resulting from extended illness or injury. The County will notify any employee who is about to exhaust personal and donated leave time ten (10) days in advance of the occurrence. The employee will be advised of their leave balance and that upon exhaustion of available leave that their insurance rates will no longer be available at the reduced employee rate and termination actions can be taken if the employee elects not to utilize the Family Leave Act protection.

Notification will be sent by certified mail and sent with sufficient lead time to allow receipt when the ten day notice will begin. The employee will then have fourteen days (14) days from receipt to return documentation requesting Family Leave. If the employee is unable to complete such paperwork due to the extent of their illness, a family member over 18 years of age or spouse may complete the paperwork on the employee's behalf. If no representative for the employee is available, the County will enter the employee into the program by default.

The County Insurance Coordinator will make every attempt to contact the employee and /or responsible family member as soon as it becomes apparent that there may be an extended illness or recovery time and advise them of the Family Leave Act provision and again when the ten day notice is mailed to the employee.

19.04 INTERMITTENT LEAVE

In the case of unpaid leave for a serious health condition, the leave may be taken intermittently or on a reduced-hours basis only if such leave is medically necessary. If intermittent or reduced-hours leave is required, the County may in its sole discretion

temporarily transfer the employee to another job with equivalent pay and benefits that better accommodates that type of leave.

19.05 VERIFICATION

The County will require that an employee's leave to care for the employee's seriously ill spouse, son, daughter, or parent, or due to the employee's own serious health condition that makes the employee unable to perform one or more of the essential functions of employee's position, be supported by a certification issued by the health care provider of the employee or the employee's ill family member.

In accordance with the DOL rules, the County may request, at the County's expense, a second or third health care provider's opinion from a healthcare provider of the County's choice for leave taken because of a serious health condition. The County may also require subsequent recertification from the employee's health care provider on a reasonable basis, in accordance with DOL rules, which normally will not be more than every thirty days. No second or third opinion will be required upon recertification.

19.06 CHILDREN

In the case of unpaid leave for the birth or placement of a child, or foster care, intermittent leave or working a reduced number of hours is not permitted unless both the County and employee agree.

19.07 HEALTH INSURANCE PREMIUMS

- A. During family leaves of absence, 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. Employees will be advised well in advance of any changes in premiums so they will have ample opportunity to make arrangements to continue to pay their share of the premiums during the FMLA leave. To avoid required reimbursement, appropriate certification from a health care provider may be required if the employee does not return to work because of a serious health condition.

19.08 ACCRUAL

During FMLA leave, accrual of employment benefits, such as PTO, seniority, etc., shall continue. Pension benefits will be determined in accordance with DOL rules. Employment benefits to which an employee may be entitled on the day on which the Family and Medical Leave of Absence begins will not be lost because of such leave, except for those paid leave days substituted for leave taken under this policy as described above. Upon return from FMLA leave, employees are entitled to any changes in benefit plans not dependent upon seniority or accrual during the leave period. [See Section 17.10].

19.09 RELATIONSHIP TO PAID LEAVE

- A. In an FMLA qualified situation it will be the policy of the board to exhaust all PTO, leave time concurrently with FMLA leave until only 40 hours remain. When there are only 40 hours left, the remaining 40 (or less) leave time hours are exempt from being run concurrently. (Updated 3/29/11)
- B. To the extent the County does not provide paid medical leave for a condition covered by the FMLA, neither this policy nor the FMLA entitles the employees to paid leave. However, under paragraphs A and B above, paid leave and the FMLA leave will run concurrently.
- C. Leave covered by workers' compensation and/or long-term disability by the County will run concurrently with the FMLA leave when the reason for the leave is covered by the FMLA; however, the County will not require nor will it allow the use of a paid leave under paragraphs A or B above at the same time.

19.10 RETURN FROM FMLA LEAVE

With the exception of certain key employees, employees who return to work from family 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.

19.11 APPLICATION

Applications by the employee for family leave must be submitted in writing at least thirty (30) days before the leave is to begin if the need for the leave is foreseeable based on an expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition of the employee or of a family member. If thirty (30) days

notice is not practicable, such as because of a lack of knowledge of approximately when leave will be required to begin, a change in circumstances or a medical emergency, notice must be given as soon as practicable.

19.12 COUNTING FMLA LEAVE

To the extent allowed by law, in the event an absence is for a reason covered by the FMLA, the County reserves the right to count it as FMLA leave whether the employee has applied for it or not. When this occurs, the employee will be promptly notified if required by law.

19.13 COORDINATION

Absences due to sickness or injury, whether paid or unpaid, including absences for work-related sickness or injury that are also covered by the FMLA will be considered as FMLA leave.

19.14 EMPLOYEE OBLIGATIONS

During FMLA leave, employees 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. When the employee gives unequivocal notice of his/her intent not to return to work, the employment relationship will be terminated, and the employee's entitlement to continue leave, maintenance of health benefits and reemployment will cease.

19.15 MEDICAL EVIDENCE UPON RETURN TO WORK

All employees of the County whose FMLA leave was taken because of the employee's own serious health condition must obtain and present certification from the employee's health care provider that the employee is able to resume work before the employee will be allowed to return to work.

19.16 FAILURE TO COOPERATE

Employees, who fail to provide information to the County as allowed by law, may have their leave delayed and be subject to discipline up to and including discharge as permitted by law.

SECTION 20
EMPLOYEE INSURANCE

20.01 GROUP MEDICAL, DENTAL, AND VISION INSURANCE

- A. The County makes available to all employees who average at least 30 hours per week group medical insurance after a certain number of days of employment as follows:
1. Participation is voluntary and will become effective the 1st day of the month following the Initial thirty (30) days of continuous employment.
 2. Currently, for those employees who elect to participate, in the cost of HMO coverage or any other coverage selected by the employee through payroll deduction or other means acceptable to the County. The current employee contribution rates are determined by the Board and are available from the County Insurance Coordinator as are the various options as to coverage and types of insurance available. Information explaining the plans, contributions, and how and where to file claims is also available through the County Insurance Coordinator.
 3. The County continues to pay its share of the premiums during any leave under the FMLA, so long as the employee continues to pay his/her share.
- B. The County offers some supplemental insurance for employees who wish such coverage. The premiums are paid by the employee through an authorized payroll deduction. A booklet explaining the plans are available from the County Insurance Coordinator or through the Carrier.

20.02 SECTION 125 PLAN

The County has an IRS-approved Section 125 Plan by which eligible employees may pay their share of group insurance premiums and supplement insurance plans referred to in Section 20.01(B) through payroll deduction. Contact the County Insurance Coordinator or Finance Department for details.

20.03 RETIREES ' MEDICAL INSURANCE

- A. Retired County full-time employees shall be eligible to continue participation in whatever Group Medical Insurance is available to regular full-time employees as follows:

1. The retiree must have been employed in retirement status under FRS guidelines at time of retirement.
2. The retiree must have retired under the County Retirement Plan at the normal or early retirement date provided by Plan.
3. The retiree must be participating in the County Group Medical Insurance Plan at the time of retirement.
4. The employee must notify the County Insurance Coordinator or the County Coordinator before he retires that he elects to participate in the County Group Medical Insurance.
5. During the annual open enrollment period, before the year of the employee's retirement, a retiree who is participating may add or drop dependents.
6. A surviving spouse of a retiree both of whom were participating in the County Group Medical Insurance Plan at the time of death may participate in the County Group Medical Insurance Plan for himself or herself only, on the same basis as the retired deceased employee, provided he or she applies in writing and makes arrangements satisfactory to the County to pay his or her share of the premium within thirty (30) days of the death of the retired employee. If the former spouse remarries coverage will be discontinued.
7. The payment for the retiree's share of the medical insurance must be received by 4:00pm on the twenty-seventh (27th) day of the month for which they are being billed or the insurance will be cancelled.
8. The retiree's spouse shall be a participating member of the health plan prior to the spouse's retirement in order to receive any of the retiree's coverage.
9. Retirees and/or retirees' spouse shall (as required by statute) be eligible to participate in the County Group Medical Insurance if they become eligible to participate in a Group Medical Insurance Plan provided by another employer or governmental entity or Plan such as Medicare or Medicaid.

B. COBRA notices will be provided as required by law.

- C. The County reserves the right to change this policy with notice to affected retirees as it deems in the best interest of the County.

20.04 CHANGES

The County will notify employees of any changes under this Section, including premium contributions by the County and the employee.

SECTION 21
RETIREMENT*

21.01 RETIREMENT PLAN

- A. The County provides for all qualified employees to be covered by the Florida Retirement System. County employees are classified in one of five groups:
 - 1. Regular Class – Those not eligible to participate in one of the other retirement classes.
 - 2. Special Risk Class – EMT's, Paramedics
 - 3. State University Optional Class – Extension Service Employees
 - 4. Senior Management Class – Those designated as managerial or policymaking.
 - 5. Elected Officers Class - Commissioners
- B. Contributions. Currently, the County incurs the majority of the cost for employee contributions to the Florida Retirement System (FRS). However, Florida law does require employees to be responsible to contribute at least 3% of their salary to the FRS. Contributions are based on gross pay at rates set up by the State for employees in the Special Risk, Regular or Senior Management categories.
- C. Additional Information. Retirement benefits from the FRS vary depending on length of service, salary, age, etc. Handbooks are available for individual employees from the Finance Office.
- D. The Deferred Retirement Option Program (DROP) became effective July 1, 1998. This program is for employees who have reached normal retirement date under the County FRS Retirement Plan. The County allows employees to sell back PTO hours when entering or leaving DROP, at the employees' discretion. Copies of the statutory DROP Plan are available from the County Finance Office.

21.02 REHIRED EMPLOYEES UNDER FLORIDA STATE RETIREMENT

- A. If an employee retires under the County sponsored retirement plan and is rehired at the discretion of the County Administrator/Coordinator:

1. He will be employed in his position as an employee of the County at the will and pleasure of the County Administrator/Coordinator.
 2. He will be deemed to be a new employee for all purposes with respect to the earning and accumulation of fringe benefits.
- B. Any rehiring of retired employees will be subject to Florida law regarding the employment of such individuals and Section 5.07, herein.

SECTION 22
PERFORMANCE EVALUATIONS

22.01 ANNUAL EVALUATIONS

Each Department Head, regular full-time, and regular part-time employee will be evaluated annually on the employee's anniversary using the standard evaluation form. The performance evaluation will be completed by each employee's immediate supervisor (rater) and reviewed by the Department Head (reviewer) and will be completed within 30 days. All original paperwork will be forwarded to the County Administrator/Coordinator and will be included in the employee's personnel file.

22.02 PROBATIONARY EMPLOYEES

New employees will receive an initial evaluation after five (5) months to assess their Initial Evaluation/Probationary Period performance, and, thereafter, during the standard evaluation period.

22.03 PERIOD

Annual performance evaluations will cover the year preceding the employee's anniversary.

22.04 EVALUATION FACTORS

Employees will be evaluated on the following performance qualities:

- A. Work habits
- B. Safety procedures and regulations
- C. Quantity and quality of work performed
- D. Operation, care and maintenance of equipment/facilities
- E. Conformance to instructions, schedules and standards
- F. Working relationships with co-workers, supervisors and other work-related contacts

SECTION 23
DRUG-FREE WORKPLACE AND ALCOHOL POLICY

23.01 DRUG-FREE WORKPLACE AND ALCOHOL POLICY

The County's Drug-Free Workplace Policy is aimed at insuring "zero" tolerance for illegal drugs at all times and its Alcohol-Free Policy to "zero" tolerance under circumstances that affect or might affect the safety and well-being of employees, citizens and others, or the effective operation of County business. In addition, all employees required to have a Commercial Driver's License (CDL) under Chapter 49 CFR Part 383 are subject to controlled substance and alcohol testing rules established by the Federal Highway Administration (FHWA) under the Omnibus Transportation Employee Testing Act of 1991 (revised February 1994), in accordance with 49 CFR, Parts 40, 383, 392, 4, and 392.5 regulatory penalties for infractions, in addition to disciplinary action including termination of employment.

23.02 PROHIBITIONS

- A. **Illegal Controlled Substances.** The County prohibits the use, distribution, possession, manufacture, cultivation, sale or attempt to sell or distribute illegal controlled substances at any time whether on or off duty, whether on or off County property. Illegal controlled substances are defined by applicable State and Federal laws.

- B. **Alcohol Abuse.** Employees of the County are prohibited from using or possessing alcohol while on duty; while on County premises; while driving a County vehicle, operating a piece of County equipment, or being transported in County vehicles at any time; reporting to work under the influence of alcohol; or, from otherwise using alcohol in a manner at any time which adversely affects the business interests of the County.
 - 1. This rule does not apply to alcoholic beverages served at a County sponsored social functions. Such an exception must be specifically authorized by the County Administrator/Coordinator. The serving of alcohol at such an event does not encourage, sanction or authorize any individual attending the function to consume alcohol and prohibits its consumption to a point of being or appearing to be intoxicated. Furthermore, employees who consume alcohol at such events are prohibited from driving a vehicle under circumstances that violate applicable law.

23.03 USE OF LEGAL DRUGS

The use of legal prescription medications, that is drugs prescribed by licensed physicians for a specific medical purpose, is often necessary. However, such drugs can and often

do have a direct impact on the vigilance, judgment and/or coordination of the employee and adversely affect the employee's job performance and the employee's ability to work in a safe and efficient manner. This is particularly true in safety-sensitive assignments involving the operation of motor vehicles and other moving equipment. Therefore, an employee for whom a licensed physician or dentist prescribes a controlled substance must advise their supervisor immediately in order that an evaluation can be made on the impact, if any, on the safe and efficient operation of the County.

23.04 TESTING

- A. Employees will be subject to drug testing for the detection of any and all controlled substances as defined by applicable State and Federal law.
- B. Testing for Controlled Substances – Classes of Employees/Circumstances:
 - 1. Employees in Special Risk and Safety Sensitive Positions.
 - a. Special risk and safety sensitive employees include all employees in all classifications of requiring a CDL license, EMTs and paramedics regardless of their rank. Other employees who are considered special risk or safety sensitive shall be notified of said status in writing.
 - b. Applicants and employees are subject to testing on the same basis as other employees under Section 25.04(B)(2), except no reasonable suspicion is required for testing such employees for illegal substances:
 - i. When involved in any accident involving any personal injury that results in a workers' compensation claim or serious damage to property occurs.
 - ii. As otherwise allowed or required by law, including random drug testing.
 - c. Shall be otherwise subject to testing on the same basis as employees covered by Section 24.04(B) (2) below.
 - 2. Non-Safety Sensitive/Special Risk Employees.
 - a. All job applicants may be subject to pre-employment drug testing as a prerequisite to employment with the County. It is the obligation of the job applicant to notify the approved

testing facility of any controlled substances prescribed for the job applicant by a physician or dentist.

- b. When an employee is involved at any time directly in an equipment or vehicular work-related accident, any accident on-the-job, or in any unsafe and/or negligent maintenance or operation of the County's equipment or vehicles at any time where in the opinion of the County Administrator/Coordinator the employee was at fault or the employee's conduct contributed to the accident and there is reasonable suspicion to believe the employee was in violation of Section 24.04(A) or (B).
- c. When reasonable suspicion exists to believe the employee is using drugs or alcohol in violation of this policy. Reasonable suspicion is a belief by two (2) or more supervisors or managers that an employee is using or has used drugs or alcohol in violation of this policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Among other things, such facts and inferences may be based upon:
 - i. Observable phenomena while at work, such as direct observation of drug use or of physical symptoms or manifestation of being under the influence of a drug or alcohol;
 - ii. Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance;
 - iii. A report of drug use;
 - iv. Evidence that an individual has tampered with a drug test during his employment with the County;
 - v. Information that an employee has caused, contributed to, or been involved in an accident while at work;
 - vi. Evidence that an employee has used, possessed, manufactured, cultivated, sold, solicited, or transferred drugs;
 - vii. Frequent absences from work without a satisfactory explanation;

- C. Employee Rights – When testing to determine the presence of illegal controlled substances under subparagraphs (1) and (2) above:
1. Employees and job applicants have the right to consult with the testing laboratory for technical information regarding prescription and non- prescription medications. The name, address and telephone number of the testing laboratory will be provided to the employee or job applicant upon request.
 2. All test results will be kept confidential and will only be provided to managerial employees on a need-to-know basis.
 3. For tests under Section 24.04(B)(1)(b)(i) and (ii) and 24.04(B)(2), the County Administrator/Coordinator shall meet with and inform an employee that, in the opinion of the County, there is a basis for reasonable suspicion and of the Employer’s intention to schedule a drug or alcohol screen or test. At said meeting, the County Administrator/Coordinator shall consider the comments of the employee regarding the matter and shall then make a final determination of whether to proceed and require the screen or test.
 4. Employee may upon his request have a representative present at said meeting; however, the meeting shall not be delayed because the employee wishes to have a specific representative present. If it is determined by the County Administrator/Coordinator that a drug or alcohol screen or test will be required, the employee shall be immediately escorted to the appropriate facility for the test. Refusal by the employee to submit to said test shall be grounds for disciplinary action, including termination of employment.
 5. If the employee is in a collective bargaining unit, the representative in subparagraph (4) above may be a union representative.
 6. Procedures for testing for the presence of illegal controlled substances shall be conducted consistent with the provisions of Florida law.

23.05 REPORTING AND CONVICTION OF ALLEGED CRIMES INCLUDING DRUGS OR ALCOHOL

- A. All employees must report to their supervisor any arrest, indictment or conviction of a drug or alcohol related violation or alleged violation of law

not later than the next workday after they become aware of it. Failure to so report will result in immediate termination.

- B. Upon conviction, whether adjudicated or withheld, of a crime involving illegal drugs, the employee will be immediately terminated.
- C. Without regard to prosecution or conviction by appropriate governmental entities, the County may, at its option, conduct its own independent investigation to determine whether or not there has been a violation of the County's drug and/or alcohol policy. If, in the opinion of the County, it believes a violation has occurred, it will take whatever disciplinary action it deems appropriate regardless of the ultimate outcome of any criminal case that may be brought against the employee.

23.06 DISCIPLINE FOR VIOLATION OF POLICY

Employees who violate this policy or who are directed to take a physical examination, blood, breathalyzer, urinalysis or other test allowed by law, and refuse or fail to do so when and as directed; or who, after having taken such examination and/or test are determined to have utilized illegal controlled substance at any time or to have violated the County's Alcohol Abuse Policy, shall be subject to immediate termination; provided, however, if the presence of an illegal controlled substance is established as a result of the test, the employee or job applicant may, within five (5) working days of receipt of written notification of a positive result, request an opportunity to explain the result to the County and/or the medical review officer.

23.07 EMPLOYEE INJURED ON THE JOB

Any employee injured on the job that refuses to submit to a drug test, or has a positive confirmation test, in addition to other provision of the policy, may forfeit his eligibility for all workers' compensation medical and indemnity benefits depending on applicable law.

23.08 EMPLOYEE ASSISTANCE PROGRAM

The County has an Employee Assistance Program (EAP) with one of its missions being to assist employees who voluntarily report drug or alcohol related problems, which have not yet adversely affected their job or County operations. The County may require any employee in violation of this policy, whether he voluntarily reports his problem or not, to participate in the EAP or other medical and rehabilitative assistance programs as a condition for continued employment. For further information regarding the EAP, contact the Administrative Assistant.

- A. **Employees Who Voluntarily Ask For Help.** Employees with drug or alcohol related problems who wish assistance through the EAP may contact the EAP provider on a confidential basis or through the Administrative

Assistant. If the request is made through the Administrative Assistant, County referrals will be made only upon execution by the employee of a release to the EAP provider to keep the Administrative Assistant advised as to the employee's attendance and progress in the rehabilitation program. If the employee has a satisfactory performance record and is otherwise qualified to perform his job, the County may grant to employee an unpaid leave of absence for a period determined by the County to participate in a County approved treatment or rehabilitative program. Such a leave will be granted only one (1) time unless the FMLA or other law requires otherwise. The employee will be responsible for all expenses resulting from the treatment or program to the extent they are not covered by insurance.

- B. Other Employees. In the event the County discovers a violation of this drug or alcohol policy, or an alcohol-related problem that adversely affects or may adversely affect the employee's performance or the County business, the County may proceed to discipline the employee up to and including discharge, or at its option, require the employee to undergo approved medical or rehabilitative assistance. The County may grant the employee leave with or without pay to participate in a rehabilitation program, including referral to the County EAP program. Such leave may be granted only one (1) time unless the FMLA or other law requires otherwise. Allowing of rehabilitation under the County EAP program will be conditioned on the execution of a consent by the employee to allow the EAP provider, or other persons providing medical or rehabilitative assistance to keep the Administrative Assistant advised of the employee's attendance and the success of rehabilitation. The employee will be responsible for all expenses resulting from the treatment or rehabilitation to the extent they are not covered by insurance.
- C. Return to Work. Employees who are granted a leave of absence under paragraph A or B above must successfully complete all EAP, medical and other rehabilitative requirements established by the County within a reasonable amount of time. A successfully rehabilitated employee who has been granted a leave of absence under Section 25.08(A) above shall be returned to his former job provided he successfully completed rehabilitation within the period of his leave. Return is also conditioned on maintaining all certifications required of the job. Employees who successfully complete rehabilitation under Section 25.08(B) above within the period of his leave will be returned to his former job if vacant, but if not to any vacancy which the County considers him qualified to perform, if any, and if there is none he shall be terminated unless the FMLA or other law requires otherwise.
- D. Retesting. Employees allowed to return to work from an illegal controlled substance problem shall be subject to re-testing any time without notice and must submit to such test as and when directed by the County for one (1)

year after they have been free of illegal drugs as determined by the County Administrator/Coordinator, or his designee.

23.09 REPORTING VIOLATIONS OF THIS POLICY

- A. Reporting Violations. It is the obligation of every employee of the County to report violations of the County's drug and alcohol abuse policies. Failure to report may subject employees to discipline up to and including discharge.
- B. Good Faith Reports. Any employee who in good faith, based upon reasonable suspicion or observation, reports an alleged violation of these policies, or any supervisory or managerial employee who investigates or takes action in good faith based on reasonable suspicion or observation shall not be harassed, retaliated against, or discriminated against in any manner for making reports, participating in the investigation or because of any reasonable action he takes as a result of the investigation.
- C. Bad Faith Claims. Any knowingly false reporting of a violation of the policies set forth herein shall subject the employee to immediate termination.

23.10 COORDINATION WITH THE COUNTY ADMINISTRATOR/COORDINATOR

All action taken by members of management under this policy must be coordinated through the County Administrator/Coordinator to ensure compliance with all applicable laws.

SECTION 24
RECORDS AND REPORTS/TRAVEL

24.01 RESPONSIBILITY

The Board Secretary and Finance Department are responsible for establishing and maintaining personnel records for all employees of the County.

24.02 RECORDS

- A. All personnel records and all other records and materials relating to the administration of the Personnel Management System shall be considered the property of the County. Use, maintenance and disposition of such records and materials, and whether or not any information contained therein may be disclosed, shall be the responsibility of the County Administrator/Coordinator.
- B. Employees should be aware of the importance of keeping their personnel records current. This means notifying the Board Secretary or Finance Department of any change of telephone number, change of beneficiary, number of dependents, marriage or any change not previously reported. This is the responsibility of the employee and failure to comply may result in loss of employee benefits.
- C. The Board Secretary or Finance Department should be informed of any special training courses completed by an employee. Copies of diplomas or certificates should be forwarded to the Finance Department to become a permanent addition to the employee's personnel file.

24.03 RECORDS RETENTION AND DISPOSITION

The County will determine the time limit that any personnel records shall be kept on file and the final disposition of such records, in accordance with applicable State law.

24.04 POLICY – TRAVEL EXPENSES

The County is governed by certain regulations for the authorization and reimbursement of travel expenses incurred by County employees and officials.

- A. All travel must be authorized and approved by the Department Head when travel is to be paid from County funds. An "Authorization for Travel Form" must be completed and signed by the Department Head and the County Administrator/ Coordinator.

- B. Travel expenses are limited to those expenses necessarily incurred in the performance of a public purpose.
- C. Candidates for executive or professional positions may be allowed traveling expenses upon the prior written direction of the County Administrator/Coordinator.
- D. Travel by common carrier shall be travel by train, bus, commercial airline operating scheduled flights, and rented cars of an established rental car firm, as approved in advance by the County Administrator/Coordinator.
- E. A travel day shall consist of twenty-four (24) hours.
- F. The established State of Florida per diem rates for lodging and meals (both travel and attendance days) will be used. Those rates are available from the Florida Statutes 112.061.

24.05 TRANSPORTATION

Transportation shall normally be at the means deemed most efficient, taking into account lost work time. Air travel should be booked as far in advance as practical to avail the County of the lowest rate available. Substantially lower air fares are frequently available if the traveler stays at the destination either the weekend before or after the scheduled meeting or conference. The County Administrator/Coordinator may authorize reimbursement for the additional weekend expense when the savings in air fare more than offsets the additional lodging and meal expense.

Travel by private vehicle will be reimbursed at the mileage rate allowed by Florida law as deductible for business expense in effect at the time of travel. Tolls and parking will also be reimbursed when properly documented. The Finance Department will determine the amount of reimbursement that will be paid. Travel shall be in a County vehicle unless approved by Department Head and County Administrator/Coordinator.

24.06 LODGING

Lodging shall be obtained in advance and at the lowest rate available. Tax exemption should be requested at the time the reservation is made. Two (2) tax exempt certificates will be provided by the Finance Department in advance. At the time of check-in, one certificate should be presented and tax exemption again requested, if necessary, and the rate confirmed. At check-out, these items need to be checked again, and the second tax-exempt certificate presented, if necessary. A County check, payable to the hotel for the full amount of the lodging should be requested from the Finance Department at least two (2) weeks before departure. The check should cover the full amount of the hotel bill, except for items charged to the room.

24.07 MEAL EXPENSES

Meal per-diem is the County's method of payment for meal expenses incurred by an employee during County-related travel.

- A. Per-Diem: Per-diem meal allowances will be based on current statutory figures as set forth in Florida Statutes 112.061.
- B. Travel must be approved by the Department Head and County Administrator/Coordinator as far in advance as possible.
- C. Any per-diem advances shall be approved by the County Administrator/Coordinator.
- D. On the days of travel, the employee's departure and return times will determine whether a meal was incurred during the travel period.
- E. No allowance for meals shall be authorized when traveling is confined to the County.
- F. No reimbursement is allowed for meals included in conference registration or provided by airlines. Traveler is responsible for noting such meals.

24.08 DOCUMENTED EXPENSES

No expenses will be paid or reimbursed for non-employees without the permission of the Board.

24.09 SUBSTANTIATION

All travelers will file a "Travel Voucher" plus a requisition request with the Finance Department within one week of return. This is required for all trips made at County expense, even if no additional amounts are due to either the County or the traveler. Agendas, schedules, bulletins or other relevant information about the conference shall be attached to all travel vouchers.

24.10 TRAVEL ADVANCE

Money may be requested prior to departure for lodging only. Travel advances should be requested at least two (2) weeks in advance from the Finance Department and must be approved by the County Administrator/Coordinator.

24.11 ENTERTAINMENT EXPENSE

From time-to-time, various County employees are in situations where the prevailing business ethic presumes that the employee assume the role of “host/hostess.” However, no employee will expend County funds for the entertainment without the express permission of the County Administrator/Coordinator.

24.12 PARKING

If paid parking is required, the lowest cost parking option shall be utilized. If an employee prefers valet parking, they will be responsible for paying the difference in the two prices without County reimbursement of that portion.

SECTION 25
MISCELLANEOUS

25.01 UNEMPLOYMENT COMPENSATION

The County is registered with the State of Florida Bureau of Unemployment Compensation. Terminated employees who file a claim and are determined qualified under the Florida Unemployment Compensation Law may be eligible to receive unemployment compensation benefits. An explanation is available of employee's rights and responsibilities through the County Clerk and Finance Department. Employees who are terminated for violation of the County Drug Free Workplace Policy may not be entitled to unemployment compensation under Florida law.

25.02 DESKS, LOCKERS, OTHER COUNTY PROPERTY/EQUIPMENT, PERSONAL PROPERTY

- A. All personal equipment, clothing, property and belongings, including, but not limited to, car trunks and lunch bags, brought onto the County property or placed in County property, as well as lockers, desks, file cabinets and other County equipment used by employees, are subject to inspection by management at any time if management has any reason to suspect they contain or may contain anything the possession of which would violate a County or department ordinance, rule, procedure or policy, or any federal, state or local law or regulation.
- B. In the event the employee is unavailable or it is deemed necessary to access any item described in Section 25.02(A), above, without the employee's presence the Department Head must request authority for access from the County Administrator/Coordinator. The County Administrator/Coordinator shall make the determination.
- C. The County is not responsible for the personal property of employees which they bring onto County property.

25.03 EMPLOYEE TRAINING AND DEVELOPMENT

It is the responsibility of the County Administrator/Coordinator in conjunction with Department Heads and the Board Secretary, to foster and promote in-service training of employees. The purpose of this training is to improve the level of service rendered to the public, the quality of personnel, and to assist employees in preparing themselves for advancement in County service. Department Heads in cooperation with the County Secretary will establish standards for training programs, assure that training is carried out as approved, and prepare certificates or other forms of recognition to persons who

satisfactorily complete approved courses and programs. The Board Secretary will provide assistance to Department Heads in developing and conducting training to meet specific needs of their departments and to assure that employee, supervisory and management training are available to all Departments.

25.04 DEDUCTIONS

Federal withholding, Social Security and pensions are deducted from paychecks in accordance with law and County ordinance. Voluntary deductions authorized by the County Administrator/Coordinator, are made only upon written authorization of the employee.

25.05 CELLULAR TELEPHONES (CELL PHONES)

The communication needs of the County are served by having the option of the use of cell phones to provide day, night, long distance, secure, and redundant capabilities for emergencies.

The County may issue County owned and County paid for cell phones to certain individuals and Departments whose jobs with the County require them to make calls while away from work or require them to be accessible for work-related matters. Said individuals and Departments include:

BOCC:	1 Special Projects 5 County Commissioners 1 Courthouse
Administration:	1 County Administrator/Coordinator 1 BOCC Secretary
Animal Control:	1 Animal Control
Building Dept.:	1 Building Dept.
EOC:	2 EOC
EMS:	5 EMS
Extension:	1 Extension
Soil & Water:	1 Soil & Water
Road Dept.	1 Special Projects 5 Foremen 1 Shop

1 Road Dept. Secretary

FEMA: 2 FEMA

Mosquito Control: 1 Mosquito Control

- A. County Property/Reimbursement: Cell phones issued by the County are County property. Employees must comply with County requests to make their County issued cell phones available for any reason, including upgrades, replacement, or inspection. Employees who leave the County for any reason must turn in their County issued cell phones in good condition and repair minus any normal wear and tear. Employees who are unable to produce their County issued cell phone in a satisfactory condition upon separation from employment with the County will be docked the cost of said cell phone from the Employee's final paycheck from the County.
- B. Phone Loss/Damage: Upon a first instance of catastrophic damage or loss of a County issued cell phone by an Employee, the County will be responsible for replacing the cell phone. Upon any subsequent catastrophic damage or loss of a County issued cell phone by an Employee, the Employee will lose the privilege of being issued a County cell phone unless the County Coordinator deems otherwise.
- C. Personal Use of County Issued Phones: County issued cell phones are to be used only for County business related purposes. Although occasional, brief personal phone calls using a County issued phone are permitted, personal use that exceeds this standard will result in discipline, up to and including termination. Employees shall reimburse the County for any costs or charges relating to personal use of their County issued cell phones.
- D. Security of County Issued Phones: Employees are responsible for the security of County issued cell phones and the information stored on them. Employees should always keep County cell phones with them when traveling and never leave cell phones unattended in a car or hotel room. If a County issued cell phone is lost or stolen, the Employee must notify the BOCC Secretary and County Administrator/Coordinator immediately.
- E. Personal Cell Phones at Work: Although the County allows employees to bring their personal cell phones to work, employees should keep personal conversations to a minimum. While occasional, brief personal phone calls are acceptable, frequent or lengthy personal calls can affect productivity and disturb others. For this reason, employees are generally expected to make and receive personal phone calls during breaks only. Further, employees should not conduct County business on a personal cell phone. Employees who violate this policy will be subject to discipline, up to and including termination.

- F. Cell phone use while driving: Cellular telephone use by employees during work hours while driving to and from work-related activities is prohibited. This applies to hand-held, hands-free, or similar devices and to both Board owned cell phones and personal cell phones. This prohibition includes receiving or placing calls, text messaging, surfing the Internet, receiving or responding to email, checking for phone messages, or any other purpose. Therefore, employees are required to stop in a safe location to use cell phones or similar devices.

25.06 USE OF COUNTY VEHICLES AND EQUIPMENT

It is necessary for many County employees to have County vehicles at their disposal in order to carry out their duties. Any County employee whose job involves driving is subject to periodic checks of their driving records. It is essential that these vehicles be used with utmost care and discretion at all times. County vehicles and equipment shall be distinctively marked. Markings shall be determined by the County Administrator/Coordinator based upon use of the vehicle. The way they are operated directly reflects on the public image of all County employees. The following guidelines should be observed by any employee having use of any County vehicle:

- A. County employees permitted to use County-owned vehicles and equipment for the performance of their official duties only; under no circumstances are they to be used for personal business or pleasure.
- B. Employees driving County vehicles must have on their person a valid driver's license issued by the State of Florida and must maintain a satisfactory driving record in general. Any change in an employee's license (for example, license suspension) or incident reflecting on an employee's driving record must be reported to the employee's supervisor and the County Administrator/Coordinator's office as soon as possible. Failure to do so may result in discipline, up to and including discharge.
- C. For those vehicles assigned on a twenty-four (24) hour basis, off-street parking should be provided, where possible, when a vehicle is taken to a place of residence. Safety belts, where available, must be worn at all times. Before a County vehicle can be driven to and from work, the County employee must obtain approval from the County Administrator/Coordinator.
- D. Any and all mechanical defects or malfunctions in County vehicles or equipment should be reported as soon as possible to the shop.

- E. If County vehicles or equipment are involved in an accident, the employee must notify the appropriate law enforcement agency and the Department Head. The Department Head should then notify the County Administrator/Coordinator.

25.07 STATEMENTS BY COUNTY EMPLOYEES TO ATTORNEYS, LAW FIRMS, OR OTHERS CONCERNING EMPLOYEES OR COUNTY BUSINESS

From time to time, County employees, especially those in supervisory and managerial positions, may be requested or subpoenaed to make a statement to an attorney or a law firm. These statements are generally concerned with an employee who may have suffered an accident and has contemplated action against the County. Should any County employee receive either a request or a subpoena, the employee shall first discuss the matter first with their Department Head, and the Department Head in turn shall discuss it with the County Administrator/Coordinator. Before making any oral or written statements, the entire matter must be discussed with the County's legal counsel. Employees who do not comply with this rule may be subject to disciplinary action.

25.08 HOLMES COUNTY PURCHASING CARD POLICY

Holmes County hereby establishes a Purchasing Card Program to allow the purchase of goods and services in addition to the existing method of Purchase Orders. This program will assist in providing county citizens with Board directed services in a more efficient manner.

- A. **OBJECTIVE.** To provide a convenient purchasing system for County employees that complies with Board purchasing directives and internal controls.
- B. **RESPONSIBILITIES**
 - 1. **Card Holder**
 - a. Retain and secure the Purchasing Card and card number.
 - b. Obtain a purchase order before making a purchase with the exception of fuel purchased while traveling out-of-County on a County vehicle.
 - c. Order materials and services within the card limit, budget and guidelines of the Procurement Policy.

- d. Ensure that sales taxes are not charged to purchases as Holmes County is tax exempt. If a vendor charges sales tax, the Card Holder must immediately contact the vendor and obtain a credit equal to the amount of the sales tax.
 - e. Manage any returns/exchanges and ensure that credit is received for any returned items.
 - f. Collect and maintain all documentation of the transaction, e.g. sales receipt, charge slips, shipping tickets.
 - g. Forward all over-the-counter charge tickets to the Holmes County Clerk's Finance Department within three (3) business days. Invoices for items ordered via telephone/internet should be forwarded upon arrival of the items purchased.
 - h. Sign a Card Holder agreement acknowledging that you are familiar with and agree to follow the guidelines of this policy.
2. Card Administrator (Appointed by County Admin./Coordinator)
- a. Coordinate issuance, cancellation, and controls of cards.
 - b. Develop and revise, as needed, card limits for each Card Holder.
 - c. Develop and administer card use training.
 - d. Obtain and retain a Card Holder agreement upon distribution of cards to Card Holders.
 - e. Notify the County Administrator/Coordinator of any improper or unauthorized use of Purchasing Cards.
 - f. Download and forward monthly statements to the Holmes County Clerk's Finance Department at the close of each billing cycle.
 - g. Assist Card Holders with disputes of charges, sales tax issues, and issuance of credits for returns/exchanges when necessary.
 - h. Maintain two (2) cards to be checked out as needed by approved employee.

3. Finance Department

- a. Reconcile monthly statements with purchase orders and documentation received from Card Holder.
- b. Notify Card Administrator of any undocumented or questionable charges.
- c. Enter data into County financial system and process payments.
- d. File and retain statements per Records Retention rules.

C. USE OF PURCHASING CARD

1. Departmental Use of Cards – The Card Holder may authorize employees under their supervision to make purchases with the card. The Card Holder is responsible and accountable for all transactions that occur on his/her card.
2. County Purchases Only – The Purchasing Card is to be used for County purchases only and should never be used for personal expenses. Any personal use of the Purchasing Card will require immediate reimbursement to the County and will result in Card revocation and disciplinary action which may include termination of employment.

D. LOST OR STOLEN PURCHASING CARDS

If a Purchasing Card is lost, stolen or misplaced during normal working hours, Monday – Friday 8:00 a.m. to 4:00 p.m., the Card Holder is to immediately notify the Card Administrator. If loss occurs at any other time, the Card Holder is to immediately notify the Purchasing Card Company and give notice to the Card Administrator the next work day.

26.09 GIFTS, BEQUESTS, AND DONATIONS

- A. The Board of County Commissioners of Holmes County, Florida, is committed to providing quality and dependable service to all the citizens of Holmes County, Florida. The Board of County Commissioners welcomes gifts, bequests, and donations from individuals, organizations, and corporations that enhance the level of service to the citizens of Holmes County. Accepted gifts, bequests, and donations will be utilized in a manner that is consistent with the philosophy and goals of the Board of

County Commissioners of Holmes County, Florida. The purpose of this policy is to provide guidance on the acceptance and use of gifts, bequests, and donations.

B. Definitions

1. Gifts, bequests, and donations (hereinafter collectively referred to as “gifts”) - Equipment, vehicles, materials, money, or property given to a County employee or to the Board of County Commissioners for use by the County.
2. Improvement to real property - Materials and labor used to alter the physical appearance or structure of County owned property.
3. Acquisition of real property - The legal conveyance of real property to the County.

C. Acceptance of Gifts

1. Gifts that have an estimated value of \$1,000.00 or more, or constitute an improvement to real property or the acquisition of real property, shall be presented to the Board of County Commissioners for acceptance by formal action at a public meeting.
2. Gifts that have an estimated value of less than \$1,000.00, may be accepted by either a Department Head or by the Board of County Commissioners.
3. All accepted gifts immediately become the property of the Board of County Commissioners and are subject to the same policies, administrative regulations, accounting standards, financial regulations, and auditing requirements that apply to the Board of County Commissioners.
4. Gifts intended for individual County employees for services rendered while working for the County are strictly prohibited and not acceptable by the County.
5. To be acceptable, a gift must:
 - a. Have a purpose consistent with the philosophy and goals of the Board of County Commissioners of Holmes County, Florida;

- b. Impose no undesirable, unacceptable, or hidden costs in terms of resources (staff time, maintenance, budget, materials, etc.) to the County;
- c. Not endorse, either explicitly or implicitly, any business, product, or political candidate or party. However, sponsorship of an activity is acceptable and recognition of sponsorship is permissible with the approval of the Board of County Commissioners; and
- d. Meet all applicable State and Federal laws associated with the construction, acceptance, or use of gifts.

D. Use of Gifts

- 1. All gifts shall be used by the County in accordance with the philosophy and goals of the Board of County Commissioners of Holmes County, Florida.
- 2. All accepted gifts are the property of the Board of County Commissioners and are used solely at the discretion of the Board of County Commissioners and for whatever purposes the Board of County Commissioners deem appropriate. However, whenever possible and appropriate, the Board of County Commissioners will allow gifts to be used by a specific Department if the gift is intended for that Department.
- 3. All accepted gifts should be immediately reported to the County's chief financial officer, the Clerk of Court for Holmes County, Florida, in order to ensure that the gifts are properly accounted for and that the gift is used for County purposes.
- 4. A Department Head that accepts a gift on behalf of his/her Department shall, whenever possible, secure a written statement of the donator of the gift regarding the donator's wishes for how the gift should be used. The Department Head should maintain the written statement of the donator and then immediately forward a copy to the Clerk of Court for Holmes County, Florida.
- 5. A Department Head whose Department receives gifts in the form of money, shall promptly make a deposit in the Board of County Commissioner's Trust account or remit the funds to the Clerk's Office for deposit, whichever process is applicable to the different County Departments. The Commissioner's Trust account is subject to the same accounting standards, financial principles and auditing

requirements as other County funds and properties. The expenditure of these funds from the Commissioner's Trust account shall be in accordance with the philosophy and goals of the Board of County Commissioners of Holmes County, Florida.

25.10 QUALIFICATION FOR BONUS

From time to time, The Board of County Commissioners for Holmes County provides certain one-time bonuses for its employees in recognition of their hard work and dedication to Homes County. In order for an employee to qualify for a County provided bonus, the employee must be a regular full time or regular part time employee of the County (not seasonal, temporary, on-call, etc.). The employee must have been employed by the County for ninety (90) consecutive days prior to the formal approval or adoption of the bonus as voted on by the Holmes County Board of County Commissioners.

25.11 SURPLUS SPOIL DIRT POLICY

- A. All dirt that is deemed to be surplus spoil dirt, being generally dirt that is pulled from the ditches or County rights-of-way during normal County road maintenance operations, and which is found to have no commercial value by Holmes County, may be offered to the public, both private persons and corporations, for free.
- B. Should surplus spoil dirt be deemed to have no commercial value by the County and be offered to the public for free, no additional costs shall be incurred by the County in delivering or transferring said surplus spoil dirt to private persons or corporations.
- C. No private citizen or corporation shall receive more than two (2) loads of surplus spoil dirt in a calendar year. Said allowance shall be limited to two (2) loads of surplus spoil dirt per valid 911 address.
- D. Surplus spoil dirt will only be provided based on the availability of said surplus spoil dirt and when the County deems the dirt surplus. This policy in no way guarantees the availability of any amount of surplus spoil dirt to any private citizen or corporation, and the scheduling of all requests for surplus spoil dirt shall be specifically contingent upon the availability of the surplus spoil dirt and any other County resources.
- E. Surplus spoil dirt shall be placed in an area as close as practicable to the owner's property line adjoining a County roadway. In no instance shall

said surplus spoil dirt be placed more than fifty (50) feet off of a County road right-of-way, and being no more than fifty (50) feet on the requestor's property.

- F. Surplus spoil dirt shall be dumped and no grading, spreading, compacting, or arranging of the dirt by County employees or equipment is allowed.
- G. The Holmes County Coordinator, in conjunction with the County's Road and Bridge Department, shall be responsible for the creation of a "Request for Dirt Form" and to establish a process by which the number and location of loads of surplus spoil dirt delivered to private citizens and/or corporations are catalogued and recorded.
- H. It is the intent of the Board of County Commissioners of Holmes County, Florida, that this policy only be applied in accord with Florida law.
- I. This policy shall supersede and replace any previous policy put in place by the Board of County Commissioners of Holmes County, Florida, regarding surplus spoil dirt. Specifically, that policy created on January 31, 2017, regarding the providing of surplus dirt is hereby superseded and replaced in its entirety by the provisions of this policy

25.12 DRIVEWAY POLICY

No County or public funds or resources shall be used to construct, maintain, or repair a private roadway/driveway, except in the following circumstances:

- A. Where a County road or County right-of-way joins a private roadway/driveway, County maintenance will extend ten (10) feet beyond the edge of the County road or County right-of-way in order to maintain the integrity of the County road or right-of-way.
- B. In those instances where maintenance of a private roadway/driveway further than ten (10) feet beyond the edge of the County road or County right-of-way has a reasonable correlation to the protection and integrity of the County road or County right-of-way, the County may, with landowner approval, maintain or repair a maximum of up to fifty (50) feet of a private roadway/driveway. Determination as to whether maintenance or repair of any private driveway/roadway is necessary and has a reasonable correlation to the protection and integrity of a County road or a County right-of-way shall be made by the Director of Special Projects for the Road

Department and Public Works Supervisor in conjunction with the County Coordinator.

- C. It is the intent of the Board of County Commissioners of Holmes County, Florida, that this policy only be applied in accord with Florida law.
- D. This policy shall supersede and replace any previous policy put in place by the Board of County Commissioners of Holmes County, Florida, regarding private driveways/roadways.