



HARDEE COUNTY RULES AND REGULATIONS FOR THE PERSONNEL MANAGEMENT SYSTEM

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SECTION 1

GENERAL PROVISIONS

1.01 PURPOSE

The purpose of these Rules and Regulations of the Personnel Management System (hereafter referred to as "PRR") 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 the PRR shall be made by the County or its designee. The County reserves the right to amend, alter, modify, delete and add to the PRR as it deems appropriate to serve the best interest of the employees, residents and citizens of Hardee County, Florida.

1.02 POSITIONS COVERED

A. Unless a specific section or subsection provides otherwise, the provisions of the PRR shall be applicable to all employees except:

1. Elected officials.
2. Employees of independent constitutional officers (e.g., Sheriff, Tax Collector, Property Appraiser, Supervisor of Elections, Clerk of the Court).
3. Persons hired as independent contractors on a contractual, fee or retainer basis.
4. Temporary, temporary part-time or casual employees.
5. Persons employed under the provisions of government programs or grants.
6. At the option of the County Commission, the County Manager may be employed under an employment contract, but the County Manager will be covered by the PRR except as modified by an employment contract.

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

B. For persons and employees not covered by the PRR, their employment shall be at the will and pleasure of the Board of County Commissioners under such terms and conditions as are determined by the Board or its designee.

- C. Subject to Section 13.13 (B) and (C), Temporary, temporary part-time, casual, department heads, managerial and probationary employees as defined in Section 2 of the PRR serve as employees and in their position are subject to disciplinary action at the will and pleasure of the County, and they shall not have access to Sections 13.10, 13.11 or 14, but shall present their problems to the County Manager who shall resolve them as he deems in the best interests of the County.

1.03 ADMINISTRATION

- A. The County Manager or his designee shall be responsible for the overall administration of the PRR. Specific administrative responsibilities are the responsibility of the County Manager and his designees. Such responsibilities include:
1. To administer, interpret, enforce the PRR, and to recommend modifications.
 2. To recruit, hire, supervise, direct, discipline up to and including discharge, the workforce of the County subject to the PRR and any applicable collective bargaining agreement.
 3. To provide initial orientation of employees to include familiarization with policies, rules and regulations, benefits, working conditions, etc.
 4. To provide custody, maintenance and disposition of the official personnel files and records to include employment, fringe benefits, training and other forms and records as required.
 5. To provide and/or coordinate employee training programs.
 6. To maintain the Pay and Position Classification Plans and to recommend changes to ensure payment of wages and benefits consistent with those in the County and other similarly situated governmental entities subject always to the financial ability of the County and sound fiscal planning.
 7. To conduct periodic wages and benefit surveys.
 8. To foster and develop programs for the improvement of employee relations, morale and effectiveness.
 9. To approve departmental rules and regulations not inconsistent with the PRR or applicable collective bargaining agreements.

- B. The Human Resources Director shall be responsible to the County Manager to assist in all matters relating to the morale, discipline and efficient performance of the workforce of Hardee County.
- C. Department Heads and other managerial employees are responsible for the efficient and effective operation of their department 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 PRR.

1.04 DEPARTMENTAL POLICIES*

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

1.05 OVERALL EMPLOYMENT POLICY*

The overall employment policy of Hardee 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, political affiliation, disability or marital status unless one or more of the above constitutes 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 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 person's 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. To the extent allowed by law, the County will take affirmative recruitment actions to expand employment opportunities for groups under-utilized in the County workforce.

1.06 **COLLECTIVE BARGAINING AGREEMENTS**

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

- B. Employees covered by CBA's shall utilize Section 14 for grievances under sections of the PRR which apply to them but which are not specifically incorporated in a CBA by the express language of the contract; otherwise, they shall utilize the grievance procedure set forth in the applicable CBA.

1.07 **AMENDMENTS***

Amendments to the PRR shall be promulgated by the County Manager. Copies will be distributed to all Departments and employees and to the bargaining agent representing employees under the bargaining agreement.

SECTION 2

DEFINITION OF TERMS*

Anniversary Date - The date an employee begins employment and the same date in the following years. This is the date upon which entitlement to fringe benefits is based. The anniversary date may be changed in accordance with the PRR.

Appeal - An application for review of a disciplinary action submitted or instituted by an employee under Section 13.

Applicant - An individual who has completed and submitted an application for employment.

At-Will Employee – Employees who serve at the pleasure of the County Manager and who may be removed from their position and/or disciplined up to and including termination by the County Manager for any or no reason subject only to applicable law.

Back Pay - The wages an employee would have earned had he been continuously employed less: (1) periods he was unavailable for work for whatever reason; (2) periods he did not diligently seek employment elsewhere; (3) unemployment compensation received; and (4) interim earnings.

Board - The Board of County Commissioners of Hardee County, Florida.

Casual Employee - An employee hired on a day-to-day or hour-to-hour basis to perform a specific task.

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. This is the date from which length of service in classification is computed for determination of probationary periods, order of layoff and eligibility for merit increases. Classification seniority will be lost or changed upon the loss of seniority under Section 11, the permanent transfer, promotion, demotion or reassignment to or from one 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.

Compensation Plan –The official Countywide Pay Step Plan schedule of pay assigning rates of pay to each position classification.

Compensatory Time - (also referred to as Comp Time) - Time off from work in lieu of pay.

County – the County Commission or its designee.

County Manager – the County Manager or his designee.

County Seniority - The total time an employee has worked for the County without loss of seniority under Section 11.

Demotion - Permanent assignment of an employee to a lower-level job classification. (See Section 8).

Department Head - A person with the title of Department Head, Director, Superintendent, Chief, Coordinator or Manager who is assigned the overall responsibility for the operation of a recognized department or area of County operation such as Human Resources, Transportation Trust, Public Works, Library, Solid Waste, Buildings and Grounds, Public Safety, Probation/Community Service, Office Manager, Budget Manager, Grants, Mining, and Building/Inspections and Planning/Zoning.

Departmental Seniority – The period of continuous employment in a department.

Dismissal - Involuntary separation from County employment.

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.

DOL – Department of Labor.

DOT – Department of Transportation.

Exempt Employee - An employee exempt from the minimum wage and/or overtime under the Fair Labor Standards Act and paid a salary for all hours worked in a work week.

Fiscal Year – October 1 of one year to September 30 of the next year.

FRS - The Florida Retirement System.

FLSA - The Fair Labor Standards Act.

FMLA – Family Medical Leave Act.

Grievance – See Section 14.2.

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

Immediate Family - Includes spouse, children, parent, brother, sister, father-in-law, mother-in-law, grandmother, grandfather, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparents of spouse, grandchildren, step-parents, step-children,

step-brothers and sisters, step-grandchildren, legal guardian and any relative living in the same household (this definition is for purposes of medical and funeral leave).

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 sample duties and responsibilities of a job.

Job Performance Review (JPR) – A written report of an employee’s job performance.

Layoff (also referred to as Reduction in Force) - A reduction in the number of employees due to lack of work, lack of funds, reorganization, abolition of a position and other reasons not reflecting discredit on the service of the employee.

Managerial Employee – A department head or any employee who is a managerial employee under *Florida Statutes* §447.203.

May – The word “may” shall be interpreted as permissive.

Overtime - Time worked in excess of forty (40) hours in a seven (7) day work period for all non-exempt employees; except for those employees covered by Section 7(k) schedules under the Fair Labor Standards Act, overtime shall be those hours worked in excess of whatever Section 7(k) schedule adopted for them by the Board.

Probationary Employee - A regular full-time or a regular part-time employee who has not completed his initial probationary period.

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

Promotional Probationary Period- The first ninety (90) days after an employee has been promoted 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, unless the County Manager recommends, and the Board approves otherwise, in a particular case.

Regular Full-Time Employees - Employees who have successfully completed their initial probationary period and who are assigned a regular schedule of not less than thirty-two (32) hours per week.

Regular Part-Time Employees - Employees who have successfully completed their initial probationary period and are assigned to work a regular schedule of not more than thirty-two (32) hours per week.

Reinstatement - Reemployment of a former employee in his former or equivalent position without loss of seniority or other emoluments of employment.

Rules and Regulations (also referred to as "PRR") - The Personnel Rules and Regulations for the Personnel Management System of Hardee County, Florida.

Section 7(k) - Refers to Section 7(k) of the Fair Labor Standards Act.

Temporary Employee - An employee appointed for a special project or other work of a temporary or transitory nature. Such an appointment will not exceed a four (4) month period unless specified by the project, program or grant.

Temporary Part-Time Employee - A temporary employee who is assigned to work a schedule of not more than thirty-two (32) hours per week on a temporary basis.

Trainee - An employee undergoing a training period to learn the job duties or to obtain education or certification level.

Transfer - The permanent 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 any 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.

SECTION 3

STANDARDS OF CONDUCT

3.01 POLICY

- A. One of the primary objectives of the Board is to establish and administer a system of Personnel Management consistent with the goal of providing superior service to the community by employing and retaining individuals of the highest qualifications who display pride and dignity in the performance of their duties.

To an unusual extent and in a special way, employees in the County organization are “Good Will Ambassadors”. Such status involves a degree of duty and obligation regarding public and private conduct which is not common to other classes of employment. The attitude and deportment of a County employee should at all times be such as to promote the good will and favorable attitude of the public toward the County, its programs and policies.

- B. The Board advocates the concept that the quality of public service at all levels of government can reach maximum efficiency and effectiveness through a Personnel Management System based on merit principles.
- C. All 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. It is the policy of the Board to expect from employees compliance with the PRR, state statutes and federal regulations in the performance of duties, as well as compliance with all safety rules and standards. An employee who violates any of the Standards of Conduct or PRR shall be subject to disciplinary action.
- E. The Board retains all rights, privileges and authorities provided by law.

3.02 CONFLICT OF INTEREST

- A. Employees in a position to influence actions and decisions of the Board or a member of the managerial staff shall refrain from relationships which may adversely affect the exercise of their independent judgment in dealing with suppliers of goods or services and other persons not employed by the County.
- B. Employees shall not accept loans, advances, gifts, gratuities or favors from a supplier, bidder or other person doing business with the County.

- C. 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.
- D. 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.
- E. When an employee has, or anticipates creating a business relationship with another person, partnership, firm, corporation or other business entity which does or seeks to do business with the County, or any division thereof, the employee shall advise the County Manager in writing as soon as that relationship is known. Failure to so advise the County Manager may result in immediate termination.
- F. It is the obligation of the employee to recognize a conflict of interest or a potential conflict of interest and to bring it to the attention of the County Manager.
- G. The County Manager will determine whether there is a conflict of interest or a potential conflict of interest and direct the employee's activities in such a way that the conflict of interest no longer exists. The County Manager's determination as to whether there is a conflict of interest or a potential conflict of interest and the actions required by the County Manager of the employees shall be final.
- H. All employees shall comply with the Code of Ethics for Public Officers and Employees under *Florida Statutes* 112, as well as all County ordinances and policies, including the PRR.
- I. An employee shall not use his employment with the County to attempt to persuade any person, including, but not limited to, citizens, residents, employees, or guests, to make contributions to any cause, unless that cause has been specifically approved by the County Manager.

3.03 **POLITICAL ACTIVITY**

- A. Employees may engage in political activities during their non-duty time so long as their activities do not interfere with the actual operation of County business.
- B. Employees who cannot vote during non-working hours will be provided a reasonable period of time off with pay in which to vote.

- C. Employees shall not wear or display political badges, buttons or stickers when on duty, when wearing a County insignia, riding in or on County equipment or when in a County uniform.
- D. Employees shall comply with all state and local laws involving political activity.
- E. Employees may run for elective office or be appointed to non-elective office other than those involving Hardee County so long as the position in no way interferes with their work as a County employee.
- F. Florida Law contains Florida Statutes Chapter 99, which includes what is commonly known as the "Resign to Run Law." Subject to the restrictions set forth in that law, employees may run for County office so long as they handle their candidacy in such a manner as to not interfere with the efficient operation of the County.
- G. Employees who seek election as a member of the Board shall be given leave without pay from the date they announce until the election is over. In the event they win the election, they must resign from the active employment of the County. In the event they lose the election, the employee will be permitted to return to County employment in the same or a substantially equivalent position; provided, however, such position or positions are vacant. In the event no such vacancy exists, the employee will be given up to six (6) months preferential consideration for any position in the County for which he is qualified to perform all of the duties.

3.04 EMPLOYMENT OF RELATIVES

Hardee County does not automatically prohibit members of the same family from working for Hardee 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 Hardee 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 job performance evaluation of another, one relative being directly involved in job actions with regard to another. It is the obligation of all affected employees to immediately advise the Human Resources Director 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.

3.05 **OUTSIDE EMPLOYMENT**

- A. Subject to paragraphs B-E below, employees are discouraged but not prohibited from engaging in other employment during their off-duty hours. However, County employment shall be considered the primary employment and no employee may engage in outside employment which interferes or tends to interfere with the interest of the County or the duties for which the employee is responsible as a County employee.
- B. Employee's who have other jobs, or who seek to have other jobs, must immediately notify their immediate supervisor.
- C. If, in the judgment of the County Manager, the employee's other employment causes absences, tardiness or otherwise interferes with the operations of Hardee County or his responsibility as an employee of Hardee County, including but not limited to availability for scheduled and unscheduled overtime and/or call-ins, the employee may be required to quit the other job, and if he refuses, he will be terminated.
- D. If permission to engage in other employment is granted, it may be withdrawn at any time if in the opinion of the County Manager the responsibilities of the job are inconsistent with the employee's responsibilities as an employee of the County. The determination of the County Manager shall be final.
- E. Equipment, facilities, vehicles or property of the County shall not be used by employees for other jobs.
- F. Employees who are injured while working another job or jobs are required to notify their Department Head, or his designee, immediately.

3.06 **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 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 reveal information pertaining to Personnel records and other County business and shall direct such inquiries to the County Manager.

3.07 **SOLICITATION AND DISTRIBUTION**

- A. Employee contributions to recognized charitable organizations are purely voluntary. No coercion of an employee to make contributions shall be permitted.

- B. Employees of the Board are prohibited from conducting or promoting private business for gain during duty hours or within any County building.
- C. Employees are prohibited from soliciting for any reason during time they or the person they seek to solicit are being paid to perform actual work. Such solicitation includes solicitations in behalf of or in opposition to a labor organization.
- D. Employees are prohibited from distributing literature of any kind during hours they are being paid to perform actual work or in any area where employees are engaged in work at any time.
- E. The solicitation and distribution prohibitions set forth in paragraphs C and D above shall not apply to solicitation and/or distribution by the County or its managerial staff, when such is part of the normal operation of County business.

3.08 EMPLOYEES' PERSONAL LIFE AND DEBTS

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.

3.09 USE OF COUNTY PROPERTY

Employees shall not use County property, equipment or vehicles except in the performance of official duty, nor shall they permit their use by an unauthorized person, either on or off duty, unless approved by the County Manager.

3.10 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. Failure to report in a clean uniform may result in the employee being sent home for the day without pay. Repetition of such conduct shall subject the employee to 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. 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. Beards and mustaches will be allowed, except as otherwise required by law or where in the opinion of the County Manager they interfere or tend to

interfere with the safe and efficient performance of the job. All hair, beards and mustaches must be of length so as not to create operational or possible safety problems and must be maintained in a clean, neat and orderly fashion.

- E. Uniforms will be replaced, by the County, when they become unusable through normal wear and tear.
- F. The employee is responsible to reimburse the County for uniforms lost or damaged through the employee'

3.11 **GENERAL PROHIBITIONS**

- A. Employees are expected to be aware that they are public service employees and to conduct themselves in a manner, which will in no way discredit the County, public officials, fellow employees or themselves.
- B. Employee shall avoid conduct or speech that is subversive to good order and discipline. They shall treat each other with the utmost courtesy and respect and at all times refrain from making any derogatory remarks concerning each other. They shall direct and coordinate their efforts toward establishing and maintaining the highest level of efficiency, morale and achievement, and shall conduct themselves in such a manner as to bring about harmony among the various units in the County.
- C. No employee whose duties involve the use of a badge, card or clothing insignia as evidence of authority or for identification shall permit such badges, cards or insignia to be used or worn by anyone who is not authorized to use or wear them. Such badges, cards and insignia shall be used only in the performance of the official duties of the position to which they are related.

3.12 **BULLETIN BOARDS**

There shall be an official County bulletin board in each department. Announcements of special events, changes in policies, transfer/promotional opportunities and other items relating to official County business will be posted there. No other information is to be posted on such bulletin boards.

SECTION 4

TYPES AND TERMS OF EMPLOYMENT*

4.01 BASIS OF EMPLOYMENT

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

4.02 PARTICIPATION IN BENEFITS

Regular full-time employees shall receive full fringe benefits. Regular part-time employees, who are assigned a regular schedule of twenty (20) or more hours but less than thirty-two (32) hours, participate in fringe benefits for which they are otherwise eligible on the basis of one-half of those enjoyed by full-time employees except the participation in retirement benefits controlled by Florida Retirement System. Other classifications of employees do not receive any fringe benefit other than their wage, unless required by law or unless otherwise specifically provided in the PRR.

4.03 TERM OF EMPLOYMENT

- A. Subject to Section 1.02 (C), regular full and regular part-time employees shall continue to be employed in that capacity unless their status is changed, they voluntarily retire or their employment is terminated by the County as a result of dismissal, retirement, and disability or otherwise.
- B. Temporary, temporary part-time and casual employees serve at the will and pleasure of the County Manager and may be disciplined or dismissed for any reason or no reason, subject only to applicable law. Such employees shall not have access to the grievance procedure set forth in the PRR CBA unless a CBA provides otherwise. All decisions concerning their wages, hours, and working conditions shall be made by the County Manager.

4.04 PROBATIONARY EMPLOYEES

- A. All regular full-time and regular part-time employees shall serve an initial probationary period of ninety (90) days. Said probationary period may be extended by the Department Head, with prior approval of the County Manager, an additional sixty (60) days.
- B. The initial probationary period for employees in the Public Safety Department shall be one year. Said probationary period may be extended by the Department Head, with prior approval of the County Manager, an additional ninety (90) days.

- C. When an employee is initially hired in a position which has a formal training program or requires certification or licensing, the probationary period shall be as set forth in paragraphs A or B, whichever is applicable, the period of training program, successful certification or license, whichever is longer. Failure of successful completion may, at the discretion of the County Manager, result in the employee's dismissal.
- D. During the probationary periods set forth in paragraphs A, B or C above, the employee shall serve at the will and pleasure of the County Manager and may be disciplined or dismissed for any reason or no reason, subject only to applicable law. Such employees shall not have access to the grievance procedure set forth in the PRR for any reason.

4.05 **PROMOTIONAL PROBATION**

- A. An employee promoted to a higher level job classification shall serve an initial probationary period of ninety (90) days except: (1) a Department may establish a longer probationary period with prior approval of the County Manager and (2) where a license or certification is a prerequisite to holding a job, the probationary period shall continue until the license or certification is successfully obtained.
- B. During the probationary period, if in the opinion of the Department Head the employee cannot satisfactorily perform the duties of the higher position: (1) if the position from which he was promoted has not been filled, he will be returned to his former position, (2) if the job from which he was promoted has been filled, the employee will be given preferential treatment for six (6) months from the date of his removal for any vacancy in the County for which the County Manager considers him 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**

- A. All persons inquiring about employment should be directed to the Human Resources Department where they will be required to personally complete the standard application form. Assistance will be provided for those persons who cannot read or write or who have a language problem.
- B. Complete applications shall remain active for six (6) months from the date application is accepted, and shall not be considered later, unless they are specifically renewed at the written request of the applicant.

5.02 **BASIS FOR SELECTION**

- A. Employment with the County shall be based on skills, experience, training, education, ability, and subject to Section 1.05, 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/Human Resources Director as a precaution against obtaining undesirable employees. Reference checks made by personal or telephone contact will be documented and made part of the applicant's file.
- C. The County reserves the right to reject any applicant for any reason or no reason subject only to applicable law.
- D. Residents of Hardee County will be given preference for hiring if the County Manager determines the resident is equal or better with respect to all factors listed in paragraph A above than outside applicants.

5.03 **TESTING**

At the option, the County may use valid written or oral examination and performance test from time to time to assist is in the selection process. Such testing shall not be done without prior approval of Human Resources.

5.04 **DRUG TESTING**

Subject to applicable law, the County may require submission to and successful passing of testing for the use of illegal controlled substances as a condition for consideration for employment or continued employment with the County.

5.05 **DISABILITY AND MEDICAL EXAMINATION**

- A. At the option of the County, applicants may be required to take a medical examination, as a condition of employment after they have been offered employment.
- B. If with the prior approval of the County Manager, an applicant is placed on the payroll prior to having completed a required medical examination, he shall be advised at the time he is placed on the payroll that his employment will be conditioned upon taking and passing said medical examination.
- C. Employees may be required to take a medical and/or psychological examination by the County for reason connected with their job (e.g., an accident on the job, fitness for duty). Such examination shall include testing to determine the presence or absence of illegal controlled substances in their systems.
- D. Subject to applicable law, applicants and employees who are directed to take a medical examination under paragraphs A or C above and who refuse to do so will be automatically terminated.
- E. Subject to Section 1.05, applicants and employees who take a medical and/or psychological examination pursuant to paragraphs A and C above shall not be employed, or if previously employed, shall be terminated immediately if the results show that they are either mentally or physically unable to perform the duties of the job,

5.06 **JOB OPPORTUNITIES FOR NON-EMPLOYEES**

- A. 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 “Hardee County is an Equal Opportunity Employer”, and shall state that all applications or inquiries shall be directed to the Human Resources Department.
- B. All applications for employment shall be on a form provided by Human Resources.

SECTION 6

TYPES OF SEPARATION

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 and hour worked. The effective date of separation shall be the last day on which the employee is present for duty.

- A. Resignation
- B. Retirement
- C. Disability
- D. Death
- E. Reduction in force (Layoff)
- F. Dismissal or discharge
- G. End of assignment

6.02 **RESIGNATION**

- A. An employee wishing to leave the County in good standing shall file with his supervisor 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. Employees who give such notice may be considered for reemployment under Section 7. A Department Head, with County Manager 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 or unexcused absences from work 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 from County employment occurs when an employee retires under the terms and conditions set forth for the State of Florida Retirement System (FRS).

6.04 **DEATH**

All compensation and benefits due to a deceased employee, if any, shall be paid to the employee's legal representative as determined by law.

6.05 REDUCTION IN FORCE (LAYOFF)

Reductions in force shall be in accordance with Section 11.

6.06 DISMISSAL OR DISCHARGE

- A. Temporary, temporary part-time and probationary employees are subject to dismissal from County employment pursuant to Section 1.02(C) and 4.
- B. Regular full-time and regular part-time employees are subject to dismissal from County employment pursuant to Section 13.

6.07 EXIT INTERVIEWS

All employees separated from County employment are encouraged to participate in the County exit interview program. Exit interviews are conducted by the Human Resources Department, and an employee who is not requested by his Department Head to participate in an exit interview is invited to contact the Human Resources Department directly to arrange for same.

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 and other items of County property to his department. 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 advances of leave or expense accounts, advances on pay 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

REINSTATEMENT OR REEMPLOYMENT AFTER SEPARATION

7.01 REGULAR FULL AND PART-TIME EMPLOYEES WHO ARE DISMISSED

Subject to applicable law, a regular full-time or regular part-time employee who has successfully completed his initial probationary period and who is thereafter dismissed, for just cause shall not be reemployed by the County.

7.02 REGULAR FULL AND PART-TIME EMPLOYEES WHO QUIT

A regular full-time or regular part-time employee who has voluntarily resigned may be rehired. Employees who resigned who are hired more than one (1) year after their resignation, shall be hired as new employees; provided, however, employees who voluntarily resign and are reemployed within fourteen (14) days of the date of their resignation may be rehired into their former position at the same rate of pay without any break in seniority at the discretion of the Department Head, with the prior approval of the County Manager.

7.03 REGULAR FULL AND PART-TIME EMPLOYEES WHO ARE LAID OFF

See Section 11.

7.04 OTHER EMPLOYEES

Employees other than those covered by paragraphs 7.01 and 7.02 above may be reemployed at the discretion of the County Manager.

SECTION 8

DEMOTIONS

8.01 UTILIZATION

Demotions may be utilized as a form of discipline under Section 13 of these Rules and Regulations.

8.02 PAY

When an employee is demoted, to a lower pay grade, he shall be paid in the step for the lower pay grade which provides the wage rate that is immediately below that which he was paid prior to the demotion.

SECTION 9

TRANSFERS AND WORK OUT OF CLASSIFICATION

9.01 TEMPORARY TRANSFERS/WORK OUT OF CLASSIFICATION

- A. For training purposes the following will apply: Employees who work over eight (8) consecutive days or one hundred twenty (120) cumulative hours in a calendar year in a specific job classification which pays a higher minimum hourly rate than the rate received by the employee in his regular job classification shall be paid seven percent (7%) above their current rate of pay or be paid at the higher rate whichever is greater for all work in that specific classification performed during the remainder of the calendar year after the minimum set forth above have been worked. Exception: If the employee is pre-qualified for the position he/she shall receive seven percent (7%) above their current hourly rate or the minimum rate of pay of the higher classification, whichever is greater from the first day in the higher classification for all work in that specific classification performed during the remainder of the calendar year.
- B. When a non-exempt employee works in a lower paid job classification, he shall receive the rate of pay for his regular job classification.

9.02 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 Manager, it is in the County's best interest;
 - 2. By the County Manager for operational or efficiency reasons;
 - 3. By the County Manager for disciplinary reasons under Section 13 of the PRR.
- 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 or a higher pay grade, his rate of pay will be the step in the new pay grade immediately higher than the step he was receiving before the transfer or the top of the grade, whichever is lower.
 - 3. If to a position in lower or higher labor grade:
 - a. If to a lower labor grade, the employee will be placed in the same step in the new labor grade that he was in, in the labor

grade from which he was transferred, unless the County Manager approves an exception for operational reasons.

- b. If to a higher labor grade, the employee will be placed in the step in the new labor grade that provides a wage rate immediately above the wage rate he received before the transfer.
- c. Under (a) and (b) above, the maximum wage rate an employee may receive is the top rate for the labor grade into which he was transferred.

9.03 RECLASSIFICATION

When a job is reclassified, the employee holding the reclassified position will be paid in accordance with the County Compensation Plan and Section 9.02(B) at the step assigned for the reclassified job.

- 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 the 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 conducted by or at the direction of the County or at the request of the Department Head, 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 Classification Plan requires authorization of the County Manager. If the reclassification is for an entire class of jobs, it requires an amendment to the pay approved by the County Board.
- D. Effect on Pay – When a reclassification occurs, the employee is placed in the new grade at the step closest to, but not below, his current rate of pay. If the employee’s current rate of pay is above the maximum of the new grade, it shall be reduced to that step.

SECTION 10

PROMOTIONS

10.01 POSTING

From time to time openings other than entry and Department Head level will arise in the County. Except when for operational reasons the County otherwise fills the position, such vacancies will be posted on the official County bulletin board in each department for a period of five (5) days.

10.02 TEMPORARY ASSIGNMENT

While the final selection is being made, the County may utilize whomever it wishes to fill the position.

10.03 APPLICATION

Any regular full-time or regular part-time employee interested in a posted position may apply by notifying the Human Resources Department in writing of his interest prior to the time the posting is removed from the bulletin board. Employees who apply for a posted vacancy will, if they possess the necessary qualifications for the job, be considered before non-employees are considered. The County reserves the right to consider and select employees and non-employees who have not applied for positions as well as qualified applicants who have in fact filed timely applications.

10.04 FACTORS CONSIDERED

Promotions, like all other actions involving the employee's job, are based upon merit, skill, training, and experience, qualifications for the job needed to be done, past job performance and classification seniority.

10.05 SELECTION

The County Manager, or his designee, shall make the final decision as to which employee, if any, will be promoted to fill the vacancy.

10.06 PREFERENCE

Whenever operationally practical and convenient, present employees will be given preference over non-employees when, in the opinion of management, they possess the qualifications and skills equal to or better than the non-employee applicants. When choosing among employees whom the County considers to be equal as related to the factors set forth in Section 10.04 above, the employee applicant presently working in the department in which the vacancy exists who has the most departmental seniority will be given preference.

10.07 PAY UPON PROMOTION

When an employee is promoted from one classification to another, he will go to the Step in the new classification which is immediately above the rate for the Step from which he was promoted after he completes the promotional probationary period.

SECTION 11

SENIORITY LAYOFF AND RECALL

11.01 ACCRUAL

County, departmental and classification seniority shall continue to accrue during all types of compensable leave approved by the County. Approved leaves of absence of ten (10) or more consecutive days without pay shall not count towards the accrual of classification seniority.

11.02 LOSS OF SENIORITY

An employee shall lose his seniority and be terminated from County 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.

11.03 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 temporary, part-time temporary or casual basis. If further layoffs are necessary, selection among regular full-time and regular part-time employees shall be based upon:

- A. Ability and willingness 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 job evaluations for the past three (3) years or the most recent evaluations available.
- D. Job classification seniority.

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

11.04 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.

11.05 RECALL

Except for employees laid off pursuant to Section 11.04 above, regular full and regular part-time employees who have not been laid off for more than twelve (12) months will be given preference for vacancies in the job classification from which they were laid off provided, at the time the vacancy occurs, they remain qualified to perform all of the functions of the job. If they are recalled within said period, their County, departmental and classification seniority shall not be broken; 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.

11.06 REEMPLOYMENT

- A. At the option of the County, any regular full or regular part-time employee laid off for less than twelve (12) months, may be reemployed in another position in the County, in which case his pay shall be that of the entry level of the pay grade for the job classification to which he is assigned. Employees reemployed under this section within one (1) year of their layoff, shall not lose County seniority accumulated prior to the layoff, but will not be given credit for the period of the layoff towards County seniority; nor shall they receive wages or benefits during the period of the layoff. If the employee accepts such reemployment, he shall not be eligible for recall under 11.05.
- B. Reemployment other than under (A) above shall be as and when the County determines it appropriate.

11.07 NOTICE OF RECALL OR REEMPLOYMENT

Notice of recall or reemployment pursuant to this section shall be made by certified mail to the employees last known address.

11.08 ORDER OF RECALL

Recall under 11.05 will be in inverse order of layoff as jobs become vacant within a job classification.

11.09 DECISIONS FINAL

Decisions made pursuant to this section shall be final and shall not be subject to Section 14.

SECTION 12

ATTENDANCE – TARDINESS

12.01 PRESENT AND ON TIME

All employees are expected 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 of all persons within his department.

12.02 CALL – IN

Employees are required to call-in before they are scheduled to report to work when they are going to be absent or late. 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.

12.03 VERIFICATION

The County may require an employee to prove to its 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 acceptable to the County.

12.04 CONTINUING ABSENCE

In the case of a continuing absence, the employee must call-in each day unless otherwise instructed by his Department Head or supervisor.

12.05 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 or the Department Head, or his designee.

SECTION 13

DISCIPLINARY ACTION/TERMINATION

13.01 **INTENT**

It is the intent of the County that effective supervision and employee relations will avoid most matters, which necessitate disciplinary action for violation of rules and other conduct which is unacceptable.

13.02 **FORMS OF DISCIPLINE**

- A. The County recognizes the fact that each situation differs in many respects from somewhat similar ones. Thus, the County retains the right to treat each incident on an individual basis without creating a precedent for other cases, which may arise in the future and to determine the appropriate discipline on a case-by-case basis.

- B. The County recognizes the following types of disciplinary action:
 - 1. Documented verbal warning
 - 2. Written reprimand
 - 3. Suspension without pay for up to ten (10) working days
 - 4. Demotion
 - 5. Probation
 - 6. Combination of the above
 - 7. Discharge

- C. Management will take disciplinary action within ten (10) working days after the incident or violation comes to the attention of management; provided, the Department Head, County Manager, or his designee, may at his option suspend the employee with or without pay pending the County investigation and final decision on the discipline, in which case the final decision must be made within ten (10) days after the investigation is completed.

13.03 **DISCIPLINARY ACTION OTHER THAN DISCHARGE**

Unlike discharge of regular full-time and regular part-time employees, not covered by Section 1.02 (C), which may only be for just cause, all employees may be disciplined by documented verbal warning, written reprimand, suspension without pay, demotion, probation or combinations thereof for violation of offenses listed in Section 13.07 or at the will of the County Manager for any action or failure to act which in his opinion or that of his designee adversely affects the ability of the employee and/or fellow employees to efficiently perform

their job responsibilities and/or adversely affects the efficient operation of the County government or any department, division or area of the County.

13.04 DISCHARGE OF REGULAR, REGULAR PART-TIME EMPLOYEES AND OTHER EMPLOYEES

Regular full-time and regular part-time employees who are not covered by Section 1.02(C) who have successfully completed their probationary period may be discharged for any reason set forth in Section 13.07 or for any other just cause. All other employees shall serve in their positions and as employees at the will of the County and shall not have access to the procedures of this section or the employee grievance procedure to contest any form of discipline, including discharge.

13.05 CONSIDERATIONS IN DETERMINING DISCIPLINE

- A. Section 13.07 provides recommended but not mandatory penalties to apply to specific offenses; however, the penalty utilized shall be discretionary with management 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. In determining the discipline to be utilized in a particular case, management may consider the severity of the offense, the cost involved, the time interval between violations of similar or other rules or conduct, the employee's work record, the employee's length of service with the County, the employee's overall value to the County, the ability and potential of the employee concerned and other factors as may bear on the efficient and harmonious operations of the County. While a more severe penalty than suggested in Section 13.07 may be utilized for the offense, the Department Head who does not utilize the recommended penalty for a Group I or II offense shall note in writing the reason for such action and consult with Human Resources before such action is taken.
- B. In addition to the offenses listed in Section 13.07 below, infraction of departmental rules and regulations or other unacceptable conduct or performance may subject the employee to disciplinary action up to and including discharge.

13.06 NOTICE OF DISCIPLINARY ACTION

- A. In all cases of written reprimand, suspension without pay, demotion, probation or any combination of same, the employee shall be notified in writing of the action taken and a copy of such notice shall be retained by the Human Resources Director for placement in the employee's personnel file.
- B. The Department Head and/or his designee shall coordinate all disciplinary action, except verbal warnings and written reprimands, with the Human Resources Director.

- C. Employees shall sign for the receipt of a disciplinary notice but may note their disagreement with the actions.

13.07 TYPES OF OFFENSES

The three (3) groups of offenses and the guide for recommended penalties are set forth below:

Group I Offenses

- First Offense: Documented verbal warning.
Second Offense: Written reprimand.
Third Offense: Suspension up to ten (10) working days.
Fourth Offense: Up to and including discharge.

1. Operating, using or possessing tools, equipment, machines which the employee has not been assigned or performing other assigned work.
2. Taking more than the specified time for meals or rest periods.
3. Distributing written or printed material of any description on County premises, in violation of County or departmental Rules and Regulations.
4. Failure to keep the department and the Human Resources Department notified of the proper address and telephone number.
5. Failure to report a complaint by a non-employee regarding services provided by the Department in which the employee works or a matter concerning safety regardless of the Department to the County Manager or the employee's Department Head.

Group II Offenses

- First Offense: Written reprimand.
Second Offense: Suspension without pay.
Third Offense: Up to discharge.

1. Failure to work overtime, special hours, or special shifts after being scheduled.
2. Reporting to work or working while unfit for duty, either medically, mentally or physically, unless the unfitness is as a result of a violation of a Group III offense.
3. Horseplay, fighting, or other misconduct while on duty or on County property.

4. Loafing or neglecting work during working hours.
5. Posting or removing any material on the official departmental bulletin boards or on County property without authorization.
6. Violating a safety rule or safety practice.
7. Engaging in horseplay, scuffling, wrestling, throwing things, malicious mischief, distracting the attention of others at work, catcalls and other similar types of disorderly conduct on the job.
8. Creating or contributing to unsafe, unsanitary or poor housekeeping conditions.
9. Failure to report the loss of the County hospitalization insurance card or County automobile identification card.
10. Failure to report receipt of a subpoena to the County Manager regarding any matter relating to County business.
11. Violation of the County's no-solicitation or no-distribution rules and regulations.
12. Engaging in gambling, lottery or other games of chance on County property or anywhere during working hours.
13. Sleeping during duty hours, unless previously authorized to do so.
14. Incompetency or inefficiency in the performance of duties.
15. Political campaigning in writing, orally or telephonically on the job or during duty hours or the duty hours of other employees whether the campaigning employee is on or off duty.
16. Failure to report an accident or significant personal injury in which a fellow employee was involved while on the job or while operating County equipment.
17. For employees operating on a twenty-four (24) hour shift basis, leaving his post at the end of the scheduled shift without being properly relieved.
18. Refusal to sign the receipt of a Notice of Disciplinary Action.
19. Violation of a posted or otherwise known County or departmental rule, procedure, order, regulation or any State or County statute or ordinance which is related to the employee's employment.

Group III Offenses

First Offense: Up to discharge.

1. Insubordination.
2. Possession, use, sale, attempt to sell or procure illegal controlled substances either on or off duty, or alcoholic beverages while on duty, on County property or operating or riding in or on County equipment.
3. Refusal to fully and truthfully cooperate in an investigation related to the operation of the County conducted by or at the direction of the County.
4. Interfering with the work of other employees or refusal to perform assigned work.
5. Excessive absenteeism or excessive tardiness regardless of the reason.
6. Carelessness or negligence in the handling or control of County property or the misappropriation of County property.
7. Discourteous, insulting, abusive or inflammatory language or conduct related to the performance of the employee's job toward the public, an employee, a member of the Board of County Commissioners, or a member of management.
8. Absence from duty without authority, including refusal to report to duty at any time as directed.
9. Acceptance of a gift under circumstances from which it could reasonably be inferred that the giver expected or hoped for preferred or favored treatment in regard to County business.
10. On or off the job conduct which adversely affects the ability of the employee to perform his duties and or the duties of other employees to perform his duties and/or adversely affects the efficient operation of County government or any department, division or area of County government.
11. Lying or falsification of any document or any other dishonesty connected with the employee's employment or in any way related to the operation of County government or any department, division or area of County government.
12. Any fraudulent, criminal or dishonest act(s) committed acting alone or in collusion with others, including but not limited to stealing, embezzlement, extortion, assault or vandalism, whether committed on or off the job.

13. Improper racial or sexual comments, harassment or acts.
14. Conviction of any crime where the conduct involved could reasonably be expected to impact the performance of the employee or the efficient operation of the County or conviction of any felony.
15. Loss of a state or federal license, certification required or essential to the performance of an employee's job.
16. Unacceptable driving record, where a driver's license is a part of the employee's job.
17. Accumulated disciplinary actions, no one of which standing alone would warrant discharge.
18. Abuse of sick leave or false claim for eligibility for sick leave or leave due to a compensable or non-compensable injury.
19. Refusal to submit to a drug or breathalyzer test required under County Rules and Regulations.
20. Unauthorized use or display of firearms, explosives or weapons on County property.
21. Using or attempting to use employment with the County to secure an advantage or benefit not available to the public in general.
22. Refusal to work overtime or hours as assigned.
23. Making or publishing false, vicious and malicious statements concerning any employee, member of management, a member of the Board of County Commissioners, the County or its operation.
24. Knowingly harboring a serious communicable disease which may endanger other employees without advising the County.

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.

13.08 SUSPENSION

- A. When the County is considering dismissal of an employee, it may temporarily suspend him without pay. In the event he is reinstated, back pay and benefits shall include the period of the suspension minus any period of suspension, if any that is part of the ultimate disciplinary action. The employee shall not be obliged to file a grievance over such temporary suspension. If the management decision is to dismiss the employee or otherwise discipline him, including treating the period of the temporary suspension, or part of it, as the discipline, the time for grieving shall begin to run on the day he is notified of the final discipline, but the employee shall be entitled to seek back pay for the period of the temporary suspension under Section 13.11.

- B. Before an employee is temporarily suspended without pay. If the employee is available, the Department Head, or his designee, will explain the reason for the temporary suspension and give the employee the opportunity to explain his position.

13.09 PRE-TERMINATION/POST-TERMINATION HEARINGS

A regular full-time or regular part-time employee will not be terminated from employment without the following procedures being followed. At the option of the County Manager:

- (A) The employee whose dismissal is being considered will be afforded a pre-termination hearing as provided in Section 3.11(A) below, and if the termination occurs, the employee will be offered a post-termination hearing under Section 13.11(B) below; or,
- (B) The County Manager may suspend the employee with or without pay and conduct a full evidentiary hearing as provided in Section 13.11 (B) (2)-(6) (no appeal is required) below before he makes his final decision.

13.10 APPEAL OF NON-DISCHARGE DISCIPLINE

- A. Employees who are disciplined other than by discharge may request a meeting with the County Manager to discuss said discipline, so long as such request is made within five (5) working days after the employee receives notice of the disciplinary action.
- B. Upon receipt of a timely request, the County Manager, or his designee, will meet with the employee and give the employee an opportunity to explain his version of the facts and why he believes the disciplinary action is inappropriate.
- C. If the meeting is before the County Manager, the County Manager shall make the final decision. If the meeting is with the County Manager's designee, the designee shall make a recommendation to the County Manager, and the County Manager's decision with regard to the discipline shall be final.

13.11 SUSPENSIONS WITHOUT PAY, DEMOTION AND TERMINATION

- A. Pre-Disciplinary Procedure. When a Director is considering termination of a regular full-time or regular part-time employee who has completed his initial 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 Manager, 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 decides to terminate, he shall notify the employee in writing of the decision and the reasons therefore, and advise the employee of his right to a due process hearing under Section (B) below.
- B. Appeal Procedure. Unless the County Manager has conducted a full blown evidentiary hearing pursuant to Section 13.09(A), in which event there shall be no further right of appeal, the employee may appeal the termination decision as follows:
1. The employee must appeal in writing to the County Manager, or his designee, within fourteen (14) calendar days after notice of his termination.
 2. Upon receipt of a timely appeal, the County Manager shall arrange a hearing at which the Department Head shall be required to establish just cause as set forth in Sections 13.04 and 13.07 by a preponderance of the evidence.
 3. Not less than ten (10) calendar days prior to the hearing, to the extent not already provided under paragraph A(1) above, the employee will be provided 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 Manager shall consider the evidence before him and make Findings of Fact and Conclusions of Law, which shall be final and binding on all concerned.
- C. In the event the County Manager decides to conduct a full evidentiary hearing before a decision is made as provided in Section 13.09, Sections 12.03(A)(1) and 12.03(B) except no appeal by the employee shall be required.

13.12 **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.
- B. At any time, the County Manager shall have the option of taking disciplinary action based on his own investigation without regard to the existence, status or final disposition of the criminal charges.
- C. The County Manager 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 Manager 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.
- D. Under paragraphs B and C above, the County Manager 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 engaged in the conduct in question.
- E. If an employee charged with a crime is found not guilty by a judge or jury, and the County Manager 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.

13.13 **DEPARTMENT HEADS/COUNTY MANAGER'S OFFICE MANAGER**

- A. Department Heads/ and the Office Manager of the County Managers office appointed to their position after November 9, 1989, serve in their position at the will and pleasure of the County Manager; and if removed from their position, at the discretion of the County Manager, may be reassigned to any position within the County or their employment may be terminated for any reason or no reason subject only to applicable law.
- B. Employees hired before November 9, 1989, but appointed as a Department Head or Office Manager of the County Manager's office after that date will serve as Department Head/ Office Manager at the will and pleasure of the County Manager. Termination of the employment of such an employee shall be on the same basis and under the same conditions as covered by subparagraph "C" below.
- C. Employees appointed as Department Head/ before November 9, 1989:
 - 1. Subject to subparagraph 3 below may be removed and/or terminated from employment by the County Manager for just cause, which includes but is not limited to any reason set forth in Section 13.07

Group II or III, failure to operate their department in an efficient manner, or failure to follow, carry out or support the legal operational instructions, objectives and policies of the County Manager and /or Board. The employee shall be provided due process under section 13.09 and 13.11 and the County Manager's decision shall be final except as provided in subparagraph 2 below.

2. A decision to terminate employment by the County Manager shall be subject to appeal to the Board pursuant to Section 13.11 (B): provided the County Manager shall have the same role as the Department Head under Section 13.11 (B) (2) and the Board shall make the final decision as whether there is just cause for termination.
3. Reassignment or transfer of Department Heads covered by subparagraph C to another exempt position with no reduction in pay or to any other Department Head position with or without reduction in pay shall be at the sole discretion of the County Manager and shall not require just cause and shall be within the sole discretion of the County Manager.

13.14 REMOVAL OF DISCIPLINARY ACTION

Upon written request by an employee, a documented verbal warning or written reprimand will be removed from an employee's personnel file provided that the employee has no other discipline of any type for a period of five (5) years and provided further the employee's job performance evaluations for the last five (5) years have been satisfactory or better.

SECTION 14

EMPLOYEE GRIEVANCE PROCEDURE – NON-DISCIPLINARY MATTERS AND DISCIPLINE LESS SEVERE THAN TERMINATION

14.01 POLICY

- A. It is the purpose of this grievance procedure to assure employees that their non-disciplinary problems and complaints and discipline less severe than termination will be considered fairly, rapidly and without reprisal when brought to the attention of management in a timely manner.
- B. 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 by both, of practices, policies and procedures which affect employees. This will serve to identify and eliminate conditions which may cause misunderstandings and grievances.

14.02 DEFINITION OF A GRIEVANCE

A grievance is a complaint about the misapplication or misinterpretation of the PRR or applicable departmental rules and regulations. Disciplinary matters shall not be considered under this Section but only under Section 13.

14.03 PROCEDURE

- A. *Step One:* An employee shall present his complaint to his immediate supervisor within five (5) working days from the time of occurrence of the problem. The supervisor shall attempt to resolve the problem within three (3) 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, or if the employee feels the answer received is not satisfactory, he will reduce to 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 Human Resources 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 grievance is not resolved to his satisfaction by the department head, the employee may submit it in writing to the County Manager within five (5) working days after the department head's deadline in Step Two.

- D. *Step Four:* If the grievance is timely filed under Step Three, the County Manager may consider the grievance or he may designate another managerial employee to do so. In either event, the employee, upon request, will be given an opportunity to explain his position in writing and/or orally to the County Manager, or his designee. After considering all the information before him, including the recommendation of his designee, if any, the County Manager shall make his decision, which shall be final and binding.

SECTION 15

HOURS OF WORK AND OVERTIME

15.01 HOURS OF WORK

- A. The County Manager shall establish the hours of work in accordance with the operational needs of the County.
- B. When a department is open for public service more than forty (40) hours per week, the department head shall schedule the work as necessary to provide full service, but should attempt to avoid overtime work.
- C. Subject to operational needs, employees except those on a Section 7(k) schedule shall be scheduled for an unpaid lunch break of not less than one-half ($\frac{1}{2}$) hour but not more than one (1) hour and a paid break before and after lunch, not to exceed fifteen (15) minutes.

15.02 REGULAR WORK WEEK OR PERIOD

For all employees not on Section 7(k) schedule, the regular work week shall be forty (40) hours in a seven (7) day period. For Public Safety employees on a Section 7(k) schedule, the regular work period shall be two hundred twelve (212) hours in a twenty-eight (28) day period.

15.03 OVERTIME

- A. Non-exempt employees who work hours in excess of their regular work week or regular work period, whichever is applicable, shall be **paid** or given **comp time** at the rate of one and one-half ($1\frac{1}{2}$) their regular hourly rate. An employee may choose either overtime or comp time during a pay period but not a combination of both.
- B. When an employee works on a Saturday or Sunday, unless one or both are a regular scheduled work day, he shall receive one and one half ($1\frac{1}{2}$) his straight time hourly rate.

15.04 HOURS COUNTED

An un-worked holiday and personal leave day shall be counted as hours worked solely for the purpose of computing entitlement to overtime, provided, the employee meets the eligibility requirements for holiday pay. No other time, except actual hours worked, shall be counted as time worked for the purpose of computing entitlement to overtime.

15.05 COMP TIME

- A. Comp time over the maximums allowed under the FLSA (480 for Public Safety employees and 240 for other County employees) shall be paid at one and one-half ($1\frac{1}{2}$) the employee's regular hourly rate. Overtime not paid shall be placed in the employee's Comp Time bank at one and one-half ($1\frac{1}{2}$) times the overtime hours worked.

- B. When it is used or paid it shall be charged or paid from or charged against the employee's comp time bank hour for hour. Upon cessation of employment, employees shall be paid the unpaid comp time standing in their account at the rate set forth in Section 15.08.

15.06 TIME OFF

Employees shall take comp time off their comp time bank and when directed by the County Manager, or his designee, based on his view of the operational needs of the department. Comp time will be granted when request by an employee as long as in the opinion of management it does not interfere with operational needs of the department.

15.07 RECORDS

The official records of earned comp time for all employees shall be maintained by the Human Resources Department.

15.08 RATE OF PAY

Employees will be compensated in cash for comp time remaining on the books after termination or separation from the County at a rate not less than the average rate of pay received by the employee during the last three (3) years or the final regular rate received by the employee, whichever is higher.

15.09 GUARANTEE

The above sections do not guarantee or place a limitation on the number of hours to be worked in any one day, the number of days per week or any other work.

SECTION 16

HOLIDAYS

16.01 DAYS OBSERVED

- A. The County recognizes the eleven (11) holidays as enumerated below. The days, such holidays shall be celebrated may be changed by the Board for operational reasons. Notice of a change will be given as far in advance as practical.

<u>Holiday</u>	<u>Normal Day Celebrated</u>
1. New Year's Day	January 1
2. Martin Luther King, Jr. Day	3 rd Monday in January
3. Good Friday	Friday before Easter
4. Memorial Day	Last Monday in May
5. Independence Day	July 4
6. Labor Day	1 st Monday in September
7. Veteran's Day	November 11
8. Thanksgiving Day	4 th Thursday in November
9. Day after Thanksgiving	4 th Friday in November
10. Christmas Eve	December 24 th
11. Christmas Day	December 25 th

- B. If Christmas Eve falls on a work day employees will receive that day as a holiday. If Christmas Eve falls on Saturday or Sunday no extra holiday will be given.
- C. When a holiday falls on a Saturday, the preceding Friday shall be designated a substitute holiday and observed as the official holiday for that year. When a holiday falls on a Sunday, the following Monday shall be designated a substitute holiday and observed as the official holiday.
- D. The Board may determine that any department or operation will be open for business on a holiday.

16.02 WORK ON A HOLIDAY

Except for employees on a Section 7(k) schedule in the Fire Department, employees who are required to work on a holiday shall receive time and one-half (1½) pay for hours worked on the holiday or given time off at the discretion of the County, plus any holiday pay to which they are entitled.

16.03 ELIGIBILITY FOR HOLIDAY PAY

To be eligible for holiday pay, the employee must work his scheduled work day or shift immediately preceding and after the holiday unless the absence is approved.

16.04 HOLIDAY PAY

Regular full and regular part-time employees who meet the eligibility requirements shall be paid holiday pay for the un-worked holiday as follows:

- A. Regular full-time employees -
 - 1. When an employee's regularly scheduled work week is eight (8) hours a day, holiday pay shall be calculated at eight (8) hours straight time.
 - 2. When an employee's regularly scheduled work week is ten (10) hour days, holiday pay will be 10 hours at straight time.
- B. Regular part-time employees - four (4) hours at straight time.
- C. Public Safety employees, on a Section 7(k) schedule - eleven and two-tenths (11.2) times their straight time regular hourly rate.

16.05 ABSENCE DUE TO SICKNESS

An employee scheduled to work a holiday who fails to work because of sickness or injury shall not receive holiday pay unless: (1) he notifies his Department Head at least one (1) hour before he is scheduled to report for work and (2) he presents evidence satisfactory to the County, which may be a medical doctor's excuse, that his absence was due to a bona fide, unforeseen serious illness or injury.

16.06 HOLIDAY ON A LEAVE DAY

- A. When a holiday falls within an employee's scheduled vacation and the employee meets the eligibility requirements for holiday pay, the County, at its option, shall give the employee an extra day off with pay or an extra day's pay or ;
- B. If a holiday falls during a leave of absence without pay, the employee shall receive no holiday pay.

SECTION 17

ANNUAL LEAVE (VACATION)

17.01 ELIGIBILITY AND RATE OF EARNING

A. Each regular full-time employee will earn annual leave with pay at the rates set forth below. Regular part-time employees will earn annual leave at fifty percent (50%) of the rates set forth below.

1. Non-Section 7(k) employees:

<u>Continuous Employment</u>	<u>Annual Leave</u>
0 thru 1st yr	.417 days or 3.334 hrs/mo (5 days/yr)
2nd thru 6th yr	.834 days or 6.670 hrs/mo (10 days/yr)
7th thru 9th yr	1.0 days or 8 hrs/mo (12 days/yr)
10th thru 15th yr	1.25 days or 10 hrs/mo (15 days/yr)
16th thru 19th yr	1.417 days or 11.336 hrs/mo (17 days/yr)
20 years and over	1.668 days or 13.335 hrs/mo (20 days/yr)

2. Public Safety Personnel on Section 7(k) schedule:

<u>Continuous Employment</u>	<u>Annual Leave</u>
0 thru 1st yr	4.667 hrs/mo or 56 hrs/yr (2.333 shifts/yr)
2nd thru 6th yr	9.334 hrs/mo or 112 hrs/yr. (4.667 shifts/yr)
7th thru 9th yr	11.2 hrs/mo or 134.4 hrs/yr (5.604 shifts/yr)
10th thru 15th yr	14 hrs/mo or 168 hrs/yr (7.0 shifts/yr.)
16th thru 19th yr	15.868 hrs/mo or 190.42 hrs/yr (7.934 shifts/yr)
20 years and over	20 hrs per mo or 240 hrs/yr (10 shifts/yr)

B. Annual leave credits are earned monthly on the basis of the schedule in paragraph A, calculated from the first day of employment.

C. Annual leave shall be earned, charged and paid in hours.

17.02 REQUEST FOR LEAVE

A. Annual leave may be taken, only after approval by the appropriate Department Head. Employees shall be encouraged to take their annual leave during the year in which it is earned. Requests for annual leave shall be submitted to the Department Head on approved forms designated by the Human Resources Department.

- B. Employees are encouraged to take their vacation in a minimum of five (5) day increments. Department Heads may approve leave in less than five (5) day increments provided such leave does not interfere with the operation of the unit and the employee gives twenty-four (24) hours notice.
- C. Annual leave may be used only as earned. In emergency or hardship situation, the County Manager may approve an employee's taking leave in advance of having earned such leave.
- D. After completing six (6) months of continuous service, the employee shall be eligible to use earned annual leave. Use of annual leave prior to the completion of six (6) months service requires the approval of the County Manager.

17.03 PAYMENT

Employees will receive vacation pay for approved vacation in their first paycheck after they return from vacation; provided, however, employees may receive such pay the payday before their vacation provided they request same from Human Resources in writing at least twenty (20) working days in advance of the last payday before their vacation.

17.04 USE

Earned vacation of not less than one (1) hour may be used with prior approval for the following purposes:

- A. Approved vacation.
- B. Absences for transacting personal business which cannot be conducted during off-duty hours.
- C. Religious holidays other than those designated by the Board as official holidays.
- D. For uncompensated absences due to medical reasons once paid medical leave has been exhausted.
- E. Any approved uncompensated leave of absence.

17.05 ACCRUAL

- A. An employee not on a Section 7(k) schedule may carry over a maximum of one hundred sixty (160) hours of earned annual leave from one (1) vacation year to the next.
- B. Public Safety employees on a Section 7(k) schedule may carry over a maximum of two hundred twenty-four (240) hours or 10 shifts from one (1) vacation year to the next.

C. Employees shall not be paid for earned annual leave in lieu of taking such leave, except in the following instances:

1. Separation from County employment, if employed, six (6) months or more.
2. An employee who has reached the maximum carry over vacation time, and at the request of the County is unable to take vacation before their anniversary date, will receive pay for the excess carry over vacation time.
3. Employees to be laid off will be paid at the time of the layoff. They shall not earn vacation time while on layoff.

17.06 RECORDING LEAVE

The official record of annual and sick leave credits is maintained in the County Human Resources Department. Each department shall receive an accounting of all leave earned, used and total remaining balance upon request.

17.07 SCHEDULING

Subject to operational needs:

- A. Scheduling of vacation times shall be by the Department Head.
- B. Where two (2) or more employees request the same vacation period, the employee with the most County seniority will be given preference; provided, where a junior employee's vacation time has already been approved it will not be changed without his agreement to accommodate a more senior employee.

17.08 DROP POLICY - ANNUAL LEAVE

Cash payments for unused annual leave may also be made to employees who enter the Deferred Retirement Option Program (DROP) in accordance with Subsection 121.091(13), F.S. not to exceed the amount of the employee's annual leave on account or one hundred and sixty (160) hours, whichever is less.

SECTION 18

MEDICAL LEAVE

18.01 ELIGIBILITY

Regular full and part-time employees are eligible under paragraphs 18.02 and 18.03 for paid sick leave for absences due to sickness or injury, provided, upon request, they present evidence, including a medical doctor's excuse, if requested, satisfactory to management to establish their absence was due to bona fide sickness or injury.

18.02 RATE OF EARNING

Eligible employees shall accrue paid sick leave as follows:

- A. Employees not on a Section 7(k) schedule:
 - 1. Regular full-time - Eight (8) hours per month.
 - 2. Regular part-time - Four (4) hours per month.
- B. Public Safety employees on a Section 7(k) schedule - Eleven and two tenths (11.2) hours per month.

18.03 PROBATIONARY PERIOD

Accrual shall begin from the first day of employment but is not earned until successful completion of the employee's initial probationary period. Paid sick leave may be taken as accrued, however, an employee who leaves employment before successful completion of his initial probationary period shall reimburse the County for sick leave taken. To the extent not reimbursed, the County shall deduct the sick pay from the employee's final paycheck to the extent allowed by law.

18.04 CHARGING LEAVE

- A. Medical leave taken shall be recorded, charged and paid in hours.
- B. Paid holidays, which occur during a paid medical leave, shall not be chargeable to medical leave.
- C. Employees who become sick or injured while on annual leave may use paid sick leave time for the period of illness in lieu of annual leave but may be required to present evidence satisfactory to the County Manager, or his designee, to establish the sickness or injury.

18.05 REQUEST FOR LEAVE

To receive compensation while absent on medical leave, the employee shall notify his immediate Supervisor or Department Head prior to or as soon as possible after the time set for beginning the daily duties. An employee in a unit operating on a twenty-four (24) hour basis must notify the department within the time limit established by the department. This provision may be waived by the County Manager, if the employee submits evidence satisfactory to the County Manager that it was impossible to give such notification.

18.06 UNPAID MEDICAL LEAVE

When paid sick leave and accrued annual leave is exhausted for absence due to bona fide sickness or injury, the employee may be given additional medical leave without pay for up to one (1) year.

18.07 RETURN FROM MEDICAL LEAVE

For medical leaves not covered by the FMLA (see Section 38), at the option of the County, the employee may be required to supply a medical release from a doctor acceptable to the County to return to work from a medical leave whether the leave was with or without pay.

- A. An employee who is released from medical leave and who wishes to return to work shall notify the County. If the leave was less than thirty (30) days, the employee shall be placed in the job he held before the leave and there shall be no adjustment of his anniversary date or County classification seniority date.
- B. If the leave is longer than thirty (30) days but less than one hundred eighty (180) days, the employee will be given his job or a substantially equivalent job that is vacant if he is qualified to perform all the requirements of the vacant job. Thereafter, upon request, the employee shall be given preference for any vacancy for which he is qualified to perform all the requirements for up to eighteen (18) months after the end of his medical leave. Adjustments of his anniversary date, County and classification seniority dates shall be as provided for other unpaid leaves under Section 22.03.
- C. The County Manager may make exceptions to the above for operational reasons upon the request of the employee.

18.08 USE

- A. Medical leave may be granted for the following purposes:
 - 1. Personal injury, pregnancy or illness not connected with work.
 - 2. Medical, dental, optical, chiropractic examination or treatment.

3. Illness of a member of the employee's immediate family (see *Section 2, Definition of Terms*) which requires the personal care and attention of the employee, or the death of a member of the employee's immediate family as defined in Section 2, but in the case of death, not more than ten (10) working days.
 4. An unpaid leave under the FMLA.
 5. To supplement Workers' Compensation, but not more than necessary to cover the employee's regular schedule times his normal hourly rate.
- B. Use of medical leave for any purpose not specified above may be considered misconduct and may be grounds for disciplinary action.
- C. Employees shall not be eligible to use accrued medial leave while on layoff or on leave of absence except as set forth in Sections 18.04 and 19.01.

18.09 ACCRUAL

There is no limit on the number of hours of medical leave which an employee may accumulate. Upon cessation of twenty (20) years of continuous uninterrupted employment with Hardee County, he shall receive twenty-five percent (25%) of his accumulated sick leave. Upon cessation of thirty (30) years of continuous uninterrupted employment with Hardee County, he shall receive fifty percent (50%) of his accumulated sick leave. If an employee has met the requirements, but dies before collecting, the amount due shall be paid to his listed beneficiary.

18.10 LIGHT DUTY

If any employee is released by their physician for "light duty", return to light duty shall be at the option of the County based on its operational needs. Refusal to accept a light-duty assignment by the County which the employee is capable of performing in accordance with applicable law will result in termination of employment. Employees may be assigned to perform light duty in any department or job and will be paid for light duty at the step for the job assigned based on the employee's years of service with the County.

SECTION 19

FUNERAL LEAVE

19.01 LEAVE WITH PAY

Leave with pay to attend the funeral of a member of the employee's immediate family (see *Section 2, Definition of Terms*) will be granted with prior proper notice by the employee each calendar year up to the amount set forth below.

- A. Regular full-time employees - up to three (3) working days. Up to five (5) working days for funerals that takes place out-of-state.
- B. Regular part-time employees - up to one and one half (1 ½) working days.
- C. Employees on a Section 7(k) schedule - up to twenty-four (24) hours.

The minimum leave under this section shall be four (4) hours.

19.02 SUBSTANTIATION

The employee may be required to provide the Department Head with proof of death in the immediate family, as defined, and that the employee attended the funeral before compensation is approved.

19.03 LEAVE WITHOUT PAY

If in the opinion of management, additional days off are necessary to attend the funeral of a member of the immediate family or when the employee is personally responsible for settling the affairs of the deceased, accrued comp time, annual, or medical leave may be used or the employee may be given additional time off without pay under Section 21.01. If the employee wishes to attend the funeral of someone outside his immediate family, accrued annual leave or leave without pay may be granted.

SECTION 20

COURT/WITNESS LEAVE

20.01 WITNESS LEAVE FOR THE COUNTY

Employees who appear as witnesses on behalf of the County in any judicial or administrative proceeding or who are directed by the County to testify in any proceeding shall have all such time treated as compensable work time.

20.02 OTHER COURT RELATED LEAVE

These employees who become plaintiffs or defendants in personal litigation or who testify or appear in behalf of parties and other persons except the County is not eligible for leave with pay. In such cases, paid annual leave or leave without pay may be granted by the County.

20.03 JURY LEAVE

Pay for jury duty shall be based on the employee's pay for his normal schedule (i.e., 4, 8, 10 or 11.2 hours for regular, full, part-time and Section 7(k) employees) and, shall be paid only if the employee:

- A. Advises his Department Head no later than three (3) working days before he is to report for jury duty or when he is first advised, whichever first occurs, and
- B. Returns to duty each day he is released from jury duty when two (2) or more hours remain on his scheduled work day or shift unless he gets permission from his Department Head not to return.

20.04 RETURN TO WORK

Employees who attend court on any other legal proceeding for only a portion of a regularly scheduled work day are expected to report to their supervisor when excused or released.

SECTION 21

GENERAL LEAVE WITHOUT PA Y

21.01 GENERAL LEAVE WITHOUT PAY

The decision to grant a leave without pay (leave of absence), other than one covered by applicable law, is a matter of administrative discretion. It shall be the responsibility of each Department Head to weigh each case on its own merits. Any leave of absence for a period of ten (10) working days or more must have the approval of the County Manager and shall be in writing.

21.02 EXTENSION

Employee on leave shall report for duty at the end of the leave unless they have obtained a written extension from their Department Head or have been notified not to return.

21.03 RETURN TO WORK

An employee who is on a non-medical leave without pay for less than ten (10) working days shall be returned to his former position. When the 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, he is qualified to perform all of the duties if one is vacant. If there is no vacancy at the time of his return, he shall be given preference for his job or any other job for which, in the opinion of the County Manager, he is qualified to perform all the duties for six (6) month's from the date his leave ends. If he returns within the 6 months his anniversary date, County and Classification seniority dates shall be altered as set forth in Section 21.04; provided, further, if he is returned to a different job classification he shall have no Classification seniority.

21.04 ANNIVERSARY DATE, COUNTY AND CLASSIFICATION SENIORITY

Employees returning from a non-medical unpaid leave of ten (10) working days or less shall retain their anniversary date, County and Classification seniority dates. Employees returning from such leave will have their anniversary date adjusted to reflect the period of the leave, minus ten (10) working days, and the time off, minus ten (10) working days, shall not be counted in calculating County or Classification seniority.

21.05 OTHER EMPLOYMENT

Employees on leave without pay of any kind, including unpaid medical leave, shall not accept employment elsewhere.

21.06 ACCRUAL OF MEDICAL AND ANNUAL LEAVE

No paid medical or annual leave will be earned while on any unpaid leave, including unpaid medical leave of more than ten (10) working days, unless required by the FMLA or other applicable law.

SECTION 22

EFFECT OF LEAVES ON INSURANCE COVERAGE

22.01 COMPENSABLE LEAVE

The County shall continue the employee's group life and hospitalization insurance during compensable leave of absence provided the employee pays his share of the premium.

22.02 WORKERS' COMPENSATION

The County shall continue the employee's group life and hospitalization 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 sick and vacation 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.

22.03 OTHER NON-COMPENSABLE LEAVE

If an employee is on an unpaid leave of any type other than FMLA leave, including medical leave covered by Section 18.05, he shall be responsible to pay the full premium for group life and hospitalization insurance beginning the month after 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 23

ADMINISTRATIVE LEAVE

Administrative and supervisory personnel who do not earn or accrue overtime may be granted the time off, with pay, to conduct personal business, which cannot be conducted during off-duty time. Four (4) hours or less must be approved by the employee's supervisor upon consideration of the operational needs of the Department. Administrative leave in the excess of four (4) hours must be approved by the County Manager. Forms requesting administrative leave are available in the Human Resources Department and must be completed prior to leave being taken.

SECTION 24

CONFERENCE LEAVE

When deemed in the best interest of the County, an employee may be granted leave with pay to attend professional and technical institutes, conferences or other such meetings, which may contribute to the effectiveness of the employee's service to the County. All such leave and travel expenses will be recommended by the Department Head or County Manager, subject to the approval of the County Manager. One full day or more shall be documented on the employee's time sheet as conference leave.

SECTION 25

MILITARY LEAVE

Employees will be allowed to take military leave and shall be paid in accordance with applicable law.

SECTION 26

VOTING

During a primary or general election, an employee who is registered to vote in that election whose hours of work do not allow sufficient time for voting shall be allowed the necessary time off with pay for this purpose. Upon the employee's request, the time for getting off to vote will be scheduled by the County in accordance with operational needs. When the polls are open one (1) hour before or one and one-half (1½) hours after the employee's regular scheduled work period, it shall be considered sufficient time for voting.

SECTION 27

MISCELLANEOUS

27.01 MEDICAL EXAMINATIONS

Any County employee may be required by the County to take a medical examination at any time to determine the employee's fitness to perform the duties of his job. If the results of such examination reveal that the employee is physically or mentally incapable of performing the duties of his job, subject to applicable handicap laws, if any, he may be dismissed from County employment.

27.02 INCLEMENT WEATHER

If an employee reports to work and due to inclement weather or other adverse conditions is dismissed prior to the workday starting, he will receive two (2) hours pay. If dismissed after work starts and not more than one-half (1/2) of his normally scheduled work day of eight (8) or ten (10) hours has expired, the employee will receive four (4) or five (5) hours pay, depending on his regular schedule. If dismissed after one-half (1/2) of the workday, an employee will receive eight (8) hours or ten (10) hours pay respectively.

27.03 PERSONAL LEAVE DAY

- A. All full-time non-probationary employees will receive one (1) personal day with pay after successful completion of their initial probation period and on their anniversary date thereafter. Regular part-time employees receive one-half (1/2) that of full-time employees.
- B. Request for the time off to the employee's Department Head shall be made at least twenty-four (24) hours before the leave. The request will be granted unless the County Manager, or his designee, decides the employee is needed to work.
- C. A day will be eight (8) or ten (10) hours one-half (1/2) that amount for regular part-time employees), depending on the employee's normal work schedule.
- D. Personal days do not accumulate from fiscal year to year and are lost upon termination of employment regardless of the reason.
- E. Personal leave days count as time worked for overtime purposes and must be taken in a minimum of four (4) hour increments.

27.04 RESIDENCY/REPORTING

All employees determined to hold critical positions must live in Hardee County. All other employees are encouraged to live in Hardee County.

27.05 EMPLOYEE SAFETY AWARDS

The Board of County Commissioners 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 for praiseworthy or outstanding safety performance.

SECTION 28

VEHICLES, EQUIPMENT AND SAFETY

28.01 USE OF COUNTY/PRIVATE VEHICLES

Employees shall use County vehicles unless approval to use another vehicle, including their own, is first obtained from the County Manager. Whenever an employee is required to use his own vehicle in the performance of his official duties, he will be compensated at the rate provided for Hardee County Resolution 06-32 and reimbursed for tolls and parking charges so long as they meet the uniform regulations established by law and/or the County to be eligible for such reimbursement.

28.02 ABUSE

Any employee who negligently operates, uses or abuses vehicles or equipment used by or assigned to him or who fails to utilize vehicles and equipment as prescribed shall be subject to disciplinary action up to and including discharge.

28.03 USE OF VEHICLES AND EQUIPMENT

Management shall determine what vehicles and equipment will be utilized, by whom and for what functions, including whether an employee or employees will be allowed or continue to be allowed to take County vehicles home.

28.04 LOSS OF DRIVER'S LICENSE

Employees, who drive/operate County equipment as part of their job duties, will be required to hold a current Florida (Class A-D) Commercial Driver's License, whichever is applicable to their job. Failure to maintain a current Florida Driver's License shall cause the employee to lose his job due to his inability to legally operate/drive motorized County equipment. The County Manager may, at his option, reassign the affected employee to another job rather than terminate said employee.

28.05 SAFETY EQUIPMENT

The County will provide proper and necessary safety equipment and devices for employees engaged in work where such special equipment is necessary. Such equipment, where provided, must be used. Failure by employees to utilize provided equipment may result in disciplinary action.

SECTION 29

INSURANCE

29.01 GROUP HEALTH AND LIFE INSURANCE

The County provides health and life insurance for all County employees. The County may pay up to 100% of the premium for individual coverage of the employee and a portion of the premium for family coverage for those employees who elect family coverage and pay their share of the premium through payroll deduction. To continue coverage when the employee is on a leave for which the County does not pay the premium or the employee is not being paid, the employee must arrange payment for the premiums or the employee's share of the premium, whichever applies, by a means and at a time satisfactory to the County. The County will notify employees of any change in premiums and/or the employee's share of the premiums.

29.02 SUPPLEMENT INSURANCE PLANS

The County offers supplemental dental insurance, cancer, short-term disability and accident plans for employees who wish such coverage. The premiums are paid by the employee through an authorized payroll deduction. A booklet explaining the plan is available in Human Resources.

29.03 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 29.02 through payroll deduction. Contact Human Resources for details.

29.04 RETIREES' MEDICAL INSURANCE

- A. Employees who retire from employment with the County under a County-sponsored pension plan are entitled to participate in the County Group Health plan on the same basis (i.e., single or family coverage) that they were covered immediately before their retirement provided they make a satisfactory agreement for payment and pay 100% of the premium before the beginning of the month. The County reserves the right to modify or eliminate this benefit with prior notice to the participants.
- B. In the event of the death of a retiree, the retired employee's spouse may participate on the same basis as the retiree, provided the spouse shall not be entitled to have dependent coverage.

SECTION 30

PENSION

30.01 PENSION

The County is a member of the Florida Retirement System and employees participate in accordance with the rules and procedures established by that System. The County makes the total contribution for eligible employees. Detailed information about FRS, eligibility and benefits will be provided by Human Resources upon request.

30.02 SECTION 457 DEFERRED COMPENSATION PLAN

The County maintains a Section 457 Deferred Compensation Plan for eligible employees. Participation is voluntary, and the employee pays the entire cost of the plan.

30.03 DETAILS AND COPIES

Copies of the Summary Plan Description, which includes the requirements for eligibility for each of the plans generally described in Sections 30.01-30.02 above, have been provided to all eligible employees. Additional copies, as well as a copy of each entire plan, are available in the Human Resources Department. The Summary Plan Description provides details as to eligibility, cost, benefits, and all other related matters.

SECTION 31

SAFETY

31.01 ACCIDENT PREVENTION

- A. The development of safe working conditions, practices, habits and thinking are objectives of the Board, County Manager and all employees. Accidents, injuries, disabilities, damage, lost time and pay, claims and medical expense are all problems which can be improved through identification of potential safety problems and immediate reporting.
- B. All Department Heads, supervisors and employees must recognize their responsibility for a safe work environment for all. Inadequate safety training and improper equipment handling and neglect can increase costs, cause accidents and reduce available manpower.

31.02 ACCIDENT REPORTING

- A. All employees shall be advised of their responsibility to immediately report to their supervisor all injuries that occur on the job. Delay in reporting injury can cause complication of the injury and delayed recovery.
- B. Accident reports must be submitted, by the injured employee's supervisor within twenty-four (24) hours after the time of the accident or the report of the injury. If the accident occurs over a holiday or weekend, the accident report should then be submitted within twenty-four (24) hours from the time the work period starts after the weekend or holiday.
- C. In the case of all vehicular accidents, the appropriate law enforcement agency and the employee's supervisor shall be notified immediately.
- D. In case of serious injury or fatality, the appropriate law enforcement agency, and the Human Resources Department shall be notified by the employee's department immediately.

31.03 UNSAFE WORKING CONDITIONS

All employees shall report any unsafe or potentially unsafe equipment or working conditions to their immediate supervisor immediately. The supervisor shall investigate the report and prepare a report to the Department Head.

SECTION 32

WORKER'S COMPENSATION AND DISABILITY SUPPLEMENT

32.01 **COMPENSATION UNDER LAW FOR ON-THE-JOB INJURIES**

The County provides workers' compensation to the extent required by the Florida Worker's Compensation Law.

32.02 **SUPPLEMENTAL DISABILITY PAY**

Employees will be paid their normal rate of pay with no charge to medical leave for the first seven (7) calendar days of the disability.

32.03 **REIMBURSEMENT TO THE COUNTY**

If after fourteen (14) calendar days, or any other period, Worker's Compensation pays the employee for the first seven (7) calendar days, the employee shall turnover that payment to the County.

32.04 **INVALID CLAIMS**

In the event a claim is determined to be invalid under the law, the employee shall reimburse the County for any supplement received under Section 32.02 above.

SECTION 33

WAGES

The County has a County-wide Pay Step Plan in which jobs are placed in various pay grades. The Plan contains 14 steps for each labor grade. The County Commission reviews the Step Plan each fiscal year based on its financial situation and other relevant information. Copies of the Plan are available in Human Resources.

SECTION 34

PERFORMANCE EVALUATIONS

34.01 THE PERFORMANCE EVALUATION SYSTEM

- A. The process for rating the work performance and work attitude of employees accurately is important to the efficient operation of the County and the job opportunities for employees.
- B. Performance Evaluations (PEs) are given to evaluate the employee's work attitude, quality, quantity and performance and to assist the employee and management in recognizing strengths and weaknesses and to assist in improving areas identified as weak. They also impact the ability of an employee to progress within the County-wide Step Pay Plan.
- C. PEs will be conducted annually for regular full-time employees and regular part-time and on other occasions as determined necessary by the Director and for other employees when and if the Director determines such evaluations are needed.

34.02 USE

In addition to assisting employees and management in achieving and maintaining acceptable or better job performance, PEs are considered in determining advancement, disciplinary actions and other job actions.

SECTION 35

SEXUAL AND OTHER ILLEGAL OR IMPROPER MISCONDUCT AND HARASSMENT POLICY

35.01 PURPOSE

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.

35.02 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.

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.

35.03 EXAMPLES OF PROHIBITED SEXUALLY RELATED CONDUCT

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

- A. Unwelcome physical assaults or touching of a sexual nature, including:
 - 1. Rape, sexual battery, molestation, or attempts to commit such acts.

2. Intentional physical contact which is sexual in nature such as touching, pinching, patting, grabbing, rubbing, hugging, or poking another employee's body.
- B. 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 presence is unwelcome.
- C. Job actions related to sexual matters such as:
1. Preferential treatment for submitting to sexual activity, including soliciting or attempting to solicit an employee to engage in sexual activity for compensation or reward.
 2. 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.
- D. Intentional display, storage or distribution of sexually related material, such as:
1. 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.
 2. Reading or otherwise publicizing in the work environment materials that are sexually revealing, pornographic, or sexually demeaning.

35.04 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.

35.05 DISCIPLINARY ACTION

Employees who engage in illegal/improper harassment or who make intentional bad faith claims of such harassment will be subject to disciplinary action in accordance with Section 13 of the Hardee County PRR. Non-employees who do business with the County who engage in sexual harassment will be subject to appropriate sanctions.

35.06 **INTERNAL INVESTIGATION PROCEDURE IN CASES INVOLVING CLAIMS OF SEXUAL AND OTHER IMPROPER OR ILLEGAL HARASSMENT**

- A. Hardee County encourages any employee who feels that he is being subjected to illegal sexual harassment to file a complaint or report and request for action with the Human Resources Department, the employee's supervisor and/or directly with the County Manager. A complaint or a report and request for action once filed may be withdrawn by the person making the complaint or report at any time prior to notice to the charged person of the complaint or report. After such notice the complaint or report may be withdrawn only upon consent of the charged person. No employee shall be disciplined nor shall any adverse action be taken against any employee for utilizing or participating in this procedure as long as their action is not in willful, knowing and intentional violation of this policy or they provide untruthful information during an investigation under this policy.

- B. The following procedure is established for investigating and resolving claims of sexual harassment and other forms of illegal/improper harassment prohibited by this policy.
 - 1. All employees have been informed as to the policy concerning illegal/improper harassment. All incidents, reports or complaints of sexual harassment should be filed or reported to the Human Resources Director immediately. All such complaints, once filed, shall be investigated and handled exclusively by the County Manager, or his designee, in consultation with the County's Attorney and/or the County's labor counsel, unless otherwise specifically provided in this procedure. However, an employee disciplined as a result of a finding of sexual harassment or filing a willful and intentional bad faith claim of sexual harassment shall be entitled to file a grievance in accordance with applicable policy or an applicable Collective Bargaining Agreement.

 - 2. Because of the extremely sensitive nature of these types of problems and the potential "spill-over effect" on the job future and personal lives of all involved, the following procedures are established:

 - 3. When a complaint of illegal/improper harassment is made against an employee or person doing business with the County:
 - a. A complaint file will be opened by the Human Resources Director which will be separate from the personnel file of the employee involved. Said file will be confidential to the extent allowed by Florida law and will be available only to the County Manager, or his designee, for the specific case, and;

- b. The County Attorney and County labor counsel,
 - c. Investigators, if any (until the investigation is completed) assigned the specific case by the County Manager.
4. Investigators assigned to handling the complaint will not discuss any aspect of the investigation with anyone, except those persons who have access to the file as provided in paragraph 1 above and then only upon request or as necessary to complete the investigation.
 5. The investigators will be charged with the responsibility of gathering information relevant to the complaint. The identity of persons interviewed will remain confidential except to those persons enumerated in paragraph 1 above unless otherwise directed by the County Manager or required by law.
 6. Unless otherwise directed by the County Manager, the investigation will be supervised by the County Attorney or the County labor counsel.
 7. Upon completion of the investigation the investigators will make a verbal report to the County Manager.
 - a. A record of the decision of management will be made in the separate file by the County Manager and the parties will be advised of the decision.
 - b. If the decision involved discipline of any employee other than oral reprimand (e.g., written reprimand, suspension or discharge) a copy of the actual notice of disciplinary action will be placed in the employee's personnel file.
 - c. If the person against whom the claim was made is exonerated or no disciplinary action other than oral reprimand is taken, no entry will be made in the personnel file. In such instance, the complaint investigation shall clearly state whether there was no merit to the complaint or that it was insufficiently serious to warrant discipline more severe than oral reprimand. If any oral reprimand was given, the County Manager shall prepare a memo explaining the oral reprimand. The complaint investigation file will not be disclosed to anyone other than as provided in paragraph 1 above unless disclosure is required by law.
 - d. The complaint investigation file, all investigative reports and all supportive documentation shall be maintained by the County Manager and shall not become part of the employee's personnel file regardless of the findings and/or

discipline and shall remain confidential unless otherwise required by law.

- C. Because of the extremely sensitive nature of these types of claims and cases, investigators will be required to instruct all persons interviewed to keep the contents of their interview confidential. Unless otherwise required by law, failure to maintain confidentiality may result in disciplinary action being taken.
- D. Management personnel, investigators and members of their staff who discuss cases in which they, or any of the employees under their supervision, are involved with anyone other than those persons allowed by this policy or as required by law will be subject to discipline, including discharge, unless they have been given specific instructions to the contrary by the County Manager or his designee.

SECTION 36

VOLUNTARY MEDICAL LEAVE BANK (VMLB)

36.01 CONTRIBUTION

During the month of October of each year, all full-time and regular part-time employees may contribute a minimum of one (1) day and a maximum of six (6) days of the accrued unused medical leave earned but not taken in the last fiscal year to the Voluntary Medical Leave Bank (VMLB) as follows:

- A. A VMLB contribution form will be attached to the employee's first paycheck in October.
- B. Contributions must be in one (1) day increments. A day shall be interpreted as being 8, 10, or 24 hours period based on the employee's schedule.
- C. Employees, who wish to contribute to the VMLB, must complete and sign the form and turn it into the Human Resources Department before the close of business on the last regular business day of October.
- D. Medical leave hours contributed by an employee will be deducted from the employee's personal medical leave account and deposited into the VMLB.

36.02 ADMINISTRATION

The Human Resources Department shall deposit the voluntarily contributed medical leave in the VMLB, authorize payment to eligible employees, maintain records of contributions, payout, applications and ruling on applications and otherwise administer the VMLB in accordance with the procedure set forth below. The VMLB year shall run from November 1 to October 31 each year.

36.03 ADVISORY COMMITTEE

- A. An Advisory Committee made up of the, Human Resources Director, one (1) representative selected by each labor organization with whom the County has a collective bargaining agreement for the coming fiscal year and one (1) supervisor and one (1) non-supervisory employee not in a bargaining unit appointed by the County Manager will make up the Advisory Committee.
- B. The Advisory Committee shall be appointed during the month of October each year, and shall serve from November 1st to the next October 31st.
- C. The Human Resources Director shall chair the Advisory Committee.

- D. The Advisory Committee will meet upon the call of the Human Resources Director each year and more often if the Human Resources Director deems it is necessary to review the operation of the VMLB and to make recommendations, if any, to the County Manager with respect to changes.

36.04 ELIGIBILITY

Full-time and regular part-time employees who are on the active payroll or on paid leave and who have completed their initial probationary period, have used all of their own personal medical leave, vacation leave and personal leave days, and who are not receiving Worker's Compensation, long-term disability or other compensation from the County, may apply for payment from the VMLB by completing an application and filing it with the Human Resources Department. To be eligible to receive paid medical leave, such employees:

- A. Must file the application at least ten (10) days before the first day the employee seeks payment from the VMLB.
- B. Must be absent due to a bona-fide sickness or injury for more than five (5) working days after the employee has exhausted all personal medical leave, vacation and personal days.
- C. Must present evidence satisfactory to the Human Resources Director, including but not limited to, a medical doctor's certificate, if it is requested in order to establish that the absence is necessary and due to a bona-fide sickness or injury and is anticipated to last at least (5) working days beyond the date on which the employee will exhaust all the employee's personal medical leave, vacation and personal leave days. Absences due to elective medical treatment, including but not limited to, elective surgery are not covered by this policy.
- D. Must have contributed at least the minimum of one day to the VMLB in the fiscal year in which the employee applies for payments from the VMLB or in the immediately preceding fiscal year.
- E. The employee's application must be approved by the Human Resources Director.

36.05 AMOUNT OF MEDICAL LEAVE AND PAY

- A. Payments under this policy will come only from the funds available in the VMLB for the fiscal year and no County funds will be used to make payments under this policy.
- B. The maximum pay from the VMLB an employee can receive in a fiscal year shall be the number of hours the employee contributed to the VMLB in October of the fiscal year for which the application is made times twenty (20).

- C. Once approved, pay will not begin until the sixth day after the employee has exhausted all personal medical leave, vacation and personal days.
- D. VMLB payments shall not be made in increments of less than one (1) day without prior approval from the VMLB Committee. Committee decisions will be made on a case by case basis.
- E. Pay from the VMLB shall be at the employee's rate of pay at the time the employee's application is approved or of the average straight time hourly rate of pay as determined by the County for all County employees at the beginning of the fiscal year during which the application was made as determined, whichever is less. For the purpose of calculating the average hourly rate for salaried employees, both exempt and non-exempt, the annual salary will be divided by 2080 hours.
- F. Payments will be made to the employee or employees whose applications have been approved on a day-to-day basis until the hours in the VMLB are exhausted. Once the VMLB is exhausted for the fiscal year, no other payments will be made by the County or otherwise, including for applications that have been approved.

36.06 RETURN TO WORK

In the event an employee is paid from the VMLB in order to be eligible to return to work the employee:

- A. Must present evidence satisfactory to the Human Resources Director, including but not limited to, a medical doctor's certification, if requested, that each day of absence for which the employee received VMLB payments was due to a bona-fide illness or injury and not due to elective medical treatment.
- B. Must have not worked in any capacity for any other person or entity.
- C. Must take a medical exam or exams as directed by the Human Resources Director.
- D. Must have periodically, but not less than every thirty (30) days, have advised the Human Resources Director as to the status of the injury or illness and the employee's desire to return to work.
- E. Instruct his doctors to provide the Human Resources Director all relevant medical information and opinions the Human Resources Director deems necessary for the proper administration of the VMLB.

36.07 FALSE INFORMATION

If the Human Resources Director determines that a claim was made for payments from the VMLB the employee knew or should have known the

employee was not eligible to receive, the employee shall be subjected to disciplinary action under the County PRR or any applicable collective bargaining contract. If the Human Resources Director determined the application was made in good faith, but it is later determined that the employee did not meet the eligibility requirements, the medical leave the employee earns after the employee's return to work will be automatically contributed back into the VMLB until all non-qualifying payments are repaid.

36.08 **COORDINATION WITH FAMILY MEDICAL LEAVE**

Absences under this section as well as absences covered by Worker's Compensation will run concurrently with absences under the Family Medical Leave Act.

36.09 **VMLB CONTRIBUTIONS NOT USED**

Payments from the VMLB not paid or not committed by October 31 to be paid shall be re-deposited in whole hours by January 1 to the employee's personal sick leave account in direct proportion the days the employee contributed is to the total days contributed by all County employees for that VMLB year less the number of days, if any, the employee received payments from the VMLB for that VMLB year. Fractional hours will not be re-deposited and shall be lost.

36.10 **DISPUTES**

An employee who claims a violation of paragraphs 36.04, 36.05, 36.06, 36.07 or 36.09 may not submit same to Section 14 of the PRR nor shall such claims be subject to the grievance or arbitration procedure under any collective bargaining agreement. Such claims shall be made by filing a written complaint with the Human Resources Director within five (5) working days of the day the claimed violation occurs. Timely complaints will be forwarded to the County Manager for consideration for his decision, which shall be binding and not subject to further appeal.

SECTION 37

FAMILY MEDICAL LEAVE POLICY*

37.01 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.

Son or daughter means a biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in loco parents, 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.

37.02 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 thereof, or recovery there-from), or any subsequent treatment in connection with in-patient care; or (2) continuing treatment by health care provider.

37.03 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.

37.04 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 re-certification.

37.05 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.

37.06 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 share of the premiums.
- B. Should the employee fail to continue to pay his 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.
- D. If the employee does not return to work after the expiration of the leave, the employee will be required to reimburse the County for the County's portion of health insurance premiums during the family leave, unless the employee does not return because of the presence of a serious health condition which prevents the employee from performing his job or circumstances beyond the control of the employee.

37.07 ACCRUAL

During FMLA leave, accrual of employment benefits, such as vacation pay, medical leave, seniority, etc., shall continue. Pension benefits will be determined in accordance with DOL rules, but employees shall be required to make the pension contributions required, if any, under the County-sponsored pension plan covering them. 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 21.05].

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

37.08 RELATIONSHIP TO PAID LEAVE

- A. Employees may elect or may be required to substitute without limitation accrued paid vacation or personal leave for an equivalent portion of FMLA leave.
- B. Employees may elect or may be required to substitute accrued paid medical leave for an equivalent portion of FMLA leave for a serious health condition.
- C. 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.
- D. 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.

37.09 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.

37.10 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. All applications should be on approved forms which are available from Human Resources.

37.11 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.

37.12 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.

37.13 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 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.

37.14 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.

37.15 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 38

DRUG-FREE WORKPLACE AND ALCOHOL POLICY*

38.01 POLICY

The County's Drug-Free Workplace Policy is aimed at ensuring "0" tolerance to illegal drugs at all times and its alcohol-free policy to "0" 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. This policy is consistent with all Florida State and Federal Laws including Florida Drug-Free Workplace Statutes 440.101 and 440.102, Drug-Free Workplace Program Requirements, the Agency for Health Care Administration (AHCA), Chapter 59A-24, Florida Administrative Code, Drug-Free Workplace Standards, and the Federal Drug-Free Workplace Act. 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 are in addition to disciplinary action including termination of employment.

38.02 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, which includes use of prescription drugs of another person's.
- 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.

38.03 USE OF LEGAL DRUGS

The use of legal drugs, 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 the supervisor immediately in order that an evaluation can be made on the impact, if any, on the safe and efficient operation of the County. Detection of controlled substance will be presumed to be in violation of this policy unless the employee had advised the supervisor of its medicinal use in advance who will immediately advise the Director.

38.04 **SUBSTANCES TESTED FOR**

- A. With respect to violation of policy 38.02(B), employees are subject to testing for the detection of alcohol while on duty or while operating or riding in or on a County owned vehicle.

- B. Employees will be subject to drug testing for the detection of the following illegal drugs/drug groups, as well as others that may from time to time be declared illegal by State or federal law:
 - 1. Amphetamines
 - 2. Barbiturates
 - 3. Benzodiazepines
 - 4. Cannabinoids (marijuana)
 - 5. Cocaine
 - 6. Methadone
 - 7. Methaqualone
 - 8. Opiates (Heroin, Morphine, Codeine)
 - 9. Phencyclidine (PCP)
 - 10. Propoxyphene

 - See attachment A

- C. Circumstances for Testing. Subject to applicable law:
 - 1. Special Risk and Safety Sensitive applicants shall 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.

2. When an employee is involved at any time directly in an equipment or vehicular work-related accident, 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 Manager the employee was at fault or the employee's conduct contributed to the accident.
3. When an employee is in a special risk or safety-sensitive position (Equipment Operator 1 or 2, all positions which require a CDL License, Police Officer, Firefighter/EMT or Firefighter/Paramedic, etc. of any rank) and is involved in an accident on the job, he will be required to submit to a drug and/or alcohol test, if the accident results in personal injury requiring medical attention.
4. When reasonable suspicion exists to believe the employee is using drugs or alcohol in violation of this policy. A reasonable suspicion is a belief 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:
 - a. 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;
 - b. Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance;
 - c. A report of drug use, provided by a reliable and credible source;
 - d. Evidence that an individual has tampered with a drug test during his employment with the County;
 - e. Information that an employee has caused, contributed to, or been involved in an accident while at work;
 - f. Evidence that an employee has used, possessed, manufactured, cultivated, sold, solicited, or transferred drugs;
 - g. Frequent absences from work without a satisfactory explanation.

5. As a part of any medical examination required by the County whether or not that medical examination is required by the DOT or any other local, state or federal law or regulation.
6. For the purpose of this policy, if a test reveals the presence of alcohol the employee shall be deemed to have violated County policy.
7. Employees and job applicants have the right to consult with the medical review officer 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.
8. All test results will be kept confidential and will only be provided to managerial employees on a need-to-know basis.

38.05 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 work day after they become aware of it. Failure to so report may result in immediate termination.
- B. Upon conviction 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.

38.06 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.

38.07 EMPLOYEE INJURED ON THE JOB

Any employee injured on the job who 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.

38.08 EMPLOYEE ASSISTANCE PROGRAM

The County encourages and may require employees who voluntarily report drug or alcohol related problems, which have not yet adversely affected their job or County operations, to participate in counseling or other rehabilitative activities and successfully complete same as a condition of continued employment. Additionally, the County, at its option, may require any employee in violation of this policy, who does not voluntarily report his problem, to participate in and successfully complete such activities as a condition for continued employment or it may decide to immediately terminate their employment.

- 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 confidentially basis. If the employee has a satisfactory performance record, the County may grant the employee an unpaid leave of absence for a period determined by the County to participate in a County approved treatment or rehabilitative program. This employee will be responsible for all expenses resulting from the treatment or program to the extent they are not covered by insurance.
- B. Costs. The employee will be responsible for all expenses resulting from the treatment or rehabilitation to the extent they are not covered by insurance. In the event the County requires the employee to participate, the employee must sign a release allowing the entity or person assisting in the counseling or rehabilitation to keep the County fully advised with respect to the employee's participation and medical condition and to supply the County copies of the employee's medical records relating to the treatment upon request.
- C. Return to Work. Employees who are granted a leave of absence under paragraph A above must successfully complete all counseling, medical and other rehabilitative requirements established by the County for them within a reasonable amount of time, in order to be considered for return to work. If, at the option of the County, the successfully rehabilitated employee is returned to work within 30 days of his successful completion of the required rehabilitative program, he shall be given no service credit for the time of his leave absence.

- D. Re-Testing. Employees allowed to return to work under paragraph C shall be subject to re-testing any time without notice and must submit to such test as and when directed by the County. Retesting must be one time a year for two years.

38.09 REPORTING VIOLATION OF THE 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. No Retaliation. 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 take 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.

38.10 COORDINATION WITH HUMAN RESOURCES

Section 38 is subject to applicable law and all action taken by members of management hereunder must be coordinated through the Human Resources Director to ensure compliance with all applicable laws.

Employers, laboratories, medical review officers, employee assistance programs, drug rehabilitation programs, and their agents who receive or have access to information concerning drug test results will keep all information confidential. This includes all information, interviews, reports, statements, memoranda, and drug test results, written or otherwise, received through a drug testing program are confidential communications and will not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings. The exception to this is in determining workers compensation compensability.

38.11 EMPLOYEE ASSISTANCE:

Hardee County encourages all employees to seek help if they suffer from a drug and/or alcohol problem. In an effort to assist you, listed are helpful phone numbers:

Drug/Alcohol Abuse Help Line: 1-800-362-2644

Alcoholic Anonymous: 1-800-252-6465

Drug/Alcohol Abuse 24 hour Crisis Line: 1-800-283-2600' Drug Abuse Alcoholism and Cocaine: 1-800-333-444

38.12 COLLECTIVE BARGAINING:

This Drug-Free workplace Policy is a mandatory topic for negotiation in our Collective Bargaining Agreement.

SECTION 39

EDUCATIONAL INCENTIVES AND BENEFITS

39.01 TUITION

The County may authorize payment for tuition for courses it considers will be helpful to successful completion of the mission of the County subject to budgetary constraints as follows:

- A. The County Manager, or his designee, shall determine if the course, certification program, or curriculum is related to the employee's job or contributes to the long range value of the employee to the County.
- B. If it is reimbursable through some other source, then provisions of the County's education tuition payment plan shall not apply.
- C. Reimbursable rates are as follows:

Employees receiving a grade of "A" in the course will be reimbursed at 100% of the cost per credit hour at a maximum of \$200.00.

Employees receiving a grade of "B" in the course will be reimbursed at 75% of the cost per credit hour at a maximum of \$150.00.

Employees receiving a grade of "C" in the course will be reimbursed at 50% of the cost per credit hour at a maximum of \$100.00.

Employees receiving a grade of "D" or below in the course, or drops the course will not be reimbursed.

39.02 ELIGIBILITY

- A. Full-time employment with the County at least one (1) year, unless the County Manager grants an exception.
- B. The educational training can be at the high school, post high school, and adult educational levels if State certified.
- C. No employee will be provided more than four thousand dollars (\$4,000.00) in a calendar year unless previously approved by the County Manager.

39.03 REQUESTS AND PAYMENT

- A. The employee must request to their Director, in writing on the reimbursement form supplied by the Human Resources Department, prior to new fiscal budgets being finalized. The memorandum must state the name of the class and its cost. In order to process the request in a timely manner, employees should make every effort to request necessary funding as soon as school schedules are released. Failure to obtain approval in advance may result in requests for reimbursement being denied.

- B Employees requesting reimbursement upon completion of the class must also submit paid receipts and final grades.
- C. Employees are encouraged to attend any accredited Florida college or university; however, tuition reimbursement shall be paid at the public Florida college or university tuition rate. Correspondence schools will not be considered for tuition reimbursement. Employees shall not be reimbursed for mileage or personal expenses unless they are required by the County Manager to take the course.
- D. The employee shall submit to the Human Resources Director the final grade, certification, or degree immediately upon receipt from the school.

39.04 REPAYMENT BY THE EMPLOYEE

Each employee must execute an agreement satisfactory to the County to pay the County back if he leaves employment within three (3) years of receipt of the reimbursement. Such agreement will include a legally binding commitment for the employee to pay the County back for all educational reimbursements received within three (3) years of leaving employment with the County voluntarily or involuntarily for any or no reason except retirement under the County retirement plan or permanent total disability whether resulting from an on or off the job injury or illness and other such terms as the County Attorney determines are necessary to ensure repayment to the County. The County reserves the right to withhold the money owed from any final paycheck upon separation, subject to applicable law. The County Manager may excuse repayment in whole or in part for circumstances he determines to be extenuating and justifiable.

39.05 SCHEDULES

The County will attempt to rearrange work schedules for classes if it does not interrupt the normal work flow.

39.06 INCENTIVE PAY

When the State or other governmental agency mandates additional pay for a class of employees and funds or reimburses the County for same, the County will provide the incentive pay to those employees who meet and maintain the qualifications to receive the incentive pay. Department Directors are required to advise the Human Resources Director of employees in their Department who are eligible for such pay.

SECTION 40

MISCELLANEOUS

40.01 SMOKING*

- A. The purpose of this policy is to protect the public health, comfort, and environment for citizens and employees by creating areas in public places and at public meetings that are reasonably free from tobacco smoke, to comply with Florida Statutes, the Florida Clean Air Act and problems created by the use of other tobacco products in the workplace.
- B. No person may smoke or use any tobacco product in any County building, facility, or non-assigned vehicle. This includes, but is not limited to, private offices, hallways, rest rooms, conference rooms and break rooms, even with only one occupant.
- C. Smoking is permitted outdoors except for the following conditions:
 - 1. Whenever a safety hazard exists;
 - 2. In any area where smoking is specifically prohibited by federal, State, County or Town Ordinance;
 - 3. In any area posted "No Smoking".
 - 4. In any area close to public entrances into County Buildings.
- D. The County Manager shall be responsible for ensuring County-wide implementation of this policy. Directors and Managers shall be responsible for uniform implementation of this policy in their respective work areas, facilities and buildings.
- E. Violation of this policy shall subject the employee to disciplinary action up to and including termination.
- F. Citizens, clients, contractors and visitors to County facilities shall be expected to comply with this policy. Violators shall be requested to extinguish their smoking material or to leave the building/facility area if they refuse to do so.

40.02 UNEMPLOYMENT COMPENSATION*

- A. 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 Human Resources. Employees who are terminated for violation of the County Drug Free Workplace Policy may not be entitled to unemployment compensation under Florida law.

- B. Any correspondence received by employees regarding unemployment compensation must be forwarded to the Human Resources Department upon receipt.

40.03 WORKERS' COMPENSATION*

The County will pay regular full-time employees on leave covered by the workers' compensation law for the first six (6) months at their regular hourly rate for their regular straight time schedule, provided (1) they sign over to the County checks for lost wages received from the workers' comp insurance carrier and the County LTD carrier and (2) they fully cooperate with the County or the Pension Board, whichever applies, in applying for LTD. After the first six (6) months, if the employee remains on workers' compensation, the employee may use accumulated but unused vacation and medical leave to supplement workers' compensation as provided in Sections 16.03 and 17.07.

40.04 DESKS, LOCKERS, OTHER COUNTY PROPERTY / EQUIPMENT, PERSONAL PROPERTY *

- A. Employees may request a locker if available.
- B. Employees may provide locks for lockers, but must provide the Director a duplicate key.
- C. 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.
- D. In the event the employee is unavailable or it is deemed necessary to access any item described in Section 40.03(C) above without the employee's presence the Director must request authority to access from the County Manager. The County Manager shall make the determination.
- E. The County is not responsible for the personal property of employees which they bring onto County property; provided, upon proof satisfactory to the County Manager that safety eyeglasses were damaged in the performance of their duties, the County will, at its option, replace same or reimburse the employee up to one hundred fifty dollars (\$150.00) for eyeglasses, provided the employee turns in the damaged eyeglasses and provided further, in the case of reimbursement, the employee submits a receipt for the replacement eyeglasses.

40.05 INFORMATION SYSTEMS/E-MAIL AND COMPUTER USE POLICY

- A. The County provides computers and electronic mail services to certain employees. These systems are designed to facilitate information and document management as well as communication with other employees and with the public when tasks are required. All electronic data, information, and communications transmitted, created, received, or stored in county computers, or in the county information systems, are the property of the County.
- B. E-mail is solely for use by employees in the performance of their jobs. However, it is recognized that occasional communications between employees at work via e-mail for personal reasons under circumstances that do not take away from or interfere with their assigned duties or the duties of those employees with whom they communicate, is not prohibited except:
 - 1. No e-mail or other computer data will contain any material which is political, slanderous, controversial, critical of any person or entity, or which contains vulgar language, references to sexual matters or is otherwise inappropriate.
 - 2. E-mail for personal reasons should be used only when it is important that the employee communicate with another employee at work about a personal matter and another method of communication would take time away from the employee's work. E-mail is not to be used for "chit-chat", telling jokes and communicating personal information unless it is necessary.
 - 3. The County Manager, or the County Manager's designee, will determine when this Section is being violated.
- C. Employees shall not access unauthorized files, data, or computer resources, including network resources, or retrieve any stored information, other than those for which they are authorized, unless there has been prior clearance by the County Manager, Director of Planning and Development, or their designees.
- D. To ensure that the use of the County Information System and other electronic communications systems is consistent with the County's legitimate business interests, and not a violation of this Section, authorized representatives of the County will monitor computer and network use from time to time.
- E. Employees using this equipment for improper personal purposes may be disciplined in accordance with the applicable PRR.
- F. Employees should also be aware that most electronic records (such as e-mail and computer files and data) are public records under Florida Statutes Chap. 119, and as such are subject to access by any person, including the news media in the same manner as physical documents and information.

- G. E-mail, computer files and data may be stored in multiple locations, and can often be retrieved, and may be reviewed at any time by the County in order to ensure compliance with this Section, also and by the Public upon request pursuant to Florida Statutes Chap. 119 (“Public Records Law”). ANYTHING YOU DO OR CREATE ON A COUNTY COMPUTER MAY BE ON THE FRONT PAGE OF THE NEWSPAPER.
- H. Any software licensed by the County shall not be copied, duplicated or shared. Any software not owned or leased by the County shall not be installed on any County computer.

40.06 TAKE – HOME VEHICLES

- A. Some County employees have County vehicles at their disposal so they may carry out their duties properly. Because County vehicles are distinctly marked, the way they are operated has a direct impact on the public image of the County. Employees operating County vehicles will adhere to the following rules:
 - 1. Operator will possess a valid Florida driver's license.
 - 2. All vehicular safety laws will be observed.
 - 3. Safety belts will be used at all times when the vehicle is in operation.
 - 4. In the event that a County vehicle is involved in an accident, the employee will notify the appropriate law enforcement agency and the employee's immediate supervisor and the Human Resources Director.
 - 5. County vehicles will be used for official business only; they will not be used for pleasure or personal business, other than for commuting or de minimis personal use, unless otherwise approved by the County Manager.
 - 6. Any employee who abuses a County vehicle in any manner will be subject to disciplinary action including possible payment for the deductible portion of damages to the vehicle.
- B. Overnight use of a County vehicle will require approval of the County Manager before a vehicle is driven home. Such use will be authorized only under the following conditions:
 - 1. The employee is a Director whose regular duties require frequent use of a vehicle overnight or whose responsibilities involve evening or weekend public appearances.
 - 2. The employee holds a position with duties and responsibilities involving emergency services or involving on-call or standby status.

- C. In addition to the rules for operating a County vehicle, employees who are assigned overnight use of County vehicles will adhere to the following rules:
 - 1. Off-street parking will be provided when the vehicle is parked at the employee's residence when available.
 - 2. Under no circumstances will the vehicle be used for transporting members of the employee's family or for anything pertaining to personal business or pleasure unless otherwise approved by the County Manager.
 - 3. The vehicle will be turned in to the employee's department when, for any reason, the employee is absent for more than five (5) days. In case of illness or inability to turn the vehicle in, the division or Director will be notified immediately.
 - 4. The employee will be responsible to keep the vehicle in clean condition.
- D. Vehicle assignments may change from time to time, and each vehicle will be available for other purposes when not being used by the employee to whom it is normally assigned.
- E. All vehicles which are not to be driven home by employees will remain parked overnight in the building parking lot where the vehicle is assigned.
- F. In accordance with the requirements of the Deficit Reduction Act of 1984, income related to use of County vehicles on an overnight basis will be reported for any employee so assigned with the exceptions noted below:
 - 1. The vehicle is a clearly marked emergency vehicle.
 - 2. The vehicle is a qualified specialized utility repair truck. The term "qualified specialized utility repair truck" means a truck (not including a van or pickup truck) specifically designed and used to carry heavy tools, testing equipment or parts where (1) the shelves, racks, or other permanent interior construction which has been installed to carry and store such heavy items is such that it is unlikely that the truck will be used more than a very minimal amount for personal purposes and (2) the employer requires the employee to drive the truck home in order to be able to respond in emergency situations for purposes of restoring or maintaining water or sewer utility purposes.
- G. It is the Director's responsibility to notify the County Manager when overnight County vehicle assignments are made or changed.

40.07 **SAFETY***

- A. All Directors, managers 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 Manager any safety concern a reasonable person would or should consider significant.

- B. 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.

- C. All employees should report to their Department Head, the Human Resources Director and/or the County Manager any condition, equipment or practice they consider to be unsafe.

- D. Employees who are required to wear safety equipment and clothing provided by the County are required to do so. Failure to do so will result in disciplinary action.

SECTION 41 **CELLULAR TELEPHONE POLICY**

41.01 INTRODUCTION

This document will outline the policies and procedures of the Hardee County Board of Commissioners and staff with regards to the purchase, assignment, and use of cellular telephones.

41.02 POLICY STATEMENT

Use of cellular telephones by County employees is appropriate in certain circumstances. This usage is primarily intended for County business purposes only. Cellular telephones should not be used when a less costly alternative is safe, convenient, effective and readily available. Compliance with this policy is the responsibility of all County employees who are assigned cellular telephones to perform their duties. Department Directors, Division Directors, Administration and Purchasing will further be responsible for the administering of adequate controls to ensure compliance with this policy. These Agencies and their administrators reserve the right to monitor the use of all county owned cellular telephones. Hardee County employees using cellular telephones inappropriately or in conflict with this policy will be subject to disciplinary action, as outlined in the Hardee County Rules and Regulations.

41.03 JUSTIFICATION

Departments may justify a cellular telephone if:

- A. Essential functions of the job require that staff is contactable at anytime, and no other communications means is readily available.
- B. Staff requires remote communications to enhance safety.
- C. Productivity can improve through use of mobile communications.

41.04 ACQUISITION PROCEDURES

In accordance with Hardee County's Purchasing Policy, the Director of Purchasing has the delegated authority to purchase cellular phones and calling plans on behalf of the Hardee County Board of County Commissioners. When a justification is established, the acquisition of a cellular telephone must be requested though the section's department/division director by completion of the cellular request forms. Contact the Purchasing Department for request forms. The completed form shall be sent to the Purchasing Department, who will implement the final approval process. Upon final approval, the Purchasing Department will place the order with the appropriate vendor. Upon equipment receipt, Purchasing will charge the battery and test the cellular telephone prior to notifying the user the cellular telephone is available for issuance. Any inquires regarding proper completion of the cellular request forms should be conveyed to the Director of Purchasing during normal business hours.

41.05 CELLULAR SERVICES

Hardee County's Purchasing Department will search for and recommend the best plan/features/rates available through prospective vendors. Purchasing reserves the right to change vendors and/or plans to benefit the County.

41.06 RATE PLANS

Cellular providers offer a variety of bundled minute rate plans structured to reduce charges for large volume of cellular telephone use. When determining the appropriate plan for each cellular telephone, a minimum three month billing history is recommended for review prior to modifying a bundled rate plan. Personal and non-county related calls must not be considered when determining a bundled rate plan.

41.07 PAYMENT OF INVOICE/REIMBURSEMENT FOR PERSONAL CALLS

The initial cost to acquire a cellular telephone and the total ongoing monthly cost for usage will be paid by the employee's departmental budget. On phones that the County pays a flat rate plan that includes bundled minutes, employees may make a personal call under this plan. Employees are responsible to reimburse the county for all costs related to personal calls that exceed the bundled plan, as outlined in the reimbursement form. On phones that do not include a flat rate or a bundled minute plan, employees are responsible to reimburse the County for all costs related to personal calls. Monitoring the costs of cellular telephones is the responsibility of the assigned department director. The department director shall monitor individual account with regard to ongoing costs against their budget and staff's personal billable calls.

41.08 PURCHASING RESPONSIBILITY

The Purchasing Department is responsible to:

- A. Review requests for cellular telephone for compliance with this policy.
- B. Order and issue cellular telephones and replacement accessories for approved employees.
- C. Coordinate the activation and deactivation of cellular telephones with our service providers.
- D. Assist management, directors and supervisors as requested to ensure compliance with this policy.

41.09 DEPARTMENT/DIVISION MANAGEMENT RESPONSIBILITIES

The individual departments/division are responsible for:

- A. Communicating the content of this policy to their employees.
- B. Enforcing this policy in their areas of responsibility.

- C. Collecting cellular telephones from employees when job responsibilities change or the employee leaves employment. Phones no longer needed for business purposes should be returned the Purchasing Department for deactivation.
- D. Contact the Purchasing Department to place requests for activation, reassignment, modification and cancellation of cellular telephone accounts.
- E. Annual accounting audit of monthly calls made to ensure proper bundled minute plan is in effect according to business call usage.

41.10 EMPLOYEE RESPONSIBILITIES

Hardee County's Board of County Commissioner's employees are responsible for:

- A. Reimbursing Hardee County for all personal calls on phones that do not include a bundled minute plan
- B. Reimburse Hardee County Board of County Commissioners for all personal calls once the bundled plan is exceeded.
- C. Reimbursing Hardee County for all long distance charges related to personal calls.
- D. Monitoring monthly cellular minute usage.
- E. Reporting any misuse or loss of cellular telephones to management, or the Purchasing Department as soon as possible.
- F. Upon termination of employment, return cellular telephone and all accessories in accordance with the procedures outlined in PRR, Section 6.08, for return of County property.

41.11 LOST OR STOLEN EQUIPMENT

It is the responsibility of the employee to safe guard all County issued equipment, including cellular telephones. However, under appropriate circumstances and with department/division director approval, a lost or damage cellular telephone may be replaced at the department/division's expense. Employees found at fault for lost, stolen, or damaged phones may be responsible for reimbursement to the County. Employees will not be charges for stolen air-time if the theft is immediately reported to the Purchasing Department.

41.12 POLICY AWARENESS

The Purchasing Department will provide a copy of this policy to all employees issued a cellular telephone. Employees will sign and return a receipt sheet that they have read, understand, and agree with the policy as defined.

41.13 REIMBURSEMENT FOR PERSONAL CALLS

Reimbursement for all billable personal and/or non-county related calls are at the designated rate applicable at the time of the billing cycle. Billable calls shall be defined as any personal calls that result in an additional charge or any calls exceeding a bundled minute rate plan. Reimbursement will not be collected for calls covered under bundled, or nights and weekend billing. Bundled plans are based upon the estimated use of a cellular telephone for business purposes only. It is understood that employees may on occasion make personal calls under their bundled plan, which are not detailed on the invoice. Should an employee exceed their assigned number of bundled minutes within any one billing period, the employee is responsible to reimburse the County for all charges for personal calls in excess of the bundled plan. Exceptions to this may occur in an emergency situation (i.e. natural disaster) that causes unplanned excess use. Upon approval of the Department/Division director reimbursement may be waved under exceptional conditions.

Reimbursement procedures will be executed in the following manner:

- A. Employees must identify and reimburse all billable personal and non-county related calls at the end of each billing cycle. All personal billable and non-county calls must be highlighted on each invoice and signed by the employee.
- B. If no personal or non-county related calls were made, communicate by writing "No Personal Calls: on the invoice and sign.
- C. The exact amount of a check or cash payment must accompany the invoice when remitted to the Accounting Department. Make checks payable to Hardee County.
- D. Reimbursements must be made within 48 hours of receipt of invoice.

41.14 CELLULAR PHONE ALLOWANCE

As an alternative to the issuance of a cellular telephone by the County, employees may elect to be compensated with a cellular telephone allowance. Employees that choose to receive this allowance will be compensated on a monthly basis for the expenses relating to the employee's personal cellular telephone. This allowance will be considered taxable income. In accordance with IRD 274, the employee will be responsible for substantiating business related expenses and filing the appropriate paperwork with the Internal Revenue Service in order to receive deductions for business related expenses.

Eligibility for a cellular telephone allowance will be consistent with the provisions set forth in the section entitled "Justification" within this policy. If it has been determined that the employee is eligible to receive a cellular telephone allowance, the employee must provide the County with the cellular telephone number.

The allowance will be a flat rate of \$50.00 per month for all employees of the Board, \$70.00 per month for each Board member, with the exception of the Chairman who will receive \$100.00 per month.

Allowances will be reviewed on an annual basis to ensure that the allocated amount is sufficient to meet the costs associated with business related calls.

Once the employee has determined that he would like to receive a cellular telephone or a County issued cellular telephone, the option to change will not be available for the period of one year.

Approved by BOCC 8/2/07

SECTION 42
COMPASSIONATE LEAVE DONATION PROGRAM

The County's *Compassionate Leave Donation Program* is a voluntary program that provides employees with potential leave hours should a catastrophic illness, accident, or other extenuating circumstances occur. The catastrophic illness, accident, or other extenuating circumstance is limited to the employee only and shall not be implied for use when catastrophic circumstance relates to a family member. The program allows full-time employees the opportunity to donate accumulated personal leave hours (sick, vacation or comp) to full-time employees who have exhausted all paid time off. Once approved by the department director, an employee may obtain leave donations from their co-workers through use of a leave transfer authorization form.

The minimum donation an employee can donate to another employee at one time is eight (8) hours with a maximum donation of two hundred forty (240) hours in any twelve-month period. The donating employee must have a minimum of one hundred sixty (160) hours sick leave in their accrual account before they are eligible to donate and cannot donate hours which will reduce their sick leave account below one hundred sixty (160) hours. Unused donated hours will be returned to the donor. Only the amount needed to bring the employee to a full pay status will be used each pay period.

The maximum donation an employee can receive in any twelve-month period shall not exceed five hundred (520) hours. Recipient will not accrue any leave time while receiving donated hours.

Donations are subject to the following conditions:

- Leave donations under this program will be from the personal leave account of full-time employees, and will be credited to the leave account of the employee approved to receive a leave transfer.
- The employee requesting a leave transfer will not have abused sick leave in the past, as determined by the appropriate department director/chief, in collaboration with the Human Resources Director and/or County Manager and must adhere to the County's sick leave policies and procedures.
- The illness, injury or extenuating circumstance must be verifiable, documented and must qualify under the Family Medical Leave Act (FMLA) as it relates to the employee only.
- All paid time off, to include sick leave, personal leave, floating holidays, compensatory time and including access to the sick leave bank must have been exhausted to receive leave.
- Only the amount of leave that is expressly needed will be transferred. Any unused donated time will be returned to the donor employee. The Human Resources Department will monitor all leave donation and withdrawn hours to ensure compliance.

- Donated leave may not be used for voluntary medical procedures or conditions, i.e., cosmetic surgery, unless complications arise from such procedures.
- Employees donating their personal leave do so on a voluntary basis and transfers will be in whole hour increments. Under no circumstances will an employee be threatened, coerced, or intimidated in any way by anyone to participate in this program.
- Time which is donated shall become the “property of the person to whom it was transferred”, and shall be considered to be irrevocable for any reason. The County will in no way assume responsibility for any misunderstandings between the donor and the recipient.
- Once an employee has given their notice to terminate employment with the County, they can no longer donate leave.
- Employees who are receiving workers’ compensation are not eligible for leave transfer under this program.

Employees who request leave hours under this program must present documentation verifying the need, and have the documentation signed off by the Department Director. Once approved, the employee may request volunteer leave donations from their co-workers. Employees donating personal leave are required to complete the Compassionate Leave Donation Program form, and have approval, before hours can be transferred. All approved requests and donated leave forms must be received by the Human Resources Department the Friday before payroll.

Approved by BOCC 08/14/08