

Hendry County BOCC Human Resources Policy Manual

WELCOME!

Hendry County is proud of the exceptional delivery of quality services to the citizens of the County. The County takes great pride in the levels of services provided and recognizes that County employees contribute greatly to a successful mission. This document should be used to familiarize yourself with the rules and regulations, the benefits program, and County organizational information. Should you have any questions please contact your supervisor or the Human Resources Department.

This manual sets forth policies which concern all County employees. The County reserves the right to revise or rescind any of these policies at any time and for any reason, with or without notice. These policies do not constitute a contract and they should not be construed as granting any contractual or property rights to the matters set forth in this manual. The County Administrator is responsible for the interpretation of these policies and procedures and the Administrator's interpretation shall be final, except as otherwise directed by the Board of County Commissioners.

All employment with the County is "at will," such that employees are free to voluntarily sever their employment with the County at any time and for any or no reason while the County retains the right to terminate employment at any time and for any or no reason.

Contents

Hendry BOCC Mission Statement, Vision Statement, and Core Values	Page 2
Section 1: Definitions	Page 3
Section 2: Terms of Employment and Scope of Policies and Procedures	Page 5
Section 3: General Policies	Page 7
Section 4: Equal Employment Opportunity, Harassment, and Discrimination	Page 14
Section 5: Drug-Free Workplace Policy.....	Page 17
Section 6: Safe Workplace	Page 27
Section 7: Classification Plan.....	Page 28
Section 8: Pay Changes.....	Page 30
Section 9: Filling Vacant Positions	Page 32
Section 10: Separations.....	Page 36
Section 11: Employee Benefits	Page 38
Section 12: Payroll and Timekeeping.....	Page 40
Section 13: Attendance and Leave	Page 43
Section 14: Family and Medical Leave Act.....	Page 50
Section 15: Leave Donations	Page 58
Section 16: General Standards of Conduct, Corrective Action, and Discharge.....	Page 60
Section 17: Complaints, Appeals and Pre-Determination Conferences.....	Page 65
Section 18: Disaster Work and Pay.....	Page 69

MISSION STATEMENT

- To continuously improve and provide the highest quality services in a courteous, cost-effective manner while enhancing the quality of life for all residents, visitors and businesses.

VISION STATEMENT

- To be an outstanding rural community in which to live, work, raise a family and enjoy life by creating an economic environment where people can prosper.

CORE VALUES

- Integrity – We will ensure public trust through honesty, fairness and consistency.
- Respect – We will ensure that everyone is treated with dignity.
- Service – We will deliver efficient and user-friendly service to our customers through application of best practices.

Adopted by the Hendry County Board of Commissioners on September 13, 2011

SECTION 1: DEFINITIONS

- 1.1. Abandonment of Position: When an employee is absent without authorization for three or more consecutive workdays, the employee may be deemed to have voluntarily resigned from his or her position and may be separated from employment, except where otherwise precluded by applicable law.
- 1.2. Active Pay Status: The status of an employee when working, when on authorized paid leave, on a holiday, or other time when pay is being credited to the employee.
- 1.3. ADA: The Americans with Disabilities Act of 1990, including changes made by the ADA Amendments Act of 2008 (P.L. 110-325), which became effective on January 1, 2009.
- 1.4. Anniversary Date: The date an employee begins employment and the same date in following years. This is the date upon which entitlement to fringe benefits are based unless a specific benefit provides otherwise. The anniversary date may be changed in accordance with these Rules.
- 1.5. As-Needed Employee: As-needed employees are individuals called to work unexpectedly for brief periods of time. They are used to fill temporary gaps in staffing caused by vacancies in regular positions; by absences due to illness, injury, or other leave; and by irregularly scheduled "special duty" assignments. As-needed employees are considered to be part-time "at-will" employees, although there is normally no set time limit for their employment. However, as needed employees must meet the requirements established for "on-call employees" as defined by Chapter 60S1.004, Florida Administrative Code, and may not work a set schedule for several months in a row.
- 1.6. At-will employment: All employees of Hendry County Florida are considered at will employees, with the exception of employees who have entered into a formal written contract or collective bargaining agreement with the Hendry County Board of County Commissioners (BOCC) which expressly provides to the contrary. At-will employment means that employee can quit or be fired at anytime for any reason, other than those proscribed by law. Nothing in this document or any verbal or written representations should be interpreted as a contract of employment or as an implied contract of employment.
- 1.7. Board of County Commissioners: The elected governing board for Hendry County, Florida, or its designee.
- 1.8. Classification: The process of analyzing, documenting, evaluating, and assigning a position to an appropriate job family, pay scale and pay grade.
- 1.9. Compensation Plan: The policies and procedures for assigning and modifying rates of pay.
- 1.10. Compensatory Time (also referred to as Comp Time): Time off from work that is earned by non-exempt employees in lieu of overtime pay.
- 1.11. County Administrator: In accordance with Hendry County Code Section 1-2-17, the County Administrator is the administrative head of Hendry County Florida and shall be responsible for the administration of all departments of the county government which the Board of County Commissioners has authority to control.
- 1.12. Demotion: Assigning a filled position to a pay grade with a lower pay range midpoint or moving an employee to another position having a lower pay range mid-point.
- 1.13. Dismissal: Involuntary separation from County employment.
- 1.14. Division Director: An individual who is responsible for one or more major functional areas of the BOCC and who reports directly to the County Administrator.
- 1.15. Exempt Employee: An employee exempt from the minimum wage and/or overtime under the Fair Labor Standards Act.
- 1.16. FLSA: The Fair Labor Standards Act.
- 1.17. FMLA: Family Medical Leave Act.
- 1.18. Full-time Employee: A full-time employee is an employee who fills a position for which the assigned hours of work total at least thirty-two hours a week.

- 1.19. Insubordination: The refusal to perform work when and as assigned, failure to obey a legal order and/or any other act or acts of disrespect or disregard of proper administrative authority.
- 1.20. Job Description: A written document that lists the essential functions of a job, and that documents the skills, working conditions, effort and responsibilities and assigned hours of work.
- 1.21. Job Requisition: A document which, when completed and fully signed, authorizes the Human Resources Department to advertise and recruit for a position.
- 1.22. Part-Time Employee: A part-time employee is an employee who fills a position for which the assigned hours of work total less than thirty-two hours a week.
- 1.23. Pay Range Penetration: The level of an individual's pay compared to the total pay range. The formula for calculating pay range penetration is $(\text{Salary} - \text{Range Minimum}) \div (\text{Range Maximum} - \text{Range Minimum})$
- 1.24. Initial Probationary Period The first 180 days (non EMS employee) or 365 days (EMS employee) of employment.
- 1.25. Promotion: Assigning a filled position to a pay grade with a higher pay range midpoint or moving an employee to another position having a higher pay range mid-point.
- 1.26. Reassignment: Moving an employee to another position having the same pay range mid-point.
- 1.27. Reemployment: The hiring of a person who formerly worked for the County. Persons rehired will be new employees for all purposes, unless the Department Director recommends and the County Administrator approves otherwise in a particular case.
- 1.28. Regular Employee: A regular employee is hired to fill a specific position authorized by the Hendry County BOCC. A regular employee may be classified as either exempt or nonexempt. Although they fill an established position, full-time employees at Hendry County BOCC are still considered to be "at-will" employees.
- 1.29. Salary Schedule: A document listing all of the salary scales and pay grades for all Hendry County BOCC positions. Salary schedules are periodically adopted by the Board of County Commissioners.
- 1.30. Seniority: The total time an employee has worked for the BOCC without a break in service.
- 1.31. Volunteer: Any person performing services for the County without receiving compensation for such services. Volunteers must comply with the conduct policies in this manual, but are not eligible for any compensation or benefits as set forth in these policies.
- 1.32. Work Day: The hours an employee is scheduled, directed or otherwise required to work per day.
- 1.33. 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 BOCC for an employee or group of employees.
- 1.34. Working Time: Working time will be all hours employees perform actual work for the County, as defined by the FLSA.

SECTION 2: TERMS OF EMPLOYMENT AND SCOPE OF POLICIES AND PROCEDURES

2.1. Forward

- A. The purpose of these Personnel Policies and Procedures is to establish operating principles and general instructions for managing the County's workforce. Except where otherwise dictated by the Board of County Commissioners, the interpretation of specific Policies and Procedures may only be made by the County Administrator, in consultation with the Human Resources Director where the Administrator deems it appropriate.
- B. This manual contains general statements of BOCC policy. It should not be read as creating a property right in employment or in a particular position, or as forming an express or implied contract or promise that the policies and procedures contained herein it will be applied in all cases.
- C. Amendments, changes or revisions to the personnel policies may be made at any time, but are subject to approval by the Board of County Commissioners. Upon enactment or modification, the new personnel polices shall be distributed to all County Departments and made available to all employees for review. Any amendments, changes or revisions shall take effect immediately upon approval of the Board of County Commissioners unless otherwise specified and shall automatically be deemed to supersede all prior policies on same subject. All employees are charged with responsibility for being familiar with and abiding by these policies.
- D. To the extent not inconsistent with these policies or applicable law, Departmental procedures may be developed to serve as supplements to the personnel policies, but are subject to prior approval of the County Administrator.
- E. If it is determined by any competent jurisdiction such as the Federal, State, or local authorities, or by the Board of County Commissioners that civil emergency conditions exist, including riots, civil disorders, hurricane conditions, similar catastrophe or disorders, or public employee strikes, these policies may be suspended by the County Administrator during the time of the declared emergency.

2.2. Positions Covered

- A. Unless a specific Section or Subsection provides otherwise, the provisions of these Rules will be applicable to all employees except:
 - (1). Elected officials.
 - (2). Persons hired as independent contractors on a contractual fee, or retainer basis.
 - (3). Persons employed under the provisions of certain government programs or grants.

2.3. These policies will apply to employees working under an employment contract or collective bargaining agreement with the BOCC except in areas where they differ from the terms of the written contract. In such cases, the contract terms will take precedence.

2.4. The selection and retention of individuals covered under these policies will be at the pleasure of the County Administrator under such terms and conditions as are determined by the BOCC, unless Federal or State law or a collective bargaining

agreement provides otherwise. This policy and procedure manual supersedes all previous personnel policies, procedure, directives and guidelines.

SECTION 3: GENERAL POLICIES

3.1. Code of Ethics for Hendry County Employees

Scope:

This Policy is applicable to all employees including volunteers, contract employees, and elected officials

Policy:

Hendry County BOCC employees shall comply with the Code of Ethics required under Chapter 112, Part III, Florida Statutes, as well as with Hendry County BOCC Resolution 2009-72.

A. Statutory Code of Ethics: The following is a summary of Chapter 112 Part III

- (1). Solicitation or acceptance of gifts—No public officer, employee of an agency, local government attorney, or candidate for nomination or election shall solicit or accept anything of value to the recipient, including a gift, loan, reward, promise of future employment, favor, or service, based upon any understanding that the vote, official action, or judgment of the public officer, employee, local government attorney, or candidate would be influenced thereby.
- (2). Doing business with one's agency—No employee of an agency acting in his or her official capacity as a purchasing agent, or public officer acting in his or her official capacity, shall either directly or indirectly purchase, rent, or lease any realty, goods, or services for his or her own agency from any business entity of which the officer or employee or the officer's or employee's spouse or child is an officer, partner, director, or proprietor or in which such officer or employee or the officer's or employee's spouse or child, or any combination of them, has a material interest. Nor shall a public officer or employee, acting in a private capacity, rent, lease, or sell any realty, goods, or services to the officer's or employee's own agency, if he or she is a state officer or employee, or to any political subdivision or any agency thereof, if he or she is serving as an officer or employee of that political subdivision.
- (3). Unauthorized compensation—No public officer, employee of an agency, or local government attorney or his or her spouse or minor child shall, at any time, accept any compensation, payment, or thing of value when such public officer, employee, or local government attorney knows, or, with the exercise of reasonable care, should know, that it was given to influence a vote or other action in which the officer, employee, or local government attorney was expected to participate in his or her official capacity.
- (4). Misuse of public position—No public officer, employee of an agency, or local government attorney shall corruptly use or attempt to use his or her official position or any property or resource which may be within his or her trust, or perform his or her official duties, to secure a special privilege, benefit, or exemption for himself, herself, or others.
- (5). Conflicting employment or contractual relationship – No public officer or employee of an agency shall have or hold any employment or contractual relationship with any business entity or any agency which is subject to the

regulation of, or is doing business with, an agency of which he or she is an officer or employee, excluding those organizations and their officers who, when acting in their official capacity, enter into or negotiate a collective bargaining contract with the state or any municipality, county, or other political subdivision of the state; nor shall an officer or employee of an agency have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties or that would impede the full and faithful discharge of his or her public duties.

- (6). Disclosure or use of certain information—A current or former public officer, employee of an agency, or local government attorney may not disclose or use information not available to members of the general public and gained by reason of his or her official position, except for information relating exclusively to governmental practices, for his or her personal gain or benefit or for the personal gain or benefit of any other person or business entity.

B. County Code of Ethics

- (1). In addition to the above statutory requirements, the following policies have been adopted by the Hendry County BOCC and are applicable to all employees who report either directly or indirectly to the County Administrator or County Attorney:
- (2). Public officers, public employees and selection committee members of the County involved in the selection, award or administration of a contract funded in whole or in part by federal monies may not solicit or receive a gift of any value from a vendor or subcontractor of a vendor on the particular project or a potential vendor or subcontractor on the particular project. This prohibition applies to gifts given by persons or entities on behalf of a vendor or subcontractor and also applies to receipt of gifts by someone on behalf of the public officer, public employee or selection committee member.
- (3). The restrictions set forth in Section 3.1.A shall apply not just to holding an office, a director position or an ownership stake in a business, but shall also apply to being employed by a business or having an outstanding offer of employment from a business.
- (4). Completion of the “Doing Business with Business Entities Affiliated with County Officers and Employees Form”. Upon initial hire and annually thereafter, employees are required to accurately and completely fill-out and submit this form either to the Human Resources Department or to the County Attorney.

3.2. Employment of Relatives

Scope:

This Policy is applicable to all employees including volunteers, contract employees, and elected officials

Policy:

Hendry County BOCC employees shall comply with Chapter 112.3135, Florida Statutes, on Employment of Relatives. The statute is summarized below:

- A. A public official may not appoint, employ, promote, or advance, or advocate for appointment, employment, promotion, or advancement, in or to a position in the agency in which the official is serving or over which the official exercises jurisdiction or control any individual who is a relative of the public official. An individual may not be appointed, employed, promoted, or advanced in or to a position in an agency if such appointment, employment, promotion, or advancement has been advocated by a public official, serving in or exercising jurisdiction or control over the agency, who is a relative of the individual or if such appointment, employment, promotion, or advancement is made by a collegial body of which a relative of the individual is a member.
- B. This does not apply to persons serving in a volunteer capacity who provide emergency medical, firefighting, or police services. Such persons may receive, without losing their volunteer status, reimbursements for the costs of any training they get relating to the provision of volunteer emergency medical, firefighting, or police services and payment for any incidental expenses relating to those services that they provide.
- C. In the event of an emergency, the County Administrator may authorize the temporary employment, of individuals whose employment would be otherwise prohibited by this section. Such employment may not exceed six months.
- D. "Relative," for purposes of this policy only means an individual who is related to the public official as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

3.3. Outside Employment

Policy:

Subject to the requirements listed in the Code of Ethics for Hendry County Employees, employees are permitted to hold outside employment during off-duty hours.

Procedure:

- A. Prior to starting employment with another business, all employees are required to report employment to the County Attorney as described above in 3.1 (B) 4. Prior to accepting an outside offer of employment, employees are also required to obtain the expressed written consent of their Division Director.
- B. In the case of full-time employees, should conflicts arise between an employee's obligations to Hendry County and his or her obligations to another employer, management expects employment with Hendry County to take precedence over employment with other entities. In the event that outside employment results in attendance or performance deficiencies, or otherwise negatively impacts an employee's employment with Hendry County, he or she may be subject to disciplinary action.
- C. Equipment, facilities, vehicles, or other property or resources of the County will not be used by employees for outside employment.

3.4. Political Activity

- A. Employees may engage in political activities during non-working hours provided that their activities do not interfere with the operation of County business.
- B. Employees will not wear or display political badges, buttons or stickers when on duty, riding in or on County equipment or when in a County uniform.
- C. Employees will comply with all state and local laws involving political activity.
- D. Employees may run for elective office or be appointed to non-elective office other than those involving Hendry County BOCC provided the position in no way interferes with their work as a County employee. Employees running for elective office must comply with Chapter 99.012 F.S.

3.5. Release of Information

- A. Employees will 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 will direct such inquiries to the Department Director. Directors will forward such inquiries to the Public Information Office. The County public information policy is CW-O-003.

3.6. Use of County Property

- A. The County provides employees with necessary job equipment, material and vehicles to carry out the job assigned to them. When employees are assigned any such equipment, it becomes their responsibility to exercise reasonable care in its use to preserve the life of the equipment and to observe all safety precautions. Personal use of vehicles, material, supplies, tools, or other equipment or property is prohibited unless authorized by the County Administrator. Designated employees may be authorized to use an assigned County vehicle to commute to and from work upon recommendation of their Department Director and approval of the County Administrator. No unauthorized persons are to be permitted to operate or be a passenger in a County vehicle including family members.
- B. The County will provide employees with tools needed on the job. Except in the case of small non-powered hand-tools, employees must obtain approval from their supervisor before using non-County tools on the job.

3.7. Dress Code

- A. The County has adopted a business casual dress code but emphasizes some positions or situations may call for more professional attire. It is important for employees to be well groomed, neat, and dressed appropriately for promoting a positive image to coworkers and the general public. At the discretion of department directors or the County Administrator, more professional attire may be required.
- B. For employees who work in an office environment the County observes a business casual dress requirement with Fridays normally being a casual day when jeans and boots or athletic footwear in good condition may be worn. Employees who are

attending meetings, seminars, court proceedings, etc. where they come in contact with others are expected to represent the County in a professional manner and dress appropriately. Any employee who prefers to dress in more professional business attire should feel free to do so. Conversely, employees who work in an office environment but who are doing work of a more physical nature, such as moving furniture, archiving documents, etc. may wear jeans and closed toe shoes for safety, comfort, and to avoid damaging less-durable clothing.

- C. Employees should choose clothing that communicates professionalism. Examples of business casual attire are slacks, khakis, skirts, dresses, oxford shirts, sweaters, turtlenecks, blouses, dress jackets, blazer/sport coats, loafers, dress shoes with or without heel, dress boots, dress sandals. Accommodations will be made for medical needs/disabilities.
- D. The following clothing items are normally not permitted in the work place at any time, including on casual Fridays:

shorts, overalls, halter tops, spaghetti straps, beachwear, athletic apparel, skorts, tank tops, tee-shirts with non-County logos, leggings, athletic wear of any kind, offensive or revealing clothes. In addition, employees are not to wear slippers, flip flops, thong shoes or sandals.
- E. For employees who work in an outside or service environment, uniforms are provided and must be worn. Closed toed shoes or boots are required at all times. During cold weather jackets, coats or cardigan sweaters can be worn over uniforms provided they are free of any offensive slogans or pictures.
- F. In keeping with the current dress code, the following guidelines of dress are expected from all employees:
 - (1). No clothing of a provocative nature may be worn.
 - (2). Clothing will be free of sexually related references, foul language or offensive material.
 - (3). Clothing, jewelry and hair should not be loose or dangle in such a way that it creates a safety hazard.
 - (4). Body piercing jewelry will only be worn on the ear. No other areas of the body should be visible with body piercing jewelry.
 - (5). Tattoos must be appropriate in content and in keeping with a professional image. At the discretion of the Department Director, employees may be required to keep tattoos covered while at work or while performing certain functions.
- G. Department Directors will counsel any employee whose appearance does not meet the standards. If the appearance is unduly distracting or the clothing is unsafe, the employee may be sent home to correct the problem. Time spent away from work for this reason will be charged to the employee's annual leave or leave without pay. Repeated disregard for this dress and grooming policy may result in actions following the County's progressive discipline policy.

3.8. Uniforms And Equipment

- A. Any employee who is required to wear a uniform at work will report to work in a clean, complete uniform. Failure to report in a clean uniform may result in the employee being sent home to correct the problem. Time spent away from work for this reason will be charged to the employee's annual leave or without pay. Violations may also subject the employee to corrective action.
- B. Uniforms and equipment supplied by the County will be replaced by the County when they become unusable through normal wear and tear. The employee is responsible for reimbursing the County for uniforms or equipment lost or damaged through the employee's negligence.

3.9. Personal Business

Personal mail should not be directed to a County address or post office box. Personal calls are permitted, but they should be kept brief and to a minimum and shall not interfere with County operations or the employee's work. If any emergency situation should arise, notify your friends and relatives to contact Human Resources and their message will be sent to you or your immediate supervisor promptly. The County does not accept calls from debt collection agencies outside of official County business.

3.10. Personnel Records

- A. Official personnel files are to be maintained in the Human Resources department. While supervisors may keep personal, handwritten notes, copies of any published documents contained in local or supervisory employee files should be sent to Human Resources for the employee's official file. Employees are directed to notify Human Resources of any changes in address, telephone number, marital status, number of dependents or a change in beneficiaries within 10 business days.
- B. Personnel records are subject to the public records requirements under Chapter 119, Florida Statutes. In addition, employees may view any portion of their personnel file, including confidential medical file.
- C. In accordance with Chapter 112.181 (5), Florida Statutes, Hendry County BOCC shall maintain a record of any known or reasonably suspected exposure of an emergency rescue or public safety worker in its employ to hepatitis, meningococcal meningitis, or tuberculosis and shall immediately notify the employee of such exposure. An emergency rescue or public safety worker shall file an incident or accident report with his or her employer of each instance of known or suspected occupational exposure to hepatitis infection, meningococcal meningitis, or tuberculosis.

3.11. Driver's License

All operators of County vehicles and equipment are required to have a valid State of Florida Operator's or Commercial driver's license and appropriate endorsement, with a good driving record, and to keep supervisors informed of any change of status in their license. Proof of license will be filed in the employee's personnel file.

3.12. Computer Usage And Internet Policy

The County's telephones, computers, network, and related equipment and services should be used for activities which are consistent with the County business. While de

minimis use of county equipment is permitted, such use must comply with Hendry County Policy CW-0-002 and may not interfere with county business.

3.13. Smoking Policy

Scope: All BOCC employees and any person inside BOCC buildings and vehicles

Policy:

In accordance with Chapter 386, Florida Statutes, smoking in the workplace, including county vehicles, is prohibited. In addition, due to the potential of sanitary issues, use of all tobacco products in the workplace and in county vehicles is also prohibited.

SECTION 4: EQUAL EMPLOYMENT OPPORTUNITY, HARASSMENT, AND DISCRIMINATION

Scope:

This Policy is applicable to all employees. It also applies to contractual service providers, volunteers, and to the employees of vendors and contractors of Hendry County BOCC.

Policy:

- 4.1. Hendry County BOCC shall ensure that equal employment opportunities are provided to all qualified individuals, without regard to their race, color, religion, sex, pregnancy, national origin, ethnicity, age, physical or mental disability, citizenship status, veteran status, marital status, or any other characteristic or status that is protected by federal, state or local law. This policy applies to the recruitment and selection process, continuation of employment, and all terms and conditions of employment, including but not limited to promotion and salary increases, training and development opportunities, work assignments, performance appraisal, reassignment or transfer, compensation, benefits, discipline, demotion, layoff, and dismissal.
- 4.2. Furthermore, harassment based on a person's legally protected status under federal and state law will not be tolerated. Harassment is defined as unwelcome and/or offensive actions, including verbal or written comments or gestures, as well as to the display of images or items that relate to an individual's race, color, religion, sex, pregnancy, national origin, ethnicity, age, physical or mental disability, citizenship status, veteran status, marital status, or any other characteristic or status that is protected by federal, state or local law.
- 4.3. Hendry County BOCC will not tolerate harassing conduct that affects tangible job benefits, that interferes unreasonably with an individual's work performance, or that creates an intimidating, hostile, or offensive work environment.
- 4.4. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or, when submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals; or, when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Examples of inappropriate sexual harassment include, but is not limited to, unwelcome sexual propositions; sexual innuendo; sexual or suggestive remarks; vulgar or sexually-explicit comments, gestures, noises or conduct; sexually-oriented kidding, teasing or practical jokes; physical contact of a sexual nature such as brushing against another's body, pinching, rubbing, grabbing, poking or patting; the publication to anyone of documents, texts, pictures, objects or graphics in the workplace that contain material of a sexual nature; and using the computer to access material of a sexual nature.
- 4.5. Sexual harassment may include same sex as well as opposite sex misconduct where it is based on the person's gender. Additionally, sexual harassment may occur even when the intended target is not offended but others find the conduct to be intimidating, hostile or offensive.

- 4.6. In addition to inappropriate sexual harassment, the County also prohibits harassment on the basis of gender, pregnancy, race, national origin, ethnicity, disability, religion, color, age, veteran status and marital status. Any verbal or physical conduct of an offensive or harassing nature and which is based upon or directed toward any employee based upon any of these characteristics will not be tolerated. Such prohibited conduct includes, but is not limited to:
- 4.7. Derogatory, critical, offensive or uncomplimentary jokes, comments, displays, posters, other written materials based upon another's gender, race, national origin, disability, religion, color, age, pregnancy and marital status.
- 4.8. Any physical conduct taken against another individual because of his or her gender, race, national origin, disability, religion, color, age, pregnancy and marital status.
- 4.9. Teasing or making fun of another individual's ethnicity, accent, cultural or religious beliefs or practices, mental or physical disabilities or medical limitations and other similar characteristics.
- 4.10. Retaliation by management or other employees arising from an employee's good faith complaint of discrimination or harassment or from the employee's participation in an investigation under this policy will not be tolerated. Employees who believe they have been subjected to retaliation on the basis of having filed a complaint or having participated in an investigation, must immediately report it pursuant to the complaint procedure below.
- 4.11. In order to promote the efficient operation of the County's business and to avoid misunderstandings, complaints of favoritism, other problems of supervision, security, morale, and possible claims of sexual harassment, managers and supervisors are forbidden to date or pursue romantic or sexual relationships with employees whom they supervise, directly or indirectly. Employees who violate this guideline will be subject to discipline up to and including termination of employment.
- 4.12. Supervisors, together with the Director of Human Resources, are responsible for ensuring that their employees are properly trained on the County's policies concerning prohibited harassment and retaliation.
- 4.13. Discrimination and Harassment Complaint Procedures:
- 4.14. The Human Resource Director is responsible for enforcing this Policy under the direction of the County Administrator, and in the absence of the Human Resources Director may be enforced by the County Administrator.
- 4.15. Any employee, volunteer, contractual service provider, employee of a vendor or contractor doing business with Hendry County BOCC who believes he or she has been subjected to discrimination or a violation of this policy, or who has information about behavior that may violate this policy, should report such behavior immediately to the Human Resources Director. Alternatively, they may also report alleged violations to their Department Director or to the County Administrator. In order for management to conduct an effective investigation, reports of violations of this policy should be filed as soon as possible following a violation. The Human Resources Director can be reached

at 863-675-5352. The County Administrator can be reached at either 863-675-5220 or 863-983-1585.

- 4.16. In some cases, it may be appropriate for a victim to first confront their alleged harasser, but this is not a required step prior to filing a complaint.
- 4.17. Whenever the Human Resources Director receives a report or allegation of discrimination, harassment, or retaliation, he or she will promptly investigate the matter. Complaints received by supervisors or managers should be immediately forwarded to the Human Resources Director. The failure to report a complaint shall be grounds for disciplinary action. All complaints shall be promptly investigated. When it is determined that a violation has occurred, appropriate corrective and/or preventive action will be taken.
- 4.18. In some cases, it may be determined that a violation did not occur, or that there is insufficient evidence to make a determination. No disciplinary or retaliatory action will be taken against an individual who makes a complaint with a reasonable belief that a violation has occurred. However, appropriate corrective action, up to potential dismissal, will be taken against any employee, volunteer, contractual service provider, or the employees of vendors and contractors doing business with Hendry County BOCC who intentionally files a false report of discrimination, harassment, or retaliation.

SECTION 5: DRUG-FREE WORKPLACE POLICY

Policy:

- 5.1. Hendry County BOCC is committed to ensuring a workplace free from the influence of illegal drugs and misuse of alcohol. This policy applies to all employees, supervisors, and managers. Violations of this policy may result in discipline up to and including dismissal.
- 5.2. The County is committed to providing a safe work environment for employees, guests, community, and the public. The abuse of alcohol and drugs is a national problem that impairs the safety and health of employees, promotes crime, and harms the community.
- 5.3. Employees are prohibited from using, selling, dispensing, distributing, possessing, or manufacturing illegal drugs. In addition, employees are prohibited from using, selling, dispensing, distributing, possessing or manufacturing alcoholic beverages while on County premises, work sites, or in a County vehicle. Employees are prohibited from reporting to work or working with the presence of illegal or un-prescribed prescription drugs or alcohol in their bodies.
- 5.4. Hendry County BOCC recognizes that alcohol and drug dependency requires medical supervision and treatment if there is to be successful rehabilitation. Our desire and intent is to encourage any employee with alcohol or drug dependency to enter, voluntarily, a drug or alcohol rehabilitation program. It is the responsibility of each employee to initiate and obtain assistance before any difficulties with drugs or alcohol affects his or her work.
- 5.5. It is not the intent of Hendry County BOCC to intrude into the private lives of its employees. However, the effect of drug and alcohol use, abuse, and/or dependency on safety, work quality, increased medical expenses, and lost productivity requires that this policy be implemented.
- 5.6. All applicants for mandatory-testing positions will be tested for drugs prior to being employed. All employees will be subject to drug and alcohol testing upon reasonable suspicion, as defined herein, and as a follow-up to release from a rehabilitation program. All employees are encouraged to be aware of the effects of, and to advise their supervisor when taking prescription medications which may affect their performance at work.
- 5.7. Hendry County BOCC will not discriminate against an applicant for employment because of the applicant's past, rehabilitated, addiction to drugs or alcohol. It is the current use/abuse of drugs or alcohol that will not be tolerated.
- 5.8. This policy satisfies the requirements of the Florida Drug-Free Workplace Program as provided in Section 440. 101, et seq., Florida Statutes. Each employee will receive a copy of the Drug-Free Workplace Policy and must abide by the Policy. The rules contained in the Policy are to be considered conditions of continuing employment and are to be consistently followed. Any violation of these conditions of continuing employment will result in disciplinary action up to and including dismissal.

Definitions

- A. Drug: alcohol, including distilled spirits, wine, malt beverages, and intoxicating liquors; amphetamines; cannabinoids; cocaine; phencyclidine (PCP); hallucinogens; methaqualone; opiates; barbiturates; benzodiazepines; synthetic narcotics; designer drugs; or a metabolite of any of the controlled substances.
- B. Controlled Substances: any substance, including its metabolites, as defined in Section 893.02(3), Florida Statutes or as defined by federal law.
- C. Specimen: tissue, hair, or a product of the human body capable of revealing the presence of drugs or their metabolites, as approved by the United States Food and Drug Administration (FDA) or the Agency for Health Care Administration (AHCA).
- D. Drug Test: any chemical, biological, or physical instrumental analysis administered by a laboratory certified by the United States Department of Health and Human Services (HHS) or licensed by AHCA, for the purpose of determining the presence or absence of a drug or its metabolites. An employer may test an individual for any or all of such drugs.
- E. Licensed/Certified Laboratory: when drug and/or alcohol testing is conducted in a laboratory the County will use the services of labs licensed by the State of Florida Agency for Health Care Administration or certified by the Substance Abuse and Mental Health Services Administration (SAMHSA), a division of HHS.
- F. Medical Review Officer (MRO): a licensed physician, employed with or contracted with an employer, who has knowledge of substance abuse disorders, laboratory testing procedures, and chain of custody collection procedures. MROs also verify positive, confirmed test results and have the necessary medical training to interpret and evaluate an employee's positive test result in relation to the employee's medical history or any other relevant biomedical information.
- G. Initial Drug Test: a sensitive, rapid, and reliable procedure used to identify negative and positive specimens, usually using a chemical procedure or a more accurate scientifically accepted method approved by the FDA or AHCA.
- H. Confirmation Test: a second analytical procedure used to identify the presence of a specific drug or metabolite in a specimen. This test must be different in scientific principle from that of the initial test procedure and must be capable of providing valid test results.
- I. Reasonable Suspicion: Reasonable suspicion is the belief that an employee is using or has used drugs in violation of the employer's policy based on specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Among other things, reasonable suspicion may be based upon:
 - (1). Observable phenomena while at work, such as direct observation of drug use or of the physical symptoms or manifestations of being under the influence of a drug.
 - (2). Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
 - (3). A report of drug use, provided by a reliable and credible source.

- (4). Evidence that an individual has tampered with a drug test during his or her employment with the current employer.
 - (5). Information that an employee has caused, contributed to, or been involved in an accident while at work.
 - (6). Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on the employer's premises or while operating the employer's vehicle, machinery, or equipment.
 - (7). An arrest for drug or alcohol abuse off the job.
 - (8). Other objective factors.
- J. "Mandatory-testing position": a job assignment that requires the employee to carry a firearm, work closely with an employee who carries a firearm, perform life-threatening procedures, work with heavy or dangerous machinery, work as a safety inspector, work with children, work with detainees in the correctional system, work with confidential information or documents pertaining to criminal investigations, work with controlled substances, or a job assignment that requires an employee security background check, pursuant to s. 110.1127, or a job assignment in which a momentary lapse in attention could result in injury or death to another person.
- K. Employee Assistance Program (EAP)- an established program capable of providing expert assessment of employee personal concerns; confidential and timely identification services with regard to employee drug abuse; referrals of employees for appropriate diagnosis, treatment, and assistance; and follow-up services for employees who participate in the program or require monitoring after returning to work.
- L. Dilute Sample- Specimens with creatinine levels of 20 mg/mL or less and specific gravity >1.0010 are considered dilute. In instances where a dilute sample is provided, the BOCC will respond on a case by case basis.
- M. Metabolite: A chemical compound formed as part of the natural biochemical process of degrading and eliminating another compound.

Procedures:

5.9. Prohibition of Drug or Alcohol Use

- A. All employees are prohibited from being at work on Hendry County BOCC property, including parking lots, with the presence of any drug or its metabolite, as set forth herein, in the employee's body. Any employee who has a confirmed positive test of a drug or its metabolite at the levels defined herein will be presumed to be under the influence of a drug and in violation of Hendry County BOCC Policy.
- B. All employees are prohibited from being at work on Hendry County BOCC property, including parking lots, with the presence of alcohol, as set forth herein, in the employee's body. Any employee who has a confirmed positive test of alcohol at the levels defined herein will be presumed to be under the influence of alcohol and in violation of Hendry County BOCC's Policy.

5.10. Requirement to Report Medication Use

- A. Hendry County BOCC does not prohibit the use of a prescribed medication that has a currently accepted medical use, provided:
 - (1). The drug is prescribed or authorized for an employee by a licensed practitioner; and
 - (2). The use of the drug at the prescribed or authorized level is consistent with safe performance of the employee's duties; and
 - (3). The drug is used at the dosage prescribed or authorized.
- B. Employees are encouraged to notify their immediate supervisor when reporting for work or during the course of a work shift if their use of any prescription or non-prescription medication may adversely affect their ability to satisfactorily and safely perform their normal job duties (e.g., including but not limited to drowsiness). Employees in mandatory-testing positions are required to provide their supervisor with such information. When management deems it necessary, an employee who has been prescribed such a medication may be required to undergo a fitness for duty physical examination.

5.11. Employee Drug and Alcohol Testing

- A. Employees will be required to submit to drug and/or alcohol testing upon reasonable suspicion as defined in this Policy and after release from a drug or alcohol rehabilitation program unless the employee voluntarily entered the program. If follow-up testing is required, it must be conducted at least once a year for a two-year period after completion of the program. Advance notice of a follow-up testing date must not be given to the employee to be tested.
- B. Confidentiality will be maintained at all times to the extent permitted by law.

5.12. Employee Drug or Alcohol-Related Criminal Charges or Arrests

- A. Employees are required to notify their Department Director of any criminal drug statute-related criminal charge or arrest no later than five (5) days after such charges have been filed. Employees in mandatory testing positions or positions that require driving a Hendry County BOCC vehicle must notify the Human Resource Director or Department Director of any drug or alcohol-related arrest (e.g., including but not limited to Driving While Under the Influence) prior to the start of their next scheduled work shift.
- B. The County Administrator will take appropriate action with respect to an employee who is so charged, which action may include, but is not limited to, transfer to a non-mandatory-testing position or discipline.
- C. Employees are required to notify their Department Director of the outcome of all criminal charges no later than five (5) days after any change in status of such charges. This includes notification of a conviction, a plea of guilty, an adjudication of guilty, a plea of nolo contendere, adjudication withheld, an acquittal, or a dismissal of the charges.

- D. At the County Administrator's election, the County may elect to investigate the matter and take disciplinary action, if appropriate, immediately, or the County may elect to wait until the outcome of any criminal charges.
- 5.13. Rehabilitation Procedures: Any employee who is experiencing problems as a result of drug and/or alcohol abuse should contact the Human Resource Director, or his or her designee, for referral for treatment and/or counseling. This discussion will be kept confidential. Supervisory personnel may be notified when treatment or rehabilitation will require absence from work.
- 5.14. Employee Education and Referral Program
- A. It is the responsibility of each employee to seek assistance before drug and alcohol use or abuse leads to discipline or job-performance problems. Employees who may require assistance for substance abuse dependency and related programs are encouraged to seek assistance from the Human Resource Director or designee.
 - B. If a violation of this policy occurs, subsequent use of a counseling or rehabilitation program on a voluntary basis will not affect the determination of appropriate disciplinary action.
 - C. An employee's voluntary decision to seek assistance or referral from the Human Resource Director or his or her designee prior to a request to submit to a drug test and prior to an incident warranting disciplinary action will not be used as the basis for disciplinary action or in any disciplinary proceeding.
 - D. Hendry County BOCC has no interest in restricting social drinking outside of working hours and no intent to intrude upon private or personal lives of employees. Hendry County BOCC is concerned only when the employee's health, job performance, and safety conditions are adversely affected.
 - E. Upon successful completion of a drug treatment program an employee may be released to resume work but will be subject to drug testing as required by this policy.
 - F. An employee's participation in an alcohol or drug treatment program will not be made any part of his or her official personnel file and will remain confidential except to the extent necessary to comply with this Policy and to the extent permitted by law. Medical and insurance records, with the exception of insurance enrollment, change and cancellation forms will be preserved in the same confidential manner as all other medical records. Treatment recommendation records and compliance records will be maintained by the Human Resource Director or his or her designee.
- 5.15. Employee Education Information: The following crisis information centers will provide information regarding employee assistance programs (EAP) and local alcohol and drug rehabilitation programs available to employees:
- A. Hendry County BOCC's Employee Assistance Program
 - B. MHNet (800) 272-3626
 - C. Other Resources:
 - (1). Hendry/Glades Mental Health Clinic Inc
601 West Alverdez Avenue

Clewiston FL 33440

- (2). Hendry/Glades Mental Health Clinic Inc
80 Euclid Place
LaBelle FL 33935
Phone: (863) 674-4050
- (3). Alcoholics Anonymous Lee County Area 24-hour Hotline (239) 275-5111
- (4). National Alcohol and Drug Abuse Hot-Line (800) 784-6776
- (5). For additional information regarding available drug and alcohol assistance or rehabilitation, contact the Human Resource Director.

5.16. Management's Responsibilities

- A. Hendry County BOCC Directors, Managers and Supervisors (hereafter collectively referred to as "supervisors") are responsible for implementing the drug and alcohol free workplace Policy. It is the responsibility of supervisors to observe the behavior of employees on the job as a precaution against unstable or unreliable behavior that could threaten the safety and well being of employees or the public.
- B. Supervisors are responsible for maintaining a safe work environment by determining each employee's fitness for duty.
- C. In the event that a supervisor has a reasonable suspicion (as defined in this policy) that an employee may be affected by drugs or alcohol or has otherwise violated this policy, the employee must be sent for drug testing. This will not take place until the basis for a reasonable suspicion is determined to be present by the County Administrator, Department Director, or Human Resource Director. Whenever possible, the reasons for reasonable suspicion testing should be verified by direct observation and documented by the County Administrator, Department Director, or Human Resource Director or other witness. The supervisor and other witness(es) shall promptly document in writing the circumstances which formed the basis of their belief that reasonable suspicion exists to warrant the testing. This documentation will be reviewed by the County Administrator, Department Director, or Human Resource Director, and if it is determined that reasonable suspicion exists, the employee will be required to be tested. A copy of the documentation shall be given to the employee upon request and the original documentation shall be kept confidential and shall be retained by Hendry County BOCC for at least 1 year.
- D. In all cases when an employee is being removed from duty for drug testing, the immediate supervisor must first notify his or her superior.

5.17. Employee's Responsibilities

- A. It is each employee's responsibility to be fit for duty when reporting for work and to inform his or her supervisor if he or she is under the influence of prescription medication which may affect job performance or safety.
- B. In the event that an employee observes behavior that raises a doubt as to the ability of a co-worker to work in a safe and reliable manner, the employee should report this behavior to his/her supervisor.

C. Employees who voluntarily or, as a condition of continued employment, enter a drug or alcohol treatment and/or rehabilitation program must participate and complete recommended treatment. Any employee who enters a drug or alcohol treatment and/or rehabilitation program will be responsible for payment for the treatment and/or program to the extent not covered by medical insurance provided by the Employer. If the employee fails to comply with the treatment and/or program, the employee will be subject to discipline, up to and including termination of employment.

5.18. Employee Education: Employees and supervisors will be required to participate in a drug-free awareness program on a periodic basis. The program will inform employees about the following:

- A. The legal, social, physical, and emotional consequences of the use, misuse, and/or abuse of drugs or alcohol;
- B. Hendry County BOCC's commitment to maintain a drug-free workplace;
- C. Available drug counseling, rehabilitation, and employee assistance programs;
- D. Assistance in identifying personal and emotional problems which may result in the misuse of alcohol or drugs; and
- E. The penalties that may be imposed by Hendry County BOCC on employees for drug abuse violations occurring in the workplace.

5.19. Searches

Management retains the right to search the workplace for the presence of drugs and/or alcohol. Employees are to have no expectation of privacy in work locations, property, or equipment.

5.20. Types of Testing Pursuant to the Drug-Free Workplace Policy

In order to maintain a drug and alcohol free work environment, and in accordance with Florida's Drug-Free Workplace Program, Section 440.101, et seq., 2000 Florida Statutes, as amended, and applicable administrative regulations, Hendry County BOCC will test for the presence of drugs and/or alcohol in the following circumstances:

- A. Pre-employment: Following a contingent offer of employment, all applicants for mandatory-testing positions must submit to and pass a drug and/or alcohol test before beginning employment or work with Hendry County BOCC.
- B. Reasonable Suspicion: Employees who are determined to be under reasonable suspicion of drug or alcohol use will be required to submit to a drug and/or alcohol test. Generally, reasonable suspicion drug testing shall not be required except upon the recommendation of a supervisor who is at least one level of supervision higher than the immediate supervisor of the employee in question.
 - (1). Follow up: All employees who have entered an Employee Assistance Program (EAP) or rehabilitation program for drug and/or alcohol abuse must take drug and/or alcohol tests as described above. This requirement may be waived at the

discretion of the County Administrator when an employee voluntarily enters a drug treatment program before a violation of this policy has been reported.

- (2). Post Accident or Injury: All employees who have caused, contributed to, or been involved in an accident or injury while at work must take a drug and/or alcohol test after administration of emergency medical treatment. If it cannot be determined who was operating a Hendry County BOCC vehicle at the time of a vehicular accident, then anyone who was in the vehicle at the time of the accident will be required to submit to testing.
- C. Random Testing for Employees in Mandatory-testing positions: Mandatory-testing employees are subject to random testing which shall be conducted via an unbiased selection procedure.

5.21. Consequences of Refusing a Drug Test

- A. An employee who refuses to submit to a drug test will be subject to discipline, up to and including dismissal.
- B. Any job applicant who refuses to submit to drug testing as part of the pre-employment testing process will be refused employment at that time.
- C. In the event that an employee who has been given notification of the requirement to submit to a drug test admits to the illegal or improper use of drugs or alcohol, such admission will be deemed a positive confirmed test.

5.22. Actions Following Positive Confirmed Test:

- A. An employee who tests positive on a confirmation test will be immediately suspended without pay, and subject to discipline, up to and including dismissal. The County Administrator, at his or her discretion, may allow the employee an opportunity for rehabilitation through a last-chance agreement. Any such last-chance agreement shall include a provision for random drug testing for two (2) years from the date of the agreement, and successful completion of any treatment program recommended by a healthcare professional. The employee shall be responsible, through his insurance or otherwise, for the cost of the random testing and treatment program. Under no circumstances shall an employee be allowed to return to work prior to receiving a negative test result.
- B. Refusal of a last-chance agreement: If an employee is offered an opportunity to enter into a last-chance agreement and refuses to do so, the employee will be immediately terminated.
- C. Treatment Program Requirements: Employees who have been provided with an opportunity to enter into a treatment and/or rehabilitation program as part of a last-chance agreement must meet all requirements of that program including any required aftercare. Failure to follow or complete the treatment and/or rehabilitation program will result in immediate termination of employment.
- D. The employee or job applicant who receives a positive confirmed test result may contest or explain the result to the Medical Review Officer (MRO) within five (5) working days after receiving written notification of the test result. If an employee's or job applicant's explanation or challenge is unsatisfactory to the MRO, the MRO

shall report a positive test back to the employer. The drug test result may be contested pursuant to law or to rules adopted by the AHCA.

- E. Reporting use of Medication: Employees and job applicants may confidentially report the use of prescription or non-prescription medication to the MRO through the Human Resource Director, or designee, both before and after having a drug test.

5.23. Testing Information

- A. Notice of Common Medications: Below is a list of the drugs for which Hendry County BOCC will test described by common or brand name that may alter or affect a drug test. Due to the large number of obscure brand names and constant marketing of new products, this list cannot and is not intended to be all-inclusive: (Drugs - Trade or Common Names)

- (1). Alcohol, all liquid medications containing ethyl alcohol (ethanol). Please read the label for alcohol content. As an example, Vick's Nyquil is 25% (50 proof) ethyl alcohol, Comtrex is 20% (40 proof), Contact Severe Cold Formula Night Strength is 25% (50 proof) and Listerine is 26.9% (54 proof).
- (2). Amphetamines: Obetrol, Biphphetamine, Desoxyn, Dexedrine, Didrex.
- (3). Cannabinoids: Marinol (Dronabinol, THC), Marijuana, Hash Pot
- (4). Cocaine: Cocaine HC1 topical solution (Roxanne), Crack, Coke
- (5). Phencyclidine: Not legal by prescription; PCP, Angel Dust
- (6). Methaqualone: Not legal by prescription
- (7). Opiates: Paregoric, Parepectolin, Donnagel PG, Morphine, Tylenol with Codeine, Empirin with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guiatuss AC, Novahistine DH, Novahistine Expectorant, Dilaudid (Hydromorphone), M-S Contin and Roxanol (morphine sulfate), Percodan, Vicodin, Opium, Heroin, etc
- (8). Barbiturates: Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esquic, Butisol, Mebaral, Butabarbital, Butabital, Phrenilin, Triad, etc.
- (9). Benzodiazepines: Ativan, Azene, Clonopin, Dalmane, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxipam, Restoril, Centrax.
- (10). Methadone: Dolophine, Metadose
- (11). Propoxyphene: Darvocet, Darvon N, Dolene, etc.

- B. Reporting use of Medication: Employees and job applicants may confidentially report the use of prescription or non-prescription medication to the MRO through Human Resources both before and after having a drug test.

- C. Medication Information: An employee or job applicant may consult with the Employer's MRO or the testing laboratory for technical information regarding prescription and non-prescription medication.

- D. Testing for the presence of drugs and/or alcohol will be performed by an AHCA approved laboratory after obtaining urine specimens for drug tests and blood samples for alcohol tests. All positive specimens from the initial screening are then tested a second time using a different technique and chemical principal from the initial test to insure reliability and accuracy. All test results are reported to the MRO for verification prior to being transmitted to the employee and/or Human Resources.
- 5.24. Confidentiality and Records Maintenance: Confidentiality of records concerning drug testing pursuant to the Drug-Free Workplace Policy will be maintained by Hendry County BOCC in accordance with Florida law. All information, records, and drug test results in the possession of Hendry County BOCC, laboratories, employee assistance programs (EAP), and drug and alcohol rehabilitation programs will be kept confidential. No such program's information or records will be released unless written consent, signed by an employee or job applicant is provided unless such disclosure is required by court order. Hendry County BOCC may also disclose such information when relevant in any civil, disciplinary, or administrative hearing if required or compelled. Hendry County BOCC will maintain records concerning drug testing separate and apart from a job applicant or employee's personnel file.
- 5.25. Medical Review Officer's Responsibilities for Testing Under Florida Law: The Medical Review Officer (MRO) shall fully comply with all of the requirements set forth in Rule 59A-24.008 Florida Administrative Code, as it may from time to time be amended. The MRO shall be a licensed physician who has knowledge of substance abuse disorders, laboratory testing procedures, chain of custody collection procedures, and medical use of prescription drugs and pharmacology and toxicology of illicit drugs.

SECTION 6: SAFE WORKPLACE

Policy:

- 6.1. Hendry County BOCC prohibits all acts or threats of violence involving employees, vendors, visitors, patients and others arising both in and out of the workplace. This includes but is not limited to the use of obscene, abusive or threatening language, actions or gestures.
- 6.2. Except as specifically permitted under F.S. Chapter 790.251, Hendry County BOCC prohibits employees, vendors, visitors, patients and others from possessing or bringing unauthorized firearms or other weapons onto County owned, leased or occupied property as well as in vehicles, including personal vehicles, used in the performance of assigned duties. For the purposes of this policy, a weapon is defined as any instrument that will cause death or serious bodily injury when used in the ordinary and usual manner contemplated by its design and construction, and includes but is not limited to the following:

Firearms, clubs, stun guns, brass knuckles, martial arts weapons, bow and arrow, cross bow, spear guns, knives, switchblades, gravity knives, ballistic knives, stiletto, ice pick, sword, dagger, billy clubs, blackjacks
- 6.3. For purposes of this policy, ordinary pocketknives, eating utensils and tools required for the performance of official duties are not considered weapons.
- 6.4. An employee will be subject to corrective action, up to and including termination, for violation of this policy.

Procedure:

- 6.5. In the event that an employee believes that a co-worker, vendor, visitor, patient, or other person may pose an immediate threat to their safety or to the safety of others, they are to contact law enforcement by calling 911.
- 6.6. If an employee witnesses a display of violent, abusive or threatening behavior, or if an employee perceives a threat or a tendency to engage in violence by a co-worker, vendor, visitor, patient or other person, the employee must report such behavior to their immediate supervisor, or to the Human Resources director. To the extent possible, such reports will be handled confidentially. Employees have a duty to report any abusive or threatening behavior or suspicious activity that they observe or that they are aware of involving other employees, vendors, visitors, patients, or others. This includes but is not limited to, threats or acts of violence; aggressive behavior; offensive acts; threatening or offensive comments or remarks; possession of firearms or weapons on the premises; or similar situations. Employees are also to report violence between employees and other employees, vendors, visitors, and patients off the premises and during non-working hours.
- 6.7. Employees will not be penalized in any way for making a report in good faith under this policy. However, employees who knowingly make untruthful reports may be subject to corrective action, up to and including termination.

SECTION 7: CLASSIFICATION PLAN

Policy

- 7.1. It is the policy of Hendry County BOCC that accurate job descriptions be developed and maintained for all positions. Using a standardized method, each position will be evaluated and assigned to a pay grade based on the required skills, working conditions, effort and responsibilities of the position.
- 7.2. At a minimum, job descriptions shall include a job title, summary of duties, lists of essential and non-essential functions, supervisory and subordinate relationships, hours of work and working conditions, and any licensure or other conditions of employment.
- 7.3. In addition, all positions at Hendry County BOCC shall be designated as regular full-time, regular part-time, temporary full-time, temporary part-time, or as-needed. In addition, all positions shall be designated as exempt or nonexempt under the Fair Labor Standards Act (FLSA). All part-time and as-needed positions will be considered to be nonexempt.
- 7.4. Employees may not fill a temporary position for longer than six months, or no longer than is allowed under the Florida Retirement System or the employee group health plan, whichever is less.

Procedures:

- 7.5. Classification Procedures
 - A. Each department director is responsible for ensuring that the description for each position within his or her department accurately reflects the duties required to be performed by the employee holding the position. When new positions are created, existing positions are modified, or where gradual changes over time have occurred in a job, the department director shall work with the Human Resources Director to develop a new or revised job description.
 - B. The Human Resource Director shall review all revised job descriptions and recommend changes if needed. If significant revisions are made to the job description, the Human Resource Director will review the description and assign the position to the correct pay range and FLSA classification. In accordance with the approved annual budget for Hendry County BOCC, the Human Resource Director will identify the position as being full-time or part-time, and as regular, temporary, or as-needed.
 - C. The Hendry County BOCC Human Resource Director shall periodically, or upon request from a department head, review the classification of positions and shall make appropriate changes.
- 7.6. Employee Status Changes
 - A. Upon resignation from full-time employment at Hendry County BOCC, an employee may request to go from a full-time position to an as-needed position or to a temporary position. A request to go to as-needed or temporary status is considered to be a voluntary resignation from a regular position with Hendry County BOCC, and constitutes a break in service for the purpose of determining seniority and employee

benefits. All employee benefits are terminated, and the employee will be paid for any leave credits he or she is entitled to.

- B. The decision to allow a terminating employee to go to an as-needed, temporary, or part-time status is entirely at the discretion of the County Administrator and department director.

SECTION 8: PAY CHANGES

Policy:

Each position included in the Classification Plan shall be assigned a pay range contained within the salary schedule approved by the Board of County Commissioners. The County Administrator and Human Resources Director shall be responsible for the day-to-day management of the Classification and Pay Plan. The Pay Plan will be updated as necessary based on market surveys, compensation philosophy, and budgetary constraints.

Procedure:

8.1. Determining Pay Upon Initial Appointment

Pay on initial appointment will normally be within the minimum and the midpoint of the range provided for by the Pay Plan. With the approval of the County Administrator, an initial appointment may be made up to the maximum of the pay range.

8.2. Pay Upon Promotion or Demotion

- A. A promoted employee will normally receive a salary increase to at least the minimum rate of the position to which the promotion is made. If the employee's training, experience or other qualifications are above the minimum required for the position, the County Administrator may approve a starting salary above the minimum rate, provided the increase does not exceed the maximum rate for the position.
- B. A demoted employee will normally receive a decrease in salary to equal the same range penetration percentage that they held in the previous pay range. The County Administrator may approve a higher or lower rate within the range of the position to which the employee is demoted, provided the rate does not exceed their previous salary.

8.3. Temporary Pay Increases

At the discretion of the County Administrator, employees may be given a temporary pay increase for performing additional duties that are normally performed by an employee in a higher level position. Increases will not normally exceed 10% of the employee's base pay or the difference between the employee's rate of pay and the minimum of the pay range of the position to which the duties are normally assigned.

8.4. Pay increases

Pay increases may periodically be approved by the Board of County Commissioners. Such changes will normally consist of pay range adjustments, where entire salary structures are modified, or employee pay increases. The following conditions shall generally apply:

A. Pay Range Adjustments

- (1). When a pay range is adjusted upwards, an employee will normally be given a pay increase to at least the new range minimum. At the discretion of the County

Administrator, the employee may be granted an increase up to the same range penetration percentage that they held in the previous pay range.

- (2). When a pay range is adjusted downwards, an employee will normally be given a pay decrease to the same range penetration percentage that they held in the previous pay range. At the discretion of the County Administrator, they may retain their same rate of pay or be given a decrease that is less than that described above. Whenever an employee is paid at a rate that is above the maximum of the range for their position, their pay is normally frozen until the range is adjusted. Pay increases without range adjustments may be withheld or given as a lump sum.

B. Pay Increases without Pay Range Adjustments

Employees' pay will normally not exceed the maximum of the pay range assigned to their position. When increases are given that would lead to an employee exceeding their pay range, any increase that would bring the employee above the range maximum will normally not be given. The difference may be given as a lump sum.

8.5. Effective Dates of Pay Changes

Pay changes will normally be processed on the first day of the pay period following approval by the County Administrator. Except in instances where there is a Human Resources or payroll clerical error, or for reasons documented in writing by the appropriate department head, retroactive changes will not be made.

SECTION 9: FILLING VACANT POSITIONS

Policy:

- 9.1. Vacant positions falling under the County Administrator shall be filled from among the most qualified available applicants. Positions will be filled using the following steps:
 - A. Determine the essential and non-essential functions of the position and assess the knowledge, skills, abilities (KSAs) and competencies needed to perform those tasks.
 - B. Develop assessment tools to determine whether or not applicants possess the required KSAs and competencies to perform the functions of the position, and to evaluate the likelihood of an applicant's success on the job.
 - C. Give preference to qualified veterans when required.
 - D. Assess applicants based on their overall job-related qualifications.
 - E. Document of the basis by which applicants are selected or declined.
 - F. Ensure that all appointments are made without regard to race, color, religion, sex, pregnancy, national origin, ethnicity, age, physical or mental disability, citizenship status, veteran status, marital status, or any other characteristic or status that is protected by federal, state or local law, except when a specific sex, age or physical requirement constitutes a bona fide occupational qualification necessary to proper performance of position responsibilities.
- 9.2. Comply with federal and state laws and regulations.

Procedures:

- 9.3. When a vacancy occurs, the department director will take the following steps:
 - A. Review the current position description, qualifications, KSA Statements, and revise as needed.
 - B. Consider filling the position through a management-directed transfer.
 - C. Consider filling the position using requests for transfer or demotion from current employees.
 - D. Consider filling the position with an applicant from a previous job posting, if applicable. Applicants from a previous job posting may be selected without advertising. The selection must be made within six months of the closing date of the previous job posting; and the position being filled must have the same title, duties, and qualifications as the position previously advertised.
 - E. Consider filling the position with an as-needed employee who is working under the same job title, duties, and qualifications as the vacant position.
 - F. Submit a job requisition to Human Resources asking for the position to be advertised either internally or externally and internally.

- (1). Internal Vacancy Announcement – Only applications from current full-time Hendry County BOCC employees will be solicited, accepted or considered.
- (2). External and Internal Vacancy Announcement – Applications from all qualified individuals will be solicited, accepted and considered.

9.4. Once a job requisition is received, the Human Resources Department will take the following steps:

- A. Determine the minimum qualifications, and develop a Vacancy Announcement
- B. Establish an advertising period.
- C. Advertise the vacant position
- D. Accept applications. Application for employment must be made on the current version of the Hendry County BOCC Application. All applications must be received in the Human Resources Department by 5:00 p.m. on the closing date of the job posting. An applicant who has submitted a written letter of interest or resume that is received by 5:00 p.m. of the announced deadline date shall be considered if he or she subsequently submits a completed employment application within three (3) business days after the close of the vacancy announcement.
- E. Hendry County BOCC will normally accept applications only for announced vacancies.
- F. Conduct a screening review of all valid applications. Valid applications are those which appear to be fully completed and are received on a timely basis. Only applicants who appear to possess the required qualifications shall be given further consideration, unless no applicant meets the required qualifications. In such instances, applicants who may be able to meet the required qualifications prior to the end of the introductory hire period may be considered at the discretion of the department head.

9.5. Development of Assessment Tools

The department director, with the assistance and approval of the Human Resources Director, shall develop assessment tools. Assessment tools are methods used to evaluate applicants' KSAs and competencies and to predict the likelihood of an applicant's success in performing essential functions of the job. At a minimum, an application review must be conducted for all qualified applicants. Other tools may be used at the discretion of the department director. However, background and reference checks shall be conducted before making a conditional job offer to an applicant.

- A. Application Review: A comparison of an applicant's qualifications as reflected on the application to the essential functions, KSAs and competencies of the vacant position.
- B. Oral Interview: A series of job- related questions consistently asked of all applicants selected for interview with responses being recorded and evaluated to identify each applicant's relative qualifications for the position.

- C. Reference Check: The gathering and use of job related information from people who have knowledge of an applicant's work experience or educational background.
- D. Work Sample: A task that is representative of work actually done on the job.
- E. Written Assessment: A tool to evaluate an applicant's possession of KSAs and competencies required for successful job performance. When used, a written assessment may not be the only assessment tool used, and may not be used to "rank" applicants. Rather, it will only be used to determine if an applicant appears to possess required KSAs, does not appear to possess the required KSAs, or appears to have an exceptional command of the required KSAs needed for successful entry-level performance.
- F. Willingness Questionnaire: A survey form containing questions that address the applicant's willingness to perform certain aspects of a position.
- G. Supplemental Application: A form completed by applicants to describe education, work, or experience related to the essential functions, KSAs and competencies of a position.

9.6. Conducting Assessment Procedures.

- A. All assessment tools shall be developed before applications are released by Human Resources. The selection process shall consist of one or more of the above assessment tools conducted in a pre-determined sequence. All qualified applicants will be included in the first step of the selection process; however, applicants may be "screened-out" based on the results from a step. For applicants who are included in a step of the selection process, the assessment tools will be used in a fair and uniform manner.
- B. When all assessment tools have been applied, the supervisor and/or department head shall determine the applicant to be given a conditional job offer. All assessment materials used, a written explanation of the reasons for selecting a particular applicant, and a salary recommendation shall be forwarded to the Human Resource Director. After reviewing the documentation for completeness and consistency, the Human Resource department shall make a conditional offer to the selected applicant. Following this conditional offer, the Human Resource department will arrange for background checks, employment verification checks (if reference checks were not conducted as part of the selection process), drug tests, physical exams, and other procedures as needed.

9.7. Veterans' Preference in Appointment and Employment

- A. Preference in the selection process shall be given to preference eligible veterans and spouses of veterans as follows:
- B. Preference eligible veterans and spouses who meet the position qualifications will be included in the application review and at a minimum must be included for consideration in the next step in the selection process, if applicable.
- C. If interviews are conducted, a qualified preference eligible veteran or spouse will be invited to participate in the interview process.

D. Preference in employment shall be given eligible veterans and spouses in accordance with Chapter 295, Florida Statutes.

9.8. Confidentiality and Security of Selection Materials:

A. Selection materials shall be open to inspection as provided for in Section 119.07, Florida Statutes.

B. All completed Selection forms, work samples and tests shall be confidential as provided in Section 119.071(1)(a), Florida Statutes, except that a person who has been interviewed may review his or her completed assessment documents, work sample or test.

C. Confidential selection materials shall be retained and disposed of in accordance with federal and state laws and regulations.

SECTION 10: SEPARATIONS

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

A. Resignation – Eligible for Rehire

Employees in good standing who elect to voluntarily resign and who give at least two-weeks' written notice are deemed to have resigned and to be eligible for rehire.

B. Resignation – Not Eligible for Rehire

In the following instances, employees who voluntarily resign are deemed not to be eligible for rehire:

- (1). The employee abandons his or her position or fails to give two-weeks' written notice.
- (2). The employee resigns while under investigation, or in the course of the disciplinary process, for an offense for which dismissal is being considered.
- (3). Employees separating employment due to abandonment of position have the right to appeal the determination to the County Administrator in accordance with the policy on Pre-determination conferences, Appeals and Complaints. The County Administrator may decide to uphold the separation, reinstate the employee, or deem the employee to have resigned and to be eligible for rehire.

C. Retirement

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

D. Layoffs

- (1). The County Administrator may lay-off any County employee whenever such action becomes necessary due to a shortage of funds, lack of work, the elimination of a position or function, a significant change in duties, organization or other appropriate reasons.
- (2). Unless the County Administrator determines otherwise in the best interest of the County, layoffs of temporary, part-time, and probationary employees will generally be effected prior to the layoff of full-time regular employees. Employees may be, but are not required to be, offered another position or offered part-time or as-needed work in lieu of a layoff.
- (3). In determining the employees subject to layoff, the County Administrator may consider any or all of the following, and assign a weighting to each factor depending on the circumstances:
 - a. An employee's job performance, work history and disciplinary record
 - b. Future organizational needs

- c. The employee's relevant qualifications and skills
 - d. Seniority with the organization and/or in a specific position
 - e. Other appropriate factor(s)
- (4). Employees scheduled to be laid off shall be notified in writing at least five working days prior to the effective date of their layoff.
 - (5). Notwithstanding any other provision of these policies, regular full-time and part-time employees who are subject to layoff shall receive one hundred percent of their accrued, unused annual leave pay at the time of layoff.
 - (6). No employee in the Hendry BOCC will advise employees involved in a layoff of their eligibility for Unemployment Compensation. Determinations of eligibility can only be made by an Unemployment Compensation judge or by the Florida Department of Economic Opportunity.

E. Dismissal

Dismissal is the involuntary termination of employment against the wishes of the employee.

F. Inability to Perform Essential Functions

Employees who are no longer able to perform the essential functions of their position, with or without reasonable accommodation, or who fail to maintain required licensure or other condition of employment, may be separated from their employment. Prior to separating for this reason, the supervisor and Department Director must consult with the Human Resources Department.

10.2. Date of Termination

The date of termination will normally be the last calendar day an employee reports hours of actual work. Exceptions may be made for circumstances such as approved medical leave.

SECTION 11: EMPLOYEE BENEFITS

Policy:

11.1. In order to recruit and retain a well-qualified workforce, Hendry County BOCC shall offer competitive employee benefits available to all eligible employees. Specific benefits and policies provided and the amounts of employer subsidy may vary from time to time at the discretion of the BOCC. Generally, employee benefits will include group health insurance and participation in the Florida Retirement System. In addition, employer subsidized or non-subsidized group dental, life, disability, vision, or other types of insurance may be made available.

11.2. Eligibility:

All full-time regular employees shall be eligible for group health insurance and other group coverages following the established exclusion period. For the purposes of this policy, a full-time employee is defined as an employee regular work schedule of 30 or more hours per week. Employees in "as-needed" positions, by definition, do not have a regular work schedule and are ineligible for group insurance.

11.3. Supplemental Insurance:

Hendry County BOCC may also allow employees to participate in various benefit plans at the employee's expense through pre-tax or post-tax payroll deduction. Management does not endorse or approve any such plans, and is not responsible for the performance of such providers. Rather, we may allow providers to offer plans through payroll deduction simply as a matter of convenience to employees.

11.4. COBRA Coverage:

Hendry County BOCC will provide for continuation health insurance coverage as required by the Consolidated Omnibus Budget Reconciliation Act of 1985. Specific information is contained in the insurance plan documents.

11.5. Enrollment

- A. Employees will normally be required to enroll in the benefit plans offered by Hendry County BOCC upon initial appointment and will be allowed to make changes during an annual open enrollment period or within 30 days following an eligible qualifying event. The dates of open enrollment periods are subject to change.
- B. For pre-tax benefit plans, changes will be limited to those allowed under IRS Code section 125, and in accordance with the Hendry County BOCC Cafeteria Plan document.

11.6. USERRA Benefits and Continuation Coverage

- A. In accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) Hendry County BOCC will continue to provide the same health insurance benefits to an employee absent from work to serve in the uniformed services for the first 30 days of service.

- B. For absences of more than 30 days, the employee may elect to continue the health plan coverage for up to 18 months after the absence begins, or the period of service, whichever is shorter. The employee is required to pay for all premiums for periods of time the employee is on leave without pay.
- C. On return from service, health insurance coverage will be reinstated without any waiting period or exclusions for preexisting conditions, other than waiting periods or exclusions that would have applied even if there had been no absence for ununiformed service.
- D. In addition, during periods of military service or absence due to work related injuries, employees will be credited with retirement benefits as required by USERRA and Chapter 121, Florida Statutes. Retiree Group Insurance.

11.7. Retiree Insurance Coverage

In accordance with Chapter 112.0801 Florida Statutes, Hendry County BOCC retirees have the option of continuing to participate in Hendry County BOCC group health plans. Retirees shall be required to pay the full premium for active employees (employee premium plus employer premium) for all selected coverages. Rates and available plans are subject to change.

SECTION 12: PAYROLL AND TIMEKEEPING

12.1. Pay Week and Pay Period

- A. The pay week begins on Sunday at 12:00 a.m. and ends Saturday at midnight. Payroll is run on a bi-weekly basis with 26 pay periods per 12 month period. Paychecks are usually issued on the Friday following the end of the two week pay period.

12.2. Hours of Work

- 12.3. The normal hours of work for each position will be specified on the official position description for that position or may be determined by the immediate supervisor in accordance with guidelines approved by the County Administrator.

12.4. Non-exempt Employees

- A. Non-exempt employees must maintain a complete record of the total hours worked each day including arrival time and departure time. All hours of work must be accurately recorded on a paper or electronic time card that will be provided by the County. Each employee must sign or approve his or her time card to verify that the reported hours worked are complete and accurate. Employee time cards must accurately reflect all regular and overtime hours worked, any absences, late arrivals, early departures, and meal breaks. At the end of each pay period, employees are to submit their completed time card to their supervisor for verification and approval. When pay check or direct deposit statements are issued, employees should promptly review them to verify that they were paid correctly for all regular and overtime hours worked.
- B. Employees are required to sign or approve their paper or electronic time card no later than 9:00 a.m. on the first Monday following the end of a two week pay period. Employees who fail to sign on a timely basis may be subject to disciplinary action.
- C. Unless authorized by their supervisor, employees should not work any hours that are not authorized. Employees may not start work early, finish work late, work during a meal break or perform any other extra or overtime work unless authorized to do so.
- D. Employees are prohibited from performing any "off-the-clock" work. "Off-the-clock" work means work you may perform but fail to report on your time card. Any employee who fails to report or inaccurately reports any hours worked will be subject to disciplinary action, up to, and including, discharge.
- E. It is a violation of the County's policy for any employee to falsify a time card or to alter another employee's time card. It is also a serious violation of County policy for any employee or manager to instruct another employee to incorrectly or falsely report hours worked or alter another employee's time card to under- or over-report hours worked. Any employee who believes that his or her time card was altered so as to no longer be accurate is to report this to the Human Resource Director.
- F. Supervisors may correct errors made by an employee, but in the event of a dispute over hours of work, supervisors may not alter an employee time card without consulting Human Resources.

12.5. Exempt Employees

- A. Exempt salaried employees receive a salary that is intended to compensate them for all hours they work. While it may be subject to review and modification from time to time, such as during salary review times, the salary will be a predetermined amount that will not be subject to deductions for variations in the quantity or quality of work performed.
- B. Under federal and state law, employee's salary is subject to certain deductions. For example, absent contrary state law requirements, salary can be reduced for the following reasons:
 - (1). Full day absences for personal reasons*
 - (2). Full day absences for sickness or disability*
 - (3). Full day disciplinary suspensions for infractions of our written policies and procedures
 - (4). Family and Medical Leave absences (either full or partial day absences)*
 - (5). To offset amounts received as payment for jury or witness fees or military pay
 - (6). The first or last week of employment in the event the employee works less than a full week
 - (7). Salary may also be reduced for certain types of deductions such as health, dental or life insurance premiums; state, federal or local taxes, social security; or, voluntary contributions to a deferred compensation or pension plan.
- C. In any work week in which an employee performs any work, their salary will not be reduced for any of the following reasons:
 - (1). Partial day absences for personal reasons, sickness or disability
 - (2). Absences for jury duty, attendance as a witness, or military leave in any work week in which the employee performed no work
 - (3). Any other deductions prohibited by state or federal law

(*Note: Normally employees will be required to use accrued leave for such absences. It is not an improper deduction to reduce an employee's accrued annual leave or other forms of paid time off for full or partial day absences for personal reasons, sickness or disability.)

12.6. Errors in Pay

- A. The Human Resources and Payroll departments take every precaution to avoid errors in your paycheck. However, we expect all employees to assist us by reviewing their pay checks and direct deposit statements for accuracy. Responsibility for ensuring that employees are properly paid and that correct deductions have been made is shared between the employee, supervisor, Human

Resources, and the Payroll department. If errors are made that cause an employee to be underpaid, we will credit the employee with the amount of the underpayment. If errors are made that cause an employee to be overpaid, he or she is likewise responsible for reporting the overpayment and for returning the amount he or she was overpaid.

B. Adjustments will normally be made in the next payroll after the Human Resources department is notified of the error unless the amount of underpayment is in excess of 10% of your normal biweekly base rate. In such cases, a supplemental check may be issued. However, supplemental checks will not be issued when employees are underpaid due to the fact that they failed to review and sign or approve their time card.

C. To Report Concerns or Obtain More Information

(1). Please contact Human Resources immediately if you have questions about your pay. If you believe you have been subject to any improper deductions or your pay does not accurately reflect your hours worked, you should immediately report the matter to your supervisor. If the supervisor is unavailable or if you believe it would be inappropriate to contact that person (or if you have not received a prompt and fully acceptable reply), you should immediately contact the Human Resources Director at 863-675-5352. If you are unsure of who to contact if you have not received a satisfactory response within five business days after reporting the incident, please immediately contact the County Administrator at 863-675-5220 or 863-983-1585.

(2). Every report will be fully investigated and corrective action will be taken where appropriate, up to and including discharge for any employee(s) who violate this policy. In addition, the County will not allow any form of retaliation against individuals who report alleged violations of this policy or who cooperate in the County's investigation of such reports. Retaliation is unacceptable, and any form of retaliation in violation of this policy will result in disciplinary action, up to, and including, discharge.

12.7. Overtime Compensation and Compensatory Time Off in Lieu of Overtime

A. Both exempt and non-exempt employees may be required to work overtime if management determines it is necessary to meet the demands of the job being performed. Non-exempt employees who work overtime will be compensated for any overtime worked in accordance with applicable laws.

B. Prior to the time that overtime is worked, the supervisor and non-exempt employee may agree that compensatory time leave credits will be earned in lieu of paid overtime compensation. In such circumstances, compensatory time leave credits will be earned at a rate of 1.5 hours for each hour of overtime worked. Employees may accrue compensatory leave credits up to a maximum of 240 hours. Non-exempt employees will be paid out for any compensatory time earned but unused upon separation of employment.

SECTION 13: ATTENDANCE AND LEAVE

Scope:

This policy applies to all employees of Hendry County BOCC. However, in the case of employees who work under a formal contract or collective bargaining agreement, contract provisions shall supersede this policy.

Policy:

- 13.1. Employees may be granted paid and unpaid leave from work for a variety of purposes including personal and family illness; personal and family obligations; and for work-related or civic duties. Hendry County BOCC encourages all employees to take periodic scheduled vacations to rest and relax.
- 13.2. All leave is subject to the approval of the employee's supervisor and department director. The County Administrator retains the right to deny employee requests for scheduled and unscheduled absences and may rescind previously approved requests for absences if it is determined that the request may impair operations or result in a significant loss of service to the public. In the event of a declared State of Emergency affecting any portion of our service area, all approved absence requests will automatically be cancelled. The County Administrator reserves the right to assign employees to work any hours and at any location, regardless of their regularly assigned shift and duty station.
- 13.3. In order for the Hendry County BOCC to operate in an efficient manner, and to meet the various needs of our citizens, it is essential that employees arrive on-time, depart on-time, and that they take breaks as scheduled. Excessive tardiness, excessive absenteeism, taking leave without pay other than that directed by the County, and working overtime without prior authorization may result in disciplinary action.

13.4. Holidays

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

New Year's Day	January 1
Martin Luther King Day	3rd Monday in January
Good Friday	Two Days before Easter Sunday
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day After Thanksgiving	Friday following Thanksgiving
Christmas Eve	December 24
Christmas Day	December 25

- B. Holidays falling on a Saturday will be observed on the preceding Friday. Those falling on a Sunday will be observed on the following Monday. When Christmas holidays fall on the weekend, the County Administrator will designate the days to be observed. EMS employees will be compensated for holidays in accordance with

their collective bargaining agreement. Unless they are on paid leave, employees must work the day before and the day after a designated holiday to be eligible for holiday pay.

- C. Employees are not eligible for holiday pay for any holidays occurring while they are on unpaid status.
- D. When the County Administrator determines it is necessary to require employees to work on an official holiday, the employee shall receive holiday pay in addition to their regular straight-time rate for time actually worked. An employee who is scheduled to work on a holiday but fails to report as scheduled may be subject to disciplinary action and forfeiture of holiday pay.
- E. Full-time employees scheduled to work a forty hour work week who are eligible for holiday pay will be compensated at their regular straight-time rate on the basis of eight hours per holiday.
- F. Part-time employees and full-time employees scheduled to work less than 40 hours per week will receive holiday pay on a pro rated basis of their normal work schedule at their regular straight time rate. If required to work on a holiday, part-time employees shall receive holiday pay plus pay for their actual hours worked.
- G. Temporary or as needed employees shall not be entitled to holiday pay.

13.5. Earning Annual Leave

A. Annual leave is intended to allow employees to take vacations and to attend to personal business. All full and part-time regular employees who are filling established positions shall earn annual leave as shown in the table below.

B. Earning Annual Leave

<u>Continuous and Creditable Service</u>	<u>Leave Earned</u>
Up to 5 years	1 hour for every 20 hours of scheduled work time
5 through 10 years	1.25 hours for every 20 hours of scheduled work time
Over 10 years	1.5 hours for every 20 hours of scheduled work time

- C. Annual leave will be credited to the employee following the end of the last day of the pay period. Employees who are not in full pay status or who are scheduled to work less than 40 hours in a pay period will be credited with leave on a pro-rated basis.
- D. The maximum annual leave balance is 240 hours for full-time employees. Maximum accrual hours will be pro-rated up or down for employees who work part-time or who work a 56-hour week. Hours earned in excess of 240 will not be credited.

13.6. Earning Sick Leave

A. Employees will earn 1 hour of sick leave for every 20 hours of scheduled work time (up to a maximum of 4 hours per pay period.) Sick leave will be credited to the employee following the end of the last day of the pay period. Employees who are not in full pay status or who are scheduled to work less than 40 hours in a pay period will be credited with leave on a pro-rated basis.

13.7. Using Annual Leave and Sick Leave

- A. Within the guidelines established by this policy, the County Administrator and department directors may issue specific instructions for requesting and obtaining approval to use annual leave and sick leave based on the specific needs of their department. In addition, the following shall apply:
 - B. Approval to take leave is normally granted or denied by the employee's immediate supervisor. However, all requests for FMLA leave, military leave, or domestic violence leave shall be referred to the Human Resources Director for approval.
 - C. Employees earn Annual Leave starting with their first day of work, but are prohibited from taking Annual Leave for their first 90 days of service.
 - D. Employees are prohibited from taking paid leave once they have given notice of their intent to resign or retire. Exceptions may be approved by the County Administrator on a case by case basis. (Note: For the purposes of this policy, filing a Notice of Election to Participate in the Deferred Retirement Option form is not considered giving notice of intent to resign or retire.)
 - E. Sick leave may only be used for an illness, injury or other medical condition such as pregnancy, delivery, and recovery, as well as for physician visits and medical treatment for the employee and the employee's parent, child or spouse. In the event that an employee misses more than two days of work in any 30 day period due to illness or injury of either themselves or a family member, the supervisor may require a physician's certification before approving additional periods of sick leave.
 - F. Negative leave balances or "borrowing" against future leave is prohibited.
 - G. In the event that an employee has accrued Compensatory Leave Credits, the employee shall be required to use these in lieu of annual leave and sick leave until their compensatory leave credits have been exhausted. Supervisors do have the right to require employees to use accrued leave credits, including compensatory leave credits.
 - H. All forms of paid leave may only be used in an amount necessary to bring an employee up to the scheduled number of hours in a workweek.
- 13.8. Leaves of Absence With or Without Pay: A leave of absence with or without pay for personal purposes may be requested and approved for a period not to exceed six months. Approval will be granted on a case-by-case basis. In determining whether or not to grant leave, the County Administrator may consider various factors, including but not limited to the purpose and length of leave, employee position, work history and length of service. Failure to return to work on the date specified will be considered an automatic voluntary resignation. When an employee fails to return to work following a leave of absence, he or she may be required to repay any portion of the insurance premium paid by Hendry County BOCC during the leave.
- A. Except in the case of FMLA leave, employees must normally exhaust paid leave prior to taking unpaid leave.
 - B. Military Leave Without Pay: In accordance with the requirements of the Uniformed Services Employment and Reemployment Rights Act (USERRA) (P.L. 103-353, 108 Stat. 3149; 38 USC §4301-4333) employees who perform duty, voluntarily or involuntarily, in the "uniformed services" shall be granted leave without pay for up to

five years. These services include the Army, Navy, Marine Corps, Air Force, Coast Guard, and Public Health Service Commissioned Corps, as well as the reserve components of each of these services. Federal training or service in the Army National Guard and Air National Guard also gives rise to rights under USERRA. Uniformed service includes active duty, active duty for training, inactive duty training (such as drills), and initial active duty training, as well as the period for which a person is absent from a position of employment for the purpose of an examination to determine fitness to perform any such duty. USERRA covers all employees except those serving in positions where there is no reasonable expectation that employment will continue indefinitely or for a significant period. USERRA also specifies that pension benefits and health insurance are to be maintained for specific periods of time.

C. Leave for Victims of Domestic Violence or Sexual Violence: In accordance with Chapter 741.313, Florida Statutes, an employee who has worked for Hendry County BOCC for at least three months may take up to 3 working days of unpaid leave in any 12-month period if the employee or a family or household member of the employee is the victim of domestic or sexual violence. This leave is in addition to other forms of authorized leave; however, employees may elect to use accrued annual leave to cover periods of Domestic Violence Leave. The following provisions apply to domestic or sexual violence leave:

- (1). Employees may use this leave to seek an injunction for protection; to obtain medical care or mental health counseling for physical or psychological injuries resulting from the act of domestic violence; to obtain help from a victim services organization; to make the employee's home secure or to seek new housing; or to seek legal assistance and to attend or prepare for court-related proceedings arising from the act of domestic violence.
- (2). Except in cases of imminent danger to the health or safety of the employee or household member, an employee seeking leave from work under this section must provide appropriate advance notice of the leave.
- (3). Requests for leave under this section will be kept in the employee's confidential file for 1 year after the leave has been taken. Any personal identifying information that is contained in records documenting an act of domestic or sexual violence and that is submitted to Hendry County BOCC shall be maintained in the employee confidential file.

13.9. Administrative Leave with or without Pay: Full-time and part-time regular employees are eligible for administrative leave with or without pay for various purposes.

A. Administrative Leave with or without Pay for Employer Purposes: The County Administrator may grant administrative leave with or without pay for the reasons listed below. Upon their return to regular duties, an employee who was placed on administrative leave without pay may be granted back-pay for the period of unpaid leave at the discretion of the County Administrator.

- (1). To remove an employee from his or her position to facilitate an investigation into the employee's conduct.
- (2). To remove an employee from a mandatory testing position pending drug or alcohol test results.

- (3). For other purposes as approved by the County Administrator.
- B. Administrative Pay for Jury Duty and Court Attendance: Employees will be granted paid administrative leave for the purpose of serving as juror or witness under subpoena in federal court, state court, or the court of any political subdivision within the State. Court leave with pay will be authorized only during those days, which would otherwise have been an employee's regularly scheduled working day. If excused by the court during a workday, the employee is expected to return to duty if transportation is available and if at least one hour of County duty can be served in the workday. If the employee does not return to work, the balance of the day will be charged to annual leave, compensatory leave or leave without pay. The benefits of this section shall not extend to any person with an interest in the outcome of the proceedings. Documentation showing required attendance by the employee must be provided upon request.
- C. Administrative Pay for Closing Facilities under Emergency Conditions: When the County Administrator approves an emergency facility closure, department directors shall have the responsibility for determining those employees necessary for providing essential services. Other employees assigned to facilities that have been temporarily closed may be granted paid administrative leave for the period the facility is closed at the discretion of the County Administrator. In some instances, the employees from closed facilities may be assigned alternate duties.
- D. Administrative Leave for On-the-Job Injury: Any employee injured on the job and eligible for Worker's Compensation shall be allowed to take paid administrative leave for the remainder of the shift during which he or she was injured. Following this, employees may be granted up to an additional 7 days of paid administrative leave provided the physician certifies they are unable to work in either their regular job or in a light-duty job, if one is available. In the event the employee is paid for the first 7 days by the workers compensation carrier, the employee is to endorse the carrier's payment for the first 7 days to Hendry County.
- E. Administrative Leave for Volunteer Fire and Rescue Response. Employees who are official members of a volunteer fire department within Hendry County are allowed paid administrative leave to respond to calls that are dispatched through the County 911 Dispatch Center.
- F. Administrative Leave for Military Service. In accordance with the Florida Statutes, §115.07, 115.09, and 115.14, employees are allowed paid administrative leave under certain conditions. For the purposes of this section, military service is defined active duty in the Florida National Guard, or federal service in training or on active duty with any branch of the Army of the United States, the United States Navy, the Marine Corps of the United States, the Coast Guard of the United States, and the United States Public Health Service.
- (1). Administrative Leave for Reserve or Guard Training
- a. All employees of Hendry County BOCC who are commissioned reserve officers or reserve enlisted personnel in the United States military or naval service or members of the National Guard are entitled to leaves of absence from their respective duties, without loss of vacation leave, pay, time, or efficiency rating, on all days during which they are engaged in training ordered under the provisions of the United States military or naval training regulations for such personnel when assigned to active or inactive duty.

- b. Leaves of absence granted under the provisions of this section may not exceed 240 working hours in any one annual period. A leave of absence for additional or longer periods of time for assignment to duty functions of a military character shall be without pay and shall be granted by Hendry County BOCC. Military leave will not change an employee's length of service or anniversary hire date.
- (2). Leaves of Absence for Active Duty Military Service. All Hendry County BOCC employees who are called to active military service may be granted leave of absence from their respective offices and duties to perform active military service. The first 30 days of any such leave of absence will be with full pay. Additional periods of paid leave may be granted by the Hendry County BOCC.

13.10. Bereavement Leave

A. Definitions:

- (1). Bereavement Leave: A period of up to twenty-four (24) hours of paid leave granted an employee following the death of an immediate family member. Such leave may be taken continuously or intermittently.
- (2). Immediate Family: The employee's spouse and the parents, grandparents, brothers, sisters, children, and grandchildren of either the employee or the spouse.

B. Procedure:

- (1). Upon request an employee shall be granted bereavement leave following the death of an immediate family member.
- (2). Each employee requesting bereavement leave due to death in the immediate family shall submit a statement to the appropriate authority stating the name of, and their relationship to, the deceased. A supervisor or higher-level manager may require additional appropriate supporting documentation.
- (3). The employee shall notify the supervisor as soon as possible following the death of the immediate family member. The supervisor shall arrange for shift coverage.
- (4). Full and part-time employees working less than 40 hours per week shall receive bereavement leave on a pro-rated basis.

13.11. Payment for Earned Annual Leave Upon Termination of Employment

- A. An employee who voluntarily resigns, retires or who is laid off for lack of work or funding, will be paid for up to 240 hours of unused annual leave earned prior to the date of separation, provided that all County equipment and uniforms are returned and the employee is not otherwise indebted to the County. Employees who are involuntarily terminated (except in the case of layoffs) and employees who voluntarily resign or retire but who provide less than 14 days written notice in advance will not be paid for any accrued annual leave earned, and such accrued leave will be considered forfeited upon termination. The County Administrator may authorize an exception to this policy and permit payout of accrued annual leave

when an employee is involuntarily dismissed or provides less than 14 days written notice.

B. Payment Upon Entry into the DROP Program

In accordance with Chapter 121.091(13), each employee who elects to participate in DROP may elect to receive a lump-sum payment for accrued annual leave earned upon beginning participation in DROP. The accumulated leave payment certified to the division upon commencement of DROP shall be included in the calculation of the member's average final compensation. Any hours of annual leave taken as a lump sum upon beginning participation in DROP will be deducted from the 240 hour maximum that may be paid upon termination.

13.12. Payment for Earned Sick Leave Upon Termination of Employment

A. For employees hired on or before December 31, 2012, the following applies:

An employee who voluntarily resigns, retires or who is laid off for lack of work or funding after 10 or more years of continuous and creditable service shall be paid for the lesser of 25% of their unused accrued sick leave up to 180 days (i.e. an amount up to 360 times their regular hourly rate of pay), or 25% of their unused accrued sick leave.

B. Employees hired after December 31, 2012, will not be paid for unused sick leave upon separation from employment.

SECTION 14: FAMILY AND MEDICAL LEAVE ACT

Policy:

- 14.1. Hendry County BOCC shall provide all eligible employees with the rights and benefits they are entitled to under the Family and Medical Leave Act of 1993 (FMLA) as amended by the National Defense Authorization Act for FY 2008 (NDAA). As required by the FMLA section 109 (29 U.S.C. § 2619) Hendry County BOCC will post the mandatory FMLA Notice and has incorporated the required notification into this policy. In addition, the mandatory FMLA notice will be posted on various bulletin boards, and copies are available in Human Resources. We also post the DOL supplementary information concerning Military Family Leave at the same locations. Where applicable, we will include County-specific information.
- 14.2. Questions, concerns, or disputes with this policy, should be submitted to the Human Resource Director.
- 14.3. Employee Rights and Responsibilities Under The Family and Medical Leave Act
 - A. Basic Leave Entitlement
 - (1). FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:
 - a. For incapacity due to pregnancy, prenatal medical care or child birth;
 - b. To care for the employee's child after birth, or placement for adoption or foster care;
 - c. To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
 - d. For a serious health condition that makes the employee unable to perform the employee's job.
 - (2). Hendry County BOCC measures the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Hendry County BOCC will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks (or 26 weeks for the care of an injured or ill servicemember) of available leave, with the balance remaining being the amount the employee is entitled to take at that time.
 - (3). If an employee and his or her spouse both work for Hendry County BOCC, they are both eligible for leave. The employee and employee spouse may be limited to a combined total of 12 weeks of FMLA leave in a 12-month period if the leave is taken for:
 - a. The birth, adoption, or foster placement of a child;
 - b. To care for and bond with such child who does not suffer from a serious health condition
 - c. To care for a parent with a serious health condition; or
 - d. A combination of the above

- e. For military caregiver leave, the employee and employee spouse may be limited to a combined total of 26 weeks of leave in a 12-month period, including the types of leave listed above in this paragraph.

B. Military Family Leave Entitlements

- (1). Eligible employees with a spouse, son, daughter, or parent who is a regular, retired or reservist member of the military on active duty deployed to a foreign country or has been notified of an impending call or order to such active duty may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.
- (2). FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave in a single 12-month period to care for a spouse, child (of any age), parent or next of kin who is either:
- (3). A military service member (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, or who is in outpatient status, or who is otherwise on the temporary disability retired list, for a serious injury or illness; or,
- (4). A veteran military service member who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a military service member (including a member of the National Guard or Reserves) at any time during the period of five years preceding the date on which the veteran undergoes medical treatment, recuperation, or therapy. The “next of kin” of a military servicemember means the nearest blood relative other than the servicemember’s spouse, parent or child, in the following order of priority (unless the servicemember has specifically designated in writing another blood relative as his nearest blood relative for purposes of military caregiver): (1) blood relatives who have been granted legal custody of the servicemember, (2) brothers and sisters, (3) grandparents, (4) aunts and uncles and (5) first cousins
- (5). Serious injury or illness – – In the case of a member of the Armed Forces, an injury or illness incurred or aggravated in the line of duty on active duty that may render the member medically unfit to perform the duties of his or her office, grade, rank or rating. In the case of a veteran who was a member of the Armed Forces at any time during the five years preceding the date on which the veteran undergoes medical treatment, recuperation, or therapy, a “serious injury or illness” means an injury or illness incurred or aggravated in the line of duty on active duty in the Armed Forces and that manifested itself before or after the member became a veteran.

14.4. Benefits and Protections

- A. During FMLA leave, the employer must maintain the employee’s health coverage under any “group health plan” on the same terms as if the employee had continued to work.

- B. Hendry County BOCC will continue to pay the employer portion of employee health insurance premiums while employees are on approved FMLA leave. Employees will have a minimum 30-day grace period in which to make premium payments for their portion of employee health insurance premiums. If payment is not made timely, your group health insurance may be cancelled, provided we notify you in writing at least 15 days before the date that your health coverage will lapse, or, at our option, we may pay your share of the premiums during FMLA leave, and recover these payments from you upon your return to work. Additional information concerning insurance premiums and other payroll deductions will be provided to employees at the same time or shortly after we receive their request for FMLA leave.
- C. If an employee elects not to return to work at the end of the leave period, the employee may be required to reimburse Hendry County BOCC for the cost of premiums paid for maintaining coverage during the leave period.
- D. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.
- E. Hendry County BOCC may choose to exempt certain key employees from this requirement and not return them to the same or similar position.
- F. Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

14.5. Eligibility Requirements

- A. Employees are eligible if they have worked for the County for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the County within 75 miles.
- B. The required one year of service need not be continuous. If an employee has a break in service that is more than 7 years, service that is more than 7 years old will not be counted unless the break was due to National Guard or Reserve military service. The burden is on the employee to prove service more than 3 years old.

14.6. Definition of Serious Health Condition

- A. A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities, as defined by the Department of Labor's FMLA regulations.
- B. The FMLA covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition that would result in a period of three consecutive days of incapacity with the first visit to the health care provider within seven days of the onset of the incapacity and a second visit within 30 days of the incapacity would be considered a serious health condition. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year.
- C. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at

least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

14.7. Use of Leave

- A. An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.
- B. The County Administrator has the right to temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule, in instances of when leave for the employee or employee's family member is foreseeable and for planned medical treatment, including recovery from a serious health condition or to care for a child after birth, or placement for adoption or foster care.
- C. For the birth, adoption or foster care of a child, the employer and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced-hour schedule. Leave for birth, adoption or foster care of a child must be taken within one year of the birth or placement of the child.
- D. If the employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee should try to reach agreement with the employer before taking intermittent leave or working a reduced hour schedule. If this is not possible, then the employee must prove that the use of the leave is medically necessary.
- E. Hendry County BOCC will track leave used in periods of 7.5 minutes or greater in accordance with the rounding rules used by our timekeeping and payroll system.

14.8. Substitution of Paid Leave for Unpaid Leave

- A. Employees may choose to use accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.
- B. Conditions for using paid leave during an extended FMLA Leave of Absence:
 - (1). Employees are not required to use available accrued leave credits during an FMLA absence; however, they may elect to use accrued leave during some or all of their approved leave.
 - (2). As with other forms of paid leave, the Payroll department needs authorization from the employee to use the employee's accrued leave credits. Employees must notify both the Human Resources and Payroll Departments in writing no later than 9 a.m. on the Friday prior to the end of the pay period if they wish to be paid for any accrued leave credits. Notification may be made by e-mail; written instructions provided in advance are also acceptable. In the event that no written instructions from the employee are received, employees will not be paid for accrued leave credits.

- (3). Any paid leave used for an FMLA qualifying reason will be charged against an employee's entitlement to FMLA leave. This includes leave for disability or workers' compensation injury/illness, etc. provided that the leave meets FMLA requirements. The substitution of paid leave for unpaid leave does not extend the 12-week leave period.

14.9. Employee Responsibilities

- A. Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable.
- B. If the leave was foreseeable and the employee does not provide 30 days advance notice, the County Administrator may require an explanation as to why 30 days' advance notice was not given. If timely notice is not given, the period of delay counts as a non-FMLA absence.
- C. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.
- D. When 30 days notice is not possible, or for employees who are reporting an absence for previously approved intermittent FMLA leave, calling-in procedures are the same as those for employees calling-in for any other type of unscheduled absence. At a minimum, these requirements are as follows.
- E. Employees are required to obtain written or verbal approval from their immediate supervisor as soon as practicable during normal working hours when they learn of the need for leave. If applicable, the employee must notify the supervisor that the leave is intermittent FMLA leave for a previously approved condition.
- F. Employees must also follow any other requirements established by individual departments in accordance with the Hendry County BOCC Attendance and Leave Policy. If timely notice is not given, the period of delay counts as a non-FMLA absence.

14.10. Periodic reports of status and intent to return to work.

- A. Hendry County BOCC requires employees to provide periodic reports of status and intent to return to work. Reports should be made by telephone or e-mail to the Human Resources staff member who issued the Notice of Eligibility and Rights & Responsibilities form or as otherwise directed.
- B. Periodic reports of status and intent to return to work should follow the following schedule:
 - (1). For employees on intermittent leave or on continuous leave of less than one week: Not required; however, employee must follow above calling-in procedures
 - (2). For employees on continuous leaves of between one and six weeks: weekly, and when circumstances change
 - (3). For employees on continuous leave of more than six weeks: bi-weekly, and when circumstances change

- (4). If appropriate, employees may be issued other schedules for making status reports.
- C. Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform Hendry County if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.
- D. As detailed below, Hendry County will normally require employees to provide certification and possibly recertification of need when an employee requests leave for a personal health condition; the health condition of a family member; injury or illness of a servicemember; or for exigency leave. We may also require documentation to support requests for leave due to caring for a child after birth or adoption.
- E. In the event that certification is not returned or is inadequate or incomplete, the County Administrator may deny the request for FMLA leave if the certification is not returned or completed upon notice after being requested.
- F. In the case of absences due to a serious health condition that makes the employee unable to perform the employee's job, Hendry County BOCC will normally require the employee to provide a fitness for duty certification from the healthcare provider before or upon returning to work. If required, employees will not be permitted to return to work until certification is provided, and any resulting absences from work will be considered as unapproved. In the case of intermittent leave, certifications will only be required if reasonable safety concerns exist. Certifications will not be required more than once every 30 days for each condition for which intermittent FMLA leave is taken, and employees may be allowed to work while awaiting certification.
- G. On a basis that does not discriminate against employees on FMLA leave, Hendry County BOCC may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

14.11. Certification for the Employee's Serious Health Condition

Hendry County will require certification for the employee's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the DOL Certification of Health Care Provider for Employee's Serious Health Condition.

- A. Hendry County may directly contact the employee's health care provider for verification or clarification purposes using a health care professional, a Human Resources professional, leave administrator or management official. Hendry County will not use the employee's direct supervisor for this contact. Before Hendry County makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance

with HIPAA Medical Privacy Rules, Hendry County will obtain the employee's permission for clarification of individually identifiable health information.

- B. Hendry County has the right to ask for a second opinion if it has reason to doubt the certification. Hendry County will pay for the employee to get a certification from a second doctor, which Hendry County will select. Hendry County may deny FMLA leave to an employee who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, Hendry County will require the opinion of a third doctor. Hendry County and the employee will mutually select the third doctor, and Hendry County will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

14.12. Certification for the Family Member's Serious Health Condition

Hendry County will require certification for the family member's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the DOL Certification of Health Care Provider for Family Member's Serious Health Condition.

- A. Hendry County may directly contact the employee's family member's health care provider for verification or clarification purposes using a health care professional, a Human Resources professional, leave administrator or management official. Hendry County will not use the employee's direct supervisor for this contact. Before Hendry County makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, Hendry County will obtain the employee's family member's permission for clarification of individually identifiable health information.
- B. Hendry County has the right to ask for a second opinion if it has reason to doubt the certification. Hendry County will pay for the employee's family member to get a certification from a second doctor, which Hendry County will select. Hendry County may deny FMLA leave to an employee whose family member refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, Hendry County will require the opinion of a third doctor. Hendry County and the employee will mutually select the third doctor, and Hendry County will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

14.13. Certification of Qualifying Exigency for Military Family Leave - Hendry County will require certification of the qualifying exigency for military family leave. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification of Qualifying Exigency for Military Family Leave.

14.14. Certification for Serious Injury or Illness of Covered Servicemember for Military Family Leave - Hendry County will require certification for the serious injury or illness of the covered servicemember. The employee must respond to such a request within 15 days

of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification for Serious Injury or Illness of Covered Servicemember.

14.15. Employer Responsibilities

- A. Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, Hendry County must provide a reason for the ineligibility.
- B. Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If Hendry County determines that the leave is not FMLA-protected, the employer must notify the employee.
- C. Employees will not be subject to retaliation for taking FMLA leave.

SECTION 15: LEAVE DONATIONS

Policy:

- 15.1. In order to ensure that Hendry County BOCC employees do not suffer a loss of income during periods of serious illness or injury, pregnancy, or recovery there from, Hendry County BOCC offers a Leave Transfer Plan to allow employees to donate sick leave or annual leave to other employees. Leave donations may be made for the birth and care of the newborn child of an employee; for placement with the employee of a child for adoption or foster care; to care for an immediate family member (spouse, child, or parent) with a serious health condition; or to take medical leave when the employee is unable to work because of a serious health condition

Procedure:

- 15.2. A regular full or part-time employee of Hendry County BOCC may receive donations of earned sick or annual leave credits from another regular full or part-time employee provided the following conditions are met:
 - A. Donating employees must have completed the initial probationary period;
 - B. The receiving employee must have used all sick, annual and compensatory leave;
 - C. The receiving employee must be on approved FMLA leave.
 - D. The receiving employee is not eligible for workers' compensation indemnity payments;
 - E. The employee has requested leave donations;
 - F. The employee has received less than 260 hours of donated leave in the past 12 months based on a rolling 12-month period measured backward from the date of any donated leave usage.
- 15.3. The Human Resources Director shall administer the Leave Donation Plan and shall review and approve all transfer requests under this policy. Final approval is at the discretion of the County Administrator.
- 15.4. Annual or sick leave in increments of at least 2 hours may be transferred to another employee for a documented FMLA absence from work of more than seven consecutive calendar days. Transferred leave credits shall be used for absences associated with such documented conditions beginning with the workday following the seven day waiting period or on the first day the employee has exhausted all leave credits, whichever is later. Donated leave may be used consecutively, intermittently, or in increments of no less than a quarter hour, as needed. At the discretion of the County Administrator, the seven day waiting period may be waived on a case by case basis.
- 15.5. A Hendry County BOCC employee who wants to receive donated leave credits shall submit a Request to Receive Donated Leave form and a completed physician's work status report form to the Human Resources Director. If the employee is unable to submit the request, the immediate supervisor may coordinate the submission of the required form with a family member of the employee.

- 15.6. The FMLA Certification of Health Care Provider shall serve as documentation of a qualifying medical condition.
- 15.7. Properly completed request forms shall be forwarded to the County Administrator for approval. Upon the approval of the County Administrator, the Human Resources Director shall publish an announcement requesting leave donations. The announcement shall include the name of the employee and a general description of the circumstances surrounding the need, but shall not include the specific medical reason.
- 15.8. An employee who desires to transfer leave to an announced recipient shall complete and sign a Leave Transfer Authorization form and submit it to the Human Resources Director. Disapproved or unused donation forms shall be returned to the donating employee.
- 15.9. A minimum of 40 hours of sick leave credits must remain in the donating employee's account following the donation.
- 15.10. The Human Resources Director shall transfer hours on a first received basis. If the recipient does not need all of the leave donated, excess hours will be returned to the donors under the first-in first-out method.
- 15.11. The recipient of leave credits will be credited with only the amount of leave necessary to bring the employee's total number of compensable hours up to the minimum number of hours for the pay period.
- 15.12. Leave transferred to an employee shall be credited on the last day of the pay period that the request is approved by the Administrator.
- 15.13. Medical information received shall be considered a confidential medical record and shall be retained in the confidential medical records file of the recipient. The Administrator shall maintain all other records related to the leave transfer plan.
- 15.14. Employees who attempt to coerce or pressure another employee to donate leave, or employees otherwise found to have abused the leave transfer plan shall be subject to disciplinary action.
- 15.15. If the County Administrator denies a request to receive donated leave, the employee may file a complaint at Step 3 under the policy on Complaints, Appeals and Pre-determination conferences.
- 15.16. The names of donors shall be kept confidential.
- 15.17. Donating employees may not cancel a donation once the transfer has been completed.

SECTION 16: GENERAL STANDARDS OF CONDUCT, CORRECTIVE ACTION, AND DISCHARGE

Policy

- 16.1. Employees of Hendry County are expected to conduct themselves in a manner that supports the achievement of organizational vision, goals, purpose, and mission, while complying with state and federal laws and regulations, local codes, and internal policies, procedures, and directives. The conduct of each employee is expected to reflect a commitment to:
 - A. Managing work time for maximum effectiveness, efficiency and productivity;
 - B. Performing to the best of the employee's ability the duties and responsibilities of the position;
 - C. Serving the public in a prompt, courteous and impartial manner.
- 16.2. Hendry County BOCC requires all employees to familiarize themselves with their assigned duties and responsibilities as well as with the policies, rules and regulations pertaining to their positions and duties.
- 16.3. When an employee fails to meet the standards of conduct, they may be issued some form of corrective action. Corrective action is not intended as a "punishment" for misconduct; rather, it is a way of educating an employee and preventing future violations.
- 16.4. It is the goal of the County that effective supervision and employee relations will avoid most difficulties which otherwise might necessitate discipline of employees. However, when disciplinary action becomes necessary, the County recognizes the fact that each situation differs in many respects from others that may be similar in other ways. Thus, the County retains the right to treat each incident on an individual basis without creating a precedence for other cases which may arise in the future as to a particular employee or group of employees and to determine the appropriate discipline in every matter on a case by case basis.
- 16.5. It is management's responsibility, from the County Administrator down to the first level supervisor, to ensure these Personnel Rules and Regulations are observed by all employees. Supervisors should consult with the Human Resources Department when considering the implementation of discipline. When an employee is unable or unwilling to comply with established standards of performance or conduct, it is incumbent upon management to take corrective action. Employees should be made aware of the seriousness of violating regulations or taking actions which require disciplinary measures.
- 16.6. The provisions set forth in this Section are intended as a guideline for management and employees. Nothing contained herein is intended to create, nor does it create, an enforceable expectation of continued employment. Nothing in these provisions are to be construed as creating a property right of continued employment. Employment with the County is considered "at will" employment which may be terminated at any time and for any reason.

- 16.7. Once filed, no documentation related to any corrective action will be removed from an employee's personnel file.
- 16.8. When appropriate, Hendry County follows the principles of both progressive and cumulative discipline. Previous violations of both the same and of other standards of conduct may be used in considering the consequences of subsequent violations. However, this does not mean that all of the steps of progressive discipline listed below must be followed in sequence.
- 16.9. The authority to issue discipline to an employee rests with the employee's department director who may delegate part of this authority to individual supervisors and managers. Except in the case of employees having a formal written employment contract, the County Administrator shall make the final determination in all disciplinary matters.

16.10. Corrective Action:

Hendry County recognizes two kinds of corrective action – disciplinary and non-disciplinary. Forms of non-disciplinary corrective action include informal verbal counseling or documented written counseling. Non-disciplinary corrective action may be considered in determining future disciplinary action.

16.11. Disciplinary Actions

Disciplinary actions may include, but are not limited to the following:

- A. Minor Reprimand: A minor reprimand is generally issued for a first violation of a less serious offense.
- B. Major Reprimand: A major reprimand is generally issued for a subsequent violation of a less serious offense, or a first violation of a more serious offense.
- C. Last Chance Agreement: A last chance agreement is generally issued for a subsequent violation of a less serious offense or a first violation of a more serious offense. The employee is formally placed on notice that any future violations may result in dismissal.
- D. Dismissal: Termination of employment.
- E. At the discretion of the County Administrator, other forms of disciplinary action including suspensions and demotions may be also be used.

16.12. Sample Lists of Offenses

These lists are provided for guidance only. They do not represent every possible type of violation, and may not be appropriate in all cases.

A. Less Serious Offenses:

- (1). Attendance related issues: Employees are expected to be reliable and dependable. For example, employees are expected to:
 - a. Show up and be ready for work on a consistent basis;
 - b. Observe established work hours and scheduled appointments;

- c. Obtain permission before being off work; and to schedule leave in a manner that minimizes work disruption;
 - d. Refrain from excessive absenteeism or tardy arrival at work;
 - e. Properly document attendance at work;
 - f. Obtain advance approval to work overtime.
- (2). Loafing, Malingering or Presenteeism: During working hours, employees are expected to complete assignments in a timely manner, to organize their work, and to stay focused on job-related activities. Loafing, excessive idle conversation with others, horseplay, and performing personal business on County time may result in disciplinary action. When employees are unable to effectively perform their duties due to personal illness or injury, they are to request leave from work.
 - (3). Unauthorized distribution of written or printed materials or unauthorized solicitations or sales on county property or while on duty, including selling event or raffle tickets, distributing petitions or literature for any purpose other than official business or approved by the County Administrator
 - (4). Use of county bulletin boards for unauthorized postings.
 - (5). Reporting to work improperly dressed for a job assignment or otherwise physically or mentally unprepared to begin work
 - (6). Failure to follow verbal instructions
 - (7). Failure to keep the County and department notified of the employee's current proper address and telephone number
 - (8). Violation of Smoking Policy
 - (9). Unintentional careless or negligent actions that result in less than \$100 in damage to county property or to the property of others or that do not require extensive staff time to correct, and that had little or no impact on the reputation of the County

B. More Serious Offenses

- (1). Failure to report violations of the law or policies and other on the job misconduct of other employees to the employee's supervisor
- (2). Failure to make a written report by the next scheduled work day of any criminal charge filed against the employee, failure to report any arrest for any violation of any law or ordinance except minor traffic violations or failure to report any drug or alcohol related arrest
- (3). Sleeping or "resting" on the job unless specifically authorized to do so: For purposes of this standard, resting is defined as displaying the outward appearances of sleeping such as sitting motionless with eyes closed.

- (4). Gambling during working hours or on County property or using County equipment
- (5). Refusing to truthfully answer questions specifically relating to work-related issues including the performance or conduct of other employees
- (6). Reporting for duty while under the influence of a narcotic, barbiturate, hallucinogenic drug, central nervous system stimulant or an intoxicant not prescribed by a licensed physician
- (7). Insubordination or otherwise failing or refusing to comply with a lawful order given by a supervisor or manager
- (8). Disrespect/Discourtesy towards others: Any instances of rudeness or discourteous behavior towards co-workers, supervisors, subordinates or the public may be grounds for disciplinary action. In addition, any behavior that tends to interfere with the work of others or that may disrupt the effective functioning of a department or office is considered to be discourteous.
- (9). Lying or falsification of reports or records, or knowingly submitting inaccurate or untruthful information for or on any county record, report or document, including employment application and documents
- (10). Sexual harassment or other forms of discrimination and harassment prohibited by the County EEO policy
- (11). Revealing confidential information, including confidential medical information, to unauthorized persons
- (12). Failure to comply with written directives, policies, laws, statutes, and regulations
- (13). Failure to comply with safety policies, regulations or directives
- (14). Failure to report workplace illnesses or injuries to the appropriate supervisor
- (15). Using county property, materials or facilities for non-county business
- (16). Occupying, using or operating any county equipment, property or facility without prior authorization
- (17). Careless or negligent actions other than those listed above, or careless or negligent actions that result in injury to any person, regardless of dollar cost
- (18). Theft, fraud or dishonesty
- (19). Violation of a law for which the penalty is a felony or first degree misdemeanor, whether or not such violation results in criminal or civil prosecution
- (20). Violation of a law for which the penalty is a felony or misdemeanor in connection with the employee's official duties

- (21). Unlawful manufacture, sale, distribution, dispensation, possession or use of a controlled substance or alcohol during working hours, on county property, or while in a County vehicle
- (22). Possession of a firearm other than by a sworn law enforcement officer, while on duty, on county property, or in a county vehicle, except as specifically permitted under F.S. Chapter 790.251
- (23). Failure to maintain required certifications or other conditions of employment
- (24). Threatening, provoking, or intimidating others, or displaying violent behavior while on duty or on County property
- (25). On or off the job conduct which adversely affects the ability of the employee to perform his duties and/or adversely affects the efficient operation of the County government or any department, division, or area of County government
- (26). Misuse of Position including accepting a bribe, gift or gratuity
- (27). Failure to Submit to a Required Physical Exam or Drug or Alcohol Test

16.13. Criminal Charges

- A. In the event an employee is charged with any crime, the County Administrator, at his or her option, may elect to take disciplinary action based upon the employee's conduct underlying the arrest or the Administrator may elect to wait until resolution of the criminal charges prior to deciding whether to proceed with disciplinary action.
- B. If the County Administrator elects to wait until the resolution of the criminal charges prior to deciding upon disciplinary action, the employee may be placed on paid or unpaid administrative leave, with no expectation of back pay being paid regardless of whether disciplinary action is imposed or not.
- C. If the County Administrator elects to wait until the resolution of the criminal charges prior to deciding upon disciplinary action, the Administrator shall not be bound by the outcome of the criminal action but may take it into consideration.
- D. Employees arrested or cited for any crime are obligated to report it to their Department Director no later than five (5) after being charged and following a change in their case. This includes notification of a conviction, a plea of guilty, an adjudication of guilty, a plea of nolo contendere, adjudication withheld, an acquittal, or a dismissal of the charges.

SECTION 17: COMPLAINTS, APPEALS AND PRE-DETERMINATION CONFERENCES

Policy:

- 17.1. It is the policy of Hendry County BOCC that employees be given an opportunity to voice their disagreements concerning adverse employment actions, policy compliance and interpretation, working conditions, and other work-related issues.
- 17.2. Hendry County desires to have an excellent working relationship between employees and management and to have as informal and casual a relationship as possible. Nevertheless, each organization requires a certain amount of structure to foster a well-understood method of dealing with situations in a fair and organized manner.
- 17.3. Employees are given assignments by their supervisor as to the type of work, location of work and safety conditions. Employees who disagree with the supervisor's assignment, location or safety conditions should first meet with their supervisor to discuss their concerns. Every effort should be made to resolve such issues between the employee and supervisor.
- 17.4. If the issue is not resolved, employees may either seek redress through the formal complaint process or by making an informal verbal complaint through their chain of command. However, for complaints involving an immediate health and safety issue, complaint of illegal discrimination, retaliation, sexual or other prohibited harassment, or possible violence in the workplace, the employee may bypass the chain of command and go directly to the Human Resources Director or County Administrator.
- 17.5. Employees are prohibited from directly contacting any Hendry County Commissioner on behalf of themselves or a co-worker concerning adverse employment actions, policy compliance and interpretation, working conditions, work-related problems, and personnel issues. Such issues are to be resolved through the appropriate chain of command or through the grievance or appeal process.
- 17.6. Definitions
 - A. Appeal: A challenge of a disciplinary action or dismissal issued by or under the authority of their Division Director.
 - B. Appealable Disciplinary Actions: Any disciplinary action other than a minor reprimand is considered an appealable action. Minor reprimands are not subject to the appeal process.
 - C. Chain of Command: An orderly method for addressing issues by an employee making their first appeal to their immediate supervisor and when finding no satisfaction, then going to the next highest level of management up to the top of management if no satisfaction is found.
 - D. Complaint: When an employee formally alleges a violation of County personnel rules and regulations or formally expresses dissatisfaction with working conditions or other aspect of employment.
 - E. Pre-determination conference: An informal hearing where a regular employee who has completed the initial probationary period is allowed a chance to provide

information or make a statement on their behalf prior to serious disciplinary action being taken.

- F. Serious Disciplinary Action: Any disciplinary action taken that is more serious than a reprimand.

17.7. Pre-determination conference

- A. Prior to taking serious disciplinary action against an employee who has completed the initial probationary period, the employee's Department Director shall provide the employee with an opportunity to attend an informal pre-determination conference.
- B. The pre-determination conference is an opportunity for the employee to present verbal and/or written information as to why the proposed action is not justified, or is too severe. The employee may bring a representative to assist or advise them. Generally, the employee's supervisor, Department Director, and Human Resources Director or designee shall be present at the hearing.
- C. The pre-determination conference is not a formal legal proceeding. The conference shall be informal and shall not be in the nature of an evidentiary hearing. The employee shall be permitted to submit relevant information, orally, in writing, and through witnesses. Discovery, cross-examination, and similar legal procedures are not permitted.
- D. Employees who have not completed the initial probationary period are not entitled to a pre-determination conference. However, where practicable and appropriate, they will typically be afforded the opportunity to attend a pre-termination meeting with their supervisor, the Human Resources Director, and/or other representatives of management.

17.8. Appeals of Disciplinary Action

- A. An employee who has completed the initial probationary period may appeal a serious disciplinary action to the County Administrator.
- B. To file an appeal, the employee must submit a written request for an appeal meeting to the Human Resource Director within seven (7) days after the action has taken place. The request shall include information as to why the employee believes the action taken was inappropriate or unjustified.
- C. Within a reasonable period of time, the County Administrator may decide to hear the appeal, assign another person to hear the appeal, or to decline to hear the appeal. The County Administrator shall issue a final decision within a reasonable period of time after an appeal has been presented. The decision of the County Administrator shall be final.

17.9. Non-Appealable Terminations

- A. Under the following circumstances, an employee may not appeal an action to the County Administrator:
- B. Dismissal prior to the completion of the probationary period.

- C. Dismissal due to physical inability to perform essential functions of the position or due to failure to maintain required certification, licensure or other conditions of employment.
- D. Dismissal due to refusal to undergo drug or alcohol testing.

17.10. Complaints

Any regular, full-time or part-time employee may present a formal complaint regarding an alleged violation of County personnel rules and regulations or a dissatisfaction with working conditions or other aspect of employment. Probationary, temporary, and as-needed employees are not entitled to submit a grievance under this policy, but may make an informal complaint through their chain of command to discuss any employment issues.

17.11. Complaint Procedure

When an employee files a complaint, the following successive steps are to be taken. The number of days indicated at each level should be considered as the maximum number of working days, unless provided otherwise, and every effort should be made to expedite the process. However, when mutually agreed upon in writing, the time limits given may be extended.

A. Step 1

The employee may file a verbal or written complaint with his/her immediate supervisor within five working days of the incident giving rise to the complaint. Upon being informed of the complaint, the immediate supervisor shall record the date and time the complaint was made, and shall make appropriate inquiries and take necessary actions to either resolve the problem or to provide the employee a written response within a reasonable period of time.

B. Step 2

If the complaint cannot be resolved on an informal basis between the employee and supervisor at Step 1, the employee may pursue his complaint to Step 2 by submitting it to the Department Director in writing, within five working days of receiving the written response to Step 1. No specific form is required; however, the employee must indicate in writing that he or she is filing a formal complaint.

- (1). A complaint should refer to the specific policies or rules alleged to have been violated and shall include the facts pertaining to the alleged violation or area of dissatisfaction, the action or remedy being requested and shall include the signature of the employee.
- (2). The Department Director shall investigate the complaint, consult with the Human Resources Director, and provide a written response within a reasonable period of time. Copies of the complaint and response shall be forwarded to the Human Resources Department.

C. Step 3

- (1). In the event a mutually satisfactory solution cannot be reached between the employee and the Department Director, the employee may, within five working

days of receiving the Department Director's decision, present his or her complaint to the County Administrator for review. This appeal must be accompanied by the original complaint and all responses to the complaint.

- (2). Upon receipt of the employee's appeal, the County Administrator shall consider all facts relevant to the complaint and within thirty working days shall notify all parties to the complaint of the decision. The County Administrator's decision shall be final and binding on all parties. No further appeals may be made.

SECTION 18: DISASTER WORK AND PAY

Scope

- 18.1. This policy applies to all Hendry County BOCC employees including employees who serve under a formal contract with the Board of County Commissioners. However, the pay provisions of this policy do not apply to employees who work under a collective bargaining agreement with the Board of County Commissioners.

Definition:

- 18.2. Immediate Response Status: At the discretion of the Director of Emergency Management, an employee may be placed on Immediate Response Status. While on Immediate Response Status, employees are permitted to rest and attend to personal needs, but they are required to remain at a specific duty station and must be prepared to assume critical duties at a moment's notice.

Procedure:

18.3. Work Assignments

- A. During times of disaster, it is the responsibility of the County to protect property and provide for public health and safety. To fulfill these responsibilities, management relies on the employees of Hendry County to carry out assigned duties before, during and after an emergency.
- B. Employees may be assigned to perform Emergency Management duties under the Director of Emergency Management or may be directed to provide other essential duties by their Department Director. The Director of Emergency Management will assign employees to an Emergency Operation Center Section Chief who will assign individual duties and schedule work hours. Employees who are unable to report to their assigned duty station due to the disaster are to make every attempt to notify their Section Chief or supervisor as soon as possible.
- C. Duties assigned may be outside the employee's regular job description, but may be based on other knowledge, skills or abilities, which are needed for emergency operations or continuity of service.
- D. Employees who have particular skills or knowledge which could be helpful during an emergency are asked to notify their Department Director and the Director of Emergency Management. All County employees are encouraged to create a personal emergency plan for their families and property. Whenever practicable, employees will be provided an opportunity to ensure the safety of their family and secure their property before reporting to an emergency work assignment.
- E. Either following or just prior to a Declaration of Local State of Emergency, Department Directors will review all previously requested current and future annual, sick or compensatory leave requests. The County Administrator or designee will decide if leave requests are to be cancelled, modified or allowed.
- F. At the discretion of the County Administrator, prior arrangements may be made for those employees who feel they cannot work during an emergency. Those employees who feel that they are unable to work during an emergency are to

request approval for an exemption in writing to the County Administrator or designee immediately following the situation or condition that renders them unable to serve. If the County Administrator excuses an employee from emergency work, the employee may use annual leave, compensatory leave credits or take leave without pay.

- G. Employees without an exemption who fail to report to work as scheduled may be subject to disciplinary action up to and including termination. Employees placed on immediate response status who fail to promptly respond to assignments may be subject to disciplinary action up to and including dismissal.

18.4. Disaster Pay Policy

A. Implementation:

- (1). Emergency/disaster pay provisions will be in effect when any natural, technological or man-made emergency or disaster require either a state of local emergency declaration by the Board of County Commissioners or a Level 2 Partial EOC Activation as determined by the Board of County Commissioners, the County Administrator, the Public Safety Director or the Emergency Management Director. The criteria for a "Level 2 Partial EOC Activation" are contained in the most recent version of the Hendry County Comprehensive Emergency Management Plan (CEMP).
- (2). These provisions also apply when Hendry County employees assist other jurisdictions in accordance with the Florida Statewide Mutual Aid Agreement.
- (3). These provisions apply to all employees regardless of their exempt or nonexempt status with the exception of the bargaining-unit EMS personnel or as otherwise stipulated. Overtime rules apply according to the Fair Labor Standards Act (FLSA).

B. Pay Rates

- (1). Non-exempt employees who are required to work during a Local State of Emergency will be paid their regular rate of pay for all hours worked up to 40 in a work week. Employees who are required to work over 40 hours in a work week shall be compensated at 1.5 times their regular rate of pay for all hours actually worked in excess of 40. For the purposes of this policy, all employees who are placed on immediate response status are considered to be on duty during all hours that they are on immediate response status.
- (2). Exempt employees who are assigned emergency duties during a Local State of Emergency are granted a special exception to their salaried status, and will be paid at an hourly rate of pay for all hours actually worked up to 40 in a work week. The hourly rate will be calculated by dividing their weekly salary by the number of hours in their assigned workweek (either 37.5 or 40). All exempt employees who are required to work over 40 hours in a work week shall be compensated at 1.5 times their hourly rate of pay for all hours actually worked in excess of 40.
- (3). If County offices are closed under the local state of emergency declaration, all employees not assigned emergency duties will be granted paid administrative

leave at a straight time rate for all regularly scheduled hours of work. To qualify for paid administrative leave, employees must make contact with the County and be prepared to return to work as soon as possible after the threat has passed. In addition, both exempt and non-exempt employees who are required to work will receive pay for the same number of hours of administrative leave as employees who are not required to work. At a minimum, during disaster situations involving facility closure, exempt employees who perform any work in a workweek will be compensated for their regular weekly salary.

- C. Employees who are required to work during an emergency shall record their duties and hours worked on the timesheet that will be provided. Employees must clearly note what emergency duties they performed and the hours worked for each day. This applies to both exempt and non-exempt employees. Either the Section Chief or Department Director can sign timesheets.

18.5. Mutual Aid Assignments

- A. For employees who provide assistance to another municipality to aid in an emergency or disaster the following will apply in addition to the provisions listed above.
- B. Travel time from home or county facility to point of destination where the work is to be performed will be paid as regular hours worked and is subject to overtime as required under FLSA.
- C. Work provided during Mutual Aid will be paid at time and a half rate regardless of FLSA regulations. Any employee placed on immediate response status will be paid for those hours regardless of whether or not they respond. Employees will not be paid for hours in which they leave a work site for meals or to sleep.
- D. On-site supervisors must ensure all staff are permitted and required to get sufficient sleep so as to avoid endangering their safety or the safety of others due to fatigue. Sleeping periods do not necessarily need to be at night. Supervisors must also ensure that adequate detailed records are completed and maintained so Hendry County staff may be properly paid for hours worked. The assigned Supervisor will sign off on time sheets.