

PERSONNEL POLICIES FOR EMPLOYEES OF THE



**BAY COUNTY
BOARD OF COUNTY COMMISSIONERS**

YOU ARE AN IMAGE MAKER

As an employee of the Bay County Board of County Commissioners, your day-to-day contact with our residents will have a strong effect on the County's image. We ask that you make a favorable impression by your sincere attitude, neat appearance, and efficient performance of your duties. A spirit of understanding and courtesy is essential on your part in dealing with the public. Whether the contact is made in person, in correspondence, via social media, or over the phone, YOU MAKE A DIFFERENCE.

Revised: 01/05/2021

A MESSAGE FROM THE COUNTY MANAGER

Welcome to the Bay County team! I am grateful you have chosen to join us as we strive to become the best operating, most efficient County in the State of Florida. To accomplish this goal, we want to provide a workplace that fosters creativity and an atmosphere in which employees feel secure and empowered to do their jobs to the best of their ability and to affect change. In the words of Super Bowl winning coach and NASCAR owner Joe Gibbs, "People who enjoy what they are doing invariably do it well."

We're glad you are here!

Bob Majka
County Manager

A MESSAGE FROM THE CHIEF HUMAN RESOURCES OFFICER

Welcome,

It is my pleasure to welcome you as an employee of the Bay County Board of County Commissioners. We hope that you have found the kind of challenging work and organizational philosophy that will enable you to enjoy your career with us.

This manual provides answers to some of the most frequently asked employee questions. It is a quick reference to some of the policies and procedures with which you should be familiar. Please read your manual carefully and discuss any questions you might have with your supervisor or the Human Resources Department.

The Human Resources Department exists to provide services to you, your department, and to the citizens of Bay County. For your benefit, among the services we offer are: development of employee benefit programs, identification of training needs, and the development and implementation of in-house training programs. In short, your work direction, job counseling, performance evaluation and rate of pay come from within your own department, and we provide support and assistance to your department and to you.

Our primary job as County employees is to give prompt, courteous and efficient service to our neighbors. As we share in the experience of working together, you will be making an important contribution to the growth and well-being of Bay County.

I wish you every success in your career with the Bay County Board of County Commissioners.

Sincerely,

Amy L. Cooper
Chief Human Resources Officer

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SECTION I: AUTHORITY AND ADMINISTRATION

DEFINITIONS

BOCC

Bay County Board of County Commissioners, also referred to as “the County.”

Work Week

Work Week refers to the number of hours regularly scheduled to be worked during any seven (7) consecutive days - Monday through Sunday.

Work Day/Shift

Work Day/Shift refers to the number of hours regularly scheduled to be worked in one 24-hour period.

Work Hours

Hours of Work refers to the number of hours an employee is scheduled to work in any 24-hour period.

Working Days

The term "Working Days" generally refers to the 5-day period, Monday through Friday or 4-day period, Monday – Thursday except where 7-day or around-the-clock coverage is required. Other exceptions may be necessary.

Compensation Plan

A comprehensive compensation plan based on years of service with designated pay grades and pay steps used as a reference tool to determine an employee's rate of pay. Pay raises based on years of service for the corresponding pay grade and step are not guaranteed and are contingent on the availability of County funds and any other condition as set forth by the County Manager.

Overtime Pay

Overtime Pay means the compensation paid for the work performed by any non-exempt employee in excess of the standard established by the Fair Labor Standards Act, typically anything over 40 hours actually worked in a work week.

Paid Time Off (PTO)

A leave program that allows eligible BOCC employees flexibility in planning for and taking time off. PTO combines personal business or recreation, doctor appointments and unexpected absences such as illness or illness in the family, into a single system that simplifies accountability and tracking.

Banked Sick Leave

Applies only to those employees who have Banked Sick Leave hours remaining prior to the adoption of the PTO program on January 1, 2017.

Administrative Leave

The BOCC authorizes the use of administrative leave (paid or unpaid) at the discretion of the County Manager during certain situations such as during a declared local state of emergency, while an employee is under investigation, during the Pre-Termination Hearing process, and any other times deemed necessary.

LWOP

A "leave without pay" (LWOP) is a period of time off from work without pay based on the circumstances and criteria outlined in this policy. Only full time and part time employees who have successfully completed their probationary periods are eligible to apply for LWOP unless otherwise specified. All requests may only be approved by the County Manager through the Chief Officer/Department Director and the Chief Human Resources Officer, or his/her designee.

Regular Status Employee

A regular status employee is one who is assigned to a budgeted position, has satisfactorily completed his/her period of probation, and is eligible for all benefits and pay increases in accordance with policies and procedures of the BOCC.

OPS Employee

Other Personal Services (OPS) employment is a temporary employer/employee relationship used solely for accomplishing short term or intermittent tasks. OPS employees do not fill regularly established positions and may not be assigned duties of any vacant authorized position, nor are they eligible for any benefits. OPS employees are at-will employees and are subject to actions such as pay changes, changes to work assignments, and terminations at the discretion of the Chief Officer/Department Director or designee and are not eligible for pre-termination hearings.

Temporary Emergency Employee

A temporary emergency employee is one who is employed on a temporary basis as a result of a state of emergency declared by the Governor because of a natural, technological, or human caused disaster.

Temporary/Seasonal Employee

A temporary/seasonal employee is one employed for a specific period of time, normally limited in duration to less than six (6) months, and does not receive any benefits nor is eligible for pay increases.

Florida Retirement System (FRS)

Bay County participates in the Florida Retirement System (FRS) to assist employees in post-employment years. Contributions are paid by the BOCC and its employees. The amount of retirement received by individuals is determined by their rate of compensation, years of creditable service, age at time of retirement, and/or type of plan, and is administered by the FRS.

Probationary Employee

A probationary employee is one who does not have regular status, has less than six (6) months continuous service unless probation was extended with the BOCC, or has been promoted, demoted, or transferred and is serving a six (6) month probationary period to determine position retention status. However, if the employee has been promoted or transferred to another position within the same Division, he/she will just be required to complete the remainder of any probationary period the employee is currently serving, if any. Probationary status employees are not eligible to request a pre-termination hearing.

Safety Sensitive Position

"Safety-sensitive position" means with respect to a public employer, a position in which a drug or alcohol impairment constitutes an immediate and direct threat to public health or safety. In these positions, an employee's inability or impaired ability to perform job-related tasks could result in a direct threat to that employee's safety and/or the safety of others. Example of positions within the County that meet the definition of "safety sensitive" are as follows: CDL operators of large vehicles and heavy equipment, Emergency Medical Providers, Fire and Rescue employees, or any position in which a momentary lapse in attention could result in injury or death to another person.

Part-Time Employee

A part-time employee is one who typically works less than the standard (40 hours) specified for the work week and will contribute to the FRS. Part time employees who work less than thirty (30) hours per week are not eligible for benefits, other than FRS and holidays (1/2 day).

Immediate Family

Immediate family shall include the following for either the employee or spouse: spouse, children, parents, siblings, step-parents, step-children, step-siblings, grandparents, and grandchildren.

May

The word "may" shall be interpreted as permissive.

Shall

The word "shall" shall be interpreted as mandatory.

Continuous Service

This is service credit which determines eligibility for employee benefits such as paid time off, leaves of absence, etc. If a regular status employee works for the BOCC, then resigns in good standing and returns within ninety (90) days, a continuous service will be reflected upon the recommendation of the responsible supervisor and Chief Officer/Department Director with approval of the Chief Human Resources Officer and County Manager.

Employees who transfer from another FRS agency, whether state or local government, to the BOCC with a break of service of not more than ninety (90) days, shall receive service credit for any unused, unpaid annual, sick leave, or PTO up to a maximum of 240 total combined hours, or the current maximum payout rate for the Bay County Board of County Commissioners.

Written documentation must be provided to the Human Resources Department from the previous agency. Employees in this situation will also be allowed to carry over their number of years of service from their previous agency.

Similar consideration may be given to certain positions for new hires who come to the BOCC from other public or private sector entities who do not participate in the FRS. These new hires will be handled on a case by case basis.

Termination or Leave of Absence Dates

When completing the Personnel Requisition or Change of Status form, the effective date of a termination (voluntary, involuntary, compulsory, or failure to return from an approved leave of absence) shall be the actual date of separation. The start date of a leave of absence shall be the date the employee requests and the County approves. The leave ending date shall be the last day of the authorized leave period. Refer to Section II for types of leaves of absence.

Punctuality

The attendance and punctuality of employees is essential to the smooth operations of the Bay County Board of County Commissioners. Employees are expected to be at their jobsite ready to work at the time scheduled, except when prior permission for absence has been approved.

SCOPE

These policies, where applicable, shall apply to and govern all employees and volunteers of the BOCC. For purposes of the administration of these policies, the County Manager or Chief Human Resources Officer may appoint a designee to act on his/her behalf at any time deemed necessary.

AUTHORITY FOR ESTABLISHMENT OF POSITIONS

All positions or departments in the County are established by the County Manager and approved by the Board of County Commissioners.

AUTHORITY FOR ESTABLISHMENT OF PAY AND CLASSIFICATION PLAN

The Board of County Commissioners authorizes the County Manager to establish and maintain a job classification and salary plan that is consistent with the total appropriated funds and authorized positions.

REQUEST FOR PERSONNEL

When a position becomes vacant and prior to any posting and/or advertisement of the vacancy, the Division Director shall review the position, its job description, and the need for such a position. The requesting Department/Division shall submit a personnel requisition to the Human Resources Department through the NEOGOV program when a vacancy exists to begin the process of posting the position. Requests for personnel shall be made as far in advance of actual need as circumstances permit.

If the vacant position is to be filled, the job opening will be posted a minimum of three (3) work days in a conspicuous place within the Department/Division, at the Bay County Government Center, and on the BOCC's website.

Reclassifications are not considered vacant positions.

The County Manager, or his/her designee, at the recommendation of the Chief Officer/Department Director, may appoint or promote individuals to vacancies without posting the position if he/she deems it to be in the best interest of the County; however, the preferred hiring method is to post the position for a minimum of three (3) work days.

The County Manager, or his/her designee, has the authority to appoint an Interim Chief Officer to a vacancy; however, final consent of the appointment of the new Chief Officer must be approved by the Board of County Commissioners.

To be eligible to apply for a posted position, a current employee must meet the minimum hiring specifications for the position, be capable of performing the essential functions of the job, with or without a reasonable accommodation and be an employee in good standing in terms of overall work record as well as discipline. It is preferable to consider regular status employees over probationary employees, whenever possible. The employee is not required to notify his/her supervisor that he/she is a finalist for the position; the supervisor will be notified at the appropriate time for, among other things, a recommendation.

All applications which meet the minimum qualifications will be forwarded to the appropriate Department/Division for review. If requested, by the Department/Division, all applications can be referred and the department will review for qualifications.

When hiring an internal applicant, the two departments involved will be responsible for finding an agreeable date when the employee may begin the new job. In the event the two departments cannot agree on a date, the Chief Human Resources Officer will decide when the employee will start working in the new position.

REQUEST FOR NEW POSITIONS

The requesting department shall provide the following recommendations and supporting data to the Chief Financial Officer and Chief Human Resources Officer via a Personnel Status Request (PSR) Form from the Budget Office during the annual budget approval process.

1. Recommendations
 - a. Position title
 - b. Position description
 - c. Pay Grade
2. Supporting Data
 - a. Justification statement to reflect increased efficiency, productivity, cost savings, or more effective and responsive service; and
 - b. Source of funds for salary and benefits.

ADMINISTRATIVE AND APPOINTIVE AUTHORITY

With the exception of appointments reserved to the five County Commissioners, general authority and responsibility for personnel administration is vested in the County Manager or designee. Final authority in personnel matters is reserved for the County Manager with regard to all matters and subjects covered by these policies. However, if a conflict arises between the authority contained in the County Manager Ordinance and in these policies, the Ordinance shall take precedence. The County Manager may delegate his/her authority to the Deputy County Manager, Chief Human Resources Officer or to Chief Officers/Department Directors.

ADMINISTRATION OF PERSONNEL POLICIES

Administration of these rules and policies shall be the responsibility of the County Manager and the Chief Human Resources Officer or their designees. Supervisory personnel shall be responsible for the effective administration of these rules and policies within their respective operations. Standard Operating Procedures (SOP's) or Guidelines (SOG's) may be adopted within each Department/Division and approved by the Chief Officer/Department Director to specify rules within each area.

AUTHORITY FOR VARIANCE FROM POLICY

Chief Officers/Department Directors and other responsible supervisors shall have the right to request, in writing, a variance from these policies when individual circumstances so justify. This request shall be submitted to the County Manager for approval through the Chief Human Resources Officer. All variances require the approval of the County Manager or his/her designee.

CHANGES/AMENDMENTS TO PERSONNEL POLICIES

Personnel matters and minor policy changes/amendments, with regard to all matters covered by these policies, may be amended with the review and concurrence of the Chief Human Resources Officer, County Manager and County Attorney. These changes are distributed to all Chief Officers/Department Directors, responsible supervisors and others who have need for copies of the policies.

The entire Personnel Policy manual shall be updated periodically to incorporate all changes which have been made in the interim, normally every three to five years at which time the Board of County Commissioners shall adopt the policy.

TIMEKEEPING RESPONSIBILITIES

Chief Officers/Department Directors and other supervisory personnel are responsible for maintaining complete and accurate attendance records for employees within their respective operations, including complete and accurate records of all scheduled and unscheduled PTO/Banked Sick Leave, paid or unpaid administrative leave, emergency pay during local declared state of emergencies, LWOP, incentive leave, or bereavement leave usage and documentation of FMLA usage on absentee reports. Such records constitute the basis for preparation of departmental payrolls, and will be preserved for future auditing purposes as needed or required. Currently the records retention requirements for these series of records is

to maintain them in each respective Department/Division for five (5) fiscal years unless otherwise directed to maintain them for a longer period of time (i.e. FEMA).

The Chief Human Resources Officer or designee is responsible for monitoring the compliance of departments with the requirements and policies established by the official job classification and pay plan, as well as departmental conformity with the established policies, practices and rules governing wages, hours of work, and working conditions.

Each non-exempt employee is required to record on the appropriate time sheet or absentee report or by use of the time clocks provided, the times of starting and stopping work. Non-exempt employees are also required to sign their time sheets or time cards, thereby attesting to their accuracy. Additionally, non-exempt employees are required to initial or re-sign their time records after any modifications have been made by the supervisor or payroll clerk. In situations where supervisors are entering time on behalf of the employee, such as when the employee is out on leave, FMLA, etc., the supervisor will need to ensure that the employee certifies these time records upon return to active employment. Department/Division Directors are responsible for ensuring this is done properly. In some cases, electronic signatures will be acceptable.

False entry on the time sheet, or clocking in or out for another employee will subject the employee to the appropriate disciplinary action.

Uninterrupted time off for lunch or dinner is not counted as time worked.

Exempt employees must also report PTO and/or Banked Sick Leave usage by completing the appropriate Absentee Report Form, which shall be maintained within the Department. Exempt employees may be authorized to use leave at their Chief Officer/Department Director's discretion. Chief Officers/Department Directors may be authorized to use leave at the County Manager's discretion. As a general guideline, when an exempt employee is out for more than ½ day, the absence should be coded as PTO or Banked Sick Leave and deducted from the appropriate balance, unless the employee is continuing to work. Flexibility is provided for certain occasions due to exempt employees typically working more than 40 hours a week, whether through extra hours on the job, attendance at outside meetings, or by answering phone calls and emails.

During a Declared Local State of Emergency, it is the responsibility of each Division Director to maintain overtime reports stating how many overtime hours are associated with the declared emergency, as well as the overtime reports identifying whether it was pre-emergency or post-emergency work. These reports and payroll records must be retained until such time as you are requested to provide this information to the appropriate office coordinating FEMA reimbursement, typically the Budget Department.

PERSONNEL RECORDS

The Human Resources Department maintains a record of each employee's employment with the BOCC for the amount of time prescribed by the State of Florida. Personnel files contain complete employment history, such as salary, promotions, commendations, reprimands and other pertinent information. Employees should be aware of keeping their personnel file current. The Human Resources Department should be notified promptly of any changes of address, phone numbers or emergency contact information to notify in case of emergency. This is the employee's responsibility and failure to do so may result in disciplinary action. The Human

Resources Department should also be advised of any special education classes or training courses completed. Copies of diplomas or certificates should be forwarded to the Human Resources Department to become part of the permanent file. Such information is valuable when seeking a promotion in the service of the BOCC. For privacy purposes, all medical records are stored in a medical file separate from the personnel file, and are exempt from public records requests.

The only records kept at the department level, other than timekeeping records, should be copies of disciplinary actions, accomplishments, or any other types of notes or attendance records that could be used to complete the current year's performance evaluation. Once the performance evaluation is completed, these documents shall be forwarded to the Human Resources Department for review and placement in the employee's personnel file, if necessary.

An employee has the right to review his/her file. If an employee believes information contained in his/her file is erroneous, he/she may file a written rebuttal of what he/she believes to be erroneous information.

The BOCC complies with Chapter 119 of the Florida Statutes as it relates to the personnel records of its employees. Personnel files are generally public records as defined under the Florida Statutes, Section 119, and can, with certain exceptions, be inspected and examined by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public records or the custodian's designee with advanced notice. Neither Disciplinary Actions nor any other document will be expunged from a personnel file.

EMPLOYMENT INQUIRIES

The County prohibits all employees, including supervisors, from providing employment reference information to third parties, including prospective employees. The inquiries may include questions about employment history of current and past employees, concerning, but not limited to, general reputation, character, personal characteristics, performance ability, attendance, dates of employment, or salary.

All solicitations for reference information on current, past or prospective employees should be directed immediately to the Human Resources Department for response, unless the Human Resources Department gives the employee special permission to respond after consultation. The Human Resources Department shall only provide a current, former, or prospective employee's dates of employment and salary, absent court mandate or a contractual agreement to the contrary, where applicable. Such policy has been designed to protect both employees and the County from potential liability. Improper release of employment reference information by an employee may result in disciplinary action up to and including termination.

SECTION II: EMPLOYEE BENEFITS

GROUP HEALTH AND LIFE INSURANCE

Probationary and regular employees who work 30 or more hours per week are eligible for the group health and life insurance program. The employee's effective date for insurance will be the first of the month following the hire date. If the hire date occurs on the first day of the month, benefits are effective immediately. The program provides health coverage for the employee and dependents at 90% employer contribution and 10 % employee expense and basic life coverage for the employee, based on the employee's annual salary, paid 100% by the BOCC, up to \$50,000. This is subject to change as approved by the BOCC.

The Board of County Commissioners group health and life insurance program is continued until the last day of the month in which the employee separates. However, coverage may be converted to individual policies upon separation in accordance with Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) regulations. A retired employee may elect to stay under the group coverage by paying 100% of the insurance premium. Enrollment information for COBRA coverage is currently provided by the BOCC's health care insurer.

FLORIDA RETIREMENT SYSTEM (FRS)

Bay County participates in the Florida Retirement System (FRS) to assist employees in post-employment years. Employees qualify for retirements benefits as defined by the Florida Statute and benefits are described in the retirement guide issued by FRS. The FRS offers two (2) plans: A pension and an investment plan. Plan selection is the employee's responsibility and should be well researched prior to selecting. Questions regarding the retirement plan may be directed to the Human Resources Department or the FRS at www.myfrs.com.

HOLIDAYS

Holidays must be taken as they occur. Accumulation of holidays will not be allowed. If, in the opinion of the Chief Officer/Department Director or responsible supervisor, it becomes necessary for an employee to work on the legally recognized holiday, he/she shall authorize holiday pay for the employee. Employees will be paid their actual hours worked at their regular pay rate for the holiday plus one and one-half of their regular pay rate for hours actually worked. If the holiday falls on the normal day off of shift employees, they shall be paid holiday pay at their straight time rate. Holidays which fall on a Saturday will normally be observed on the preceding Friday; and, holidays which fall on a Sunday will normally be observed on the following Monday.

In order for employees to receive holiday pay, they must have worked the scheduled workday preceding the holiday and the scheduled workday following the holiday, unless they had received prior approval to be off one or both of these days. Exceptions to this can be made at the discretion of the Department/Division Director and immediate supervisor. If employees receive holiday pay but do not actually work the holiday these hours will not count towards their overtime threshold. Only hours actually worked during a holiday will count towards the overtime pay threshold.

Part-time employees will be paid for four (4) hours holiday pay at their regular rate of pay.

Employees will not receive Holiday Pay while on LWOP.

The following twelve (12) days are the holidays for all employees of the BOCC:

1. The first of January - New Year's Day
2. The third Monday of January - Martin Luther King Jr.'s Birthday
3. The third Monday of February – President's Day
4. The Friday before Easter -Good Friday
5. The last Monday of May - Memorial Day
6. The Fourth of July - Independence Day
7. The first Monday of September - Labor Day
8. November 11th - Veterans Day
9. The fourth Thursday of November - Thanksgiving
10. The Friday after Thanksgiving - Thanksgiving Friday
11. The twenty-fourth of December - Christmas Eve
12. The twenty-fifth of December - Christmas Day

PAID TIME OFF (PTO)

1. Purpose and Accumulation of Paid Time Off (PTO)

The purpose of Paid Time Off, hereinafter known as PTO is to establish a leave program that allows eligible BOCC employees flexibility in planning for and taking time off. PTO combines personal business or recreation, doctor appointments and unexpected absences such as illness or illness in the family, into a single system that simplifies accountability and tracking.

Accrual of PTO begins on the date of employment for all employees, excluding temporary or OPS employees, and in most cases, ends with the date of separation. PTO accrual for fractions of a month shall be prorated based on hours credited in a pay status. For the purpose of computing PTO taken, only normal working days/schedules are to be counted as leave.

All supervisors shall make every effort to provide their respective employees with the opportunity to take PTO at least once a year to remove themselves from the work atmosphere for relaxation and rest in order to return to their jobs refreshed and ready to perform at their maximum efficiency.

PTO shall be earned based on the following schedule for eligible employees who work 80 hours per pay period with no scheduled overtime:

Less than 5 years of service	192 hours per year
5 – 9 years of service	216 hours per year
10 – 14 years of service	240 hours per year
15 – 19 years of service	264 hours per year
20 years or more of service	288 hours per year

PTO shall be earned based on the following schedule for Emergency Services and other employees who work 76 regular hours and 8 scheduled overtime hours per pay period:

Less than 5 years of service	202 hours per year
5 – 9 years of service	227 hours per year
10 – 14 years of service	252 hours per year
15 – 19 years of service	277 hours per year
20 years or more of service	302 hours per year

PTO shall be earned based on the following schedule for Emergency Services employees who work 106 regular hours and 6 scheduled overtime hours per pay period:

Less than 5 years of service	269 hours per year
5 – 9 years of service	302 hours per year
10 – 14 years of service	336 hours per year
15 – 19 years of service	370 hours per year
20 years or more of service	395 hours per year

PTO shall be earned based on the following schedule for Emergency Services employees who work 80 regular hours and 32 scheduled overtime hours per pay period:

Less than 5 years of service	269 hours per year
5 – 9 years of service	302 hours per year
10 – 14 years of service	336 hours per year
15 – 19 years of service	370 hours per year
20 years or more of service	395 hours per year

2. Eligibility

All full time employees are eligible to earn PTO. All part-time employees who work a regularly established schedule, excluding temporary or OPS employees, shall earn PTO on a pro rata basis.

3. Restrictions on Accumulation of PTO

An employee shall not earn PTO during a leave of absence without pay, a suspension without pay, or when the employee is otherwise in a non-pay status. Further, should an employee use PTO in conjunction with resignation, such employee shall not earn additional PTO during such leave period.

Earned PTO may not exceed:

Regular employees who work 80 hours per pay period with no scheduled overtime	480 Hours
Emergency Services and other employees who work 76 regular hours and 8 scheduled overtime hours per pay period	504 Hours
Emergency Services employees who work 106 regular hours and 6 scheduled overtime hours per pay period	672 Hours
Emergency Services employees who work 80 regular hours and 32 scheduled overtime hours per pay period	672 Hours

Amounts in excess of that shall be forfeited unless used by the end of the pay period in which December 31st falls. All requests for deferrals must be submitted in advance to the Chief Officer/Department Director for approval, and then to the County Manager for final approval using the PTO Deferral Request Form. All deferred PTO must be used by the employee by the end of the 1st quarter (March 31st) of the New Year, or it shall be forfeited.

It is the employee's responsibility to manage his/her use of PTO throughout the year in order to have a balance below the maximum allowed at year end.

4. Payout of PTO Upon Separation From Employment

In cases of separation from employment with Bay County by voluntary resignation, involuntary reduction in workforce or occupational disability, full time and part time employees who have successfully completed their probationary period may receive a maximum PTO payout as shown below:

Regular employees who work 80 hours per pay period with no scheduled overtime	240 Hours
Emergency Services and other employees who work 76 regular hours and 8 scheduled overtime hours per pay period	252 Hours
Emergency Services employees who work 106 regular hours and 6 scheduled overtime hours per pay period	336 Hours
Emergency Services employees who work 80 regular hours and 32 scheduled overtime hours per pay period	336 Hours

An employee involuntarily separated from employment with the BOCC shall forfeit payment of any accumulated PTO hours.

Employees who have not successfully completed their probationary period shall also forfeit payment of any accumulated PTO hours.

An employee who is separating from the BOCC voluntarily can donate up to 300 hours of PTO and/or Banked Sick Leave to the Sick Leave Pool at the time of separation.

5. Use of PTO

Employees shall begin accruing PTO on the beginning date of employment, but shall not be permitted to use PTO until completion of three (3) months of employment. In some cases, a new employee may need to use time prior to completion of the 90 day waiting period, and this exception may be approved by the Chief Officer/Department Director.

Should holidays occur during approved PTO leave, the holidays shall not be chargeable to the employee's PTO balance. Instead, the employee will receive Holiday Pay.

Exempt employees must also report PTO and/or Banked Sick Leave usage by completing the appropriate Absentee Report Form, which shall be maintained within the Department. Exempt employees may be authorized to use leave at their Chief Officer/Department Director's discretion. Chief Officers/Department Directors may be authorized to use leave at the County Manager's discretion. As a general guideline, when an exempt employee is out for more than ½ day, the absence should be coded as PTO or Banked Sick Leave and deducted from the appropriate balance, unless the employee is continuing to work. Flexibility is provided for certain occasions due to exempt employees typically working more than 40 hours a week, whether through extra hours on the job, attendance at outside meetings, or by answering phone calls and emails.

6. Computation of PTO Charges

The employee shall charge absences from work to PTO according to the actual number of leave hours. PTO shall be used in no less than fifteen (15) minute increments.

7. Exhaustion of PTO Leave

When an employee qualifies for FMLA and the employee's PTO has been exhausted, any absences from work due to a medically certified illness or injury will be taken as leave without pay (LWOP) during which time no further PTO accrues and the employee will not receive holiday pay.

If an employee has exhausted all FMLA and PTO/Banked Sick Leave and requests additional time off, the employee's supervisor, with the approval of the Human Resources Department, may deny the request. If the supervisor would like to grant the requested leave time, it must be recommended by the supervisor and Chief Officer/Department Director and then the County Manager or his/her designee will make the final decision.

When an employee needs time off due to extenuating circumstances for non-medical/FMLA reasons and exhausts all PTO, the employee must submit a written request for LWOP which must be approved by the Chief Officer/Department Director and County Manager. During this LWOP, no further PTO accrues and the employee will not receive holiday pay.

8. Approval of PTO Leave Requests

An employee must request PTO in advance in accordance with current Policies and Procedures of the employee's Division so conflicts may be avoided, coverage assured, and workforce integrity maintained. Approval of PTO is based on the needs of the department and is not guaranteed. Leave requests in excess of two consecutive weeks must be approved by the Chief Officer/Department Director. The determination of the Chief Officer/Department Director on the matter of scheduled PTO shall be final. Leave requests in excess of two consecutive weeks by a Chief Officer/Department Director must be approved by the County Manager or his/her designee.

If the employee's PTO balance is below 40 hours, PTO cannot be used without the written permission of the Chief Officer/Department Director. If the Chief Officer/Department Director's PTO balance is below 40 hours, PTO cannot be used without the written permission of the County Manager or his/her designee. It is the responsibility of the Chief Officer/Department Director to ensure compliance with the minimum PTO balance requirement to ensure that the employee has sufficient PTO hours remaining in the event of an unexpected need for time off.

9. Authority for Absence

Employees shall not be absent from their regularly scheduled duties except by authority of their immediate supervisor. Employees absent due to reasons beyond their control will be responsible for explaining their absence to their immediate supervisor prior to the beginning of their shift, if at all possible. Failure to notify the department in advance may result in the employee being absent without leave resulting in disciplinary action and loss of pay for the missed time. If the immediate supervisor is unavailable, the employee may speak with a designated department supervisor stating the reason for being late or being unable to report for work. Voicemail, texts, and answering machine messages/emails may only be used if approved

by the Division Director. If an absence continues beyond one day, the employee is responsible for calling in each day and may be required to present a physician's statement if the absence continues for three (3) or more consecutive scheduled working days, or if absences are excessive.

Employees who are out on workers' compensation and/or FMLA will make arrangements with their supervisor to check in pursuant to Worker's Compensation and FMLA policies.

Excessive unscheduled absences, especially those occurring on the first or last day of the employee's work week/schedule may result in disciplinary actions up to and including termination.

Any employee who is absent without authorization or notification is subject to disciplinary action, including possible termination. Three (3) days/shifts of absence without proper notification or authorization shall constitute job abandonment. Refer to Section VII –Job Abandonment.

10. PTO Advances Prohibited

No employee shall be allowed to use, or request to use, PTO that has not already been earned.

11. PTO Records

PTO accumulation and usage records for all employees shall be maintained by the employee's Division and shall be based upon the PTO information submitted by the employees and authorized by the supervisors on each payroll. No PTO shall be granted except on the basis of such PTO records.

12. Transfer of PTO Hours

Employees who transfer from another FRS agency, whether state or local government, to the BOCC with a break of service of not more than ninety (90) days, shall receive service credit for any unused, unpaid annual, sick leave, or PTO up to a maximum of 240 total combined hours, or the current maximum payout rate for the Bay County Board of County Commissioners. Written documentation must be provided to the Human Resources Department from the previous agency. Employees in this situation will also be allowed to carry over their number of years of service from their previous agency.

Similar consideration may be given to certain positions for new hires who come to the BOCC from other public or private sector entities who do not participate in the FRS. These new hires will be handled on a case by case basis.

13. Disposition of PTO Upon Entering the FRS Deferred Retirement Option Program (DROP)

An employee may choose to receive a lump sum payment of PTO, either at the time the employee enters the DROP Program or after the employee's DROP participation ends. Employees participating in the DROP Program shall continue to accrue PTO. If an employee chooses to receive the maximum lump sum payment of 240 hours, or the current maximum payout of PTO at the time the employee enters DROP, no further lump sum payments shall be made.

The Human Resources Department will be responsible for the implementation and compliance of this policy. Any amendments made after the effective date will be made available to all employees of the BOCC.

For further information on the FRS DROP, go to www.myfrs.com.

BANKED SICK LEAVE

This applies only to those employees who have banked sick leave hours remaining prior to the adoption of the PTO program on January 1, 2017.

A copy of the PTO/Banked Sick Leave Policy is available in the Human Resources Department and on the BOCC website.

Banked Sick Leave hours shall be charged in no less than fifteen (15) minute increments. Should holidays occur during the sick leave period, the holidays shall not be chargeable to banked sick leave.

Banked Sick Leave cannot be donated to other employees.

Exempt employees must also report PTO and/or Banked Sick Leave usage by completing the appropriate Absentee Report Form, which shall be maintained within the Department. Exempt employees may be authorized to use leave at their Chief Officer/Department Director's discretion. Chief Officer/Department Directors may be authorized to use leave at the County Manager's discretion. As a general guideline, when an exempt employee is out for more than ½ day, the absence should be coded as PTO or Banked Sick Leave and deducted from the appropriate balance, unless the employee is continuing to work. Flexibility is provided for certain occasions due to exempt employees typically working more than 40 hours a week, whether through extra hours on the job, attendance at outside meetings, or by answering phone calls and emails.

The employee shall notify his/her immediate supervisor or Chief Officer/Department Director of the need to be absent and to use banked sick leave hours prior to or as soon as possible after the time set to be on the job. An employee operating on a 24 hour basis must notify the department within the time limit established by the department. This provision may be waived if the employee submits evidence that it was impossible to give such notification. The Chief Officer/Department Director may request a physician's statement to verify the illness of an employee or member of an employees' family.

Banked sick leave may be granted for the following purposes:

1. Personal injury, pregnancy, illness, or disability not connected with work and also for workers' compensation and reasons granted under FMLA.
2. Medical, dental, optical or chiropractic examination or treatment. Employees must make a reasonable effort to schedule these appointments at times that have the least interference with the workday. Employees are expected to return to work when possible and should communicate closely with their supervisor concerning extended absences during a work day.
3. Exposure to a contagious disease which would endanger others as recommended by a physician or other medical professional(s).

4. Illness of a member of the employee's immediate family which requires the personal care and attention of the employee. Immediate family shall include the following for either the employee or spouse: spouse, children, parents, siblings, step-parents, step-children, step-siblings, grandparents, and grandchildren.
5. Banked sick leave shall not be paid if an employee submits a resignation and then prior to the last day of work requests sick leave credit hours, unless a medical certificate is provided certifying that such absence was occasioned by illness that prevented the employee from working. Likewise, employees who have officially provided a future retirement date shall be allowed to use no more than ten (10) days of banked sick leave per calendar year in order to maintain workforce integrity. Additional time may be granted with proper medical certification.

Responsible supervisors may investigate unscheduled use of Banked Sick Leave and can disapprove any claims not properly substantiated.

Should reasonable suspicion exist that an employee is abusing this benefit by claiming excessive unscheduled time off, the supervisor may require a physician's statement as to the physical condition of the employee. Such abuse of this banked sick leave may result in disciplinary action up to and including termination.

An employee who is separating voluntarily from the BOCC can donate up to 300 hours of Banked Sick Leave and/or PTO to the Sick Leave Pool at the time of separation.

Employees who separate from the BOCC shall forfeit all unused banked sick leave.

Employees must exhaust all banked sick leave prior to requesting leave without pay, except while out on Workers' Compensation.

During FMLA (Family Medical Leave Act) leave, banked sick leave and PTO will be utilized until exhausted; the remainder of the FMLA leave will be unpaid.

AUTHORITY FOR ABSENCE

Employees shall not be absent from their regularly scheduled duties except by authority of their immediate supervisor. Employees absent due to reasons beyond their control will be responsible for explaining their absence to their immediate supervisor prior to the beginning of their shift, if at all possible. Failure to notify the department in advance may result in the employee being absent without leave resulting in disciplinary action and loss of pay for the missed time. If the immediate supervisor is unavailable, the employee may speak with a designated department supervisor stating the reason for being late or being unable to report for work. Voicemail, texts, and answering machine messages/emails may only be used if approved by the Division Director. If an absence continues beyond one day, the employee is responsible for calling in each day and may be required to present physician's statement if the absence continues for three (3) or more consecutive scheduled working days, or if absences are excessive. Employees who are out on workers' compensation and/or FMLA will make arrangements with their supervisor to check in pursuant to Worker's Compensation and FMLA policies.

Any employee who is absent without authorization or notification is subject to disciplinary action, including possible termination. Three (3) days/shifts of absence without proper notification or authorization shall constitute job abandonment. Refer to Section VII –Job Abandonment.

SICK LEAVE POOL

This policy establishes a plan allowing participating full-time regular employees to pool PTO/and or Banked Sick Leave hours to have access to a source of additional leave upon depletion of their personally accrued PTO and Banked Sick Leave. In order to participate, employees must have successfully completed their probationary period and accrued the minimum amount of hours listed in the policy. In order to join, the employee must request to do so within one month of becoming eligible, and have the required hours of PTO accrued at the time of application and maintain the required amount until the application is approved by Human Resources, or wait for open enrollment to qualify for immediate usage, and the employee must also donate the required number of hours listed in the policy upon joining. In order to be eligible to use Sick Leave Pool hours, there must be a reasonable expectation that the employee will be able to return to work and perform all of the essential functions of the job. Appropriate medical confirmation may be requested if deemed necessary. A copy of the Sick Leave Pool Policy is available in the Human Resources Department and on the BOCC's website.

Banked sick leave cannot be donated to other employees; but when leaving the BOCC voluntarily an employee can donate up to 300 hours of his/her remaining banked sick leave and/or PTO to the sick leave pool.

CONFIDENTIAL POLICY (HIPAA)

Respect for confidentiality is the cornerstone of trust and confidence for BOCC employees in their dealings with various departments within the BOCC, especially the Human Resources Department and the Sick Leave Pool Committee. In the performance of their duties and responsibilities, certain employees may have access to and be involved with discussing confidential medical information. It is the obligation of such employees to maintain confidentiality of this information at all times, both at work and off duty. The duty of confidentiality continues indefinitely after leaving the BOCC employment. Any unauthorized disclosure of confidential medical information may result in disciplinary action, up to and including termination.

BEREAVEMENT LEAVE

Paid leave may be authorized for probationary and regular employees who have a death in their "immediate" families. The following procedures apply:

1. Bereavement leave may be authorized for up to three (3) work days with the exception of Emergency Services 24/48 hour employees, who may be authorized to receive up to two shifts (not to exceed 48 hours). Should travel of more than 500 miles round trip be required, two additional days (5 total), or one additional shift (24 hours), will be granted for travel, if needed.
2. Bereavement leave is separate and distinct from other types of leave and is not chargeable to any accrued leave balance (i.e. banked sick, PTO, etc.) Bereavement leave does not count as hours worked towards overtime.

3. In the event a family death occurs during an employee's approved banked sick leave or PTO leave, the time missed due to the death may be designated as bereavement leave, if eligible. The actual leave account charged can be adjusted as necessary and approved by the Chief Officer/Department Director.
4. Immediate family for the purpose of administering this type of leave, shall include the following for either the employee or spouse: spouse, children, parents, siblings, step-parents, step-children, step-siblings, grandparents, and grandchildren.
5. Validation of the request is left to the discretion of the employee's Chief Officer/Department Director.

COURT DUTY

An employee who is legally summoned to serve on a jury during a court trial or subpoenaed to be a witness in a legal proceeding may be permitted absence with pay for the time required for such duty. When excused or relieved from such service, the employee shall report for his/her regular employment, if at least three hours remain during his/her regular work day.

It is the employee's responsibility to report to the courts that he/she is receiving regular pay from the BOCC while serving as a juror and, therefore, should not accept any fees paid by the court for such services.

WORKERS' COMPENSATION

Employees are required to report a workplace injury immediately to their supervisor. Workplace injuries shall be reported to the Risk Management Department immediately by the injured employee's supervisor. Any employee temporarily disabled as the result of a job related injury will have their PTO and/or Banked Sick Leave run concurrently with FMLA. An employee may choose to utilize one third (1/3) day of Banked Sick Leave or may, in absence of Banked sick leave, use 1/3 day of PTO for each day he/she is determined, by a physician, as disabled because of a work-related injury. PTO will not accumulate during the period of disability, unless the employee is using PTO or Banked Sick Leave hours.

LEAVE WITHOUT PAY

A "leave without pay" (LWOP) is a period of time off without pay based on the circumstances as defined below, unless otherwise specified. Any renewal must be by mutual written agreement, and can only be approved by the County Manager.

All medical and non-medical LWOP requests must be submitted to the Chief Officer/Department Director and then to the County Manager for approval. Insurance benefits will be continued on an employee who has been authorized to take medical LWOP. The employee is responsible for paying his/her portion of the insurance benefits, in advance, for the duration of the LWOP period. Upon conclusion of the LWOP, the employee is expected to return to work for a minimum length of time equal to time spent on LWOP. An employee that either does not return to work following the authorized LWOP or does not maintain employment with the BOCC for the minimum length of time equal to time spent on LWOP, will be required to reimburse the County for the County's portion of insurance benefits paid during LWOP. To avoid required reimbursement, appropriate certification from a health care provider may be required if the employee does not return to work because of a serious health condition.

An employee will not accumulate PTO or receive Holiday pay while on LWOP unless required otherwise by local, State and/or Federal Law.

Leave without pay of less than 30 days will not constitute a break in service.

There is no guarantee that the employee's position will be held vacant during LWOP unless required by local, state, and/or federal laws.

1. Eligibility for Leave Without Pay

Full-time and part-time employees who have successfully completed their probationary period, and have been placed on regular status are eligible to be considered for leave without pay unless otherwise specified. Exceptions to this may only be approved by the County Manager through the Chief Officer/Department Director and Chief Human Resources Officer.

2. Application for Leave without Pay

No application for leave without pay will be considered unless it is applied for in advance, unless an emergency prevents such prior approval, in which case the application for LWOP should be completed as soon as possible by the employee. In all cases, the forms shall be completed at least two weeks prior to leave unless required otherwise by local, State and/or Federal Law. No leave without pay request is considered granted unless pre-approved and signed by the responsible supervisor and Chief Officer/Department Director and submitted to the Chief Human Resources Officer for the County Manager's approval. Leave without pay typically will not be granted for vacation or leisure purposes.

3. Employees returning from a leave without pay must:

No later than two weeks prior to their scheduled date of return, confirm to their responsible supervisor their date of intended return to active employment. Any request to change their scheduled date of return or intention to resign should be reported as soon as known.

Those employees returning from a medical leave of absence must furnish a Fit for Duty Certification Form signed by the "treating" physician, indicating the employee can resume his/her job duties whether with or without restrictions, based on the job description of the position occupied. If necessary, arrangements may be made with the Chief Risk Officer, through their Chief Officer/Department Director, to schedule an examination by a designated County physician before returning to work (i.e. those working in safety sensitive positions).

4. Employees on leave without pay will be terminated if they have:

- a) Failed to furnish a true statement of the reason for leave or required official documentation.
- b) Accepted other employment or worked another job while on leave, unless a specific request to do so has been applied for and approved in writing.
- c) Failed to return to work at the expiration of leave and failed to communicate with their supervisor.

TYPES OF LEAVE WITHOUT PAY

1. Military Leave

Time off for military duty (Armed Forces and National Guard training) will comply with all Federal and State Statutes.

2. Extended Leave of Absence

An employee with a serious health condition or disability who has been covered by FMLA may request an extended leave of absence. It may be "reasonable" to consider offering a leave (unpaid) in excess of what is required through law or the County's policy. In lieu of unpaid leave, an employee may utilize any accrued PTO and/or banked sick leave hours. The County may consider it to be reasonable to provide an extension of leave of absence when the employee is not entitled to any additional leave under Federal or State family/medical leave laws, or family military leave laws and the leave does not cause an undue hardship for the Department. This extended leave of absence would only be done if the employee's medical condition is expected to improve and a leave would assist in the return to work of the employee. In cases where an employee is unable to return to full duty, temporary light duty work may be assigned, if available, in lieu of further extended leave of absence. This option is not reasonable for a person who is permanently disabled and is not expected to see medical improvement. During the employee's absence, the County will be assessing whether any undue hardship results.

Case-by-Case Determination

The County determines, in its sole discretion, whether an offer of extended leave of absence as a Reasonable Accommodation(s) can be made. The County will not provide a leave accommodation that would pose an undue hardship upon the County's finances or operations, or that would endanger the health or safety of the employee or others. The County will inform the employee, in writing, of its decision to offer extended leave of absence as a reasonable accommodation.

Undue Hardship

The County is not required to provide extended leave as a reasonable accommodation that would cause an "undue hardship". Undue hardship will be based on an individualized assessment of current circumstances which show that a specific absence would cause significant difficulty or expense.

MATERNITY LEAVE

Time off for Maternity leave will comply with all Federal and State Statutes. If a pregnant employee is in need of reasonable accommodations, including light duty, modified work assignment, or other similar assistance, the employee should immediately contact her supervisor who will then contact the Human Resources Department to discuss the accommodation. All such requests for reasonable accommodations that do not result in an undue hardship will be provided.

BREASTFEEDING ACCOMMODATION

The BOCC recognizes the needs of new mothers and provides a reasonable unpaid break time for employees needing to express breast milk for their nursing child for up to one year from the child's date of birth. The BOCC provides private office space that will shield the employee from view and will be wholly free from coworker or public intrusion. If such need arises, simply contact the Human Resources Department and necessary breaks and corresponding office space will be provided.

PARENTAL LEAVE

Purpose

The purpose of Paid Parental Leave is to enable employees to care for and bond with a newborn, newly adopted, newly placed foster child, or with a child newly placed in the employee's guardianship, or in loco parentis without depleting all of the employee's PTO. New parents often return to work with little to no PTO which can lead to hardships when parents need time off in the future.

Eligibility

Regular full time and regular part time employees, regardless of gender, who meet the hours and service eligibility requirements under the FMLA, are eligible for Paid Parental Leave. An employee must have worked for the County for at least 12 months and worked at least 1,250 hours during the 12 month period preceding the leave comparable with current FMLA laws.

An eligible employee includes a mother, father, legal guardian or individual who is in loco parentis at the time of the birth or date of the adoption. An eligible employee will be required to furnish proof of status of in loco parentis or legal guardianship.

Surrogate mothers are excluded from coverage under this policy as well as parents who elect to place their newborn child/children for adoption or whose newborn child/children is involuntarily placed in foster care.

Paid Parental Leave Benefit

Paid Parental Leave may be up to 4 weeks long and must be utilized on a continuous, consecutive basis within the first 3 months following the birth, adoption or placement of the child. Any unused paid Parental Leave shall be forfeited at the end of the allowed period.

If multiple births, adoption, or placement occurs, the total amount of paid parental leave granted for that event will not be increased.

Parental leave will not be counted as time worked for purposes of calculating overtime pay and will not be eligible for any shift differential.

If a holiday occurs during paid parental leave, the employee will receive Holiday Pay instead of Paid Parental Leave, but a holiday does not extend the duration of the leave.

Paid Parental Leave and the FMLA

Paid Parental Leave runs concurrently with leave under the FMLA. The leave will be counted toward the 12 weeks of FMLA leave in a 12 month rolling period. All other requirements and

provisions under the FMLA will apply. Please refer to the Family and Medical Leave Policy for the guidelines.

After the Paid Parental Leave benefit is exhausted, the balance of FMLA leave will be compensated through the employee's accrued Banked Sick Leave and/or PTO, if available. If an employee exhausts all Banked Sick Leave and PTO hours and chooses to remain on qualified FMLA leave, the remainder of the FMLA leave will be unpaid and there will be no further accrual of PTO hours as per the Bay County policy manual.

Length and Use of Paid Parental Leave

Employees are only eligible for 4 weeks of Paid Parental Leave in a rolling 12 month period, regardless of whether more than one birth, adoption or placement occurs within that rolling 12 month time frame.

If both employees work for the County, under FMLA, there is a combined 12 week limit. Each employee is also entitled to a 4 week Paid Parental Leave period which will run concurrently with FMLA. The two 4 week parental leave periods can be shared or staggered, but in no case will the combined parental leave extend beyond the 3 month period following the birth, adoption or placement of the child.

Employees are not authorized to work at any other employment during paid parental leave. Upon separation of employment, employees will not be paid for any unused paid parental leave.

Employee Benefits During Paid Parental Leave

PTO will continue to accrue during the period of Paid Parental Leave.

During Paid Parental Leave the County will continue to pay the County's portion of health and life insurance premiums and maintain the employee's coverage under these plans in the same manner as if the employee had been continuously working during the entire leave period, provided the employee continues to pay his or her share of the health insurance premium.

The employee's payroll deductions for all other employee benefits will continue during the duration of the Paid Parental Leave.

Conditions of Repayment of Paid Parental Leave

If it is determined that an employee has abused or falsified information, or was otherwise not eligible for leave, the employee will be required to repay any leave previously approved and will be subject to disciplinary action up to and including termination.

If the employee does not return to work after the expiration of the Paid Parental Leave and FMLA leave, the employee will be required to reimburse the County in an amount equivalent to the value of the Paid Parental Leave taken, as well as the County's portion of health insurance premiums paid during any unpaid portion of the FMLA leave. Reimbursement will be from the employee's personal funds or through deduction from the employee's final paycheck if the balance is sufficient to cover the amount owed, or through a combination thereof.

Exceptions for repayment must be approved by the County Manager or his/her designee.

Approval to Use Paid Parental Leave

Employees should give their supervisors at least 30 days advance notice, or as much advance notice possible as circumstances permit of the need to use Paid Parental Leave. Upon notifying their supervisors, employees must submit a completed "Request for Paid Parental Leave" form to the Human Resources Department.

Upon receipt of the completed Request for Paid Parental Leave form, the Human Resources Department will provide the employee with an FMLA packet.

The FMLA Certification by Health Care Provider for Employee's Serious Health Condition (WH-380E) or Family Member's Serious Health Condition (WH-380F) form must be completed and submitted to Human Resources for review and approval.

An employee will be required to furnish applicable documentation for a newly adopted child, a foster child, or a guardianship, including in loco parentis from the respective agency. Some examples of required documentation would be a letter from an adoption agency or attorney handling the adoption, Petition of Adoption, Adoption Decree, a letter from the State agency handling foster care placement, etc.

Once approved, the employee will receive written notification from the Human Resources Department.

FAMILY MEDICAL LEAVE ACT (FMLA)

Employees who have worked for the BOCC for at least twelve (12) months, worked at least 1,250 hours during the preceding twelve (12) months are considered employees eligible for unpaid leave pursuant to the Family Medical Leave Act (hereinafter FMLA). Eligible employees may take up to twelve (12) weeks of FMLA leave in a twelve (12) month period for the following reasons (Note: Up to twenty six (26) in a 12 month period will be granted for Service member Family Leave):

- a. The birth of a son/daughter of an employee and to care for the child (entitlement to leave for birth of a son or daughter expires 12 months from the date of the birth). The leave may not be taken by an employee intermittently. The employee(s) would be required to take the entire bonding leave (up to 12 weeks total) in one continuous block. The employee cannot take one day or one week of leave, return to work and then take additional bonding leave.
- b. The placement of a child with an employee for adoption or foster care and to care for the newly placed child (entitlement to leave for placement for adoption or foster care of a child expires 12 months from the date of the placement of the child). This leave will not be taken by an employee intermittently. The employee(s) would be required to take the entire bonding leave (up to 12 weeks total) in one continuous block. The employee cannot take one day or one week of leave, return to work and then take additional bonding leave.
- c. NOTE: If both parents work for the County, their combined leave entitlement under paragraphs a and b is 12 weeks.
- d. In order to care for the employee's spouse, son, daughter, or parent, who has a serious health condition.

- e. A serious health condition which renders the employee unable to perform one or more of the essential functions of the employee's position.
- f. Service member Family Leave is subject to Section 103 of the FMLA and DOL regulations. An eligible employee who is the spouse, son, daughter, parent or next of kin of a service member shall be entitled to a total of 26 workweeks of leave during a 12-month period to care for the covered service member. The single 12-month period begins on the first day the employee takes FMLA leave to care for a covered service member and ends 12 months after that date.
- g. Up to 12 weeks of leave for certain qualifying exigencies arising out of a covered military member's active duty status, or notification of an impending call or order to active duty status, in support of a contingency operation.

The twelve (12) month period in which eligible employees may take twelve (12) weeks of FMLA leave will be calculated in the following manner: a rolling twelve month period measured backward from the date an employee uses any FMLA leave, such that each time an employee takes FMLA leave the remaining leave entitlement would be any balance of the 12 weeks which has not been used during the immediately preceding 12 months.

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

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

Serious Injury or Illness: For purposes of Service member Family Leave only, in the case of a member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness incurred by the member in the line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.

Intermittent or Reduced Hours FMLA Leave

In the case of FMLA leave for a serious health condition, the leave may be taken intermittently or on a reduced hours basis, only if such leave is medically necessary.

If intermittent or reduced hours FMLA leave is required, the County may, in its sole discretion, temporarily transfer the employee to another job for which the employee is qualified with equivalent pay and benefits that better accommodates that type of leave. Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent or reduced scheduled FMLA leave.

Employees needing intermittent FMLA leave or leave on a reduced leave schedule must attempt to schedule their leave so as not to disrupt the County's operations.

Verification

The County will require that an employee's FMLA leave to care for the employee's seriously ill spouse, son, daughter, or parent, or due to the employee's own serious health condition that makes the employee unable to perform one or more of the essential functions of employee's position, be supported by a certification issued by the health care provider of the employee or the employee's ill family member. Certifications supporting Service Member Family Leave must state that the service member suffered a serious injury.

Active Duty Certification:

Certification establishing an entitlement to qualifying exigency leave is required to be provided in a timely manner. Failure to provide timely certification will result in a denial of Family Medical Leave, characterization of the leave as unscheduled and may be the basis for discipline.

In accordance with Department of Labor (DOL) regulations, the County may request at the County's expense a second, or if necessary, a third health care provider's opinion for FMLA leave taken because of a serious health condition. The County may also require subsequent recertification from the employee's health care provider in accordance with DOL regulations.

Spouses

If both spouses work for the County, the combined leave shall not exceed twelve (12) weeks in a twelve (12) month period if the FMLA leave is taken:

- a. for birth of the employee's son or daughter or to care for the child after birth;
- b. for placement of a child with the employee for adoption or foster care, or to care for the child after placement; or
- c. to care for the employee's spouse or child with a serious health condition.

Health Insurance Premiums & Other Benefits

During FMLA leave, the County will continue to pay the County's portion of health and life insurance premiums and maintain the employee's coverage under these plans in the same manner as if the employee had been continuously working during the entire leave period, provided the employee continues to pay his or her share of the premiums.

Should the employee fail to continue to pay his or her share of the premiums for insurance benefits, a notice of proposed insurance cancellation and the opportunity to pay the premium will be provided before the cancellation. Once the employee **exceeds sixty (60) days** of no premium payment, his/her insurance **will be cancelled**.

Employees on FMLA will be advised of any changes in premiums so they will have ample opportunity to make arrangements to continue to pay their share of the premiums during the FMLA leave.

If the employee does not return to work after the expiration of the FMLA leave, the employee will be required to reimburse the County for its portion of health insurance premiums paid during the unpaid portion of the FMLA leave, as permitted by law. To avoid required reimbursement, appropriate certification from a health care provider may be required if the employee does not return to work because of a serious health condition.

Accrual

While the employee is on FMLA leave, the employee will continue accruing PTO hours as long as the employee is using paid leave (i.e. banked sick leave and/or PTO hours). If an employee exhausts all banked sick leave and PTO hours and remains unable to return to work, the remainder of the FMLA leave will be unpaid and there will be no further accrual of PTO hours.

FMLA Leave Relationship to Paid Leave

- a. Employees will be required to substitute, without limitation and in the following order, banked sick leave and PTO for an equivalent portion of their FMLA leave. Exceptions to the order of usage may be made at the discretion of the Chief Officer/Department Director.
- b. Under paragraph "A" above, paid leave concurrent with FMLA will be applied according to the employee's regular work schedule.
- c. Leave covered by workers' compensation or short-term disability payments will run concurrently with FMLA leave when the reason for the leave is covered by the FMLA.

Exhaustion of PTO Leave

If an employee has exhausted all FMLA and PTO and requests additional time off, the employee's supervisor, with the approval of the Human Resources Department, may deny the request. If the supervisor would like to grant the requested leave time, it must be approved by the supervisor, Chief Officer/Department Director, Chief Human Resources Officer and then the County Manager or his/her designee will make the final decision for LWOP.

Status Report During Leave

During leaves under this policy, employees must periodically report to their supervisor on their medical status and intent to return to work, at least every thirty (30) calendar days.

Return from FMLA Leave

With the exception of certain key employees, those who return to work from FMLA leave on the business day following the expiration of the leave are entitled to return to their job or an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.

NOTE: An employee forfeits the protections provided in this policy if he or she does not give notice of the reason for the leave within two (2) days after his or her return to work. The employee's time away could be counted as unscheduled under the County's attendance policy and the absence may or may not be counted as FMLA leave in such case.

Required Notification to Request FMLA

An employee must provide to the Human Resources Department at least thirty (30) days advance notice before FMLA leave is to begin if the need for the leave is foreseeable based on an expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition of the employee or of a family member. If 30 days' notice is not possible, because of a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, notice must be given as soon as possible.

Counting Absence as FMLA Leave

To the extent permitted by law, in the event an absence is for a reason covered by the FMLA, the County reserves the right to count it as FMLA leave, whether the employee has applied for FMLA leave or not.

Medical Evidence Upon Return To Work

Except during the course of approved intermittent or reduced hours of FMLA leave, when FMLA leave is taken due to the employee's own serious health condition, the returning employee must furnish a Fitness for Duty Certification Form completed by the treating physician indicating the employee can resume his/her job duties with or without restrictions, based on the employee's job description. Under no circumstances should a Department/Division Director allow an employee to return to work from FMLA or medical leave without a Fit For Duty Certification. If necessary, arrangements may be made with the Chief Risk Officer through the employee's Chief Officer/Department Director to schedule an examination by a designated County physician before returning to work, especially for employees working in safety sensitive positions. The BOCC may consider any reasonable accommodations for an ongoing condition as required by law, provided it does not cause an undue hardship.

Unless requested and approved as part of the FMLA leave request, employees may not be employed elsewhere during their FMLA leave. Violations of this policy will result in termination of employment with the BOCC.

Failure To Cooperate

If an employee fails to provide required information to the County, the employee may have his/her FMLA leave delayed or denied, and as permitted by law, be subject to discipline, up to and including discharge.

DOMESTIC VIOLENCE LEAVE POLICY

Background and Eligibility

The BOCC has adopted this Domestic Violence Leave Policy to comply with the requirements of Florida law. This policy shall be deemed amended as the law may be from time to time, to remain consistent with Florida law. The definition of "domestic violence", "family or household member" or "victim" as well as all other relevant terms shall be as stated in section 741.313, Florida Statutes.

County employees are permitted to request and take up to 3 working days of unpaid leave from work in any 12-month period if the employee or a family or household member of the employee is the victim of domestic violence or sexual violence.

An employee seeking leave under this policy must, before receiving the leave, exhaust all banked sick leave and PTO, if applicable, that is available to the employee before taking unpaid leave.

In order to be eligible for leave under this policy, the employee must have worked for the BOCC for at least three (3) calendar months and must establish a need for leave as outlined under section 741.313, Florida Statutes.

The twelve (12) month period in which eligible employees may take three (3) days of Domestic Violence leave will be calculated in the following manner: A rolling twelve month period measured backward from the date an employee uses any Domestic Violence leave, such that each time an employee takes Domestic Violence leave the remaining leave, entitlement would be any balance of the 3 days which has not been used during the immediately preceding 12 months. Additionally, domestic violence leave and FMLA leave will run concurrently if the employee is eligible to take FMLA leave as a result of a qualifying domestic violence incident.

Requests for Leave, Documentation, and Confidentiality

An employee must provide prior notice, when possible, of the need for domestic violence leave, except in cases of imminent danger to the health or safety of the employee or to an employee's family or household member. The request must also be accompanied with sufficient documentation of the act of domestic violence. The documentation may include copies of police reports, restraining orders, legal papers to be filed with the court, orders to appear in court, or any other documentation to establish the need for domestic violence leave as set out in this policy. All information regarding an employee's domestic violence leave will be kept confidential and exempt from disclosure by the BOCC, and will only be disclosed when permitted or required by law and/or court order.

EMPLOYEE ASSISTANCE PROGRAM (EAP)

The EAP is available for employees and their immediate family members. The EAP provides one personal problem solving assessment per year, per family, referral, and short term counseling services (up to six sessions per family, per year) as the essential first step for eligible employees and immediate family members seeking assistance with personal or family-related problems. The number of sessions annually is subject to change according to the EAP contract.

These services provide short term problem resolution counseling for family at no cost for emotional, marital and other personal matters. Additionally, the EAP counselors provide professional referrals when therapy is needed for mental health and substance abuse treatment benefits. Use of the EAP on a voluntary basis is entirely confidential.

EDUCATION ASSISTANCE PROGRAM

The Education Assistance Program is available to all full-time regular employees under the approved policy to provide the methods for fairly reimbursing employees who remain working with Bay County while simultaneously pursuing education beneficial to the employee and the County. Qualifying employees may be reimbursed for tuition that meets the guidelines of the Education Assistance Program policy.

Each full-time regular employee with one year of continuous employment with no disciplinary actions in the previous six (6) months is eligible for benefits under this policy. Exceptions can only be approved by the County Manager through the Human Resources Department and the Chief Officer/Department Director.

Typically, the course(s) must be related to the employee's present job and must enhance the employee's knowledge, skills and abilities relating to official duties of the employee's position, or the course(s) must provide the knowledge, skills and abilities for the employee to move to another position within the County.

Doctoral-level studies are not eligible for tuition reimbursement under this program.

Reimbursement of tuition and fees is provided for degrees earned through an established college or university curricula, or for certifications earned under the same or similar requirements as a degree program.

The request must be submitted to the Human Resources Department for approval by the Chief Human Resources Officer, or designee, no later than (10) ten days before the course begins, after the Chief Officer/Department Director has approved and confirmed that the employee has met these deadlines. The Chief Human Resources Officer or designee will approve or disapprove the request and return the form to the employee.

Failure to receive official approval, or failure to apply before the start of the course, will forfeit eligibility for tuition reimbursement. It is the employee's responsibility to follow through if he/she has not received written approval from the Human Resources Department prior to the start of course.

Tuition reimbursement rates will not exceed the most current annual average tuition rates from the State University System of Florida www.flbog.edu/about/budget/tuition.php.

Upon submitting all required documentation to the Human Resources Department, tuition reimbursement requests will be paid following the percentage schedule shown below.

A	100%
B	75%
C	50%
D/F	None
Pass (when used by accredited institution in lieu of a letter grade)	100%
Fail (when used by accredited institution in lieu of a letter grade)	None

All reimbursements are contingent upon compliance with all requirements and in accordance with the Internal Revenue Code and current fiscal funds budgeted. Additionally, if the Chief Officer/Department Director was not informed prior to submitting his/her budget and funds are not available, the Director may deny the request.

There may be instances where the education reimbursement cannot be provided due to budgetary constraints. If the request for reimbursement was pre-approved, however, reimbursement will not be canceled.

Bay County reserves the right to place limitations on or temporarily suspend the Education Assistance Program. A copy of the Education Assistance Program Policy guidelines is available in the Human Resources Department and on the BOCC website.

AWARDS PROGRAMS

1. Service Awards

Certificates shall be presented in recognition of years of service with the BOCC, to those employees completing five (5) years of continuous service and every five (5) years thereafter.

2. Employee Innovations Awards

The purpose of the Employee Innovations Awards Program is to encourage and recognize employees who propose innovative ideas or procedures which will improve productivity and work performance, promote effective communications, improve service and working conditions, reduce expenditures or increase revenues. Ideas must be submitted in writing and must follow guidelines of the program. The program guidelines can be obtained from the Human Resources Department. Awards to employees may be monetary or non-monetary. Awards can be recommended by the Department/Division Director or the County Manager.

3. Extra Mile Award

The purpose of the Extra Mile Award is to recognize employees who surpass the expectations of the County by seizing the opportunities to do far more than is asked of them, going the extra mile to produce excellent results and accomplishments. All BOCC employees are eligible for this award. Nominations should be submitted to the Chief Human Resources Officer in writing by the Department/Division Director providing specific, detailed examples and dates to support the nomination. The Chief Human Resources Officer will review the information and submit it to the County Manager for his/her determination. If approved, the employee(s) will be presented with an Extra Mile Award certificate at a County Commission meeting by a County Commissioner to convey the significance of this award.

4. Safety Awards

The BOCC recognizes the contributions that employees make in fostering a culture of health and safety in the workplace. One way the BOCC recognizes its safety conscious employees is by awarding annual safety awards.

Another safety recognition is the Life Saving Award which honors BOCC employees who place the safety of their fellow citizens first. Guidelines for both of these programs can be obtained from the Risk Management Department.

UNIFORMS

Employees in certain jobs where uniforms are required may be furnished uniforms at no cost to the employee. Uniforms shall not be used for recreation or off duty purposes. Employees must return all uniforms to their department when they separate from the County.

SECTION III: EMPLOYEE GUIDELINES AND EXPECTATIONS

STANDARDS OF CONDUCT AND ETHICS

Employees of the BOCC are goodwill ambassadors, and such status involves a degree of duty and obligation regarding public and private conduct which is not common to many other classes of employment. The attitude and behavior of a County employee should at all times be such as to promote goodwill and a favorable attitude of the public toward the County's administration and its programs and policies. Employees are expected to exhibit a high degree of personal integrity at all times. Employees must refrain from behaviors that may be harmful to self and others or that may be viewed unfavorably by employees or the public. Types of behavior and conduct that the BOCC considers inappropriate and which could lead to disciplinary action up to and including termination of employment with or without prior warning include, **but are not limited** to the following (this list is not all inclusive):

1. Gross negligence
2. Inefficiency
3. Inability to perform assigned duties
4. Insubordination
5. Willful violation of county rules and regulations
6. Misconduct
7. Use of alcohol or narcotics while engaged in County business
8. Reporting to work intoxicated or under the influence of non-prescribed drugs or prescribed drugs that violate the Drug Free Workplace Policy
9. Convicted of any crime involving moral misconduct
10. Conviction of a felony
11. Falsifying employment or other County records
12. Violating the Unlawful Harassment policy
13. Establishing a pattern of excessive absenteeism or tardiness
14. Illegally manufacturing, possessing, using, selling, distributing, or transporting drugs
15. Fighting or using obscene, abusive, or threatening language or gestures while on the job
16. Stealing
17. Disregarding safety or security regulations while on the job or while on County property
18. Making false allegations or claims
19. Making unauthorized recordings

20. Engaging in secondary employment without prior approval required in the Secondary Employment Approval form.

Each employee shall conduct himself/herself in a manner which could not be construed to be in conflict of this interest. Employees who fail to comply with the County's standards of conduct may be disciplined up to and including termination. No employee shall engage in criminal, infamous, dishonest, immoral or other conduct injurious or prejudicial to the County.

All BOCC employees must abide by a code of ethical and professional communications with peers, supervisors, employees, vendors, and the public. Such communication enhances human worth and dignity by fostering truthfulness, fairness, responsibility, personal integrity, and respect for self and for others. As such, the following rules must be followed when communicating with anyone:

1. Avoid argumentative tones and comments and be respectful of your coworkers. Employees should state their position clearly and factually in a normal tone, allowing the other individual an opportunity to share her or his position, and inviting open discussion regarding both positions.
2. Honesty is always required. It is critical that employees never engage in deceit, exaggeration, or express dishonesty when dealing with other individuals. While some communications may be extremely difficult to have, employees are always expected to convey them in a candid but respectful, manner.
3. Respect issues of confidentiality. Employees of the BOCC will be faced with topics of great confidentiality at times and, as such, must avoid sharing any such information with anyone not needing to know the confidential information as part of their duties with the BOCC.
4. Communicate any and all concerns, including those regarding harassment or discrimination, regarding another's behavior directly with the individual. Sharing such concerns with others who do not have a legitimate reason to know such concerns may quickly amount to gossip.
5. In the workplace, gossip is an activity that can drain, distract, and downshift employee job satisfaction and morale. Employees enter into gossip by choice and it always involves a person who is not present and is often pure conjecture that can damage a person's credibility and reputation. Such behavior is unacceptable and unprofessional and will not be tolerated.
6. No employee may either solicit or accept anything of value, including a gift, loan, and reward, promise of future employment, favor or service that is based on any understanding that the vote, official action or judgment of the official would be influenced by such a gift. All employees are encouraged not to accept gifts, no matter how small, to avoid the appearance of impropriety.

Any employee found violating any portion of these standards of conduct and ethics may be subject to disciplinary action, up to and including termination.

VIOLATION OF LOCAL, STATE and/or FEDERAL LAWS and SELF-REPORTING OF ARRESTS AND CONVICTIONS POLICY

Anyone known to be violating a local, state, and/or federal law on County property or at a County-supported function will be subject to referral for prosecution to the appropriate law enforcement agency.

All employees are required to self-report items 1-4 below, within forty-eight (48) hours to their immediate supervisor who will immediately report the incident to their Chief Officer/Department Director and to the Chief Human Resources Officer.

1. Any arrests/charges that are considered a felony
2. Any conviction, finding of guilt, withholding of adjudication, commitment to a pretrial diversion program, or entering of a plea of guilty or Nolo Contendere for any criminal offense other than a minor traffic violation.
3. Any criminal traffic violations including driving under the influence of alcohol and/or drugs.
4. Any minor traffic infractions/violations received by an employee whose job description includes driving a county vehicle based on the Risk Management policy is defined as a non-criminal violation that may require community service hours, but is not punishable by incarceration and for which there is no right to trial by jury. Criminal traffic violations, including driving under the influence of alcohol and/or drugs, are not minor and must be reported.

Any employee in violation of the reporting requirements of this policy may be subject to disciplinary action up to and including termination.

UNAUTHORIZED COMPENSATION

No employee, spouse, or child may accept compensation, payment or anything of value which, with the exercise of reasonable care, is known or should be known to have been given to influence the vote or official action of such officer or employee.

DOING BUSINESS WITH ONE'S AGENCY

No employee who is empowered with the authority to purchase on behalf of the County in his/her official capacity may directly or indirectly purchase, rent, or lease any realty, goods or services from a business entity in which the employee, his/her spouse or children is an officer, partner, director, or proprietor, or in which the employee, his/her spouse, or children (or any combination of them) owns a material interest. No employee, acting in a private capacity, may rent, lease, or sell any realty, goods or services to the County or any of its agencies, except as provided in Florida Statute, Section 112.311.

MISUSE OF PUBLIC POSITION

Employees may not use or attempt to use their official positions or any property or resource within their trust, or perform their official duties to obtain special privilege, benefit, or exemption for themselves or others.

DISCLOSURE OR USE OF CERTAIN INFORMATION

Employees may not disclose or use information not available to the general public that is gained by reason of their public positions for their personal benefit or the benefit of others. In addition to the above, all provisions of Florida Statute, Section 112, Code of Ethics for Public Officers and Employees, shall apply to County employees.

UNAUTHORIZED EMPLOYMENT REFERENCES

The County prohibits all employees, including supervisors, from providing employment reference information to third parties, including prospective employees. The inquiries may include questions about employment history of current and past employees, concerning, but not limited to, general reputation, character, personal characteristics, performance ability, attendance, dates of employment, or salary.

All solicitations for reference information on current, past or prospective employees should be directed immediately to the Human Resources Department for response, unless the Human Resources Department gives the employee special permission to respond after consultation. The Human Resources Department shall only provide a current, former, or prospective employee's dates of employment and salary, absent court mandate or a contractual agreement to the contrary, where applicable. Such policy has been designed to protect both employees and the County from potential liability. Improper release of employment reference information by an employee may result in disciplinary action up to and including termination.

WORK SHIFT ASSIGNMENTS

Each employee is assigned a work shift in accordance with the particular operational requirements of his/her department. Any changes to those shifts shall be at the sole discretion of management. A minimum 24-hour notice will normally be given in order to allow the employee to make the necessary personal arrangements. Refusal to work shift/hour changes may result in disciplinary action, up to and including termination.

AUTHORITY FOR ABSENCE

Employees shall not be absent from their regularly scheduled duties except by authority of their immediate supervisor. Employees absent due to reasons beyond their control will be responsible for explaining their absence to their immediate supervisor prior to the beginning of their shift, if at all possible. Failure to notify the department in advance may result in the employee being absent without leave resulting in disciplinary action and loss of pay for the missed time. If the immediate supervisor is unavailable, the employee may speak with a designated department supervisor stating the reason for being late or being unable to report for work. Voicemail, texts, and answering machine messages/emails may only be used if approved by the Division Director. If an absence continues beyond one day, the employee is responsible for calling in each day and may be required to present a physician's statement if the absence continues for three (3) or more consecutive scheduled working days, or if absences are excessive. Employees who are out on workers' compensation and/or FMLA will make arrangements with their supervisor to check in pursuant to Worker's Compensation and FMLA policies.

Any employee who is absent without authorization or notification is subject to disciplinary action, including possible termination. Three (3) days/shifts of absence without proper notification or authorization shall constitute job abandonment and the employee shall be separated from County employment. Refer to Section VII –Job Abandonment.

DRIVING RECORDS

Driving records of employees required to drive in performance of duties are subject to periodic review based upon the Driver Selection Policy adopted in the Risk Management Policies and Procedures Manual. Should this review identify an unfavorable record, it may result in a transfer of the employee to a non-driving position or termination.

It is **imperative** that employees, whose job description includes driving of a county vehicle, **immediately** report all traffic infractions to their supervisors. Supervisors should report the employee's infraction immediately to the Risk Management Department.

REPORTING ACCIDENTS OR INCIDENTS

Employees who are involved in a work related accident, damage County or personal property, or who experience an on-the-job injury or illness must report the incident **immediately** to Risk Management (after hour's cell numbers are provided to all departments). The Accident/Incident Report must be received by Risk Management within twenty-four (24) hours of the incident/event. The report must be delivered to Risk Management with the supervisor's report and other documentation attached (doctor notes, photos, police reports, citizen reports, witness written statements, etc.). Incomplete forms are accepted in order to meet the twenty four (24) hour deadline; however, complete forms must be submitted as soon as possible. All employees who are involved in a work related accident, damage County property, or who experience an on-the-job injury or illness shall be drug/alcohol tested. The BOCC Accident/Incident Report and instructions can be found on the network share drive **RISK-TRAIN-NB**.

SECONDARY EMPLOYMENT

Employees shall not, directly or indirectly, engage in any outside employment or financial interest which may conflict with the best interests of the County or interfere with the employee's ability to perform his/her assigned County job. Examples include, but are not limited to, outside employment which:

1. Prevents the employee from being available for work beyond normal working hours, such as emergencies or peak work periods, when such availability is a regular part of the employee's job.
2. Is conducted during the employee's work hours
3. Utilizes county telephones, computers, supplies or any other resources, facilities or equipment
4. Is employed with a firm that has contracts with or does business with the County; or
5. May reasonably be perceived by members of the public as a conflict of interest or otherwise discredits public service.

Employees of the BOCC must obtain approval from their supervisors and the Chief Human Resources Officer prior to accepting secondary employment by completing the Secondary Employment Approval Form. Employees are prohibited from working a secondary job while on LWOP unless approved by the County Manager through their Chief Officer/Department Director. Such work shall be regarded as having a lower priority than the requirements of the employee's regular employment with the BOCC and must not interfere with or impede the performance of work responsibilities for the County. The secondary employment cannot adversely affect the impartial, objective and efficient performance of assigned duties, nor can the secondary employment create a conflict of interest with employment by the BOCC. An employee's failure to disclose secondary employment may be grounds for dismissal. Final permission for secondary employment must be obtained from the Chief Human Resources Officer in writing.

Any changes made by the employee to secondary employment status must be reported to all parties in the same manner.

CONTACT WITH NEWS MEDIA

The County Manager, Chief Communication Officer, or their designees, shall be responsible for all official contacts with the news media, including answering questions from the media and coordinating interviews with County employees. County employees should not contact the media directly regarding County business, unless directed to do so by the County Manager or the Chief Communication Officer, or their designees. If contacted directly by the media, all County employees should direct the media inquiry to the Chief Communication Officer within 30 minutes of receiving that request. At no time should a County employee make a statement or grant an interview without prior approval from the Chief Communication Officer.

SECTION IV: COMPENSATION PLAN

SALARY AND WAGE SCHEDULE

The salaries of employees of the BOCC shall correlate with the Job Classification and Pay Plan. Each job title is placed into a classification, based on job qualifications, level of responsibility, difficulty, working conditions, skill, hazard, and amount of supervision required for the specific job title. The pay plan includes a wage and salary schedule with a pay range assigned to each job description. Each pay range has a minimum to maximum salary range from zero (0) to thirty-five (35) years of service. A copy of the pay plan program is available in the Human Resources Department.

Employees shall be paid within the limits of the wage and salary schedule to which their positions are assigned, unless otherwise approved by the County Manager.

It is our policy to comply with the salary requirements of all existing wage laws. If an employee believes that an improper deduction has been made to his/her salary, the employee should immediately report this information to his/her direct supervisor and the payroll clerk for this Department/Division, who in turn will report this to the Human Resources Benefits Manager, who will contact the Finance Department. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, an employee will be promptly reimbursed for any improper deduction made.

If an employee's performance is consistently unsatisfactory, the Director may recommend deferring a scheduled pay increase for a stipulated period of time or until the employee's job performance is satisfactory.

PERFORMANCE EVALUATION PROGRAM

Performance evaluations provide employees with feedback on job performance and ensure employees are informed of their job goals and expectations. When the immediate supervisor completes the employee's performance evaluation, it is recommended that it be reviewed by the Division Manager or Chief Officer/Department Director prior to being submitted to Human Resources for review and approval.

Human Resources shall review every performance evaluation before it is presented to the employee, with the exception of Chief Officer/Department Directors who report directly to the County Manager and Deputy County Manager. Human Resources will suggest changes to evaluations to ensure organizational consistency, compliance with labor laws and best practices and inclusion of disciplinary actions that occurred during the current evaluation period. Once Human Resources has approved the evaluation and notified the department, the evaluation should be discussed with the employee.

The employee shall be asked to sign the evaluation acknowledging receipt. Signing the evaluation does not signify that the employee agrees with the contents of the evaluation, but rather that the supervisor or manager has shared the review with the employee. Employees may note on the evaluation that they do not agree with the content, or they may provide a written rebuttal within five (5) days of receiving the evaluation. This rebuttal will be attached to the evaluation and placed in the employee's personnel file. Refusing to sign a performance

evaluation will result in disciplinary action. Employees cannot grieve their performance evaluations.

1. Annual Evaluations

Employees shall be evaluated on their overall performance annually, either on the employee's actual anniversary date or on another date designated by the employee's Chief Officer/Department Director or County Manager.

2. Probationary Evaluations

All employees must go through an initial six (6) month probationary period, unless it is extended, before they are eligible for regular status, during which time they are typically not eligible to apply for other positions. During this period, the employment relationship may be terminated at any time and the employee is not eligible to request a Pre-Termination Hearing with the County Manager. The employee will not attain regular status until he/she has received and signed the initial probationary performance evaluation recommending the employee for regular status.

Upon completion of six (6) months in the new position, a performance evaluation must be completed by the supervisor and if the employee's overall job performance has been satisfactory, that employee will be recommended for regular status. If the employee's job performance has been below expectations, the initial probationary period may be extended by three (3) to six (6) months if there is a reasonable expectation that the employee's performance will improve.

3. Position Retention Evaluations

When an employee is promoted, demoted or laterally transferred to another position, there will be a six (6) month probationary period to evaluate the employee's performance in the new position. However, if the employee is promoted or transferred within the same Division in which he/she is currently working, the employee will just be required to complete the remainder of any probationary period the employee is currently serving, if any. Upon completion of six (6) months in the new position, a performance evaluation must be completed by the supervisor and if the employee's overall job performance has been satisfactory, the employee will be recommended for retention in the current position. If the employee's job performance has been below expectations, the probationary period may be extended by three (3) to six (6) months if there is a reasonable expectation the employee's performance will improve. During this position retention period, the employment relationship may be terminated at any time and does not qualify for a Pre-Termination Hearing with the County Manager.

PAY TRANSPARENCY POLICY

The BOCC complies with the pay transparency requirements for Federal Contractors. As such, the County will not discharge, discipline, or otherwise discriminate against employees or applicants who inquire about, discuss, or disclose their compensation or the compensation of other employees or applicants.

For the BOCC, compensation includes: base pay, overtime pay, and County provided benefits.

Employees who feel that they have been the victims of discriminating compensation practices are encouraged to bring their concerns to either their immediate supervisor, the Chief Officer/Department Director or the Human Resources Department, so that the concerns may be

reviewed and resolved. Likewise, employees who feel they have been disciplined for seeking information about compensation or discussing their compensation or the compensation of other employees or applicants of the County should bring their concerns to their Chief Officer/Department Director or the Chief Human Resources Officer.

Employees who work in the Human Resources Department or in any other department where compensation information is obtained in the course of performing their assigned job functions are not protected by this regulation if they disclose or share compensation information in a manner not connected to or associated with their role with the BOCC.

PAYCHECK DEDUCTIONS AND GARNISHMENTS

The law requires that the BOCC make certain deductions from paychecks, such as Federal taxes, Medicare, and Social Security. There may also be deductions for certain benefits that require employee contributions, such as insurance premiums, etc. As a general rule, no deductions, other than those legally required may be made from paychecks without the employee's written authorization.

Paychecks may also be subject to a wage garnishment if ordered by a court of law. Garnishments consist of deducting a certain amount from the employee's paycheck in order to help pay a debt or obligation such as child support, back taxes, or a court judgment. When properly notified by an employee or an appropriate court or government agency, the BOCC will withhold the amount requested to be garnished according to applicable law. Improper deductions are prohibited.

BUDGETARY PAY INCREASE

Annual budgetary fiscal year increases are granted at the discretion of the Board and the County Manager and are contingent upon the availability of County funds. Pay increases may be awarded in a one-time lump sum payment and not added to the employee's base pay.

When an employee is eligible to move to the next step in his/her pay grade that employee will receive either the pay rate of the new step or the designated annual increase, whichever is greater.

New employees hired after July 31st will not be eligible for the annual fiscal year budgetary increase. All new employees hired before August 1st must successfully complete their probationary period and required New Employee Academy classes before they receive their annual fiscal year budgetary increase.

No additional salary increases for reclass of a current position or lateral transfer will be allowed within 60 days prior to the new fiscal year, nor within 60 days after the new fiscal year. This stipulation does not apply to promotions from one position to another position.

Pay increases are contingent on satisfactory performance, availability of County funds, and any other condition as set forth by the County Manager. If an employee's performance is consistently unsatisfactory, the Director may recommend deferring a scheduled pay increase for a stipulated period of time or until the employee's job performance is satisfactory.

PAY INCENTIVE PROGRAMS

Pay Incentive Programs may be provided as deemed beneficial and approved by the County Manager. Copies of these programs are available in the Human Resources Department. Department/Division Directors are responsible for ensuring their respective department incentives are applied appropriately according to the approved incentive program prior to sending any paperwork to the Human Resources Department.

MERIT PAY

Merit pay may be distributed as determined by the County Manager following approval by the Board of County Commissioners. Should the merit increase program be reinstated, employees shall be evaluated on their overall performance annually. Merit increases will be determined annually and in accordance with the merit evaluation program. Merit increases may be awarded in a one-time lump sum payment and not added to the employee's base pay.

The merit increase program may be discontinued or revised at any time due to budget constraints.

RATE OF PAY FOR A NEW HIRE

The pay rate for a new hire to any position shall be the base pay of step one (1) for the position grade. Compensation at higher rates may be considered when based on education, verifiable years of service, experience, skill, and/or training to justify such action. Upon verification of these factors during the hiring process, the responsible supervisor/manager and Chief Officer/Department Director may seek initial approval from the Chief Human Resources Officer to offer placement into a higher step for the position's corresponding grade, but final approval must be obtained from the County Manager.

PAY RATES AFTER LEAVE OF ABSENCE, RECALL OR REINSTATEMENT

When an employee returns to duty in the same or comparable position after a leave of absence, recall or reinstatement, he/she shall receive the rate in the grade schedule corresponding to the rate received at the time of departure, or a higher rate if the range for the position has been upgraded. Pay rates for reinstated employees shall be treated in the same manner as a new hire. Consideration for a higher grade or rate shall be given if the qualifications of the employee have increased.

RATE OF PAY ON PROMOTION

When an employee is promoted to a position with a higher grade schedule, the employee shall receive a salary increase at the discretion of management; however, at least to the minimum rate of the new pay grade. The County Manager, at the recommendation of the Chief Officer/Department Director, may promote individuals to vacancies without posting the position if he/she deems it to be in the best interest of the county.

RATE OF PAY ON DEMOTION

When an employee is demoted voluntarily/involuntarily to a position with a lower pay grade schedule, the employee's new salary rate shall not exceed the maximum rate established for the lower pay grade and is at the discretion of management. The County Manager, at the

recommendation of the Chief Officer/Department Director, may demote individuals to vacancies without posting the position if he/she deems it to be in the best interest of the County.

RATE OF PAY ON TRANSFER

Employees transferred to another position in the same job classification or to a different position with the same pay grade shall not be eligible for a pay increase without prior approval from the County Manager or designee. Employees transferred to another position in a lower job classification or pay grade shall be handled in accordance with the policy established for demotions. The County Manager, at the recommendation of the Chief Officer/Department Director, may transfer individuals to vacancies without posting the position if he/she deems it to be in the best interest of the County.

RATE OF PAY ON RECLASSIFICATION

When a position is reclassified to a higher class or grade, adjustments to salary shall be handled in the same manner as promotions. When a reclassification results in assignment to a lower class or grade, adjustment shall be made in accordance with the rules for demotions. No additional salary increases for reclass of a current position will be allowed within 60 days prior to the new fiscal year, nor within 60 days after the new fiscal year. This stipulation does not apply to promotions to fill vacancies. The County Manager, at the recommendation of the Chief Officer/Department Director, may appoint, promote, or transfer individuals to vacancies without posting the position if he/she deems it to be in the best interest of the County.

OVERTIME WORK AND PAY

Overtime work will be performed only with prior approval of the responsible supervisor and Chief Officer/Department Director to the extent necessary to meet essential operation requirements or for an emergency operation.

The responsible supervisor shall maintain accurate records of all overtime worked and justification for the same. The Chief Financial Officer shall have the responsibility to monitor the overtime reported and to investigate any unusually large amounts.

Employees may be required to work overtime, or work on days off, in order to meet special situations, emergencies, or demands. Employees called into work for emergencies will be compensated at their overtime rate of pay (one and one-half times regular pay) regardless of meeting the FLSA 40 hour work week requirement, pursuant to the County's Standby Assignment or Call Out Pay Policy. Employees may be asked to work overtime to accomplish non-emergency requirements. Employees of the BOCC serving the public are expected to work the extra hours when required. Employees who refuse to work overtime may be subject to disciplinary action.

Employees are eligible for overtime pay in accordance with the Fair Labor Standards Act (FLSA). If, in the opinion of the Chief Officer/Department Director or responsible supervisor, it becomes necessary for an employee to work on a legal holiday, the employee will be paid holiday pay for actual hours worked at his/her regular pay rate plus one and one half times of the regular pay rate.

If employees receive holiday pay but do not work the actual legal holiday, these hours will not count towards their overtime threshold.

Overtime will only be paid for time physically worked. PTO, Banked Sick Leave, and holidays will not be counted when computing overtime pay.

OVERTIME WORK AND PAY - EMERGENCY SERVICES EMPLOYEES

Unscheduled overtime for emergency services shift employees will only be paid for time worked. PTO and banked sick leave will not be counted when computing unscheduled overtime pay. Pre-scheduled overtime will be paid as time worked for emergency services employees and will count toward the overtime threshold, unless the employee is absent from work for one or more pay periods.

HOLIDAY PAY AND OVERTIME PAY FOR NON-EXEMPT EMPLOYEES

Twelve (12) and twenty four (24) hour non-exempt shift employees who begin a shift on the actual holiday will receive 12 hours of holiday pay at one and one-half times regular pay. Regular 40 hour, non-shift employees working 8 or 10 hours per day will receive holiday pay at 8 or 10 hours accordingly and one and one-half times regular pay when physically working the actual legal holiday.

STANDBY ASSIGNMENT AND PAY

In order to provide coverage for services during off-duty hours, it may be necessary to assign and schedule certain employees to standby duty. Every employee in positions which provide "unscheduled" service on a recurring basis may volunteer or be designated "standby" other than normal work hours. A standby assignment would require an employee to remain in Bay County and be available for work due to an urgent situation on off-duty time which may include nights, weekends, or holidays.

A non-exempt employee who is assigned as standby for a minimum period of one week for hours beyond the normal workday shall receive one hour at his/her current hourly rate for each day assigned on standby. Employees assigned for standby shifts in our EMS Division will receive \$15.00 per twenty-four (24) hour shift and \$7.50 per twelve (12) hour shift.

All employees on standby duty will be assigned a County communication device so they can be contacted, if necessary, and are free to travel within Bay County during their off-duty hours. Standby employees will also be asked to provide a current telephone, cell phone or other agreed upon method of contact where they can be reached during off duty hours, in case they cannot be reached on the County communication device.

Employees responding to calls while on standby assignment will be paid for the hours actually worked with a minimum of two (2) hours at time and one half the regular rate, plus the standby pay for that day.

If employees on standby assignment are unavailable when they are contacted by the County, they will be subject to disciplinary action and will not be paid the one hour of standby pay for that day. In addition, employees on standby assignment shall not engage in any personal behavior that would prevent them from performing their assigned and/or emergency duties.

CALL-OUT PAY

In cases where off-duty employees are called out to assist in an emergency or other urgent situation, they shall receive a minimum of two hours of pay for each emergency call-out and will be compensated at the rate of time and one-half for time worked from the time the employee clocks in at the worksite until the time the employee clocks out at the worksite.

If the employee is called back in on a holiday to work while on authorized paid leave, he/she shall be paid in accordance with our Holiday Pay policy, refer to Section II, Employee Benefits of the personnel handbook.

Any employee required to continue working after completion of their regular scheduled shift shall be ineligible for call-out pay but may be eligible for compensation at the overtime rate of pay in accordance with the Overtime Policy.

PAY FOR WORK DURING DECLARED EMERGENCIES OR DISASTERS

All County Employees are essential to the organization and are the most important part of the County's service delivery system. Critical services provided by the County must continue to be provided during disasters to insure to the best of our ability that the public is protected. This policy establishes the framework under which employees may be assigned and fairly compensated for work in preparation for and/or in response to an emergency or disaster.

This policy shall be activated when the Board of County Commissioners, Chairman of the Board of County Commissioners, or the acting Chairman, signs a Local State of Emergency declaration for an emergency or disaster. Return to normal payroll policy occurs when the Emergency Operations Center moves from an Activation Level I to an Activation Level II or when the County Manager, or his or her designee, determines that the County has moved from response to recovery mode.

Depending on the severity and scope of a disaster, some or all employees may be identified to perform duties directly related to disaster response during a "declared local state of emergency." The County Manager shall have the authority to excuse certain personnel from responding to work and shall have the authority to require non-exempt and exempt personnel to work their regularly scheduled work hours and in excess of their regularly scheduled work hours. While performing duties directly related to disaster response, employees must keep their County issued Employee ID badges with them at all times.

When this policy is activated, pay for employees shall be as follows unless instructed otherwise by the County Manager:

- **Exempt employees who are not eligible for overtime and are required to perform duties directly related to disaster response** — such employees will be entitled to time off equal to time worked. This time should be taken within a reasonable period after accrued as long as the request to use the accrued time will not unduly disrupt the operations of the division in providing levels of service of an acceptable quality and quantity and should be tracked within the Division.
- **Non-exempt employees who are eligible for overtime and are required to perform duties directly related to disaster response** — such employees will receive time and one-half for actual hours worked irrespective of whether or not the employee's overtime

threshold has been met. Once an employee's overtime threshold has been met during a "declared state of local emergency", compensation will be paid for actual hours worked at time and one-half the employee's overtime rate of pay (equivalent to 2.25 times the normal non-overtime wage).

- **Exempt or non-exempt employees who worked during a declared local state of emergency but only performed their regular duties not directly related to disaster response** — such employees will receive their normal pay.
- **Exempt or non-exempt employees who were not required to report to work for their regularly scheduled shift(s) during a declared local state of emergency due to the severity and scope of the disaster** — such employees will receive their normal pay. It is their responsibility, however, to stay in contact with their supervisors in order to be aware of when they are expected to return to work.
- **Employees on scheduled PTO or Banked Sick Leave** – such employees on PTO and/or Banked Sick Leave status will be charged their pre-approved leave time accordingly.

While this disaster pay policy is activated, each Department/Division shall maintain a list of employees who are performing duties directly related to disaster response. This list shall include the employees' names, hours worked and duties performed. Division Managers, or designated supervisors, will be responsible to verify and approve all hours worked for all employees.

In order to seek FEMA reimbursement for the time each employee spends working during a "declared local state of emergency", overtime reports must state how many overtime hours are associated with the declared emergency. Additionally, information should be included in the overtime reports that identify whether it was pre-emergency or post emergency work. Employees may have additional hours that will be reported that are not associated with the "declared local state of emergency". Each Division should retain copies of payroll records and overtime reports generated during a declared emergency until such time as the Division is requested to provide these records to the appropriate office that will be coordinating FEMA reimbursement.

TEMPORARY EMPLOYEES

With the approval of the Chief Officer/Department Director and County Manager, temporary employees may be used during emergencies or other peak workload periods, or to temporarily replace regular employees absent due to extended disability, illness, or other approved leave, or to temporarily fill a vacancy until a regular employee is hired. These employees are at will and their employment is limited to less than six (6) months. It is the responsibility of the Department to ensure compliance with this timeline to prevent retroactive FRS contributions. Temporary employees may be hired without competitive recruitment or examination; however, the posting of any vacancy is encouraged.

Temporary employees are not typically hired to fill vacancies while an employee is on PTO. It is the responsibility of the Department/Division Director to ensure coverage while employees are utilizing PTO.

Temporary employees are eligible for overtime pay as required by law; however, the assignment of overtime hours to temporary employees is discouraged. Temporary employees

are not eligible and do not receive retirement, PTO, health insurance, holiday pay or any other benefits during their employment.

SHIFT DIFFERENTIAL

It is the policy of the BOCC to compensate regular employees in non-exempt positions who work on the evening and night shifts with an appropriate pay differential.

A shift differential pay of \$0.25/hour or \$.38/hour for overtime, in addition to their regular rate of pay, will be paid to those employees who regularly work the evening shift in which the majority of hours worked fall between 3:00 p.m. and 11:00 p.m. A shift differential pay of \$0.50/hour or \$.75/hour for overtime, in addition to their regular rate of pay, will be paid to those employees who regularly work the night shift in which the majority of hours worked fall between 11:00 p.m. and 7:00 a.m. The effective date for shift differential pay shall be the first day of a pay period.

This policy does not apply to Fire Services, EMS, or Public Safety/E-911.

SECTION V: POSITION CLASSIFICATION PLAN

PROMOTIONS

1. It is the policy of the County to provide employees the opportunity for advancement by promoting from within whenever possible. Promotions to more responsible positions shall be based on demonstrated performance, a cooperative attitude, education, experience, and special qualifications.
2. Employees who are promoted will serve a six (6) month probationary period in their new position unless they are promoted within the same Division in which they are currently working, in which case they will be required to complete the remainder of any probationary period they are currently serving, if any. If the employee is unsuccessful, he/she may be demoted to another position or be subject to termination.
3. Although not a guarantee of being promoted, completion of Employee Academy Leadership Development classes will also be taken into account when considering someone for a promotion.
4. Pay increases shall be approved in accordance with "Rate of Pay on Promotion", Section IV, COMPENSATION PLAN and shall be at the discretion of management.
5. The County Manager, at the recommendation of the Chief Officer/Department Director, may appoint or promote individuals to vacancies without posting the position if he/she deems it to be in the best interest of the County.
6. Announcements of position vacancies shall be made as they occur. It is the preferred method to promote employees who have attained regular status; however, exceptions may be made in the best interest of the department. Employees who desire advancement to higher level positions are encouraged to submit an application or Job Interest Form (JIF), stating their reasons and qualifications. All job openings must be posted for three work-days prior to filling vacancies in order to allow employees the opportunity to make application for advancement. All such requests shall be reviewed by the responsible supervisor, Chief Officer/Department Director and the Chief Human Resources Officer or designee. Applicants shall be notified when selections are made.
7. No additional salary increases for, reclassifications, or reorganizations will be allowed within 60 days prior to the new fiscal year, nor within 60 days after the new fiscal year, as these types of changes should be made through the annual budget process. This stipulation does not apply to promotions to fill vacancies or changes made through the annual budget process.

DEMOTIONS

Employees may be demoted upon recommendation of the responsible supervisor and Chief Officer/Department Director with the approval of the Chief Human Resources Officer and the County Manager or his/her designee(s).

A demotion is the movement of an employee to a job classification with a lower pay grade. A demotion may be involuntary or voluntary. Employees must meet the minimum qualifications for

the job to which they are being demoted. A position will not be created to accommodate a demotion.

Employees who are demoted will serve a six (6) month probationary period. If the employee is unsuccessful, he/she may be demoted to another position or be subject to termination.

Involuntary Demotion

An employee may be involuntarily demoted to a position with a lower pay grade for, but not limited to, any of the following reasons:

1. The employee would otherwise be laid off because the position is being abolished.
2. The position is being reclassified to a higher pay grade and the employee is not qualified to continue employment in the reclassified position.
3. The employee is being disciplined for sub-standard work, workplace misbehavior, or other reasons.
4. Lack of work.
5. Lack of funds.
6. The employee is unable or unwilling to perform at the level required of the position.
7. Reorganization.
8. The employee has been promoted into a higher level position and is not successfully performing the duties of the new position.
9. The employee has not maintained the required certification/license for the position.

Voluntary Demotions

A voluntary demotion occurs when the employee voluntarily requests a demotion or applies for a position at a lower pay grade resulting in a move to a lower level classification. The decrease in salary will be at the discretion of the County Manager.

TRANSFERS

An employee, with the approval of the responsible supervisor, Chief Officer/Department Director and the Chief Human Resources Officer, may be transferred voluntarily or involuntarily to another Department in the same position classification with the approval of the County Manager.

No additional salary increases for transfers will be allowed within 60 days prior to the new fiscal year, nor within 60 days after the new fiscal year as these types of changes should be made through the annual budget process. This stipulation does not apply to transfers to fill vacancies.

Lateral Transfers to another position in the same job classification or to a different position with the same pay grade shall not be eligible for a pay increase unless otherwise approved by the County Manager or his/her designee.

Employees who transfer to a different position classification or a different Department/Division will be required to serve at least a six month probationary period in the new position

classification. Management reserves the right to consider only those transfers which are of mutual benefit. In such cases, the written requests, including reasons for the transfer, must be reviewed by the responsible supervisor(s), Chief Officer/Department Director(s), the Chief Human Resources Officer and the County Manager or his/her designee.

RECLASSIFICATIONS

1. All positions are subject to reclassification. Requests shall be submitted to the County Manager or his/her designee for approval through the Chief Human Resources Officer. Such requests shall be submitted in the same manner as the "Request for New Positions", through the annual budget process.
2. Positions may be reclassified with or without a change in pay grade; conversely, a pay grade may be changed with or without a change in classification.
3. When a position is reclassified to a job classification with a higher pay grade (significant increase in job requirements/ job difficulty), such change shall be processed in accordance with "Rate of Pay on Promotion", Section IV "COMPENSATION PLAN".
4. When a position is downgraded, it will result from a determination by the responsible supervisor and Chief Officer/Department Director that the position has been improperly graded. An adjustment in salary rate due to downgrading of a position shall be made in accordance with the rules for Demotions and approved by the Chief Human Resources Officer.

REDUCTION IN FORCE (RIF)

An employee may be laid off when it becomes necessary by reason of, but not limited to: lack of work, shortage of funds, abolishment of a position, or changes in organizational structure. This action does not reflect discredit upon the service of the employee. Employees affected by such reductions in force shall receive no less than two (2) weeks written notice of termination of employment, if possible.

The order of such layoffs shall be based on overall performance record, disciplinary record, training and experience, attendance, length of service with the County, and other valid and appropriate criteria. When two (2) employees are relatively equal with respect to these factors, the less senior employee will be laid off.

Laid off regular status employees will receive full payment for all accrued PTO hours at the employee's current rate of pay, up to the maximum amount prescribed in this policy and health, dental and vision benefits shall continue through the last day of the month in which the employee was laid off, unless otherwise approved by the County Manager or his/her designee.

RESIGNATION

Should it become necessary for an employee to resign his/her position with the BOCC, it is requested that the employee submit a letter of resignation to his/her supervisor at least 2 weeks prior to the date of his/her resignation. The requested two week resignation notification may be waived by the Chief Officer/Department Director and the resignation accepted immediately if it is deemed to be in the best interest of the County.

EXIT INTERVIEW

In a continuing effort to provide the best possible work environment and service to citizens, the BOCC welcomes employee feedback. Employees are encouraged to participate in the voluntary exit interview program. An exit interview is eligible paid time that the employee may coordinate with his/her appropriate supervisor. The Human Resources Department can be contacted to arrange an appointment prior to leaving County employment. If preferred, an exit interview can be provided by email.

FINAL PAYCHECK

When an employee leaves County employment voluntarily, the final paycheck will include payment of the actual days worked plus any eligible PTO hours, up to the maximum allowed. An employee involuntarily terminated from employment shall forfeit payment of any accumulated PTO hours. The final paycheck will be issued on the next regular pay day.

In the event of an employee's death, the final check and accrued PTO, up to the maximum allowed, will be automatically deposited into the employee's current account of record.

SECTION VI: POLICY STATEMENTS AND GENERAL INFORMATION

THE OBJECTIVES OF THE PERSONNEL POLICIES ARE:

1. To provide efficient and friendly service at all times to all the citizens of Bay County.
2. To attract and retain employees of the highest caliber.
3. To select employees based on qualifications, knowledge and skill.
4. To provide training for supervisory personnel which will ensure their ability to lead and motivate their employees in an effective manner.
5. To provide a pay plan and employee benefits which are fair and competitive.
6. To provide clean, safe, and pleasant working conditions.
7. To provide a grievance procedure that will promote prompt and appropriate settlement of employee grievances.
8. To provide opportunities for employees to increase their skills and job potential through training and educational opportunities.
9. To promote from within based upon qualifications, performance, knowledge, skills, and the potential to handle increased responsibilities.
10. To encourage the development of individual acceptance of responsibility for the attainment of outstanding public service.

EQUAL EMPLOYMENT OPPORTUNITY

The BOCC is an equal opportunity employer. All employment decisions are made on the basis of individual skills, regardless of such factors as race, color, religion, national origin, sex, age, marital status, pregnancy, disability or any other protected status or condition protected by applicable federal, state or local laws. Discrimination based on an employee's gender/sexual orientation is prohibited. The BOCC will make reasonable accommodations consistent with applicable law to the known disabilities of an otherwise qualified applicant or employee who is able to perform the essential functions of the position sought or held. The BOCC does not tolerate discrimination or unlawful harassment (including sexual harassment). Likewise, the BOCC does not permit retaliation for reporting unlawful conduct. For more information, go to www.justice.gov/jmd/eeos.

UNLAWFUL HARASSMENT AND/OR DISCRIMINATION

The BOCC is committed to maintaining a work environment based on mutual respect and teamwork free of harassment and/or discrimination.

The BOCC will not tolerate harassment and/or discrimination of any employee(s), by any manager(s), supervisor(s), co-worker(s), volunteer (s), vendor(s), client(s), or anyone else. All personnel are responsible for maintaining a workplace that is free of harassment and intimidation. The Chief Human Resources Officer or designee will promptly and thoroughly investigate complaints of harassment and/or discrimination, usually within thirty (30) days.

If, after a thorough investigation, it is determined that harassment and/or discrimination has occurred, immediate and appropriate disciplinary action up to and including termination will be taken. Appropriate follow-up steps will also be taken to ensure that the harassment and/or discrimination has stopped. No one, whether or not harassment and/or discrimination is found to have occurred, will be retaliated against because he or she reported alleged harassment.

The BOCC is also equally opposed to bad faith claims of harassment and/or discrimination which have no rational basis in fact or justifiable employee perception, and are deliberately designed to affect adversely the employment or personal relationships of persons against whom the complaint is made. The BOCC takes this strong stand because such claims often affect the future employment and important family relationships of not only the claimant, but also the person against whom the claim is made. Disciplinary action will occur up to and including termination for employees who make a bad faith claim.

All employees have an obligation to report unlawful harassment and/or discrimination – even if he or she is not the victim. All employees, including supervisors and managers, will be subject to discipline, up to and including termination, for any act of unlawful harassment and/or discrimination they commit.

UNLAWFUL HARASSMENT

The BOCC defines harassment as behavior or comments that create a hostile work environment for another person because of age, race, color, sex (including same-sex sexual harassment), religion, national origin, gender identity or expression, or sexual orientation, or disability, or any other status or condition protected by applicable federal, state or local laws.

Verbal, physical, sexual or any other form of harassment that belittles or demeans any individual on the basis of age, race, color, sex (including same-sex sexual harassment), religion, national origin, gender identity or expression, sexual orientation, disability, or any other status or condition protected by applicable federal, state or local laws is also strictly prohibited.

Prohibited unlawful harassment includes conduct that has the purpose or effect of unreasonably interfering with an employee's work performance or experience or creating an environment that is hostile, intimidating or offensive.

SEXUAL HARASSMENT

Sexual harassment is a form of predatory sexual behavior in which a person targets another employee(s) or person(s) relating to an individual's age, race, color, sex (including same-sex sexual harassment), religion, national origin, gender identity or expression, sexual orientation, or disability. Sexual harassment constitutes discrimination and is illegal under federal, state and local laws. For the purposes of this policy, "sexual harassment" is defined, in Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or

3. 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.

Title VII of the Civil Rights Act of 1964 recognizes two types of sexual harassment: a) quid pro quo and b) hostile work environment. Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. This policy applies to all employees of the BOCC working at all locations.

Examples of Sexual Harassment

Though sexual harassment encompasses a wide range of conduct, some examples of specifically prohibited conduct include, but is not limited to, the following:

1. Physical assaults of a sexual nature, such as rape, sexual battery, molestation or attempts to commit these assaults, and intentional physical conduct that is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another employee's body or poking another employee's body.
2. Unwelcome sexual advances, propositions or other sexual comments, such as sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience.
3. Preferential treatment or promises of preferential treatment to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward.
4. Subjecting, or threats of subjecting, an employee to unwelcome sexual attention or conduct or intentionally making performance of the employee's job more difficult because of that employee's sex.
5. Sexual or discriminatory displays or publications anywhere in the BOCC workplace by our employees, including work computers.
6. Retaliation for sexual harassment complaints.

EXAMPLES OF OTHER HARASSMENT

Other harassment may include, but is not limited to, the following:

1. Slurs, negative stereotyping, "jokes", or threatening, intimidating, or hostile acts that relate to age, race, color, sex (including same-sex sexual harassment), religion, national origin, gender identity or expression, or sexual orientation, or disability; or
2. Written or graphic material that denigrates or shows hostility toward an individual or group because of age, race, color, sex (including same-sex sexual harassment), religion, national origin, gender identity or expression, or sexual orientation, or disability, or other protected status and that is placed on walls, bulletin boards, or elsewhere on the BOCC's premises, or circulated in the workplace. This also includes "jokes" or "pranks" that are hostile or demeaning, such as hate mail, threats, defaced photographs, or pictures.
3. Physical conduct such as assault, unwanted touching, or blocking normal movement.

It is critical to note that harassment may occur when the intended target of the conduct is not offended, but others that witness the conduct reasonably find the conduct to be intimidating, hostile, abusive, or offensive.

DISCRIMINATION

Discrimination in the workplace occurs when employment related decisions, including but not limited to, promotions, discipline, and/or fringe benefit allocations, are based upon employees age, race, color, sex (including same-sex sexual harassment), religion, national origin, gender identity or expression, or sexual orientation, or disability race, color, religion, gender, national origin, age, marital status, disability, or other protected status.

REPORTING UNLAWFUL HARASSMENT AND DISCRIMINATION

1. Supervisor's Responsibility

In addition to the aforementioned responsibility, all supervisors and management personnel are also responsible for taking the following steps to prevent harassment and/or discrimination:

- a. Make sure that all new hires have attended the mandatory Harassment Prevention/Violence in the Workplace class within the first six months of employment.
- b. Remind employees of the BOCC Policy if any inappropriate action, comment, joke, etc. is made, even if during breaks.
- c. Advise employees that they should not worry about whether the complaint actually constitutes harassment and/or discrimination. If the behavior makes the employee uncomfortable, he/she must report it immediately, but first encourage the employee to address the situation directly and immediately to the harasser, if possible, to give the offender a chance to willingly correct his/her behavior.
- d. Advise employees that they must not tolerate belittling or hostile treatment of any kind, and that everyone has a right to work in an environment free of harassment and/or discrimination.
- e. Inform all employees of the harassment/discrimination complaint process, including employees' right to by-pass an offending supervisor and/or management member and go directly to the Chief Human Resources Officer or his/her designee.
- f. If the complaint involves both the supervisor and the Chief Human Resources Officer, advise the employee to immediately contact the County Manager. Finally, if all of the referenced parties are involved, the employee should then contact the County Attorney who will consult with the Chairman of the Board.
- g. Advise each employee that he/she must say something immediately if a supervisor says or does something that could be construed as harassment and/or discrimination.
- h. Advise and assure employees that they will never be retaliated against because they complained about or reported harassment/discrimination, whether or not it is substantiated.

Failure to follow or implement any of the foregoing may be grounds for discipline up to and including termination.

2. Employee Responsibility

If an employee believes that he/she has been subjected to sexual harassment or any unwelcome sexual attention, or other harassment or discrimination, he/she is encouraged to address the situation directly and immediately to the harasser, if possible. If the inappropriate conduct does not cease, or if the employee is unable to or uncomfortable with addressing the alleged harasser directly, he/she should report the incident to his/her own supervisor. If the inappropriate conduct does not cease, or if the employee is unable to or uncomfortable with addressing the situation with the supervisor, he/she should report the incident to the Chief Human Resources Officer, or his/her designee. If the Chief Human Resources Officer is not available or the employee is uncomfortable addressing the situation with the Chief Human Resources Officer or his/her designee, the employee may report the incident to the County Manager or the County Attorney or their designees.

It is important to report any and all concerns of sexual harassment, inappropriate sexual conduct, other harassment or discrimination to a supervisor/manager, or the Chief Human Resources Officer, or his/her designee as soon as possible. Management must be made aware of the situation so that it can conduct an immediate and impartial investigation and take appropriate action to remediate or prevent the prohibited conduct from continuing. If after an investigation is conducted it is determined that harassment or discrimination has occurred and that an employee failed to fulfill his or her affirmative obligation to report the harassment or discrimination, the employee failing to report the situation may be subject to disciplinary action, up to and including termination.

Employees who violate this policy are subject to appropriate discipline. If an investigation results in a finding that this policy has been violated, the mandatory minimum discipline is a written reprimand. The discipline for very serious or repeat violations is termination of employment. Persons who violate this policy may also be subject to civil damages or criminal penalties.

All inquiries, complaints and investigations are treated discreetly. Investigation of a complaint will normally include conferring with the parties involved and any named or apparent witnesses. Information is revealed strictly on a need-to-know basis. Information contained in a formal complaint is closely contained. All information pertaining to a sexual harassment, other harassment or discrimination complaint or investigation is maintained by the Chief Human Resources Officer in secure files; however, once the investigation is complete, it becomes public record. The Chief Human Resources Officer, or his/her designee, can answer any questions relating to the procedures for handling information related to sexual harassment, other harassment or discrimination complaints and investigations to complainants and respondents.

3. Retaliation

Any person who reports or participates in an investigation of any type of harassment and/or discrimination, shall be protected from harassment, coercion, intimidation, retaliation, interference, or discrimination for filing a complaint or participating in an investigation. If you believe you have been subjected to retaliation for reporting or participating in an investigation of any type of harassment and/or discrimination, you must file a complaint by following the procedures for reporting harassment and/or discrimination as explained in this Manual.

WORKPLACE VIOLENCE POLICY

Violence or the threat of violence by any employee of the BOCC is unacceptable and contrary to County Policy, and will subject the perpetrator to disciplinary action up to and including termination and possible criminal charges. The BOCC will work with law enforcement to aid in the prosecution of anyone who commits or threatens to commit violent acts against employees or the public.

Employees' conduct toward co-workers, supervisors or the public must be courteous, positive and appropriate for the work situation.

It is our policy to adhere to Florida statutes and any other applicable laws referencing firearms and weapons in the workplace.

The following behavior is prohibited; however, this is not intended to be an all-inclusive listing of prohibited behavior:

1. The unlawful possession, use or threatened use of weapons or firearms while on duty or on County property.
2. The open display of a weapon or firearm.
3. Fighting or malicious behavior while on or in County property.
4. Fighting or assaulting a fellow employee or citizen.
5. Threatening or intimidating management, supervisors, security guards or fellow workers.
6. Making harassing or threatening telephone calls, letters, or other forms of written or electronic communications.
7. Engaging in horseplay, fighting, violence or any other action interfering with the work of other employees or service to the public.
8. Using threats, profane or abusive language in dealing with the public, co-workers, supervisors or other persons contacted in business relationships, or otherwise provoking or abusing others in any way.
9. Harassing, terrorizing, threatening with physical violence or punishment, or otherwise forcing an employee to suffer embarrassing or degrading experiences.

Employees engaging in prohibited behavior are subject to disciplinary action up to and including termination from employment.

Employees acting in good faith, who report actual or threatened violent behavior, shall not be subjected to retaliation or harassment because of their report.

The Chief Human Resources Officer, or his/her designee, is the Workplace Critical Incident Coordinator. The Chief Human Resources Officer may be contacted at any time and will ensure that available resources are coordinated as needed in the response to reported incidents of workplace violence.

AMERICANS WITH DISABILITIES ACT

Accommodation Policy

It is the policy of the BOCC to afford equal opportunity to all employees, regardless of physical or mental disability. However, all employees with such disabilities are expected to perform the essential functions of their positions as both defined in the respective job descriptions or as performed on a regular basis as part of their normal responsibilities. All employees with disabilities are eligible for accommodations per the Americans with Disabilities Act (ADA). Such requests must be made to the employee's direct supervisor who will consult with the Chief Human Resources Officer. While the BOCC cannot make all requested accommodations, it will work with the employee to define reasonable terms and supply such terms to the employee. If the employee cannot perform the essential functions with the requested accommodation(s), the employee may be separated from the BOCC.

ALCOHOL/DRUG ABUSE POLICY

The purpose of this policy is to define the BOCC's position regarding employees whose job performance is adversely affected by alcohol/drug abuse, or engaging in illegal drug activity. Both subjects are addressed in the BOCC Drug-Free Workplace Policy and BOCC Alcohol and Substance Abuse Policy for Safety Sensitive Functions with oversight from the Risk Management Department.

Illegal drug use and/or alcohol abuse, whether on or off the job, may be subject to disciplinary action up to and including termination. Illegal drug use and/or alcohol abuse jeopardizes the safety of other employees, the public and the reliability of the BOCC's operations and/or equipment. Being under the influence of alcoholic beverages, or possession or being under the influence of illegal drugs¹ on BOCC property or any work site, or while on duty is a serious violation of this policy, and will subject the employee to disciplinary action up to and including termination. An employee will be required by his or her supervisor to submit to a blood/urine or other test for alcohol or illegal drug¹ if reasonable suspicion exists to believe the employee is under the influence of alcohol or drugs. Other testing may be required as set forth in any separate drug-testing policy or program implemented and approved by the BOCC. Employees who are directed to submit to tests for alcohol or illegal drugs under these circumstances and who test positive, as determined by the BOCC, or refuse or fail to submit to these tests when and as directed, through Risk Management, will be subject to immediate termination.

Employees who are convicted or sentenced for illegal drug/alcohol activity on or off the job will be considered in violation of this policy and subject to termination of employment.

Employees must notify their supervisor when under medically prescribed treatment with a controlled substance that may limit their ability to perform their job. Verification of required medication under these circumstances will be submitted to Risk Management by the supervisor by providing a prescription copy or physician's statement showing medication required and dates of use so Risk Management can determine whether the employee can safely perform his/her job. Failure to do so will result in appropriate disciplinary action.

¹ Any drug which (a) is not legally obtainable; (b) may be legally obtainable but which has not been legally obtained; or (c) is being used in a manner or for purposes other than as prescribed or intended.

SMOKING POLICY

The use of tobacco products, including chewing tobacco, vaping products, or e-cigarettes, is prohibited in all enclosed indoor workplaces as established by State law and County Policy in compliance with the Florida Clean Indoor Act to protect the health and safety of employees and the general public. Signs prohibiting the use of tobacco products shall be conspicuously posted in every facility, which includes all County owned, leased or rented vehicles and County owned, leased or rented mobile equipment. Smoking of tobacco products shall only occur at designated smoking areas which must be located twenty (20) feet or more from any entrances, windows, or any other ventilation systems. Ashtrays will be made available and maintained in a safe manner in the outdoor designated smoking areas and are to remain in the designated areas at all times. Chief Officer/Department Directors and Division Managers are responsible for enforcing this with their staff to ensure compliance with this policy.

If the Department/Division chooses to allow their staff to smoke during work hours, they may only allow them to smoke two (2) times per day/shift for no longer than fifteen minutes each. It is expected that Chief Officer/Department Directors and Division Managers ensure compliance with this policy.

Complaints of violation of this policy should be directed to the supervisor responsible for the particular work area or facility involved in the complaint. The responsible supervisor shall be charged with notifying the violator of the pertinent portions of this policy, and said violator will be subject to disciplinary action for repeated violations.

PERSONAL APPEARANCE AND GROOMING

It shall be the responsibility of all employees to represent the BOCC to the public in a manner which shall be professional, courteous, efficient, and helpful. The BOCC's employees should always be well-groomed and dressed in a manner suitable for the public service environment and to reflect favorably the BOCC's image. All clothing worn should be neat and clean, free of wrinkles, holes, and stains and tears, and should not contain profanity, obscene imagery or otherwise convey an inappropriate message. The employee's Supervisor will discuss the subject of personal appearance with the employee if it is felt it does not positively reflect the image of the BOCC.

Employees are permitted to wear jewelry or to display tattoos at the workplace within the following guidelines. Factors that management will consider to determine whether jewelry or tattoos may pose a conflict with the employee's job or work environment include:

1. Personal safety of self or others.
2. Productivity or performance expectations.
3. Offensiveness to co-workers, customers, vendors or others in the workplace based on racial, sexual, religious, ethnic, or other characteristics or attributes of a sensitive or legally protected nature.
4. Corporate or societal norms.
5. Customer complaints.

If management determines an employee's jewelry or tattoos may present such a conflict, the employee will be encouraged to identify appropriate options, such as removal of excess or offensive jewelry, covering of tattoos, transfer to an alternative position, or other reasonable means to resolve the conflict.

All employees should be considerate of sensitivity to aromas. The sense of smell is one of the most powerful senses a person possesses. What smells good to one person, may not be enjoyed by another. Be careful of the smells you bring to the office. Be judicious in the use of cologne/perfume.

An environment of mutual cooperation, respect, and fair treatment for all employees is the goal of the BOCC. As an initial step toward resolution of any complaint or offense regarding personal appearance or aromas, supervisors and managers will be responsible for answering employee questions and seeking a resolution.

RELIGIOUS EXPRESSION POLICY

The BOCC works diligently to respect the recognized religious beliefs of its entire workforce. As such, it welcomes any requests for accommodations because of recognized beliefs that do not create an undue hardship on the County's ability to properly fulfill its mission. An employee merely needs to explain the religious justification for the accommodation and present it to the supervisor who will consult with the Human Resources Department for consideration and corresponding action. Examples of accommodation include using PTO or LWOP, allowing an exception to the dress and appearance code which does not impact safety or uniform requirements, or other aspects of employment.

NEW EMPLOYEE POLICY ACKNOWLEDGEMENT

Upon employment, the Human Resources Department shall make a copy of this manual available to each new employee for use as a general guide to policies, procedures, and benefits of the BOCC. Employees are required to sign an acknowledgement stating that they understand and will abide by all policies and procedures. This manual is not all encompassing and only serves as a summary of some of the major policies and procedures. Each Department/Division may have its own Standard Operating Procedures (SOP's) or Standard Operating Guidelines (SOG's) to better serve their respective areas. Employees are expected to abide by these specific department guidelines.

SOCIAL MEDIA/NETWORKING POLICY

The BOCC recognizes that employees will use social media and other online communication tools as a growing way to connect with others. The same principles and guidelines that apply to your activities as an employee in general, as found throughout the Personnel Policies and your department guidelines, apply to your activities online.

The term, "social networking," as used in this policy, refers to employee use of computers, tablets, or other electronic devices during work hours, regardless of who owns the equipment, to communicate with others for personal reasons, including but not limited to posting on social networks or media, and operating or posting on blogs or similar internet activities. This includes any form of electronic communication, such as online publishing and discussion, including blogs, wikis, file-sharing, user-generated video and audio, virtual worlds, and social networks

whether or not associated or affiliated with our organization. The BOCC trusts and expects employees to exercise personal responsibility whenever they participate in social media. This includes not violating the trust of those with whom they are engaging. The BOCC takes this policy seriously and will enforce violations, which may result in disciplinary action, up to and including termination.

Nothing in our policy is designed to interfere with, restrain, or prevent employee communications regarding wages, hours, or other terms and conditions of employment; employees have the right to engage in or refrain from such activities. It is our intent to comply fully with Section 7 of the National Labor Relations Act.

1. Although social networking has its place in personal lives, it can distract employees from performing their jobs. Accordingly, absent written authorization from their direct supervisor, BOCC employees may not engage in social networking during work hours, or through the use of BOCC computers, tablets, cellular devices or any other electronic property. Authorized employees may engage in social networking at work only for business-related purposes provided that such use is professional and responsible, does not otherwise violate BOCC policies, does not compromise the BOCC's interests, and/or does not interfere with the employee's regular work duties.
2. The BOCC understands that employees may maintain or contribute to personal blogs, message boards, conversation pages, and other forms of social media outside of their job function (such as Facebook, Instagram, Twitter, LinkedIn, Snapchat, YouTube, Pinterest, etc.). It is important for all employees to understand that they bear responsibility for the content they publish on these forums and all BOCC policies that regulate off-duty conduct apply to social media activity. This includes, but is not limited to, policies related to anti-harassment, nondiscrimination, code of conduct, and protecting the BOCC's confidential and/or proprietary information.
3. Employees should not use their organizational email address to register on social networks, blogs, or other online tools utilized for personal use.

All content created using BOCC property are BOCC records. The contents of e-mail and social networking activities, properly obtained for legitimate business or legal purposes, may be disclosed internally without employee permission. Employees using any of the BOCC's property and systems for personal and social networking purposes do so at their own risk, and consent to the County monitoring, recording, and transcribing all such personal use. The BOCC further reserves the right to monitor employees' social networking activity to the full extent permitted by law. The BOCC takes this policy seriously and will enforce violations, which may result in disciplinary action, up to and including termination.

While engaging in social networking activities, employees are prohibited from contributing content that compromises the reputation or goodwill of the BOCC, its employees, citizens, and/or vendors. In addition, employees may not use social media to transmit communications in violation of any applicable local, state, or federal law. Such communications include, but are not limited to, hate mail, obscenities, harassing statements, ethnic slurs, racial comments, off-color jokes, antisocial behavior, defamatory statements, protected health information, pornographic content, and/or county proprietary or confidential information or anything exempt by Chapter 119. Employees should consider the power of their comments and contemplate the impact of their posts on their reputation, and the reputation of the BOCC, before publishing.

The BOCC policies prohibit employees from revealing sensitive, confidential, or proprietary information/documents of the County, its customers, fellow employees, vendors, and business partners. Such policies apply to social networking as well. Employees are prohibited from photographing or audio recording anyone within the BOCC offices or property while on BOCC time for personal use. While engaging in social networking, employees must avoid posts that explicitly or implicitly provide inside information about transactions, business performance, plans, or strategies involving the BOCC.

The BOCC prefers that employees refrain altogether from addressing online BOCC's business, its products/services, or related matters unless authorized to do so for business-related purposes. If an employee elects to address online BOCC business, its products/services, or related matters, he/she must state his or her name and position, must write in the first person, and must make it clear that he or she speaks for himself or herself and not on behalf of the County. Employees assume any risks associated with discussing the BOCC's office and related matters on social networking forums. Only individuals who obtain prior approval from the BOCC can use the County's logo and trademarks in online communications.

Use professional discretion when "friending" former employees. When doing so, recognize that many former employees have online connections with current employees and that information shared between former employees is likely to be seen by current employees as well.

Employees are asked to use good judgment when making and/or accepting "friend" requests to or from coworkers. Employees in supervisor/subordinate relationships are particularly encouraged to use caution, due to the potential for both parties to feel awkward or pressured to accept the request for business purposes and thus potentially impacting the work and social relationship (as well as possibly raising conflict of interest, unequal treatment, discrimination, or similar concerns).

Interacting online with colleagues, customers, and other community members is no different than interacting with these individuals or groups face-to-face. You are expected to maintain the respect, dignity, prudence, and professionalism expected of our employees. No employee shall knowingly conduct any activity that is not in the full spirit of honest and ethical behavior, nor shall any employee cause another employee or non-employee to act otherwise, either through inducement, suggestion, or coercion.

3. Complaints relating to social networking and any violation of this policy may be reported to the Human Resources Department. Violation of this policy by employees can result in disciplinary action, up to and including termination.

4. The BOCC has the right, but not the duty, to monitor any and all aspects of its computer and network systems, including but not limited to, direct and remote monitoring sites employees visit on the internet, reviewing material downloaded or uploaded by employees, and reviewing e-mails sent and received by employees. Employees waive any right to privacy in anything they create, store, send, or receive on their County computer, phone, and/or electronic devices or through the County's network, with County resources, or on the internet.

The BOCC reserves the right to amend this policy.

INFORMATION SYSTEMS USE

POLICY

The County provides employees with access to and use of a variety of Information Systems resources. These resources are provided to employees to allow them to be more efficient, productive, and to have access to information that is necessary to carry out their responsibilities as employees of the County. Employees are expected and required to use these Information Technology resources in a manner consistent with their position with the County.

DEFINITION

Information Systems means any and all computer, electronic or telephonic communication systems that are available for employees to use in the course of their employment. This includes but is not limited to computers, hardware, software, printers, fax machines, telephones, voice mail, email, and Internet access.

GENERAL

All of the Information Systems shall at all times remain the property of the County and are made available by the County for use by its employees to be used for job-related purposes. Any use for non-County business is subject to this Policy, and such non-County use should be incidental, occasional, and kept to a minimum. Any non-County use must not interfere with work and must not result in any additional costs to the County.

Management has the right and the duty to control the County's Information Systems and their use. Consequently, all County personnel are advised that the County reserves the right to monitor the content of electronic communications such as e-mail and voice mail, and the County reserves the right for any purpose, including the enforcement of this Policy to access and disclose any and all information contained in its Information Systems. Employees have no right of privacy with respect to any such information. All employees are on notice that system security features, such as passwords and message delete functions, do not take away the County's ability to review or archive any information. The County reserves the right to access, retrieve, read, and disclose any data, messages, or files stored in the Information Systems for any purposes.

The Information Systems are not to be used in ways that are disruptive or offensive to others. For example, storage, display, or transmission of sexually explicit, suggestive, pornographic, or otherwise offensive images, messages, cartoons, or any other means of communicating such material is strictly prohibited. No messages with derogatory or inflammatory remarks about an individual's race, color, religion, sex, marital status, age, national origin, disability, or handicap or any other characteristic protected from discrimination by federal, State, or local law or regulation shall be transmitted.

All users are personally accountable for messages that they originate or forward using the County's Information Systems. Misrepresenting, obscuring, suppressing, or replacing a user's identity on any communication is prohibited.

Violations of this Policy may result in disciplinary action.

COMPUTERS

Employees are strictly prohibited from using an unauthorized access code, accessing computer files that the employee has no right to access, or any dissemination of confidential information.

All work products created through the use of Information Systems resources are the property of the County. Any material developed, composed, sent, or received using County Information Systems shall remain the property of the County.

All new purchases of computer and/or related peripheral equipment must be processed through and approved by the Information Technology Division to verify validity and compatibility. This does not preclude the purchase of systems approved by the County Manager or Board.

Moving of computer equipment to another location shall first be cleared through Information Technology Division staff. If possible, Information Technology Division staff shall move or supervise moving equipment to ensure the safety of the equipment and correct connections.

Employees shall maintain equipment in good working order by routinely dusting equipment, cleaning monitor screens, and taking care to prevent damage. Employees should take care not to expose computers, keyboards, printers, copiers or other equipment to open beverage containers, food, plants, space heaters or other sources that can cause damage to the equipment.

All software purchases must be approved by the Chief Technology Officer or his/her designee to ensure validity and compatibility. This does not preclude the purchase of software systems which have been approved by the County Manager or County Board.

Employees shall not copy County software without previous written permission of the Chief Technology Officer.

Employees shall not copy unauthorized software to the network or any personal computer's hard drive. Unauthorized software is any software for which the County has not purchased a license and/or any software that has not been approved in writing by the Chief Technology Officer.

To prevent computer viruses from being transmitted through the County's Internet and e-mail system, there will be no unauthorized downloading of any software. All software downloaded or loaded from a disk onto a computer must be registered to the County and may only be downloaded by Information Technology Division staff or with express written permission of Information Technology Division staff. Employees should contact the Information Technology Helpdesk at 248-8004 if they have any questions.

Designated Information Technology Division staff have the authority to audit, without notice, any computer in the County for unauthorized software installations and to immediately remove the unauthorized software installations. Such incidents shall be reported by the Chief Technology Officer to the appropriate Chief Officer/Department Director.

Deliberate attempts to degrade or disrupt system performance will be viewed as criminal activity under applicable State and federal law.

EMAIL

The County's email system is provided for the conduct of County business; therefore, email shall not be used for:

1. illegal activities or activities prohibited by County policies, including sending or receiving copyrighted materials, proprietary information or similar materials without prior legal authorization
2. harassment, threats, or defamation
3. obscene or suggestive messages or offensive graphical images
4. political endorsement
5. commercial activities

Records retention laws apply to email. If a document is prepared in connection with official business of the County to perpetuate, communicate, or formalize knowledge, then it is a public record and should be printed and filed in the appropriate file or stored in electronic form. Such records shall be retained in accordance with the Department's retention schedule in compliance with Public Records Act, Chapter 119 of Florida Statutes, public information requests. E-mails are saved for archival purposes.

Employees who use the County's email system expressly consent to the County's monitoring of messages.

INTERNET

Any information posted on the Internet or sent via the email system must reflect and adhere to all of the County's standards and policies for such communications.

Internet access is provided for the conduct of County business; therefore, the Internet shall not be used for:

1. improper uses listed in the section on email
2. violation of laws
3. downloading programs or files without using virus check software
4. copying commercial software in violation of copyright laws
5. commercial or illegal activity
6. creating a security breach through the introduction of computer viruses or through provision of information which might permit unauthorized access to the system
7. Specific web sites that have no legitimate business purpose will be blocked from access.

An audit trail of access to sites may be maintained by the Information Technology Division to investigate possible violation of County Policy or breach of security. Such violations will be reported to the appropriate Chief Officer/Department Directors. Employees waive any right to

privacy in anything they create, store, send, or receive on their County computer, phone, and/or electronic devices or through the County's network, with County resources, or on the Internet.

It is the policy of our County that non-exempt employees will work only their assigned schedule unless they are provided with specific, prior approval for a schedule change or overtime. Reading, sending, or otherwise working on emails during off duty hours constitutes work and is strictly prohibited without such prior approval. Employees violating this policy are subject to discipline, up to and including termination.

Any additional questions concerning the above internet and email policy should be addressed to the Chief Technology Officer.

CELL PHONE/TABLET USAGE POLICY

This policy regarding cellular phone and tablet usage applies to any device that makes or receives phone calls, leaves messages, sends text messages, browses the Internet, or downloads and allows for the reading of and responding to email whether the device is County-supplied or personally owned. In the remainder of this policy, these devices are collectively referred to as "handheld devices." All device accounts must be created using county email address and personal accounts should not be used for iTunes or Google Play store. Employees who violate this policy will be subject to disciplinary action, up to and including termination of employment.

HANDHELD DEVICES IN VEHICLES

An employee who uses a County-supplied device in a County-supplied vehicle must use the necessary precautions when using a handheld device while driving and must comply with state law. Such precautions include but are not limited to not using your handheld device to receive or place text messages, surf the Internet, check phone messages, or respond to email while driving.

We recognize that other distractions occur during driving, however curbing the use of handheld devices while driving is one way to minimize the risk of accidents for our employees. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees are strongly encouraged whenever possible to pull over to the side of the road and safely stop the vehicle when using a handheld device. Under no circumstances are employees allowed to place themselves or anyone else at risk to fulfill business needs or personal needs. Employees who are charged with traffic violations resulting from the use of their handheld devices while driving will be solely responsible for all liabilities that result from such actions.

WORK SITES

DO NOT use handheld devices while operating moving motorized (maintenance/construction type) equipment. Even a hands-free device will not be authorized while operating this type of equipment.

DO NOT use a handheld device while at any work site during which the operation of a handheld device will be a distraction to the user or other employees and/or may create an unsafe work environment. Handheld devices may only be used by an employee while out of harm's way and with prior permission of a supervisor.

TEXT MESSAGING AND PUBLIC RECORDS RETENTION AND AVAILABILITY

In order to comply with the statutory requirements regarding text messaging and public records retention and availability, all employees who use electronic messaging technologies to communicate through a County issued cell phone are prohibited from downloading any apps other than the one provided by BOCC for County text messaging purposes. According to Chapter 119 of the Florida Statute, the County must accurately capture, store, and make appropriately accessible public records. Because County employees use County issued cell phones to conduct public business, public records are created and the County must capture these messages. Apple iMessage and Message+ should not be used and will be disabled when the device is issued through Information Technology. Should you use your personal equipment for texts relating to County business, you are personally responsible for compliance with the public records law and retention schedules with respect to the use of such device and retention of text messages. Any violations of misuse or non-compliance regarding the usage of unapproved texting apps will result in disciplinary action up to and including termination. The Chief Technology Officer is responsible for the identification, acquisition, and implementation of communication and information technologies that securely capture text messages made or received in connection with the transaction of County business, and for retention in compliance with all applicable laws and County policy

HANDHELD DEVICES AT WORK

The County prohibits unauthorized photography and audio or video recording of its employees, citizens, or BOCC confidential documents. Employees may not use a handheld device in a manner that violates our Discrimination/Harassment Policy, Equal Employment Opportunity Policy, or other County policy.

Other than as used in connection with an employee's job duties, excessive use, as determined by the supervisor or Department/Division Director, of handheld devices and personal computers is prohibited. Other than as used in connection with an employee's job duties, employees are directed to use such devices during their lunch breaks unless they receive prior permission from a supervisor. Excessive use of "personal" handheld devices during the workday can interfere with employee productivity and be distracting to others. Employees are asked to ensure that friends and family members are aware of the County's policy. Flexibility will be provided in circumstances demanding immediate attention. The BOCC will not be liable for the loss of personal handheld devices brought into the workplace.

Appropriate cell phone etiquette should be observed at all times and before entering meetings, handheld devices should be silenced if it is necessary to bring your handheld device to a meeting.

Employees who violate this policy will be subject to disciplinary actions, up to and including employment termination.

SAFETY AND LOSS CONTROL POLICY/WORKPLACE INJURIES

The BOCC recognizes the necessity for a safe and healthy work place, through the adherence to sound safety and health principles. With the assistance of County employees, the BOCC will work to provide a hazard free work environment. Employees can assist by bringing forward any health or safety concerns. Employees may speak with their supervisor or the Risk Management Department about any issues related to safety without fear of reprisal or retaliation. Employees may also receive periodic training on workplace safety and responsible handling of hazardous substances.

Safety rules are published in the Risk Management Program Policies and Procedures Manual to be provided at the time of hiring. The BOCC will continually strive to improve the guidelines and the published rules; employee support in this endeavor is requested through compliance with the rules and by providing suggested improvements.

If an employee sustains a job-related injury or illness, it must **immediately** be reported to the supervisor and our Risk Management Department. This reporting requirement applies to all injuries, no matter how small or insignificant it may appear initially. The County wants to ensure that any injured employee receives prompt and appropriate medical attention. Additionally, the BOCC complies with all federal and state regulatory standards regarding workplace injuries and illnesses. As such, Risk Management must make a timely record of any workplace injuries or illnesses. Risk Management also administers workers' compensation insurance for employees which provides for medical coverage, disability coverage and loss of work time compensation due to a work-related injury.

Employees may report work-related injuries and illnesses without any concerns of adverse employment action or retaliation by the BOCC.

Under Section III see **"Reporting Accidents or Incidents"** as well.

CONTAGIOUS ILLNESS POLICY:

The BOCC owes an obligation to the entire workforce to prohibit employees who have a contagious infectious condition, illness, or injury from working until such time that an infected employee is able to provide Risk Management with a written verification from a licensed physician that the condition is no longer contagious. The BOCC shall work with immense diligence to protect the private health information of the infected employee; however, all employees must also recognize the need to alert other employees of infectious conditions that may have impacted others, particularly those with sensitive medical conditions including pregnancy, immune deficiency conditions, etc. Records of employee medical examinations shall be kept in a separate and confidential file.

PROCEDURE:

1. Employees with a contagious condition(s) that may pose health risks to others agree that they will report such condition(s) to the Risk Management Department for appropriate guidance and management immediately upon learning of the condition(s).
2. An employee who reports for duty with a suspected infectious condition shall be sent home and referred to his/her personal physician for further evaluation. The employee will be allowed to use PTO or Banked Sick Leave to remedy the contagious condition. Following

the medical evaluation, the employee may return to work with a physician's statement that indicates the employee is free of an infectious condition.

3. When reporting for duty after recovering from an infectious condition, the employee shall present the physician's statement to their supervisor and the Risk Management Department that states the employee is free of the infectious condition before being allowed to return to work.
4. No employee shall return to work who has a temperature elevation, draining skin lesions, a communicable rash, or a communicable disease. Such employees may pose a direct threat to the health and safety of the other employees and our customers.

CONFLICT OF INTEREST POLICY

1. No employee shall accept gifts, gratuities or loans from organizations, business concerns, or individuals with whom he/she has or may have official relationships on County business. These limitations are not intended to prohibit the acceptance of articles of negligible value which are distributed generally.
2. Employees shall not volunteer in any activity that could create a conflict between the performance of their job duties with the BOCC and their participation in the volunteer activity.
3. No person seeking appointment to or promotion within the County shall either directly or indirectly give, render or pay any money or other thing of value to any person in connection with an appointment, promotion or proposed appointment or promotion. This prohibition is not intended to prevent payment to a legitimate employment agency.
4. Employees shall not use or attempt to use their position to secure special privileges or exemptions for themselves or others, except as may be provided by written policy or law.
5. Employees shall not disclose confidential information gained by reason of their official position, nor shall they otherwise use such information for their personal gain or benefit. Employees are expected to remain mindful of the confidential nature of many aspects of the work of some departments of the County. Permission from the County Manager or his/her designee is required for release of confidential information.
6. Employees shall not transact any business in their official capacity with any business entity of which they own any interest unless previously disclosed and approved in writing by the County Manager or his/her designee.
7. Employees shall not have personal investments in any enterprise which will create a substantial conflict between their private interest and the public interest.
8. If an employee of the County is an officer, director, agent or member of, or owns any interest in any firm, corporation, partnership or other business entity which is subject to current proceedings of the County, they shall file a sworn statement to this effect with the County Manager.

EMPLOYEE POLITICAL ACTIVITY POLICY

Political action by employees of the BOCC shall be governed by Chapter 104.31 of Florida Statutes. Nothing herein shall be construed to limit or restrict the right or ability of an employee to be involved in political campaigns or other community or political issues during the time an employee is not at work.

NEPOTISM/EMPLOYMENT OF RELATIVES

The BOCC permits the employment of qualified relatives of existing BOCC employees as long as such employment does not, in the opinion of the BOCC, create actual or perceived conflicts of interest. For purposes of this policy, employment of County employees is governed by the state nepotism law. Relatives are defined 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, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother or half-sister. The BOCC will exercise sound business judgement in the placement of related employees in accordance with the following guidelines:

1. Relatives (blood, adoption, or marriage) are permitted to work in the same department but may not be directly or indirectly supervised by a family member (blood, adoption, or marriage).
2. Employees who marry while employed are treated in accordance with these guidelines. That is, if, in the opinion of the BOCC, a conflict or apparent conflict arises as a result of the marriage, one of the employees will be transferred, or may have to leave the employment of the BOCC, at the earliest practical time.
3. In addition, the BOCC recognizes that at times employees and their "close friends," or "significant others" may be assigned to positions that create a coworker or supervisor-subordinate relationship. The BOCC will, at its discretion, exercise sound judgment with respect to the placement of employees in these situations in order to avoid the creation of a conflict or the appearance of a conflict of interest, avoid favoritism, or the appearance of favoritism, and decrease the likelihood of harassment in the workplace.

CONSENSUAL ROMANTIC RELATIONSHIPS AMONG COWORKERS

The BOCC prohibits romantic or sexual relationships between a management or other supervisory employee and his or her staff (an employee who reports directly or indirectly to that person) because such relationships tend to create compromising conflicts of interest or the appearance of such conflicts. In addition, such a relationship may give rise to the perception by others that there is favoritism or bias in employment decisions affecting the staff employee. Moreover, given the uneven balance of power within such relationships, consent by the staff member is suspect and may be viewed by others or, at a later date, by the staff member him/herself as having been given as the result of coercion or intimidation. The atmosphere created by such appearances of bias, favoritism, intimidation or coercion or exploitation undermines the spirit of trust and mutual respect that is essential to a healthy work environment.

The BOCC discourages romantic or sexual relationships between all employees. Such relationships can complicate working associations with other employees and limit an employee's eligibility for transfer or promotion. Personal conflicts from outside the work environment can

also be carried over into day-to-day working relationships. Employees in a close personal relationship should refrain from public workplace displays of affection or excessive personal conversation.

If any supervisory or management employee enters into a consensual relationship that is romantic or sexual in nature with a member of his or her staff (an employee who reports directly or indirectly to him or her), both parties must notify their manager. This requirement does not apply to employees who do not work in the same department or parties who do not supervise or otherwise have management responsibilities over others. Although the parties may feel that what they do during non-working hours is their business and not the business of the office, because of potential issues regarding "quid pro quo" harassment, this is a mandatory requirement. Once the relationship is made known to the BOCC, the Chief Officer/Department Director and the Chief Human Resources Officer will review the situation in light of all the facts (reporting relationship between the parties, effect on co-workers, job titles of the parties, etc.) and will determine whether one or both parties need to be moved to another job or department. That decision will be based on which move will be least disruptive to the BOCC as a whole.

If it is determined that one or both parties must be moved, but no other jobs are available for either party, one or both parties may be terminated.

This policy applies to all employees without regard to the gender of the individuals involved.

STATEMENT ON GENERAL LAW

Any State, Federal or local issues which become law will be enforced and/or administered according to provisions of the act.

SECTION VII: DISCIPLINARY PROCEDURES

SAMENESS vs CONSISTENCY POLICY

The County strives to ensure fair treatment of all employees. It is in the best interest of our County to ensure that disciplinary and corrective actions are prompt, consistent and impartial and most importantly, correct the problem, prevent recurrence and prepare the employee for satisfactory service in the future.

It is important that employees realize that the same infraction committed by different employees holding different positions may, at times, result in different corrective action procedures. It is the responsibility of the managers and Human Resources Department to review the totality of events, including the tenure, performance record, and previous unrelated infractions of the individual(s) involved to ensure that the corrective action or termination decision is reasonable and appropriate for the offense. The goal is to administer corrective actions in a manner that best serves the BOCC and results in satisfactory performance.

PROGRESSIVE DISCIPLINARY PROCEDURES

Public employment requires public trust. This is gained by diligent, honest and law abiding employees who provide respectful service for the citizens, consistent with County policies, as their primary mission. Bay County expects all of its employees to meet reasonable expectations of employment. The ethical obligations of public service employees go beyond mere legal obligations, and demand from each employee a greater sensitivity to the potential ramifications of the employee's conduct, as well as the public's perception of such conduct.

When employees fail to meet these expectations of public employment, they may be subject to disciplinary action. An employee who is arrested for a matter more serious than a minor traffic offense must notify his/her supervisor of such arrest prior to the start of his/her next scheduled work shift, or within 48 hours, whichever is sooner. Failure to do so is a terminable offense.

The BOCC generally follows a policy of progressive discipline. The purpose of a progressive disciplinary process is to give the employee adequate notice and opportunity to correct any deficiencies and focus on prevention of future violations rather than on punishment. Depending on the severity of the infraction, however, exercise of the progressive disciplinary process may not be justified. During the investigation into a possible disciplinary action, employees are obligated to cooperate by answering all questions asked of them by their supervisors, Human Resources, or legal counsel, completely and truthfully or they will be disciplined for refusing to cooperate, up to and including termination.

Signing a written counseling or any other disciplinary document is only intended to confirm receipt and does not constitute an admission that the employee agrees with the action taken. Refusal to sign a written counseling or any other disciplinary document may result in further disciplinary action, up to and including termination of employment. Employees can submit a written rebuttal to the Human Resources Department within five (5) business days of receiving a written counseling or other disciplinary document and it will be inserted into their personnel file.

1. Informal Coaching

Informal coaching is a brief informal discussion between a supervisor and an employee concerning the need to improve in such areas as attendance, work performance, conduct, behavior, initiative, safety or any other area that may be identified. Informal coaching may include corrective feedback or referral for additional training. Generally, the outcome of a coaching session is not formally documented; however, supervisors are encouraged to make an informal note for placement in the employee's file at the department level.

Should the performance or behavior continue, the next step should at least be verbal counseling.

2. Verbal Counseling

Verbal Counseling is a formally documented session between the employee and supervisor using the County Disciplinary Procedure form identifying the performance or behavior the employee is exhibiting or lacking in and the expectations the supervisor has for the employee. During this process, the supervisor informs the employee of the reasons for the discipline and concentrates on gaining the employee's agreement to change/improve his/her behavior in accordance with accepted performance standards. The original signed form should be sent to the Human Resources Department for placement in the employee's personnel file and a copy should be provided to the employee.

3. Written Warning

A Written Warning is a more serious form of the progressive disciplinary process. When issuing a written warning using the County Disciplinary Procedure form, the supervisor holds a formal disciplinary discussion with the employee about the problem and explains that the employee must take full responsibility for his/her own behavior and performance. The original signed form should be sent to the Human Resources Department for placement in the employee's personnel file and a copy should be provided to the employee.

4. Performance Improvement Plans

When an employee's performance or behavior warrants increased attention to the infraction or when increased monitoring of the employee's performance or behavior is required, a supervisor with concurrence of the Chief Officer/Department Director may place the employee on a Performance Improvement Plan (PIP) for up to six (6) months. Supervisors should make it clear that it is ultimately the employee's responsibility to improve and maintain his/her performance or behavior. If any portion of the Performance Improvement Plan is violated at any time during the specified timeframe, or if improvement is not seen or maintained, further disciplinary action up to and including termination of employment may occur. The original signed Performance Improvement Plan should be sent to the Human Resources Department for placement in the employee's personnel file and a copy should be provided to the employee.

PIP's are generally not utilized while the employee is on probationary status. If the employee's performance or behavior does not meet standards, the probationary period may warrant a probationary extension or dismissal.

5. Suspension Without Pay

Suspension is a more severe action that may be used to continue investigations and/or for constructive improvement. Suspensions are issued when it is determined that a second warning would not suffice or that an initial incident is too severe for a warning yet not severe enough for dismissal.

A responsible Supervisor with concurrence of the Chief Officer/Department Director may, for disciplinary purposes, suspend without pay any employee under his/her supervision for a period of up to three (3) days with the approval of the Chief Human Resources Officer or his/her designee. A responsible supervisor with concurrence of the Chief Officer/Department Director may, for disciplinary purposes, recommend to the County Manager through Chief Human Resources Officer a suspension without pay for any employee under his/her supervision for a longer period of time. The County Manager or his/her designee must approve all recommended suspensions in excess of three days. A written statement on the County Disciplinary Procedure Form must specifically set forth reasons for and the length of time of such suspension and shall be maintained in the employee's personnel file in the Human Resources Department. A copy should be provided to the employee.

Supervisors should schedule suspensions in the middle of the work week whenever possible so the employee does not benefit from a prolonged weekend.

6. Job Abandonment

Employees who, without valid reason, fail to report to work for three (3) consecutive days/shifts without authorized leave, shall be separated from County employment. In such instances, the County will consider these employees to have abandoned their position voluntarily. Reemployment of such employees is at the discretion of the Chief Officer/Department Director with approval from the Chief Human Resources Officer and the County Manager or his/her designee.

7. Dismissal During Probationary Period

Any time during the probationary period, the responsible supervisor, with concurrence of the Chief Officer/Department Director and approval of the County Manager, may terminate an employee if, in his/her opinion, the working test period indicates that such an employee is unable or unwilling to perform the duties of the position satisfactorily or that his/her behavior or lack of dependability does not merit continuing his/her employment.

Probationary status employees are not eligible to request a pre-termination hearing.

8. Dismissal of Non-Probationary Employees

An employee's employment may be recommended for termination after other disciplinary measures have failed, when an employee's poor work performance shows no substantial improvement despite attempts by the Chief Officer/Department Director, Division Manager, and/or immediate supervisor to resolve the problem with the employee, or when a first-time incident occurs that is extremely serious, or when an employee's actions irrevocably frustrate the relationship of the employee with management (including, but not limited to theft, fraud, gross insubordination, etc.). An employee may be recommended for termination at any time regardless of any progressive steps if he or she commits an offense for which, in management's

judgment, the employee's continued presence would be contrary to the well-being of the County or its employees. The Human Resources Department should be consulted in all cases of discipline or potential dismissal. The Human Resources Department will advise the respective department of the best way to manage the particular situation, including documentation requirements and advice on notice requirements.

9. Pre-Termination Hearing

All non-probationary County employees, other than temporary or OPS, have the right to a Pre-Termination Hearing before the County Manager or his/her designee when they are being recommended for termination. If a non-probationary employee chooses to pursue a Pre-Termination Hearing, he/she must request the hearing by contacting the County Manager's Office in writing. The request for a Pre-Termination Hearing must be received by the County Manager's Office within five (5) business days from the date the non-probationary employee receives the Recommendation for Termination. The non-probationary employee will be placed on Administrative Leave with pay for a period of up to five days from receipt of the Recommendation of Termination Letter until the Pre-Termination Hearing is confirmed by the County Manager's Office. If a Pre-Termination hearing is requested, the employee will remain on administrative leave with pay until the County Manager or his/her designee renders a final decision addressing the recommendation.

Upon receipt of the non-probationary employee's request, the County Manager's Office will schedule a Pre-Termination Hearing and advise the non-probationary employee of the date and time. During the Pre-Termination Hearing, the non-probationary employee will have an opportunity to present any facts, information, and/or documents to the County Manager that he/she believes are necessary for the County Manager to evaluate the Recommendation for Termination. If the recommendation for termination is submitted via mail, the employee is provided seven (7) business days from the date the letter is mailed. He/she may be represented by legal counsel at the hearing. Should the employee choose to be represented by legal counsel, the employee must notify the County Manager's Office within five (5) business days of the pre-termination hearing, so that they can plan accordingly. The County Manager or his/her designee will review all the facts, information, and/or documents provided during the Pre-Termination Hearing, and render a decision to overturn or uphold the Recommendation for Termination within ten business days from the date of the hearing.

The decision of the County Manager or his/her designee will be final and binding upon the non-probationary employee, and will not be subject to any further appeals.

SECTION VIII: EMPLOYEE COMPLAINTS AND GRIEVANCES

The Bay County BOCC is committed to providing fair treatment to all employees and will ensure each concern is handled in an efficient and equitable manner. When an employee receives discipline, excluding termination, which he/she believes is unwarranted or too severe for the conduct involved, he/she is encouraged to discuss concerns with his/her supervisor without fear of reprisal prior to filing a grievance for these reasons. It is the intent and desire of the County to address complaints informally. Both supervisors and employees are expected to make every effort to resolve problems as they arise through the chain of command, except where there is an acceptable reason for not doing so.

The primary purpose of this grievance procedure is to determine what is right rather than who is right. Open discussion between employees and supervisors will serve to identify and help eliminate conditions which may cause misunderstandings and grievances. Supervisors and employees alike must recognize the true purpose of the grievance procedure if it is to be of value in promoting the wellbeing of the County.

Regular full-time and regular part-time employees shall be eligible to file a grievance under these provisions following completion of the employee's initial probationary period or extended probationary period. OPS, temporary employees, Division Managers, Department Directors and Chief Officers shall not have access to the grievance procedure set forth herein.

An employee who resigns from County employment shall be deemed to have waived the right to initiate or to process a grievance under the provision of this section.

Nothing in the grievance procedure shall be construed to prevent discussions, meetings to clarify facts in the case, or resolve the grievance within the time limits.

NON-GRIEVABLE AREAS

1. Issues which are pending or have been concluded or governed by other administrative or judicial procedures.
2. Work assignments or tasks, which are not a demotion or do not reduce salary.
3. Budget allocations, supervisor changes, and organizational structure.
4. The content or rating of a performance evaluation.
5. The selection of an employee to fill a position through appointment, promotion, reclass, or transfer.
6. Adverse actions involving demotions due to organizational changes, a reduction in the work force due to lack of funds or organizational changes and reclassification.
7. Any matter which is not within the jurisdiction or control of the BOCC.
8. Decisions, policies, practices or resolutions of the BOCC, which are not job or work specific.
9. Position classifications, reclassifications, eliminations or allocations.
10. Scheduling and hours of work.

GRIEVANCE PROCEDURE

A grievance Committee consisting of two (2) employees from management, three (3) employees from non-management, and four (4) alternates will be appointed by the County Manager. Members will elect a Chairperson from among the Committee each time the Committee convenes to address the grievance. The term of a Grievance Committee appointment will be for two (2) years.

The Chairperson will have control of the proceeding and shall take whatever action is necessary to insure an equitable, orderly, and expeditious hearing. The Committee is to select a Recorder who will take detailed notes and write the final recommendation for the Committee. The Chief Human Resources Officer or Designee is at the meeting only to answer policy and procedural questions, and cannot serve as a Committee member.

The grievant may be accompanied by another person if he/she so chooses, but the person can only observe. He/she is not allowed to speak on behalf of the employee unless that person is serving as a witness and is requested to speak by the Committee.

The Committee shall have the authority to call for files, records, and papers pertinent to any investigation to determine the order of the testimony and the appearance of witnesses and to call additional witnesses.

Committee positions which become vacant should be filled on an interim basis with an employee from the same department, if possible, for the remainder of the unexpired term. Whenever a grievance comes before the Committee initiated by or involving an employee of a department of which a Committee member also is an employee, such member shall be recused from participating in the hearing and an alternate will be appointed.

The following established procedure does not preclude and is not intended to discourage the employee from first discussing the issue with his/her immediate supervisor informally and verbally and is strongly encouraged to do so prior to proceeding with the grievance procedure. The employee should discuss the issue with the immediate supervisor in an atmosphere of cooperation and problem resolution as an on-going process in the employment relationship.

All grievances and decisions must be in writing and issued within the prescribed time limits. All Grievants must utilize the Bay County Employee Grievance Forms for every Step.

Step 1: The Responsible Supervisor(s)

- a. An employee having a grievance shall, within five (5) working days following the first occurrence giving rise to the grievance, submit to his/her supervisor a completed Grievance Form, setting forth specifically the complete facts on which the grievance is based, the specific provision or provisions of the policy that were allegedly violated and the relief requested.
- b. The supervisor or his/her designee, should meet with the employee to discuss the grievance and may call lower level supervisors into the discussion in an effort to achieve a prompt resolution of the grievance. The supervisor shall communicate a decision to the grievant in writing on the same form provided by the grievant within five (5) working days of meeting with the employee.

Step 2: Division Manager/Director

- a. If the grievance is not resolved at Step 1 and the employee desires additional review, the employee shall submit the completed Step 2 Grievance Form along with a copy of the Step 1 Form to the Division Manager/Director within five (5) working days after receipt of the decision at Step 1.
- b. The Division Manager/Director should meet with the employee to discuss the grievance and shall communicate a decision in writing on the same Step 2 Form provided by the grievant within five (5) working days of meeting with the employee.

Step 3: Chief Officer/Department Director

- a. If the grievance is not resolved at Step 2 and the employee desires additional review, the employee must submit the completed Step 3 Grievance Form along with a copy of Step 1 & 2 Forms to the Chief Officer/Department Director, within five (5) working days after receipt of the decision at Step 2.
- b. Upon receipt by the Chief Officer/Department Director, the employee will be given the opportunity to explain his/her position to the Chief Officer/Department Director or his/her designee. After considering all the information, the Chief Officer/Department Director shall communicate a decision in writing on the same Step 3 Form provided by the grievant within five (5) working days of meeting with the employee.

Step 4: The County Manager or his/her Designee for referral to the Grievance Committee

- a. If the grievance is not resolved at Step 3 and the employee desires additional review, the employee must submit the completed Step 4 Form along with a copy of Step 1, 2, & 3 Forms to the County Manager or his/her Designee on the designated form provided by Human Resources within five (5) working days after receipt of the decision at Step 3.
- b. Upon receipt of the grievance by the County Manager, he/she will approve a meeting of the Grievance Committee through the Chief Human Resources Officer or his/her Designee. The employee will have the opportunity to present his/her grievance personally to the Grievance Committee in the presence of his/her Chief Officer/Department Director and/or other supervisor(s), and the Chief Officer/Department Directors and/or supervisor(s) in turn, will have the opportunity to present their comments relative to the grievance.

The Grievance Committee shall conduct such investigation(s) and fact finding(s) as may be necessary in a timely manner. The Committee will submit its written recommendation to the County Manager or his/her designee within 21 calendar days from the date of the hearing. The County Manager shall then issue a final ruling on all grievances. The decision, upon becoming final, shall be transmitted in writing via the Grievance Committee Recommendation Form, to the parties concerned (Employee and Responsible supervisor(s)) within five (5) working days thereafter. The County Manager's decision is final and binding and cannot be appealed in any manner.

It is the primary function of the Human Resources Department to advise and assist employees. Therefore, employees should feel free to seek the help of the Human Resources Department in explaining the grievance process or in filling out a grievance form.

The County is hopeful that if the need ever arises, employees will use the grievance policy after they have been unsuccessful in resolving the matter through their chain of command.

TIME LIMITS

Failure to initiate a grievance within the time limit specified above shall be deemed a waiver of grievance.

Failure at any step of this procedure, by the employee, to submit a grievance to the next step within the specified time limit shall be deemed to be acceptance of the decision at that step and thereby waives all further action as to the matter.

Failure at any step by the supervisor, Division Director, Chief Officer/Department Director, of this procedure to communicate the decision of a grievance within the specified time limit shall permit the employee to proceed to the next step.

The number of days indicated at each step should be considered as a maximum and every effort should be made to expedite the process. However, the time limits specified in any step of the procedure may not be waived unless the lack of timeliness results from circumstances over which the employee or supervisor has no control.



PERSONNEL POLICIES ACKNOWLEDGEMENT

This is an acknowledgement that I have received my copy of the Personnel Policies for Employees of BOCC. I understand and agree that it is my responsibility to read, familiarize myself with, and abide by, the policies and procedures contained herein.

PRINT FULL NAME

EMPLOYEE SIGNATURE DATE

WITNESS SIGNATURE DATE