

CLAY COUNTY
BOARD OF COUNTY COMMISSIONERS
PERSONNEL POLICIES MANUAL

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CLAY COUNTY
BOARD OF COUNTY COMMISSIONERS
PERSONNEL POLICIES MANUAL

INTRODUCTION

0.01 INTENT

It shall be the intent of the Board of County Commissioners that:

- A. The employees of Clay County are productive individuals who perform useful service.
- B. There shall be no employee on the County payroll for which there is no employment need.
- C. There shall be no individual, group or faction that the County employs who shall create disharmony, unrest, disquiet, institute rumors or by any other act cause dissension and inefficiency in County government.
- D. All managers and employees shall comply with and assist in carrying out the personnel program, including the reasonable furnishing of records and information at the request of the County Manager or his designate.

0.02 SCOPE

The personnel policies, regulations and procedures, as adopted, shall apply to all personnel falling under the jurisdiction of the Board of County Commissioners and any other agency, board or department which so requests. Each department may have a policy manual detailing operational procedures for that department. To the extent that any such procedural manual is in conflict with this Personnel Policies Manual, this manual will prevail.

0.03 AMERICANS WITH DISABILITY ACT (ADA) POLICY STATEMENT

The Americans with Disabilities Act of 1990 ("ADA") prohibits discrimination against individuals with disabilities because of their disabilities. The ADA applies to the Clay County Board of Commissioners ("BCC"). Therefore, we intend to ensure that individuals with disabilities who are employed by us, as well as persons applying for jobs with us, are treated fairly and given opportunities equal to those provided to others working or seeking to work here.

The ADA prohibits discrimination against people with disabilities in every aspect of employment.

- 1. Recruitment, advertising, and job application procedures;
- 2. hiring, upgrading, promotion, demotion, transfer, layoff, termination and right of return from layoff;

3. rates of pay or any other form of compensation and changes in compensation;
4. job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists;
5. leaves of absence, sick leave, or any other leave;
6. fringe benefits by virtue of employment, whether or not administered by the employer;
7. selection and financial support for training, including apprenticeships, professional meetings, conferences and other related activities, and selection for leaves of absence to pursue training;
8. activities sponsored by the employer, including social and recreational programs; and
9. any other term, condition, or privilege of employment.

The ADA requires that we do not exclude or isolate persons with disabilities; be willing to modify the format of applications (such as putting them in big print or on audio tape) or to offer assistance in completing them; hold testing and interviewing in accessible locations (so people who use wheelchairs can participate, for example); provide accurate information about the abilities and skills of individuals with disabilities when conducting tests and interviews; provide reasonable accommodation so that an individual with a disability can perform the essential functions of his or her job; and engage in other actions that will make it easier for people with disabilities to participate in the life of the BCC departments.

The BCC is committed to complying with these ADA requirements. We encourage all employees to help us achieve this objective. If you believe that you or someone else has been discriminated against on the basis of disability or if you have any questions, concerns or suggestions relating to the ADA, contact the Human Resources Department.

The ADA does not require that we give preferential treatment to individuals with disabilities or lessen our qualification standards. The law does require that we consider reasonable modifications regarding how qualified individuals with disabilities demonstrate their abilities and skills and do the essential functions of their jobs. We should all work together to see that such opportunities are available for persons with disabilities.

0.04 EQUAL EMPLOYMENT OPPORTUNITY

The Board of County Commissioners, Clay County, is committed to the principles of equal employment and affirmative action, and will assure compliance with all Federal and State laws concerning discrimination in employment.

All managers and supervisors are responsible for assuring that employment, promotion and development decisions are based on the principle of equal treatment. To this end, we will continue to recruit, select, train, hire, compensate, promote and deal with all applicants and employees equally and fairly without discrimination due to race, color, sex, age, national origin, ancestry, religion, disability, sexual preference or marital status.

0.05 CLAY COUNTY SEXUAL AND RACIAL HARASSMENT POLICY

It is the policy of *Clay County* that all employees have a right to work in an environment free of discrimination, which encompasses freedom from sexual and racial harassment. The *County* strongly disapproves of sexual or racial harassment of its employees in any form, and states that all employees at every level of the *County* must avoid offensive or inappropriate sexual or racial comments or other harassing behavior at work and will be held responsible for insuring that the workplace is free from sexual and racial harassment.

Specifically, the *County* prohibits the following:

- Unwelcome sexual advances,
- Requests for sexual favors, whether or not accompanied by promises or threats with regard to the employment relationship,
- Other verbal or physical conduct of a sexual nature made to an employee that may threaten or insinuate either explicitly or implicitly that any employee's submission to or rejection of sexual advances will in any way influence any personnel decision regarding that person's employment, evaluation, wages, advancement, assigned duties, shifts or any other condition of employment or career development,
 - Any verbal or physical conduct that has the purpose or effect of substantially interfering with the employee's ability to do his or her job,
 - Any verbal or physical conduct that has the purpose or effect of creating an intimidating, hostile or offensive working environment.

Such conduct may result in disciplinary action up to and including dismissal. Other sexually or racially harassing conduct in the workplace, whether physical or verbal, committed by supervisors or non-supervisory personnel is also prohibited. This behavior includes, but is not limited to, commentary about an individual's body, sexually degrading words to describe an individual, racial slurs, offensive comments or actions, off-color language or jokes, innuendoes, and sexually suggestive objects, books, magazines, photographs, cartoons or pictures.

Employees who have complaints of sexual or racial harassment by anyone at work, including any supervisors, co-employees, or visitors are urged to report such conduct to **County** officials so that the **County** may investigate and resolve the problem. Employees may bring such matters to the direct attention of their supervisors or to the Human Resources Director/County Coordinator. If the complaint involves the employee's supervisor or someone in the direct line of supervision, or if the employee for any reason is uncomfortable in dealing with his or her immediate supervisor, the employee may go to another supervisor or directly to the Human Resources Director/County Coordinator.

The **County** will endeavor to investigate all complaints as expeditiously and as professionally as possible. Where investigations confirm the allegations, appropriate corrective action will be taken.

The **County** will make every attempt to maintain the information provided to it in the complaint and investigation process as confidentially as possible.

There will be no retaliation against employees for reporting sexual or racial harassment or assisting the **County** in the investigation of a complaint. However, if after investigating any complaint of harassment or unlawful discrimination, the **County** learns that the complaint is not bona fide or that an employee has provided false information regarding the complaint, disciplinary action may be taken against the individual who provided the false information.

0.06 COUNTY SERVICE

The County Service shall be comprised of Non-Exempt Service and Exempt Service. Non-Exempt Service shall consist of all existing positions and any positions hereinafter created in the County, and paid from regular salary accounts, with the following exemptions:

- A. The Board of County Commissioners and any position which may be declared Exempt by the Board.
- B. Other elected officials.
- C. Members of Boards, Committees and Commissions.
- D. Persons employed in a professional capacity on a contractual fee or retainer basis or hired to perform temporary services, investigations or inquiries on behalf of the County Commissioners or a committee thereof or other elected officials or persons paid from sources other than a regular salary account.

0.07 HUMAN RESOURCES DEPARTMENT

It is the responsibility of the Budget, Finance and Personnel Committee to render service to the County government in the fields of personnel management and employee relations, by recommending to the Board the adoption of appropriate policies and regulations.

The Human Resources Director will implement and administer such policies and regulations as adopted by the Board of County Commissioners.

0.08 HUMAN RESOURCES DIRECTOR/COUNTY COORDINATOR

The Human Resources Director/County Coordinator will supervise and direct the administration and technical functions of the personnel program as delegated by the County Manager. In addition to the duties imposed upon him by these personnel policies and regulations, it shall be his responsibility to:

- A. Apply and carry out personnel policies and regulations, as adopted by the Board of County Commissioners.
- B. Establish and administer procedures to implement personnel policies and regulations adopted by the Board of County Commissioners.
- C. Foster and develop, in cooperation with supervisors, elected officials and other interested parties, programs for the improvement of employee effectiveness and morale.
- D. Establish and maintain personnel records.
- E. Conduct evaluations and exit interviews to determine the effectiveness of the personnel program, and submit a report of findings and recommendations to the County Manager.
- F. Ensure that all personnel have been employed in accordance with applicable provisions of personnel policies, regulations and procedures, and be informed of all payroll changes.
- G. Oversee the negotiation of Bargaining Unit agreements.
- H. Develop and administer tests for employee selection, as appropriate or appoint a designate.
- I. Perform any other lawful acts which he may consider necessary to carry out the purpose and provision of the personnel policies, regulations and procedures.

0.09 NEW PERSONNEL POLICY REVISIONS

The County Manager, with the advice and assistance of the Human Resources Director/County Coordinator, shall prepare and submit to the Budget, Finance and Personnel Committee for that Committee's recommendation or revision, prior to review by the Board of County Commissioners, revised or additional personnel policies and regulations covering the County Service.

GENERAL POLICIES

1.01 COUNTY SERVICE OPPORTUNITY

It is the policy of the Board of County Commissioners that County Service will offer employees the following:

- A. Career opportunities removed from job insecurity due to favoritism, nepotism or discrimination due to race, color, religion, sex, national origin, disability, age, or marital status.
- B. Career opportunity based on qualifications and job performance and removed from favoritism, nepotism or discrimination due to race, color, religion, sex, national origin, disability, age, or marital status.
- C. Career opportunity for promotions for existing County employees to fill vacant positions provided employees meet the required education, skills, knowledge and abilities of the vacant position.

1.02 POLITICAL ACTIVITY

- A. No employee shall use his or her official authority as an employee to influence or attempt to influence, coerce or attempt to coerce a political body or to in any way interfere with any nomination or election of any person to any public office.
- B. Any employee desiring to run for a public office is reminded of the provisions of Florida Statute 99.012: provided, any such employee must, at a minimum, either resign or take a leave of absence without pay, at the employee's option, upon qualifying to run. If the employee elects to take a leave of absence without pay, the employee may also elect to use any and all annual leave available to him/her prior to the leave of absence without pay except as otherwise stated by Florida law.
- C. The use of Clay County employee work time or equipment, supplies or funds to assist candidates for public offices is prohibited.

1.03 OTHER EMPLOYMENT

Full-time employees are discouraged, but not restricted, from engaging in other employment during their off-duty hours. However, County employment must be considered the primary employment and no employee may engage in outside employment which could interfere with the

performance of his/her County duties or be in conflict with the interest of the County.

Authorization for off-duty employment shall be requested in writing to the Department Head and Human Resources Director to ascertain that there is no conflict with their job duties. Written approval must be granted before off-duty work begins. If the employee does not obtain proper approval within 30 days of the outside employment, it could be grounds for termination.

1.04 USE OF COUNTY RESOURCES

Equipment, facilities, vehicles or property of the County shall not be used by employees for any reason other than County business.

1.05 CONFLICT OF INTEREST

A. Personnel in a position to influence County actions shall refrain from business, professional and other relationships which may affect the exercise of their independent judgment in dealing with County suppliers of goods or services or with other public agencies (this section is not meant to prohibit such incidentals as lunch, dinner or minor social activity).

B. An outside personal economic relationship which affords present or future financial benefits to an employee, his family or to individuals with whom he has business or financial ties, may be considered a conflict of interest requiring evaluation by the County Manager when:

1. The employee is engaged in a private business or financial relationship which may secure advantage of goods, services or influence due to the position of the employee with the County.
2. The employee designates sources for procurement or procures parts, materials, services, supplies and facilities by purchase or lease, or sells or leases to the County in his/her own name or in the name of others.
3. The employee acts as director, officer, agent, sole proprietor, partner, stockholder (if owning in excess of ten percent of securities outstanding), employee, paid consultant or advisor to a supplier of the County or with other public agencies.

C. An employee having a conflicting outside personal economic or employment relationship, under the conditions specified above, shall disclose in a written statement to his Department Head or the County Manager, as applicable at six month intervals, the nature and scope of his outside personal economic or employment interest and the extent of financial benefit received. If the employee is in doubt about being engaged in a conflict of interest, it is the employee's responsibility to seek clarification from his/her Department Head, or the County Manager, as applicable. The Department Head shall notify the County Manager and the Human Resources Director.

- D. If a conflict of interest is found to exist, the Human Resources Director will resolve the matter with the employee. If the conflict cannot be resolved, then the employee will have to leave the County's employ. Statements of employee's outside economic or employment interest shall be transmitted by Department Heads to the County Manager and the Human Resources Director.
- E. Employee acceptance of any item of value greater than \$100.00 per year from all sources, in the form of loans, advances or other gifts, gratuities, favors and entertainment from a supplier, bidder, other parties doing business with the County government or a non-related County employee (such as a Supervisor or Department Head) is forbidden.

1.06 DISCLOSURE OF INFORMATION

Information which is obtained in the course of official duties shall not be released by any employee other than those charged with this responsibility as a part of their official duties, and must be approved by the County Manager before release.

1.07 FAMILY EMPLOYMENT RESTRICTIONS

Family members shall not be selected or retained for employment in positions in which they play a part in the hiring, firing, promotion or advancement of another family member. "Family Member" means blood, marital or step-relative, including without limitation, spouse, mother, father, son, daughter, sister, brother, uncle, aunt, first cousin, nephew, niece, father-in-law, mother-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother or half sister or any other legally recognized ward. If two employees become married to each other resulting in the above circumstance occurring, one will have to leave the employ of the Board of County Commissioners if another position is not available.

1.08 NO SOLICITATION/NO DISTRIBUTION

Per Board of County Commissioners Policy 90/91-2 employees and non-employees may not solicit for any purpose or distribute or circulate any printed material in any work area at any time. In addition, employees may not solicit for any purpose or circulate any printed material in non-work areas during work time concerning matters other than those directly related to the County's business. (Working time does not include lunch periods, break periods or other specified times during the day when full attention to work is not required). The sole exception to this policy is County sponsored support of established charity drives. Employees are not under any compulsion to contribute to such causes and the amount of their contribution will be held in strict confidence.

1.09 NO SMOKING

In an effort to protect the employee and public health, comfort and environment the County is committed to complying with the provisions of the Florida Clean Indoor Air Act (F. S. 386) which prohibits smoking and the use of smokeless tobacco in all government buildings. In addition, the Board of County Commissioners has designated all county vehicles as no smoking areas. See No Smoking Policy Sec. 18.0 (pg. 93)

1.10 EMPLOYEE RELATIONS WITH MANAGEMENT

The Clay County Board of County Commissioners prefers an environment where employees are free to deal openly and directly with management. The right of employees to think and speak for themselves as individuals is and will be respected. It is not now necessary, nor will it ever be necessary, for employees to be represented by a union in order to be fairly treated.

To assure a union-free environment, Clay County is committed to:

- ***Maintaining total compensation (pay and benefits) that is externally and internally equitable;
- ***Urging all supervisors to remain easily accessible to employees and be responsive to their needs;
- ***Insisting upon a demonstrated respect for the individual employee and his/her contribution to the citizens of Clay County;
- ***Maintaining active programs of communications to provide employees with an understanding of the work of Clay County as it relates to their job and career;
- ***Maintaining published formal mechanisms that assure a fair hearing for employee complaints and grievances, without threat of reprisal, and which offer assurances that honest efforts will be made to remedy any wrong.

We feel certain that, as long as we make sure these conditions exist, County employees will prefer to deal directly with management. In view of this, Clay County will oppose any attempt by any group to interfere with this direct working relationship in any County operation.

Despite this preference, the County will conduct any relations with any existing union(s) in a good faith, non-discriminatory manner and adhere to all applicable laws.

EMPLOYMENT AND TRAINING

2.01 EMPLOYMENT

A. Original Employment.

When a person is initially employed in a position in County service, either on a full-time or part-time basis, he/she shall be employed in one of the following types of original employment status:

1. Regular employee.
2. Limited assignment employee.
3. Temporary employee.

B. Types of Employment.

1. Regular.

- a. Regular employment will be made to a classification for a budgeted career position.
- b. A regular full-time employee shall be eligible to accrue all County fringe benefits immediately upon establishing a continuous service date.
(Exception: Health insurance which has a 30 day waiting period and dental insurance which is available following the County's open enrollment held once a year.)
- c. A regular part-time employee, working less than 25 hours per week, shall not be eligible for County fringe benefits.

2. Limited Assignment.

- a. Limited assignment employment may be made to fill positions for which leaves of absence are granted to regular employees or when the work of a department requires the services of an employee on a seasonal or intermittent basis.
- b. A limited assignment employee shall not be allowed to serve for more than six consecutive months or, in the case of intermittent employment, for more than 1,040 hours during any twelve month period.
- c. The limited assignment employee shall be eligible for participation in the retirement and Social Security plan.

d. Should a limited assignment employee subsequently become employed as a "regular" employee, he/she will be eligible for County fringe benefits as of that date.

3. Temporary.

a. Temporary employment may be made when the work of a department requires the services of an employee for a total of four months or less on a consecutive or intermittent basis or for a longer period if the employee is a full-time student or the position meets the state test as a casual labor position.

b. A temporary employee shall not be eligible for County fringe benefits.

c. A temporary employee shall be approved by the County Manager.

2.02 INTRODUCTORY PERIOD

- A. The first three months (90 calendar days) of County Service, promotion or transfer shall be considered an introductory period for all employees. Upon recommendation of the Department Head and Human Resources Director, an employee's introductory period may be extended up to an additional three months, approved by the County Manager. During introductory period employees are not eligible to apply for other Clay County Board of County Commissioners positions. Florida Statue 443.131 (3) (a) 2 applies to this section.
- B. All new full-time regular employees will accrue benefits during the introductory period. However, earned sick leave and annual leave (vacation) cannot be taken during this three month period, or longer if the introductory period is extended.
- C. During the introductory period the Department Head must observe the employee's work habits, ability, attendance and other appropriate factors and determine if continued employment in the job is mutually desirable. The Department Head will send the Human Resources Director a written report of the employee's job performance at the end of the second month of the introductory period and one month prior to the end of the introductory period, if extended. At the end of the introductory period the Department Head will recommend to the Human Resources Director that the employee be placed in a regular status.
- D. If an employee is found to be unsatisfactory during his/her introductory period following promotion or transfer, he/she shall be returned to the classification from which promoted or transferred and paid his/her last rate of pay plus any pay increase he/she would have received had the employee not been promoted or transferred.
- E. If the employee is found to be unsatisfactory during his/her introductory period following

employment, he/she may be terminated without recourse to the grievance provisions of this Personnel Policy. Florida Statute 443.131 (3) (a) 2 applies to this section. The Department Head will send the Human Resources Director a written recommendation for dismissal. The County Manager will be the final authority on all terminations.

2.03 COUNTY SERVICE

A. Continuous Service.

1. An employee's continuous service date shall be established as the most recent date of hire and may not precede the date of actual job performance.
2. Authorized leaves of absence and layoff to the extent provided by Personnel Policy 8.01 shall not be considered a break in service, but shall cause the employee to have that time deducted from his or her adjusted date of employment. All other separations shall be considered a break in service effective at the end of the employee's regular shift on the last day of work. Should an employee desire to return to his/her old position less than 30 days from his/her departure, if the position is still vacant and the County agrees, he/she will be considered to have no break in service.

B. Service Credit.

Service credits for compensated absences with no break in service, will be accepted only from employees transferring from the Clay County Sheriff's office, Tax Collector's office, Property Appraiser's office, Clerk of the Court's office, Supervisor of Elections' office and/or within the Board of County Commissioners departments.

2.04 MEDICAL EXAMINATIONS/DRUG TESTS

A. Pre – Employment.

The County is committed to complying with the American with Disabilities Act (ADA) in that a medical examination will be conducted during the conditional offer stage (i.e., post-offer but pre-employment), and the medical information obtained will be kept in a separate confidential medical file. The County will assume the cost of such examinations.

Failure to pass a pre-employment drug test will result in retraction of job offer. (A pre-employment drug test is not considered a medical examination under the ADA). If the pre-employment medical examination reveals that the applicant cannot perform the essential requirements of the position for which he or she has received an offer of employment with reasonable accommodation by the County then the offer will be withdrawn.

B. Existing Employees

Should medical examinations (approved by the County Manager) result in disclosure or inability to meet required standards of health as related to the specific occupation, the results of the medical examination shall be reviewed by a committee composed of a County designated physician, the Safety Officer and the County Manager, or his/her designee.

An employee determined to be physically or mentally unfit to continue working in his/her present classification may be reassigned to any classification which he/she is physically and mentally qualified to perform if such a position is available. An employee determined to be physically or mentally unfit for any available classification shall take sick or personal leave in accordance with Personnel Policy Sections 7 and 8.

Those individuals employed by the Board of County Commissioners of Clay County who hold valid Class A or B commercial driver's licenses must meet the physical qualifications and examinations provided for in Chapter 49 of the Code of Federal Regulations (CFR) Part 391, Subpart E, as it may be amended from time to time. Notwithstanding the above, all holders of Class A or B commercial driver's licenses shall not have to meet the requirements of 49 CFR 391.41(b)(3) and 49 CFR 391.43(e) which relate to diabetes. The County will pay all costs associated with examinations under this paragraph.
(See Res. 97/98-69)

2.05 PERFORMANCE RATING (MERIT) PROGRAM

The Human Resources Director and County Manager shall establish and administer a program for rating the work performance of employees. The performance rating shall be designed to permit the evaluation of the employee's work performance as accurately and as fairly as is reasonably possible. The ratings shall be set forth on the performance rating forms provided by the Human Resources Director. Prior to the report becoming final, each employee shall be given a copy of the performance report and shall be entitled to discuss it with the supervisor who rated him/her. The overall performance rating shall not, by itself, be sufficient cause to institute disciplinary action against the employee. It shall be used as a guide for purposes of determining the need for training, the desirability of a merit increase, desirability of transfer and as a factor in arriving at promotional decisions. Res. 97/96 - 69

2.06 CHANGE OF STATUS

In considering employees for promotion, demotion or transfer, job performance, including qualifications, shall be the sole consideration. Job performance and qualifications being equal, continuous service shall be the determining factor.

2.07 LATERAL TRANSFERS

An employee may be transferred from a classification in one department to the same or equivalent classification in another department provided the transfer is to the advantage of the County and makes better use of the education, experience or interests of the employee. No transfer may be made without the approval of the two Department Heads involved and the County Manager (see 3.01 E). No transfer may be made during an introductory period.

2.08 EMPLOYEE TRAINING

The Human Resources Director shall establish and develop appropriate job training programs for employees in the County service which will increase operational efficiency and assist employees in preparing themselves for positions of increasing difficulty and responsibility. Training meetings and courses may be held on the employee's own time or, with the approval of the Department Head, during working hours. Employee participation in such training programs shall be voluntary, if the course is held on the employee's own time.

2.09 EDUCATIONAL ASSISTANCE PROGRAM

The County will provide financial assistance to County employees for education courses which are applicable to the employee's field of work and quality as to directly contribute to the employee's value and potential growth in the County. Continuing Education Units (CEU) are not considered eligible for the Education Assistance Program but are covered under Certification Expenses (Part B).

Eligibility

An employee will be considered for participation in the Educational Assistance Program if he/she has been a regular full-time employee of the County for one year or more and is so recommended by his/her Department Head.

Application

The employee must submit the completed Request for Education Assistance Form to the immediate supervisor in advance of the start of the course. The supervisor shall review the application with the Department Head and forward the application to the County Manager with appropriate approvals. The County Manager has final approval for all such requests which must be obtained prior to the start date of the course.

Scheduling

Qualified employees shall be permitted time off from work without pay in order to attend required classes, which are not available during non-working hours, if approved by the Department Head and the Human Resource Director.

Service Obligation

Employees who request tuition assistance must agree to remain in the employ of the County for at least one year after receiving reimbursement under this policy. An employee who voluntarily resigns employment or is terminated for cause within the one-year period shall be obligated to the County, the total amount paid by the County toward any course(s). Reimbursement shall be payment by cash or personal check or deduction from any monies due at the time of separation.

Amendment

This program may be amended or terminated by the County at any time; however, such amendment or termination will not affect any course of study previously approved.

Reimbursement

1. Upon successful completion of approved courses, the employee will be eligible for reimbursement of tuition. The employee must present a certification of successful course completion or transcript copy and a receipt for tuition paid to the Department Head. Request for reimbursement must be made within thirty days after completion of each course.

When other avenues of education assistance are awarded, e.g. scholarships, grants, endowments, etc., it is presumed that the County's tuition cost monies will take precedence over all other sources. The employee is responsible to pay for books, application fees, laboratory fees, registration fees and other similar fees. As such, the additional funds can be applied to these and other expenses.

2. Reimbursement for tuition will be made only to employees who are on active payroll at the time of the reimbursement request.
3. Employees must provide their own transportation, at their own cost.
4. Refunds shall be limited subject to the availability of funds.
5. Qualified employees who have presented proof of completion of course work with a grade of "C" or better, along with a receipt for tuition paid, shall be eligible for reimbursement of 100% of tuition cost, not to exceed \$ 1,200.00 per fiscal year.

Part B: Certification Expense Reimbursement

Professions that require licensing examinations, state/ regulatory certification licensing fees and registration will be reimbursed at 100%.

e.g. CPA license examinations, professional engineers, information technology technicians, building inspectors, etc.

All full-time, regular employees are eligible for benefits under this policy. Requests must be approved by the immediate supervisor.

Certification-related expenses, including registration and licensing fees, will be reimbursed via department expense account. Payment will be made provided the employee has satisfactorily completed the examination with a grade (or numeric equivalent) of "C" or better or a "P" if taken Pass/Fail.

2.10 EMPLOYEE HEALTH AND SAFETY

- A. Employees will observe all safety rules and regulations established by County government. The appropriate Department head shall ensure that the safety rules are posted in all work areas.
- B. All employees operating County vehicles shall possess and maintain the appropriate Florida operator's license required by their particular job description. The number and expiration date shall be recorded in the department files with periodic reviews to verify compliance with this policy.

2.11 PROMOTIONAL OPPORTUNITIES

It is the policy of the Board of County Commissioners to consider County employees for promotional opportunities before applicants from the general public are considered. Promotional opportunities, excluding Introductory Period Personnel per article 2.02, may be posted in the County office building for a minimum of three (3) days and County Commission employees will have the right to apply for these positions for three (3) additional days before anyone outside the County service can be hired.

An employee wishing to apply for a promotional position will complete the appropriate form within the six (6) day period and submit it to his/her supervisor who will insure its immediate referral to the Human Resources Director. The Human Resources Director will review these completed forms and refer qualified applicants to the department with the vacancy for consideration. When there is a large number of applicants who are qualified in terms of experience, academic background and work record the length of County service may be used to establish a numerical limit of applicants who will be referred.

2.12 DRESS/APPEARANCE

The public and other visitors gain much of their impressions of Clay County through their contacts with our employees. Therefore, it is essential that we contribute to a good image through proper dress, hygiene and grooming. Moderation and neatness in dress, hairstyle and make-up is recommended.

Employees should dress in attire appropriate to their job function, including proper use of safety related apparel.

The last day of the workweek is designated "casual dress" day, with discretion being used.

PAY PLAN

3.01 ADMINISTRATION

A. New Employment.

An employee entering the County work force will normally start at the minimum of the pay grade assigned to his/her classification. When there are exceptional considerations, an employee may start above the minimum with the recommendation of the Department Head, the Human Resources Director and approval of the County Manager.

B. Promotions.

When an employee leaves one position and fills a position in a higher classification and pay grade, he/she will be placed at the minimum of the new pay grade or at that pay level which will provide a minimum of a 5% pay raise, whichever is higher. This policy also applies to situations involving "temporary" promotions with the amount of the increase to be rescinded when the employee returns to his/her regular assignment.

C. Demotions.

A demotion occurs when an employee leaves one position and moves to a position with a lower classification and pay grade. The new pay rate will depend on the reasons for the demotion.

1. Operational.

When the demotion is initiated because of operational requirements or for the convenience of the County, the employee's pay rate will remain unchanged but will not exceed the maximum of the new pay range.

2. Reduction in Force.

When a position is, or will be, abolished or eliminated from the budget and the employee takes a position in a lower pay range, the pay rate offered that employee will depend upon:

- a. The relationship of duties and skills required in both positions.
- b. The amount of time required for the employee to become proficient in the position to be filled.
- c. The budgeted funds available in the accepting department.
- d. The pay of other employees with similar skill levels and experience in the accepting department.

3. Incompetence or Disciplinary.

When an employee is demoted to a lower position because of inability (or for disciplinary purposes) to perform adequately the duties of a higher position, he/she will go to that pay level on the new pay grade for which he/she would be eligible counting the service time.

4. Voluntary Demotion.

When an employee is willing to accept a position of a lesser pay grade, he/she will request the demotion, in writing, to the Human Resources Director stating the reason for the request. The request must have the recommendation of the employee's Department Head. Further, if demotion request is accepted and approved, the employee must sign and date a "Waiver" that states his/her voluntary willingness to accept the lesser salary of the demoted pay grade.

D. Reclassification.

When a position changes significantly in terms of job content and responsibilities, a recommended classification change will be submitted to the Human Resources Director who will submit it to the Budget, Finance and Personnel Committee for action. The change can be to a higher or lower graded classification. If it is downgraded and is filled by an incumbent, the new pay rate will be determined as in 3.01 C (1) above. Where an occupied position is upgraded, as a result of a substantial change in job duties, the new pay rate will be determined as in 3.01 B.

E. Lateral Transfers.

When an employee transfers between departments to a new position equal in pay grade to the old position, there will be no pay increase as a result of the change. The service time accrued in both departments will count towards any increases for which the employee may be eligible.

F. Merit Pay Bonus Policy.

1. Purpose.

It is the desire of the Board of County Commissioners to establish a policy on merit pay bonuses that will achieve the following:

- Improve morale by providing the opportunity to increase earnings through performance improvement;
- Provide positive financial incentives for outstanding performance and negative incentives for poor or mediocre performance.

2. Timing.

The timing of merit pay bonuses is subject to the following guidelines:

- a. Employees who demonstrate good to excellent performance on their annual evaluation and are in an established full-time position classification for 12 months or more, may receive the bonus effective the first pay period in April or when the recommended merit pay bonus is approved whichever is later. People receiving a merit pay bonus are not eligible for a merit bonus the following year but may be recommended the year after.

3. Merit Pay Bonus Review Board.

The Merit Pay Bonus Review Board shall be comprised of five (5) members. They will consist of the Human Resources Director, as Chairman, and four (4) Department Heads appointed by the County Manager. Department Heads cannot serve on two consecutive boards. The board will meet in early March and forward their recommendations to the County Manager for approval.

4. Procedures.

Department Heads shall send their nominations with a brief justification to the Merit Pay Increase Review Board one (1) week prior to the Board's convening date. The number of people nominated shall be established by the Department Head, based on the total amount of bonus funds allocated to their respective divisions and the number of awardees and the amount to be distributed as determined by the Department Head. The following guidelines are established:

For each department, an amount of \$ 125.00 per employee will be allocated, e.g. 16 employees = \$ 2,000.00.

Department Heads are authorized to nominate and distribute the bonus award to those deserving of recognition on a pro-rata basis.

The minimum bonus award will be \$ 250.00 and the maximum that can be awarded is \$ 600.00. The bonus will be adjusted for FICA and IRS Withholding.

Only Board of County Commissioners employees, not governed by other pay contracts (i.e., Union Contracts) are eligible.

5. Pay Pool.

A merit pay bonus pool shall be established by the Board of County Commissioners for each funding source. Merit pay bonuses shall not exceed the authorized budgeted amount.

BCC Approval: 2/26/08

G. Bonus Plan.

An employee will earn a \$500.00 bonus (less FICA and IRS withholding) every fifth year of service, which is attained during the calendar year of the award, with the bonus check being awarded at the Employee Awards Luncheon. Employees who meet eligibility requirements and leave County service prior to the Employee Awards Luncheon will be issued the \$ 500.00 Bonus (less FICA and IRS Withholding) in their final payout. The provisions of this paragraph shall not apply to any employee who is a member of a bargaining unit unless the agreement between the bargaining unit and the County specifically provides therefore. This revised policy becomes effective February 13, 2007. Persons who left employment with the County prior to this date are not eligible for this benefit.

HOURS OF WORK

4.01 WORKWEEK AND WORKDAY

- A. A minimum of eight (8) hours shall constitute a normal workday and a minimum of forty (40) hours shall constitute a normal workweek. No County department shall operate on less than a forty (40) hour workweek unless specifically approved by the County Manager, except under County policy which allows for special holidays and other activities within the workweek.
- B. The workweek shall start at 12:01 a.m., Wednesday and end at 12:00 midnight, Tuesday. Each employee shall work the designated "work schedule" for his/her department. However, Department Heads can develop alternate work schedules to permit employee/employees to attend required night meetings without incurring overtime.
- C. All full-time employees are required to be present on their assigned jobs for the total hours in the workweek unless absence from duty is authorized by the appropriate authority in accordance with these personnel policies. All absences shall be properly recorded and charged.
- D. All Firefighters and Rescue workers are exempt from the 40 hour workweek. All hours related to Fire/Rescue shall be computed on an average of 53 hours per week.
- E. Each part-time employee is required to be present on his/her assigned job for the total number of hours for which compensation is being received unless absence from duty is authorized by appropriate authority in accordance with these personnel policies. All absences shall be properly recorded and charged.
- F. All hours of work within a Bargaining Unit shall be subject to negotiation.

4.02 OVERTIME WORK

- A. Statement of Policy.
 - 1. The employment and work program of each department should be arranged so as to reduce to a minimum the necessity for overtime work except in emergency situations.
 - 2. It is intended, however, that employees may be expected to work a reasonable period beyond regular working hours or during lunch periods when necessary to complete work assignments.

B. Overtime Payment

For eligible non-exempt classifications, overtime hours worked in excess of the work week as established in the U.S. Fair Labor Standards Act, (F.L.S.A.) shall be paid at the rate of time and one half (1-1/2).

- C. It is important that the administration of overtime and the method of payment be uniform. Overtime must only occur to relieve occasional peak work loads, operational emergencies or other emergency situations. Therefore, the following rules will be used as guidelines in interpreting and applying the Board's Overtime Policy:

1. Overtime work will not occur without prior approval from the Department Head or his/her designee.
2. Overtime at the rate of one and one-half times the regular rate applies only to hours worked by a non-exempt employee in excess of 40 hours per work week. Holiday hours are considered hours worked if the holiday falls on a day that the employee is normally scheduled to work. See Res. 96/97-105.
3. Personal leave, paid sick leave, administrative leave, military training leave and leave while on the active payroll due to an on-the-job injury shall not be construed as time worked.
4. Required (assigned) attendance at meeting and training courses shall be considered as hours worked.
5. When an employee is in official travel status for which per diem is reimbursable under Board policy, time spent in travel to the per diem location on the first day of such travel status and travel from per diem location on the last day of such travel status, shall be considered as hours worked. The time will be authorized by the Department Head and recorded separately.
6. All non-exempt employees required to work on a designated holiday or Sunday on a non-scheduled basis will be paid for the holiday or Sunday at two times the regular rate of pay for the actual time worked.
7. This overtime policy does not apply to employees under contractual agreement with the Board.

D. Overtime Payment and Leave Credits.

1. Employees filling non-exempt positions will be paid overtime at the rate of one and one-half times their regular rate of pay for time worked in excess of 40 hours in a work week with the exception of Fire/Rescue employees.

4.03 SCHEDULING

Note that the Department Head has the authority to schedule employees for a 40 hour workweek, even if the work period does not coincide with normal work hours. For example, if a Department Head has an employee scheduled for a night meeting he/she then will schedule the 40 hour workweek as required to include the night meeting. Work outside normal working hours is not considered compensatory time, but a scheduling requirement of the workweek provided the actual time worked does not exceed 40 hours.

Any employee who works a regular shift with a starting time of 2:30 p.m. or thereafter shall be entitled to a night differential pay of 10% above his/her regular hourly rate for a five (5) day week of forty (40) hours.

4.04 STANDBY COMPENSATION

A standby duty assignment is made by a supervisor who requires an employee to be immediately available for work because of the likelihood of an urgent situation arising on his/her off duty time, such as nights, weekends or holidays.

Employees on standby duty when called to work will be paid for the actual time worked or two (2) hours, whichever is greater.

Employees in certain critical positions, who are required to have a short response time and as such, are constrained in their off duty activities may be compensated if not called to work. Positions considered critical are Animal Control Officers, Signal Maintenance and Building Maintenance. If one of the above employees is in a standby duty status for one week and not called to work, he or she shall be compensated for two (2) hours of pay. No other types of compensation either monetary or time off is authorized. In case of County Disaster, the County Manager will be the final authority regarding compensation to employees not included in critical positions listed above.

4.05 TIME RECORDING

Each non-exempt employee is required, on each day the employee works, to record on the appropriate time sheet, or by use of the time clocks provided, the times of starting and stopping work. Such employees are also required to sign their time card or time sheet, thereby attesting to its accuracy.

Exempt employees, paid on a salary basis, are only required to record the total daily hours for which they are compensated, not actual hours of starting and stopping.

False entry on the time sheet, or punching another employee's time card, is an offense equivalent to theft and will be dealt with accordingly. False entries include, but are not limited to:

- ***Misrepresentation of hours worked or to be paid.
- ***Making entries on the time sheet of another.
- ***Permitting another to make entries on a time sheet not his own.
- ***Signing another's name on the time sheet of another.
- ***Using another employee's time card/badge when checking in or out.

4.06 **EXEMPT EMPLOYEE PAY** (Including Acceptable and Unacceptable Pay Deductions)

- A. In accordance with the Fair Labor Standards Act regulations, exempt employees who are required to be paid on a salary basis may not have their pay reduced for variations in the quantity or quality of work performed. Employees who feel their pay has been improperly reduced should report this immediately following the procedures outlined.
- B. Exempt employees normally must receive their full salary for any week in which they perform any work, without regard to the number of days or hours worked. However, exempt employees need not be paid for any workweek in which they perform NO work at all.
- C. Deductions from pay cannot be made as a result of absences due to the circumstances listed below. Such improper pay deductions are therefore specifically prohibited by Clay County Board of County Commissioners, regardless of the circumstances. Managers or supervisors violating this

policy will be subject to investigation of their payroll preparation and appropriate corrective action in accordance with normal procedures.

1. Jury Duty
2. Attendance as a witness
3. Temporary military leave.
4. Absences caused by the employer.
5. Absences caused by the operating requirements of the County.
6. Partial day amounts other than those specifically discussed below.

D. The few exceptions to the requirement to pay exempt employees on a salary basis are listed below. In these cases, deductions may be permissible as long as they are consistent with other County leave and attendance policies.

1. Absences for personal reasons other than illness: In this instance, deductions shall be made from accrued annual leave, unless leave is exhausted, then the employee will be charged Leave without Pay.
2. Absences due to illness: In this instance, deductions shall be made from accrued sick leave, unless leave is exhausted, then the employee will be charged Leave without Pay.
3. Exempt employees will not receive payment for overtime nor will they earn compensatory leave credits.
4. Fees received by the employee for jury or witness duty will be submitted to the Finance Department and the County in turn will pay the employee's full pay. However, no deductions can be made for failure to work for these reasons.
5. Penalties imposed by infractions of safety rules of major significance.
6. Unpaid disciplinary suspensions of one or more full days in accordance with Clay County Board of County Commissioners Disciplinary Policy.
7. Deduction for the first and last week of employment, when only part of the week is worked by the employee.
8. Deduction for unpaid leave taken in accordance with the Family and Medical Leave Act or the Domestic and Sexual Violence Leave.

E. Reporting Procedure

1. Employees who believe their pay has been improperly reduced should contact the Human Resources Department immediately to request a query.
2. The employee will be asked to specify in writing, using the guidance above, the circumstances of the pay reduction and whether it has occurred on other occasions.
3. Human Resources will review pay records and interview the supervisor or manager, as well as the Finance department handling the employee's pay, to determine if a discrepancy exists.

Department Heads and Division Directors will be responsible for monitoring employees' attendance. This policy does not excuse employees demonstrating poor attendance and punctuality and they will be dealt with consistent to the County's Disciplinary policy. All employees are required to be present during their scheduled work hours and all absences must be approved in advance by their immediate supervisor.

BCC Approval: 2/09; Revised 10/09.

HOLIDAYS

5.01 OFFICIAL HOLIDAYS

The following are holidays which shall be observed by all departments in which functions can be discontinued without adversely affecting required services to the public:

New Years Day	January 1
Martin Luther King, Jr. Day	January
President's Day Memorial	February
Day Independence Day	July 4
Labor Day	September
Veterans Day	November 11
Thanksgiving Day	November
Friday after Thanksgiving	November
Christmas Eve	December 24
Christmas Day	December 25

NOTE: These holidays are established annually by the Board of County Commissioners.

5.02 EMPLOYEE ELIGIBILITY

- A. All full-time regular employees on active payroll on the date of the holiday shall be eligible for holiday pay at their regular rate.
- B. All part-time regular employees are paid for observed holidays which fall on days for which they would otherwise be scheduled to work. Holiday pay shall be the number of hours normally scheduled on the workday at the employee's regular rate of pay.
- C. Employees receiving occupational injury or occupational illness pay shall be eligible for the amount of holiday pay which will supplement the wages to that amount payable if the employee were present for a normal work day.

5.03 WORK ON HOLIDAYS

Each eligible employee shall be given the number of designated holidays each year. However, if the work requirements of the department are such that employees are required to work on any of the holidays designated, they shall be given another day off in that same work week or be paid for the hours worked at a rate of two (2) times their regular hourly rate. Such time worked on any holiday shall not be counted toward hours needed for regular work overtime as provided in Section 4.02 Overtime Work.

5.04 HOLIDAYS FALLING ON WEEKEND

When a holiday falls on Saturday, the preceding Friday shall be observed as a holiday. When a holiday falls on Sunday, the following Monday shall be observed as a holiday.

5.05 HOLIDAYS DURING PAID LEAVE

Employees on personal leave (vacation) or sick leave during periods when designated holidays occur shall not have the day of the holiday charged against their accrued leave.

5.06 MAXIMUM HOLIDAY PAY

When a holiday is observed on a scheduled work day, an eligible employee may be paid up to the number of hours of work usually scheduled for that day. If the holiday is observed on a regular scheduled day off, an eligible employee may be paid up to a maximum of eight (8) hours of holiday pay.

PERSONAL LEAVE

6.01 ACCRUAL OF PERSONAL LEAVE (VACATION)

All regular full-time and limited assignment employees shall earn Personal Leave. Temporary employees shall not be eligible to accrue Personal Leave. Personal leave (vacation) is intended to be taken each calendar year, as earned. The County wishes to provide each employee with a period of relaxation and freedom from the normal work routine so that he/she can return to work relaxed and refreshed.

A. Eligible employees will accrue Personal Leave for each hour worked in their regular scheduled workweek. This leave will be credited to employees at the end of each pay period and will accrue in accordance with the following tables: See Res. 97/98-7

40-Hour Employees
Clay County Service Under Florida Retirement System.

<u>Years of Service</u>	<u>Hours of Leave Earned Monthly</u>
1. 0-5 years (through 60 months)	8 hours
2. 6 - 9 years (61 months through 108 months)	10 hours
3. 10 - 14 years (109 months through 168 months)	12 hours
4. 15 years and over (169 months plus)	14 hours

In accordance with the accrual rate schedule outlined in the above tables, as each anniversary date for five (5) years or more of service is reached, one (1) additional eight (8) hour day will be immediately credited to an employee's Personal Leave balance and the employee's accrual rate will change accordingly.

24 Hour Shift Employees Annual Leave Rates:

<u>Years of Service</u>	<u>Hours of Leave Earned Annually</u>
1. 0 – 5 years (through 60 months)	120 hours
2. 6 – 9 years (61 through 108 months)	132 hours
3. 10 – 14 years (109 through 168 months)	156 hours
4. 15 years and over (169 months plus)	180 hours

As each anniversary date for five (5) years or more of service is reached, an additional ten (10) hours will be immediately credited to the 24 hour shift employee's personal leave balance.

- B. During a leave of absence with pay, an employee shall continue to accrue Personal Leave.
- C. The maximum vacation time employees may have to their credit at any one time is:

0 through 9 years of service	240 hours
10 through 14 years of service	320 hours
15 plus years of service	360 hours

It is the employee's responsibility to use personal leave (vacation) by December 31st of each year, as any time accumulated beyond the stated maximum will revert to Sick Leave on December 31st.

- D. On May 1 of each budget year, it is the employee's responsibility to notify their Department Head of any plan to retire during the next fiscal year (October 1 - September 30). The Department Head shall immediately report any potential retiree to the County Manager and the Human Resources Department, otherwise the employee may have to wait until the next fiscal year for payout under this section.

E. Personal Leave

Effective January 1, 2000 and in addition to the accrual of personal leave in Section 6.01 (A) each employee will be granted up to eight (8) hours of leave, per year, personal leave with pay. This time may be used by the employee for any purpose — doctor visit, business appointment, holiday, etc. Any eight (8) hours granted under this section which is not used during the calendar year shall be forfeited.

Employees must have been employed with this office one full year before being eligible for this day.

This day will be added as personal leave to all eligible employees on the first pay period of January of each subsequent year and will be counted as personal leave when used. See Res. 98/99-54

6.02 USE OF PERSONAL LEAVE

- A. Personal Leave is intended to be used to provide a periodic vacation; however, earned Personal Leave may be used for other reasons when authorized by the Department Head, except during "introductory period" of new employees.
- B. Personal Leave shall be used only with the prior (normally one week) approval of the Department Head and shall not be authorized prior to the time it is earned and credited to the employee.
- C. Department Heads must have prior approval from the County Manager for any Personal Leave.
- D. Personal Leave time may be used for sickness and funeral as stated in Sections 7.07 and 7.09.
- E. Upon reasonable notice, the supervisor may require an employee to use any part of his accrued Personal Leave.

6.03 PAYMENT FOR EARNED PERSONAL LEAVE

- A. The only time that an employee can be paid for his unused Personal Leave is upon layoff, terminal separation from the County service or retirement and/or entry into the DROP Program. Such payment shall be made at the employee's current rate of pay and shall not exceed 360 hours.
- B. Employees opting for the Deferred Retirement Option Plan (Drop) will be allowed to cash out their accumulated annual leave up to the maximum allowed by BCC Personnel Manual. Payment will be made at the end of the pay period preceding the entry into the DROP Program. The leave pay out will be used for the FRS final computation of the employee's high five average. Employees, once entered into the DROP, accumulate annual leave at a rate as if they had not entered the DROP. Final payout of annual leave at the termination of the DROP period or termination of employment if earlier, will be the maximum allowable annual leave by the BCC manual minus the previous payout before entering the DROP Program. All excess annual leave will be lost if not used.
- C. The minimum charge for Personal Leave shall be a limit of one-half (1/2) hour.
- D. In case of death of an employee, payment for unused Personal Leave shall be made to the employee's beneficiary, estate or as provided by law.
- E. Employees terminating with less than six (6) months service are not eligible for payment of unused annual leave.

6.04 ATTENDANCE INCENTIVE LEAVE

Regular BCC employees are eligible to receive attendance incentive leave if they are absent for 32 hours or less on sick leave or leave without pay during the twelve month period of January 1 through December 31.

The amount of incentive leave will be determined as follows:

<u>TOTAL HOURS ABSENT</u>	<u>INCENTIVE LEAVE</u>
8 or less	4 days
9-16	3 days
17-24	2 days
25-32	1 day

For the purposes of this Section, one (1) day of leave is the equivalent of eight (8) hours.

Absences for a fraction of an hour (for the purpose of determining incentive leave) will be rounded up to the next full hour.

In order to be eligible, employees must have been actively employed full time in the position during the full 12 - month period accruing leave.

Employees absent for more than 32 hours are not eligible for attendance incentive leave.

SICK LEAVE

7.01 SICK LEAVE ELIGIBILITY

- A. Any regular employee having an accrued Sick Leave balance may use this benefit, except during the "introductory" period for a new employee. Sick leave shall accrue at the rate of eight (8) hours per month and shall continue to accrue during any paid leave.
- B. If an employee becomes ill while on vacation, they may request that the time be charged to sick leave. The employee's supervisor must be notified within 24 hours of the illness. If the sick leave is in excess of three (3) days, certification of the illness by a physician will be required before sick leave may be granted.

7.02 USE OF SICK LEAVE

Sick leave is a benefit granted to an employee on account of personal sickness, bodily injury, quarantine, required physical or dental examinations or treatment and exposure to a contagious disease when continued work poses a direct threat to their health or the health of others. It is not intended to be used as additional personal leave (vacation) time.

A. Family Illness.

When there is an illness in the employee's family (children, spouse or other relative living in the household or confined to an assistance program) and the employee must stay home to provide care, the employee may take up to three of their sick days (24 hours of sick leave) per calendar year.

This policy applies in areas where the leave in question is non-Family Medical Leave Act (FMLA) leave or where the employee in question is not entitled to FMLA.

7.03 MEDICAL JUSTIFICATION

- A. The supervisor will be responsible to determine to his satisfaction that an employee is too ill to work. The supervisor may require an employee to present medical evidence from a physician that he/she is physically or mentally unfit to work if the supervisor has reasonable cause to doubt the illness of the employee. In addition the supervisor may require an employee to present medical evidence from the county designated (and County paid) physician that he/she is physically or mentally unfit to work if the supervisor has reasonable cause to doubt the illness of the employee.

- B. The supervisor may require an employee to present medical evidence that he/she is physically or mentally fit to continue working in accordance with Personnel Policy 2.04. If it is determined that the employee is physically or mentally unfit to continue working, the supervisor may require the employee to use any part of his accrued Sick Leave, or if Sick Leave has been fully depleted, the employee's Personal Leave. The supervisor may thereafter require the employee to take such leave without pay as is medically determined sufficient to restore him/her to normal health.

When sick and personal/annual leave is exhausted and the employee is still unable to return to work, the County cannot guarantee a return to the employee's job position last held.

7.04 ATTENDANCE INCENTIVE LEAVE See Section 6.04.

7.05 NOTIFICATION OF ABSENCE

Notification of absence shall be given to the appropriate supervisor by the employee or his/her representative as soon as possible on the first day of absence. This notification must be within one (1) hour of the designated start of the work shift. If absent for three (3) consecutive workdays without reporting to the supervisor a reason sufficient to justify the absence, the employee will be removed from the payroll as having quit without notice. If absent more than three (3) working days (having appropriately reported), a doctor's excuse must be presented to the appropriate supervisor prior to the employee's return to active duty.

7.06 FAMILY AND MEDICAL LEAVE ACT

The County will comply with the Family and Medical Leave Act (FMLA). A brief explanation of the Act follows and a detailed synopsis, along with appropriate forms, is available for review in the Human Resources Department.

A. Eligible Employees.

Employees of the County who have worked for the County for at least 12 months and have worked at least 1,250 hours, may be entitled to a total of 12 work weeks of leave (except in the case of Military Caregiver Leave as outlined) during the 12 month period subsequent to the effective date of this FMLA policy, when leave is taken for one or more of the following circumstances:

1. The birth and care of a son or daughter of an employee;
2. The placement of a son or daughter with an employee for adoption or foster care;
3. To care for the spouse, son, daughter, or parent of an employee, if the family member has a serious health condition; or
4. The employee is unable to perform the functions of his/her position because of the employee's own serious health condition.
5. A qualifying exigency arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a "contingency operation". This applies only to families of members of the National Guard and Reserves and certain retired members of the military.

Definitions:

Son or Daughter: means biological, adopted or foster child, a stepchild, a legal ward, or a child or 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

Parent: means the biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a son or daughter and does not apply to in-laws.

Covered Servicemember: means a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

EXCEPTION:

If the employee on leave is a salaried employee and is among the highest paid 10% of employees, and keeping the job open for the employee would result in substantial economic injury to the office, reinstatement to the employee on leave can be denied. In this situation, however, the employee will be given an opportunity to return to work.

A "serious health condition" is an illness, injury, impairment, or physical or mental condition that involves: (1) inpatient care at a hospital or hospice, or residential medical care facility; or (2) continuing treatment by a health care provider.

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 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.

In the case of the birth or placement of a child for adoption or foster care, the employee's entitlement to FMLA leave expires at the end of the 12 month period beginning on the date of the child's birth or placement.

Where both spouses work for the County, their total leave in any 12 month period is limited to 12 weeks if leave is taken: (1) for the birth or adoption of a child; (2) to care for a parent with a serious health condition, (3) to care for their spouse, son, daughter with a serious health condition; or (4) due to a qualifying exigency.

In the case of Military Caregiver Leave, an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember shall be entitled to a total of 26 workweeks of Military Caregiver Leave during a 12-month period to care for the servicemember. The leave described in this paragraph shall only be available during a single 12-month period. During the single 12-month period, an eligible employee shall be entitled to a combined total of 26 workweeks of leave for the purposes outlined in the section Eligible Employees.

If leave is taken by the husband and wife, the aggregate number of workweeks of leave to which both may be entitled is limited to 26 workweeks during a single 12-month period.

B. Intermittent and Reduced Schedule Leave.

When medically necessary, intermittent or reduced schedule leave can be taken in cases of a serious health condition. The serious health condition can be either the employee's or that of a family member

(i.e., parent, child or spouse). Servicemember Family Leave may be taken intermittently or on a reduced leave schedule. Intermittent or reduced schedule leave is not available for the birth or placement of a son or daughter.

Employees seeking intermittent or reduced schedule leave based on planned medical treatment are required to produce medical certification outlining the dates on which treatment is expected and the duration of the treatment. Employees are expected to make a reasonable effort, subject to the health care provider's approval, to schedule treatment so as to not unduly disrupt the County's operations. Employees are also required to give the County, through its Human Resources Department, thirty (30) days notice, or in emergency situations, as much notice as is practical under the circumstances, of their intentions.

In the event an employee requests intermittent or reduced schedule leave due to a family member's or the employee's own serious health condition, the employee may be transferred by the County to a temporary alternative job for which the employee is qualified and which better accommodates the County's needs and that of the employee. An employee's rate of pay and entitlement to benefits will not be affected by such a transfer.

C. Notice.

A minimum of thirty (30) days advance notice of an employee's intent to take leave is required when it is foreseeable because of:

1. The expected birth of a baby;
2. The expected placement of a child for adoption or foster care;
3. Planned medical treatment for a son, daughter, spouse, or parent with a serious health condition;
or
4. Planned medical treatment in case of the employee's own serious health condition.

If leave has to begin in less than thirty (30) days as a result of one of the above-referenced circumstances, the employee still must provide the County, through its Human Resources Department, with advance notice as soon as is practical.

Written notice is preferred, however, notice must be provided, at least verbally, to the Human Resources Department. When notice is not given in these circumstances, the employee will be considered to have taken "unauthorized leave" and may be subject to appropriate disciplinary action. Moreover, if an employee fails to give at least thirty (30) days notice for foreseeable leave, with no reasonable excuse for his or her delay in providing notice, the County will deny that employee's taking of FMLA leave until at least thirty (30) days have passed since the date the employee provided notice.

In any case in which the necessity for leave under Servicemember Family Leave, is foreseeable, whether because of the spouse, or a son, daughter, or parent, of the employee is on active duty, or because of notification of an impending call or order to active duty in support of a contingency operations, the employee shall provide such notice to the employer as is reasonable and practicable.

D. Certification.

When leave is requested based on a family member's, or the employee's own serious health condition, the employee must provide, in writing, a medical certification of the condition and the need for leave from the employee's / family member's health care provider within fifteen (15) days of the date the employee is notified of entitlement to FMLA leave. FMLA certification forms will be provided to the employee by the Human Resources Department at the time the employee is determined to qualify for FMLA leave. This

certification will be treated as a confidential medical record and information will be disclosed only on a strictly need-to-know basis, unless otherwise required by Florida law.

Employees requesting Servicemember Family Leave due a family member's Active Duty or Call to Active Duty must provide proof of the qualifying family member's call-up or active military leave such as a copy of the military orders or other official Armed Forces communication.

Employees requesting Military Caregiver Leave to care for an Injured or Ill Servicemember must provide documentation of the family member's or next-of-kin's injury, recovery or need for care such as a copy of the military medical information, orders for treatment, or other official Armed Forces communication pertaining to the servicemember's injury, or illness incurred in the line of duty that renders the member medically unfit to perform his or her duties.

E. Use of Paid Leave.

Accrued paid leave provided by the County will be substituted for unpaid FMLA leave as follows:

Accrued paid vacation and personal leave will be substituted for unpaid FMLA leave taken for the birth and care, or placement and care of a child; or

Accrued paid vacation and personal leave will be substituted for unpaid FMLA leave to take care of a sick family member (i.e., spouse, child or parent).

Accrued paid sick leave will be substituted for an employee's absence due to that employee's serious health condition.

Accrued paid sick leave will be substituted for unpaid FMLA leave taken to care for a child, spouse or parent with a serious health condition, after all paid vacation and personal leave has been exhausted.

Accrued paid vacation and personal leave will be substituted for unpaid FMLA leave to be taken for Servicemember Family Leave or Military Caregiver Leave. The employee will be required to utilize paid sick leave after all paid vacation and personal leave has been exhausted.

F. Recertification.

An employee who has taken leave because of his or her serious health condition, that of a family member or that of a servicemember, is required by the County to obtain subsequent written recertification of the medical condition every thirty (30) days during the duration of the condition. The County also requires employees on leave under this provision to report periodically to the Human Resources Department, in writing, at least every two (2) weeks regarding his or her status and the intention of the employee to return to work. Except in exceptional circumstances, failure of the employee on leave to report periodically on his or her status will subject the employee to discipline for unexcused absences.

G. Restored Employment.

All eligible employees who comply with the provisions of this Policy and who return from family and medical leave, have the right to return to the job position that they held when they went on leave, or they may be placed, at the discretion of the County, in an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. While on leave, eligible employees will retain all accrued benefits. Restored employees are not entitled to accrue seniority or employment benefits during any period of leave. Restored employees are not entitled to any right, benefit or position of employment other

than any to which they would have been entitled had they not taken leave.

As a condition to restoring an employee whose leave was based on the employee's own serious health condition, each returning employee is required to provide, in writing, to the Human Resources Department, a certification from the employee's health provider stating that the employee is able to resume work. Restoration may be denied until this certification is provided.

H. Maintenance of Benefits.

The County will maintain group health plan coverage for employees on family and medical leave for the duration of the eligible employee's leave. Coverage will be provided on the same level and under the same conditions that coverage would have been provided if no leave had been taken.

In the event an employee fails to return to work after the period of leave expires the County will recover any premiums the County paid for coverage during the leave period. Such recovery can be taken from any benefits or wages owed by the County to the employee.

In the event, however, that the employee fails to return to work for a reason such as the continuation, recurrence or onset of a serious health condition (i.e., whether the employee's own, that of a family member or that of a servicemember), or due to other circumstances beyond the control of the employee, the County will not attempt to recover such premiums. In this circumstance, the employee is required to provide, in writing, to the Human Resources Department, a certification from the employee's health care provider to that effect.

When FMLA leave is exhausted and the employee is unable to return to work, the employer cannot guarantee a return to the job position he or she held when he or she went on FMLA leave. In this situation, the employee's position may be terminated regardless of whether the employee has unused sick or personal leave accrued.

7.07 BEREAVEMENT LEAVE

If a death occurs in the immediate family of an employee (i.e., parents, parents-in-law, legal guardian, spouse, brother, sister, grandchildren or child) the employee will be granted a leave to attend or arrange the funeral, or for travel incidental to such activities. The employee shall be entitled to up to three (3) days pay for such days as the employee would normally have been scheduled to work.

In the case of the death of other family members (i.e., grandparents, grandparents-in-law, brother or sister-in-law) one day's absence with pay will be granted in order to permit the employee to attend the funeral.

In all such cases Bereavement Leave is intended to give employees the opportunity to attend to matters relating to the death of a family member. Should additional time be required, the employee may request personal leave time. As with any absence, prior approval must be given by

the employee's Department Head or, in the case of the proposed absence of a Department head, the County Manager. Clay County reserves the right to request the employee to furnish proof of the death and relationship to the deceased.

7.08 FORFEITURE OF SICK LEAVE

An employee who separates from County service shall forfeit accrued unused Sick Leave and no payment shall be made to the employee, unless covered as outlined below.

7.09 SICK LEAVE ACCRUAL AND COMPENSATION

- A. Purpose and Intent. It is the policy of Clay County in the accrual of employee's sick leave to provide incentive to employee's to accumulate sick leave and to encourage the fullest attendance in public service. It provides for the payment in cash for accrued sick leave upon termination of employment to employees who have completed minimum periods of service.
- B. Accrual. Employee's of the County shall accrue sick leave according to leave policy established and amended from time to time by the County, without limitation on the numbers of days which may be accrued.
- C. Cash Benefits. Cash Benefits & Amount of Payment – Other Than Death or Retirement. See Res. 98/99-54.

For termination of employment other than death or retirement, the policy is:

- 0 – less than 10 years: No Terminal Pay
- 10 – Years or more: 50% times the hours accrued times the current hourly rate, but in no event not to exceed 960 hours.

- D. Amount of Payment. CASH BENEFITS & AMOUNT OF PAYMENT – RETIREMENT OR DEATH. See Res. 98/99-54

For termination (upon retirement or death):

- 0-10 years: No Terminal Pay unless retiring under the regular or disability Florida Retirement System (FRS) If retiring, payout is 100% times the hours accrued times the current hourly rate not to exceed 960 hours.
- 10 years or more: 100% times the hours accrued times the current hourly rate not to exceed 960 hours.

- E. Disqualification. No employee shall receive any payment for accrued sick leave:
- a. Who is found guilty in a court of competent jurisdiction of committing, aiding, or abetting any embezzlement or theft from Clay County or bribery in connection with his employment, committed prior to retirement or ten years of normal credited service; or
 - b. Whose employment is terminated by reason of the employee having admitted committing, aiding, or abetting an embezzlement or theft from Clay County or having admitted to aiding, abetting, or committing any act of bribery; or
 - c. Who has been found guilty by a court of competent jurisdiction of violating any state law prohibiting any strikes by public employees.
- F. Disqualification Permanent. No employee who is disqualified from payments under Section 7.09E above, and who is later re-employed by Clay County shall be entitled to any credit for accrued sick leave so disqualified.
- G. Payment Not Salary. No payment for accrued sick leave shall be considered a salary payment nor used in determining the employee's average final compensation under any state-administered retirement system.

LEAVES OF ABSENCE

LEAVE OF ABSENCE WITH PAY

8.01 ADMINISTRATIVE LEAVE

A. Court.

1. An employee who is subpoenaed as a prospective juror or as a witness shall be granted leave with pay for the time spent in such service, up to 12 weeks. Witness fees paid by the court will be returned by the employee to the Board of County Commissioners.
2. In no case shall administrative leave with pay be granted for court attendance when an employee is the plaintiff or the defendant or is engaged in personal litigation, unless such actions are a result of an act performed by the employee as a part of his/her official duties as an employee of the County.

B. Elections.

An employee who lives at such a distance from their assigned work location as to preclude his/her voting outside of working hours may be authorized a maximum of two (2) hours of leave with pay for this purpose. An employee shall not be granted administrative leave to work at the polls during elections.

C. Meetings.

In cases where it is deemed by the Department Head to be beneficial to the County, an employee may be granted leave with pay to attend such professional meetings or conferences as may contribute to the effectiveness of his employment.

D. Examinations.

An employee may be granted leave with pay while taking examinations before a Federal, State or County agency, provided such examinations are beneficial to the performance of his/her County duties.

E. Short Term Military Training.

The County will comply with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA). A copy is on file in the Human Resources Department. An National Guard, shall be entitled to leave without loss of pay or time during periods in

which he/she is engaged in annual field training or other active duty for training exercises. Such leave with pay shall not exceed seventeen (17) calendar days in any one calendar year. Paid time shall exclude travel time. Military earnings will be retained by the employee.

F. National Guard State Service.

An employee who is a member of the Florida National Guard shall be entitled to leave without loss of pay or time on all days when ordered to active service by the State or Federal Government. Such leave with pay shall not exceed seventeen (17) calendar days at any one time. Paid time shall exclude travel time. The seventeen (17) calendar day maximum can be waived by the County Manager in the event of a declared natural disaster.

NOTE: Policies 8.01 E and F do not include armory drills or multiple training assemblies.

G. Examinations for Military Service.

An employee who is ordered by his/her Selective Service Board to appear for a physical examination for induction into the military service shall be granted leave with pay for this purpose.

H. Re-examination for Military Service Connected Disability.

An employee who has been rated by the United States Department of Veterans Affairs or its predecessor to have incurred a service connected disability and has been scheduled by the United States Department of Veterans Affairs to be reexamined or treated for the disability shall be granted administrative leave for such reexamination or treatment without loss of pay or benefits. In no event shall the paid leave under this section exceed six (6) calendar days per year (as defined in Florida Statutes 110.119).

8.02 DISABILITY LEAVE

A. Eligibility.

An employee who sustains a County service connected disability which prevents the employee from carrying out his/her regular duties or any other duties as assigned, shall be granted disability leave benefits within the guidelines of this section.

B. Definitions.

1. Date of Disability: The date on which the disability began or the last day of duty following injury, whichever is later.

2. Service Connected Disability: A physical condition, resulting from accident or injury in the line of duty, which prevents an employee from performing his/her regular duties or any other duties assigned. Any condition which is self-inflicted or caused by another person for reasons personal to the employee and not because of his/her employment, shall not be considered as disability under this section.

C. Disability Determinations.

Determinations of the existence and service connection of a disability shall be made in accordance with Florida law pertaining to Worker's Compensation, which provides that the employer is responsible for furnishing employees, who have incurred service connected disabilities, with such remedial treatment, care and attendance under the direction and supervision of a qualified physician, surgeon or other recognized practitioner. The County reserves the right under the provisions of this section to specify the physician, surgeon or recognized practitioner to handle any and all service connected disability cases. Disability determination shall be based on:

1. All facts in the service history of the case.
2. The findings of the medical examiner assigned by the Worker's Compensation carrier.
3. Such evidence as the employee, at his/her own expense, may submit of the service connection of the disability.
4. Other relevant evidence submitted to the medical examiner.
5. There shall be no presumption that any disability is service-connected.

At any time, and from time to time, the Department Head may request that a disabled employee be re-examined. The results of this reexamination shall be made available to the Department Head.

8.03 WORKER'S COMPENSATION

Any employee injured in the line of duty must make an immediate report to his/her supervisor, regardless of the extent of the injury, and the supervisor, in turn, must notify the County Safety Manager and the Risk Manager. Injured employees will be directed or escorted to a physician for immediate attention when the seriousness of the injury so requires. In the event an employee refuses medical care, a signed statement to this effect should be obtained from the employee and submitted with the accident report.

A. Disability Benefits.

1. An employee who sustains a service-connected disability that is compensable under the Worker's Compensation Law, Chapter 440, Florida Statutes, shall receive a benefit at a rate equivalent to that payable to that employee if the employee were present at work for a normal work week not to exceed ten (10) working days, beginning with the date of disability. If the same injury or illness requires more than one disability leave, the days of disability leave benefit shall be cumulative and shall not exceed ten (10) working days.
2. The initial two working weeks of disability leave shall not be chargeable to the employee's accumulated sick leave and such leave shall continue to accrue during the period of disability.
3. If the employee is unable to resume work at the end of the two working weeks disability leave period, the employee will receive normal Worker's Compensation benefits.

LEAVE OF ABSENCE WITHOUT PAY

8.04 EDUCATIONAL LEAVE

- A. An employee with at least twelve (12) months of satisfactory service may request leave of absence without pay for the purpose of furthering his/her education. If it is determined that such education will be of clearly foreseeable benefit to the County, such leave will then be approved by the County Manager.
- B. Leaves of this type shall not normally exceed four (4) months.

8.05 MILITARY LEAVE

- A. The County will comply with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA). A copy is on file in the Human Resources Department.
- B. An employee who is drafted or is ordered to active duty in connection with reserve activities other than short-term training, as outlined in paragraph 8.01 E shall, upon presentation of a copy of his/her official orders, be granted leave without pay extending ninety (90) calendar days beyond the date of separation from the military service.
- C. All unused leave benefits shall be retained by the employee who shall have the same credited to his/her record if applying for reinstatement. During such leaves of absence the employee shall be entitled to preserve all rights established by County Personnel Policy.
- D. Upon separation from the military service, the employee must request reinstatement within the ninety (90) calendar day period immediately following separation. The County may require the employee to undergo a medical examination to determine his fitness to perform the duties of the position to which he/she may be returning. If the employee volunteers for an additional tour of military duty, he/she shall forfeit his/her reinstatement rights.

8.06 FAMILY MEDICAL LEAVE

See Section 7.06.

8.07 LEAVE OF ABSENCE FOR PERSONAL REASONS

- A. An employee with at least twelve (12) months of satisfactory service may be granted leave without pay for reasons other than those stated in the previous paragraphs for a period not exceeding three (3) months; provided, the Department Head deems such leave to be justified and not detrimental to the operations of the department and upon approval of the County Manager.
- B. In exceptional cases such leave may be extended beyond three (3) months with approval of the County Manager.

8.08 GENERAL PROVISIONS

- A. Return From Leave of Absence.

With the exception of Military Leaves, an effort will be made to place an employee returning from an approved leave of absence into his/her former position or in a reasonably comparable position. However, Clay County is unable to guarantee the availability of such a position.

If the former position is not available and a comparable available position cannot be found, the employee will be terminated as a "resignation - no position available following leave of absence."

B. Effective Dates.

Leave of absence shall be effective the first date of absence and shall continue through the last date of absence.

C. Limitations on Leave Without Pay.

1. Fringe Benefits.

An employee shall not earn annual or sick leave benefits while on leave without pay.

2. Wage Increases.

The time during which an employee is on leave without pay shall not count toward eligibility for wage increases. An employee shall not receive any wage increases while on leave without pay.

D. The Availability of Insurance Coverage Will Be Governed as Follows:

1. Group Health Insurance

- a. 30 days or less, employee's coverage will be continued at no cost. Employee must pay for family coverage in advance of leave at County rates.
- b. 31 days and less than 120 days, employee may elect to continue coverage by remitting, in advance, the cost of individual coverage and family coverage at County rates.
- c. 121 days or greater, employee may elect to continue coverage by remitting, in advance, the cost of individual coverage or family coverage in accordance with COBRA rules and guidelines, including any administrative cost.

2. Group Life Insurance

- a. 30 days or less, "BASIC" coverage will be continued at no cost. Employee may continue Supplemental or Family coverage by remitting, in advance, the cost of elected coverage.
- b. 31 days and less than 180 days, employee may elect to continue both Basic and Supplemental coverage by remitting, in advance, the cost of coverage. No coverage will be extended past 180 days.

3. Other Payroll Deducted Insurance

- a. Employee may elect to continue any "payroll deducted" insurance coverage during leave of absence by remitting, in advance, the cost of coverage. No coverage will be extended past 180 days under the County's program

Article 8.09 Domestic and Sexual Violence Leave Policy

All employees employed with the County for 3 or more months shall be 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 an employee is the victim of domestic or sexual violence.

This applies if an employee uses the leave from work to:

1. Seek an injunction for protection against domestic or sexual violence or an injunction for protection in cases of repeat violence, dating violence, or sexual violence;
2. Obtain medical care or mental health counseling, or both, for the employee or a family or household member to address physical or psychological injuries resulting from the act of domestic or sexual violence;
3. Obtain services from a victim services organization, including, but not limited to, a domestic violence shelter or program or a rape crisis center as a result of the act of domestic violence;
4. Make the employee's home secure from the perpetrator of the domestic or sexual violence or to seek new housing to escape the perpetrator; or
5. Seek legal assistance in addressing issues arising from the act of domestic or sexual violence or to attend and prepare for court-related proceedings arising from the act of domestic or sexual violence.

Except in cases of imminent danger to the health or safety of the employee, or to the health or safety of a family or household member, an employee seeking leave under this policy is required to provide at least 3 days notice to the Human Resources Department and submit necessary documentation of the act of domestic or sexual violence such as a report by a law enforcement official, domestic violence shelter or medical care/ mental health professional.

The employee will be required to substitute all annual leave, personal leave, and sick leave for unpaid Domestic and Sexual Violence Leave.

An employee has no greater rights to continued employment or to other benefits and conditions of employment than if the employee was not entitled to leave under this section. This section does not limit the County's right to discipline or terminate any employee for any reason, including, but not limited to, reductions in work force or termination for cause or for no reason at all, other than exercising his or her rights under this section.

Personal identifying information that is contained in records documenting an act of domestic or sexual violence and that is submitted to an agency, as defined in F.S. Chapter 119, by an agency employee under the requirements of this section is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

A written request for leave that is submitted by the employee under the requirements of this section and any County time sheet that reflects such a request are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until 1 year after the leave has been taken.

BCC Approval: 1/27/09

DISCIPLINARY ACTION--STANDARDS OF EMPLOYMENT

9.01 POLICY

- A. The County recognizes that the interest of the community and the job security of its employees depend upon the County's success in providing proper and efficient services to the community. To this end, the County encourages to the fullest degree, employee behavior which is positive and supportive of the goals of effective County management. The County and its employees recognize the need for progressive and appropriate disciplinary action when an employee's conduct and job performance are inconsistent with these goals.
- B. It is the belief of the Board of County Commissioners that effective supervision and employee relations will avoid most matters which necessitate disciplinary action. The purpose of rules, and disciplinary action for violating such rules, is not to restrict the rights of any employee, but to insure the rights of all and secure cooperation and orderliness throughout County service. Whenever possible, the administration of discipline will be constructive, corrective and progressive.

9.02 RESPONSIBILITIES

- A. Supervisors and middle management are responsible for monitoring, evaluating, and documenting the conduct and job performance of employees under their supervision.
- B. Department Heads are responsible for managing their supervisors and middle managers in the formulation of conduct and job performance standards and for the administration of oral warnings and written reprimands in their assigned department.
- C. The Human Resources Director is responsible for monitoring all disciplinary action for County employees to insure that basic employee rights are protected and to insure that appropriate and consistent action is taken with regard to the offense. The Human Resources Director is responsible for making recommendations regarding discipline to the County Manager. The County Manager shall have the authority to initiate disciplinary procedures when a Department Head has decided not to discipline, or recommend discipline, for conduct which might otherwise qualify for disciplinary action.
- D. The Department Head has the authority to give an oral warning or written reprimand and effectively recommend more severe disciplinary action to the County Manager. The County Manager, or his designee, shall have the authority to administer all levels of discipline in accord with the procedures outlined in this Section.
- E. For the purpose of this Section, the term County Manager shall include his or her designees, as is necessary and occurs from time to time.

9.03 PROGRESSIVE DISCIPLINE ADMINISTRATION

- A. Generally, employee misconduct should be dealt with using a progression of disciplinary measures. When progressive discipline is not followed, the Department Head (in the case of oral warnings and written reprimands) and the County Manager (in the case of more severe discipline) shall justify said departure either in the body of the written reprimand or in the notice of disciplinary action. - Likewise, a decision by the Department Head not to impose an oral warning or written reprimand or to recommend more severe discipline for conduct which might otherwise qualify for disciplinary action shall be justified in a written memorandum to the County Manager, and resolved in accord with the policies and procedures outlined in this Section. The County Manager shall establish procedures by which all disciplinary activity' conducted by each department shall be reported to him or her.
- B. Generally, unacceptable behavior can be considered major or minor. Major disciplinary infractions are those types of behavior which, because of their serious nature, may warrant suspension or dismissal on the first occurrence, even though the employee has no prior record of being disciplined. Minor misconduct, however, can have a cumulative effect and infractions may progress to more severe levels of disciplinary action. Disciplinary action may be taken for any just cause.
- C. It is the policy of the County that what a person does on his or her own time is exclusive of employment with the County. However, such a policy is not absolute. If an employee's off-duty conduct impairs the reputation of the County; is inconsistent and detrimental to the interests and goals of Clay County government; substantially impairs management's ability to maintain decorum, discipline, or morale; causes the employee to be unable to perform work or appear at work; or leads to refusal or reluctance on the part of others to work with the employee, barring protection under law, then the County is justified in taking disciplinary action as outlined herein. When an employee is on County property or working on County time, he or she is subject to the County's work standards and philosophy as enumerated herein. Furthermore, an employee officially representing the County at a location other than his or her normal place of work is accountable for compliance with the County's work standards and philosophy as enumerated in this Article. Additionally, the retention of any employee under suspicion of committing, or arrested for, or adjudicated guilty of a criminal offense has the unfortunate but inevitable effect of eroding the public confidence in the honesty and integrity of County government as a whole. The public confidence in the honesty and integrity of County government is of penultimate importance to the Board of County Commissioners and a primary objective in the administration of County government.
- D. Probationary employees may be disciplined up to being dismissed, without cause, at any time during the probationary period, or extension thereof. Probationary employees are not entitled to disciplinary hearings or appeals.
- E. Progressive discipline administration includes:

1. Oral Warning-

- a. An oral warning consists of a Department Head or County Manager verbally warning an employee in a private meeting concerning his or her behavior or work performance and counseling the employee on how to improve. The employee shall be given the opportunity to provide any relevant or name clearing information to the Department Head or .the County Manager. An effective oral warning includes a clear description of the correct performance or behavior which is desired and notice to the employee that the conversation is to be considered an oral warning.
- b. The Department Head or County Manager shall make a written record of the meeting. The employee's initials should be obtained on this notation to indicate receipt of the oral warning. The employee's initials do not imply agreement. If the employee refuses to initial the record, this should be noted in the employee's permanent personnel file. Oral warnings are not appealable.

2. Written Reprimand-

- a. A written reprimand is used when an oral warning has not resulted in a satisfactory change in the employee's conduct or when an oral warning is deemed insufficient for the offense.
- b. A written reprimand is administered through the use of a notice of disciplinary action which should include the following information:
 1. Reference to recent oral warnings or written reprimands or counseling on similar violations or conduct, as applicable.
 2. Specific charge of misconduct. Reference should be made to the law, County or department rule, supervisory order, or other directive which has been violated.
 3. Management's expectations regarding proper conduct and/or performance.
 4. Warning regarding management's course of action if the employee fails to correct the performance and/or behavior in the future and that more severe discipline may follow;
 5. The Department Head's signature and date;
 6. The County Manager's signature and date, if the discipline was initiated by the County Manager's office;
 7. The employee's signature which acknowledges receipt of the written reprimand and the date of receipt. The employee's signature does not imply agreement. If the employee refuses to sign the written reprimand, management should note this action on the notice and place it in the employee's permanent personnel file.
- c. To present the written reprimand, the Department Head or County Manager, as applicable, should meet with the employee, explain the necessity for disciplinary

action, give a copy of the written reprimand to the employee, and have the employee acknowledge receipt. The written reprimand shall be placed in the employee's permanent personnel file. At that meeting, the employee shall be provided a time period during which he or she may place a written responsive memorandum in his or her permanent personnel file which outlines any explanation, name clearing information, or disagreement with the written reprimand. The Department Head will review any submitted statement and render a decision regarding whether the written reprimand should be withdrawn. If so, the Department Head will prepare a follow up notice of withdrawing the written reprimand and place it with the written reprimand in the employee's permanent personnel file.

3. Suspension-

- a. A suspension is used when an oral or written reprimand has not resulted in a satisfactory change in the employee's conduct or when an oral warning or written warning or reprimand does not adequately address the severity of the offense.
- b. Within two business days of the incident for which suspension may be contemplated, or within two business days of the date management becomes aware of the incident, the Department Head shall prepare a letter to the employee informing the employee of Management's inquiry and the factual basis surrounding the incident. The Department Head shall offer to meet informally with the employee to discuss the incident and allow the employee to explain his or her position and to offer any information relevant to making the final determination and decision regarding discipline. The letter shall state that management is considering imposing discipline at a formal disciplinary hearing and the range of disciplinary measures which could be imposed. The letter shall contain a time period not to exceed two business days from the date of receipt during which the employee must contact the Department Head to schedule the informal meeting. The letter should be hand delivered to the employee in the presence of a witness and when possible signed for by the employee, or should be mailed by certified mail, return receipt requested. If the employee does not desire to meet with the Department Head or fails to schedule a meeting, then the Department Head will recommend an appropriate discipline action to the County Manager for use at the disciplinary hearing.
- c. Within two days of the occurrence of the informal meeting referred to above, or earlier if the employee does not desire a meeting or fails to schedule a meeting, the Department Head shall recommend a disciplinary action to the County Manager, who shall have the authority to impose a suspension following a disciplinary hearing. If the recommendation is one of no discipline, then the recommendation shall be accompanied by information justifying no disciplinary action. If the County Manager concurs with the recommendation of no discipline, then the employee will be so notified, in writing. If the County Manager does not concur in the recommendation of no discipline, or if the recommendation is one for discipline, then the County Manager will initiate a disciplinary hearing. The recommendation

is not a condition precedent to suspension nor is it binding on the County Manager. A letter informing the employee of the proposed suspension as outlined in this Section should be provided in writing within two business days of receipt of the Department Head's recommendation and contain the date and time for a disciplinary hearing. The letter of proposed suspension should be hand delivered to the employee in the presence of a witness and when possible signed for by the employee, or should be mailed by certified mail, return receipt requested.

- d. The suspension is administered using the notice of disciplinary action and shall be used at the disciplinary hearing. The document should contain the following information:
 1. Reference to previous disciplinary action including oral warnings, written reprimands, and/or suspensions, as well as other counseling or efforts to correct the performance and/or conduct of the employee, as applicable;
 2. Specific charge of misconduct. Reference should be made to the law, County or department rule, supervisory order, or other directive which has been violated;
 3. Management's expectations regarding proper conduct and/or performance;
 4. Warning regarding management's course of action if the employee fails to correct the performance and/or behavior in the future and that more severe discipline may follow'
 5. The date of the disciplinary hearing;
 6. The Department Head's signature and date;
 7. The Human Resources Director's recommendation;
 8. The County Manager's signature and date.
 9. The employee's signature which acknowledges receipt of notice of disciplinary action and the date of receipt. The employee's signature does not imply agreement. If the employee refuses to sign the document, management should note this action on the notice and place it in the employee's permanent personnel file.
- e. During the time between the infraction causing the disciplinary action and the disciplinary hearing, the employee shall be expected to report to work and perform his or her work without incident.
- f. The County Manager, may suspend an employee with pay pending the disciplinary hearing and a final determination of discipline. An employee may be suspended with pay immediately when the employee's continued presence on the worksite

could result in damage to County property, would be detrimental to the best interests of the County, or could result in injury to the employee or a fellow employee, involving the necessity to immediately remove the employee from the worksite. An immediate suspension under this section shall be administered in the same manner as a non-immediate suspension as described above.

- g. In no event should the interim suspension prior to the date of the disciplinary hearing last longer than two weeks. A final determination of discipline will be made at the disciplinary hearing which can include continued suspension (without pay prospectively from the date of the decision), along with oral warnings, written reprimands, dismissal, or a determination of no discipline.
- h. It may be necessary for a supervisor or Department Head to suspend an employee without pay for tardiness or other disruptive behavior, when not to do so will result in the failure of the particular department or work crew as a whole to accomplish its daily responsibilities. This suspension may occur even if there is no prior record of the behavior warranting the suspension, and may occur despite the absence of prior oral or written warnings. In this limited instance, the supervisor or Department Head shall have the authority to impose the suspension, not to exceed one day. The County Manager's prior approval or concurrence in the suspension shall not be necessary under this section. There shall be no right to a disciplinary hearing under this section prior to imposition of the suspension. Under this section, an employee can request, within two working days, an informal meeting with his department head to discuss the incident and allow the employee to explain his or her position and to offer any information relevant to the suspension. If the matter is not resolved, then the employee may, within two working days of the informal meeting, request that a disciplinary hearing be held, in which case, the County Manager shall schedule one and notify the employee of the date and the time of the hearing, in writing, either by personal delivery or by certified mail, return receipt requested. This type of suspension shall not be considered part of the progressive discipline structure. However, if the behavior causing the one day suspension continues, then said behavior may become grounds for disciplinary action.

4. Dismissal-

- a. A dismissal from employment is initiated when all previous disciplinary actions have failed to bring about a satisfactory change in an employee's conduct, or when a lesser action does not adequately address the severity of the offense.
- b. Within two business days of the incident for which dismissal may be contemplated, or within two business days of the date management becomes aware of the incident, the Department Head shall prepare a letter to the employee informing the

employee of management's inquiry and the factual basis surrounding the incident. The Department Head shall offer to meet with the employee to discuss the incident and allow the employee to explain his or her position and to offer any information relevant to making the final determination and decision regarding discipline. The letter shall state that management is considering imposing discipline at a formal disciplinary hearing and the range of disciplinary measures which could be imposed. The letter shall contain a time period not to exceed two business days from the date of receipt during which the employee must contact the Department Head to schedule the informal meeting. The letter should be hand delivered to the employee in the presence of a witness and when possible signed for by the employee, or should be mailed by certified mail, return receipt requested. If the employee does not desire to meet with the Department Head or fails to schedule a meeting, then the Department Head will recommend an appropriate discipline action to the County Manager for use at the disciplinary hearing.

- c. Within two days of the occurrence of the informal meeting referred to above, or earlier if the employee does not desire a meeting or fails to schedule a meeting, the Department Head shall recommend a discipline action to the County Manager, who shall have the authority to impose dismissal following a disciplinary hearing. If the recommendation is one of no discipline, then the recommendation shall be accompanied by information justifying no disciplinary action. If the County Manager concurs with the recommendation of no discipline, then the employee will be so notified, in writing. If the County Manager does not concur in the recommendation of no discipline, or if the recommendation is one for discipline, then the County Manager will initiate a disciplinary hearing. The recommendation is not a condition precedent to suspension nor is it binding on the County Manager. A letter informing the employee of the proposed dismissal as outlined in this section should be provided in writing within two business days of receipt of the Department Head's recommendation and contain the date and time for a disciplinary meeting. The letter of suspension and proposed termination should be hand delivered to the employee in the presence of a witness and when possible signed for by the employee, or should be mailed by certified mail, return receipt requested.
- d. The dismissal is administered using the notice of disciplinary action. The document should contain the following information:
 1. Reference to previous disciplinary action including oral warnings, written reprimands, and/or suspensions, as well as other counseling or efforts to correct the performance and/or conduct of the employee, as applicable;
 2. Specific charge of misconduct. Reference should be made to the law, County or department rule, supervisory order, or other directive which has been violated;
 3. Management's expectations regarding proper conduct and/or performance;

4. The date of the disciplinary hearing.
 5. The Department Head's signature and date.
 6. The Human Resources Director's recommendation.
 7. The County Manager's signature and date.
 8. The employee's signature which acknowledges receipt of the notice of disciplinary action and the date of receipt. The employee's signature does not imply agreement. If the employee refuses to sign the document, management should note this action on the notice and place it in the employee's permanent personnel file.
- e. During the time between the infraction causing the disciplinary action and the disciplinary hearing, the employee shall be expected to report to work and perform his or her work without incident.
 - f. The County Manager, may suspend an employee with pay pending a disciplinary hearing on the proposed termination and final determination of discipline. An employee may be suspended with pay immediately when the employee's continued presence on the worksite could result in damage to County property, would be detrimental to the best interests of the County, or could result in injury to the employee or a fellow employee. An immediate suspension pending a proposed dismissal under this section shall be administered in the same manner as non-immediate suspension pending dismissal as outlined above.

9.04 DISCIPLINARY HEARINGS

- A. A disciplinary hearing is provided to all permanent, non-probationary employees prior to the imposition of a suspension without pay, and/or dismissal (with the exception of the one day suspensions discussed previously). In the case of an employee who has been suspended with pay, for suspended with pay pending a determination of dismissal, then, the disciplinary hearing shall be held as soon as is practicable in accord with the procedures outlined in this Section.
- B. The County Manager, who shall preside over the hearing, must schedule a disciplinary hearing upon notification by the Department Head that a suspension, or dismissal is recommended, when the Human Resources Director or the County Manager has summarily suspended an employee, pending a final disposition of the matter, or when the County Manager does not concur with a recommendation of no discipline, when suspension or dismissal may otherwise be appropriate for the infraction. The hearing should be scheduled within two business days of receipt of the recommendation from the Department Head.

- C. Notice of the time and date of the hearing should be given to the employee in writing at least two business days prior to the scheduled hearing. The employee shall also be provided a copy of the notice of disciplinary action. The notice should be partially completed at this stage, omitting only the decision of what type of disciplinary action will or will not be imposed. The notice shall also advise the employee that he or she may prepare an oral or written statement, or both, to be presented at the hearing to refute or explain the charges made against the employee. The hearing will be held during regular business hours. If the employee refuses to sign and date the notice, the person responsible for delivering the notice shall sign and date the receipt as an indication that the employee has so refused. A notice mailed by certified mail shall constitute full and complete notice even if the mail is refused or ignored by the employee.
- D. At the hearing, the County Manager:
1. confirms that the employee has received a copy of the Notice;
 2. explains the charges and the type of disciplinary action being contemplated;
 3. provides the employee with an opportunity to offer any contrary evidence, explanation, comments, witnesses, or name clearing information.
 4. calls any witnesses he or she deems necessary to elicit all facts surrounding the incident.
- E. Attorneys may represent the employee at the disciplinary hearing, provide witnesses, and conduct questioning on behalf of the employee. Attorneys' fees are the responsibility of the employee. The employee shall be permitted to submit any relevant information he or she desires, oral or written. The employee may choose to make no statement in which case, the County Manager will proceed with the best information he can obtain.
- F. After the steps above have been satisfied, the County Manager, shall make a final decision regarding whether and what type of discipline to be imposed. The County Manager is not bound by the recommendation of the Department Head and may impose any of the several types of discipline available.
- G. Hearings may be postponed, rescheduled, or continued if the County Manager feels that further investigation of the case is necessary. Delays must be for reasonable circumstances, and for a reasonable length of time, not to exceed two weeks. Interim suspension with pay shall be continued during any postponement for this reason. If the employee initiates the postponement, rescheduling, or continuance of the disciplinary hearing, then the employee will forfeit any claim to wages during the time of the delay period. Employees who fail to appear at their disciplinary hearing will forfeit their right to a disciplinary hearing, in which case, the County Manager will decide the appropriate discipline based upon the best information available to him or her at that time.

- H. After the disciplinary hearing, the employee shall be notified of the discipline decision and the date on which the disciplinary action will be imposed. The notice should be given to the employee, in person, if possible, or by certified mail, return receipt requested. Such notice shall include explanation of the employee's right of appeal.

9:05 TIME

- A. Any time limit designated herein shall exclude the length of time the employer from whom a response or action is required is out of town on official business or on approved leave. In the absence of an extension, an employee's failure to observe the time limits herein shall constitute withdrawal from the disciplinary hearing process or the appeal process.
- B. The County has the right to initiate or continue disciplinary proceedings even if the employee who is subject to discipline does not report to work, cannot be located and is not present at his last known address. The County will, however, take all reasonable steps to locate an employee prior to proceeding with the disciplinary action. Under these circumstances, the County will not be responsible for any wages to the employee during the time he or she cannot be located, does not report to work, or is not present at his or her last known address.

9.07 STANDARDS

Any valid decision to suspend or terminate an employee must be supported by competent evidence. The employee has the burden of establishing by clear and convincing evidence that the County has violated a substantive provision of the Clay County Personnel Manual. The County shall be responsible for insuring compliance with the procedural requirements outlined in this Article 9.

9.08 OTHER

- A. Payment for lost, damaged or stolen equipment, funds, and uniforms. Disciplinary action may also require re-payment by an employee as a result of his or her theft of County property or funds through deduction from the employee's paycheck as outlined below. Disciplinary action may also require payment by an employee for lost or damaged equipment or other County property due to negligence or intentional destruction, up to an amount which equals the applicable insurance coverage deductible for the lost or damaged equipment or the value of the lost or damaged equipment whichever is less. Payment for said theft, loss or damage shall be made through payroll deductions not to exceed five percent (5%) of net pay per biweekly pay period, or the employee may elect to forfeit annual vacation leave to pay for the lost or damaged property. Upon separation or dismissal from County employment, any balance due shall be deducted from the

employee's final paycheck. The requirement for this payment shall be included as part of any disciplinary action (i.e., written reprimand, suspension, dismissal).

- B. An employee cannot use accrued annual vacation leave during any period of suspension without pay.
- C. Department standards. Each department may draw up substantive disciplinary policies or infractions which cater specifically to the work of the department. In addition, there may be other types of discipline peculiar to each department which may be more effective than that outlined herein. Procedurally, imposition of all discipline will be handled in accord with this Section. This Section shall supersede any departmental policy in the event of any conflict.

9.09 DEPARTMENT HEADS

The County Manager shall administer all disciplinary action for department heads. They shall be appointed by the County Manager serving at will and shall be responsible to the County Manager. If any department head is dismissed with or without cause the department head may appeal the County Manager's decision to the Board of County Commissioners within ten (10) days of the notification of termination.

9.10 CONDUCT SUBJECT TO DISCIPLINE

- A. The following is provided as an illustration of the types of conduct and performance which may be subject to disciplinary measures.
- B. Employees may be disciplined and dismissed from employment for a variety of causes. The examples of misconduct and unsatisfactory performance enumerated in this policy for assessment of discipline is not at all inclusive. A listing of every instance for which discipline may be appropriate is, of course, an impossibility. There can be no mechanical formula for the application of discipline. Each instance of misconduct or deficiency must be viewed and judged individually. The County does not desire that improper conduct not listed herein be considered as proper or condoned due to its omission from this Section.
- C. The County may require disciplinary action up to and including discharge or incompetence, insubordination, neglect of duty, moral turpitude, or breach of peace. The types of conduct or performance which fall into these categories for dismissal are listed below. These lists are not all inclusive. In addition to those infractions listed below, the County must require compliance with regulations placed upon it from time to time by the State of Florida and the United States of America; if not, said failure to comply could make an employee susceptible to discipline.

- 1. Incompetence

- a. Habitual tardiness, absenteeism and abuse of annual and administrative leave and sick leave privileges.
- b. Failure to obtain or maintain licenses, certification and/or other professional credentials required for employment.
- c. Failure to notify appropriate County officials of the loss of any license, certification or other credential required for employment.
- d. Failure to observe County and general safety practices and regulations;
- e. Driving a private or County vehicle while on County business when not possessing a valid driver's license or liability insurance.

2. Insubordination

- a. Repeated violations of law, County or departmental rules or regulations or directives;
- b. Disregard for repeated failure to follow the instruction or direction of a supervisor or Department Head;
- c. Refusal to sign or complete documents required for employment;
- d. Refusal to cooperate fully in any internal or other investigation or hearing;
- e. Inappropriate use of County identification, including uniforms;
- f. Knowingly granting permission to a subordinate employee to violate any rule, policy or regulation, whether explicit or condoned through inaction.

3. Neglect of Duty

- a. Causing damage or loss to County or other public or private property and equipment through negligence, reckless or willful misconduct.
- b. Excessive or repeated waste of supplies and materials.
- c. An absence without approved leave for one or more consecutive work days. Any absence without approved leave for three consecutive days shall be deemed an abandonment of employment with the County.
- d. Failure to return to work after an approved leave of absence.

- e. Involvement in excessive number of accidents or safety violations on the job.
- f. Operating a County vehicle without the type of valid license required for the operation of the vehicle.
- g. Operating a County vehicle negligently, recklessly, willfully or in a wanton disregard for safety and causing damage to County property or persons.
- h. It is the obligation of all County employees to report the occurrence of any criminal behavior involving the use of County vehicles including but not limited to operating a county vehicle while under the influence of drugs or alcohol. The failure of any employee to report such incidents of criminal behavior to his or her supervisor or department head is subject to disciplinary measures.
- i. Use of County equipment, including vehicles, for any unauthorized purpose.
- j. Failure to notify supervisor of any use of prescription or other medication that may impair performance.
- k. Unauthorized release of information or records.
- l. Failure to be present for the start of work shift or when work assignments are being issued.
- m. Leaving the assigned work area without permission, except in the case of an emergency.
- n. Sleeping and other acts of inattention or neglect of duty.
- o. Unauthorized vending or solicitation on County property.
- p. Failure to report any on the job accident or injury in a timely manner, or participation in a cover up of an accident, incident or abuse of county property.

4. Moral Turpitude

- a. Falsification or misrepresentation of any document or record completed in the course of employment or in obtaining employment, including group insurance claims, and drug and medical testing.
- b. Violation of County code or other County policies relating to impartiality, use of public property, conflict of interest, disclosure or confidentiality.
- c. Suspicion of criminal activity, or arrest for any crime, or conviction of any crime.
- d. Engaging in any employment, activity, enterprise or behavior on or off County property for County time, which is illegal, incompatible or in technical conflict with

the employee's duties and responsibilities as a County employee, criminal, dishonest, infamous or notoriously disgraceful, which has the effect of adversely affecting the employer/employee relationship, which undermines stated policy goals and objectives of the County or impairs management's ability to maintain decorum, discipline, or morale.

- e. Attempting to coerce or influence a member of the public, fellow employees, subordinates or other County employees with gifts, services, loans or other considerations or accepting same in violation of Section 1 of the Clay County Personnel Policies Manual.
- f. Violation of any County ordinance or Florida law regarding political activity.
- g. Violating County policy or state law regarding nepotism.
- h. Theft or unauthorized removal or use of County property.
- i. Operating a County vehicle or equipment or reporting to work, while under the influence of alcohol or a controlled substance.
- j. Possession of alcohol or a controlled substance while on' duty or on County property, or in a County vehicle at any time.
- k. Use, possession, or sale of controlled substances at any time anywhere.
- l. Fighting; gambling; dangerous horseplay; immoral behavior; smoking in restricted areas; making false statements either oral or written about the County, other employees, supervisors, self or work situations; discrimination against an employee or an applicant for employment because of race, sex, creed, age, national origin or handicap, as defined in state and federal laws.
- m. Sexual harassment or any form of harassment based upon race, creed, age, national origin or handicap.

5. Breach of the Peace

- a. Being offensive or antagonistic, either physically or verbally, toward any County employee or member of the public at any time.
- b. Threatening, conspiring to commit, attempting or actually committing any assault or battery upon any County employee or member of the public on County property, during working hours or as a result of County employment.
- c. Possession or use of firearms, explosives, ammunition or other weapon during work hours or at any time on County property or in County vehicles.

- d. Disruption of County operations, functions, or services.
- e. Disorderly or inappropriate physical or verbal conduct.
- f. Intentionally setting off a fire alarm where no fire exists.

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EMPLOYEE GRIEVANCE PROCEDURE

10.01 GRIEVANCES

The policy of the Board of County Commissioners regarding employee problems and concerns is to provide a plan through which the County listens to its employees by:

- A. Considering each employee's complaints and problems fully and fairly;
- B. Providing an upward channel of communication to assure that each employee takes part in the resolution of those matters which affect him/her;
- C. Keeping employees informed of significant developments, particularly those which directly impact them.

This policy guarantees the employee's right to go beyond his/her immediate supervisor to resolve problems or complaints. The procedure outlined below assures employees that their problems and concerns are considered; also, that each employee will experience a greater participation in the resolution of his/her problem. This policy also is available to address issues other than suspensions and/or dismissals.

The County has developed a four-step Grievance Procedure which is designed to process an employee's grievance in an orderly manner and to assure an impartial, equitable resolution. The selection of a Grievance Committee, and the provision of an Employee Advisor from the Human Resource Department to help the employee present his/her grievance, are important aids to assuring that each employee's complaint is given a fair hearing. **EXCEPTION:** This provision does not apply to employees in a collective bargaining unit, covered by the terms of a collective bargaining agreement.

The following steps will be taken to resolve a grievance:

STEP 1: Supervisor or Department Head

With the aid of the employee advisor, the employee is given the choice of selecting the person (immediate supervisor or Department Head) with whom he feels most comfortable in addressing his grievance. The selection can be of special importance if either the immediate supervisor or the Department Head was directly involved with the problem or complaint. Because successful resolution of a grievance is often dependent upon its timely presentation, a grievance must be filed within five (5) working days of its occurrence or within five (5) working days of the time when the employee should have been aware of its occurrence.

STEP 2: Human Resources Director

If the employee has not received satisfaction from the supervisory person with whom he/she has talked, the employee may take his/her grievance, in written form, directly to the Human Resources Director.

The written grievance shall contain the following information:

1. A complete statement of the grievance and the facts upon which it is based;
2. The section of the Personnel Policies that covers the grievance (NOTE: Grievances are limited to interpretation of the various sections of these Personnel Policies);
3. The remedy or correction requested.

Timely processing of the grievance (i.e., five working days) is important in order to carry out an expeditious settlement. The Human Resources Director will review all pertinent facts and conduct a full review, after which he will issue a written decision.

STEP 3: Grievance Committee

If the employee is not satisfied with the decision following Step 2, he/she may request, within five (5) days, the Human Resources Director to arrange a hearing with a Grievance Committee which is composed of:

- *** One County employee, selected by the employee having the grievance, from a list compiled by the Human Resources Director.
- *** One County employee, selected by the involved Department Head, from the same list.
- *** One County employee, selected by the preceding two members, who shall become the Chairperson of this Grievance Committee.

The Grievance Committee shall have the authority to review and consider all evidence previously submitted, in order to determine if the Human Resource Director's decision was: based upon accurate information; legally correct (i.e., in accord with Federal and State Labor Laws); and consistent with the policies established in the Personnel Manual.

This Committee will complete its work within ten (10) working days of receipt of the grievance and, upon arriving at a decision, shall so notify the County Manager.

STEP 4: County Manager

The County Manager will review the decision reached by the Grievance Committee for factual and legal consistency. Satisfied that these tests have indeed been met, the County Manager will then announce the decision to the parties involved. Should his review indicate inconsistencies, he will note these and return it to the Committee for resolution. Following this, the County Manager will announce the Committee's decision to the parties involved.

All County employees must clearly understand that the use of this procedure is the right of every employee; thus any attempt to "get even" with an employee for using this procedure will be dealt with strongly!

TERMINATION OF EMPLOYMENT

11.01 TYPES OF TERMINATION

Types of Termination:

A. Quit With Notice.

Termination resulting from voluntary actions on the part of the employee provided the employee shall give the County satisfactory notice, (normally two weeks), in writing. An employee may be reinstated within thirty (30) days of resignation provided they left in good standing and the position vacated is still vacant. The County reserves the right to require a medical examination, including drug test, prior to reinstatement of any former employee.

B. Quit Without Notice.

Employee is absent for three (3) consecutive working days without reporting to the County a reason which is sufficient to justify such absence.

Employee quits without giving at least three (3) working days notice.

Employee fails to return from leave of absence upon the expiration of leave.

C. Layoff.

Resulting from surplus manpower due to reorganization, abolishing a position or shortage of work or funds.

D. Discharge: Performance/Conduct.

Terminated by County for violation of rules, unsatisfactory performance or conduct.

E. Discharge: Unsatisfactory Introductory Period.

Termination by County as unsuitable during employee's introductory period.

F. Termination: Health, Deceased, Retirement.

Employee leaves the County's employment for physical reasons, death or retirement.

11.02 NOTICE OF TERMINATION

- A. An employee who voluntarily terminates will be expected to give his/her supervisor at least two (2) weeks notice. If any employee fails to give his/her supervisor at least three (3) working days notice, he/she shall be considered to have quit without notice.
- B. An employee shall be given at least two (2) weeks notice of layoff unless serving in an Introductory Period.

11.03 LAYOFF AND RECALL PROCEDURE

An employee may be subject to layoff when it becomes necessary to reduce the number of employees within a given classification or within a department, by reason of reorganization, shortage of funds, lack of work, abolishment of the position or other reasons. (*BCC Approval 5/22/07*)

RECALL CRITERIA

- A. Regular employees about to be, or who have been, laid off will be eligible for consideration with other active employees for vacancies in the County, provided they qualify and apply for the vacancy.
- B. Laid off employees will retain their recall rights for six (6) months in the classification from which they were originally laid off. Laid off employees recalled within six (6) months will have their seniority restored. If re-employed after the expiration of the recall period, the employee will be treated as a rehire.

11.04 RETIREMENT

Clay County employees are covered by the Florida State Retirement System (FRS). In this system, vested interest is normally achieved after (6) years service effective 07/01/01 and normal retirement age under the Florida Retirement System is age sixty-two (62) for regular class and fifty five (55) for special risk. If eligible, County employees may choose to enter the Deferred Retirement Option Plan (DROP) under FRS. In addition to this, County employees are also covered under Social Security.

There is no mandatory retirement age; however, employees approaching retirement age are encouraged to plan accordingly and to investigate the availability of their joint retirement benefits. In many cases the net retirement income can approach current take home pay.

The continuation of employment for any employee is dependent upon his or her ability to adequately perform, physically and mentally, the required duties of that position. In those instances when the employee's performance is not adequate to continue in the position, the employee shall be asked to retire or be removed from the payroll in accordance with procedures outlined in Section 9 of this manual.

11.05 TERMINATION OF DEPARTMENT HEADS

As per the County Charter (Article II, B-2), "The County Manager shall have the sole authority to terminate any Department Head with or without cause. The decision of the County Manager may be appealed to the Board of County Commissioners within ten (10) days of the notification of termination."

PERSONNEL PROCEDURES

12.01 EMPLOYMENT

- A. Human Resources Department Responsibilities. The Human Resources Department shall establish and maintain the employment process for the County and will be responsible for:
1. Ensuring that all positions to be filled have been approved by the Board of County Commissioners through the County Manager.
 2. Interviewing, testing (where appropriate), background investigating and otherwise prequalifying all candidates for County employment.
 3. Recruitment and referral of qualified applicants to fill departmental vacancies.
 4. Induction of newly hired personnel including completion of required personnel and payroll forms, arrangement of physical examinations and employee orientation.
 5. Approval of all changes in employee status in accordance with personnel policies approved by the Board of County Commissioners.
 6. Ascertaining the status of employee morale through such devices as exit interviews, and/or employee attitude surveys.
- B. Department Head's Responsibilities. Department Heads shall advise the Human Resources Director promptly of all personnel changes and will be responsible for:
1. Providing the Human Resources Director with a current listing of the names and titles of those individuals, within the department, authorized to requisition and hire new employees.
 2. Referring of all job seekers to the Human Resources Department for the purpose of submitting applications, testing or other pre-qualifying procedures.
 3. Insuring that all job positions in their departments have been evaluated, rated and classified by the Human Resources Department in accordance with the pay and classification plans.
 4. Submission of a personnel requisition to the Human Resources Department when requesting a replacement for separating employees, or in filling new positions.

5. Filling positions from applicants which have been pre-screened and qualified by the Human Resources Department. (When filling vacancies, hiring departments must allow sufficient time to permit the Human Resources Department to recruit and to perform routine background investigations of prospective new employees).
6. Referral of selected applicants to the Human Resources Department for final processing and entry on the job, including completion of all necessary payroll forms, physical examination and orientation.

12.02 POSITION CONTROL

- A. Positions shall be established and maintained by the respective Department Heads through a personnel budget approved by the Board of County Commissioners each fiscal year.
- B. Copies of approved departmental personnel budgets shall be furnished to the Human Resources Director each fiscal year by the appropriate Department Head. The approved staffing pattern for each department will reflect authorized positions by classification and pay grade with a position number assigned to each position for control purposes.
- C. The Human Resources Director and County Manager shall be authorized to approve employment in positions within the authorized personnel budget.

12.03 ESTABLISHING NEW POSITIONS

The establishment of new or additional positions, beyond those contained in the annual personnel budget, can only be authorized by the Board of County Commissioners, through the Budget, Finance and Personnel Committee.

12.04 APPOINTMENT OF DEPARTMENT HEADS

The County department heads shall be appointed by the County Manager, shall be employees at will and shall be responsible to the County Manager.

12.05 ANNUAL REVIEW OF ATTORNEY, AUDITOR AND MANAGER

- A. During the month of October each year, the Board shall evaluate the performance of the County Attorney, County Auditor and County Manager. The annual evaluation is each Board member's observation of the employee during the preceding year, a summary of the employee's performance in terms of a variety of job-related factors, and whether the employee is performing in those areas at an acceptable or unacceptable level of competence. The evaluation shall assess the employee's performance of all duties and responsibilities, and the exercise of all powers for which he or she is responsible under the Clay County Charter during the immediately preceding evaluation period. This evaluation should also include a plan to develop strengths and identify and improve weak areas.
- B. Each member of the Board shall complete a written evaluation and such evaluation instrument shall become part of the employee's record by no later than November 1 of that year.

13.0 BENEFITS OFFERED TO COUNTY EMPLOYEES

1. ACCRUAL OF ANNUAL AND SICK LEAVE - Starts immediately at the rate of 8 hours per month. Any leave taken prior to completion of the three months "INTRODUCTORY PERIOD" would be without pay.
2. MEDICAL INSURANCE - The County contributes towards the employee's insurance. OPTIONAL: Employee may elect Family Coverage among available plans.
3. PHARMACY (Prescription) PLAN – The Health Insurance includes prescription coverage.
4. LIFE INSURANCE/AD&D - The County pays for the employee to have \$20,000 worth of life insurance.

OPTIONAL: 1. Employee may elect supplemental life insurance up to \$100,000 at a cost to the employee of \$3.00 per month, per \$10,000 of coverage.

2. Dependent Life Coverage available for an additional premium.

5. DENTAL INSURANCE – The County contributes toward the employee's insurance. Employee may elect from two Dental Plans. Premiums can be payroll deducted.

6. OTHER INSURANCE PLANS - OPTIONAL

American Dental Plan (Optional Dental Plan)
American Family Life (Cancer/Intensive Care Insurance)
Colonial Accident & Life Insurance (Disability/Accident Insurance)
Hartford Insurance (Long Term Disability)
EyeMed Vision Care
Pre-Paid Legal Services
Premiums can be payroll deducted.
BCBS Flexible Spending Account

7. SALARY REDIRECTION PLAN (IRS 125) - Employee may have insurance deductions, allowed by Federal Law, taken on a pre-taxed basis.
8. DEFERRED COMPENSATION PLANS (IRS 457) - Employee may elect these plans which are Savings/Retirement Investment Plans. (Payroll deduction available)
9. EMPLOYEE ASSISTANCE PROGRAM - Provides employee and their families with short term confidential assistance for personal problems. (Paid for by County)
10. FLORIDA RETIREMENT SYSTEM - The County pays for enrollment in this retirement system. The Employee elects participation from the FRS Pension Plan or the FRS Investment Plan.
11. DIRECT DEPOSIT - Employee is eligible to have payroll electronically deposited.
12. HOLIDAYS - The County designates 11 paid holidays annually and a personal day.

14.0 DRUG-FREE WORKPLACE

A. INTENT

The Clay County Board of County Commissioners (the County) has implemented this policy pursuant to the drug testing amendments to the Florida Worker's Compensation Law, the Worker's Compensation Drug Testing Regulations, Fla. Admin. Code 38F-9, Florida traffic and safety laws for commercial motor vehicles, F.S. 316.302, the Omnibus Transportation Employee Testing Act of 1991, and the Department of Transportation Controlled Substances Testing Regulations, 49 C.F.R. part 382 and part 40 (collectively referred to as "Applicable law".) The County's primary concern is to protect the health and safety of its employees and the general public. The county will not tolerate any risk that our employee's safety, the safety of the general public and/or the services provided to the County may be compromised by the impaired actions of persons who insist on using drugs illegally and/or reporting to work under the influence of alcohol. In addition, the County wishes to qualify for the workers' compensation premium discount provided under Fla. Stat. 627.0915 and the irrebuttable presumption of intoxication provided under Fla. Stat. 440.09 and 440.101 with respect to employees who test positive for alcohol or illegal drug use following an on-the-job injury.

Pursuant to the Federal Highway Administration Controlled-Substance Testing Regulations, any employee who tests positive for the use of a controlled substance for which the County is testing is medically unqualified to operate a commercial motor vehicle. Furthermore, if a person refuses to be tested, such refusal shall be treated as a positive test and the person shall not be permitted to operate a commercial motor vehicle.

B. CIRCUMSTANCES REQUIRING DRUG TESTING

Job Applicants—All finalists for positions with the County will be offered employment contingent upon satisfactory results of a drug test. **No applicant will be tested until after receiving a conditional offer of employment**. Applicants who refuse to be tested will not be considered for employment and their conditional offer will be withdrawn.

Current Employees—Drug testing may be required under the following circumstances.

a. Reasonable Suspicion Testing: Employees will be tested where there is a reasonable suspicion that an employee has violated the County's drug and alcohol policies. Among other things, this may include:

- i. Observable phenomena while at work, such as direct observation of drug use or of the physical symptoms or manifestations of being under the influence of a drug.
- ii. Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
- iii. A report of drug use, provided by a reliable and credible source.

- iv. Evidence that an individual has tampered with a drug test during his employment with the current employer.
- v. Information that an employee has caused, contributed to, or been involved in an accident while at work.
- vi. Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on the employer's premises or while operating the employer's vehicle, machinery, or equipment.

b. Routine Medical Examinations: Employees who are otherwise routinely scheduled for medical examinations will be tested for illegal drugs and alcohol as part of the medical examination.

c. Follow-up Testing: All employees who have been determined to have used drugs or alcohol will be subject to a follow-up drug test. Such follow-up testing shall be repeated on an as needed basis thereafter for up to two (2) years.

d. Biennial (periodic) Testing: All employees who have not undergone a pre-employment test or a random test must be tested at least once every two (2) years commencing with the employees first medical examination after implementation of the drug testing program. This biennial testing is no longer required once the employee has been tested under this procedure or pursuant to a random test.

e. Random Drug/Alcohol Testing will be conducted for all employees;

1. (a) employees who maintain a Commercial Drivers License (CDL).
(b) employees whose use of a County-owned vehicle is routine and essential in the performance of their assigned duties.
2. In order to be random, all eligible employees will be placed in a common selection pool. Each employee's identifying number is then matched with a unique random selection number.
3. All drug testing of employees and applicants shall be conducted at certified medical facilities or laboratories.

f. Post Accident: Required for drivers under DOT Regulations and included in definition of "reasonable suspicion".

g. Additional Testing: Additional testing may also be conducted as required by state or federal law, or pursuant to County policy.

Amended 10/00

C. DISCIPLINARY ACTION

- a. Any employee who has a confirmed positive drug and/or alcohol test will be terminated, unless he/she requests and successfully completes substance abuse treatment. He/she will be given one chance to be rehired, upon a negative return to work drug and/or alcohol test. He/she will be subject to random follow-up drug and/or alcohol tests, at the County's discretion, for a period of 2 years. If he/she refuses to test, tampers with, adulterates a specimen, or has a confirmed positive result; he/she will be permanently terminated.
- b. Adulterated drug tests are considered as refusal to test. Refusals to test are considered a positive test result and therefore will be disciplined in accordance with this section.
- c. The standards used to determine a positive indication of drug use is delineated in 59A24 of the Florida Administrative Code.

* Drug and Alcohol Testing Policy 89/90-3 on file in Human Resources Department.

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15.0 VEHICLE ACCIDENT PREVENTION POLICY

A. POLICY STATEMENT

The vehicle accident prevention program is established to minimize the frequency and severity of vehicle related accidents.

B. INTRODUCTION

Vehicle accidents are the cause of 35% of work related fatalities. Also, one of the most important responsibilities in conducting County business is the obligation to protect and preserve County owned vehicles assigned to various departments. Vehicles and equipment are especially vulnerable to accidents, vandalism, theft, and abuse when an operator is not properly trained or supervised and becomes careless or negligent. Vehicle accidents and abuse impose a drain on County resources. To minimize these losses, an aggressive and continuing vehicle safety program will be conducted.

C. DEFINITIONS

1. An "accident" is defined as any damage to county-owned vehicles, equipment, or property that equals or exceeds \$500.00 in value and/or causes injury to any person, or causes any damage to vehicles, equipment or property that is not owned by the County.
2. An "incident" is defined as any damage to County-owned vehicles, equipment or property that amounts to less than \$500.00 in damage.
3. A "reportable incident" is a collective term that includes accidents, and incidents.

D. POLICY HIGHLIGHTS

The motor vehicle accident abuse and prevention policy includes provisions for:

1. Conducting vehicle safety and occupant protection education and implementing required safety practices.
2. Assigning each motor vehicle to a primary operator or department head (for Department Pool Vehicles).

3. Requiring periodic safety inspections by assigned operators.
4. Reporting, investigating and analyzing vehicle accidents, abuse, vandalism and theft.
5. Conducting drugs-of-abuse testing of vehicle operators in accordance with Federal and State regulations, the Board of County Commissioners' Drug And Alcohol Testing Policy and union contracts when applicable.
6. Providing vehicle operators with instructions on what to do if an accident should occur.
7. Taking disciplinary action in accordance with the Personnel Policies Manual or union contract as applicable.
8. Taking action to prevent future incidents.

E. ASSIGNMENT OF RESPONSIBILITIES

Selecting the right personnel is of paramount importance to operating vehicles/equipment safely and efficiently. Care in selecting vehicle/equipment operators is necessary to reduce the potential for loss of life, injury, liability, property damage and adverse public opinion from accidents.

Department Heads shall ensure that each vehicle/equipment operator in their department possesses a current State Driver's License for the class of vehicle that he or she is required to operate and is properly trained to operate their assigned vehicles/equipment. Orientation and training required for operators of special use vehicles, construction equipment and material handling equipment will be conducted and recorded by the user department.

F. RE-EVALUATION OF VEHICLE/EQUIPMENT OPERATORS

Vehicle/equipment operators will be given an immediate re-evaluation of their ability to safely operate a vehicle.

1. After being involved in an accident, or, when it is evident that the operator has abused a vehicle, or demonstrated poor or questionable judgment or an inappropriate attitude.
2. Upon conviction of two moving violations in any 12 month period, or a criminal traffic violation such as DUI or reckless driving.
3. When affected by a disabling physical impairment as determined by a competent medical authority.

4. Annually the Risk Manager shall obtain the driving record of each authorized motor vehicle operator to evaluate if the driver meets the minimum requirements for safe driving.

G. ACCIDENT SCENE PROCEDURE

Vehicle/equipment operators involved in accidents will:

1. Stop immediately.
2. Assist injured parties, but do not move them or the vehicles involved unless lives are in danger.
3. Warn motorists of any highway hazard.
4. Notify their immediate supervisor, the local police, Sheriff's Department, or State Highway Patrol, as applicable. The immediate supervisor will in turn notify the Safety Manager and Risk Manager.
5. Obtain factual information using the accident report form in the vehicle as a guide. Obtain the names, addresses, telephone numbers and license numbers of all parties involved, including witnesses.
6. Obtain any case numbers or accident report numbers assigned by investigating police officers or sheriff's deputies.
7. Stay at the scene of the accident until authorized to leave by proper authority.
8. NOT offer any information or answer any questions except as directed by a law enforcement officer.
9. NOT admit to any liability, negligence or fault.

H. MANDATORY SUBSTANCE ABUSE TESTING

Employee drugs-of-abuse testing shall be conducted in accordance with Federal and State regulations, the Board's Drug and Alcohol Testing Policy and applicable union contract.

An employee involved in an accident, incident and/or equipment abuse shall be taken for substance abuse (drug and/or alcohol) testing as soon as possible.

An accident and/or damage caused by abuse is deemed to be reasonable suspicion for requiring an employee to submit to drugs-of-abuse testing. Therefore, any refusal on the part of the employee to submit to testing immediately following an accident shall be

addressed in accordance with Federal and State regulations and the County's "Drug and Alcohol Testing Policy". However, the following specific accidents are not deemed to constitute "reasonable suspicion" for drugs-of-abuse testing purposes unless there are additional circumstances related to the accident that are deemed to constitute "reasonable suspicion."

1. Vehicle was lawfully parked. A vehicle rolling from a parked position, however, shall not be considered as lawfully parked, but as the responsibility of the last operator.
2. Struck in rear. An accident in which the county vehicle was struck in the rear by another and the employee operating the vehicle is not charged with a violation or cited in connection with the accident, or otherwise clearly at fault.
3. Other party charged. An accident in which the operator of the other vehicle is charged with a moving violation and the County employee is not.
4. Hit and run. The vehicle operated by the County employee is damaged by a hit and run driver. The accident must be reported immediately.
5. Animals or fowl. An accident involving damage by contact with animals or fowl.
6. Flying gravel or falling objects. An accident involving physical damage, limited to and caused by flying gravel, missiles, or falling objects.

In the case of an incident or near accident, reasonable suspicion, if appropriate, will be determined in accordance with the Board's Drug and Alcohol Testing Policy.

I. ACCIDENT INVESTIGATION AND ANALYSIS

Each accident involving a County owned vehicle will be analyzed and investigated by the immediate supervisor of the driver of the vehicle. At a minimum, the results of the supervisor's investigation will be recorded on the forms provided. Photocopies of this report, any statements from witnesses, any police reports and photographs shall be provided to the Department Head, Risk Manager and Safety Manager. It is most important that the supervisor identify the specific cause or causes of the accident and/or incident and recommend specific measures that can be taken to prevent a reoccurrence of this type of accident and/or incident.

The department head should review the accident/incident report and forward it to the Safety Manager. The department head should indicate his concurrence or nonconcurrency with the cause factors and recommendations of the supervisor. He shall also make additional comments and observations concerning the cause(s) of the accident, recommended corrective action and findings of FAULT or NO-FAULT. The involvement of the supervisory chain of command in the Accident Investigation is a key principle in an effective Safety and Health Management Program.

Normally, accidents, vandalism, theft and abuse damage will be reported to the Risk

Manager at the time of the incident. When a vehicle is delivered or found by the Fleet Division to have suffered accident or abuse damage, an initial work order reflecting the estimated cost of repairs will be prepared and forwarded to the user organization department head, or the Risk Manager (normally within one workday). The vehicle or equipment will not normally be used and repairs will not normally be performed until an investigation is completed with determination of cause and corrective action to prevent recurrence and/or similar accidents.

If mechanical failure is suspected, the Fleet Division or department concerned shall have all similar vehicles inspected for a similar mechanical discrepancy. The results of the investigation and any corrective action taken shall be forwarded to the Fleet Division Manager and Risk Manager.

J. DISCIPLINARY ACTIONS

When preventable vehicle incidents and "at fault" accidents or incidents in which there are injuries or damage to vehicles, or abuse occurs as the result of misconduct, poor judgment or inappropriate behavior of an employee, disciplinary action will be in accordance with the policies and procedures in Chapter 9 of the Personnel Policies Manual or applicable section of the union contract.

In addition to the disciplinary actions identified in the Personnel Policies Manual, the County Manager may also suspend driving privileges for a period up to twelve months if termination from employment does not result from the disciplinary process.

Where an employee's job duties require the operation of a vehicle, the loss of driving privileges for a period in excess of two weeks may also result in assignment to another position, if available. If the loss of driving privileges is for a period of two weeks or less, then the employee shall lose his or her enhancement of pay attributable to the driving privilege during the time of the driving privilege loss.

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16.0 EMPLOYEE POLICY & GUIDELINES FOR ACCEPTABLE INTERNET & E-MAIL USE

A. Acceptable uses of the Internet and County E-mail:

The county provided Internet and E-mail access is intended to be for County business and may only be used incidentally for personal business or other matters. The County encourages the use of the Internet and E-mail because they make communication more efficient and effective. However, Internet service and E-mail are County property, and their purpose is to facilitate County business. All messages composed, sent or received are and remain County property. They are not to be private property of any individual and no employee should have any expectations of privacy in such messages. Every staff member has a responsibility to maintain and enhance the County's image and to use the County E-mail and access to the Internet in a productive manner. To insure that all employees are responsible the following guidelines have been established for using E-mail and the Internet. Any improper use of the Internet or E-mail is not acceptable and will not be permitted.

B. Unacceptable uses of the Internet and County E-mail:

The county E-mail and Internet access may not be used for transmitting, retrieving or storage of any offensive or disruptive communications or communications of a discriminatory or harassing nature or materials that are obscene or X-rated. Harassment of any kind is prohibited. No messages with derogatory or inflammatory remarks about an individual's race, age, disability, religion, political beliefs, sex, national origin, physical attributes or sexual preference shall be transmitted, retrieved, or stored through the County's E-mail or Internet system. Electronic media may also not be used for any other purpose which is illegal or against County policy or contrary to the County's best interest. Solicitation of non-County business or the use of the County's E-mail or Internet for personal gain, is prohibited.

C. Communications:

Each employee is responsible for the content of all text, audio or images they place or send over the County's E-mail/Internet system. No E-mail or other electronic communications may be sent which hides the identity of the sender or represents the sender as someone else or someone from a different department of the County or a

different Employer. All messages communicated on The County's E-mail/Internet system should include the employee's name. Employees are not authorized to retrieve or read any E-mail or Internet messages that are not sent to them without prior approval by the County (the employee's department head). Any messages or information sent by an employee to another individual outside of the County via an electronic network (e.g., bulletin board, online service or Internet) are statements that reflect on the County. While some users include personal "disclaimers" in electronic messages, there is still a connection to the County, and the statements may be tied to the County. All communications sent by employees via the County's E-mail/Internet system must comply with this and other County policies and may not disclose any confidential County information.

D. Software:

To prevent computer viruses from being transmitted throughout the County's E-mail/Internet system, there will be no unauthorized downloading of any unauthorized software. All software download must be registered to the County. Employees should contact MIS if they have any questions.

E. Copyright Issues:

Copyrighted materials belonging to the entities other than the County, may not be transmitted, received or stored by employees on the County's E-mail/Internet system without prior authorization as required by law and the County (the department head). All employees obtaining access to other companies' or individuals' materials must respect all copyrights and may not copy, retrieve, modify or forward copyrighted materials, except with permission, or as a single copy to reference only. Failure to observe copyright or license agreements may result in disciplinary action up to and including termination.

F. Security:

The County will routinely monitor usage patterns of employees for its E-mail/Internet communications. The reasons for any such monitoring are many, including cost analysis/allocation and the management of the County's gateway to the Internet. All messages created, sent, or retrieved over the County's E-mail/Internet are property of the County and are considered public information. The County reserves the right to access and monitor all messages and files on the County's E-mail/Internet system. Employees may not assume electronic communications are private. The contents of E-mail and internet messages or information may be disclosed by the County without the permission of the employee. Employees, by using the County's E-mail/Internet system expressly consent to the County's monitoring of messages. The use of passwords do not guarantee confidentiality. All passwords must be disclosed or they cannot be used.

G. Violations:

Any employee who violates this policy and abuses the privilege of County facilitated access to E-mail or the Internet will be subject to disciplinary action up to and including dismissal from employment with the County. If necessary, the County will also report illegal violations to appropriate legal officials of any illegal violations. Any employee who discovers a violation of this policy shall notify his or her immediate supervisor who shall in turn notify his or her immediate supervisor, until the Department Head has been notified. Any employee may notify the Department Head directly in the event it is the employee's immediate supervisor who has allegedly violated the policy.

H. USER AGREEMENT

All employees shall read and become familiar with this Policy and as evidence thereof execute the following User Agreement on the next page. The refusal to execute the User Agreement will result in disciplinary action up to and including dismissal from employment with the County. Res. #96/97-104.

VEHICLE USE POLICY

SECTION 17A

A. PURPOSE.

This section sets forth the vehicle use policy of Clay County. Its purpose is to establish operational guidelines and policies related to the operation of County vehicles, permanent 8-hour vehicle assignments, 24-hour vehicle assignments, and utilization of private vehicles to conduct official County business and to maximize utilization of all County vehicles to ensure the highest return available for capital, operating, and maintenance dollars.

B. ORGANIZATIONS AFFECTED.

All departments and divisions under the Board of County Commissioners which utilize sedans, utility vehicles, pickup trucks, vans, panel and utility trucks for County business shall comply with this policy.

C. GENERAL.

Certain employees have vehicles provided to them in order to properly and efficiently carry out their job duties. County vehicles are distinctly marked and the way they are operated directly reflects on the public image of our County. County vehicles are to be used as necessary to conduct business of the County and its operations. Employees shall not operate County vehicles for the purpose of pleasure travel or conducting a private business or enterprise. However, it is recognized that a minimum amount of personal use of a County vehicle may be required for those employees who are assigned a take-home vehicle and, therefore, commute to and from work in the County vehicle; conduct their daily work in or from a vehicle; or are on County authorized travel. Each Department Head shall insure that only authorized personnel are allowed to operate County vehicles and equipment.

D. RULES APPLICABLE TO THE USE OF ALL COUNTY VEHICLES.

The following provisions shall apply to all employees who operate County vehicles. Failure to comply with these provisions will result in disciplinary action, up to and including termination of employment.

- (1) Safety belts shall be used properly at all times when operating a County vehicle.
- (2) Under no circumstances shall alcoholic beverages or illegal drugs be consumed, used or transported in County vehicles. In this regard, the driver of the vehicle will be held primarily responsible for the vehicle and its contents.
- (3) Smoking in County vehicles is strictly prohibited.

- (4) The Department or Division specifically assigned a non-motor pool vehicle is responsible for maintaining the vehicle in a clean condition. Washing of the vehicle may be accomplished using the County's car wash facilities.
- (5) Any employee operating a County vehicle or a privately owned vehicle utilized in conducting County business must possess and maintain the appropriate Florida Driver's License and observe all traffic regulations and anti-littering regulations. Such employee must promptly report driver license restrictions, expiration, denial, suspension, or revocation immediately to his or her supervisor.
- (6) The current vehicle registration and insurance carrier card must be maintained in a plainly marked envelope within the glove compartment of each County vehicle at all times. The person assigned the exclusive use of a vehicle shall be responsible for ensuring compliance with this paragraph regarding such vehicle. The head of the Department or Division to which a motor pool vehicle has been assigned shall be responsible for ensuring compliance with this paragraph regarding such vehicle.
- (7) Each year, persons assigned take home County vehicles must complete and file all necessary forms with the Finance Department in order to comply with applicable Federal tax regulations.
- (8) Personal use of a County vehicle shall be restricted to the time the employee is en route to or from work (8-hour and 24-hour vehicles only). Brief stops such as at banks or convenience stores are permitted. Using the vehicle to go to a business establishment or other location after returning home is not permitted, unless it is for an assigned County function or meeting, or unless the employee has been specifically instructed by the County Manager to have the vehicle in his/her possession for immediate response because of special, unique circumstances. Any visit to a legitimate business site while en route to or from work must be brief and must not subject the vehicle to undue danger, nor may said business establishment be illegal or lend discredit to the County Government or its operations.
- (9) Under no circumstances shall a County vehicle be driven by a person not employed by the County, except in case of an emergency.
- (10) Except as may be limited, prohibited or otherwise provided under a collective bargaining agreement applicable to a particular employee, each employee who is assigned a County vehicle to perform official duties shall be permitted to take all authorized breaks and lunches within the assigned area, but shall not leave the assigned area without authorization from his or her immediate supervisor.
- (11) In using a County vehicle, anyone failing to comply with this Vehicle Use Policy or with State or local traffic regulations will be subject to disciplinary action. In

addition to warranted discipline, the appropriate Department Director or County Manager shall have the right to deny, until suitable remedial steps have been imposed and satisfactorily completed, the use of a County vehicle to anyone so failing to comply.

E. EMPLOYEE RESPONSIBILITIES.

(1) All employees are required to comply with this vehicle policy as set forth herein, or as the same subsequently may be amended from time to time.

(2) All employees who operate County vehicles must exercise reasonable care in the safekeeping, use and maintenance of County vehicles to which they are assigned. Accordingly, negligence in the use and care of County vehicles, including but not limited to, abuse, misuse, willful or negligent loss, and/or destruction may result in disciplinary action up to and including termination. Serious cases of negligence may result in the filing of a civil and/or criminal action against the employee.

(3) All employees who operate County vehicles must do so in a safe manner; Must comply with all State and local traffic regulations including safety restraint laws for driver and all passengers and including not littering from the vehicle; and must display safe and courteous driving habits which reflect favorably on Clay County and its employees.

(4) Any employee who receives a traffic citation while operating a County vehicle must comply with the lawful requirements imposed by the issuing agency and notify his or her immediate supervisor of the citation, and the effect (if any) that the citation may have on the employee's ability to maintain the required driver's license should the employee plead to or be found guilty of the offense charged in the citation.

F. VEHICLE ASSIGNMENT CLASSIFICATIONS AND GUIDELINES.

(1) 8-HOUR ASSIGNED VEHICLE.

The assignment of an 8-hour vehicle to an employee will be determined by the Director of the Department to which the vehicle has been assigned. In order for an employee to be eligible for an 8-hour vehicle assignment, one of the following criteria must be met:

- a. The vehicle is subjected to frequent abnormal, excessive, or hazardous conditions which cannot be avoided.
- b. The vehicle is required to carry special equipment, parts and tools, or emergency response equipment.

c. The employee's position is one of inspection, deliveries, enforcement, investigation, community outreach directly associated with daily authorized work programs, grounds maintenance, equipment maintenance, facilities, or road maintenance in which 70% of the employee's work day is spent at a site other than his or her reporting location.

(2) DEPARTMENT MOTOR POOLS.

As required for efficient use of personnel and equipment, departments may maintain a small motor pool at a location as designated by the Department Director. An employee requiring a vehicle for a day or portion thereof will request such vehicles from his or her departmental motor pool through the Department Director or Division Manager who will make assignments from the motor pool as available provided the employee is otherwise qualified under this Vehicle Use Policy.

(3) EXTENDED OVERNIGHT USE.

A Department Director may authorize an employee under his or her supervision to take a County vehicle assigned to the Department on an occasional basis home when the Director determines the same to be in the best interest of the County. "Occasionally" is defined as occurring on an infrequent and irregular basis, and typically less than five consecutive working days in duration. An example of this would be during times of emergency or during disasters. This authorization must be granted at the Department Director level for departmental employees and by the County Manager for Department or Division Directors.

(4) 24-HOUR ASSIGNED VEHICLE.

The County Manager shall have the exclusive authority to approve all 24-hour vehicle assignments. To qualify for the assignment of a vehicle to be driven home at night, an employee must live within the boundaries of Clay County and must meet one or more of the following conditions:

- a. An employee must be designated for on-call duty 24 hours per day, and must actually be called out for bona fide emergencies on an average of three times per month for the preceding three month period. Such employee must be on-call specifically for emergencies and must require transportation and tools or equipment on board the vehicle to perform his or her emergency duties.
- b. An employee must be assigned the use of a marked 24-hour County response vehicle that is equipped and operated for the purpose of providing support during a bona fide emergency response to the public safety functions of the County by establishing or repairing

access to areas and people in need of fire suppression or emergency medical response service; or rescue or protection from accidents, severe weather, loss of roadway, loss of traffic signals or barricades, or drainage washouts; provided, the assignment of employees to on-call status with a County vehicle under this subparagraph shall be accomplished, to the extent reasonably and safely practicable, on a rotating basis among qualified personnel, and with the minimum staffing reasonably necessary and appropriate.

c. An employee must be assigned to an administrative or executive position which requires routine weekend and/or evening attendance at public meetings or functions.

d. An employee has been provided with a County vehicle as part of an employment agreement.

e. Employee's position is one of inspection or enforcement where it is to the advantage of the County for that work to be conducted either on the way to or from work.

f. As a condition of employment for any position that has been authorized by the County Manager.

G. RULES REGARDING 24-HOUR ASSIGNED VEHICLES.

Each employee who is assigned a County vehicle that is driven home at night must adhere to the following rules:

(1) In order to provide a greater margin of protection for the County's vehicle and equipment from collision, damage, or theft, the employee must have available and actually use off-street parking for the vehicle when it is parked at the employee's residence.

(2) Under no circumstances shall the vehicle be used for transporting members of the employee's family or for anything pertaining to personal business or pleasure.

(3) The vehicle must be turned in to the employee's department when the employee is absent for any reason in excess of two days. In case of illness or inability to turn the vehicle in, the Department or Division Director is to be notified immediately.

(4) The employee is responsible for having the vehicle washed when necessary to keep the vehicle in clean condition.

VEHICLE ADMINISTRATIVE PROCEDURE

SECTION 17.B

A. PURPOSE.

This policy establishes responsibilities and procedures to ensure proper operation, purchasing, disposal, inventory, and maintenance of all BCC - County owned vehicles.

B. POLICY.

The Fleet Division of Public Works oversees and is responsible for the maintenance of the BCC vehicle fleet. This policy will address the proper methods of determining whether a County Vehicle is needed, the process to purchase a County vehicle, the proper use of a County vehicle, maintenance procedures, the requirements of the vehicle operator, the requirements for inventorying and tracking County vehicles, and how to dispose of the County vehicle.

C. COST-BENEFIT ANALYSIS.

Before purchasing a vehicle, the department head is responsible for conducting an analysis of the cost and benefits of the purchase to include the options of a new or used vehicle, long-term rental or payment of personal reimbursement of employees using a personal vehicle (if practical). Such cost – benefit analysis shall be conducted through the annual budget process. The Budget Manager and Fleet Manager are available to assist departments in this analysis, by providing historical data and standards.

D. VEHICLE PURCHASING AND ACQUISITIONS.

In consultation with Department Directors, Fleet Management shall be responsible for developing a prioritized list of new and replacement vehicle purchases; developing specifications to include type, size, suitability, durability, overall cost and fuel mileage; and implementing those purchases after they have been adopted as part of the annual budget. With coordination of affected Department and Division Heads, evaluate and prepare specifications for both additional and replacement equipment which:

1. Meet the real requirements of the task to be performed.
2. Minimize purchase price and/or total life cost.
3. Recognize the need for fuel efficiency; and
4. Encourage the competitive bidding process

Fleet Management shall be responsible for developing and maintaining a comprehensive list of vehicle assignments. The County Manager must authorize all increases to the County fleet and shall have the authority to assign vehicles and to transfer vehicles between departments to ensure optimum utilization of the County fleet. Special care shall be taken to maintain proper accounting records between general and enterprise funds. The vehicle assignment list shall include information on daily and take-home assignments.

All purchasing of vehicles and equipment must be coordinated through the Fleet Division.

Departments are responsible for keeping all records relating to the justification for vehicle purchases. After purchase, the Finance Department will obtain licenses and registrations for all vehicles. All vehicles must be registered to and titled to the BCC and all titles shall be maintained by Finance Department.

Departments are responsible for notifying Fleet Division and Inventory Control at the Finance Department of any vehicle acquired through any and all acquisition methods (even when payment is not required) including, but not limited to, vehicles acquired by donations, vehicles acquired through state or federal surplus or excess property procedures, or vehicles acquired under sponsored project or similar contractual processes. No vehicles or major equipment will be acquired without the approval of the County Manager.

E. VEHICLE REPLACEMENT.

Vehicles should not be replaced until they are 10 years old, or have acquired 100,000 miles. Replacement will also be considered when estimates for repairs equal 50 % of the retail value of the vehicle. The retail value can be determined by using Kelly Blue Book quotes at www.kbb.com. Departments requesting replacement vehicles that will routinely travel less than 5,000 miles annually will be assigned existing fleet vehicles transferred from other BCC operations. Requests for exceptions to the vehicle replacement requirements must be made to the County Manager in writing (see standard exceptions below). Standard exceptions to the requirements are:

1. Ambulances may be replaced at 150,000 miles or 10 years due to extreme operating conditions and safety issues.
2. Public Safety Vehicles (Fire Trucks) may be replaced at 150,000 miles or 10 years due to maintenance expenses and safety considerations.

F. ASSIGNMENT OF COUNTY VEHICLES.

County vehicles shall be assigned to departments, individual employees, or to a general vehicle pool on the basis of work responsibility. Vehicles may be assigned to employees, either solely for use during normal working hours or as a take home vehicle when deemed appropriate. The decision to assign a vehicle to an employee shall be based upon efficient and effective service delivery provided by the employee assigned to the vehicle, and on overall County services delivered.

Vehicle assignments to individuals will be reviewed and approved annually by each respective Department Director. Department Heads will submit a proposed vehicle assignment list to the County Manager by July 1st of each year. The proposed list shall include: the employee name, the vehicle number, make and model; whether to be assigned as a take-home vehicle or a vehicle to be used during normal working hours only; which of the following four (4) criteria are met. Prior to October 1st, the County Manager will review and authorize/re-authorize vehicle assignments for the fiscal year.

G. USE OF PERSONAL VEHICLES WHILE CONDUCTING COUNTY BUSINESS.

Any personal vehicle used to conduct County business (including those on monthly car allowance) must, at a minimum, have personal automobile insurance coverage consistent with Florida Statutes. Higher personal automobile insurance coverage is strongly encouraged. Insurance coverage is to be approved by the Risk Manager.

Employees are encouraged to use County vehicles when conducting County business unless his/her supervisor has granted a specific exemption. Exceptions to this may include employees who receive a monthly car allowance or when there are no County vehicles available.

If an employee uses his or her personal vehicle to conduct County business, the County will reimburse the employee for County business miles driven. The reimbursement rate will be based on the current rate allowable by County policy multiplied by the number of miles driven. If there is a County vehicle available for local travel, and the employee desires to utilize his or her personal vehicle and obtains his or her supervisor's prior approval, there will be no reimbursement provided.

If there is no County vehicle available for an out-of-town trip, the employee may use his or her personal vehicle. Reimbursement will be based on the current rate allowable by County policy multiplied by the number of miles driven or the approved round-trip commercial coach airfare, whichever is the lower amount. The airfare will be established on the date that the traveler received final approval from the appropriate level. (Refer to the County Personnel Travel Policy for more specific instructions.)

If an out-of-town vehicle is available and the employee chooses to use his or her personal vehicle, the reimbursement rate will be the number of miles driven multiplied by 60 percent of the current rate allowable by County policy or the approved round-trip commercial coach airfare, whichever is the lower amount. The airfare will be established on the date that the traveler receives final approval

from the appropriate level. This percentage will be reviewed periodically and will vary depending on the replacement cost of the vehicles and the allowable County reimbursement.

Employees must receive approval from the Department Head or County Manager to exercise this option on the Travel Personnel Authorization Form. (Refer to the County Travel Policy for more specific instructions.)

H. CAR ALLOWANCE.

The County Manager shall review supporting documentation submitted by a Department Head and determine if it is appropriate for an employee to receive a monthly car allowance based upon actual vehicle use date, usually for three months for an initial authorization and 30 days for a renewal, to project annual utilization. The monthly allowance will be based on current County policy mileage reimbursement rates. The County Manager may authorize the employee to receive a monthly car allowance provided it does not exceed the cost of providing a County vehicle suitable for the intended use.

I. SAFETY EQUIPMENT REQUIREMENTS.

All operators and passengers of County vehicles will use the vehicle seat and lap belts if the vehicle is so equipped. Airbags shall not be rendered inoperable on vehicles so equipped. Employees observed not following these safety equipment requirements shall be disciplined according to appropriate personnel/safety guidelines. In addition, any employee injured in an auto crash and found not wearing such protection can have Worker's Compensation benefits reduced as allowed by Florida Statute 440.09(4).

J. VEHICLE IDENTIFICATION.

All vehicles including autos, pick-ups, utility vehicles, vans and larger vehicles including service trucks will carry an official license plate, current insurance card and vehicle registration papers. All vehicles with the exception of Public Safety, executive level, or investigative vehicles shall be white in color, have a County seal decal on front door both sides, and have identification number on both sides of the vehicle between the front bumper and the door panel. Public Safety vehicles shall use standard colors applicable for service function.

Heavy equipment shall be Safety Yellow in color, have a County seal decal on both sides and have identification numbers on both sides of the equipment. Dump trucks and trailers are to be marked with red and white striping tape. The tailgates of dump trucks will be marked with "Do Not Push" in 6" letters.

K. ALTERING VEHICLE.

County vehicles will not be altered in any way without first obtaining written approval of the appropriate Department Head and the Fleet Management Director. All approved alterations must be coordinated through Fleet Management. County vehicles shall not have any stickers, posters, signs, or any other similar attachment placed on or affixed to them unless approved by the County Manager.

L. VEHICLE INSPECTION.

All employees will perform a “walk-around” of the vehicle to see if there are any visible problems prior to its being driven. If problems are noted, please refer to the following instruction, if applicable:

1. If body damage is discovered, check to see if the County standard Accident Report been completed and a copy forwarded to Fleet Management and Risk Manager.
2. If there appears to be any significant malfunctioning, do not operate the vehicle, call Fleet Management to have the vehicle towed. If the vehicle can be operated safely, take it to the appropriate County-operated garage.

M. VEHICLE COLLISIONS.

All employees, if involved in any vehicular collision in a County vehicle or in a private vehicle while performing County duties, shall:

1. Call the appropriate law enforcement agency;
2. Involved notifies their direct supervisor who will be responsible for contacting Risk Management;
3. Allow Safety Manager, Fleet personnel or the appropriate law enforcement agency to determine if the vehicle should be towed; and
4. Complete the County’s standard Accident Report and forward copies to Risk Management and Fleet Management (if County vehicle).

N. SAFEGUARDING ISSUED EQUIPMENT.

Employees are responsible for safeguarding County-issued equipment associated with their assigned vehicles. This includes (but is not limited to) issued equipment which is normally left in the assigned vehicles. For example, if an employee leaves his or her assigned vehicle for repairs or maintenance (temporary or take-home), the employee shall insure that all equipment is safeguarded prior to leaving the vehicle. If any equipment is subsequently stolen or missing, this will be evidence that the employee failed to safeguard the equipment and appropriate disciplinary action will be taken.

18.00 NO SMOKING POLICY

The Board is dedicated to protecting the health and comfort of County employees and the public that use County-owned or leased buildings. In order to protect the indoor air quality in public places and at public meetings and to provide an environment that is reasonably free from tobacco smoke, smoking in County-owned or leased facilities, buildings and vehicles is prohibited. Also, the Board encourages employees who smoke to quit and supports them in their efforts to do so.

DEFINITIONS

"Smoking" means possession of a lighted cigarette, lighted cigar, lighted pipe or any other lighted tobacco product.

ASSIGNMENT OF RESPONSIBILITIES

Department heads are required to:

1. Bring this to the attention of all their employees, and
2. Display aesthetically pleasing "no smoking" signs in the lobbies of buildings under their cognizance that are visited or utilized by the public, to remind both employees and the public that smoking is prohibited.
3. Display "no smoking" signs in all areas where hazardous, flammable and explosive materials are stored.
4. Support their employee's efforts to quit smoking by encouraging their employees to enroll in smoking cessation programs. Department Heads are encouraged to adjust an employees working hours, if possible, to facilitate the employee's participation in a smoking cessation program.

Employees are required to:

1. Refrain from smoking in County-owned or leased facilities, buildings or vehicles but will be allowed to smoke during authorized breaks and their lunch hour while outside of County-owned or leased facilities, buildings or vehicles. However, for employees of the County Jail and prisoners confined to the County Jail, who are unable to leave the building on breaks or for meals, the Jail Administrator may establish smoking areas and policies. The Jail Administrator shall do this in such a manner as to protect non-smokers from the effects of Environmental Tobacco Smoke. Sheriff's Deputies who are confined to motor vehicles for periods of time greater than two hours may smoke in their vehicle when there are no nonsmokers or members of the public in the vehicle.

2. Refrain from smoking in areas where hazardous, flammable or explosive materials are stored.
3. Maintain the cleanliness of the areas in which they smoke and to properly and safely dispose of the byproducts.
4. Refrain from using any tobacco products when in direct contact with the public.

SUPPORT FOR SMOKING CESSATION

Employees who smoke are encouraged to enter smoking cessation programs. For information on no cost smoking cessation programs contact the Program Director of the Clay County Unit of the American Cancer Society:

American Cancer Society
1732 Kingsley Ave.
Orange Park, FL 32073
Telephone: 264-6039

RESOLUTION NO. 2005/2006-3

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CLAYCOUNTY, FLORIDA, AMENDING THE CLAYCOUNTY ADMINISTRATIVE CODE, BY AMENDING THE CLAYCOUNTY BOARD OF COUNTY COMMISSIONERS PERSONNEL POLICIES AND PROCEDURES MANUAL, THE SAME MANUAL BEING INCORPORATED INTO THE CLAY COUNTY ADMINISTRATIVE CODE AT SECTION 4(a), IN ORDER TO ADOPT A CELLULAR TELEPHONE POLICY; PROVIDING AN EFFECTIVE DATE.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY, FLORIDA, THAT:

Section 1. Chapter 19 of the Personnel Manual entitled CELLULAR PHONE POLICY is adopted as follows (underline is added language; strike-through is deleted language):

19.00 CELLULAR PHONE POLICY

19.01 The cellular telephones shall be limited to those instances in which there is a need for such equipment to perform essential County business or to improve safety, increase productivity, increase service to the public, or in situations in which necessary communications cannot be provided by any other means. The purchase of cellular telephones shall be subject to approval by the county and will be processed through the Telecommunications Division.

19.02 The Department Head shall assign each approved cellular telephone to Assigned User and shall ensure appropriate controls are in place for checkout, return, security and maintenance of the equipment. It is the responsibility of the Department Head to provide for a routine examination of cellular telephone billing detail to ensure proper use of such equipment.

19.03 No personal phone calls are permitted.

Section 2. This resolution shall go into effect immediately upon its adoption.

DULY ADOPTED, by the Board of County Commissioners of Clay County, Florida, this 25th day of October, 2005.

20.0 EMERGENCY DISASTER EMPLOYMENT POLICY

20.01 PURPOSE

The purpose of this policy is to provide direction regarding employee work assignments and pay status during an impending or declared disaster or declared emergency conditions, and when applicable, during the recovery period.

20.02 DECLARATION OF EMERGENCY CONDITIONS

Clay County Board of County Commissioners' duty to serve the citizens dictates that certain essential services must remain staffed during hazardous weather or a state of local emergency. The procedures in this policy shall be implemented only upon authorization of the County Manager or his Designee. Employees will be notified via the Department Heads of the specific date and time that Emergency Status is designated.

20.03 EMPLOYEE RESPONSIBILITIES

- a. The Emergency Disaster Employment Policy provides that all employees of Clay County Board of County Commissioners are subject to particular job responsibilities before, during and after emergencies, natural disasters or other incidents that may affect normal county operations.
- b. The County Manager possesses the authority to direct County employees to perform duties outside of their usual job assignment as necessary. Employees will be categorized according to skills, training and work experience and are subject to be deployed to fill service needs as dictated by the Clay County Emergency Management Division.
- c. Employees will complete the Employee Disaster Plan form which will be reviewed by the Emergency Management Division. Based on the information gathered from the Employee Disaster Plan forms, individuals will be assigned secondary duties which best matches their skills, training and knowledge. Employees whose services are essential during hazardous weather or a state of local emergency will be notified of their secondary responsibilities under the Emergency Disaster Plan. Employees may be re-assigned to other departments or job functions during a time of critical need.
- d. Employees assigned to secondary duties required to report to work before, during and after an emergency are strongly advised to prepare an Emergency Response Plan for their families and should be prepared to stay at the assigned station for an extended period of time. Employees who fail to comply with the County Manager's directive or fail to report to work when scheduled or deployed, without obtaining approval from the Human Resources Department, may be subject to discipline, up to and including termination of employment.
- e. Employees, who are unable to report to work, may utilize accrued annual leave or sick leave (medical certification required in cases of illness). In such instances, approval must be obtained from the Human Resources Department and requests must be made in advance of an emergency, or in the case of unforeseen circumstances, reported to the appropriate authority as soon as possible prior to the beginning of the employee's scheduled shift.

- f. Clay County Board of County Commissioners acknowledges that employees have personal and family responsibilities that may conflict with their ability to fulfill their assigned job duties during hazardous weather or a state of local emergency and shall make a reasonable effort to release employees to take care of personal situations.
- g. Employees who require special consideration must clearly state reasons when completing the Special Needs Exemption Form. Employees unable to report to work as assigned, due to extenuating circumstances beyond their control, i.e. child care issues, storm-related damages, road closures, flooding, out of the area due to evacuation or previously approved leave, etc) shall not be required to return to work.

20.04 COMPENSATION

Employees will be compensated in accordance with the Clay County Board of County Commissioners Personnel Policies Article 4.0 or as governed by the respective collective bargaining agreement.

20.05 TRAINING REQUIREMENTS

Employees will undergo training to include the requirements of the National Incident Management System (NIMS).

BCC Approval: 9/25/07