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# **PERSONNEL POLICIES and PROCEDURES**

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Flagler County  
Board of County Commissioners

Updated 9/6/2011

# PERSONNEL POLICIES and PROCEDURES

## Flagler County Board of County Commissioners

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# DEFINITION OF TERMS

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**Administrative Service** - Department Director/Manager level employees, personal staff of the County Administrator, and legal staff which are not under the Career Service classification and pay plan, involuntary termination, and grievance and appeal provisions of the Personnel Policies and Procedures pursuant to Policy 91-7.

**Allocation** - The assignment of a position to its appropriate class in relation to duties performed.

**Anniversary Date** - The date an employee begins employment and the same date in following years. This is also the date from which vacations and sick leave and order of layoff are computed. (This date changes only if an employee is in a non-pay status for one pay period or more, and then the anniversary date is deferred by an equivalent amount of time).

**Appeal** - An application for review of a disciplinary action, a hiring or selection action or a performance evaluation involving alleged discrimination in accordance with the procedures outlined in Section 17.03.

**Applicant** - An individual who has completed and submitted an application for employment with the County.

**Appointment** - The offer and acceptance by a person of a position either on a regular or temporary basis.

**Career Advancement (Upgrade)** - The advancement of an employee to a higher pay grade within their career field.

**Certification** - Endorsement as meeting required minimum standards or qualifications for a vacant position.

**Class** - A group of positions which are sufficiently alike in general duties and responsibilities to warrant the use of the same title, class specifications, and pay range.

**Classification** - The act of grouping positions in classes with regard to; duties and responsibilities; requirements as to education, knowledge, experience, and ability; tests of fitness; and ranges of pay.

**Classification Date** - The date an employee entered, transferred, or was promoted to their current position classification. This is the date from which length of service in classification is computed for determination of probationary periods, and eligibility for merit increases. (This date will be adjusted an equivalent amount for a leave of absence without pay for one pay period or more).

**Classification Plan** - The official or approved system of grouping positions into appropriate classes.



**Class Specifications** - A written description of a class consisting of a class title, a general statement of the level of work and of the distinguishing features of work, examples of duties, and the qualifications for the class (also called Class Descriptions).

**Class Title** - The title in the Classification Plan which describes the nature of work performed by an employee.

**Classified Status** - Final appointment as a Career Service employee and successful completion of the required probationary period in a particular Career Service classification.

**Compensation** - The standard rates of pay which have been established for the respective classes of work, as set forth in the Compensation Plan.

**Compensation Plan** - The official schedule of pay assigning rates of pay to each class title.

**Compensatory Leave** - Time off from work in lieu of monetary payment for having worked in excess of the regularly scheduled workweek or work period, credited at one and one-half times the number of overtime hours worked for hourly employees.

**Confirmation Test** - Defined as a second analytical procedure used to identify the presence of a specific drug or metabolite in a specimen. The confirmation test must be different in scientific principle from that of the initial test procedure.

**Continuous Service** – Employment which is uninterrupted, and does not include authorized unpaid leaves of absence, suspension, or separation due to reduction in work force. Authorized paid-leaves of absences shall be included as part of continuous service.

**County** - Shall denote the Flagler County Board of Commissioners.

**Demotion** - Assignment of an employee from one class to another which has a lower maximum rate of pay.

**Dismissal** - Separation from County employment for cause.

**Drug** - Defined as alcohol, amphetamines, cannabinoids, cocaine, phencyclidine (PCP), hallucinogens, methaqualone, opiates, barbiturates, benzodiazepines, synthetic narcotics, designer drugs, or a metabolite of any of the substances herein, and any other controlled substance as defined under any state or federal law.

**Drug Test** - Defined as any chemical, biological, or physical instrumental analysis administered for the purpose of determining the presence or absence of a drug or its metabolites.

**EEO Officer** - The County's designated Equal Employment Opportunity officer.

**Eligible** - A person who has successfully met required qualifications for a particular class.

**Eligible List** - Employment, promotional, or other list of qualified applicants.

**Examination** - The process of testing, evaluating, or investigating the fitness and qualifications of applicants and employees for positions.

**Exempt Employees** - Employees and positions in Pay Grade Series 100 (Administrative, Management, or Professional and Mid-Management). Employees in the exempt category are not eligible for overtime payment for hours worked in excess of their scheduled workweek.

**Full-Time** - Appointment to a position that requires an employee to work either 40 hours per week for non-uniformed personnel and 56 hours per week on average over the work period for "uniformed" personnel.

**Grant Employee** - An employee in a position funded by Federal, State, or other types of grants extending for more than a six-month period. Except for regular status, employees have the same rights, privileges, benefits, and obligations as regular employees.

**Immediate Family** - Includes spouse, children, grandchildren, parent, step-parent, grandparents, brother, sister, father-in-law, mother-in-law, daughter-in-law, son-in-law, legal guardian, or any relative living in the same household. (This definition is for purposes of medical leave and funeral leave).

**Insubordination** - The unwillingness on the part of an employee to submit to the authority vested in supervisors, department directors/ managers, and County Administrator as outlined in the Personnel Policies and Procedures.

**Job Analysis** - A study of the duties and responsibilities of the position.

**Job Description** - A written description of a job or position and its characteristics.

**Layoff** - A reduction of the number of employees due to lack of work, funds, or other similar causes.

**Leave** - An approved type of absence from work as provided by these rules.

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

**Merit Pay Increase** - An increase in compensation established in the Compensation Plan which may be granted to an employee based on job performance.

**Nonexempt Employee** - Employees in the non-exempt Pay Grade Series and 300 Series. Employees in this category are eligible for overtime payment for hours worked in excess of their scheduled workweek if required by the Fair Labor Standards Act.

**Oral Examination** - An examination where a candidate spends time in the presence of a three-member panel. The members-of the panel rate the candidate based on the oral testing or interviewing of the candidate.

**Overtime** - Time worked in excess of the regularly scheduled work week or work period for non-exempt employees. Overtime compensation shall be based on the Fair Labor Standards Act.

**Part-Time** - Appointment to a position that requires the employee to work fewer hours than normally designated for others in the same classification, usually less than 40 hours per week.

**Pay Range** - The salary range which is assigned to a particular classification title, sometimes expressed as a pay range number.

**Pay Rate** - A specific dollar amount, expressed as either an annual salary, a biweekly salary, or an hourly rate.

**Performance Evaluation** - A report which evaluates the job performance of employees.

**Position** - A grouping of assigned duties and responsibilities for which the full-time or part-time employment of one person has been budgeted.

**Probationary Employee** - A full-time employee or part-time employee working 20 hours or more per week serving a probationary period prior to final appointment in that Career Service position.

**Probationary Period** - A period of time provided to allow the department director/manager an opportunity to evaluate an employee's performance and ability, and to decide whether or not the employee is to be retained.

**Promotion** - Assignment of an employee from one class to another which has a higher maximum rate of pay.

**Promotional Examination** - An examination or a group of examinations for a position in a certain class, admission to which is limited to employees in the County service who hold positions in another class.

**Promotional List** - A list of persons who have been found qualified by a promotional examination for appointment to a position in a particular class.

**Provisional Employee** - Any employee filling a position in the Career Service without competition pending the establishment of an eligible list.

**Reclassification (Transfer)** - The reclassifying of an employee from one career field to another career field at the same pay grade.

**Reclassification (Upgrade)** - The reclassifying and advancement of an employee from one career- field to another career field in a higher pay grade.

**Regular Appointment** - An appointment to a regular Career Service position authorized to be filled and made as a result of a certification as prescribed by these rules.

**Regular Employee** - A full County employee who has satisfactorily completed their initial probationary period.

**Rehire** - Rehiring of a former employee who resigned in a good standing.

**Relative** – Father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister. (as defined in state statutes)

**Removal** - Separation of an employee for failure to meet requirements of employment.

**Resignation** - An act of voluntarily withdrawing from County employment.

**Retirement** - Whenever an employee meets the conditions set forth in the Retirement Plan regulations, the employee may elect to retire and receive all benefits earned under the Retirement Plan.

**Shall (or will)** - The word "shall" (or will") will be interpreted as mandatory.

**Standby Assignment** - An assignment made by a department director/manager which requires an employee to be available for emergency work on off-duty time which may include nights, weekends or holidays.

**Suspension** - A temporary disciplinary absence from work with or without pay based upon the guidelines for disciplinary action outlined in Section 13 of these rules and regulations. Suspension also includes an interim paid or unpaid status on which an employee is placed pending a determination as to the appropriate disciplinary action.

**Temporary Employee** - An employee appointed for a special project or other work of a temporary or transitory nature. Appointment will not exceed a six-month period unless specified by the Project, Program or Grant.

**Trainee** - Employee undergoing a training period to learn the job duties or to attain education or certification level.

**Transfer** - That action in which the employee moves from one budgeted position to another with no resulting title change, or if a title changes does take place, there is no change in the pay range.

**Unassembled Examination** - An appraisal program where it is not necessary for the applicant to present themselves in person at a designated time and place in order that the appraisal information be obtained.

**Work Period** - The fixed and regularly recurring period of work established by the County for purposes of determining overtime for uniformed employees.

**Workday** - Scheduled number of hours an employee is required to work per day.

**Workweek** - A fixed and regularly recurring period of seven days established by the County for purposes of determining overtime for non-exempt, non-uniformed employees.

# SECTION I

## GENERAL PROVISIONS

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### 1.01 GENERAL POLICY

It is the policy of the Board of County Commissioners of Flagler County to:

1. Attract and recruit the best qualified candidates for employment from the competitive market on the basis of their ability, knowledge, skills and demonstrated performance;
2. Create a positive and productive employment environment by providing opportunity for development, involvement, and advancement within the system;
3. Retain the best qualified employees through a competitive, fair, and challenging work environment;
4. Provide reasonable compensation, benefits, assurances and safeguards to its employees;
5. Maintain a system of personnel administration governed by merit system principles and affirmative action guidelines which shall be based upon fair and objective personnel standards and measures; and
6. Ensure that all job opportunities are equally available to all applicants and employees regardless of race, color, religion, sex, marital status, age, national origin, political affiliation, handicap or disability, except when the handicap or disability is job related and cannot be reasonably accommodated. All references contained herein to gender shall include both males and females and shall not indicate a preference for either gender.

### 1.02 PURPOSE

1. The purpose of the Personnel Policies and Procedures is to foster a positive employment environment of mutual benefit and protection to both the employee and to the County while encouraging employee and public confidence in the organization, based upon a merit system of personnel management consistent with the policies of the Board of County Commissioners. The system additionally provides a means for equitable recruitment, selection, development, retention, and eventual retirement of employees in positions maintained under the merit system, and ensures that:
  - a. All personnel actions shall be on the basis of merit and fitness of the individual, and length of service where appropriate.
  - b. Classification and Pay Plans shall be adopted which shall conform with the principles of like pay for like work.

- c. Employment in the service of Flagler County shall be made attractive as a career.
- d. Each employee shall be encouraged to render his best service to the County.
- e. High morale will be maintained by fair administration of the rules and regulations and by consideration of the rights and interests of the employees consistent with the best interests of the citizens and the County.
- f. The relationship between County management and its employees shall continue to be open and direct.

If any provision of these policies and procedures is found to be illegal or unconstitutional, such decision will have no effect on the remaining policies and procedures.

- 2. These Personnel Policies and Procedures are intended to cover most personnel problems and actions which will arise. Those not specifically covered shall be interpreted by the department director/manager with appeals to the County Administrator. Such interpretations shall be in keeping with the intent and the purposes of the Personnel Policies and Procedures.
- 3. The County reserves the right to amend these Policies and Procedures at duly noticed public meetings.

**1.03 POLICY ON EQUAL EMPLOYMENT OPPORTUNITY (AFFIRMATIVE ACTION STATEMENT)**

It shall be the continuing policy of the Flagler County Board of County Commissioners to afford equality of opportunity for employment to all persons without regard to race, color, religion, sex, marital status, age, national origin, political affiliation, handicap, or disability, except when the handicap or disability is job related and cannot be reasonably accommodated. Persons shall be judged by such factors as their qualifications when seeking employment and in no case shall hiring, training, promotion or advancement opportunities, rates of pay, conditions of employment, performance ratings, discipline or termination be influenced, made or withheld on the basis of the above cited factors. Programs and benefits offered to employees of Flagler County shall also be afforded without regard to the above cited factors except as required or allowed by law.

**1.04 POSITIONS COVERED**

These Procedures shall apply to all positions in the County, with the exception of the County Administrator and County Attorney

- 1. Temporary and part-time employees shall be appointed in accordance with the provisions of the Personnel Policies and Procedures but shall not be entitled to the rights and privileges of full time employees. Such employees serve at will and may be terminated with or without cause at any time.

2. There shall be no requirement of residence for filing applications; however, all employees are encouraged to establish residence and actually reside in Flagler County during their period of employment in Flagler County.

#### **1.05 ADMINISTRATION AND AMENDMENT**

1. These policies and procedures shall be implemented consistent with applicable State and Federal Law governing the employment relationship.
2. The County Administrator and County Attorney shall be the appointing and administrative authority for all assistants and staff of the Board and County Attorney's office
3. The County Administrator shall:
  - a. Be responsible for the preparation and updating the Personnel Policies and Procedures. And proposed amendments shall be subject to the approval of the Board of County Commissioners.
  - b. Promote the orderly and efficient operation of County government.
  - c. Promote and improve employee relations.
  - d. Establish a fair and expeditious program for processing grievances and disciplinary actions in a manner that is consistent with relevant principles of due process of law.
  - e. Establish a workable and efficient method for administering employee benefits and compensation programs approved by the Board of County Commissioners, including vacation and medical leave benefits.
  - f. Establish hiring practices to be followed by County administration and management personnel.
  - g. Establish hiring and leave practices relating to personnel under the supervision of the County Administrator.
  - h. Establish hours of work, attendance, overtime, and compensatory time practices.
  - i. Establish practices concerning promotion, demotion, classifications, reclassification, title changes, and vacancies.
  - j. Establish procedures for the suspension, removal, or termination of employees, which procedures must be approved by the Board of County Commissioners.

- k. Amend any procedural or administrative guidelines when such an amendment is necessary to promote the efficiency of County government and remove ambiguities in interpretations. Such amendments shall be compiled in writing and made available to any interested employee or person. All such amendments pertaining to termination, suspension, or removal of employees must be approved by the Board of County Commissioners.
- l. Perform such other duties and have and exercise such other powers in personnel administration as may be prescribed by law or the Personnel Policies and Procedures.
- m. The Human Resources Director, department director/manager, and all supervisory personnel will be responsible for the proper and effective administration of these Personnel Policies and Procedures within their respective areas of responsibility.

#### **1.06 DEPARTMENT POLICIES**

- 1. Any Departmental policies and procedures may serve as supplements to these Policies and Procedures. In the event of conflict in any section, the Personnel Policies and Procedures shall prevail.
- 2. Any Departmental policies and procedures will be reduced to writing and submitted to the County Administrator for approval with regard to conformity to the Policies and Procedures.



# SECTION 2

## STANDARDS OF CONDUCT

---

### 2.01 POLICY OF THE COUNTY

1. One objective of the County is to establish and administer a system of personnel management consistent with the goal of providing superior service to the community by employing and retaining individuals of the highest caliber who display pride and dignity in the performance of their duties.
2. The County advocates the concept that the quality of public service can attain maximum efficiency and effectiveness through a personnel management system based on merit principles.
3. Employees are encouraged to develop skills and seek formal training that will enhance their personal development and add to their overall experience within the organization.
4. It is the policy of the County to expect from its employees compliance with all Policies and Procedures, State Statutes, and Federal Regulations in the performance of their duties, as well as compliance with all safety rules and standards. An employee who violates any of these Policies and Procedures will be subject to disciplinary action.
5. The County retains the rights, in accordance with applicable laws and regulations, including but not limited to, the following:
  - a. To determine the organization of County government.
  - b. To determine the purpose of each of its constituent agencies.
  - c. To exercise control and discretion over the organization and efficiency of operations of the County.
  - d. To set standards for services to be offered to the public.
  - e. To manage and direct the employees of the County.
  - f. To hire, examine, classify, promote, train, transfer, assign, schedule, and retain employees in positions with the County.
  - g. To suspend, demote, discharge, or take other disciplinary action against employees for just cause.
  - h. To increase, reduce, change, modify, or otherwise alter the composition and size of

the work force, including the right to relieve employees from duties because of lack of work, funds, or other legitimate reasons.

- i. To determine the location, methods, means, and personnel by which operations are to be conducted, including the right to contract and subcontract existing and future work.
  - j. To determine the number of employees to be employed by the County.
  - k. To establish, change, or modify the number, types, and grades of positions or employees assigned to an organization, unit, department, or project.
  - l. To establish, change, or modify duties, tasks, responsibilities, or requirements within job descriptions in the interest of efficiency, economy, technological change, or operating requirements.
6. County employees shall have the right to form, join, and participate in, or to refrain from forming, joining, or participating in, any employee organization of their own choosing in accordance with State law.
  7. Employees who may be covered by collective bargaining agreements will be covered by all provisions of the Policies and Procedures except for sections specifically preempted by the collective bargaining agreement or which have been the subject of negotiation and agreement.

## **2.02 EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION**

1. Flagler County will not discriminate in employment, employee development, or employment advancement because of religious or political opinions or affiliations, race, color, national origin, sex, marital status, age, disability, handicap, or other non-merit factors, except where such factor is a bona fide occupational qualification or is required or is otherwise a permissible consideration by State or Federal law.
2. The County is morally and ethically committed to a policy of fairness and equity for all employees and will give every employee the opportunity to achieve maximum potential as an employee and as a human being.
3. Handicapped persons will be given consideration for employment in all departments. Every effort shall be made to employ and retain handicapped persons in positions where a handicap will not impair performance. Physical standards will be fair, reasonable, and adapted to the realistic requirements of jobs. Such standards will be based on complete, factual information regarding working conditions, hazards, and essential physical or mental requirements of each job. Physical standards will not be used to arbitrarily eliminate handicapped persons from consideration.

4. The County Administrator shall designate the Equal Opportunity Employment Officer to administer, coordinate, and supervise all equal employment opportunity projects and concepts.
5. The County will take affirmative action to expand opportunities for minority groups and women through employment and promotion on a completely nondiscriminatory basis. The following is our policy on Affirmative Action.

### **POLICY ON AFFIRMATIVE ACTION**

The Human Resources Director, with the approval of the County Administrator, is responsible for the development, administration and maintenance of the Flagler County BOCC affirmative action policy. This includes methods to resolve problems of under utilization or exclusion of minority or disabled employees when an analysis of the work force evidences such problems.

The Flagler County affirmative action policy covers all departments under the jurisdiction of the BOCC and is in accord with existing laws, executive orders and regulations. It encompasses the policies and commitments of the Flagler County BOCC in establishing and maintaining equal employment opportunity and affirmative action objectives.

This policy on affirmative action contains a statement of affirmative utilization and labor force analyses, the establishment of objectives and the responsibilities as well as the identification and proposals for remediation of barriers to equal opportunity. The development of the program is conceived as being continuous with, rather than separate from, existing operational procedures, rules and instructions. As such, it should be visualized as an inherent part of Flagler County BOCC's overall operation and should, therefore, fit smoothly into the overall operational concept.

Success of the affirmative action policy depends primarily on the full commitment of all personnel involved in its implementation. The Human Resources Director and department directors will have general responsibilities for following the program during the interviewing/hiring process. The Human Resources Department will direct specific implementation and provide technical assistance and has the authority to disseminate and monitor the affirmative action program. The Human Resources Director will provide information directly to the County Administrator. The daily implementation, however, will be the responsibility of the department directors and all personnel in supervisory positions.

It is also the responsibility of each member of the management staff and each supervisor to work to assure a continuation of Flagler County BOCC's policies of equal employment opportunity for all persons on the basis of individual merit.

Any employee of Flagler County BOCC who feels he/she has been discriminated against in any manner dealing with employment or promotion within their County employment will have the right to file a complaint of discrimination.

Any complaint of violation of the equal opportunity policy may be handled through the regular complaint procedure. Employees may also report such complaints directly to their supervisor. All such complaints will be promptly investigated and, if deemed valid, corrective action will be taken.

Flagler County Administration will assure that no adverse action will be taken against an employee or prospective employee because he/she made a complaint, testified, assisted, or participated in any manner in any investigation, proceeding, or hearing resulting from a complaint of discrimination.

Disabled persons will be given full consideration in accordance with the Americans with Disabilities Act of 1991 as amended.

### **2.03 AMERICANS WITH DISABILITY ACT COMPLIANCE**

1. It is the policy of the Flagler County BOCC to comply at all times with the provisions of the Americans with Disability Act of 1990 (ADA). The County will act positively to provide reasonable accommodations to a qualified individual so that the person might be able to perform the essential functions of a position in the agency. The essential functions of a job, including any written position description will be used in determining an individual's qualification for protection under the ADA.
2. A "disability" is defined as a physical or mental impairment that substantially limits one or more major life activities of an individual. Under the provisions of this act, the following conditions are also considered to be disabilities: blindness, deafness, speech impediments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, AIDS, cancer, heart disease, diabetes, mental retardation, emotional illness.

### **2.04 CODE OF ETHICS**

To avoid misunderstandings and conflicts of interest which could arise, the following policy will be adhered to by employees of the County. This policy is in accordance with Florida Statutes entitled "Public Employees-Code of Ethics." (Chapter 112, Part 3)

1. Employees shall not accept any gifts, including Christmas gifts, favors, or services that might reasonably tend to improperly influence them in the discharge of their official duties.
2. Employees shall not use or attempt to use their positions to secure special privileges or exemptions for themselves or others, except as may be provided by policy and/or law.
3. Employees shall not accept employment or engage in any business or professional activity which they might reasonably expect would require or induce them to disclose confidential information acquired by them by reason of their official position.
4. Employees shall not disclose confidential information gained by reason of their official

position, nor shall they otherwise use such information for their personal gain or benefit.

5. If an employee of the County is an officer, director, agent or member of, or owns controlling interest of any corporation, firm, partnership, or other business entity which is subject to the regulation of or which has substantial business commitments with the County, they shall file a sworn statement to this effect with the County Administrator.

## **2.05 POLITICAL ACTIVITY**

1. County employees shall not use their official authority or influence for the purpose of interfering with an election or a nomination for office, for influencing another person's vote, or affecting the result thereof.
2. No employee, official or other person shall solicit orally, by letter or in any other manner concerned in obtaining any assessments, contributions, or services for any political party from any employee during their hours of duty, service, or work with the County.
3. Nothing herein contained shall be construed to restrict the right of the employee to hold membership in and support a political party, to vote as they choose, to express opinion on all political subjects and candidates, to maintain political neutrality, to attend political meetings after working hours, or to campaign actively during off-duty hours in all areas of political activity.
4. Any employee who wishes to accept or seek election or appointment to the Board of County Commissioners must abide by Chapter 99, Florida Statutes.
5. This section shall not apply to members of the County Commission or any other elected County official or to members of any advisory committee appointed by the County Commission

## **2.06 EMPLOYMENT OF RELATIVES**

1. In accordance with Section 112.3135, F.S., a public official may not appoint, employ, promote, advance, or advocate for appointment, employment, promotion, or advancement in or to a position in the County or agency in which they are serving or over which they exercise jurisdiction or control any individual who is a relative of the public official. An individual may not be appointed, employed, promoted, or advanced in or to a position in the County if such appointment, employment, promotion, or advancement has been advocated by a public official serving in or exercising jurisdiction or control over the agency who is a relative of the individual.
  - a. "Public Official" means an officer or employee of the County in whom is vested the authority by law, rule, or regulation, or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals for appointment, employment, promotion, or advancement in connection with the employment in the County.
2. The County permits the employment of qualified relatives of existing County employees as

long as such employment does not, in the opinion of the County, create actual or perceived conflicts of interest. For purposes of this policy, "relative" is a spouse, child, parent, sibling, grandparent, grandchild, aunt, uncle, first cousin, or corresponding in-law or "step" relation. The County will exercise sound business judgment in the placement of related employees in accordance with the following guidelines:

- a. Individuals who are related by blood or marriage are permitted to work in the same County facility, provided no direct reporting or supervisory/management relationship exists. That is, no employee is permitted to work within the "chain of command" of a relative such that one relative's work responsibilities, salary, or career progress could be influenced by the other relative.
- b. No relatives are permitted to work in the same department or in any other positions in which the County believes an inherent conflict of interest may exist.
- c. Employees who marry while employed are treated in accordance with these guidelines. That is, if, in the opinion of the County, a conflict or apparent conflict arises as a result of the marriage, one of the employees will be transferred at the earliest practicable time.

In addition, the County recognizes that at times, employees and their "close friends," "domestic partners," or "significant others" may be assigned to positions that create a co-worker or supervisor-subordinate relationship. The County will, in its discretion, exercise sound judgment with respect to the placement of employees in these situations in order to avoid the creation of a conflict or the appearance of a conflict of interest, avoid favoritism or the appearance of favoritism, and decrease the likelihood of sexual harassment in the workplace.

This policy applies to all categories of employment at Flagler County, including regular, temporary, and part-time classifications.

## **2.07 OUTSIDE EMPLOYMENT**

1. Full-time employees are discouraged but not restricted from engaging in other employment during their off-duty hours. However, County employment shall be considered the primary employment and no employee may engage in outside employment which would interfere with the interest of the County service.
2. No employee(s) shall hold any other position in governmental or private employment or as an independent contractor when such other position may have the effect of reducing the efficiency of such employment in the County service. Employees holding other positions cannot solicit or advertise or take calls concerning their other employment during employment hours at the County.
3. Employees sustaining injuries while engaged in outside employment are ineligible to receive benefits under the County's Worker's Compensation as a result of disability resulting from the outside employment.

4. No employee shall begin any outside employment prior to making his/her department director/manager aware of their intent and where they will be employed.
5. Equipment, facilities, vehicles, or property of the County shall not be used by employees for outside employment, nor for travel to such employment.
6. Employees cannot hold two paid County jobs.

## **2.08 RELEASE OF INFORMATION**

1. Employees shall at all times be courteous and helpful to those members of the public who seek information.
2. Employees are cautioned that information concerning subjects under discussion or consideration often change in content and meaning before becoming accomplished decisions.
3. Unless release of information is a normal part of their duties, an employee will decline courteously to reveal information and shall direct such inquiry to the department director/manager or County Administrator. It is not the intent of the County to be secretive or to withhold valid information, but to assure that all information released is true and accurate.
4. Nothing contained in this section shall be interpreted as allowing a violation of the Public Records Law.

## **2.09 SOLICITATION AND DISTRIBUTION**

1. Employee contributions to recognized charitable organizations are purely voluntary. No coercion of an employee to make contributions shall be permitted.
2. County employees are prohibited from soliciting any other employee of the County on behalf of any organization, including any labor union, labor organization or employee organization, during working hours, excluding authorized meal time, in any area where County work is performed, without the express written approval of the County Administrator or designee.
3. County employees are prohibited from distributing literature which tends to promote any organization, including any labor unions, labor organizations, or employee organizations, during working hours, excluding authorized meal time, in any area where County work is performed, without the express written approval of the County Administrator or designee.
4. County employees are prohibited from being associated with any fund raising activity which would infer that Flagler County was the recipient of said funds without the express approval of the County Commission.

## **2.10 EMPLOYEE DEBTS**

An employee's financial transactions are the employee's personal affair. Unless directed by a court of law, the County will not act as a collection agent for an employee or for any third party.

## **2.11 USE OF COUNTY PROPERTY**

### **1. GENERAL USE**

Employees are expected to exercise reasonable care in the safekeeping, use and preservation of County equipment, tools, vehicles, materials, uniforms, etc. Employees shall return in good condition County property upon the request of their supervisor.

All employees shall promptly report in writing to their supervisor the loss, damage or unserviceable condition of any County property. Supervisors shall then forward the report to the department director and Human Resources.

Negligence in the use and care of County property, including abuse, misuse, willful or negligent loss or destruction can result in disciplinary action and/or restitution. Serious cases may result in civil or criminal action in the courts.

Personal use of County equipment, materials, tools, supplies, etc., is not permitted and may constitute a criminal offense. Where any County equipment, materials, tools, supplies, etc., are to be used for any non-County purpose (e.g. a civic or charity event), the department head must approve of it in writing in advance.

County property may be assigned to employees for use at home based upon position responsibilities when such home use promotes the effectiveness of office operations for the benefit of County personnel and the public.

Equipment may be assigned out only for the following reasons: 1) daily support of office operations; 2) working from home due to family or individual illness; 3) technical research, subsystem programming or field testing.

In all cases, the use of equipment outside of the County shall be limited to County-related work and no equipment can be utilized for the personal benefit of any employee or family member. All use of equipment must have prior authorization by the department head.

### **2. TELECOMMUNICATIONS**

County telephones and related equipment are to be used only for the performance of County business. Department directors are responsible for the proper care, security and usage of telephones and related equipment assigned to their areas.

The printed record of a telephone call, generated and distributed internally by County or received externally from a telephone company, is a public record, and as such is subject to the standards applied to public records, as any other County document.



The right to "privacy," as defined by federal and state statutes, during the transmission of a call, will be respected and enforced.

### 3. INTERNET USE

Flagler County BOCC's personnel may be approved for access to the Internet at the office based upon position responsibilities when such use promotes the effectiveness of office operations for the benefit of County personnel and the public.

Access to the Internet may be granted only for the following reasons: 1) support of office operations; 2) research relating to job position or responsibilities; 3) information searches or special office projects; and, 4) development and testing of the County's web site.

In all cases, the access to the Internet shall be limited to County-related work and no site can be utilized for the personal benefit of any employee.

This is the policy on Email & Internet use:

## **FLAGLER COUNTY INTERNET USAGE POLICY AND GUIDELINES**

### **INTERNET USAGE POLICY**

The County provides access to the vast information resources of the Internet to help you do your job faster and smarter, and be a well-informed County employee. The facilities to provide that access represent a considerable commitment of County resources for telecommunications, networking, software, storage, etc. This Internet Usage Policy is designed to help you understand our expectations for the use of those resources in the particular conditions of the Internet, and to help you use those resources wisely.

While we've set forth explicit requirements for Internet usage, we'd like to start by describing our Internet usage philosophy. First and foremost, the Internet for the County is a business tool, provided to you at significant cost. That means we expect you to use your Internet access for County related purposes, i.e., to communicate with citizens, customers and suppliers, to research relevant topics and obtain useful business information. We insist that you conduct yourself honestly and appropriately on the Internet, and respect the copyrights, software licensing rules, property rights, privacy and prerogatives of others, just as you would any other County dealings. To be absolutely clear on this point, all existing County policies apply to your conduct on the Internet, especially (but not exclusively) those that deal with intellectual property protection, privacy, misuse of County resources, sexual harassment, information and data security, and confidentiality.

Unnecessary or unauthorized Internet usage causes network and server congestion. It slows other users, takes away from work time, consumes supplies, and ties up printers and other shared resources. **Unlawful Internet usage may also garner negative publicity for the County and expose the County to significant legal liabilities.**

The chats, newsgroups and E-mail of the Internet gives each individual Internet user an immense and unprecedented reach to propagate County messages and tell our story. Because of that power we must take special care to maintain the clarity, consistency and integrity of the County image and posture. Anything any one employee writes in the course of acting for the County on the Internet can be taken as representing the County posture. That is why we expect you to conduct yourself in a professional manner at all times when you participate in chats or newsgroups on County business, as outlined.

As a County government, we are subject to the Public Records Law, F.S. Chapter 119. The Supreme Court has interpreted this to “encompass all materials made or received by an agency in the connection with official business which are used to perpetuate, communicate or formalize knowledge.” As an example, all E-mail, Internet/network usage reports, user logs, site logs, management reports/analysis and other Internet/network generated documents or communications are public records subject to review by the public and media.

While our direct connection to the Internet offers many potential benefits, it can also open the door to some significant risks to our data and systems if we do not follow appropriate security discipline. As presented in greater detail below, that may mean preventing machines with sensitive data or applications from connecting to the Internet entirely, or it may mean that certain users must be prevented from using certain Internet features like file transfers. The overriding principle is that security is to be everyone’s first concern. An Internet user can be held accountable for any breaches of security or confidentiality.

Certain terms in this policy should be understood expansively to include related concepts. **County** is all inclusive of the legal entity commonly described as Flagler County, Florida including all departments and divisions. **Document** means any kind of file that can be read on a computer screen as if it were a printed page, including the so-called HTML files read in an Internet browser, any file meant to access by a word processing or desktop publishing program or its viewer, or the files prepared for the Adobe Acrobat reader and other electronic publishing tools. **Graphics** includes photographs, pictures, animations, movies or drawings. **Display** includes monitors, flat-panel active or passive matrix displays, monochrome LCD’s, projectors, televisions and virtual-reality tools. **Sexually Explicit** means the dominant theme of the material is sexual and appeals to prurient interest. **Internet** means all the County internal and external networks, including the World Wide Web. **Application of Policy.** This policy applies to all Internet users connected through the County network or independent dial-up or leased lines.

All employees granted Internet access with County facilities will be provided with a written copy of this policy. All Internet users must sign the following statement:

**“I have received a written copy of the County Internet Usage Policy and summary. I fully understand the terms of this policy and agree to abide by them. I realize that the County security software may record for management use the Internet address of any site that I visit and keep a record of any network activity in which I transmit or receive any kind of file. I acknowledge that any message I send or receive will be recorded and stored in an archive file for**

**management use, media and/or public review. I will keep all passwords and ID's confidential. I will not share or allow anyone else to use my County issued password or ID. I know that any violation of the County Internet Usage Policy could lead to disciplinary action up to and including dismissal."**

## **2.12 DRESS AND APPEARANCE**

1. County employees are expected to maintain high personal, moral, and ethical standards. One of the most noticeable expressions of these personal standards is dress and appearance.
2. What is appropriate for employees in one department may not be appropriate in another. Work clothes and uniforms which are provided for many departmental employees generally set the standards for their functions. Issued work clothes or uniforms must be properly worn by the assigned employee. Determination of an employee's specific dress and appearance is a supervisory responsibility and will be treated as such. Personal appearance standards are to be established in departmental rules, subject to approval by the department director/manager.

## **2.13 DRIVING RECORDS**

Any employee, who is required as a condition of employment to possess and maintain a valid Florida driver's license, will immediately, upon his knowledge of same (prior to reporting on duty the next workday), inform their supervisor should his license become denied, expired, restricted, suspended, or revoked time during his employment with the County. Failure to do so shall result in disciplinary action to and including termination.

Periodic checks of employee's driving records may be conducted by the County in order to assure adherence to policy. Where driving is a condition of employment, the suspension or restriction of an employee's license where it impedes an employee's work performance may lead to job termination. If the employee's driving record renders the employee uninsurable on the County's policy, the employee may be terminated.

## **2.14 HEARING REFUSAL**

1. As a condition of employment, any employee may be required, upon due notice, to cooperate with respect to any job-related hearing or inquiry conducted by any person authorized by law to conduct such hearing or inquiry, and, in particular, by the Flagler County BOCC, or any person, committee, board or body authorized to act on their behalf.
2. If any County employee willfully refuses or fails to appear or appears but refuses to answer any questions relating to matters arising out of County employment which may be asked by the department director or any other authorized person or official, or willfully and knowingly giving false answers to any questions, or interferes in any way an investigation or hearing, the employee may be immediately terminated from County employment.

## **2.15 INDICTMENTS**

1. An employee shall be responsible for immediately notifying his/her immediate supervisor when information has been filed by a prosecuting official against him/her for an offense or violation of law or when indicted by a Grand Jury. Failure to do so shall result in disciplinary action.
2. The immediate supervisor shall immediately advise the department director manager, who, concurrently with the County Administrator, shall determine if it is in the best interest of the County and the work program of the department to:
  - a. Retain the affected employee in his/her regular position;
  - b. Assign the affected employee to other duties or another position until such time as any charge is disposed of by trial, acquittal dismissal conviction, or other judicial action;
  - c. Suspend, without pay, the affected employee; or,
  - d. Discharge the affected employee.
3. In the event that the affected employee is retained in County service following the indictment or charge and pleads nolo contendere or guilty to any charge, indictment, and/or is found guilty of the charge, regardless of adjudication, he/she shall automatically be terminated from County service. (NOTE: Exception to automatic termination may be considered by the department director/manager and County Administrator only for non-job related violations.)
4. In the event that the employee has not been discharged and is acquitted of the charge, or the indictment is dismissed, the employee shall be reinstated with back wages and all other benefits; and any suspension shall not be considered a break in continuous service.

## **2.16 INCARCERATION**

1. If, while employed by Flagler County, an employee is incarcerated or put in jail for an offense, charge, etc., he/she shall be responsible for notifying his immediate supervisor as soon as reasonably possible.
2. The affected employee shall be allowed to request accumulated personal leave or to request leave without pay according to the guidelines for leave without pay as outlined in Section 6.09.
3. If the employee is released from jail while on approved paid leave or leave without pay, his employment status shall be reviewed by the department/division director and County Administrator in accordance with the provisions of Section 2.13.

## **2.17 DRUG AND/OR ALCOHOL USE/CONSUMPTION**

1. The sale, use, acceptance, possession or being under the influence of alcohol or any drug as defined in these policies on County-compensated work time, on County property, or in/on any County budding, facility, or equipment may result in disciplinary action, up to and including termination.
  - If it is determined, or there is reasonable and/or probable cause pursuant to the standards in F.S. 112.0455(5)(j) to suspect that, as a result of drug and/or alcohol use/consumption, the employee's work performance, work habits, etc. begin to decline, or there is a concern for the safety of the employee, other employees, or the public at large; or, the employee, upon reporting to work or while at work appears to be under the influence of alcohol or a controlled substance (as previously defined), supervision will do one or more of the following:
    - a. The affected employee will immediately be relieved of duty, and may be subject to disciplinary action.
    - b. At the County's expense the affected employee may be sent to a County approved physician for a medical examination and/or appropriate drug screening. Refusal to be examined or screened or to release to the County the results of same shall be cause for dismissal.
    - c. The affected employee may be placed on personal leave or leave without pay until such time as other action is determined to be in the best interest of the County; or,
    - d. The affected employee shall receive supervisory counseling and shall be required to successfully participate in counseling treatment or a similar program as a condition of continued employment. Return to work shall be conditioned on the treatment programs verification of successful participation and completion of treatment.
2. The affected employee may be subject to disciplinary action, up to and including termination.

## **2.18 PROHIBITION OF HARASSMENT**

### **1. POLICY**

The County is committed to maintaining a work environment free of harassment whether such harassment is based on gender, sexual preference, race, national origin, disability, religion, age or marital status. The County will not tolerate the harassment of any of its employees, supervisors, co-workers, vendors, customers or anyone else. All personnel are responsible for maintaining a workplace that is free of harassment and intimidation. The County is committed to promptly and thoroughly investigating all complaints of harassment.

If after a thorough investigation it is determined that harassment has occurred, immediate and appropriate disciplinary action, up to and including discharge, will be taken to end the harassment. Appropriate follow-up steps will be taken to ensure that the harassment has stopped.

## 2. DEFINITION AND EXAMPLE OF SEXUAL HARASSMENT

Unwelcome sexual advances, requests for sexual favors and any other physical, verbal or visual conduct of a sexual nature constitute sexual harassment when:

- a. Submission to the conduct is an explicit or implicit term or condition of employment or continued employment; or,
- b. Submission to or rejection of the conduct is used as a basis for employment decisions affecting an employee, such as promotion, demotion or evaluation; or,
- c. The conduct has the purpose or effect of interfering with an employee's work performance or creating an intimidating, hostile, or offensive work environment; and,
- d. Sexual harassment may include, but not limited to:
  - 1) unwelcome sexual propositions;
  - 2) sexual innuendos;
  - 3) sexually suggestive remarks;
  - 4) vulgar or sexually explicit comments, gestures or conduct;
  - 5) sexually oriented kidding, teasing, or practical jokes;
  - 6) physical contact such as brushing against another's body, pinching or patting;
  - 7) any publication, shown to anyone, or documents (including pictures and text) in the workplace that contain any material that is of a sexual nature;
  - 8) using the computer to access any web site, news group, CD, floppy disk, or any other resource, that contains material that is of a sexual nature.

Sexual harassment may occur when the intended target of the conduct is not offended, but others reasonably find the conduct to be intimidating, hostile, or abusive.

## 3. DEFINITIONS AND EXAMPLES OF OTHER FORMS OF HARASSMENT

Unlawful harassment is verbal or physical conduct that shows hostility or aversion toward an individual because of their race, color, religion, gender, national origin, age, marital status, or disability when it:

- a. Has the purpose or effect of creating an intimidating, hostile, or offensive working environment;
- b. Has the purpose or effect of unreasonably interfering with an individual's work performance; or creating an intimidating, hostile or offensive environment;

- c. Otherwise adversely affects an individual's employment opportunities; or,
- d. Unlawful harassment includes, but is not limited to, the following:
  - 1) epithets, slurs, negative stereotyping, or threatening, intimidating, or hostile acts that relate to race, color, religion, gender, national origin, age, marital status, or disability; and,
  - 2) written or graphic material that shows hostility toward an individual or group because of race, color, religion, gender, national origin, age, marital status, or disability and that is placed on walls, bulletin boards, or elsewhere on the County's premises, or circulated in the workplace. This also includes acts that purport to, or are meant to be, "jokes" or "pranks", but that are hostile or demeaning, such as hate mail, threats, defaced photographs, or other such conduct.

4. PREVENTION OF HARASSMENT IN THE WORKPLACE - EMPLOYEES' RESPONSIBILITIES

All personnel are responsible for maintaining a workplace that is free of harassment and intimidation. If any person experiences or witnesses harassment in the workplace, they have an affirmative obligation to report such conduct to his/her supervisor, or the Department Head, Human Resources Director or County Administrator. If, after an investigation is conducted, it is determined that the harassment has occurred, and it is determined that any employee(s) failed to fulfill their affirmative obligation to report such conduct, such a failure may be grounds for discipline.

5. SUPERVISORS' RESPONSIBILITY

In addition to the aforementioned responsibilities, supervisors are also responsible for **immediately** reporting **any** complaints, observations or concerns of harassment to one of the individuals designated in paragraph 6.b below. Failure to take the foregoing action may be grounds for discipline. When receiving a complaint of harassment, supervisors should instruct the complaining employee that anything they say may be reported to the investigating officials.

6. COMPLAINT AND INVESTIGATION PROCEDURES

a. **Initial Complaint**

Any employee who believes he/she has been the subject of sexual or other harassment must report the alleged act **immediately** to his/her immediate supervisor or department director, the Human Resources Director or the County Administrator. Employees are not expected to report harassment to the person they believe is harassing them.

b. **Confidentiality and Timeliness**

All complaints will be handled in a timely and confidential manner to the extent

permitted by law. Anyone involved in a complaint will be instructed not to discuss the subject outside the investigation. Personnel violating confidentiality are subject to immediate discipline. Communications will be made to others only on a “need to know” basis. The purpose of this provision is to protect the confidentiality of the employee who files the complaint, to encourage the reporting of any incidents of harassment, and to protect the reputation of any employee wrongfully charged with harassment.

c. **Nature of Investigation**

To provide for a prompt resolution of harassment complaints, the County Administrator shall identify one person or a team to conduct an investigation into the complaint. Investigation of a complaint will normally include conferring with the parties involved and any named or apparent witnesses. **All persons who participate in such an investigation shall be protected from coercion, intimidation, retaliation, interference or discrimination for filing a complaint or participating in an investigation.** The investigation may include taking sworn statements from all parties and reviewing any documentary evidence. A written synopsis of the inquiry will be provided to the County Administrator or his/her designee for review.

d. **Conclusion of Investigation**

Employees shall be given an impartial and fair determination. If, after a thorough investigation, it is determined that harassment has occurred, immediate and appropriate disciplinary action up to and including discharge will be taken to end the harassment. If, after a thorough investigation, it is determined that an intentional false charge was filed by an employee about another, immediate and appropriate disciplinary action, up to and including discharge, will be taken. The County

Administrator or his/her designee will inform the complainant of the resolution of the inquiry upon its completion. Appropriate follow-up steps will be taken to ensure that the harassment has stopped.

7. **INITIAL AND ANNUAL TRAINING**

New employees will receive a copy of the County’s Harassment Policy and be asked to sign a confirmation form indicating they have received and reviewed the policy. During this orientation, the County will emphasize the policy and provide some program training. In addition, all employees will receive a training session on harassment on an annual basis. To evidence the employee’s attendance, a log of those attending the class will be maintained and a certificate of completion will be placed in their file to evidence the completion of the training.



# SECTION 3

## PERSONAL LEAVE

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### 3.01 ELIGIBILITY FOR PERSONAL LEAVE

1. Each regular full-time employee will be allowed personal leave with pay.
2. Temporary and seasonal employees will not be eligible for personal leave.
3. Regular part-time employees who work 20 hours or more per week will be entitled to leave in proportion to the ratio of the number of hours worked per week divided by 40 hours.
4. Personal leave may not be taken during the employee's initial probationary period.

### 3.02 RATE OF EARNING PERSONAL LEAVE

1. Personal leave for all employees shall accrue as follows except to the extent that contract employees (County Administrator and County Attorney) have different accrual rates in their agreements:

<b>EMPLOYEES WORKING 40 HOURS PER WEEK</b>			
<b>Continuous Employment (years)</b>	<b>Weekly Accrual (hours)</b>	<b>Annual Accrual (workdays)</b>	<b>Maximum Accrual Amounts</b>
Date of hire - End of 4 <sup>th</sup>	3.076	20	60 days or 480 hrs
Start of 5 <sup>th</sup> - End of 5 <sup>th</sup>	3.232	21	63 days or 504 hrs
Start of 6 <sup>th</sup> - End of 6 <sup>th</sup>	3.384	22	66 days or 528 hrs
Start of 7 <sup>th</sup> - End of 7 <sup>th</sup>	3.540	23	69 days or 552 hrs
Start of 8 <sup>th</sup> - End of 8 <sup>th</sup>	3.692	24	72 days or 576 hrs
Start of 9 <sup>th</sup> - End of 9 <sup>th</sup>	3.848	25	75 days or 600 hrs
Start of 10 <sup>th</sup> - End of 14 <sup>th</sup>	4.000	26	78 days or 624 hrs
Start of 15 <sup>th</sup> - Year on	4.308	28	84 days or 672 hrs

<b>EMPLOYEES WORKING 56 HOURS PER WEEK (Fire Rescue)</b>			
<b>Continuous Employment (years)</b>	<b>Weekly Accrual (hours)</b>	<b>Maximum Accrual Amounts</b>	<b>Annual Equivalent (# of shifts)</b>
Date of hire - End of 4 <sup>th</sup>	4.615	30 shifts or 720 hrs	10
Start of 5 <sup>th</sup> - End of 5 <sup>th</sup>	4.846	31.5 shifts or 756 hrs	10.5
Start of 6 <sup>th</sup> - End of 6 <sup>th</sup>	5.077	33 shifts or 792 hrs	11
Start of 7 <sup>th</sup> - End of 7 <sup>th</sup>	5.308	34.5 shifts or 828 hrs	11.5
Start of 8 <sup>th</sup> - End of 8 <sup>th</sup>	5.539	36 shifts or 864 hrs	12
Start of 9 <sup>th</sup> - End of 9 <sup>th</sup>	5.769	37.5 shifts or 900 hrs	12.5
Start of 10 <sup>th</sup> - End of 14 <sup>th</sup>	6.000	39 shifts or 936 hrs	13
Start of 15 <sup>th</sup> - Year on	6.462	42 shifts or 1008 hrs	14

### **3.03 REQUEST FOR PERSONAL LEAVE**

1. The request for personal leave shall be submitted to the employee's department director/manager on approved forms.
2. Personal leave may be taken only after prior approval by the appropriate department director/manager, except when circumstances such as illness or injury prevent prior approval from being granted.
3. Leave may be used only as accrued, and personal leave with pay shall not be allowed in advance of being earned or awarded.
4. Personal leave normally will not involve or necessitate the use of extra or "relief" employees. Department director/managers will arrange vacation schedules and reallocate duties on such a basis as to cause minimum interference with the normal functions and operations of the organization **and to minimize the payment of overtime.**

### **3.04 USE OF PERSONAL LEAVE**

1. Personal Leave may be granted for the following purposes:
  - a. Vacation leave.
  - b. Medical leave (see Section 4).
  - c. Absences for transaction of personal business which cannot be conducted during off-duty hours.

- d. Religious holidays other than those designated by the County as official holidays.
- e. Any absences from work not covered by other types of leave provisions established by these rules.

### **3.05 CHARGING PERSONAL LEAVE**

- 1. Personal leave time shall be scheduled and charged to the employee for the actual time the employee is away from work.
- 2. Personal leave will be charged in half-hour minimum increments.

### **3.06 CARRY OVER OF PERSONAL LEAVE**

- 1. It is the intent of these rules to have employees take their vacation yearly for the period in which it was earned. Employees will be afforded the opportunity to use accrued personal leave before the leave is carried over to the next year. Every effort will be made to allow employees to use their leave throughout the year to avoid carryover of personal leave.
- 2. An employee shall not be paid for earned personal leave in lieu of taking such leave during any calendar year unless recommended by the department director/manager and approved by the County Administrator or designee. Any employee, with approval of the County administrator, can redeem back up to 100 hours each year. This redemption will only be held in the month of December of each year.
- 3. Employees that are in excess of the accrual amounts listed in the charts above (3.02) will continue to accrue personal leave provided, however, that such accrued leave be taken by the end of the fiscal year immediately following the fiscal year in which the leave was earned or the leave will be forfeited. Employees that currently have accrued personal leave amounts in excess of the amounts listed in the tables above effective October 1, 2008, will receive an automatic redemption of up to 100 hours or a fraction thereof each December until their total leave is at the maximum amounts.
- 4. In rare situations, an employee may carry accrued personal leave over to the next fiscal year in excess of the maximum amounts in the tables above if approved by the County Administrator or his designee when it can be determined that extenuating circumstances otherwise prevented the leave from being taken.

### **3.07 PAYMENT FOR UNUSED PERSONAL LEAVE**

- 1. Payment for accrued personal leave does not apply employees on initial probationary status.
- 2. All accrued personal leave of employees who **pass away** while in the County service shall be paid to the spouse or estate of the employee.

3. For personal leave purposes, rehired employees are considered new employees.
  4. Employees placed on layoff status will receive pay for all accrued personal leave up to the time of the layoff.
  5. Exempt employees resigning voluntarily **shall** give 14 calendar days notice of their intention to resign **in order to be paid** for all **accrued** personal leave. **The department head may give leave time off in lieu of the notice.**
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# SECTION 4

## MEDICAL LEAVE

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### **4.01 ELIGIBILITY FOR MEDICAL LEAVE**

1. Each regular full-time employee will be allowed medical leave with pay under the Personal Leave system.
2. Seasonal, temporary and substitute employees will not be eligible for medical leave.
3. Regular Part-time employees who work 20 hours or more per week shall be entitled to medical leave in proportion to the ratio of the number of hours worked per week divided by 40 hours.
4. Medical leave may be taken during the employee's initial probationary period. However, in the event the employee resigns or is otherwise terminated before the end of their initial probationary period, any medical leave taken will be reimbursed to the County by deduction from the employee's final pay. Time spent on medical leave shall be deemed to extend the probationary period by a like amount of time.

### **4.02 REQUEST FOR MEDICAL LEAVE**

1. To receive compensation while absent on medical leave, the employees shall notify their immediate supervisor or department director/manager within 30 minutes of the time set for beginning the daily duties, if possible.
2. An employee in a unit operating on a 24-hour basis must notify the department within the time limit established by the department director/manager.
3. This provision may be waived by the department director/manager if the employee submits evidence that it was impossible to give such notification.
4. Medical leave shall not be counted as hours worked for the purpose of computing eligibility for overtime pay.

### **4.03 USE OF MEDICAL LEAVE**

Medical leave may be granted for the following purposes:

1. Personal injury or illness where workers' compensation benefits are not being received.
2. Maternity leave purposes.
3. Medical, dental, optical, or chiropractic examination or treatment.

4. Exposure to a contagious disease which would endanger others, as determined by a physician. (If the disease was not caused by a work related activity as determined by Workers Compensation).
5. Illness of a member of the employee's immediate family, which requires the personal care and attention of the employee. No more than five working days a year may be taken for this purpose without approval of the department director/manager. (See definition of immediate family for medical leave).

#### **4.04 CHARGING MEDICAL LEAVE**

1. Medical leave time shall be charged to the employee for the actual time the employee is away from work.
2. Medical leave will be charged in half-hour minimum increments and recorded against *total personal leave time*.

#### **4.05 MEDICAL LEAVE TRANSFER (S)**

In the case of a medical emergency, an employee (donor) may transfer his/her earned leave time to another employee (recipient) who has used all personal leave.

The following are the steps to be followed:

1. An employee may apply only for the needed medical leave hours through the Supervisor/Department Head by filing a written request explaining the need.
2. The Supervisor/Department Head will notify the Administration Office.
3. The Administration Office will notify County employees of the request.
4. Any employee wishing to donate hours of leave time must complete the "Transfer of Medical Leave Time Hours" form (Enclosure A). This form requires the signatures of the donor, recipient, their supervisors and the County Coordinator or a designee of the Board of County Commissioners.
5. The completed "Transfer of Medical Leave Time Hours" form will be forwarded to the payroll department by the Administration Office.
6. Only those hours actually used will be transferred.
7. If more than one employee donates hours to another employee, the hours will be taken in the order the transfer forms are received.

# SECTION 5

## HOLIDAYS

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### **5.01 HOLIDAYS OBSERVED**

- A. The following, and any other days the Board of County Commissioners may declare, are designated as official holidays for County employees:
1. New Year's Day
  2. Martin Luther King's Birthday
  3. Good Friday
  4. Memorial Day
  5. Independence Day
  6. Labor Day
  7. Veterans Day
  8. Thanksgiving Day
  9. Day after Thanksgiving Day
  10. Christmas Eve Day
  11. Christmas Day
- B. When a holiday falls on a Saturday, the preceding Friday shall be designated a substitute holiday, and when a holiday falls on a Sunday, the following Monday shall be designated a substitute holiday.

### **5.02 ELIGIBILITY FOR HOLIDAY PAY**

1. All regular full-time employees who work an eight or ten-hour shift shall receive eight or ten hours, respectively, off with pay for each of the holidays earned.
2. All regular full-time employees assigned to a workweek schedule of 24 hours on and 48 hours off shall earn 12 hours for each of the holidays observed as provided for in Section 5.01.
3. All regular part-time employees who work 20 or more hours weekly shall be entitled to holiday pay in proportion to the ratio of the number of regularly scheduled hours worked per week divided by 40 hours.

4. An employee must be in an active pay status on the regularly scheduled workday immediately prior to a holiday and the regularly scheduled workday immediately following a holiday in order to qualify for the holiday pay.
5. Whenever a holiday falls on an employee's regularly scheduled day off, for all full-time employees who work a five-day, 40-hour workweek, the employee shall have the option of selecting another day off from their regularly assigned workdays within the holiday week for holiday compensation or elect to receive eight hours of pay at straight rate for holiday compensation.
6. Whenever a holiday falls on an employee's regularly scheduled day off, for all "uniformed" full-time employees who work a 56-hour average workweek, the employee shall receive 12 hours of pay at a straight time rate for holiday compensation, or they shall receive 12 hours off from their regularly assigned workdays within the work period covering the holiday as holiday compensation. The determination of pay or time off will be subject to departmental policies and with approval of the department director/manager.

### **5.03 HOLIDAY ON A SCHEDULED WORKDAY**

1. All regular full-time and part-time non-exempt employees who are required to work on an official, designated holiday shall be paid at a premium rate of time and-one-half for the number of hours worked, in addition to their earned holiday pay.
2. All "uniformed" employees who work a 56 hour average workweek, who are required to work on an official, designated holiday, shall be paid at the premium rate of time and one-half for either eight (8) hours or sixteen (16) hours, depending on the number of hours worked on the holiday in addition to their earned holiday pay.
3. An employee who was scheduled to work on a-day observed as a holiday and reports sick will be credited with holiday time for that day. This time will not be counted as time worked in computing overtime.

### **5.04 HOLIDAY AN A LEAVE DAY**

Employees on personal leave, funeral leave, or military leave must use the holiday on the day it is earned. Holidays that occur during such leave will be compensated as holiday -time (straight time compensation) and not as personal leave.



# SECTION 6

## OTHER LEAVES OF ABSENCE

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### 6.01 FUNERAL LEAVE

1. Funeral leave is only granted, when approved by the department director/manager, in the event of a death of an employee's immediate family (see definition of immediate family in definition of terms).
2. Regular full-time employees, working a basic 40-hour workweek, may be granted time off with pay not to exceed three consecutive workdays.
3. Employees, working a shift schedule of 24 hours on and 48 hours off, may be granted time off with pay not to exceed one (1) 24-hour shift.
4. In the event that a funeral of the deceased is out of the State of Florida, then 5 days paid bereavement leave may be granted.
5. Funeral leave will not be charged to personal leave unless the approved leave exceeds three consecutive workdays or one (1) 24-hour shift, as appropriate.
6. At the discretion of the department director/manager the employee may be required to provide proof of death in the immediate family before compensation is approved.
7. Seasonal, part time and temporary employees shall not be entitled to receive funeral leave.

### 6.02 COURT LEAVE

1. All employees summoned or subpoenaed to attend court as a witness for reasons connected with their official capacity as a County employee shall receive full pay for the hours they attend court. All employees summoned for jury duty during their normal working hours shall receive full pay equal to their normal work schedule for the hours spent on jury duty. This time shall be considered court leave with pay. Time spent in court shall count as hours worked for purposes of overtime while time spent on jury duty will not be considered hours worked for purposes of computing overtime.
2. Employees attending court as a witness for reasons not connected with their official capacity as a County employee, or employees who become plaintiffs or defendants in personal litigation, are not eligible for court leave. Time used will be charged to earned personal leave or leave without pay.
3. Employees required to attend court in an official County capacity while on approved annual leave will be credited back annual leave for that court time.

4. Employees who attend court for only a portion of a regularly scheduled workday must return to work and complete the remainder of their regularly scheduled hours when excused or released by the court.
5. All pay or fees received from the court for jury duty, County related appearances or for non-County related matters shall be retained by the employee.

### **6.03 CONFERENCE AND EDUCATIONAL LEAVE**

The County Administrator may grant conference leave with pay, together with the necessary travel expenses, in order that employees may attend conferences and training designed to improve their efficiency, if considered to be in the best interest of the County. Time and expenses will be recommended by the department director/manager subject to approval of the County Administrator or designee in accordance with established administrative procedures. All travel time and time spent attending approved conferences and training shall be counted as hours worked for purposes of computing overtime.

### **6.04 TEMPORARY DISABILITY LEAVE**

An employee who is required to be absent from work due to a non-work related temporary disability of any type, including pregnancy, may request a leave of absence without pay as outlined in Section 6.09 of the Personnel Policies and Procedures.

### **6.05 MILITARY LEAVE**

1. Any employee may be granted a military leave of absence for active or inactive duty or training in accordance with Chapter 115, Florida Statutes, or its successor.
2. The County shall pay the employee his full salary for the first 30 calendar days of military leave. After the initial 30 calendar days of military leave has been completed, the County will pay the difference between the salary earned from the military and the salary that would have been earned from the County. This supplemental compensation is limited to 17 workdays in any one calendar year. All other time shall be unpaid.

For purposes of computing days under this section, all shifts more than 12 hours up to 24 hours shall equal two working days.

In order to receive the supplemental compensation, the employee must present to the County a statement from the commanding officer of the unit which shows the time spent on duty and the total amount paid for such duty by the Government.

3. The employee should submit an order or statement from the appropriate military commander as evidence of such duty. The order or statement should accompany the formal request for military leave.

4. Reinstatement rights shall be granted to employees enlisting in military service for the United States.
5. All monies due the employee shall be paid at the time of their leaving County employment to enter active military service.
6. Upon completion of enlisted military service, an employee who wishes to return to work shall report to the County within 90 days from the date of discharge unless a longer period of time is allowed by law.
7. An employee will not be considered eligible for reinstatement if the employee:

- Has less than one certificate of satisfactory completion.

The employee shall not be eligible to be granted military leave or to be continued on military leave for such extended service as described herein.

8. An employee returning to work shall start at the salary they would have received, including all adjustments including merit increases, had the employee remained continuously in the service of the County instead of entering military service.
9. If the position left by the employee to enter the military service has been reclassified or renamed during the period of military service, the employee shall be entitled to be reinstated in the position according to its existing classification or name.
10. If the employee is not capable of satisfactorily performing the duties of the position, either with or without reasonable accommodation, he will be entitled to reinstatement in a position as nearly comparable as possible in salary and duties of the one the employee left, if available. If the employee's former position has been abolished, they shall be entitled to be placed in another position as nearly comparable to it as possible.
11. Reinstatement of an employee covered by this section is conditioned on the employee's ability to meet the qualifications and requirements for the particular position and the employee's ability to perform the essential functions of the position to which the employee is to be reinstated, with reasonable accommodation.
12. If an employee's probationary period is interrupted by military service, the employee shall be required to successfully complete the probationary period upon return or reinstatement.

#### **6.06 DONATING BLOOD**

An employee, if voluntarily wishing to donate blood, shall upon the employee's request, be granted up to two (2) hours of leave with pay for the purpose of donating blood. Such time shall not count as hours worked.

## **6.07 EXAMINATION LEAVE**

- An employee who is ordered to appear for a physical examination for induction into the military service shall be granted leave with pay for this purpose. Such time shall not be counted as hours worked.
- An employee may be granted leave with pay while taking examinations before a Federal, State, or other governmental agency, provided such examinations are pertinent to their County employment. Such time, if compensated, shall be counted as hours worked only if attendance is required by the County.

## **6.08 WORKERS' COMPENSATION LEAVE**

1. Payment of Workers' Compensation to employees who are disabled because of an injury arising out of, and in the course of the performance of their duties with the Board, will be in accordance with the Florida Workers' Compensation Law.
2. Full wages will be paid for the day of injury if the disability results or for that part of the day spent receiving medical treatment.
3. If the injured employee cannot return to work on his/her next shift or normal workday, the injury will be considered a disability starting immediately following the day of the injury whether it be a week day, week-end or holiday. Disability shall be counted in calendar days. However, the employee shall be carried on regular active pay status for a period not to exceed seven (7) calendar days and will only be paid up to 40 hours.
4. If the injury results in disability of more than twenty-one (21) days, compensation shall be allowed from the commencement of the disability and the employee shall reimburse the Board the amount of Workers' Compensation benefits for the first seven (7) days.
5. In cases where the disability is continued for the eighth (8) day or more, an employee may request from his/her department head and receive, in addition to his/her Workers' Compensation, an additional payment of accrued sick and/or personal leave. Such payment shall not, when added to Workers' Compensation benefits, total more than the normal regular pay received by the employee immediately prior to such disability.
6. A special risk safety sensitive employee who sustains injuries in the line of duty from the time a unit is dispatched to an emergency event until the time the unit returns to the station, be compensated at full pay. In order for the employee to receive full pay, the Director of Emergency Services must certify in writing to the Payroll Department and the Human Resources Department that the injury was sustained in the line of duty during the time frame alluded to above. This will provide for the County to pay the difference between what the statutes provide for (662/3) and the employee's full pay.

## **6.09 MATERNITY LEAVE**

1. Federal guidelines on discrimination because of sex provide that absence due to maternity related reasons be considered and treated as a temporary disability. Disability caused or contributed to by pregnancy, miscarriage, abortion, childbirth and recovery there from is, for all job-related purposes, temporary disability. The sick leave plan shall be applied to disability due to pregnancy or childbirth on the same terms and conditions as it is applied to other temporary disabilities.
2. Maternity leave is a period of approved absence for incapacitation related to pregnancy and confinement. Maternity leave may be charged to sick leave or to any combination of sick leave, annual leave and leave of absence without pay.
3. The time when a pregnant woman should return to work will be determined on an individual basis and will generally depend on the physical nature of the work, the needs of the County and the results of professional medical guidance. Under normal circumstances the maternity leave period would be a maximum of 90 days.
4. An employee will be allowed to continue working so long as the conditions of the pregnancy do not adversely impair her work performance or health as determined by the County with physician and employee input.
5. The employee returning from maternity leave will be treated as other employees returning from leave without pay.

## **6.10 FAMILY LEAVE**

1. In accordance with the Family and Medical Leave Act of 1993, regular full-time and part-time employees who have put in at least one (1) year of employment with the Board and have worked at least 1,250 hours during the past twelve (12) months are eligible for Family Leave.
2. Eligible employees may use twelve (12) work weeks of unpaid leave time during any twelve (12) month period for birth or adoption, in order to care for the spouse, child or parent with a serious medical condition, or the worker to deal with his or her own serious medical condition that prevents performance in the employee's current position
3. A serious medical condition is defined as illness, injury or impairment, physical or mental condition that involves in-patient care in a hospital, hospice or residential medical care facility or requires continuing medical treatment.
4. For continuing medical conditions, the employee is entitled to the twelve (12) work weeks of leave in each year of employment. For birth and adoption the leave option expires one year after the event.
5. All eligible employees will be allowed to return to the Board's employment to the same job or an equivalent position with equivalent benefits and pay.

6. Previously accrued benefits will not be forfeited. No new benefits or seniority will accrue during the Family Leave period.
7. If the employee requesting leave desires to continue his/her health insurance coverage and benefits, the employee will pay the cost of the employee's share of the premiums, co-payments, deductibles, and other out-of-pocket costs.
8. Leave taken under this law is not a COBRA qualifying event because it mandates that health benefits continue.
9. If the employee does not return to work after the twelve (12) week Family Leave, he/she is entitled to elect up to eighteen (18) months more coverage under COBRA.
10. If the employee fails to return to the job after the leave, the County will recover health premiums paid on behalf of the employee during the unpaid leave, unless the failure to return is attributable to the continuation of the medical condition beyond the employee's control.
11. The County may require, in the case of birth or adoption of a child, that the twelve (12) weeks of leave time be taken all at once.
12. Intermittent leave may be taken by employees when medically necessary to care for themselves or sick children, spouses or parents.
13. The employee may be required to use his/her accrued vacation, sick or personal leave until it is exhausted, making up the balance of the twelve (12) week period with unpaid leave. However, paid sick leave need not be exhausted to care for a newborn or adopted child, in accordance with provisions of the Act.
14. The employee must furnish the Board or designee a physician's certificate of the existence of the serious medical condition of the employee, spouse, parent or child prior to the leave being granted. The Board, if it is not satisfied with the certification, may require at the County's expense, a second opinion. A third opinion may also be requested, at the County's expense, if the first two conflict. The third opinion is binding on both parties.
15. A thirty (30) day notice of intention to take Family Leave is required when the precipitating event is foreseeable such as birth, adoption, or planned medical treatment.

#### **6.11 LEAVE WITHOUT PAY**

- Leave without pay includes, but is not limited to maternity leave and other temporary, non-service connected disabilities for a period not to exceed six (6) months, except as approved by the County Administrator.
- The decision to grant a leave without pay (leave of absence) is a matter of administrative discretion. The employee must submit their leave request in writing through their department

director/manager. The request shall be forwarded to the County Administrator for final approval/disapproval.

It shall be incumbent upon each department director/manager to weigh each case on its own merits. Each request must be made as far in advance as possible and must be accompanied by a full explanation of the justification for the requested leave.

- A. In each case where such leave is granted, the County shall return the employee to their former position or a similar position in the same classification in another department.
- B. All departments are required to adhere to the following practices:
  - 1. All full and part-time employees are eligible for leave without pay.
  - 2. Department director/managers must submit personnel forms placing employees on a leave of absence for any period of time. The leave of absence will be effective beginning with the first day of absence.
  - 3. Prior to requesting a leave of absence without pay for non-medical reasons, the employee may utilize any accumulated personal leave time.
  - 4. Leave without pay for any period of four weeks or longer will result in a corresponding adjustment of anniversary, length of service and classification dates.
  - 5. An employee granted a leave of absence must keep the department director/manager informed every three months of their current activity (school, medical, military, etc.). In addition, the employee must keep the department advised of their current address at all times.
  - 6. Failure to comply with all of the above items will result in the employee being dropped from leave of absence status; in which case they must return to duty or be dismissed.
  - 7. Any employee granted a leave of absence shall contact their department director/manager at least two weeks prior to the expiration of the approved leave in order to facilitate the reinstatement process. Any employee on unpaid leave for medical reasons may be required to present evidence from a physician releasing the employee to return to duty and verifying the employee's ability to return to duty, with or without reasonable accommodation, prior to returning to work.
  - 8. Failure to return to work at the expiration of the approved leave shall be considered as absent without leave and grounds for dismissal.
  - 9. No personal or paid leave of any type will be earned by an employee for the time that the employee is on leave without pay. While on unpaid leave, no employee will be compensated for holidays.
  - 10. Anniversary salary increments shall not be credited during leave without pay. Upon

return, salary increments will be credited in accordance with the employee's adjusted seniority date, if applicable.

11. Probationary employees may be granted leave without pay based upon the circumstances surrounding the request. The request must be approved by the department director and the County Administrator.
- C. Group Life and Hospitalization Insurance coverage, for both the employee and dependents, may be continued while on authorized leave of absence, provided all premium payments for both the employee and any dependents are kept current by the employee.

## **6.12 ABSENCE WITHOUT AUTHORIZED LEAVE**

An absence of an employee from duty, including any absence for a single day or part of a day, that is not authorized by specific grant of leave of absence under the provisions of these rules shall be deemed to be an absence without leave. Any such absences shall be without pay and may be subject to disciplinary action.

Any employee who is absent for three consecutive workdays or one 24-hour shift without proper authorization shall be deemed to have resigned. Such action may be reconciled by a subsequent grant of leave if the conditions warrant. A memorandum from the department director/manager recommending implementation of this section is to be forwarded to the County Administrator or designee for review and approval. For shift employees this action must be completed prior to the commencement of the next regularly scheduled shift.

## **6.13 INACTIVE STATUS**

1. The intent of this subsection is to provide for the filling of critical vacancies in those cases where an employee is placed on leave without pay, workers, compensation, or suspension for a period exceeding 30 calendar days.
2. Employees who are placed in one of the above categories may be removed from the active Payroll Register and be placed on inactive status. This would permit the filling of the vacated position, where necessary.
3. The decision to place an employee on inactive status is a matter of administrative discretion. Department director/managers must weigh each case on its individual merit and circumstances so as to determine likely length of absence and need for replacement of employees. Any decision to place an employee in the inactive status must have the approval of the County Administrator or designee.
4. If the work of the absent employee cannot be accomplished by utilizing existing personnel within the department a temporary replacement may be hired. The determination of whether to hire a temporary replacement is an administrative one to be determined by the availability of replacements. A temporary replacement may be hired with the stipulation that they shall be terminated upon the return of the regular employee.



5. The maximum amount of time that an employee may be on inactive status is one year. At the end of one year, the employee will be removed from inactive status, be terminated from the County, be paid for any accrued benefits, and their group life and health insurance benefits will be continued in accordance with any applicable State and Federal regulations.

#### **6.14 OVERTIME DISCLAIMER**

Leaves of absence shall not be counted as time worked for the purpose of computing eligibility for overtime pay.

# SECTION 7

## POSITION CLASSIFICATION PLAN

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### **7.01 PURPOSE**

The Position Classification Plan provides a systematic arrangement and inventory of positions. The plan groups the various positions into classes indicative of the range of duties, responsibilities, and level of work performed. The class titles standardize the meaning, allocation, and usage of the plan based upon the similarity of work and duties performed.

### **7.02 USE**

The Classification Plan will be used to:

1. Determine qualifications and to prepare examination announcements and content.
2. Standardize salary ranges to be paid for the various classes of work.
3. Establish lines of promotion and career ladders.
4. Assist in developing employee training programs.
5. Provide uniform job terminology.

### **7.03 CONTENT**

The Classification Plan consists of:

1. A grouping of positions into classes on the basis of approximately equal difficulty and responsibility, which require the same general qualifications and which can be equitably compensated within the same pay grade.
2. A Class Title, indicative of the work of the class, which shall be used on all personnel, accounting, budget, and related official records. No person shall be appointed to a position in the County personnel structure under a title not contained in the Classification Plan.
3. Written Class Descriptions for each job classification containing the major function of the work, relative responsibilities, and illustrative duties found in the class. Included are requirements of the class, setting forth the knowledge, abilities and skills required for performance of the work, and the training and experience needed for recruiting to the class.

### **7.04 ADMINISTRATION AND MAINTENANCE**

1. The Human Resources Director and the department director/manager are charged with

maintenance of the Classification Plan so that it will reflect the duties performed by each employee and the class to which each position is allocated.

2. It is the duty of the Human Resources Director and the department director/manager to have the nature of the positions examined as they are created, to have them allocated to an existing class or to create new classes, to make changes in the Classification Plan as are made necessary by changes in the duties and responsibilities of existing positions.
3. The Human Resources Director and the department director/manager will maintain the entire plan and recommend appropriate changes in allocation of the Classification Plan to the County Administrator as needed.

#### **7.05 ALLOCATION OF POSITIONS**

1. Whenever a new position is established or duties of an old position changed, the department director/manager shall prepare and submit a comprehensive position description describing the current duties of the position.
2. The Human Resources Director shall study and analyze the appropriateness of suggested duties of a position and assign the position to an existing class or establish a new class.

#### **7.06 POSITION AUDIT AND RECLASSIFICATION**

1. The Human Resources Director and the department director/manager are charged with the responsibility of having audits made of positions. Position audits may be initiated by the County Administrator or the Human Resources Director or by written request to the Human Resources Director's office from:
  - a. The department director/manager where the position is located.
  - b. The incumbent of the position to be audited. The employee must process the employee request through the department director/manager for review and comment.
  - c. Position information will be gained through completion of a Position Classification Questionnaire, which will be supplied by the Human Resources Director's Office, by the incumbent or by the supervisor of the position if the position is vacant) and through study of the position by the Human Resources Director.
  - d. The department director/manager should review and make recommendations to the Human Resources Director for all proposed new positions, changes, and class descriptions.
  - e. The employee in the Position to be audited will be notified that the audit is to be conducted.

## **7.07 RECLASSIFICATION**

1. When the incumbent of a position, through diligent application of the work, is officially assigned more difficult and significant additional responsibilities and duties so that it appears that the position warrants reallocation to a higher pay grade, the Human Resources Director and department director/manager shall perform a study of the duties and responsibilities of position.
2. If it is determined that the Position should be reallocated to a higher level class, the incumbent may be required to undergo a job-related test of fitness, depending on the conditions of the reclassification and the nature of the Position to be reclassified. Tests, where appropriate may include written or oral examination, interview, or performance test conducted by the affected department director/manager.
3. Should the employee fail the examination, or for some other valid reason is not selected to fill the upgraded position, the employee shall remain in their current position.
4. Should the position be reclassified to a job classification with the same pay grade as that of the original classification, the incumbent employee shall receive a corresponding change in title without the benefit of examination, provided the reclassified position is in the same line and character of work involving the same basic duties, responsibilities, and skills and the employee meets the minimum qualifications for the new classification.
5. Should a position be downgraded to a job classification with a lower pay grade than that of the original classification, the incumbent employee may request transfer to a vacancy, if one exists, in the original classification in the same or another department. If the transfer is not accepted, the employee will remain in the existing position at the downgraded title and pay grade.

## **RECLASSIFICATION PROCEDURE**

Each request for a personnel action which could result in a position being reclassified, restructured or redefined will follow the below procedure.

1. Individual employee will complete a Position Description Questionnaire (Enclosure **B**) and forward to the Department Head.
2. The Department Head will complete the Personnel Request Form (Enclosure **C**) and forward it to the Human Resources Director for review.
3. Recommendations and results of the evaluation by the Human Resources Director's Office will be forwarded to the County Administrator who will make the decision whether to reclassify the position.

## **7.08 POSITION CONTROL**

All positions in the County are established and maintained through a personnel budget each fiscal year in accordance with established budget and accounting procedures. The establishment of new or additional positions will be accomplished only upon approval of The Board of County Commissioners. The County Administrator may create temporary or part-time positions.

# SECTION 8

## SALARY PLAN

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### **8.01 PURPOSE**

The Salary Plan shall be directly related to the Classification Plan and provides the basis of compensation for employees in the County Service. The Salary Plan reflects the following:

1. Relative difficulty and responsibility existing between the various classes of work within the county employment.
2. Prevailing rates of pay for similar types of work in private and public employment in the labor market where the County recruits for employees.
3. Availability of applicants to fill positions in the County Service.
4. Economic conditions of the area.
5. Financial policies of the County.

### **8.02 USE**

The Salary Plan is used to place new employees at a salary level to reward employees for job performance, to develop incentives for employees, and to improve their productivity and quality of work.

### **8.03 CONTENT**

1. The Salary Plan consists of the basic Salary Schedule as adopted by the Board of County Commissioners.
2. The Salary Schedule indicates salary ranges and a minimum and maximum compensation attached to the ranges.

### **8.04 AMENDMENT AND MAINTENANCE**

1. Amendments to the Salary Plan shall be considered when changes of responsibilities of work or classes, availability of labor supply, prevailing rates of pay, the County's financial condition and policies, length of continuous service or other pertinent economic considerations warrant such action.

2. The County Administrator shall be responsible for maintaining and amending the Salary Plan with all substantial changes subject to County Commission approval.
3. In order to attract and/or retain employees the County Administrator may set salaries within the established pay grades.

#### **8.05 MERIT SALARY INCREASE**

1. Merit or performance salary increases may be granted by the County. Merit salary increases are not automatic, but are to be earned based upon job performance. Evidence of satisfactory service or above must be reflected in the employees performance evaluation prior to approval' of a merit increase, in accordance with established procedures.
  - a. Supervisors are responsible for accurate and prompt submission of employee performance evaluation reports, in accordance with established procedures.
  - b. If funds for the purpose of awarding merit payments are appropriated by the County Commission, the Commission shall approve the timing and range of amount for the award of merit increases.

#### **8.06 CAREER ADVANCEMENT, PROMOTION, RECLASSIFICATION**

1. Vacancies in positions above the lowest grade in any classification in the County shall be filled as far as practical by the career advancement, promotion, or reclassification of employees in the County Service, subject to retaining the individual most qualified.
2. Examinations for upgrading may be held for specific classes or occupations when it is in the best interests of the County.
3. Examinations for upgrading are open only to employees in the County Service. An examination for upgrading may include employees in specific classes in all departments or only in the department in which the vacancy occurs, and determined by the department director/manager and the County Administrator or designee.
4. Career advancements, promotions, and reclassifications shall receive the pay increases as determined by the County Administrator based on experience and longevity and falling within step plan.
  - A. **Promotion (Career Advancement Upgrade):** The advancement of an employee to a higher pay grade within their career field; i.e., Equipment Operator I to Equipment Operator II or to a position of supervision or management in which they are responsible for other employees.

Subject to the provisions of Section 8.06.D.(2), an employee being promoted will receive an increase in salary to the minimum of the new pay grade or an increase in salary will be determined by researching current "Like" positions and salaries in the

public sector, and considering employees experience and longevity, with the final approval by the County Administrator.

- B. In no event shall a promoted employee exceed the maximum salary range for the classification into which the individual is promoted or be placed out of step.
- C. **Reclassification (Upgrade):** The reclassifying and advancement of an employee from one career field to another career field in a higher pay grade; e.g., Maintenance Technician I to a Mechanic I to an Equipment Operator IV. A reclassification (upgrade) shall receive an increase as determined by the County Administrator based on experience and longevity and falling within step plan.
- D. **New Position:** If the Board creates a new position in the budgetary process and an employee is identified who will take this new position, such employee will be paid at the salary specifically approved by the Board during the budgetary process. If no salary is specifically established by the Board and no specific employee is identified for the position, then the Administrator shall determine the salary in accordance with the provisions of the personnel policy.

#### CLASSIFICATION DATE AND PROBATION PERIOD

- 1. If the employee is at the top of the pay range for their position, they would receive no merit increase. They would instead receive a 3% lump payment.
- 2. In no event shall an advancement, promotion or reclassification and merit increase cause the employee to exceed the maximum salary range for the employee's new classification or allow an employee to be out of step.

### **8.07 DEMOTION**

#### A. REASONS FOR DEMOTION

- 1. When an employee would otherwise be laid off because the position is being abolished, the position is being reclassified to a lower pay grade, because of lack of work, lack of funds, or because of the return to work from authorized leave of another employee to such a position in accordance with the rules on leave.
- 2. When an employee does not possess the necessary qualifications to render satisfactory service in the position they hold.
- 3. Rejection of probation.
- 4. If an employee voluntarily requests a demotion.



**B. EFFECT OF DEMOTION ON PAY**

The pay grade of an employee demoted to a classification having a lower pay grade than their present classification shall be based upon the following guidelines.

1. Employees in Category 8-07(A)(1) who are demoted to a lower classification shall have their pay protected. However, an employee whose pay exceeds their new pay range will be frozen in pay until such time as their new pay range catches up.
2. Employees in Category 8.07(A)(2,3,4) who are demoted to a lower classification which was not held previously will suffer a minimum six percent reduction in pay and the pay will not exceed the maximum rate of the pay grade designated for the lower position.
3. Employees in Category 8.07(A)(2,3,4) who are demoted to a lower classification which was held immediately prior to being upgraded shall be placed in the grade and pay that they would have attained by remaining in the lower classification.

**C. EFFECT OF DEMOTION ON CLASSIFICATION DATE**

An employee who is demoted to a classification they held immediately prior to being upgraded will have the date in classification adjusted to reflect the time served in that classification. All other demotions will establish a new classification date.

**D. PROBATION STATUS DUE TO DEMOTION**

An employee who is demoted to the classification they held prior to being demoted will not have to serve any probationary period unless the previous classification was a probationary classification. In that case, the demoted employee would be required to complete the probationary period. An employee who is demoted to a classification not previously held shall be required to serve a three-month trial period. If during this trial period, the employee is found to be unqualified for the position, the employee may be dismissed in accordance with established procedures.

**8.08 TRANSFER**

An employee on regular or probationary status may, with the approval of the department director/manager concerned and the County Administrator, be transferred. Prior to accepting the transfer, employees should carefully consider the rules by which a transfer is accomplished.

**DEPARTMENT/DIVISION TRANSFER**

1. An employee may be transferred to another department with the same job classification and such transfer shall not change the employee's pay grade, pay rate, or anniversary or classification date.

2. An employee may receive a transfer to another department under a different classification and such transfer shall not change the employee's pay grade, pay rate, or anniversary or classification date.
3. The transferred employee shall serve a three-month trial period plus any time remaining on their initial probationary period in the new department.
4. If, during the trial period, the employee is found to be unqualified for the position or incompetent in performing the duties of the new position, they may be returned to the position from which they were transferred with the approval of the County Administrator only if a vacancy exists.
5. If the former position is filled, every effort will be made to place the employee in a comparable position. If a vacancy does not exist and if it is impossible to create a new position, the employee will be released and placed on an appropriate reinstatement eligible list.

#### **8.09 TRAINEE**

- A. When an applicant for any position does not meet the minimum qualifications but is otherwise qualified for the position, the department director/manager may request the appointment as a 'trainee'. In such cases, the employee will be hired at a rate 6% below the minimum salary until the minimum qualifications have been satisfied. Training periods shall normally be six months with a one-time possible extension of another six months.
- B. This category is to be used only when no qualified applicants are available and to train, on-the-job, those who have the potential to do the work but lack some of the skills, experience, license, or certification required.
- C. The time a person remains in a trainee category would depend on the skills or experience needed in individual cases. Length of the training period will be requested by the department director/manager to the County Administrator for approval.

#### **8.10 CALL-OUT PAY**

- A. In cases where off-duty employees are called out to assist in an emergency, they shall receive a minimum of two hours pay for each emergency call-out and will be compensated at the rate of time and one-half for time worked on a portal-to-portal basis.
- B. If the employee is called back on a holiday or while on authorized paid leave, they shall be paid in accordance with the rule shown above and receive the equivalent hours off to replace the hours worked on the holiday or leave day on a straight time basis.
- C. Any employee required to continue working after completion of their regular scheduled shift shall be ineligible for call out pay but may be eligible for compensation at the overtime rate of pay.

## **8.11 TEMPORARY WORK AT A HIGHER CLASSIFICATION**

In the event there is a vacancy at a higher classification an employee may be required to work in this higher classification as a trainee, temporary, incidental, or emergency basis and shall do so at no increase in pay. If the employee is required to perform the duties for a period exceeding 20 consecutive calendar days, the County Administrator, or department director/manager shall give the employee a temporary assignment to a higher classification and the employee shall be paid the appropriate rate for the higher classification retroactive to the first day of such temporary work at a higher classification. At the conclusion of the assignment, the employee's pay shall revert to the authorized rate established for the employee's regular position, and any such temporary increase granted shall not affect the employee's eligibility for normal merit advancement. All money received by an employee for working in a higher classification shall be included in the employee's regular rate for purposes of computing overtime.

# SECTION 9

## RECRUITMENT, APPLICATIONS AND FILLING VACANCIES

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### 9.01 RECRUITMENT

Individuals shall be recruited from a geographic area as wide as is necessary to assure obtaining well-qualified candidates for the various types of positions. In cases where County residents and non-residents are equally qualified for particular vacant positions, the County residents shall receive first consideration in filling vacancies.

### 9.02 ESTABLISHMENT OF ELIGIBLE LISTS

The County Administrator may establish and maintain such eligible lists for the various classes of positions as are necessary to meet the needs of the County.

### 9.03 PROCEDURES FOR FILLING VACANCIES

- In filling vacancies within the County, the hiring authority shall give first consideration to individuals currently employed with the Flagler County Board of County Commissioners' operating departments and to veterans on initial hire. This does not preclude consideration and selection of external applicants for any job vacancy.
- Requests to announce and fill job vacancies shall be initiated by the department director/manager. The request shall be made on the position requisition forms provided by the County Administrator.
- After consulting with the department director/manager, the Human Resources Director shall require that a job vacancy be posted for current County employees prior to soliciting external applicants.
- Position vacancies shall be publicized by public announcements, through the placement of job postings on the County Administrator's bulletin board and in other County offices and work locations. Job vacancies may also be announced by advertising in local and/or other statewide newspapers as jointly determined by the department director/manager and the County Administrator or designee.
- Job vacancy announcements shall include, at a minimum, the following:
  1. Job title
  2. Salary Range

3. Minimum Qualifications
4. Location of Position (Department/Division)
5. Special Requirements
6. Closing Date
7. Examination Requirements
8. Other notes as recommended or required by law, i.e., EEO employer, Veterans' preference, etc.

#### **9.04 ACCEPTANCE OF APPLICATIONS**

1. All persons responding to a job vacancy announcement will be afforded the opportunity of filing an application for employment with the County.
2. All applications shall be made on the County's standardized employment application form. Resumes will not be accepted in lieu of a completed employment application form.
3. All applicants must be citizens of the United States or otherwise be lawfully allowed to perform work in the United States under all applicable laws.

#### **9.05 METHOD OF SELECTING QUALIFIED APPLICANTS**

1. Applicants shall be initially evaluated by the Human Resources Director and the department director/manager or designee to determine the degree to which they seem to possess the appropriate knowledge, skills and abilities required for the job, based on their application and other relevant information.
2. An application may be rejected if the applicant:
  - does not possess one or more of the minimum requirements as specified in the public announcement;
  - is physically or mentally incapable of performing the duties of the position to which they seek appointment even if provided with reasonable accommodation;
  - has prior conviction for a crime if the crime was a felony or first degree misdemeanor and directly relates to the position of employment sought;
  - has submitted an incomplete application;
  - has made false statements of any material fact in the application;

- has ever been a member and had knowledge of the nature and purpose of any organization which advocates the overthrow of the Government of the United States of America by force or violence; or,
  - has a past employment record that is "unsatisfactory" as determined by the Human Resources Director, department director/manager or the County Administrator.
3. After developing a list containing all applicants considered to possess the minimum qualifications, the Human Resources Director and the department director/manager shall "shortlist" the top ranked applicants. Identification of the top ranked applicants shall be based upon evaluation of the applications and other relevant factors which may include evaluation of job related tests, personal interviews and reference checks. Final selection shall be made by the department director/manager from among the top ranked applicants.
  4. Any decision by the department director/manager to select a candidate from outside the top ranked applicants shall require a written explanation justifying the decision to the County Administrator.
  5. The County is bound by the provisions of Florida Statutes, Section 112.3135, regarding restrictions on employment of relatives. If one or more of the eligibles under consideration falls within the provisions of this statute, that person(s) shall be removed from the list and the names(s) of the next eligibles will be substituted. All employees working under past policies will be retained where employed. However, no relatives may be employed, transferred, or promoted to a position in a department where another relative is employed without the approval of the department director/manager and the consent of the County Administrator.

## 9.06 REFERENCES

1. **Former Employees** - The Human Resources Director is solely responsible for responding to inquiries concerning current and former employees. The Human Resources Director will only provide information about its current or former employees that can be disclosed in accordance with Florida law.

Each department/division that receives a request for an employment reference or recommendation concerning a current or former employee shall forward the request to the Human Resources Department for response. The Human Resources Department, in such instances, will not comment upon its perception of the current or former employee but will only verify dates of employment, rates of pay and positions held.

2. **Prospective Employees** - The hiring authority should elicit reference check information concerning applicants for vacancies or anticipated vacancies.

## **9.07 ORDER OF LISTS FOR CERTIFICATION**

Consideration of qualified candidates by the department director/manager shall be made from the eligible class lists in the following order, from the eligible list which shall be maintained:

- Names of former employees of the department from the layoff section of the list;
- Names of former employees of other departments from the layoff section of the list;

## **9.08 PROCESSING APPLICANTS**

When it has been determined that an applicant has the necessary qualifications, an interview may be scheduled with the appropriate department director/manager or designee.

The department director/manager will notify the Human Resources Director office if the applicant is or is not to be employed.

After an offer of employment has been conditionally extended pending completion of the items below but before final processing, the individual:

- shall be required to pass an appropriate physical examination relative to job requirements;
- must present a Social Security card unless excused by law;
- may be required to present proof of education;
- may be required to present certification of separation from the Armed Forces;
- may be required to present verification of date of birth;
- will have his/her personnel history reviewed and verified;
- shall have to produce a valid and appropriate Florida Drivers' License if the job requires driving; and,
- shall meet other job-related requirements.

Any exceptions to this procedure must be approved by the County Administrator or designee.

## **9.09 TYPES OF APPOINTMENTS**

### **1. PROBATIONARY**

Any new or promotional appointment shall be a probationary appointment subject to the completion of a satisfactory probationary period in accordance with the provisions established in Section 11 or these Rules.

2. **REGULAR FULL-TIME**  
A County employee who has satisfactorily completed the probationary period of service as required by Paragraph A above.
3. **TEMPORARY**  
Positions (whether part-time or full-time) anticipated to be for less than 4–6 consecutive months-in a 12 month period or other comparatively short duration or limited in duration for special projects or programs. Appointments to temporary positions will not exceed a four-month period unless specified by the project program. All persons in this category will serve as at will employees in an exempt status and meet the requirements as set by the department director/manager.
4. **PART-TIME**  
Such at will appointments may be granted for work which requires the services of an employee for less than 20 hours per week.
5. **REGULAR PART-TIME**  
Such at will appointments may be granted for work which requires the services of an employee for 20 or more hours per week but less than 40 hours per week.
6. **SUBSTITUTE**  
Such appointments may be allowed to fill regular, vacant positions open due to extended leave of absence. Such appointments shall be made from appropriate eligible registers or, in the case of a promotional position, from the applicable related class. The substitute appointed shall: confer no status, or rights under these rules. The substitute appointment shall be for a period not to exceed six months upon approval of the department director/manager and the County Administrator.
7. **SEASONAL**  
Employees are appointed in the same manner and subject to the same procedure as regular employees, except that they serve at will and shall be terminated at the close of the season for which they were appointed.
8. **STUDENT/INTERN**  
Student/Intern appointments have the purpose of affording students of public administration and other professional areas an opportunity to gain actual work experience. Such appointments are at will and for a definite period of time and must be approved in the County's annual budget.
9. **EMERGENCY**  
In order to prevent stoppage of public business or loss of serious inconvenience to the public, emergency appointment of employees on a temporary basis may be authorized by the County Administrator. In no event shall the emergency appointment continue for more than 90 calendar days in any 12-month period, unless extended for an additional 90 days -by the County Administrator.

## **9.10 REHIRE**

1. An employee who has resigned with a good record may be rehired, if a vacancy exists, to the same position in the same department from which the employee resigned within one year of



the date of resignation. Such action originates only from a department director/manager request and must be submitted to the County Administrator or designee for approval.

2. An employee may be rehired at the same pay rate previously received, or may revert to a lower rate within the range, at the recommendation of the department director/ manager and with the approval by the County Administrator or designee.
3. Rehired employees are considered new employees for the purposes of personal leave, longevity, and salary increases.
4. Employees that have resigned in lieu of proceeding with a pre-disciplinary hearing that was scheduled prior to receiving the resignation letter will not be considered for rehire unless approved by the County Administrator.
5. Any former employee that was terminated as a result of a pre-disciplinary hearing will not be considered for rehire unless approved by the County Administrator.

# SECTION 10

## COMPETITIVE AND MEDICAL EXAMINATIONS

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### 10.01 ANNOUNCEMENT OF COMPETITIVE EXAMINATIONS

- A. Unless vacancies are filled by demotion, transfer, or by certification from layoff eligible lists, they shall be filled insofar as practical by the promotion, transfer, or career advancement of qualified County employees. The department director/manager, after consultation with the County Administrator or designee, will determine if a competitive examination is warranted.
- B. When there is a need to fill a critical position, a "continuous until filled" announcement shall be posted. Selection will be made from qualified applications, as received.

### 10.02 TYPE OF COMPETITIVE EXAMINATIONS

- A. All appointments to County positions, either at the entrance or promotional level, shall be made on the basis of merit and fitness, and may be determined as far as practical and possible by competitive examination.
- B. Whenever vacancies exist or are contemplated, the County Administrator or designee, in conjunction with the appropriate department director/manager, shall prepare any examinations. These examinations will be designed to fairly and impartially test the merit, fitness, aptitude, experience, and other relevant qualifications of an applicant to discharge the duties of the classification in which they seek appointment. In addition, evaluating procedures and minimum performance criteria will be established. These may consist of any, all, or a combination of the following:
  - 1. Written test.
  - 2. Oral test.
  - 3. Performance or skills and abilities test.
  - 4. Evaluation of training and experience.
  - 5. Length of time in present classification.
  - 6. Physical agility examination.
  - 7. Any other applicable criteria which will fairly measure the relative abilities competing in examinations.

## 10.03 MEDICAL EXAMINATIONS

### MEDICAL EXAMINATIONS

1. Medical examinations may be required after a conditional offer of employment has been extended as follows:
  - a. All new regular full and part time employees.
  - b. Non-uniformed employees who are applying for "uniformed" positions within County Fire Services Division.
  - c. As required by federal law, state statute, or other regulations.
2. Appointment actions for the identified positions shall be contingent upon successful completion of the post-conditional job offer physical.

The prospective appointee to whom an offer has been extended shall not be authorized to begin employment until completion of the medical examination process and confirmation of the individual's fitness to perform the essential functions, with or without reasonable accommodation.
3. Upon notification of a selection action, the employing office shall initiate action to schedule the prospective appointee for a medical examination.
4. The prospective appointee shall be required to complete, sign, and present to the County authorized physician a Medical History Report and a Consent/Authority to Release Medical Information form.
  - a. Failure by the applicant to present the completed, signed Consent/Authority to Release Medical Information form or falsification of the form shall be cause for disqualification from employment.
5. The County Administrator's Office and/or employing office shall prepare a Referral for Medical examination form and enclose a job description and/or a list of essential functions to be performed by the prospective appointee.
6. The County-authorized physician shall conduct the medical examination and identify all, if any, medical conditions which may have an effect on the prospective employee's ability to perform in the identified position.
7. If medical restrictions/limitations are identified, the hiring authority and the Administrator or designee shall review the medical report and determine:

- a. If reasonable accommodations can be made available to the selected candidate.
  - b. If the prospective appointee shall be required to submit additional medical information from his/her personal physician.
  - c. If the selection action will be-withdrawn.
8. The County Administrator's office shall notify the prospective appointee of the results of the medical examination and affirm or withdraw the selection action.
  9. An applicant who fails to successfully pass the medical examination, may request reconsideration by submitting additional medical information.
    - a. Request for reconsideration must be made to the County Administrator's office within twenty-four (24) hours of notification.
    - b. Upon receipt of a request for reconsideration, the County Administrator or designee shall review with the hiring authority and the County-authorized physician who made the initial assessment. If necessary, the County Administrator may authorize an additional medical examination at County expense.

#### PRE-EMPLOYMENT DRUG SCREENING

1. Pre-employment drug screening and the release of results to the County shall be required as follows:
  - a. All prospective employees.
  - b. Non-uniformed employees who are applying for "uniformed" positions within The Emergency Services Fire Rescue Division.
  - c. As may be required by federal law, state statute, or other regulations.
  - d. All applicants appointed to special risk/safety sensitive positions
2. Appointment action for the identified position shall be contingent upon successful completion of the pre-employment drug test. The prospective appointee shall not be authorized to begin employment until completion of the drug screening test process.
3. Refusal to submit to a drug test, refusal to release the results or a Positive confirmed drug test shall be the basis for refusing to hire a job applicant.
4. An applicant shall not be denied employment without a confirmation test which has been verified.

5. Upon receipt of a confirmed, positive test result, the County shall inform a job applicant of the test result, the consequences of such results, and the options available to the applicant.
  - a. Within five (5) working days after receiving notification, an applicant may submit to the County a written appeal which contains information explaining or contesting the test results; and why the results do not constitute a violation of this policy.
  - b. A job applicant will be notified if a written appeal is rejected.
6. A job applicant will be ineligible for employment during the twelve (12) months following the positive drug test and until he receives a negative test result.
7. During the period that an applicant seeks an administrative appeal, the County shall not be required to hold the position vacant for which the applicant originally applied.
8. Should a job applicant prevail in the administrative appeal, the County shall provide the applicant the opportunity of applying for employment in the next available comparable position.
9. Except as provided under the Public Records Act, all documentation gathered under this section shall be retained in the Human Resources office and shall be classified as confidential and not available for public inspection. All medical information will adhere to the Health Information Portability Accountability Act (HIPAA) regulations.

#### **10.04 VETERANS PREFERENCE**

Preference in hiring, retention and promotion shall be granted to covered individuals applying for covered positions in accordance with Chapter 295, Florida Statutes, or any successor. In order to be granted preference, the individual must meet the minimum qualifications, must achieve a passing grade on any scored test and must submit verification of entitlement to veteran's preference at the time of making application.

#### **10.05 EMPLOYMENT OF PHYSICALLY OR MENTALLY DISABLED**

Physically or mentally disabled persons will be considered for employment provided they can satisfactorily perform the essential functions of the position sought either with or without reasonable accommodation. This provision shall not be used to discriminate against the disabled. The County will continue its policy of complying with State and Federal regulations regarding equal employment of the disabled.

## **10.06 RESULTS AND REVIEW OF EXAMINATION**

The identity of each candidate shall be concealed during the examination process. After the grading of examinations, the Human Resources Office shall advise each candidate as to the result of their examination. Any candidate receiving such notice may, in the presence of the Human Resources Office or designated representative, review their own examination papers.

## **10.07 APPEALS**

Should an employee feel adversely affected or discriminated against in the opportunity for promotion or employment or if, in their opinion, an injustice has been done in the grading of the examination papers, an appeal may be made in accordance with the appeal procedures outlined in Section 17 within ten days of receipt of the adverse decision.

# SECTION 11

## PROBATIONARY PERIOD

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### 11.01 PURPOSE

The purpose of the probationary or “working test” period is to closely observe an employee's performance and work habits, to secure the most effective adjustment of a new employee to the position, and to reject any employee whose performance does not meet the required work standards.

### 11.02 DURATION

1. The initial probationary period shall normally be for a period of six months from the first day of work for a new employee. However, the department director/manager may extend the probationary period of a new employee for a maximum of three additional months. If the probationary period is to be extended, the department director/manager will coordinate this action with the County Administrator or designee and inform the probationary employee of the reason(s) for the extension.
2. The length of the initial probationary period for new employees may vary in departments where a position demands a longer period of training and/or evaluation of specific qualifications, which cannot sufficiently be evaluated within a six-month period. The Fire-Rescue Division’s probationary period is one year. This one year probationary period is necessary to sufficiently determine that a new employee can successfully cope with the demands of the organization. The year long probationary period will be in phases with periodic evaluations covering the following subjects;
  - Emergency medical training
  - General Firefighting including tools and equipment
  - Documentation, driver training, apparatus checks, EMS skills
  - Emergency scene operations
3. The probationary period of an employee who is promoted to a higher classification and pay grade, within the same department, shall be for a period of six months with no extensions.
4. The probationary period for an employee promoted to a higher classification and pay grade, and transferred to a new department director/manager may be extended for a maximum of three additional months with the permission of the County Administrator. If the probationary period is to be extended, the same rules as those outlined in Section 10-02 Part A will apply.

5. When an employee successfully completes the Probationary period, a written evaluation will be submitted to the Human Resources Department/County Administrator's office, after which the employee will be placed on regular status. The approved written evaluation and status change form shall be placed in the employee's personnel record and a copy of the evaluation shall be furnished to the employee.

### **11.03 EVALUATION OF PERFORMANCE**

During the probationary period, the department director/manager shall prepare/receive a report of the supervisor's observation of the probationary employee's performance and a judgment as to the employee's willingness and ability to perform the job duties satisfactorily. During the probationary period, the employee's supervisor will notify the employee, in writing, when performance is not satisfactory and the probationary test period requirements are not being met. An employee Performance Evaluation Report form must be completed and received by the Human Resources Department/County Administrator's office at least two weeks prior to the end of the probationary period.

### **11.04 DISMISSAL OF PROBATIONARY EMPLOYEES**

1. If a newly hired probationary employee has been found to be unqualified to perform or does not properly perform the duties of the position, the employee shall be dismissed.
2. The department director/manager or designee must coordinate the action in Section 11.04 Part A above with the County Administrator or designee. The employee does not have the right of administrative appeal.



# SECTION 12

## EMPLOYEE RELATIONS

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### **12.01 EMPLOYEES DEVELOPMENT AND TRAINING**

1. It is the responsibility of the County Administrator, in conjunction with the Human Resources Department, and department director/managers, to foster and promote in-service training of employees. The purpose of this training is to improve the level of service rendered to the public, the quality of personnel, and to assist employees in preparing themselves for advancement in the County Service.
2. Department director/managers in conjunction with the Human Resources Department, with the County Administrator will establish standards for training programs, assure that training is carried out as approved, and prepare certificates or other forms of recognition to persons who satisfactorily complete approved courses and programs.
3. The County Administrator or Human Resources Department will provide assistance to department director/managers in developing and conducting training to meet specific needs of their departments and to assure that supervisory and management training are available to all departments.

### **12.02 TUITION REIMBURSEMENT PROGRAM**

- The County may, within available funds, reimburse up to 100% of the approved tuition cost for regular, full-time employees only, subject to the following guidelines:
  1. The course must be taken at an approved educational institution.
  2. The course must be directly related to the employee's work as a County employee, must directly contribute to the improvement of skills or knowledge used in the performance of County duties and must result in a direct benefit or contribute to increased efficiency to the County as determined by the Human Resources department.
  3. Eligible employees whose tuition reimbursement request is approved shall be entitled to reimbursement upon proof of payment of tuition and copy of grades to the department director/manager in accordance with the following:
  4. No employee shall be entitled to reimbursement for textbooks or course materials. Employees will be limited to two (2) courses per semester. No reimbursement shall be made for course materials. Eligible employees whose tuition request is approved shall be entitled to reimbursement upon proof of payment of tuition.

5. As a condition of receiving tuition reimbursement, the employee must receive a grade of "C" or better and remain employed with Flagler County for a period of at least one (1) year following the date of completion of the approved course.
6. Separation from employment for any reason prior to completion of this one year of service shall cause the affected employee to repay the County all tuition reimbursement sums paid by the County during the employee's last year of service. All employees shall as a condition of receipt of tuition reimbursement sign an acknowledgment of this obligation and a consent to withhold any sums owed the County from the employee's final paycheck.

**FLAGLER COUNTY**  
**TUITION REIMBURSEMENT PROGRAM**  
**POLICY AND PROCEDURE**

I. PURPOSE

To provide a policy and procedure for the application and refunding of tuition costs to employees who successfully complete approved courses of instruction.

II. OBJECTIVE

To enhance service to the citizens of Flagler County by providing encouragement and financial assistance to employees who successfully complete courses of instruction which may improve their effectiveness in their current positions or which may enable them to attain promotional advancement within their present career field or other career fields of Flagler County Government.

III. POLICY

A. Eligibility: All regular full-time employees who meet the following criteria are eligible for tuition reimbursement:

1. Employee has completed at least one (1) year of service preceding the commencement of classes.
2. Courses that are a part of the school's core (required) courses for a degree or are elective courses which are required as part of a degree-seeking program, or are prerequisite courses for core or required electives, or are directly related to the employee's current position or higher level position within their career field of Flagler County Government will be approved. Non-degree or adult education courses may also be considered if they are directly related to the employee's current position or higher level position within their career

field and could contribute to increased competency in that field. Final determination will be made by the County Administrator or his designee. Some Correspondence courses and Continuing Education Units (CEU) are not considered eligible for the Tuition Reimbursement Program but may be reimbursed at the department level based on the discretion of the County Administrator or his designee.

3. Application was approved by the department/division head and the Human Resources Director and was received by the Human Resources Department, thirty (30) days prior to the registration for a course(s).
  4. Employee is on the payroll at the time the tuition reimbursement is made.
  5. Employee has achieved a final grade of an A, B, C, or S. (Pass/Fail courses)
- B. Types of Courses Covered: The courses covered by this policy are those given by an accredited college or university, reputable business or vocational school, or other educational institution approved by the Human Resources department. Note: Only courses offered by colleges or universities that are accredited by the Association of Colleges and Schools, the official accrediting agency for educational institutions in the South, or comparable accrediting agencies are acceptable. If you are in doubt concerning accreditation, contact the Human Resources Department prior to making a commitment.
- C. Attendance at Courses: All course work must be accomplished outside of employee's normal work schedule.
- D. Benefits: Employees whose applications are approved will be entitled to tuition reimbursement (not to exceed maximum amount charged by State institutions) for each approved course in accordance with the following schedule:
- Employees who may be covered by collective bargaining agreements will be covered under these provisions except for specifically pre-empted sections by the collective bargaining agreement, which have been the subject of negotiation and agreement.
- E. Service Obligation: Employees who request tuition assistance must agree to remain in the employ of the County for at least one year following course completions. Employees who retire, resign, or are terminated for cause within the one-year period, after completion of the course, shall be obligated to reimburse the County for tuition benefits applicable to courses completed during the affected period. Reimbursement shall be by cash payment or deduction from any monies due at the time of separation.

#### IV. PROCEDURE

- A. Employee submits a Tuition Reimbursement Application (FCTRApp02) to the Human Resources Department via their department/division head and County Administrator or his designee thirty (30) days prior to the registration for a course(s) in order to ensure prior approval or rejection of such applications. Submission of the request after the date of registration does not obligate the County to approve the request. It is recommended that first time enrollees contact the Human Resources Department prior to enrollment to ensure eligibility. For withholding employment tax purposes, the application must state if and how each course is job related. A course that provides the minimum requirements for the job or that is for promotional purposes is not defined as being job related for exemption of Federal taxes. Employee and their supervisor will also sign the agreement for reimbursement form (FCTR02).
- B. The Human Resources Department will return the copy of the application to the employee indicating approval or rejection of the course(s) for which reimbursement is requested. The department/division head will also be notified via memorandum.
- C. Employee must pay tuition costs directly to the college/school sponsoring the course(s).
- D. Official notice of grades and the original tuition receipt must be submitted to the Human Resources Department within thirty (30) days of the date of notice of the grade. If the notice of grades is not dated, the date of course completion will be used to calculate the thirty (30) day period.
- E. As revisions are made regarding Tuition Reimbursement, the Human Resources Department will send an updated memorandum highlighting the changes.

#### **12.03 EMPLOYEE SERVICE AWARD**

The County has established guidelines for the administration of an annual “Employee Recognition And Awards Ceremony”. It is the Board of County Commissioners policy to recognize the significant contribution that Public Service employees make to Flagler County through excellence of the work they perform, the exemplary behavior they demonstrate and the positive results they achieve (See Flagler County, Board of County Commissioners Employee Recognition Policy).

#### **12.04 GROUP INSURANCE**

1. Benefits of the health insurance plan will be found-in the (SPD) Summary Plan Description issued to employees. Information about these plans will be maintained in the Human Resources and Clerk's Finance Offices.
2. Employees must notify the Human Resources Office of any change in their status so that

appropriate steps, necessary to change insurance coverage, may be completed. Notification of any change of status is the employee's responsibility.

3. Retired employees shall be entitled to group health insurance benefits in compliance with Section 112.0801, Florida Statutes, or its successor.

## **12.05 PAYROLL DEDUCTIONS**

Federal Withholding and Social Security are deducted from paychecks in accordance with law. Any other deductions, including deferred compensation, etc., are made only by written request of the employee, except as provided in Sections 12-02 or 12-04.

## **12.06 EMPLOYEE PERFORMANCE EVALUATION**

1. The Board of County Commissioners approved a Performance Evaluation System in Administrative Code 7.05 on August 4, 1997. This system was selected because it is explanative and instructional for the employee and the supervisor alike. It was designed to identify areas of performance that need improvement with the intent to realize improvement and to reward good work performance, and to ensure that employees and supervisors recognize that which is expected of them.
2. Performance Evaluations will be completed on all regular full and part time employees. The initial evaluation will be completed by the employee's immediate supervisor and reviewed by the department director/manager upon completion of the employee's initial probationary period (normally six months). The second evaluation is for merit increase consideration and will be completed when the employee completes one year of County service. Subsequent Performance Evaluations shall be completed on the employee on an annual basis, or in accordance with adopted guidelines.
3. Employees shall be given a copy of their Performance Evaluation form and shall be entitled to discuss it with their supervisor and to provide written comment to it.
4. All employees that meet expectations, exceed expectations or are rated exceptional will receive a 3% merit increase. Employees that are rated below expectations or unsatisfactory will be given the opportunity to improve their noted deficiencies through a special probationary term (3 or 6 months depending on the degree of deficiency). If the supervising authority notes sufficient improvement, the 3% merit increase will be submitted retroactive to the original anniversary date. Employees that do not show improvement during the special probation will follow termination procedures established in section 13 of these policies and procedures.

## **12.07 EMPLOYEE ASSISTANCE PROGRAM**

The Board of County Commissioners established an Employee Assistance Program in February 2004 for all County Employees. In establishing this EAP it is believed that the best interest of each employee is served when a program is offered to help overcome personal problems. Flagler County, Board of County Commissioners will, with everyone's help, make every effort to foster an accepting atmosphere in which concerned employees will be encouraged to seek early counseling and assistance voluntarily.

# SECTION 13

## DISCIPLINARY ACTION

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### 13.01 INTENT

#### *Progressive Discipline Policy*

Good common sense is the best guide to proper conduct. However, sometimes action is necessary for the purpose of improving undesirable behavior and preventing a recurrence of that behavior. The following corrective steps will be generally followed to ensure that the County rules and policies will be enforced fairly consistently. The County reserves the right to impose penalties not in accordance with these policies if it determines such direction is reasonably necessary due to the circumstances of a particular case.

Step 1- First Offense - The concept of corrective action will be discussed in conjunction with the problem that has occurred. This could either be an oral or a written reprimand depending on the severity of the offense. The supervisor should however, make a “memorandum for record” concerning the matter for future reference.

Step 2 - Second Offense - The supervisor will review the facts of the case with the employee involved, explaining exactly what was done wrong and what should have been done instead. The employee will be told what action will be considered if another violation occurs. This again could either be an oral or a written reprimand depending on the severity of the offense. The supervisor should however, make a “memorandum for record” concerning the matter for future reference.

Step 3 -

A written record will be made by the supervisor (or other appropriate individual) of all the facts and a recommendation made. If disciplinary action is recommended the supervisor will follow the pre-disciplinary instruction outlined in paragraph 13.02, 03, & 04 of this section.

#### **Components of a Progressive Discipline System**

Carefully document all disciplinary actions:

- Oral Warning
- Written warning
- 2<sup>nd</sup> written warning
- Final written warning
- Suspension
- Termination Hearing
- Termination

Supervisors must remain consistent, what’s wrong for one employee should be wrong for all employees. Document carefully and always have the employee sign all warnings.

It is the intent of Flagler County that effective supervision and employee relations will avoid most matters, which necessitate disciplinary action. The purpose of these policies and procedures, and disciplinary action for violation of these policies and procedures, is not intended to restrict the rights of anyone but to insure the rights of all and secure cooperation and orderliness throughout the System.

In recognition of the fact that each instance differs in many respects from somewhat similar situations, the County retains the right to treat each occurrence on an individual basis and without creating a precedent for other cases, which may arise in the future. The County retains the right to suspend any disciplinary action, which it may take, during good behavior for a specified term, at its exclusive discretion.

Examples given in any policy do not limit the generality of the policy. The policies and procedures are not to be construed as a limitation upon the retained rights of the County, but merely a guide and provide recommended standard responses to apply for specific disciplinary situations. This is intended to mean that a more severe action may be issued than that which appears in the standard procedure if it is felt necessary.

The types of conduct requiring disciplinary action are divided into three types to reflect degree of severity.

In each group and for each policy, consideration will be given to the severity of the conduct, the cost involved, the time interval between offending conduct, the length and quality of service records, and the ability of the employee concerned. In each case where the disciplinary action is modified from the recommended standard, the reasons for such modifications will be noted in writing.

In addition to the general types of disciplinary situations, an employee may be subject to disciplinary action for infractions of departmental rules and regulations, which are filed with the County Administrator or designee.

### **13.02 AUTHORITY AND PROCEDURE**

1. Removals and demotions for cause are effected by the department director/manager with the permission of the County Administrator or designee.
2. Whenever the department director/manager determines that there are reasons for the dismissal, suspension, or demotion of a regular employee under their supervision in the department, the department director/manager shall receive approval from the County Administrator or designee.
3. In the event employees are relieved of their duties with pay pending suspension, reduction, or dismissal, department Director's will first gain approval from the County Administrator or designee. Under no circumstance shall an employee be relieved of their duties without pay prior to approval of the County Administrator or designee.



## PRE-DISCIPLINARY HEARING

Prior to any suspension,, demotion or dismissal, an employee shall be given at the pre-disciplinary hearing. This hearing shall take place within five working days after receipt of the department director/manager's written intent to suspend, demote or dismiss an employee. All suspension, demotion and dismissal hearings shall be heard by the County Administrator or designee, and the affected department director/manager, with the County Attorney available to provide advice and counsel. The County Administrator shall render a decision within one working day.

Written notice of suspension, reduction, or dismissal, stating the reasons therefore, and the date from which such action is effective, shall be given to such employee or mailed to their usual place of residence within not more than 5 days after a decision is rendered at the pre-disciplinary hearing. A copy of such notice shall be maintained in the employee's personnel file. In the event that good and sufficient reasons exist making it impractical or impossible to give or mail such written notice to the employee within the 5 day period, the County Administrator or designee may extend the period for giving notice for an additional period not to exceed 5 days.

Any regular, full or part-time employee may appeal such disciplinary action within five (5) working days after delivery or mailing of such written notice, by filing a written request for a hearing to the Board of County Commissioners. (See Section 17 employee appeals).

Employees have the option to waive the pre-disciplinary hearing and accept the recommended disciplinary action.

### **13.03 WRITTEN REPRIMAND**

1. Whenever employee performance, attitude, work habits, or personal conduct at any time fall below a desirable level, supervisors shall inform employees promptly and specifically of such lapses and give counsel and assistance. If appropriate and justified, a reasonable period of time for improvements may be allowed before initiating disciplinary measures.
2. In situations where an oral warning has not resulted in the expected improvement, a written reprimand shall be issued defining the nature of the infraction under the Personnel Policies and Procedures. The written reprimand will be sent to the employee and a copy shall be placed in the employee's permanent personnel folder in the County Administrator's office. The employee's immediate supervisor usually initiates a written reprimand.
3. A written reprimand shall constitute "disciplinary action" for purposes of imposing progressive discipline, however will not in itself require a pre-disciplinary hearing.

### **13.04 SUSPENSIONS**

1. For disciplinary purposes, a department director/manager may recommend suspension of an employee with or without pay for a length of time they consider appropriate not exceeding 30 working days in any 12-month period (See Section 13.02 for authority and procedure(s)).

2. In cases where an employee is charged with a crime and the department director/manager determines that the charge has some bearing on the employee's employment, the department director/manager shall make a review of the matter and may recommend suspension with or without pay subject to Section 13.02, until the final determination of the Court.

### **13.05 TYPES OF DISCIPLINARY ACTION**

The three groups of disciplinary conduct and a guide for recommended responses are as follows:

#### GROUP I

FIRST INCIDENT	Instruction and Cautioning
SECOND INCIDENT	One (1) Day Suspension
THIRD INCIDENT	Up to Five (5) Days Suspension
FOURTH INCIDENT	Up to and Including Discharge

1. Operating, using, or possessing tools, equipment, or machines to which the employee has not been assigned, or performing other than assigned work.
2. Quitting work, wasting, time, loitering, or leaving assigned work area during working hours without permission.
3. Washing up or changing clothes during working hours without Specific Permission from supervision.
4. Taking more than specified time for meals or rest periods.
5. Productivity or workmanship not up to the required standards of performance.
6. Reporting to work or working while unfit for duty, either medically, mentally, or physically.
7. Posting or removal of any material on bulletin boards or County property unless authorized by department director/managers.
8. Distributing written or printed material of any description on work time in work areas unless authorized by department director/managers.
9. Discourtesy to persons with whom the employee comes in contact while in the performance of duties.
10. Engaging in horseplay, scuffling, wrestling, throwing things, malicious mischief, distracting the attention of others, "catcalls", demonstrations on the job, or similar types of disorderly conduct.

GROUP II

FIRST INCIDENT	Instruction or Up to Two (2) Days Suspension
SECOND INCIDENT	Up to Five (5) Days Suspension
THIRD INCIDENT	Up to and Including Discharge

1. Failure to work overtime, special hours, or special shifts after being scheduled according to overtime policies.
2. Leaving their post at the end of the scheduled shift without being relieved by the supervisor or the relieving employee on the incoming shift, for those units operating on a shift basis.
3. Negligence or omission in complying with the requirements as set forth in departmental rules and standards of conduct.
4. Absent without permission to leave.
5. Carelessness which affects the safety of County personnel, equipment, tools, or property.
6. Failure to report a request for information or receipt of a subpoena from a law firm or an attorney for a matter relating to County business.
7. Vending, soliciting, or collecting contributions for any purpose whatsoever at any time on County premises, unless authorized by department director/manager.
- 8.
9. Violation of any or all of the steps outlined in the grievance procedure.
10. Disregarding job duties by loafing or neglect of work during working hours.
11. Failure to punch own time card, where applicable. (Guide: Three times in any 30-day period.)
12. Tardiness. (Guide: Three times in a 30-day period.)
13. Chronic (un-excused) absenteeism. (Guide: Three times in a 30-day period.)
14. Failure to report an accident or personal injury in which the employee was involved while on the job.

GROUP III

FIRST INCIDENT	Up to and Including Discharge
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1. Wanton or willful neglect in the performance of assigned duties.
2. Deliberate misusing, destroying, or damaging any County property or property of an employee.
3. Receipt from any person, or participation in, any fee, gift, or other valuable thing in the course of work, when such fee, gift, or other valuable thing is given in the hope or expectation of receiving a favor of better treatment than that accorded other persons.

4. Knowingly punching the time card of another employee, having one's time card punched by another employee, or unauthorized altering of a time card.
5. Falsification of personal or County records, including employment applications, accident records, work sheets, purchase orders, time sheets, or any other report, record or application.
6. Making false claims or misrepresentation in an attempt to obtain sickness or accident benefits or workers' compensation.
7. Insubordination by the refusal to perform work assigned or to comply with written or verbal instructions of a supervisor.
8. Unauthorized use or display of firearms explosives, or weapons on County property.
9. Theft or removal of property or documents from County locations without proper authorization of any County property or any employee.
10. Immoral, unlawful, improper conduct or indecency which would tend to affect the employee's relationship to their job, fellow workers, reputation, or goodwill in the community.
11. Being absent from duty for a period of three consecutive working days without days without proper authorization.
12. Failure absence to return from an authorized leave of absence.
13. Incompetence or inefficiency in the performance of assigned duties in an employee's position.
14. Purchasing or drinking intoxicating liquor while on duty or habitual use or abuse of controlled dangerous substances.
15. Use or attempted use of bribery to secure an advantage of any manner.
16. Conviction of a felony or of a misdemeanor of the first degree involving theft, dishonesty, fraud or misrepresentation while on the job.
17. Concerted curtailment, restriction of production, or interference with work in or about the County work stations including, but not limited to, instigating, leading, or participating in any walkout, strike, sit-down, stand-in, slowdown, or refusal to return to work at the scheduled time for the scheduled shift.
18. Participation in a strike against the County as established in Florida Statutes.
19. Threatening, intimidating, coercing, or interfering with fellow employees or supervision at any time, including abusive language.
20. Sleeping during duty hours, unless otherwise authorized, as in some public safety occupations.
21. Making or publishing false, vicious, or malicious statements concerning any

employee, supervisor, the County, or its operation.

22. Provoking or instigating a fight or fighting on County property
23. Violating a safety rule or safety practice.
24. Reporting for work while under the influence of alcohol or drugs.
25. Knowingly harboring a serious communicable disease which may endanger other employees.
26. Conduct unbecoming a public employee (to include conduct whether on or off the job that affects the employee's ability to perform his current job, or which adversely affects the department's ability to carry its assigned mission).

# SECTION 14

## PERSONNEL RECORDS

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### 14.01 RESPONSIBILITY

1. The Human Resources Director is designated as the official custodian of the personnel records and shall be responsible for establishing, maintaining, and retaining such personnel records and reports as may be required by law and necessary to effectively carry out the provisions of these policies and procedures.
2. It is the responsibility of all employees to comply with, and assist in, the furnishing of records, reports, and information as may be requested by the County Administrator, Human Resources Director, department director/manager, or any other reviewing supervisor.
3. It is the responsibility of each employee to keep personal information in his/her file up to date by notifying their department director/manager of changes, such as name, change of beneficiary, training or course work completed, and diplomas or certificates received.
4. It is the responsibility of the Human Resources Director's office to maintain and file official County actions relating to that employee in that employee's personnel file.

### 14.02 PERSONNEL FILES

The Human Resources Director's office shall maintain official personnel file on each employee containing copies of:

1. The employment application
2. Withholding form
3. Retirement form
4. Insurance information and beneficiary designation
5. Professional licenses or certifications held
6. Performance evaluation reviews
7. Wage and salary history
8. Changes in status
9. Leave records
10. Commendations
11. Disciplinary action, etc.
12. Other job-related records

## CONFIDENTIALITY OF PERSONNEL RECORDS

Pursuant to the provisions and limitations of the Florida Public Records Act, personnel records and files are considered to be open for inspection by any person provided that such review is conducted in the physical presence of the custodian of records, or designee, during regular operating hours.

## **DEPARTMENT RECORDS**

Each department may also maintain copies of employee attendance and leave records and information on wage and salary history, or other records as may be required by law, and provide to the County Administrator or designee access to such records when necessary.

# SECTION 15

## SAFETY

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### **15.01 ACCIDENT PREVENTION**

1. The development of safe working conditions, practices, habits, and thinking are the objectives of the County Safety Program. Reaching those objectives will result in benefits to all employees and to the County. Accidents, injuries, disabilities, damage, lost time and pay, claims and medical expense, and improper and dangerous use of equipment are all operational problems which can be improved by efforts of all employees.
2. All department director/managers, supervisors, and employees are responsible for a successful Safety Program and will participate in the development, implementation, and improvement of this program.

### **15.02 ACCIDENT REPORTING**

1. All employees shall be advised of their responsibility to immediately report to their supervisors all injuries that occur on the job. Delay in reporting injury can cause complication of the injury and delay recovery. In case of serious injury or fatality, the appropriate law enforcement agency and the County Administrator or designee shall be notified immediately.
2. Accident reports must be submitted within 24 hours after the accident or the report of the injury to the employee's immediate supervisor. If the accident occurs over a holiday or weekend, the accident report should then be submitted within 24 hours from the time the work period starts after the weekend or holiday. This also applies to industrial accidents and first aid injuries, as well as to anyone injured in a vehicular accident involving County vehicles. A vehicular accident report will be submitted and, if an employee is injured, a report of injury to employee will also be required.
3. In the case of vehicular accidents, the employee, if capable, shall notify the appropriate law enforcement agency and the employee's supervisor.

### **15.03 WORKERS COMPENSATION**

Payment of workers' compensation to eligible employees who are disabled because of an injury arising out of and in the course of performing their duties with the County will be governed by the Florida Workers Compensation Law and Section 6.08 of these Policies.



#### **15.04 SAFETY EQUIPMENT**

The County will provide proper and necessary safety equipment and devices for employees engaged in work where such special equipment and devices are necessary. Such equipment and devices, where provided, must be used. Employees who fail to utilize provided equipment or devices will be subject to disciplinary measures.

#### **15.05 EMPLOYEE SAFETY AWARDS**

The County may institute an Employee Safety Award Program. Safety awards may be made either to groups or individuals and will be made in recognition of praiseworthy or outstanding safety performance.

# SECTION 16

## GRIEVANCES

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### 16.01 PURPOSE

In order to achieve its general policy of ensuring fair and impartial treatment to all employees, it is the intent of the Flagler County Board of County Commissioners to:

1. Encourage employees to express themselves concerning work conditions and how County employment practices affect them as individuals.
2. Insure that employees are afforded equitable, orderly, and expeditious review of their grievances without fear of interference, restraint, reprisal, coercion, or retaliation.
3. Provide a systematic and orderly method for receiving, investigating, hearing and resolving grievances.
4. Provide a method for review of administrative policies and procedures and how these standards are applied to the County.
5. Eliminate and/or correct justifiable causes and/or practices leading to employee complaints and dissatisfactions.

### 16.02 DEFINITION OF A GRIEVANCE

1. A grievance is any dissatisfaction, complaint, problem or misunderstanding, whereby an employee believes that a job related decision or a condition of employment affecting the employee has been applied unfairly, unjustly or is inequitable.
2. The following actions **shall not** be subject to review as grievances:
  1. Disciplinary actions, including verbal and written warnings, written reprimands, suspensions, demotions and terminations.
  2. Hiring, selection or promotion actions.
  3. Performance evaluations.

4. Planning level decisions of the Board of County Commissioners, which include, but are not limited to:
  1. reduction in force/layoff
  2. reduction in pay
  3. establishment of performance standards for position classification
  4. scheduling and hours of work
  5. position classifications and authorization
  6. size of the work force and reorganization
  7. wage and salary scales (salary adjustments)

The above actions in subparagraphs one through three may be reviewed as appeals as outlined in Section 17 of these Policies and Procedures.

### **16.03 GRIEVANCE PROCEDURE**

#### **INFORMAL GRIEVANCE PROCESS**

1. The established formal process does not preclude and is not intended to discourage the grievant from first discussing the grievance with the immediate supervisor(s) *informally* and *verbally*. The Grievant should discuss the complaint with the immediate supervisors in an atmosphere of cooperation and problem resolution as an on-going process in the employment relationship.
2. The immediate supervisors is responsible for making appropriate inquiries and taking any necessary actions to resolve the grievance presented by the grievant and providing the grievant with an answer or response within a reasonable and understood time frame.
3. If the grievance is not resolved informally or the supervisors fail to address the grievance informally, the grievant is to utilize the formal grievance process as outlined below.

#### **FORMAL GRIEVANCE PROCESS**

##### **STEP I**

The grievant shall, within five working days of the unsatisfactory resolution of the verbal discussion; or five working days from the date of the incident, submit a written grievance on the prescribed form to their immediate supervisor who may call higher level supervision into the discussion in an effort to achieve a prompt, satisfactory adjustment.

The *written grievance* at all steps shall contain the following information:

1. A statement of the grievance, including date of occurrence, details, and facts upon which the grievance is based;
2. The article and section of the Personnel Policies and Procedures alleged to have been

violated;

3. The action, remedy, or solution requested by the employee;
4. Signature of grievant;
5. Employee's reason for rejection of managements answer, if grievance is to be appealed to the next step;
6. Date submitted.

## **STEP 2**

If the grievant feels that the matter has not been settled adjusted to their satisfaction by the immediate supervisor, the employee may appeal the matter to the department director/manager within five working days from receipt of the answer in Step 1. The department director/manager shall schedule a meeting with the employee within five working days after receipt of the grievance to discuss and seek a solution to the grievance. The department director/manager shall give a written decision within five working days after the scheduled meeting.

## **STEP 3**

If the grievance is not resolved by the decision of the department director/manager in Step 2, the employee may request to have an informal hearing before an employee grievance committee. This request must be made in writing to the County Administrator no later than five (5) working days after receipt of the department director/manager's decision in Step 2. The grievance committee shall be composed as follows:

1. An employee of the County Commission (not a relative of the grievant as defined in these Policies and Procedures) appointed by the grievant who is not employed in the same department as the grievant.
2. An employee of the County Commission appointed by County Administrator.
3. A third employee of the County Commission agreed upon by the two appointees. If the appointees in A & B above fail to agree on a third member of the committee, the third member shall be chosen as follows: The County Administrator shall provide the appointees with a list of five (5) impartial employees of the County Commission. Each appointee shall strike two names from the list, and the one remaining shall be the third appointee on the committee. The appointees shall select a member to chair the Committee. The Chairperson's responsibility shall include:
  - Assuring that the grievance committee meetings are conducted in an orderly manner.
  - Preparing a written summary of the findings and recommendations of the

committee.

- Obtaining the signature of all members on the written summary.
- Assuring that the committee's written summary of findings is submitted to the County Administrator.

The Committee members shall be selected, as established above, within five (5) working days of the request. The County Administrator shall set a date for an informal hearing of the grievance before the Committee to be held within five (5) working days of receipt of the written request by the County Administrator.

The employee shall be entitled to present such evidence as deemed necessary to substantiate the grievance and in this regard bears the burden of proof.

The results of the informal hearing shall be provided to the employee in writing within five (5) working days of the date of the meeting. Committee recommendations must be within the provisions of these Personnel Policies and Procedures.

#### **STEP 4**

If the grievant or department director/manager is dissatisfied with the Committee's decision, the employee or the department director/manager may appeal to the County Administrator, in writing, within five (5) working days after receipt of the County Grievance Committee's decision in Step 3.

The County Administrator will weigh all information relevant to the grievance along with the opinions and recommendations of the County Grievance Committee. Within five (5) working days thereafter, the County Administrator will notify the employee of his decision.

#### **STEP 5**

If the grievant or department director/manager is dissatisfied with the County Administrator's decision, the employee or the department director/manager may request within five (5) working days after receipt of the County Administrator's decision in Step 4 that a final review committee be established by the County Administrator consisting of three (3) randomly selected members of the Employee Advisory Committee and two (2) randomly selected members of the Administrative Service, to hear their appeal. Within ten (10) working days thereafter this Committee will meet, and within five (5) working days, render a decision and transmit its findings and recommendation to the County Administrator. The decision of this Committee shall be final and the parties shall have no further right of administrative appeal under these Personnel Policies and Procedures. No member of this appointed committee shall come from the same department as the appellant.

#### **16.04 GENERAL PROVISIONS**

1. The time limits of this grievance procedure may be extended by management due to illness, vacations, business trips, or emergency. If an extension is required, the employee or the department director/manager will be notified of the reason for the delay by the appropriate reviewing authority.
2. Under this grievance procedure, the employee and management have the opportunity to call witnesses at the Step 2 level and thereafter for each step in the grievance procedure.
3. Grievants will have five (5) working days to appeal the decision given in any step to the next higher step in the grievance procedure. For the purpose of this grievance procedure, the working day shall be defined as the normal County office work schedule, Monday through Friday, 8:00 a.m. to 5:00 p.m.
4. Any grievance shall be considered settled at the completion of any step, unless it is appealed within the time limits set forth.
5. It is the intent of these rules that the majority of grievances will be satisfactorily settled in the first or second step.
6. Copies of all grievances filed shall be forwarded to the County Administrator's office on the day of receipt in all steps.
7. At their conclusion, all grievances shall be forwarded to the County Administrator's office for coordination, analysis, and filing.
8. In some cases, steps in the grievance procedure may be waived at the discretion of the department director/manager or the employee to allow more severe matters to progress more rapidly.
9. The County Administrator will be available at any step in the procedure for advice, rules interpretation, or to assist in any way in resolving the grievance.

# SECTION 17

## APPEALS

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### **17.01 DEFINITION**

Personnel actions subject to appeal procedures include the following:

Performance evaluations;

Denial of employment involving claims of alleged discrimination;

Denial of promotion involving claims of alleged discrimination; or,

Disciplinary actions (involving suspensions, demotions or dismissals) which have proceeded through a pre-disciplinary hearing outlined in Section 13.

Appeals shall be classified in two (2) categories according to the type of allegation:

Those based on allegations of discrimination, i.e. race, color, religion, sex, age, national origin, marital status, political affiliation, handicap or disability shall be classified as discrimination appeals.

Those which do not allege discrimination, but are work related, shall be classified as non-discrimination appeals.

### **17.02 ELIGIBILITY TO FILE AN APPEAL**

An appeal may be initiated by eligible full time and part time employees. The granting of appeal rights to part time employees shall in no way change their status as at will employees.

Non-discrimination appeals may be initiated by eligible employees who have successfully completed the prescribed probationary period.

Appeals alleging discrimination may be initiated by employees who wish to file an appeal on the basis that their rights may have been infringed upon in a discriminatory manner, i.e., race, color, religion, marital status, sex, age, national origin, political affiliation, handicap or disability.

### **17.03 APPEAL PROCEDURE**

#### **A. INFORMAL APPEAL PROCESS**

The established formal process does not preclude and is not intended to discourage the employee from first discussing the personnel action with their immediate supervisor(s) or department director/manager informally and verbal. The employee should discuss the problem, concerns and/or misunderstandings of the personnel action rationally with the appropriate Reviewing Authority in an atmosphere of cooperation and problem resolution as an on-going process in the employment relationship.

The supervisor or department director/manager is responsible for making appropriate inquiries and taking any necessary actions to resolve the issue presented by the employee with an answer or response within a reasonable and understood time frame.

If the appeal is not resolved informally or the supervisor or department, director/manager fails to address the personnel action formally, the employee is to utilize the formal appeal process as outlined below.

In the event the appeal issue involves the employee's supervisor, the employee may address the issue to the supervisor's supervisor or the County Administrator. If the appeal issue involves the Assistant County Administrator or County Administrator, the employee should consult the County Attorney.

#### B. FORMAL APPEAL PROCESS

All personnel actions subject to review as an appeal shall first be heard by the Deputy County Administrator or designee, the Human Resources Director and the affected department director/manager with the County Attorney available to provide advice and counsel.

The Deputy County Administrator or alternate designee shall render a decision within five (5) working days. Written notice of the decision, stating the reasons therefore, shall be given to the employee or mailed to their usual place of residence within ten (10) working days after a decision is rendered.

If the appeal is not resolved or the employee is not satisfied with the decision of the Deputy County Administrator or alternate designee, the decision may be appealed to the County Administrator in writing within ten (10) working days of receipt of Deputy County Administrator's decision.

The burden of proof in any appeal of disciplinary action shall be on the appellant (employee).

### **17.04 RESPONSIBILITIES OF EMPLOYEE AND DEPARTMENT DIRECTOR/MANAGER**

1. It shall be the employee's responsibility to include in all written appeals:
  - A written statement indicating why the Employee is entitled to be heard.
  - Factual evidence which will support the Employee's request to be heard.
  - Any and all support documentation pertaining to the personnel action.
  
2. It shall be the department director/manager's responsibility to include in all written appeal responses:



- A brief summary of the personnel action being appealed and the employee's contention(s).
- A concise statement of facts as a result of research and investigation conducted concerning the appeal indicating why the personnel action should be upheld, modified or overturned.
- Factual evidence which will support the personnel action being appealed.
- Any and all support documentation germane to the personnel action.

### **17.05 NAME CLEARING HEARINGS**

All employees shall be entitled to a post termination name clearing hearing in accordance with the procedure set forth below. This procedure is in addition to any appeal right under Policy 91-7 or its successor. The sole purpose of any hearing under this section is to allow the employee to respond to any potentially stigmatizing information surrounding his or her discharge.

Upon receipt of the notification of discharge, an employee covered under this section shall have five days in which to request a name clearing hearing before the County Administrator.

Such hearing shall be non-adversarial and solely for the purpose of allowing the employee to present whatever facts or evidence the employee desires to rebut any potentially stigmatizing information contained in his or her personnel file or otherwise published.

Upon completion of any hearing or in the event no hearing is requested, the employee shall have five days in which to forward to the County Administrator any written response to potentially stigmatizing information. Such response shall thereafter be included in the employee's personnel file.

The failure of an employee to request a post termination name clearing hearing shall be considered a waiver of that right and of any liberty interest deprivation caused by potentially stigmatizing information published about the employee. In the event of discipline less than discharge, the employee's name clearing opportunity shall be limited to that provided in Section 17.05.

# SECTION 18

## WORK SCHEDULE

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### 18.01 HOURS OF WORK

1. The County Administrator shall establish the hours of work, which, insofar as practical shall be uniform within occupational groups, shall be determined in accordance with the needs of the County Service, and shall take into account the needs of the public who may be required to do business with various departments. Flexible work hours may be adopted by a department director/manager with prior approval of the County Administrator.
2. The normal business hours for County offices are from 8:00 a.m. to 5:00 p.m., Monday through Friday. They are subject to change as determined by the County Administrator.
3. Employees working on a shift basis will work the hours as determined by department policy.
4. Lunch breaks may be scheduled at the discretion of the department director/manager and shall normally be one hour in length.
5. When a (non-exempt/hourly) employee is on a recognized lunch break, they shall not perform any work or provide any services on behalf of the County. Non-exempt employees are encouraged to take their lunch break away from their work area, but if they remain on the premises, they should not perform any duties while on lunch break.
6. Non-exempt/hourly employees are prohibited from taking work from the job to be completed at home. All work must be performed in the employee's designated work area unless prior authorization has been made to best serve the public needs.
7. Voluntary work shall not be performed by non-exempt/hourly employees on behalf of the County, except in an emergency situation.
8. Employees in classifications exempt from overtime payment in the pay plan shall be compensated by a regular (normal) salary on the basis that extended workdays and/or workweeks may be required to accomplish the assignments of their position. Such employees are expected to work whatever reasonable hours are necessary to complete assignments and successfully execute the duties and responsibilities of the position. This paragraph does not apply to work assignments during, a declared state of emergency.

### 18.02 ATTENDANCE

1. Each department director/manager shall be responsible for the punctual attendance of all persons in their departments.
2. All employees are required to report for duty at their scheduled time.

3. If an employee is unable to work for any reason, the employee must notify their immediate supervisor within 60 minutes of the scheduled reporting time, where possible.
4. Where applicable, departments may require notification prior to the beginning of a shift.
5. Habitual or unjustified absenteeism or lateness is sufficient cause for discipline action (See Section 13 - Groups II and III Offenses).

### **LUNCH HOURS AND BREAKS**

Each department/director-head may allow employees one work break during the first half of the work shift and one work break during the second half of the work shift, provided that:

- No single work break exceeds fifteen minutes absence from the employee's work station.
- An employee cannot accumulate unused work breaks.
- Work break time is not authorized for covering an employee's late arrival on duty or early departure from duty.
- Workload is complete and up to date.
- Break may not be added to lunch hour.

### **PUNCTUALITY**

Attendance and punctuality of employees are essential to the smooth operation of the County. All employees are expected to be at work at the time scheduled by the Department head except when prior permission for your absence has been approved, or when serious illness or other emergencies occur. All employees unable to come to work are required to contact their department within one hour of the beginning of the workday. Failure to notify the department will result in the employee being AWOL (Absent without Leave) resulting in disciplinary action and loss of pay for the missed time.

#### **18.03 OVERTIME**

1. Overtime will be authorized or directed by the department director/manager, contingent upon availability of funds, only when it is in the interest of the County and is the most practicable and economical way of meeting workloads or deadlines.
2. All authorized and approved work performed in excess of the basic 40-hour work schedule in any one workweek by a nonexempt (hourly) employee shall be considered as overtime and shall be compensated at the rate of time and one-half the employee's regular hourly rate of pay. Overtime shall be rotated among all employees on an equal basis as far as practicable.
3. Only time actually worked will be considered for the purpose of computing overtime compensation.

4. Employees shall be required to work overtime when assigned unless excused by their supervisor. In the event an employee is assigned to work approved overtime, they will not be required to use personal leave during the basic workweek in order to offset the overtime hours worked or to be worked.
5. An employee desiring to be excused from overtime work assignments for good and sufficient reasons shall submit, in writing, a request to their immediate supervisor. The written request, if approved, shall remain in force until rescinded, in writing, by the employee to their immediate supervisor or until it becomes required and necessary to assign and schedule this employee to overtime work. A copy of the approved request shall be placed in the employee's personnel file.
6. If overtime work is required and necessary, the work shall be performed by employees who have not requested, in writing, to be excused from such assignment. In the event overtime work is required and the department cannot schedule the required number of employees, then those employees who have approved requests on file excusing them from overtime work shall be assigned and required to work such overtime.
7. Exempt (salaried) employees are not eligible for overtime compensation regardless of the number of hours worked.
8. If not an emergency situation, an employee shall be given the option to refuse overtime.

#### **18.04 COMPENSATORY TIME**

Compensatory time off will not be permitted for non-exempt employees.

#### **18.05 EMERGENCY TIME**

During a declared state of emergency, the County Administrator shall have the authority to authorize additional compensation beyond the regular (normal) salary for exempt employees for hours worked in excess of their regularly scheduled work week. The rate of pay shall be equivalent to the exempt employees' hourly rates. The County Administrator will identify the beginning and ending dates in which additional compensation will be paid, nothing herein shall be construed to affect the exempt status of such employees.

As a condition of employment with Flagler County, all employees are mandated to be available for service and subject to modified work schedules, assignments, etc., when a Local State of Emergency is issued by the Board of County Commissioners and/or executed by the Board Chairman. The County Administrator will have the ability to suspend the policy for an employee with a temporary, unforeseen conflict.

# SECTION 19

## NON-DISCIPLINARY SEPARATIONS

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### **19.01 RESIGNATION**

1. Resignation is the separation of an employee from the County Service through submitting of a notice that they wish to resign.
2. Employees wishing to leave the County Service in good standing shall notify their immediate supervisor at least fourteen (14) calendar days before leaving. Failure to do so may be cause for denying such employee re-employment by the County.
3. Unauthorized absences from work for a period of three days, without subsequent granting of leave, may be considered as the employee's voluntary resignation by the department director/manager.

### **19.02 RETIREMENT**

Employee benefits upon retirement shall be based upon the regulations of the retirement system in effect at the time.

### **19.03 DISABILITY**

For any good reasons, a department director/manager may request that an employee under their jurisdiction be examined by a physician designated by the County. If a disability of any kind is discovered which impairs the effectiveness of an employee or makes continuance on the job a danger to themselves or others, the following action shall be taken:

1. If the disability is correctable, the employee will be allowed a specified period of time to have it corrected. This period of time is the time allowed by the physician.
2. If the employee fails to take steps to have the disability corrected within the specified time allowed by the physician and cannot be reasonably accommodated, the employee shall be subject to dismissal.
3. If, in the opinion of the examining physician, the disability cannot be corrected or reasonably accommodated, the County will attempt to place the employee in another position which they are qualified to hold and which they can perform satisfactorily with or without reasonable accommodation.

If that step cannot be accomplished successfully, the County shall take steps to separate the employee the County Service either through retirement or dismissal.

#### **19.04 DEATH**

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

#### **19.05 REDUCTION IN FORCE (LAYOFF) AND RECALL PROCEDURE**

1. The County Administrator can implement the layoff of an employee or employees when it is necessary by reason of shortage of funds or work, the abolition of the position, material changes in the employee's duties, material changes in the County's organization, or for related reasons which are outside the employee's control and which do not reflect discredit upon the service of employees. The County Administrator shall notify each Commissioner by memorandum of any layoffs. No right of appeal exists from a lay off.
2. The duties performed by any employee laid off may be reassigned to other employees already working.
3. Whenever it becomes necessary to separate employees from the County Service, the County Administrator shall select the positions in which the reduction can best be accomplished. The County Administrator has the authority to exempt, on an as-required basis, key positions from a layoff action. The layoff exemption authority would apply only to those positions that are deemed critical to maintaining the functionality of County Government. In determining the order of layoff, the appointing authority shall consider past employee performance. Employees working in the same classification and/or department with the highest value of the following factors, as determined by the County Administrator, the affected Department head and the Human Resources Director, shall be based on:
  - a. Performance review ratings
  - b. Ability to perform the work
  - c. Qualifications to perform the work

Employees shall be laid off without prejudice as layoff is not considered a disciplinary action.

- d. Any employee who is to be laid off will be given a minimum of ten working days notice of the pending layoff.
- e. The County will offer recall to laid-off employees by certified mail return receipt requested to their last known address. If the laid off employee fails to report to the County Administrator's office the employee's intentions of returning to work within five days after receipt of the certified notice the employee's right of recall is deemed

forfeited. The letter offering recall requires a signature in order to return back to County employment.

- f. Laid-off employees who are re-employed within one year from the date of layoff shall be placed in the same pay grade and pay rate that they were in at the time of layoff. If changes in grade have occurred during the time of layoff, appropriate adjustments shall be made for the employee.
- g. Recall will be offered to laid-off employees provided they are physically and otherwise qualified to perform the essential functions of the job from which they were laid off. If qualification for recall is dependent on re-qualification or training on new equipment, re-certification or enhanced licensing requirements and the like, the County Administrator shall have the discretion to treat such recalled employee as a "trainee" pursuant to Section 8.09 in order to allow the employee time to meet the minimum qualifications. Failure to obtain necessary qualifications during any trainee period granted shall be cause for dismissal. A laid-off employee who is temporarily unable to accept recall due to medical reasons existing when offered re-employment may request a leave of absence not to exceed thirty days. Prior to returning to work on recall, all employees must present a signed authorization form from a physician verifying the employee's fitness and ability to return to work with or without reasonable accommodation.

#### **19.06 EXIT INTERVIEW**

- The purpose and intent of the Exit Interview is to provide the County with information as to why and in what employment classification area employees are leaving their jobs. This information will, in turn, improve the system and reduce the turnover rate.
- Where possible, each employee who resigns from the County will be interviewed by the staff of the Human Resources office and must complete an Exit Interview form.

#### **19.07 RETURN OF COUNTY PROPERTY**

At the time of separation and prior to receiving final monies due, all County property in the employee's custody shall be transferred to the department and certification to this effect shall be by the department supervisors. Any monies due to the County because of any shortages shall be collected through appropriate action.

**Transfer of Medical Leave Time Hours  
Personnel Policy Section 4.05**

**TO: Payroll Clerk**

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I, \_\_\_\_\_ hereby agree to transfer up  
(Donor)  
to \_\_\_\_\_ hours of Medical Leave to \_\_\_\_\_  
(Recipient)  
effective \_\_\_\_\_.  
(Date)

This transfer is being done to provide Medical Leave time hours due to the fact that the recipient has no remaining leave time. If this leave is not used this grant will be void on \_\_\_\_\_.  
(Date)

\_\_\_\_\_  
Donor Social Security Number

\_\_\_\_\_  
Recipient Social Security Number

\_\_\_\_\_  
Donor Signature and Date

\_\_\_\_\_  
Recipient Signature and Date

\_\_\_\_\_  
Supervisor (Donor) Signature and Date

\_\_\_\_\_  
Supervisor (Recipient) Signature and Date

\_\_\_\_\_  
County Coordinator

\_\_\_\_\_  
Date

---

For payroll use only:

On \_\_\_\_\_, \_\_\_\_\_ hours were used by Recipient  
On \_\_\_\_\_, \_\_\_\_\_ hours were used by Recipient  
On \_\_\_\_\_, \_\_\_\_\_ hours were used by Recipient

Original in Donor File

cc: Donor  
Recipient  
County Coordinator  
Supervisors  
Personnel File



**ENCLOSURE B**

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POSITION DESCRIPTION QUESTIONNAIRE



## 9. ESSENTIAL PHYSICAL SKILLS

CHECK THE BLOCKS TO SHOW THE TYPES OF PHYSICAL SKILLS REQUIRED TO PERFORM THE ESSENTIAL JOB FUNCTIONS AND HOW FREQUENTLY THEY OCCUR DURING THE WORK WEEK.

<b>CODE:</b>	<b>CONSTANT:</b>	More than 80% (6½ hours or more per 8 hour day.)
	<b>VERY FREQUENT:</b>	51% - 79% (4½ - 6 hours per 8 hour day.)
	<b>FREQUENT:</b>	21% - 50% (2½ - 4 hours per 8 hour day.)
	<b>OCCASIONAL:</b>	6% - 20% (1 - 2 hours per 8 hour day.)
	<b>RARELY:</b>	0% - 5% (Less than 1 hour per 8 hour day.)

Heavy lifting (45 pounds & over)
Moderate lifting (15 to 44 pounds)
Light lifting (under 15 pounds)
Heavy carrying (45 pounds & over)
Moderate carrying (15 to 44 pounds)
Light carrying (under 15 pounds)
Reaching above shoulder
Use of fingers
Both hands required
Climbing (use of legs & arms)
Climbing (legs only)
Good near vision
Good distant vision
Both eyes required
Depth perception
Distinguishing basic colors
Distinguishing shades of colors
Good hearing (with hearing aid)
Good hearing (without hearing aid)
Straight pulling
Pulling hand over hand
Pushing
Walking
Standing
Crawling
Kneeling
Bending
Balancing
Smelling
Tasting
Stooping
Jumping
Running
Throwing
Driving (cars,small vans,pick-ups, etc.)
Driving/operating(heavy equipment,etc.)

OTHER (List below):

## 10. ENVIRONMENTAL CONDITIONS

CHECK THE BLOCKS TO SHOW THE ENVIRONMENTAL CONDITIONS UNDER WHICH YOU PERFORM THE ESSENTIAL JOB FUNCTIONS AND HOW FREQUENTLY THEY OCCUR DURING THE WORK WEEK

**CODE:**            **CONSTANT:**            More than 80% (6½ hours or more per 8 hour day.)  
                          **VERY FREQUENT:**    51% - 79% (4½ - 6 hours per 8 hour day.)  
                          **FREQUENT:**            21% - 50% (2½ - 4 hours per 8 hour day.)  
                          **OCCASIONAL:**        6% - 20% (1 - 2 hours per 8 hour day.)  
                          **RARELY:**                0% - 5% (Less than 1 hour per 8 hour day.)

TYPES OF ENVIRONMENTAL CONDITIONS	VERY CONSTANT	FREQUENT	OCCASIONAL	RARELY
Work inside				
Work outside				
In heat				
In cold				
In high humidity				
In dampness or chilliness				
In dry conditions				
In or with noisy conditions				
In darkness - Where?				
in or with dusty conditions				
With Silica, Asbestos, etc.				
With fumes or gases				
With chemicals - What types?				
With solvents - What types?				
With grease or oils				
With radiant energy				
With electrical energy				
On slippery surfaces				
On uneven surfaces				
In or with moving objects				
In or with moving vehicles				
On or with ladders/scaffolding				
At heights above ground level up to                                feet				
Below ground level(ditches,tunnels,etc.)				
With feet, legs, or hands in water				
With explosives				
With vibrations				
Working closely with others				
Working alone				
With poor lighting - Where?				
With poor ventilation - Where?				
With odors - Where?				
OTHER: (Describe any other conditions not covered above in this block)				

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WORK HAZARDS:

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SAFETY EQUIPMENT USED OR NEEDED:

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11. OTHER JOB FUNCTIONS: (List all other job tasks which are not included in the Essential Job Function List. Show the amount of time spent on each function.)

TIME SPENT

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

12. Number of people you supervise? List names and titles. (If over 7, list titles only.)

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

13. Scheduled hours worked per week? \_\_\_\_\_(Hours)

14. Machines/equipment used regularly in your work and average times daily.

Equipment      Time      Equipment      Time      Equipment      Time

---

DATE: \_\_\_\_\_ EMPLOYEE SIGNATURE: \_\_\_\_\_

**PART II: TO BE COMPLETED BY THE SUPERVISOR**

1. Indicate if you agree or disagree with the list of Essential Job Functions as stated by the employee. If you disagree, explain why.

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2. List any Essential Job Functions which may have been omitted by the employee. Indicate time spent on each function.

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3. Denote additions or modifications to the employee's statements relating to Essential Physical Skills and Environmental Conditions and any other section completed by the employee.

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4. List the Knowledge, Abilities and Skills needed to perform the Essential Job Functions of this position:

Knowledge:

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Abilities:

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Skills:

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5. State the minimum qualifications needed to perform the Essential Job Functions of this position:

Education:

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Experience: (Length in years and type of)

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Licenses, Certifications, or Registrations:

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DATE: \_\_\_\_\_ SUPERVISOR: \_\_\_\_\_

Name

Title

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**PART III: STATEMENT OF DEPARTMENT HEAD OR OTHER ADMINISTRATOR**

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DATE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

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**JOB ANALYST NOTES AND COMMENTS:**

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**ENCLOSURE C**

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**PERSONNEL REQUEST FORM**

**PERSONNEL REQUEST FORM**

<b><u>DO NOT WRITE IN THIS BOX</u></b>	
Position Number:	
Approved Title:	
Date:	

<b>THE FOLLOWING IS TO BE COMPLETED BY THE DEPARTMENT HEAD</b>	
<b><u>Action Requested:</u></b>  <input type="checkbox"/> Establish New Position  <input type="checkbox"/> Reclassification  <input type="checkbox"/> Up-Date  <input type="checkbox"/> Other (Explain)	<b>1. Employee Name</b>
	<b>2. Department</b>
	<b>3. Division</b>
	<b>4. Location</b>
Present Position Number:	<b>PROPOSED TITLE:</b>
Present Title:	

---

This request form will be accompanied by the employee's completed Position Description Questionnaire.

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A. List the specific changes (additions or deletions) in the duties and responsibilities of this position which prompted this request.

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B. Are these changes prompted by the incumbent's unique abilities, knowledge, and/or skills or can it be expected that his/her replacement would possess these similar capabilities?

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C. Does the increase in duties/responsibilities result in redistribution of work within the unit?  
YES ( ) NO ( )

1. Who was previously doing this work and why are they no longer doing it?

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2. How does this redistribution of work affect other positions in your unit?

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3. How does this change affect your organizational structure? Explain.

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4. Is this change in keeping with your units short and long range objectives and goals? Explain.

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5. What other alternative methods of accomplishing the results of this change have been considered? (Be specific.)

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D. What would be the additional increase or savings in salary costs to fund this position(s) if this action is approved?

MONTHLY \_\_\_\_\_

TO THE END OF THE FISCAL YEAR \_\_\_\_\_

E. Where in your present department budget can this money be identified to fund this request? Explain.

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F. How would this request affect the overall departmental and organizational structure?

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SIGNATURE

DATE

**ENCLOSURE D**

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**CONSENT FORM**



**CONSENT FORM**

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS

NOTICE AND APPLICANT'S CONSENT TO REFERENCE CHECKING

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“As part of the hiring process, we want you to know that we will be checking your references. We may contact those persons whom you have identified to us as potential references. In addition, we may also contact your other friends, acquaintances, business associates, and anyone else who knows something about you. When we contact a reference, we may ask him/her a series of questions. They could be about your personal background, educational background, work experience, character, personality, and personal habits.”

“I have read and fully understand the foregoing. I hereby voluntarily consent to all Flagler County Board of County Commissioners, or any of its managers, employees, or designees to check my references by contacting any person whom they deem to be an appropriate reference. Flagler County BOCC's representatives may ask any questions which they consider relevant to their hiring decision, including questions about my personal background, educational background, work experience, character, personality, and personal habits.”

Signed: \_\_\_\_\_  
Name of Applicant