Board of County Commissioners

Employee Handbook
March 31, 2008

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WELCOME

It is a pleasure to welcome you as an employee of Polk County Government.

First, we would like you to know that you are with us because we thought you could make a real contribution in service to the people of our County. The special ability or skill you bring to us will make you a valuable member of our group.

We in County employment have an obligation to our fellow citizens to provide a system of good government. To do this we must give them the best, most efficient and courteous service possible. Our Mission Statement embodies these ideals, and we expect each employee to be committed to and act upon these ideals.

POLK COUNTY BOCC - MISSION STATEMENT

"We strive to develop, manage and deliver cost-effective public sector services in a courteous and responsive manner. We are committed to innovation and excellence in meeting the needs and expectations of our customers."

It is realized that people, possessing a desire for efficiency and success, are the most valuable asset the County has, and we never forget that our personnel are solely responsible for our accomplishments. In an effort to help you adjust to your new job, this Handbook has been prepared by your Human Resources Division to acquaint you as early as possible with some of our more important policies, benefits to be enjoyed by you and your family, and requirements of you as an employee.

In closing, we sincerely hope you will enjoy working here, as you begin your career with Polk County.....

BOARD OF COUNTY
COMMISSIONERS

INTRODUCTION

The Human Resources rules, regulations and procedures found in this Employee Handbook are established to conform to the Human Resources policies and principles established by Florida standards applicable to County employment. The Polk County Board of County Commissioners has adopted these rules and regulations to assist with establishing fair and equitable employee relations. However, they are not intended as a contract of employment.

Public service is a challenging and rewarding career and we know you will take pride in the opportunity to serve your community with dignity and respect. Your attitude toward public service and the way you perform your daily work activities and assignments is a reflection of you, your fellow employees and the Board of County Commissioners.

Employees of Polk County, as providers of public service and in order to inspire confidence and trust, are expected to commit to the highest standards of personal integrity, honesty and competence. To this end, employees must:

- give courteous, responsive service to all citizens equally,
- accept only authorized compensation for the performance of their duties,
- disclose or report any actual or perceived conflicts of interest,
- comply with all laws and regulations applicable to the County, and
- use County funds and resources efficiently, including materials, equipment and time

The County's employees, as representatives of responsible government, must act at all times to merit the public's confidence.

YOUR EMPLOYER

The Board of County Commissioners is an elected five member Board. Polk County is geographically divided into five districts and one Commissioner represents each district. They are elected by a county wide vote and therefore serve the entire County for a term of four years. According to ordinance and the County Charter, the County Manager is the Chief Administrative Officer of the County and is appointed by the Board. Therefore, as the Chief Administrative Officer, all employees (except the County Attorney's Office employees) work for the County Manager and the County Manager is ultimately responsible for all administrative functions within the County, including personnel matters.

1.00 ORGANIZATIONAL COMMUNICATIONS

1.01 EFFECTIVE COMMUNICATION - AN ORGANIZATIONAL CORE VALUE

Effective communication is one of the hallmarks of any successful organization. How well employees communicate with one another; how well employees and managers communicate with one another; and how well we all communicate with our customers (the citizens we serve) often determines the level of success and satisfaction that is realized by all. Therefore, we expect all employees of the Polk County Board of County Commissioners to embrace effective communications as an organizational core value, and to practice it each and every day.

The following are some thoughts on effective communication: (1) Communicate with every one in a professional manner, with respect, dignity and in a manner so as not to offend (what we say and how we say it are equally important); (2) What we do not say can also be equally as important - don't gossip - don't lie - don't breech a confidence; (3) Remember that half of being an effective communicator is being a good listener; (4) If you have an idea, please share it; (5) If you have useful information that can help someone, please share it; and (6) If you have a question or if you are not sure about something, please ask.

1.02 CHAIN OF COMMAND

We believe that employee concerns are usually most effectively addressed at the lowest possible level within any organization. Therefore, employees are ordinarily expected to address issues and concerns with their immediate supervisors first. Then, if issues cannot be resolved at that level, you may move up to the next level, such as to your section manager, then Division Director, Department Director and so on. Sometimes your chain of command is not in a position to answer your question or to resolve your concern, and you may then be referred to someone outside of your chain of command who can help you. If for some reason, however, you feel that you absolutely cannot address your concern with anyone in your direct chain of command, you may call the Employee Relations Office for advice or further direction. The Employee Relations Office is located in our Human Resources Division, and the phone number is 534-6579.

1.03 TYPES OF INTERNAL COMMUNICATIONS AVAILABLE TO EMPLOYEES

In order to promote effective communication within our own organization, the County provides many mediums through which employees may obtain and share information. This Employee Handbook is one such way of conveying information to all employees.

The following is a list and a brief description of some of the communication vehicles available to you as a County employee. You are encouraged to use these methods in order to obtain and to share information:

BULLETIN BOARDS

All work units have bulletin boards located in a common area, convenient to most employees. Know where the bulletin board at your work site is located and make it a habit of checking often for announcements of special events, changes of policies, transfer/promotion opportunities and other items of interest which will be posted there. Please note that these bulletin boards are for County related business and supervisory permission is necessary to place or remove items from County bulletin boards.

INFORMATION CENTERS

The Communication Division has Information Centers placed strategically throughout County offices to distribute informational materials to employees and the general public. As an employee and a County resident, you should keep informed about all activities related to County Government.

INTERNET SITE

Polk County's internet address is: www.polk-county.net . You may access our site from work or from your home computer to obtain a vast amount of information about our organization, including viewing current job vacancies and making applications on-line. Visit us on the internet and you'll be amazed at what information is available.

EMPLOYEE PORTAL

Polk County Board of County Commissioners also has its own internal internet site, which can be accessed from most County computers that are within our network. At this site www.polk-county.net, click on *Employee Portal* and you can find things such as information on all County Divisions; calendar of important deadlines and events; employee benefit information; various forms used throughout the County, etc. Even this Employee Handbook can be accessed through this site.

COUNTY NEWSLETTER

Each month our Communication Division produces a County newsletter called Pieces of Polk, which is distributed with paychecks. This newsletter includes information on current County events/issues, a message from the County Manager, recognition of those employees who are newly hired or promoted or who achieve career milestones, etc.

STANDARD OPERATING PROCEDURES

Many Divisions have their own written Standard Operating Procedures (SOPs). These SOPs generally contain work place rules, procedures and task descriptions specific to that Division. Please become familiar with your Division's SOPs, if applicable.

EMPLOYEE ADVISORY COMMITTEE

The County has an Employee Advisory Committee that meets with the County Manager or designee, usually the first Thursday of every other month. Representatives to the committee are selected by employees in each work unit within the County. The purpose of this committee is to exchange information and ideas between employees and Administration. The County Manager usually begins each meeting by briefing members on the status of various issues like the County budget, important projects or events, organizational changes, policy changes, etc. Then there is a question/answer period. Minutes of each meeting are distributed to all committee members, who then make sure that they are posted on your unit bulletin board. Please make sure to find out the name of your work unit's representative, who can bring your questions or ideas to the meetings. However, your questions or ideas should be oriented towards being meaningful to a group of employees or to the County as a whole, as opposed to being of a personal nature. Personal issues should be addressed through your chain of command. Finally, please make it a point to read the minutes when they are posted on the bulletin boards.

EMPLOYEE SUGGESTION PROGRAM

The County has an Employee Suggestion Program called SHINE, which encourages employees to share their ideas. Cash awards are given for ideas that are accepted and implemented. Please refer to Section 7.12 of this Handbook for details.

2.00 NEW EMPLOYEE INFORMATION

2.01 EMPLOYMENT RELATED PHYSICALS:

PRE-PLACEMENT MEDICAL SCREENING AND DRUG TEST

All applicants selected for employment, including those who have left county employment and return, must satisfactorily complete a pre-placement medical screening, which is appropriate for the type of work expected to be performed for the county. The screening will routinely be scheduled at the BOCC Occupational Health and Wellness Center in Bartow and will include a test for detection of illegal drugs. If the drug test is positive, the applicant will not be employed. The applicant may, however, elect to have the original sample or split sample tested, using a more comprehensive technique, for which they will be required to pay 100% of the cost. If the second test is negative, the Board will reimburse the test's cost to the applicant and the applicant will be eligible for employment. All applicants must submit completed medical screening forms to the Human Resources Division before beginning work. Any applicant deemed to have failed the drug test will not be eligible for consideration for

employment for at least six (6) months, and must have successfully completed an approved substance abuse program in order to be considered at that time.

D.O.T. PHYSICALS FOR COMMERCIAL DRIVERS LICENSES (CDL)

All CDL drivers required to hold and/or use a CDL for County work must have a Department of Transportation (DOT) physical examination prior to appointment, and every two years thereafter. The basic DOT physicals will be performed at the Wellness Center at no cost to the employee. For current employees, the time required to complete the basic DOT physical will be considered as work time and will not be charged to the employee's sick or vacation time. Employees will NOT operate any equipment that requires a CDL unless that employee has been medically cleared to do so.

CDL employees who do not pass the physical will be required to "coordinate" appropriate follow up medical testing and/or treatment through the County's Occupational Health and Wellness Center. However, the actual follow-up testing and/or treatment shall be performed by the employee's personal physician(s) at the employee's expense (or through their personal health insurance). If the employee is deemed unfit for CDL duty, the employee will be referred to Human Resources for evaluation for Transitional Duty per Section 7.07 of the Employee Handbook.

CDL employees who become medically cleared through additional medical treatment will be required to have periodic physicals as determined by the Occupational Health and Wellness practitioner. If a supervisor of a CDL employee observes or becomes aware of any condition that may affect the driver's ability to drive safely, the supervisor may require the driver to be examined by a Wellness Center practitioner to determine fitness for duty. The safety of our drivers and the public is of paramount importance.

2.02 LOYALTY OATH AND FINGERPRINTING

Per Florida Statutes Section 876.05(1), all County employees must sign and adhere to a loyalty oath as a condition of employment. In taking this oath, each employee must swear or affirm that they are a citizen/legal resident of the State of Florida and of the United States of America, and as an employee of a recipient of public funds, that they will support the Constitution of the United States and of the State of Florida. Any employee who refuses or fails to execute this oath will not be hired, or they will be immediately discharged if already employed. Upon request by the hiring authority, employees in certain positions are required to be fingerprinted.

2.03 INITIAL PROBATIONARY STATUS

All new regular part-time and regular full-time employees must serve an initial probation period of at least six (6) months, although this period may be extended under certain circumstances. During this period, new employees are evaluated and their conditions of employment differ in several ways from other employees who have already completed their

probationary period. In particular, please refer to Sections 4.02, 8.15, 13.01 and 14.01 in this Employee Handbook.

2.04 COUNTY ORIENTATION

All new employees will attend the formal orientation program consisting of a general overview of County government, Human Resources policies, Equal Employment Opportunity/Affirmative Action, safety indoctrination and customer service training. This program is presented on a monthly basis. Check with your supervisor for date, time and place.

2.05 OUTSOURCE EMPLOYEE TRANSITION TO COUNTY EMPLOYMENT

Outsource employees (like *i*-Placement employees) who successfully complete one year of continuous employment and who are then accepted as regular full-time Polk County BoCC employees will be treated the same as all other new employees. For instance, they will be required to pass an appropriate pre-placement physical and/or drug test and/or background check; they will be assigned a new date of hire (DOH) effective on their transition date to County employment; and their leave accruals and ability to use County benefits will be on the same basis as any other new full-time regular County employee. The only way that outsource employees will be treated differently from other new hires is that they will be eligible for a one step pay increase upon transition to County employment and they will not have to serve an initial probationary period, provided that they transition into the same job classification in which they worked during the previous full year.

2.06 RETURN TO COUNTY EMPLOYMENT AFTER RETIREMENT

Whenever an employee vacates their position due to voluntary resignation, termination or retirement and then wishes to return to County employment at any time in the future, that employee must submit an application and go through the normal competitive selection process. If selected, the employee will be treated the same as any other new employee is treated. That is, the employee will be required to pass an appropriate pre-placement physical and/or drug test; will be assigned a new DOH and leave accruals and ability to use County benefits will be on the same basis as any other new regular full-time or regular part-time County employee, etc. Any leave credits not paid off in their previous employment will not be reinstated. Starting pay will be negotiable.

Special Note: According to current Florida Retirement System (FRS) rules, any person who severs employment; begins FRS retirement and then wishes to return to any FRS employment during the first year of retirement, may only do so after the first 30 days immediately following retirement. Such employees who do return to FRS employment (i.e., Polk County BoCC) within the first year following retirement will forfeit receiving FRS benefits for the number of months that they work for an FRS employer between 30 days and 12 months following such retirement. If, after the competitive process, an FRS retiree is selected to return to the same job they occupied immediately prior to retirement, then, at the County Manager's discretion, the initial probationary period may be waived, but all other components of this policy shall be applied to their employment. Polk County BoCC employees desiring to return to their

same position should notify their supervisor/manager at least 90 days prior to their scheduled retirement.

3.00 CATEGORIES OF EMPLOYMENT

3.01 EMPLOYMENT STATUS

All County positions have been created with specific needs in mind. Employment status designates eligibility for fringe benefits. Each county position has been appropriated under one of the following categories:

Regular Full-Time - A position funded to maintain normal operations on a continuing basis with a minimum work load of 40 hours per week. An individual employed in this status is entitled to all county fringe benefits and membership in the Florida Retirement System.

Regular Part-Time - A position funded to maintain normal operations on a continuing basis with a normal work load of less than 40 hours per week. An individual employed in this status is entitled to limited fringe benefits (as established under Sick and Annual Leave Benefits and Holidays) and membership in the Florida Retirement System. Regular part-time employees are eligible for health insurance coverage.

Temporary Full-Time - A position funded to help maintain normal operations when an individual is needed for a period not to exceed six months. This would include seasonal employees. Employees in this category work a minimum of 40 hours per week, but are not required to maintain normal operations from one year to the next. Employees in this category are not eligible for membership in the Florida Retirement System, or any other County benefits. They must, according to law, contribute the prescribed amount of Social Security contribution based on gross wages. Should an employee in this category be transferred or promoted into a regular full-time or regular part-time appropriated position prior to completion of the temporary service, all benefits will begin to accrue on the effective date of employment status change to the regular position. These employees will be hired at the minimum rate for the appropriate pay grade and will not serve a probationary period as a temporary full time employee as long as they have worked six (6) months in this category.

Temporary Part-Time - A position funded to fill the need for an individual to perform work on a call out or per diem basis for an unlimited period of time. Employees in this category (including student trainees) carry a normal work load of less than 40 hours per week and normally work a sporadic schedule. These employees are not entitled to membership in the Florida Retirement System, or to any other benefits including merit increases. They must, according to law, contribute the prescribed amount of Social Security contribution based on gross wages. Upon transfer or promotion into a regular part-time or regular full-time position the date of transfer/promotion will be established as the start date for accrual of all benefits, merit increases and leave accrual. These employees will be hired at the minimum rate for the appropriate pay grade and will not serve a probationary period as a temporary part-time employee.

Trainee - The hiring authority may prefer to hire applicants or transfer County employees as *trainees* when qualified applicants are not available or when a *trainee* will more closely meet the hiring authority's needs. Human Resources must be advised of the supervisor's intent to fill the position as a trainee prior to the posting or re-posting of a job opportunity. Persons hired as trainee will be eligible for benefits as described in regular full-time as outlined above, but will be hired at five per cent (5%) less than the classification's minimum rate for each year of experience, education or certification/degrees required. As the individual gains the required certification, education, etc., the individual's salary will be adjusted to reflect that progress (i.e.; the job classification requires 2 years experience, the trainee hired has no experience. This individual would be hired at ten percent (10%) below the minimum rate for that classification. This individual would receive five percent (5%) increase upon completion of one (1) year and five percent (5%) increase upon completion of the second year). No annual merit increase awards will be made to trainees until they meet the requirements of their job classification and are relieved of the trainee status. County employees may be allowed to transfer to a trainee position.

3.02 JOB CLASSIFICATION AND SALARY PLAN

All employees are appointed or assigned to a job classification under the County's classification and salary plan. Classification descriptions are prepared by the Division. The classification system groups positions which perform similar tasks according to the degree of responsibility and difficulty involved. A job classification generally identifies the amount of education, experience, skill, responsibilities and illustrative duties required to perform the job. The job description is a general statement of tasks and responsibilities which may be required of a position; however you may be required to perform tasks other than those specified in your job classification.

Salary ranges are established for each job classification and are determined by job and rate analysis, evaluation and comparison with similar jobs. The classification and salary plan is reviewed and updated as necessary to ensure fair and competitive wages for our employees. An employee shall receive no adjustment that exceeds the maximum rate for their classification.

When a candidate clearly and significantly exceeds that which is required in the minimum qualifications of a position, an amount above the minimum rate may be recommended and considered for new hires or promotions on an exceptional basis, based on the following procedure and approval. That is, written justification from the hiring authority, the Department Director and approval of the Deputy County Manager are required. If you have any questions about your job classification ask your supervisor, Division/Department Director or contact the Human Resources Division.

3.03 EXEMPT AND NON-EXEMPT STATUS

FAIR LABOR STANDARDS ACT (FLSA) EXEMPTIONS

Through the application of specific FLSA tests, some job classifications have been designated in our pay plan as "Exempt" from the payment of over time. These

positions are designated with an asterisk (*) in our pay plan, which can be found on the internet. Also, refer to Section 6.04 of this Employee Handbook for special rules governing such employees.

EXEMPTIONS FROM APPEALS PROCEDURES

Certain positions are considered to be *at will* positions, and have no right to appeals under Section 13.00. However, under certain circumstances, they may have a right to a *Name Clearing Hearing* (see Section 13.03). Employees in these positions are considered to "serve at the pleasure" of the Board of County Commissioners, and are designated with a plus sign (+) in our pay plan, which can be accessed through the internet.

3.04 DUAL EMPLOYMENT

There are few rare circumstances for which an employee may be permitted to work dual employment within County government. Should an employee wish to work dual employment within County government, it shall be necessary for them to obtain permission from the Human Resources Director. Dual employment can present problems for Florida Retirement reporting and computer programming, especially if there are two different rates of pay for the positions. If dual employment is possible, it shall be necessary for the employee to obtain written permission from both their current Division/Department Directors and the prospective additional Division/Department Directors. The request will be submitted to the Deputy County Manager for final approval. Final approval shall be forwarded to the Human Resources Division for inclusion in the employee's Human Resource file.

3.05 VOLUNTEERS

Anyone who performs a task or service for the County without receiving payment is considered to be a volunteer and **MUST** be **PRE**-registered and processed by one of our formal volunteer programs **BEFORE** performing any such task. Volunteers are covered by Workers' Compensation. They are also subject to the same rules of conduct as paid employees and are expected to adhere to this Handbook and any special rules or procedures set out by the agency they may serve. Although we encourage our paid employees to participate in volunteer work, please be aware that due to legal restrictions, paid FLSA non-exempt (hourly) County employees may **NOT** volunteer to do the same type of work for which they would normally get paid to do in the course of their regular job duties for the County. We appreciate our volunteers and we want them to have a safe and satisfying experience.

4.00 EMPLOYEE PERFORMANCE REVIEWS AND PROBATIONARY PERIODS

4.01 PERFORMANCE EVALUATION

Each of us deserves to know how we are doing on the job. The performance evaluation provides us with this information. The performance evaluation is a continuous part of the

employee's training and points out strengths and weaknesses. Performance evaluations are completed at the mid-point of the initial probationary period which is normally three (3) months, and just prior to the end of an employee's initial probationary period which is normally at the completion of six (6) months employment. An annual performance evaluation which is normally on the employee's hire date anniversary shall be completed prior to consideration of a step increase. Special evaluations will be completed at the end of a promotional trial period.

Performance evaluations are conducted to:

1. Recognize and reward strengths and achievements.
2. Identify areas needing improvement and provide plans for improvement.
3. Serve as a warning to below standard employees.
4. Help facilitate the achievement of organizational goals.
5. Clarify responsibilities and expectations.
6. Enhance communication between employees and their supervisors.

Any employee who is on Performance Improvement Probation (PIP) at the time of their annual review will receive no pay increase until such time as adequate improvement has been made and the employee is removed from PIP. The supervisor is to review this employee's work performance on a regular basis throughout the PIP period. No increase will be awarded retroactive to the annual evaluation date, and any increase will only be authorized to begin after improvement has been made and the employee is removed from PIP. Any employee who receives an overall rating of *needs improvement* on his/her annual evaluation will receive a Performance Improvement Plan, which will include a date by which a *special* evaluation report will be given to the employee. If an employee does not achieve an overall rating of *satisfactory* on the special evaluation; then appropriate disciplinary action will be taken.

A copy of your written performance evaluation will be furnished to you upon completion of the evaluation process. Employees have a right to respond to their performance evaluation in writing as indicated on the form and may do so in a timely manner, not to exceed five (5) calendar days from receipt of the performance evaluation. If an employee feels a performance evaluation is unfair, they should utilize the grievance procedure.

4.02 PROBATIONARY STATUS

The County recognizes two separate conditions under which employees may be placed on probation.

The first is the initial six month probationary period for new regular full-time and regular part-time employees. This period is established to benefit both the employee and the County. It is a period of adjustment and adaptation, both personally and in terms of learning the job requirements and work rules. The initial probationary period may be extended up to twelve (12) months at the discretion of the Division/Department Director. This period will be extended past one year when an employee is off work for an extended period of time during the probationary period and will consist of one day/month for each day/month of lost time.

During the initial probationary period, the employee will be counseled and evaluated at mid-point, which is normally three (3) months. The evaluation will be documented using the *Three Month Evaluation* form or other form which may be developed for this purpose. Please note that this requirement does not prohibit terminating employment with or without counseling and evaluation during the probationary period should circumstances warrant such action.

During the initial probationary period, if the employee fails to adapt successfully to the requirements of the position, the work unit or the County as a whole, employment will be terminated immediately. An employee who is terminated during the probationary period has no right to appeal except in a case involving alleged prohibited discrimination. However, a probationary employee may have a right to a *Name Clearing Hearing* (see Section 13.03). A recommendation to terminate will be made by the supervisor in consultation with the Division/Department Director and Human Resources. The County recommends, but does not necessarily require, discussion and counseling before termination is recommended.

The second type of probation is *Performance Improvement Probation* (PIP) for inadequate performance or improper behavior at any time after the initial probationary period for new employees. An employee may be placed on Performance Improvement Probation for a designated period of time to correct recognized performance or behavioral shortcomings that the employee is able and willing to correct. An employee in this status will be evaluated regularly until performance improves, and is not eligible for any salary increases during this period of time. The County reserves the right to terminate an employee during the Performance Improvement Probation period in accordance with the County's pre-disciplinary policies and procedures.

It is important for you to know that your supervisor is required to complete a performance evaluation prior to the completion of your initial probationary period to confirm your employment status with you.

4.03 TRIAL PERIOD FOR TRANSFER/PROMOTION

Employees who have already completed their initial probationary period and who are then selected for transfer, promotion or voluntary demotion will be required by the hiring supervisor to serve a trial period, which is considered a *special* probationary status. The *trial period* is a time of evaluation in which the hiring supervisor reviews the work performance of the individual. A person may serve a *trial period* from one (1) day to one (1) year from the effective date of the action. Hiring supervisors are required to complete and submit a special form - *Completion of Trail Period Evaluation* and a Personnel Action Form (PAF) at the time they are satisfied with the employee's work performance. Should an employee fail to successfully complete a trial period, a recommendation for termination is appropriate.

5.00 CAREER OPPORTUNITIES AND EMPLOYMENT POLICIES

5.01 PROMOTION AND TRANSFER POLICIES AND PROCEDURES

The County realizes that employees are interested in job advancement. The Human Resources Division has a placement system that prepares job notices of vacant positions which are sent to every work unit. Job notices or Job Opportunity Bulletins are to be displayed on bulletin boards easily accessible to county employees. Also, employees may either call the employment HOTLINE (863) 534-7600, ext. 322 to find out what jobs are currently available, or visit our WEBSITE at www.polk-county.net. Both the HOTLINE and the WEBSITE are accessible twenty-four (24) hours a day, seven (7) days a week. The county has reserved the right to consider current employees who meet the minimum qualifications for referral to hiring supervisors for various vacant positions prior to considering public applications. Persons in temporary positions on the County payroll will be given equal consideration as regular county employees during these placement activities. Also, the County reserves the right to by-pass the posting system and place employees in vacant positions for exceptional circumstances such as, but not limited to, making reasonable accommodations under the Americans with Disabilities Act (ADA), reassignment of qualified employees who are scheduled for lay-off, and BoCC approved re-organizations.

Employees are eligible from their initial date of employment to request a promotion, lateral transfer or voluntary demotion. However, an employee selected for a new position during their initial probationary period may, at the discretion of the Department Director, have the initial probationary period extended up to an additional six (6) months from the date of such transfer, promotion or demotion.

Employees who have already completed their initial probationary period and who are then selected for transfer, promotion or voluntary demotion will be required by the hiring supervisor to serve a trial period, which is considered a special probationary status. The trial period is a time of evaluation in which the hiring supervisor reviews the work performance of the individual. A person may serve a trial period from one (1) day to one (1) year from the effective date of the action. Hiring supervisors are required to complete and submit a special form - *Completion of Trail Period Evaluation* and a Personnel Action Form (PAF) at the time they are satisfied with the employee's work performance. Should an employee fail to successfully complete a trial period, a recommendation for termination is appropriate. Contact the Human Resources or the Equal Opportunity Division to insure that proper termination procedures and documentation forms are completed.

PROMOTION

A promotion is defined as selection for a job of a higher pay grade. An employee applying and being selected for a promotion will have their current base salary rate increased to the minimum rate of the new classification, or five percent (5%) above their current base rate, whichever is the greater. If the five percent (5%) does not fall on an even step in the step plan, then the employee will be taken to the next highest even step. Reclassifications will be processed the same way.

EXCEPTION: Up to ten percent (10%) additional compensation may be awarded for promotions with adequate justification from the hiring authority and written permission of the Deputy County Manager.

LATERAL TRANSFERS

A lateral transfer is defined as being selected for and accepting a job within the same pay grade or same job classification within a different work unit. A regular employee selected for a lateral transfer may be required to serve a trial period but will receive no increase.

VOLUNTARY DEMOTION

A voluntary demotion is defined as being selected for and accepting a job of a lesser pay grade. These employees will be offered a rate in the lesser pay grade at the same step as they were in the higher pay grade, for example an employee in pay grade ten (10) at step eight (8) who voluntary demotes to pay grade nine (9) will be placed at step eight (8) of that pay grade nine (9).

The hiring supervisor should consider their current work force, especially those employees in the same job class, their salary, time in grade, et cetera, when considering and selecting another employee for lateral transfer, promotion, or voluntary demotion.

PROCEDURAL STEPS TO FOLLOW IN REQUESTING A PROMOTION, LATERAL TRANSFER OR VOLUNTARY DEMOTION

1. Any request regarding promotion, lateral transfer or voluntary demotion to a vacant position must be initiated by the employee via e-forms..
2. Obtain appropriate request forms from your work unit's office or the Human Resources Division and complete a new application form.
3. Request forms must be forwarded or directly submitted to the Human Resources Division no later than 5:00 p.m. of the specified closing date noted on the Job Opportunity Bulletin. It is the responsibility of those employees not at work (on sick leave, vacation, et cetera) during any posting period to monitor available job openings and make a timely application if they are interested in a different job.
4. The Human Resources Division will first determine which employees meet the minimum qualifications for the position.
5. Then, from those who do meet the minimum qualifications, only those who are the most competitively qualified will be selected for interviewing. Just meeting the minimum qualifications is no guarantee that an employee will be selected for an interview.
6. Once the hiring supervisor has reached a decision, the Human Resources Division will notify you as to the status of your application.
7. Employees selected to fill vacant positions will be advised of the starting date in the new position as well as any salary or status changes involved.

TRANSFERS AND PROMOTIONS WILL BE DECIDED ON THE FOLLOWING BASIS:

1. Job training, education and experience relative to vacant position.
2. Employee's performance evaluations and work history.
3. Attendance record.
4. Career interest.
5. County seniority may be considered when applicants are equally qualified.

SPECIAL NOTE:

Employee's who are not currently safety sensitive, but who are selected for safety sensitive positions, as defined by our Drug Policy, must take and pass a drug test before starting the new position.

5.02 EQUAL EMPLOYMENT OPPORTUNITY

The Board of County Commissioners is an Equal Opportunity/Affirmative Action Employer and does not discriminate in admission or access to, treatment, or employment in its programs and activities. It is the policy of the Board to afford equal opportunity to all persons regardless of race, color, religion, age, sex, national origin, disability or marital status and to promote full realization of equal employment through a positive continuing program. The County will take affirmative action to:

Recruit, hire and promote all job classifications without regard to race, color, religion, age, sex, national origin, disability or marital status. Any employment decision will be made so as to further the equal opportunity principles.

Ensure that all personnel actions and benefits will be administered in a nondiscriminatory basis.

Discrimination based on race, color, religion, age, sex, national origin, disability, marital status or political affiliation is unlawful and will not be tolerated by the Polk County Board of County Commissioners. The Polk County Board of County Commissioners is committed to investigating and eradicating any form of discrimination, sexual harassment or work place harassment. If you have questions or concerns regarding equal employment opportunity issues, you are encouraged to contact the Equal Opportunity Administrator at 534-6075. The Equal Opportunity Office is located on the fourth floor of the County Administration Building, Bartow.

5.03 VETERANS PREFERENCE

In compliance with Florida State Statute 295, Polk County affords Veterans preference in employment.

5.04 DISABILITY POLICY STATEMENT

Polk County government is committed to a policy of non-discrimination on the basis of disability in its employment practices, provision of public services, and access to governmental facilities. Qualified disabled individuals will be considered to fill vacant County positions. Polk County agrees to take affirmative action in an effort to employ, promote, train and otherwise reasonably accommodate, when appropriate, disabled persons in County service. All levels of administration and supervision will actively participate in the implementation of this policy.

5.05 DISCRIMINATION POLICY, COMPLAINTS AND APPEALS:

POLICY

In compliance with Title VII of the Civil Rights Act of 1964, and State law, the Polk County Board of County Commissioners prohibits employment discrimination on the basis of race, color, religion, sex, age, national origin, political affiliation or belief, marital status, or disability. Harassment based on race, color, religion, sex, age, national origin, disability, marital status or political affiliation is against the law and will not be tolerated by the Polk County Board of County Commissioners.

It is also unlawful and a violation of County Policy to retaliate or take reprisal in any way against anyone who has articulated a concern or complaint about discrimination, whether the retaliation is against the individual subjected to the discrimination or against the individual raising the concern.

The Polk County Equal Opportunity Administrator or designated representative shall investigate all charges filed by applicants or employees who allege that they have been denied equal employment opportunities or services based on race, color, religion, sex, age, national origin, political affiliation or belief, marital status, disability or any other reason prohibited by law. All charges initiated by County employees or prospective employees, or charges initiated by the customers doing business with Polk County BoCC will be submitted to the Equal Employment Opportunity Administrator located on the fourth floor of the County Administration Building. Other County Constitutional Offices who have elected to be covered by, and participate in this process will also have charges investigated in accordance with this policy. The investigation and the ultimate disposition of each such complaint will be in accordance with the procedures contained herein. The Polk County Board of County Commissioners is committed to vigorously enforcing its Discrimination and Retaliation policy at all levels within the County.

Examples of conduct that would be considered harassment or related retaliation are set forth in the Statement of Prohibited Conduct, which is found at the end of this section.

COMPLAINT PROCEDURE

A. Filing a Formal Complaint: Complaints of discrimination against the Polk County Board of County Commissions must be forwarded, in writing, to the Equal Opportunity Administrator or designated representative within thirty (30) calendar days following the

alleged discrimination. An Equal Opportunity Intake Form, located in the EO Office should be used to make such a complaint. All complaints must include the following items of information.

1. Name of the charging party, work location, and telephone number.
2. The basis for the alleged discrimination, e.g., race, color, sex, age, religion, national origin, marital status, political affiliation or belief, physical handicap or any other reason prohibited by law.
3. A short statement of the actions and circumstances which caused the act or acts of discrimination to occur. Indicate date, time and place.
4. Name, title, and office/division of the individual(s) responsible for the alleged act(s) of discrimination.
5. List any witnesses or persons having knowledge of the event(s).

B. Agency Investigation: Within ten (10) working days of receipt of a complaint of discrimination, the Equal Opportunity Administrator shall give written notification to the Complainant, acknowledging receipt of the complaint and describing the steps that will be taken by the EO Office to resolve the complaint.

C. Fact-Finding Meeting: At the discretion of the EO Administrator, a fact-finding meeting may be conducted with the complainant and the respondent to determine if the alleged discriminatory action can be resolved between the parties prior to an investigation. The EO Administrator may require the responding department or division to answer to the charge of discrimination in writing to the EO Office within ten (10) days from the EO Administrator's request for a response.

D. Investigation Report: The Equal Opportunity Administrator or designated representative shall prepare a final report, within forty-five (45) days following the filing of the complaint, describing the findings and conclusions reached in the investigation and the proposed recommendations for resolving the matter. An extension of time may be granted by the County Manager. Notification of such extension shall be provided to the Complainant. A copy of the final report together with all supporting documentation, if applicable, shall be provided to the Complainant within fifteen (15) days following the report's completion.

E. Appeal Rights: If the Complainant is not satisfied with the action plan or resolution of the complaint, the Complainant may appeal the disposition of the complaint to the Employee Relations Council (ERC). Requests to appeal to the Employee Relations Council must be made in writing and directed to the Equal Opportunity Office within twenty-one (21) calendar days of the receipt of the Equal Opportunity Administrator's final report of investigation. See Handbook Section 13.05 PROCEDURAL RULES FOR APPEALS TO THE EMPLOYEE RELATIONS COUNCIL. The Complainant's decision to file an internal administrative complaint is not intended to inhibit the Complainant's right to file a consecutive or concurrent complaint with the Federal Equal Employment Opportunity Commission and/or the Florida Commission on Human Relations.

F. Confidentiality: With the cooperation of the concerned employee(s), the investigation will be carried out with respect for the confidences and sensitivity of all persons involved. However, as with most County generated information, the final report and all supporting documentation is a matter of public record.

Where complaints of discrimination or harassment are substantiated, appropriate action will be taken. Appropriate action may range from counseling to termination.

STATEMENT OF PROHIBITED CONDUCT

The Polk County Board of County Commissioners considers the following conduct to represent some of the types of acts which violate Polk County's Discrimination and Harassment Policy, but is not to be construed as an all inclusive list of prohibited acts:

A. Excluding individuals from an employment opportunity on any basis prohibited by law, including refusal to hire or promote.
B. Gestures, noises, remarks, jokes, profanity, or derogatory comments about a person's race, color, sex, age, religion, or national origin directed at or made in the presence of any employee, customer, or client.
C. Disciplining, changing work assignments of, providing inaccurate work information to, or refusing to cooperate or discuss work-related matters with any employee because of their race, color, sex, age, religion, national origin, political affiliation or belief, marital status or because they have complained about or resisted harassment, discrimination, or retaliation.
D. Intentionally making performance of an individual's job more difficult because of the individual's race, color, sex, age, religion, national origin, political affiliation or belief, marital status or disability.
E. Displaying pictures, posters, calendars, graffiti, objects, promotional materials, reading materials, or other materials that are discriminatory, demeaning or bringing into the work environment or possessing any such material to read, display or view at work.
F. Implementing practices that cause similarly situated individuals of a different race, sex, religion, age, national origin, political affiliation or belief, marital status, or who are disabled to be accorded different treatment in the context of a similar employment situation.
G. Subjecting, or threats of subjecting, an employee to termination, demotion, or unfair treatment if, or because, they complain about or resist harassment, discrimination, or retaliation.
H. Intentionally pressuring, falsely denying, lying about or otherwise engaging in deception in order to cover up or attempt to cover up misconduct or actions described in any item above.
I. Refusing to cooperate in the conduct of an EO investigation.
J. Intentionally making a false statement intended to misrepresent or impede discovery of the truth or actual facts or circumstances.

All conduct or actions described above are grounds for disciplinary action, up to and including termination. If you have questions or concerns regarding discrimination or harassment matters, please contact the Equal Opportunity Administrator at 534-6075.

6.00 COMPENSATION

6.01 PAY DAYS AND DIRECT DEPOSIT POLICY

Checks/Notifications of Deposit are distributed on a bi-weekly basis. Should you not be available for check/notification of deposit distribution, written authorization should include the employee's signature, social security number and the name of the person receiving your check/notification of deposit. The person receiving your check/notification of deposit should show proper identification and sign a receipt for your check/notification of deposit. Errors in your check/notification of deposit should be reported immediately to your supervisor.

DIRECT DEPOSIT

All regular full-time and regular part-time employees are required to utilize direct deposit for their pay check. Employees on student status will be an exception to this policy. A new employee will have 30 days from the date of hire to set up their account and turn in the Authorization Agreement for Direct Deposit form to Personnel. (Employees hired prior to the effective date of this policy - 9/13/06 - may exempt themselves from this policy).

In most cases, Direct Deposit will be made beginning the second pay period after receipt of the Authorization Agreement for Direct Deposit form.

Direct Deposit means no check will be written; an employee's payment will be credited to their account. An employee will receive a Notification of Deposit which is an earnings statement, on pay day listing their gross pay, deductions and net pay amount which is deposited. When Oracle Self Service is implemented the employee will access their pay, deductions and net pay amount using their personal access to their information.

If an employee changes their Direct Deposit information due to opening a new account or changing banks, a new Authorization Agreement for Direct Deposit form must be completed and turned into the Human Resources Division. For questions regarding this policy, contact the Human Resources Division.

6.02 WORK CYCLES/PAY PERIODS

The work cycle for Board employees consists of forty (40) hours in a seven day period, or one hundred six (106) hours in a fourteen (14) day period for Fire and Emergency Medical Services (EMS) fifty-six (56) hour personnel.

All employees are paid on a bi-weekly basis. The work cycle begins on Monday of each week and ends on the following Sunday. The bi-weekly pay period normally consists of two work cycles totaling eighty (80) hours for forty (40) hour employees, and one hundred six (106)

hours for Fire and EMS personnel. For fifty-six (56) hour Fire Services personnel, all hours worked which exceed one hundred six (106) hours bi-weekly are paid at one and one-half (1 ½) the normal rate. All EMS personnel who work a fifty-six (56) hour schedule are paid one and one-half (1 ½) times the normal rate for all hours worked over forty (40) hours per week.

6.03 SALARY ADVANCES

The County is prohibited by law from making salary advances.

6.04 OVERTIME

Overtime is defined as time actually worked in excess of the designated pay period or work cycle. Sick leave, vacation leave, holidays, jury duty, military leave, etc., shall not be construed as time worked. Overtime is computed at the rate of one and one-half (1 ½) the employee's normal hourly rate of pay. Any and all overtime must be authorized in advance by the unit supervisor. When work time is paid at two or more rates, the overtime calculation will be determined by the weighted average method as defined by the Fair Labor Standards Act.

The standard overtime rate (one and one-half [1 ½] the base rate of pay) shall apply to the following situations regardless of whether an employee has actually fulfilled the work period requirements as outlined above:

EMERGENCY OVERTIME - Emergency overtime shall be defined as work time that cannot be scheduled with *prior day* advance notice and requires the employee to remain on the job beyond their normal work schedule. An employee is paid at the overtime rate for emergency overtime work.

Holiday Exception: For purposes of calculating overtime for the pay period, holidays will be counted as time worked, except for employees on fifty-six (56) hour schedule who receive holiday pay regardless of whether or not they are scheduled to work the holiday.

CALL-BACK OVERTIME - Emergency call-back is defined as time required of an employee to return to the job after having left the job site upon completing their normally scheduled work day. The first time an employee is called back to work during a stand-by shift because of an emergency, the employee shall be paid a guarantee of a minimum of three (3) hours at the overtime rate even if they do not actually work an entire three hours during their first call out. However, if the employee actually works more than three (3) hours during their first call-back in a shift, then they will only be paid at the rate of time and one-half (1 ½) for hours actually worked instead of the minimum guarantee. An employee is only permitted one (1) three (3) hour guarantee per shift. After the initial call-back per shift, any additional time(s) an employee is called back in the same shift, they will only be paid at the rate of time and one-half (1 ½) for hours actually worked. The call-back overtime policy is repeated for each shift the employee is called back to work. If the employee is called back to work and the time extends into the next shift, the employee's time is continued on the same basis as he/she began the most recent call back. The call back overtime policy will then go into effect the next time the employee is called back to work as long as the time called back is within another shift.

Regardless of whether or not they are officially on standby duty, occasionally employees may be called at home after their normal work shift to answer work related questions or to resolve a work related problem that does not require them to leave home and physically go to a work site. Under these circumstances the (non-exempt) employee being called will be paid a minimum guarantee of fifteen (15) minutes or time actually spent on the phone if the call lasts longer than fifteen (15) minutes. They will not be paid per the call-back policy under these circumstances and they will only be paid at the overtime rate if they actually work over forty (40) hours during that week, including the time spent on the telephone.

Part-time employees shall receive the overtime rate for hours worked in excess of forty (40) in a seven (7) day pay cycle.

Fifty-six (56) hour Fire personnel are paid the overtime rate only when they are required to remain on duty past their normal schedule. If they elect to work extra shifts on their scheduled days off they will be paid in accordance with the ***7k, 106 hours, 14 day regulation***.

Employees who are called out and work an excessive number of additional hours and want some recuperative time may be allowed to *flex* their time for the next work schedule. If he/she wants to use vacation or PTO time for those hours they must request to do so, and if they have the time, the supervisor should approve that request. However, the use of vacation or PTO hours should be totally voluntary and at the option of the employee.

If the employee wants to use the recuperative hours and does not want to flex his/her time, nor do they want to use vacation or PTO leave, their time may be shown as APPROVED LOST TIME. This approval means that they are authorized to be away from the job and will not be paid for those hours, nor will those hours be held against them when completing annual evaluations.

OVERTIME EXEMPTION - Through the application of specific Fair Labor Standards Act tests, some job classifications have been designated in our pay plan as *Exempt* from the payment of overtime under FLSA. Also, based upon a Department of Labor's "Special Proviso for Public Agencies", which recognizes state and local governments' need to maintain "public accountability", the county has established the following special rules for "exempt" employees:

1. Exempt employees are normally not eligible for any overtime payments;
2. At management's discretion, permission may be given for an exempt employee to be absent from work up to, but less than four (4) hours on any given work day without having to substitute available leave. However, exempt employees are still expected to average working a minimum of forty (40) hours per week;
3. Any exempt employee having an absence from work of four (4) or more hours on any given work day must use the appropriate, available leave (annual, sick leave, PTO, etc.); however, in the event that no leave is available, then no partial day's deductions shall be made from such exempt employee's pay (except for intermittent Family Medical Leave);
4. Exempt (like non-exempt) employees must provide timely notice and get permission from their immediate supervisor for any time absent from work.

NOTE: If an exempt employee feels that an improper deduction has been made to their pay, then they should file a grievance per Employee Handbook, Section 13.06. The Human Resources Director or designee shall be consulted in the adjustment of any such grievance.

EXCEPTION FOR EXEMPT EMPLOYEES - Due to certain situations, including but not limited to emergency or disaster events or conditions, the County may find it necessary to solicit the services of exempt employees in times where all other resources have been called upon, or where specialized training or expertise is required. Therefore, when working under such unique and qualified emergency conditions, exempt employees may, as a result of this circumstance, be authorized for overtime payment, regardless if such payments are reimbursable from state or federal agencies. The duration of such overtime authorization and the circumstances under which such payment will be made will be at the discretion of the Chairman of the Board of County Commissioners and/or the County Manager. The County Manager, as designated by the Board of County Commissioners, has the authority to promulgate procedures to implement such emergency actions. The policy, because of its limiting nature, will be implemented in very extraordinary circumstances. The policy will be activated and enacted when driven by the nature of certain events (disaster/emergency) and is not limited to natural disasters. These circumstances may include incidences specific only to Polk County, such as train derailment, wildfires, a bomb threat, civil disobedience, a training or exercise event, an airplane incident, a building failure, a hazardous materials incident, or a facility becoming environmentally contaminated.

6.05 SHIFT DIFFERENTIAL

Employees working a full shift, with eighty percent (80%) of the hours worked between the hours of 3:00 p.m. and 7:00 a.m., will be paid a six percent (6%) shift differential for the full shift. In the event of leave time used within the shift qualifying for shift differential, only the actual hours *worked* will include the shift differential. Should an employee be required to work past their normal shift and that time can be defined as emergency overtime, the employee will be paid at one and one-half (1 ½) their normal rate of pay for hours worked in excess of their normal shift. Shift differential will not apply to those hours.

6.06 STANDBY

Employees who are required to be on standby call shall receive ten dollars ($10.00) per eight (8) hour shift for being available for call. If an employee is *schedule*" to work less than three (3) hours and is on standby for the remaining five (5) hours of that shift, the employee will be eligible for the full $10.00. If an employee is scheduled to work between three (3) and five (5) hours and is on standby for the remainder of the shift, then the employee is only eligible for one half (½) of the standby rate i.e. five dollars ($5.00). If an employee is scheduled to work more than five (5) hours, then the employee will not be entitled to any standby pay for being on standby for the remainder of that particular shift. Employees called back to work while on a standby shift will be paid in accordance with the emergency call back policy as outlined in the Call Back Overtime section of this handbook.

Employees being paid the standby rate shall be required to respond to any and all official calls. Any employee who fails to respond to an official call shall forfeit the standby pay and shall be subject to disciplinary action. Standby pay will be reduced or not payable during any shift in which leave credits are used (see criteria in first paragraph). Although the County discourages assignment of employees to standby duty for other shifts during the same 24 hour period in which personal sick leave is taken, such assignment is left to management discretion.

Compensable time for computing call back overtime shall begin when the employee reports to the work site and ends upon their leaving the work site. The work site shall be defined as the actual place the work is to be performed, or in the case where an individual is assigned a County vehicle, the approved designated vehicle parking site. Employees may be approved by the Department Director, after consultation with the Human Resources Director to receive standby pay for shifts required to be on call but not required to report to a work site. An example may be receiving calls at home from clients. These employees may be paid standby pay for each shift required to be on call and (for actual hours worked) may receive three hours minimum pay for the first call, then actual hours worked thereafter, per shift.

6.07 SALARY INCREASES

The County Wage and Classification plan provides for minimum rate to maximum rate salary ranges for each job classification. Advancement within an employee's particular salary range normally occurs under the following actions: annual cost of living, within classification *step* increases or performance based merit increase (when appropriate and approved by the Board for a specific budget year), reclassification due to significant changes of job requirements/duties within a classification, or adjustments based on periodic salary surveys. Otherwise, employees may advance their salary through promotional opportunities within the county.

6.08 STEP PLAN

Each pay grade in the County's pay plan is divided into *steps*, with step zero (0) being the minimum of the pay grade and step twelve (12) being the maximum of the pay grade. There is three and one half percent (3.5%) between each step. Regular full-time and regular part-time employees will receive their performance evaluations and are eligible for step increases on their hire date anniversaries, provided that they are not on Performance Improvement Probation at that time. This program is conditioned upon annual Board approval of the pay plan and may be subject to funds available. Specific rules for eligibility and distribution of raises are approved annually in conjunction with approval of the County's pay plan.

6.09 EXCEL PLAN

The EXCEL PLAN is to reward employees for satisfactory service after they have reached the maximum rate of pay for their pay grade. An employee meeting the requirements of the EXCEL PLAN may be authorized a merit increase in the form of a lump sum payment, based on their performance evaluation and awarded the same time as merit raises are awarded to other employees. The range of EXCEL is determined by the Board based on available funds.

To be eligible for EXCEL an employee must meet **all** of the following:

a. Must have completed six (6) full years of service with the Board of County Commissioners.
b. One year must have expired from the date of the last merit increase.

Employees who meet the requirements of the EXCEL plan are not allowed to have their base pay rate exceed the maximum rate for their job classification.

6.10 EXCEPTIONAL PERFORMANCE AWARDS

From time to time it is appropriate to give special recognition to employees or groups of employees who either:

1. Perform exceptional work beyond which is normally required of their job description, or
2. Who clearly perform their regular duties in an exceptional manner.

Therefore, the following rewards are available for management to recognize such special efforts:

A. AWARD FOR EXCEPTIONAL PERFORMANCE BEYOND NORMAL DUTIES:

This category is for the truly exceptional person performing under exceptionally challenging circumstances. The intent is to recognize an employee who performs some outstanding effort, measurably above that normally required of that employee in his/her job classification. The supervisor will recommend the employee, in writing, for this award. The request must be approved by the Division Director and the Department Director, and their signatures affixed to the written request, noting approval. Once the request is approved, it will be discussed with the employee and then submitted to Human Resources.

An employee may only be given an *Exceptional Performance* award once each fiscal year.

B. TOP ACHIEVER AWARD:

This category is for a person or group of persons (teams) who are determined to be the top achiever(s) when compared to other persons or teams who perform the same or similar work. Such determination must be based on established criteria pre-approved by the Department Director. The criteria must objectively measure performance. The Division Director will recommend the employee or team, in writing, for this award. The Department Director will have final approval of the award. Once the request is approved it will be discussed with the employee and then submitted to Human Resources.

An employee may only be given a *Top Achiever* award once each fiscal year, regardless of whether it is received as an individual or as part of a team.

C. DOUBLE AWARDS:

Employees are eligible to receive both an *Exceptional Performance* and a *Top Achiever* award within the same fiscal year. However, the awards may not be based upon the same set of circumstances or accomplishments.

D. AWARDS:

The awards for both the Exceptional Performance category and the Top Achiever category may either be a 1% (of annual salary) lump sum payment or one administrative day off with pay. The employee receiving the award may specify a preference for the award they wish to be given; however, management reserves the right to make the final determination based on budgetary and operational considerations.

6.11 PAYROLL DEDUCTIONS

Certain deductions from your pay are required by law. All wages paid by the County are taxable for Federal Income Tax (Withholding Tax). The amount of withholding tax is dependent upon the number of deductions designated on your W4 form. On all wages paid regular full-time, regular part-time and temporary employees, the amount of Social Security contributions must be made by both the employee and the County for coverage under the Federal Insurance Contributions Act. As mandated by law, other deductions such as child support, wage garnishments and student loans may also be deducted from your pay. Additional deductions which are authorized upon request by regular full-time and regular part-time employees are as follows: withholding tax, medical insurance premiums, additional life insurance, credit union, U.S. Savings bond, United Way contributions, deferred income and flexible spending accounts. If you wish to take advantage of these additional deductions contact the County Human Resources Division.

6.12 TEMPORARY CHANGE OF CLASS

Whenever any employee is to be assigned to be out of their regular class for ten (10) consecutive working days or more, approval by the appropriate Department Director is required. The position being filled in this manner must be a budgeted, allocated position, which is temporarily vacant due to a legitimate reason such as turnover or leave of absence.

Qualified employees, who are temporarily assigned to an interim position with a higher pay grade for a period of ten (10) consecutive working days or more, will receive compensation at the minimum rate of the new classification or an additional five percent (5%) of their current rate, whichever is greater. The higher rate of compensation will become effective at the time the employee begins working in the higher class, and will end when the employee returns to their normal duties. Employees who are assigned additional duties due to an employee's absence may receive additional compensation with the Division and Human Resources Director's approval.

Employees who are assigned to a lateral or lower class in order to meet the County's temporary needs will remain at their current rate of pay.

Employees who are temporarily assigned by the County Manager or the Board of County Commissioners to an *acting* administrative classification within the County's Administrative Pay Plan will be compensated at the rate established by the County Manager. The County Manager also has the authority to make exceptions to this policy and to approve alternative methods of paying for work performed out of class for special situations.

Training exemption: In order to gain experience for advancement potential, employees may work out of class without additional compensation when participating in a documented training program. Participation must be voluntary and approved by the appropriate Department Director.

6.13 FLEX TIME

Flex time is the temporary alteration of an employee's work schedule during the **SAME WORK WEEK ONLY** (Monday 12:01 a.m. through Sunday midnight). Flex time may be used at a supervisor's discretion and with management pre-approval. Flex time may be used in order to accommodate the timely accomplishment of special business tasks such as meeting project deadlines, attendance at meetings or training conducted outside of normal working hours, etc., while eliminating or minimizing overtime liability. For instance, if an employee's regular schedule is Monday through Friday, 8:00 a.m. until 5:00 p.m., and it is necessary for the employee to attend a meeting scheduled from 6:00 p.m. until 9:00 p.m., then the supervisor may elect to flex the employee's schedule for that week to stay within forty (40) hours worked for the week. That could be accomplished by allowing the employee to come to work three (3) hours later than normal or leaving three (3) hours earlier than normal on one of the days during that SAME work week. Flex time is a business tool and is NOT intended as a means to avoid (or to substitute for) the use of appropriate leave credits such as sick leave or annual leave. Flex time may NOT be saved up to be used in any other week than the current work week. Also, the use of flex time must be pre-arranged with reasonable notice and does NOT supercede the rules for payment of emergency overtime.

7.00 GENERAL EMPLOYEE BENEFITS

7.01 LUNCH AND BREAK PERIODS

Lunch/rest periods are scheduled in a manner to best meet the needs of the work unit and the needs of the public. The exact time you are to take your lunch/rest period will be determined by your supervisor. Lunch/rest time typically may not be accumulated for use at a later time, but may be done under occasional special circumstances with permission from the Division Director. Under no circumstances, however, may lunch time be accumulated for use beyond the same work week.

All Departments throughout the County are authorized to extend the privilege of fifteen (15) minute break periods to employees. The hours and times for breaks may vary at different work sites and are left to the discretion of the Division/Department Director or supervisor. A break is a privilege; therefore, if there is any abuse, the privilege can be taken away. There are

times when it will be impossible to take time from your busy work schedule to have a break; however, break time cannot be accumulated for use at another time.

7.02 HOLIDAYS

Ten (10) Holidays are provided annually:

New Years Day,
Martin Luther King Day,
Memorial Day,
Independence Day,
Labor Day,
Veterans Day,
Thanksgiving Day,
Friday following Thanksgiving Day,
Christmas Eve and
Christmas Day.

If any holiday falls on a Saturday, it shall be observed on Friday; if it falls on a Sunday, it shall be observed on the following Monday. The Board reserves the right to reschedule holidays as deemed appropriate.

Should a holiday occur while you are on annual leave you shall be given credit for the holiday and it will not be deducted from your annual leave.

Only regular full-time employees and regular part-time employees are eligible to receive holiday pay. Regular full-time employees receive their regular rate of pay for eight (8) hours for holiday. Regular full-time fifty-six (56) hour personnel will receive eleven and two tenths (11.2) hours pay for a holiday. Regular part time employees working an average of no less than twenty (20) hours weekly receive four (4) hours for the holiday.

If an employee is scheduled in advance to work on a holiday, the employee shall receive the regular rate of pay for the scheduled work day and eight (8) hours [four (4) hours for regular part-time employees, or eleven and 2 tenths (11.2) for fifty-six hour employees] for the holiday.

An employee must work his/her scheduled work day before and his/her scheduled work day following a holiday to be eligible for the holiday pay. Exceptions for sick leave may be considered with the following:

1. Medical certificate; or
2. Written request from the Department/Division Director

Annual leave may be used before and after a holiday with a prior approval of your supervisor.

7.03 RETIREMENT

All regular full-time and regular part-time employees are covered under the Florida Retirement System. An amount, which is specified by State Statute, is contributed for each eligible employee to the Florida Retirement System (FRS) monthly by the Board of County Commissioners (see current State Statutes for actual percentage amounts).

There are two kinds of retirement options from which eligible employees may choose. You may elect the *Defined Benefit* plan or the I*nvestment* plan. The Defined Benefit plan provides a monthly retirement benefit, which is calculated by multiplying your number of years service times the average of your five highest paid years times a percentage that depends on your category of employment (regular, special risk or senior management class). Under the Defined Benefit plan, after six (6) years creditable service in the Florida Retirement System, you have satisfied the minimum requirement for retirement vesting and at the appropriate age, or if you become disabled, you may apply for retirement benefits. The Investment plan is managed by Ernest and Young and is a plan where you control (make investment decisions) the contributions that the County makes on your behalf. The Investment plan is portable and you are vested after only one (1) year of regular employment. Under the Investment plan, when you leave County employment, you may roll your money into another qualified plan or you may leave it in the Florida Retirement System should you return to an FRS agency sometime in the future. Regardless of the plan that you initially choose, you are given a one (1) time second (2nd) election to switch plans at any time during your employment. Refer to FRS or our Payroll Department for further details.

On October 1, 1975, the system became non-contributory on behalf of the employee. Therefore, upon termination any employee hired prior to September 22, 1975 will be eligible for a refund of their individual contributions. However, in withdrawing these contributions, the employee forfeits their retirement credits for that period of County Service.

There are three basic types of retirement. These are normal retirement, early retirement and disability retirement.

Normal Retirement - After a regular full-time or part-time employee completes six (6) or more years of service and reaches the age of sixty two (62); or, completes thirty (30) years of service [age fifty five (55) or twenty five (25) years of special risk employment] the employee is eligible for normal retirement.

Your Defined Benefit retirement benefits are computed on the number of years in covered service multiplied by a percentage (normally 1.6%) determined by age, multiplied by your average final compensation. Average final compensation is determined by your highest five (5) years salary during your career. [EXAMPLE: An employee with twenty (20) years of service and an average final compensation of $1,667 per month will receive twenty (20) times 1.6% or 32% of $1,667 for final total compensation of $533.00 per month. Example of early retirement: If the same employee were sixty (60) and retirement age is sixty two (62), the employee would lack two years of being eligible for normal benefits. Benefits are reduced five

percent (5%) for each year the employee is below age sixty two (62), or in this case ten percent (10%). Using the example above and retiring two years early the employee would receive $480.00 per month in retirement benefits.]

Early Retirement - A regular full-time or part-time employee who has completed six (6) or more years of service may elect to retire early and receive a reduced benefit. Benefits are reduced five percent (5%) for each year below the normal retirement age of sixty two (62). (Note: Under Social Security the normal retirement age is 65, or later, depending on your date of birth. Early retirement is 62 under Social Security).

Disability Retirement - Regular full-time or part-time employees who become totally and permanently disabled in the line of duty would be eligible for a minimum benefit of forty two percent (42%) of their average monthly compensation regardless of age or length of service. An employee must have completed eight (8) years of service to be eligible for disability retirement when such disability is not connected with their work. The employee shall be eligible for a minimum benefit of twenty five percent (25%) of final compensation. There is no age restriction for this type of retirement.

For additional information concerning retirement benefits, regular or special risk, please contact the Human Resources Division.

7.04 INSURANCE PLANS

One of the benefits available to you is our insurance plan. Eligible employees are provided Group Life and Long Term Disability Insurance as well as Health Insurance benefits which are explained at the time of employment. The County shares in the cost of the life, long-term disability and health insurance benefits for all eligible employees. Benefit booklets are distributed after your insurance becomes effective. If you have further questions regarding your Insurance benefits, please contact the Benefits Specialist in the Risk Management Division.

The $10,000 **Basic Term Life Insurance** benefit is paid by the county for all eligible employees. There is an **Accidental Death & Dismemberment** benefit paid for by the County that doubles the basic death benefit in case of accidental death, or pays a benefit for loss of limb or sight**. Supplemental Term Life Insurance** is also available to the employee at a reasonable rate depending on current contractual arrangements. There **is Dependent Term Life Insurance** to cover your current spouse and each eligible child. (If both parents are employees of Polk County Government, only the children will have dual coverage available). When you retire you may continue your basic and supplemental term life insurance coverage based on the current contract arrangements. The retiree is responsible for the life insurance premium. Those who leave County employment may also have the portability feature.

The **Long Term Disability** plan provides a benefit of sixty (60%) of your salary up to $1,000/month after a one hundred eighty (180) day elimination period. This coverage is paid for by the County. The new employee will be eligible for this coverage after six (6) months of employment. If you would like **Additional LTD** coverage, you may purchase sixty percent (60%) of your salary above the $1,000/monthly benefit to a maximum of $6,000. Upgrading

your LTD coverage in this manner will also reduce your elimination period from one hundred eighty (180) days to ninety (90) days. These benefits are subject to current contractual arrangements. The Certificate of Coverage will provide coverage details.

The County shares the cost of the Health Insurance benefit. A summary of the plans is listed below, however, the detail in terms of the plans are spelled out in detail in each of the Summary Plan Descriptions. The **County Health Insurance Program** is currently self-insured and offers two open access plan options with Nationwide provider networks:

A deductible plan with both in-network and out-of-network benefits that are payable at in-network/out-of-network co-insurances, after applicable deductibles are met.

Also, a co-payment plan is offered that has no out-of-network benefits (except hospital emergency room services) that are paying at either one hundred percent (100%) or ninety percent (90%), after specified co-payment is applied if applicable, with no deductible to be met.

There is a difference in premiums between the two plans; however, they both include a **Prescription Benefit Plan** and a **Managed Behavioral Health Plan**. Information will be provided regarding the current contract arrangements for these benefits.

Those who leave County employment will have the **COBRA** option to continue the health insurance coverage.

Those who retire from the County may continue their current health insurance coverage. The former employee will be responsible for the premium. However, the County does reduce this cost to the retiree by contributing 3% of the retiree's cost of health insurance for each full year of employment that the employee had with a Polk County agency which is covered by our health plan. The maximum benefit that the County will provide to retirees at 3% per year is 75% of the total premium, and the number of years an employee must have been employed to qualify for this benefit is a minimum of 10 years. There is currently a County sponsored **Medicare Supplement** plan available to the County retirees over 65. The retiree is responsible for the premium for this plan. Refer to the current insurance certificate for details. These benefits are subject to the current contract agreements. **SPECIAL NOTE: Prior to their last day of work, all employees are strongly encouraged to meet with representatives of Human Resources and Risk Management to assess their potential retirement benefit participation. Eligible former employees who wish to continue their health insurance benefits MUST ENROLL IN THE RETIREE HEALTH PLAN WITHIN 30 DAYS OF THEIR EMPLOYMENT TERMINATION DATE.** There are also additional insurance benefits that are provided for the employee on a voluntary basis. Currently there is a **Dental Insurance Plan, Vision Services, and Hospital GAP Insurance** available, as well as a few specialty insurance plans. Risk Management and Human Resources will provide updated information to the employees as to current benefits available.

There is no physical examination or medical underwriting required for these insurance benefits provided you apply within the first 30 days of employment. Thereafter,

the application may be restricted to the Open Enrollment Period for each benefit, as well as medical underwriting process.

INSURANCE BENEFITS AND RATES ARE SUBJECT TO CHANGE ON AN ANNUAL BASIS.

7.05 CREDIT UNION

A Credit Union is available to all employees of Polk County and members of their immediate families. The function of the credit union is solely for the purpose of promoting thrift among its members and creating a source of credit for them at reasonable rates of interest. Its' powers are set forth in section 657 of Florida Statutes.

The Credit Union provides employees the opportunity to save through payroll deductions, free notary service, financing on new and used autos, share secured loans, signature loans, motorcycle and boat loans, IRA accounts and Christmas Club Accounts. Checking accounts with no service charge are available. Life insurance is provided free of charge to members on all share accounts and loans.

For information on services provided by your Credit Union contact them at 1695 N. Broadway Ave., Bartow, or call 533-8597.

7.06 WORKERS' COMPENSATION PROCEDURES AND PAYMENTS

All employees are covered by Workers' Compensation Insurance from the first day of employment. If you are injured on the job, you have certain responsibilities, and you have certain procedures that you are expected to follow.

A. EMPLOYEE RESPONSIBILITIES/PROCEDURES:

1. You are required, by law, to report any injury/illness immediately, or as soon as it is reasonably possible, to your supervisor (or acting supervisor), REGARDLESS of the extent of injury/illness.

2. Your report will include the following information:

   A. Date
   B. Time
   C. Location
   D. Brief description of the accident
   E. Body parts affected

3. If medical care is NOT needed, the employee will continue in pre-injury employment status. The employee will notify the supervisor if any medical conditions develop in relation to the work related injury/illness.

4. If medical care IS needed, the employee will obtain a written certification addressing work status from the treating physician. The return-to-work certificate will be given to the immediate supervisor immediately upon return-to-work. The employee MUST contact the supervisor by phone if not returning to work the day of the accident.

5. A written doctor's note (including work status) must be presented to the employee's immediate supervisor after EACH authorized doctor's appointment. A written medical release must be presented to the employee's immediate supervisor prior to returning to work from a lost time, on-the-job injury/illness. The original note should be sent to Risk Management and a copy made for the Supervisor. If an employee does not have a note from an authorized treating physician excusing him/her from work, THE TIME IS NOT CHARGABLE TO WORKERS' COMPENSATION.

6. The employee will return to work following physician assessment if more than one (1) hour is remaining on the employee's shift. If the employee does not return to work following physician assessment (either because there is less than one (1) hour remaining on shift, or the employee is placed on a NO WORK status), the employee is to notify his/her supervisor of the work status as soon as possible.

7. Up to four (4) hours, including travel time *may* be allowed for attending any authorized physician/provider appointment(s). Appointment(s) requiring extensive testing or examinations should be coordinated with Risk Management prior to the appointment date. **IF YOU USE THE FULL FOUR (4) HOURS OR EXCEED THE FOUR (4) HOURS, A TIME IN AND TIME OUT NOTE MUST BE SENT TO RISK MANAGEMENT FOR APPROVAL OF THE ADDITIONAL TIME**. Failure to adhere to these standards could result in *lost time*.

8. If an employee is assigned to a Transitional Duty assignment (see Handbook Policy 7.07) he/she will contact Risk Management every two (2) weeks while on such temporary assignment.

9. Where injury/illness is caused by the willful refusal of the employee to use a safety appliance or observe a safety rule required by statute or lawfully promulgated by the Division of Workers' Compensation of the Florida Department of Financial Services, and brought to their attention prior to the accident, the compensation shall be reduced by twenty five percent (25%), as stated in Florida Statute, Section 440.09(5).

B. BENEFIT STATUS WHILE ON WORKERS' COMPENSATION:

1. If an injury requires the employee to lose time from work, time lost shall be charged to accrued sick leave for the first seven (7) calendar days (maximum forty (40) hours for regular full time employees, or fifty six (56) hours for fifty-six hour personnel). Thereafter, the employee will receive sixty six and two thirds percent (66 2/3%) of his/her adjusted salary from the Workers' Compensation carrier and twenty five percent (25%) of their regular scheduled work time will be charged to accrued leave time. Sick leave will be charged first. Once all sick leave is exhausted, annual leave will be charged. The Workers' Compensation check is mailed to the employee by the carrier and is not considered taxable income. The sick/annual leave time will be paid through a regular payroll check and distributed at the normal time. This amount will be subject to all regular deductions. To be paid for any time off due to an on-the-job injury/illness, an employee must provide their supervisor with verification of treatment by a physician for each authorized doctor's visit.

2. After losing the first seven (7) calendar days from work, the employee will be eligible to receive a Workers' Compensation check, plus a County payroll check. As long as an employee receives a payroll check for leave time, normal deductions will be taken. Once all leave is exhausted and an employee is receiving only the Workers' Compensation check, the Board will continue to contribute their share of health insurance premiums with the employee paying the amount normally contributed. The Board will continue to provide the basic $10,000 in life insurance coverage, and the employee will continue to pay the normal premium for any supplemental coverage. The employee's contribution will be payable the first of each month, for that month. Payroll deductions will commence immediately upon the employee's return to work. If an employee loses more than twenty one (21) calendar days, then the first seven (7) calendar days are reimbursed by the Workers' Compensation carrier.

3. When all sick and annual leave benefits are exhausted, the employee shall receive only the Workers' Compensation check for the remainder of the disability.

4. An employee who is off work due to an on-the-job injury/illness shall earn sick and annual leave credits the same as if on the job. However, in order for an employee to be eligible to use or be paid for leave credits earned while out due to an on-the-job injury, they must have returned to work for a minimum of 30 calendar days.

5. As a benefit and a convenience to employees, the use of sick and annual leave as described above, will automatically be charged to the employee's account by their payroll unit (with appropriate documentation). However,

if an employee does NOT want such benefits to be charged, then they MUST request this from their supervisor BEFORE the end of the payroll period in which the benefits are to be used. Late requests will not be honored. Employees designated as being under Family Medical Leave (FMLA) due to a qualifying work related injury/illness will have the same option. Employees may request or be designated under Family Medical Leave for qualifying work related injury/illness, just as they may for qualifying personal injury/illness.

C. OTHER:

1. If an employee has been assigned work modifications (physical restrictions) for a period of seven (7) days or less, and the supervisor can provide necessary accommodations within the department, accommodations will be provided to facilitate continued employment. If accommodations can not be made within the department, Risk Management will coordinate return to work activities in accordance with our Transitional Duty - Return to Work Program (Handbook Section 7.07).

2. Employees who can not return to work for a period of fourteen (14) days or more will be referred for telephone case management assessment.

7.07 TRANSITIONAL DUTY - RETURN TO WORK PROGRAM

This program is designed to facilitate early return-to-work in meaningful employment to employees who, due to injury or illness, are temporarily unable to perform the essential functions of their regular duty positions. If the injury/illness is work related, then this process will be facilitated by the Risk Management Division. If the injury/illness is not work related in nature, then this process will be facilitated through the Human Resources Division.

Employees who are unable to perform their regular job duties, either due to injury or illness, for a period longer than seven (7) calendar days, will be evaluated for a Transitional Duty position by the authorized treating physician.

Each Transitional Duty assignment will be limited to ten (10) weeks from the date of release, and is **NOT** intended as a permanent position. In the case of extenuating circumstances, with physician documentation, Transitional Duty may be extended to the maximum medical improvement date.

If permanent restrictions are assigned by the physician at the maximum medical improvement date, the employee may be allowed to continue to work in a transitional capacity for forty five (45) days, while attempts are made to identify alternative full-time or part-time positions, for which the employee would be qualified on a regular, non-transitional basis.

Transitional Duty placement is made solely at the discretion of Polk County. Employees released to work in a Transitional Duty capacity may be assigned by management to any position for which the employee is qualified. A Transitional Duty position does not need to conform to established pre-injury/illness job descriptions or be within the same department. The physician is expected to re-evaluate the employee for a release to his/her pre-injury/illness position at each follow-up visit.

All employment for Polk County is considered the primary employment of every employee. It is the expectation of Polk County that any outside employment shall not continue during any period of medical disability, unless suitable regular employment is not available with Polk County Government.

Either the Employer or the Employee may invoke the Family Medical Leave Act in lieu of Transitional Duty.

7.08 OCCUPATIONAL HEALTH AND WELLNESS PROGRAM

This is primarily a voluntary employee benefit program, which is geared towards providing education and services that will enhance employees' health and fitness. Examples of some services that are available are education on how to stay healthy, stress management, smoking cessation, weight management, exercise/fitness information, and many other topics and related services.

Further, the center has trained medical staff that can provide care for work-related minor illnesses and injuries, continuous follow up care and referrals for more specialized medical treatment when necessary. Relative to job placement, this program also provides health assessments aimed at matching a candidate's physical capacities to the specific job demands.

The Wellness Center also offers free non-work related treatment (colds, flu, upset stomach, minor headache, and minor medical issues) to employees while they are at work and on County time. If you are not at work due to a non-work related illness, you may **NOT** go to the Wellness Center for treatment/care. If follow up care is required, your Wellness Center staff will coordinate a follow-up appointment with your primary care provider when appropriate. Some limitation of services apply to employees who are not covered under the County's health insurance plan, e.g. comprehensive lab work, and/or other paid referrals.

Visits to the Wellness Center for care **MUST** be coordinated and approved through your supervisor **PRIOR** to your visit. A two (2) hour maximum of Administrative Leave will be authorized for employees utilizing the Wellness Center for such illnesses or injuries. Unless otherwise authorized by your supervisor, time exceeding two (2) hours, will come out of your sick leave. The Wellness Center staff will provide you with verification of time spent at the Wellness Center so that you can provide documentation to your authorizing supervisor. Administrative Leave will also be authorized for employees who obtain **prior** approval from their supervisor to attend County sponsored and designated functions such as, Disease Management workshops, Stress Management, Smoking cessation programs, if offered during regular working hours. If a qualifying program is conducted over a required length of time (i.e.,

six (6) week smoking cessation program) you are allowed only one (1) missed class. If you miss more than one (1) class; all attended classes will be deducted out of your sick leave account.

This program is administered through our Risk Management Division and is located in what was previously the Polk General Hospital facility on East Georgia Street in Bartow. Please contact Employee Health Services (Risk Management Division) for further details.

7.09 EMPLOYEE ASSISTANCE PROGRAM

Polk County recognizes that personal problems not directly associated with one's job function can have an effect on an employee's job performance. The County further recognizes that almost any human problem can be successfully dealt with when it is identified in an early stage and referral is made to an appropriate helping resource. This applies to a broad range of problems including such developments as physical illness, mental or emotional problems, financial difficulties, marital or family stress, alcohol or other drug abuse problems, and many other concerns.

The County's Employee Assistance Program (EAP) is currently provided to County employees by contracted services with Aetna EAP (1-800-238-6232). The Employee Assistance Program is designed to assist in early identification of job related performance deficiencies which may indicate a problem exists, and to provide information to employees relative to the existence of an agency available to assist them should they so desire. Participation in the Employee Assistance Program in no way relieves the employee of responsibility to meet acceptable performance standards and may never be used to justify or prolong poor work performance.

Regular full-time employees who need assistance with personal problems are encouraged to contact Aetna EAP (1-800-238-6232), directly for an appointment or may seek referral through the Human Resources Office. Participation in the Employee Assistance Program will not jeopardize an employee's job security or promotional opportunities. All records and information pertaining to counseling by the EAP resource agency are confidential.

The EAP also provides for mandated referrals when an employee is involved in a traumatic incident while on the job. Such incidents could include law enforcement shootings, fatal accidents, or other events involving disfigurement or loss of life. In these cases the County may require the employee to see an EAP counselor. Also, there may be times when a supervisor will refer an employee to see a counselor if their behavior is affecting the work place. In such cases, the supervisor will only know if the employee is attending sessions, cooperating, and/or if the employee presents a danger to themselves or others. No other information will be released without specific permission from the employee (signed release of information).

The first three counseling sessions are at NO cost to the employee, regardless of whether the employee carries our insurance plan or not. If additional counseling or assistance is recommended, those covered by the County Health Insurance will have additional benefits paid according to the schedule of benefits currently provided by the plan. See your Risk Management Benefits Specialist or Employee Relations Manager for specific information. EAP has

counseling offices available at several locations within and outside of Polk County. You may schedule an appointment and get a required authorization number by calling 1-888-238-6232 at any time. Please identify yourself as being an employee of the Polk County Board of County Commissioners.

7.10 EDUCATION REIMBURSEMENT PROGRAM

The Education Reimbursement Program exists to provide financial assistance to regular full-time County employees for courses which are taken at accredited schools and which are applicable to the employee's current duties. Course work must serve to enhance the knowledge, skills or abilities relating to official duties which the employee currently performs. Costs for general education courses which are part of a degree or certificate producing program but not directly related to the official duties are not eligible.

FUNDING - Each budget year funds will be allocated for this program and managed through the Organization and Employee Development Division (OED). If the allocated funds are exhausted no further reimbursements will be made for the balance of the current budget year.

ELIGIBILITY - Only those who have been full-time regular employees for at least one (1) year and who have been recommended by their division and department directors are eligible.

REQUEST FOR EDUCATION REIMBURSEMENT - An employee must submit the completed Application for Education Reimbursement form to their immediate supervisor who will forward it to the OED Division through the respective division and department directors.

Applications should be submitted prior to the beginning of courses: however, applications submitted within thirty (30) days of start dates will be considered if circumstances preclude earlier submission.

Each request must include a copy of the course description from the school catalog or a copy of the course syllabus.

TIME OFF TO ATTEND CLASSES - Every effort must be made to schedule courses during off duty hours; however limited time off with pay may be approved by the Department Director if there is no other scheduling alternative. The provision does not obligate the County to permit such time off; it merely authorizes it when it is determined to be appropriate. Requests for such time off must be submitted with the application form. Allowable time off is limited to a maximum of one hundred sixty (160) hours in any one calendar year.

Time off under this provision does not constitute hours worked for the purpose of computing overtime or any other purpose.

REIMBURSEMENT - Costs for up to nine (9) credit hours (or equivalent) may be reimbursed per semester and up to eighteen (18) hours in any fiscal year. Reimbursement for

tuition will not exceed the amount published in the State University System's educational literature except when the course taken is not available in the system. In that case reimbursement will be based on the published fee schedule of the school attended. Reimbursement for books and other required course materials will be based on their actual cost.

The employee must provide the Organization and Employee Development Office official documentation of course completion and paid receipts for tuition, books or other required materials. This information must be submitted within thirty five (35) days of course completion in order for the reimbursement to be made.

Upon successful completion of approved under graduate and graduate courses with a grade of ***A*** or ***B***, the employee will be reimbursed at one hundred percent (100%) of costs; undergraduates making a ***C*** will be reimbursed at eighty percent (80%) but graduate students making a ***C*** receive no reimbursement. When specific grades are not given, successful completion will result in one hundred percent (100%) reimbursement.

Reimbursement will be made only to those who are regular full-time employees at the time payment is due, unless their status has changed due to reduction in force.

Where tuition is covered under benefits from any other sources, qualified employees may participate only in the *time off* feature of the program. Employees must provide their own transportation to and from their courses.

This program may be amended or terminated at any time; however, such amendment or termination will have no effect on courses of study previously approved.

CONDITIONS OF REIMBURSEMENT - When a course is specifically authorized in order to obtain a required professional certification, then the employee must obtain such certification (i.e. take and pass the certification test). Proof of certification must be provided along with proof of successful course completion. If an employee fails to obtain such certification then the course may not be reimbursed; or if it has been reimbursed, the employee is liable for the return of such reimbursement. As a condition of receipt of education reimbursement, employees who participate in this program agree to remain with the County for at least one year after course completion. Should they leave voluntarily or be terminated for cause, the amount of money received during the twelve months prior to separation must be returned to the County. Unless otherwise paid, this money will be deducted from the final paycheck and any balance shall be considered immediately due and payable.

7.11 SERVICE AWARDS

The County values and recognizes employees who devote many years to public service. As a token of this appreciation, the County recognizes employees for every five (5) years of service by presenting them with a certificate of commendation and with a gift certificate worth five dollars for each year of service. Employees are usually recognized during the calendar quarter immediately following each of their five year milestones.

7.12 EMPLOYEE SUGGESTION PROGRAM (SHINE)

All regular full-time and part-time employees are encouraged to submit ideas to the Employee Suggestion Program, SHINE, on ways to improve services, increase efficiency, save money, enhance safety or improve morale. You may submit your ideas individually or as part of a team. Your suggestion may be concerned with an improvement within your activity or entirely outside your present job. If your idea is adopted, you will receive a cash award in proportion to the benefits of the idea. For more information on SHINE, contact the Idea Specialist in your Division or call the Suggestion Office at 534-6034. The SHINE program is managed by the Organization and Employee Development Division.

8.00 LEAVE BENEFITS, POLICIES AND PROCEDURES

The Board of County Commissioners has adopted various policies and procedures to provide employees the benefits of leave time with or without pay. An employee may not take leave without pay in lieu of annual or sick leave when the appropriate leave credits are available. Leave benefits are intended to allow employees to take appropriate time off from work without reducing their normally expected/scheduled weekly wages. Paid leave is not intended for employees to be able to get extra pay beyond their normal expected earnings. For instance, if an employee normally works Monday through Friday (8:00 a.m. – 5:00 p.m.) and the employee schedules Friday off as a vacation day, then they would only be allowed to use five (5) hours of annual leave on Friday to get their normal forty (40) hours pay in the event that they ended up actually working thirty five (35) hours between Monday and Thursday.

8.01 RECORDING LEAVE

The official record of annual and sick leave credits is maintained in the county Human Resources Division. Each work unit shall balance an employee's leave account from the time and attendance reports and pre-audits distributed with each payroll. It shall be the responsibility of the individual work unit to monitor the accuracy of those reports and submit correction slips, when necessary, to the Human Resources Division. Employees receive confirmation of leave totals on each pay check stub or Notification of Deposit. It shall be your responsibility to report any discrepancy in sick or annual leave totals to your immediate supervisor.

Use of annual or sick leave time other than specified herein, may be granted, normally due to unusual circumstances, with written request from the Department/Division Director and with signed approval of the Deputy County Manager or County Manager.

8.02 ANNUAL LEAVE ACCRUAL

Annual leave shall be accrued and credited to an employee's account beginning with the date of employment. However, an employee may not use or be paid for the time accrued until after six (6) months of employment and successful completion of the initial probationary period. Time will be accrued each pay period based on regular hours earned the current pay period.

Regular hours are defined as time worked and any authorized leave paid. Overtime and lost time hours are not included.

REGULAR FULL TIME PERSONNEL

All regular full-time personnel shall accrue annual leave as noted in the following schedule:

SERVICE TIME	BI-WEEKLY	ANNUALLY
From the first pay period		
Through 5th year anniversary	3.70 hrs	12 days
From 6th year through 10th year	4.62 hrs	15 days
From 11th year through 15th year	5.54 hrs	18 days
From 16th year through 20th year	6.46 hrs	21 days
After 20th year anniversary	7.71 hrs	25 days

REGULAR PART TIME PERSONNEL

All regular part-time employees who average working at least twenty (20) hours per week shall accrue annual leave benefits at one half the rates of those accrued by full-time personnel in accordance with years of service.

REGULAR FULL TIME 56 HOUR SCHEDULED PERSONNEL

All regular full-time EMS and Fire personnel on a fifty-six hour (56) weekly schedule shall accrue annual leave as scheduled below:

SERVICE TIME	BI-WEEKLY	ANNUALLY
From the first pay period		
Through 5th year anniversary	5.17 hrs	12 days
From 6th year through 10th year	6.47 hrs	15 days
From 11th year through 15th year	7.76 hrs	18 days
From 16th year through 20th year	9.06 hrs	21 days
After 20th year anniversary	10.78 hrs	25 days

EXAMPLE: The sixth (11th, 16th, 21st) year begins the employee's anniversary date. The percentage of time earned each biweekly period will be based on the percentage of scheduled time paid the current biweekly period. *Regular Hours* is defined as time worked and any authorized leave paid. Overtime and lost time hours are not included. [Example: An employee who works eighty (80) hours one pay period accrues (3.70) hours during that pay period. That same employee has 72 hours worked and 8 hours lost time one pay period. He/she accrues 90% of the normally accrued time or (3.33) hours the current pay period. Payment of holidays, sick and annual leave, military leave, etc., will be considered normal scheduled time paid for accrual purposes. Lost time and overtime will not. All other part time and interim employees shall not be entitled to annual leave benefits.]

Any employee retiring or terminating shall be paid for accrued annual leave at the employee's current hourly rate of pay not to exceed a maximum of two hundred forty (240) hours for regular full-time employees, one hundred twenty (120) hours for regular part-time employees, or three hundred thirty six (336) hours for fifty-six (56) hour personnel. In the event of the death of an active employee the survivors will be paid for the total hours of accrued annual leave.

8.03 USE OF AND PROCEDURES FOR REQUESTING ANNUAL LEAVE

After completion of six (6) months of employment *and* successful completion of the initial probationary period, annual leave may be scheduled upon request of the employee, pending approval of the employee's immediate supervisor. Annual leave is granted at the discretion of the employee's immediate supervisor. While the supervisor will attempt to schedule vacations at the time most desired by the employee, the right to allotment or change of vacation period is reserved by the supervisor. Normally, employees will not be allowed to use annual leave after notice of termination. However, the employee may take annual leave during a notice period with approval of the Department Director or his/her designee.

Annual leave may be used for the following purposes:

1. Vacation Leave
2. Absence to transact personal business which cannot be conducted during off duty hours.
3. Illness when sick leave has been exhausted.

Request for leave forms must be submitted and approved by the employee's immediate supervisor prior to the actual taking of annual leave when leave dates are arranged in advance, and immediately upon return when unexpected annual leave is approved by the supervisor. Violation of this policy could result in unauthorized absence and subsequent loss of pay and /or disciplinary action.

8.04 PERIODS OF NON-ACCRUAL OF ANNUAL LEAVE

Employees on Leave of Absence shall not accrue annual leave during this period. Contracted employees will have allowable county benefits only as identified within their individual employment contract.

8.05 CASH COMPENSATION FOR ANNUAL LEAVE

An employee may request cash compensation for forty (40) hours for a forty hour employee, or fifty six (56) hours for Fire and EMS fifty-six hour personnel - of accrued annual leave once during any year based on available funds, provided:

1. Eighty (80) hours (one hundred twelve hours (112) for fifty-six (56) hour Fire and EMS personnel) is available in the employee's annual leave account.

2. The employee has or will take forty (40) hours (fifty six (56) for fifty-six (56) hour Fire and EMS personnel) within the pay period it is being requested.
3. A balance of forty (40) hours (fifty six (56) for fifty-six (56) hour Fire and EMS personnel) must remain in the employee's annual leave account after payment is made.

NOTE: To be eligible, the year is defined as the payroll year. The Payroll Year does not end on December 31st but rather a payroll year is defined as the year which parallels an employee's W-2 earnings year and ends after the last two week payroll cycle is completed and paid on or about the end of December.

In the event that the County must cancel a vacation leave which has been requested and approved (prior to December 1) but scheduled to be taken during the month of December, the employee will not forfeit their rights under this section, provided that the employee meets all other requirements of this section. Further, the employee will be required to actually take the amount of originally scheduled leave needed to meet the requirements of Section 8.05 by January 31 immediately following the December in which such leave was canceled by the County, and this leave will not count towards leave required to be taken to meet the requirements for cash compensation for the new year.

Compensation will be included in the employee's regular pay check and subject to all required deductions. The request for payment must be received by the Human Resources Division a minimum of two weeks prior to the anticipated time of payment.

8.06 ANNUAL LEAVE CARRY OVER/CONVERSION TO SICK LEAVE CREDIT

Employees may only carry over a maximum of two hundred forty (240) hours (one hundred twenty (120) part-time, three hundred thirty six (336) for fifty-six (56) hour employees) from one payroll year to another. However, in extraordinary situations, like natural or other emergencies where employees cannot reasonably use their credits as intended, the County Manager has the authority to make exceptions based on individual situations. Any hours in excess of two hundred forty (240) (one hundred twenty (120) for regular part-time, three hundred thirty six (336) for fifty-six (56) hour personnel), up to a maximum of forty (40) (twenty (20) for regular part time and fifty six (56) for fifty-six (56) hour Fire and EMS personnel) in an employee's annual leave account through the payroll year, will automatically be transferred to their sick leave account provided they have not previously received cash compensation for forty (40) (twenty (20) for part time, fifty six (56) for fifty-six (56) hour Fire and EMS personnel) hours. Any other hours in excess of two hundred forty (240) (one hundred twenty (120) for regular part-time, three hundred thirty six (336) for fifty-six (56) hour personnel) WILL BE FORFEITED. In the event of the death of an active employee, the survivors will be paid the total hours of accrued annual leave, which is the only exception to paying off more than two hundred forty (240) (one hundred twenty (120) for regular part time, three hundred thirty six (336) for fifty-six (56) hour personnel) hours at time of separation from employment.

Section 8.07.1 SICK LEAVE ACCRUAL

Sick leave shall be accrued from the beginning of employment and may be utilized after three (3) full months of employment. All regular full-time employees shall accrue sick leave at

the rate of 3.70 hours biweekly. Fifty six hour personnel shall accrue sick leave at the rate of 5.17 hours biweekly.

All part-time employees, who work less than forty (40) hours per week, but work a minimum of twenty (20) hours per week, shall accrue sick leave at the rate of 1.85 hours biweekly.

Time is accrued based on regular hours earned the current pay period. See *Annual Leave Accrual* for example. All other part-time and interim employees shall not be entitled to sick leave benefits.

There is no limit on the number of sick leave hours which may be accrued by an employee.

Section 8.07.2 TRANSFER OF ACCRUAL LEAVE BETWEEN AGENCIES

Employees transferring from another State of Florida, City or County Agency may transfer up to two hundred forty (240) hours of accrued unpaid sick leave. If a Polk County agency has a reciprocal agreement with the Board of County Commissioners, they may transfer all unpaid accrued sick leave, vacation leave and Paid Time Off (PTO) providing there is no *Break in Service*. A break in service is defined as no absence of one or more business days from an employer's payroll. To qualify, the employee must report to work at the new agency on the first business day following his/her departure from the former agency. Employees wishing to transfer sick time shall coordinate with the Human Resources Division to determine the beginning date of employment for *Break in Service* determination. The termination date and unpaid time must be verified in writing by the transferring agency to the BoCC Human Resources Division. Transitioning employees will be required to complete three (3) full months of employment before they will be allowed to use any accrued sick leave, however, employees from agencies with reciprocal agreements are exempt from this waiting period. These clarifications apply retroactively to agencies with executed agreements.

8.08 USE AND REQUEST FOR SICK LEAVE

Sick leave may be used only for personal or family illnesses, doctor's appointments or for other related medical needs which prevent you from performing your assigned duties. Each employee shall submit a request for sick leave form to their supervisor for approval either prior to use of sick leave or immediately upon return to duty. When sick leave credits are inadequate to cover absences due to illness, the time off shall be charged to annual leave.

Use of sick leave for any purpose not specified below shall be considered misconduct and shall be grounds for disciplinary action. In other words, an employee is not entitled to take one day a month off just because they have accumulated a sick leave day. Although your supervisor may require a doctor's note at any time prior to authorizing the payment of sick leave, normally you can expect to be required to provide medical documentation after you have used four (4) days in any calendar year, which have not been documented. After you have exceeded the annual limit of absences without medical documentation, you will be subject to disciplinary

action and to denial of further use of sick leave benefits for absences without such medical documentation.

1. Upon retirement from the service of the County, because of disability certified by competent medical authority, an employee shall be entitled to use sick leave benefits accumulated to their account prior to the last day worked. Otherwise, employees are not normally allowed to use sick leave after notice of termination.
2. Personal injury or illness which prevents the employee from performing their assigned duties.
3. Personal medical, dental, or optical consultation or treatment. An employee is expected to report to duty upon completion of medical treatment unless otherwise prescribed by a medical authority.
4. Exposure to a contagious disease when there is reason to believe the disease may be transmitted by the exposed employee to others during the course of their duties.
5. Sick leave may be used for the illness, medical, dental, or optical appointments of the employee's spouse, dependent children, or any other financially dependent individuals. For *other financially dependent individuals*, proof of such financial dependence i.e., IRS tax deductible dependency, legal guardianship, etc., must be provided.

An **EXCEPTION** for use of sick leave to care for non-financially dependent parents of the employee may be considered under the following conditions: With approval by their Department Director, employees may use up to a maximum of eighty (80) hours of their accrued sick leave per calendar year to care for seriously ill parents who are not financially dependent upon the employee. However, this exception is limited to only serious illnesses for which employees qualify and use Family Medical Leave (FMLA), which is medically documented as a necessity.

It is the policy of the Board of County Commissioners to require a physician's release after having sustained an off the job injury; after undergoing surgery; to return from Leave of Absence, or any illness or disability in excess of six (6) weeks, with or without pay. However, a Department/Division Director or supervisor may require a medical release at any time they believe an employee's physical or emotional well-being is jeopardized. The employee's supervisor may at any time require verification of illness or disability from a physician.

8.09 SICK LEAVE SHARING

Employees who have an extended illness and exhaust all sick and annual leave may be eligible for Sick Leave Sharing. Sick leave sharing is not allowed for *intermittent* types of leave. Fellow employees may transfer up to an annual maximum according to the following donation/retention chart:

Number of Hours Employee Can Donate	Number of Hours Donating Employee Must Retain
20 (28 for 56 hour employees)	120 (168 for 56 hour employees)
40 (56 for 56 hour employees)	240 (336 for 56 hour employees)
60 (84 for 56 hour employees)	360 (504 for 56 hour employees)
80 (112 for 56 hour employees)	480 (672) for 56 hour employees)

NOTE: Apply one-half of the appropriate hours above for part-time employees

To be eligible to receive sick leave donations, the employee receiving the donations must have a zero balance in their sick leave and annual leave accounts. Further such employee may not receive more than three hundred sixty (360) total hours [one hundred eighty (180) for part time, five hundred four (504) for fifty-six (56) hour personnel] in any calendar year.

Sick leave sharing forms must be received by the Human Resources Division BEFORE an employee goes into Leave of Absence (LOA) status. Once an employee goes on LOA status, then their accruals cease and no paid leave of any kind can be used. Forms used to transfer Sick Leave credits must be completed and received by the Human Resources Division one week prior to the pay period the employee's time is reported for sick leave sharing use in order for such creditable time to be transferred and paid. All sick leave sharing credits received shall be used to provide full weeks of pay (as available) for the receiving employee until all shared leave credits are exhausted. Partial payments will not be allowed for the purpose of artificially extending insurance benefits. This time is provided for the employee's personal illness only.

Further, the following procedure is to be followed when soliciting shared hours for fellow employees:

1. Hours should first be solicited within the employee's own Division. Such solicitation must first be approved by the Division Director and, if approved, the actual solicitation should be done by the Division Director's designee.

2. If additional hours are needed, then solicitation may be expanded to include the employee's Department. Again, such solicitation must first be approved by the Department Director, and if approved, the actual solicitation should be done by the Department Director's designee.

3. If additional hours are still needed, then solicitation may be expanded to include the entire County. However, such solicitation must first be approved by the Deputy County Manager, and if approved, the actual solicitation should be done by the Deputy County Manager's designee.

**Guidelines for Constitutional Offices: Solicitation of the entire County must be approved by the Deputy County Manager or Designee. Such solicitation must also be approved by the Constitutional Agency or Human Resources Director.

8.10 PERIODS OF NON-ACCRUAL OF SICK LEAVE

Employees on Leave of Absence without pay shall not accrue sick leave during these periods.

8.11 SICK LEAVE REINSTATEMENT AFTER LAYOFF OR MILITARY LEAVE

Sick leave will be adjusted to reflect that percentage of time not previously paid when an employee has returned to County employment within one year after being laid off from county service, or completion and satisfactory reinstatement after extended military leave.

8.12 PAYMENT FOR SICK LEAVE UPON LEAVING COUNTY EMPLOYMENT

An employee hired prior to October 1, 1996 and retiring or who leaves County service shall be paid a percentage of unused accrued sick leave based on the years of service schedule noted below. The sick leave incentive policy is provided only to those employees hired prior to October 1, 1996 and who have a minimum of two (2) years continuous employment with the Board of County Commissioners and a minimum of one hundred sixty (160) hours creditable accrued sick leave. A maximum allowable payment for unused sick leave is based on an employee's hiring date, accordingly:

1. A MAXIMUM OF EIGHT HUNDRED (800) HOURS PAYABLE TO THOSE EMPLOYEES HIRED PRIOR TO JANUARY 1, 1987
2. A MAXIMUM OF FOUR HUNDRED (400) HOURS PAYABLE TO THOSE EMPLOYEES HIRED BETWEEN JANUARY 1, 1987 AND SEPTEMBER 30, 1996.
3. NO HOURS PAYABLE TO THOSE EMPLOYEES HIRED ON OR AFTER OCTOBER 1, 1996.

SICK LEAVE INCENTIVE PAY OUT SCHEDULE

SERVICE TIME	%ALLOWABLE PAYMENT
Beginning with 3 through 5 years	25% of Accrued Leave
Beginning with 6 through 10 years	30% of Accrued Leave
Beginning with 11 through 15 years	35% of Accrued Leave
Beginning with 16 through 20 years	40% of Accrued Leave
Beginning with 21 years	50% of Accrued Leave

EXAMPLE: The sixth (11th, 16th, 21st) year begins with the employee's anniversary date. The percentage payable is based on continuous employment with the Board only.

8.13 OTHER TYPES OF LEAVE

PERSONAL TIME OFF (PTO) LEAVE

After three (3) full months of employment, all regular full-time employees may use twenty four (24) hours [forty (40) Hour Employees] or seventy two (72) Hours [fifty six (56) Hour Employees] per calendar year as Personal Time Off (PTO) - provided they have adequate sick leave hours in their account to cover the PTO time. All regular part-time employees may use twelve (12) Hours of PTO per calendar year. However, if an employee earns extra PTO through the sick leave incentive program, those hours may be added to eligible hours for that particular year. Regular part-time employees must average at least twenty (20) hours per week to qualify. PTO may be used in increments of less than a work day. PTO may be taken the day before or the day after a holiday. However, all PTO must be approved in advance by the employee's immediate supervisor. PTO is granted at the discretion of the employee's immediate supervisor.

PTO hours will be designated and accounted for separately on the Request for Leave Form, but will be deducted from an employee's accrued sick leave account. The use of PTO hours will NOT be considered when evaluating an employee's number of hours used relative to attendance performance. However, employees are responsible for monitoring their use of PTO. Any use of PTO hours in excess of the annual allocation will be a violation of this policy and any excess hours used will be deducted from an employee's vacation leave account or will be charged as lost time if the employee is not qualified for annual leave or their annual leave account is depleted. Employees are encouraged to call the Human Resources Office in advance of using PTO if there is any doubt concerning the number of PTO hours they have available. PTO hours not used the end of the payroll year will be forfeited and may not be carried over to another year.

ADMINISTRATIVE LEAVE

Administrative leave is provided an employee of the County where it is deemed in the interest of the County, or a requirement of a specific position for an individual to attend and/or travel for training, seminars, conventions, or other such business meeting purposes. A supervisor must use the application of sound judgment in deciding if the course, program or training is required and/or in the interest of the County prior to authorizing any administrative leave.

Administrative Leave, not to exceed sixteen (16) hours, may also be provided an employee who is required to maintain specific County and/or State licensing or certification or to sit for approved Board examinations.

Administrative leave must be recommended by the Division Director and approved, in advance of leave, by the Department Director. Travel and other approved expenses may be reimbursable under established County policies identified within this Handbook.

An employee attending a meeting at County expense (i.e. receiving mileage, tuition, registration, etc.) is not allowed to accept any gratuity for participation in that meeting.

JURY DUTY AND WITNESS FEES

An employee who is called for jury duty, or is summoned to appear as a witness on behalf of any town, city, county, state or the federal Government, shall be granted leave with pay upon presentation of the summons. When an employee has been granted leave for court attendance and is excused by proper court authority they shall report back to their official place of duty whenever there is an interruption in jury or witness duty. Failure to do so may cause loss of benefits and/or may subject the employee to disciplinary action. Jury fees, witness fees, and mileage will be retained by the employee.

An employee involved in personal litigation will be required to use annual leave. Leave with pay for court attendance shall not be granted when the employee is the defendant or is engaged in personal litigation.

FUNERAL LEAVE

Leave with pay is provided for the regular full-time and regular part-time employee upon the death of a member of the employee's immediate family. Family for purposes of granting funeral leave is defined as: spouse, parents, children, brothers, sisters, grandparents, grandchildren, sons-in-law, and daughters-in-law of either the employee or the employee's spouse. In the event of the death of a step-parent, step-brother or step-sister, leave must be approved by the appropriate Department Director before funeral leave may be taken. The allowable funeral leave time is a maximum of twenty four (24) hours for regular full-time employees and twelve (12) hours for regular part-time employees. Fifty-six (56) hour personnel are provided thirty three point six (33.60) hours. Leave taken in excess of the allowable funeral leave time may be charged against the employee's sick leave credits.

Leave to attend the funeral of a friend or relative, other than immediate family as specified above, will be charged to accrued annual leave or leave without pay when no annual leave is available.

MILITARY LEAVE

Under authority of Florida Statute 115.07, as revised, employees who are members of reserve or national guard units are eligible to receive paid leave up to seventeen (17) days per calendar year in order to attend active or inactive duty training. A shift of up to twelve (12) hours will be considered one day's leave, while shifts over twelve (12) hours and up to twenty four (24) hours will count as two (2) days leave.

It shall be necessary for an employee to present a copy of personal military orders to the Human Resources Division prior to using military leave in order to receive payment for such leave.

When the time used exceeds seventeen (17) working days in any one (1) calendar year, all future leave may be charged to annual leave or lost time in compliance with the Leave

Restrictions as designated in the Employees' Handbook. Use of annual leave for military obligations will be at the discretion of the employee.

Any employee called to active military service should notify, as soon as possible, his/her division director or department director. In order to facilitate approval of leave of absence, a copy of the employee's military orders should be provided. The first thirty (30) calendar days of active military service shall be paid at one hundred percent (100%) of the employee's normal rate. Following this thirty (30) days, the employee shall be paid the deficit, if any, between their military pay and their regular pay from the County. During the entire time of the employee's military leave, the County will continue to contribute to the Florida Retirement System as well as preserve all seniority rights, efficiency ratings, and promotional status. Employees may also continue their health and life insurance during their leave of absence. The County will continue to pay our share and the employee will be responsible for the remaining portion. If any employee isn't receiving a supplemental check from the County, arrangement should be made through Risk Management to make the premium payments. If an employee chooses to terminate coverage, they can reinstate immediately upon his/her return from active duty.

An employee who leaves County employment to serve in the Armed Forces of the United States and is discharged with an honorable discharge shall be re-employed to the same or an equivalent position provided the employee returns to the position within one (1) year of the date of discharge. There shall be no reduction of compensation, benefits, or seniority as a result of such service.

MATERNITY LEAVE

Maternity leave will be treated the same as other disability leaves of absence for non-work related illnesses or injuries. Maternity is to be defined as a recovery period for the mother after delivery. An employee who becomes pregnant may continue to work until her estimated date of delivery if she is able to perform her regular duties with her physician's approval. A full-time employee who is unable to work full time as a result of her pregnancy may elect to use any accrued sick time or any accrued vacation leave pursuant to County sick and vacation leave policies. Any payment received under this policy will be issued through the payroll system on the regularly scheduled paydays. Also see section 8.15 (Family Medical Leave).

VOLUNTEER SERVICES TO LOCAL SCHOOLS

County employees are encouraged to participate in community service volunteer work when time permits. Each employee may be granted up to thirty six (36) hours of administrative leave per year to participate in volunteer services to local schools, such as tutoring, assisting in career day activities, and helping in after-school homework center programs, and Partners for Excellence programs or equivalents. This policy is in no way to be construed as including participation in political activities, which are regulated pursuant to section 11.01 of the Employee Handbook and the Florida Statutes.

A Request for Leave form must be completed by the employee prior to participation in the Community Service Work Program. Time will be documented as *Administrative Leave* and

approved in advance by the Department or Division Director. Appropriate confirmation from a Polk County School documenting the volunteer work should be included with the leave slip for *Administrative Leave*. No employee-incurred expenses will be reimbursed by the County. Volunteer service and any travel time required are included in the thirty six (36) maximum hours allowed.

8.14 LEAVE OF ABSENCE WITHOUT PAY

Leave of Absence (LOA) without pay may be considered for an employee at any time. The initial Leave of Absence cannot exceed three (3) months. However, when a regular leave of absence is requested following the use of Family Medical Leave Act (FMLA) benefits, the eligible three (3) months of regular LOA will be reduced by the amount of FMLA that was taken as *lost time*. That is, FMLA *lost time* (unpaid leave only) will be deemed to run concurrently with LOA benefits under this policy. For example, if an employee uses twelve (12) weeks of FMLA and four (4) weeks of the FMLA was *lost time*, then the employee may only request a maximum two (2) months [instead of three (3) months] of regular LOA after having used their FMLA benefits. A Leave of Absence may be requested for the following:

1. Leave of Absence due to illness or disability. All annual and sick leave credits must be exhausted prior to beginning leave without pay due to illness or disability of the employee.
2. Leave of Absence for personal reasons: Prior to beginning personal leave without pay, all annual leave and PTO credits must be exhausted.

When all credits are exhausted, an employee will be considered on unofficial leave of absence until such time as an official leave may be approved.

Written request for Leave of Absence must be submitted to the employee's immediate supervisor for processing. Final disposition of the leave request is contingent upon approval of:

A. Immediate supervisor
B. Division Director
C. Department Director (on the advice of the Human Resources Director)

The employee shall be responsible for maintaining weekly contact with their supervisor while they are on the leave of absence and provide information regarding their leave status and probable date of return. Prior to return from leave for reasons of illness or disability, medical certification must be provided. An employee not returning to duty the day following the last day of approved leave shall be terminated.

Every effort shall be made to assure reinstatement at the end of the approved leave of absence. However, this may not always be possible. Employees on leave of absence (official or unofficial) earn no sick or annual leave credits and do not receive holiday pay.

As long as an employee receives a pay check, they will continue to contribute their portion of the insurance premiums through payroll deduction. Once an employee is placed on Leave without pay (official or unofficial), they become responsible for submitting the full premium to the Risk Management Division the first of each month for that month's coverage.

EXTENSION OF LEAVE OF ABSENCE

A Leave of Absence may be extended for a period not to exceed an additional three (3) months upon request of the employee and approval of the supervisor, Department/Division Director, and the Deputy County Manager or the County Manager. The employee shall be responsible for maintaining weekly contact with their supervisor while they are on the leave of absence and provide information regarding their leave status and probable date of return. Prior to return from leave for reasons of illness or disability, medical certification must be provided.

An employee who requests and receives notification that their request for extension of leave is denied shall be terminated unless they report for duty the date following the last day of approved leave. Requests for extension of leave of absence must be submitted and approved prior to the expiration of the initial leave of absence.

8.15 FAMILY MEDICAL LEAVE

Polk County is pleased to comply with the Family Medical Leave Act of 1993 (FMLA), and to extend to qualified employees the opportunity to take full advantage of the provisions of this federal legislation. Those who have been employed by the County for at least twelve months (12) months and have worked at least 1,250 hours during the previous twelve (12) month period are eligible to take leave under the Family Medical Leave Act of 1993. An eligibility year will be a "rolling" twelve month period measured backward from the date an employee uses any FMLA leave. As a covered employee, you are allowed up to twelve (12) weeks of leave per eligibility year for the following reasons:

1. Birth and/or care of employee's child (leave completed within one (1) year of birth).
2. Placement of a child with the employee for adoption or foster care.
3. To care for the employee's spouse, child, or parent with a serious health condition.
4. Because of a serious health condition that makes the employee unable to perform his/her job functions.

NOTE: The term *child* does not include an individual age eighteen (18) or over unless they are *incapable of self-care* because of a mental or physical disability that limits one or more of the *major life activities* as those terms are defined in regulations issued by the Equal Employment Opportunity Commission (EEOC) under the Americans with Disabilities Act (ADA).

When both a husband and wife work for the County, each is entitled to twelve (12) weeks per year for personal illness. However, for birth, adoption, foster placement, or care for a parent or child, the twelve (12) weeks will be shared by the husband and wife as desired, within FMLA

parameters. In no case will one individual be eligible for more than a total of twelve (12) weeks of FMLA leave per qualifying year.

Intermittent leave will not be allowed for childbirth or adoption. However, intermittent leave for serious illness may be taken when properly authorized to be medically necessary. If an employee requests leave based on planned medical treatment - for instance, full or partial days off for chemotherapy - the County may transfer the employee temporarily to an available alternative position with equivalent pay and benefits (for which the employee is qualified) to better accommodate recurring periods of leave.

Unlike regular LOA, when an employee must take unpaid leave under FMLA the County will continue to pay its established share of your health insurance coverage. The employee is responsible to continue to pay their share of insurance to the Risk Management Division on the first of each month. There is a thirty (30) day grace period. However, if an employee does not return to work after an FMLA leave for reasons other than a health condition or some other reason beyond the employee's control, the County may charge the employee retroactively for the portion of the health insurance premiums paid for by the County during the FMLA leave.

Also unlike regular LOA without pay, employees who take leave under FMLA, upon return from this leave, are guaranteed to be restored to their previous position or to be placed in an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment. Employees taking leave under FMLA can't lose any employment benefit accrued before they begin their leave. However, employees are not entitled to accrued seniority or employment benefits during leave or any right, benefit, or job other than that to which they would have been entitled had they not taken leave.

When a qualifying event such as a birth or planned surgery is foreseeable, employees are required to give the county at least thirty (30) days notice, or as much notice as is possible under the circumstances, of their intention to take leave. Employees are expected to make a reasonable effort to schedule any planned medical treatment so as not to unnecessarily disrupt County business.

A serious health condition is defined by the FMLA as a health condition that involves patient care in a hospital, hospice or residential medical care facility, or continuing treatment by a health care provider. If in-patient care is not required, a serious health condition must involve continuing treatment or supervision by a health care provider where the condition is incurable or so serious that if not treated it would likely result in a period of incapacity for more than three days, or the treatment is for pre-natal care. Voluntary or cosmetic treatments which are not medically necessary are excluded unless inpatient hospital care is required. Treatment for substance abuse is also included when inpatient care is required.

When an employee exercises his/her rights and requests leave under FMLA, the County requires a completed *Polk County BOCC Request for Family Medical Leave* form and a special *Certification of Physician or Practitioner* form prior to such leave being granted. It is your responsibility to request these forms from your supervisor in advance. In order to qualify for

leave to tend to a seriously ill spouse, child or parent, a health care provider must certify that third-party care is required or that the employee's presence would be beneficial to the patient.

FMLA leave may consist of either paid or unpaid leave. However, all available and appropriate leave credits must be used concurrent with FMLA until all leave credits are exhausted. Please refer to our sick leave policy which defines qualification for use of that benefit. For example, during maternity leave, sick leave may only be used for time that is *medically necessary* to be out. The rest of the *bonding* time only qualifies for use of annual leave and/or PTO. After all available and appropriate leave is expired, then any remaining FMLA may be used as unpaid leave. If it is established that leave taken by an employee qualifies under the act, then it may be designated as such. Based on information from the employee, every effort will be made to designate qualified leave as FMLA prior to taking such leave. However, although intermittent leave may apply, it will also be County policy to designate any qualifying leave of five (5) consecutive working days or more as FMLA leave. For instance, when an employee is out sick and calls his/her supervisor (as required by current policy), the supervisor will at that time determine FMLA eligibility based on information provided by the employee.

When an employee requests FMLA leave, the employee will be provided with additional information about his/her rights and obligations. Further, other than where specifically excepted by this policy, all other rights and obligations relative to taking sick leave, vacation, and unpaid LOA remain as covered by those respective policies in this handbook. Any employee requiring LOA immediately following FMLA must request and receive approval for such leave PRIOR to the expiration of FMLA leave.

8.16 SICK LEAVE INCENTIVE PROGRAM

Regular employees who use **NO** sick leave during the full payroll year will be credited with an additional:

1. Eight (8) hours (full-time) or four (4) hours (part-time)
2. Twenty four (24) hours for full-time and twelve (12) hours for (part-time fifty-six hour employees) of annual leave to be used during the following year.

That is, those qualifying for the incentive will have an *additional* eight (8) hours [full-time] or four (4) hours [part-time]; [twenty four (24) hours full-time or twelve (12) hours part- time for fifty-six (56) hour employees] credited to their annual leave bank.

8.17 USE OF LEAVE DUE TO DECLARED DISASTERS

In order to help ease the recovery for those employees who experience property damage and other emergency situations due to declared disasters, the following temporary changes to our leave policies will be placed into effect. The County Manager will notify employees relative to the periods of time during which this policy is placed into effect. SPECIAL FORMS will be available for processing any of the following types of requests:

1. **CASH COMPENSATION FOR ANNUAL LEAVE** (Handbook Policy 8.05):

For those employees who experience unexpected financial burdens directly related to declared disasters, the following changes will be made to this policy:

a. There will be no minimum amount of leave required to be in the employee's account to qualify to buy back annual leave during this time.
b. Employees do not have to have used any amount of vacation so far, year to date, to qualify to buy back annual leave during this time.
c. Employees may buy back up to a maximum of two weeks of annual leave instead of only one week during this time. **NOTE**: However, employees who have already bought back one week of annual leave year-to-date will only be eligible to buy back up to one more additional week during this temporary time period.

NOTE: Requests for cash compensation for annual leave under these temporarily revised conditions will be processed through the appropriate Division Director. All requests must be directly related to the declared disaster.

2. **USE AND REQUEST FOR SICK LEAVE** (Handbook Policy 8.08)

For employees who are authorized to take off from work due to emergencies directly related to a declared disaster, the following exceptions will apply:
a. During a time frame designated by the County Manager, employees may use emergency sick leave instead of PTO or annual leave.
b. If you are authorized to be away from work directly due to a declared disaster, and you have no accruals available and will be in *lost time*, then you will be eligible to receive sick leave sharing for this time.

NOTE: Division Directors will be responsible for verifying that the employee's time off was authorized and directly related to such declared disaster, and for approving use of sick leave in lieu of PTO or annual leave. Division Directors will also be responsible for verifying the need and for advertising the need for sick leave sharing within their Division, if the employee qualifies and makes such request.

3. **SICK LEAVE SHARING (Handbook Policy 8.09)**

Relative to 2 (b) above, qualifying employees will be eligible for a maximum of one week [forty (40) hours for forty (40) hour employees or fifty six (56) hours for fifty six (56) hour employees] of sick leave sharing. All other rules for sick leave sharing apply.

9.00 TRAVEL

SUB-SECTION A: IN-COUNTY TRAVEL POLICY

Reimbursement for official mileage incurred by an employee operating his/her personal vehicle on official business is authorized by Chapter 112.061, Florida Statutes. Wages

paid during such travel shall be in conformance with the Fair Labor Standards Act and any specific policies established in the Polk County Employee Handbook. Authorized mileage will be reimbursed at the standard IRS mileage rate.

1. Employees required to travel within the County on official business are encouraged to use County vehicles whenever available as opposed to using their personal vehicles and charging mileage.

2. Mileage reimbursement for use of personal vehicles will only be authorized for official County business. Mileage reimbursement will not be authorized for ordinary travel between home and work before or after regular working hours, except when it is to the County's advantage to have the employee report to a work site which is outside of the city or town where the employee's designated official headquarters (office) is located, as described in #3 below.
3. When it is to the County's advantage to have an employee report to a work site other than the employee's designated home office/headquarters at the beginning or end of regularly scheduled work days then partial mileage reimbursement to/from the non-headquarters work site and home may be authorized per the following criteria:

   A. Each employee who receives mileage for his/her personal vehicle will be required to submit to the Board of County Commissioners a certification of the mileage from the employee's place of residence (hereinafter referred to as home) to the employee's official headquarters (hereinafter referred to as office). For certain employees, outpost office locations of their agency may be designated as that employee's office.

   B. Under this section, an employee may be paid the difference in mileage between his/her *certified home to office mileage* and a greater actual mileage when:
      (1) Traveling from home at the beginning of the regular work day to a work site other than their designated office, or
      (2) At the end of a regular work day when traveling from a work site other than their designated office to home.

      NOTE: If the distance to the first (or last) work site to home is less than the employee's certified home to office mileage NO negative mileage will be charged to the employee.

   C. However, the employee's compensable wages begin when they actually arrive and start working at the first work site at the beginning of the regular work day and compensable wages end when the employee leaves the last work site at the end of the regular work day, regardless of whether the first or last actual work site is the employee's designated office or some other work site, i.e. a client's house or office.

D. EXAMPLE: A case manager lives in Lake Wales and their designated office (headquarters) is in Bartow. The employee's certified home to office mileage is 17 miles. The employee receives authorization from their supervisor to start their regular work day by visiting a client in Haines City, which is 25 miles from their home. By driving the most direct route, the employee drives from his/her home in Lake Wales via US 27 to their client's house in Haines City. Therefore, the employee may be reimbursed 8 miles (25 actual miles minus the 17 certified miles between their home and regular office in Bartow). Even though the employee may have to leave their home a little earlier to get to the client's house for an 8:00 a.m. appointment, the employee's compensable wages do not start until they actually arrive and meet with the client at 8:00 a.m. Also, for clarification, if for example, the employee in this case drives to their office in Bartow after visiting with their first client, then the mileage from Haines City to Bartow would be fully reimbursable because the employee is now *on the clock* and driving for business purposes.

4. The charging of mileage to use a personal vehicle must be pre-approved by the employee's Division Director.

5. Whenever possible, the official in-county mileage chart, as adopted and amended by the Board of County Commissioners, will be used to compute official mileage. Otherwise, odometer readings and times of travel between various points must be used to substantiate official mileage.

6. All travel must be by a usually traveled route. In case an employee travels by indirect route for his/her convenience such difference in mileage shall be borne by the employee.

7. When two or more employees travel together to conduct County business only the employee whose vehicle is used is entitled to mileage reimbursement.

8. Employees who use their personal vehicles for County business must maintain an appropriate and valid driver's license and comply with Florida Financial Responsibility Laws (see Employee Handbook, Section 12.04 - Motor Vehicle Eligibility).

9. Whenever an employee is permitted to drive a County vehicle home (or to the designated parking area nearest to home), compensable time will begin when the employee arrives at his/her office or job site at the beginning of the work day and compensable time will end when the employee leaves the office or work site at the end of the work day. An exception is when employees are actually called out while on official Standby Duty and are permitted to drive a County vehicle (see Employee Handbook Section 6.06).

10. Claims for mileage are to be submitted in writing with a signed declaration that such claim is true and correct as to every material matter. All mileage vouchers should show dates and times of travel, location(s) traveled to and from, and should contain a statement that the travel recorded is accurate and was performed for official purposes. Each voucher will be checked and approved by the employee's Division and/or Department Director. Per Chapter 112.061 F.S., any person who willfully makes or contributes to a fraudulent claim shall be guilty of a misdemeanor of the second degree and shall be civilly liable in the amount of overpayment. Such employee shall also be subject to disciplinary action by the employer, up to and including termination.

11. Claims for mileage are to be submitted for reimbursement at least once per month. Claims submitted more than forty-five (45) days after expenses are incurred may be denied.

SUB-SECTION B: OUT-OF -COUNTY TRAVEL

All out-of-county travel by County employees and officials will be in accordance with Chapter 112.061 F.S. In-state travel must be approved in advance by the Department Director. Out-of-state travel must be approved in advance by the County Manager or his/her designee. The request should include the cost for lodging (which should be the prevailing single rate), except in instances where a room is shared with another person. Giving consideration to the variable cost for lodging, relative to geographic location, the approving authority is to use reasonable judgment and be fiscally responsible when approving the travel request.

Consideration should be given to using hotels where conferences, seminars, and conventions are held, in view of special convention rates and the convenience, compared to comparable rates in nearby accommodations.

Time required for travel for non-exempt employees outside the county on County business may be considered compensable time for payroll purposes.

Employees are encouraged to use a County vehicle for out-of-county travel whenever a vehicle is available. You should call Fleet Management at 534-5660 to reserve a vehicle. If a County vehicle is not available for out-of-county travel and it is necessary for an employee to use their private vehicle to conduct official County business, in or outside Polk County, the employee shall be reimbursed at the approved rate.

The following describes the three classifications of travel, expenses which are reimbursable, and the forms required for travel and travel reimbursement.

1. Class *A* travel is defined as continuous travel of twenty four (24) hours or more requiring time away from the employee's official duty station. This involves attendance at conferences, seminars, conventions or any other meetings which serve a direct and lawful County purpose.

(A) Meals at the standard meal allowance rates under the federal high-low method. On the day of departure and the day of return, prorate the allowance by claiming three quarters (3/4) of the standard meal allowance and rounding to the nearest whole dollar. Meals included in registration must be deducted from the request for reimbursement.

(B) Actual expenses at single rate occupancy rate for lodging, receipt must be submitted with travel voucher.

2. Class *B* travel is defined as continuous travel of less than twenty four (24) hours requiring the employee to be absent from their official duty station. This type travel is seldom used. Meals and lodging are the same as Class *A* travel.

3. Class *C* travel is for time required of the employee to be absent from their official duty station for trips not requiring an overnight absence. NOTE: No meal reimbursement is allowed under Class *C* travel.

4. Reimbursable Expenses:

The following are also considered expenses for all three classifications of travel for which the actual cost will be reimbursed to the employee if documented by receipt:

A. Airline or other commercial or common carrier fees, such as car rentals.
B. Taxi or limousine fares.
C. Telephone calls for official business only.
D. Road tolls.
E. Storage and parking fees.
F. Registration fees. However, any meals or lodging included in this fee will be deducted at the established rate.
G. Mileage at the standard IRS rate when using one's private vehicle. Mileage will be computed from the official duty station or the employee's home, whichever is closer to the destination point. The current Department of Transportation (DOT) map will be used for computing out of county mileage whenever possible. If the point of origin or destination is not on the DOT map, mileage must be substantiated by odometer readings. Odometer readings at the beginning of the trip, at the point of destination, at the beginning of the return trip, and the point of origin are required. Personal use of your vehicle, while at your destination point, is not reimbursable.
H. Vicinity mileage will be paid when an employee, after having reached their original destination, is required to travel within the locality to a second or third location on official business. Odometer readings shall be required to substantiate this travel period.

5. Forms Required for Travel and Travel Reimbursement:

A. Travel request form
This form must be approved for all out of county travel by the employee's Department Director (for in-state travel) or by the County Manager or his/her designee (for out-of-state travel) in advance of the employee leaving the county on official business. An agenda or program schedule must be attached to this form.

B. Travel voucher
Travel vouchers must be completed in their entirety before submitting for reimbursement. All vouchers must be approved by the employee's Department Director, Division Director, or the County Manager. In no case will an employee approve their own travel voucher. Receipts for reimbursement must accompany the travel voucher.

No allowance shall be made for meals when travel is confined to the city or town of the employee's official headquarters or immediate vicinity, except assignments for official business outside the traveler's regular place of employment if travel expenses are approved.

The County Manager will distribute, on an annual basis, a memorandum listing the most current mileage reimbursement rate and the most current meal reimbursement rates in accordance with adopted IRS standard.

10.00 EMPLOYEE'S RESPONSIBILITIES, WORK PLACE POLICIES AND DISCIPLINE

10.01 CONDUCT AND APPEARANCE

As an employee of Polk County you have accepted the responsibility to conduct yourself in a courteous, conscientious and considerate manner at all times. Employees must at all times treat other employees, customers, and the general public respectfully, with dignity, and in a manner so as not to offend their sensibilities. Your attire should be appropriate for your assigned duties. In order to promote a professional public image and in order to promote safety, visible body piercings are prohibited while on duty. An exception to this rule may be normal jewelry worn in the ear which does not constitute a safety hazard. Management reserves the right to use reasonable discretion in determining what is appropriate and what is not appropriate relative to the earring exception. There are positions throughout the County service which require specific uniforms, including hats and special footwear. Hats worn with uniforms must be plain (no emblems, words, etc.) or County issued. You are expected to adhere to these requirements, but should you have any questions please ask your immediate supervisor. Each Department/Division is responsible for determining what is appropriate attire including the proper use of assigned uniforms. Uniforms furnished by the county are not to be worn after regularly scheduled working hours. Employees are expected to take reasonable care of uniforms and will be held responsible for misuse or loss of uniforms due to neglect.

CASUAL DRESS ON FRIDAYS: Except for those employees required to wear uniforms, and except for certain outside meetings or gatherings, employees may wear casual attire on Fridays. Although each Department/Division is responsible for determining what is appropriate attire, the following are the County's basic guidelines:

MEN: Professional office attire (coat and tie) is optional, except when attending meetings or other gatherings outside the work place where such attire would be appropriate. Casual attire appropriate to a professional office setting may be worn. Jeans may be worn if they are a solid color and not form fitting. Pullover shirts with collars (not *T* shirts) may also be worn if they are tucked in at the waist and are otherwise in good taste.
WOMEN: Professional office attire is optional, except when attending meetings or other gatherings outside the work place where such attire would be appropriate. Casual attire appropriate to a professional office setting may be worn. Jeans may be worn if they are a solid color and not form fitting. Slacks may be worn if they are not leggings. Skirt, skort or dress length should be no shorter than just above the knees. Pullover shirts with collars (not *T* shirts) may also be worn if they are tucked in at the waist and are otherwise in good taste.

10.02 WORKING HOURS

As job conditions and responsibilities vary from job to job, your working hours and days off may also vary according to the schedule set by your Department/Division/Unit. The County reserves the right to alter or change established work schedules based on the needs for the Department/Division/Unit at the discretion of the supervisor.

10.03 ATTENDANCE AND PROMPTNESS

An employee is expected to be present for work every day they are scheduled to work. Employees of Polk County are expected to report for work on time and complete their regularly scheduled workday. If an employee is late reporting for work or leaves work early they may expect to be docked for time lost.

If you must be absent or late, it is your responsibility to notify your supervisor before your designated start time. Failure to adhere to these requirements may result in disciplinary action. Tardiness and absenteeism are causes for disciplinary action and could lead to termination.

Employees who fail to report for duty or contact their supervisor for two (2) consecutive work days may be terminated. This shall be considered a voluntary action on the part of the employee and shall be designated in your personnel record as abandonment of your position, and shall not be grounds for an appeal pursuant to the County's appeal process.

10.04 HUMAN RESOURCES RECORDS

A Human Resources e-file is maintained on each employee within the County's Human Resources Division which contains your employment history including salary, advancement, promotions, leave, absences, commendations and reprimands. You need to be aware of the

importance of keeping your Human Resources file current. What goes into this record depends on you. The Human Resources Division should be notified promptly of any changes of address, phone numbers, changes in number of dependents and other relevant personal information. It is your responsibility to notify the Human Resources Division of such matters and be aware that failure to do so could result in loss of benefits to you. Employees are encouraged to review their records annually.

You will want to provide copies of information or documentation of special certifications for training courses completed, diplomas or other personal data to the Human Resources Division so that it becomes a permanent part of your Human Resources file. Such information is valuable when seeking a promotion in the County service. All Human Resources records are a matter of public information.

10.05 PROFESSIONAL LICENSES AND CERTIFICATIONS

For those positions requiring licensing, degrees or special certification, such documents must be submitted to the Human Resources Division at the time of employment. When licensing or certification is renewed, you will be responsible for submitting a copy of renewal to your supervisor for forwarding to the Human Resources Division. Failure to comply with licensing regulations may lead to counseling, disciplinary action up to and including termination.

10.06 USE OF COUNTY PROPERTY

Normally, crafts persons (mechanics, carpenters, etc.) provide certain tools of the trade as a job requirement. However, when deemed appropriate, the County provides employees with equipment, tools, and vehicles to carry out the job assigned to them. If assigned such equipment, it becomes your responsibility to exercise reasonable care in its use to preserve the life of the equipment and to observe all safety precautions. Personal use of vehicles, materials, supplies, tools, or other equipment is not permitted. Violation could result in counseling, discipline up to and including termination, prosecution, or any combination of these.

Upon termination, the employee will be responsible for the return of all County equipment, tools, uniforms, etc., in reasonably good condition, to either the immediate supervisor or the Human Resources Division. The employee's final pay check will be held by the Human Resources Division until this is accomplished.

10.07 USE OF COUNTY VEHICLES

Twenty-four-hour vehicle assignments are based on the following criteria:

1. The employee is on-call for emergencies where failure to respond in an expedient manner will result in a life-threatening situation, serious property damage, or a significant disruption to major services.

2. When it has been determined by the Deputy County Manager that there is a demonstrated

advantage to the County for the employee to have a twenty four (24) hour vehicle assignment.

Employees are not permitted to transport any person other than those engaged in official business in a County vehicle.

Operators of vehicles are not permitted to stop at grocery stores, restaurants, or any such business establishments while en route to the job site, at the beginning of their work shift, or upon completion of their work shift. County vehicles may not be used for the sole purpose of running errands to any such establishment before, during, or after work hours. Operators are permitted to stop at these establishments, if passing such establishments en route from one job site to another at the time designated for a break or lunch period.

In no case, however, will the operator be allowed to remain at such location longer than their 15 minute break period or their designated lunch/rest period.

Operators will not take a county vehicle home or to a restaurant for lunch breaks without specific approval of their Department Director, or under circumstances previously explained.

Emergency vehicles are governed by their respective Standard Operating Procedures and strict adherence is required.

10.08 ELECTRONIC COMMUNICATIONS POLICY

This policy covers the use of County owned personal computers, telephones, cell phones, telefacsimile (FAX) machines, pagers, e-mail, internet service and other like technology. This technology is purchased and intended for County business and not for personal use. However, there are some limited exceptions for personal use as noted in the following sub-categories. Inappropriate use or abuse of County communication systems and devices will subject employees to disciplinary action, up to and including termination

PRIVACY DISCLAIMER:

Because these are County owned technologies intended for business use, employees are hereby notified that the County has the capability, reserves the right to, and will monitor the use of such communications, as needed. Monitoring may include, but is not limited to, identifying and analyzing telephone numbers, time and length of both incoming and outgoing calls, internet sites visited, e-mail content, etc. Please note that e-mails are generally considered part of the public record. Therefore, employees should beware of abusing or misusing County communication devices and services.

PERSONAL TELEPHONE CALLS:

Personal telephone calls should be restricted to break periods. Emergency telephone calls shall be immediately directed to the proper work area. Be sure to inform potential callers of your exact telephone number and extension so that an emergency call may be completed as quickly as

possible. Personal long distance calls shall not be made from County phones without prior approval of the supervisor, then in emergency situations only. In all instances, all personal long distance charges shall be made to your home telephone or to your personal calling card.

FAX MACHINES and COPIERS:

FAX communications are considered to be in the same general category as telephones. However, any personal use of a FAX (or copier) must be pre-approved by your supervisor, and should only be approved for occasional, incidental use. Approved use should also be restricted to break periods, and employees should not incur any long distance charges to the County, nor should employees receive FAX's that consume other than minor amounts of FAX print paper, nor should they use other than very minor amounts of copier paper for personal use.

CELL PHONES:

Cell phones are issued to staff at the request of management with proper justification. The primary use of cell phones is intended for business purposes; however, employees may make personal phone calls and are responsible to reimburse the County for all costs related to personal calls. The County will follow all IRS Reporting Guidelines. **SAFETY ALERT**: Using a mobile or cell phone while your vehicle is in motion presents an unsafe condition. Whenever feasible, therefore, employees are expected to refrain from using mobile or cell phones while their vehicle is in motion. Whenever an employee must use a cell or mobile phone while operating a moving vehicle (such as in emergency situations), extra caution should be observed, especially when dialing.

COMPUTERS:

County owned computers are intended for business use. However, occasional, incidental personal use during break periods or non-business hours is allowed with pre-approval by your supervisor. Unauthorized use of another employee's computer and/or unauthorized access to such employee's computer files is STRICTLY FORBIDDEN, and will subject an offender to strong disciplinary action, up to and including termination. This does not preclude the right of an employee's supervisor (or their specific designee) from accessing an employee's computer and/or files for legitimate business reasons; nor does this preclude management's rights under our Search policy (Handbook section 10.14).

E-MAIL:

As with use of FAX machines, any personal use of e-mail must be occasional, incidental, **PRE**-approved by your supervisor, and done during break periods. However, accessing personal Pop-Mail or Web based Email is strictly forbidden. Additionally, personal e-mail messages sent or received are to be brief, non-offensive in language or content, and may contain no attachments. **VIRUS AWARENESS**: Because viruses are common to Email, users should be careful in opening communications (especially attachments) from sources they do not know. If you suspect you have received an Email containing a virus, do **NOT** open it. Immediately

contact the Information Technology Help Desk for assistance, and notify your supervisor. Again, please note that e-mails are generally considered to be a part of the public record.

INTERNET:

Internet service is intended for business purposes, however, occasional, incidental personal use is allowed during break periods, but only with **PRE**-approval by and with the **full knowledge** of your supervisor. **ALL** usage of the internet must meet professional, ethical and non-offensive standards. For instance, accessing or attempting to access pornographic sites is strictly forbidden and will result in termination of employment. Further "personal use" restrictions/prohibitions include (but are not limited to) downloading files, downloading programs, accessing personal Pop-mail or Web based Email, participating in electronic discussion groups, and posting information to the Web. Also, users are forbidden to transmit any data over the internet that is classified as sensitive, reserved, or otherwise restricted by Florida Statutes or any applicable Federal law. Information Technology Services has implemented software that filters access to the internet. Inappropriate sites identified by the filtering process will be blocked. All internet activity is logged and recorded. Attempts by the end user to circumvent or "test" the filtering process are forbidden. Staffs who require access to a blocked site to perform their duties should contact the IT Help Desk. Upon verification by IT that the blocked site is a valid site to be used for business purposes, IT will enable access to that site. **ALL** connections to the internet will be through IT and the firewall established by them. The Information Technology Director must approve any other methods of connection to the internet, in advance. **VIRUSES**: Because computer viruses are common on the internet, users should be careful when downloading files. IT will work with users to ensure that an appropriate virus protection plan is in place to prevent infection, and to provide assistance in retrieving information needed for Polk County business purposes. If you suspect you have downloaded a virus, immediately contact the IT Help Desk for assistance, and notify your supervisor.

LOST OR STOLEN EQUIPMENT:

It is the responsibility of employees to safe guard all County issued equipment, including cellular phones, radios, pagers, lap top computers, etc. Employees found at fault for lost, stolen or damaged equipment may be responsible for reimbursement to the County. Please note that employees will not be charged for stolen air time (cell phones) if the theft is immediately reported to the Information Technology Services representative at (863) 534-7575.

10.09 CONFIDENTIALITY POLICY (HIPAA)

In the performance of their duties and responsibilities, certain employees may have access to and be involved with discussing confidential medical information. It is the obligation of such employees to maintain confidentiality of this information at all times, both at work and off duty. Any unauthorized disclosure of confidential medical information may result in disciplinary action, up to and including termination, and cause the employee to be subject to legal action for breech of patient confidentiality, pursuant to the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

10.10 DRUG FREE WORK PLACE POLICY

Each employee is to read or have this policy read to them. The policy is to be posted prominently in a location that is most frequented by the employees. This policy is to be reviewed yearly by each employee. Compliance with this policy is a condition of employment.

The Polk County Board of County Commissioners shall make a good faith effort to protect its employees from the dangers of unlawful manufacture, distribution, possession and/or illegal use of drugs in the workplace. The Polk County Board of County Commissioners will take all reasonable steps to ensure that such drug abuse does not occur in the workplace.

This policy strictly prohibits an employee from:

Using illegal drugs or abusing prescription drugs at any time, and

Manufacturing, distributing, dispensing, selling, possessing, or using a non-prescribed substance, illegal drug or alcohol, while at work, or on or in County property and,

Reporting for work or performing work under the influence of a non-prescribed substance, illegal drug, or alcohol and,

Using County property or one's position to facilitate the manufacture, distribution, sale, dispensing, possession or use of illegal drugs, controlled substances or alcohol.

Any employee taking a narcotic or alcohol based prescription drug (or any non-prescription drug) must notify their immediate supervisor if the drug may inhibit the employee's ability to safely discharge their duties. For example, if a prescription drug has a warning not to drive while under its influence, then the County does not want the employee to drive while taking such drug.

Further, employees are required to notify their supervisor within 1 work day of any drug or alcohol related conviction. This requirement includes entry of a plea of guilty, nolo-contendere or no contest (including those which include an order withholding adjudication). Employees must also notify their supervisor within one work day after being charged or indicted with a drug or alcohol related crime. Failure to comply with any aspect of this policy will result in strong disciplinary action, up to and including termination.

If there is reason to suspect that an employee is violating this policy, the supervisor, with the permission of the Department Director, or Division Director, or Human Resources Director or their designees, may require the employee to immediately submit to a search of the employee's personal or County vehicle, work site or workplace, desk, locker, lunch box, brief case, purse, wallet, packages, personal possessions, or other items on premises owned, leased or controlled by the county and all personal and County property to which the employee has in his/her possession or has access to.

Where circumstances warrant, the employee may be required to submit to a search of his/her person by a law enforcement officer or supervisor of the same sex. Refusal to consent to a search requested by a County supervisor is to be considered insubordination and grounds for disciplinary action up to and including termination.

Should a situation occur during hours not considered normal working hours, i.e.: weekends or overtime, and an appropriate Director is not available for consultation, advice or approval, a person designated by the appropriate Director, to make decisions for him/her in his/her absence should be contacted.

A search shall consist of, but not be limited to a search of a personal or County vehicle, work site and workplace and all County and personal property contained thereon, search of the person by same sex supervisor, and any personal items and possessions that the employee has access to.

If the County has reason to believe that an employee is violating this policy or has sustained an injury or caused an accident as result of violation of this policy, the County may require the appropriate drug and/or alcohol screen and/or test. Any drug/alcohol screens/tests that my be deemed necessary, will be authorized by the Department Director, or Division Director, or Human Resources Director or their designee(s).

BEFORE A POSITIVE DRUG TEST

If you are experiencing problems with drugs or alcohol, you are encouraged to contact the Employee Assistance Program. The information will be kept strictly confidential. Our current EAP provider is:

Aetna EAP 1-800-238-6232

see Handbook Section 7.09 for more information*

If you are taking any type of chemical(s) or medication(s), you may be furnished the name of the Medical Review Officer (MRO), upon request. This will allow you to contact the MRO and confer confidentially concerning any type of chemical(s) or medication(s) you are taking, which may affect the drug/alcohol screen/test program. A partial list of some common over-the-counter drugs that may affect test results is attached to this policy. For further information and the name and phone number of our Medical Review Officer, please call the Designated Employer Representative (DER), Charles Fairchild (in Human Resources) at 534-6579, or the alternate DER, Mr. Percy Harden at 534-6587. The names of service providers and designated contact people in the policy are subject to change without necessity of BoCC approval.

If you voluntarily come forward and seek help prior to being required to submit to a drug or alcohol test, no disciplinary action will be taken against you, provided this does not occur more than twice in a ten year period. However, you will be expected to perform your job and report for work unless your treatment program counselor i.e. Substance Abuse Professional

(SAP) requires you to miss work. Enrollment in a treatment program or attending counseling will not grant you a license to violate any County policies, or shield you from disciplinary action for such violations. The County reserves the right under certain circumstances, including, but not limited to safety and security, to reassign you to another position

After you return to work, follow up testing for drugs and/or alcohol will occur (at the employee's expense) on a quarterly, semi-annual or annual basis for a period of up to two years. If you test positive for drugs or alcohol following the completion of the primary phase of your SAP mandated treatment program, you will be terminated and your Unemployment Insurance Benefits (UIB) may be denied. If you do not complete your SAP drug or alcohol treatment program or do not comply with the terms of the SAP treatment program, you will be terminated and your IIB may be denied.

TESTING:

All drug and alcohol testing will conform to the Omnibus Transportation Act (49 CFR part 40) and Part 655 and Florida Statute 440.102 and FR 112.0455, including Department of Health and Human Services (HHS) guidelines. The following are the basic conditions for testing:

PRE-EMPLOYMENT DRUG SCREEN:

After a conditional offer of employment, all BoCC applicants must successfully pass a drug/alcohol screen/test before becoming employed. Anyone failing such drug screen (including any re-test) shall be ineligible for consideration of employment for six (6) months and then only after successful completion of an EAP SAP program.

REASONABLE SUSPICION:

All BOCC employees are subject to drug/alcohol testing based on reasonable suspicion.

Reasonable suspicion or reasonable belief means testing based on a belief that an employee is using or has used drugs in violation of the employer's policy, drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Among other things, such facts and inferences may be based upon:

* Observable phenomena while at work, such as direct observation of drug use or the physical symptoms or manifestations of being under the influence of a drug.
* Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
* A report of drug use provided by a credible source.
* Evidence that an individual has tampered with a drug test during his employment with the current employer.
* Information that an employee has caused, or contributed to, or been involved in an accident while at work.
* Evidence that an employee has used, possessed, sold, solicited, or transferred drugs

while working or while on the employer's premises, or while operating the employer's vehicle, machinery or equipment

WORKERS' COMPENSATION ACCIDENT TESTING

Post-Accident Drug Testing will NOT be required for work place accidents, unless in management's opinion, the facts clearly show that the employee is completely at fault AND there is "reasonable suspicion" (belief of drug/or alcohol use in violation of policy) of drug and/or alcohol use or abuse. Upon "reasonable suspicion: of abuse, management will refer employee to Employee Health Services (Wellness Center) for appropriate testing, and notify the County's Workers' Compensation section.

Therefore, when the County has information that an employee has *caused or contributed to* an accident while at work, this will be considered to be a basis for *reasonable suspicion* drug testing. Therefore, it shall be the policy of the Polk County Board of County Commissioners that whenever an employee is involved in a work place accident **AND** he/she receives medical attention off the immediate work site, then the employee **WILL** be required to submit to drug testing. Refusal to test will be considered to be insubordination and the employee will be subject to termination. **HOWEVER**, testing will not be required **IF**, in management's opinion, the facts clearly show that the employee is completely blameless relative to the accident in question.

RETURN TO DUTY/FOLLOW-UP:

Employees who test positive and are given an opportunity for rehabilitation or employees who voluntarily seek rehabilitation will be subject to a drug screen immediately prior to return to duty, as well as random follow-up testing. Such employees will be subject to up to 6 random tests (at the employee's expense) per year for up to 2 years after returning to the work force. A return to duty contract will be part of the program. Any positive confirmed test result during this period will result in termination.

POST ACCIDENT TESTING

1. VEHICLE ACCIDENTS
   Post accident testing is required only for the following groups of employees and under the following conditions.

   A. COMMERCIAL DRIVER LICENSED (CDL) EMPLOYEES:

      1. If a fatality occurs in the course of performing a safety sensitive job function (includes testing of safety sensitive employees whose actions/performance could have contributed to the accident), or

      2. If the employee receives a citation under State or local law for a moving violation arising from the accident, **AND** if the accident resulted in:

A. Any involved vehicle disabled and has to be towed away from the scene and/or removed from service, or

B. Employee or anyone else involved in the accident requires immediate medical attention away from the site of the accident (at doctor's office, clinic, etc., or

3. Reasonable Suspicion

B. FEDERAL TRANSIT ADMINISTRATION (FTA) COVERED EMPLOYEES:

1. Fatality associated with the accident (includes testing of employees whose actions/performance could have contributed to the accident), or

2. Any involved vehicle disabled and has to be towed away from the scene and/or removed from service (**REGARDLESS** of whether or not cited by law enforcement for the accident), or

3. Employee or anyone else involved in the accident requires immediate medical attention away from the site of the accident (at doctor's office, clinic, etc.) R**EGARDLESS** of whether or not cited by law enforcement for the accident, or

4. Reasonable Suspicion

NOTE: In the above situations, alcohol testing will be performed within 2 hours, but no later than 8 hours. Drug tests must be done within 32 hours. Justification is required if these time limits are exceeded. Employees are required to make themselves available for testing after the accident. However, testing shall not interfere with medical treatment.

2. ALL BOCC EMPLOYEES - NON-VEHICULAR WORK RELATED ACCIDENTS

If the County has a reasonable suspicion that an employee has sustained an injury or caused an accident as a result of being under the influence of any substance covered by this policy, the appropriate drug and/or alcohol screen may be required. The basis for such reasonable suspicion will be documented by the manager who authorizes such testing. Also refer to prior section labeled WORKERS' COMPENSATION ACCIDENT TESTING.

RANDOM TESTING:

EMPLOYEES SUBJECT TO RANDOM TESTING UNDER FEDERAL GUIDELINES:

At this time, only BOCC employees, sub-contractors and volunteers who (under the Omnibus Transportation Act) are defined as safety sensitive, armed guard, or required to have a Commercial Drivers License (CDL) will be subject to random testing under Federal Guidelines 49 CFR Part 40 and Part 655, as amended now or in the future. However, this policy does not eliminate the bargainable rights as provided in the collective bargaining process, if applicable. Currently, BoCC employees subject to random testing under this criteria include: All employees who are required to maintain a commercial drivers license (CDL); safety sensitive employees who work for the Polk County Transit System (drivers and any one who controls the movement of vehicles covered by defined Federal Transit Administration grant funding); Fleet mechanics who work on said FTA covered vehicles; And supervisors who themselves perform safety sensitive functions.

For these employees, random testing will be conducted throughout the year and will be unannounced. Selection for testing will be done by computer generated random selection and covered employees will have an equal chance of being selected EACH time random testing is performed. For CDL employees, at least twenty five percent (25%) of the eligible number of employees will be tested for drugs and ten percent (10%) will be tested for alcohol annually. For FTA employees, at least twenty five percent (25%) of the eligible number of employees will be tested for drugs and ten percent (10%) will be tested for alcohol annually. These percentages and other criteria may change relative to changes in the law and without necessity of BoCC approval. NOTE: Employees who have not performed safety-sensitive functions for ninety (90) days and who have been removed from the random pool, must pass another pre-employment drug test prior to performing safety-sensitive functions again.

EMPLOYEES SUBJECT TO RANDOM TESTING UNDER STATE GUIDELINES:

As safety-sensitive/special risk employees by definition within Florida Statute 440.101, all paid and volunteer Firefighters, EMT's, Paramedics, including their supervisors who also perform safety sensitive work will be subject to random testing. Such testing, through the use of an unbiased selection procedure, will be performed in accordance with drug testing rules adopted by the Agency for Health Care Administration and the Florida Department of Labor and Employment Security. Refusal to test will be considered insubordination and the employee will be subject to termination. However, this policy does not eliminate the bargain able rights as provided in the collective bargaining process, if applicable.

PRE-POSITION TESTING:

Current employees who are offered transfers or promotions into safety sensitive and CDL positions, as described above, will be required to pass a drug screen before being accepted into the positions, if they are not already in a safety sensitive or CDL position.

ALCOHOL RESTRICTIONS (SAFETY SENSITIVE/CDL):

Safety sensitive and CDL employees are prohibited from consuming alcohol within four (4) hours of performing such work; during work time; while on-call; or within eight (8) hours of having an on-the-job vehicle accident (as described above). If test results are between .02 g/dl %

and .039 g/dl% the employee will be suspended from work *without pay* for the remainder of his/her shift. In addition to suspension for the remainder of shift, the employee will be subject to stronger discipline, up to and including termination, if the alcohol levels are equal to or greater than .04 g/dl %.

Certain alcohol based medications may have the same effect as consuming an alcoholic beverage, and may register above the limit when tested by an evidential breath testing device (EBT). Such a condition is a prohibited behavior under our drug and alcohol policy (.02 for safety sensitive employees and .05 for other employees).

Therefore, if you are taking any alcohol based medications, you are obligated to confer with your physician to see if there are any comparable non-alcohol based medications that can be substituted. You are also obligated to notify your supervisor if you must take an alcohol based medication that would put you out of compliance with our policy. A list of some common alcohol based medications is attached to this policy.

DRUGS TO BE TESTED:

The following is a list of drugs to be tested. Employees tested under federal guidelines (safety sensitive and CDL) will be tested using DOT criteria. All other testing will be done under HRS criteria, as follows:

DOT (federal/NIDA)

	Level	Confirmation
Alcohol	.04 g/dl%	.04 g/dl%
Amphetamines	1,000 ng/ml	500 ng/ml
Cannabinoids	50 ng/ml	15 ng/ml
Cocaine	300 ng/ml	150 ng/ml
Phencyclidine	25 ng/ml	25 ng/ml
Opiates	2,000 ng/ml *	2,000 ng/ml

* 25 ng/ml if immunoassay specific for morphine

HRS (state/AHCA)

	Level	Confirmation
Alcohol	.05 g/dl%	.05 g/dl%
Amphetamines	1,000 mcg/1	500 mcg/1
Cannabinoids	50 mcg/1	15 mcg/1
Cocaine	300 mcg/1	150 mcg/1
Phencyclidine	25 mcg/1	25 mcg/1
Opiates	2,000 mcg/1	2,000 mcg/1
Benzodiazepines	300 mcg/1	300 mcg/1
Methaqualone	300 mcg/1	300 mcg/1

DRUG TESTING WILL BE CONDUCTED BY:

Urine is the choice of specimen for the initial and confirmation tests when testing for drugs other than alcohol. Evidential breath test devices (EBTs) will be used for the initial and confirmation test for alcohol, except where medically impractical (airway obstructed, unconscious, etc). When testing is triggered by a work place accident, at no time will testing interfere with or take precedence over medical treatment.

SAFETY SENSITIVE alcohol testing is performed ONLY by use of an EBT (Evidential Breath Testing Device). This test is administered by a Breath Alcohol Technician (BAT). A BAT is an individual who is specifically trained and certified to instruct and assist individuals in the alcohol testing process, and who actually operates the EBT.

NON-SAFETY SENSITIVE employees tested under state (AHCA) guidelines will receive blood drawn alcohol testing.

REFUSAL TO TEST

All employees are expected to submit to drug and alcohol testing when the appropriate circumstances arise (as defined in our policy). Refusal to test will result in disciplinary action up to and including termination. Safety sensitive employees WILL be removed from their positions. Refusal may also result in forfeiture of eligibility of all medical and indemnity benefits relative to an associated work related illness or injury.

REFUSAL can include an INABILITY to provide a specimen or breath sample WITHOUT A VALID MEDICAL EXPLANATION, as well as a verbal or written declaration, obstructive behavior, or UNexcused physical absence, resulting in the inability to conduct the test. Any of the following constitute refusal: failure to appear for a test in the time frame specified by the employer; failure to remain at the testing site until the testing process is completed; failure to provide a urine specimen, saliva, or breath specimen, as applicable, for a required DOT test; failure to provide a sufficient volume of urine, or breath without a valid medical explanation for failure (employee has a maximum of five (5) business days, excluding holidays and weekends, to provide); failure to undergo a medical examination to verify insufficient volume; failure to cooperate with any part of the testing process; failure to permit the observation or monitoring of specimen donation when so required (40.67(1) and 40.69(g)); failure to take a second test required by the employer or collector; a drug test result that is verified by the MRO as adulterated or substituted; and/or failure to sign the certification on Step 2 of the ATF form. However, failure to appear for a pre-employment test does not constitute a technical refusal. The applicant simply will not be hired until and unless they take and pass a drug test.

Please remember, at least the first time an employee tests positive for drugs or alcohol, they will normally be given an opportunity to participate in rehabilitation rather than to be terminated. However, refusal to test will normally result in your immediate termination.

POSITIVE TEST RESULTS

Should the employee be notified of a positive confirmed test result, the employee shall be allowed to submit information to an employer explaining or contesting the result. This shall be done within five (5) working days. An employee's (or applicant's) failure to return the MRO's attempt to notify of a positive by phone within seventy two (72) hours may be considered a *non-contact positive*, which will be treated the same as any other confirmed positive test result.

If the employee's explanation or challenge of the test results is unsatisfactory to the employer, the employer shall, within fifteen days (15) of the receipt of the explanation or challenge, provide the employee with a written explanation as to why the employee's explanation was unsatisfactory. The employee shall also be provided a copy of the confirmation of the positive test result. Disciplinary procedures, up to and including termination shall begin immediately. All medical documentation and correspondence shall be kept confidential by the employer and maintained for at least one year in the Human Resources Division. First violations are subject to termination; however, employees are normally offered probation and EAP for first offenses. Second offenses will result in termination of employment.

If the tests were conducted based on an on-the-job injury, the employee may contest the employer's decision by filing a claim with a Judge of Compensations Claims, pursuant to Florida State Statute 440. If the tests were conducted based on reasonable suspicion or belief, the employee may contest the employer's decision through a court of competent jurisdiction. Should the employee challenge the results of the test, it is the employee's responsibility to notify the laboratory and the sample shall be retained by the laboratory until the case is settled.

All employees (and applicants) who receive a verified positive test for drugs or a breath alcohol concentration of 0.04 or greater or who refuse to test will be referred to a substance abuse professional (SAP) for evaluation regardless of the level of appropriate disciplinary action taken for the offense.

EMPLOYEE PROTECTION

Within seven (7) days after testing based on reasonable suspicion, the employer shall detail in writing, the circumstances which formed the basis of the determination that reasonable suspicion existed. The employee may request and receive a copy of this documentation. The original shall be kept by the employer for at least one year and must be confidential during that time. A specific filing system for the aforementioned confidential documents shall be created and maintained by the Human Resources Division.

Employees who are tested under **FEDERAL (DOT-SAMSA)** guidelines for CDL or FTA safety sensitive workers have **72 HOURS** after notification by the MRO of a confirmed positive test to request a re-test of the original split sample specimen. Employees who are tested under **STATE (HRS-AHCA**) guidelines have **180 DAYS** after written notification of a confirmed positive test to request a re-test of the original split sample specimen. Any request for re-testing shall be performed at the employee's expense, and shall be conducted at a different

laboratory which is DHHS certified (Federal), or AHCA licensed and approved (State), and which is selected by the employee.

The second test must be at equal or greater sensitivity. The laboratory that first conducted the test shall be responsible for the transfer of the specimen to be tested, to the second laboratory, ensuring the integrity and chain of custody.

No employer may discharge, discipline, or refuse to hire, discriminate against, or require rehabilitation of an employee or job applicant on the sole basis of a positive test result that has not been verified by a confirmation test.

No employer shall discharge, discipline or discriminate against an employee solely upon the employee's voluntarily seeking treatment, while under the employment of the employer, for a drug related problem, if the employee has not previously tested positive for drug use, entered an Employee Assistance Program for drug related problems, or entered an alcohol and drug rehabilitation program.

The employer may limit the number of times an employee voluntarily pursues a drug rehabilitation program, which requires absence from work, to no more than twice during a ten year period. Should the employee request a third rehabilitation program, the employer may deny the request due to habitual offense and my terminate the employee should the employee test positive during a screening program.

TESTING PROCEDURES

The County uses only DHHS (U.S. Department of Health and Human Services) certified testing laboratories. These labs initially test for drugs using an immunoassay method (EIA screen). If the initial test results are not negative, then a confirmation test is performed using gas chromatography/mass spectrometry (GC/MS).

The employee to be tested shall have a specimen tested at a test site designated by the Board of County Commissioners. The sample shall be taken, integrity and chain of custody maintained. The sample shall be sent by courier to a NIDA approved laboratory. The laboratory shall return the results via FAX or letter to the Medical Review Officer. The designated laboratory shall provide technical assistance to the Medical Review Officer, the employee or the job applicant for the purpose of interpreting any positive confirmed test results which could have been caused by prescription or non-prescription medication taken by the employee.

It is the responsibility of the job applicant/employee to notify the testing laboratory of any pending civil or administrative actions against the applicant/employee. This will allow the laboratory to comply with maintenance and testing procedures.

EMPLOYEE ASSISTANCE PROGRAM

The Board of County Commissioners has an Employee Assistance Program. Employees may contact the Human Resources Division to receive information as to the types of services available and phone numbers of those services. All phone calls will be treated confidentially.

TRAINING

This policy and program supersedes any previous programs. Upon receipt of this document, a copy of this document will be posted in the most prominent location in the work place. This would normally be a meeting room or break room. Within thirty days (30) of receipt of this program, this policy/program will be read to or read by all employees. Supervisors will take the time to ensure that all employees understand the contents of this program. This will be documented by having each person sign a statement attesting he/she understands and will comply with policy. All new employees will read and attest that they understand and will comply with this program. It is the responsibility of management to ensure that all new employees read and understand this policy. This shall be accomplished within the first two weeks of gaining the new employee.

Training will be conducted on a yearly basis by either reviewing this document or by conducting drug and alcohol awareness programs. The training programs will be documented. Training material shall be requested through the Human Resources Division.

Additional training will be conducted for employees and supervisor subject to the Omnibus Transportation Act. This will include one (1) hour for employees and two (2) hours for supervisors [one (1) hour for alcohol and one (1) hour for drugs, including recognition of signs for reasonable suspicion].

DEFINITIONS

DRUG means alcohol, including distilled spirits, wine, malt beverages and intoxicating liquors, amphetamines, cannabinoids, cocaine, phencyclidine, hallucinogens, methaqualone, opiates, barbiturates, benzodiazepines, synthetic narcotics, designer drugs, or a metabolite of any substance listed herein.

DRUG TEST means any chemical, biological or physical instrumental analysis administered by a laboratory certified by the United States department of Health and Human Services or licensed by the Agency for Health Care Administration for the purpose of determining the presence or absence of a drug or its metabolites.

ILLEGAL SUBSTANCES means any substance which is not legally obtainable or which is legally obtainable but has not been legally obtained.

LEGAL SUBSTANCE means any prescribed substance or over-the-counter medication that has been legally obtained and is being used for the purpose for which it was prescribed or manufactured.

NON-PRESCRIPTION CONTROLLED SUBSTANCE means amphetamines, cannabinoids, cocaine, phencyclidine (PCP), hallucinogens, methaqualone, opiates barbiturates, benzodiazepines, and synthetic narcotics, designer drugs, obtained without prescription.

NON-PRESCRIPTION MEDICATION means a medication that is authorized pursuant to state or federal law for general distribution and use without a prescription in the treatment of human disease, ailments or injuries.

REASONABLE SUSPICION means an articulable belief that an employee possesses or uses drugs or alcohol at the workplace, is intoxicated or impaired by drugs or alcohol, based on specific and particularized facts and reasonable inferences drawn from these facts in light of experience.

THRESHOLD DETECTION LEVEL means the level at which the presence of a drug or alcohol can be reasonably expected to be detected by an initial and confirmatory test performed by a laboratory that meets standards established herein. The threshold detection level indicates the level at which valid conclusion can be drawn that the drug or alcohol is present in the employee's sample.

MEDICAL REVIEW OFFICER (MRO) is a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by our drug testing program. The MRO has knowledge of substance abuse disorders, has appropriate medical training, and is responsible for interpreting and evaluating an individual's confirmed positive test result, together with his/her medical history and any other relevant biomedical information. The MRO is responsible for the integrity of the testing procedures and related issues. The MRO is also responsible for personally contacting any employee who has received a confirmed positive test.

OVER-THE-COUNTER AND PRESCRIPTION DRUGS WHICH COULD ALTER OR AFFECT THE OUTCOME OF A DRUG TEST

Amphetamines
Obetrol, Biphetamine, Desoxyn, Dexedrine, Didrex

Cannabinoids
Marino (Dronabinol, THC)

Cocaine
Cocaine HCI topical solution (Roxanne)

Phencyclidine
Not legal by prescription

Methaqualone
Not legal by prescription

Opiates
Paregoric, Parepectolin, Donnagel PG, Morphine, Tylenol with Codeine, Empirin with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guiatuss AC, Novahistine DH, Novahistine Expectorant, Dilaudid (Hydromorphone), M-S Contin and Roxanol (morphine sulfate), Percodan, Vicodin, etc.

Barbiturates
Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebaral, Butabarbital, Butabital, Phrenilin, Triad, etc.

Benzodiazepines
Ativan, Azene, Clonopin, Dalmane, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxipam, Restoril, Centrax.

Methadone
Dolophine, Methadose.

Propoxyphene
Darvocet, Darvon N, Dolene, etc.

LIST PRESCRIPTION DRUGS TAKEN WITHIN THE PAST 30 DAYS. THIS IS FOR YOUR USE THIS TIME.

_____

_____

MEDICATIONS CONTAINING ALCOHOL COMMONLY STOCKED IN MOST HOSPITALS AND PHARMACIES

Drug	%Alcohol
Actol Expectorant Syrup	12.5
Alertonic	0.45
Alurate Elixir	20.0
Ambenyl Expectorant	05.0
Anahist	00.5
Aromatic Elixir	22.0
Anaspaz-Pb Liquid	15.0
Asbron Elixir	15.0
Atarax Syrup	00.5
Bactrim Suspension	00.3
Tr. Belladonna	67.0
Benadryl Elixir	14.0
Bentyl-Pb Syrup	19.0
Benylin Expectorant	05.0
Brondecon Elixir	20.0
Bronkelixir	19.0
Butibel Elixir	07.0
Calcidrine Syrup	06.0
Cas Evac	18.0
Aromatic Cascara Sagroda	18.0
Carbrital Elixir	18.0
Cerose & Cerose DM expectorant	02.
Cheracol & Cheracol D.	03.0
Choledyl Elixir	20.0
Chlor-Trimeton Syrup	07.0
Cologel Liquid	05.0
Citra Forte Syrup	02.0
Coldene Cough Syrup	15.0
Conar Expectorant	05.0
Coryban D	07.5
Cosanyl DM & Cosanyl Syrup	06.0
Copavin Cmpd Elixir	07.0
Darvon-N Suspension	01.0
Decadron Elixir	05.0
Dexedrine Elixir	10.0
Demazin Syrup	07.5
Dilaudid Cough Syrup	05.0
Elixir Dimetane	03.0
Dimetane Expectorant	03.5
Dimetane Expectorant-D.C.	03.5
Doxinate Liquid	05.0
Dimetapp Elixir	02.3
Dimacol Liquid	4.75
Donnatal Elixir	23.0
Donnagel Suspension	03.8
Donnagel PG Suspension	05.0
Dramamine Liquid	05.0
Feosol Elixir	05.0
Fer-In-Sol Syrup	05.0
Theolixir (Elixir Theophylline)	20.0
Elixophy	20.0
Elixophylline-KL	10.0
Ephedrine Sulfate Syrup U.S.P.	03.0
Ephedrine Sulfate Syrup - Note U.S.P	12.0
Fer-In-Sol Drops	00.2
Geriplex-FS	18.0
Gevabon Liquid	18.0
Kaon Elixir	05.0
Kaochlor	03.8
Iberet Liquid	01.0

Drug	% Alcohol
Isuprel Comp. Elixir	19.0
Syrup Ipecac	02.0
Hydryllin Comp.	05.0
Hycotuss Expectorant & Syrup	10.0
Kay-Ciel Elixir	04.0
Lanoxin Elixir Pediatric	10.0
Liquid Lomotil	15.0
Luffyllin-GG Elixir	17.0
Marax Syrup	05.0
Mediatric Liquid	15.0
Modane Liquid	05.0
Mellaril Concentrate	03.0
Mesopin Elixir	12.5
Minocin Syrup	05.0
Nembutal Elixir	18.0
Novahistine DH	05.0
Nicol Elixir	10.0
Novahistine Expectorant	05.0
Novahistine Elixir	05.0
Novahistine DMX	10.0
Nico-Metrazol Elixir	15.0
Nyquil Cough Syrup	25.0
Mol Iron Liquid	4.75
Organidin Elixir	23.75
Ornacol Liquid	08.0
Tincture Paregoric	45.0
Parapectolin	0.69
Parelixir	18.0
Periactin Syrup	05.0
Pertussin 8 Hour Syrup	09.5
Phenergan Expectorant Plain	07.0
Phenobarbital Elixir	14.0
Phenergan Expectorant w/Codeine	07.0
Phenergan Expectorant V.C.,Plain	07.0
Phenergan Expectorant V.C., w/Codeine	07.0
Phenergan Expectorant Pediatric	07.0
Phenergan Syrup Fortis (25 mg)	01.5
Polaramine Expectorant	07.2
P.B.Z. Expectorant w/Ephedrine	06.0
Propadrine Elixir HCI	16.0
P.B.Z. Expectorant w/Codeine & Ephedrine	06.0
Quibron Elixir	15.0
Robitussin Syrup	03.5
Robitussin A.C. Syrup	03.5
Robitussin PE	01.4
Robitussin D.M. and Robitussin C.F.	01.4
Rondec D.M. Syrup and Drops	00.6
Roniacol Elixir	08.6
Serpasil Elixir	12.0
Tedral Elixir	15.0
Temaril Syrup	05.7
Terpin Hydrate Elixir	42.0
Terpin Hydrate Elixir s/Codeine	42.0
Theo Organidin Elixir	15.0
Triaminic Expectorant	05.0
Triaminic Expectorant D.H.	05.0
Tussend Liquid	05.0
Tussar-2 Syrup	05.0
Tussi-Organidin Expectorant	15.0

Drug	% Alcohol
Tussar S.F. Syrup	12.0
Tuss-Ornade Syrup	07.5
Tylenol Elixir	07.0
Tylenol w/Codeine Elixir	07.0
Tylenol Drops	07.0
Ulo-Syrup	6.65
Valadol Liquid	09.0
Valpin-PB Elixir & Valprin	05.3
Vita Metrazol Elixir	15.0
Vicks Formula 44	10.0
Potassium Chloride Sol. (Standard)	10.0

(a no alcohol solution can be requested)

RECORDS MAINTENANCE

The County shall maintain all records of its alcohol misuse/substance use prevention programs in a secure location with controlled access. Such records are completely confidential. Such records shall be made available for inspection within two (2) business days after a request has been made by an authorized representative of the Federal Highway Administration.

SCHEDULE OF RETENTION:

The records to be retained by the County shall be maintained on the following schedule:

FIVE YEARS:

1. Records of alcohol test results with a finding of .02% or greater
2. Records of verified positive controlled substances test results
3. Documentation of refusals to submit to testing
4. Calibration documentation
5. Employee evaluation and referrals
6. Annual report

TWO YEARS:

1. Records related to the alcohol and controlled substances collection process and training.

ONE YEAR:

1. Records of negative and canceled controlled substances test results (as defined in part 40) and alcohol test results with a concentration between 0.02% and 0.039% shall be maintained for a minimum of one year.

TYPES OF RECORDS TO BE RETAINED:

1. Records related to the collection process:

   A. Collection logbooks, if used;
   B. Documents relating to the random selection process;
   C. Calibration documentation for evidential breath testing devices (EBT);
   D. Documentation of breath alcohol technician (BAT) training;
   E. Documents generated in connection with decisions to administer reasonable suspicion alcohol or controlled substances tests;
   F. Documents generated in connection with decisions on post-accident tests;
   G. Documents verifying existence of a medical explanation of the inability of an employee to provide adequate breath or to provide a urine specimen for testing, and
   H. Consolidated annual calendar year summaries as required

2. Records related to an employee's test results:

   A. The County's copy of the alcohol test form, including the results of the test;
   B. The County's copy of the controlled substances test chain of custody and control form;
   C. Documents sent by the medical review officer (MRO) to the County;
   D. Documents related to the refusal of any employee to submit to an alcohol or controlled substances test and
   E. Documents presented by an employee to dispute the result of an alcohol or controlled substances test administered under this part.

3. Records related to other violations of this part

4. Records related to evaluations:

   A. Records pertaining to a determination by the Employee Assistance Program concerning an employee's need for assistance and
   B. Records concerning an employee's compliance with recommendations of the Employee Assistance Program.

5. Records related to education and training:

   A. Materials on alcohol misuse and controlled substance use awareness, including a copy of the County's policy on alcohol misuse and controlled substance use;
   B. Documentation of compliance with the requirements to provide training on the employer's policy;
   C. Documentation of training provided to supervisors for the purpose of qualifying the supervisors to make a determination concerning the need for alcohol and/or controlled substances testing based on reasonable suspicion and
   D. Certification that any training conducted complies with the requirements for such training.

6. Records related to drug testing:

   A. Agreements with collection site facilities, laboratories, MROs and consortia;
   B. Names and position of officials and their role in the County's alcohol and controlled substances testing programs;
   C. Quarterly laboratory statistical summaries of urinalysis and
   D. The employer's drug testing policy and procedures.

10.11 SEXUAL HARASSMENT POLICY

Sexual harassment is another form of sex discrimination prohibited by Title VII of the Civil Rights Act of 1964, and is thus prohibited by the Polk County Board of County Commissioners. Sexual harassment, as in the case of harassment based on age, race, color, religion, disability, national origin, or marital status, is against the law and will not be tolerated by the Polk County Board of County Commissioners.

Sexual harassment consists of unwelcome sexual advances, request for sexual favors or other verbal or physical acts of a sexual or sex-based nature where (1) submission to the advances is a term or condition of employment, or (2) submission to, or rejection of, the advances is used as the basis for making business decisions, or (3) such conduct interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment.

It is also unlawful and a violation of County policy to retaliate or take reprisal in any way against anyone who has articulated a concern about sexual harassment or discrimination, whether that concern relates to harassment or discrimination against the individual raising the concern or against another individual.

Examples of conduct that would be considered sexual harassment or related retaliation are set forth in the statement of Prohibited Conduct.

Any employee who believes he or she has been the subject of sexual harassment should report the incident immediately to their immediate supervisor, the Equal Opportunity Administrator, or an Assistant County Attorney. Complaints against the Chairman of the Polk County Board of County Commissioners should be immediately reported to the County Attorney. The County Attorney will notify the vice-Chairman of the Board of County Commissioners and retain outside counsel, who will direct an investigation of the complaint. If the complaint is against a County Commissioner, it should be immediately reported to the County Attorney. The County Attorney will notify the Chairman of the Board of County Commissioners and retain outside counsel, who will direct an investigation of the complaint. If the complaint is against the County Manager the employee should report the incident immediately to the County Attorney. The County Attorney will notify the Chairman of the Board of the County Commissioners and retain outside counsel, who will direct an investigation of the complaint. Complaints against the Equal Opportunity Administrator should be immediately reported to the County Manager. Complaints against the County Attorney should be immediately reported to the Equal Opportunity Administrator. The Equal Opportunity Administrator will notify the Chairman of the Board of County Commissioners. The outside counsel may be retained to investigate the complaint. Complaints against Assistant County Attorneys should be immediately reported to the County Attorney.

With the cooperation of the concerned employee, the investigation will be carried out with respect for the confidences and sensitivity of all persons involved. The concerned employee will be afforded protection from retaliation. The results of any investigation of alleged harassment shall be promptly communicated to the employee. Where charges of sexual

harassment are substantiated, appropriate action will be taken. Appropriate action may range from counseling to termination.

Polk County recognizes that false accusations of sexual harassment can have a serious effect on innocent men and women and that absolute guilt or innocence may be difficult to prove. However, individuals determined to have made false accusations of sexual harassment will be subject to appropriate disciplinary action.

Sexual harassment is unlawful and such prohibited conduct exposes not only Polk County, but the individuals involved in such conduct, to liability under the law. Employees at all times shall treat other employees and outside parties, i.e., the public customers, guests, visitors, vendors, etc., respectfully, with dignity, and in a manner so as not to offend their sensibilities. Accordingly, Polk County Board of County Commissioners is committed to vigorously enforcing its Sexual Harassment Policy at all levels within the County.

STATEMENT OF PROHIBITED CONDUCT

The Polk County Board of County Commissioners considers the following conduct to represent some of the types of acts which violate Polk County's Sexual Harassment Policy.

A. Unwanted physical contact of sexual nature, such as:

   l. Intentional physical conduct which is sexual in nature, such as touching, pinching, patting grabbing, brushing against another employee's body, or poking another employee's body.

B. Unwanted sexual advances, propositions, or other sexual comments, such as:

   1. Sexually-oriented gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experience directed at or made in the presence of any employee who indicates or has indicated in any way that such conduct in his or her presence is unwelcome;

   2. Preferential treatment or promise of preferential treatment to an employee for submitting o sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward; and

   3. Subjecting, or threats of subjecting, any employee to unwelcome sexual attention or conduct or intentionally making performance of the employee's job more difficult because of that employee's sex.

C. Sexual harassment or discriminatory displays or publications anywhere in Polk County's work place by employee's such as:

   1. Displaying pictures, posters, calendars, graffiti, objects, promotional materials, reading materials, or other materials that are sexually suggestive, sexually

demeaning or pornographic, or bringing into the work environment or possessing any such material to read, display or view at work.

D. Retaliation for sexual harassment complaints, such as:

1. Disciplining, changing work assignments of, providing inaccurate work information to, or refusing to cooperate or discuss work-related matters with, any employee because that employee has complained about or resisted harassment, discrimination or retaliation;

2. Intentionally pressuring, falsely denying, lying about or otherwise covering up or attempting to cover up conduct such as the described in any item above; and

The above is not to be construed as an all inclusive list of prohibited acts under the Polk County Board of County Commissioners Sexual Harassment Policy.

The Polk County Board of County Commissioners is committed to investigating and eradicating any form of sexual harassment. You are encouraged, if you have any questions, to contact the Equal Opportunity Administrator's Office at 534-6075.

10.12 VIOLENCE IN THE WORKPLACE

DUTY TO WARN OF POTENTIAL THREATS IN THE WORK PLACE:

The County is concerned about its employees' welfare relative to society's ever growing issue of violence in the work place. Therefore, as a safe guard, we have developed a program to help prevent incidents of violence from occurring in our work place, as well as a plan to react effectively in the event that such an incident should ever occur. However, management cannot effectively deal with this problem alone. We feel that every employee has a moral ADUTY TO WARN" management when they become aware of a serious potential threat of violence in our work place. Therefore, we have designated a Confidential Hotline.

CONFIDENTIAL HOTLINE 534-6030 MONDAY-FRIDAY (8:00 am - 5:00 pm)

This is the telephone number for Human Resources, so when someone answers the phone, ask: IS THIS THE THREAT OF VIOLENCE HOTLINE? The operator will direct your call to one of the members of our CONFIDENTIAL Threat of Violence (TOV) Team.

When you call the TOV HOTLINE, you may do so anonymously. However, you will be asked if you wish to identify yourself in the event we need to contact you for clarification of information. Regardless of whether you choose to remain anonymous or not, you will be asked a series of questions designed to help us investigate, evaluate and react in a timely and effective manner.

To help protect yourself and/or the safety of your co-workers and others, we encourage you to use the hotline to report first hand knowledge of direct or indirect threats of physical

violence that could occur in the work place. This includes threats from employees, spouses, the general public or others. The deliberate filing of a false report, however, will be dealt with in an appropriate manner.

What Types of Behavior Can Be Classified as Work Place Violence?

1. Hitting or shoving.
2. Threatening an individual or his/her family, friends, associates or property with harm.
3. The intentional destruction or threat of destruction of County property.
4. Harassing or threatening phone calls.
5. Harassing surveillance or stalking.
6. Any suggestion that violence is planned or forthcoming.
7. Unauthorized possession or inappropriate use of firearms on County premises.

What Should Employees Do If They Experience Threats Or Acts of Violence?

1. Report all threats of violence (both direct and indirect) as soon as possible to your supervisor or, if he or she cannot be reached, any other supervisor (or the TOV Hotline). Be as specific as possible.
2. Report all suspicious individuals or activities to your supervisor as soon as possible.
3. Do not put yourself in peril.
4. If you hear a violent commotion near your work station, do not try to see what is happening or intervene. Call 911 immediately and hide.
5. Cooperate fully with security, law enforcement and medical personnel who respond to a call for help.
6. Let the appropriate County personnel respond to all inquiries from the media about violence on County property so that the County can speak with one voice.
7. If you are qualified, you may provide first aid to injured persons.

10.13 TOBACCO POLICY

The purpose of a smoke/tobacco-free work place is to foster the health and safety of all employees and the public. The Surgeon General's report on involuntary smoking indicates that smoking poses a significant risk to the health of the smoker, can damage sensitive technical equipment, and can be considered a safety hazard. In addition, the report states that involuntary smoking is a cause of disease including lung cancer in healthy non-smokers. Therefore:

1. The use of all tobacco products (both lighted and smokeless) shall be prohibited in any work place or public area within county owned or leased office buildings or facilities. Lighted tobacco products are defined as cigarettes, cigars and pipes. Non-smoking areas shall be posted pursuant to F.S.386.206, Florida Clean Indoor Act.

2. The use of lighted tobacco will be allowed only at designated smoking areas located outside Polk County office buildings or facilities. Designated smoking areas shall be posted pursuant to F.S.386.206, Florida Clean Indoor Air Act.

3. Smoking in common facilities such as rest rooms and drinking fountain areas is not permitted and is in violation of state law.
4. Smoking, or use of smokeless tobacco, in County owned and leased closed cab vehicles shall be prohibited.

10.14 SEARCH OF EMPLOYEE PROPERTY, POSSESSIONS, OR PERSON

The County retains the right, under appropriate circumstances, to conduct searches of employee property or County property utilized by or assigned to employees.

Where the County has reasonable suspicion to believe that:

1. An employee is in possession of an unlawful substance on County premises.
2. An employee has engaged in an unlawful act; or
3. An employee has engaged in an act in violation of County policies; and
4. Has reasonable suspicion to believe that the unlawful substance or evidence of such unlawful act or violation of County policy is contained within employee property on County premises or within County property; the employee may be asked to immediately submit to a search of his/her vehicle, desk, computer, locker, lunch box, brief case, purse, wallet, packages, personal possessions, or other items on premises owned, leased or controlled by the County to which the employee has in his/her possession or has access to. Where circumstances require, employees may be required to submit to a search of his/her person by a law enforcement or security officer of the same sex.

Refusal to agree to a search or an inspection requested by the County is insubordination and constitutes grounds for disciplinary action up to and including termination as deemed by the County to be appropriate.

Any searches conducted under authority of this policy must be coordinated through the Human Resources Division and approved by an appropriate senior manager. In order of priority and availability, the senior manager to approve such action should be: either the employee's Department Director, or Deputy County Manager, or County Manager or the employee's Division Director, or the Human Resources Director or their designee(s) unless circumstances warrant an immediate search to preclude the probable loss of County property. In such cases, the designated approving authority will be notified as expeditiously as possible.

10.15 DISCIPLINARY POLICIES AND PROCEDURES

In order for the Polk County Board of County Commissioners and its administration to practice sound employment practices within its daily operations and services, the following rules and regulations have been identified to govern disciplinary actions.

Disciplinary actions which may be taken are verbal counseling, written counseling, written reprimand, performance improvement probation, involuntary demotion, involuntary transfer, suspension with or without pay, and termination. Any of these actions may be taken at any time depending on the severity of the offense, and after careful consideration of the

frequency of violations, the length and quality of service, and the overall performance of the employee being disciplined. For all disciplinary measures management shall provide written notice to the employee. A copy of the notice shall be placed in the employees Human Resources file at the conclusion of all proceedings, including after the conclusion of pre-disciplinary proceedings if applicable. Normally, in imposing any disciplinary measure, the supervisor, and Division/Department Director shall not consider any prior infractions of the county rules and regulations which occurred more than two years previously. However, prior infractions over two years old may be considered when such infractions are severe, such as, but not limited to, sexual harassment, substance abuse, violent behavior, or significant long term repetitive behavior.

All regular full time and part-time employees, who are not exempt from the Appeal Procedures and who have successfully completed the initial probation period, have the right to a pre-disciplinary conference prior to a suspension without pay, termination, Performance Improvement Probation, or involuntary demotion for disciplinary reasons. However, BEFORE an employee is even presented with a formal, written recommendation for termination, suspension without pay, Performance Improvement Probation, or involuntary demotion, the Department Director (or in the absence of the Department Director, their designated representative) is expected to FIRST meet informally with the affected employee to discuss the issues. After meeting with the employee, if the Department Director (or designated representative) is satisfied that the facts do support the recommended action, then they should sign a prepared Employee Action Form and return it to the supervisor/manager who will then present the formal written recommendation to the employee. If the Department Director (or designated representative) is not satisfied that the facts support the recommendation, then they should investigate further and/or recommend a different course of action, if any action is deemed appropriate after investigation. However, the fact of whether or not the Department Director conducts such preliminary investigation has no bearing on the employee's right to due process.

It is to be noted that the following are only examples for which disciplinary measures may be taken. In addition to violations of any policy in this Employee Handbook, there may be other actions which call for disciplinary measures that are not listed herein.

An employee may be disciplined up to termination for acts of misconduct such as:

1. Productivity or workmanship not up to required standards of work performance.
2. Failure to perform work as assigned or leaving assigned work area during working hours without permission.
3. Refusing to perform assigned work.
4. Insubordination.
5. Absent without permission.
6. Tardiness.
7. Chronic absenteeism and/or tardiness.
8. Misuse or abuse of sick leave.
9. Abusing allotted time for meals and/or break periods.
10. Violating a safety rule or safety practice.
11. Failure to report an accident or personal injury in which an employee was involved while on the job.

12. Failure to maintain required current driver's license or other necessary licensing or certification required to conform to the employee's job classification.
13. Engaging in disorderly or immoral conduct (including, but not limited to, violent, threatening, and/or offensive behavior, or the use of abusive, offensive or profane language) while on duty or while on County property.
14. Sleeping during working hours unless otherwise authorized as in the Fire and EMS Services.
15. Unauthorized posting or removal of any material on bulletin boards of County property.
16. Vending or soliciting, or conducting personal business during working time or in any work areas of the County.
17. Unauthorized distributing of written material during working time or in any work area of the County.
18. Use or possession of another employee's assigned or personal tools or equipment without the employee's consent.
19. Deliberately or carelessly misusing, destroying, damaging or losing any County property or property of any employee, including use of County property for non-work related personal benefit or gain.
20. Falsification of County records; (i.e. employment application, accident reports, work order, purchase order, time and attendance record etc.); or deliberately giving misinformation during any official investigation.
21. Making false claim or misrepresentation in an attempt to receive Workers' Compensation.
22. Theft of any County property or property of an employee.
23. Concerted curtailment or restriction of production or interference with work in or about the County's 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.
24. Being under the influence or possession of alcohol or illegal drugs while on duty. Anytime a supervisor has a reasonable suspicion that an employee is under the influence of alcohol or illegal drugs, they should contact their immediate supervisor or the Human Resources Director or designee, the employee may be required to submit to drug and/or alcohol testing. The supervisor also reserves the right to search an employee's vehicle and personal property located on County property if the supervisor has reasonable suspicion that such employee's property contains illegal drugs or alcohol. Refusal to submit to testing or a search is grounds for disciplinary action, up to, and including termination.
25. Commission of, conviction of, entry of a plea of guilty, nolo-contendere or no contest, or entry of an order withholding adjudication with respect to any felony; or commission of, conviction of, entry of a plea of guilty or nolo-contendere or no contest, or entry of an order withholding adjudication with respect to a misdemeanor having specific relevance to the duties of the employee's job classification.
26. Unauthorized possession of a firearm, ammunition, weapon or other deadly paraphernalia while on County property, in a County vehicle, or while on County

business. The holding of a weapons (gun) permit does not constitute authorization under this policy.

27. Performing any act which would place the County in a position of public disrepute.
28. Refusal to cooperate in any official investigation which is ordered directly by the Board of County Commissioners, the County Manager or by the County Attorney.
29. Willfully failing to follow the chain of command.
30. Failure to wear appropriate attire while on duty.
31. Violating discrimination and harassment policies.
32. Violating the Electronic Communications Policy.
33. Not wearing a seat belt or not wearing the seat belt according to manufacturer's directions.

11.00 CONFLICT OF INTEREST

11.01 POLITICAL ACTIVITIES

Political activities of County employees are regulated by Florida Statute, Section 104.31. By law, no employee shall:

1. Use his or her official authority or influence for the purpose of interfering with an election or a nomination of office or coercing or influencing another person's vote or affecting the result thereof.
2. Directly or indirectly coerce or attempt to coerce, command or advise any other employee to pay, lend, or contribute any part of the employee's salary, or any money, or anything else of value, to any party, committee, organization, agency, or person for political purposes..

Nothing in this section shall be construed to:

1. Prohibit an employee from suggesting to another employee, in a non-coercive manner, that he or she may voluntarily contribute to a fund for political purposes.
2. Prevent a person, other than employees whose positions are subject to the Federal Hatch Act, from becoming a candidate for and actively campaigning for any elective office in this state during the employee's off-duty hours, so long as such activities do not violate the prohibitions set out above.
3. Prevent any person from voting as they choose and from expressing their opinions on all political subjects and candidates, or from participating in any political campaign, during the employee's off-duty hours, so long as such activities do not violate the prohibitions set out above.

Employees are expected to make arrangements to vote during non-working hours. Arrangements for time off may be made with the supervisor if an employee's work schedule prohibits their availability to vote. However, such time off shall be charged to personal annual leave, PTO or may be flexed with the supervisor's prior permission

11.02 SOLICITATION AND ACCEPTANCE OF GIFTS

Employees shall not accept anything of value, including a gift, loan, reward, promise of future employment, favors, or service that:

1. Would cause a reasonably prudent person to be influenced in the discharge of official duties; or
2. Is based upon any understanding that, in the judgment of the employee in carrying out his/her employment responsibilities would be influenced thereby. Florida Statutes, Chapter 112.313 (2).

SOLICITATION

Solicitation interferes with the effective work of County employees. Therefore, the circulation or passing of any petitions, notices or other printed materials among employees, or any political or other solicitation of County employees is prohibited at any County work site during working hours. This prohibition is applicable to County employees and persons not employed by the County. Working hours do not include lunch periods, coffee breaks, or other authorized break periods.

11.03 RELATIVES IN COUNTY EMPLOYMENT

Employment of County employees is governed by the State nepotism law. A father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister may not appoint, employ, promote, advance, or advocate for appointment, employment, promotion, or advancement, any of the above-named relatives.

11.04 OUTSIDE EMPLOYMENT

What an employee does on their off duty hours is usually a matter of personal business; however, before accepting outside employment, an employee is required to obtain written permission from their Division/Department Director. A request must be submitted and approval granted for each outside employment in which an employee wishes to engage. A copy of the standard request form shall be forwarded to the Human Resources Division for inclusion in the employee's Human Resources file.

Careful consideration should be given to assure that an outside job: (a) is not in violation of County policy, or the State conflict of interest laws; (b) will not affect or restrict your availability for work or efficiency in the County job. Essentially, Florida Statute, Chapter 112.313(7) prohibits a public officer or employee from having a relationship or employment that will (either) create a *continuing or frequently recurring* conflict of interest (or) any relationship or employment that would *impede the full and faithful discharge* of public duties. Violation of this policy and/or the law will result in disciplinary action, up to and including termination. Therefore, employees are advised to refer to Part III of Chapter 112 of the Florida Statutes when

in doubt about engaging in employment that may be a possible conflict of interest with their County employment.

12.00 SAFETY

12.01 SAFETY VIOLATIONS

The Board of County Commissioners is committed to the safety of its employees and uses OSHA standards to maintain a safe work environment for all employees. You should become familiar with those sections applicable to you and report any suspected unsafe conditions to your supervisor. Disciplinary actions taken by the supervisor for safety violations, exclusive of vehicle operations, will be subject to review by the County Safety Committee, which may forward recommendations to the appropriate Department Director. Disciplinary actions that may be taken are:

1. Violating a safety rule, such as non-use of protective equipment in a twenty four (24) month period:

First Offense:	Verbal reprimand
Second Offense:	Written reprimand
Third Offense :	Suspension without pay

2. Violating a safety practice which results in personal injury or property damage in a twenty four (24) month period:

First Offense:	Written reprimand
Second Offense:	Suspension without pay
Third Offense:	Termination

It should be noted that any of the above actions may be warranted, not necessarily in the order given, depending upon the severity of the offense.

All county work related accidents will be reviewed by the Safety Officer and in cases where little or no action was taken by the supervisor, but where action is deemed appropriate by the Safety Officer, the matter may be referred to the County Safety Committee, which may make recommendations to the appropriate Department Director.

12.02 SAFE DRIVER PROGRAM

A. Non emergency vehicle operators. Employees required to operate either a County vehicle or their private vehicle as part of their job duties must:

1. Successfully complete a defensive driving course, provided by the County within three (3) months from date of employment.
2. Attend a refresher course in defensive driving every five (5) years.

B. Emergency vehicle operators. An emergency vehicle is defined as an ambulance, fire department vehicle or other Public Safety vehicle that responds to emergencies and is subject to Chapter 316 F.S. All emergency vehicles must be clearly identified with appropriate markings and emblems as determined by the Public Safety Director.

EMS and regular Fire personnel must:

1. Successfully achieve and maintain certification in the required EMS and/or Firefighter driving course. This certification will, as a minimum, meet all State of Florida Standards for Emergency Vehicle Operators Course (EVOC). All emergency vehicle drivers shall complete an EVOC prior to operating a County emergency vehicle. An EVOC is defined as one that meets all provisions of Law, and prepares the driver to safely operate the type vehicle(s) he/she will be assigned to drive. An emergency vehicle driver is defined as any employee that drives a vehicle subject to Chapter 316.2398 F.S. While en route to an emergency, drivers are subject to Chapters 316.74 and 316.75 F.S.
2. Probationary employees must complete six (6) months of supervised driving which must be documented by the supervising authority.
3. Successfully complete an EVOC refresher course every three (3) years.
4. Complete an EVOC refresher course if they have a preventable crash.

C. Volunteer Firefighters must:

1. Complete the same EVOC training requirements as career firefighters. Documentation of training completion must be on file with the Polk County Fire Services Division, as well as in the fire station to which they are assigned. New volunteers must complete these courses before they will be allowed to drive fire vehicles. Volunteer Firefighters shall drive County emergency vehicles at the discretion of the Fire Services Director.
2. Successfully complete a six (6) month probationary period of supervised driving as documented by the volunteer fire chief. If the station has no volunteer Fire Chief, the Polk County Fire Services Division will assign responsible staff for that function. Documentation of completion will be kept on file at both the volunteer station and Polk County Fire Services Division.
3. Complete an EVOC refresher course every three (3) years.
4. Complete an EVOC refresher course after having a preventable crash.

NOTE: BoCC employees that display emergency lights on their personal vehicles must be a member of a volunteer fire department. All provisions of Chapter 316 F.S. apply to anyone responding to fires or other emergencies.

D. Employees operating construction equipment must:

1. Successfully complete a defensive driving course, provided by the County, within three (3) months from the date of employment.
2. Be rated by the supervisor as to their operational skills on each piece of equipment operated. The rating will be in writing and maintained in the office of the employee's work unit.
3. Complete a refresher course in defensive driving as required by OSHA.

(Construction equipment is defined as any equipment used in the construction or repair of any County road or property.)

E. Driving records. Driving records of all employees who drive on a regular daily or weekly basis will be checked annually. If an employee accumulates seven (7) points in twelve (12) months his/her record will be reviewed monthly.

* Each Division is responsible for submitting annual requests for their drivers' licenses to be checked. Requests will be submitted to the County Safety Manager's office at Risk Management.

F. The following is a list of infractions and the actions to be taken for each:

1. Moving violations: six (6) points in twelve (12) months:
   a. Written counseling
2. Moving violations: nine (9) points in twelve (12) months:
   a. Performance Improvement Probation
   b. Complete a defensive driving course.
3. Moving violations: twelve (12) points or more in twelve (12) months:
   a. Removed from driving status (demoted) at least until their drivers' license is restored. Neither a permit to drive *to and from* work nor a license restricted to drive *only at work* will be honored.
   b. Possible termination of employment if a non-driving position is not available in the employee's work unit.
4. One drug/alcohol related driving conviction in three (3) years:

AFTER ARREST/CHARGE:

a. If the employee's job description requires that they maintain a valid driver's license, then he/she must report such arrest/charge to his/her supervisor immediately upon reporting to work following such arrest/charge. Failure to immediately report a DUI arrest/charge will result in strong disciplinary action, up to and including termination.

b. The County does **NOT** recognize such temporary licenses that restrict employees *for business purposes only* or for *employment purposes only*. Therefore, if your regular license is suspended after arrest/charge, then you may NOT drive a County vehicle, NOR may you drive a personal vehicle while on County business.

c. If an employee's job requires a valid driver's license and their license does not meet the criteria of the County to drive at work, then (at management's discretion and depending upon the amount of driving required by the employee's job and the availability of temporary non-driving work in the employee's Department) the employee may have their pay temporarily reduced by 15%, or the employee may be temporarily demoted to a grade and pay commensurate with such non-driving position, or the employee may be suspended without pay pending resolution of their case in a court of law.

AFTER CONVICTION:

a. Employees must notify their supervisor immediately upon reporting to work (or within one working day if on suspension without pay) after being convicted of or pleading nolo-contendere to DUI. Failure to do so will result in strong disciplinary action, up to and including termination.

b. Driving privileges suspended until driver's license "fully" restored by the court. The County does NOT recognize such licenses that restrict employees *for business purposes only* or for *employment purposes only*. Therefore, provided that such position is available within their Department and/or provided that their Department can accommodate the employee not being able to drive in their current position, the employee may have their pay temporarily reduced by fifteen percent (15%), or the employee may be demoted to a grade and pay commensurate with such available non-driving position for which they otherwise qualify. If the employee is demoted, then they must compete for any other job they desire after their license is fully restored and they have completed their EAP obligations. If no non-driving positions are available or the Department cannot otherwise accommodate the employee after conviction, then the employee will be subject to termination.

c. One year performance improvement probation.

d. Mandatory successful completion of Employee Assistance Program (EAP) or Court ordered counseling program.

5. Two drug/alcohol related driving convictions in ten (10) years:

AFTER ARREST/CHARGE:
Same criteria after arrest/charge as after one drug/alcohol related conviction (above).

AFTER CONVICTION:
Termination of employment.

6. Failure to report to the supervisor a driver's license suspension, restriction or revocation when related to moving violations within 1 working day of conviction:
   Termination of employment
7. Suspension of license for financial responsibility will be dealt with on a case by case basis.
8. Suspension or revocation of license for any reason will result in loss of driving privileges and possible demotion (or termination if no appropriate non-driving position is available).

G. The following is a list of *in line of duty* infractions* and the action to be taken for each:

1. One preventable accident in 48 months:
   Written reprimand

2. Two (2) preventable accidents in 48 months:
   a. Six (6) months performance improvement probationary status.
   b. Completion of four (4) hour Defensive Driving Course.

3. Three (3) preventable accidents in forty eight (48) months:
   a. Driving privileges suspended for one (1) year.
   b. Reduction in one pay step. If the employee is at step zero (0) a reduction in pay of three and one half percent (3.5%).
   c. Possible termination if a non-driving position is not available in the employee's work unit.

4. Four (4) preventable accidents in forty eight (48) months:
   Termination of employment.

*Relates to accidents which occur during the performance of the employee's work assignments and on a paid or volunteer status.

A preventable accident is that vehicle accident investigated by the Crash Review Committee and deemed as preventable. A vehicle operator who has a preventable crash will be required to have remedial on-the-road drivers training. This training will be coordinated through the Risk Management Division.

If, while driving a County vehicle, an employee receives a moving or non-moving citation, the employee must report the citation to the Division Director within one (1) working day, from receipt of the citation. Failure to report the citation within the specified time frame will result in a written reprimand.

If no work is available in the employee's work unit for the period of time that driving privileges are suspended the employee may be terminated.

When unusual circumstances warrant, the County Manager or designee may determine alternative actions that may be taken with input from the Department/Division Director and/or supervisor.

12.03 SAFETY INCENTIVE PROGRAM

An integral part of any successful safety program is the ability to earn safety incentives. Rewards for safe behavior motivate employees to work safely on the job. This in turn results in fewer injuries to the employee, other employees, and nearby citizens. Safety incentives can be earned in the following ways:

- Divisions that are able to keep their Workers' Compensation costs within an Expected Loss Level for the calendar year will earn a safety incentive. The exact amount the Division earns is proportionate to the savings realized. Employees within qualifying Divisions earn a portion of those savings.
- Employees of Divisions that earn a safety incentive will also earn eight (8) hours [eleven and two tenths (11.2) hours for fifty six (56) hour employees] of vacation time each year that the Division qualifies. This incentive supercedes the former program that awarded a certain amount of time each month to individual employees. The vacation time will be awarded on or about the same time the safety incentive is awarded.
- Employees may earn incentives or awards for safety suggestions, by recommendations by their Division Directors, or by any action that may have helped prevent harm to employees

12.04 MOTOR VEHICLE ELIGIBILITY

All employees who operate vehicles for county business MUST maintain a valid operator or CDL driver's license (appropriate for the type vehicle driven) and meet all other County conditions for driving. All drivers of COUNTY vehicles must be a County employee or volunteer/auxiliary member of the Public Safety Department and must be eighteen (18) years of age or older. ANY employee who uses their personal vehicle for County business MUST also comply with the Florida Financial Responsibility Laws. Specifically, the employee must, at a minimum, provide auto liability insurance coverage of at least $25,000 per person, $50,000 per accident and $25,000 property damage while driving a personal vehicle on County business. It shall be the employee's responsibility to immediately notify their supervisor if their operators license is suspended, revoked or restricted OR if at any time they do not meet the insurance

coverage required for personal use of their vehicle for County business. Failure to meet these guidelines may result in disciplinary action, up to and including termination.

12.05 REPORTING VEHICLE ACCIDENTS:

When a County vehicle (or a personal vehicle being used on County business) is involved in a crash of any type, the operator shall immediately call the police and Risk Management. This is best accomplished by calling the County Communications Center at 534-0360. The Communications Center is staffed 24/7 and will make the proper notifications.

In the event that the crash occurs outside the County, the operator shall call the local law enforcement agency and make the proper report. Upon return to the County, the operator must immediately report the incident to Risk Management and to the Supervisor having jurisdiction.

Failure to report a crash carries extreme legal consequences. Failure to comply with this directive will result in disciplinary action, up to and including termination. Appropriate action will be taken by the supervisor upon consultation with Risk Management and Personnel.

12.06 COUNTY VEHICLE SPEED POLICY:

All County vehicles will be driven in accordance with Chapter 316 FS. Vehicle operators, with the exception of Fire Services and Emergency Medical Services, will not exceed posted speed limits at any time. Vehicle operators will compensate for weather and other adverse conditions, and adjust speed accordingly. Failure to comply with this directive may result in disciplinary action, up to and including termination.

13.00 EMPLOYEE RIGHTS

13.01 PRE-DISCIPLINARY CONFERENCE

Regular full time and part-time employees, who are not exempt from appeals procedures, and who have successfully completed the initial probationary period, have the right to a pre-disciplinary conference prior to a suspension without pay, termination, performance improvement probation, or an involuntary demotion for disciplinary reasons.

Management will provide the employee with a copy of the county Multi-Purpose Employee Action Form and other supporting documents, statements, or notices related to the proposed action outlining the employee's right to reply. Should the employee request a Pre-Disciplinary Conference, the employee may either remain on the job or be suspended with pay, as determined by the supervisor, until the pre-disciplinary conference is conducted and a final determination is made. No recommended disciplinary action shall be enforced until after a final determination has been made by the Pre-Disciplinary Conference Official.

13.02 PRE-DISCIPLINARY PROCEDURES

Relative to a proper and timely request for a pre-disciplinary conference the following procedure will be followed:

1. Within seven (7) calendar days of receipt of notification of disciplinary action, the employee must request a Pre-Disciplinary Conference, using the Multi-Purpose Employee Action Form, or otherwise in writing. Also, if the employee wishes to be represented by an attorney, then they must advise the Pre-Disciplinary official of their intent to do so within at least twenty four (24) hours of the scheduled conference.
2. The Deputy County Manager (or his/her designated representative) will schedule a conference with the employee to hear his/her side of the story. The Deputy County Manager (or his/her designated representative) will determine what action will be taken and advise the employee within four (4) business days following the Pre-Disciplinary Conference.
3. Once the Deputy County Manager (or his/her designee) reaches a decision, the appropriate paperwork will be forwarded to the Human Resources Division so the recommended actions may be carried through in a timely manner.

If an employee is not satisfied with the results of the Pre-Disciplinary conference, they have the right to an Appeal Hearing before the Employee Relations Council, in accordance with the Appeals Procedures (section 13.03) as outlined within this manual.

13.03 POST DISCIPLINARY APPEALS PROCEDURES:

APPEALS TO THE EMPLOYEE RELATIONS COUNCIL:

If an employee is not satisfied with the results of the Pre-Disciplinary conference, this procedure shall be used in instances where an action results in a Performance Improvement Probation, involuntary demotion, suspension without pay or termination that has been taken affecting the employment of regular full time and regular part time employees, who have completed their initial probation and are not exempt from the appeals procedure.

If desired, the employee shall initiate an appeal by notifying the County Equal Opportunity Administrator that he/she requests a hearing before the Employee Relations Council. Appeal notices must be in writing and addressed to the County Equal Opportunity Administrator within twenty one (21) calendar days of the adverse action. An employee shall not be disciplined in any manner for filing a complaint.

NAME CLEARING HEARING:

Department Directors, Division Directors and other administrative personnel as noted within the County's Wage and Classification plan are exempt from the right of appeal. Employees who are in their initial probationary period are also exempt from the right of appeal. These employees are hired, promoted, suspended and dismissed at the pleasure of the appointing authority and therefore have no right to appeals hearings before the Employee Relations Council.

However, these individuals may have a right to a "Name Clearing Hearing". If requested, a Name Clearing Hearing shall be held in conformance with the law. Generally, an employee may have a right to a Name Clearing Hearing if they are terminated and their dismissal is accompanied by a stigmatizing charge (made public) which might seriously damage the employee's standing and association in the community or which impedes the employee's opportunity for future employment. It should be noted that such Name Clearing Hearing is not intended to address the correctness of the decision to terminate the employee. It is only intended to provide the employee an opportunity to refute any stigmatizing charges and to have such testimony (or written rebuttal) made part of the public record (placed in the employee's Human Resources file along with the original charges).

If desired, an employee may request a Name Clearing Hearing by notifying the County Equal Opportunity Administrator (EOA), in writing, within twenty one (21) calendar days of the adverse action. The request for such hearing shall be signed by the employee or authorized representative and shall state the employee's current telephone number and mailing address at which the EOA should contact him/her regarding hearing information/scheduling matters.

13.04 EMPLOYEE RELATIONS COUNCIL

The Polk County Board of County Commissioners has established an Employee Relations Council for the purpose of hearing discrimination complaints and employee appeals.

The Council is composed of five (5) members appointed by the County Manager or designee for that purpose. Each of the five (5) Council members shall be entitled to one (1) vote. Three (3) members of the five (5) persons Council shall constitute a quorum. A majority rule situation shall apply. Each case shall be judged on its own merit.

13.05 PROCEDURAL RULES FOR APPEALS TO THE EMPLOYEE RELATIONS COUNCIL

These rules should integrate with the existing employees handbook adopted by the BOCC. Specifically, these rules shall apply when an employee has filed an appeal under 13.03 (POST DISCIPLINARY APPEALS PROCEDURE) or 5.06 (DISCRIMINATION, POLICY, COMPLAINTS AND APPEALS) of the handbook. These rules do not apply under the general grievance procedure of 13.06. This procedure shall apply both to disciplinary actions which result in a performance improvement probation, involuntary demotion, suspension without pay, or termination as well as discrimination complaints. Any contradiction between these rules and the employee handbook shall be resolved in favor of section 13.05. These rules shall apply after the pre-disciplinary process has resulted in an action adverse to the employee.

1. A written request for an appeal hearing must be received by the County Equal Opportunity Administrator within twenty one (21) calendar days of either, (1) the date of the final notice of disciplinary action (pre-disciplinary response), or (2) receipt of the County Equal Opportunity Administrator's final investigation report regarding alleged discrimination. The twenty-one (21) day period begins to run

on the day following either (1) or (2) above. The request for an appeal hearing must state clearly and simply the reasons the employee believes said disciplinary action was not justified, or state the specifics of any alleged discrimination, whichever applies. The request for appeal shall be signed by the employee or authorized representative and shall state the telephone and address to which a copy of the notice of hearing and other papers filed in the appeal should be mailed. The Division Director shall be considered the respondent.

2. The County Equal Opportunity Administrator shall investigate discrimination complaints and appeals to gather pertinent data to be presented to the Employee Relations Council. The basis for the appeal shall be the data presented by the County Equal Opportunity Administrator and the Multi-Purpose Employee Action form and any supporting information accompanying the form. If the hearing is for the purpose of considering a disciplinary appeal, the facts contained in the Multi-Purpose Employee Form and the violations identified therein are the only subject matter considered during the appeal hearing. Should the Division/Department Director desire to present different violations than those which appear in the Multi-Purpose Employee Action Form or a different factual basis for finding a violation of County rules, the Employee Relations Council shall remand the appeal back to the Department for further proceeding on the new factual material. Except for the requirement that the employee has had an opportunity to have a pre-disciplinary hearing, the Employee Relations Council shall not consider other aspects of the events surrounding the pre-disciplinary hearing. Nothing contained herein shall prohibit either party from introducing into the proceeding the employee's Human Resources file and the information contained therein, including, but not limited to, prior disciplinary actions and evaluations.

3. The County Equal Opportunity Administrator shall establish a date, time and place for the hearing of each appeal and alleged discrimination, and shall give the Complainant and the Respondent reasonable notice thereof. The hearing date shall be set within twenty one (21) calendar days of receipt of the complaint in the County Equal Opportunity office, unless an extension is agreed upon by both the Complainant and the Respondent.

   The Complainant and Respondent shall have the right to be accompanied, represented and advised by counsel, or be self-represented. The Complainant will be responsible for their attorney fees. Normally, if the Complainant chooses to remain unrepresented by counsel, the Respondent will also waive its right to counsel before the Employee Relations Council. Should the Complainant or Respondent wish to be represented by counsel before the ERC, written notice of such appearance shall be given at least five (5) days prior to the scheduled hearing. Failure to provide such notice will be deemed the Complainant's consent to a continuance of the scheduled hearing or to proceed without counsel.

4. The Complainant shall at all times keep the County Equal Opportunity Administrator informed, in writing, of his current telephone number and mailing address and it shall be the responsibility of the Complainant to inquire of the County Equal Opportunity Administrator bi-weekly as to all scheduling matters. Failure to comply with the foregoing or failure to exercise the right of appeal at the latest date established for the notice of appeal may constitute an abandonment of any further right to appeal the issue.

5. In the interest of efficiency, a stipulation of facts and admissibility of documents should be agreed to by both parties and submitted to the County Equal Opportunity Administrator at least three working days prior to the established hearing date.

   Each party shall submit a list of potential witnesses to the County Equal Opportunity Administrator at least five (5) working days prior to the established hearing date. No party to the proceeding has subpoena power absent order of the circuit court.

6. The County Equal Opportunity Administrator shall review the witness list submitted by the parties and determine which county employee witnesses shall be provided at County expense. The approved witnesses shall be provided at the expense of the county, including overtime cost if necessary. Those witnesses not approved by the County Equal Opportunity Administrator may appear at the hearing by taking annual leave, if necessary. Supervisors of the witnesses who have not been approved by the County Equal Opportunity Administrator but who wish to testify at the hearing may not unreasonably deny the employee/witness's request for leave. If the County Equal Opportunity Administrator declines to provide a witness at the County's expense the ERC may override, by majority vote, this decision and offer the employee/witness to appear at the hearing. Witnesses who appear by order of the ERC shall appear at County expense, including the cost of overtime.

7. The ERC shall consider the testimony of the witnesses, the documentary evidence presented to it, and the prior disciplinary actions taken against the employee. Upon the conclusion of the testimony presented at the hearing, the Employee Relations Council shall within four (4) calendar days submit its finding and recommendation in writing to the County Manager. The ERC may issue a recommendation to sustain, reverse, or alter the discipline or issue a recommendation regarding the alleged discrimination. The recommendation regarding a disciplinary matter may only deal with the alleged violations. The ERC shall not issue recommendations regarding other issues of which it is aware.

8. The County Manager shall, within twenty-one (21) calendar days of receipt of the ERC recommendation, issue a written order which may sustain, reverse, or alter the recommendation of the ERC. The decision of the County Manager is final and binding.

13.06 GRIEVANCE PROCEDURE

An employee may file a grievance if he/she believes there is a condition that is unjust, inequitable, a hindrance to effective operations, or otherwise creates a problem. The County encourages employees to use the Grievance Procedure. Any attempt by anyone to prevent an employee from doing so will not be tolerated and should be reported immediately to the County Equal Opportunity Administrator.

Performance Improvement probation, suspensions, involuntary demotions, and dismissals shall not be considered as grievances, and such actions shall be handled in accordance with the appeals procedure as outlined within this manual.

A grievance must be filed or formally addressed with the employee's direct supervisor within seven (7) calendar days of the alleged incident or action. If a grievance is not resolved at any step in the procedure, the employee must immediately progress to the next step until all options have been exhausted or the grievance is satisfactorily resolved.

The following are steps to be taken in filing a grievance:

1. Employee shall discuss complaint with their immediate supervisor. The supervisor shall have seven (7) calendar days to resolve the problem. If the problem is not resolved, the;
2. Employee shall immediately discuss the complaint with their Division Director. The Division Director shall be given seven (7) calendar days to resolve the problem. If the problem is not resolved, then;
3. A formal written grievance must be presented to the Department Director within seven (7) calendar days of receipt of the Division Director's decision. The Department Director shall have seven (7) calendar days to resolve the problem. If at this point the problem still is unresolved then;

4. Within seven (7) calendar days the employee shall submit their written complaint to the County Manager's office. The County Manager or a designated representative shall contact the employee to discuss the complaint. The complaint shall be investigated and resolved in a timely manner, not to exceed twenty one (21) calendar days from the date of receipt of the complaint in the County Manager's Office. The decision of the County Manager is final and binding.

NOTE: In order to expedite the hiring/promotion process, a grievance concerning a transfer/promotion selection shall initially be filed directly at step four (4) (County Manager's Office). Other than transfer/promotion grievances, a grievance involving a decision made by a designated County authority outside the employee's established chain-of-command should be filed through the County Equal Opportunity Administrator no later than seven (7) calendar days from the date of the alleged adverse action.

The County Equal Opportunity Administrator or his/her representative shall record the date and nature of the complaint and explain the appropriate chain-of-command to be followed by the employee, within the County system, to address the grievance.

14.00 LEAVING COUNTY EMPLOYMENT

14.01 LAY OFF

An employee may be laid off when it becomes necessary by reasons of, but not limited to: Shortage of funds, lack of work, the abolition of job positions or material changes in job duties or organization structure, or for other reasons which are beyond the employer's control. As a guideline, every effort will be made to provide employees with a minimum of thirty (30) calendar days notification prior to lay off. No benefits shall be accrued during the period of lay off.

Employees shall be laid off in the following order:

1. Temporary employees
2. Probationary employees.
3. Regular employees.

Layoffs in each affected position classification shall be made in inverse order, giving primary consideration to an employee's performance record and secondary consideration to seniority and service. The same method shall be used when considering employees for re-employment. Any person who is re-employed in a regular classified position within one (1) year of the effective date of lay off shall be reinstated:

1. With no loss of seniority for accrual of sick, annual leave, etc.
2. At a rate of pay comparable to others in the same job classification with a comparable length of service.
3. With reinstatement of the sick leave hours not paid at the time of termination.
4. With immediate life and health insurance coverage.

Employees re-employed in a regular classified position within one (1) year of the effective date of lay off will receive a new hiring date, even though their accrual date (adjusted to deduct time not worked during actual lay off period) will remain as it was prior to lay off. Such employees will also be subject to serving a *trial period* (as defined section 5.01 third paragraph). Further, such employees will be eligible to use any reinstated sick leave, newly accrued vacation leave, or PTO which has not been used during the current calendar year, immediately upon returning to county employment.

14.02 RESIGNATION

Should it become necessary for you to resign your position with Polk County government, we ask that you submit a letter of resignation to your supervisor at least two (2) weeks prior to the date of your resignation. Your letter of resignation should indicate the last day

of work and your reason for resigning. After notice of termination has been given, employees may not use vacation leave, sick leave or PTO, except for bonafide, documented emergencies, which must be approved by the Department Director. Employees are expected to *work out* their notice. Upon mutual agreement of the employee and supervisor the requested two week resignation notification may be waived and the resignation accepted immediately.

14.03 EXIT INTERVIEW

In our continuing efforts to provide the best possible work environment and the best possible service to our citizens, the County welcomes employee feedback. Therefore, regardless of the circumstances under which you are leaving County employment, you are encouraged to participate in our voluntary exit interview program. An exit interview is eligible paid time that you may coordinate with your appropriate supervisor. Also, for your information, whatever information you wish to share during the exit interview will be treated confidentially to every extent possible. Please call our Employee Relations Office at 534-6579 to arrange an appointment prior to leaving County employment.

14.04 FINAL PAYCHECK

When you leave County employment, your final paycheck will include payment of the actual days worked plus any eligible sick or annual leave time.

Should an employee terminate of his/her own volition or the employee is terminated, the final paycheck will be issued on the next regular pay day. Final checks will be distributed according to the employee's wishes (mailed, picked up at the work unit, or picked up at Human Resources). Final checks will NOT be distributed through direct deposit, however.

Should an employee die, the final check will be made payable to the surviving spouse. In the event of the death of an employee, the designated legal heir(s) will be paid for the total hours of accrued annual leave and any eligible accrued sick leave. If there is no surviving spouse, the final paycheck will be made payable to the surviving child, or children, eighteen years of age or older. If there are no surviving children, the check will be made payable to the surviving mother and/or father. The surviving beneficiary will be required to sign an affidavit in the Human Resources Division stating that they are the surviving relative. The County may require additional documentation from family members, and reserves the right to retain the final paycheck pending resolution of any disbursement issues. If a deceased employee has none of the relatives described above, the County will retain the final paycheck pending a proper court order.

Payment for damaged or lost uniforms, equipment, tools, etc., will be deducted from the employee's final paycheck. Notification of damaged or lost property must be submitted in writing to the Human Resources Division by the supervisor.

14.05 REFERENCES

Because of serious legal consequences that can result from a careless or unfavorable job reference, the County will respond only to written requests for information about current, retired, or terminated employees. All requests must be referred to the Human Resources Division.

No one other than the Human Resources Division will give an opinion or assessment of job performance. Any employee who fails to comply with this policy is subject to discipline up to and including termination.

CONCLUSION

Other special rules for activities unique to certain work groups may be instituted with the approval of the appropriate Division or Department Directors or by the County Manager, or by the Board of County Commissioners, whichever might be appropriate for a given situation. All such rules shall be made available in writing to all employees within that Department or Division. For employees covered by a Collective Bargaining Agreement, certain rules, policies or procedures may differ, according to the language agreed upon. Therefore, employees should refer to the appropriate Collective Bargaining Agreement, if applicable.

All the foregoing statements are to serve as a rule and guide to employees of Polk County. The Board of County Commissioners specifically reserves the right to change and alter these policies at any time. These changes shall be given in writing to all employees.

Approved by the Board in Open Session - September 14, 2005
Effective upon distribution, October, 2005.

NOTE: Several interim revisions have been made since September, 2005, which are all included in this internet edition. Most recent revisions approved and added to this internet edition dated, March 31, 2008.

RECEIPT FOR EMPLOYEE HUMAN RESOURCES HANDBOOK

Date Employee Received: _____

I hereby state that I have been issued a copy of the Polk County Employees' Handbook and I understand it is my responsibility as an employee to read, become familiar with and understand its contents. This also constitutes my acknowledgment and pledge to adhere to the drug free workplace policy.

I have been advised as to what date I will be required to attend County Orientation, if appropriate.

_____
Signature of Employee

_____
Please Print Name

_____
Employee Number

_____
Date