

# WALK-ON #1

Lee County Board Of County Commissioners

Blue Sheet No. 20060101

## Agenda Item Summary

### 1. ACTION REQUESTED/PURPOSE:

Adopt revisions to the following Lee County Policies: 101, 201, 202, 204, 210, 211, 307, 311, 312, 401, 402, 404, 405, 406, 407, 408, 504, 506, 508, 601, 602, 700.

Adoption of the resolution to amend Administrative Code 6-1.

### 2. WHAT ACTION ACCOMPLISHES:

Updates policies that did not meet the needs of the organization and brings unified policies into effect.

### 3. MANAGEMENT RECOMMENDATION:

Adopt revisions.

4. Departmental Category: <b>6</b>		<b>WO #1</b>	5. Meeting Date: <b>05-09-2006</b>	
6. Agenda:		7. Requirement/Purpose: (specify)		8. Request Initiated:
<input checked="" type="checkbox"/> Consent		Statute		Commissioner
<input type="checkbox"/> Administrative		Ordinance		Department <b>Human Resources</b>
<input type="checkbox"/> Appeals		<input checked="" type="checkbox"/> Admin. Code	<b>6-1</b>	Division
<input type="checkbox"/> Public		Other		By: <b>Dinah L. Lewis, Director</b>
<input type="checkbox"/> Walk-On				

### 9. Background:

Ongoing process to update and revise Policies and Procedures Manual.

### 10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
					RK 2/15	2/15/06	2/15/06	2/15/06	

### 11. Commission Action:

- Approved  
 Deferred  
 Denied  
 Other

AFTER DISC.  
to NEXT Mt & P (APPH)  
JL ST COL MGS

RECEIVED BY  
COUNTY ADMIN:  
2/14/06

COUNTY ADMIN  
FORWARDED TO:  
2/14/06

Rec. by Coatty

Date: 2/14/06

Time 4:30

Forwarded To:  
Admin 2/14/06

DHL

**MANAGEMENT & PLANNING COMMITTEE  
AGENDA REQUEST FORM  
COMMISSION DISTRICT #**

**PRESENTED BY:** Dinah L. Lewis  
Human Resources Director

**REQUESTED BY:** Ray Judah  
Commissioner

**TITLE OF ITEM FOR THE AGENDA:** Revisions to the Lee County Policies and Procedures Manual

**1. DESCRIPTION AND OBJECTIVE OF THE ISSUE**

Discuss revisions to the Lee County Policies and Procedures Manual.

**2. PROPOSE POLICY, PROCEDURE OR PLAN OF ACTION**

Back-up materials to be provided under separate cover.

**3. OPTIONS (List Advantages/Disadvantages of Each Option Listed)**

**4. FINANCIAL IMPACTS/FUNDING SOURCE**

**5. STAFF RECOMMENDATIONS, AND JUSTIFICATION FOR RECOMMENDATIONS**

**6. Mandated:** Y N X

**BY WHAT AUTHORITY?**

DEPARTMENT DIRECTOR SIGNATURE

*Dinah L. Lewis*  
4-19-06

COUNTY MANAGER SIGNATURE

*Donald Stuever*

MEETING DATE

5/1/06

TIME REQUIRED


10 minutes



**MEMORANDUM FROM THE  
OFFICE OF THE COUNTY MANAGER**

Date: April 18, 2006

To: Commissioner Ray Judah  
Commissioner Tammy Hall  
Commissioner Robert Janes  
Commissioner Douglas St. Cerny  
Commissioner John Albion

From: William H. Hammond  
Deputy County Manager  


RE: **Policies and Procedures Manual**

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Additional information was requested regarding the proposed changes to the Policies and Procedures (P & P) Manual, last discussed at the Board meeting on February 28, 2006. Following is in response to this request.

1. Pay for Work During Emergencies (Number 504). No change to the provision for regular pay during the first 40 hours of work has been proposed. This is the fairest and most effective way to handle emergency situations, so that essential personnel are available, and non-essential employees are not exposed to dangerous conditions unnecessarily. A survey of pay practices was conducted by Collier County last fall (results attached), which shows a disparity of practices. Lee County is mid-spectrum.
2. Vacation Leave (Number 402). A change to allow for higher vacation accrual as a recruiting tool is proposed, with approval by the County Manager or County Attorney. This change addresses situations where a very experienced candidate with significant vacation accrual is being recruited (especially from another governmental agency). Such authority will allow us to continue to recruit the best. While such an approach will rarely be used, it is very important to have an option.
3. Leave of Absence (Number 404). This change clarifies that Directors may grant a Leave of Absence of up to 12 weeks during a five-year period. This is **in addition** to Family and Medical Leave (up to twelve weeks in any 12-month period), and other standard leaves for military/bereavement/other provided in the P & P Manual. Staff recommends this provision to ensure

consistency and fairness among departments so that employees handling workloads during co-worker absences are not overburdened.

4. Family and Medical Leave (Number 405). Two changes are proposed that require comment. **First**, a change in the usage of paid vacation time during Family and Medical Leave (FML) would require employees to use all accrued sick and vacation leave before going onto unpaid leave. This change was requested by a number of supervisors, who believe that the employee returning after FML will be more reliably at work thereafter. Currently, the Policy allows employees to keep up to 80 hours of accrual vacation leave before using unpaid leave during FML, resulting in continuing non-FML absences once the employee returns. In some cases, employees handling workloads during co-worker absences have become overburdened under current policy.

**Second**, a change is proposed to remove grievance procedures as the mechanism for appeals of position restoration after FML, since FML is a non-disciplinary process. Instead, Human Resources is designated as the department to discuss comparable positions. Staff recommends this change for consistency and efficiency in addressing position restoration concerns.

5. Bereavement and Civic Duty leaves (Number 406). This change clarifies that an employee returning from Bereavement Leave may extend the leave by using accrued vacation time. In situations where the employee has a medical need for additional time away, they may also use their accrued sick leave. There have been some situations, under the current policy, where employees have assumed they are able to automatically use sick time after bereavement leave, such as to extend a family vacation. This change clarifies the circumstances for using vacation and sick time in connection with bereavement leave.

Please contact me if you have questions or need additional information. We hope to schedule this item for a Board meeting very soon. Thank you.

**FPPA Survey of Emergency Pay Policies**  
**November 1, 2005**  
**Mostly Non-bargaining unit**  
**Presented on a Per Day Basis When the Agency is Closed**

<u>Agency</u>	<u>Non exempt</u>	<u>Exempt (some exclude Directors and above)</u>
Alachua	Worked: Did not provide Did not work: Did not provide	Worked: Regular pay plus hours worked in excess or regular schedule paid for at straight time Did not work: Did not provide
Altamonte Springs	Worked: Hours worked paid at 1.5 X Did not work: Regular pay	Worked: Regular pay Did not work: Regular pay
Bartow	Worked: Hours worked paid at 1.5 X Did not work: Regular pay	Worked: Hours worked paid at 1.5 X or received comp time Did not work: Regular pay
Boca Raton	Worked: Regular pay. OT rules apply. Plus pay for hours worked Did not work: Regular pay	Worked: Regular pay. Additional pay at discretion of City Manager. Did not work: Regular pay
Broward County Sheriff	Worked: Regular pay. OT rules apply Did not work: Regular pay	Worked: Regular pay Did not work: Regular pay
Central FL Regional Trans Authority	Worked: Regular pay. OT rules apply Did not work: Regular pay	Worked: Paid at 1 X for all hours worked Did not work: Regular pay.
Cocoa Beach	Worked: Regular pay. OT rules apply. One half of time worked added to PTO banks Did not work: Regular pay	Worked: Regular pay. One half of time worked added to PTO banks Did not work: Regular pay
Coral Gables	Worked: Paid at 1.5 X for hours worked Did not work: ?	Worked: Paid at 1.5 X for hours worked Did not work: ?

Coral Springs  
Worked: Regular pay. OT rules apply.  
Plus up to 8 hours of comp time.  
Did not work: Regular pay

Worked: Regular pay plus up to 8  
hour of comp time  
Did not work: Regular pay.

Charlotte County  
Worked: Regular pay for hours  
regularly scheduled to work. Plus  
regular pay for hours worked. OT rules  
apply.  
Did not work: Regular pay

Worked: Regular pay. Additional base pay on  
an hour-by-hour basis if authorized by the County  
Manager  
Did not work: Regular pay.

Crystal River  
Worked: Regular pay. OT rules apply  
Did not work:??

Worked: Regular pay plus overtime.  
Did not work: ??

Dade City  
Worked: Regular pay; plus regular pay for  
number of hours worked. OT rules apply?  
Did not work: Regular pay

Worked: Regular pay; plus hour per hour  
comp time for hours worked.  
Did not work: Regular pay

Davie  
Paid according to contract

Worked: Regular pay. Plus paid at 1.5 X for  
hours worked in excess of 40 per week  
Did not work: Regular pay

Deland  
Worked: Regular pay. OT rules apply.  
Did not work: Leave without pay or may  
use vacation or comp time

Worked: Regular pay. Plus comp time or pay  
on a hour per hour basis for hours  
worked in excess of regular work week.  
Will be paid only if FEMA reimburses.  
Did not work: Leave without pay or may  
use vacation or comp time

Dunedin  
Worked: Regular pay. OT rules apply  
If work outside normal scheduled hours or  
if called back, pay is at 1.5 X.  
Did not work: Regular pay

Worked: Regular pay. Plus 1 X pay for hours  
worked outside normal scheduled hours  
or for hours worked over 50 per week. May  
choose time off in lieu of pay  
Did not work: Regular pay

Escambia County

Worked: Regular pay. OT rules apply. Additional pay at discretion of County Mgr. Did not work: ?

Worked: Regular pay plus 1 X pay for hours worked over 40 per week. Did not work: ?

Ft Lauderdale

Worked: Regular pay. OT rules apply. Plus credited with 8 hours paid leave time Did not work: Regular pay

Worked: Regular pay plus up to 8 hours of paid leave on an hour for hour basis Did not work: Regular pay

Ft Myers

Worked: Regular pay plus pay at 1.5 X for hours worked. Did not work: Regular pay

Worked: Regular pay Did not work: Regular pay

Ft Walton Beach

Worked: Paid at 1.5 X for hours worked whether or not have worked 40 hours in the week prior to and following full activation. Paid at 2 X for hours worked during a full activation. Did not work: Regular pay for 10 calendar days

Worked: Paid at 1.5 X for hours worked whether or not have worked 40 hours in the week prior to and following full activation. Paid at 2 X for hours worked during a full activation. Did not work: Regular pay for 10 calendar days

Highlands County

Worked: Regular pay. OT rules apply Did not work: Regular pay.

Worked: Regular pay plus pay at 1 X for hours worked in excess of 50 per week Did not work: Regular pay

Hillsborough County

Worked: Regular pay. No additional pay; will receive hour-for-hour additional time off. OT rules apply Did not work: Regular pay for up to 5 days

Worked: Regular pay. No OT or comp time Did not work: Regular pay for up to 5 days

Homestead

Worked: Paid at 1.5 X for each hour worked Did not work: ?

Worked: Paid at 1.5 X for each hour worked Did not work: ?

Jupiter

Worked: Paid at 1.5 X for all hours worked regardless of whether or not they have worked 40 hours. Did not work: Regular pay

Worked: Regular pay plus accurate 1 hr leave for each hr worked. Did not work: Regular pay

Keys Energy	<p>Worked: "Holiday" (regular) pay plus 1.5 X for all hours worked.</p> <p>Did not work: "Holiday" (regular) pay</p>	<p>Worked: "Holiday" (regular) pay plus hour per hour comp time for all hours worked in excess of 2 per day.</p> <p>Did not work: "Holiday" (regular) pay</p>
Lake County	<p>Worked: Paid 2 X for all hours worked and for all hours worked outside normal work hours or 5 days whichever is less.</p> <p>Did not work: Regular pay up to 5 days</p>	<p>Worked: Regular pay plus pay for all hours worked outside normal work hours or 5 days whichever is less.</p> <p>Did not work: Regular pay up to 5 days</p>
Lakeland	<p>Worked: Bargaining unit?</p> <p>Did not work: Bargaining unit?</p>	<p>Worked: Regular pay plus at the City Mgr's discretion 1 X for hours in excess of normal workday or comp time on an hour per hour basis</p> <p>Did not work: Unpaid leave or annual leave</p>
Lake Mary	<p>Worked: Paid for early release hour to complete their work day plus pay for the actual hours worked including rest periods. OT rules apply</p> <p>Did not work: ?</p>	<p>Worked: Regular pay</p> <p>Add'l comp as determined by City Manager</p> <p>Did not work: ?</p>
Lee County	<p>Worked: Regular pay. OT rules apply.</p> <p>Did not work: Regular pay.</p>	<p>Worked: Regular pay. Plus are paid for hrs worked in excess of 40 hours</p> <p>Did not work: Regular pay.</p>
Manatee County	<p>Worked: Hours worked are paid at 2.5 X or accrued as comp time at 1.5 X regardless of # hrs worked in week</p> <p>Did not work: Regular pay.</p>	<p>Worked: Hours worked are paid at 2.5 X or accrued as comp time at 1.5 X regardless of # hrs worked in week</p> <p>Did not work: Regular pay.</p>
Marion County	<p>Worked: All hours worked paid at 1.5 X.</p> <p>Did not work: Regular pay.</p>	<p>Worked: Regular pay. Additional pay at discretion of County Manager.</p> <p>Did not work: Regular pay.</p>
Martin County	<p>Worked: Regular pay. OT rules apply.</p> <p>Did not work: Regular pay.</p>	<p>Worked: Regular pay plus OT for hours in excess of 40 per week.</p>



Did not work: Regular pay.

Miami

Worked: Regular pay. OT rules apply  
Plus 1/4 hr comp time for each hr worked  
Did not work: Regular pay

Worked: Regular pay. Plus 1/4 hour comp  
time for each regularly scheduled hour  
worked and one hour per each hour  
worked in excess of regular schedule  
Did not work: Regular pay

Miramar

Worked: All hours worked paid at 1.5 X  
Did not work: Regular pay

Worked: Regular pay plus accrue comp  
time  
Did not work: Regular pay

North Miami

Worked: Regular pay. OT rules apply.  
Plus hour per hour vacation credits up  
to a maximum of 8 per day.  
Paid for all time including rest and meal  
periods.  
Did not work: Regular pay (admin leave)

Worked: Regular pay plus hour per hour  
vacation credits up to a maximum of 8 per  
day. Paid for all time including rest  
and meal periods  
Did not work: Regular pay (admin leave)

Ocala

Worked: All hours worked paid at OT rate.  
Did not work: Regular pay

Worked: All hours worked paid at OT rate.  
Did not work: Regular pay

Okaloosa County

Worked: Paid at 2 X for hours worked  
regardless if work 40 hours per week.  
Did not work: Regular pay

Worked: Paid at 2 X for hours worked  
regardless if work 40 hours per week.  
Did not work: Regular pay

Orlando

Worked: Regular pay. OT rules apply  
Did not work: Regular pay.

Worked: Regular pay. If work more than  
50 hours per week, get a comp day.  
Did not work: Regular pay

Palm Beach County  
Solid Waste Auth.

Worked: Regular pay plus 1.5 X for all  
hours worked. OT rules apply.  
Did not work: Regular pay

Worked: Regular pay plus hour for hour  
comp time for actual hours worked.  
At mgmt discretion may instead receive  
straight time pay in addition to regular pay.  
Did not work: Regular pay

Palm Beach Sheriff      Worked: Regular pay. OT rules apply  
Did not work: Regular pay

Worked: Regular pay. Additional pay at the discretion of the Sheriff  
Did not work: Regular pay

Parkland      Worked: Regular pay. OT rules apply.  
Did not work: Regular pay

Worked: Regular pay plus comp time  
Did not work: Regular pay.

Pinellas County      Worked: Paid at OT rate for hours worked.  
If work less than normal number of hours paid for those unworked hours as well.  
CIC workers - OT rate for hours worked plus regular pay.  
Did not work: Regular pay

Worked: Paid at OT rate for hours worked.  
If work less than normal number of hours paid for those unworked hours as well.  
CIC workers - OT rate for hours worked plus regular pay.  
Did not work: Regular pay

Pasco County      Worked: Regular pay. OT rules apply.  
Did not work: Regular pay

Worked: Regular pay plus a maximum of 40 hours of leave on an hour for hour basis based upon the hours worked in excess of normal work hours.  
Did not work: Regular pay.

Ponce Inlet      Worked: Regular pay. OT rules apply.  
Did not work: Must use leave or comp time

Worked: Regular pay plus additional comp at the discretion of Town Manager if work hours exceed 6/12 hours past normal work week. Paid at 1.5 X or 1 X.  
Did not work: Must use leave or comp time

Port of Palm Beach      Worked: Regular pay plus pay at 1.5 X for hours worked. OT rules apply.  
Did not work: Regular pay.

Worked: Regular pay plus hour per hour vacation credit for all hours worked.  
Did not work: Regular pay

Port St Lucie      Worked: Regular pay. OT rules apply.  
Plus 8 additional hours per day up to a max of 3 days.  
Did not work: 8 hours per day up to a max of 3 days. After 3 days use vacation or personal time

Worked: Regular pay plus up to 8 hours per day for a max of 3 days.  
Did not work: Regular pay

Punta Gorda  
Worked: Hours worked paid at 2 X regardless of whether have worked 40 hours in the week.  
Did not work: Regular pay

Worked: Hours worked paid at 1.5 X regardless of whether have worked 40 hours in the week.  
Did not work: Regular pay

Sarasota County  
Worked: Regular pay. OT rules apply. Plus admin leave credit on an hour by hour basis for each hour worked.  
Did not work: Regular pay. Duration determined by County Manager

Worked: Regular pay plus straight time for hours worked or comp time.  
Did not work: Regular pay.

Sarasota-Manatee Airport Authority  
Worked: Regular pay plus 1 X for hours actually worked. OT rules apply  
Did not work: Regular pay.

Worked: ?  
Did not work: ?

St. Lucie County  
Worked: Regular pay plus 1.5 X for hours actually worked. OT rules apply.  
Did not work: Regular pay up to 3 days

Worked: Regular pay plus 1 X for hours worked in excess of the regular work week at the discretion of the County Mgr.  
Did not work: Regular pay up to 3 days

St. Pete Beach  
Worked: Regular pay. OT rules apply  
Did not work: Regular pay

Worked: Regular pay plus additional comp if work in excess of 50 hours per week  
Did not work: Regular pay

Tampa  
Worked: Regular pay plus pay for hours actually worked. OT rules apply.  
Did not work: Regular pay

Worked: Regular pay plus pay for hours actually worked at 1 X or hour per hour comp time  
Did not work: Regular pay

Titusville  
Worked: Regular pay. OT rules apply  
Did not work: Regular pay. At some point must take leave

Worked: Regular pay plus paid at 1 X for all hours worked  
Did not work: Regular pay. At some point must take leave.

Venice  
Worked: Paid 2 X for actual hours

Worked: Paid 2 X for actual hours

worked. OT rules apply  
Did not work: Regular pay

worked.  
Did not work: Regular pay

Volusia County  
Worked: Regular pay. OT rules apply  
Did not work: Regular pay

Worked: Regular pay plus comp time at 1X  
or leave added to leave banks  
Did not work: Regular pay

:

Wellington  
Worked: 2X hourly rate up to  
24 hours in a day regardless  
of whether they have worked  
40 hours in the week.  
Did not work: regular pay.

Worked: Paid at regular rate; additional pay  
at discretion of Village Manager  
Did not work: regular pay.

Wilton Manors  
Worked: Regular pay. OT rules apply.  
Plus earn admin leave on an hour for  
hour basis not to exceed hours  
in a normal work day  
Did not work: Regular pay

Worked: Regular pay plus 1.5 X for hours  
worked in excess of 40 per week.  
Did not work: Regular pay

Winter Haven  
Worked: Regular pay. OT rules apply.  
Plus pay at straight time or comp time  
for 8 additional hours  
Did not work: Regular pay

Worked: Regular pay  
Did not work: Regular pay

Winter Park  
Worked: Regular pay. OT rules apply.  
Plus 8 hours of comp time.  
Did not work: Regular pay

Worked: Regular pay plus 8  
hours comp time  
Did not work: Regular pay

LEE COUNTY RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE LEE COUNTY BOARD OF COUNTY COMMISSIONERS RELATING TO AMENDMENTS TO THE LEE COUNTY ADMINISTRATIVE CODE AS ADOPTED BY LEE COUNTY ORDINANCE NO. 97-23; PROVIDING FOR APPROVAL OF CERTAIN AMENDMENTS TO THE LEE COUNTY ADMINISTRATIVE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners is the governing body in and for Lee County, a political subdivision of the State of Florida; and,

**WHEREAS**, the Board of County Commissioners has previously enacted Lee County Ordinance No. 96-01, creating a charter form of government for Lee County pursuant to Section 125.80 and ff., Florida Statutes, and which was approved and ratified by the Electorate of Lee County on November 5, 1996; and,

**WHEREAS**, the Board of County Commissioners has previously enacted Lee County Ordinance No. 97-23, which adopted the Lee County Administrative Code pursuant to Section 2.2.E. of Ordinance No. 96-01, the Lee County Charter; and,

**WHEREAS**, Lee County Ordinance No. 97-23 at Section III allows and provides for amendments to the Lee County Administrative Code to be made by Resolution of the Board of County Commissioners at a regularly scheduled Board of County Commissioners' meeting; and,

**WHEREAS**, certain amendments to the Lee County Administrative Code are now being proposed, and the Board of County Commissioners finds that such proposed

amendments are acceptable, serve a public purpose and are consistent with the terms and conditions of Lee County Ordinance No. 96-01, the Lee County Charter.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY**

**COMMISSIONERS THAT:**

1. The above preamble is hereby accepted and approved as being true and accurate, and is adopted and incorporated herein as if set out further at length.
2. The proposed amendment(s) to the Lee County Administrative Code 6-1 (attached hereto as Exhibit A), is (are) approved, and are hereby directed to be incorporated into the Lee County Administrative Code as indicated in the amendment(s).
3. The provisions of this Resolution are severable, and it is the intention to confer to the whole or any part of this Resolution, the powers herein provided for. If any of the provisions of this Resolution shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the other remaining provisions of this Resolution. It is hereby declared to be the Board's legislative intent that this Resolution would have been adopted had such an unconstitutional provision not been included herein.
4. This Resolution shall become effective immediately upon its adoption by the Board of County Commissioners.

The foregoing Resolution was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and, being put to a vote, the vote was as follows:

ROBERT JANES	_____
DOUGLAS ST. CERNY	_____
RAY JUDAH	_____
TAMMARA HALL	_____
JOHN E. ALBION	_____

DULY PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**ATTEST:**  
**CHARLIE GREEN, CLERK**

**BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA**

By: \_\_\_\_\_  
**Deputy Clerk**

By: \_\_\_\_\_  
**Chairman**

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
**Office of the County Attorney**

**ADMINISTRATIVE CODE  
BOARD OF COUNTY COMMISSIONERS**

<b>CATEGORY:</b> Human Resources/Employees	<b>CODE NUMBER:</b> AC-6-1
<b>TITLE:</b>  Personnel Policies and Procedures Manual (Appendix "A")	<b>ADOPTED:</b> 8/3/88
	<b>AMENDED:</b> 5/11/94; 6/6/00; 6/27/00; 12/12/00; 12/19/00 5/08/01; 7/24/01; 2/12/02; 6/4/02; 7/9/02; 10/1/02; 10/8/02; 8/12/03; 8/10/04; 3/1/05
	<b>ORIGINATING DEPARTMENT:</b> Human Resources

**PURPOSE/SCOPE:**

This manual contains and describes all existing personnel policies, and was developed as a perpetual guideline for consistent interpretation of personnel policies.

This manual is part of this Administrative Code and is under separate cover as Appendix "A", Personnel Policies and Procedures Manual.

**POLICY/PROCEDURE:**



The following is a summary of proposed revisions to the Lee County Policies and Procedures Manual.

**Behavior of Employees (101)**

Addition requires employees to notify supervisor of arrest for felony or misdemeanor.

**Equal Employment Opportunity (201)**

Throughout policy, add protected classes as described by federal law, and re-title Equal Opportunity Manager to Manager - Office of Equal Opportunity.

**Harassment Policy (202)**

Throughout the policy, re-title Equal Opportunity Manager to Manager - Office of Equal Opportunity, and provide this as the proper office for investigation of complaints.

**Computer Resources (204)**

Additions include references to new technologies and procedures in procurement/installation of software and hardware.

References to alternative work arrangements now in Policy 209.

**Workplace Safety (210)**

References to ADA moved to Policy 201.

**Job Evaluation (211)**

Remove references to "Administrative" job titles, as there is no longer a separate pay plan designation.

**Hours of Work (307)**

Clarify the ranks eligible for differential pay.

**Reduction in Workforce Policy (311)**

Remove length of continuous service as a factor in reductions in work force.

Remove reference to grievance procedure (only used for corrective actions) and provide source to contact in allegations of discrimination.

**Separation of Employment (312)**

Request that all employees give minimum of 2 weeks notice prior to resignation.

**Sick Leave (401)**

Clarify the date for availability and use of sick leave.

Update provisions for consistency with Family Medical Leave Act. (FMLA).

Remove pre-1998 transition rules (sick-leave pay-out) which are now obsolete.

**Vacation Leave (402)**

Add provision to enable the County Manager or County Attorney to approve a different accrual schedule when necessary to recruit highly qualified employees.

**Leave of Absence (404)**

Clarify that Directors may approve a Leave of Absence up to twelve weeks in a five-year period.

Add section to address possible requirement of medical certification for a serious health condition and coordinate use of paid leaves under other Policies.

Add section to address benefits coverage during leave – removed from FMLA Policy 405.

**Family & Medical Leave (405)**

Change provision to require the use of all applicable paid leave before leave is to be taken as unpaid.

Provide offices responsible for coordination of FML program.

Address employees' periodic reporting of medical status while on leave, and providing appropriate notice to supervisor upon intent to return to work.

Remove references to other types of leave that are contained in other Policies.

Add the Office of Equal Opportunity as a resource for questions regarding the relationship between FMLA and ADA.

**Bereavement & Civic Duty Leaves (406)**

Remove the use of sick leave from the policy.

**Worker's Compensation Leave (407)**

Provide process for reporting of injuries to Risk Management and Employee Health services.

**Education Leave (408)**

Provide consistent use of paid leave as in other Policies.

**Pay for Work During Emergencies (504)**

Clarify that payroll is determined at the departmental level.

**Direct Bonus Program (506)**

Clarify the same process applies to Offices of the County Manager and the County Attorney.

**Moving Expenses (508)**

Remove reference to executive, administrative and professional applicants; pay plans no longer exist. Replace with reimbursement of moving expenses for the recruitment of a highly qualified employee.

Designate the County Attorney as a position to approve moving expenses for eligible attorneys.

**Corrective Action/Disciplinary Procedure (601)**

Replace "Human Resources" with "Employee Relations" as the responsible office.

Throughout policy, provide consistent use of terms.

Suspension: Provide for a 24-hour review period. Provide for an unpaid administrative leave under special circumstances.

Termination: Clarify timeline of meetings and address administrative leave.

**Grievance Procedure (602)**

Add section to clarify positions excluded from the grievance policy.

Provide that Directors may meet with the employee and/or other parties involved. Provide that employees may proceed to the next level if not satisfied with response from Director.

Provide that the Director of Public Resources (or designee) is assigned to Chair, and provide for selection of other Committee members.



**Policy:**

It is the policy of the County that certain employee behavior standards are necessary for safe and efficient operation and for the benefit of all employees and citizens served by the County. Conduct that interferes with operations, that is considered negative or detrimental to the mission or operation of the County or that, by community standards, is offensive to citizens or fellow employees will not be tolerated, and may be subject to appropriate corrective action.

**Comments/Procedures:**

**101:1 GENERAL PROVISIONS**

1. Employees are expected at all times to conduct themselves in a positive manner so as to promote the best interests of the County. Such conduct includes, but is not limited to:
  - a) Reporting to work on time, as scheduled, ready to begin work at the proper workstation, at the assigned starting time;
  - b) Giving adequate and proper advance notice whenever unable to work or to report on time;
  - c) Complying with all County safety and security procedures;
  - d) Smoking only at appropriate and designated times and in designated places;
  - e) Wearing clothing appropriate for the work being performed, as determined by community standards, the County, the Department/Division, or the employee's supervisor;
  - f) Eating meals only during meal periods and only in the designated eating areas;
  - g) Maintaining work place and work area cleanliness and orderliness;
  - h) Treating all citizens, visitors and fellow employees in a courteous manner;
  - i) Refraining from behavior or conduct that could be deemed offensive or undesirable, or which is contrary to the County's best interests (including conduct outside of work while in clothing or vehicles that identify or imply the individual is or may be a County employee & may be on duty);
  - j) Performing assigned tasks efficiently and in accordance with established quality standards;
  - k) Following any proper & appropriately given instruction or assignment;
  - l) Reporting to management suspicious, unethical, unsafe or illegal conduct, by fellow employees or citizens; and
  - m) Following all federal, state, and local laws and ordinances.
  
2. The following are illustrative examples of some of the prohibited conduct that is subject to disciplinary action, up to and including termination:
  - a) Reporting to work under the influence of alcoholic beverages and/or illegal drugs and narcotics;
  - b) Use, sale, dispensing, sale or possession of alcoholic beverages or drugs on County premises, in County uniform, or in County vehicles;
  - c) The use of profanity or abusive language;
  - d) Refusal by an employee to follow management's instructions concerning a job-related matter;
  - e) Assault or battery of a fellow employee or citizen;
  - f) An employee's failure to report their misdemeanor or felony arrest to management;
  - g) Theft, destruction, defacement or misuse of County property, property of another employee, or property belonging to a citizen.
  - h) Gambling on County property;
  - i) Falsifying or altering any County record or report, either printed or electronic;

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- j) Threatening or intimidating employees, vendors, contracted service providers, or citizens;
  - k) Smoking in places prohibited by County policy or local ordinance;
  - l) Horseplay, pranks or practical jokes;
  - m) Unauthorized sleeping on the job;
  - n) Failure to wear appropriate safety equipment or failure to abide by safety rules and practices;
  - o) Improper attire or inappropriate personal appearance;
  - p) Engaging in any form of workplace harassment;
  - q) Solicitation or distribution (except as provided by County policy);
  - r) Improper disclosure of any confidential information;
  - s) Any conduct, which in the County's judgment, is adverse to the best interests of the County;
  - t) Use of lies, dishonesty, and/or misrepresentation in the workplace; and
  - u) Violation of any policy in this Manual.
3. The examples, above, are simply illustrative of the type of behavior not be permitted, and are not intended to be an all-inclusive listing. Any questions of the purpose, content, or application of this policy should be directed to Human Resources.
4. Nothing in this policy should be interpreted or considered a contract or promise, express or implied, to employees that would alter the at-will nature of employment or suggest that discharge will only occur with cause.

**Policy:**

It is the policy of the County that certain employee behavior standards are necessary for safe and efficient operation and for the benefit of all employees and citizens served by the County. Conduct that interferes with operations, that is considered negative or detrimental to the mission or operation of the County or that, by community standards, is offensive to citizens or fellow employees will not be tolerated, and may be subject to appropriate corrective action.

**Comments/Procedures:**

**101:1 GENERAL PROVISIONS**

1. Employees are expected at all times to conduct themselves in a positive manner so as to promote the best interests of the County. Such conduct includes, but is not limited to:
  - a) Reporting to work on time, as scheduled, ready to begin work at the proper workstation, at the assigned starting time;
  - b) Giving adequate and proper advance notice whenever unable to work or to report on time;
  - c) Complying with all County safety and security procedures;
  - d) Smoking only at appropriate and designated times and in designated places;
  - e) Wearing clothing appropriate for the work being performed, as determined by community standards, the County, the Department/Division, or the employee's supervisor;
  - f) Eating meals only during meal periods and only in the designated eating areas;
  - g) Maintaining work place and work area cleanliness and orderliness;
  - h) Treating all citizens, visitors and fellow employees in a courteous manner;
  - i) Refraining from behavior or conduct that could be deemed offensive or undesirable, or which is contrary to the County's best interests (including conduct outside of work while in clothing or vehicles that identify or imply the individual is or may be a County employee & may be on duty);
  - j) Performing assigned tasks efficiently and in accordance with established quality standards;
  - k) Following any proper & appropriately given instruction or assignment;
  - l) Reporting to management suspicious, unethical, unsafe or illegal conduct, by fellow employees or citizens; and
  - m) Following all federal, state, and local laws and ordinances.
  
2. The following are illustrative examples of some of the prohibited conduct that is subject to disciplinary action, up to and including termination;
  - a) Reporting to work under the influence of alcoholic beverages and/or illegal drugs and narcotics;
  - b) Use, sale, dispensing, sale or possession of alcoholic beverages or drugs on County premises, in County uniform, or in County vehicles;
  - c) The use of profanity or abusive language;
  - d) Refusal by an employee to follow management's instructions concerning a job-related matter;
  - e) Assault or battery of a fellow employee or citizen;
  - f) An employee's failure to report their misdemeanor or felony arrest to management;
  - g) Theft, destruction, defacement or misuse of County property, property of another employee, or property belonging to a citizen.
  - h) Gambling on County property;
  - i) Falsifying or altering any County record or report, either printed or electronic;

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- j) Threatening or intimidating employees, vendors, contracted service providers, or citizens;
  - k) Smoking in places prohibited by County policy or local ordinance;
  - l) Horseplay, pranks or practical jokes;
  - m) Unauthorized sleeping on the job;
  - n) Failure to wear appropriate safety equipment or failure to abide by safety rules and practices;
  - o) Improper attire or inappropriate personal appearance;
  - p) Engaging in any form of workplace harassment;
  - q) Solicitation or distribution (except as provided by County policy);
  - r) Improper disclosure of any confidential information;
  - s) Any conduct, which in the County's judgment, is adverse to the best interests of the County;
  - t) Use of lies, dishonesty, and/or misrepresentation in the workplace; and
  - u) Violation of any policy in this Manual.
3. The examples, above, are simply illustrative of the type of behavior not be permitted, and are not intended to be an all-inclusive listing. Any questions of the purpose, content, or application of this policy should be directed to Human Resources.
4. Nothing in this policy should be interpreted or considered a contract or promise, express or implied, to employees that would alter the at-will nature of employment or suggest that discharge will only occur with cause.



**Policy:**

It is the policy of the County to provide equal opportunity in employment to all employees and applicants for employment. No person is to be discriminated against in any and all terms, conditions and privileges of employment as defined by local, state and federal laws, rules or regulations based upon race, sex, religious belief, color, national origin, ancestry, disability, age or any other category of protected persons.

**Comments/Procedures:**

**201:1 GENERAL PROVISIONS**

1. The County may, consistent with applicable law, choose to establish programs to achieve prompt and full utilization of minorities, the disabled, Wartime-era or disabled veterans and women at all levels and in all segments of the work force. The results of the program(s) are to be reviewed periodically and modified as necessary to achieve their stated objectives.
2. The County, as a matter of policy and practice, shall not:
  - a) fail or refuse to hire or to discharge any individual or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment, because of such individual's race, sex, religious belief, color, national origin, ancestry, disability, age or any other category of protected persons;
  - b) limit, segregate, or classify employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect the status as an employee, because of such individual's race, sex, religious belief, color, national origin, ancestry, disability, age or any other category of protected persons.

**201:2 EMPLOYMENT**

1. The Equal Opportunity Manager – Office of Equal Opportunity, in cooperation with the Human Resources Director, is responsible for formulating, implementing, coordinating and monitoring all efforts in the area of equal employment opportunity. These shared duties may include, but are not necessarily limited to:
  - a) Assisting management in collecting and analyzing employment data;
  - b) Developing policy statements and programs emphasizing recruitment and retention techniques designed to comply with the equal employment policies of the County;
  - c) Complying with various statutory record-keeping and notice requirements in order to ensure full compliance with all employment-related statutes and regulations;
  - d) Assisting supervisory personnel in arriving at solutions to specific equal opportunity related personnel problems;
  - e) Keeping management employees informed of the latest developments in equal employment opportunity laws and regulations.
2. Any communication from an applicant for employment, an external agency or an attorney concerning any equal employment opportunity matter is to be referred to the Human Resources Director, Equal Opportunity Manager – Office of Equal Opportunity and the County Attorney.
3. While overall authority for implementing this policy is assigned to the Human Resources Director and the Equal Opportunity Manager – Office of Equal Opportunity, an effective



# EQUAL EMPLOYMENT OPPORTUNITY

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equal employment opportunity program cannot be achieved without the support of supervisory personnel and employees at all levels. Any employees who feel they may have been subjected to any form of employment discrimination have a responsibility to report this fact to their supervisor and/or the Equal Opportunity Manager – Office of Equal Opportunity.

## **201:3 COMPLAINT PROCEDURE**

1. Employees having reason to believe they may have been subjected to discrimination are urged to bring those concerns to the attention of their immediate supervisor, department director, the Manager – Office of Equal Opportunity, or the Director of Human Resources, as appropriate. The complaint procedure is detailed in Section 202:3(a) of the Policies and Procedure Manual. That section, as well as all sub-parts of Policy 202 regarding the investigation procedures, confidentiality and prohibition of retaliation apply to any complaints of discrimination.

## **201:4 REASONABLE ACCOMMODATION RE: THE AMERICANS WITH DISABILITIES ACT**

1. The Manager - Office of Equal Opportunity will assist departments in the reasonable accommodation process for those employees with a qualifying disability, in order to enable them to perform the essential functions of their job.
  - a) Employees who are diagnosed by a health care provider as having a qualifying disability and who want a reasonable accommodation should inform the Manager – Office of Equal Opportunity or Employee Health & Wellness of their need as soon as possible. The employee's medical condition should be kept confidential as required by law.
  - b) Employees who have a qualifying disability and who want an accommodation should provide Employee Health & Wellness with any pertinent medical records needed to make decisions regarding job assignments, ability to continue working or ability to return to work.
  - c) The County will also require a doctor's certification of an employee's ability to perform duties safely. Additionally, the County may request that an employee submit to a medical examination if it believes the employee is a health or safety threat to themselves or others.
  - d) In attempting to reach a reasonable accommodation with a person with a qualifying disability the County will consult with the person with the disability in a sincere effort to reach an accommodation that will permit the employee to perform the essential functions of the job.

**Policy:**

It is the policy of the County to provide equal opportunity in employment to all employees and applicants for employment. No person is to be discriminated against in any and all terms, conditions and privileges of employment as defined by local, state and federal laws, rules or regulations based upon race, sex, religious belief, color, national origin, ancestry, disability, age or any other category of protected persons.

**Comments/Procedures:**

**201:1 GENERAL PROVISIONS**

1. The County may, consistent with applicable law, choose to establish programs to achieve prompt and full utilization of minorities, the disabled, Wartime-era or disabled veterans and women at all levels and in all segments of the work force. The results of the program(s) are to be reviewed periodically and modified as necessary to achieve their stated objectives.
2. The County, as a matter of policy and practice, shall not:
  - a) fail or refuse to hire or to discharge any individual or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment, because of such individual's race, sex, religious belief, color, national origin, ancestry, disability, age or any other category of protected persons;
  - b) limit, segregate, or classify employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect the status as an employee, because of such individual's race, sex, religious belief, color, national origin, ancestry, disability, age or any other category of protected persons.

**201:2 EMPLOYMENT**

1. The Manager – Office of Equal Opportunity, in cooperation with the Human Resources Director, is responsible for formulating, implementing, coordinating and monitoring all efforts in the area of equal employment opportunity. These shared duties may include, but are not necessarily limited to:
  - a) Assisting management in collecting and analyzing employment data;
  - b) Developing policy statements and programs emphasizing recruitment and retention techniques designed to comply with the equal employment policies of the County;
  - c) Complying with various statutory record-keeping and notice requirements in order to ensure full compliance with all employment-related statutes and regulations;
  - d) Assisting supervisory personnel in arriving at solutions to specific equal opportunity related personnel problems;
  - e) Keeping employees informed of the latest developments in equal employment opportunity laws and regulations.
2. Any communication from an applicant for employment, an external agency or an attorney concerning any equal employment opportunity matter is to be referred to the Human Resources Director, Manager – Office of Equal Opportunity and the County Attorney.
3. While overall authority for implementing this policy is assigned to the Human Resources Director and the Manager – Office of Equal Opportunity, an effective equal employment

## **EQUAL EMPLOYMENT OPPORTUNITY**

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opportunity program cannot be achieved without the support of supervisory personnel and employees at all levels. Any employees who feel they may have been subjected to any form of employment discrimination have a responsibility to report this fact to their supervisor and/or the Manager – Office of Equal Opportunity.

### **201:3 COMPLAINT PROCEDURE**

1. Employees having reason to believe they may have been subjected to discrimination are urged to bring those concerns to the attention of their immediate supervisor, department director, the Manager – Office of Equal Opportunity, or the Director of Human Resources, as appropriate. The complaint procedure is detailed in Section 202:3(a) of the Policies and Procedure Manual. That section, as well as all sub-parts of Policy 202 regarding the investigation procedures, confidentiality and prohibition of retaliation apply to any complaints of discrimination.

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  - b) Employees who have a qualifying disability and who want an accommodation should provide Employee Health & Wellness with any pertinent medical records needed to make decisions regarding job assignments, ability to continue working or ability to return to work.
  - c) The County will also require a doctor's certification of an employee's ability to perform duties safely. Additionally, the County may request that an employee submit to a medical examination if it believes the employee is a health or safety threat to themselves or others.
  - d) In attempting to reach a reasonable accommodation with a person with a qualifying disability the County will consult with the person with the disability in a sincere effort to reach an accommodation that will permit the employee to perform the essential functions of the job.

Lee County recognizes the value of diversity among its employees as a benefit to helping understand and meet the needs of its citizens. To that end, the County encourages its employees to respect the differences of others.

**Policy:**

It is the policy of Lee County Government to provide and maintain a work environment free from harassment. Lee County Government maintains a strict policy of prohibiting harassment based upon race, sex, religious belief, color, national origin, ancestry, disability/~~handicap~~, age, or any other category of persons protected by federal, state, or local law, ordinance or regulation.

**202:1 WORKPLACE HARASSMENT**

1. WORKPLACE HARASSMENT is a form of employment discrimination. For workplace harassment to occur the "harassing behavior" **must** be on the basis of race, sex, religious belief, color, national origin, ancestry, disability/~~handicap~~, age, or any other category of persons protected by federal, state, or local law or ordinance or regulation. An unpleasant or harsh work environment is not a "hostile work environment" without a discriminatory basis for the behavior.

- Lee County does not condone negative work environments and will take steps to resolve such problems whether or not they are considered a "hostile work environment."

2. Pursuant to the guidelines on discrimination issued by the Equal Employment Opportunity Commission (EEOC), Lee County has adopted a formal policy prohibiting harassment in the workplace and adopts the EEOC definition of harassment as follows:

- a) Verbal, nonverbal, or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, ~~gender~~ sex, national origin, ancestry, age or disability, or that of his or her relatives, friends or associates, and that (1) has the purpose or effect of creating an intimidating, hostile, or offensive working environment; (2) has the purpose or effect of unreasonably interfering with an individual's work performance; or (3) otherwise adversely affects an individual's employment opportunities.
- b) Harassment, sexual or non-sexual in nature, violates Title VII of the Civil Rights Act, is illegal, inappropriate, and is against Lee County policy. The Lee County Manager and the County Attorney are responsible for promoting a supportive atmosphere that makes it clear that any harassing behavior will not be tolerated.

**202:2 SEXUAL HARASSMENT**

As part of its continuing efforts to maintain a productive workplace, Lee County has adopted a formal policy prohibiting sexual harassment in the workplace. Sexual harassment may be defined as unwelcome, one-sided attention, sexual advances, requests for sexual favors, or other unwanted verbal or physical conduct of a sexual nature that may come from supervisors, managers, co-workers, citizens, or other individuals in the workplace or at any County-sponsored activity, program, party or trip whether at the work site or not – regardless of the gender of the parties involved.

The following constitute sexual harassment:

*Quid pro quo Harassment*

- a) Acceptance of such conduct is made a term or condition of an individual's employment either explicitly or implicitly;
- b) Acceptance, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting such individual; or

*Hostile Work Environment Harassment*

- c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile or offensive working environment. This form of harassment is normally repetitive behavior, not a single incident, unless the actions are egregious in nature.

**202:3 INTERNAL COMPLAINT PROCEDURE**

Employees having reason to believe they have been subjected to harassment are urged to bring their concerns to the attention of their immediate Supervisor, Department Director, the Director of Human Resources, or the County Manager – Office of Equal Opportunity, as appropriate.

**202:3(a) REPORTING COMPLAINTS**

1. Employees who bring complaints of harassment from anyone in the employment of Lee County including any supervisors, co-workers or visitors, are urged to report such conduct within 15 days of the occurrence of the incident(s) in question to their supervisors so that the complaint may be investigated and resolved. Prompt reporting of incidents allows for timely investigation of the incident(s) while witnesses have immediate recollection of the facts and for quick resolution of complaints.
2. If the complaint involves the employee's supervisor or someone in the direct line of supervision, or if the employee for any reason is uncomfortable in bringing the complaint to his or her immediate supervisor, the employee may bring his or her complaint to another supervisor, the employee's department director, the Director of Human Resources or designee(s), or the County Manager's office Manager – Office of Equal Opportunity, as appropriate.
3. If the accusation of a violation of the policy is made to a supervisor, it shall be forwarded **immediately** by the supervisor to the Department of Human Resources (or the County Manager – Office of Equal Opportunity as appropriate) in person or by telephone, and reported to the department director. Failure to follow this procedure subjects the supervisor to disciplinary action.

**202:3(b) INVESTIGATION OF ALLEGATIONS**

1. Lee County Government will endeavor to investigate all complaints as expeditiously and as professionally as possible. To provide consistency and objective third party determinations, the Lee County ~~Department of Human Resources~~ Office of Equal Opportunity shall be the department afforded the responsibility to investigate allegations of harassment, to determine probable cause and to be available to recommend appropriate corrective action - unless special circumstances require that the County Manager - Office of Equal Opportunity assign a specific investigation to another party or agency.
2. If the preliminary investigation concludes that probable cause exists, appropriate measures will be taken to remove the accused party immediately from the work situation involving the complainant, if the situation requires such action.
3. If the investigation confirms the allegations in the complaint, the appropriate corrective and disciplinary action will be taken by the County, based on the severity of the offense.
4. Regardless of the outcome of the investigation, resolution of the complaint will be communicated to all parties involved. Such communication shall include what actions have been taken and reference the appeals process if the parties are not satisfied with the final resolution of the issue.
5. The Department of Human Resources shall maintain a log of recommended disciplines, disciplinary actions taken, and associated circumstances for all incidents of harassment in order to provide a framework for reasonably uniform and consistent application of such disciplinary actions.

**202:3(c) COOPERATION & CONFIDENTIALITY**

1. Lee County employees are required to fully cooperate in any internal investigations that may be conducted. This includes, but is not limited to, answering all questions honestly and fully.
2. Employees interviewed at any time during an investigation shall keep any and all information that is shared during the investigation strictly confidential and shall not, under any circumstances, discuss the information or the investigation with anyone other than authorized individuals.
3. Failure to cooperate with an investigation, or failure to abide by the rule of confidentiality, will be grounds for disciplinary action.
4. Lee County Government will take all reasonable and lawful efforts to keep the information provided to it in the complaint and investigation process as confidential as practically possible to provide for a thorough investigation, and to the extent permitted by Florida law.

**202:3(d) RETALIATION PROHIBITED**

1. Retaliation against employees for reporting harassment or assisting the designated County personnel in the investigation of a complaint is illegal and will not be tolerated.
2. Retaliation includes, but is not limited to, such acts as refusing to recommend an employee for a benefit for which he or she qualifies, spreading rumors about the employee, encouraging hostility from co-workers, or escalating the harassment.

**202:3(e) KNOWINGLY FALSE COMPLAINTS/ACCUSATIONS**

1. No disciplinary or other personnel actions will be taken against any employee who makes a good faith complaint of sexual harassment, or workplace harassment, or provides information in good faith in any investigations, whether the investigation proves or disproves the claim.
2. The County recognizes that false accusations of harassment have a serious effect on morale in the workplace. If after investigating a harassment complaint, the County learns that an employee has made a complaint in bad faith or knowingly provided false information regarding a complaint, disciplinary action will be taken against the individual who provided such false information.

**TO REPORT INCIDENTS OF HARASSMENT OR A PATTERN OF PROHIBITED CONDUCT, CONTACT YOUR SUPERVISOR, ~~OTHER MANAGEMENT STAFF AS DEFINED BY THIS POLICY~~ DEPARTMENT DIRECTOR, MANAGER – OFFICE OF EQUAL OPPORTUNITY, OR THE DEPARTMENT OF HUMAN RESOURCES.**

Contact the Director of Human Resources or Employee Relations Generalists at 335-2245, or the following designee(s): contact the Manager – Office of Equal Opportunity at 335-2179.

~~Employee Relations Generalist  
Manager – Office of Equal Opportunity~~

You may report incidents in person, by phone, by FAX, by interoffice mail, or U.S. mail at:

Lee County Department of Human Resources  
2115 Second Street  
Post Office Box 398  
Fort Myers, Florida 33902-0398

Phone: (239) 335-2245  
FAX: (239) 335-2851

Lee County recognizes the value of diversity among its employees as a benefit to helping understand and meet the needs of its citizens. To that end, the County encourages its employees to respect the differences of others.

**Policy:**

It is the policy of Lee County Government to provide and maintain a work environment free from harassment. Lee County Government maintains a strict policy of prohibiting harassment based upon race, sex, religious belief, color, national origin, ancestry, disability, age, or any other category of persons protected by federal, state, or local law, ordinance or regulation.

**202:1 WORKPLACE HARASSMENT**

1. WORKPLACE HARASSMENT is a form of employment discrimination. For workplace harassment to occur the "harassing behavior" **must** be on the basis of race, sex, religious belief, color, national origin, ancestry, disability, age, or any other category of persons protected by federal, state, or local law or ordinance or regulation. An unpleasant or harsh work environment is not a "hostile work environment" without a discriminatory basis for the behavior.

- Lee County does not condone negative work environments and will take steps to resolve such problems whether or not they are considered a "hostile work environment."

2. Pursuant to the guidelines on discrimination issued by the Equal Employment Opportunity Commission (EEOC), Lee County has adopted a formal policy prohibiting harassment in the workplace and adopts the EEOC definition of harassment as follows:

- a) Verbal, nonverbal, or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, sex, national origin, ancestry, age or disability, or that of his or her relatives, friends or associates, and that (1) has the purpose or effect of creating an intimidating, hostile, or offensive working environment; (2) has the purpose or effect of unreasonably interfering with an individual's work performance; or (3) otherwise adversely affects an individual's employment opportunities.
- b) Harassment, sexual or non-sexual in nature, violates Title VII of the Civil Rights Act, is illegal, inappropriate, and is against Lee County policy. The Lee County Manager and the County Attorney are responsible for promoting a supportive atmosphere that makes it clear that any harassing behavior will not be tolerated.

**202:2 SEXUAL HARASSMENT**

As part of its continuing efforts to maintain a productive workplace, Lee County has adopted a formal policy prohibiting sexual harassment in the workplace. Sexual harassment may be defined as unwelcome, one-sided attention, sexual advances, requests for sexual favors, or other unwanted verbal or physical conduct of a sexual nature that may come from supervisors, managers, co-workers, citizens, or other individuals in the workplace or at any County-sponsored activity, program, party or trip whether at the work site or not – regardless of the gender of the parties involved.



# HARASSMENT POLICY

Policy Number 202

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The following constitute sexual harassment:

### *Quid pro quo Harassment*

- a) Acceptance of such conduct is made a term or condition of an individual's employment either explicitly or implicitly;
- b) Acceptance, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting such individual; or

### *Hostile Work Environment Harassment*

- c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile or offensive working environment. This form of harassment is normally repetitive behavior, not a single incident, unless the actions are egregious in nature.

## **202:3 INTERNAL COMPLAINT PROCEDURE**

Employees having reason to believe they have been subjected to harassment are urged to bring their concerns to the attention of their immediate supervisor, department director, the Director of Human Resources, or the Manager – Office of Equal Opportunity, as appropriate.

### **202:3(a) REPORTING COMPLAINTS**

1. Employees who bring complaints of harassment from anyone in the employment of Lee County including any supervisors, co-workers or visitors, are urged to report such conduct within 15 days of the occurrence of the incident(s) in question to their supervisors so that the complaint may be investigated and resolved. Prompt reporting of incidents allows for timely investigation of the incident(s) while witnesses have immediate recollection of the facts and for quick resolution of complaints.
2. If the complaint involves the employee's supervisor or someone in the direct line of supervision, or if the employee for any reason is uncomfortable in bringing the complaint to his or her immediate supervisor, the employee may bring his or her complaint to another supervisor, the employee's department director, the Director of Human Resources or designee(s), or the Manager – Office of Equal Opportunity, as appropriate.
3. If the accusation of a violation of the policy is made to a supervisor, it shall be forwarded **immediately** by the supervisor to the Department of Human Resources (or the Manager – Office of Equal Opportunity as appropriate) in person or by telephone, and reported to the department director. Failure to follow this procedure subjects the supervisor to disciplinary action.

### **202:3(b) INVESTIGATION OF ALLEGATIONS**

1. Lee County Government will endeavor to investigate all complaints as expeditiously and as professionally as possible. To provide consistency and objective third party determinations, the Lee County Office of Equal Opportunity shall be the department afforded the responsibility to investigate allegations of harassment, to determine

***Adopted by the Lee County BoCC April 6, 1999 (Last Revised August 12, 2003)***

probable cause and to be available to recommend appropriate corrective action - unless special circumstances require that the Manager – Office of Equal Opportunity assign a specific investigation to another party or agency.

2. If the preliminary investigation concludes that probable cause exists, appropriate measures will be taken to remove the accused party immediately from the work situation involving the complainant, if the situation requires such action.
3. If the investigation confirms the allegations in the complaint, the appropriate corrective and disciplinary action will be taken by the County, based on the severity of the offense.
4. Regardless of the outcome of the investigation, resolution of the complaint will be communicated to all parties involved. Such communication shall include what actions have been taken and reference the appeals process if the parties are not satisfied with the final resolution of the issue.
5. The Department of Human Resources shall maintain a log of recommended disciplines, disciplinary actions taken, and associated circumstances for all incidents of harassment in order to provide a framework for reasonably uniform and consistent application of such disciplinary actions.

**202:3(c) COOPERATION & CONFIDENTIALITY**

1. Lee County employees are required to fully cooperate in any internal investigations that may be conducted. This includes, but is not limited to, answering all questions honestly and fully.
2. Employees interviewed at any time during an investigation shall keep any and all information that is shared during the investigation strictly confidential and shall not, under any circumstances, discuss the information or the investigation with anyone other than authorized individuals.
3. Failure to cooperate with an investigation, or failure to abide by the rule of confidentiality, will be grounds for disciplinary action.
4. Lee County Government will take all reasonable and lawful efforts to keep the information provided to it in the complaint and investigation process as confidential as practically possible to provide for a thorough investigation, and to the extent permitted by Florida law.

**202:3(d) RETALIATION PROHIBITED**

1. Retaliation against employees for reporting harassment or assisting the designated County personnel in the investigation of a complaint is illegal and will not be tolerated.

## **HARASSMENT POLICY**

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2. Retaliation includes, but is not limited to, such acts as refusing to recommend an employee for a benefit for which he or she qualifies, spreading rumors about the employee, encouraging hostility from co-workers, or escalating the harassment.

### **202:3(e) KNOWINGLY FALSE COMPLAINTS/ACCUSATIONS**

1. No disciplinary or other personnel actions will be taken against any employee who makes a good faith complaint of sexual harassment, or workplace harassment, or provides information in good faith in any investigations, whether the investigation proves or disproves the claim.
2. The County recognizes that false accusations of harassment have a serious effect on morale in the workplace. If after investigating a harassment complaint, the County learns that an employee has made a complaint in bad faith or knowingly provided false information regarding a complaint, disciplinary action will be taken against the individual who provided such false information.

**TO REPORT INCIDENTS OF HARASSMENT OR A PATTERN OF PROHIBITED CONDUCT, CONTACT YOUR SUPERVISOR, DEPARTMENT DIRECTOR, MANAGER – OFFICE OF EQUAL OPPORTUNITY, OR THE DEPARTMENT OF HUMAN RESOURCES.**

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2115 Second Street  
Post Office Box 398  
Fort Myers, Florida 33902-0398

Phone: (239) 335-2245

FAX: (239) 335-2851



**Policy:**

All computer resources are the property of Lee County Government and are intended to be used for approved County business purposes. Users are permitted access to the computer system to assist them in the performance of their jobs. Limited personal use of the computer system is permitted when the use does not (1) interfere with the user's work performance; (2) interfere with any other user's work performance; (3) have undue impact on the operation of the computer system; or (4) violate any other provision of this policy or any other policy, guideline, or standard of Lee County Government. At all times, users have the responsibility to use computer resources in a professional, ethical, and lawful manner. Personal use of the computer system is a privilege that may be monitored, restricted or revoked at any time.

**Comments/Procedures:**

**204:1 No Expectation of Privacy**

1. *No Expectation of Privacy.* The computers and computer accounts given to users are to assist them in the performance of their jobs. Users should not have an expectation of privacy in anything they create, store, send, or receive on the computer system. The computer system belongs to the Board of County Commissioners and is intended for business purposes.
2. *Waiver of Privacy Rights.* Except for certain documents or work product that is confidential under state or federal law, users expressly waive any right of privacy in anything they create, store, send, or receive on the computer or through the Internet or any computer network. Users consent to allowing personnel of the County to access and review all materials users create, store, send, or receive on the computer or through the Internet or any other computer network. Users understand that Lee County Government may use human or automated means to monitor use of its computer resources.
3. *Public Records.* Generally, documents that are created to formalize knowledge or transact business of the County are considered public records open to the review and copying of the general public. This includes all records created, stored, sent, or received on the computer system. Permanent records of e-mail messages must be retained in accordance with the provisions of Chapter 119, Florida Statutes.
  - Since Chapter 119, Florida Statutes states that all documents/work product made or received in connection with the transaction of official County business are to be considered public records, any County related work done on a computer at home or away from County facilities must be saved to disk, transferred to the employee's office computer, or produced in another media where the public may have access (e.g., on paper).

**204:2 Prohibited Activities**

Violations of any portion of this policy may be subject to disciplinary action up to and including termination of employment.

1. *Inappropriate or Unlawful Material.* Material that is fraudulent, harassing, embarrassing, sexually explicit, profane, obscene, intimidating, defamatory, or otherwise unlawful or inappropriate may not be sent by email or other form of electronic communication or displayed on or stored in the County's computers, including, but not limited to, messages

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and material with sexual comments, obscenities, pornography, abusive or degrading language, antisocial behavior, or inappropriate comments concerning race, color, religion, sex, national origin, marital status, or disability. Users encountering or receiving this kind of material should immediately report the incident to their supervisors. Violations of this policy may result in disciplinary action, including discharge.

2. *Prohibited Uses.* Without prior written permission from the County, Lee County's computer resources may not be used for dissemination or storage of commercial or personal advertisements, solicitations, promotions, destructive programs (that is viruses or self-replicating code), political material, or any unauthorized use deemed inappropriate by the County.
3. *Waste of Computer Resources.* Users may not deliberately perform acts that waste computer resources or unfairly monopolize resources to the exclusion of others. These acts include, but are not limited to, sending mass mailings or chain letters, spending excessive amounts of time on the Internet, playing games, engaging in online chat groups, sending and/or receiving instant messages, printing multiple copies of documents, using hard drive or network space to store personal data, or creating unnecessary network traffic.
4. *Misuse of Software.* Most of the software used by Lee County is licensed with a limitation that it may be used by Lee County Government employees. It should not be treated as "shareware" even with consultants and/or other government employees. Without prior written authorization from the County, users may not do any of the following: (1) copy third party software for use on their home computers; (2) provide copies of third party software to any independent contractor, client, or third person; (3) install any software on Lee County's workstations or servers; (4) download any software from the Internet or other online service to any Lee County workstation or server; (5) modify, revise, transform, recast, or adapt any software; or (6) reverse-engineer, disassemble, or decompile any software. Violations of this policy may result in disciplinary action, including discharge, and possible civil and/or criminal penalties. Employees who become aware of any misuse of software or violation of copyright law should immediately report the incident to the Director of Human Resources.
5. *Disguising Identity.* Users must not alter the attribution-of-origin information, or "From:" line, in e-mail messages or postings. Anonymous or pseudonymous electronic communications are forbidden. (Users may not, under any circumstances, use "spoofing" or other means to disguise their identity in sending e-mail.)
6. *Unsolicited Messages.* Without the express permission of their supervisor; users may not send unsolicited or non-business e-mail to persons with whom they do not have a prior relationship. (Sending unsolicited e-mail, or "spamming," is prohibited.)
7. *Personal Computer Modifications.* Users may not attempt to repair personal computers and peripherals when the repairs involve changing or replacing internal component parts. Users may not make changes that affect the personal computer setup, network settings, or overall operation. Users are authorized to change consumables such as toner cartridges, ribbons, paper, etc.

### 204:3 Passwords

1. *Responsibility for Passwords.* Users are responsible for safeguarding their passwords for access to the computer system. Individual passwords may not be printed, stored online, or given to others, except under paragraph three (3) below. Users are responsible for all transactions made using their User Identification. No user may access the computer system with another user's password or account. Violations of this policy are subject to discipline up to and including discharge.
2. *Passwords Do Not Imply Privacy.* Use of passwords to gain access to the computer system or to encode particular files or messages does not imply that users have an expectation of privacy in the material they create or receive on the computer system. Lee County has global passwords that permit access to all material stored on its computer system – regardless of whether that material has been encoded with a particular user's password.
3. *Disclosure of Passwords.* Employees are required to provide a complete list of passwords and/or other access and security features to their department director or designee to ensure full access of the County to all computers, documents, programs, and files. Passwords must be updated when changed within 24 hours. Failure to disclose passwords may restrict timely access to public documents and could violate Chapter 119, Florida Statutes.

#### **204:4 Security**

1. *Accessing Other User's Files.* Users may not alter or copy a file belonging to another user without first obtaining permission from the creator of the file. Ability to read, alter, or copy a file created by another does not imply permission to read, alter, or copy that file. Users may not use the computer system to "snoop" or pry into the affairs of other users by unnecessarily reviewing their files or e-mail.
2. *Accessing Other Computers & Networks.* A user's ability to connect to other computer systems through the network or by a modem does not imply a right to connect to those systems or to make use of those systems unless specifically authorized by the operators of those systems.
3. *Computer Security.* Each user is responsible for ensuring that use of outside computers and networks, such as the Internet, does not compromise the security of Lee County's computer resources. This duty includes taking reasonable precautions to prevent intruders from accessing the County's network without authorization and to prevent introduction and spread of viruses.
4. *Remote Access.* County employees may not access County data/networks without written authorization from their supervisors. Employees may only access data for which they have been authorized. Employees with approved access may not share access methodologies and/or access with others.

#### **204:5 Viruses**

1. *Virus Detection.* Viruses can cause substantial damage to computer systems. Each user is responsible for taking reasonable precautions to ensure he or she does not introduce viruses to the County's network. To that end, all material received on floppy or other magnetic or optical medium and all material downloaded from the Internet or from computers or networks that do not belong to Lee County **MUST** be scanned for viruses and other destructive programs before being placed onto the computer system. Users should

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understand that their home computers and laptops might contain viruses. All disks transferred from these computers to the County's network **MUST** be scanned for viruses.

2. *Accessing the Internet.* To ensure security and avoid the spread of viruses, users accessing the Internet through a computer attached to the County's network must do so through an approved Internet firewall. Accessing the Internet directly, when connected to the County network (ex: by modem), is strictly prohibited.

### 204:6 Encryption Software

1. *Use of Encryption Software.* Users may not install or use encryption software on any of the County's computers without an appropriate business justification and written permission from their supervisors and the Information Technology Group (ITG). Approved users may not use ~~passwords~~ or encryption keys that are unknown to their supervisors.
2. *Export Restrictions.* The Federal government has imposed restrictions on export of programs or files containing encryption technology (such as e-mail programs that permit encryption of messages and electronic commerce software that encodes transactions). Software containing encryption technology is not to be placed on the Internet or transmitted in any way outside the United States without prior written authorization from the County Manager and County Attorney.

### 204:7 Home Use of County Computers

1. Supervisors have the discretion to allow Lee County computers to be used by employees at home for County-related work purposes, including telecommuting work arrangements (See Alternative Work Arrangements Policy 209).
2. The employee requesting use of a computer at home and his or her supervisor must sign an "Agreement for County Computer Use at Home."
3. The employee agrees to abide by all provisions of the Agreement and County policy while using the County computer at home. The employee shall not use the computer for personal use requiring any storage of data to the hard disk or loading of software or applications. Nor shall the personal use of the computer violate the provisions of this or any County policy.
4. ~~Home use of computers should not be considered as an alternative work arrangement, but rather for convenience, for example checking e-mail, finishing a project etc. (See Alternative Work Arrangements Policy 209)~~

### 204:8 Additional Provisions

1. *Disclaimer of Liability for the Use of the Internet.* Lee County Government is not responsible for material viewed or downloaded by users from the Internet. The Internet is a worldwide network of computers that contains millions of pages of information. Users are cautioned that many of those pages include offensive, sexually explicit, and inappropriate material. In general, it is difficult to avoid at least some contact with this material while using the Internet. Even innocuous search requests may lead to sites with highly offensive content. In addition, having an e-mail address on the Internet may lead to receipt of unsolicited e-mail containing offensive content. Users accessing the Internet do so at their own risk.



2. *Compliance with Applicable Laws and Licenses.* In their use of computer resources, users must comply with all software licenses; copyrights; and all other state, federal, and international laws governing intellectual property and online activities.
3. *E-mail Signature.* Users must sign all e-mail and all other electronic correspondence in accordance with the protocol established:
  - Full Name
  - Title & Department
  - E-mail address (id@leegov.com)
  - Phone Number
  - FAX Number
4. *Permanency of E-mail.* ~~E-mail is a permanent record; even after a message is deleted it still exists on the system's hard drive and also exists on backup storage devices at the sender's and recipient's locations. With that understanding, Employees are encouraged to give careful thought and consideration to what is communicated via e-mail (especially externally). Do not send an e-mail that would differ in content or expression from a formal memorandum. Emails should be archived regularly to a file located on a network shared drive to ensure that it is backed up.~~
5. *Ownership Rights.* All computer hardware, software, peripherals, disks, and data purchased by the County, created for use by the County, or created in the execution of County business, are the sole property of the Lee County Board of County Commissioners.
6. *Amendments, Revisions & Unspecified Aspects of Policy.* Any interpretation of this policy as it relates to the computer system will be provided by the Department of Human Resources with guidance from ITG and the County Attorney's Office.

#### **204:9 Computing Environment**

1. *Software/Hardware Procurement.* All software and hardware should be obtained (free software, grant, normal purchase, etc.) through existing purchasing procedures.
2. *Software and Hardware Installation.* All software should be installed by ITG. Any personal or test software/hardware installed by any individual may be removed from the computer resource at any time. There should be no expectation for non-approved software/hardware to remain in the computer resource after maintenance, upgrades or replacement.



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*Adopted by the Lee County BoCC May 11, 1994 (Last Revised February, 2006)*

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### 204:7 Home Use of County Computers

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2. The employee requesting use of a computer at home and his or her supervisor must sign an "Agreement for County Computer Use at Home."
3. The employee agrees to abide by all provisions of the Agreement and County policy while using the County computer at home. The employee shall not use the computer for personal use requiring any storage of data to the hard disk or loading of software or applications. Nor shall the personal use of the computer violate the provisions of this or any County policy.

### 204:8 Additional Provisions

1. *Disclaimer of Liability for the Use of the Internet.* Lee County Government is not responsible for material viewed or downloaded by users from the Internet. The Internet is a worldwide network of computers that contains millions of pages of information. Users are cautioned that many of those pages include offensive, sexually explicit, and inappropriate material. In general, it is difficult to avoid at least some contact with this material while using the Internet. Even innocuous search requests may lead to sites with highly offensive content. In addition, having an e-mail address on the Internet may lead to receipt of unsolicited e-mail containing offensive content. Users accessing the Internet do so at their own risk.
2. *Compliance with Applicable Laws and Licenses.* In their use of computer resources, users must comply with all software licenses; copyrights; and all other state, federal, and international laws governing intellectual property and online activities.
3. *E-mail Signature.* Users must sign all e-mail and all other electronic correspondence in accordance with the protocol established:

Full Name  
Title & Department  
E-mail address (id@leegov.com)  
Phone Number  
FAX Number

4. *Permanency of E-mail.* Employees are encouraged to give careful thought and consideration to what is communicated via e-mail (especially externally). Do not send an e-mail that would differ in content or expression from a formal memorandum. Emails should be archived regularly to a file located on a network shared drive to ensure that it is backed up.
5. *Ownership Rights.* All computer hardware, software, peripherals, disks, and data purchased by the County, created for use by the County, or created in the execution of County business, are the sole property of the Lee County Board of County Commissioners.
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#### **204:9 Computing Environment**

1. *Software/Hardware Procurement.* All software and hardware should be obtained (free software, grant, normal purchase, etc.) through existing purchasing procedures.
2. *Software and Hardware Installation.* All software should be installed by ITG. Any personal or test software/hardware installed by any individual may be removed from the computer resource at any time. There should be no expectation for non-approved software/hardware to remain in the computer resource after maintenance, upgrades or replacement.

## **COMPUTER RESOURCES**

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**Policy:**

It is the policy of the County to comply with all applicable federal, state and local health and safety regulations and to provide a work environment as free as feasible from recognized hazards. Employees are expected to comply with all safety and health requirements whether established by management or by federal, state or local law.

**Comments/Procedures:**

**210:1 SAFETY**

1. All County employees are encouraged to incorporate safety and loss prevention in their daily activities.
2. Supervisors' safety responsibilities include:
  - a) Familiarizing themselves with all safety and health procedures relevant to the operations under their supervision;
  - b) Inspecting their work areas and equipment periodically;
  - c) Training their employees in safety matters or arranging for such training where appropriate and keeping logs of such training activities;
  - d) Identifying conditions that are recognized in the County as being unsafe; and
  - e) Completing accident reports and submitting them to Risk Management within 24 hours.
3. Employees should immediately report to their supervisor all observed safety and health violations, potentially unsafe conditions and any accidents resulting in injuries or property damage to County employees or others.
  - a) The Workers' Compensation Supervisor and Employee Report of Injury form must be completed and returned to Risk Management within 24 hours after the occurrence of any injury to a County employee.
  - b) For motor vehicle accidents involving County Vehicles, the Loss/Accident Report shall be completed and returned to Risk Management within 24 hours after the occurrence of the accident.
4. Employees are encouraged to submit suggestions to Human Resources concerning safety and health matters. Management will make appropriate awards to employees whose suggestions are both adopted and significantly enhance safety, reduce costs or increase productivity.
5. The County will provide special clothing or equipment, or reimburse for it, when such clothing or equipment is required by regulation or by County policy. Such clothing and equipment, if provided, must be used. Employees are responsible for the proper use and maintenance of such clothing and equipment and will be subject to disciplinary action for failure to comply with this obligation.
6. Supervisors must not discharge or discriminate in any manner against an employee because the employee has instituted a safety-related proceeding, has testified in such a proceeding, or has otherwise exercised any right afforded by law.
7. Each department must meet state and federal rules and standards and be responsible for developing a set of safety rules, policies and regulations that pertain to their own particular



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operations. It is the responsibility of every employee to know and adhere to the safety rules and regulations, which apply to the area in which he or she is working or may be visiting.

8. All County employees required to drive County vehicles must possess a valid Florida operator's or commercial license as appropriate and maintain a safe driving record. The supervisor must certify that the employee is capable of operating all motor-powered and self-propelled equipment required in the performance of the employee's work.
9. To protect the public, employees shall cultivate the habit of being cautious when doing work on public streets or private property. Every precaution must be taken to warn and protect the public from damage, which would result from construction or working repairs of job site conditions. Barricades, warning signs must protect dangerous areas or persons designated to watch the area.

### 210:2 HEALTH

1. It is the policy of Lee County that employees with infectious, life-threatening, or other serious diseases may work as long as they are physically and mentally able to perform the duties of their job without undue risk to their own health or that of other employees or citizens.
  - a) The County will support, where feasible and practical, educational programs to enhance employee awareness and understanding of serious diseases.
  - b) Employees afflicted with a serious disease are to be treated no differently than any other employee. ~~However, if the serious disease affects their ability to perform assigned duties, such employees are to be treated like other employees who have disabilities that limit their job performance.~~
  - c) Employees who are diagnosed by a health care provider as having a serious disease qualifying disability and who want a reasonable accommodation should inform the Equal Opportunity Manager or Employee Health & Wellness of their need as soon as possible. The employee's medical condition should be kept confidential as required by law. (See Equal Employment Opportunity Policy Number 201.)
  - d) ~~Employees who have a serious disease and who want an accommodation should provide Employee Health & Wellness with any pertinent medical records needed to make decisions regarding job assignments, ability to continue working or ability to return to work. The County will also require doctor's certification of an employee's ability to perform duties safely. Additionally, the County may request that an employee submit to a medical examination if it believes the employee is a health or safety threat to themselves or others.~~
  - e) ~~In attempting to reach a reasonable accommodation with a person with a known disability the County will consult with the person with the disability in a sincere effort to reach an accommodation that will permit the employee to perform the essential functions of the job.~~
  - f) The County will maintain the confidentiality of the diagnosis and medical records of employees with serious diseases, as required by law. Information relating to an employee's serious disease will not be disclosed to other employees unless the information is, in the opinion of the County, necessary to protect the health and safety of the employee, co-worker, or others.
  - g) The County will comply with applicable occupational safety regulations concerning employees exposed to blood or other potentially infectious materials. Universal precautions, engineering and work practice controls and personal protective equipment will be utilized to limit the spread of disease in the work place.

*Adopted by the Lee County BoCC August 3, 1988 (Last Revised February 12, 2002)*

- h) Employees who refuse to work with or perform services for a person known or suspected to have a serious disease, without first discussing their concern with a supervisor or Employee Health & Wellness, will be subject to discipline, up to and including termination.

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**Policy:**

It is the policy of the County to comply with all applicable federal, state and local health and safety regulations and to provide a work environment as free as feasible from recognized hazards. Employees are expected to comply with all safety and health requirements whether established by management or by federal, state or local law.

**Comments/Procedures:**

**210:1 SAFETY**

1. All County employees are encouraged to incorporate safety and loss prevention in their daily activities.
2. Supervisors' safety responsibilities include:
  - a) Familiarizing themselves with all safety and health procedures relevant to the operations under their supervision;
  - b) Inspecting their work areas and equipment periodically;
  - c) Training their employees in safety matters or arranging for such training where appropriate and keeping logs of such training activities;
  - d) Identifying conditions that are recognized in the County as being unsafe; and
  - e) Completing accident reports and submitting them to Risk Management within 24 hours.
3. Employees should immediately report to their supervisor all observed safety and health violations, potentially unsafe conditions and any accidents resulting in injuries or property damage to County employees or others.
  - a) The Workers' Compensation Supervisor and Employee Report of Injury form must be completed and returned to Risk Management within 24 hours after the occurrence of any injury to a County employee.
  - b) For motor vehicle accidents involving County Vehicles, the Loss/Accident Report shall be completed and returned to Risk Management within 24 hours after the occurrence of the accident.
4. Employees are encouraged to submit suggestions to Human Resources concerning safety and health matters. Management will make appropriate awards to employees whose suggestions are both adopted and significantly enhance safety, reduce costs or increase productivity.
5. The County will provide special clothing or equipment, or reimburse for it, when such clothing or equipment is required by regulation or by County policy. Such clothing and equipment, if provided, must be used. Employees are responsible for the proper use and maintenance of such clothing and equipment and will be subject to disciplinary action for failure to comply with this obligation.
6. Supervisors must not discharge or discriminate in any manner against an employee because the employee has instituted a safety-related proceeding, has testified in such a proceeding, or has otherwise exercised any right afforded by law.
7. Each department must meet state and federal rules and standards and be responsible for developing a set of safety rules, policies and regulations that pertain to their own particular

## **WORKPLACE SAFETY**

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operations. It is the responsibility of every employee to know and adhere to the safety rules and regulations, which apply to the area in which he or she is working or may be visiting.

8. All County employees required to drive County vehicles must possess a valid Florida operator's or commercial license as appropriate and maintain a safe driving record. The supervisor must certify that the employee is capable of operating all motor-powered and self-propelled equipment required in the performance of the employee's work.
9. To protect the public, employees shall cultivate the habit of being cautious when doing work on public streets or private property. Every precaution must be taken to warn and protect the public from damage, which would result from construction or working repairs of job site conditions. Barricades, warning signs must protect dangerous areas or persons designated to watch the area.

### **210:2 HEALTH**

1. It is the policy of Lee County that employees with infectious, life-threatening, or other serious diseases may work as long as they are physically and mentally able to perform the duties of their job without undue risk to their own health or that of other employees or citizens.
  - a) The County will support, where feasible and practical, educational programs to enhance employee awareness and understanding of serious diseases.
  - b) Employees afflicted with a serious disease are to be treated no differently than any other employee. Employees who are diagnosed by a health care provider as having a qualifying disability and who want a reasonable accommodation should inform the Equal Opportunity Manager or Employee Health & Wellness of their need as soon as possible. The employee's medical condition should be kept confidential as required by law. (See Equal Employment Opportunity Policy Number 201.)
  - c) The County will maintain the confidentiality of the diagnosis and medical records of employees with serious diseases, as required by law. Information relating to an employee's serious disease will not be disclosed to other employees unless the information is, in the opinion of the County, necessary to protect the health and safety of the employee, co-worker, or others.
  - d) The County will comply with applicable occupational safety regulations concerning employees exposed to blood or other potentially infectious materials. Universal precautions, engineering and work practice controls and personal protective equipment will be utilized to limit the spread of disease in the work place.
  - e) Employees who refuse to work with or perform services for a person known or suspected to have a serious disease, without first discussing their concern with a supervisor or Employee Health & Wellness, will be subject to discipline, up to and including termination.

**Policy:**

It is the policy of the County to evaluate all jobs in order to establish a consistent basis for measuring and ranking the relative worth of each job. Further, it is the intent of the County to maintain salary ranges, current job titles and job descriptions in accordance with sound compensation practices.

**Comments/Procedures:**

**211:1 GENERAL PROVISIONS**

1. Human Resources is responsible for coordinating the continuing internal review of the County's compensation structure and for making sure that each job is evaluated and assigned a salary range which accurately and fairly reflects each job's responsibilities and performance.

In addition, Human Resources will participate in and/or conduct compensation surveys of other comparable employers with similar jobs. This and other available information will be used to determine the relative competitiveness of the County's pay structure. This process takes place throughout the year, with a final pay plan presented to the Board of County Commissioners at the beginning of each fiscal year.

2. The Pay Plan contains salary ranges with a minimum and a maximum rate for each job title. Human Resources may recommend changes in salary range assignments throughout the fiscal year as needed for administrative effectiveness and based on organization and market changes. These changes may be requested by any department director, and are to be approved by the Human Resources Director or his/her designee.
3. Human Resources should evaluate all new positions and review, on a periodic basis, all job descriptions to ensure that they accurately reflect current conditions. An authorized position may not be filled until it has been classified in accordance with the Pay Plan. If a suitable classification does not exist, Human Resources may recommend the establishment of a new classification and salary range for approval by the County Manager or his/her designee.
4. Human Resources is responsible for developing and administering daily activities of the job evaluation program. This includes taking responsibility for revising/updating job descriptions, deleting job titles that are no longer needed and position reclassifications.
5. Human Resources is responsible for reassigning job titles to the Administrative, Exempt and Non-Exempt pay plans based on changes in organizational needs, in compliance with the Fair Labor Standards Act.

**JOB EVALUATION**

Policy Number 211

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**JOB EVALUATION**

Policy Number 211

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**Policy:**

It is the policy of the County to establish the time and duration of working hours as required by workload, productivity, customer service needs, the efficient management of human resources and any applicable law. This policy does not guarantee or place a limitation on the number of hours to be worked in any one day, or the number of days per week, or any other work period.

**Comments/Procedures:**

**307:1 NORMAL WORKDAY AND WORKWEEK**

- a) The normal work week for all employees, other than Public Safety employees working scheduled extended shifts, shall be forty hours. Exempt employees are compensated on the basis that extended workdays and/or workweeks may be required to accomplish the expected assignments of the position. Employees filling such positions are expected to work whatever hours are necessary to complete expected assignments.

**307:2 MEAL AND BREAK PERIODS**

- a) The schedule of hours for employees will be determined by each department director or designee who will inform employees of their daily schedule of hours of work, including meal and break periods, and of any changes deemed necessary or desirable by the County. Work breaks are not intended to be combined with the meal break, to make up for late arrival or early departure, nor as any other leave with pay. An employee shall not accumulate unused meal or work breaks.
- b) All non-exempt employees working forty hours per week may be allowed two fifteen minute breaks during the day, the time of which should be at the discretion of the supervisor or their designee. Unpaid meal periods for non-exempt employees must be for a minimum of one-half hour, during which no work is to be done.

**307:3 OVERTIME AND COMPENSATORY TIME**

- a) Department/division directors or their designee may schedule overtime or extra shifts when it is deemed necessary. Supervisors will assign overtime to employees in the particular job for which overtime is required. Non-exempt employees are not permitted to work overtime without the prior approval of their supervisor or department/division directors or designee. For the purposes of overtime compensation, only hours worked in excess of forty during a workweek will be counted.
- b) Non-exempt employees are entitled to receive pay or may be offered compensatory time off at a rate of one and one half times the employee's hourly rate of pay for hours worked in excess of 40 during the workweek (See Pay Procedures Policy 503). Those employees in administrative, executive, and professional positions as defined by the Fair Labor Standards Act are exempt from the overtime compensation provisions of this policy.

**307:4 COMPENSATORY TIME**

- a) Compensatory time off is an adjustment to the regular work schedule in order to limit the amount of overtime pay necessary. Department/division directors or their designee may elect to grant compensatory leave in lieu of overtime pay for hours worked in excess of 40 during the workweek. Compensatory time will be granted as time off at the rate of one and one half times the hours worked in excess of 40 during the workweek.
- b) Compensatory time off must be scheduled with supervisory approval and at a time mutually convenient to the employee and the department. (See Pay Procedures Policy 503 for further clarification.)

## HOURS OF WORK

Policy Number 307

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### 307:5 TRAINING AND OFFSITE WORK

- a) Employee attendance at lectures, meetings and training programs will be considered hours of work if such attendance is requested by management.
- b) Non-exempt employees performing County related business from home or any other offsite location will be considered hours of work and will be paid accordingly.

### 307:6 STAND-BY DUTY

- a) In order to provide coverage for services and to handle emergencies during off duty hours, it may be necessary to assign and schedule employees for stand-by duties. County employees in non-exempt job classifications who are on stand-by duty and are restricted to a designated location or premises are eligible for stand-by pay. Assignment is rotated among employees in the appropriate job class and posted one month in advance. Employees in this status are expected to work their normal 40 hours during the pay period, as well as be on stand-by for the remaining 128 hours.

### 307:7 HOURS NOT WORKED

- a) Department/division directors or their designee may, at their discretion, allow employees to make-up time off during a given workweek (See Alternative Work Arrangements Policy 209).
- b) All employees may be required to make up time if scheduled hours are not worked during the workweek, if paid leave is not used.

### 307:8 TIME SHEETS

- a) Departments are required to complete an individual time record showing the daily hours worked for all non-exempt employees (those employees subject to the minimum wage and overtime provisions of the Fair Labor Standards Act). Time records cover two workweeks. The following points should be considered in filling out time records:
  - i) Non-exempt employees are not permitted to commence work before their normal starting time or to continue work after their normal quitting time without the prior approval of their supervisor;
  - ii) Employee time records are to be checked and signed by the supervisor involved. Unworked time for which an employee is entitled to be paid (paid absences and paid holidays) should be entered by the supervisor on the time record. Authorized overtime also should be identified by the supervisor;
  - iii) Falsifying any time record is prohibited and may be grounds for disciplinary action, up to and including termination; and
  - iv) Non-exempt employees are required to take scheduled lunch or meal breaks.
- b) Personnel employed in administrative and exempt positions are exempt from the overtime provisions of the Fair Labor Standards Act and are required to work a minimum of 40 hours per workweek. Such employees are not required to fill out hourly time records but must account for daily attendance. In addition, exempt employees will not receive overtime compensation, but occasionally may be granted time-off after working exceptionally long hours.

### 307:9 SHIFT DIFFERENTIAL

- a) Non-exempt employees (excluding 56-hour employees, communications operators, and employees at the rank of lieutenant and higher) will receive a shift differential as follows:

- i) 3% additional pay for second shift, where four or more hours are worked which fall between 3:00 PM and 11:00 PM.
- ii) 5% additional pay for third shift, where four or more hours are worked which fall between 11:00 PM and 7:00 AM.
- b) When work hours for any shift qualify for shift differential, the time card shall be posted to reflect all hours worked during that shift at the highest rate of shift differential pay. Time is not split between two rates of shift differential pay for work on the same continuous shift.

**HOURS OF WORK**

Policy Number 307

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## **HOURS OF WORK**

Policy Number 307

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# HOURS OF WORK

Policy Number 307

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**Policy:**

It is the policy of the County that reductions in workforce and elimination of regular, Board-approved positions may be necessary from time to time for various business reasons.

**Comments/Procedures:**

**311:1 GENERAL PROVISIONS**

1. The provisions, conditions and principles of this policy apply exclusively to regular, Board-approved full- and part-time positions. Employees covered under the Supplemental Workforce Policy Number 309 and certain grant-funded positions are exempted from the provisions of this policy.
2. "Reduction in Workforce" means the abolishment of Board-approved full- and/or part-time positions due to operational needs, re-organization, lack of work, outsourcing of functions, shortage of funds, or other reasons deemed appropriate by the County. A "reduction in workforce" covered by the provisions of this policy is not intended to be a short-term adjustment where positions are reestablished after they have been abolished or eliminated.
3. Reductions in workforce and elimination of positions may be necessary as a result of, but not limited to: shortage or reduction of funds; lack of work; material changes in job duties or organizational structure; contracting/outsourcing of functions; loss of funding source; abolishment of a position group, division or department; or other reason within the discretion of the County. A reduction in force under the provisions of this policy should result in a net savings to the County or other operational efficiencies.
4. Analysis and decisions on reduction in workforce will be limited to the affected position group within the Department or Division.
5. The order of dismissal will be based upon several factors including (in no particular order of consideration or importance):
  - a) Performance for the past three years;
  - b) Conduct and corrective actions for the past three years;
  - c) Record of unexcused absence or abuse of leave for the past three years;
  - d) Elimination of position or position group; and
  - e) ~~Length of continuous service with the Board of County Commissioners.~~
6. Supervisors shall present a proposed list of affected employees and corresponding positions with all supporting documentation to a Reduction in Force (RIF) Committee. The RIF Committee shall consist of the Director of Human Resources, Budget Director, a representative from County Administration and the County Attorney (or assigned designees). The Department and/or Division Directors of the affected departments will be consulted as appropriate. The Communications Director shall be responsible for the dissemination of appropriate information regarding the RIF process. The Committee will provide recommendations on the final list to the County Manager along with documented reasons for the decisions.
  - The RIF Committee shall give consideration to the County's diversity goals and Veteran's Preference. In the event of similar job performance, preference in retention may be granted to veterans and under-represented individuals within the work unit. A decision to eliminate a position held by a qualified veteran must be documented in accordance with Rule 55A-7.015(2), FAC.

## REDUCTION IN WORKFORCE POLICY

Policy Number 311

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7. ~~Any reduction in workforce decision shall not be subject to the County's grievance procedure except in allegations of discrimination. In instances where allegations of discrimination against a category of protected persons are made regarding a reduction in workforce decision, the complainant may contact the Office of Equal Opportunity for further review.~~
8. Reorganizations of Departments, Divisions, or Programs are not subject to the provisions of this policy and will be handled on a case-by-case basis with review by the Department of Human Resources.
9. The provisions of this policy are guidelines for reductions in workforce only, the County reserves the right to alter this policy with or without notice; and may choose another process for reduction in workforce at any time with the approval of the Board of County Commissioners.

### 311:2 RETENTION OF EMPLOYEES

1. A qualified employee with an acceptable record of work performance may, at the discretion of the Department or Division Director, be offered a voluntary transfer to vacant position of equal or lesser grade within the same Department or Division.
2. The Department or Division Director of the vacant position in consultation with, and with the concurrence of, the Director of Human Resources shall determine the appropriate level of compensation to be offered to employees considering voluntary transfer.
3. Any employee subject to reduction in workforce may apply for any posted position throughout the County, and compete with all other applicants for that position.

### 311:3 STATE & FEDERAL FUNDED POSITIONS

1. Persons in positions funded by state or federal grant funds will be subject to reduction in workforce upon the elimination or cutback of such funds. No reduction in workforce shall be conducted in conflict with any State or Federal grant regulation prohibiting the layoff of employees.
2. Persons in positions that are partially funded by state or federal program funds are subject to workforce reduction in accordance with the provisions of this policy.

### 311:4 REHIRE

1. Employees may be rehired following a reduction in force if they had an acceptable work record and were not dismissed as a result of a corrective action, employment misconduct or similar circumstance.
2. The ordinary six-month probationary period shall be waived for an employee that has been rehired after an involuntary reduction in workforce.
3. An employee that has been rehired after an involuntary reduction in workforce may be eligible to begin to accrue benefits based on the appropriate BOCC service including continuous service prior to the involuntary separation of employment, provided certain conditions are met (see 311:5).

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**311:5 SERVICE CONTINUATION**

1. Employees subject to an involuntary reduction in force as a result of shortage or reduction of funds; lack of work; material changes in job duties or organizational structure; contracting/outsourcing of functions; loss of funding source; abolishment of a position group, division or department; or other reason within the discretion of the County shall have their original recent, continuous BOCC service credited for purposes where service date is the basis of the benefit if rehired in accordance with 311:5(2).
2. The provisions of service continuation shall not cover employees terminated from employment due to performance, policy infraction, employment misconduct, corrective action or similar circumstance. [See section 311:1(5)]
3. Employees given special consideration for the reduction in force (e.g. Early Out Program) shall not be credited for prior County service if re-employed at a future date.
4. Rehired employees will assume the responsibility to inform Human Resources of prior continuous BOCC service.
  - Human Resources will verify and certify the appropriate service credit to be applied.
  - A Report of Personnel Action form (RPA) will establish the new service date to be applied.
  - The service covered by the adjusted service date shall be considered “current” and “consecutive” service for provisions of Lee County Policy
  - Benefits and accruals will begin on the effective date of the RPA based upon the adjusted service date – no retroactive benefits or accruals will be applied.

**311:6 HEALTH BENEFITS FOR REHIRED EMPLOYEES**

1. Employees rehired following an involuntary reduction in workforce into a regular full-time or part-time Board-approved position shall be eligible to receive health benefits from the first of the month following the date of rehire or the establishment of the new service date (which ever is later).
2. Pre-existing conditions shall follow the rules set forth in the Health Insurance Portability and Accountability Act (HIPAA) and the Lee County BoCC health insurance summary plan documents.

**311:7 AT-WILL NATURE OF EMPLOYMENT**

1. The provisions of this policy neither alter, amend, or modify the at-will nature of employment of all County employees nor in any way restrict the County’s right to terminate any employee at any time for any reason, with or without cause as stated in the County’s Employment-At-Will Policy. The County also reserves its right to change the terms and conditions of employment at its will and discretion with or without notice.
2. Employees have the right to end the employment relationship at any time for any reason, with or without cause.

# **REDUCTION IN WORKFORCE POLICY**

Policy Number 311

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**Policy:**

It is the policy of the County that reductions in workforce and elimination of regular, Board-approved positions may be necessary from time to time for various business reasons.

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4. Analysis and decisions on reduction in workforce will be limited to the affected position group within the Department or Division.
5. The order of dismissal will be based upon several factors including (in no particular order of consideration or importance):
  - a) Performance for the past three years;
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  - d) Elimination of position or position group; and
6. Supervisors shall present a proposed list of affected employees and corresponding positions with all supporting documentation to a Reduction in Force (RIF) Committee. The RIF Committee shall consist of the Director of Human Resources, Budget Director, a representative from County Administration and the County Attorney (or assigned designees). The Department and/or Division Directors of the affected departments will be consulted as appropriate. The Communications Director shall be responsible for the dissemination of appropriate information regarding the RIF process. The Committee will provide recommendations on the final list to the County Manager along with documented reasons for the decisions.
  - The RIF Committee shall give consideration to the County's diversity goals and Veteran's Preference. In the event of similar job performance, preference in retention may be granted to veterans and under-represented individuals within the work unit. A decision to eliminate a position held by a qualified veteran must be documented in accordance with Rule 55A-7.015(2), FAC.

# REDUCTION IN WORKFORCE POLICY

Policy Number 311

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7. In instances where allegations of discrimination against a category of protected persons are made regarding a reduction in workforce decision, the complainant may contact the Office of Equal Opportunity for further review.
8. Reorganizations of Departments, Divisions, or Programs are not subject to the provisions of this policy and will be handled on a case-by-case basis with review by the Department of Human Resources.
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## **311:5 SERVICE CONTINUATION**

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contracting/outsourcing of functions; loss of funding source; abolishment of a position group, division or department; or other reason within the discretion of the County shall have their original recent, continuous BOCC service credited for purposes where service date is the basis of the benefit if rehired in accordance with 311:5(2).

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# REDUCTION IN WORKFORCE POLICY

Policy Number 311

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**Policy:**

It is the policy of the County to separate employment because of an employee's resignation, termination, and retirement, the expiration of an employment contract or a reduction in the work force. Termination can be for any reason not prohibited by law. In the absence of a specific written agreement, employees are free to resign at any time and for any reason.

**Comments/Procedures:**

**312:1 GENERAL PROVISIONS**

1. Employees are requested to give a minimum of two (2) weeks written notice of their intent to resign.

~~The following guidelines are suggested:~~

- ~~a) Executive and administrative employees should give four weeks notice;~~
- ~~b) All other employees should give at least two weeks notice.~~

Employees who are absent from their normally scheduled work shift for three (3) consecutive days without being excused or giving proper notice will be considered as having voluntarily resigned.

2. For policies and procedures leading up to termination for disciplinary reasons, please refer to Corrective Action/Disciplinary Procedure Policy 601.
3. For policies and procedures governing retirement, see Retirement Policy 314.
4. Supervisors should send notices of resignation, or recommendations for termination and a Request for Personnel Action (RPA) to Human Resources for processing. These notices should be accompanied by any needed supporting documents such as notices of corrective action, disciplinary reports and letters of resignation. All terminations should be reviewed by Human Resources before any final action is taken.
5. Supervisors should ensure that the employee prior to separating employment returns all County property. This can be accomplished by using a checklist that itemizes what must be relinquished by the employee.
6. Requests for employment references should be made in writing to Human Resources and should include an authorization by the employee for the release of the requested information. Human Resources will not release reference information without the employee's authorization and will limit the information to verification of the employee's position, salary, job location and dates of employment with the County.

# SEPARATION OF EMPLOYMENT

Policy Number 312

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# SEPARATION OF EMPLOYMENT

Policy Number 312

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**Policy:**

It is the policy of Lee County Government to provide employees with appropriate time off due to illness under certain conditions. Eligible employees accrue paid sick leave and may take time off as necessary due to illness.

**Comments/Procedures:**

**401:1 GENERAL**

1. Paid sick leave will accrue according to the following schedule:
  - a) Regular Employees, in Board-approved Positions –
    - i) Regular full- and part-time employees normally scheduled to work at least twenty (20) hours per week shall accrue five percent (5%) of the average regularly scheduled biweekly hours for the position as hours of sick leave with pay per biweekly pay period. (For example, a 40-hour employee will accrue 4 hours biweekly; a 56-hour employee will accrue 5.6 hours biweekly; a 35-hour employee will accrue 3.5 hours.)
    - ii) Regular part-time employees assigned to Bridge Operations in the Department of Transportation shall be exempted from the twenty (20) hours per week scheduling requirement under 401:1(1)(a)(i) due to the nature of the work schedules for those operations.
    - iii) All other regular part-time employees scheduled to work less than twenty (20) hours per week do not accrue paid sick leave.
  - b) Supplemental Workforce –
    - i) Employees covered under the Supplemental Workforce Policy Number 309 shall not accrue, nor be granted, paid sick leave.
2. Sick leave is accrued on the last day in the pay period. It is recorded and available for use the first day of the following ~~the issuance of the paycheck for the accrual pay~~ period. An employee must have active payroll status during the first day of the following pay period to be credited for sick leave accrued during the previous pay period.
3. Sick leave with pay may not be taken prior to the time it is recorded and available for use.
4. Sick leave accrual begins with the first pay period of regular full-time or part-time employment with the County. It may be used as soon as it is recorded.
5. Sick leave may only be used for the illness of the employee, an illness in the employee's immediate family (spouse, child [minor or adult] or parent), necessary medical appointments and treatments, injury, disability, pregnancy or quarantine by health authorities or a physician. Medical certification may be required for a serious health condition ~~and as described in the in-Section 405- Family & Medical Leave Act.~~
6. For any sick leave taken, employees may be required to supply proof of illness, injury, or disability by submitting, at their own expense, a physician's statement. Failure to provide such documentation may result in corrective action and the leave being unpaid.
  - The County may, at its choosing and expense, require an employee to get a second or third medical opinion. The cost of second and/or third opinions will be paid by the requesting department.

## **SICK LEAVE**

Policy Number 401

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7. Employees may be required to report to the Employee Wellness Nurse after returning from sick leave for a medical assessment before being allowed to return to work.
8. No limit is placed upon the number of sick leave hours that may be accumulated for use by any employee.
9. For payroll purposes, sick leave is used from currently accrued balance before banked hours can be used.
10. Once an employee has used all of his/her accrued sick leave he/she may be required to substitute other available paid leave to be used as sick leave.

### **401:2 SICK LEAVE POOL**

1. A voluntary sick leave pool has been established to provide limited additional sick leave benefits to those who choose to participate in the case of serious personal illness or injury. Use of leave from the pool requires the employee to use all other available paid leave he/she has accrued (sick leave, vacation leave, and compensatory time off). A committee of employees volunteering to serve two-year terms will administer this pool.
  - FMLA prohibits the use of compensatory time for FMLA approved leaves of absence.
2. All the provisions and requirements in section 401:2 are described for a regular 40-hour per week full-time employee. Requirements and provisions must be adjusted proportionately for regular full-time positions with greater or fewer hours on a normal schedule.
3. Sick Leave Pool Participation Requirements - An employee must:
  - a) Be a regular, benefits-eligible full- or part-time employee (part-time employees benefits, donations, and requirements will be pro-rated);
  - b) Donate eight (8) hours of leave annually during a specified open-enrollment period, and if the bank falls below a designated safety level must contribute additional hours in order to continue participation or opt out until the next open-enrollment period;
  - c) Have a sick leave balance of at least eighty (80) hours at the time of initial pool enrollment in order to participate in the annual program;
  - d) Be an employee in good standing that has not abused any leave privilege; and
  - e) Agree to all terms and conditions set forth in this policy and by the sick leave pool administration committee.
4. Sick Leave Pool Restrictions
  - a) All sick leave donated to the pool is subtracted from the employee's current balance and becomes the property of the sick leave pool (and will not be returned nor paid out if the employee discontinues participation or ends his/her employment relationship with Lee County);
  - b) Employees will be provided the opportunity to participate in the pool during the County's annual open enrollment for benefits;

- c) Sick leave pool hours can be used only for the participating employee's own serious health condition or injury, and must be taken consecutively without interruption (pool hours may not be used for intermittent leave);
  - d) The Department of Human Resources will determine if an employee's condition/circumstances qualify according to leave pool requirements;
  - e) Hours from the pool will only be released on a biweekly basis not to exceed the normal working schedule of the participating employee;
  - f) Employees must use all available paid leave (sick leave, vacation leave and compensatory time off) before using sick leave pool hours;
  - g) The maximum allowed single event usage will be two hundred forty (240) hours, or six (6) normally scheduled weeks, based on hours available and approved by the sick leave pool committee;
  - h) The maximum usage in any ten-year period shall not exceed four hundred eighty (480) hours, or twelve (12) normally scheduled weeks; and
  - i) Other restrictions and provisions may be imposed by the sick leave pool administrators with the approval of the Director of Human Resources, or designee.
5. Sick Leave Pool Administration
- a) Requests for sick leave pool dispersal will be coordinated through the Department of Human Resources and assigned a number in order to conceal the identity of the employee from the pool committee;
  - b) The sick leave pool shall be administered by a group of employees (consisting of at least three members) volunteering for terms to be determined in length by the sick leave pool administration committee;
  - c) All decisions of the sick leave pool administrators are final; and
  - d) The sick leave pool administrators shall have the power to create additional rules and requirements for participation not spelled out in this policy subject to the approval of the Director of Human Resources.
6. Sick leave pool viability will be determined by the voluntary donation of leave to the pool.

**401:3 SICK LEAVE BUY-BACK**

1. Each year, employees who have two hundred (200) hours or more of accumulated, unused sick leave shall be eligible to sell back to the Board of County Commissioners any sick leave in excess of two hundred (200) hours which has been accrued, recorded, and available for use, but not used during the current fiscal year.
  - a) For employees with six (6) or more years of current, consecutive service under the Board of County Commissioners, the payment for the annual buy-back will be calculated at the rate of fifty percent (50%) of the current hourly base rate for the employee times the number of hours sold.
  - b) For employees with less than six (6) years of current, consecutive service under the Board of County Commissioners, the payment for the annual buy-back will be calculated



## SICK LEAVE

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- at the rate of twenty-five percent (25%) of the current hourly base rate for the employee times the number of hours sold.
- c) Sick leave that is not paid out on an annual basis may be accumulated for future use, but will not be available for payout in subsequent years or upon separation.
  - d) Employees who leave the employment of the County shall be eligible to sell back any sick leave accrued and unused in the current fiscal year in excess of two hundred (200) accumulated hours, and any hours banked prior to October 8, 1998.
2. ~~For Employees of who were employed by the County prior to October 8, 1998, upon the separation of employment, with the County employees will be paid for all available sick leave accrued prior to that date to October 8, 1998, according to the following schedule:~~
- a) ~~For employees vested in the Florida Retirement System (FRS), the payment will be calculated at the rate of fifty percent (50%) of the current hourly base rate for the employee times the number of hours sold.~~
  - b) ~~For employees not vested in FRS, the payment will be calculated at the rate of twenty-five (25%) of the current hourly base rate for the employee times the number of hours sold.~~
3. An employee leaving Lee County Government to work for another FRS employer that allows limited transfer of sick leave may elect not to have all sick leave bought back upon separation of employment with the County.
- a) It is the responsibility of the employee to inform the Department of Human Resources and the Payroll Office in writing of any intent to have sick leave transferred to another FRS employer prior to separation of employment with the County. The employee is also responsible for obtaining and filling out any paperwork needed for such transfers.
  - b) Failure to notify the Payroll Office and/or failure to have completed the necessary paperwork in sufficient time prior to leaving employment with the County may result in all sick leave being paid out at the appropriate rate and no accrued sick leave being transferred to the new FRS employer.
  - c) It is solely the responsibility of the employee to find out if another FRS employer allows for sick leave transfer and the amount that may be transferred. This practice varies widely among FRS employers and the County will not make inquiries for employees regarding the transfer of leave to another FRS employer.
  - d) Lee County does not accept accrued sick leave transferred in from another FRS employer.

**Policy:**

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**Comments/Procedures:**

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    - ii) Regular part-time employees assigned to Bridge Operations in the Department of Transportation shall be exempted from the twenty (20) hours per week scheduling requirement under 401:1(1)(a)(i) due to the nature of the work schedules for those operations.
    - iii) All other regular part-time employees scheduled to work less than twenty (20) hours per week do not accrue paid sick leave.
  - b) Supplemental Workforce –
    - i) Employees covered under the Supplemental Workforce Policy Number 309 shall not accrue, nor be granted, paid sick leave.
2. Sick leave is accrued on the last day in the pay period. It is recorded and available for use the first day of the following pay period. An employee must have active payroll status the first day of the following pay period to be credited for sick leave accrued during the previous pay period.
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4. Sick leave accrual begins with the first pay period of regular full-time or part-time employment with the County. It may be used as soon as it is recorded.
5. Sick leave may only be used for the illness of the employee, an illness in the employee's immediate family (spouse, child [minor or adult] or parent), necessary medical appointments and treatments, injury, disability, pregnancy or quarantine by health authorities or a physician. Medical certification may be required for a serious health condition as described in the Family & Medical Leave Act.
6. For any sick leave taken, employees may be required to supply proof of illness, injury, or disability by submitting, at their own expense, a physician's statement. Failure to provide such documentation may result in corrective action and the leave being unpaid.
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  - d) Employees who leave the employment of the County shall be eligible to sell back any sick leave accrued and unused in the current fiscal year in excess of two hundred (200) accumulated hours, and any hours banked prior to October 8, 1998.
2. Employees of the County prior to October 8, 1998, upon the separation of employment, will be paid available sick leave accrued prior to that date at the rate of fifty percent (50%) of the current hourly base rate for the employee times the number of hours sold.
  3. An employee leaving Lee County Government to work for another FRS employer that allows limited transfer of sick leave may elect not to have all sick leave bought back upon separation of employment with the County.
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    - d) Lee County does not accept accrued sick leave transferred in from another FRS employer.

**Policy:**

It is the policy of Lee County Government to afford the opportunity for all regular full-time and part-time employees to take annual vacations with pay in accordance with established guidelines. The purpose of vacation leave is to provide employees time away from normal work activities without loss of pay or benefits. Approved vacations are beneficial to the operation of Lee County Government and beneficial to its employees; therefore, each eligible employee is encouraged to take annual vacation leave.

**Comments/Procedures:**

**402:1 GENERAL PROVISIONS**

1. Supervisors are responsible for ensuring adequate staffing levels at all times.
  - a) Employees must submit vacation requests in advance to their supervisor. Failure to submit a vacation request in advance may result in the vacation being denied
  - b) Supervisors shall schedule vacations according to the operational needs of the department, and attempt to resolve any scheduling conflicts with the employees involved.
  - c) Management reserves the right to designate when some or all vacation leave may be taken.
  
2. Vacation hours are accrued based upon the employee's length of service with the County and normal work schedule during the preceding year.
  - a) Regular Full-Time Employees --
    - i) Regular full-time employees normally scheduled to work forty (40) hours per week shall accrue vacation according to the following schedule:

<u>Length of Service</u>	<u>Accrual Rate Per Pay Period</u>	<u>Annual Leave Accrued</u>
0-4 YEARS	3.70 HOURS	96.20 HOURS
5-9 YEARS	4.62 HOURS	120.12 HOURS
10-14 YEARS	5.54 HOURS	144.04 HOURS
15-19 YEARS	6.01 HOURS	156.25 HOURS
20+ YEARS	6.47 HOURS	168.22 HOURS

- ii) Regular full-time employees in positions normally scheduled to work greater or fewer than forty (40) hours per week shall accrue vacation leave on a prorated basis calculated from the normal scheduled hours for the individual employee.
- iii) When necessary to recruit highly qualified employees, the County Manager or County Attorney may apply a higher accrual rate from the schedule above.

➤ **CALCULATION:**

Accrual Rate [2(a)(i)] / 80 Hrs. X Average Scheduled Biweekly Hours = Adjusted Accrual Based on Workschedule

- b) Regular Part-Time Employees –
  - i) Regular part-time employees normally scheduled to work at least twenty (20) hours per week accrue vacation leave on a prorated basis calculated from the base hours normally scheduled for the individual employee.
  - ii) Regular part-time employees assigned to Toll Facility and Bridge Operations in the Department of Transportation shall be exempted from the twenty (20) hours per

## VACATION LEAVE

Policy Number 402

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- week scheduling requirement in 402:1(2)(b)(i) due to the nature of the work schedules for those operations.
- iii) All other regular part-time employees not normally scheduled to work at least twenty (20) hours per week do not accrue paid vacation leave.
- c) Supplemental Workforce—
- i) Employees covered under the Supplemental Workforce Policy Number 309 shall not accrue, nor be granted, paid vacation leave.
3. Vacation leave is accrued on the last day of the pay period. It is recorded and available for use the day following the issuance of the paycheck for the period of the accrual. An employee must have active payroll status during the following pay period to be credited for the previous week's accrued vacation leave.
  4. Employees shall not carry forward more than six normally scheduled workweeks for their position [e.g. two hundred forty (240) hours for 40 hour employees] of accrued vacation leave into the next calendar year. An employee may accrue more than the maximum allowed carryover vacation hours during the calendar year; however, all excess hours will be forfeited if not used by the last day of the first payperiod in the calendar year.
  5. New regular employees eligible for vacation leave shall accrue vacation hours during the probationary period but are not eligible to use any paid vacation until completion of the probationary period. Vacation leave for a probationary employee is recorded and available for use the day following the issuance of the first paycheck after the employee has been placed on regular status. If the employee leaves County employment or is dismissed from employment before the end of the probationary period, he/she will receive pay for any accrued vacation leave.
  6. Vacation leave with pay may not be taken prior to the time it is recorded and available for use. Nor shall any vacation leave be paid upon separation that has not been previously recorded and available for use by the employee.
  7. Prepaid vacation (vacation leave paid out to the employee prior to that employee leaving work for such vacation) will not be granted in increments of less than one (1) regularly scheduled week of pay. Requests for prepaid vacation must be made in writing to the supervisor at least three (3) weeks prior to the start of the proposed vacation. The supervisor will forward the request to the payroll representative for the department.
  8. Accrued and available vacation leave, up to the maximum of six weeks, will be paid to the employee following separation of employment at the current hourly base rate of the employee.

**Policy:**

It is the policy of Lee County Government to afford the opportunity for all regular full-time and part-time employees to take annual vacations with pay in accordance with established guidelines. The purpose of vacation leave is to provide employees time away from normal work activities without loss of pay or benefits. Approved vacations are beneficial to the operation of Lee County Government and beneficial to its employees; therefore, each eligible employee is encouraged to take annual vacation leave.

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- ii) Regular full-time employees in positions normally scheduled to work greater or fewer than forty (40) hours per week shall accrue vacation leave on a prorated basis calculated from the normal scheduled hours for the individual employee.
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Accrual Rate [2(a)(i)] / 80 Hrs. X Average Scheduled Biweekly Hours = Adjusted Accrual Based on Workschedule

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c) Supplemental Workforce—

i) Employees covered under the Supplemental Workforce Policy Number 309 shall not accrue, nor be granted, paid vacation leave.

3. Vacation leave is accrued on the last day of the pay period. It is recorded and available for use the day following the issuance of the paycheck for the period of the accrual. An employee must have active payroll status during the following pay period to be credited for the previous week's accrued vacation leave.
4. Employees shall not carry forward more than six normally scheduled workweeks for their position [e.g. two hundred forty (240) hours for 40 hour employees] of accrued vacation leave into the next calendar year. An employee may accrue more than the maximum allowed carryover vacation hours during the calendar year; however, all excess hours will be forfeited if not used by the last day of the first payperiod in the calendar year.
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8. Accrued and available vacation leave, up to the maximum of six weeks, will be paid to the employee following separation of employment at the current hourly base rate of the employee.

### Policy:

It is the policy of Lee County Government to grant employees leave(s) of absence under certain circumstances.

### Comments/Procedures:

#### **404:1 GENERAL**

1. Department Directors may approve leaves of absences, not to exceed twelve (12) weeks in a five (5) year period, either paid or unpaid, not otherwise covered by another Leave Policy in Section 400 of the Policy and Procedures Manual. Such requests for leaves of absence will be evaluated taking into account individual circumstances of the request and the business needs of the department, including staffing needs.

2. Medical certification may be required for a serious health condition, as described in the Family & Medical Leave Act (FMLA), although employee may not qualify for protection under FMLA.

The County requires that all accumulated paid leave first be exhausted and counted towards the maximum amount of approved leave. The remainder of the leave period, if any, is unpaid.

3. Employees who are on an approved leave of absence are expected to report any change of status in the need for a leave, as soon as such a change takes place, to the immediate supervisor or to the Department Director.

4. Employees intending to return to work from an approved leave of absence shall notify the immediate supervisor in advance of returning to work. Employees are encouraged to provide as much advance notice as possible. Failure to notify the supervisor may result in a delay in the return to work.

5. An employee who fails to return to work at the conclusion of an approved leave will be considered to have voluntarily abandoned their position. In such instances involving leave of absence without pay the County may recover from the employee the County's share of any insurance premiums paid by Lee County on behalf of the employee and his/her dependents.

6. Benefits that accrue according to length of service such as paid vacation, sick leave, and retirement credit, do not accrue during periods of unpaid leave of absence. Likewise, holidays will not be granted during periods of unpaid leave.

7. An employee returning to work from a leave of absence, including military leave, must comply with reinstatement requirements specified by federal and state law. If the same job or one of equivalent status is not available as a result of a reduction in force, the employee will be treated in the same manner as though he/she were not on leave at the time of the reduction in force.

#### **404:2 BENEFITS COVERAGE DURING LEAVE**

## LEAVE OF ABSENCE

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1. If the leave of absence is unpaid, the employee will be required to pay fifty percent (50%) of the cost of health insurance premiums and one hundred percent (100%) of the dental & life insurance premiums during the leave of absence.
2. If the leave of absence is paid, the County will continue to pay the normal cost of insurance premiums for the employee and the employee's dependents as if the employee were otherwise working during the leave of absence. The employee will likewise continue to pay his/her portion of any premiums during this period. Failure of the employee to pay his/her portion of the premiums may result in loss of coverage.

### 404:3 ADMINISTRATIVE LEAVE

1. A Department Director or designee may grant administrative leave with or without pay when it is determined that it is in the best interest of the County not to have the employee in the work area.

### ~~404:3 OTHER LEAVES OF ABSENCE~~

- ~~1. Department Directors may approve other leaves of absence not to exceed twelve (12) weeks, either paid or unpaid, not otherwise covered in Lee County Government Policy & Procedure as defined throughout Section 400—Leave/Absence from Work.~~
  - ~~a) Such requests for leaves of absence will be evaluated taking into account individual circumstances of the request and the business needs of the department (including staffing needs).~~

**Policy:**

It is the policy of Lee County Government to grant employees leave(s) of absence under certain circumstances.

**Comments/Procedures:**

**404:1 GENERAL**

1. Department Directors may approve leaves of absences, not to exceed twelve (12) weeks in a five (5) year period, either paid or unpaid, not otherwise covered by another Leave Policy in Section 400 of the Policy and Procedures Manual. Such requests for leaves of absence will be evaluated taking into account individual circumstances of the request and the business needs of the department, including staffing needs.
2. Medical certification may be required for a serious health condition, as described in the Family & Medical Leave Act (FMLA), although employee may not qualify for protection under FMLA.

The County requires that all accumulated paid leave first be exhausted and counted towards the maximum amount of approved leave. The remainder of the leave period, if any, is unpaid.

3. Employees who are on an approved leave of absence are expected to report any change of status in the need for a leave, as soon as such a change takes place, to the immediate supervisor or to the Department Director.
4. Employees intending to return to work from an approved leave of absence shall notify the immediate supervisor in advance of returning to work. Employees are encouraged to provide as much advance notice as possible. Failure to notify the supervisor may result in a delay in the return to work.
5. An employee who fails to return to work at the conclusion of an approved leave will be considered to have voluntarily abandoned their position. In such instances involving leave of absence without pay the County may recover from the employee the County's share of any insurance premiums paid by Lee County on behalf of the employee and his/her dependents.
6. Benefits that accrue according to length of service such as paid vacation, sick leave, and retirement credit, do not accrue during periods of unpaid leave of absence. Likewise, holidays will not be granted during periods of unpaid leave.
7. An employee returning to work from a leave of absence, including military leave, must comply with reinstatement requirements specified by federal and state law. If the same job or one of equivalent status is not available as a result of a reduction in force, the employee will be treated in the same manner as though he/she were not on leave at the time of the reduction in force.

**404:2 BENEFITS COVERAGE DURING LEAVE**

1. If the leave of absence is unpaid, the employee will be required to pay fifty percent (50%) of the cost of health insurance premiums and one hundred percent (100%) of the dental & life insurance premiums during the leave of absence.

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2. If the leave of absence is paid, the County will continue to pay the normal cost of insurance premiums for the employee and the employee's dependents as if the employee were otherwise working during the leave of absence. The employee will likewise continue to pay his/her portion of any premiums during this period. Failure of the employee to pay his/her portion of the premiums may result in loss of coverage.

### **404:3 ADMINISTRATIVE LEAVE**

1. A Department Director or designee may grant administrative leave with or without pay when it is determined that it is in the best interest of the County not to have the employee in the work area.



**Policy:**

It is the policy of Lee County Government to grant its employees up to twelve (12) weeks leave of absence in any twelve (12) month period to be used in accordance with the provisions of the Family & Medical Leave Act (FMLA).

**Comments/Procedures:**

**405:1 GENERAL**

1. Employees who have been **employed** for at least one year (52 weeks – which need not be consecutive), *and* have **worked** at least 1,250 hours during the preceding twelve (12) month period are eligible for family and medical leave.
  - For employees who are not eligible for FMLA leave, the County will review business considerations and the individual circumstances involved. Any leave granted under these special conditions and circumstances would be non-FMLA leave that does not afford the protections granted to eligible employees by the Family & Medical Leave Act.
2. The term **“immediate family”** means:
  - a) Spouse – the husband or wife of the employee as defined or recognized under State law for purposes of marriage (Spouse does not include any 'live-in' partner, husband or wife from common-law marriage entered into after January 1, 1968, nor any other situations not recognized as a legal spouse under the laws of the State of Florida); and
  - b) Child or 'Son or Daughter' – the son or daughter of the employee that is biological, adopted, or foster child, a legal ward, or a child of a person standing *in loco parentis* who is (a) under eighteen (18) years of age or (b) eighteen (18) years of age or older and incapable of self care because of a mental or physical disability; and
  - c) Parent – the biological parent of an employee or an individual who stood *in loco parentis* to an employee when the employee was a ~~son or daughter.~~ child.
    - *Note:* The Department of Human Resources in consultation with the County Attorney's Office shall make determinations regarding *in loco parentis* conditions and qualifications on a case-by-case basis.
3. “Immediate family” **does not** include “in-law” parents, grandparents, “in-law” grandparents, or any person not expressly defined above.
4. Family & Medical Leave Act only requires that a total of twelve (12) weeks of unpaid leave be made available in any twelve (12) month period. Where The County requires that all applicable paid leave first be exhausted and counted towards the maximum amount of leave required under the law. ~~is available, the County requires the use of paid leave as follows:~~
  - a) ~~The use of accrued sick leave for serious health conditions (in accordance with Policy 401 – Sick Leave);~~
  - b) ~~The use of accrued vacation leave down to eighty (80) hours; and~~The remainder of the leave period, if any, ~~is will consist of unpaid leave.~~

An employee who has purchased the County's Short Term Disability (STD) benefit may use this benefit in lieu of using accrued sick and/or vacation leave. During the initial elimination period of STD, an employee may use accrued sick and/or vacation leave.

Accrued sick leave may only be used in accordance with the County's Sick Leave Policy Number 401. (Example: For the medical condition of the birth mother or child.)

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- ~~5. The remaining eighty (80) hours of available vacation leave not required by the County to be taken for FMLA leave will be available to the employee for use in accordance with an FMLA leave at the sole discretion of that employee.~~

### 405:2 REASONS FOR LEAVE & CONDITIONS/RESTRICTIONS

1. All employees who meet the applicable time-of-service requirements may be granted a combined total of twelve (12) weeks of leave, whether paid or unpaid, [during any twelve (12) month period] for the following reasons:
  - a) The birth of the employee's child and in order to care for the child;
  - b) The placement of a child with the employee for adoption or foster care;
  - c) To care for the employee's spouse, child or parent who has a serious health condition (the care of grandparents or in-laws is not covered under the FMLA); or
  - d) A serious health condition that renders the employee incapable of performing the functions of his/her job.
2. Leave to be used for the birth or placement of a child for adoption or foster care must be taken within twelve (12) months from the date of the birth or placement. If the County employs both parents, they will be permitted to take a combined total of twelve (12) weeks of leave for the birth or placement of the child.
3. Family or medical leave may be taken as intermittent leave or leave on a reduced schedule only if there is a **medical need** for such leave (as distinguished from voluntary treatments and procedures), and that such medical need can be **best** accommodated through an intermittent or reduced leave schedule.
  - a) An employee needing intermittent FMLA leave or leave on a reduced leave schedule must attempt to schedule the leave so as not to disrupt the County's operations.
  - b) In addition, provisions of the Family & Medical Leave Act allow the employer to assign an employee to an alternate position with equivalent pay and benefits that better accommodates the employee's intermittent or reduced leave schedule. The employee will be returned to his/her original or similar position following this application of leave.
  - c) When leave is taken after the birth or placement of a child for adoption or foster care, an employee may take leave intermittently or on a reduced leave schedule only if the employer agrees. The employer's agreement is not required, however, for leave during which the mother has a serious health condition or if the newborn child has a serious health condition.

### 405:3 TRACKING & AVAILABILITY OF LEAVE

1. Lee County Government uses a "rolling year" basis for calculating FMLA leave. A "rolling year" is calculated by measuring backward twelve (12) months from the date the employee uses any FMLA leave.
  - a) If an employee has taken no FMLA leave in the preceding twelve (12) months, the employee is entitled to use up to the total twelve-week entitlement.
  - b) If the employee has taken some FMLA leave in the preceding twelve (12) months, the employee is entitled to use the balance of the twelve- (12) week entitlement after the total FMLA leave used in the preceding twelve months has been subtracted.

***Adopted by the Lee County BoCC May 11, 1994 (Last Revised March 1, 2005)***

2. For ease of tracking intermittent leave, the twelve- (12) week entitlement may be equivalently defined in hours.
  - a) If an employee has an irregular schedule from week to week. The twelve-week equivalent in hours is equal to the total number of hours worked by the employee in the twelve (12) weeks preceding the first day of the FMLA leave.
  - b) If an employee's schedule varies week to week, a weekly average of the hours worked over the twelve (12) weeks prior to the beginning of the leave period would be used for calculating the employee's normal workweek.
3. FMLA leave will be tracked on the employee's time sheet by the department. Likewise it shall be the responsibility of the department to inform an employee of the amount of FMLA leave available to the employee and to inform the employee and the FMLA Coordinator when the end of the 12-week entitlement is nearing.
4. To the extent allowed by law, in the event an absence is for a reason covered by the FMLA, the County reserves the right to count it as family medical leave, whether the employee has applied for it or not. When this occurs, the employee will be promptly notified as required by law.

#### **405:4 APPLICATION FOR LEAVE**

1. In all cases, an employee requesting leave must complete a "Leave Request Form" and return it to the immediate supervisor.
2. The completed leave request must state that the reason for the leave is a covered FMLA condition (specific medical details are not needed nor are they suggested; the employee should state whether the leave is for "personal serious illness," "serious illness in the immediate family," "parental leave," or "hospitalization"), the duration of the leave, and the starting and approximate ending dates of the leave (if known). If an employee fails to state one of the aforementioned reasons for the leave, the FMLA leave may be delayed or denied depending upon individual circumstances.
  - All medical information is confidential and is only retained by the Lee County Employee Health/Wellness Nurse and/or Risk Management in confidential files. If the information is not specific to a diagnosis or is simply stating the reasons listed above, that information is not considered confidential medical information. The Department of Human Resources, Risk Management and the County Attorney's Office are available to advise the departments as to what constitutes confidential medical information.

#### **405:5 NOTICE OF LEAVE**

1. An employee intending to take family or medical leave due to an expected birth or placement of a child, or because of a planned medical treatment, must submit a leave request form at least thirty (30) days before the leave is to begin. Failure to provide this notice may postpone the leave.
2. If leave is to begin within thirty (30) days, an employee must give notice to his/her immediate supervisor and Human Resources as soon as the necessity for leave arises.
3. If a supervisor learns of an event which can be reasonably foreseen to qualify as FMLA leave, the employee should be placed on FMLA and the employee should be notified the County has designated the leave as FMLA leave pending appropriate paperwork. While the



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initial notification of the placement of the employee on family or medical leave may be oral or written, the Department Director (or designee) shall be responsible for notifying the employee in writing of his/her FMLA status no later than the following payday, and forwarding a "Report of Personnel Action" (RPA) & "Leave Request Form" to the Department of Human Resources within forty-eight (48) hours of the initial notification.

4. In general, the FMLA is not counted retroactively, however; if the County learns that leave is for an FMLA-qualifying purpose after leave has begun, the entire or some portion of the paid leave period may be retroactively counted as FMLA leave, to the extent that the leave period qualified as FMLA leave. Such determinations will be made in consultation with Human Resources.
5. An employee may be absent from work due to an on-the-job illness or injury that also qualifies as a serious health condition under FMLA and still receive workers' compensation. Workers' compensation leave and FMLA leave can run concurrently. The Department of Human Resources, when necessary, shall make such determinations as to whether workers' compensation leave should be counted as FMLA leave. The Department will inform an employee that his/her workers' compensation leave is also being counted as FMLA leave when the condition qualifies as an FMLA covered condition.
  - ✓ If the workers' compensation leave is longer than the 12-week entitlement under FMLA, such leave will revert to the rules provided by workers' compensation laws and regulations.

### 405:6 MEDICAL CERTIFICATION OF LEAVE

1. A request for leave based on the serious health condition of the employee or employee's spouse, child, or parent must also be accompanied by a "Medical Certification Statement" completed by the applicable health care provider, and must be submitted to the Department of Human Resources – Employee Health/Wellness Nurse. ***Failure to complete and submit necessary FMLA paperwork may result in the denial of FMLA leave until such time as proper paperwork has been completed, received, and reviewed by the County.***

The certification must state:

- the date on which the condition commenced,
- the probable duration of the condition, and
- the appropriate medical facts regarding the condition.

This information will be kept confidential in the records of the Employee Health/Wellness Nurse.

2. Leave Certification must be returned to Human Resources – Employee Health/Wellness Nurse within a reasonable time frame not to exceed fifteen (15) days from the commencement of the leave:
  - Certification paperwork is expected to be provided thirty (30) days prior to any scheduled or anticipated FMLA leave.
3. If the employee is needed to care for a spouse, child, or parent, the certification must state that requirement along with an estimate of the amount of time the employee will be needed.

***Adopted by the Lee County BoCC May 11, 1994 (Last Revised March 1, 2005)***

4. Certifications are needed for either parent in the case of FMLA leave being taken for the birth or placement of a child.
5. If the employee has a serious health condition, the certification must also state that the employee cannot perform the functions of his/her job.
6. The County may request, at its own expense, second or third medical opinions regarding FMLA determination and periodic re-certifications of FMLA status. The Department will pay the cost of such opinions.
  - FMLA rules prohibit the employer from directly contacting a health care provider to question medical certification of leave to protect the privacy interests of the employee. If there is a question regarding the certification, the only recourse is to request a second and/or third opinion at the expense of the County.

#### **405:7 BENEFITS COVERAGE DURING LEAVE**

1. During a period of family or medical leave, an employee will be retained by the County health plan under the same conditions that applied before the leave commenced.
2. To continue health coverage, the employee must continue to make any contributions that he/she made to the plan prior to taking leave. Failure of the employee to pay his/her portion of the health insurance premium may result in the loss of coverage.
3. If the employee fails to return to work after the expiration of the leave, the employee will be required to reimburse the County for payment of health insurance premiums during any unpaid leave, unless the reason the employee fails to return is the presence of a serious health condition which prevents the employee from performing his/her job or to circumstances beyond the employee's control.
4. An employee is not entitled to the accrual of ~~seniority or~~ employment benefits that would have accrued if not for the taking of leave. However, an employee who takes family or medical leave will not lose any ~~seniority or~~ employment benefits that accrued before the date the leave began.

#### **405:8 RESTORATION OF EMPLOYMENT**

1. An employee eligible for family and medical leave – with the exception of those employees designated as “key employees” – will be restored to his/her old position or to a position with equivalent pay, benefits, and other terms and conditions of employment. The County cannot guarantee that an employee will be returned to his/her original position. The County will make a determination as to whether a position is an “equivalent position”. If an employee wishes to challenge this determination, he/she should ~~follow the same guidelines set forth in the grievance procedure in this document.~~ contact Human Resources.
2. Pursuant to the FMLA, an employee may be denied restoration rights if:
  - a) The individual cannot perform the essential functions of the job, with or without accommodation;
  - b) The individual would pose a significant risk to the safety of other employees;

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- c) The employee's job was eliminated or he/she was laid off because of business conditions.

### 405:9 CONTACT/COMMUNICATION GUIDELINES

1. ~~Employees are encouraged to keep in regular contact with their immediate supervisors while on family or medical leave to inform them of their current status and intention to return to work. During FMLA leave, employees must periodically report on their medical status and intent to return to work. An employee must contact the immediate supervisor no less often than once every thirty (30) days, and at any time that the need for FMLA has changed.~~
2. The County is allowed to initiate communication with employees who are on an FMLA leave, but not more than once every thirty (30) days.

### 405:10 RETURN FROM LEAVE

1. An employee must notify the department and Human Resources of his/her intention to return from FMLA leave before he/she can be returned to active status.
2. If an employee wishes to return to work prior to the scheduled expiration of a family or medical leave of absence, notification must be given to the employee's supervisor at least five (5) working days prior to the employee's planned return.
3. ~~An employee returning from family or medical leave, which was a result of a serious health condition of the employee, shall report to the Employee Health/Wellness Nurse for evaluation before returning to active status. Medical Evidence Upon Return to Work – Except during the course of approved intermittent leave, all employees of the County whose FMLA leave was taken due to the employee's own serious health condition must obtain and present certification from the employee's health care provider that the employee is able to resume work before the employee will be allowed to return to work. The County will consider any reasonable accommodations to an ongoing condition as required by law.~~
4. If at any point an employee gives notice that he/she will not be returning from FMLA leave, the supervisor should request a written resignation.

### 405:11 FAILURE TO RETURN FROM LEAVE

1. ~~The failure of an employee to return to work upon the expiration of a qualifying FMLA leave will subject the employee to immediate termination unless a non-FMLA (paid or unpaid) leave of absence (i.e. extension of leave) is granted. [See 405:11(4)(b)(i) for benefits information & 405:11(5) for limitations.] (See Leave of Absence Policy Number 404.)~~
2. ~~An employee who requests an extended leave of absence after the expiration of the 12 weeks of FMLA leave due to the continuation, recurrence, or onset of his/her own serious health condition, or that of the employee's spouse, child, or parent, must submit a request in writing for the extended non-FMLA leave of absence to the employee's immediate supervisor. This written request should be made as soon as the employee realizes that he/she will not be able to return at the expiration of the leave period.~~
3. ~~It is the responsibility of the supervisor, or designee, to generate an RPA removing the employee from family or medical leave status at the end of his/her leave. If an extended~~

~~non-FMLA leave of absence is granted to an employee following his/her expiration of FMLA leave, the supervisor, or designee, will generate a separate RPA placing the employee on non-FMLA unpaid leave of absence. It is the responsibility of the department to notify the employee that he/she is no longer covered by FMLA leave and its protections when authorizing extended non-FMLA leaves of absence.~~

~~4. Any approved extended leave after the expiration of the twelve (12) weeks of FMLA leave shall be unpaid leave and not subject to the conditions and protections afforded under the Family & Medical Leave Act. Under extenuating circumstances extended non-FMLA leave may be paid leave if the employee has accrued sufficient paid leave to cover this time; however, the paid status of extended non-FMLA leave does not extend the protections and conditions originally afforded under the Family & Medical Leave Act.~~

~~a) The employee will not necessarily be returned to his/her original position, nor guaranteed to be returned to a similar position with equal pay or terms and conditions of employment he/she held prior to taking family or medical leave.~~

~~b) Benefits—~~

~~i) If the non-FMLA leave of absence is unpaid, the employee will be required to pay fifty percent (50%) of the cost of health insurance premiums and one hundred percent (100%) of the dental & life insurance premiums during the non-FMLA leave of absence.~~

~~ii) If the non-FMLA leave of absence is paid, the County will continue to pay the normal cost of insurance premiums for the employee and the employee's dependents as if the employee were otherwise working during the non-FMLA leave of absence. The employee will likewise continue to pay his/her portion of any premiums during this period. Failure of the employee to pay his/her portion of the premiums may result in loss of coverage.~~

~~c) In cases where it is determined (or can be reasonably foreseen) that the employee would not be able to return to work at the end of the twelve week non-FMLA leave an extension will not be granted.~~

~~5. Under no circumstances shall the non-FMLA extended unpaid leave of absence continue beyond an additional twelve (12) weeks from the date the FMLA leave expired without the written consent of the County Manager.~~

#### **405:12 EMPLOYEE OBLIGATIONS UNDER FMLA**

~~1. During FMLA leave, employees must periodically report on their medical status and intent to return to work. An employee must contact the immediate supervisor no less often than once every thirty (30) days, and at any time that the need for FMLA has changed. When the employee gives unequivocal notice of an intent not to return to work, the employment relationship will be terminated, and the employee's entitlement to continued leave, maintenance of health benefits (subject to COBRA requirements), and re-employment will cease.~~

~~2. *Medical Evidence Upon Return to Work*— Except during the course of approved intermittent leave, all employees of the County whose FMLA leave was taken due to the employee's own serious health condition must obtain and present certification from the employee's health care provider that the employee is able to resume work before the employee will be allowed to return to work. The County will consider any reasonable accommodations to an ongoing condition as required by law.~~

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- ~~3. *Failure to Cooperate* — If an employee fails to provide required information to the County, the employee may have the leave delayed and be subject to discipline, up to and including discharge, as permitted by law.~~

### **405:13 RELATIONSHIP TO THE AMERICANS WITH DISABILITIES ACT**

1. The Family & Medical Leave Act provides certain job protections and entitlements as they relate to the "serious health condition" of the employee and/or the employee's immediate family. The Americans with Disabilities Act requires employers to make "reasonable accommodations" for individuals with qualifying disabling conditions. While the FMLA and the ADA seem to cover separate situations and operate exclusively from each other, supervisors must be aware that in practice there may be circumstances that present themselves in a way that may create difficulty in separating the two Acts.
2. The American with Disabilities Act requires that each case be handled on a case-by-case basis. If an employee requests a modified work schedule following a leave, as a result of an FMLA leave condition, or at any other time, the request must be evaluated to determine if it is a "reasonable accommodation" request falling under the ADA or simply an FMLA leave request.
3. Additional guidance may be provided by County Policy, the Department of Human Resources and/or the Office of Equal Opportunity.

**Policy:**

It is the policy of Lee County Government to grant its employees up to twelve (12) weeks leave of absence in any twelve (12) month period to be used in accordance with the provisions of the Family & Medical Leave Act (FMLA).

**Comments/Procedures:**

**405:1 GENERAL**

1. Employees who have been **employed** for at least one year (52 weeks – which need not be consecutive), *and* have **worked** at least 1,250 hours during the preceding twelve (12) month period are eligible for family and medical leave.
  - For employees who are not eligible for FMLA leave, the County will review business considerations and the individual circumstances involved. Any leave granted under these special conditions and circumstances would be non-FMLA leave that does not afford the protections granted to eligible employees by the Family & Medical Leave Act.
2. The term **“immediate family”** means:
  - a) Spouse – the husband or wife of the employee as defined or recognized under State law for purposes of marriage (Spouse does not include any ‘live-in’ partner, husband or wife from common-law marriage entered into after January 1, 1968, nor any other situations not recognized as a legal spouse under the laws of the State of Florida); and
  - b) Child or ‘Son or Daughter’ – the son or daughter of the employee that is biological, adopted, or foster child, a legal ward, or a child of a person standing *in loco parentis* who is (a) under eighteen (18) years of age or (b) eighteen (18) years of age or older and incapable of self care because of a mental or physical disability; and
  - c) Parent – the biological parent of an employee or an individual who stood *in loco parentis* to an employee when the employee was a child.
    - *Note:* The Department of Human Resources in consultation with the County Attorney’s Office shall make determinations regarding *in loco parentis* conditions and qualifications on a case-by-case basis.
3. “Immediate family” **does not** include “in-law” parents, grandparents, “in-law” grandparents, or any person not expressly defined above.
4. Family & Medical Leave Act only requires that a total of twelve (12) weeks of unpaid leave be made available in any twelve (12) month period. The County requires that all applicable paid leave first be exhausted and counted towards the maximum amount of leave required under the law. The remainder of the leave period, if any, is unpaid.

An employee who has purchased the County’s Short Term Disability (STD) benefit may use this benefit in lieu of using accrued sick and/or vacation leave. During the initial elimination period of STD, an employee may use accrued sick and/or vacation leave.

Accrued sick leave may only be used in accordance with the County’s Sick Leave Policy Number 401. (Example: For the medical condition of the birth mother or child.)

**405:2 REASONS FOR LEAVE & CONDITIONS/RESTRICTIONS**

1. All employees who meet the applicable time-of-service requirements may be granted a combined total of twelve (12) weeks of leave, whether paid or unpaid, [during any twelve (12) month period] for the following reasons:

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- a) The birth of the employee's child and in order to care for the child;
  - b) The placement of a child with the employee for adoption or foster care;
  - c) To care for the employee's spouse, child or parent who has a serious health condition (the care of grandparents or in-laws is not covered under the FMLA); or
  - d) A serious health condition that renders the employee incapable of performing the functions of his/her job.
2. Leave to be used for the birth or placement of a child for adoption or foster care must be taken within twelve (12) months from the date of the birth or placement. If the County employs both parents, they will be permitted to take a combined total of twelve (12) weeks of leave for the birth or placement of the child.
3. Family or medical leave may be taken as intermittent leave or leave on a reduced schedule only if there is a **medical need** for such leave (as distinguished from voluntary treatments and procedures), and that such medical need can be **best** accommodated through an intermittent or reduced leave schedule.
- a) An employee needing intermittent FMLA leave or leave on a reduced leave schedule must attempt to schedule the leave so as not to disrupt the County's operations.
  - b) In addition, provisions of the Family & Medical Leave Act allow the employer to assign an employee to an alternate position with equivalent pay and benefits that better accommodates the employee's intermittent or reduced leave schedule. The employee will be returned to his/her original or similar position following this application of leave.
  - c) When leave is taken after the birth or placement of a child for adoption or foster care, an employee may take leave intermittently or on a reduced leave schedule only if the employer agrees. The employer's agreement is not required, however, for leave during which the mother has a serious health condition or if the newborn child has a serious health condition.

### 405:3 TRACKING & AVAILABILITY OF LEAVE

1. Lee County Government uses a "rolling year" basis for calculating FMLA leave. A "rolling year" is calculated by measuring backward twelve (12) months from the date the employee uses any FMLA leave.
  - a) If an employee has taken no FMLA leave in the preceding twelve (12) months, the employee is entitled to use up to the total twelve-week entitlement.
  - b) If the employee has taken some FMLA leave in the preceding twelve (12) months, the employee is entitled to use the balance of the twelve- (12) week entitlement after the total FMLA leave used in the preceding twelve months has been subtracted.
2. For ease of tracking intermittent leave, the twelve- 12) week entitlement may be equivalently defined in hours.
  - a) If an employee has an irregular schedule from week to week. The twelve-week equivalent in hours is equal to the total number of hours worked by the employee in the twelve (12) weeks preceding the first day of the FMLA leave.



- b) If an employee's schedule varies week to week, a weekly average of the hours worked over the twelve (12) weeks prior to the beginning of the leave period would be used for calculating the employee's normal workweek.
3. FMLA leave will be tracked on the employee's time sheet by the department. Likewise it shall be the responsibility of the department to inform an employee of the amount of FMLA leave available to the employee and to inform the employee and the FMLA Coordinator when the end of the 12-week entitlement is nearing.
4. To the extent allowed by law, in the event an absence is for a reason covered by the FMLA, the County reserves the right to count it as family medical leave, whether the employee has applied for it or not. When this occurs, the employee will be promptly notified as required by law.

#### **405:4 APPLICATION FOR LEAVE**

1. In all cases, an employee requesting leave must complete a "Leave Request Form" and return it to the immediate supervisor.
2. The completed leave request must state that the reason for the leave is a covered FMLA condition (specific medical details are not needed nor are they suggested; the employee should state whether the leave is for "personal serious illness," "serious illness in the immediate family," "parental leave," or "hospitalization"), the duration of the leave, and the starting and approximate ending dates of the leave (if known). If an employee fails to state one of the aforementioned reasons for the leave, the FMLA leave may be delayed or denied depending upon individual circumstances.
  - All medical information is confidential and is only retained by the Lee County Employee Health/Wellness Nurse and/or Risk Management in confidential files. If the information is not specific to a diagnosis or is simply stating the reasons listed above, that information is not considered confidential medical information. The Department of Human Resources, Risk Management and the County Attorney's Office are available to advise the departments as to what constitutes confidential medical information.

#### **405:5 NOTICE OF LEAVE**

1. An employee intending to take family or medical leave due to an expected birth or placement of a child, or because of a planned medical treatment, must submit a leave request form at least thirty (30) days before the leave is to begin. Failure to provide this notice may postpone the leave.
2. If leave is to begin within thirty (30) days, an employee must give notice to his/her immediate supervisor and Human Resources as soon as the necessity for leave arises.
3. If a supervisor learns of an event which can be reasonably foreseen to qualify as FMLA leave, the employee should be placed on FMLA and the employee should be notified the County has designated the leave as FMLA leave pending appropriate paperwork. While the initial notification of the placement of the employee on family or medical leave may be oral or written, the Department Director (or designee) shall be responsible for notifying the employee in writing of his/her FMLA status no later than the following payday, and forwarding a "Report of Personnel Action" (RPA) & "Leave Request Form" to the Department of Human Resources within forty-eight (48) hours of the initial notification.



## FAMILY & MEDICAL LEAVE

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4. In general, the FMLA is not counted retroactively, however; if the County learns that leave is for an FMLA-qualifying purpose after leave has begun, the entire or some portion of the paid leave period may be retroactively counted as FMLA leave, to the extent that the leave period qualified as FMLA leave. Such determinations will be made in consultation with Human Resources.
5. An employee may be absent from work due to an on-the-job illness or injury that also qualifies as a serious health condition under FMLA and still receive workers' compensation. Workers' compensation leave and FMLA leave can run concurrently. The Department of Human Resources, when necessary, shall make such determinations as to whether workers' compensation leave should be counted as FMLA leave. The Department will inform an employee that his/her workers' compensation leave is also being counted as FMLA leave when the condition qualifies as an FMLA covered condition.
  - ✓ If the workers' compensation leave is longer than the 12-week entitlement under FMLA, such leave will revert to the rules provided by workers' compensation laws and regulations.

### 405:6 MEDICAL CERTIFICATION OF LEAVE

1. A request for leave based on the serious health condition of the employee or employee's spouse, child, or parent must also be accompanied by a "Medical Certification Statement" completed by the applicable health care provider, and must be submitted to the Department of Human Resources – Employee Health/Wellness Nurse. ***Failure to complete and submit necessary FMLA paperwork may result in the denial of FMLA leave until such time as proper paperwork has been completed, received, and reviewed by the County.***

The certification must state:

- the date on which the condition commenced,
- the probable duration of the condition, and
- the appropriate medical facts regarding the condition.

This information will be kept confidential in the records of the Employee Health/Wellness Nurse.

2. Leave Certification must be returned to Human Resources – Employee Health/Wellness Nurse within a reasonable time frame not to exceed fifteen (15) days from the commencement of the leave:
  - Certification paperwork is expected to be provided thirty (30) days prior to any scheduled or anticipated FMLA leave.
3. If the employee is needed to care for a spouse, child, or parent, the certification must state that requirement along with an estimate of the amount of time the employee will be needed.
4. Certifications are needed for either parent in the case of FMLA leave being taken for the birth or placement of a child.

5. If the employee has a serious health condition, the certification must also state that the employee cannot perform the functions of his/her job.
6. The County may request, at its own expense, second or third medical opinions regarding FMLA determination and periodic re-certifications of FMLA status. The Department will pay the cost of such opinions.
  - FMLA rules prohibit the employer from directly contacting a health care provider to question medical certification of leave to protect the privacy interests of the employee. If there is a question regarding the certification, the only recourse is to request a second and/or third opinion at the expense of the County.

#### **405:7 BENEFITS COVERAGE DURING LEAVE**

1. During a period of family or medical leave, an employee will be retained by the County health plan under the same conditions that applied before the leave commenced.
2. To continue health coverage, the employee must continue to make any contributions that he/she made to the plan prior to taking leave. Failure of the employee to pay his/her portion of the health insurance premium may result in the loss of coverage.
3. If the employee fails to return to work after the expiration of the leave, the employee will be required to reimburse the County for payment of health insurance premiums during any unpaid leave, unless the reason the employee fails to return is the presence of a serious health condition which prevents the employee from performing his/her job or to circumstances beyond the employee's control.
4. An employee is not entitled to the accrual of employment benefits that would have accrued if not for the taking of leave. However, an employee who takes family or medical leave will not lose any employment benefits that accrued before the date the leave began.

#### **405:8 RESTORATION OF EMPLOYMENT**

1. An employee eligible for family and medical leave – with the exception of those employees designated as “key employees” – will be restored to his/her old position or to a position with equivalent pay, benefits, and other terms and conditions of employment. The County cannot guarantee that an employee will be returned to his/her original position. The County will make a determination as to whether a position is an “equivalent position”. If an employee wishes to challenge this determination, he/she should contact Human Resources.
2. Pursuant to the FMLA, an employee may be denied restoration rights if:
  - a) The individual cannot perform the essential functions of the job, with or without accommodation;
  - b) The individual would pose a significant risk to the safety of other employees;
  - c) The employee's job was eliminated or he/she was laid off because of business conditions.

#### **405:9 CONTACT/COMMUNICATION GUIDELINES**

## **FAMILY & MEDICAL LEAVE**

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1. During FMLA leave, employees must periodically report on their medical status and intent to return to work. An employee must contact the immediate supervisor no less often than once every thirty (30) days, and at any time that the need for FMLA has changed.
2. The County is allowed to initiate communication with employees who are on an FMLA leave, but not more than once every thirty (30) days.

### **405:10 RETURN FROM LEAVE**

1. An employee must notify the department and Human Resources of his/her intention to return from FMLA leave before he/she can be returned to active status.
2. If an employee wishes to return to work prior to the scheduled expiration of a family or medical leave of absence, notification must be given to the employee's supervisor at least five (5) working days prior to the employee's planned return.
3. Medical Evidence Upon Return to Work – Except during the course of approved intermittent leave, all employees of the County whose FMLA leave was taken due to the employee's own serious health condition must obtain and present certification from the employee's health care provider that the employee is able to resume work before the employee will be allowed to return to work. The County will consider any reasonable accommodations to an ongoing condition as required by law.
4. If at any point an employee gives notice that he/she will not be returning from FMLA leave, the supervisor should request a written resignation.

### **405:11 FAILURE TO RETURN FROM LEAVE**

1. The failure of an employee to return to work upon the expiration of a qualifying FMLA leave will subject the employee to immediate termination unless a leave of absence is granted. (See Leave of Absence Policy Number 404.)

### **405:12 RELATIONSHIP TO THE AMERICANS WITH DISABILITIES ACT**

1. The Family & Medical Leave Act provides certain job protections and entitlements as they relate to the "serious health condition" of the employee and/or the employee's immediate family. The Americans with Disabilities Act requires employers to make "reasonable accommodations" for individuals with qualifying disabling conditions. While the FMLA and the ADA seem to cover separate situations and operate exclusively from each other, supervisors must be aware that in practice there may be circumstances that present themselves in a way that may create difficulty in separating the two Acts.
2. The American with Disabilities Act requires that each case be handled on a case-by-case basis. If an employee requests a modified work schedule following a leave, as a result of an FMLA leave condition, or at any other time, the request must be evaluated to determine if it is a "reasonable accommodation" request falling under the ADA or simply an FMLA leave request.

3. Additional guidance may be provided by County Policy, the Department of Human Resources and/or the Office of Equal Opportunity.

## **FAMILY & MEDICAL LEAVE**

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**Policy:**

It is the policy of Lee County Government to provide time off to employees for bereavement to attend funerals or memorial services, and for civic duty leave (jury duty, witness duty, voting and military duty). Abuse of bereavement or civic duty leaves shall be subject to disciplinary action. Falsification of the need for bereavement or civic duty leaves shall result in immediate termination.

**Comments/Procedures:**

**406:1 BEREAVEMENT**

1. Regular employees may be granted, upon request and with the approval of the Department Director, bereavement leave with pay due to a death in the family. Leave may be granted for:
  - a) The death of the employee's Spouse, Child, Foster Child, Parent, Guardian, Sibling, Grandparent, Grandchild, Stepparent, Stepchild, Stepbrother, or Stepsister.
  - b) The death of the employee's spouse's Child, Foster Child, Parent, Guardian, Sibling, Grandparent, or Grandchild.
2. Paid bereavement leave is intended to provide sufficient time, within reasonable guidelines, for an employee to attend a funeral or memorial service for a loved one. The County recognizes that individuals have their own private way to mourn members of the family and may grant paid bereavement leave as follows:
  - a) For the death of an employee's immediate family (spouse, child, parent or sibling), the County at its sole discretion may grant **up to** one (1) normal week's work schedule for bereavement.
  - b) For all other individuals listed in 406:1(1)(a & b), the County may grant **up to**:
    - i) Three (3) days paid leave of absence for local bereavement.
    - ii) An additional day for travel to and from the location 50 or more miles from Fort Myers (i.e. **up to** a total of five (5) days paid bereavement leave).
3. An employee may be requested to provide a statement in writing to his/her immediate supervisor giving the name of the deceased and his/her relationship to the employee, as well as the location (city & state) of the memorial. This information shall be attached to the leave request form and retained with departmental payroll records.
4. Additional bereavement leave or bereavement leave for individuals not specifically listed in this policy shall require the use of accumulated vacation or sick leave; otherwise, the bereavement leave will be considered an unpaid leave of absence.

**406:2 CIVIC & MILITARY DUTY LEAVES**

**406:2.1 JURY DUTY**

1. When a regular employee is required to serve on jury duty, the employee shall be relieved of responsibility for his/her normal work shift, and the County shall pay the employee the amount that would have normally been received had the employee worked the time served for jury duty (plus travel time from and/or back to the work site if the employee reported to work prior to jury duty and/or after being dismissed).

## **BEREAVEMENT & CIVIC DUTY LEAVES**

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2. An employee who is required to serve on jury duty shall notify his/her supervisor or Department Director of the requirement within twenty-four (24) hours of receiving the notification to report for jury duty whenever possible, but in no event later than the beginning of the next work shift.
3. When an employee is released or excused from jury duty, the employee shall notify his/her supervisor as quickly as possible of his/her ability to return to work. At that time, the supervisor will make a determination if the employee shall return to work immediately, or for the next scheduled work shift.
4. A certification of attendance from the court is required when returning to work from jury duty.
  - a) It is the employee's responsibility to request a certification of attendance from the court upon dismissal from jury duty and prior to returning to work.
  - b) The certification of attendance must be submitted to the employee's supervisor, along with a leave request indicating absence due to jury duty, immediately upon returning to work.
  - c) Failure to provide a certification of attendance from the court shall result in the employee not being paid for the time spent on jury duty, and that time being considered an unexcused absence from work.
5. Payment received by the employee for jury duty, except for meals, travel, and lodging expenses, shall be endorsed to the County.

### **406:2.2 WITNESS DUTY**

1. Any regular employee who, upon the request and for the benefit of the County attends any legal proceedings involving the County, or is subpoenaed to any court proceeding involving the County, shall be paid as if the employee were engaged in his/her normal work.
2. A certification of attendance from the court is required when returning to work from witness duty, whether paid by the County or not, for that time.
  - a) It is the employee's responsibility to request a certification of attendance from the court upon dismissal from witness duty and prior to returning to work.
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3. Payment received by the employee for witness duty, except for meals, travel, and lodging expenses, shall be endorsed to the County.

**406:2.3 TIME OFF TO VOTE**

1. Any County employee whose work schedule does not allow the employee at least two (2) hours before or two (2) hours after work while the polls are open to vote outside normal working hours may be granted sufficient time off with pay to vote (up to one hour) on all designated federal, state, and local election days.
2. Time off to vote must be requested in advance and shall be scheduled by the employee's supervisor.

**406:2.4 MILITARY DUTY LEAVES (In accordance with Chapter 115, Florida Statutes)**

1. An employee who is a member of the National Guard or a reserve component of the Armed Forces of the United States shall, upon presentation of a copy of the employee's official orders to the employee's supervisor, be granted leave with full pay and without loss of benefits (including retirement) during periods in which the employee is ordered to active duty for training, and that time will be considered continuous service.
  - a) Requests for military leave under this subsection shall be submitted in writing with proper documentation at least one (1) month prior to the commencement date of the orders.
  - b) Whether continuous or intermittent, such paid leave under this subsection shall not exceed seventeen (17) working days in any twelve (12) month period.
    - i) Each 12-hour shift or less shall equal one (1) working day leave of absence.
    - ii) All other shifts over twelve (12) hours and up to twenty-four (24) hours shall equal two (2) working days leave of absence.
  - c) Any absence in excess of seventeen (17) working days under this subsection may be covered by accrued and available vacation leave, or be an excused absence without pay.
2. Any employee who is ordered to report for a physical examination with the Selective Service System shall, upon presentation of official orders, be granted paid leave for this purpose.
3. Any County employee who is also a member of the National Guard or a reserve component of the Armed Forces of the United States may be granted leave of absence from their respective duties to perform active military service, the first thirty (30) days of any such leave will be with full pay. During such leave of absence the employee shall be entitled to preserve all benefits and retirement privileges, and such time will be treated as continuous service.
4. After the 30-day period described in 406:2.4(3) above, the County shall supplement the military pay to bring the employee's pay to the level earned at the time he/she was called to active duty for the duration of the national emergency.



# **BEREAVEMENT & CIVIC DUTY LEAVES**

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## **BEREAVEMENT & CIVIC DUTY LEAVES**

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**406:2.4 MILITARY DUTY LEAVES (In accordance with Chapter 115, Florida Statutes)**

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  - a) Requests for military leave under this subsection shall be submitted in writing with proper documentation at least one (1) month prior to the commencement date of the orders.
  - b) Whether continuous or intermittent, such paid leave under this subsection shall not exceed seventeen (17) working days in any twelve (12) month period.
    - i) Each 12-hour shift or less shall equal one (1) working day leave of absence.
    - ii) All other shifts over twelve (12) hours and up to twenty-four (24) hours shall equal two (2) working days leave of absence.
  - c) Any absence in excess of seventeen (17) working days under this subsection may be covered by accrued and available vacation leave, or be an excused absence without pay.
2. Any employee who is ordered to report for a physical examination with the Selective Service System shall, upon presentation of official orders, be granted paid leave for this purpose.
3. Any County employee who is also a member of the National Guard or a reserve component of the Armed Forces of the United States may be granted leave of absence from their respective duties to perform active military service, the first thirty (30) days of any such leave will be with full pay. During such leave of absence the employee shall be entitled to preserve all benefits and retirement privileges, and such time will be treated as continuous service.
4. After the 30-day period described in 406:2.4(3) above, the County shall supplement the military pay to bring the employee's pay to the level earned at the time he/she was called to active duty for the duration of the national emergency.

**BEREAVEMENT & CIVIC DUTY LEAVES**

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**(IN ACCORDANCE WITH CHAPTER 440, FLORIDA STATUTES)**

**Policy:**

It is the policy of Lee County Government to insure the availability of all reasonable and necessary authorized medical care & payment of all related medical costs to employees who are injured or develop an occupational disease as a result of the conditions of their job. Additionally, employees may be entitled to receive partial compensation for lost wages due to a qualified job-related injury or illness.

**Comments/Procedures:**

**407:1 GENERAL PROVISIONS**

1. Employees who sustain an on-the-job work-related injury or illness related to work should immediately inform their supervisor. Failure to notify the supervisor immediately may impact benefits under the Workers' Compensation Law.
2. The supervisor is responsible for reporting all Workers' Compensation injuries to Risk Management and Employee Health Services within 24 hours of the injury.
3. In non-emergency situations, prior to medical attention being sought for any work-related injury or illness, employees shall consult with Risk Management or the Employee Wellness Nurse Health Services for treatment or referral to an authorized health care provider. Failure to follow this procedure may jeopardize the employee's benefits under the Workers' Compensation Law.
  - **This provision does not apply to life-threatening emergencies when immediate care must be sought through "9-1-1" dispatch. However, Risk Management and the Employee Wellness Nurse must be informed as soon as possible of the injury.**
4. If an authorized health care provider certifies the inability of an employee to perform work due to a work-related injury or illness, the employee may elect to use accrued sick leave (or vacation leave once all sick leave is exhausted) for the first seven (7) calendar days. On the eighth (8<sup>th</sup>) calendar day off of work, the employee will revert to workers' compensation indemnity benefits for partial or total indemnity benefits under Florida Workers Compensation Law. Employees will be paid workers' compensation indemnity benefits for the first seven (7) days only if they are disabled for more than twenty-one (21) days (these days do not have to be consecutive calendar days).
5. Indemnity benefits will be based upon the employee's average weekly wage for the thirteen- (13) week period immediately preceding the work-related injury or illness.
6. Employees may elect to use up to one (1) hour of accrued sick leave (or vacation leave once all sick leave is exhausted) per day in addition to workers' compensation indemnity benefits in order to *approximate* net wages received prior to the occurrence of the job-related injury or illness. If the employee chooses not to use accrued leave, or no leave is available for use by the employee, the employee shall be placed on leave without pay and shall revert to any applicable workers' compensation benefits.
  - Workers compensation wage indemnity benefits are paid at the rate of 66.67% of gross wages and are tax-free. If an employee is allowed to use one (1) hour of paid leave to supplement the tax-free benefit the net wages received should be nearly equivalent to the net wages received prior to the covered injury.

## WORKERS' COMPENSATION LEAVE

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7. An employee will be allowed reasonable time, up to two (2) hours per week at the beginning or end of a work shift, to receive authorized medical treatment during regularly scheduled work hours for qualified job-related injuries or illnesses, provided that the employee is not receiving workers' compensation indemnity benefits for that time and if it does not unduly burden the operation of the department. All other appointments will require the use of accrued sick leave or be unpaid time off.
8. Workers compensation may not be payable if the injury was occasioned primarily by the intoxication of the employee; by the influence of any drugs, barbiturates, or other stimulants not prescribed by a physician; or by the willful intention of the employee to injure or kill himself, herself, or another.
9. If injury is caused by the knowing refusal of the employee to use a safety appliance or observe a safety rule required by statute or lawfully adopted by the County, and brought to the employee's attention prior to the accident, or if injury is caused by the employee's refusal to use safety equipment provided by the County, workers' compensation indemnity benefits may be reduced by twenty-five percent (25%) and the employee will not be allowed to use accrued sick or vacation leave to supplement workers' compensation indemnity.
10. Once maximum medical improvement (MMI) has been reached, the employee shall be returned to their regular position unless the employee is unable to perform an essential job function of the position.
  - If the employee is unable to perform an essential job function and has a qualifying condition that may substantially limits one or more life function(s); the employee should contact Human Resources for referral to the County ADA Coordinator. If the employee cannot perform the essential functions of the position after MMI and proper certification is received for a qualifying condition under the Americans with Disabilities Act (ADA); the County will consider all requests for reasonable accommodations.
11. *Return to Alternate Duty.* When Risk Management has been advised that the employee is entitled to receive a temporary partial disability benefit or a temporary total disability benefit, and there is medical certification that the employee cannot perform the duties of the employee's regular position, but the employee can perform some work beneficial to the County, the Department Director may return the employee to alternate duty at his/her regular rate of pay to perform any duties the employee is capable of carrying out, subject to the following conditions:
  - a) ~~The employee shall be advised, in writing, of the alternate duties to be performed, hours of work, and period of alternate assignment. A copy of the notice shall be forwarded to the Department of Human Resources to be placed in the employee's official personnel file.~~
  - b) Under no circumstances shall the employee be allowed to continue to perform the alternate duties once maximum medical improvement has been reached unless appointed to another existing and open position, the duties of which are within the employee's restrictions.
  - c) Alternate duty is at the sole discretion of the Department and is based on the operational needs and requirements of the County. No alternate duty positions will be created in the absence of an operational need or requirement.

***Adopted by the Lee County BoCC August 3, 1988 (Last Revised June 6, 2000)***





**WORKERS' COMPENSATION LEAVE**

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*(IN ACCORDANCE WITH CHAPTER 440, FLORIDA STATUTES)*

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**Comments/Procedures:**

**407:1 GENERAL PROVISIONS**

1. Employees who sustain an on-the-job work-related injury or illness related to work should immediately inform their supervisor. Failure to notify the supervisor immediately may impact benefits under the Workers' Compensation Law.
2. The supervisor is responsible for reporting all Workers' Compensation injuries to Risk Management and Employee Health Services within 24 hours of the injury.
3. In non-emergency situations, prior to medical attention being sought for any work-related injury or illness, employees shall consult with Risk Management or Employee Health Services for treatment or referral to an authorized health care provider. Failure to follow this procedure may jeopardize the employee's benefits under the Workers' Compensation Law.
  - **This provision does not apply to life-threatening emergencies when immediate care must be sought through "9-1-1" dispatch. However, Risk Management and the Employee Wellness Nurse must be informed as soon as possible of the injury.**
4. If an authorized health care provider certifies the inability of an employee to perform work due to a work-related injury or illness, the employee may elect to use accrued sick leave (or vacation leave once all sick leave is exhausted) for the first seven (7) calendar days. On the eighth (8<sup>th</sup>) calendar day off of work, the employee will revert to workers' compensation indemnity benefits for partial or total indemnity benefits under Florida Workers Compensation Law. Employees will be paid workers' compensation indemnity benefits for the first seven (7) days only if they are disabled for more than twenty-one (21) days (these days do not have to be consecutive calendar days).
5. Indemnity benefits will be based upon the employee's average weekly wage for the thirteen-(13) week period immediately preceding the work-related injury or illness.
6. Employees may elect to use up to one (1) hour of accrued sick leave (or vacation leave once all sick leave is exhausted) per day in addition to workers' compensation indemnity benefits in order to *approximate* net wages received prior to the occurrence of the job-related injury or illness. If the employee chooses not to use accrued leave, or no leave is available for use by the employee, the employee shall be placed on leave without pay and shall revert to any applicable workers' compensation benefits.
  - Workers compensation wage indemnity benefits are paid at the rate of 66.67% of gross wages and are tax-free. If an employee is allowed to use one (1) hour of paid leave to supplement the tax-free benefit the net wages received should be nearly equivalent to the net wages received prior to the covered injury.

## WORKERS' COMPENSATION LEAVE

Policy Number 407

Page 2 of 2



7. An employee will be allowed reasonable time, up to two (2) hours per week at the beginning or end of a work shift, to receive authorized medical treatment during regularly scheduled work hours for qualified job-related injuries or illnesses, provided that the employee is not receiving workers' compensation indemnity benefits for that time and if it does not unduly burden the operation of the department. All other appointments will require the use of accrued sick leave or be unpaid time off.
8. Workers compensation may not be payable if the injury was occasioned primarily by the intoxication of the employee; by the influence of any drugs, barbiturates, or other stimulants not prescribed by a physician; or by the willful intention of the employee to injure or kill himself, herself, or another.
9. If injury is caused by the knowing refusal of the employee to use a safety appliance or observe a safety rule required by statute or lawfully adopted by the County, and brought to the employee's attention prior to the accident, or if injury is caused by the employee's refusal to use safety equipment provided by the County, workers' compensation indemnity benefits may be reduced by twenty-five percent (25%) and the employee will not be allowed to use accrued sick or vacation leave to supplement workers' compensation indemnity.
10. Once maximum medical improvement (MMI) has been reached, the employee shall be returned to their regular position unless the employee is unable to perform an essential job function of the position.
  - If the employee is unable to perform an essential job function and has a qualifying condition that may substantially limits one or more life function(s); the employee should contact Human Resources for referral to the County ADA Coordinator. If the employee cannot perform the essential functions of the position after MMI and proper certification is received for a qualifying condition under the Americans with Disabilities Act (ADA); the County will consider all requests for reasonable accommodations.
11. *Return to Alternate Duty.* When Risk Management has been advised that the employee is entitled to receive a temporary partial disability benefit or a temporary total disability benefit, and there is medical certification that the employee cannot perform the duties of the employee's regular position, but the employee can perform some work beneficial to the County, the Department Director may return the employee to alternate duty at his/her regular rate of pay to perform any duties the employee is capable of carrying out, subject to the following conditions:
  - a) Under no circumstances shall the employee be allowed to continue to perform the alternate duties once maximum medical improvement has been reached unless appointed to another existing and open position, the duties of which are within the employee's restrictions.
  - b) Alternate duty is at the sole discretion of the Department and is based on the operational needs and requirements of the County. No alternate duty positions will be created in the absence of an operational need or requirement.

**Policy:**

It is the policy of Lee County Government to grant employees who want to continue their education in preparation for added responsibilities with Lee County Government a limited educational leave of absence without pay.

**Comments/Procedures:**

**408:1 GENERAL PROVISIONS**

1. Educational leaves may be granted for a minimum of two (2) weeks and a maximum of twelve (12) months.
2. Employees will be required to pay fifty percent (50%) of the cost of health insurance premiums and one hundred (100%) of the dental & life insurance premiums during unpaid educational leaves of absence.
3. An employee who fails to return to work at the conclusion of an approved educational leave will be considered to have voluntarily abandoned the position. In such instances, the County may recover, at its discretion, from the employee the County's share of any insurance premiums paid by Lee County on behalf of the employee and his/her dependents, as well as any educational assistance received in the preceding twelve (12) months.
4. Benefits that accrue according to length of service such as paid vacation, sick leave, and retirement credit do not accrue during periods of unpaid educational leave of absence.
5. ~~Employees will be required to use all available vacation leave down to eighty (80) hours prior to requesting an unpaid educational leave of absence. The remaining eighty (80) hours will be available for use during the educational leave of absence if the employee chooses to use them for that purpose.~~
6. At the sole discretion of the Department Director, an employee may be allowed to take educational leave on a modified or reduced work schedule if it does not affect the operation of, or create hardship to, the department.
7. The Department shall attempt to return the employee to the original position or similar position upon return from educational leave; however, such job protection is not guaranteed as all positions are subject to operational needs and requirements.
8. An employee returning to work from an educational leave of absence must comply with any reinstatement requirements specified by any federal and state law. If the same job or one of equivalent status is not available as a result of a reduction in force occurring during the employee's leave, the employee will be treated in the same manner as though he/she were not on leave at the time of the reduction in force.

**EDUCATIONAL LEAVE**

Policy Number 408

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**Comments/Procedures:**

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# EDUCATIONAL LEAVE

Policy Number 408

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**Policy:**

The following pay procedures apply when any natural, technological or human caused emergency or disaster requires a State of Local Emergency Declaration by either the Board of County Commissioners or in accordance with the provisions of Lee County Ordinance # 87-01.

**Comments/Procedures:**

**504:1 GENERAL PROVISIONS**

Key Employees

1. County personnel in either the exempt or non-exempt pay plans who are designated as key employees by their department director and are assigned to work during emergencies will be compensated for time worked. Paid time begins when the employee receives the call to report to work.
2. Emergency pay is to be calculated based on the employee's straight-time hourly rate; if more than 40 hours are worked during the normal work week, time and one-half the regular straight-time rate will be paid for all such hours worked. ~~The total dollar amount to be paid is to be recorded as instructed by Payroll.~~
3. It is the department's responsibility to verify any emergency hours worked and approve all payment.
4. Employees in Pay Grades 23 or higher are not eligible to receive additional compensation for work during an emergency.

Non-Key Employees

1. When County operations are closed down before the start of a scheduled workday, employees will receive full pay for the workday.
2. When County operations are closed down during a scheduled workday, employees who report to work and are subsequently released by the County Manager will receive full pay for the workday.
3. Employees already on official leave will not receive any additional paid time off and will be paid according to their original leave request.



**PAY FOR WORK DURING EMERGENCIES  
OR DISASTERS**

Policy Number 504

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**PAY FOR WORK DURING EMERGENCIES  
OR DISASTERS**

Policy Number 504

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**Policy:**

It is the policy of the County to consider a bonus for employees who demonstrate superior accomplishments. This award is specifically designed to recognize outstanding performance without employee expectation of continual receipt of an award. All employees under the Board of County Commissioners, including regular full-time and part-time employees, and those covered under the Supplemental Workforce Policy Number 309, are eligible to receive bonuses under this program. Direct bonuses are approved by Department/Division Directors, ~~or~~ the County Manager or the County Attorney.

**Comments/Procedures:**

**506:1 GENERAL PROVISIONS**

1. Awards up to \$2,500 will be approved by Department/Division Directors.
2. Awards between \$2,501 - \$5,000 will be approved by the County Manager or County Attorney in writing.
3. All regular County employees under the administrative jurisdiction of the County Manager, or the County Attorney are eligible recipients of a bonus.
4. To receive maximum impact, awards under this program will be made as a one-time lump sum payment. An award may be made at any time during the year.
5. The Department/Division Director, designee, ~~or~~ County Manager or County Attorney will determine the amount of the bonus for each recipient.
6. Nominations for employees are to be initiated through the employee's supervisor. The nomination must state the reasons the employee is being nominated and full justification of the award, including a statement indicating the financial impact upon the department/division.
7. There are three categories of awards which an employee may be eligible to receive. They are Superior Team Accomplishment, Individual Incentives and Operational Improvements.

**506:2 SUPERIOR TEAM ACCOMPLISHMENT**

**1. We Made a Difference**

Definition: Recognition given at any time to a work unit or team in each service area for meeting unexpected customer needs in an exceptional manner.

The criteria for this award are: Must have completed a project (assignment) during an emergency or crisis (unexpected or critical event) and received a high rating in any of the following:

- a) Timeliness;
- b) Quality (meets or exceeds accepted standards); or
- c) Customer satisfaction.

**2. Team Progress Achievement**

Definition: Recognition given at anytime to a team for achieving progress toward the completion of a project.

## **DIRECT BONUS PROGRAM**

Policy Number 506

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Criteria: Must have accomplished any of the following:

- a) Exceeded timeframes in the project action plan;
- b) Thoroughly researched project;
- c) Recommended innovative and achievable actions; or
- d) Displayed team unity and initiative.

### **3. Outstanding Team Project Completion**

Definition: Recognition given to one or more teams in each service area for completing a project which resulted in significant savings/cost avoidance in time/money or improvements in efficiency/effectiveness.

Criteria: Must have accomplished any of the following:

- a) Exceeded timeframes in the project action plan;
- b) Demonstrated team unity and efficiency;
- c) Standardized improvement within the department or County government; or
- d) Instituted a system to continuously improve the process.

## **506:3 INDIVIDUAL INCENTIVES**

### **1. Leadership**

Definition: Recognition given to an employee who demonstrates exceptional leadership skills in meeting customer requirements.

Criteria: Must have accomplished any of the following:

1. Demonstrated the ability to inspire or empower subordinates or co-workers;
2. Demonstrated initiative and willingness to accept responsibility; or
3. Provided regular feedback and treated subordinates or co-workers with dignity and respect.

Actions were mainly responsible for the success of the work group or team:

- a) Meeting deadlines;
- b) Improving work processes;
- c) Saving time/money, generating new revenue, or increasing efficiency/effectiveness; or
- d) Achieving customer satisfaction.

### **2. Exceptional Achievement**

Definition: Recognition given when the employee's efforts have resulted in a special achievement of significant importance to the County.

Criteria: Must have accomplished any of the following:

1. Consistent, exceptionally high level of productivity with repeated successful implementation of progressive and up-to-date systems within the employee's area of responsibility;
2. Innovative solutions to problems or innovative program development which result in significant, definable cost savings or improvements in County services and efficiency;
3. Development of management or operational programs which may be applied in units other than the one in which the employee works;
4. Demonstration of effective crisis management;

5. Unusual job interest which enhances the morale and productivity of the employee's peers;
6. Demonstration of exceptional positive community relations outside the normal relations of the employee's job; or
7. Contributions that draw State or National recognition to the County.

**3. I Made a Difference**

Definition: Recognition given anytime to an employee for meeting customer needs in an exceptional manner.

Criteria: Must have received a high rating in any of the following:

1. Dependability;
2. Timeliness;
3. Efficiency; or
4. Customer satisfaction.

**506:4 OPERATIONAL IMPROVEMENTS**

Definition: Recognition to encourage employees to make constructive suggestions for the improvement of operations. Can be given as an individual or team award.

Criteria:

1. A suggestion is a written original idea proposed by an employee or group of employees that clearly identifies a device or method to do a job, system or procedure better, quicker, easier, safer or at less cost or increased revenue.
2. All employees are eligible to submit suggestions. However, an employee shall not normally be eligible for an award for a suggestion which relates to the employee's assumed duties and responsibilities as outlined in his/her job classification description. Key elements to consider in determining employee eligibility for a cash award are:
  - a) Is the employee expected or required to make suggestions of the type under consideration?
  - b) Can the suggestion be implemented by the employee without consulting higher authority?
3. All suggestions are eligible. If a suggestion is not implemented, it is not eligible for a cash award. Suggestions which are directly related to the following subjects are not eligible for awards:
  - a) Personal grievances;
  - b) Classification and pay of positions;
  - c) Matters previously or currently under study or review by management during the past three years per documentation provided by the evaluator or suggestion system coordinator;
  - d) A duplicate of another suggestion already under consideration within the past three years;
  - e) Matters which are the result of assigned or contracted auditing, studies, surveys, reviews or research;
  - f) Matters requiring legislative or court action other than by County ordinance;

## **DIRECT BONUS PROGRAM**

Policy Number 506

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- g) Matters requiring the initiation of routine clerical operations, maintenance activities or adherence to prescribed safety practices. Minor safety problems such as loose carpeting, frayed electrical wiring, etc. should be reported through normal channels;
- h) Stricter enforcement of already existing rules, regulations and laws within the County;
- i) Applications of existing procedures and processes to other areas in the County;
- j) Routine computerization of manual processes; or
- k) New or newly modified or designed equipment (that part of which is exclusively new), systems, procedures or forms shall not be open to suggestions.

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## **DIRECT BONUS PROGRAM**

Policy Number 506

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  - c) Matters previously or currently under study or review by management during the past three years per documentation provided by the evaluator or suggestion system coordinator;
  - d) A duplicate of another suggestion already under consideration within the past three years;
  - e) Matters which are the result of assigned or contracted auditing, studies, surveys, reviews or research;
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## **DIRECT BONUS PROGRAM**

Policy Number 506

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- g) Matters requiring the initiation of routine clerical operations, maintenance activities or adherence to prescribed safety practices. Minor safety problems such as loose carpeting, frayed electrical wiring, etc. should be reported through normal channels;
  - h) Stricter enforcement of already existing rules, regulations and laws within the County;
  - i) Applications of existing procedures and processes to other areas in the County;
  - j) Routine computerization of manual processes; or
  - k) New or newly modified or designed equipment (that part of which is exclusively new), systems, procedures or forms shall not be open to suggestions.

### Policy:

It is the policy of the County to reimburse reasonable and customary household moving expenses when necessary, for the public benefit, to recruit a highly qualified employee, executive, administrative, and professional applicants who have accepted employment with Lee County when, in order to hire such person for the public benefit, it may be necessary to pay the reasonable household moving expenses of said employee.

### Comments/Procedures:

#### 508:1 GENERAL PROVISIONS

1. Reimbursements under this policy will be made in accordance with Lee County Ordinance 86-13.
2. Household moving expense payments will ~~shall~~ be limited to the cost of packing and shipping of household goods constituting personal effects and property used, or to be used, in the employee's dwelling. Said payment will ~~shall~~ be paid from the lowest of three written proposals made by bonded moving and storage companies.
3. The three original proposals will ~~are to~~ be submitted to the respective Department Director, who will forward them with a signed memo to the County Manager requesting approval for the reimbursement. The County Manager, or the County Attorney for an eligible attorney, will ~~must~~ approve all moving expenses in writing. In these extraordinary circumstances, the Department Director's request for approval must be accompanied by clearly demonstrated rationale and documentation to justify the request for the reimbursement of moving expenses.
4. Reimbursement of moving expenses will be made through Payroll. Therefore, payment will normally be made after employment has begun with the County. If payment is required prior to beginning employment, all new hire paperwork must be completed and processed at least one pay period before the actual start date.
5. The cost of truck rentals, gasoline, and lodging are permitted for those who choose self-moves. Meals are not reimburseable. The same procedures must be followed as listed above, including three written proposals for the truck rental. Receipts for all expenses must be submitted prior to the reimbursement.
6. If the employee voluntarily leaves County employment within three years of the date of initial hire, he or she shall be required to reimburse the County for the moving expenses on a monthly prorated basis.

**MOVING EXPENSES**

Policy Number 508

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**Policy:**

It is the policy of the County to reimburse reasonable and customary household moving expenses when necessary, for the public benefit, to recruit a highly qualified employee.

**Comments/Procedures:**

**508:1 GENERAL PROVISIONS**

1. Reimbursements under this policy will be made in accordance with Lee County Ordinance \_\_\_\_\_.
2. Household moving expense payments will be limited to the cost of packing and shipping of household goods constituting personal effects and property used, or to be used, in the employee's dwelling. Said payment will be paid from the lowest of three written proposals made by bonded moving and storage companies.
3. The three original proposals will be submitted to the respective Department Director, who will forward them with a signed memo to the County Manager requesting approval for the reimbursement. The County Manager, or the County Attorney for an eligible attorney, will approve all moving expenses in writing. In these extraordinary circumstances, the Department Director's request for approval must be accompanied by clearly demonstrated rationale and documentation to justify the request for the reimbursement of moving expenses.
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**MOVING EXPENSES**

Policy Number 508

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**Policy:**

It is the policy of the County that all employees are expected to comply with the County's standards of behavior and performance and that any noncompliance with these standards must be remedied.

**Comments/Procedures:**

**601:1 GENERAL PROVISIONS**

1. Under normal circumstances, the County endorses a policy of progressive discipline in which it attempts to provide employees with notice of deficiencies and an opportunity to improve. The County does, however, retain the right to administer discipline in any manner it sees fit and to modify or delete these procedures at its sole discretion.
2. Corrective action is typically warranted when an employee is not meeting County standards of attendance, performance, or conduct (attitude or human relations).
3. The normal application of progressive discipline ~~should be~~ is:
  - a) Verbal warning
  - b) Written warning
  - c) Suspension/Decision-Making Leave
  - d) Termination

**601:2 DISCIPLINARY PROCEDURES**

Facts and circumstances surrounding the incident or violation shall be carefully considered before taking any formal disciplinary steps should be made. In all cases of formal corrective action and/or discipline, Human Resources Employee Relations should be contacted to ensure appropriate action steps are taken.

Verbal Warning

The intention of a verbal warning is to re-establish expectations, goals, and/or objectives. Supervisors who identify that an employee is not meeting expectations shall ~~should~~ discuss the situation with the employee, to include the action necessary to correct the problem. Supervisors should document the conversation and keep that documentation as backup for the employee's annual performance evaluation.

Written Warning

A written warning is formal documentation of an incident or violation of expected performance and/or behaviors, usually taken place after a verbal warning has been given. Supervisors may use a Corrective Action Form, or may use a standard memorandum to document the warning. A copy shall be given to the employee and another copy forwarded to Human Resources for inclusion in the employee's file.



# CORRECTIVE ACTION/DISCIPLINARY PROCEDURE

Policy Number 601

Page 2 of 4



## Suspension

Prior to any suspension being initiated, ~~Human Resources~~ Employee Relations shall be contacted. ~~Human Resources Employee Relations~~ will assist the department in determining whether a suspension is appropriate, and aid in determining the duration of the suspension. Employees in exempt positions may be suspended for as little as one day, if needed. The employee's immediate supervisor, with the approval of the department/division director or designee, ~~shall should~~ notify the employee in writing of the proposed corrective action using the Notice of Proposed Corrective Action form, and explain the reasons and circumstances relevant to the proposed corrective action.

After the employee is given a reasonable opportunity to review the notification of accusations/charges, usually ~~twenty-four (24) to forty-eight (48)~~ hours, the immediate supervisor and/or department/division director or designee will hold a meeting giving the employee an opportunity to explain his/her version of the facts surrounding the accusations/charges. The employee may do this in writing or orally. The employee may bring another County employee to act as a representative or witness who voluntarily wishes to attend the meeting. Following this meeting, a final decision will be made. A Notice of Corrective Action form noting the final decision and the length of the imposed suspension, if upheld, shall should be completed and a copy given to the employee and another copy forwarded to Human Resources for inclusion in the employee's file.

In situations where the employee's presence creates, in the County's opinion, a hazard to property, employees, the public, or otherwise interrupts the operations of the County, the employee may be placed on administrative leave suspended immediately without pay with pay and instructed to report to the division office at that time or the following work day at the beginning of the work shift. The immediate supervisor and/or department/division director or his designee ~~shall should~~ then contact ~~Human Resources~~ Employee Relations to determine future action to be taken.

## Decision Making Leave

In certain situations where a suspension may not be appropriate, a supervisor may elect to use the decision making leave as the final step in the corrective action process. During this process, an employee is given time off of work with pay, usually for one day, where they will decide if they are willing to make a commitment to the County. If the employee wants to re-commit to the County, they will sign a letter of commitment and/or last chance agreement. If they are not willing to make this commitment, they will leave the County; a severance package may or may not be offered. In all cases, ~~Human Resources~~ Employee Relations shall be consulted before beginning this process.

### Termination

Prior to a termination being initiated, Employee Relations shall be contacted. Employee Relations will assist the department in determining whether termination is appropriate. The employee shall be notified in writing of the proposed termination using the Notice of Proposed Corrective Action form. The employee shall immediately be placed on administrative leave without pay, for at least twenty-four (24) hours and until the time of the meeting described below, allowing reasonable opportunity to review the notification of accusations/charges.

Following the administrative leave the immediate supervisor and/or department/division director or designee will hold a meeting, within three (3) normal business days of the Proposed Corrective Action, to give the employee an opportunity to explain his/her version of the facts surrounding the accusations/charges. The employee may do this in writing or orally. The employee may bring another County employee to act as a representative or witness who voluntarily wishes to attend the meeting. Following this meeting, a final decision will be made. A Notice of Corrective Action form noting the final decision shall be completed and given to the employee and another forwarded to Human Resources for inclusion in the employee's file.

While the employee is on administrative leave without pay, all terms and conditions of employment shall continue, pending the department director or his designee's final decision and the corrective action taken.

~~Prior to a proposed termination and after consulting with Human Resources, the employee shall be notified in writing of the proposed termination using the Notice of Proposed Corrective Action form. Pending the outcome of any further investigation and the meeting on the termination with the immediate supervisor and/or department/division director, the employee may continue on the job or be placed on administrative leave with pay. If the employee is placed on administrative leave with pay, all terms and conditions of employment shall continue, pending the department director or his designee's final decision and the corrective action taken.~~

~~The Notice of Proposed Corrective Action should specify a date and time for the meeting on the termination to provide the employee an opportunity to respond. The employee shall receive the memorandum of proposed termination at least three (3) working days prior to the date of the meeting on the proposed termination. The employee will be allowed to respond in writing, if he chooses, and bring any County employees to act as representatives or witnesses who voluntarily wish to attend the meeting on the proposed termination. Following this meeting, a final decision will be made. A Notice of Corrective Action form noting the final decision should be completed and forwarded to Human Resources for inclusion in the employee's file.~~

**CORRECTIVE ACTION/DISCIPLINARY  
PROCEDURE**

Policy Number 601

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**Policy:**

It is the policy of the County that all employees are expected to comply with the County's standards of behavior and performance and that any noncompliance with these standards must be remedied.

**Comments/Procedures:**

**601:1 GENERAL PROVISIONS**

1. Under normal circumstances, the County endorses a policy of progressive discipline in which it attempts to provide employees with notice of deficiencies and an opportunity to improve. The County does, however, retain the right to administer discipline in any manner it sees fit and to modify or delete these procedures at its sole discretion.
2. Corrective action is typically warranted when an employee is not meeting County standards of attendance, performance, or conduct (attitude or human relations).
3. The normal application of progressive discipline is:
  - a) Verbal warning
  - b) Written warning
  - c) Suspension/Decision-Making Leave
  - d) Termination

**601:2 DISCIPLINARY PROCEDURES**

Facts and circumstances surrounding the incident or violation shall be carefully considered before taking any formal disciplinary steps. In all cases of formal corrective action and/or discipline, Employee Relations should be contacted to ensure appropriate action steps are taken.

Verbal Warning

The intention of a verbal warning is to re-establish expectations, goals, and/or objectives. Supervisors who identify that an employee is not meeting expectations shall discuss the situation with the employee, to include the action necessary to correct the problem. Supervisors should document the conversation and keep that documentation as backup for the employee's annual performance evaluation.

Written Warning

A written warning is formal documentation of an incident or violation of expected performance and/or behaviors, usually taken place after a verbal warning has been given. Supervisors may use a Corrective Action Form, or may use a standard memorandum to document the warning. A copy shall be given to the employee and another copy forwarded to Human Resources for inclusion in the employee's file.

# **CORRECTIVE ACTION/DISCIPLINARY PROCEDURE**

Policy Number 601

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## Suspension

Prior to any suspension being initiated, Employee Relations shall be contacted. Employee Relations will assist the department in determining whether a suspension is appropriate, and aid in determining the duration of the suspension. Employees in exempt positions may be suspended for as little as one day, if needed. The employee's immediate supervisor, with the approval of the department/division director or designee, shall notify the employee in writing of the proposed corrective action using the Notice of Proposed Corrective Action form, and explain the reasons and circumstances relevant to the proposed corrective action.

After the employee is given a reasonable opportunity to review the notification of accusations/charges, usually twenty-four (24) hours, the immediate supervisor and/or department/division director or designee will hold a meeting giving the employee an opportunity to explain his/her version of the facts surrounding the accusations/charges. The employee may do this in writing or orally. The employee may bring another County employee to act as a representative or witness who voluntarily wishes to attend the meeting. Following this meeting, a final decision will be made. A Notice of Corrective Action form noting the final decision and the length of the imposed suspension, if upheld, shall be completed and a copy given to the employee and another copy forwarded to Human Resources for inclusion in the employee's file.

In situations where the employee's presence creates, in the County's opinion, a hazard to property, employees, the public, or otherwise interrupts the operations of the County, the employee may be placed on administrative leave immediately without pay. The immediate supervisor and/or department/division director or his designee shall then contact Employee Relations to determine future action to be taken.

## Decision Making Leave

In certain situations where a suspension may not be appropriate, a supervisor may elect to use the decision making leave as the final step in the corrective action process. During this process, an employee is given time off of work with pay, usually for one day, where they will decide if they are willing to make a commitment to the County. If the employee wants to re-commit to the County, they will sign a letter of commitment and/or last chance agreement. If they are not willing to make this commitment, they will leave the County; a severance package may or may not be offered. In all cases, Employee Relations shall be consulted before beginning this process.

## Termination

Prior to a termination being initiated, Employee Relations shall be contacted. Employee Relations will assist the department in determining whether termination is appropriate. The employee shall be notified in writing of the proposed termination using the Notice of Proposed Corrective Action form. The employee shall immediately be placed on administrative leave without pay, for at least twenty-four (24) hours and until the time of the meeting described below, allowing reasonable opportunity to review the notification of accusations/charges.

Following the administrative leave the immediate supervisor and/or department/division director or designee will hold a meeting, within three (3) normal business days of the Proposed Corrective Action, to give the employee an opportunity to explain his/her version of the facts surrounding the accusations/charges. The employee may do this in writing or orally. The employee may bring another County employee to act as a representative or witness who voluntarily wishes to attend the meeting. Following this meeting, a final decision will be made. A Notice of Corrective Action form noting the final decision shall be completed and given to the employee and another forwarded to Human Resources for inclusion in the employee's file.

While the employee is on administrative leave without pay, all terms and conditions of employment shall continue, pending the department director or his designee's final decision and the corrective action taken.

**CORRECTIVE ACTION/DISCIPLINARY  
PROCEDURE**

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**Policy:**

It is the policy of the County that employees should have the opportunity to participate in an objective process to settle disputes regarding corrective actions. Most often, employees will have an opportunity to grieve corrective actions for disciplinary reasons – no other actions or issues are subject to the grievance procedure. The County will resolve all grievances definitively through this process.

**602:1 COMMENTS/PROCEDURES:**

1. The provisions of this policy apply to all employees who have been terminated, suspended, or given a written warning, resulting from disciplinary corrective actions.
2. ~~excluding~~ Exclusions to this policy are employees in their initial probationary period and employees in Administrative classifications those in positions of Director, Deputy Director, Assistant County Manager, Deputy County Manager, Assistant County Attorney, Chief Assistant County Attorney and Deputy County Attorney.
3. Employees covered under the Supplemental Workforce Policy Number 309 and contracted employees are not subject to the provisions of this policy.

**602:2 INITIAL GRIEVANCE/COMPLAINT**

1. The employee shall present the grievance in writing to the employee's Department Director within five (5) normal business days after the occurrence of the event giving rise to the grievance or after the event became known or should have become known to the employee. In circumstances where the grievant reports directly to the Department Director, the initial grievance shall be presented to that Department Director's supervisor. Failure to file a written grievance within this established time will nullify the employee's right to use the grievance process for the event in question.
2. For purposes of corrective actions, the term "event" as used in this section shall mean the date on which the employee is notified of the action taken.
3. The Department Director ~~should~~ may meet with the employee and other involved parties to discuss the matter following the receipt of the written grievance. ~~this meeting should take place~~ If a meeting is held, it shall be within five (5) normal business days of the receipt of the grievance. The Department Director shall answer the grievance in writing within three (3) normal business days following the meeting. If no meeting is held, the Department Director shall answer the grievance within five (5) normal business days after receipt of the written grievance. If the employee is not satisfied with the response of the Department Director or if no response is given, the employee may proceed to the next level of the process.
4. ~~If the employee is not satisfied with the response of the Department Director, or if no response has been given within three (3) normal business days, the employee may proceed to the next level of the process.~~

**602:3 GRIEVANCE COMMITTEE**

1. The employee may file a written request for review by an independent Grievance Committee within three (3) normal business days of receipt of the department director's response or failure of the department director to supply a timely answer. The written appeal



## GRIEVANCE PROCEDURE

Policy Number 602

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shall be submitted to the Human Resources Director and shall include the final outcome being requested from the grievance hearing.

2. ~~Human Resources shall assign a director-level employee~~ The Director of Public Resources, or designee, is assigned to Chair the Grievance Committee and shall be notified by Human Resources within one (1) normal business day of the receipt of the request for review.
3. The Chair of the Grievance Committee shall assemble the committee from a pool of randomly selected County employees who have agreed ~~volunteered~~ to participate in grievance hearings as they arise. These employees shall not have been involved in the situation or shall not work for or have regular contact with the parties involved. The Committee shall consist of the Committee Chair, one supervisory and one non-supervisory employee.
4. The Grievance Committee shall, within fifteen (15) normal business days, or as soon as reasonably possible after receipt of such appeal, hold a hearing, review the appeal and submit written recommendations and findings to the County Manager. The Chair of the Grievance Committee may request information and/or documentation be submitted prior to the hearing from any of the parties involved.
5. The County Manager or designee shall, within five (5) normal business days after receipt of the Grievance Committee's response, render a decision upholding, reversing or modifying the Grievance Committee's recommendations.
6. The decision of the County Manager, or designee, is final.

### 602:4 TIME LIMITS

1. The failure of any County representatives to respond or take other action within the time limits set forth herein shall not nullify the employee's right to use the grievance process for the event in question.
2. No grievance shall be entertained or processed unless it is commenced in a timely manner as defined by this policy. If a grievance is not initiated or appealed in a timely manner in accordance with the provisions of this policy within the time frames set forth above, any further privileges shall be waived. The time limits may be extended by mutual agreement of the parties in writing only.

**Policy:**

It is the policy of the County that employees should have the opportunity to participate in an objective process to settle disputes regarding corrective actions. Most often, employees will have an opportunity to grieve corrective actions for disciplinary reasons – no other actions or issues are subject to the grievance procedure. The County will resolve all grievances definitively through this process.

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## **GRIEVANCE PROCEDURE**

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