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## **POLICY 001: FUNCTIONS OF THIS MANUAL**

**ADOPTED: MAY 11, 1994 (REVISED: JUNE 20, 2017)**

### **Policy:**

It is the policy of Lee County that this Manual is designed and intended to be used as a working outline of the basic personnel policies, practices and procedures for the organization. This manual is not intended, nor shall it be construed, to alter the employment-at-will relationship in any way (Refer to Policy 003 – Employment-At-Will for further details). The primary purpose of this manual is to ensure that employees of Lee County are dealt with in a consistent and fair manner, and that all personnel policies and practices are applied evenly.

### **001:1 GENERAL PROVISIONS**

1. This Manual contains general statements of County policy designed to serve as a framework. It should not be read as including the fine details of each policy, or as forming an express or implied contract or promise that the policies discussed in it will be applied in all cases. The County may add, revoke or modify policies in this Manual with or without notice as needed, although typically the County will give some advance notice. In most instances, changes to policy only will be applied proactively.
2. Employees are encouraged to submit suggestions to Human Resources when policies need to be amended or changed to reflect the current working conditions and/or practices.
3. The Human Resources Director, or designee, is responsible for recommending, developing, revising, and implementing countywide policies, subject to the approval of the County Manager and adoption by the Board of County Commissioners.
4. Department/Division Directors, supervisors and employees are to refer to the manual whenever questions of policy interpretation or implementation arise. Issues needing clarification are to be referred to Human Resources.
5. Departments and Divisions may develop and implement specific standard operating procedures on a departmental basis needed to meet specific operational needs, provided they are consistent with the general framework provided by this Manual. All such departmental practices are to be submitted to the Human Resources Director, or designee, prior to implementation to assure consistency with County practices and policies.

## POLICY 002: DEFINITIONS

ADOPTED: JULY 24, 2001 (REVISED: JUNE 20, 2017)

**Acting Assignment** - When an employee is temporarily appointed full-time to a classification with a higher pay grade.

**Alternate Duty** - Allows eligible employees to perform some work which is beneficial to the County when they are unable to perform the duties of their regular position; *only for those employees covered by Workers' Compensation Leave*, or as a reasonable accommodation option for an employee with a disability.

**Casual Employee** - An individual who is hired for an *indefinite* period, and who normally works less than a 40-hour workweek. These employees typically work an irregular schedule with no set hours. These employees are not eligible for paid absences, vacations or holidays. A casual employee may be kept in an active status indefinitely, as long as the employee has worked for the County within the prior twelve (12) month period.

**Compensatory Time** - Permits eligible non-exempt employees to take time off at the overtime rate (time and one-half or 1.5) for each hour of work in excess of 40 hours during one workweek (in lieu of overtime pay).

**Compressed Workweek** - A full-time (40 hour) work schedule condensed into a 3- or 4-day workweek (e.g. four 10-hour days).

**Corrective Action/Disciplinary Procedure** - May include any or all of the following in an attempt to provide employees with notice of deficiency and an opportunity to improve: verbal warning, written warning, suspension, decision-making leave, and/or termination.

**Designee Pay** - When an employee performs duties not part of the normal duties of their classification, the employee may receive a temporary pay increase. Usually designated for the purpose of filling in for the absence of a lead worker or supervisor.

**Educational Assistance** - To provide reimbursement of tuition, books, lab fees, and registration fees of qualified courses to eligible employees, allowing them to enhance their ability to serve the public interest of the citizens of Lee County.

**Educational Leave** - To grant eligible employees a limited leave of absence without pay for those who want to continue their education in preparation for added responsibilities with Lee County.

**Exempt Employee** - An employee in this classification is not subject to the minimum wage and overtime requirements of the US Fair Labor Standards Act; and as such, is not required to fill out hourly time records and must be paid on a salary basis.

**Flextime** - A work schedule that permits flexibility in starting and quitting times without altering the required number of work hours in a given period (e.g. in a workweek) and usually specifies a core period of the day during which all employees must be scheduled.

## POLICY 002: DEFINITIONS

ADOPTED: JULY 24, 2001 (REVISED: JUNE 20, 2017)

**Full-time Employee** - Typically, an employee working 40 or more hours per workweek.

**Grievance Procedure** - The opportunity to participate in an objective process to settle disputes regarding corrective actions.

**Harassment** - 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, age or disability, or any other status protected by law, 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.

**Hourly Employee** - See non-exempt employee.

**Immediate Family - Bereavement Leave Policy** - Employee's spouse, child, parent, guardian, sibling, grandparent, grandchild, stepparent, stepchild, stepbrother, stepsister; and/or employee's spouse's child, parent, guardian, sibling, grandparent, or grandchild.

**Immediate Family - Family & Medical Leave Policy** - Spouse, child under age 18 or incapable of self-care due to a mental or physical disability (biological, adopted, and/or foster), and parent (biological and/or 'in loco parentis').

**Immediate Family - Sick Leave Policy** - Spouse, child (minor or adult) and parent.

**Incentive Pay** - A one-time lump sum payment to a regular employee who, *on their own time and without County assistance*, successfully obtains certifications, licenses, and/or accredited degrees that are directly related to their current job classification.

**Key Employee - Family & Medical Leave Policy** - An employee who is among the 10% highest paid of salaried employees within a 75 mile radius of the facility at which the employee is employed.

**Key Employee - Pay for Work During Emergencies or Disasters Policy** - May be an exempt or non-exempt employee who has been designated by their department director to be assigned to work during emergencies or disasters.

## POLICY 002: DEFINITIONS

ADOPTED: JULY 24, 2001 (REVISED: JUNE 20, 2017)

**Mandatory-testing position** - A job assignment that requires the employee to carry a firearm, work closely with an employee who carries a firearm, perform life-threatening procedures, work with heavy or dangerous machinery, work as a safety inspector, work with children, work with detainees in the correctional system, work with confidential information or documents pertaining to criminal investigations, work with controlled substances, or a job assignment that requires an employee security background check, pursuant to Fla. Stat. section 110.1127, or a job assignment in which a momentary lapse in attention could result in injury or death to another person.

**Moving Expenses** - 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; also includes cost of truck rentals, gasoline, and lodging for those employees who choose to move themselves.

**Non-exempt Employee** - An employee in this classification is subject to the minimum wage and overtime compensation requirements of the US Fair Labor Standards Act; and as such, is required to fill out hourly time records.

**Overtime Pay** – Pay for non-exempt employees at time-and-one-half the regular rate of pay for all hours worked in excess of 40 hours during one workweek. Sick leave, vacation, holidays, or other types of leave are not counted as "hours worked" for purposes of determining whether an employee has reached the 40-hour threshold.

**Part-time Employee** - Typically, an employee working less than 40 hours per week.

**Performance Evaluation** - An appraisal written by a supervisor about an employee's work performance, which includes praise for accomplishments, recommendations for improvement, and an action plan of goals for both the employee and supervisor for the next assessment period.

**Probationary Employee** - An individual who has completed less than six months of employment with the County.

**Reduction in Workforce** - 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; not intended to be a short-term adjustment.

**Regular Employee** - An individual who is employed as a part-time or full-time employee in a Board-approved position. This category does not include temporary employees, casual employees, or student interns.

## **POLICY 002: DEFINITIONS**

**ADOPTED: JULY 24, 2001 (REVISED: JUNE 20, 2017)**

**Relative - Hiring Policy** - An individual who is related to the employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister.

**Salaried Employee** - See exempt employee.

**Sexual Harassment** - Unwelcome attention, sexual advances, requests for sexual favors, or other unwanted verbal, physical or graphic conduct of a sexual nature that may come from supervisors, managers, co-workers, citizens, vendors, 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 sex of the parties involved.

**Shift Differential** - Allows for additional compensation to certain non-exempt employees for working other than "normal" business hours (second or third shift).

**Sick Leave Buy-Back** - Allows eligible employees who have 200 hours or more of accumulated, unused sick leave to sell back to the Board of County Commissioners any sick leave in excess of 200 hours which has been accrued, recorded, and available for use, but not used during the current fiscal year.

**Sick Leave Pool** - A voluntary fund of donated sick leave which has been established to provide limited additional sick leave benefits to participating members in the case of serious personal illness or injury.

**Stand-By Duty** - Assigned to certain non-exempt employees holding job classifications which are restricted to a designated location or premises in order to provide coverage for services and to handle emergencies during off-duty hours.

**Student Intern** – A student who is hired with the intention of providing opportunities that will equip him/her with practical, real-world work experience to help transition into a future professional career. These employees may work either regularly scheduled hours, or unscheduled irregular hours throughout the course of their internships. These employees are not eligible for paid absences, vacations and holidays. An intern may remain employed for no longer than two (2) calendar years, providing the intern demonstrates active student status throughout the course of his/her employment.

**Telecommuting** - A work schedule that allows an employee to work all or part of their workweek at home, on the road, or in an alternate work location.

**Temporary Additional Duty** - When an employee is temporarily assigned additional duties which significantly increase his/her responsibilities, the employee may receive a temporary increase in their regular rate of pay.

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## POLICY 002: DEFINITIONS

ADOPTED: JULY 24, 2001 (REVISED: JUNE 20, 2017)

**Temporary Employee** - An individual who is hired either part-time or full-time for a *limited* period, not to exceed six months of employment. These employees may be hired to work on special projects, during peak workloads, and/or to cover employee absences due to FMLA, workers' compensation, or other leaves of absence. These employees are not eligible for paid absences, vacations and holidays.

**Transfer** - Moving to another position in the same or lower salary range or from one location to another; may be of a voluntary or involuntary basis.

**Uniform** - Clothing issued, or required to be worn, by the County; or any clothing with an affixed County logo and/or wording that indicates, or could be interpreted to indicate, that the individual is or may be a County employee.

**Vesting** - The guarantee that an eligible employee will receive a future benefit after working a certain number of years.

**Volunteer** – A person, including a County employee, who performs services, without expectation of compensation, for a civic, charitable or humanitarian purpose. The services must be performed freely and without coercion, and, in the case of a County employee, may not be the same type of services for which the employee is employed.

## **POLICY 003: EMPLOYMENT AT-WILL**

**ADOPTED: MAY 11, 1994 (REVISED: JUNE 20, 2017)**

### **Policy:**

It is the policy of the County that all employees who do not have a written employment contract with the County for a specific, fixed term of employment are employed at the will of the County for an indefinite period.

### **003:1 GENERAL PROVISIONS**

1. At-Will Employment: "At-will" means that employees are free to terminate their employment with an employer with or without notice for any reason or no reason at all. Likewise, employers have the same rights and are free to discharge employees at any time, with or without notice, for any reason not prohibited by law.
2. No County representative is authorized to modify this policy for any employee or to enter into any agreement, oral or written, contrary to this policy. Supervisory and management personnel are not to make any representations to employees or applicants concerning the terms or conditions of employment with the County which are not consistent with County policies. No statements made in pre-hire interviews or discussions, or in recruiting materials of any kind, are meant to alter the at-will nature of employment or imply that discharge will occur only for cause, and should not be interpreted that way.
3. This policy may not be modified by any statements contained in this Manual or any other employee handbooks, employment applications, County recruiting materials, County memoranda or other materials provided to applicants and employees in connection with their employment. None of these documents, whether singly or combined, are to create an expressed or implied contract of employment for a definite period. Similarly, County policies and practices with respect to any matter are not to be considered as creating any contractual obligation on the County's part, or as stating in any way that termination will occur only for "just cause". Statements of specific grounds for termination set forth in this Manual or in any other County documents are illustrative examples only, not all-inclusive lists, and are not intended to restrict or modify the County's right to terminate at-will.
4. Completion of a probationary period or conferral of regular status does not change an employee's status as an employee-at-will or in any way restrict the County's right to terminate such an employee or change the terms or conditions of employment.
5. Although, temporary employees are employed for a limited period, temporary employees also are employed by the County on an at-will basis.

## **POLICY 004: PERSONNEL RECORDS**

**ADOPTED: AUGUST 3, 1988 (REVISED: JUNE 20, 2017)**

### **Policy:**

It is the policy of the County to maintain personnel records according to federal, state, and local record keeping requirements.

### **004:1 GENERAL PROVISIONS**

1. The Human Resources Department shall serve as the official custodian of personnel records.
2. Employees have a responsibility to make sure records are up to date and must notify Human Resources promptly, in writing, of any changes, including, but not limited to:
  - a) Name;
  - b) Address;
  - c) Telephone number; and
  - d) Marital status and number of dependents (for benefits and tax withholding purposes only).
3. Personnel records of County employees shall be open to inspection pursuant to the requirements set forth in Chapter 119, Florida Statutes.
4. Inspection of personnel records shall be subject to the following procedures:
  - a) Requests for personal inspection of a County personnel file or job application must be made to the Human Resources Department.
  - b) The Human Resources Director or designee will require that inspections be at a reasonable time and place in order to protect the integrity of the records. All inspections will be made under the supervision of a member of the Human Resources staff.
  - c) Human Resources shall furnish a copy or copies of any item(s) requested from the records upon payment of the fee as defined in Chapter 119, Florida Statutes [currently fifteen (\$0.15) cents per single-sided copy and twenty (\$0.20) cents per two-sided copy; an additional charge of one dollar (\$1.00) per page will be assessed for a certified copy of the public record].
  - d) If the nature or volume of public records requested to be inspected, examined, or copied is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by the personnel of the agency involved, or both, the County may charge, in addition to the actual cost of duplication, a special service charge, which shall be reasonable and based on the actual cost incurred for such extensive use of information technology resources or labor costs of the personnel providing the service.
5. Employees, under the same rules and condition that apply to the public, may inspect any personnel file including their own.

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## **POLICY 004: PERSONNEL RECORDS**

***ADOPTED: AUGUST 3, 1988 (REVISED: JUNE 20, 2017)***

6. Supervisory and management employees who have an employment-related need for information about another employee or applicant may inspect the records and/or files of that employee or applicant.
7. Employees are to refer all requests from outside the County for personnel information concerning applicants, employees and past employees to Human Resources.

## **POLICY 005: SOLICITATION/DISTRIBUTION**

**ADOPTED: AUGUST 3, 1988 (REVISED: JUNE 20, 2017)**

### **Policy:**

It is the policy of the County to restrict solicitation and distribution on its premises by employees and non-employees. Solicitation is defined as any activity conducted for the purpose of advertising, promoting or selling any product or service. Solicitation and distribution by employees is only permitted as outlined below.

### **005:1 GENERAL PROVISIONS**

1. The County limits solicitation and distribution on its premises because, when left unrestricted, such activities can interfere with the normal operations of the County, can be detrimental to employee efficiency, and can pose a threat to security.
2. Employees of the County are prohibited from engaging in solicitation of fellow employees during working time. Working time shall not be construed to apply to break periods and mealtimes, whether paid or unpaid, or other specified periods during the work day when employees are not engaged in performing their work tasks.
3. The County Manager may authorize a limited number of County sponsored fund drives on behalf of charitable organizations such as the United Way, or special causes. However, employees are not to be discriminated against because of their willingness or unwillingness to participate.
4. Distribution of literature by employees during working hours, and/or in areas where the actual work of employees is performed, is prohibited. This section shall not be construed to prohibit the distribution of literature in such areas not specifically devoted to the performance of employees' official duties (such as break rooms), or while off-duty.
5. The County maintains bulletin boards in designated work areas to communicate County information to employees and to post notices required by law. These bulletin boards are for the posting of County information and notices only, and only persons designated by the Department/Division Director, Human Resources, or their designee, may place notices on or take down material from the bulletin board.
6. Florida Statutes govern political activity of all County employees. All County employees are encouraged to be politically aware and active, and to exercise their right to vote. However, active political campaigning or solicitation for political contributions while on duty is prohibited.
7. Unless done in the course of a County-sponsored fund drive, solicitation and distribution by non-employees is prohibited.

## **POLICY 006: POLICY TOWARDS UNIONS**

**ADOPTED: AUGUST 3, 1988 (REVISED: JUNE 20, 2017)**

### **Policy:**

It is the policy of the County that all employees know their own best interests and have the right to deal directly with their supervisor or manager regarding all working conditions without the interference of outside parties or influence. Therefore, the County feels it is unnecessary and detrimental to have an outside third party, a union, in our working relationship with County employees.

### **006:1 GENERAL PROVISIONS**

1. When management and employees work together for common goals, unions are unnecessary. The County strives to provide Lee County employees with safe and appropriate working conditions, fair and equitable wages and benefits, equal treatment and respect.
2. Lee County acknowledges that employees have the right to form, join, and participate in registered employee organizations for the purpose of representation in matters of employment. Florida is a right-to-work state, meaning that Lee County does not and will not discriminate against any employee because of his or her membership or non-membership in any such organization.
3. Under the laws of the State of Florida, it is not necessary for employees to belong to a union or any other organization in order to hold any job with Lee County; nor is there any obligation to pay dues to a union. However, if a work unit is represented by a union all employees in those classifications are bound by the provisions of the collective bargaining agreement (union contract) whether they are dues paying members of the union or not.
4. It is our belief that a union would not benefit employees, the County, nor the public we serve. It is therefore Lee County's intention, as permitted by state law, to oppose by lawful means any union that may seek to organize County employees.

## **POLICY 101: BEHAVIOR OF EMPLOYEES**

**ADOPTED: MAY 11, 1994 (REVISED: JUNE 20, 2017)**

### **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.

### **101:1 GENERAL PROVISIONS**

1. Employees are expected at all times to conduct themselves in a professional 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) The use of tobacco products 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 reasonably could be deemed offensive or obscene, or which is contrary to the County's best interests as a provider of public services (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 and 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, or possession of alcoholic beverages or illegal drugs on County premises, in County uniform, or in County vehicles;
  - c) Driving a County vehicle or personal vehicle for County business without an appropriate driver's license;

## **POLICY 101: BEHAVIOR OF EMPLOYEES**

**ADOPTED: MAY 11, 1994 (REVISED: JUNE 20, 2017)**

- d) The use of profanity or abusive language;
  - e) Refusal by an employee to follow management's instructions concerning a job-related matter;
  - f) Assault or battery of a fellow employee or citizen;
  - g) An employee's failure to report their misdemeanor or felony arrest to management;
  - h) An employee's failure to report their suspended or revoked license when such license is a requirement of the employee's position;
  - i) Theft, destruction, defacement or misuse of County property, property of another employee, or property belonging to a citizen;
  - j) Gambling on County property;
  - k) Falsifying or altering any County record or report, either printed or electronic;
  - l) Threatening or intimidating employees, vendors, contracted service providers, or citizens;
  - m) The use of tobacco in places prohibited by County policy or local ordinance;
  - n) Horseplay, pranks or practical jokes;
  - o) Unauthorized sleeping on the job;
  - p) Failure to wear appropriate safety equipment or failure to abide by safety rules and practices;
  - q) Improper attire or inappropriate personal appearance;
  - r) Engaging in any form of workplace harassment;
  - s) Solicitation or distribution (except as provided by County policy);
  - t) Improper disclosure of any confidential information;
  - u) Any conduct, which in the County's judgment, is adverse to the best interests of the County;
  - v) Use of lies, dishonesty, and/or misrepresentation in the workplace; and
  - w) Violation of any policy in this Manual.
3. The examples, above, are simply illustrative of the type of behavior not 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 102: ATTENDANCE AND PUNCTUALITY**

**ADOPTED: MAY 11, 1994 (REVISED: JUNE 20, 2017)**

### **Policy:**

It is the policy of the County to require employees to report for work punctually as scheduled and to work as required, including regular hours and any required overtime.

### **102:1 GENERAL PROVISIONS**

1. Tardiness and poor attendance disrupt workflow and customer service, and will not be tolerated. Unauthorized and/or excessive absences or tardiness will result in disciplinary action, up to and including termination.
2. Supervisors shall notify employees of the normal work schedule including starting, ending and break times through direct communication and/or posting of schedules. Employees are expected to be engaged in carrying out their duties during all scheduled work time.
3. Employees should notify their supervisor as far in advance as possible whenever they are unable to report for work, know they will be late or must leave early. Such notification should include a reason for the absence and when the employee can be expected to report for work.
4. Employees are compensated during approved absences in accordance with the appropriate leave policies. Subject to the County's policy on deductions from pay, failure to notify the supervisor of any absence may result in loss of compensation during the absence and may be grounds for disciplinary action.
5. Employees who are delayed in reporting for work more than fifteen (15) minutes and who have not notified their supervisor of their expected tardiness may not be allowed to work the balance of the work day at the discretion of the supervisor. For non-exempt employees, such time will be unpaid.
6. Employees who report for work without proper equipment or in improper attire may not be permitted to work at the discretion of the supervisor. For non-exempt employees, such time will be unpaid pending the employee's return with the proper equipment or attire.
7. Employees who report for work in a condition deemed unfit for work, whether due to illness or any other reason, will not be allowed to work.
8. Employees are expected to report for work during inclement weather conditions if the County does not declare an emergency closing. Certain specified employees may be required to report to work even in the event of a declared emergency closing.
  - a) Non-exempt employees who are unable to report because of weather conditions may be given a chance to make up their missed time if work schedules and conditions permit, or may be allowed to use accrued vacation leave. Otherwise, that time will be unpaid and unexcused.

## **POLICY 102: ATTENDANCE AND PUNCTUALITY**

**ADOPTED: MAY 11, 1994 (REVISED: JUNE 20, 2017)**

- b) Exempt salaried employees who are unable to report because of weather conditions may be required to use accrued vacation leave or may be required to make up the time.
- 9. Employees must report to their supervisor after being late or absent, give an explanation of the circumstances surrounding their tardiness or absence, and may be required to certify that they are fit to return to work.
- 10. Employees who are absent from work for three (3) consecutive workdays or shifts without giving proper notice to the County will be considered as having voluntarily quit. At that time, the County will formally note the voluntary termination of the employee and advise the employee of the action by certified mail.
  - a) Employees on Worker's Compensation leave are required to provide the same proper notice as other employees. Doctor's notes must be definite in date to constitute proper notice; open-ended notes require employees to provide notice every three (3) days.
  - b) An employee on an FMLA protected leave will be required to report to work or re-certify the need for leave every thirty (30) days as requested by his/her department, unless the leave remains within the original period of absence certified by a healthcare provider. The County also may request certification at any time if the circumstances supporting an FMLA leave have changed, the employee requests an extension of the original leave, or the County receives information that causes it to doubt the reason for the absence, or the continuing validity of the certification (see Policy 405).

## **POLICY 103: TOBACCO FREE WORKPLACE**

**ADOPTED: DECEMBER 14, 2010 (REVISED: JUNE 20, 2017)**

### **Policy:**

As of January 1, 2011 Lee County is committed to providing a healthy and safe workplace and promotes the health and wellbeing of its employees and citizens by restricting the use of tobacco products. Lee County Administrative Code 5-5, Clean Indoor Air Policy, discourages the designation of a smoking area within a government building or campus that is accessible by the public.

### **103:1 GENERAL PROVISIONS**

1. Tobacco Free Workplace applies to all regular full-time and part-time employees, volunteers and those covered under Policy 308 Supplemental Workforce.
2. Tobacco products include cigarettes, cigars, chewing tobacco, snuff, pouches, etc. and includes any other nicotine based products or products that simulate the use of tobacco (e.g.: electronic cigarettes). This policy does not apply to employees using nicotine replacement therapy (NRT) on a short term basis while taking steps to quit tobacco products.
3. Employees are prohibited from using tobacco products while on Lee County property and in plain view, except in areas restricted to the public (e.g.: secure facilities such as water treatment plants). Some secure facilities may designate an area for tobacco use because employees may not be able to leave the campus for breaks.
4. Employees are prohibited from using tobacco products in plain view while wearing a Lee County uniform or any item or article of clothing with the Lee County logo.
5. Employees are prohibited from congregating to use tobacco products in plain view to include neighboring properties, offsite meetings, customer and/or vendor properties, etc.
6. The use of tobacco products is not permitted in any motor vehicle or motorized equipment owned or leased by Lee County.
7. Employees utilizing tobacco products during breaks and lunches shall maintain compliance with policies 103:1:3, 103:1:4 and 103:1:6. Employees using tobacco products on breaks cannot congregate in areas off campus. They must enter the pedestrian flow (e.g.; sidewalks) or only use tobacco products in areas designated for such purpose.
8. Violations of this policy may correlate to violations of other Lee County policies to include Policy 101, Behavior of Employees, Policy 102, Attendance and Punctuality, Policy 210, Workplace Safety, etc. and may result in corrective action for repeat offenses up to and including termination of employment.

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## **POLICY 104: PERSONAL APPEARANCE OF EMPLOYEES**

**ADOPTED: MAY 11, 1994 (REVISED: DECEMBER 14, 2010)**

### **Policy:**

It is the policy of the County that each employee's dress, grooming, and personal hygiene should be appropriate to the work situation and according to community standards.

### **104:1 GENERAL PROVISIONS**

1. Employees are expected at all times to present an image appropriate to the work being performed. Appropriate personal appearance, like proper maintenance of work areas, is an ongoing requirement of employment with the County.
2. The personal appearance of employees who do not regularly meet the public is to be governed by the requirements of safety and comfort, but should still be as neat and business-like as working conditions permit.
3. Certain employees may be required to meet special dress, grooming and/or hygiene standards depending on the nature of their job.
4. Any employee who does not meet the standards of this policy will be required to take remedial action to correct the problem, which may include leaving the premises. Any work time missed because of failure to comply with this policy will not be compensated. Repeated violations of this policy will be cause for disciplinary action.

## **POLICY 201: EQUAL EMPLOYMENT OPPORTUNITY**

**ADOPTED: MAY 11, 1994 (REVISED: JUNE 20, 2017)**

### **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.

### **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, genetic information or any other category of protected persons; and
  - 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, genetic information or any other category of protected persons.

### **201:2 EMPLOYMENT**

1. The Human Resources Director or designee(s) is responsible for formulating, implementing, coordinating and monitoring all efforts in the area of equal employment opportunity. These may include, but are not 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; and

## **POLICY 201: EQUAL EMPLOYMENT OPPORTUNITY**

**ADOPTED: MAY 11, 1994 (REVISED: JUNE 20, 2017)**

- e) Keeping employees informed of the latest developments in equal employment opportunity laws and regulations.
2. Any communication from an employee or applicant for employment, an external agency or an attorney concerning any equal employment opportunity matter is to be referred to Human Resources.
3. While overall authority for implementing this policy is assigned to Human Resources, an effective equal employment opportunity program cannot be achieved without the support of supervisory personnel and employees at all levels. Any employees or applicants 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 Human Resources.

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

1. Employees or applicants having reason to believe they may have been subjected to discrimination or harassment, including sexual harassment, are urged to bring those concerns to the attention of their immediate supervisor, department director, the Director of Human Resources or designee(s), up to the County Manager, as appropriate. The complaint procedure is detailed in Section 202:3 of the Policies and Procedure Manual 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 County will provide a reasonable accommodation to an otherwise qualified disabled employee or applicant, unless or until the accommodation imposes an undue hardship on the County. Human Resources 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 disability, as that term is defined by applicable law, and who want a reasonable accommodation to enable performance of essential job functions, should inform Human Resources or Employee Health Services of their need as soon as possible. The employee's medical condition will be kept confidential as required by law. It is the employee's responsibility to request the accommodation(s) desired.
  - b) Employees who have a disability and who want an accommodation must provide Employee Health with any pertinent medical records regarding diagnosis, and those records requested by the County to make decisions regarding job assignments, ability to continue working or ability to return to work.

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## **POLICY 201: EQUAL EMPLOYMENT OPPORTUNITY**

**ADOPTED: MAY 11, 1994 (REVISED: JUNE 20, 2017)**

- 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 direct health or safety threat to himself/herself 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 202: HARASSMENT POLICY

ADOPTED: APRIL 6, 1999 (REVISED: JUNE 20, 2017)

### Policy:

It is the policy of Lee County to provide and maintain a work environment free from harassment. Lee County 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 unprofessional 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 any other characteristic or status protected by law, 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.
3. Notwithstanding Lee County’s adoption of the EEOC’s definition of harassment, use of words, language, phrases, pictures or depictions which are objectively hostile or derogatory towards a person’s race, color, religion, sex, national origin, ancestry, age or disability, or any other characteristic or status protected by law, are not acceptable in the workplace.

## **POLICY 202: HARASSMENT POLICY**

**ADOPTED: APRIL 6, 1999 (REVISED: JUNE 20, 2017)**

### **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.

### **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 designee(s), up to the County Manager 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), up to the County Manager, as appropriate.

## **POLICY 202: HARASSMENT POLICY**

**ADOPTED: APRIL 6, 1999 (REVISED: JUNE 20, 2017)**

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 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 will endeavor to investigate all complaints as expeditiously and as professionally as possible. To provide consistency and objective third party determinations Human Resources shall be the department afforded the responsibility to investigate allegations of harassment, to determine whether the allegations are sustained and to be available to recommend appropriate corrective action - unless special circumstances require that Human Resources assign a specific investigation to another party or agency.
2. During the investigation, the County may take steps to separate the accused party and the accuser in the workplace.
3. 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.
4. If the investigation confirms the allegations in the complaint, prompt and appropriate corrective and disciplinary action will be taken by the County designed to immediately stop any harassing conduct and prevent any future harassment.
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, except as required or permitted by law, discuss the information or the investigation with anyone other than authorized individuals.

## **POLICY 202: HARASSMENT POLICY**

**ADOPTED: APRIL 6, 1999 (REVISED: JUNE 20, 2017)**

3. Failure to cooperate with an investigation, or failure to abide by the rule of confidentiality, may be grounds for disciplinary action.
4. Lee County 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 and/or federal 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.
3. Employees who wish to bring complaints of retaliation should follow the procedures set forth in Section 202:3(a) of the Policies and Procedures Manual.

### **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.

### **202:4 HARASSMENT AVOIDANCE TRAINING**

1. Upon orientation all new employees will receive a brief overview of Policies 201 Equal Employment Opportunity and 202 Harassment and the contact information for reporting a complaint.
2. All new employees within the first three (3) months of hire in order to complete the probationary period per Policy 502 Performance Evaluations will attend and complete Harassment Avoidance Training.

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## **POLICY 202: HARASSMENT POLICY**

**ADOPTED: APRIL 6, 1999 (REVISED: JUNE 20, 2017)**

3. All employees will attend and complete Harassment Avoidance Training on an annual basis.

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

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

Lee County Department of Human Resources  
1825 Hendry Street, Suite 200  
Fort Myers, Florida 33901  
Phone: (239) 533-2245  
Email: [OEO@leegov.com](mailto:OEO@leegov.com)

## **POLICY 203: WORKPLACE VIOLENCE**

**ADOPTED: FEBRUARY 12, 2002 (REVISED: JUNE 20, 2017)**

### **Policy:**

It is the policy of Lee County to provide a safe environment for working and conducting business. Lee County will not ignore, condone, or tolerate acts of violence committed by or against County employees, or members of the public, while on Lee County property or while performing Lee County business at other locations. County employees determined to be in violation of this policy will be subject to appropriate disciplinary action, up to and including discharge from employment.

### **203:1 VIOLENCE DEFINED**

1. The term “violence” has been defined as: An unjust or unwarranted exertion of force, action, power or vehement rough language against a person, property, rights or laws of an injurious or destructive nature.
2. The word violence in this policy shall include, but is not limited to, any act or behavior that:
  - a) constitutes a physical assault;
  - b) consists of a communicated or reasonably perceived threat to harm another individual or in any way endanger the safety of an individual;
  - c) carries the potential for physical harm to another individual (as would be interpreted by a reasonable person);
  - d) involves carrying or displaying weapons, destroying property, or throwing objects in a manner reasonably perceived to be threatening;
  - e) menaces another (as would be interpreted or perceived by a reasonable person); and
  - f) consists of a communicated or reasonably perceived threat to destroy property; or a reasonable person would perceive as obsessively directed, e.g. intensely focused on a grudge, grievance, or romantic interest in another person, and reasonably likely to result in harm or threats of harm to persons or property.
3. Violent acts and behavior can take any one of many forms. Such conduct might be physical or nonphysical, verbal or nonverbal, direct or indirect, and explicit or implicit.

### **203:2 RESPONSIBILITIES/ COMPLAINT PROCEDURE**

1. Lee County takes every workplace violence issue seriously. As a means for prevention, Lee County employees are strongly urged to take appropriate action immediately upon knowledge of violent behavior taking place either on Lee County property or regarding any legitimate interest of Lee County.
  - a) **Emergencies**
    - For immediate assistance in an emergency situation (e.g. assault, direct threat of immediate violence, suicide attempt, or any crime in progress) dial 9-1-1.

## **POLICY 203: WORKPLACE VIOLENCE**

**ADOPTED: FEBRUARY 12, 2002 (REVISED: JUNE 20, 2017)**

### **b) Incidents Not Rising to the Level of an Immediate Emergency**

1. If the complaint involves a non-emergency situation, employees are strongly urged to report the violent behavior to a supervisor. The supervisor shall report that complaint immediately to the Department of Human Resources (or the County Manager's Office as appropriate) in person or by telephone. Failure to follow this procedure subjects the supervisor to disciplinary action.
2. If the complaint accuses 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 the complaint to another supervisor, the Director of Human Resources or designees, or the County Manager's Office, as appropriate.

### **203:3 INVESTIGATION OF ALLEGATIONS**

Lee County recognizes that workplace violence investigations require discretion and sensitivity to protect the rights of all persons involved and shall proceed in a manner that demonstrates objectivity, fairness and a concern for confidentiality.

#### **203:3(a) INVESTIGATION ASSIGNMENT AND PROCEDURE**

##### *Who Shall Conduct Investigations*

1. Incidents involving emergency and/or criminal activity will be referred to the Lee County Sheriff's Department or the appropriate jurisdiction for investigation. An internal investigation may occur simultaneously if it does not interfere with the efforts of the outside investigator.
2. Incidents that do not involve an emergency situation and/or criminal activity, the Lee County Department of Human Resources, in consultation with the County Manager's Office and the County Attorney's Office, will determine the appropriate course of investigation.

##### *Investigation Process*

1. Due to the varying nature of violence in the workplace, Lee County reserves the right to conform its investigative process as appropriate to handle the sensitive and subtle considerations presented by workplace violence issues on a case-by-case basis.

#### **203:3(b) COOPERATION AND 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.

## **POLICY 203: WORKPLACE VIOLENCE**

**ADOPTED: FEBRUARY 12, 2002 (REVISED: JUNE 20, 2017)**

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, except as required or permitted by law, discuss the information or the investigation with anyone other than authorized persons.
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 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.
5. Nothing in this section will apply to compromise an accused individual's rights protecting against self-incrimination in a criminal investigation.

### **203:3(c) RETALIATION PROHIBITED**

1. Retaliation against employees for reporting violent behavior or assisting in the investigation of a complaint is prohibited 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 violent situation.

## POLICY 204: COMPUTER RESOURCES

ADOPTED: MAY 11, 1994 (REVISED: JUNE 20, 2017)

### Policy:

All computer resources are the property of Lee County 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. 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.

### 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. A computer's hardware content may be deleted and/or cleaned with the approval of the Department Director and in accordance with Chapter 119, Florida Statutes.
2. *Waiver of Privacy Rights.* Users expressly waive any right of privacy in anything they create, store, send, or receive on the County's computers or computer network, or on County-issued electronic devices. Users consent to allowing personnel of the County to access and review all such materials. 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, but is not limited to, all such records created, stored, sent, or received on the County computer system, and created, stored, sent or received on a cell phone or similar personal electronic device, whether the device belongs to the employee or is issued by the County. Records of e-mail messages, text messages, and records of inbound and outbound calls must be retained in accordance with the provisions of Chapter 119, Florida Statutes. Do not delete a public record! If you have any question whether a particular item is a public record, please consult the Human Resources Department.
  - 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).

## **POLICY 204: COMPUTER RESOURCES**

**ADOPTED: MAY 11, 1994 (REVISED: JUNE 20, 2017)**

### **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 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 must immediately report the incident to their supervisors. Violations of this policy may result in disciplinary action, including discharge. If the employee is receiving inappropriate email, as described, from their supervisor or management personnel it must be reported to Human Resources.
2. *Prohibited Uses.* Lee County's computer resources may not be used for dissemination or storage of commercial or personal advertisements or solicitations, promotions, destructive programs (that is viruses or self-replicating code), political material, or any unauthorized use deemed inappropriate by the County.
3. *Social Media.* Without prior written permission from the County, users may not use instant messaging, text messaging, social networking sites, including but not limited to Twitter, Facebook, MySpace, Linked In, etc., for any official County communication. Please see the Manual's social media policy for additional guidance.
4. *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 personal (non-business) instant messages, printing multiple copies of documents, using hard drive or network space to store personal data, or creating unnecessary network traffic.

## **POLICY 204: COMPUTER RESOURCES**

**ADOPTED: MAY 11, 1994 (REVISED: JUNE 20, 2017)**

5. *Misuse of Software.* Most of the software used by Lee County is licensed with a limitation that it may be used by Lee County 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 must immediately report the incident to the Director of Human Resources.
6. *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.)
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. 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. The Information Technology Group (ITG) can reset any and/or all passwords with a Director’s permission if needed. Password lists are not allowed.

## **POLICY 204: COMPUTER RESOURCES**

**ADOPTED: MAY 11, 1994 (REVISED: JUNE 20, 2017)**

### **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.* Employees may only access data for which they have been authorized. Employees 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 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. Approved users may not use encryption keys that are unknown to their supervisors.

## **POLICY 204: COMPUTER RESOURCES**

**ADOPTED: MAY 11, 1994 (REVISED: JUNE 20, 2017)**

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" which should be developed by each department.
3. The employee agrees to abide by all provisions of the 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 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 ([ld@leegov.com](mailto:ld@leegov.com))
  - Phone Number
  - FAX Number

## **POLICY 204: COMPUTER RESOURCES**

**ADOPTED: MAY 11, 1994 (REVISED: JUNE 20, 2017)**

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. Email archiving is done automatically for users.
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 must be obtained (free software, grant, normal purchase, etc.) through existing purchasing procedures.
2. *Software and Hardware Installation.* All software must 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.

## **POLICY 205: DRUGS AND ALCOHOL IN THE WORKPLACE**

**ADOPTED: OCTOBER 17, 1990 (REVISED: JUNE 20, 2017)**

### **Policy:**

Lee County recognizes that our employees are our most valuable resource. It is our goal to provide a healthy, safe and efficient working environment in which to provide our diverse services to the citizens of the County. It also recognizes that substance/alcohol abuse and/or addiction can pose serious risks to an employee's health and safety and can have detrimental effects on co-workers. Therefore, it is the policy of the County to:

- a) Assure that employees are not impaired in their ability to perform assigned duties in a safe, healthy and productive manner;
- b) Create a workplace environment free from the adverse effects of substance abuse or dependency;
- c) Prohibit the unlawful manufacture, distribution, dispensing, possession, selling, using, buying or transferring of controlled substances and/or alcohol; and
- d) Provide an employee assistance program available to employees whose personal problems, including drug or alcohol abuse or dependency, adversely affect their ability to perform their duties.

### **205:1 ALCOHOL AND SUBSTANCE ABUSE**

1. Abuse of alcoholic beverages or controlled substances, or the consumption of illegal substances by employees and potential employees is a significant problem both for the safety of the employee and the liability of the County.
2. Lee County has a responsibility to provide quality services to its citizens in a timely and cost effective manner. Employees at any and all levels in the organization who have drugs or alcohol in their systems may impair their ability to perform their duties at full, efficient capacity. Impaired judgment on their part may have serious consequences for the County through increased safety risks, potential accident liabilities, increased worker's compensation liabilities, and potential faulty decision making.
3. Employees who are involved in the abuse of controlled substances or the use of illegal drugs, whether on or off the job, or who abuse alcohol off the job to such an extent that work performance is affected, have an adverse impact on the County's ability to maintain a safe work environment and to provide the services expected by its citizens.
4. Lee County, recognizing that drug and alcohol abuse is a growing problem within our nations' workforce, urges self-referral to the employee assistance program for any employee who is concerned that he or she may have a problem with substance abuse, and mandates managerial referral to the employee assistance program when job performance is affected.

## **POLICY 205: DRUGS AND ALCOHOL IN THE WORKPLACE**

**ADOPTED: OCTOBER 17, 1990 (REVISED: JUNE 20, 2017)**

5. Employee education and training programs shall provide information about the effects of drug and alcohol use and the detection of drugs and alcohol.

### **205:2 ALCOHOL AND SUBSTANCE REQUIREMENTS AND TESTING**

1. Employees on or off duty are strictly prohibited from engaging in the manufacture, distribution, dispensing, possession, using, buying, selling or transferring of prohibited substances (controlled substances, illegal drugs) on or off County Property and during both working and non-working hours. The use, possession, purchase, sale or transfer of alcohol during regular work hours, including breaks or meal periods, on County property is strictly prohibited. This includes in County vehicles or while in County uniform, working under the influence of drugs or alcohol or using drugs or alcohol on their own time in a way which causes them to report for work under the influence of drugs or alcohol.
2. Any employee who is convicted, pleads guilty or no lo contendre (no contest) to any criminal drug statute violation, or who has adjudication deferred or enters into a pretrial intervention program in response to criminal drug charges, must notify the Director of Human Resources no later than five (5) days after such action. Failure to do so will be cause for appropriate disciplinary action, up to and including termination. Once the County receives such information, the County will make the appropriate determination as to what disciplinary action, if any, is to be taken.
3. Employees are required to perform their job duties free of alcohol or drug impairment. All employees, to include those in safety-sensitive positions or performing safety-sensitive functions, shall be subject to substance or alcohol tests if there is reasonable suspicion that they are under the influence of alcohol or drugs while on duty. Reasonable suspicion is a belief based on objective facts sufficient to lead a reasonably prudent person to suspect that the employee is using or has used drugs or alcohol in violation of this policy. Refusal to submit to such test shall be considered insubordination. Any employee whose test results are positive without an acceptable medical explanation will be subject to discipline.
4. Employees in a safety sensitive position or performing safety-sensitive functions shall be subject to the drug and alcohol regulations encompassed in Title 49 Code of Federal Regulations (CFR) Part 40, the Office of Drug & Alcohol Policy & Compliance (ODAPC), Title 49 Code of Federal Regulation (CFR) Part 382, Controlled Substances and Alcohol Use and Testing, or other relevant federal regulations and shall be subject to the following drug screening:
  - a) Pre-employment;
  - b) Random;
  - c) Post-accident;
  - d) Reasonable Suspicion;

## **POLICY 205: DRUGS AND ALCOHOL IN THE WORKPLACE**

**ADOPTED: OCTOBER 17, 1990 (REVISED: JUNE 20, 2017)**

- e) Return to duty; and
  - f) Follow-Up.
5. All applicants offered employment with the County in mandatory-testing or other safety-sensitive positions (such as paramedics and emergency medical technicians) will be required to take a drug test before being employed. Any applicant who refuses to take the test, or whose test results are positive, will be denied employment at that time. Applicants testing positive may be offered the opportunity for a retest at their own expense. If the retest is negative, the County will reimburse the cost of the test.
6. Failure of an employee to notify Employee Health Services before beginning work when taking medications or drugs which may interfere with the safe and effective performance of duties may result in disciplinary action. Employees may be required to provide a doctor's statement if the employee indicates that there is a need to use the prescription drug for an extended period.

### **205:3 UNITED STATES DEPARTMENT OF TRANSPORTATION (USDOT) ALCOHOL AND SUBSTANCE ABUSE & TESTING POLICIES**

1. Lee County employees subject to regulations detailed by the USDOT for policies regarding substance abuse and testing, are included by reference herein. A list of employees is available for inspection in each department.

## **POLICY 206: CODE OF ETHICS**

**ADOPTED: AUGUST 3, 1988 (REVISED: JUNE 20, 2017)**

### **Policy:**

It is the policy of Lee County through the Board of County Commissioners ("Board") that all Lee County employees are expected to conduct their professional and personal lives in a completely ethical, truthful, and honorable manner in all dealings with the public and other County employees.

All Lee County employees, including the Board's Contract Employees (the County Manager, County Attorney, and Hearing Examiner), will conduct themselves in a professional and personal manner so as to maintain public confidence in their profession, their county government, and the public trust.

Lee County recognizes that it is essential to the proper conduct and operation of government that public officials and employees be independent and impartial and that their public office not be used for private gain other than for the compensation as provided by law. The public interest requires this code protect against any conflict of interest and establish standards for the conduct of elected officials and government employees in situations where conflicts may exist.

All County employees will conduct their official and personal affairs in such a manner so as to not be improperly influenced by anyone in the performance of their official duties.

Lee County further recognizes that it is also essential that government attract those citizens best qualified to serve. Thus, policies against conflict of interest must be designed as not to impede unreasonably or unnecessarily the recruitment and retention by government of those best qualified to serve.

To this end, Lee County remains committed to upholding the high standard of ethics for all public officers and employees as set forth in Part III of Chapter 112, Florida Statutes.

### **206:1 GENERAL**

1. No Local Officer as defined by Florida Statutes or employee of Lee County, including the Board's Contract Employees, shall have any interest, financial or otherwise, direct or indirect, or engage in any business transaction or professional activity, or incur any obligation of any nature which is in conflict with the proper discharge of his or her duties in the public interest.
2. The Local Officers and employees of Lee County, including the Board's Contract Employees are agents of the people and hold their positions for the benefit of the public. Such officers and employees are bound to observe, in their official acts, the highest standards of ethics regardless of personal considerations, recognizing that promoting the public interest and maintaining the respect of the people in their government is of foremost concern.

## **POLICY 206: CODE OF ETHICS**

**ADOPTED: AUGUST 3, 1988 (REVISED: JUNE 20, 2017)**

### **206:2 GIFTS TO COUNTY EMPLOYEES**

1. No County employee to include the statutorily defined Local Officers, or member of their families (parent, spouse, child or sibling, father or mother-in-law, or son or daughter-in-law), shall accept a gift of any type, price, or size from any person or firm doing business with Lee County, or any person that intends to do business with Lee County, that if accepted, could reasonably be construed to influence the Local Officer or employee in the discharge of the employee's official duties.
2. In order to avoid any appearances of conflicts of interest, employees are discouraged from accepting any and all gifts from any person or firm doing business with, or regulated by, Lee County. However, under certain circumstances such acceptance of gifts may be permissible in accordance with Chapter 112, Florida Statutes.
3. No person, business or organization shall be allowed to give, nor shall any Local Officer or County employee accept a gift with a value in excess of \$100 unless such a gift is accepted on behalf of the County, and which is approved by the supervising Contract Employee prior to its receipt.
4. DEFINITION –
  - a) "Gift," for the purposes of ethics in government and financial disclosure required by law, means that which is accepted by a recipient or another on behalf of a recipient, or that given to another for or on behalf of a recipient, directly, indirectly, or in trust for the recipient's benefit or by any other means, for which equal or greater consideration is not given, including:
    - i) Real property and/or the use of real property.
    - ii) Tangible or intangible personal property and/or the use thereof.
    - iii) A preferential rate or terms on a debt, loan, goods, or services, which rate is below the customary rate and is not either a government rate available to other similarly situated government employees or officials or a rate which is available to similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin.
    - iv) Forgiveness of indebtedness.
    - v) Transportation, other than that provided to a public officer or employee by an agency in relation to officially approved governmental business, lodging, or parking.
    - vi) Food or beverage.
    - vii) Membership dues.
    - viii) Entrance fees, admission fees, or tickets to events, performances, or facilities.
    - ix) Plants, flowers, or floral arrangements.
    - x) Services provided by persons pursuant to a professional license or certificate.
    - xi) Other personal services for which a fee is normally charged by the person providing the services.

## **POLICY 206: CODE OF ETHICS**

**ADOPTED: AUGUST 3, 1988 (REVISED: JUNE 20, 2017)**

- xii) Any similar service or item having attributable value not already provided for in this section.
- b) “Gift” does not include:
  - i) Salary, benefits, services, fees, commissions, gifts, or expenses associated primarily with the recipient’s employment, business, or service as an officer or director of a corporation or organization.
  - ii) Contributions or expenditures reported pursuant to Chapter 106, F.S., campaign-related personal services provided without compensation by individuals volunteering their time, or any other contribution or expenditure by a political party.
  - iii) An honorarium or an expense related to an honorarium event paid to a person or the person’s spouse (subject to review by the County Manager & County Attorney’s Office).
  - iv) An award, plaque, certificate, or similar personalized item given in recognition of the recipient’s public, civic, charitable, or professional service.
  - v) An honorary membership in a service or fraternal organization presented merely as a courtesy by such organization.
  - vi) The use of a public facility or public property made available by a governmental agency, for a public purpose.
  - vii) Transportation provided to a public officer or employee by an agency in relation to officially approved governmental business.
  - viii) Gifts provided directly or indirectly by a state, regional, or national organization which promotes the exchange of ideas between, or the professional development of, governmental officials or employees, and whose membership is primarily composed of elected or appointed public officials or staff, to members of that organization or officials or staff of a governmental agency that is a member of that organization.

### **206:3 PERSONAL INVESTMENTS THAT MAY CONFLICT WITH OFFICIAL DUTIES**

This Section concerning financial investments is applicable to all Lee County employees including the Contract Employees (the County Manager, County Attorney, and Hearing Examiner).

“Conflict” or “conflict of interest” means a situation in which regard for a private interest tends to lead to a disregard of the employee’s public duty or interest (Florida Statutes, Section 112.312).

1. All Lee County employees are prohibited from holding any investment, directly or indirectly, in any business, or commercial or residential real estate, or other private transaction that would create a conflict of interest with the individual’s position in the County, or cause personal gain pursuant to Florida Statutes, based on the individual’s “span of control” and decision-making authority on behalf of the County.

## **POLICY 206: CODE OF ETHICS**

**ADOPTED: AUGUST 3, 1988 (REVISED: JUNE 20, 2017)**

2. Because personal investments may prejudice or influence official actions and decisions, all County employees (to include “new hires”) are required to immediately report in writing, any financial conflict(s) of interest to the County’s Department of Human Resources, which will recommend a course of action, or request a legal opinion from the County Attorney’s Office. If an employee disagrees with the recommended course of action from the Department of Human Resources or County Attorney’s Office, the employee may file a written appeal to the applicable supervising Contract Employee. The supervising Contract Employee’s decision will then be final.
3. Except for the County Attorney, the Contract Employees with a personal conflict of interest will request a legal opinion with respect to the conflict from the County Attorney. Any appeal of that opinion will be brought to the Board of County Commissioners for resolution. In the case of the County Attorney, conflict opinions will be sought directly from either the Florida Attorney General or the Florida Commission on Ethics, as facts and circumstances may dictate.

### **206:4 ETHICS FOR COUNTY EMPLOYEES**

1. No employee of Lee County shall solicit or accept anything of value such as a gift, loan, reward, promise of future employment, favor, or service: based on the understanding that the receipt of such an item of value would influence any official action or judgment of the employee.
2. No employee acting in his or her official capacity shall either directly or indirectly purchase, rent, or lease any real estate, real property, goods, or services for the County from any business entity in which the employee or his/her spouse or any of the children, parents, grandparents, or grandchildren (or any combination thereof) of the employee or his/her spouse is an officer, partner, director, or proprietor; or in which any of the aforementioned parties has a financial interest.
3. No employee acting in his or her private capacity shall rent, lease, or sell any real estate, real property, goods, or services to the County.
4. No employee or his/her spouse or minor child shall, at any time, accept any compensation, payment, or item of value when the employee knows, or with the exercise of reasonable care should know, that it was given to influence any action in which the employee was expected to participate in his official capacity.
5. No employee shall use or attempt to use his or her position, or any property or resource which may be within his/her trust, to secure special privileges, benefits, or exceptions for himself/herself or for others.

## **POLICY 206: CODE OF ETHICS**

**ADOPTED: AUGUST 3, 1988 (REVISED: JUNE 20, 2017)**

6. No employee shall have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict of interest between his/her private interests and the performance of his/her official public duties, or would impede the full and faithful discharge of those public duties.
7. No employee shall accept employment or engage in any business or professional activity which he or she might reasonably expect would require or induce him to disclose confidential information acquired by him/her while working for the County in his/her official position.
8. No employee shall disclose or use information not available to members of the general public and gained while working for the County for his/her personal gain or benefit, or for the personal gain or benefit of any other person or business entity.
9. No employee shall transact any business in his or her official capacity, or advocate or advise any other County employee to transact business, with any business of which he or she is an officer, director, agent, or member, or in which he or she owns any financial interest.
10. No employee shall have personal investments in any enterprise that would create a conflict between his or her private interests and the public's interest.
11. No employee shall hold direct or indirect ownership of more than five percent (5%) of the total assets or capital stock of any corporation, partnership, limited partnership, proprietorship, firm, enterprise, franchise, association, or trust, whether fictitiously named or not, which is subject to the regulation of, or which conducts business or has business commitments with Lee County.

### **206:5 ADMINISTRATION OF THE CODE OF ETHICS**

1. Where a question arises concerning whether or not any activity conforms to the Code of Ethics, the County Manager, with advice from the Director of Human Resources and the County Attorney as needed, shall decide the question.
2. Any employee wishing to determine whether a proposed activity would be prohibited may document the circumstances of the proposed activity and request an opinion from the Department of Human Resources. Copies of the request and the resulting opinions shall be provided to the department director prior to engaging in the activity.

## **POLICY 206: CODE OF ETHICS**

**ADOPTED: AUGUST 3, 1988 (REVISED: JUNE 20, 2017)**

3. Employees who violate the Code of Ethics as defined herein, or in Chapter 112, Florida Statutes, and in addition to any other criminal or civil penalty that may be imposed, shall be subject to disciplinary action, consisting of one or more of the following:
  - a) restitution of any pecuniary benefit from the violation;
  - b) civil penalties pursuant to Section 112.317(b) 6 Florida Statutes;
  - c) reduction in salary level;
  - d) demotion;
  - e) suspension from employment for not more than forty (40) working days without pay; and/or
  - f) dismissal from County employment.

Violations of this Code of Ethics by County Contract Employees may be grounds for termination of the Contract Employee for "just cause" as that term may be applied in the individual employment contract(s).

However, when approved by his or her Department Director as involving no conflict of interest or activity which interferes with his or her County Employment, a County Employee may be a candidate for or hold local public office, unless otherwise prohibited by law.

### **206:6 POLITICAL ACTIVITY & UNLAWFUL ACTS PROHIBITED**

1. No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure for any person an appointment or advantage in appointment to a position in Lee County service, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person, or for any consideration; provided, however, that letters of inquiry, recommendations and references by public employees or public officials shall not be considered political pressure unless any such letter contains a threat or intimidation, or irrelevant, derogatory or false information.
2. No person shall directly or indirectly give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for or on account of any appointment, promotion, or proposed promotion to, or any advantage in a position in Lee County.
3. As an individual, each employee retains all rights and obligations of citizenship provided in the Constitutions and Laws of the State of Florida and the United States. However, no employee of Lee County shall:
  - a) Hold, or be a candidate for elective public service or political office while in the employment of the County or take any active part in a political campaign while on duty or within any period of time during which they are expected to perform services for which they receive compensation from the County. A County Employee may be a candidate for or hold local public office, unless otherwise prohibited by law only after review and

## **POLICY 206: CODE OF ETHICS**

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- approval by the County Manager and the County Attorney for potential conflicts of interest as defined by Federal law.
- b) Wear any uniform or clothing that would tend to identify that employee as a County employee/representative while engaged in political campaign, political event not sponsored by the County or while seeking public political office – even if that employee is off duty.
  - c) Use the authority of his position to secure support for or oppose any candidate, party, or issue in an election or affect the results thereof.
  - d) Use any promise of reward or threat of loss to encourage or coerce any employee to support or contribute to any political issue, campaign, or party.
  - e) Display on their person or vehicle used for official business while on duty or in their workplace any button, sign, decal or other symbol of support for any political party, issue, or candidate for public office.
4. Employees assigned to positions in departments receiving Federal funds or whose salaries are paid from Federal funds are subject to the provisions of the Federal Hatch Act regarding political activities.
5. Any person who violates any provision of this section shall be subject to disciplinary action up to and including dismissal from County employment.

## **POLICY 207: CITIZEN RELATIONS**

**ADOPTED: MAY 11, 1994 (REVISED: JUNE 20, 2017)**

### **Policy:**

It is the policy of the County to be citizen and service oriented and to require employees to treat citizens in a courteous, helpful, and respectful manner at all times. As a representative of Lee County, employees are expected to treat all members of the community with the highest degree of professionalism and customer service.

### **207:1 GENERAL PROVISIONS**

1. Employees must understand that the citizen comes first. All employees have an obligation to represent the County in a positive fashion and to make citizens feel as comfortable as possible in dealing with the County.
2. Employees with citizen contact are expected to know the County's programs and services and to learn the wants and needs of citizens. Such employees should attempt to educate citizens about the use of the County's products and services and should seek new ways to serve the citizen.
3. Employees are encouraged to report recurring citizen-related problems to their supervisor and/or make suggestions for changes in County policies or operating procedures to solve problems.
4. Employees should be prepared to listen carefully to citizen inquiries and complaints and then deal with them in a responsive, professional manner. If a controversy arises, the employee should attempt to explain County policy in a clear, yet deferential manner. If a citizen becomes unreasonable or abusive and the employee cannot resolve the problem, the citizen should be referred to the employee's supervisor.

## **POLICY 208: USE OF COMMUNICATION SYSTEMS**

**ADOPTED: MAY 11, 1994 (REVISED: JUNE 20, 2017)**

### **Policy:**

It is the policy of the County to provide or contract for the communication systems and equipment necessary for the conduct of its business.

### **208:1 GENERAL PROVISIONS**

1. Employees are to familiarize themselves with the numerous types of communication systems and equipment (facsimile machines, telephones, pagers, etc.) used by the County. Most of these services and equipment have usage charges or other related expenses. Employees must be aware of these charges and expenses and are to exercise care in choosing the proper vehicle for each business communication. Employees are to consult their supervisor if there is a question about the proper vehicle to use. (Use of County computers is covered in Computer Resources, Policy Number 204.)
2. Employees who do not have direct access to a County telephone should make provisions to have emergency or other necessary incoming calls routed to their supervisor. The County will attempt to promptly and accurately relay personal messages to employees.
3. Employees are not to use the County's address for receiving personal mail and may not use County stationery or postage for personal letters. Employees must exercise care so that no personal correspondence appears to be an official communication of the County.

### **208:2 PERSONAL USE OF COUNTY TELEPHONES**

1. Employees may use County communication systems and equipment for personal purposes on a limited basis. In the event that a long distance personal telephone call is made on County telephones, the employee is responsible for paying all direct user charges.
2. Each month, each employee with direct access to a County telephone must review the itemized list of charges and certify that the calls made were business related or were at no charge to the County. All calls made that were not business related and result in a charge to the County must be reimbursed by the employee.

### **208:3 USE OF PERSONAL TELEPHONE FOR COUNTY BUSINESS**

1. In the event that an employee incurs telephone expenses on their personal telephone for conducting County business, whether home or personal cellular telephone, the County will reimburse the employee for those expenses.

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## **POLICY 208: USE OF COMMUNICATION SYSTEMS**

**ADOPTED: MAY 11, 1994 (REVISED: JUNE 20, 2017)**

### **208:4 CELLULAR TELEPHONE MANAGEMENT**

1. Cellular telephones are a tool to improve the effectiveness of employees who require both telecommunications and a high degree of mobility in the performance of their assigned work duties. Because of the usage charges per minute both the managers responsible for, and the employees to who they are assigned, must recognize the potential financial liability which can be incurred with heavy use.
2. Department/division director shall be responsible for the regular review of cellular telephone usage for appropriate use of time spent on the telephone and associated costs.
3. Any calls made that were not business related and result in a charge to the County must be reimbursed by the employee. Furthermore, if a plan has minutes included without a charge, personal calls made which result in exceeding the included minute limit must be reimbursed by the employee.

## **POLICY 209: ALTERNATIVE WORK ARRANGEMENTS**

**ADOPTED: JUNE 30, 1998 (REVISED: JUNE 20, 2017)**

### **Policy:**

It is the policy of the County that allowing for flexibility in work arrangements, provided there will be no adverse effect on County operations, is a way to attract and retain the best employees. Lee County recognizes that our diverse work force may, at times, have needs that require creative approaches to helping employees balance work and life demands. This policy is provided as one tool for management and employees to use to work as partners to ensure we meet our commitments to citizens while recognizing and addressing the demands of life outside of work. Alternative work arrangements should be thought of as simply another way to get the work done.

### **209:1 GENERAL PROVISIONS**

1. Flexible work schedules and other arrangements are only available in instances where there is no adverse effect on the work to be performed. Certain work within the County by its very nature does not allow for flexible work arrangements.
2. Flexible work arrangements may benefit the County, its employees, and citizens in many ways. An alternative work arrangement can improve coverage, ensure job function continuity, reduce turnover, attract employees, expand and upgrade employee skills, provide for cross training opportunities, reduce labor costs, reduce overhead expenses, improve productivity, improve services, and improve morale.
3. The County encourages managers to consider non-traditional work arrangements that will enable employees to balance work and life demands while maintaining or enhancing the work unit's ability to meet and/or exceed expectations.
4. Managers should assess the impact of alternative work arrangements on the functions of their work unit and consider alternative work schedules or patterns that would maintain or enhance service quality.
5. In all cases, management retains all of its prerogatives regarding an alternative work arrangement. A manager may deny a request based on business reasons. An alternative work arrangement may also be terminated at any time by a manager if business needs so dictate.

## **POLICY 209: ALTERNATIVE WORK ARRANGEMENTS**

**ADOPTED: JUNE 30, 1998 (REVISED: JUNE 20, 2017)**

6. The following work arrangements may be available options to our employees:
  - a) Compressed workweek: A full time (40 hour) work schedule compressed into a 3- or 4-day workweek (e.g. four 10-hour days).
  - b) Flextime: A work schedule that permits flexibility in starting and quitting times without altering the required number of work hours in a given period (e.g. in a workweek) and usually specifies a core period of the day during which all employees must be scheduled. Such scheduling is not available to counter and customer service staff members that have established working hours for contact with our customers.
  - c) Part-time: A regular employee working less than a full-time work schedule and no more than 30 hours per week. (Note: A reduction in hours which results in an employee working less than 30 hours per week may have consequences on his/her benefits package.)
  - d) Reduced work hours: A temporary reduction of work hours for full-time staff, not less than 30 hours per week. Such an arrangement must be reviewed every 90 days.
  - e) Telecommuting: A work schedule that allows an employee to work all or part of their workweek at home, on the road, or in an alternate work location.
7. For purposes of appropriateness and consistency of alternate arrangements, a brief description of specific alternate work arrangements should be sent to the Director of Human Resources, or designee, for review.

## **POLICY 210: WORKPLACE SAFETY**

**ADOPTED: AUGUST 3, 1988 (REVISED: JUNE 20, 2017)**

### **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.

### **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 must 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.

## **POLICY 210: WORKPLACE SAFETY**

**ADOPTED: AUGUST 3, 1988 (REVISED: JUNE 20, 2017)**

6. To the extent permitted by law, an employee may be required to pay up to the full replacement cost for any Lee County equipment or property that is lost or damaged due to misconduct, misuse or neglect on the part of the employee.
7. 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.
8. 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 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.
9. While operating any motorized equipment or vehicle for county business, employees should do so free from voluntary distractions to include but not limited to eating, drinking, reading, talking and texting on cell phones, preparation of personal appearances, etc.
10. All County employees required to drive County vehicles or their own vehicle for County business, 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. The use of tobacco products in a motor vehicle or motorized equipment owned or leased by Lee County is prohibited.
11. Employees and volunteers are prohibited to use electronic devices while operating any motorized equipment unless operationally required. Cell phones equipped with "Hands free" devices (e.g.: Bluetooth) may be allowed at the discretion of the Department Director or designee for safety or emergency purposes or to facilitate effective County operations. Employees and volunteers will discontinue their use of any motorized equipment prior to using an electronic device for any necessary non-operational reasons.
  - a) Electronic Devices includes but is not limited to: cell phones, pagers, computers, hand held radios, and any other battery operated devices that are not intentionally installed in a vehicle by the County. Operating an MP3, iPod, or other electronic device using earphone is prohibited while operating motorized equipment,
  - b) Motorized Equipment includes but is not limited to: driving a county vehicle or personal vehicle for county business, construction equipment, and any other motor driven equipment which would require the operator's full attention.
12. 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.

## **POLICY 210: WORKPLACE SAFETY**

**ADOPTED: AUGUST 3, 1988 (REVISED: JUNE 20, 2017)**

### **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 posing a direct threat 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 who are able to perform essential job functions, with or without a reasonable accommodation, are to be treated no differently than any other employee. Employees with a physical or mental condition that rises to the level of a disability and who need a reasonable accommodation should inform the Equal Opportunity Manager or Employee Health of their need as soon as possible. The employee's medical condition will be kept confidential as required by law. (See Policy 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 Services, will be subject to discipline, up to and including termination.

## POLICY 211: EDUCATIONAL ASSISTANCE

ADOPTED: AUGUST 3, 1988 (REVISED: JUNE 20, 2017)

### Policy:

The Educational Assistance program viability will be determined each year by the Board of County Commissioners. Lee County may provide educational assistance to its employees to allow them to enhance their ability to serve the public interest of the citizens of Lee County.

### Comments/Procedures

#### 211:1 GENERAL PROVISIONS

1. Coursework must be designed to *enhance* the knowledge, skills, and abilities relating to the official duties that the employees perform, and must be taken for credit at an accredited college or university.
2. No reimbursement will be made for coursework or training required as a minimum qualification for employment.
3. All regular full-time employees are eligible for educational assistance once they have completed any required probationary periods.
4. Employees must seek approval prior to enrollment if requesting reimbursement. The Department and Human Resources **must** receive requests for educational assistance *no later than two weeks after the first day the course begins*. The Department, Office of the County Manager, and Human Resources will consider the following factors in evaluating requests for educational assistance:
  - a) The nature, content, and purpose of the course of study;
  - b) The benefits to be derived by the enhanced ability of the employee to serve the public trust;
  - c) Availability of funds for such reimbursement in the current fiscal year;
  - d) The number of courses the employee has submitted for reimbursement in the calendar year shall not be limited;
  - e) The employee's level of responsibility;
  - f) The estimate of the costs involved; and
  - g) Any potential lost time or productivity while the employee attends the program.

#### 211:2 REIMBURSEMENT REQUIREMENTS

1. The County will authorize the reimbursement of tuition, required books, required software, lab fees, and registration fees based upon the required rate at the enrolled state of Florida public university and/or college. Tuition and fees from private institutions or out of state will not be reimbursed above the rate required by Florida Gulf Coast University for a similar course.
2. Reimbursement will be 100% for all grades at a "C" or above. There is no reimbursement for grades below a "C".

## **POLICY 211: EDUCATIONAL ASSISTANCE**

**ADOPTED: AUGUST 3, 1988 (REVISED: JUNE 20, 2017)**

3. Non-graded courses shall be reimbursed at a rate of 100% upon satisfactory completion of the course.
4. Employees receiving educational reimbursement from other sources must inform the County and reimbursement will be adjusted accordingly.
5. Classes and assignments are to be completed outside of regular working hours, and should not interfere with the employee's work. Unsatisfactory job performance during enrollment may result in forfeiture of educational assistance.
6. Employees shall not use any space, personnel, equipment, or supplies of the County in the process of fulfilling any of the requirements of the coursework for which they are being reimbursed.
7. Employees shall not be given any bonus or additional incentive pay for completion of a degree for which any costs were reimbursed under this Policy.

### **211:3 APPROVAL/REIMBURSEMENT PROCESS**

1. An employee applying for educational assistance shall complete and provide the following forms available from the Human Resources Department, to his/her Supervisor and Department Director: the approval application, the Agreement for Reimbursement of Educational Assistance, and a copy of the course syllabus/course description. By signing the Agreement for Reimbursement the employee agrees to repay any educational reimbursements received in the twelve (12) months preceding his/her ceasing to be a full-time employee of the Lee County Board of County Commissioners. Reimbursement to Lee County will be debited from the employee's final pay. The County reserves the right to seek a judgment for any remaining balance owed after deducting funds from the final pay.
2. The Department shall evaluate the request and forward it along with a recommendation for approval/disapproval to the Department of Human Resources.
3. Office of the County Manager will determine whether the request is eligible for educational assistance and Human Resources will advise the Department Director and the employee of its conclusion.
4. Upon completion of coursework previously approved for educational assistance, the employee must submit a copy of the school grade report and original receipts to the Department of Human Resources.
5. Human Resources will verify expenses and submit the request for the appropriate amount of reimbursement from the Clerk of Court. Upon receipt by the Clerk of Court, the reimbursement will be issued by direct deposit to the employee's account or paycard.

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## **POLICY 212: EMPLOYEE AWARDS**

**ADOPTED: FEBRUARY 12, 2002 (REVISED: DECEMBER 15, 2020)**

### **Policy:**

It is the policy of the County to recognize extended service to the organization, acknowledge employee accomplishments and contributions and to improve County government through an awards program.

### **212:1 GENERAL PROVISIONS**

1. Length of Service Awards will be presented to employees who have been continuously employed by Lee County for designated periods of time. Awards are presented quarterly at regular meetings of the Board of County Commissioners, for five, ten, fifteen, twenty, twenty-five, thirty, and thirty-five years of service.
2. The County Manager is authorized to establish guidelines whereby employees may be rewarded for outstanding work performance, work quality and quantity with rewards including but not limited to monetary rewards as determined appropriate by the County Manager or designee, time-off with pay, provided such guidelines remain consistent with the intent of other County awards. Directors must consult with the Director of Human Resources prior to implementing any department specific awards program authorized under this policy.

## **POLICY 213: SOCIAL MEDIA**

**ADOPTED: JUNE 20, 2017**

### **Policy:**

The County appreciates that social media can be a rewarding way for employees to share information about themselves, and to interact with people in the community and around the world. Because County employees serve the public, however, and potentially are subject to public scrutiny of their on and off-duty conduct, use of social media carries with it risks and responsibilities of which employees must be aware. This is especially true for those employees who are employed in a supervisory or managerial capacity, although it applies to everyone. This policy sets forth the County's guidelines on employee social media usage.

### **213:1 General Provisions**

1. "Social media" shall include all ways of communicating with others via internet, including, but not limited to, use of Facebook, YouTube, Twitter, Snapchat, Pinterest, Reddit, or Instagram; communications on blogs, bulletin boards, wikis, chat rooms and on-line journals; file-sharing including, but not limited to, Dropbox, Airdrop, or Google Drive; and items posted in comment sections to stories published on-line by traditional media outlets such as newspapers and television stations.
2. Employees are solely responsible for what they post on social media. Remember that many postings can be viewed worldwide and are archived "forever," meaning that they cannot be deleted once posted, or are archived even if deleted and that seemingly "private" posts can easily be shared with a wide audience via a single contact in your closed network. It is also easy to capture short lived messages (like Snapchat) and rebroadcast them in a more permanent format despite the originator's intent.
3. Unless communications via social media are part of an employee's regular job duties, employees are not to represent themselves as spokespeople for the County. Similarly, if commenting about the County or its policies or services, employees whose job duties do not include social media communications must make clear that they are speaking in a personal capacity, rather than in an official capacity, and that their views do not represent those of the County or of other County employees. Employees may not post something about the County, or about County employees, that they know to be false.
4. In general, while employees have the right to comment freely on social media about matters of public concern—issues or events of political, social, or other importance to our community—the comments must not be unduly disruptive to the County's operations, or interfere with the employee's job duties.
5. Whether a comment is on a matter of public concern or not, employees must always be courteous when interacting on social media with citizens and fellow employees. The County's policies on discriminatory remarks, unlawful harassment, and threats of violence all apply to employee posts on social media.

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## **POLICY 213: SOCIAL MEDIA**

**ADOPTED: JUNE 20, 2017**

6. Employees are not prohibited from using social media to communicate with each other about pay and working conditions. However, employees must avoid posting material about work that reasonably could be construed as malicious, obscene, or threatening, or that might constitute harassment or bullying. An example of prohibited conduct would be offensive or obscene posts deliberately intended to harm a co-worker's reputation, or the use of racial, ethnic, or gender slurs to refer to other employees or County officials. Do not engage in conduct on-line that would be prohibited in the workplace.
7. Employees may not use County e-mail addresses to register on social networks or blogs that are not official Lee County social media accounts. Official Lee County social media accounts should be registered to a Lee County e-mail address as approved by the department Director and Technology Services.
8. Employees may not use social media or file sharing applications to evade the requirements of Florida's Public Records Law, or the Government-in-the-Sunshine Law, or to reveal information which is confidential or exempt from disclosure under the Public Records Law.
9. Unless social media postings are part of an employee's regular job duties, employees may only post to social media consistent with Limited Personal Use guidelines set forth in County Policy Number 204 while on duty.
10. Employees may not evade these guidelines by posting anonymously or under a screen name.

## **POLICY 214: WHISTLEBLOWING**

**ADOPTED: JUNE 20, 2017**

### **Policy:**

The Florida public-sector Whistle-Blower law protects employees who report, to specific authorities and in a specific way, certain types of misconduct by public officials and employees. The County has established an initial administrative process for employees who allege that they have been retaliated against in response to activity protected by the law.

### **214:1 General Provisions**

Florida's public-sector Whistle-Blower law protects a County employee from retaliation when he or she has reported the following information, in a written and signed complaint, to a state or local agency, or federal government entity, having the power to investigate or take action:

1. Violation(s) of law on the part of an employee, official, or independent contractor of the County that create a substantial and specific danger to the public's health, safety, or welfare; or
2. Improper use of governmental office, gross waste of funds, or any other abuse or gross neglect of duty on the part of a County employee, official, or independent contractor.

The law also protects a County employee who is asked to participate, as a witness or otherwise, in an investigation, hearing, or other inquiry into the above, or who refuses to retaliate against an employee who has made a protected complaint.

The law does not protect a County employee who reports information that the employee knows to be false, or who has committed or participated in the conduct forming the basis of the report.

For reports alleging misconduct by the County's employees, officers, or independent contractors, the employee must report the information, in a written and signed complaint, to the County Manager, or to any other County official with the authority to investigate or take action, in order to be covered by the Whistle-Blower law. (Please note that, pursuant to the County's Charter, the Board of County Commissioners, or any individual commissioner, is not an appropriate local official to whom a report can be made.) This reporting may be the employee's only form of complaint, or it may be supplemented by a further complaint to outside authority.

An anonymous letter, e-mail, or text is not a "written and signed complaint."

## **POLICY 214: WHISTLEBLOWING**

**ADOPTED: JUNE 20, 2017**

### **ADMINISTRATIVE REMEDY**

This policy establishes an initial administrative remedy for a Lee County employee who, after making a complaint, believes that he or she has been subjected to retaliation in violation of the Whistle-Blower law, as follows:

1. Within sixty (60) days of the alleged retaliatory action, the employee must file a complaint with the County's Human Resources Department.
2. Upon receipt of the complaint by the Human Resources Department, the County promptly shall contract with the Florida Division of Administrative Hearings ("DOAH") to schedule and conduct an evidentiary hearing, pursuant to the Florida Administrative Procedure Act, on the complaint before a neutral DOAH hearing officer. During the hearing, the employee may be represented by legal counsel and shall have the right to present and cross-examine witnesses.
3. The hearing officer shall make written findings of fact and conclusions of law, and shall recommend a remedy, if appropriate.
4. The hearing officer's findings, conclusions and recommendation shall be transmitted to the County Manager, who shall make a final decision choosing to accept or reject them in whole or in part, and shall communicate the same in writing to the employee.
5. If the employee does not agree with the County Manager's final decision, he or she may proceed with legal action as allowed by the Whistle-Blower law.

## **POLICY 301: HIRING**

**ADOPTED: MAY 11, 1994 (REVISED: JUNE 20, 2017)**

### **Policy:**

It is the policy of the County to be an equal opportunity employer and to hire individuals upon the basis of their qualifications, suitability and ability to successfully complete assigned work.

### **301:1 GENERAL PROVISIONS**

1. The County is an equal opportunity employer and does not discriminate in hiring on the basis of race, sex, national origin, age, religion, disability, veteran status, marital status, or any other status or characteristic protected by law. In all steps of the hiring process, employees/applicants with disabilities, as that term is defined in applicable federal and state law, will be entitled to reasonable accommodation to permit the disabled person to apply for the available job.
2. All applicants offered employment with the County in a mandatory-testing or special-risk position will be required to successfully pass a pre-employment drug screening. A qualified laboratory chosen by the County will perform the test. Any applicant who refuses to take the test, or whose test results are positive, without a medical explanation acceptable to the County, will be denied employment at that time. Please see Policy 205, Drugs and Alcohol in the Workplace, for additional information.

Enough of the sample used for the drug screen will be retained for a second test. At the option of the County, applicants testing positive are offered the opportunity for a retest, using this portion of the original sample, at their own expense. If the retest is negative, the cost of the test will be reimbursed by the County.

3. Applicants for employment with the County in selected classifications may undergo a criminal background check or a review of motor vehicle records, consistent with procedures specified by law, including the applicant's consent where required.
4. A relative of an employee will be considered for employment by the County, provided the applicant possesses all the qualifications for employment. A relative will not be hired, however, if such employment would:
  - a) Create either a direct or indirect supervisor/subordinate relationship with a relative; or
  - b) Create either an actual conflict of interest or the appearance of a conflict of interest.

The above criteria will also be considered when assigning, transferring or promoting an employee. For the purposes of this policy "relative" shall be defined, in accordance with FL Statutes 112.3135, as an individual who is related to the public official as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister.

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## **POLICY 301: HIRING**

**ADOPTED: MAY 11, 1994 (REVISED: JUNE 20, 2017)**

5. Employees who marry or become members of the same household may continue employment as long as there is not:

- a) A direct or indirect supervisor/subordinate relationship between such employees; or
- b) An actual conflict of interest or the appearance of a conflict of interest.

Should one of the above situations occur, the County will attempt to find a suitable position within the County to which one of the affected employees may transfer. If accommodations of this nature are not feasible, the employees will be permitted to determine which of them will resign. If one of the employees does not resign, the County will proceed to terminate one of the employees.

Former employees of the County who left in good standing may be considered for re-employment. A former employee who is re-employed will be considered a new employee from the date of re-employment.

## **POLICY 302: MEDICAL PROCEDURES**

**ADOPTED: MAY 11, 1994 (REVISED: JUNE 20, 2017)**

### **Policy:**

It is the policy of the County that applicants in certain job categories to whom a conditional offer of employment has been extended may be required to submit to medical tests or examinations. In addition, current employees, to the extent permitted by applicable federal or state law, may also be required to submit to medical test or evaluations.

### **302:1 GENERAL PROVISIONS**

1. Successful candidates for employment in certain job categories may be required as a condition of employment to pass a medical examination to establish both their fitness to perform the jobs for which they have applied and their fitness to do so without endangering the health and safety of themselves or others.
2. Employees may be required to have a medical examination on other occasions when the examination is job-related and consistent with business necessity or as required by applicable federal, state or local law. Such occasions may arise when there is the potential for exposure to toxic or unhealthful situations, when the employee conditionally has been offered a transfer or promotion, or when there is a question concerning the employee's ability to perform his or her duties.
3. Medical examinations required by the County will be paid for by the County and performed by a physician or licensed medical facility designated or approved by Employee Health Services (EHS). Such examinations paid for by the County are the property of the County and are to be treated as confidential and held in separate medical files. Records of specific examinations, as required by law or regulation or required by appropriate business practice, will be made available to the employee, persons designated and authorized by the employee, or other agencies or persons as allowed by law.
4. Employees who need to use prescribed drugs while at work, and where such use may impair their ability to perform their job safely and effectively, must report this requirement to Employee Health Services. Depending on the circumstances, employees may be reassigned, restricted from performing certain tasks, or even prevented from working if they are judged not able to perform their jobs safely and properly while taking prescribed drugs, with or without a reasonable accommodation.
5. Employees who are injured on the job, should seek immediate medical treatment, and if the injury is serious and/or life-threatening in nature, must be taken to the nearest hospital emergency room or urgent care facility for treatment. The employee is responsible for notifying his/her supervisor and Risk Management of the injury.
6. The County reserves the right to require any employee who is returning to work from an absence due to an injury or illness to report to Employee Health Services and provide a health care provider's certification of the employee's ability to return to work before the employee is released to duty.

## **POLICY 303: PROBATIONARY PERIOD**

**ADOPTED: AUGUST 3, 1988 (REVISED: JUNE 20, 2017)**

### **Policy:**

It is County policy that all new employees (full-time and part-time regular employees in Board-approved positions; does not include temporary or casual employees) are to be carefully monitored and evaluated for an initial on-the-job probationary period of six months. The probationary period only relates to new hires; it does not apply to transferred nor promoted employees. After satisfactory completion of the probationary evaluation, such employees will be formally evaluated on an annual basis as provided for in the Performance Evaluation Program (See Performance Evaluation Policy 502 for further information).

### **303:1 GENERAL PROVISIONS**

1. Supervisors are responsible for department orientation of new employees, including establishment of performance standards, work schedules and expected employee behavior.
2. Supervisors are to observe carefully the performance of each employee in a new position. Strengths and weaknesses in performance, attendance, conduct or attitude are to be brought to the employee's attention.
3. Supervisors shall prepare a written evaluation of the employee's job performance by the end of the first three months on the new job. The evaluation should be forwarded to the department director for comment/signature and then to Human Resources for inclusion in the employee's personnel file. A copy should be provided to the employee.
4. After six months, an additional written evaluation of the employee's performance must be completed. The evaluation is to include a recommendation as to whether the employee should continue in the position. The evaluation should be forwarded to the department director for comment/signature and then to Human Resources for inclusion in the employee's personnel file. A copy should be provided to the employee.
5. Employees will be encouraged to continue in their new positions if they are given both a satisfactory evaluation by the end of their initial six-month employment period and receive their supervisor's endorsement to continue in the job. In rare circumstances employees not receiving such satisfactory evaluation and endorsement may be given additional time to demonstrate their ability to do the job, if the supervisor feels additional time is warranted in order to achieve acceptable job performance (not to exceed three months).
6. During the probationary period, an employee may be disciplined, laid off, suspended, or terminated, and such action shall not be subject to the grievance procedure set forth in this Manual.

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## **POLICY 303: PROBATIONARY PERIOD**

***ADOPTED: AUGUST 3, 1988 (REVISED: JUNE 20, 2017)***

7. Newly hired employees accrue sick and vacation hours beginning the first day of employment (see Sick Leave Policy 401, Vacation Leave Policy 402). Sick leave may be taken during the probationary period if available. Vacation leave may be taken only after the employee has successfully completed their probationary period and been recommended for continued employment.

## **POLICY 304: TRANSFER**

**ADOPTED: AUGUST 3, 1988 (REVISED: JUNE 20, 2017)**

### **Policy:**

It is the policy of the County that it may, at its discretion, initiate or approve employee job transfers from one position to another or from one location to another. The classification and corresponding salary range may be the same or lower than the current position.

### **304:1 GENERAL PROVISIONS**

1. The County may require employees to make either a temporary or long-term job transfer in order to accommodate the County's business needs.
2. Employees may request a voluntary job transfer. To be eligible for a voluntary transfer, employees must meet the minimum requirements of the new position, and must have held their current position for at least six (6) months if the position sought is outside their current department.
3. Employees requesting voluntary job transfers, must complete a Lee County Application for Employment, and are subject to the same provisions set forth in Policy 301, Hiring.
4. Employees transferring into different positions/classifications shall be paid within the salary range of the new position/classification.

## **POLICY 305: PROMOTION**

**ADOPTED: MAY 11, 1994 (REVISED: JUNE 20, 2017)**

### **Policy:**

It is the policy of the County to provide training and development opportunities for employees and to offer employees promotions to higher level positions when appropriate.

### **305:1 GENERAL PROVISIONS**

1. All employees are encouraged to seek advancement opportunities and to obtain career guidance and skill development counseling from their supervisor, department/division director and/or Human Resources.
2. An employee's basic eligibility for promotion will be determined by the minimum requirements of the new job. In addition, the employee should have held his/her current position for at least six months, if the position sought is outside their current department.
  - a) As regular vacancies occur, the hiring department is expected to review the position requirements and determine the necessity of filling the position.
  - b) If it is determined that a position must be filled, the hiring department then reviews the position duties, responsibilities and minimum qualifications, including the essential functions of the job, and updates and revises the job description with the assistance of Human Resources staff, if necessary.
  - c) The position is then posted and filled in accordance with Hiring Policy 301.
3. Current employee candidates for promotion will normally be considered and selected on the basis of job-related qualifications, tests where appropriate (demonstrated ability), attendance, work records, and performance evaluations. In addition, to the extent permitted by law, employees in certain job categories may be required to have a medical examination once a conditional offer of employment has been made.

## **POLICY 306: HOURS OF WORK**

**ADOPTED: AUGUST 3, 1988 (REVISED: JUNE 20, 2017)**

### **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.

### **306:1 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.

### **306:2 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. Such breaks shall be paid. Unpaid meal periods for non-exempt employees must be for a minimum of one-half hour, during which no work is to be done.

### **306:3 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.

## **POLICY 306: HOURS OF WORK**

**ADOPTED: AUGUST 3, 1988 (REVISED: JUNE 20, 2017)**

- c) Employees may accrue up to 240 hours of compensatory time. Compensatory time off must be scheduled with supervisory approval and at a time which does not unduly disrupt the operations of the employee's department. (See Pay Procedures Policy 503 for further clarification.)

### **306:5 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, or attendance occurs during normal work hours, or if the employee performs work while in attendance, or if the subject matter is job-related.
- 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.

### **306:6 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.

### **306:7 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.

### **306:8 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 (FLSA)). Based on the FLSA, any timekeeping plan is acceptable as long as it is complete and accurate. The time record must show the date and time a worker's workweek starts, the number of hours worked each day and the total hours worked during the week. Time records cover two workweeks.

## **POLICY 306: HOURS OF WORK**

**ADOPTED: AUGUST 3, 1988 (REVISED: JUNE 20, 2017)**

The following points should be considered in filling out time records:

- 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. Any non-exempt employee working outside the employee's normal working hours, without supervisory permission, will be disciplined, up to and including termination.
  - Non-exempt employees are to record all hours worked, including any time worked at home or remotely via computer, cell phone, or other electronic device.
  - 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) must be entered by the supervisor on the time record. Authorized overtime also must be identified by the supervisor;
  - Falsifying any time record is prohibited and may be grounds for disciplinary action, up to and including termination; and
  - Non-exempt employees are required to take scheduled lunch or meal breaks.
- b) Personnel employed in 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.

### **306:9 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 record 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.

## **POLICY 307: OUTSIDE EMPLOYMENT**

**ADOPTED: AUGUST 3, 1988 (REVISED: JUNE 20, 2017)**

### **Policy:**

It is the policy of the County to allow its employees to engage in outside work or hold other jobs, subject to certain restrictions.

### **307:1 GENERAL PROVISIONS**

1. The County requires that employees' activities and conduct away from the job must not compete, conflict with or compromise its interest, or adversely affect job performance and the ability to fulfill all responsibilities to the County. This requirement, for example, prohibits employees from performing any services for customers on non-working time that are normally performed by County personnel. This prohibition also extends to the unauthorized use of any County tools or equipment and the unauthorized use or application of any confidential information or techniques. In addition, employees are not to solicit or conduct any outside business during paid working time.
2. Employees may be permitted, but are not encouraged, to engage in outside employment or other work activity.
3. Employees are cautioned to consider carefully the demands that additional work activity will create before requesting permission to seek or accept outside employment. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel or refusal to work overtime or different hours. If outside work activity does cause or contribute to job-related problems, such employment must be discontinued and, if necessary, normal disciplinary procedures will be followed to deal with the specific problems.
4. Employee requests for permission to accept outside employment, including self-employment, must be submitted in writing to the employee's immediate supervisor. The request must state any pertinent information about the outside employer, the nature of the job and the hours of employment. Employees must obtain prior written approval from management in the form of an Outside Employment Form before any outside employment or other work activity is undertaken. Failure to do so will be cause for disciplinary action. The immediate supervisor must forward the approved form through lines of supervision to Human Resources for inclusion in the employee's personnel file.
5. Department directors and Human Resources will be particularly concerned about outside work requests that:
  - (a) May reduce the employee's efficiency in working for the County;
  - (b) Involves working for an organization which does business for or with the County, such as contractors, suppliers and customers;
  - (c) May adversely affect the County's image; or
  - (d) Violates County policy or the State Conflicts of Interest Law, Section 112, Florida Statutes.

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## **POLICY 307: OUTSIDE EMPLOYMENT**

***ADOPTED: AUGUST 3, 1988 (REVISED: JUNE 20, 2017)***

6. Employees who have accepted outside employment are not eligible for paid leave when the absence is used to work on the outside job. Fraudulent use of leave will be cause for disciplinary action up to and including termination.

## **POLICY 308: SUPPLEMENTAL WORKFORCE**

**ADOPTED: MAY 11, 1994 (REVISED: JUNE 20, 2017)**

### **Policy:**

It is the policy of the County to supplement the regular workforce with flexible staffing when needed, for instance, because of periods of peak workload, or due to employee absences.

### **308:1 GENERAL PROVISIONS**

1. All vacancies in positions covered by this policy need not be advertised.
2. The County may utilize students, volunteers and other similar applicants for flexible staffing purposes, if not prohibited by law. When deemed necessary, such applicants will be required to provide a certificate of age.
3. All employees covered by this policy are not eligible for paid absences, vacations and holidays. An employee whose status changes from regular full-time to one of the other statuses covered by this policy will have any days of vacation and sick leave paid out according to County policy. An employee whose status changes from temporary or on-call to full-time will be considered as hired on the date of the change of status for purposes of eligibility for paid absences and vacation. Information concerning eligibility of temporary and on-call employees for other County benefits, such as the Florida Retirement System, is available from Human Resources.
4. All employees covered by this policy are to be paid within the salary range of their job title.

## **POLICY 309: REHIRE POLICY**

**ADOPTED: DECEMBER 12, 2000 (REVISED: JUNE 20, 2017)**

### **Policy:**

Subject to the provisions below, regular full and part-time employees terminated as part of a reduction in force are eligible for rehire.

### **309:1 REHIRE**

1. Employees terminated as a result of a reduction in force may apply for any vacant, posted position. Such employee's work history will be considered in any employment decision. The ordinary six-month probationary period shall be waived for an employee that has been rehired after an involuntary reduction in workforce.
2. An employee that has been rehired after a reduction in force 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 Policy 310).

### **309:2 SERVICE CONTINUATION**

1. Employees subject to a reduction in force shall have their original most recent, continuous time of BOCC service credited.
2. The provisions of service continuation policy shall not cover any employee who was terminated from County employment due to performance issues, policy infraction, employment misconduct, corrective action or similar circumstance. (See Policy 310)
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 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.

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## **POLICY 309: REHIRE POLICY**

**ADOPTED: DECEMBER 12, 2000 (REVISED: JUNE 20, 2017)**

### **309:3 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 (whichever 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.

## **POLICY 310: SEPARATION OF EMPLOYMENT**

**ADOPTED: AUGUST 3, 1988 (REVISED: JUNE 20, 2017)**

### **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.

### **310:1 GENERAL PROVISIONS**

1. Employees are requested to give a minimum of two (2) weeks written notice of their intent to resign.
2. 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.
3. For policies and procedures leading up to termination for disciplinary reasons, please refer to Corrective Action/Disciplinary Procedure Policy 601.
4. For policies and procedures governing retirement, see Retirement Policy 311.
5. For policies and procedures governing the payment of sick leave and vacation leave at the separation of employment, refer to Sick Leave Policy 401 and Vacation Leave Policy 402.
6. 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 supporting documents such as notices of corrective action, disciplinary reports and letters of resignation. All terminations typically are reviewed by Human Resources before any final action is taken.
7. Supervisors are to 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.
8. Requests for employment verifications are to be directed to Human Resources.

## **POLICY 311: RETIREMENT**

**ADOPTED: AUGUST 3, 1988 (REVISED: JUNE 20, 2017)**

### **Policy:**

It is the policy of the County to provide employees assigned to regularly established positions, (i.e., regular full-time and part-time employees) membership in the Florida Retirement System (FRS), in accordance with Florida Retirement System rules.

### **311:1 GENERAL PROVISIONS**

1. The Florida Retirement System is a compulsory, State administered retirement plan. The provisions of Chapter 121, Florida Statutes will be adhered to in administration of the retirement program.
2. Employees who choose to take normal retirement are requested to give Human Resources as much advance notice of their intent as possible.
3. Employees who qualify for retirement under this policy become eligible to receive retirement, health and various other benefits in accordance with the provisions of the State of Florida and County's employee plans. Retiring employees are eligible to receive pay for accrued but unused vacation and sick leave in accordance with County policies (see Sick Leave Policy 401 and Vacation Leave Policy 402 for further information). All employee benefit plans and programs are subject to amendment or termination, even after retirement, at the County's sole discretion.
4. Human Resources arranges for a pre-retirement counseling program on a periodic basis with representatives from the Florida Retirement System and the Social Security Administration. It is recommended that all employees approaching retirement age or becoming vested attend one of these informational sessions. It remains the employee's responsibility to initiate, follow up and complete the FRS retirement process if choosing to retire.

Under current FRS rules, after one year of retirement, retired employees may be eligible to reapply for employment with an FRS employer. Those who are interested in future temporary or part-time employment with the County should make that interest known at their exit interview.

## **POLICY 401: SICK LEAVE**

**ADOPTED: AUGUST 3, 1988 (REVISED: NOVEMBER 9, 2010)**

### **Policy:**

It is the policy of Lee County 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.

### **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 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 hired prior to October 1, 2010 and 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 308 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.
3. Sick leave with pay may not be taken prior to the time it is recorded and available for use. All available sick leave must be exhausted before using any bank time.
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 or parent), necessary medical appointments and treatments, injury, disability, pregnancy or quarantine by health authorities or a physician. Medical certification will be required for a serious health condition as described in the Family & Medical Leave Act.

## **POLICY 401: SICK LEAVE**

**ADOPTED: AUGUST 3, 1988 (REVISED: NOVEMBER 9, 2010)**

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.

7. Employees may be required to report to Employee Health Services after returning from sick leave 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 must use other available paid leave.

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

1. A voluntary sick leave pool has been established to provide limited additional sick leave benefits in 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.
2. 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 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.

## **POLICY 401: SICK LEAVE**

**ADOPTED: AUGUST 3, 1988 (REVISED: NOVEMBER 9, 2010)**

### **3. 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.

### **4. 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.

### **5. Sick leave pool viability will be determined by the voluntary donation of leave to the pool.**

## **POLICY 401: SICK LEAVE**

**ADOPTED: AUGUST 3, 1988 (REVISED: NOVEMBER 9, 2010)**

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

1. Each year the Buy-Back program is approved for funding, 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 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.

### **401:4 SEPARATION OF EMPLOYMENT**

1. Employees who leave the employment of the County shall receive 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 at the Buy-Back rate defined in 401:3, Sick Leave Buy-Back.
2. Employees of the County hired 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 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.

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## **POLICY 401: SICK LEAVE**

**ADOPTED: AUGUST 3, 1988 (REVISED: NOVEMBER 9, 2010)**

- 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 402: VACATION LEAVE

ADOPTED: AUGUST 3, 1988 (REVISED: NOVEMBER 9, 2010)

### Policy:

It is the policy of Lee County 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 and beneficial to its employees; therefore, each eligible employee is encouraged to take annual vacation leave.

### 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 continuous 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:

Length of Service	Accrual Rate Per Pay Period	Annual Leave Accrued
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 and retain highly qualified employees, the County Manager or County Attorney or designee may apply a higher accrual rate from the schedule above.

#### ➤ CALCULATION:

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

## **POLICY 402: VACATION LEAVE**

**ADOPTED: AUGUST 3, 1988 (REVISED: NOVEMBER 9, 2010)**

- 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 hired prior to October 1, 2010 and assigned to Toll Facility and Bridge Operations in the Department of Transportation shall be exempted from the twenty (20) hours per 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 308 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 full pay period 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 available the first day of the following pay period after the six (6) month anniversary date. 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. 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.

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## **POLICY 402: VACATION LEAVE**

***ADOPTED: AUGUST 3, 1988 (REVISED: NOVEMBER 9, 2010)***

8. Employees may be required to forfeit vacation leave in lieu of payment for lost or damaged equipment or property due to misconduct or misuse on the part of the employee.
9. Employees that elect to cash out accrued vacation either at the entry of DROP and/or at the time of retirement, are limited to a total maximum payment of 240 hours vacation leave.

## **POLICY 403: HOLIDAYS**

**ADOPTED: AUGUST 3, 1988 (REVISED: JUNE 20, 2017)**

### **Policy:**

It is the policy of Lee County to designate and observe certain days each year as holidays.

### **Comments/Procedures:**

#### **403:1 HOLIDAYS OBSERVED**

1. Lee County observes the following 11 holidays annually:

**NEW YEAR'S DAY (2 DAYS)**  
**MARTIN LUTHER KING'S BIRTHDAY**  
**MEMORIAL DAY**  
**INDEPENDENCE DAY**  
**LABOR DAY**  
**VETERANS DAY**  
**THANKSGIVING (2 DAYS)**  
**CHRISTMAS (2 DAYS)**

#### **403:2 GENERAL**

1. Eligible employees:

Regular classified 2080 hour full-time employees normally scheduled to work forty (40) hours weekly may be eligible to receive up to eight (8) hours at their regular rate of pay for each observed holiday. Non-exempt positions identified by departments as required to work a mandatory four (4) day, (10) hour per day schedule may receive up to (10) hours of the holiday pay benefit at their regular rate of pay for each observed holiday.

Regular classified 2184 or 2912 hour full-time employees normally scheduled to work more than forty (40) hours weekly may receive the holiday benefit at their regular rate of pay for their regularly scheduled number of work hours.

2. With approval from the County Manager/County Attorney, the Department Director reserves the right to suspend or alter the holiday benefit as a cost savings option during a period of furloughs or reduction in hour's scenario.
  - a) Regular part-time employees are eligible to receive holiday pay only for holidays on which they would normally be scheduled to work, and only for their regularly scheduled number of hours.
  - b) Employees covered under the Supplemental Workforce Policy are not eligible to receive holiday pay.

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## **POLICY 403: HOLIDAYS**

**ADOPTED: AUGUST 3, 1988 (REVISED: JUNE 20, 2017)**

3. The County reserves the right to schedule work on an observed holiday. If a listed holiday is observed on a day which is a regularly scheduled day off for an employee, at the discretion of the Department Director, the employee may receive an alternate day off as a substitute holiday in lieu of holiday pay (within the same pay period).
4. If an employee takes sick leave (including vacation leave substituted for sick leave) on the day prior to, the day of, or the day after an observed holiday, he/she may be required to provide written proof of illness in the form of a physician's statement of treatment. Failure to provide such proof of illness when requested shall result in the employee not being paid for such sick leave and/or loss of holiday pay for the observed holiday, and may result in corrective action.
5. Employees on unpaid leaves of absence shall not be entitled to holiday pay for any holiday that falls during any period of unpaid leave.
6. The County recognizes that some employees may wish to observe, as periods of worship or commemoration, certain days which are not included in the County's list of observed holidays. Employees requesting to take a day off for such reasons may be permitted to do so if the employee's absence from work will not result in an undue hardship on the ability of the County to conduct business, providing prior approval has been obtained from the employee's supervisor. Employees may use accumulated paid vacation leave on such occasions, or they may take such time off as an unpaid, excused absence.

## **POLICY 404: LEAVE OF ABSENCE**

**ADOPTED: MAY 11, 1994 (REVISED: JUNE 20, 2017)**

### **Policy:**

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

### **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. For an employee with a physical or mental condition rising to the level of a disability, as that term is defined by law, an unpaid leave of absence may be offered as a reasonable accommodation if the employee is ineligible for FMLA leave, or if the employee has exhausted his/her FMLA leave allotment.
3. Under Florida Statute 741.313, employees may take a leave of absence up to three (3) working days in any twelve (12) month period if they or a family member are a victim of domestic violence as defined by Florida Statute 741.28 and for sexual violence as defined by Florida Statute 784.046. All information relating to this leave must remain confidential and will be exempt from disclosure. Requests for this type of leave should be made in advance when feasible, through the employee's immediate Supervisor. An employee may be required to provide notice or documentation relating to the event.
4. 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.
5. 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.
6. 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.
7. 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.

## **POLICY 404: LEAVE OF ABSENCE**

**ADOPTED: MAY 11, 1994 (REVISED: JUNE 20, 2017)**

8. 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.
9. 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 and LTD 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.

## POLICY 405: FAMILY AND MEDICAL LEAVE

ADOPTED: MAY 11, 1994 (REVISED: JUNE 20, 2017)

### Policy:

It is the policy of Lee County 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).

### 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 leave under the FMLA.

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. Family & Medical Leave Act 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 and compensatory time 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 after the seven (7) day elimination period.

Accrued sick leave may only be used in accordance with the County's Sick Leave Policy 401. (Example: For the medical condition of the birth mother or child.) Sick leave may not be used for Parental Leave.

### 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 the designated twelve (12) month leave 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. To care for the employee's spouse, parent, child or next-of-kin who is a covered service member with a serious injury or illness sustained while on active duty. (Refer to Policy 405A – Military FMLA)

## POLICY 405: FAMILY AND MEDICAL LEAVE

ADOPTED: MAY 11, 1994 (REVISED: JUNE 20, 2017)

- e) For a qualifying exigency when an employee's spouse, child or parent is called to active duty. (Refer to Policy 405A – Military FMLA)

Spouse – the husband or wife of the employee as defined or recognized under the laws of the State of Florida; and

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

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:** Employees who have no biological or legal relationship with a child may nonetheless stand in loco parentis to the child and be entitled to FMLA leave. 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. Reasonable documentation may be required.

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 make a reasonable effort 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 planned 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.

## **POLICY 405: FAMILY AND MEDICAL LEAVE**

**ADOPTED: MAY 11, 1994 (REVISED: JUNE 20, 2017)**

### **405:3 TRACKING & AVAILABILITY OF LEAVE**

1. Effective September 1, 2009 Lee County uses a 12-month leave period measured forward from the date the employee first takes FMLA leave.
  - a) The first day FMLA is taken is the day that the leave year begins. After completion of 12 months from that date, the next 12 month period begins the next time the FMLA leave is used.
2. For ease of tracking intermittent leave, the twelve- (12) week entitlement may be equivalently defined in hours.
  - a) If an employee's schedule varies from week to week, a weekly average of the hours scheduled over the 12 months prior to the beginning of the leave period would be used for calculating the employee's normal workweek.
3. If an employee is not eligible to take FMLA leave, the department will notify the employee why he or she is not eligible.
4. FMLA leave will be tracked and notated on the employee's time sheet by the department. It shall be the responsibility of the department to inform an employee of the amount of FMLA leave available at the time leave is requested. The department shall inform the employee and the FMLA HR Representative when the end of the 12-week entitlement is nearing.
5. 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 REQUEST FOR LEAVE**

An employee requesting leave when the need for the leave is foreseeable should complete the County's "FMLA Leave Request Form" and return it to their immediate supervisor for sign-offs and further processing.

All fields should be completed on the leave request including whether the leave is a new or existing one; the type of leave being requested; the estimated duration of the leave; and, the starting and approximate ending dates of the leave (if known).

Medical information is confidential and is only retained by Lee County Employee Health Services 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. Human Resources, Risk Management and the HIPAA Privacy Officer are available to advise what information constitutes confidential medical information.

## **POLICY 405: FAMILY AND MEDICAL LEAVE**

**ADOPTED: MAY 11, 1994 (REVISED: JUNE 20, 2017)**

### **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.

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.

2. If the leave is not foreseeable, the employee may provide notice to their supervisor or Department designee by phone, fax or email. Medical details need not be given. The employee should provide enough information for the Department to understand that a serious health condition will create incapacity from the employee's job. If leave is to care for a family member information must be provided that the condition will render the family member unable to perform daily activities. The employee should include at least an estimate of how long they will be absent. Failure by the employee to provide sufficient information to determine whether FMLA is applicable may result in delay or denial of protected leave.
3. If the current absence relates to an already-approved FMLA condition, the employee must advise the Department at the time the leave is requested. Calling in "sick" without providing more information is not considered sufficient notice for that leave to be protected.
4. Normal Department call-in procedures for unscheduled absences should be observed unless an emergency situation is indicated.
5. If a supervisor learns of an event which can be reasonably foreseen to qualify as FMLA leave, the employee should be provided a Notice of Eligibility and Rights and Responsibilities and Certification paperwork within 5 business days. Following receipt of the completed and approved Certification paperwork a Designation Notice will be prepared by the department and sent to the employee. The Designation Notice informs the employee that the County has designated the leave as FMLA leave. The Department should prepare a "Report of Personnel Action" (RPA) to change the employee's employment status.
6. 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.

## POLICY 405: FAMILY AND MEDICAL LEAVE

ADOPTED: MAY 11, 1994 (REVISED: JUNE 20, 2017)

7. 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. In such cases, workers' compensation leave and FMLA leave will run concurrently. Human Resources, when necessary, shall make such determinations as to whether workers' compensation leave should be counted as FMLA leave. The employee's Department will notify the employee in writing 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 will require a "Medical Certification Statement" completed by the applicable health care provider. This certification must be submitted to the Human Resources Employee Health Services. ***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 County may also request re-certifications periodically during the course of any FMLA leave, according to guidelines in the regulations.

Certification information will be kept confidential in the records of the Employee Health Services.

2. The Certification Forms provided by the County should be completed by the employee's/ family member's healthcare provider and must be returned to the Employee Health Services (EHS) within fifteen (15) days from the date that the request is made on the Notice of Eligibility and Rights & Responsibilities, unless the employee notifies Human Resources of extenuating circumstances. Failure to use the County's designated Certification Form may result in delay in approving protected leave, even if other information is submitted. If incomplete or insufficient information is received by EHS, the employee will be asked to obtain the missing information from the healthcare provider. Failure to provide Certification as requested will result in denial of protected leave.
3. Medical Certification is needed for a female employee (mother) in the case of FMLA leave being taken for the birth of a child. For adoption, foster placement, or for leave being taken by the male employee (father), proof of birth, adoption, foster placement should be provided as certification.
4. 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.

## **POLICY 405: FAMILY AND MEDICAL LEAVE**

**ADOPTED: MAY 11, 1994 (REVISED: JUNE 20, 2017)**

### **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**

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.

## **POLICY 405: FAMILY AND MEDICAL LEAVE**

**ADOPTED: MAY 11, 1994 (REVISED: JUNE 20, 2017)**

2. The County is allowed to initiate reasonable communication with employees who are on an FMLA leave to discuss the employee's status and intent to return to work, with frequency depending on the circumstances but typically not more than once every thirty (30) days.
3. The County may request recertification of the need for FMLA leave as set forth in Policy 102.
4. The County, through a Human Resources representative or management official other than the employee's direct supervisor, may communicate with the employee's health care provider to authenticate or clarify a medical certification form that the provider has filled out. Before this occurs, the employee first will be allowed a period of seven (7) calendar days to fix the problem(s) with the certification form which, in the County's judgment, require authentication or clarification.

### **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.
  - Medical Evidence Upon Return to Work (Medical Clearance) – 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 provide to EHS certification from the employee's health care provider that the employee is able to resume work. This certification must be obtained **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.
3. The County reserves the right to request medical clearance from Intermittent Medical absences if reasonable safety concerns exist due to the approved FMLA condition. This request will be made only in consultation with Human Resources.
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 404.)

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## **POLICY 405: FAMILY AND MEDICAL LEAVE**

**ADOPTED: MAY 11, 1994 (REVISED: JUNE 20, 2017)**

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

1. The Family & Medical Leave Act provides certain job protections and entitlements relating 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 405A: MILITARY FAMILY AND MEDICAL LEAVE**

**ADOPTED: JUNE 30, 2009 (REVISED: NOVEMBER 9, 2010)**

### **Policy:**

Employees of Lee County who are otherwise eligible to take leave under the Family & Medical Leave Act (FMLA) may qualify for military family leave under the 2008 amendments to the law.

### **Comments/Procedures:**

To be eligible, an employee must meet the same requirements as for regular FMLA.

**Employees using Military FMLA are also subject to all other provisions and requirements of FMLA including notice of the need for leave, certification, communications with employer, use of accruals during the leave, and scheduling of intermittent time. (Refer to Policy 405 – FMLA) The employee must contact Human Resources to discuss details of certifications and other authentications required to protect leave taken under Military FMLA.**

Two types of Military FMLA are available - Military Caregiver Leave and Military Exigency Leave

### **Purpose and Terms of Military Caregiver FMLA:**

Military Caregiver Leave - an employee who is the spouse, son, daughter, parent or next-of-kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty on active duty, may be granted up to 26 weeks in a single 12-month period in order to care for the service member.

“Serious illness or injury” is defined as one that renders the service member medically unfit to perform the duties of the member’s military position.

“Covered service member” is one who is undergoing medical treatment, recuperation or therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retired list due to the injury or illness.

“Next of kin” is defined as nearest blood relative.

Military Caregiver Leave may be taken intermittently, on a reduced schedule, or continuously, but only during a single 12-month period. The “single 12-month period” is measured forward from the date an employee first takes leave to care for the service member and ends 12 months later. Caregiver Leave is granted for a single injury/illness. An aggravation or complication of an earlier injury/illness is still considered to be the same. Any unused amount is forfeited.

During the single 12-month period, Caregiver Leave is combined with regular FMLA leave and the total cannot exceed 26 weeks. Only 12 of the 26 weeks total may be for an FMLA-qualifying reason other than to care for a covered service member.

## **POLICY 405A: MILITARY FAMILY AND MEDICAL LEAVE**

**ADOPTED: JUNE 30, 2009 (REVISED: NOVEMBER 9, 2010)**

If leave qualifies as both military caregiver leave and FMLA medical leave to care for a family member with a serious health condition, it must be counted as Caregiver Leave.

### **Purpose and Terms of Qualifying Exigency (“Active Duty”) FMLA:**

Qualifying Exigency Leave – an employee who has a spouse, son, daughter, or parent in the National Guard or Reserves may be granted up to 12 weeks of leave during the normal 12-month period established by the employer for FMLA leave for qualifying exigencies arising out of the fact that the employee’s spouse, son, daughter, or parent is on federal active duty or is called (or has been notified of an impending call) to federal active duty in support of a contingency operation. Family members of members of the Regular Armed Forces and members of the National Guard called to active duty by the governor in response to a state emergency are not eligible for this type of leave.

Qualifying Exigency Leave may be taken continuously, intermittent, or on a reduced schedule; the employee may not be transferred to an alternative job while on leave.

Qualifying Exigency Leave is part of regular FMLA leave, so the maximum amount of leave is 12 weeks within the employer’s designated 12-month period, and includes all other types of regular FMLA leave except Military Caregiver Leave.

Any one or more of the following non-medical, non-routine activities and no others are included in the definition of “Qualifying Exigency”:

1. Short-term deployment activities – If a military member receives 7 or less calendar days’ notice prior to the date of deployment, an employee may take FMLA leave to address any issues arising from the short notice. An employee may take FMLA leave for up to 7 calendar days beginning on the date the military order is received, even if the 7-day period ends after the military member has been deployed.
2. Military events and related activities – to attend official events sponsored by the military that are related to the active duty call or status, and to attend family support or assistance programs and informational briefings sponsored by the military, military service organizations, or American Red Cross that are related to the active duty call or status of the military member.
3. Childcare and school activities – certain childcare and related activities arising from the call to active duty or active duty status such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling or transferring a child to a new school or day care facility, and attending certain meetings at a school or day care facility.

## **POLICY 405A: MILITARY FAMILY AND MEDICAL LEAVE**

**ADOPTED: JUNE 30, 2009 (REVISED: NOVEMBER 9, 2010)**

4. Financial and legal arrangements – to make or update arrangements to address the military member's absence such as obtaining power of attorney, transferring bank account authority, enrolling in the Defense Enrollment Eligibility Reporting System (DEERS), obtaining military identification cards, or preparing or updating a will or living trust; and/or to act as the military member's representative before a federal, state or local agency for certain purposes relating to military service benefits while the military member is on active duty or call to active duty, and up to a period of 90 days following the termination of the military member's active duty status.
5. Counseling activities – to attend counseling, provided the need for counseling arises from the military member's active duty call or status, and that such counseling is provided by someone other than a health care provider, such as a chaplain or pastor. The counseling must be for the employee, the military member, and/or the military member's child.
6. Rest and recuperation activities – leave may be taken to spend time with the military member that has been granted short-term, temporary, rest and recuperation leave during the deployment period. This leave is limited to a maximum of 5 days for each instance of rest and recuperation.
7. Post-deployment activities – to attend certain post-deployment activities sponsored by the military for a period of approximately 90 days following termination or the military member's active duty status, or to address issues that arise from the death of a military member on active duty status.
8. Additional activities – leave for other exigencies may be granted provided it arises out of the military member's call to active duty or status, and the employee and employer mutually agree on both the timing and the duration of the leave.

## POLICY 406: BEREAVEMENT AND CIVIC DUTY LEAVES

ADOPTED: AUGUST 3, 1988 (REVISED: FEBRUARY 4, 2020)

### Policy:

It is the policy of Lee County to provide time off to employees for bereavement to attend funerals or memorial services, and for civic duty leave (jury duty, witness duty, 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.

### 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, Legal Guardian, Sibling, Grandparent, Grandchild, Stepparent, Stepchild, Stepbrother, or Stepsister.
  - b) The death of the employee's spouse's Child, Foster Child, Parent, Legal 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 leave; otherwise, the bereavement leave will be considered an unpaid leave of absence.

## **POLICY 406: BEREAVEMENT AND CIVIC DUTY LEAVES**

*ADOPTED: AUGUST 3, 1988 (REVISED: FEBRUARY 4, 2020)*

### **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).
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. For exempt employees, "not being paid" shall refer only to full workweeks in which no work was performed. Otherwise, instead of a deduction from salary, the employee's vacation leave balance will be docked.
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 or administrative proceedings involving the County, or is subpoenaed to any legal or administrative proceeding involving the County, shall be paid as if the employee were engaged in his/her normal work.

## **POLICY 406: BEREAVEMENT AND CIVIC DUTY LEAVES**

**ADOPTED: AUGUST 3, 1988 (REVISED: FEBRUARY 4, 2020)**

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.
  - b) The certification of attendance must be submitted to the employee's supervisor along with a leave request indicating absence due to witness 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 witness duty, and that time being considered an unexcused absence from work. For exempt employees, "not being paid" shall refer only to full workweeks in which no work was performed. Otherwise, instead of a deduction from salary, the employee's vacation leave balance will be docked.
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 POLL WORKER LEAVE**

1. Employees are eligible to request Poll Worker Leave to be served under the supervision of the office of the Lee County Supervisor of Elections. Poll Worker Leave shall be treated by the County for pay purposes as if the employee were engaged in normal work duties with his/her assigned department, and employees shall be compensated at their regular hourly rate of pay for all approved Poll Worker Leave hours in lieu of any pay offered by the Supervisor of Elections. Proof of time worked must be submitted with payroll.
2. Time away from regular assigned duties shall not conflict with operational requirements of the employee(s) department, create a need for overtime, or cause conflicts with other employees' schedules. Employees who wish to take Poll Worker Leaves shall request such leave from their department director, and such prior approval is required to be eligible for Poll Worker Leave.

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

1. An employee who is a member 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 service or military training. This time will be considered continuous service.

## **POLICY 406: BEREAVEMENT AND CIVIC DUTY LEAVES**

- 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.
2. Florida statute recognizes two types of duties within the military for a leave of absence: active service and military training.
  - a) Active service: active duty in the Florida defense force or civil service in training or on active duty with any branch of the Armed Forces or Reservists of the Armed Forces, the Florida National Guard, the Coast Guard of the United States, and service of all officers of the United States Public Health Service detailed by proper authority for duty with the Armed Forces.
  - b) Military training: armed forces reserve or guard training for inactive service members.
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 enter active duty status, 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. Employees are authorized 240 paid hours annually for military training, i.e. weekend drill, annual two weeks training, or periods of instruction at military schools for military training. Training orders issued to the employee by the military shall be provided to the employee's supervisor.
  - a) Whether continuous or intermittent, such paid leave under this subsection shall not exceed 240 hours in any twelve (12) month period.
  - b) Any absence in excess of 240 hours under this subsection may be covered by accrued and available vacation leave, or be an excused absence without pay.
5. 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.
6. After the 30-day period described in 406:2.3(3) above, Lee County shall supplement the military pay to bring the employee's pay to the level earned at the time he/she was ordered to active service. The supplement will be based on the calculated difference of the military base pay and the employee's gross pay with Lee County while on active service. The employee must provide a copy of their military earning statement to Payroll so they can determine if a supplement is due.

## **POLICY 407: WORKERS COMPENSATION LEAVE**

**ADOPTED: AUGUST 3, 1988 (REVISED: NOVEMBER 9, 2010)**

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

### **Policy:**

It is the policy of Lee County 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.

### **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 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 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 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 must 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) calendar days only if they are disabled for more than twenty-one (21) calendar 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. While receiving indemnity benefits, vacation and sick leave will still be accrued. Holiday pay is not available to an employee receiving total temporary indemnity benefits. Holiday pay may be available to an injured employee if the Holiday falls within the first seven (7) calendar days of the injury.

## **POLICY 407: WORKERS COMPENSATION LEAVE**

**ADOPTED: AUGUST 3, 1988 (REVISED: NOVEMBER 9, 2010)**

7. 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.

8. 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.
9. 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.
10. 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.
11. 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.

## **POLICY 407: WORKERS COMPENSATION LEAVE**

**ADOPTED: AUGUST 3, 1988 (REVISED: NOVEMBER 9, 2010)**

12. *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.

### **407:2 RETURN AFTER A WORKERS COMPENSATION LEAVE**

- 1. An employee has a maximum period of fifty-two (52) consecutive weeks of workers' compensation disability leave.
- 2. After the fifty-two (52) week period the employee must return to the essential duties of the employee's position with or without reasonable accommodation.
  - a) The ability to perform the essential duties of a position shall be determined by the County on the basis of medical information provided by the employee's treating physician.
  - b) If an employee returns to work before the end of fifty-two (52) weeks of workers' compensation leave and subsequently has a recurrence of the same illness/injury/disability or one of a different nature within thirty (30) days after his/her return to work and is once again placed on workers' compensation leave, the workers' compensation leave will continue where it left off. (Example: An employee who returns to work after twenty (20) weeks of workers' compensation leave and then returns to workers' compensation leave within thirty (30) days will only have twenty-two (22) workers' compensation leave weeks remaining to use.)

### **407:3 FAILURE TO RETURN AFTER A WORKERS' COMPENSATION LEAVE**

- 1. The failure of an employee to return to work at the expiration of the fifty-two (52) week workers' compensation leave will subject the employee to immediate termination unless a leave of absence is granted. (See Leave of Absence Policy 404.)

## **POLICY 408: EDUCATIONAL LEAVE**

**ADOPTED: JUNE 6, 2000 (REVISED: MARCH 11, 2008)**

### **Policy:**

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

### **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 prior to utilizing an unpaid educational leave of absence.
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.

## **POLICY 501: SALARY ADMINISTRATION**

**ADOPTED: MAY 11, 1994 (REVISED: JUNE 30, 2009)**

### **Policy:**

It is the policy of the County to compensate employees based on job performance and competitive with rates for similar jobs by other employers in the comparable labor market. However, all compensation policy decisions must take into consideration the County's overall economic condition and competitive position.

### **501:1 GENERAL PROVISIONS**

1. New employees generally will be hired at the minimum rate assigned to their classification's salary range. Supervisors may recommend higher starting rates depending on an applicant's experience or skill level or on other competitive considerations. These recommendations should be reviewed and approved by the appropriate department director.
2. Employees promoted into new classifications generally will receive promotional increases at least to the minimum of the new salary range. No increase will be granted which brings an employee's base salary above the maximum of the new range. Promotional increase recommendations should be reviewed before implementation by the appropriate department director and will be reviewed by Human Resources. (See Promotion Policy 305 for additional information.)
3. Employees transferring laterally from one position to another in the same salary range generally will not receive an increase.
4. The department director and Human Resources will handle considerations for reclassifications or transfers to lower level positions on an exception basis prior to any discussion with the employee. The salary of an employee transferred or reclassified to a lower level position should not exceed the maximum of the new salary range. (See Transfer Policy 304 for additional information.)
5. When a position is reclassified to a higher salary range and classification as a result of a significant change in job duties, an employee's salary will be increased at least to the new minimum of the salary range.
6. The Human Resources Director will review/approve job families for automatic regrades/retitles/reclassifications. Employees who are automatically regraded/retitled/reclassified may receive a salary adjustment not to exceed the new range maximum.
7. Adjustments to salary may be granted to correct an internal or external equity problem with the approval of the department director and review by Human Resources.
8. An employee may be appointed to a trainee position at a salary below the salary range minimum of the assigned classification for a training period not to exceed 12 months.

## **POLICY 501: SALARY ADMINISTRATION**

**ADOPTED: MAY 11, 1994 (REVISED: JUNE 30, 2009)**

### **501:2 TEMPORARY ADDITIONAL DUTIES**

1. If a non-exempt employee is temporarily assigned additional duties which significantly increase the employee's responsibilities, the employee may receive a temporary increase up to 10%. Exempt employees' temporarily assigned additional responsibilities may receive a temporary increase up to 20%. The temporary assignment must be for a minimum of two workweeks and a maximum of twelve (12) months. Approval must be obtained by the County Manager and County Attorney to extend the twelve (12) month period. Temporary assignments must be approved by the department director and reviewed by Human Resources. The salary for an employee in a temporary assignment of duties may exceed the salary range of their current classification.

### **501:3 ACTING ASSIGNMENTS**

1. When an employee is temporarily appointed full-time to a classification with a higher pay grade, an "acting" title may be assigned. Acting assignments are for a period of at least two workweeks. For an employee to be appointed to an acting assignment, they must meet the minimum qualifications of that position. The salary of an employee in an acting assignment will be adjusted to fall within the salary range of the position they are acting in for the duration of the assignment.

### **501:4 DESIGNEE PAY**

1. When an employee performs duties not part of the normal duties of their classification for a period of less than two work weeks, but more than one full shift, the employee may receive a temporary increase to bring them to the minimum of the position for which they have been assigned to, or 10%, whichever is greater. This type of out-of-class assignment is usually designated for the purpose of filling in for the absence of a lead worker or supervisor.

### **501:5 FACILITIES MANAGEMENT DETENTION CENTER PAY**

1. Facilities employees who are assigned to work at the Detention Center may be eligible to receive an additional 10% incentive increase to their base salary rate. If the employee moves from the Detention Center to work at another facility, the additional incentive pay must be removed.

## **POLICY 502: PERFORMANCE EVALUATIONS**

**ADOPTED: AUGUST 3, 1988 (REVISED: AUGUST 12, 2003)**

### **Policy:**

It is the policy of the County that the job performance of each employee should be evaluated periodically by the employee's supervisor.

### **502:1 GENERAL PROVISIONS**

1. Supervisors should complete performance evaluation upon the following occasions:

- a) By the end of the first three months of employment;
- b) By the end of the first six months of employment;
- c) Annually; and
- d) At any other time deemed appropriate to recognize improved or deteriorated performance.

Disagreement with the results of the evaluation is not subject to the grievance procedure set forth in these policies and procedures.

2. Supervisors, in completing evaluations, should prepare a written evaluation of each employee's job performance. Such an evaluation should include the supervisor's comments and recommendations, an action plan for both the employee and supervisor and performance goals for the next evaluation period.
3. Department directors or designees should review each supervisor's written evaluation to help assure that the evaluation process has been properly completed in a fair and objective manner.
4. After the written evaluation has been reviewed by the department director or designee, the supervisor and employee should meet and discuss the evaluation, assess the employee's strengths and weaknesses in a constructive manner and set objectives and goals for the period ahead. The employee should be given the opportunity to examine the evaluation and make written comments about any aspect of it. The employee and supervisor should then sign and date the evaluation and forward it through the lines of supervision to Human Resources for review and inclusion in the employee's personnel file.
5. Employees who want more than the chance to add written comments to their performance evaluation may request a review by their department director or Human Resources.
6. Information derived from the performance evaluation may be considered when making decisions affecting an employee including, but not limited to, decisions concerning training needs and opportunities, pay, promotion, transfer or continued employment.

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## **POLICY 502: PERFORMANCE EVALUATIONS**

***ADOPTED: AUGUST 3, 1988 (REVISED: AUGUST 12, 2003)***

7. If a merit increase is to be awarded to an employee, it should be given at the time of the annual performance evaluation. Merit increases should not be awarded at the three (3) month evaluation. Merit increases may be awarded at the successful conclusion of the initial six (6) month probationary period with the department/division director's approval.

## **POLICY 503: PAY PROCEDURES**

**ADOPTED: MAY 11, 1994 (REVISED: JUNE 20, 2017)**

### **Policy:**

It is the policy of the County to pay employees on a regular basis and in a manner so that the amount, method and timing of such payments comply with any applicable laws or regulations.

### **503:1 GENERAL PROVISIONS**

1. Employees normally will be paid biweekly. If the regular payday occurs on a holiday, employees will be paid on the last working day prior to the holiday.
2. Employees on each payday will receive, in addition to their pay, a statement showing gross pay, deductions and net pay. Federal and Social Security taxes will be deducted automatically. No other deductions will be made unless required or allowed by law, contract or employee obligation. Employees may elect to have additional voluntary deductions taken from their pay only if they authorize the deductions in writing, and if the additional deductions are approved by the County.

Employees who discover a mistake in their pay, lose their pay or have it stolen should notify Payroll immediately. In the case of a mistake, the error will be remedied promptly.

### **503:2 STAND-BY PAY**

1. Time and one-half will be paid for a minimum of two hours if employees are called to duty during their stand-by status, regardless of hours worked. Paid time begins when the employee receives the call to report to work, and ends when the employee leaves the worksite. In addition, they will receive eight or ten extra hours of stand-by pay for their stand-by hours per week, to coincide with one regular shift. Such pay will be paid at their regular hourly rate and included in their regular rate for purposes of calculating any overtime payments due.

### **503:3 OVERTIME COMPENSATION**

1. Non-exempt employees (as defined by the provisions of the Fair Labor Standards Act (FLSA)) will be compensated at the rate one and one-half times their regular hourly rate for work in excess of forty hours during their normal work week. (See Hours of Work Policy 306.)
2. Overtime for non-exempt employees shall be paid, at the discretion of the division director by either: (1) paying the employee time and one-half his or her regular rate of pay for all overtime hours, or (2) notifying the employee pursuant to previous agreement and before the performance of the work, that the employee shall receive compensatory time for all overtime hours worked at a rate of one and one-half hours off for each hour of overtime worked. Only hours actually worked in excess of forty during one week will be counted in the calculation of overtime and compensatory time. Sick leave, vacation leave, paid holidays, or any other paid time off will not be counted.

## **POLICY 503: PAY PROCEDURES**

**ADOPTED: MAY 11, 1994 (REVISED: JUNE 20, 2017)**

No County employee may accrue more than 160 hours of actual overtime hours worked (Accrued at time and one-half equal 240 total compensable hours). Any County employee who accrues 240 hours of compensatory time off for overtime hours worked shall thereafter be paid time and one-half his or her regular rate for all overtime hours worked until such time as his or her accrued compensatory time off falls below 240 hours. Employees must use all accrued compensatory time by the last day of the last full pay period of the calendar year. Any unused time at the end of the last full pay period of the calendar year will be paid to the employee as a direct deposit or cash pay card whichever method the employee currently receives pay.

Any non-exempt employee who has accrued compensatory time off at the time of his or her separation of employment with the County, or who has accrued time at the end of each calendar year, will be paid for the unused compensatory time at a rate of compensation not less than the current regular rate of compensation received by the employee.

Any employee given a decrease in the rate of compensation (i.e. demotion), whether voluntary or involuntary, will be paid out any accrued compensatory time at the higher rate of pay received prior to the decrease in rate of compensation.

Employees who have requested the use of their compensatory time off shall be permitted to use such time within a reasonable period after making the request, at the discretion of the supervisor.

### **503:4 PROCESSING PAYROLL DURING A STATE OF LOCAL EMERGENCY AND DECLARED DISASTER**

In case of a declared disaster and/or local state of emergency, where there is a concern that the daily operations will be impacted for more than a week, and in order to ensure our employees continue to receive their wages during the local state of emergency, the Board authorizes the Clerk's Office to:

1. Prepare and issue payroll for the Board using base hours only for regular full and part time employees. On-call personnel would not be paid unless there is a reasonable mechanism to timely report actual hours worked to the Payroll Office.
2. Budget review of payroll costs prior to the release of payments for this payroll will be suspended and resolved, if necessary, when the County returns to normal operations.
3. The payments to individual employees generated by this payroll processing will be released upon authorization by fax, e-mail or verbal authorization which will be followed up with written authorization once the County returns to normal operations.
4. Normal operations are defined as being when the Board and Clerk's financial and timekeeping software has been restored and is available to fiscal personnel.

## **POLICY 503: PAY PROCEDURES**

**ADOPTED: MAY 11, 1994 (REVISED: JUNE 20, 2017)**

### **503:5 DEDUCTIONS FROM WAGES FOR NON-EXEMPT EMPLOYEES**

Notwithstanding anything in this Manual to the contrary, other than in cases of employee theft, the County shall not reduce a non-exempt employee's non-overtime pay below the Florida minimum wage. Furthermore, and again with the exception of theft, should the County make deductions from a non-exempt employee's wages, any overtime hours worked by the employee will continue to be paid at time-and-one-half the employee's pre-deduction regular rate.

### **503:6 DEDUCTIONS FROM SALARY FOR EXEMPT EMPLOYEES**

Unless deductions from salary are permitted by applicable law, an exempt employee shall receive his or her full salary in any week in which any work is performed, without regard to the number of days or hours worked.

Deductions from salary specifically will not be made when an exempt employee's absence is directed by the County, or by County operations, for less than a full workweek; when an employee has served as a juror or witness for less than a full workweek (although salary may be adjusted to account for the employee's receipt of juror or witness pay); or when an exempt employee is absent for less than one full day for any reason.

A non-exclusive list of deductions permitted by law is as follows:

1. An exempt employee's salary may be prorated for the initial or terminal week of employment, and proportionally adjusted to correspond to time actually worked if the employee takes intermittent leave or leave on a reduced schedule under the FMLA.
2. Deductions may be made when an exempt employee is absent from work for one or more full days for personal reasons, and the employee has exhausted applicable paid leave.
3. Deductions may be made when an exempt employee is absent from work for one or more full days for reasons of sickness or disability, when the employee has exhausted sick leave, or has not yet accrued sick leave.
4. Deductions may be made when imposed by the County in good faith in response to an employee's violation of safety rules of major significance.
5. Deductions may be made for unpaid disciplinary suspensions of one or more full days imposed in good faith for infractions of workplace conduct rules, such as the violation of the County's policy prohibiting unlawful harassment.

Deductions from an exempt employee's sick or vacation leave accruals are not "deductions from salary" under this policy.

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## **POLICY 503: PAY PROCEDURES**

***ADOPTED: MAY 11, 1994 (REVISED: JUNE 20, 2017)***

Any exempt employee believing that his or her salary has been subject to an unlawful deduction is to bring the matter to the attention of the County's Human Resources Department as soon as possible. The Human Resources Department will investigate promptly, and will ensure that the employee promptly is reimbursed for any improper deductions.

## **POLICY 504: PAY FOR WORK DURING EMERGENCIES OR DISASTERS**

**ADOPTED: MAY 11, 1994 (REVISED: AUGUST 7, 2018)**

### **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. Department directors have discretion in designating employees as essential personnel and assigning employees to work during a declared emergency/disaster.

### **504:1 EMERGENCY DUTY PAY**

1. County personnel who are designated as essential employees by their department director and are assigned to work during a declared emergency/disaster when normal County operations have been closed shall be compensated in the following manner:

#### **Non-exempt:**

Non-exempt employees shall receive two times (2.0) their regular hourly rate of pay for all hours worked during a County closure for the first forty (40) hours worked in a single workweek. Non-exempt employees shall receive two and a half times (2.5) their regular hourly rate of pay for all hours worked over 40 during a County closure in a single workweek.

#### **Exempt:**

1. Exempt employees in pay grades 302 and lower shall receive one and a half times (1.5) their regular hourly rate of pay for all hours worked during a County closure. Exempt employees in pay grades 303 and higher shall not be eligible to receive additional pay for hours worked during a County closure.
2. Employees who are required to work during a declared emergency/disaster when normal County operations are open shall be compensated at their regular rate of pay following normal pay procedures.
3. It is the department's responsibility to accurately record all hours worked during an emergency/disaster and approve all payments following established payroll processing procedures.
4. Employees who are not required to work during a declared emergency/disaster when normal County operations have been closed shall receive full pay for the workday (closure pay) based on their regular rate of pay and regular daily work hours. Closure pay shall not count as hours worked, and will not count towards the overtime rate of (1.5), or disaster hours worked over 40 (2.5).

## **POLICY 504: PAY FOR WORK DURING EMERGENCIES OR DISASTERS**

**ADOPTED: MAY 11, 1994 (REVISED: AUGUST 7, 2018)**

5. When the County closes after the start of a workday due to a declared emergency/disaster, employees who report to work and are subsequently released by the County Manager, or designee, will receive full pay for the workday (closure pay) based on their regular rate of pay and regular daily work hours.

### **504:2 LEAVE**

1. Employees who are not required to work during a declared emergency/disaster when normal County operations have been closed, and who are on an approved leave, shall not be eligible for any additional paid time off and will be paid according to their approved original leave request.
2. Employees who are on an approved leave that ends while normal County operations have been closed during a declared emergency/disaster shall be eligible for closure pay beginning on the day after their approved and utilized leave ends.
3. Employees with an approved and scheduled leave when normal County operations have been closed who are not able to take their leave due to a declared emergency/disaster shall be allowed to rescind their leave request and receive closure pay.

## **POLICY 505: INCENTIVE PAY**

**ADOPTED: MAY 11, 1994 (REVISED: JUNE 20, 2017)**

### **Policy:**

It is the policy of the County to provide incentive pay to regular employees who on their own time and without County assistance, successfully obtain certifications, licenses or accredited degrees that are directly related to their current job classification.

### **505:1 GENERAL PROVISIONS**

1. Employees may be eligible to receive a one-time lump sum payment in an amount equal to 1% - 5% of their current annual salary depending on such factors as the requirements, complexity and the time normally necessary to complete the requirements.
2. The management of the employee has the responsibility to review the issue of job relatedness with Human Resources prior to enrolling in a program.
3. The Department Director or designee will determine the appropriate percentage and payments, and will review their recommendation with Human Resources prior to discussion with the employee. Such payments are subject to allocated funds being available within the individual department's budget.
4. Employees will be required to reimburse the County for up to 50% of such payments they have received from the County if the employee resigns or is terminated within six months from the time the payment is received.
5. This provision and any decision made is not subject to the grievance procedure set forth in these policies and procedures.
6. In accordance with State statutes, certain departments may pay incentive pay based on educational requirements for some positions. This is for outside classroom training and is separate from the educational reimbursement program.

## **POLICY 506: DIRECT BONUS PROGRAM**

**ADOPTED: MAY 11, 1994 (REVISED: JUNE 20, 2017)**

### **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. Such awards are discretionary and will be made, if at all, following the completion of the achievement to be recognized. All employees under the Board of County Commissioners, including regular full-time and part-time employees, and those covered under the Supplemental Workforce Policy 309, are eligible to receive bonuses under this program. Direct bonuses are approved by Department/Division Directors, the County Manager or the County Attorney.

### **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, 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:

## **POLICY 506: DIRECT BONUS PROGRAM**

**ADOPTED: MAY 11, 1994 (REVISED: JUNE 20, 2017)**

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

### **2. Team Progress Achievement**

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

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:

- a) Demonstrated the ability to inspire or empower subordinates or co-workers;
- b) Demonstrated initiative and willingness to accept responsibility; or
- c) 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:

## **POLICY 506: DIRECT BONUS PROGRAM**

**ADOPTED: MAY 11, 1994 (REVISED: JUNE 20, 2017)**

- d) Meeting deadlines;
- e) Improving work processes;
- f) Saving time/money, generating new revenue, or increasing efficiency/effectiveness; or
- g) 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:

- a) Consistent, exceptionally high level of productivity with repeated successful implementation of progressive and up-to-date systems within the employee's area of responsibility;
- b) Innovative solutions to problems or innovative program development which result in significant, definable cost savings or improvements in County services and efficiency;
- c) Development of management or operational programs which may be applied in units other than the one in which the employee works;
- d) Demonstration of effective crisis management;
- e) Unusual job interest which enhances the morale and productivity of the employee's peers;
- f) Demonstration of exceptional positive community relations outside the normal relations of the employee's job; or
- g) 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:

- a) Dependability;
- b) Timeliness;
- c) Efficiency; or
- d) Customer satisfaction.

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### **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:

- a) 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.
- b) 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:
  - Is the employee expected or required to make suggestions of the type under consideration?
  - Can the suggestion be implemented by the employee without consulting higher authority?
- c) 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:
  - Personal grievances;
  - Classification and pay of positions;
  - 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;
  - A duplicate of another suggestion already under consideration within the past three years;
  - Matters which are the result of assigned or contracted auditing, studies, surveys, reviews or research;
  - Matters requiring legislative or court action other than by County ordinance;
  - 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;
  - Stricter enforcement of already existing rules, regulations and laws within the County;
  - Applications of existing procedures and processes to other areas in the County;
  - Routine computerization of manual processes; or
  - 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 507: LICENSE/REGISTRATION CERTIFICATION AND FEE RENEWALS**

**ADOPTED: MAY 11, 1994 (REVISED: FEBRUARY 12, 2002)**

### **Policy:**

It is the policy of the County to reimburse employees for renewal costs for registrations, certifications, or licenses which are directly job related, and enhance the knowledge, skills, and abilities related to the official duties performed.

### **507:1 GENERAL PROVISIONS**

1. The initial attainment of the registrations, certifications, or licenses are not reimbursable by the County if they are minimum qualifications for the job. If the above referenced are obtained and paid for by the employee, and are directly related to an employee's current position, but not required, the employee may be eligible for a one time-lump sum payment under the incentive pay program.
2. If an educational exam is required during normal work hours, the employee will be given the time off with pay. If the employee does not pass the exam and a subsequent test must be taken, the employee must submit a leave request form for vacation time. Any expenses incurred will be the responsibility of the employee
3. Non-exempt personnel who attend training programs (to maintain certifications, etc. required by the County) in addition to normal work hours will be compensated for all overtime hours according to the Fair Labor Standards Act (FLSA).
4. Reimbursements for all registrations, certifications, or licenses are approved at the Department Director level.

## **POLICY 508: MOVING EXPENSES**

**ADOPTED: FEBRUARY 12, 2002 (REVISED: MAY 23, 2006)**

### **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.

### **508:1 GENERAL PROVISIONS**

1. Reimbursements under this policy will be made in accordance with Lee County Ordinance 06-02.
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.
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 reimbursable. 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.

## **POLICY 601: CORRECTIVE ACTION/DISCIPLINARY PROCEDURE**

**ADOPTED: AUGUST 3, 1988 (REVISED: JUNE 20, 2017)**

### **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.

### **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 depending upon the situation and in 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
  - 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 suspension or termination, Employee Relations must 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.

## **POLICY 601: CORRECTIVE ACTION/DISCIPLINARY PROCEDURE**

**ADOPTED: AUGUST 3, 1988 (REVISED: JUNE 20, 2017)**

### 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 shall use either a Corrective Action Form, or 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.

### 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, under circumstances where partial-workweek suspensions (in whole-day increments) are allowed by law. 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 to the meeting 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 with pay pending the meeting with the employee's supervisor(s). The immediate supervisor and/or department/division director or designee shall then contact Employee Relations to determine future action to be taken.

## **POLICY 601: CORRECTIVE ACTION/DISCIPLINARY PROCEDURE**

**ADOPTED: AUGUST 3, 1988 (REVISED: JUNE 20, 2017)**

### 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 employee's immediate supervisor and department/division director ( or designee) will hold a meeting, within three (3) 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 to the meeting 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 designee's final decision and the corrective action taken. If the County's final decision on discipline is not termination or suspension, the employee will be paid for the time spent on administrative leave.

### **601:3 ALTERNATIVE PROCEDURES**

Alternative procedures may be the final step before termination. Refusal by the employee to participate in the Alternative Procedure process may result in separation of employment.

### Decision Making Leave

In certain situations where a suspension may not be appropriate, a supervisor may elect to use decision making leave as part of 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, to decide if they are willing to make a long term commitment to the County. If the employee decides to re-commit to the County, they will sign a letter of commitment. If they are not willing to make this commitment, their employment with the County will end. In all cases, Employee Relations shall be consulted before beginning this process. Management will outline overall unacceptable behavior or performance. The employee will also provide a letter to Management outlining the steps they will take to change their behavior or improve their performance.

## **POLICY 601: CORRECTIVE ACTION/DISCIPLINARY PROCEDURE**

**ADOPTED: AUGUST 3, 1988 (REVISED: JUNE 20, 2017)**

### **Last Chance Agreement**

Management may provide a written agreement to a long term employee accused of serious misconduct (e.g., substance abuse, absenteeism, harassment, insubordination, ethics violation, etc. and not meant to be all inclusive), to communicate a quota or maintain a certain level of performance, attendance, or behavior. The employee understands and agrees with provisions of this agreement and may accept the terms.

An employee may voluntarily resign at any time in the Corrective Action and Alternative Procedure process.

### **Not Employment Contracts**

The letters and agreements forming part of the foregoing alternative disciplinary procedures are not employment contracts and do not alter employees' at-will employment status. Rather, the letters and agreements are an affirmation of the County's expectations and the employee's desire, after careful reflection, to meet them.

### **601:4 NAME CLEARING**

A terminated employee may submit, in writing, a rebuttal of the reasons for his/her termination, which shall be placed in the employee's personnel file and become a public record. The writing is not a grievance; rather, the purpose of the writing is for the employee to address any circumstances surrounding the termination which he or she believes are stigmatizing. Terminated employees wishing to initiate a grievance shall follow the procedure in Policy 602.

## **POLICY 602: GRIEVANCE PROCEDURE**

*ADOPTED: AUGUST 3, 1988 (REVISED: JUNE 20, 2017)*

### **Policy:**

It is the policy of the County that employees should have the opportunity to participate in a process to settle disputes regarding certain disciplinary corrective action.

### **602:1 GENERAL PROVISIONS:**

1. The provisions of this policy apply to all employees who have been terminated or suspended as a result of disciplinary corrective action.
2. Exclusions to this policy are employees in their initial probationary period, those in positions of Director, Deputy Director, Assistant County Manager, Deputy County Manager, and those employees under the direct supervision of the County Attorney.
3. Employees covered under the Supplemental Workforce Policy 308 and contracted employees are not subject to the provisions of this policy.

### **602:2 GRIEVANCE/COMPLAINT**

1. The employee shall present the grievance in writing to the employee's Department Director within five (5) 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 may meet with the employee and other involved parties to discuss the matter following the receipt of the written grievance. If a meeting is held, it shall be within five (5) business days of the receipt of the grievance. The Department Director shall answer the grievance in writing within three (3) business days following the meeting. If no meeting is held, the Department Director shall answer the grievance within five (5) business days after receipt of the written grievance. The Department Director shall sustain, reduce, or reverse the discipline.
4. Employees are not entitled to legal representation during any grievance meeting.

## **POLICY 602: GRIEVANCE PROCEDURE**

**ADOPTED: AUGUST 3, 1988 (REVISED: JUNE 20, 2017)**

### **602:3 GRIEVANCE COMMITTEE**

1. The employee may file a written request for review by an independent Grievance Committee within three (3) business days of receipt of the department director's response or failure of the department director to supply a timely answer. The written appeal shall be submitted to the Human Resources Director and shall include the final outcome being requested from the grievance hearing.
2. The Director of Public Resources, or designee, is assigned to Chair the Grievance Committee and shall be notified by Human Resources within one (1) 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 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) 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) 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.

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