

**Lee County Board Of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20030873

1. REQUESTED MOTION:

ACTION REQUESTED:

Adopt revisions to sections 002, 202, 204, 206, 213, 307, 401, 403, 404, 406, 502, 503, 601, and 602 of the Lee County Policies and Procedures Manual. Adoption of the resolution to amend Administrative Code 6-1.

WHY ACTION IS NECESSARY:

Brings current policy up-to-date and unifies provisions.

WHAT ACTION ACCOMPLISHES:

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

**2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #:**

Countywide **CL6A**

MEETING DATE: 08-12-2003

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:

**5. REQUIREMENT/PURPOSE:
(Specify)**

- STATUTE
- ORDINANCE
- ADMIN. CODE 6-1
- OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER
- B. DEPARTMENT Human Resources
- C. DIVISION

BY: George A. Williams, Director

George A. Williams
7/28/03

7. BACKGROUND:

Ongoing process to update and revise Policies and Procedures Manual.

8. MANAGEMENT RECOMMENDATIONS:

Adopt revisions

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
					OA	OM	Risk	GC	
<i>George A. Williams</i> 7/28/03		<i>George A. Williams</i> 7/28/03		<i>Andrea Fraser</i>	<i>RK</i> 7/29	<i>AK</i> 7/29/03	<i>US</i> 7/29/03	<i>RK for RG</i> 7/29	<i>[Signature]</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: 7/28/03
Time: 11:00 am
Forwarded To: Budget
7/28/03 2:20 pm

RECEIVED BY
COUNTY ADMIN: *KA*
7/28/03
COUNTY ADMIN
FORWARDED TO: *BH*
7/30/03

**ADMINISTRATIVE CODE
BOARD OF COUNTY COMMISSIONERS**

CATEGORY: Human Resources/Employees	CODE NUMBER: AC-6-1
TITLE: Personnel Policies and Procedures Manual (Appendix "A")	ADOPTED: 8/3/88
	AMENDED: 10/17/90; 7/24/91; 5/11/94; 7/5/95; 9/23/97; 6/30/98; 4/6/99; 5/18/99; 6/6/00; 6/27/00; 12/12/00; 12/19/00; 5/08/01; 7/24/01; 2/12/02; 6/4/02; 7/9/02; 8/1/02; 10/1/02; 10/8/02; 8/12/03
	ORIGINATING DEPARTMENT: Human Resources
<u>PURPOSE/SCOPE:</u> This manual contains and describes all existing personnel policies, and was developed as a perpetual guideline for consistent interpretation of personnel policies. This manual is part of this Administrative Code and is under separate cover as Appendix "A", Personnel Policies and Procedures Manual.	
<u>POLICY/PROCEDURE:</u>	

LEE COUNTY RESOLUTION NO. _____

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

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

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

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

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

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

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

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY

COMMISSIONERS THAT:

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

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

ROBERT JANES	_____
DOUGLAS ST. CERNY	_____
RAY JUDAH	_____
ANDREW COY	_____
JOHN E. ALBION	_____

DULY PASSED AND ADOPTED this _____ day of _____, 20_____.

ATTEST:
CHARLIE GREEN, CLERK

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

By: _____
Deputy Clerk

By: _____
Chairman

APPROVED AS TO FORM:

By: _____
Office of the County Attorney

The following revisions are being proposed to the Lee County Policies & Procedures Manual:

Definitions (#002)

Page 2, created separate 'Immediate Family' definition for Sick Leave Policy and further defines 'Immediate Family' for the Family & Medical Leave Policy.

Harassment Policy (#202)

Under contact information on page 4, provides correct title of designees and changes main fax number to Employee Relations' fax number.

Computer Resources (#204)

Under Section 7 (Home Use of County Computers), specifies that home use of County computers is not to be considered as an alternative work arrangement.

Code of Ethics (206)

Removes Section 6 called 'Outside Employment', as there is a separate policy relating to this issue (Policy 308); rennumbers last section to accommodate this deletion.

Employee Awards (#213)

In paragrah 1, specifies that continuous employment with Lee County is the determining factor in length of service awards.

In paragraph 2, removes last sentence, as Human Resources provides list of eligible employees; it is not provided by the department director.

Hours of Work (#307)

Under Section 3 (Overtime and Compensatory Time), differentiates between 'pay' and 'compensatory time off'; adds reference to Pay Procedures Policy #503.

Under Section 5 (Training Wage), correctly titles section 'Training and Offsite Work'; includes reference to paying non-exempt employees who perform County related business when offsite.

Under Section 6 (Stand-By Duty), removes second paragraph that relates to pay procedures for stand-by duty. This section has been moved to the Pay Procedures Policy #503.

Under Section 7 (Lost Time), correctly designates 'time off' as 'hours not worked' instead of 'lost time'. Removes part iii, as an absence cannot be considered as hours worked.

Sick Leave (#401)

Under Section 1 (General), paragraph 5, defines 'immediate family' to allow for adult children.

Under Section 2 (Sick Leave Pool), designates that 80 hours of sick leave balance necessary at time of pool enrollment.

The following revisions are being proposed to the Lee County Policies & Procedures Manual:

Holidays (#403)

Under Section 2 (General), paragraph 3, clearly defines how holiday pay is to be calculated.

Leave of Absence (#404)

Under Policy, removes second sentence relating to compensation during a leave of absence.

Under Section 2 (Short-Term Leave Without Pay); this section removed in its' entirety. Department Director decides how much leave an employee may take without pay, due to business needs of their department.

Under Section 3 (Other Administrative Leave), specifies that other leaves of absence are not to exceed 12 weeks in duration; moves to last section of policy.

Under Section 4 (Administrative Leave), specifies that administrative leave may be with or without pay. Removes reference to an involuntary leave of absence.

Bereavement & Civic Duty Leaves (#406)

Under Section 4 (Military Duty Leaves), paragraph 4, includes reference to 'duration of the national emergency'.

Performance Evaluations (#502)

Under paragraph 1, removes word 'optional' to coincide with Probationary Period Policy 304.

Pay Procedures (#503)

Creates separate section called 'Stand-by Pay' (Section 2); this was removed from the Hours of Work Policy #307.

Creates separate section called 'Overtime Compensation' (Section 3); clearly defines how compensatory time off is to be administered.

Corrective Action/Disciplinary Procedure (#601)

Under Section 1 (General Provisions), removes paragraph 3, which outlined first and second occurrences; instead; replaced by normal application of progressive discipline.

Under Section 2 (Disciplinary Procedures), inserts request that Human Resources be contacted to ensure appropriate action steps are taken. Describes how to conduct the progressive steps of discipline: verbal warning, written warning, suspension or decision making leave (new option) and termination. Asks that Corrective Action Forms be used as appropriate.

Regarding probationary employees, removes excess verbiage; directs use of performance evaluation to monitor any corrective action that may be required.

The following revisions are being proposed to the Lee County Policies & Procedures Manual:

Regarding executive/administrative classifications, removes sentence, as these are handled on a case-by-case basis.

Grievance Procedure (#602)

Under Section 1 (Comments/Procedures), paragraph (b), removed this section, as it is fully covered in the Harassment Policy #202.

Under Section 2 (Initial Grievance/Complaint), specifies that the employee's department director is to receive grievance/complaint.

Under Section 3 (Grievance Committee), clarifies types of employees to sit on committee.

Under Section 4 (Time Limits), clarifies that employee shall not lose grievance privilege due to lack of timeliness on part of County representatives.

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.*

Compensatory Time - Permits eligible non-exempt employees to take time off at the overtime rate (1.0 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: oral warning, written warning, suspension with pay (administrative leave), suspension without pay, termination.

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

Dual Employment - An employee holding a regular full-time or part-time Board-approved position who also holds a second position with the County of a temporary or on-call nature.

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 Government.

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.

Flexplace - A work schedule which allows for part of the scheduled work hours to be worked offsite or at a satellite office (not to be considered telecommuting).

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.

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

DEFINITIONS

Policy Number 002

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Grievance Procedure - ~~Allows employees to have~~ The opportunity to participate in an objective process to settle disputes regarding corrective actions and performance.

Harassment - Verbal, nonverbal, or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, gender, national origin, age or disability, or that of his or her relatives, friends or associates, and that (1) has the purpose or effect of creating an intimidating, hostile, or offensive working environment; (2) has the purpose or effect of unreasonably interfering with an individual's work performance; or (3) otherwise adversely affects an individual's employment opportunities.

Hourly Employee - A See non-exempt employee ~~who receives an hourly wage for work performed.~~

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, ~~Sick Leave Policies~~ - 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 - May be considered an employee who is among the 10% highest paid of salaried employees within a 75 mile radius of the employer.

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.

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.

On-call Employee - An individual who is hired for an *indefinite* period, ~~but~~ and who normally works less than a 40-hour workweek. These employees are not eligible for paid absences, vacations or holidays. These employees typically work an irregular schedule with no set hours.

Overtime Pay - Paying for eligible non-exempt employees at an overtime rate (1.0 or 1.5) of pay for all hours worked in excess of 40 hours during one workweek. If an employee uses any form of leave during a workweek (sick, vacation, etc.), their rate of pay will be one times their regular rate of pay, up to 40 hours.

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 ~~should~~ 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.

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.

Retirement Age or Date - The age or date when an employee first becomes eligible to retire without a reduction of benefits by being vested and reaching age 62; or completing 30 years of creditable service regardless of age.

Salaried Employee - An See exempt employee ~~who receives the same pay from week to week, regardless of how many hours they work.~~

Sexual Harassment - 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.

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.

DEFINITIONS

Policy Number 002

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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.

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

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 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.

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.*

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DEFINITIONS

Policy Number 002

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Hourly Employee - See non-exempt employee.

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

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Regular Employee - An individual who is employed as a part-time or full-time employee in a Board-approved position.

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.

Retirement Age or Date - The age or date when an employee first becomes eligible to retire without a reduction of benefits by being vested and reaching age 62; or completing 30 years of creditable service regardless of age.

Salaried Employee - See exempt employee.

Sexual Harassment - 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.

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.

DEFINITIONS

Policy Number 002

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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.

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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.

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

Policy:

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

202:1 WORKPLACE HARASSMENT

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

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

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

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

202:2 SEXUAL HARASSMENT

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

HARASSMENT POLICY

Policy Number 202

Page 2 of 4



The following constitute sexual harassment:

Quid pro quo Harassment

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

Hostile Work Environment Harassment

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

202:3 INTERNAL COMPLAINT PROCEDURE

Employees having reason to believe they have been subjected to harassment are urged to bring their concerns to the attention of their immediate supervisor, department director, the Director of Human Resources, or the County Manager, 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 Director of Human Resources or designees, or the County Manager's office, as appropriate.
3. If the accusation of a violation of the policy is made to a supervisor, it shall be forwarded **immediately** by the supervisor to the Department of Human Resources (or the County Manager as appropriate) in person or by telephone, and reported to the Department Director. Failure to follow this procedure subjects the supervisor to disciplinary action.

202:3(b) INVESTIGATION OF ALLEGATIONS

1. Lee County Government will endeavor to investigate all complaints as expeditiously and as professionally as possible. To provide consistency and objective third party determinations, the Lee County Department of Human Resources shall be the department afforded the responsibility to investigate allegations of harassment, to determine probable cause and to recommend appropriate corrective action - unless

special circumstances require that the County Manager assign a specific investigation to another party or agency.

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

202:3(c) COOPERATION & CONFIDENTIALITY

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

202:3(d) RETALIATION PROHIBITED

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

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202:3(e) KNOWINGLY FALSE COMPLAINTS/ACCUSATIONS

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

TO REPORT INCIDENTS OF HARASSMENT OR A PATTERN OF PROHIBITED CONDUCT, CONTACT YOUR SUPERVISOR, OTHER MANAGEMENT STAFF AS DEFINED BY THIS POLICY, OR THE DEPARTMENT OF HUMAN RESOURCES.

Contact the Director of Human Resources at 335-2245, or the following designees:

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

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

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

Phone: (239) 335-2245
FAX: (239) 335-2677 2851

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

Policy:

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

202:1 WORKPLACE HARASSMENT

1. WORKPLACE HARASSMENT is a form of employment discrimination. For workplace harassment to occur the "harassing behavior" *must* be on the basis of race, sex, religious belief, color, national origin, ancestry, disability/handicap, age, or any other category of persons protected by federal, state, or local law or ordinance or regulation. An unpleasant or harsh work environment is not a "hostile work environment" without a discriminatory basis for the behavior.
 - Lee County does not condone negative work environments and will take steps to resolve such problems whether or not they are considered a "hostile work environment."
2. Pursuant to the guidelines on discrimination issued by the Equal Employment Opportunity Commission (EEOC), Lee County has adopted a formal policy prohibiting harassment in the workplace and adopts the EEOC definition of harassment as follows:
 - a) Verbal, nonverbal, or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, gender, national origin, age or disability, or that of his or her relatives, friends or associates, and that (1) has the purpose or effect of creating an intimidating, hostile, or offensive working environment; (2) has the purpose or effect of unreasonably interfering with an individual's work performance; or (3) otherwise adversely affects an individual's employment opportunities.
 - b) Harassment, sexual or non-sexual in nature, violates Title VII of the Civil Rights Act, is illegal, inappropriate, and is against Lee County policy. The Lee County Manager and the County Attorney are responsible for promoting a supportive atmosphere that makes it clear that any harassing behavior will not be tolerated.

202:2 SEXUAL HARASSMENT

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

HARASSMENT POLICY

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The following constitute sexual harassment:

Quid pro quo Harassment

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

Hostile Work Environment Harassment

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

202:3 INTERNAL COMPLAINT PROCEDURE

Employees having reason to believe they have been subjected to harassment are urged to bring their concerns to the attention of their immediate supervisor, department director, the Director of Human Resources, or the 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 Director of Human Resources or designees, or the County Manager's office, as appropriate.
3. If the accusation of a violation of the policy is made to a supervisor, it shall be forwarded **immediately** by the supervisor to the Department of Human Resources (or the County Manager as appropriate) in person or by telephone, and reported to the Department Director. Failure to follow this procedure subjects the supervisor to disciplinary action.

202:3(b) INVESTIGATION OF ALLEGATIONS

1. Lee County Government will endeavor to investigate all complaints as expeditiously and as professionally as possible. To provide consistency and objective third party determinations, the Lee County Department of Human Resources shall be the department afforded the responsibility to investigate allegations of harassment, to determine probable cause and to recommend appropriate corrective action - unless

special circumstances require that the County Manager assign a specific investigation to another party or agency.

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

202:3(c) COOPERATION & CONFIDENTIALITY

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

202:3(d) RETALIATION PROHIBITED

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HARASSMENT POLICY

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

202:3(e) KNOWINGLY FALSE COMPLAINTS/ACCUSATIONS

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

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Manager – Office of Equal Opportunity

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

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

Policy:

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

Comments/Procedures:

204:1 No Expectation of Privacy

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

204:2 Prohibited Activities

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

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

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

2. *Prohibited Uses.* Without prior written permission from the County, Lee County's computer resources may not be used for dissemination or storage of commercial or personal advertisements, solicitations, promotions, destructive programs (that is viruses or self-replicating code), political material, or any unauthorized use deemed inappropriate by the County.
3. *Waste of Computer Resources.* Users may not deliberately perform acts that waste computer resources or unfairly monopolize resources to the exclusion of others. These acts include, but are not limited to, sending mass mailings or chain letters, spending excessive amounts of time on the Internet, playing games, engaging in online chat groups, printing multiple copies of documents, using hard drive or network space to store personal data, or creating unnecessary network traffic.
4. *Misuse of Software.* Most of the software used by Lee County is licensed with a limitation that it may be used by Lee County Government employees. It should not be treated as "shareware" even with consultants and/or other government employees. Without prior written authorization from the County, users may not do any of the following: (1) copy third party software for use on their home computers; (2) provide copies of third party software to any independent contractor, client, or third person; (3) install any software on Lee County's workstations or servers; (4) download any software from the Internet or other online service to any Lee County workstation or server; (5) modify, revise, transform, recast, or adapt any software; or (6) reverse-engineer, disassemble, or decompile any software. Violations of this policy may result in disciplinary action, including discharge, and possible civil and/or criminal penalties. Employees who become aware of any misuse of software or violation of copyright law should immediately report the incident to the Director of Human Resources.
5. *Disguising Identity.* Users must not alter the attribution-of-origin information, or "From:" line, in e-mail messages or postings. Anonymous or pseudonymous electronic communications are forbidden. (Users may not, under any circumstances, use "spoofing" or other means to disguise their identity in sending e-mail.)
6. *E-mail Signature.* Users must sign all e-mail and all other electronic correspondence in accordance with the protocol established:
 - Full Name
 - Title & Department
 - E-mail address (id@leegov.com)
 - Phone Number
 - FAX Number
7. *Unsolicited Messages.* Without the express permission of their supervisor; users may not send unsolicited or non-business e-mail to persons with whom they do not have a prior relationship. (Sending unsolicited e-mail, or "spamming," is prohibited.)
8. *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.

Adopted by the Lee County BoCC May 11, 1994 (Last Revised August 12, 2003)

204:3 Passwords

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

204:4 Security

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

204:5 Viruses

1. *Virus Detection.* Viruses can cause substantial damage to computer systems. Each user is responsible for taking reasonable precautions to ensure he or she does not introduce viruses to the County's network. To that end, all material received on floppy or other

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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, 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. Approved users may not use passwords or encryption keys that are unknown to their supervisors.
2. *Export Restrictions.* The Federal government has imposed restrictions on export of programs or files containing encryption technology (such as e-mail programs that permit encryption of messages and electronic commerce software that encodes transactions). Software containing encryption technology is not to be placed on the Internet or transmitted in any way outside the United States without prior written authorization from the County Manager and County Attorney.

204:7 Home Use of County Computers

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

204:8 Additional Provisions

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

2. *Compliance with Applicable Laws and Licenses.* In their use of computer resources, users must comply with all software licenses; copyrights; and all other state, federal, and international laws governing intellectual property and online activities.
3. *Permanency of E-mail.* E-mail is a permanent record; even after a message is deleted it still exists on the system's hard drive and also exists on backup storage devices at the sender's and recipient's locations. With that understanding, employees are encouraged to give careful thought and consideration to what is communicated via e-mail (especially externally). Do not send an e-mail that would differ in content or expression from a formal memorandum.
4. *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.
5. *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.

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Policy:

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204:2 Prohibited Activities

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6. *E-mail Signature.* Users must sign all e-mail and all other electronic correspondence in accordance with the protocol established:
 - Full Name
 - Title & Department
 - E-mail address (id@leegov.com)
 - Phone Number
 - FAX Number
7. *Unsolicited Messages.* Without the express permission of their supervisor; users may not send unsolicited or non-business e-mail to persons with whom they do not have a prior relationship. (Sending unsolicited e-mail, or "spamming," is prohibited.)
8. *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.

Adopted by the Lee County BoCC May 11, 1994 (Last Revised August 12, 2003)

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3. *Disclosure of Passwords.* Employees are required to provide a complete list of passwords and/or other access and security features to their department director or designee to ensure full access of the County to all computers, documents, programs, and files. Passwords must be updated when changed within 24 hours. Failure to disclose passwords may restrict timely access to public documents and could violate Chapter 119, Florida Statutes.

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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.

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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. Approved users may not use passwords or encryption keys that are unknown to their supervisors.
2. *Export Restrictions.* The Federal government has imposed restrictions on export of programs or files containing encryption technology (such as e-mail programs that permit encryption of messages and electronic commerce software that encodes transactions). Software containing encryption technology is not to be placed on the Internet or transmitted in any way outside the United States without prior written authorization from the County Manager and County Attorney.

204:7 Home Use of County Computers

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

204:8 Additional Provisions

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

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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. *Permanency of E-mail.* E-mail is a permanent record; even after a message is deleted it still exists on the system's hard drive and also exists on backup storage devices at the sender's and recipient's locations. With that understanding, employees are encouraged to give careful thought and consideration to what is communicated via e-mail (especially externally). Do not send an e-mail that would differ in content or expression from a formal memorandum.
 4. *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.
 5. *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.

COMPUTER RESOURCES

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Policy:

It is the policy of Lee County Government that all employees are expected to behave in a completely ethical, truthful, and honorable manner in all dealings with the public and other County employees.

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

Lee County Government 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 Government 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.

Comments/Procedures:

206:1 GENERAL

1. No officer or employee of Lee County Government shall have any interest, financial or otherwise, direct or indirect, engage in any business transaction or professional activity, or incur any obligation of any nature which is in substantial conflict with the proper discharge of his or her duties in the public interest.
2. Public officers and employees of Lee County Government 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 must be of foremost concern.

206:2 GIFTS

1. No County employee or member of the employee's family shall accept gifts of any type, price, or size from any person or firm doing business with Lee County Government, or any person that intends to do business with Lee County Government, that would reasonably tend to influence the employee in the discharge of the employee's official duties or give the appearance of the employee being improperly influenced.
2. In order to avoid any potential appearance of conflict of interest, employees are discouraged from accepting any and all gifts from any person or firm doing business with, or regulated by, Lee County Government. However, under certain circumstances such acceptance of gifts may be permissible within guidelines set by the County Manager and in accordance with Chapter 112, Florida Statutes.

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- a) Acceptable gifts up to \$25 in value should be reported to the employee's immediate supervisor.
 - b) Acceptable gifts with a value in excess of \$25 but not exceeding \$100 must be reported to the department director, the Director of Human Resources, and the County Manager. The report must contain a description of each gift, an approximate value for the gift, the name and address of the recipient of the gift, the name and address of the donor, and the date such gift was given.
 - Note: The recipient must also file a report of such a gift with the Secretary of State for the State of Florida as outlined in Chapter 112, Florida Statutes.
3. No person, business or organization shall be allowed to give, nor shall any County employee accept, a gift with a value in excess of \$100 unless such a gift is accepted on behalf of the County for the public good and approved in advance by the County Manager.
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.
 - 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 ETHICS

1. No employee of Lee County Government shall solicit or accept anything of value; including 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 a 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.
6. No employee shall have or hold any employment or contractual relationship with any business entity or any agency which is subject to the regulation of, or is doing business with the County.
7. 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.
8. 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

CODE OF ETHICS

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confidential information acquired by him/her while working for the County in his/her official position.

9. 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.
10. 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 a financial interest.
11. No employee shall have personal investments in any enterprise that would reasonably create a conflict between his or her private interests and the public interest.
12. 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 has business transactions or commitments with, Lee County Government.

206:4 EMPLOYEE NOTIFICATION REQUIREMENTS

1. Any employee who is, or becomes, an officer, director, partner, proprietor, associate, general agent, or member of, or who owns or acquires a financial interest in any corporation, partnership, limited partnership, proprietorship, firm, enterprise, franchise, association, trust, or other business entity which is subject to the regulation of, or which has business transactions or commitments with the County, shall file a statement to this effect with his or her department director and the Director of Human Resources within five (5) working days after becoming affected by this subsection. The statement shall disclose the nature and extent of the relationship and financial interest the employee holds with the entity.
2. Any employee who submits an application for employment or for a contractual relationship for remuneration with an individual or firm doing business with or subject to regulation by the County, shall report such application to his or her department head and the Director of Human Resources in writing within five (5) working days of having made the application.
3. Any employee who receives an offer of employment or for a contractual relationship for remuneration from an individual or firm doing business with or subject to regulation by the County, shall report such an offer in writing to his or her department head and the Director of Human Resources within five (5) working days of such offer.
4. Any employee who receives an offer of a gift from any individual or firm doing business with or regulated by the County, shall report such offer in writing to his or her department head and the Director of Human Resources within five (5) working days of such offer.

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
Adopted by the Lee County BoCC August 3, 1988 (Last Revised August 12, 2003)

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.

3. Employees who violate the Code of Ethics as defined herein, or in Chapter 112, Florida Statutes, shall be subject to disciplinary action up to and including dismissal from County employment.

206:6 ~~OUTSIDE EMPLOYMENT~~

- ~~1. No employee of Lee County Government shall engage in any other employment or contractual relationship for remuneration with an individual or firm unless and until the employee has submitted a written request, using the Outside Employment Form, and received authorization for that outside employment or contractual relationship from his or her department head and Human Resources.~~
- ~~2. All requests for outside employment or contractual relationship for remuneration shall include a complete description of the duties, scope, and hours of such employment or contractual relationship; the business name, address, and telephone number of the individual or firm with whom or with which the employment or contractual relationship is contemplated; and a statement as to whether that individual or firm is known to do business with or be subject to regulation by the County.~~
- ~~3. Requests for outside employment shall be reviewed by the Department of Human Resources. The Director of Human Resources, or designee, shall review the request for approval of outside employment or contractual relationship regarding compliance with any provision of this Policy and/or Chapter 112, F.S., as well as possible adverse impact on the duties and responsibilities of the employee's present position with the County.~~
- ~~4. A copy of any request for outside employment or contractual relationship shall be placed in the employee's personnel file.~~

206:7 POLITICAL ACTIVITY & UNLAWFUL ACTS PROHIBITED

1. No person shall be appointed to, demoted, or dismissed from any position in Lee County Government, or in any way favored or discriminated against with respect to employment in Lee County Government service on the basis of race, color, sex, religion, age, national origin, disability, or political opinion or affiliations.
2. 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 Government 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.
3. 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 Government.

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4. 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 Government 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.
 - 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.
5. 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.
6. Any person who violates any provision of this section shall be subject to disciplinary action up to and including dismissal from County employment.

Policy:

It is the policy of Lee County Government that all employees are expected to behave in a completely ethical, truthful, and honorable manner in all dealings with the public and other County employees.

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

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To this end, Lee County Government 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.

Comments/Procedures:

206:1 GENERAL

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2. Public officers and employees of Lee County Government 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 must be of foremost concern.

206:2 GIFTS

1. No County employee or member of the employee's family shall accept gifts of any type, price, or size from any person or firm doing business with Lee County Government, or any person that intends to do business with Lee County Government, that would reasonably tend to influence the employee in the discharge of the employee's official duties or give the appearance of the employee being improperly influenced.
2. In order to avoid any potential appearance of conflict of interest, employees are discouraged from accepting any and all gifts from any person or firm doing business with, or regulated by, Lee County Government. However, under certain circumstances such acceptance of gifts may be permissible within guidelines set by the County Manager and in accordance with Chapter 112, Florida Statutes.

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- a) Acceptable gifts up to \$25 in value should be reported to the employee's immediate supervisor.
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 - Note: The recipient must also file a report of such a gift with the Secretary of State for the State of Florida as outlined in Chapter 112, Florida Statutes.
3. No person, business or organization shall be allowed to give, nor shall any County employee accept, a gift with a value in excess of \$100 unless such a gift is accepted on behalf of the County for the public good and approved in advance by the County Manager.
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.
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 - 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 ETHICS

1. No employee of Lee County Government shall solicit or accept anything of value; including 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 a 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.
6. No employee shall have or hold any employment or contractual relationship with any business entity or any agency which is subject to the regulation of, or is doing business with the County.
7. 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.
8. 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

CODE OF ETHICS

Policy Number 206

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confidential information acquired by him/her while working for the County in his/her official position.

9. 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.
10. 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 a financial interest.
11. No employee shall have personal investments in any enterprise that would reasonably create a conflict between his or her private interests and the public interest.
12. 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 has business transactions or commitments with, Lee County Government.

206:4 EMPLOYEE NOTIFICATION REQUIREMENTS

1. Any employee who is, or becomes, an officer, director, partner, proprietor, associate, general agent, or member of, or who owns or acquires a financial interest in any corporation, partnership, limited partnership, proprietorship, firm, enterprise, franchise, association, trust, or other business entity which is subject to the regulation of, or which has business transactions or commitments with the County, shall file a statement to this effect with his or her department director and the Director of Human Resources within five (5) working days after becoming affected by this subsection. The statement shall disclose the nature and extent of the relationship and financial interest the employee holds with the entity.
2. Any employee who submits an application for employment or for a contractual relationship for remuneration with an individual or firm doing business with or subject to regulation by the County, shall report such application to his or her department head and the Director of Human Resources in writing within five (5) working days of having made the application.
3. Any employee who receives an offer of employment or for a contractual relationship for remuneration from an individual or firm doing business with or subject to regulation by the County, shall report such an offer in writing to his or her department head and the Director of Human Resources within five (5) working days of such offer.
4. Any employee who receives an offer of a gift from any individual or firm doing business with or regulated by the County, shall report such offer in writing to his or her department head and the Director of Human Resources within five (5) working days of such offer.

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
Adopted by the Lee County BoCC August 3, 1988 (Last Revised August 12, 2003)

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.

3. Employees who violate the Code of Ethics as defined herein, or in Chapter 112, Florida Statutes, shall be subject to disciplinary action up to and including dismissal from County employment.

206:6 POLITICAL ACTIVITY & UNLAWFUL ACTS PROHIBITED

1. No person shall be appointed to, demoted, or dismissed from any position in Lee County Government, or in any way favored or discriminated against with respect to employment in Lee County Government service on the basis of race, color, sex, religion, age, national origin, disability, or political opinion or affiliations.
2. 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 Government 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.
3. 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 Government.
4. 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 Government 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.
 - 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.
5. 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.

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Policy Number 206

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6. Any person who violates any provision of this section shall be subject to disciplinary action up to and including dismissal from County employment.

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.

Comments/Procedures:

213:1 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. Five year awards consist of a certificate and pin. Awards for ten or more years of service consist of a certificate, pin, and a gift choice.
2. Perfect Attendance Awards will be presented to employees who have maintained perfect attendance during the calendar year by not using any sick leave. A qualified leave, as defined by the Family and Medical Leave Act, will not disqualify an employee from receiving this award. This award will consist of a certificate presented to the eligible employee. ~~The department director must submit recommendations for this award by January 31st of each year for those employees eligible from the previous calendar year.~~
3. The Candy Pittro Award will be presented to employees who maintain an inspiring attitude; continually exhibit enthusiasm toward their job and life in general; and promote harmony in the workplace. Employees who meet these criteria are eligible to be nominated for this award.

Employees can be nominated by their co-workers. Nominations must be submitted through the nominee's department director for consideration. A committee will review and select the recipient of this award. The Board of County Commissioners will present a plaque to the recipient. In addition, the award recipient will receive three days off with pay. These days off must be taken within 12 months with prior supervisory approval.

4. In accordance with Lee County Ordinance 00-23, the County Manager may approve other recognition awards for presentation by the Board of County Commissioners, such as: Excellence in Lee County Government, County Manager's Team Merit Award, Distinguished Equal Opportunity/Affirmative Action Achievement Award, Distinguished Service Award, Awards for Valor, and various safety achievement awards.

EMPLOYEE AWARDS

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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.

Comments/Procedures:

213:1 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. Five year awards consist of a certificate and pin. Awards for ten or more years of service consist of a certificate, pin, and a gift choice.
2. Perfect Attendance Awards will be presented to employees who have maintained perfect attendance during the calendar year by not using any sick leave. A qualified leave, as defined by the Family and Medical Leave Act, will not disqualify an employee from receiving this award. This award will consist of a certificate presented to the eligible employee.
3. The Candy Pittro Award will be presented to employees who maintain an inspiring attitude; continually exhibit enthusiasm toward their job and life in general; and promote harmony in the workplace. Employees who meet these criteria are eligible to be nominated for this award.

Employees can be nominated by their co-workers. Nominations must be submitted through the nominee's department director for consideration. A committee will review and select the recipient of this award. The Board of County Commissioners will present a plaque to the recipient. In addition, the award recipient will receive three days off with pay. These days off must be taken within 12 months with prior supervisory approval.

4. In accordance with Lee County Ordinance 00-23, the County Manager may approve other recognition awards for presentation by the Board of County Commissioners, such as: Excellence in Lee County Government, County Manager's Team Merit Award, Distinguished Equal Opportunity/Affirmative Action Achievement Award, Distinguished Service Award, Awards for Valor, and various safety achievement awards.

EMPLOYEE AWARDS

Policy Number 213

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Policy:

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

Comments/Procedures:

307:1 NORMAL WORKDAY AND WORKWEEK

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

307:2 MEAL AND BREAK PERIODS

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

307:3 OVERTIME AND COMPENSATORY TIME

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

307:4 COMPENSATORY TIME

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

HOURS OF WORK

Policy Number 307

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307:5 ~~TRAINING WAGE AND~~ OFFSITE WORK

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

307:6 STAND-BY DUTY

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

~~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.~~

307:7 ~~LOST TIME HOURS NOT WORKED~~

- a) Department/division directors or their designee may, at their discretion, allow employees to make-up lost time off during a given workweek (See Alternative Work Arrangements Policy 209).
- b) ~~Exempt~~ All employees may be required to make up time if 40 scheduled hours are not worked during the workweek, if paid leave is not used.

307:8 TIME SHEETS

- a) Departments are required to complete an individual time record showing the daily hours worked for all non-exempt employees (those employees subject to the minimum wage and overtime provisions of the Fair Labor Standards Act). Time records cover two workweeks. The following points should be considered in filling out time records:
 - i) Non-exempt employees are not permitted to commence work before their normal starting time or to continue work after their normal quitting time without the prior approval of their supervisor;
 - ii) Employee time records are to be checked and signed by the supervisor involved. Unworked time for which an employee is entitled to be paid (paid absences and paid holidays) should be entered by the supervisor on the time record. Authorized overtime also should be identified by the supervisor;
 - iii) ~~Absences are not to be considered as hours worked for pay purposes. Supervisors are to inform employees they will not be paid for certain hours of absence; and~~
 - iv) Falsifying any time record is prohibited and may be grounds for disciplinary action, up to and including termination; and
 - v) Non-exempt employees are required to take scheduled lunch or meal breaks.
- b) Personnel employed in administrative and exempt ~~pay plans~~ positions are exempt from the overtime provisions of the Fair Labor Standards Act and are required to work a

Adopted by the Lee County BoCC August 3, 1988 (Last Revised August 12, 2003)

minimum of 40 hours per workweek. Such employees are not required to fill out hourly time records but must account for daily attendance. In addition, exempt employees will not receive overtime compensation, but occasionally may be granted time-off after working exceptionally long hours.

307:9 SHIFT DIFFERENTIAL

- a) Non-exempt employees (excluding 56-hour employees and communications operators/lieutenants) will receive a shift differential as follows:
 - i) 3% additional pay for second shift, where four or more hours are worked which fall between 3:00 PM and 11:00 PM.
 - ii) 5% additional pay for third shift, where four or more hours are worked which fall between 11:00 PM and 7:00 AM.
- b) When work hours for any shift qualify for shift differential, the time card shall be posted to reflect all hours worked during that shift at the highest rate of shift differential pay. Time is not split between two rates of shift differential pay for work on the same continuous shift.

HOURS OF WORK

Policy Number 307

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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.

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HOURS OF WORK

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 - iii) Falsifying any time record is prohibited and may be grounds for disciplinary action, up to and including termination; and
 - iv) Non-exempt employees are required to take scheduled lunch or meal breaks.
- b) Personnel employed in administrative and exempt positions are exempt from the overtime provisions of the Fair Labor Standards Act and are required to work a minimum of 40 hours per workweek. Such employees are not required to fill out hourly time records but must account for daily attendance. In addition, exempt employees will not receive overtime compensation, but occasionally may be granted time-off after working exceptionally long hours.

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- a) Non-exempt employees (excluding 56-hour employees and communications operators/lieutenants) will receive a shift differential as follows:

Adopted by the Lee County BoCC August 3, 1988 (Last Revised August 12, 2003)

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- b) When work hours for any shift qualify for shift differential, the time card shall be posted to reflect all hours worked during that shift at the highest rate of shift differential pay. Time is not split between two rates of shift differential pay for work on the same continuous shift.

HOURS OF WORK

Policy Number 307

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Policy:

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

Comments/Procedures:

401:1 GENERAL

1. Paid sick leave will accrue according to the following schedule:
 - a) Regular Employees, in Board-approved Positions –
 - i) Regular full- and part-time employees normally scheduled to work at least twenty (20) hours per week shall accrue five percent (5%) of the average regularly scheduled biweekly hours for the position as hours of sick leave with pay per biweekly pay period. (For example, a 40-hour employee will accrue 4 hours biweekly; a 56-hour employee will accrue 5.6 hours biweekly; a 35-hour employee will accrue 3.5 hours.)
 - ii) Regular part-time employees assigned to Bridge Operations in the Department of Transportation shall be exempted from the twenty (20) hours per week scheduling requirement under 401:1(1)(a)(i) due to the nature of the work schedules for those operations.
 - iii) All other regular part-time employees scheduled to work less than twenty (20) hours per week do not accrue paid sick leave.
 - b) Temporary & On-Call Employees –
 - i) Temporary and on-call employees 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 day following the issuance of the paycheck for the accrual period. An employee must have active payroll status during the following pay period to be credited for sick leave accrued during the previous pay period.
3. Sick leave with pay may not be taken prior to the time it is recorded and available for use.
4. Sick leave accrual begins with the first pay period of employment with the County. It may be used as soon as it is recorded.
5. Sick leave may only be used for the illness of the employee, an illness in the employee's immediate family (spouse, child [minor or adult] or parent) (~~see 405:1(2) for further definition~~), necessary medical appointments and treatments, injury, disability, pregnancy or quarantine by health authorities or a physician; and as described in Section 405 - Family & Medical Leave.
6. For any sick leave taken, employees may be required to supply proof of illness, injury, or disability by submitting, at their own expense, a physician's statement. Failure to provide such documentation may result in corrective action and the leave being unpaid.
 - ✓ The County may, at its choosing and expense, require an employee to get a second or third medical opinion. The cost of second and/or third opinions will be paid by the requesting department.

SICK LEAVE

Policy Number 401

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7. Sick leave shall be charged in increments of one-quarter (1/4) hour.
8. Employees using sick leave the day(s) prior to or immediately following a scheduled vacation or holiday may be required to provide proof of illness. Failure to provide such proof may result in the loss of pay for such sick leave and/or for the holiday, and may result in a corrective action.
9. If an employee is scheduled to work on a holiday and subsequently calls in sick for that day, that employee will be required to show proof of illness or forfeit pay for that holiday.
10. Employees may be required to report to the Employee Wellness Nurse after returning from sick leave for a medical assessment before being allowed to return to work.
11. No limit is placed upon the number of sick leave hours that may be accumulated for use by any employee.
12. For payroll purposes, sick leave is used from currently accrued balance before banked hours can be used.
13. Once an employee has used all of his/her accrued sick leave he/she may be required to substitute other available paid leave to be used as sick leave.

401:2 SICK LEAVE POOL

1. A voluntary sick leave pool has been established to provide limited additional sick leave benefits to those who choose to participate in the case of serious personal illness or injury. Use of leave from the pool requires the employee to use all other available paid leave he/she has accrued (sick leave, vacation leave, and compensatory time off). A committee of employees volunteering to serve two-year terms will administer this pool.
2. All the provisions and requirements in section 401:2 are described for a regular 40-hour per week full-time employee. Requirements and provisions must be adjusted proportionately for regular full-time positions with greater or fewer hours on a normal schedule.
3. Sick Leave Pool Participation Requirements - An employee must:
 - a) Be a regular, benefits-eligible full- or part-time employee (part-time employees benefits, donations, and requirements will be pro-rated);
 - b) Donate eight (8) hours of leave annually during a specified open-enrollment period, and if the bank falls below a designated safety level must contribute additional hours in order to continue participation or opt out until the next open-enrollment period;
 - c) Have a sick leave balance of at least eighty (80) hours at the time of initial pool enrollment in order to participate in the annual program;
 - d) Be an employee in good standing that has not abused any leave privilege; and
 - e) Agree to all terms and conditions set forth in this policy and by the sick leave pool administration committee.

4. Sick Leave Pool Restrictions

- a) All sick leave donated to the pool is subtracted from the employee's current balance and becomes the property of the sick leave pool (and will not be returned nor paid out if the employee discontinues participation or ends his/her employment relationship with Lee County);
- b) At least one (1) open enrollment period of thirty (30) days will be provided annually to allow employees the opportunity to participate in the pool;
- c) 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;
- d) 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).
- e) The Department of Human Resources will determine if an employee's condition/circumstances qualify according to leave pool requirements;
- f) Hours from the pool will only be released on a biweekly basis not to exceed the normal working schedule of the participating employee;
- g) Employees must use all available paid leave (sick leave, vacation leave and compensatory time off) before using sick leave pool hours;
- h) Employees normally scheduled greater or fewer than forty (40) hours per week must participate on a proportionate basis;
- i) 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;
- j) The maximum usage in any ten-year period shall not exceed four hundred eighty (480) hours, or twelve (12) normally scheduled weeks;
- k) Other restrictions and provisions may be imposed by the sick leave pool administrators with the approval of the Director of Human Resources, or designee; and
- l) All decisions of the sick leave pool administrators are final.

5. Sick Leave Pool Administration

- a) 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.
- b) The sick leave pool administrators shall have the power to create additional rules and requirements for participation not spelled out in this policy subject to the approval of the Director of Human Resources.

6. Sick leave pool viability will be determined by the voluntary donation of leave to the pool.

SICK LEAVE

Policy Number 401

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7. The continuation of the sick leave pool shall be dependent on a minimum of twenty-five percent (25%) participation of eligible employees on an annual basis. If the required level of participation is not achieved, the pool will automatically be discontinued and dissolved. If the sick leave pool is discontinued or dissolved, the hours in the pool will not be distributed.

401:3 SICK LEAVE BUY-BACK

1. Each year, employees who have two hundred (200) hours or more of accumulated, unused sick leave shall be eligible to sell back to the Board of County Commissioners any sick leave in excess of two hundred (200) hours which has been accrued, recorded, and available for use, but not used during the current fiscal year.
 - a) For employees with six (6) or more years of current, consecutive service under the Board of County Commissioners, the payment for the annual buy-back will be calculated at the rate of fifty percent (50%) of the current hourly base rate for the employee times the number of hours sold.
 - b) For employees with less than six (6) years of current, consecutive service under the Board of County Commissioners, the payment for the annual buy-back will be calculated at the rate of twenty-five percent (25%) of the current hourly base rate for the employee times the number of hours sold.
 - c) Sick leave that is not paid out on an annual basis may be accumulated for future use, but will not be available for payout in subsequent years or upon separation.
 - d) Employees who leave the employment of the County shall be eligible to sell back any sick leave accrued and unused in the current fiscal year in excess of two hundred (200) accumulated hours, and any hours banked prior to October 8, 1998.
2. For employees who were employed by the County prior to October 8, 1998 -- upon separation of employment with the County employees will be paid for all available sick leave accrued prior to October 8, 1998, according to the following schedule:
 - a) For employees vested in the Florida Retirement System (FRS), the payment will be calculated at the rate of fifty percent (50%) of the current hourly base rate for the employee times the number of hours sold.
 - b) For employees not vested in FRS, the payment will be calculated at the rate of twenty-five (25%) of the current hourly base rate for the employee times the number of hours sold.
3. An employee leaving Lee County Government to work for another FRS employer that allows limited transfer of sick leave may elect not to have all sick leave bought back upon separation of employment with the County.
 - a) It is the responsibility of the employee to inform the Department of Human Resources and the Payroll Office in writing of any intent to have sick leave transferred to another FRS employer prior to separation of employment with the County. The employee is also responsible for obtaining and filling out any paperwork needed for such transfers.
 - b) Failure to notify the Payroll Office and/or failure to have completed the necessary paperwork in sufficient time prior to leaving employment with the County may result in all sick leave being paid out at the appropriate rate and no accrued sick leave being transferred to the new FRS employer.

Adopted by the Lee County BoCC August 3, 1988 (Last Revised August 12, 2003)



- 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.
4. In the event of an employee's death, accrued sick leave will be paid at the appropriate rate as described above to the designated beneficiary or the employee's estate.

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5. Sick leave may only be used for the illness of the employee, an illness in the employee's immediate family (spouse, child [minor or adult] or parent), necessary medical appointments and treatments, injury, disability, pregnancy or quarantine by health authorities or a physician; and as described in Section 405 - Family & Medical Leave.
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SICK LEAVE

Policy Number 401

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9. If an employee is scheduled to work on a holiday and subsequently calls in sick for that day, that employee will be required to show proof of illness or forfeit pay for that holiday.
10. Employees may be required to report to the Employee Wellness Nurse after returning from sick leave for a medical assessment before being allowed to return to work.
11. No limit is placed upon the number of sick leave hours that may be accumulated for use by any employee.
12. For payroll purposes, sick leave is used from currently accrued balance before banked hours can be used.
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2. All the provisions and requirements in section 401:2 are described for a regular 40-hour per week full-time employee. Requirements and provisions must be adjusted proportionately for regular full-time positions with greater or fewer hours on a normal schedule.
3. Sick Leave Pool Participation Requirements - An employee must:
 - a) Be a regular, benefits-eligible full- or part-time employee (part-time employees benefits, donations, and requirements will be pro-rated);
 - b) Donate eight (8) hours of leave annually during a specified open-enrollment period, and if the bank falls below a designated safety level must contribute additional hours in order to continue participation or opt out until the next open-enrollment period;
 - c) Have a sick leave balance of at least eighty (80) hours at the time of initial pool enrollment in order to participate in the annual program;
 - d) Be an employee in good standing that has not abused any leave privilege; and
 - e) Agree to all terms and conditions set forth in this policy and by the sick leave pool administration committee.

4. Sick Leave Pool Restrictions

- a) All sick leave donated to the pool is subtracted from the employee's current balance and becomes the property of the sick leave pool (and will not be returned nor paid out if the employee discontinues participation or ends his/her employment relationship with Lee County);
- b) At least one (1) open enrollment period of thirty (30) days will be provided annually to allow employees the opportunity to participate in the pool;
- c) 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;
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SICK LEAVE

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7. The continuation of the sick leave pool shall be dependent on a minimum of twenty-five percent (25%) participation of eligible employees on an annual basis. If the required level of participation is not achieved, the pool will automatically be discontinued and dissolved. If the sick leave pool is discontinued or dissolved, the hours in the pool will not be distributed.

401:3 SICK LEAVE BUY-BACK

1. Each year, employees who have two hundred (200) hours or more of accumulated, unused sick leave shall be eligible to sell back to the Board of County Commissioners any sick leave in excess of two hundred (200) hours which has been accrued, recorded, and available for use, but not used during the current fiscal year.
 - a) For employees with six (6) or more years of current, consecutive service under the Board of County Commissioners, the payment for the annual buy-back will be calculated at the rate of fifty percent (50%) of the current hourly base rate for the employee times the number of hours sold.
 - b) For employees with less than six (6) years of current, consecutive service under the Board of County Commissioners, the payment for the annual buy-back will be calculated at the rate of twenty-five percent (25%) of the current hourly base rate for the employee times the number of hours sold.
 - c) Sick leave that is not paid out on an annual basis may be accumulated for future use, but will not be available for payout in subsequent years or upon separation.
 - d) Employees who leave the employment of the County shall be eligible to sell back any sick leave accrued and unused in the current fiscal year in excess of two hundred (200) accumulated hours, and any hours banked prior to October 8, 1998.
2. For employees who were employed by the County prior to October 8, 1998 -- upon separation of employment with the County employees will be paid for all available sick leave accrued prior to October 8, 1998, according to the following schedule:
 - a) For employees vested in the Florida Retirement System (FRS), the payment will be calculated at the rate of fifty percent (50%) of the current hourly base rate for the employee times the number of hours sold.
 - b) For employees not vested in FRS, the payment will be calculated at the rate of twenty-five (25%) of the current hourly base rate for the employee times the number of hours sold.
3. An employee leaving Lee County Government to work for another FRS employer that allows limited transfer of sick leave may elect not to have all sick leave bought back upon separation of employment with the County.
 - a) It is the responsibility of the employee to inform the Department of Human Resources and the Payroll Office in writing of any intent to have sick leave transferred to another FRS employer prior to separation of employment with the County. The employee is also responsible for obtaining and filling out any paperwork needed for such transfers.
 - b) Failure to notify the Payroll Office and/or failure to have completed the necessary paperwork in sufficient time prior to leaving employment with the County may result in all sick leave being paid out at the appropriate rate and no accrued sick leave being transferred to the new FRS employer.

Adopted by the Lee County BoCC August 3, 1988 (Last Revised August 12, 2003)

- 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.
4. In the event of an employee's death, accrued sick leave will be paid at the appropriate rate as described above to the designated beneficiary or the employee's estate.

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Policy:

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

Comments/Procedures:

403:1 DATES OBSERVED

1. Lee County Government observes the following holidays annually:

NEW YEAR'S DAY	JANUARY 1 ST (AND AS DESIGNATED)
MARTIN LUTHER KING'S BIRTHDAY	THIRD MONDAY IN JANUARY
MEMORIAL DAY	LAST MONDAY IN MAY
INDEPENDENCE DAY	JULY 4 TH
LABOR DAY	FIRST MONDAY IN SEPTEMBER
VETERANS DAY	NOVEMBER 11 TH
THANKSGIVING DAY	FOURTH THURSDAY IN NOVEMBER
DAY AFTER THANKSGIVING	FOURTH FRIDAY IN NOVEMBER
CHRISTMAS DAY	DECEMBER 25 TH (AND AS DESIGNATED)

2. The Christmas Day and New Year's Day holidays are observed differently than the other listed holidays according to the day of the week on which they fall. The County extends an additional day for the observance of Christmas Day and New Year's Day when those days fall on weekdays.

Christmas and New Year's are observed according to the following schedule:

<u>IF CHRISTMAS OR NEW YEAR'S DAY FALLS ON</u>	<u>OBSERVED DAY(S) OFF</u>
SUNDAY	MONDAY
MONDAY	MONDAY & TUESDAY
TUESDAY	MONDAY & TUESDAY
WEDNESDAY	TUESDAY & WEDNESDAY
THURSDAY	THURSDAY & FRIDAY
FRIDAY	THURSDAY & FRIDAY
SATURDAY	FRIDAY

403:2 GENERAL

1. Eligible employees:

Regular full-time employees are eligible to receive their regular rate of pay for up to twelve (12) hours or the normal working hours for the employee for each observed holiday whichever is lowest, based on the individual employee's normal work schedule.

- 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) Temporary and on-call employees are not eligible to receive holiday pay.

HOLIDAYS

Policy Number 403

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2. If a holiday listed in 403:1(1) falls on a weekend, it will be observed as follows:
 - a) If the holiday falls on a Saturday, it shall be observed on the preceding Friday.
 - b) If the holiday falls on a Sunday, it shall be observed on the following Monday.
 - c) Christmas Day & New Year's Day are observed according to the schedule listed in 403:1(2).
 - d) If an employee is normally scheduled to work on a weekend day the actual Saturday or Sunday may be observed as the holiday at the discretion of the Department Director.
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 will receive either:
 - a) An alternate day off as a substitute holiday (within the same pay period), or
 - b) Hours worked on an observed holiday will be paid a special holiday work pay rate that shall equal one and one-half times the normal hourly rate for all employees. This payment for hours worked is in addition to any applicable holiday pay, for a total compensation of two and one-half times the normal hourly rate for hours worked on a holiday.
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 holiday pay for the observed holiday.
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:

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

Comments/Procedures:

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1. Lee County Government observes the following holidays annually:

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2. The Christmas Day and New Year's Day holidays are observed differently than the other listed holidays according to the day of the week on which they fall. The County extends an additional day for the observance of Christmas Day and New Year's Day when those days fall on weekdays.

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<u>IF CHRISTMAS OR NEW YEAR'S DAY FALLS ON</u>	<u>OBSERVED DAY(S) OFF</u>
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MONDAY	MONDAY & TUESDAY
TUESDAY	MONDAY & TUESDAY
WEDNESDAY	TUESDAY & WEDNESDAY
THURSDAY	THURSDAY & FRIDAY
FRIDAY	THURSDAY & FRIDAY
SATURDAY	FRIDAY

403:2 GENERAL

1. Eligible employees:

Regular full-time employees are eligible to receive their regular rate of pay for up to twelve (12) hours or the normal working hours for the employee for each observed holiday whichever is lowest, based on the individual employee's normal work schedule.

- 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
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HOLIDAYS

Policy Number 403

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 - a) An alternate day off as a substitute holiday (within the same pay period), or
 - b) Hours worked on an observed holiday will be paid a special holiday work pay rate that shall equal one and one-half times the normal hourly rate for all employees. This payment for hours worked is in addition to any applicable holiday pay, for a total compensation of two and one-half times the normal hourly rate for hours worked on a holiday.
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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:

It is the policy of Lee County Government to grant employees extended leave(s) of absence under certain circumstances. ~~Except where specifically stated otherwise, employees will not receive compensation during a leave of absence.~~

Comments/Procedures:

404:1 GENERAL

1. 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.
2. 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.
3. 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.
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 leave of absence. Likewise, holidays will not be granted during periods of unpaid leave.
5. 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 SHORT-TERM LEAVE WITHOUT PAY~~

~~An employee may be allowed to take a short-term leave without pay for a period of time not to exceed two (2) normal workweeks. The Department Director or designee may approve such leave, and advance notice is required. All regular and probationary employees are eligible for short-term leave without pay.~~

404:4 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.
 - a) ~~Departmental decisions on other administrative leave will be final, subject to the review of the County Manager's Office.~~
2. ~~Department Directors may place employees on involuntary leave of absence, either paid or unpaid, when deemed necessary and appropriate.~~

LEAVE OF ABSENCE

Policy Number 404

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404:3 OTHER ADMINISTRATIVE LEAVES OF ABSENCE

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

Policy:

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

Comments/Procedures:

404:1 GENERAL

1. 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.
2. 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.
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1. A Department Director or designee may grant administrative leave with or without pay when it is determined that it is in the best interest of the County not to have the employee in the work area.

404:3 OTHER LEAVES OF ABSENCE

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

LEAVE OF ABSENCE

Policy Number 404

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Policy:

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

Comments/Procedures:

406:1 BEREAVEMENT

1. Regular employees may be granted, upon request and with the approval of the Department Director, bereavement leave with pay due to a death in the family. Leave may be granted for:
 - a) The death of the employee's Spouse, Child, Foster Child, Parent, Guardian, Sibling, Grandparent, Grandchild, Stepparent, Stepchild, Stepbrother, or Stepsister.
 - b) The death of the employee's spouse's Child, Foster Child, Parent, Guardian, Sibling, Grandparent, or Grandchild.
2. Paid bereavement leave is intended to provide sufficient time, within reasonable guidelines, for an employee to attend a funeral or memorial service for a loved one. The County recognizes that individuals have their own private way to mourn members of the family and may grant paid bereavement leave as follows:
 - a) For the death of an employee's immediate family (spouse, child, parent or sibling), the County at its sole discretion may grant **up to** one (1) normal week's work schedule for bereavement.
 - b) For all other individuals listed in 406:1(1)(a & b), the County may grant **up to**:
 - i) Three (3) days paid leave of absence for local bereavement.
 - ii) An additional day for travel to and from the location 50 or more miles from Fort Myers (i.e. **up to** a total of five (5) days paid bereavement leave).
3. An employee requesting bereavement leave shall 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 kept in the official personnel record for the employee located in the Department of Human Resources.
4. Additional bereavement leave or bereavement leave for individuals not specifically listed in this policy shall require the use of accumulated vacation or sick leave; otherwise, the bereavement leave will be considered an unpaid leave of absence.
5. Abuse of bereavement leave shall be subject to disciplinary action.
6. Falsification of the need for bereavement leave shall result in immediate termination.

406:2 CIVIC & MILITARY DUTY LEAVES

BEREAVEMENT & CIVIC DUTY LEAVES

Policy Number 406

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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 Clerk of Courts is required when returning to work from jury duty.
 - a) It is the employee's responsibility to request a certification of attendance from the Clerk of Courts 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 Clerk of Courts shall result in the employee not being paid for the time spent on jury duty, and that time being considered an unexcused absence from work.
5. Payment received by the employee for jury duty, except for meals, travel, and lodging expenses, shall be endorsed to the County.
6. Abuse of this leave may result in disciplinary action.
7. Falsification of the need to attend jury duty, or any documents relating to the jury duty, shall result in immediate termination.

406:2.2 WITNESS DUTY

1. Any regular employee, who during his/her normal work schedule, upon the request and for the benefit of the County attends any legal proceedings involving the County, or is subpoenaed to any court proceeding involving the County, shall be paid as if the employee were engaged in his/her normal work.
2. Any regular employee who is subpoenaed to appear as a witness in any civil or criminal matter in which the employee is not personally involved nor has a monetary interest in the outcome, shall be paid as if the employee were engaged in his/her normal work.

3. A certification of attendance from the Clerk of Courts 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 Clerk of Courts 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.
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4. Payment received by the employee for witness duty, except for meals, travel, and lodging expenses, shall be endorsed to the County.
5. Abuse of this leave may result in disciplinary action.
6. Falsification of the need to attend witness duty, or any documents relating to the witness duty, shall result in immediate termination.

406:2.3 TIME OFF TO VOTE

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

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

1. An employee who is a member of the National Guard or a reserve component of the Armed Forces of the United States shall, upon presentation of a copy of the employee's official orders to the employee's supervisor, be granted leave with full pay and without loss of benefits (including retirement) during periods in which the employee is ordered to active duty for training, and that time will be considered continuous service.
 - a) Requests for military leave under this subsection shall be submitted in writing with proper documentation at least one (1) month prior to the commencement date of the orders.
 - b) Whether continuous or intermittent, such paid leave under this subsection shall not exceed seventeen (17) working days in any twelve (12) month period.
 - i) Each 12-hour shift or less shall equal one (1) working day leave of absence.

BEREAVEMENT & CIVIC DUTY LEAVES

Policy Number 406

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- ii) All other shifts over twelve (12) hours and up to twenty-four (24) hours shall equal two (2) working days leave of absence.
 - c) Any absence in excess of seventeen (17) working days under this subsection may be covered by accrued and available vacation leave, or be an excused absence without pay.
 2. Any employee who is ordered to report for a physical examination with the Selective Service System shall, upon presentation of official orders, be granted paid leave for this purpose.
 3. Any County employee who is also a member of the National Guard or a reserve component of the Armed Forces of the United States may be granted leave of absence from their respective duties to perform active military service, the first thirty (30) days of any such leave will be with full pay. During such leave of absence the employee shall be entitled to preserve all benefits and retirement privileges, and such time will be treated as continuous service.
 4. After the 30-day period described in 406:2.4(3) above, the County shall supplement, ~~if required or at its discretion,~~ the military pay to bring the employee's pay to the level earned at the time he/she was called to active duty for the duration of the national emergency.
 5. Abuse of the provisions set forth for military leaves shall result in disciplinary action.
 6. Falsification of the need for, or any records relating to, military leave shall result in immediate termination.

Policy:

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

Comments/Procedures:

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406:2 CIVIC & MILITARY DUTY LEAVES

BEREAVEMENT & CIVIC DUTY LEAVES

Policy Number 406

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 - a) Requests for military leave under this subsection shall be submitted in writing with proper documentation at least one (1) month prior to the commencement date of the orders.
 - b) Whether continuous or intermittent, such paid leave under this subsection shall not exceed seventeen (17) working days in any twelve (12) month period.
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BEREAVEMENT & CIVIC DUTY LEAVES

Policy Number 406

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- ii) All other shifts over twelve (12) hours and up to twenty-four (24) hours shall equal two (2) working days leave of absence.
 - c) Any absence in excess of seventeen (17) working days under this subsection may be covered by accrued and available vacation leave, or be an excused absence without pay.
2. Any employee who is ordered to report for a physical examination with the Selective Service System shall, upon presentation of official orders, be granted paid leave for this purpose.
 3. Any County employee who is also a member of the National Guard or a reserve component of the Armed Forces of the United States may be granted leave of absence from their respective duties to perform active military service, the first thirty (30) days of any such leave will be with full pay. During such leave of absence the employee shall be entitled to preserve all benefits and retirement privileges, and such time will be treated as continuous service.
 4. After the 30-day period described in 406:2.4(3) above, the County shall supplement the military pay to bring the employee's pay to the level earned at the time he/she was called to active duty for the duration of the national emergency.
 5. Abuse of the provisions set forth for military leaves shall result in disciplinary action.
 6. Falsification of the need for, or any records relating to, military leave shall result in immediate termination.

Policy:

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

Comments/Procedures:

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 (~~optional~~);
 - b) By the end of the first six months of employment;
 - c) Annually;
 - 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.
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.

PERFORMANCE EVALUATION

Policy Number 502

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Policy:

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

Comments/Procedures:

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

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PERFORMANCE EVALUATION

Policy Number 502

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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.

Comments/Procedures:

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 check, 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.
3. Employees who discover a mistake in their paycheck, lose their paycheck or have it stolen should notify Payroll immediately. In the case of a mistake, the error will be remedied promptly. In the case of loss or theft, payroll will attempt to stop payment on the check and reissue a new one to the employee. However, the employee is solely responsible for the monetary loss and the County is not responsible for the loss or theft of a check.
4. Employees who are eligible for vacation may receive an advance on their vacation pay so long as an approved request for it is submitted to Payroll at least three weeks prior to the commencement of the vacation. (See Vacation Policy 402.)

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 307.)
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) permitting offering the employee the ability to take compensatory time for all overtime hours worked at a rate of one and one-half hours off for each hour of overtime worked. In accordance with the FLSA, an employee is not required to accept the offer of compensatory time off, in which case overtime compensation must be paid. Only hours actually worked in excess of forty during one week will be counted in the calculation

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of overtime and compensatory time. Sick leave, vacation leave, paid holidays, or any other paid time off will not be counted.

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 in cash overtime payments.

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: (a) the average regular rate received by such employee during the last three years of employment; or (b) the final regular rate received by the employee, whichever is higher.

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.

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.

Comments/Procedures:

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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.
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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.

Policy:

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

Comments/Procedures:

601:1 GENERAL PROVISIONS

1. Under normal circumstances, the County endorses a policy of progressive discipline in which it attempts to provide employees with notice of deficiencies and an opportunity to improve. The County does, however, retain the right to administer discipline in any manner it sees fit and to modify or delete these procedures at its sole discretion.
2. Corrective action is typically warranted when an employee is not meeting County standards of attendance, performance, or conduct (attitude or human relations).
3. The normal application of progressive discipline should be:
 - a) Verbal warning
 - b) Written warning
 - c) Suspension/Decision-Making Leave
 - d) Termination
 - a) ~~If an employee is not meeting County standards of behavior or performance, the employee's supervisor should take the following action:~~
 - i) ~~Identify the problem specifically in terms of desired performance versus actual performance;~~
 - ii) ~~Determine the impact of the problem on the organization;~~
 - iii) ~~Determine the consequences the employee is likely to face if the situation is not corrected;~~
 - iv) ~~Contact Human Resources and determine the appropriate action step. (See Conducting an Investigation);~~
 - v) ~~Discuss the incident with the employee, the action necessary to correct the problem and gain agreement to correct the situation;~~
 - vi) ~~Prepare a memorandum to the employee documenting the discussion specifically and factually and include the employee's response to the discussion; and~~
 - vii) ~~Forward a copy of the memorandum to Human Resources for inclusion in the employee's personnel file.~~
 - b) ~~If there is a second occurrence, the supervisor should hold another meeting with the employee and take the following action:~~
 - i) ~~Contact Human Resources and determine the appropriate action steps (See Conducting an Investigation 601:3);~~
 - ii) ~~Discuss the incident with the employee;~~
 - iii) ~~If warranted, after a review of information provided by the employee, issue a written warning;~~
 - iv) ~~Prepare a memorandum to the employee documenting the discussion specifically and factually and include the employee's response to the discussion; and~~

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- v) ~~Forward a copy of the written warning memo to Human Resources for inclusion in the employee's personnel file.~~
- c) ~~If there are additional occurrences or if an investigation indicates that a serious breach of rules or conduct has occurred, a suspension without pay or termination may be proposed as described below.~~

601:2 DISCIPLINARY PROCEDURES

Before taking any formal disciplinary step, careful consideration of the facts and circumstances surrounding the incident or violation should be made. In all cases of formal corrective action and/or discipline, Human Resources should be contacted to ensure appropriate action steps are taken.

~~These disciplinary procedures do not apply to Administrative classifications.~~

Suspensions and Terminations/Proposed Notice

~~The procedures set forth in this section shall be applicable ONLY in the cases of suspension or terminations for disciplinary reasons. These procedures are designed to aid both the employee and the County in ascertaining information relevant to a suspension or termination for disciplinary reasons only.~~

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 should discuss the situation with the employee, to include the action necessary to correct the problem. Supervisors should document the conversation and keep that documentation as backup for the employee's annual performance evaluation.

Written Warning

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

Normal Suspension

Prior to any suspension being initiated, Human Resources shall be contacted. The employee's immediate supervisor, with the approval of the department/division director or designee, should notify the employee in writing of the proposed corrective action using the Notice Proposed of Corrective Action form, and ~~should~~ explain the reasons and circumstances relevant to the proposed corrective action.

After the employee is given a reasonable opportunity to review the notification of accusations/charges, usually twenty-four (24) to forty-eight (48) hours, the immediate supervisor and/or department/division director or designee will hold a meeting giving the employee an opportunity

Adopted by the Lee County BoCC August 3, 1988 (Last Revised August 12, 2003)

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 other County employees to act as representatives or witnesses who voluntarily wish to attend to the meeting. Following this meeting, a final decision will be made. A Notice of Corrective Action form noting the final decision should be completed and forwarded to Human Resources for inclusion in the employee's file.

601:3 CONDUCTING AN INVESTIGATION

~~Before taking any formal disciplinary step, a thorough investigation of the incident or violation should be made.~~

~~Thereafter, a Notice of Corrective Action form should be completed, furnishing the employee with a copy of the notice and a memorandum explaining the action and any opportunities of appeal.~~

Extraordinary Suspension

~~In situations where the employee's presence creates, in the County's opinion, a hazard to persons, property, employees, the public, or otherwise interrupts the operations of the County, the employee may be suspended immediately with pay and instructed to report to the division office at that time or the following work day at the beginning of the work shift. The immediate supervisor and/or department director or division director or his designee should then contact Human Resources and meet with the employee following the guidelines for a normal suspension, as set forth above. Supervisors should ensure that care is taken to protect any internal system to which the employee has access.~~

Decision-Making Leave

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

Termination

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

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

~~After the meeting on the proposed termination and after considering all the evidence and conducting the investigation, the department or division director or his designee shall take such action as deemed appropriate. A Notice of Corrective Action form must be completed and a copy provided to the employee. If an employee fails to attend the meeting on the proposed termination after proper notice, the department or division director or his designee shall take action on the available information.~~

Suspension/Termination – Probationary Employees

~~These disciplinary procedures do not apply to initial probationary employees. However, all disciplinary actions, whether for regular or initial probationary employees, will be consistent with applicable federal, state and local laws regarding civil rights actions and/or the County's EEO/AA plan.~~

~~In the case of initial probationary employees, Human Resources must be contacted for advice prior to any corrective action being taken. Initial probationary employees are to be notified of a suspension or termination in writing. Memorandum of Proposed Corrective Action and Notice of Corrective Action forms should not be used for suspensions or terminations of probationary employees. No notice is required before taking either action. Notice of termination for initial probationary employees in most cases should state: "In accordance with the provisions for initial probationary employees as defined in the Personnel Policies and Procedures Manual, you are being terminated from employment with Lee County effective (date and time stated)."~~

Suspension/Terminations – Executive/Administrative Classifications

~~The above disciplinary procedures do not apply to employees in classifications in the Administrative pay plan.~~

Policy:

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

Comments/Procedures:

601:1 GENERAL PROVISIONS

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

601:2 DISCIPLINARY PROCEDURES

Before taking any formal disciplinary step, careful consideration of the facts and circumstances surrounding the incident or violation should be made. In all cases of formal corrective action and/or discipline, Human Resources should be contacted to ensure appropriate action steps are taken.

Verbal Warning

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

Written Warning

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

Suspension

Prior to any suspension being initiated, Human Resources shall be contacted. The employee's immediate supervisor, with the approval of the department/division director or designee, should notify the employee in writing of the proposed corrective action using the Notice of Proposed

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Corrective Action form, and explain the reasons and circumstances relevant to the proposed corrective action.

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

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 suspended immediately with pay and instructed to report to the division office at that time or the following work day at the beginning of the work shift. The immediate supervisor and/or department/division director or his designee should then contact Human Resources.

Decision Making Leave

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

Termination

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

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

final decision will be made. A Notice of Corrective Action form noting the final decision should be completed and forwarded to Human Resources for inclusion in the employee's file.

**CORRECTIVE ACTION/DISCIPLINARY
PROCEDURE**

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Policy:

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

602:1 COMMENTS/PROCEDURES:

1. The provisions of this policy apply to all regular employees, excluding employees in their initial probationary period and employees in Administrative classifications, who have been terminated, suspended, or given a written warning, resulting from disciplinary or job performance corrective actions.~~;~~
 - a) ~~Have been the subject of adverse action which he or she believes was discriminatory by reason of race, creed, color, national origin, religious affiliation, sex, age, marital status, political affiliation, disability or other reason protected by federal, state or local law.~~
2. Temporary, seasonal and contracted employees are not subject to the provisions of this policy.

602:2 INITIAL GRIEVANCE/COMPLAINT

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

602:3 GRIEVANCE COMMITTEE

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

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3. The Chair of the Grievance Committee shall assemble the committee from County employees not involved in the situation and who do not know or work for the parties involved. The Committee shall consist of one supervisory exempt and one non-supervisory exempt employee.
4. The Grievance Committee shall, within ten (10) normal business days after receipt of such appeal, hold a hearing, review the appeal and submit written recommendations and findings to the County Manager. The Chair of the Grievance Committee may request information and/or documentation be submitted prior to the hearing from any of the parties involved.
5. The County Manager or designee shall, within five (5) normal business days after receipt of the Grievance Committee's response, render a decision upholding, reversing or modifying the Grievance Committee's recommendations.
6. The decision of the County Manager, or designee, is final.

602:4 TIME LIMITS

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

Policy:

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

602:1 COMMENTS/PROCEDURES:

1. The provisions of this policy apply to all regular employees, excluding employees in their initial probationary period and employees in Administrative classifications, who have been terminated, suspended, or given a written warning, resulting from disciplinary or job performance corrective actions.
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1. The employee may file a written request for review by an independent Grievance Committee within three (3) normal business days of receipt of the department director's response or failure of the department director to supply a timely answer. The written appeal shall be submitted to the Human Resources Director and shall include the final outcome being requested from the grievance hearing.
2. Human Resources shall assign a director-level employee to chair the Grievance Committee within one (1) normal business day of the receipt of the request for review.
3. The Chair of the Grievance Committee shall assemble the committee from County employees not involved in the situation and who do not know or work for the parties

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involved. The Committee shall consist of one supervisory and one non-supervisory employee.

4. The Grievance Committee shall, within ten (10) normal business days after receipt of such appeal, hold a hearing, review the appeal and submit written recommendations and findings to the County Manager. The Chair of the Grievance Committee may request information and/or documentation be submitted prior to the hearing from any of the parties involved.
5. The County Manager or designee shall, within five (5) normal business days after receipt of the Grievance Committee's response, render a decision upholding, reversing or modifying the Grievance Committee's recommendations.
6. The decision of the County Manager, or designee, is final.

602:4 TIME LIMITS

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