

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

Blue Sheet No. 20050078

1. REQUESTED MOTION:

ACTION REQUESTED:

Adopt revisions to the following sections of the Lee County Policies and Procedures Manual: 101, 205, 206, 208, 209, 212, 301, 304, 309, 310, 311, 401, 402, 403, 405, 406, 504, 506, 601, 602.

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:

03-01-2005

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: *Dinah L. Lewis*
Human Resources Director

7. BACKGROUND:

Ongoing process to update and revise Policies and Procedures Manual.

8. MANAGEMENT RECOMMENDATIONS:

Adopt revision

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>[Signature]</i>		<i>[Signature]</i>		<i>[Signature]</i>		<i>[Signature]</i> <i>2/14/05</i>	<i>[Signature]</i> <i>2/14/05</i>	<i>[Signature]</i> <i>2/14/05</i>	<i>[Signature]</i> <i>2-16-05</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: <i>2/16/05</i>
Time: <i>11:00</i>
Forwarded To: <i>Admin</i> <i>2/16/05</i>

RECEIVED BY COUNTY ADMIN: <i>[Signature]</i>
<i>2/16/05</i>
<i>[Signature]</i>
COUNTY ADMIN FORWARDED TO: <i>[Signature]</i>
<i>2/16/05</i>
<i>[Signature]</i>

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 _____
TAMMY HALL _____
JOHN E. ALBION _____

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

ATTEST:
CHARLIE GREEN, CLERK

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

By: _____
Deputy Clerk

By: _____
Chairman

APPROVED AS TO FORM:

By: _____
Office of the County Attorney

**ADMINISTRATIVE CODE
BOARD OF COUNTY COMMISSIONERS**

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;
8/10/04, 02/22/05**

ORIGINATING DEPARTMENT:
Human Resources

PURPOSE/SCOPE:

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

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

POLICY/PROCEDURE:

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

Behavior of Employees (101)

Under Section 1, adds paragraph 'm', which specifies that employees are expected to follow all Federal, state and local laws and ordinances. Under Section 2, adds paragraph 's', which specifies that employees are not to use lies, dishonesty and/or misrepresentation in the workplace.

Drugs and Alcohol in the Workplace (205)

Under Section 2, paragraph 2, deletes the words 'occurring in the workplace'. It is expected that any person employed by the County should immediately report any drug statute violation to supervision, whether or not the violation occurred during working hours.

Code of Ethics (206)

Removed Section 3, paragraph 6, as any business operating in Lee County would be subject to the regulation of the County. Therefore, it is unreasonable to expect an employee to live in a County and be unable to have a contractual relationship with a company when needing to take care of personal matters. Example: An employee wants to have a well drilled on their property.

Removed Section 4, paragraphs 1-4. Paragraphs 1-3 are covered in the Outside Employment Policy 308. Paragraph 4 is repetitive, as it is covered under the 'Gifts' section of the Code of Ethics Policy 206.

Removed Section 6, paragraph 1, as it is covered under the following policies: Equal Employment Opportunity Policy 201, Harassment Policy 202, Age Discrimination Policy 214, and/or Code of Employer-Employee Relations Policy 313.

Use of Communication Systems (208)

Removed Section 1, paragraph 2 (General Provisions), as personal use and reimbursement for calls are detailed in new additions to policy.

Added Section 2, Personal Use of County Telephones and Section 3, Use of Personal Telephone for County Business. These sections would eliminate the need for the separate Administrative Code #AC-1-12.

Added Section 4, Cellular Telephone Management. This section would eliminate the need for the separate Administrative Code #AC-1-15.

Alternative Work Arrangements (209)

Removed Section 6d (Flexplace) to be replaced with Telecommuting as an alternative work arrangement.

Educational Assistance (212)

Under Section 2, paragraph 1, replaces the word 'local' with 'state' and removes the words 'and/or colleges'.

Hiring (301)

Under Paragraph 1, second paragraph, removed reference to 'temporary and on-call' employees and replaces with 'supplemental workforce' verbiage.

Under Paragraph 3, removed resumes as a method of application.

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

Probationary Period (304)

Under first paragraph, removed reference to 'temporary and on-call' employees and replaces with 'supplemental workforce' verbiage.

Supplemental Workforce (309)

Changed name of policy from 'Temporary and On-Call Employees' to encompass different categories of our supplemental workforce.

Under Section 1 (Definitions), outlines the four types of supplemental employment.

Moved General Provisions to Section 2 of policy. Changes in paragraphs 1, 4, 5, and 6 were just to clarify wording. Removed paragraph 2, as the use of 'temporary' in this instance referred to length of time rather than status.

Dual Employment (310)

Removes all references to temporary positions, as hours worked in this capacity could create a need for overtime compensation according to the Fair Labor Standards Act.

Reduction in Workforce Policy (311)

Under Section 1, paragraph 1, removed reference to 'temporary and on-call' employees and replaces with 'supplemental workforce' verbiage.

Under Section 1, paragraph 9, removed sentence, as it is repetitive of information in paragraph 1.

Sick Leave (401)

Under Section 1, paragraph 1, sub-paragraph b), item i : Removed reference to 'temporary and on-call' employees and replaces with 'supplemental workforce' verbiage.

Under Section 1, paragraph 4, adds the words 'regular full-time or part-time' to reflect what type of position is eligible for sick leave benefits.

Removed Section 1, paragraphs 8-9, as they are covered under the Holidays policy 403.

Under Section 2, paragraph 4 (Sick Leave Pool Restrictions), sub-paragraph b): Reworded to include whatever time period is set aside for open enrollment. Sub-paragraph c): Moved to the 'Sick Leave Pool Administration' part of the policy.

Sub-paragraph h): Removed. Sub-paragraph l): Moved to the 'Sick Leave Pool Administration' part of the policy.

Under Section 2, paragraph 5 (Sick Leave Pool Administration), sub-paragraph 7: Removed.

Removed Section 3, paragraph 4, as it is irrelevant as to what event triggers an employee's use of the sick leave buy-back provision.

Vacation Leave (402)

Under Section 1, paragraph 2, sub-paragraph c), item i : Removed reference to 'temporary and on-call' employees and replaces with 'supplemental workforce' verbiage.

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

Under Section 1, paragraph 8, replaces 'current wage' with more appropriate 'current hourly base rate'. This will ensure that employees are not paid for temporary additional duty and/or training rate upon separation of employment with the county.

Holidays (403)

Under Section 1, paragraph 2, allows for two consecutive weekdays to be the observed holiday when Christmas or New Year's falls on a weekend.

Under Section 2, paragraph 1, sub-paragraph b): Removed reference to 'temporary and on-call' employees and replaces with 'supplemental workforce' verbiage.

Family & Medical Leave (405)

Under Section 1, paragraph 4, remove sub-paragraph c), as it is not allowable for compensatory time to be used as a means of paid leave under FMLA regulations.

Bereavement & Civic Duty Leaves (406)

Under first paragraph, add sentences about abuse and/or falsification of leaves and their consequences. Removes all reference to abuse and/or falsification of leaves in all other sections of this policy.

Under Section 1 (Bereavement), paragraph 4, reword to reflect when a statement to request leave is required and how it is maintained.

Under Section 2:1 (Jury Duty), paragraph 4, replaces the words 'Clerk of Court' with 'court' in all sub-paragraphs.

Under Section 2:2 (Witness Duty), paragraph 1, removes the words 'during his/her normal work schedule', as legal proceedings may or may not fall during an employee's regular work schedule. Paragraph 2, removed, as this witness pay would not have the employee acting upon the request and for the benefit of the County. Paragraph 3, replaces the words 'Clerk of Court' with 'court' in all sub-paragraphs.

Pay for Work During Emergencies or Disasters (504)

Under Section 1 (Key Employees), paragraph 1, removes sentence relating to key employees receiving emergency pay in addition to their normal pay. Removes sentence about FLSA, as it is covered in the Pay Procedures policy 503.

Under Section 1 (Key Employees), adds paragraph 4, to denote what level employee will not receive additional compensation for work during an emergency.

Direct Bonus Program (506)

Under first paragraph, removes reference to 'temporary and on-call' employees and replaces with 'supplemental workforce' verbiage.

Corrective Action/Disciplinary Procedure (601)

Under Section 2, Suspension, first paragraph, adds sentences relating to determining appropriate suspension and that exempt employees may be suspended for as little as one day.

Grievance Procedure (602)

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

Under first paragraph and Section 1 (Comments/Procedures), paragraph 1, removes performance and/or job performance as allowable reason(s) for use of the grievance procedure. Removes word 'regular' so not as to infer that only full-time employees can participate; it is available to part-time employees also.

Grievance Procedure (602) - continued

Under Section 1 (Comments/Procedures), paragraph 2, removed reference to 'temporary and seasonal' employees and replaces with 'supplemental workforce' verbiage.

Under Section 3 (Grievance Committee), paragraph 3, describes that employees will volunteer to participate on the committee and that the committee is headed by a Chairperson. Allows for an additional five days in which to hold the grievance hearing.

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 verbal warning, written warning, ~~suspension with pay (administrative leave)~~, suspension ~~without pay~~, decision-making leave, and/or termination.

Designee Pay - When an employee performs duties not part of the normal duties of their classification, the employee may receive a temporary 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~~ an 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.

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Grievance Procedure - 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 - See non-exempt employee.

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

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

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

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

Key Employee - Family & Medical Leave Policy - 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, and who normally works less than a 40-hour workweek. These employees typically work an irregular schedule with no set hours. These employees are not eligible for paid absences, vacations or holidays.

Overtime Pay – Pay 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 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 - See exempt employee.

Seasonal/Recreational Employee – An individual who is hired by the Department of Parks and Recreation primarily to work for the summer season. These employees normally work regularly scheduled hours throughout the season, and may also work sporadically during other special events throughout the year.

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).

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

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

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

Student Intern – An individual who is hired with the intention of providing opportunities that will equip students with practical, real-world work experience to help them transition into a future professional career. These employees may work either regularly scheduled hours, or unscheduled irregular hours throughout the course of their internship. These employees are not eligible for paid absences, vacations and holidays.

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

Temporary Additional Duty - When an employee is temporarily assigned additional duties which significantly increases his/her 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 may be hired to work on special projects, during peak workloads, and/or to cover employee absences due to FMLA, workers' compensation, or other leaves of absence. These employees are not eligible for paid absences, vacations and holidays.

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

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

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

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: verbal warning, written warning, suspension, decision-making leave, and/or termination.

Designee Pay - When an employee performs duties not part of the normal duties of their classification, the employee may receive a temporary 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 an 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.

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.

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

Harassment - Verbal, nonverbal, or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, gender, national origin,

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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 - See non-exempt employee.

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

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

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

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

Key Employee - Family & Medical Leave Policy - 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, and who normally works less than a 40-hour workweek. These employees typically work an irregular schedule with no set hours. These employees are not eligible for paid absences, vacations or holidays.

Overtime Pay - Pay 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 includes praise for accomplishments, recommendations for improvement,

Adopted by the Lee County BoCC July 24, 2001 (Last Revised, 2005)

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 - See exempt employee.

Seasonal/Recreational Employee - An individual who is hired by the Department of Parks and Recreation primarily to work for the summer season. These employees normally work regularly scheduled hours throughout the season, and may also work sporadically during other special events throughout the year.

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.

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.

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Student Intern – An individual who is hired with the intention of providing opportunities that will equip students with practical, real-world work experience to help them transition into a future professional career. These employees may work either regularly scheduled hours, or unscheduled irregular hours throughout the course of their internship. These employees are not eligible for paid absences, vacations and holidays.

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

Temporary Additional Duty - When an employee is temporarily assigned additional duties which significantly increases his/her 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 may be hired to work on special projects, during peak workloads, and/or to cover employee absences due to FMLA, workers' compensation, or other leaves of absence. These employees are not eligible for paid absences, vacations and holidays.

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

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

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

Policy:

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

Comments/Procedures:

101:1 GENERAL PROVISIONS

1. Employees are expected at all times to conduct themselves in a positive manner so as to promote the best interests of the County. Such conduct includes, but is not limited to:
 - a) Reporting to work on time, as scheduled, ready to begin work at the proper workstation, at the assigned starting time;
 - b) Giving adequate and proper advance notice whenever unable to work or to report on time;
 - c) Complying with all County safety and security procedures;
 - d) Smoking only at appropriate and designated times and in designated places;
 - e) Wearing clothing appropriate for the work being performed, as determined by community standards, the County, the Department/Division, or the employee's supervisor;
 - f) Eating meals only during meal periods and only in the designated eating areas;
 - g) Maintaining work place and work area cleanliness and orderliness;
 - h) Treating all citizens, visitors and fellow employees in a courteous manner;
 - i) Refraining from behavior or conduct that could be deemed offensive or undesirable, or which is contrary to the County's best interests (including conduct outside of work while in clothing or vehicles that identify or imply the individual is or may be a County employee & may be on duty);
 - j) Performing assigned tasks efficiently and in accordance with established quality standards;
 - k) Following any proper & appropriately given instruction or assignment; ~~and~~
 - l) Reporting to management suspicious, unethical, unsafe or illegal conduct, by fellow employees or citizens, and
 - m) Following all federal, state, and local laws and ordinances.

2. The following are illustrative examples of some of the prohibited conduct that is subject to disciplinary action, up to and including termination;
 - a) Reporting to work under the influence of alcoholic beverages and/or illegal drugs and narcotics;
 - b) Use, sale, dispensing, sale or possession of alcoholic beverages or drugs on County premises, in County uniform, or in County vehicles;
 - c) The use of profanity or abusive language;
 - d) Refusal by an employee to follow management's instructions concerning a job-related matter;
 - e) Assault or battery of a fellow employee or citizen;
 - f) Theft, destruction, defacement or misuse of County property, property of another employee, or property belonging to a citizen.
 - g) Gambling on County property;
 - h) Falsifying or altering any County record or report, either printed or electronic;

BEHAVIOR OF EMPLOYEES

Policy Number 101

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

Policy:

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BEHAVIOR OF EMPLOYEES

Policy Number 101

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Policy:

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

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

Comments/Procedures:

205:1 SUBSTANCE ABUSE

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

205:2 SUBSTANCE TESTING

1. Employees on or off duty are strictly prohibited from engaging in the manufacture, distribution, dispensing, possession, using, buying, selling or transferring of prohibited substances (controlled substances, illegal drugs) on or off County Property and during both

DRUGS AND ALCOHOL IN THE WORKPLACE

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working and non-working hours. The use, possession, purchase, sale or transfer of alcohol during regular work hours, including breaks or meal periods, on County property is strictly prohibited. This includes in County vehicles or while in County uniform, working under the influence of drugs or alcohol or using drugs or alcohol on their own time in a way which causes them to report for work under the influence of drugs or alcohol.

2. Any employee who is convicted, pleads guilty or no lo contendre (no contest) to any criminal drug statute violation ~~occurring in the workplace~~ must notify the Director of Human Resources no later than five (5) days after such conviction. Failure to do so will be cause for appropriate disciplinary action, up to and including termination. Once the County receives such information, the County will make the appropriate determination as to what disciplinary action, if any, is to be taken.
3. Employees are required to report to work substance free and in a state of mind and physical condition so as to be able to perform their assigned duties safely and competently. Employees whose behavior or performance suggests the influence of alcohol, drugs, or controlled substances may be required to submit to a drug or alcohol test, if approved by the Human Resources Director, or designee. Refusal to submit to such test shall be considered insubordination.
4. An employee shall be subject to substance or alcohol tests if there is reasonable suspicion that he or she is impaired while on duty. Impairment is defined as being unable to perform duties safely and competently due to the use of alcohol or controlled or illegal substances. Reasonable suspicion is a belief based on objective facts sufficient to lead a reasonably prudent person to suspect that the employee's ability to perform the functions of the job is impaired or such that the employee's ability to perform the job safely is reduced.
5. Employees in safety sensitive positions, as determined by regulations of the Federal Transit Urban Mass Transportation Administration in 49 CFR Part 653, shall be subject to the following drug screening:
 - a) Pre-employment;
 - b) Reasonable cause;
 - c) Post-accident;
 - d) Return to duty; and
 - e) Random.
6. All applicants offered employment with the County will be required to take a drug test before being employed. A qualified laboratory chosen by the County will perform the test. Any applicant who refuses to take the test, or whose test results are positive, will be denied employment at that time. Applicants testing positive may be offered the opportunity for a retest at their own expense. If the retest is negative, the County will reimburse the cost of the test.
7. Failure of an employee to notify Employee Health Services before beginning work when taking medications or drugs which may interfere with the safe and effective performance of duties may result in disciplinary action. Employees may be required to provide a doctor's statement if the employee indicates that there is a need to use the prescription drug for an extended period.

205:3 LEE COUNTY TRANSIT (LEE TRAN) SUBSTANCE ABUSE POLICY

1. The Lee County Transit Substance Abuse Policy is included by reference herein and is available at the Lee Tran office for inspection.

**DRUGS AND ALCOHOL IN THE
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3. Employees who may be involved in the abuse of controlled substances or the use of illegal drugs, whether on or off the job, or who abuse alcohol off the job to such an extent that work performance is affected, have an adverse impact on the County's ability to maintain a safe work environment and to provide the services expected by its citizens.
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**DRUGS AND ALCOHOL IN THE
WORKPLACE**

Policy Number 205

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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

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 2005)

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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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.

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 that will create a continuing or frequently recurring conflict of interest between his/her private interests and the performance of his/her official public duties, or would impede the full and faithful discharge of those public duties.
7. No employee shall accept employment or engage in any business or professional activity which he or she might reasonably expect would require or induce him to disclose confidential information acquired by him/her while working for the County in his/her official position.

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8. No employee shall disclose or use information not available to members of the general public and gained while working for the County for his/her personal gain or benefit, or for the personal gain or benefit of any other person or business entity.
9. No employee shall transact any business in his or her official capacity, or advocate or advise any other County employee to transact business, with any business of which he or she is an officer, director, agent, or member, or in which he or she owns a financial interest.
10. 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.
11. No employee shall hold direct or indirect ownership of more than five percent (5%) of the total assets or capital stock of any corporation, partnership, limited partnership, proprietorship, firm, enterprise, franchise, association, or trust, whether fictitiously named or not, which is subject to the regulation of, or which has business transactions or commitments with, Lee County Government.

206:4 ADMINISTRATION OF THE CODE OF ETHICS

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

206:5 POLITICAL ACTIVITY & UNLAWFUL ACTS PROHIBITED

1. No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure for any person an appointment or advantage in appointment to a position in Lee County 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.
2. No person shall directly or indirectly give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for or on account of any appointment, promotion, or proposed promotion to, or any advantage in a position in Lee County Government.
3. As an individual, each employee retains all rights and obligations of citizenship provided in the Constitutions and Laws of the State of Florida and the United States. However, no employee of Lee County 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.
4. Employees assigned to positions in departments receiving Federal funds or whose salaries are paid from Federal funds are subject to the provisions of the Federal Hatch Act regarding political activities.
5. Any person who violates any provision of this section shall be subject to disciplinary action up to and including dismissal from County employment.

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Policy:

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

Comments/Procedures:

208:1 GENERAL PROVISIONS

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

208:2 PERSONAL USE OF COUNTY TELEPHONES

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

208:3 USE OF PERSONAL TELEPHONE FOR COUNTY BUSINESS

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

208:4 CELLULAR TELEPHONE MANAGEMENT

1. Cellular telephones are a tool to improve the effectiveness of employees who require both telecommunications and a high degree of mobility in the performance of their assigned work duties. Because of the usage charges per minute both the managers responsible for, and

USE OF COMMUNICATION SYSTEMS

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- the employees to who they are assigned, must recognize the potential financial liability which can be incurred with heavy use.
2. Department/division director shall be responsible for the regular review of cellular telephone usage for appropriate use of time spent on the telephone and associated costs.
 3. Each month, each employee with direct access to a County cellular telephone must review the itemized list of charges and certify that the calls made were business related or were at no charge to the County. All calls made that were not business related and result in a charge to the County must be reimbursed by the employee. Furthermore, if a plan has minutes included without a charge, personal calls made which result in exceeding the included minute limit must be reimbursed by the employee.

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Comments/Procedures:

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USE OF COMMUNICATION SYSTEMS

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Policy:

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

Comments/Procedures:

209:1 GENERAL PROVISIONS

1. Flexible work schedules and other arrangements are only available in instances where there is no adverse effect on the work to be performed. Certain work within the County by its very nature does not allow for flexible work arrangements.
2. Flexible work arrangements may benefit the County, its employees, and citizens in many ways. *An alternative work arrangement can improve coverage, ensure job function continuity, reduce turnover, attract employees, expand and upgrade employee skills, provide for cross training opportunities, reduce labor costs, reduce overhead expenses, improve productivity, improve services, and improve morale.*
3. The County encourages managers to consider non-traditional work arrangements that will enable employees to balance work and life demands while maintaining or enhancing the work unit's ability to meet and/or exceed expectations.
4. Managers should assess the impact of alternative work arrangements on the functions of their work unit and consider alternative work schedules or patterns that would maintain or enhance service quality.
5. In all cases, management retains all of its prerogatives regarding an alternative work arrangement. A manager may deny a request based on business reasons. An alternative work arrangement may also be terminated at any time by a manager if business needs so dictate.
6. The following work arrangements may be available options to our employees:
 - a) Compressed workweek: A full time (40 hour) work schedule compressed into a 3- or 4-day workweek (e.g. four 10-hour days)
 - b) Flextime: A work schedule that permits flexibility in starting and quitting times without altering the required number of work hours in a given period (e.g. in a workweek) and usually specifies a core period of the day during which all employees must be scheduled. Such scheduling is not available to counter and customer service staff members that have established working hours for contact with our customers.
 - c) Part-time: A regular employee working less than a full-time work schedule and no more than 30 hours per week. (Note: A reduction in hours which results in an employee working less than 30 hours per week may have consequences on his/her benefits package.)

ALTERNATIVE WORK ARRANGEMENTS

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- d) ~~Flexplace: Part of the scheduled work hours may be worked offsite. Flexplace arrangements should not be confused with the concept of telecommuting which is not considered a flexible work arrangement and is not covered by the provisions of this policy.~~
 - e) Reduced work hours: A temporary reduction of work hours for full-time staff, not less than 30 hours per week. Such an arrangement must be reviewed every 90 days.
 - f) Telecommuting: A work schedule that allows an employee to work all or part of their workweek at home, on the road, or in an alternate work location.
7. For purposes of appropriateness and consistency of alternate arrangements, a brief description of specific alternate work arrangements should be sent to the Director of Human Resources, or designee, for review.

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ALTERNATIVE WORK ARRANGEMENTS

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7. For purposes of appropriateness and consistency of alternate arrangements, a brief description of specific alternate work arrangements should be sent to the Director of Human Resources, or designee, for review.

Policy:

It is the policy of Lee County Government to provide educational assistance to its employees to allow them to enhance their ability to serve the public interest of the citizens of Lee County.

Comments/Procedures

212:1 GENERAL PROVISIONS

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

212:2 REIMBURSEMENT REQUIREMENTS

1. The County will authorize the appropriate reimbursement of tuition, books, lab fees, and registration fees based upon the rate that ~~local~~ state public universities and/or colleges would charge a student with Florida resident status for a similar course.
2. Reimbursement will be based on the following schedule:

GRADE	REIMBURSEMENT
"A"	100%
"B"	85%
"C"	70%
Below "C"	0%

3. Non-graded courses shall be reimbursed at a rate of 70% upon satisfactory completion of the course.
4. Employees receiving educational reimbursement from other sources must inform the County and reimbursement will be adjusted accordingly.

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5. Classes and assignments are to be completed outside of regular working hours, and should not interfere with the employee's work. Unsatisfactory job performance during enrollment may result in forfeiture of educational assistance.
6. Employees shall not use any space, personnel, equipment, or supplies of the County in the process of fulfilling any of the requirements of the coursework for which they are being reimbursed.
7. Employees shall not be given any bonus or additional incentive pay for completion of a degree for which any costs were reimbursed under this Policy.

212:3 APPROVAL/REIMBURSEMENT PROCESS

1. An employee applying for educational reimbursement shall submit a copy of the course description with the request for approval of coursework to his/her Department.
2. The Department shall evaluate the request and forward it along with a recommendation for approval/disapproval to the Department of Human Resources.
3. Human Resources will determine whether the request is eligible for educational assistance and advise the Department Director and the employee of its conclusion, noting the maximum reimbursable amount available for the request.
4. Upon completion of coursework previously approved for educational assistance, the employee must submit a copy of an official grade report and original receipts to the Department of Human Resources.
5. Human Resources will verify expenses and provide the employee with a Lee County Agreement for Reimbursement of Educational Expenses. By signing the Agreement the employee agrees to repay any educational reimbursements received in the twelve (12) months preceding his/her ceasing to be a full-time employee of the Lee County Board of County Commissioners.
6. Human Resources will submit a request for the appropriate amount of reimbursement from the Clerk of Court. Upon approval of the Clerk of Court a check will be issued to the employee.

Policy:

It is the policy of Lee County Government to provide educational assistance to its employees to allow them to enhance their ability to serve the public interest of the citizens of Lee County.

Comments/Procedures

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 - c) Availability of funds for such reimbursement in the current fiscal year;
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EDUCATIONAL ASSISTANCE

Policy Number 212

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6. Human Resources will submit a request for the appropriate amount of reimbursement from the Clerk of Court. Upon approval of the Clerk of Court a check will be issued to the employee.

Policy:

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

Comments/Procedures:

301:1 GENERAL PROVISIONS

1. Supervisors and department directors who need to fill a regular full or part-time job vacancy, should submit a staffing requisition to Human Resources to request that the position be advertised and filled. All requisitions will be reviewed by Human Resources before the vacancy is posted.

~~On-call and temporary~~ Positions covered under the Supplemental Workforce Policy Number 309 may be filled without the use of a staffing requisition form and do not need to be advertised, though all other employment procedures should be followed. If the hiring department elects to advertise a ~~temporary or on-call~~ supplemental workforce position, a *staffing requisition must be completed.*

2. During the recruitment, hiring and orientation process, no statement is to be made promising permanent or guaranteed employment and no document should be called a contract unless, in fact, a written employment agreement is to be used. All employees of the County should be made aware in writing that employment with the County is at-will and should exercise great care not to make any representations otherwise.
3. Any candidate for employment must either: complete a Lee County Application for Employment, and return to Lee County Human Resources in person, by mail, or by fax; ~~submit a resume containing the reference number for the appropriate position;~~ or complete our online application. ~~Please note that if applying with a resume, a Lee County Application for Employment is required to be completed prior to hire.~~
4. Any candidate for a position requiring a certain typing speed must be able to demonstrate the ability to type the required correct words per minute on the typing test administered by the County.
5. The hiring department has the responsibility to determine whether an applicant meets the qualifications for the open vacancy. The decision whether to hire the applicant is to be made by the department. Human Resources will confirm that the candidate meets the minimum education and experience requirements.
6. If the background check or any other subsequent investigation discloses any misrepresentation on the application or information indicating that the individual is not suited for employment with the County, the applicant may be refused employment or, if already employed, may be dismissed.
7. Human Resources is responsible for New Employee Orientation and for the processing of employment forms. The supervisor is responsible for any necessary job training.
8. When current employees in regular full-time or part-time positions approved by the Board of County Commissioners are to be considered for job vacancies, they must follow the same

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procedures as any other candidate. (See Transfer Policy 305 and/or Promotion Policy 306 for further information).

In extraordinary circumstances, indicated by the uniqueness of the position, if there is an equally unique internal candidate available for the position the vacancy may not be advertised. This rare circumstance must be accompanied by clearly demonstrated rationale and documentation to justify not posting a vacancy.

9. In all steps of the employment process, employees/applicants with disabilities, as that term is defined in applicable federal and state law, will be entitled to reasonable accommodation to permit the disabled person to perform the essential functions of the job, and/or to apply for the available job.
10. All applicants offered employment with the County will be required to successfully pass a pre-employment drug screening. A qualified laboratory chosen by the County will perform the test. Any applicant who refuses to take the test, or whose test results are positive, will be denied employment at that time. Please see Policy 205, Drugs and Alcohol in the Workplace, for additional information.

At the option of the County, applicants testing positive are offered the opportunity for a retest at their own expense. If the retest is negative, the cost of the test will be reimbursed by the County.

11. Applicants for employment with the County in selected classifications may undergo a criminal background check. Applicants for positions requiring the ability to drive are subject to review of motor vehicle records (see Lee County Board of County Commissioners Motor Vehicle Operator Authorization Policy).
12. A relative of an employee will be considered for employment by the County, provided the applicant possesses all the qualifications for employment. A relative will not be hired, however, if such employment would:
 - a) Create either a direct or indirect supervisor/subordinate relationship with a relative; or
 - b) Create either an actual conflict of interest or the appearance of a conflict of interest.

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

13. Employees who marry or become members of the same household may continue employment as long as there is not:
 - a) A direct or indirect supervisor/subordinate relationship between such employees; or
 - b) An actual conflict of interest or the appearance of a conflict of interest.

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

14. Former employees of the County who left in good standing may be considered for re-employment. A former employee who is re-employed will be considered a new employee from the date of re-employment. Employees who retire may be eligible, in certain circumstances, to be considered for rehire.

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Policy:

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

Comments/Procedures:

301:1 GENERAL PROVISIONS

1. Supervisors and department directors who need to fill a regular full or part-time job vacancy, should submit a staffing requisition to Human Resources to request that the position be advertised and filled. All requisitions will be reviewed by Human Resources before the vacancy is posted.

Positions covered under the Supplemental Workforce Policy Number 309 may be filled without the use of a staffing requisition form and do not need to be advertised, though all other employment procedures should be followed. If the hiring department elects to advertise a supplemental workforce position, a staffing requisition must be completed.

2. During the recruitment, hiring and orientation process, no statement is to be made promising permanent or guaranteed employment and no document should be called a contract unless, in fact, a written employment agreement is to be used. All employees of the County should be made aware in writing that employment with the County is at-will and should exercise great care not to make any representations otherwise.
3. Any candidate for employment must either: complete a Lee County Application for Employment, and return to Lee County Human Resources in person, by mail, or by fax; or complete our online application.
4. Any candidate for a position requiring a certain typing speed must be able to demonstrate the ability to type the required correct words per minute on the typing test administered by the County.
5. The hiring department has the responsibility to determine whether an applicant meets the qualifications for the open vacancy. The decision whether to hire the applicant is to be made by the department. Human Resources will confirm that the candidate meets the minimum education and experience requirements.
6. If the background check or any other subsequent investigation discloses any misrepresentation on the application or information indicating that the individual is not suited for employment with the County, the applicant may be refused employment or, if already employed, may be dismissed.
7. Human Resources is responsible for New Employee Orientation and for the processing of employment forms. The supervisor is responsible for any necessary job training.
8. When current employees in regular full-time or part-time positions approved by the Board of County Commissioners are to be considered for job vacancies, they must follow the same procedures as any other candidate. (See Transfer Policy 305 and/or Promotion Policy 306 for further information).

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In extraordinary circumstances, indicated by the uniqueness of the position, if there is an equally unique internal candidate available for the position the vacancy may not be advertised. This rare circumstance must be accompanied by clearly demonstrated rationale and documentation to justify not posting a vacancy.

9. In all steps of the employment process, employees/applicants with disabilities, as that term is defined in applicable federal and state law, will be entitled to reasonable accommodation to permit the disabled person to perform the essential functions of the job, and/or to apply for the available job.
10. All applicants offered employment with the County will be required to successfully pass a pre-employment drug screening. A qualified laboratory chosen by the County will perform the test. Any applicant who refuses to take the test, or whose test results are positive, will be denied employment at that time. Please see Policy 205, Drugs and Alcohol in the Workplace, for additional information.

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 - a) Create either a direct or indirect supervisor/subordinate relationship with a relative; or
 - b) Create either an actual conflict of interest or the appearance of a conflict of interest.

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

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

14. Former employees of the County who left in good standing may be considered for re-employment. A former employee who is re-employed will be considered a new employee from the date of re-employment. Employees who retire may be eligible, in certain circumstances, to be considered for rehire.

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Policy:

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

Employees covered under the Supplemental Workforce Policy Number 309 are not subject to the provisions of this policy.

Comments/Procedures:

304:1 GENERAL PROVISIONS

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

PROBATIONARY PERIOD

Policy Number 304

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

Policy:

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

Employees covered under the Supplemental Workforce Policy Number 309 are not subject to the provisions of this policy.

Comments/Procedures:

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PROBATIONARY PERIOD

Policy Number 304

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Policy:

It is the policy of the County to supplement the regular workforce with temporary, seasonal/recreational or on-call employees, or other forms of flexible staffing when needed, because of periods of peak workload, or employee absences or other situations as may be determined by management.

Comments/Procedures:

309:1 DEFINITIONS

1. A temporary employee is an individual who is hired to work part-time or full-time hours for a limited/finite period. Temporary employees may be hired to work on special projects or periods of peak workload not to exceed six (6) months in duration. Temporary employees may also be used to cover employee absences due to FMLA, workers' compensation, or other leaves of absence for the duration of the regular employee's absence. A temporary employee normally works regularly scheduled hours during the term of their temporary assignment. An on-call employee is an individual who is hired for an indefinite period, but who normally works less than a 40-hour workweek. Other flexible staffing job titles or arrangements may be added as needed.
2. An on-call employee is hired for an indefinite period, but who normally works less than a forty (40) hour workweek. On-call employees may be hired to cover scheduled and unscheduled employee absences. An on-call employee normally works unscheduled, irregular hours and may be kept in an active status for an indefinite period of time, as long as they have actually worked for the County within the prior twelve (12) month period.
3. A seasonal/recreational employee is hired by the Department of Parks and Recreation primarily to work for the summer season. Seasonal/recreational employees may also work sporadically during other special events throughout the year. A seasonal/recreational employee normally works regularly scheduled hours throughout the season and may be kept in an active status for an indefinite period of time, as long as they have actually worked for the County within the prior twelve (12) month period.
4. A student intern is hired by the County with the intention of providing opportunities that will equip students with practical, real-world work experience to help them transition into a future professional career. The program is designed to attract, develop and retain our interns in local government. An intern may work either regularly scheduled hours, or unscheduled irregular hours throughout the course of their internship. An intern may remain employed for no longer than two (2) calendar years, providing they demonstrate active student status throughout the course of their employment.

309:2 GENERAL PROVISIONS

1. Temporary and on-call All vacancies in positions covered by this policy need not be advertised.
2. Regular full-time employees who are given temporary transfers are not considered temporary employees unless their jobs have been eliminated and only temporary employment is available.

SUPPLEMENTAL WORKFORCE

Policy Number 309

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3. The County may utilize students, volunteers and other similar applicants for flexible staffing purposes, if not prohibited by law. When deemed necessary, such applicants will be required to provide a certificate of age.
4. ~~Temporary and on-call~~ All employees covered by this policy are not eligible for paid absences, vacations and holidays. An employee whose status changes from regular full-time to on-call one of the other statuses covered by this policy will have any days of vacation and sick leave paid out according to County policy, and ~~25% of sick leave, if not vested in the Florida Retirement System, and 50% of sick leave if vested.~~ An employee whose status changes from temporary or on-call to full-time will be considered as hired on the date of the change of status for purposes of eligibility for paid absences and vacation. Information concerning eligibility of temporary and on-call employees for other County benefits, such as the Florida Retirement System, is available from Human Resources.
5. ~~Temporary and on-call~~ All employees covered by this policy are to be paid within no less than the salary range ~~minimum~~ for their job title.
6. At the department director's discretion, ~~on-call and temporary~~ employees covered by this policy may be able to compete for internally posted positions for regular full- and part-time vacancies in the same classification.

Policy:

It is the policy of the County to supplement the regular workforce with temporary, seasonal/recreational or on-call employees, or other forms of flexible staffing when needed, because of periods of peak workload, or employee absences.

Comments/Procedures:

309:1 DEFINITIONS

1. A **temporary employee** is hired to work part-time or full-time hours for a limited/finite period. Temporary employees may be hired to work on special projects or periods of peak workload not to exceed six (6) months in duration. Temporary employees may also be used to cover employee absences due to FMLA, workers' compensation, or other leaves of absence for the duration of the regular employee's absence. A temporary employee normally works regularly scheduled hours during the term of their temporary assignment.
2. An **on-call employee** is hired for an indefinite period, but who normally works less than a forty (40) hour workweek. On-call employees may be hired to cover scheduled and unscheduled employee absences. An on-call employee normally works unscheduled, irregular hours and may be kept in an active status for an indefinite period of time, as long as they have actually worked for the County within the prior twelve (12) month period.
3. A **seasonal/recreational employee** is hired by the Department of Parks and Recreation primarily to work for the summer season. Seasonal/recreational employees may also work sporadically during other special events throughout the year. A seasonal/recreational employee normally works regularly scheduled hours throughout the season and may be kept in an active status for an indefinite period of time, as long as they have actually worked for the County within the prior twelve (12) month period.
4. A **student intern** is hired by the County with the intention of providing opportunities that will equip students with practical, real-world work experience to help them transition into a future professional career. The program is designed to attract, develop and retain our interns in local government. An intern may work either regularly scheduled hours, or unscheduled irregular hours throughout the course of their internship. An intern may remain employed for no longer than two (2) calendar years, providing they demonstrate active student status throughout the course of their employment.

309:2 GENERAL PROVISIONS

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

SUPPLEMENTAL WORKFORCE

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and on-call employees for other County benefits, such as the Florida Retirement System, is available from Human Resources.

4. All employees covered by this policy are to be paid within the salary range for their job title.
5. At the department director's discretion, employees covered by this policy may be able to compete for internally posted positions for regular full- and part-time vacancies in the same classification.

Policy:

It is the policy of the County to allow employees to serve in a dual employment relationship within the County in those instances where no overtime liability results, as defined by the Fair Labor Standards Act (FLSA).

Comments/Procedures:

310:1 GENERAL PROVISIONS

1. When a current employee holding a regular full-time or part-time Board approved position applies for a second position with the County of a ~~temporary~~ or an on-call nature, the employee should complete the Lee County Application for Employment form. When a current employee holding a ~~temporary~~ or an on-call position applies for any other position within the County, whether a board approved full-time or part-time position or another ~~temporary~~ or on-call position, the employee should complete the Lee County Application for Employment form.
 - a) Human Resources will review the employee's current job description to determine that *the work to be performed in the second position is in a substantially different capacity than the employee's normal job functions.* If so, the application will be reviewed and handled in accordance with approved employment procedures.
 - b) In no case shall one person hold two regular, board approved positions simultaneously. In all dual employment relationships, one of the positions must be an on-call or ~~temporary~~ position.
2. Any disciplinary action taken on the employee in either position may affect the employment status of the employee in both positions.

DUAL EMPLOYMENT

Policy Number 310

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Policy:

It is the policy of the County to allow employees to serve in a dual employment relationship within the County in those instances where no overtime liability results, as defined by the Fair Labor Standards Act (FLSA).

Comments/Procedures:

310:1 GENERAL PROVISIONS

1. When a current employee holding a regular full-time or part-time Board approved position applies for a second position with the County of an on-call nature, the employee should complete the Lee County Application for Employment form. When a current employee holding an on-call position applies for any other position within the County, whether a board approved full-time or part-time position or another on-call position, the employee should complete the Lee County Application for Employment form.
 - a) Human Resources will review the employee's current job description to determine that the work to be performed in the second position is in a substantially different capacity than the employee's normal job functions. If so, the application will be reviewed and handled in accordance with approved employment procedures.
 - b) In no case shall one person hold two regular, board approved positions simultaneously. In all dual employment relationships, one of the positions must be an on-call position.
2. Any disciplinary action taken on the employee in either position may affect the employment status of the employee in both positions.

DUAL EMPLOYMENT

Policy Number 310

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Policy:

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

Comments/Procedures:

311:1 GENERAL PROVISIONS

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

REDUCTION IN WORKFORCE POLICY

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7. Any reduction in workforce decision shall not be subject to the County's grievance procedure except in allegations of discrimination.
8. Reorganizations of Departments, Divisions, or Programs are not subject to the provisions of this policy and will be handled on a case-by-case basis with review by the Department of Human Resources.
- ~~9. Temporary and on-call positions under current rules may be eliminated at any time, and are not subject to the provisions of this policy.~~
10. The provisions of this policy are guidelines for reductions in workforce only, the County reserves the right to alter this policy with or without notice; and may choose another process for reduction in workforce at any time with the approval of the Board of County Commissioners.

311:2 RETENTION OF EMPLOYEES

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

311:3 STATE & FEDERAL FUNDED POSITIONS

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

311:4 REHIRE

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

311:5 SERVICE CONTINUATION

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

311:6 HEALTH BENEFITS FOR REHIRED EMPLOYEES

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

311:7 AT-WILL NATURE OF EMPLOYMENT

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

REDUCTION IN WORKFORCE POLICY

Policy Number 311

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Policy:

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

Comments/Procedures:

311:1 GENERAL PROVISIONS

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

REDUCTION IN WORKFORCE POLICY

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

311:2 RETENTION OF EMPLOYEES

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

311:3 STATE & FEDERAL FUNDED POSITIONS

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

311:4 REHIRE

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

311:5 SERVICE CONTINUATION

1. Employees subject to an involuntary reduction in force as a result of shortage or reduction of funds; lack of work; material changes in job duties or organizational structure; contracting/outsourcing of functions; loss of funding source; abolishment of a position

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

2. The provisions of service continuation shall not cover employees terminated from employment due to performance, policy infraction, employment misconduct, corrective action or similar circumstance. [See section 311:1(5)]
3. Employees given special consideration for the reduction in force (e.g. Early Out Program) shall not be credited for prior County service if re-employed at a future date.
4. Rehired employees will assume the responsibility to inform Human Resources of prior continuous BOCC service.
 - Human Resources will verify and certify the appropriate service credit to be applied.
 - A Report of Personnel Action form (RPA) will establish the new service date to be applied.
 - The service covered by the adjusted service date shall be considered "current" and "consecutive" service for provisions of Lee County Policy
 - *Benefits and accruals will begin on the effective date of the RPA based upon the adjusted service date – no retroactive benefits or accruals will be applied.*

311:6 HEALTH BENEFITS FOR REHIRED EMPLOYEES

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

311:7 AT-WILL NATURE OF EMPLOYMENT

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

REDUCTION IN WORKFORCE POLICY

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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 Supplemental Workforce–~~
 - i) ~~Temporary and on-call~~ Employees covered under the Supplemental Workforce Policy Number 309 shall not accrue, nor be granted, paid sick leave.
2. Sick leave is accrued on the last day in the pay period. It is recorded and available for use the 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 regular full-time or part-time employment with the County. It may be used as soon as it is recorded.
5. Sick leave may only be used for the illness of the employee, an illness in the employee's immediate family (spouse, child [minor or adult] or parent), necessary medical appointments and treatments, injury, disability, pregnancy or quarantine by health authorities or a physician; 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.

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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;~~
Employees will be provided the opportunity to participate in the pool during the County's Annual open enrollment for benefits.
- ~~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) Requests for sick leave pool dispersal will be coordinated through the Department of Human Resources and assigned a number in order to conceal the identity of the employee from the pool committee;
- b) The sick leave pool shall be administered by a group of employees (consisting of at least three members) volunteering for terms to be determined in length by the sick leave pool administration committee.

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- c) All decisions of the sick leave pool administrators are final.
 - d) The sick leave pool administrators shall have the power to create additional rules and requirements for participation not spelled out in this policy subject to the approval of the Director of Human Resources.
6. Sick leave pool viability will be determined by the voluntary donation of leave to the pool.
- ~~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

Adopted by the Lee County BoCC August 3, 1988 (Last Revised 2005)

FRS employer prior to separation of employment with the County. The employee is also responsible for obtaining and filling out any paperwork needed for such transfers.

- b) Failure to notify the Payroll Office and/or failure to have completed the necessary paperwork in sufficient time prior to leaving employment with the County may result in all sick leave being paid out at the appropriate rate and no accrued sick leave being transferred to the new FRS employer.
- c) It is solely the responsibility of the employee to find out if another FRS employer allows for sick leave transfer and the amount that may be transferred. This practice varies widely among FRS employers and the County will not make inquiries for employees regarding the transfer of leave to another FRS employer.
- d) Lee County does not accept accrued sick leave transferred in from another FRS employer.

~~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:

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Comments/Procedures:

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 - i) Regular full- and part-time employees normally scheduled to work at least twenty (20) hours per week shall accrue five percent (5%) of the average regularly scheduled biweekly hours for the position as hours of sick leave with pay per biweekly pay period. (For example, a 40-hour employee will accrue 4 hours biweekly; a 56-hour employee will accrue 5.6 hours biweekly; a 35-hour employee will accrue 3.5 hours.)
 - ii) Regular part-time employees assigned to Bridge Operations in the Department of Transportation shall be exempted from the twenty (20) hours per week scheduling requirement under 401:1(1)(a)(i) due to the nature of the work schedules for those operations.
 - iii) All other regular part-time employees scheduled to work less than twenty (20) hours per week do not accrue paid sick leave.
 - b) Supplemental Workforce –
 - i) Employees covered under the Supplemental Workforce Policy Number 309 shall not accrue, nor be granted, paid sick leave.
2. Sick leave is accrued on the last day in the pay period. It is recorded and available for use the 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 regular full-time or part-time employment with the County. It may be used as soon as it is recorded.
5. Sick leave may only be used for the illness of the employee, an illness in the employee's immediate family (spouse, child [minor or adult] or parent), necessary medical appointments and treatments, injury, disability, pregnancy or quarantine by health authorities or a physician; and as described in Section 405 - Family & Medical Leave.
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 - ✓ 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.

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7. Employees may be required to report to the Employee Wellness Nurse after returning from sick leave for a medical assessment before being allowed to return to work.
8. No limit is placed upon the number of sick leave hours that may be accumulated for use by any employee.
9. For payroll purposes, sick leave is used from currently accrued balance before banked hours can be used.
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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) Employees will be provided the opportunity to participate in the pool during the County's annual open enrollment for benefits;
 - c) Sick leave pool hours can be used only for the participating employee's own serious health condition or injury, and must be taken consecutively without interruption (pool hours may not be used for intermittent leave);

- d) The Department of Human Resources will determine if an employee's condition/circumstances qualify according to leave pool requirements;
- e) Hours from the pool will only be released on a biweekly basis not to exceed the normal working schedule of the participating employee;
- f) Employees must use all available paid leave (sick leave, vacation leave and compensatory time off) before using sick leave pool hours;
- g) The maximum allowed single event usage will be two hundred forty (240) hours, or six (6) normally scheduled weeks, based on hours available and approved by the sick leave pool committee;
- h) The maximum usage in any ten-year period shall not exceed four hundred eighty (480) hours, or twelve (12) normally scheduled weeks; and
- i) Other restrictions and provisions may be imposed by the sick leave pool administrators with the approval of the Director of Human Resources, or designee.

5. Sick Leave Pool Administration

- a) Requests for sick leave pool dispersal will be coordinated through the Department of Human Resources and assigned a number in order to conceal the identity of the employee from the pool committee;
- b) The sick leave pool shall be administered by a group of employees (consisting of at least three members) volunteering for terms to be determined in length by the sick leave pool administration committee;
- c) All decisions of the sick leave pool administrators are final; and
- d) The sick leave pool administrators shall have the power to create additional rules and requirements for participation not spelled out in this policy subject to the approval of the Director of Human Resources.

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

401:3 SICK LEAVE BUY-BACK

- 1. Each year, employees who have two hundred (200) hours or more of accumulated, unused sick leave shall be eligible to sell back to the Board of County Commissioners any sick leave in excess of two hundred (200) hours which has been accrued, recorded, and available for use, but not used during the current fiscal year.
 - a) For employees with six (6) or more years of current, consecutive service under the Board of County Commissioners, the payment for the annual buy-back will be calculated at the rate of fifty percent (50%) of the current hourly base rate for the employee times the number of hours sold.
 - b) For employees with less than six (6) years of current, consecutive service under the Board of County Commissioners, the payment for the annual buy-back will be calculated at the rate of twenty-five percent (25%) of the current hourly base rate for the employee times the number of hours sold.

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- 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.
 - c) It is solely the responsibility of the employee to find out if another FRS employer allows for sick leave transfer and the amount that may be transferred. This practice varies widely among FRS employers and the County will not make inquiries for employees regarding the transfer of leave to another FRS employer.
 - d) Lee County does not accept accrued sick leave transferred in from another FRS employer.

Policy:

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

Comments/Procedures:

402:1 GENERAL PROVISIONS

1. Supervisors are responsible for ensuring adequate staffing levels at all times.
 - a) Employees must submit vacation requests in advance to their supervisor. Failure to submit a vacation request in advance may result in the vacation being denied
 - b) Supervisors shall schedule vacations according to the operational needs of the department, and attempt to resolve any scheduling conflicts with the employees involved.
 - c) Management reserves the right to designate when some or all vacation leave may be taken.

2. Vacation hours are accrued based upon the employee's length of service with the County and normal work schedule during the preceding year.
 - a) Regular Full-Time Employees --
 - i) Regular full-time employees normally scheduled to work forty (40) hours per week shall accrue vacation according to the following schedule:

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

- ii) Regular full-time employees in positions normally scheduled to work greater or fewer than forty (40) hours per week shall accrue vacation leave on a prorated basis calculated from the normal scheduled hours for the individual employee.

➤ **CALCULATION:**

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

- b) Regular Part-Time Employees –
 - i) Regular part-time employees normally scheduled to work at least twenty (20) hours per week accrue vacation leave on a prorated basis calculated from the base hours normally scheduled for the individual employee.
 - ii) Regular part-time employees assigned to Toll Facility and Bridge Operations in the Department of Transportation shall be exempted from the twenty (20) hours per week scheduling requirement in 402:1(2)(b)(i) due to the nature of the work schedules for those operations.

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

Policy:

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

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 - c) Management reserves the right to designate when some or all vacation leave may be taken.

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 - a) Regular Full-Time Employees --
 - i) Regular full-time employees normally scheduled to work forty (40) hours per week shall accrue vacation according to the following schedule:

<u>Length of Service</u>	<u>Accrual Rate Per Pay Period</u>	<u>Annual Leave Accrued</u>
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20+ YEARS	6.47 HOURS	168.22 HOURS

- ii) Regular full-time employees in positions normally scheduled to work greater or fewer than forty (40) hours per week shall accrue vacation leave on a prorated basis calculated from the normal scheduled hours for the individual employee.

➤ **CALCULATION:**

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

- b) Regular Part-Time Employees –
 - i) Regular part-time employees normally scheduled to work at least twenty (20) hours per week accrue vacation leave on a prorated basis calculated from the base hours normally scheduled for the individual employee.
 - ii) Regular part-time employees assigned to Toll Facility and Bridge Operations in the Department of Transportation shall be exempted from the twenty (20) hours per week scheduling requirement in 402:1(2)(b)(i) due to the nature of the work schedules for those operations.

VACATION LEAVE

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

Policy:

It is the policy of Lee County Government to 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 these 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 & TUESDAY
MONDAY	MONDAY & TUESDAY
TUESDAY	MONDAY & TUESDAY
WEDNESDAY	TUESDAY & WEDNESDAY
THURSDAY	THURSDAY & FRIDAY
FRIDAY	THURSDAY & FRIDAY
SATURDAY	THURSDAY & 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 covered under the Supplemental Workforce Policy Number 309 are not eligible to receive holiday pay.

HOLIDAYS

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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 for such sick leave and/or loss of holiday pay for the observed holiday, and may result in corrective action.
5. Employees on unpaid leaves of absence shall not be entitled to holiday pay for any holiday that falls during any period of unpaid leave.
6. The County recognizes that some employees may wish to observe, as periods of worship or commemoration, certain days which are not included in the County's list of observed holidays. Employees requesting to take a day off for such reasons may be permitted to do so if the employee's absence from work will not result in an undue hardship on the ability of the County to conduct business, providing prior approval has been obtained from the employee's supervisor. Employees may use accumulated paid vacation leave on such occasions, or they may take such time off as an unpaid, excused absence.

Policy:

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

IF CHRISTMAS OR NEW YEAR'S OBSERVED

<u>DAY FALLS ON</u>	<u>DAY(S) OFF</u>
SUNDAY	MONDAY & TUESDAY
MONDAY	MONDAY & TUESDAY
TUESDAY	MONDAY & TUESDAY
WEDNESDAY	TUESDAY & WEDNESDAY
THURSDAY	THURSDAY & FRIDAY
FRIDAY	THURSDAY & FRIDAY
SATURDAY	THURSDAY & 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) Employees covered under the Supplemental Workforce Policy Number 309 are not eligible to receive holiday pay.
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.

HOLIDAYS

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- 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 for such sick leave and/or loss of holiday pay for the observed holiday, and may result in corrective action.
 5. Employees on unpaid leaves of absence shall not be entitled to holiday pay for any holiday that falls during any period of unpaid leave.
 6. The County recognizes that some employees may wish to observe, as periods of worship or commemoration, certain days which are not included in the County's list of observed holidays. Employees requesting to take a day off for such reasons may be permitted to do so if the employee's absence from work will not result in an undue hardship on the ability of the County to conduct business, providing prior approval has been obtained from the employee's supervisor. Employees may use accumulated paid vacation leave on such occasions, or they may take such time off as an unpaid, excused absence.

Policy:

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

Comments/Procedures:

405:1 GENERAL

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

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405:2 REASONS FOR LEAVE & CONDITIONS/RESTRICTIONS

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

405:3 TRACKING & AVAILABILITY OF LEAVE

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

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

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

405:4 APPLICATION FOR LEAVE

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

405:5 NOTICE OF LEAVE

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

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employee in writing of his/her FMLA status no later than the following payday, and forwarding a "Report of Personnel Action" (RPA) & "Leave Request Form" to the Department of Human Resources within forty-eight (48) hours of the initial notification.

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

405:6 MEDICAL CERTIFICATION OF LEAVE

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

The certification must state:

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

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

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

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

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

405:7 BENEFITS COVERAGE DURING LEAVE

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

405:8 RESTORATION OF EMPLOYMENT

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

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

405:9 CONTACT/COMMUNICATION GUIDELINES

1. Employees are encouraged to keep in regular contact with their immediate supervisors while on family or medical leave to inform them of their current status and intention to return to work.
2. The County is allowed to initiate communication with employees who are on an FMLA leave, but not more than once every thirty (30) days.

405:10 RETURN FROM LEAVE

1. An employee must notify the department and Human Resources of his/her intention to return from FMLA leave before he/she can be returned to active status.
2. If an employee wishes to return to work prior to the scheduled expiration of a family or medical leave of absence, notification must be given to the employee's supervisor at least five (5) working days prior to the employee's planned return.
3. An employee returning from family or medical leave which was a result of a serious health condition of the employee shall report to the Employee Health/Wellness Nurse for evaluation before returning to active status.
4. If at any point an employee gives notice that he/she will not be returning from FMLA leave, the supervisor should request a written resignation.

405:11 FAILURE TO RETURN FROM LEAVE

1. The failure of an employee to return to work upon the expiration of a qualifying FMLA leave will subject the employee to immediate termination unless a non-FMLA (paid or unpaid) leave of absence (i.e. extension of leave) is granted. [See 405:11(4)(b)(i) for benefits information & 405:11(5) for limitations.]
2. An employee who requests an extended leave of absence after the expiration of the 12 weeks of FMLA leave due to the continuation, recurrence, or onset of his/her own serious health condition, or that of the employee's spouse, child, or parent, must submit a request in writing for the extended non-FMLA leave to the employee's immediate supervisor. This written request should be made as soon as the employee realizes that he/she will not be able to return at the expiration of the leave period.
3. It is the responsibility of the supervisor, or designee, to generate an RPA removing the employee from family or medical leave status at the end of his/her leave. If an extended non-FMLA leave of absence is granted to an employee following his/her expiration of FMLA leave, the supervisor, or designee, will generate a separate RPA placing the employee on non-FMLA unpaid leave of absence. It is the responsibility of the department to notify the employee that he/she is no longer covered by FMLA leave and its protections when authorizing extended non-FMLA leaves of absence.

4. Any approved extended leave after the expiration of the twelve (12) weeks of FMLA leave shall be unpaid leave and not subject to the conditions and protections afforded under the Family & Medical Leave Act. Under extenuating circumstances extended non-FMLA leave may be paid leave if the employee has accrued sufficient paid leave to cover this time; however, the paid status of extended non-FMLA leave does not extend the protections and conditions originally afforded under the Family & Medical Leave Act.
 - a) The employee will not necessarily be returned to his/her original position, nor guaranteed to be returned to a similar position with equal pay or terms and conditions of employment he/she held prior to taking family or medical leave.
 - b) Benefits—
 - i) If the non-FMLA leave of absence is unpaid, the employee will be required to pay fifty percent (50%) of the cost of health insurance premiums and one hundred percent (100%) of the dental & life insurance premiums during the non-FMLA leave of absence.
 - ii) If the non-FMLA leave of absence is paid, the County will continue to pay the normal cost of insurance premiums for the employee and the employee's dependents as if the employee were otherwise working during the non-FMLA leave of absence. The employee will likewise continue to pay his/her portion of any premiums during this period. Failure of the employee to pay his/her portion of the premiums may result in loss of coverage.
 - c) In cases where it is determined (or can be reasonably foreseen) that the employee would not be able to return to work at the end of the twelve-week non-FMLA leave an extension will not be granted.
5. Under no circumstances shall the non-FMLA extended unpaid leave of absence continue beyond an additional twelve (12) weeks from the date the FMLA leave expired without the written consent of the County Manager.

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405:12 EMPLOYEE OBLIGATIONS UNDER FMLA

1. During FMLA leave, employees must periodically report on their medical status and intent to return to work. An employee must contact the immediate supervisor no less often than once every thirty (30) days, and at any time that the need for FMLA has changed. When the employee gives unequivocal notice of an intent not to return to work, the employment relationship will be terminated, and the employee's entitlement to continued leave, maintenance of health benefits (subject to COBRA requirements), and re-employment will cease.
2. *Medical Evidence Upon Return to Work* – Except during the course of approved intermittent leave, all employees of the County whose FMLA leave was taken due to the employee's own serious health condition must obtain and present certification from the employee's health care provider that the employee is able to resume work before the employee will be allowed to return to work. The County will consider any reasonable accommodations to an ongoing condition as required by law.
3. *Failure to Cooperate* – If an employee fails to provide required information to the County, the employee may have the leave delayed and be subject to discipline, up to and including discharge, as permitted by law.

405:13 RELATIONSHIP TO THE AMERICANS WITH DISABILITIES ACT

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

Policy:

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

Comments/Procedures:

405:1 GENERAL

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

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405:2 REASONS FOR LEAVE & CONDITIONS/RESTRICTIONS

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

405:3 TRACKING & AVAILABILITY OF LEAVE

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

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

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

405:4 APPLICATION FOR LEAVE

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

405:5 NOTICE OF LEAVE

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

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employee in writing of his/her FMLA status no later than the following payday, and forwarding a "Report of Personnel Action" (RPA) & "Leave Request Form" to the Department of Human Resources within forty-eight (48) hours of the initial notification.

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

405:6 MEDICAL CERTIFICATION OF LEAVE

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

The certification must state:

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

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

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

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

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

405:7 BENEFITS COVERAGE DURING LEAVE

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

405:8 RESTORATION OF EMPLOYMENT

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

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

405:9 CONTACT/COMMUNICATION GUIDELINES

1. Employees are encouraged to keep in regular contact with their immediate supervisors while on family or medical leave to inform them of their current status and intention to return to work.
2. The County is allowed to initiate communication with employees who are on an FMLA leave, but not more than once every thirty (30) days.

405:10 RETURN FROM LEAVE

1. An employee must notify the department and Human Resources of his/her intention to return from FMLA leave before he/she can be returned to active status.
2. If an employee wishes to return to work prior to the scheduled expiration of a family or medical leave of absence, notification must be given to the employee's supervisor at least five (5) working days prior to the employee's planned return.
3. An employee returning from family or medical leave which was a result of a serious health condition of the employee shall report to the Employee Health/Wellness Nurse for evaluation before returning to active status.
4. If at any point an employee gives notice that he/she will not be returning from FMLA leave, the supervisor should request a written resignation.

405:11 FAILURE TO RETURN FROM LEAVE

1. The failure of an employee to return to work upon the expiration of a qualifying FMLA leave will subject the employee to immediate termination unless a non-FMLA (paid or unpaid) leave of absence (i.e. extension of leave) is granted. [See 405:11(4)(b)(i) for benefits information & 405:11(5) for limitations.]
2. An employee who requests an extended leave of absence after the expiration of the 12 weeks of FMLA leave due to the continuation, recurrence, or onset of his/her own serious health condition, or that of the employee's spouse, child, or parent, must submit a request in writing for the extended non-FMLA leave to the employee's immediate supervisor. This written request should be made as soon as the employee realizes that he/she will not be able to return at the expiration of the leave period.
3. It is the responsibility of the supervisor, or designee, to generate an RPA removing the employee from family or medical leave status at the end of his/her leave. If an extended non-FMLA leave of absence is granted to an employee following his/her expiration of FMLA leave, the supervisor, or designee, will generate a separate RPA placing the employee on non-FMLA unpaid leave of absence. It is the responsibility of the department to notify the employee that he/she is no longer covered by FMLA leave and its protections when authorizing extended non-FMLA leaves of absence.

4. Any approved extended leave after the expiration of the twelve (12) weeks of FMLA leave shall be unpaid leave and not subject to the conditions and protections afforded under the Family & Medical Leave Act. Under extenuating circumstances extended non-FMLA leave may be paid leave if the employee has accrued sufficient paid leave to cover this time; however, the paid status of extended non-FMLA leave does not extend the protections and conditions originally afforded under the Family & Medical Leave Act.
 - a) The employee will not necessarily be returned to his/her original position, nor guaranteed to be returned to a similar position with equal pay or terms and conditions of employment he/she held prior to taking family or medical leave.
 - b) Benefits—
 - i) If the non-FMLA leave of absence is unpaid, the employee will be required to pay fifty percent (50%) of the cost of health insurance premiums and one hundred percent (100%) of the dental & life insurance premiums during the non-FMLA leave of absence.
 - ii) If the non-FMLA leave of absence is paid, the County will continue to pay the normal cost of insurance premiums for the employee and the employee's dependents as if the employee were otherwise working during the non-FMLA leave of absence. The employee will likewise continue to pay his/her portion of any premiums during this period. Failure of the employee to pay his/her portion of the premiums may result in loss of coverage.
 - c) In cases where it is determined (or can be reasonably foreseen) that the employee would not be able to return to work at the end of the twelve-week non-FMLA leave an extension will not be granted.
5. Under no circumstances shall the non-FMLA extended unpaid leave of absence continue beyond an additional twelve (12) weeks from the date the FMLA leave expired without the written consent of the County Manager.

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405:12 EMPLOYEE OBLIGATIONS UNDER FMLA

1. During FMLA leave, employees must periodically report on their medical status and intent to return to work. An employee must contact the immediate supervisor no less often than once every thirty (30) days, and at any time that the need for FMLA has changed. When the employee gives unequivocal notice of an intent not to return to work, the employment relationship will be terminated, and the employee's entitlement to continued leave, maintenance of health benefits (subject to COBRA requirements), and re-employment will cease.
2. *Medical Evidence Upon Return to Work* – Except during the course of approved intermittent leave, all employees of the County whose FMLA leave was taken due to the employee's own serious health condition must obtain and present certification from the employee's health care provider that the employee is able to resume work before the employee will be allowed to return to work. The County will consider any reasonable accommodations to an ongoing condition as required by law.
3. *Failure to Cooperate* – If an employee fails to provide required information to the County, the employee may have the leave delayed and be subject to discipline, up to and including discharge, as permitted by law.

405:13 RELATIONSHIP TO THE AMERICANS WITH DISABILITIES ACT

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

Policy:

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

Comments/Procedures:

406:1 BEREAVEMENT

2. 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.
3. 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).
4. An employee ~~requesting bereavement leave shall~~ may be requested to provide a statement in writing to his/her immediate supervisor giving the name of the deceased and his/her relationship to the employee, as well as the location (city & state) of the memorial. This information shall be attached to the leave request form ~~kept in the official personnel record for the employee located in the Department of Human Resources. and retained with~~ departmental payroll records.
5. 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.
6. ~~Abuse of bereavement leave shall be subject to disciplinary action.~~
7. ~~Falsification of the need for bereavement leave shall result in immediate termination.~~

BEREAVEMENT & CIVIC DUTY LEAVES

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406:2 CIVIC & MILITARY DUTY LEAVES

406:2.1 JURY DUTY

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

BEREAVEMENT & CIVIC DUTY LEAVES

Policy Number 406

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

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

Comments/Procedures:

406:1 BEREAVEMENT

2. 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.
3. 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).
4. An employee may be requested to provide a statement in writing to his/her immediate supervisor giving the name of the deceased and his/her relationship to the employee, as well as the location (city & state) of the memorial. This information shall be attached to the leave request form and retained with departmental payroll records.
5. Additional bereavement leave or bereavement leave for individuals not specifically listed in this policy shall require the use of accumulated vacation or sick leave; otherwise, the bereavement leave will be considered an unpaid leave of absence.

406:2 CIVIC & MILITARY DUTY LEAVES

406:2.1 JURY DUTY

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

BEREAVEMENT & CIVIC DUTY LEAVES

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

406:2.2 WITNESS DUTY

1. Any regular employee who, upon the request and for the benefit of the County attends any legal proceedings involving the County, or is subpoenaed to any court proceeding involving the County, shall be paid as if the employee were engaged in his/her normal work.
2. A certification of attendance from the court is required when returning to work from witness duty, whether paid by the County or not, for that time.
 - a) It is the employee's responsibility to request a certification of attendance from the court upon dismissal from witness duty and prior to returning to work.
 - b) The certification of attendance must be submitted to the employee's supervisor along with a leave request indicating absence due to witness duty immediately upon returning to work.
 - c) Failure to provide a certification of attendance from the court shall result in the employee not being paid for the time spent on witness duty, and that time being considered an unexcused absence from work.
3. Payment received by the employee for witness duty, except for meals, travel, and lodging expenses, shall be endorsed to the County.

406:2.3 TIME OFF TO VOTE

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

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

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

BEREAVEMENT & CIVIC DUTY LEAVES

Policy Number 406

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Policy:

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

Comments/Procedures:

504:1 GENERAL PROVISIONS

Key Employees

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

Non-Key Employees

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

**PAY FOR WORK DURING EMERGENCIES
OR DISASTERS**

Policy Number 504

Page 2 of 2



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Comments/Procedures:

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**PAY FOR WORK DURING EMERGENCIES
OR DISASTERS**

Policy Number 504

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Policy:

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

Comments/Procedures:

506:1 GENERAL PROVISIONS

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

506:2 SUPERIOR TEAM ACCOMPLISHMENT

1. We Made a Difference

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

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

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

2. Team Progress Achievement

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

DIRECT BONUS PROGRAM

Policy Number 506

Page 2 of 4



Criteria: Must have accomplished any of the following:

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

3. Outstanding Team Project Completion

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

Criteria: Must have accomplished any of the following:

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

506:3 INDIVIDUAL INCENTIVES

1. Leadership

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

Criteria: Must have accomplished any of the following:

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

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

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

2. Exceptional Achievement

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

Criteria: Must have accomplished any of the following:

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

6. Demonstration of exceptional positive community relations outside the normal relations of the employee's job; or
7. Contributions that draw State or National recognition to the County.

3. I Made a Difference

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

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

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

506:4 OPERATIONAL IMPROVEMENTS

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

Criteria:

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

DIRECT BONUS PROGRAM

Policy Number 506

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

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DIRECT BONUS PROGRAM

Policy Number 506

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DIRECT BONUS PROGRAM

Policy Number 506

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Policy:

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

Comments/Procedures:

601:1 GENERAL PROVISIONS

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

CORRECTIVE ACTION/DISCIPLINARY PROCEDURE

Policy Number 601

Page 2 of 4



Suspension

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

After the employee is given a reasonable opportunity to review the notification of accusations/charges, usually twenty-four (24) to forty-eight (48) hours, the immediate supervisor and/or department/division director or designee will hold a meeting giving the employee an opportunity to explain his/her version of the facts surrounding the accusations/charges. The employee may do this in writing or orally. The employee may bring 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**

Policy Number 601

Page 4 of 4



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Comments/Procedures:

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CORRECTIVE ACTION/DISCIPLINARY PROCEDURE

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**CORRECTIVE ACTION/DISCIPLINARY
PROCEDURE**

Policy Number 601

Page 4 of 4



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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.
2. ~~Temporary, seasonal~~ Employees covered under the Supplemental Workforce Policy Number 309 and contracted employees are not subject to the provisions of this policy.

602:2 INITIAL GRIEVANCE/COMPLAINT

1. The employee shall present the grievance in writing to the employee's Department Director within five (5) normal business days after the occurrence of the event giving rise to the grievance or after the event became known or should have become known to the employee. In circumstances where the grievant reports directly to the Department Director, the initial grievance shall be presented to that Department Director's supervisor. Failure to file a written grievance within this established time will nullify the employee's right to use the grievance process for the event in question.
2. For purposes of corrective actions, the term "event" as used in this section shall mean the date on which the employee is notified of the action taken.
3. The Department Director should 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.
3. The Chair of the Grievance Committee shall assemble the committee from a pool of County employees who have volunteered to participate in grievance hearings as they arise. These employees shall not have been involved in the situation ~~and who do or shall not know or~~

GRIEVANCE PROCEDURE

Policy Number 602

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work for or have regular contact with the parties involved. The Committee shall consist of the Committee Chair, one supervisory and one non-supervisory employee.

4. The Grievance Committee shall, within fifteen (15) ~~ten (10)~~ normal business days, or as soon as reasonably possible after receipt of such appeal, hold a hearing, review the appeal and submit written recommendations and findings to the County Manager. The Chair of the Grievance Committee may request information and/or documentation be submitted prior to the hearing from any of the parties involved.
5. The County Manager or designee shall, within five (5) normal business days after receipt of the Grievance Committee's response, render a decision upholding, reversing or modifying the Grievance Committee's recommendations.
6. The decision of the County Manager, or designee, is final.

602:4 TIME LIMITS

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

Policy:

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

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2. Employees covered under the Supplemental Workforce Policy Number 309 and contracted employees are not subject to the provisions of this policy.

602:2 INITIAL GRIEVANCE/COMPLAINT

1. The employee shall present the grievance in writing to the employee's Department Director within five (5) normal business days after the occurrence of the event giving rise to the grievance or after the event became known or should have become known to the employee. In circumstances where the grievant reports directly to the Department Director, the initial grievance shall be presented to that Department Director's supervisor. Failure to file a written grievance within this established time will nullify the employee's right to use the grievance process for the event in question.
2. For purposes of corrective actions, the term "event" as used in this section shall mean the date on which the employee is notified of the action taken.
3. The Department Director should 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.
3. The Chair of the Grievance Committee shall assemble the committee from a pool of County employees who have volunteered to participate in grievance hearings as they arise. These employees shall not have been involved in the situation or shall not work for or have regular

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contact with the parties involved. The Committee shall consist of the Committee Chair, one supervisory and one non-supervisory employee.

4. The Grievance Committee shall, within fifteen (15) normal business days, or as soon as reasonably possible after receipt of such appeal, hold a hearing, review the appeal and submit written recommendations and findings to the County Manager. The Chair of the Grievance Committee may request information and/or documentation be submitted prior to the hearing from any of the parties involved.
5. The County Manager or designee shall, within five (5) normal business days after receipt of the Grievance Committee's response, render a decision upholding, reversing or modifying the Grievance Committee's recommendations.
6. The decision of the County Manager, or designee, is final.

602:4 TIME LIMITS

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